CASE COVER SHEET

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

PLANNING & ZONING CASE NO. Z2024-017

PLANNING & ZONING FEE

PLATTING APPLICATION
- ☐ MASTER PLAT
- ☐ PRELIMINARY PLAT
- ☐ FINAL PLAT
- ☐ REPLAT
- ☐ AMENDING OR MINOR PLAT
- ☐ PLAT REINSTATEMENT REQUEST

SITE PLAN APPLICATION
- ☐ SITE PLAN
- ☐ AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING

ZONING APPLICATION
- ☐ ZONING CHANGE
- ☐ SPECIFIC USE PERMIT
- ☐ PD DEVELOPMENT PLAN

OTHER APPLICATION
- ☐ TREE REMOVAL
- ☐ VARIANCE REQUEST/SPECIAL EXCEPTIONS

RECORD OF RECOMMENDATIONS, VOTING RECORDS, AND CONDITIONS OF APPROVAL

ARCHITECTURE REVIEW BOARD

PLANNING AND ZONING COMMISSION

CITY COUNCIL READING #1

On May 20, 2024, the City Council approved a motion to approve the text amendment by a vote of 7-0, with the condition to make minor revisions at Council Member McCallum's request.

CITY COUNCIL READING #2

On June 3, 2024, the City Council approved a motion to approve the Text Amendment by a vote of 6-0, with Council Member Campbell absent.

CONDITIONS OF APPROVAL

NOTES

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

TO:	Planning and Zoning Commission
FROM:	Ryan Miller, *Director of Planning and Zoning*
DATE:	April 30, 2024
SUBJECT:	Z2024-017; *Amendment to the Unified Development Code (UDC)*

The current version of the Unified Development Code (UDC) was adopted on February 3, 2020 by *Ordinance No. 20-02* (*i.e. Case No. Z2019-028*). Since its adoption, there have been 17 amendments to the Unified Development Code (UDC) intended to address various single item issues (*e.g. Short-Term Rentals, Credit Access Businesses, Alcoholic Beverage Stores, etc.*); however, staff has not performed a review of the entire document over the last four (4) years. The importance of reviewing the entire document -- *beyond simply addressing sentence structure and grammatical errors* -- is: [*1*] to ensure that the incorporation of new requirements and language into the document that have not created conflicting references, [*2*] to adjust the language and requirements to ensure the intent of each prerequisite is clearly conveyed, and [*3*] to address any deficiencies identified by staff in administering the criterion contained within the document. The need to constantly improve and change the Unified Development Code (UDC) is one of the main reasons that a zoning code is referred to as a *Living Document*. Based on this need -- *and in accordance with Subsection 02.01(C)(3) of Article 11, Development Review Procedures, of the Unified Development Code (UDC)* --, staff has prepared a comprehensive review of the Unified Development Code (UDC), and is proposing several changes. The following is a summary of the major changes to each section of the Unified Development Code (UDC). Where applicable, staff has also included an explanation of why each change has been identified and the potential significance or impacts of the change.

ARTICLE 03. ZONING DISTRICT AND MAPS

(1) *Official Zoning Map*. Changed the reference from *Office Zoning Map* to *Official Zoning Map*.

(2) *Zoning Upon Annexation*. Staff amended Section 06, *Zoning Upon Annexation*, to remove the reference stating that the Planning and Zoning Commission initiates zoning after a property is annexed. This section was not reflective of the process the City uses to annex property. Under the City's current process for annexation, a property is annexed and zoned Agricultural (AG) District, which is an interim zoning classification. The property is then permitted to remain in the Agricultural (AG) District until a conforming zoning case is brought forward by the property owner.

ARTICLE 04. PERMISSIBLE USES

(1) *Private Sports Court with Standalone or Dedicated Lighting*. Staff changed the *Private Tennis Court* land use to a *Private Sports Court with Standalone or Dedicated Lighting* land use. In making this change, several *Operational Conditions* were also added to the land use, including: [*1*] a clarification that this land use excludes basketball courts or similar sports facilities that are attached to the primary structure or that make use of an existing residential driveway; [*2*] the standalone court needs to be behind the primary structure, outside of any easements, and be setback a minimum of ten (10) feet from each property line; and [*3*] any dedicated lighting associated with the court shall be a maximum of 14-feet in height, and be fully shielded and directed downward towards the court. Staff also changed where this land use was permitted in both residential and commercial zoning districts. Specifically, the proposed amendment allows the land use *by-right* in all Single-Family Estate (SFE) Districts and the Multi-Family 14 (MF-14) District, leaving the Specific Use Permit (SUP) requirement in all other Single-Family (SF) Districts and the Residential Office (RO) District. In commercial zoning districts, the amendment adds a *by-right* allowance for the General Retail (GR) District, Commercial (C) District, Heavy Commercial (HC) District, and Light Industrial (LI) District.

The purpose of the proposed changes is to address multiple issues staff has identified in the current code requirements. First, there have recently been two (2) cases of pickleball courts being constructed on residential properties in association with *Short-Term Rentals*. Under the current code requirements, a property owner was able to put in a standalone basketball

court with dedicated lighting *by-right*, but required a Specific Use Permit (SUP) when installing a tennis court or pickleball court with dedicated lighting. This was required despite each of these land uses having similar impacts to adjacent properties. Second, the code required the Specific Use Permit (SUP) indiscriminately across the single-family zoning districts without accounting for the size of the property. As with many land uses, a larger Single-Family Estate (SFE) District property is better suited to accommodate additional land uses without causing negative extraneities on adjacent properties; whereas, smaller Single-Family (SF) District properties have less land area to diminish the negative aspects of the land use. Finally, there has recently been an increasing number of non-residential properties proposing to install pickleball courts or other outdoor sports amenities for their employees. Under the current code, there is no easy mechanism to facilitate these requests. The proposed code amendment seeks to remedy these issues.

(2) *Retail Store with Gasoline Sales*. Under the current code there is no *Operational Conditions* for the *Retail Store with Gasoline Sales* land use. One (1) of the design related items that staff requests on all new gas stations is that the fuel vents associated with the fuel storage tanks be located within the gas canopy as opposed to being vented in the front of the facility, which is common of older gas station design. These vents are typically hard to screen and can be unsightly when located in the landscape buffer or parking areas. Based on this staff added an *Operational Condition* that would require these vents to be incorporated into the gas canopy of any new gas station facilities.

(3) *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit*. The *Operation Conditions* for the *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* land use was amended to clarify that these types of facilities cannot contain kitchens or food preparation facilities (*i.e. they cannot contain all the qualifications of a dwelling unit*). This is already the practice of the City to ensure that multiple dwelling units are not established on a single-family residential lot.

(4) *Commercial Antennas and Wireless Communication Towers*. Under the City's current Unified Development Code (UDC), the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, have multiple land uses that deal with wireless communication towers. Specifically, these land uses are *Antenna as an Accessory*, *Commercial Antenna*, *Commercial Freestanding Antenna*, *Mounted Commercial Antenna*, and *Wireless Communication Tower*. Looking under the definitions for these land uses contained in Article 13, *Definitions*, of the Unified Development Code (UDC), there appears to be overlap with regard to what each of these land uses are intended to be. In addition, there does not appear to be any continuity between which zoning districts these land uses are permitted (*i.e. some of these land uses are allowed by-right in certain zoning districts, while other land uses require a Specific Use Permit [SUP] or prohibit the land use in the same zoning district*). To correct these issues staff is proposing to change the *Permissible Use Charts* to [*1*] remove the *Commercial Antenna* and *Wireless Communication Tower* land uses; [*2*] change the *Antenna as an Accessory* land use to *Antenna for Residential Properties*, allow it as an accessory land use in all single-family zoning districts, and prohibit it in all non-residential zoning districts; [*3*] change the *Commercial Freestanding Antenna* land use to *Freestanding Commercial Antenna (i.e. Monopole or a Similar Structure)*; and [*4*] change the *Mounted Commercial Antenna* land use to *Mounted or Attached Commercial Antenna*. In addition, staff consolidated the *Operational Conditions* for all of the removed and redefined land uses. This also involved removing the Subsection 03.06, *Antennas*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) -- *which was previously used as a catch all section and did not pertain to any single land use* --, and consolidated these standards into the *Operational Conditions* for each land use. Finally, staff created a carveout for establishing the *Freestanding Commercial Antenna (i.e. Monopole or a Similar Structure)* land use on public property or public parkland regardless of zoning designation. The purpose of this carveout is to acknowledge that these types of facilities are typically done through contracts/agreements that are approved by the City Council or the School Board for the Rockwall Independent School District. Through the proposed changes staff is confident that the consolidated set of standards provides clearer direction for these types of facilities.

ARTICLE 05. DISTRICT DEVELOPMENT STANDARDS

(1) *Determining Lot Width and Depth for an Irregularly Shaped Lot*. Staff added an exhibit better explaining how lot width and depth are calculated on an irregular shaped lot, and how the buildable area for an irregular shaped lot is calculated. This is being done as a further clarification of the City's requirements, and to prevent future inconsistent development.

(2) *Landscape Buffers in the General Overlay District Standards*. Staff clarified the definition of *Primary Roadways* for landscape buffers to include any roadway that is depicted on the City's Master Thoroughfare Plan as contained in the OURHometown Vision 2040 Comprehensive Plan. The purpose of this clarification is tied to discussions -- *between staff*

and applicants of cases in the City's Overlay Districts -- proposing development or redevelopment on property that have frontage on more than one (1) roadway.

(3) *Clarifications to the Residential District Development Standards*. Staff amended the table in Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) to: [*1*] define where and how lot width is to be measured, [*2*] better define the lot size required to construct a single-family home on a property zoned Agricultural (AG) District, and [*3*] add a note specifically stating that the minimum square footage for a dwelling unit was defined as conditioned space only.

(4) *Required Distance Between Buildings for Non-Residential Zoning Districts*. Staff included changes that increased the distance between buildings from 15-feet to 20-feet in all of the City's non-residential zoning districts (*with the exception of the Heavy Industrial (HI) District, which already requires 25-feet*). The purpose of incorporating this change was to ensure that the Unified Development Code (UDC) was not less restrictive than the International Fire Code (IFC) and International Building Code (IBC), which both currently require 20-feet in most circumstances.

(5) *Greenhouses*. Staff amended the table in Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) to exempt greenhouses from the permeant concrete foundation.

ARTICLE 06. PARKING AND LOADING

(1) *Calculation of Parking Spaces*. Changed the calculation of parking spaces from being counted to the *nearest* whole space to being *rounded up* to the nearest whole space. This change was made to provide clarity in how the City's parking calculations are tabulated after this question was raised by an applicant during the site plan review process.

ARTICLE 07. ENVIRONMENTAL PERFORMANCE

(1) *Lighting Exemptions*. The current zoning code uses lights with a light source of 15 watts or more as a standard way of exempting decorative lighting from certain requirements associated with shielding and glare; however, with the wider use of LED lighting many light standards that shouldn't be exempted are using light sources that have blubs that use less than 15 watts. Based on this staff removed the reference to 15 watts.

ARTICLE 08. LANDSCAPE AND FENCE STANDARDS

(1) *Application of Article*. Staff clarified the applicability criterion concerning where the requirements of this *Article* apply. Specifically, adding *existing* to the exemption for single-family and/or duplex land uses to show that the exemption only applies to existing single-family and duplex properties. Staff also added a statement of "(u)nless otherwise indicated in this *Article* …" as there are sections of the code that are applicable to existing single-family and duplex properties.

(2) *Artificial or Synthetic Plant Materials*. Recently, the Neighborhood Improvement Services (NIS) Division has been dealing with the unpermitted installations of artificial turf. In addition, the Planning and Zoning Commission has ruled on three (3) requests for exceptions associated with the application of artificial turf on residential properties. Under the City's current codes there are two (2) references to the application of artificial turf: [*1*] the Unified Development Code (UDC) specifically prohibits the use of artificial or synthetic plant materials (*Subsection 04(B), Prohibited Planting Materials, of Article 08, Landscape and Fence Standards*), and [*2*] the City's *Engineering Standards of Design and Construction* state that all rights-of-way and easements shall be sodded in natural grass and that no artificial grass is permitted (*Subsection 3.06.05, Lot Development, and Subsection 4.02, Coverage*). Beyond the aesthetic issues of allowing artificial turf in the front yards of residential properties, it would be expensive for the City to allow artificial turf in easements and rights-of-way. The reason for this is that after the City disturbs a right-of-way or easement to service a utility line the cost associated with returning the turfed area back to its original condition is exponentially higher than to simply reestablish natural grass. In addition, there are environmental impacts that need to be considered when establishing requirements for artificial turf. Specifically, artificial turf increases the speeds that stormwater runs off of a property in the same way an impervious surface does, which can cause flooding issues in the City's existing detention ponds; artificial turf has a higher surface temperature than natural grass or bare soil (*i.e. natural grass has a maximum daytime surface temperature of 88° whereas artificial turf has a maximum daytime surface temperature of 158°*) [*per a study by College Station, TX*]; and, certain artificial turf products have been shown to contain materials that have Polyfluoroalkyl Substances (PFAS) [*which is better understood as a 'forever chemical'*], which have been found in creeks and water supplies around the installation of these products. Based on this,

staff is proposing to clarify the current requirements of the Unified Development Code (UDC) to prohibit artificial or synthetic plant materials on all residentially zoned or used properties; however, since artificial turf can be an effective amenity around swimming pools, as a recreational amenity (*i.e. putting greens*), and in areas where grass cannot be established, staff is proposing to allow it in areas that are not visible from public right-of-way/easements or public parks/open spaces. In addition, staff has included a provision that would also allow any residential property the ability to establish 400 SF of artificial turf in the rear yard regardless of visibility or screening. For commercially zoned or used properties, artificial or synthetic plant materials would be prohibited except where it was requested as an exception from the Planning and Zoning Commission, and the Planning and Zoning Commission is able to determine that the installation is integral to the businesses operations or where it will serve as an on-site amenity.

(3) *Fence Materials*. Recently, the City's Neighborhood Improvement Services (NIS) have had a number of reactive and proactive code enforcement cases that deal with property owners affixing PVC mesh (*i.e. tennis court mesh/windscreen*) or other similar materials to wrought iron fences for the purposes of screening portions of their property. These cases have involved both residential and non-residential properties. Under the City's current zoning code, this material is *not* a permitted material; however, some property owners have struggled to understand that this is not acceptable because the code does not specifically state that this is a prohibited material. To remedy this staff has added a requirement under Subsection 08.02(B), *Material Requirements*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC) specifically prohibiting PVC mesh or other materials or appurtenances from being affixed to wrought iron or decorative metal, chain-link or semi-transparent fencing.

ARTICLE 09. TREE PRESERVATION

(1) *Replacement Trees*. After conferring with the Director of Parks and Recreation/City Arborist, staff changed the replacement tree requirements from a minimum of four (4) inches to a minimum of three (3) inches. This change will allow more trees to be planted on site or in the City's public parks and open space, and the City Arborist is certain that a three (3) inch caliper tree will have a similar survival and establishment rate as a four (4) inch caliper tree.

ARTICLE 11. DEVELOPMENT APPLICATION AND REVIEW PROCEDURES

(1) *Denial of Application*. Recently, staff has had issues with applicant's for development cases submitting cases prematurely or being unable to address staff's comments within the time periods required by the City's processes. This becomes important considering the *Shot Clocks* established by the State of Texas that either make it difficult on staff to conditionally approve site plan and subdivision plat cases or that prohibit staff from requesting that an applicant table or postpone a case. To try and curb some of these issues, staff has included language in Subsection 01.04, *Denial of an Application*, of Article 11, *Development Application and Review Procedures*, of the Unified Development Code (UDC) that allow staff to administratively deny an applicant in the event that the applicant fails to address staff's comments within the stated time periods of the development process.

(2) *Non-Compliant Structure Fee*. Staff added site plans to the *Non-Compliant Structure Fee*, which is a fee that was established to increase the application fees of property owners that begin projects without seeking prior approvals (*i.e. that commence work without building permits or other approvals, and then seek forgiveness through the City's processes*). The reason that staff is adding the requirement for site plans is because in certain circumstances a *Non-Compliant Structure* may only need site plan approval as opposed to needing a variance/exception or Specific Use Permit (SUP). This expands the requirement to cover all possible cases where forgiveness can be requested.

ARTICLE 13. DEFINITIONS

(1) *Definitions*. Staff made clarifications and revisions to multiple definitions in Article 13, *Definitions*, of the Unified Development Code (UDC) relating to land uses and general standards. In addition, staff added new definitions for all the amended and newly created land uses detailed in the changes to Article 04, *Permissible Uses*, of the Unified Development Code (UDC).

APPENDIX C. LANDSCAPING GUIDELINES AND REQUIREMENTS

(1) *Changes to the Prohibited Tree List*. At the direction of the Director of Parks and Recreation/City Arborist, staff has removed several trees from the list of prohibited trees.

Staff is still in the process of reviewing these sections and will bring a completed amendment forward to the May 14, 2024 Planning and Zoning Commision meeting; however, staff has included an up to date redlined copy of the proposed changes along with a draft ordinance in the attached packet. For the work session meeting, staff is bringing the amendment forward to have a discussion concerning the proposed changes and any additional changes that the Planning and Zoning Commission identifies that may have been overlooked by staff. Should the Planning and Zoning Commission identify any additional changes, staff will incorporate them into the final proposed amendment. 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 anticipated schedule for this text amendment is as follows:

Planning and Zoning Commission Work Session: April 30, 2024
Planning and Zoning Commission Public Hearing: May 14, 2024
City Council Public Hearing/1st Reading: May 20, 2024
City Council 2nd Reading: June 3, 2024

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 30, 2024*.

ARTICLE 03 | ZONING DISTRICTS AND MAPS

SECTION 01 | ZONING MAP
SECTION 02 | RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES
SECTION 03 | REGULATIONS APPLICABLE TO ALL DISTRICTS
SECTION 04 | LISTING OF APPROVED PLANNED DEVELOPMENT (PD) DISTRICTS
SECTION 05 | LISTING OF APPROVED SPECIFIC USE PERMITS (SUP)
SECTION 06 | ZONING UPON ANNEXATION

SECTION 01 | ZONING MAP

(A) The City of Rockwall is hereby divided into zones, or districts, as shown on the ~~Officiale~~ *Zoning Map* which, together with all explanatory matter thereon, is hereby adopted by reference and declared a part of this Unified Development Code (UDC). The zones, or districts, hereby established are and shall be known and cited as:

RESIDENTIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
05.02.01	Agricultural (AG) District	AG
05.03.02	Single Family Estate 1.5 (SFE-1.5) District	SFE-1.5
05.03.03	Single Family Estate 2.0 (SFE-2.0) District	SFE-2.0
05.03.04	Single Family Estate 4.0 (SFE-4.0) District	SFE-4.0
05.03.05	Single Family 1 (SF-1) District	SF-1
05.03.06	Single Family 16 (SF-16) District	SF-16
05.03.07	Single Family 10 (SF-10) District	SF-10
05.03.08	Single Family 8.4 (SF-8.4) District	SF-8.4
05.03.09	Single Family 7 (SF-7) District	SF-7
05.03.10	Zero Lot Line (ZL-5) District	ZL-5
05.03.11	Two-Family (2F) District	2F
05.03.12	Multi-Family 14 (MF-14) District	MF-14

COMMERCIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
05.04.02	Residential-Office (RO) District	RO
05.04.03	Neighborhood Services (NS) District	NS
05.04.04	General Retail (GR) District	GR
05.04.05	Commercial (C) District	C
05.04.06	Heavy Commercial (HC) District	HC
05.04.07	Downtown (DT) District	DT

INDUSTRIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
05.05.02	Light Industrial (LI) District	LI
05.05.03	Heavy Industrial (HI) District	HI

OVERLAY & SPECIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
10.01	Planned Development (PD) District	PD
05.06.03	Historic Overlay (HOV) District	HOV
05.06.04	North Goliad Street Overlay (NG OV) District	NG OV
05.06.05	Southside Residential Overlay (SRO) District	SRO
05.06.06	IH-30 Overlay (IH OV) District	IH-30 OV
05.06.07	SH-205 Overlay (SH-205 OV) District	SH-205 OV
05.06.08	Scenic Overlay (SOV) District	SOV
05.06.09	SH-66 Overlay (SH-66 OV) District	SH-66 OV
05.06.10	SH-205 By-Pass Overlay (SH-205 BY-OV) District	SH-205 BY-OV
05.06.11	North SH-205 Overlay (N. SH-205 OV) District	N. SH-205 OV
05.06.12	East SH-66 Overlay (E. SH-66 OV) District	SH-66 OV
05.06.13	FM-549 Overlay (FM-549 OV) District	FM-549 OV
05.06.14	SH-276 Overlay (SH-276 OV) District	SH-276 OV
05.06.15	Lake Ray Hubbard Takeline Overlay (TL OV) District	TL OV

(B) The ~~Office~~ *Official Zoning Map* shall be identified by the signature of the Mayor attested by the City Secretary, under the following words:

This is to certify that this is the Office Zoning Map referred to in Article 03 of the Unified Development Code (UDC) of the City of Rockwall, Texas.

(C) When changes are made in district boundaries or other matter portrayed on the ~~Officiale~~ *Zoning Map*, such changes shall be entered on the ~~Officiale~~ *Zoning Map* by the City Secretary promptly after the amendment has been approved by City Council, and the change shall note the ordinance number and date that the change was approved.

(D) No changes of any nature shall be made in the ~~Office~~ *Official Zoning Map* or matter shown thereon except in conformity with the procedures set forth in this Unified Development Code (UDC). Any unauthorized change of whatever kind by any person shall be considered a violation of this Unified Development Code (UDC).

(E) The original reproducible tracing of the ~~Office~~ *Official Zoning Map* shall be located in the office of the Director of Planning and Zoning in city hall and shall be the final authority as to the current zoning status of land and water areas, building and other structures in the City of Rockwall.

(F) City Council may, by resolution, adopt a new ~~Office~~ *Official Zoning Map* should the original reproducible tracing of the ~~Office~~ *Official Zoning Map* be damaged, destroyed, lost or become ambiguous because of the nature or number of changes and additions. The new ~~Office~~ *Official Zoning Map* may correct drafting or other errors or omissions in the prior ~~Office~~ *Official Zoning Map*, but no other correction shall have the effect of amending the original ~~Office~~ *Official Zoning Map* or any subsequent amendment thereof. The new ~~Office~~ *Official Zoning Map* shall be identified by the signature of the ~~mayor~~ Mayor attested by the ~~city~~ City ~~secretary~~Secretary, under the following words:

This is to certify that this Office Zoning Map supersedes and replaces the Office Zoning Map adopted (date of adoption of Map being replaced) as a part of the Unified Development Code (UDC) of the City of Rockwall, Texas.

(G) Unless the prior ~~Office~~ *Official Zoning Map* has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 02 | RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

SUBSECTION 02.01: BOUNDARIES

Where uncertainty exists as to the boundaries of zoning districts as shown on the ~~Office~~ *Official Zoning Map*, the following rules shall apply:

(A) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow center lines;

(B) Boundaries indicated as approximately following platted lot lines shall be construed as following lot lines;

(C) Boundaries indicated as following City Limit lines shall be construed as following such City Limits;

(D) Boundaries indicated as parallel to or extensions of features indicated in *Subsections A, B, & C* above shall be so construed. Distances not specifically indicated on the ~~Office~~ *Official Zoning Map* shall be determined by the scale of the map;

(E) Where physical or cultural features existing on the ground are at variance with those shown on the ~~Office~~ *Official Zoning Map*, or in other circumstances not covered by *Subsections A & B* above, the ~~City Council shall interpret the district boundaries.~~

Formatted: Font: Italic

Formatted

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

SECTION 03 | REGULATIONS APPLICABLE TO ALL DISTRICTS

SUBSECTION 03.01: GENERAL REGULATIONS

The following regulations shall apply to all zoning districts listed in this Article and further defined in Article 04, *Permissible Uses*, and Article 05, *District Development Standards*, of the Unified Development Code (UDC).

(A) No land or building shall be used or intended for any use other than those permitted in the district wherein such land or building is located.

(B) No building shall be erected, reconstructed, enlarged, structurally altered, or moved in such manner as to evade conformity with height, bulk, yard, lot area, use, and other regulations for the district wherein such building is located.

(C) No yard provided adjacent to a building for the purpose of complying with provisions of this Unified Development Code (UDC) shall be considered as providing any part of a yard for another building on the same lot or on an adjacent lot.

(D) No street or walkway shall serve as any part of a required yard or minimum lot area although street rights of way and open space may be used in determining allowable units per acre in residential subdivisions.

(E) Every building hereafter erected or altered shall be located on a lot as defined in Article 13, *Definitions*, of the Unified Development Code (UDC).

SECTION 04 | LISTING OF APPROVED PLANNED DEVELOPMENT (PD) DISTRICTS

Planned Development (PD) Districts that have been approved and appear on the zoning maps are referenced by a Planned Development (PD) number (PD-#) and the zoning district classification and/or uses authorized by the particular zoning case. The listing of approved Planned Development (PD) Districts will be documented in Appendix A, *Planned Development (PD) Districts*, of the Unified Development Code (UDC).

SECTION 05 | LISTING OF APPROVED SPECIFIC USE PERMITS (SUP)

Specific Use Permits (SUPs) that have been approved shall be referenced by a Specific Use Permit number (S-#) and the type of use authorized by those permits. The listing of approved Specific Use Permits (SUPs) will be documented in Appendix B, *Specific Use Permits (SUPs)*, of the Unified Development Code (UDC).

SECTION 06 | ZONING UPON ANNEXATION

All territory hereinafter annexed to the City of Rockwall shall assume an interim classification of Agricultural (AG) District, pending determination of the property's initial permanent zoning in accordance with the provisions of state law and this chapter unless application for permanent zoning is submitted by the property owner at the time of annexation. ~~The Planning and Zoning Commission shall, as soon as practical after annexation of any territory to the City, institute proceedings on its own motion, to give the newly annexed territory a permanent zoning, following the same procedure as is provided by law for the adoption of original zoning procedures.~~ The interim zoning prior to the permanent zoning shall not be considered a rezoning for legal purposes. The procedure for establishing initial zoning other than Agricultural (AG) District on annexed territory shall conform to the procedure established by law for the adoption of normal zoning classifications and regulations as defined in Section 02, *Zoning*, of Article 11, *Development Review Procedures*, of the Unified Development Code (UDC).

In an area classified Agricultural (AG) District, no person shall erect, excavate, construct, or proceed or continue with the erection or construction of any building or structure or add to, enlarge, move, improve, alter, repair, convert, or extend or demolish any building or structure or cause the same to be done in any newly annexed territory to the City without first applying for and obtaining a building permit therefore from the Chief Building Official as may be required in applicable City ordinances.

Formatted: Underline, Font color: Accent 5

ARTICLE 04 | PERMISSIBLE USES

SECTION 01 | LAND USE SCHEDULE
SECTION 02 | CONDITIONAL LAND USE STANDARDS AND DEFINITIONS
SECTION 03 | OTHER SPECIAL USE STANDARDS
SECTION 04 | FLOODPLAIN AREAS
SECTION 05 | TEMPORARY USES AND STRUCTURES
SECTION 06 | NON-CONFORMING USES, STRUCTURES, AND SITES

SECTION 01 | LAND USE SCHEDULE

SUBSECTION 01.01: USE OF LAND AND BUILDINGS

Buildings, structures, and land uses shall be in conformance with the permitted uses depicted in Land Use Schedule and in compliance with Subsection 02.03, *Conditional Land Use Standards*. The following is the legend for the Land Use Schedule:

	Land Use *NOT* Permitted
P	Land Use Permitted *By-Right*
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 01.02: LAND USE SCHEDULE

See the Land Use Schedule at the end of this Article.

SECTION 02 | CONDITIONAL LAND USE STANDARDS AND DEFINITIONS

SUBSECTION 02.01: DETERMINATION OF LAND USES

Land uses shall be permitted in a zoning district as indicated in 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 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 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 02.02: LAND USE DEFINITIONS

For land use definitions see Section 02.02, *Land Use Definitions*, of Article 13, *Definitions*.

SUBSECTION 02.03: 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) The property shall be a minimum of ten (10) acres of more in size.

(b) 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).

(c) 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 03.01, *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 an 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~~Urban Farm, [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~~Urban Farm shall be reviewed as part of the Specific Use Permit (SUP), including the size and intended use.

(4) The applicant shall provide an 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~~Urban Farm, [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 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*.

(2) *Bed and Breakfast.*

(a) A Bed and Breakfast may only be established on an owner-occupied, single-family lot.

(b) In addition to the single-family parking requirements, one (1) parking space per bedroom shall be provided.

(c) 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).

(d) Bed and Breakfast shall be required to meet all applicable City Fire Codes, including providing a smoke alarm system.

(e) A Bed and Breakfast shall be subject to an annual inspection by the Fire Department.

(f) All applicable hotel/motel taxes shall be paid.

(g) The maximum length of a guests stay is shall be limited to 14 consecutive days in any 30-day period.

(h) 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 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(4) *Attached Garage.*

(a) See Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*.

(5) *Detached Garage.*

(a) See Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *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% of the area of the main structure.

(c) Guest Quarters or Secondary Living Units shall not incorporate a kitchen or kitchen facilities; however, they may incorporate all other elements of a dwelling unit.

~~(c)~~(d) No such use may be sold or conveyed separately without meeting the requirements of the zoning district and the subdivision ordinance.

~~(d)~~(e) 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 07.02, *Multi-Family District Development Standards*, of Article 05, *District Development Standards*.

(10) *Portable Building.*

(a) See Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *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

Formatted: Indent: Left: 0.5", No bullets or

complimentary to the existing housing in the Established Subdivision.

(12) *Short-Term Rental (Owner-Occupied Single-Family Home, Townhome, or Duplex).*

(a) The *Short-Term Rental* shall not incorporate accessory land uses that are not permitted within the underlying zoning district (*e.g. Banquet Facility/Event Hall which includes meeting halls and wedding venues*) as stipulated by the *Permissible Use Charts* contained within this *Article*.

(b) In order to establish and operate a *Short-Term Rental (Owner Occupied Single-Family Home, Townhome, or Duplex)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, *Short-Term Rentals*, of Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances.

(13) *Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex).*

(a) *Short-Term Rentals* that are *Non-Owner-Occupied* shall not be located within 1,000-feet of another *Short-Term Rental* that is *Non-Owner Occupied*; however, *Short-Term Rentals* that were in existence prior to April 1, 2024 that [*1*] meet the criteria established in Subsection 06.05, *Non-Conforming Short-Term Rentals*, of this *Article*, and [*2*] received a valid permit and registration -- *in accordance with Article 2, Short-Term Rentals, of Chapter 13, Rental Housing, of the Municipal Code of Ordinances* -- prior to July 1, 2024 shall be exempted from the proximity requirements.

(b) *Short-Term Rentals* that are *Non-Owner-Occupied* that do not meet proximity requirements may be considered on a *case-by-case* basis by the Planning and Zoning Commission and City Council through a Specific Use Permit (SUP). In considering a Specific Use Permit (SUP) for a *Short-Term Rental* that is *Non-Owner-Occupied* the Planning and Zoning Commission and City Council shall consider the size, location, and impact of the proposed and existing *Short-Term Rentals* on the adjacent residential properties and their occupants.

(c) The *Short-Term Rental* shall not incorporate accessory land uses that are not permitted within the underlying zoning district (*e.g. Banquet Facility/Event Hall which includes meeting halls and wedding venues*) as stipulated by the *Permissible Use Charts* contained within this *Article*.

(d) In order to establish and operate a *Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, *Short-Term Rentals*, of Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances.

(14) *Short-Term Rental (Apartment or Condominium).*

(a) The number of *Short-Term Rentals* permitted within an *Apartment Complex, Condominium Building*, or any other multi-family structure -- *as defined by this land use in Article 13, Definitions, of this Unified Development Code (UDC)* -- shall be limited to a total of five (5) percent of the total units situated on a single parcel of land. For example, if a *Condominium Building* consisted of 100-units on a single parcel of land, a total of five (5) of the units could be established as *Short-Term Rentals*. In cases where there is a remainder in the number of units, the number of units shall round up (*e.g. 25-Units x 5.00% = 1.25-Units or 2-Units*).

(b) In order to establish and operate a *Short-Term Rental (Apartment or Condominium)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, *Short-Term Rentals*, of Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances.

(15) *Single-Family Attached Structure.*

(a) See Section 03, *Residential Districts*, of Article 05, *District Development Standards*.

(b) See Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(16) *Single-Family Detached Structure.*

(a) See Section 03, *Residential Districts*, of Article 05, *District Development Standards*.

(b) See Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(17) *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 03, *Residential Districts*, of Article 05, *District Development Standards*.

(c) See Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(18) *Private Sports Court with Standalone or Dedicated Lighting.*

(A) A *Private Sports Court* includes any *Sports Court* that is separated from the primary structure or an existing residential driveway that is intended to be used for sports such as -- *but not limited to* – tennis, pickleball, basketball, volleyball, or similar activities for the property owner and/or their guests. A *Private Sports Court* does *not* include basketball courts or similar sports facilities that are attached to the primary structure or that make use of the existing residential driveway.

(B) A *Private Sports Court* shall be situated behind the primary structure, not situated within any easements, and be setback a minimum of ten (10) feet from all property lines.

(C) All dedicated lighting associated with a *Private Sports Court* on a residential property shall be on a standalone light pole a maximum of 14-feet in height with lighting standards that are fully cutoff and shielded and directed

Formatted: Font: Italic, Underline
Formatted: No underline
Formatted: Font: Italic
Formatted: No underline
Formatted: Underline
Formatted: No underline
Formatted: No underline
Formatted: No underline
Formatted: No underline
Formatted: Font: 5 pt, No underline
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: No underline
Formatted: No underline
Formatted: No underline
Formatted: Font: 5 pt, No underline
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: No underline
Formatted: No underline
Formatted: No underline
Formatted: No underline

downward toward the courts surface. In addition, light standards should be oriented to minimize light spillage and glare.

(D) All dedicated lighting associated with a *Private Sports Court* on a non-residential property shall adhere to the requirements of Section 03, *Outdoor Lighting for Non-Residential Properties*, of Article 07, *Environmental Performance*, of the Unified Development Code (UDC).

~~(18)~~(19) *Townhouse.*

(a) See Section 03, *Residential Districts*, of Article 05, *District Development Standards*.

(b) See the standards for the Two-Family (2F) District Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

~~(19)~~(20) *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 02.03(C)(5).

(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 an operated by:

(1) The Texas Department of ~~Mental Health and Metal Retardation (MHMR)~~Aging and Disability Services;

(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 02.03(C)(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 (2) 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.*

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Underline, Font color: Accent 5

Formatted: Font: Not Italic, No underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

(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 02.03(C)(9)(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.

(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.*

(1) *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.

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

(2) *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*).

(3) *Alcoholic Sales Revenue.* Revenues from the sale of alcoholic beverages shall not exceed 40.00% 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 exceed the maximum allowed percentage.

(4) *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 (1) party.

(5) *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.

(6) *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.*

(1) *Alcoholic Beverage Package Sales.*

(a) The package sales of liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- shall *only* be permitted in conjunction with an *Alcoholic Beverage Store*, and shall not be permitted as an accessory use to any other land use contained within this Unified Development Code (UDC).

(b) The package sales of beer and wine shall be permitted *by-right* as an *accessory* land use to a *General Retail Store*, *Retail Store with Gasoline Sales*, *Brew Pub*, *Craft/Micro Brewery and/or Winery*, *Brewery*, and *Winery*.

(2) *Alcoholic Beverage Store.*

(a) An *Alcoholic Beverage Store* shall include the sale of beer, wine, *and* liquor or distilled spirits as defined by the Texas Alcoholic Beverage Code.

(b) An *Alcoholic Beverage Store* shall be prohibited from locating within 1,000-feet of a lot, parcel, or tract of land with another *Alcoholic Beverage Store* situated on it as measured in a straight line between the nearest points of one (1) of the lots, parcels, or tracts of land to the other lot, parcel, or tract of land.

(3) *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 off 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.

(4) *Temporary Christmas Tree Sales Lot and Similar Uses.*

(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.

Formatted: Font: Italic

Formatted: Font: Italic

(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.

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

(a) The total building area of a Craft/Micro Brewery, Distillery, and/or Winery shall be less than 12,000 SF.

(b) A maximum of 40.00% 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.

(6) *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 30.00% 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 (1) foot taller than the materials being displayed, whichever is greater.

(2) Include a minimum of 20.00% 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 (1) 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 (~~1~~5) 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.

(7) *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

Formatted: Font: Italic

Formatted: Font: Italic, Underline, Font color: Accent 5

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

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 (8) square feet 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).

(8) *General Personal Service.*

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

(9) *Permanent Cosmetics.*

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

(b) Accessory use to a *General Personal Service.*

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

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

(11) *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 from the point of order.

(12) *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 from the point of order.

(13) *Retail Store with Gasoline Sales*.

(a) All fuel vents associated with the fuel storage tanks at any *Retail Store with Gasoline Sales* shall be located within the gas canopy, and shall be fully screened and not visible from adjacent properties and/or right-of-way.

(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 04, *Permissible Uses*, and Article 08, *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~~ building area is defined as the entirely enclosed air-conditioned portion of the primary building*).

(c) Outdoor sales and display may occupy up to 30.00% 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 20.00% 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 04, *Permissible Uses*, and Article 08, *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.*

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

(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) *Rental, Sales, and Service of Heavy Machinery.*

(a) In the Commercial (C) District, the Rental, Sales, and Service of Heavy Machinery 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).

(b) All outside storage of equipment and machinery shall be visibly screened from all adjacent properties utilizing one of the screening alternatives outlined in Subsection 05.02(A), *Loading Docks and Outside Storage Areas*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).

(c) The storage area for equipment and machinery shall not occupy any required parking spaces. Excess parking spaces may be used if all other requirements are met.

(d) The storage and/or display of equipment and machinery shall be in a stowed position so as to not extend any part of the equipment or machinery in an upward or outward manner.

(e) The conditions above shall not be construed to permit the outside storage of equipment and machinery for outside display, and does not permit additional outside storage of other materials that are not associated with the Rental, Sales, and Service of Heavy Machinery land use.

(f) Maintenance or service of any equipment and machinery shall not be performed on-site.

(6) *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.

(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 04, *Permissible Uses*, and Article 08, *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 30.00% 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 04, *Permissible Uses*, and Article 08, *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 50.00% 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

Formatted: Font: Italic

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, etcetera shall be performed outside the building*).

(d) Accessory uses may be allowed in compliance with *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 25.00% 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, 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.

(l) *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*).

Formatted: Font: Italic

(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.

(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. 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 Planning and Zoning Commission 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 05.02, *Landscape Screening*, of Article 08, *Landscape and Fence Standards*. See-through fencing should be wrought iron, or similar. Chain-link 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 01.05, *Screening Standards*, of Article 05, *District Development Standards*.

(b) No outside storage shall be allowed in any zoning district adjacent to IH-30~~;. H~~ 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 *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 02.02(F)(4), shall not be considered Outside Storage and/or Outside Display, and shall be subject to the requirements of Subsection 02.02(F)(4).

(K) *Utilities, Communications and Transportation Land Uses*

(1) *Antenna ~~as an Accessory~~for a Residential Property.*

(a) The antenna installation shall comply with the height and ~~area regulations~~setback requirements of the applicable zoning district.

~~(a)~~(b) For an *Antenna for an Amateur Radio* see Subsection 02.03(K)(2).

~~(b) Administrative approval of the antenna installation shall be required.~~

~~(c) The antenna will meet all applicable requirements of Subsection 03.06, *Antennas*.~~

(2) *Antenna for an Amateur Radio.*

Formatted: Font: Italic

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Underline, Font color: Accent 5

Formatted: Underline, Font color: Accent 5

(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~~. H~~; 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 03.06, *Antennas*.~~

(3) *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~~; . H~~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 03.06, *Antennas*.~~

(4) *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure).*

(a) *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure)* on private property:

(1) One (1) *Freestanding Commercial Antenna* shall be permitted on a non-residential lot as allowed by the applicable zoning district.

(2) The height of the *Freestanding Commercial Antenna* shall adhere to the height and building setbacks of the applicable zoning district; however, the City Council may grant a Specific Use Permit (SUP) for a *Freestanding Commercial Antenna* that exceeds the height of the zoning district.

(3) All equipment, buildings, and/or structures shall be a material allowed by the applicable zoning district or overlay district (*whichever is more restrictive*), and be similar in color and character to the primary building on the site (*if a primary building exists*).

(4) No more than three (3) separate equipment buildings shall be located on a single lot.

(5) All equipment and buildings shall be enclosed by a wrought iron or decorative metal fence with screening shrubs a minimum of six (6) feet in height or a masonry screening wall that is a minimum of eight (8) feet in height and that is compatible in colors and materials as the primary building (*if a primary building exists*). All fences shall be as defined by Article 08, *Landscape and Fencing Standards*, of the Unified Development Code (UDC).

(6) A minimum of one (1) paved parking space providing access to the *Freestanding Commercial Antenna* shall be required. The parking space shall be reserved exclusively for use in conjunction with the *Freestanding Commercial Antenna*, and -- *where applicable* -- may be one (1) of the parking spaces provided for the primary structure on the subject property.

(7) All development associated with a *Freestanding Commercial Antenna* shall adhere to the Engineering Department's *Standards of Design and Construction Manual*.

(b) *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure)* on public property or public parkland:

(1) *Freestanding Commercial Antennas* shall be permitted *by-right* on all public property or public parkland regardless of zoning designation.

(2) The height of the *Freestanding Commercial Antenna* shall adhere to the height and building setbacks of the applicable zoning district unless otherwise approved through agreement or Specific Use Permit (SUP) by the City Council.

(3) All buildings and/or structures shall be of a material allowed by the applicable zoning district or overlay district (*whichever is more restrictive*), and be of a similar color and character to the primary building on the site (*if a primary building exists*) unless otherwise approved by the City Council through agreement or Specific Use Permit (SUP).

Formatted: Font: 5 pt
Formatted: Indent: Left: 1", No bullets or numbering
Formatted: Font: 5 pt
Formatted: Normal, No bullets or numbering
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: Italic
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: Italic, Underline, Font color: Accent 5
Formatted: Font: 5 pt
Formatted: Font: 5 pt
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: Italic, Underline
Formatted: Font: 5 pt
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: 5 pt
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Font: 5 pt

(4) No more than three (3) separate equipment buildings shall be located on a single lot unless otherwise approved by the City Council through agreement or Specific Use Permit (SUP).

(5) All equipment and buildings shall be enclosed by a wrought iron or decorative metal fence with screening shrubs a minimum of six (6) feet in height or a masonry screening wall that is a minimum of eight (8) feet in height and that is compatible in colors and materials as the primary building (*if a primary building exists*) unless otherwise approved by the City Council through agreement or Specific Use Permit (SUP). All fences shall be as defined by Article 08, *Landscape and Fencing Standards*, of the Unified Development Code (UDC).

(6) A minimum of one (1) paved parking space providing access to the *Freestanding Commercial Antenna* shall be required. The parking space shall be reserved exclusively for use in conjunction with the *Freestanding Commercial Antenna*, and -- *where applicable* -- may be one (1) of the parking spaces provided for the primary structure on the subject property.

(7) All development associated with a *Freestanding Commercial Antenna* shall adhere to the Engineering Department's *Standards of Design and Construction Manual*.

~~(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 (1) 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 03.06, *Antennas*.~~

(5) ~~*Commercial Freestanding*~~*Mounted or Attached Commercial Antenna.*

(a) The height of the *Mounted or Attached Commercial Antenna* shall adhere to the height and building setbacks of the applicable zoning district; however, a *Mounted or Attached Commercial Antenna* shall be permitted to extend a maximum of ten (10) feet above the maximum height of the support structure, and shall maintain a 15-foot clearance from the ground to the lowest element of the antenna if attached to a utility installation or light pole.

(b) If the *Mounted or Attached Commercial Antenna* has ground mounted equipment or buildings associated with the installation, these structures shall be of a material allowed by the applicable zoning district or overlay district (*whichever is more restrictive*), and be of a similar color and character to the building that the *Commercial Antenna* is attached or mounted. In addition, all equipment and buildings shall be enclosed by a wrought iron or decorative metal fence with screening shrubs a minimum of six (6) feet in height or a masonry screening wall that is a minimum of eight (8) feet in height and that is compatible in colors and materials as the building that the *Commercial Antenna* is attached or mounted. All fences shall be as defined by Article 08, *Landscape and Fencing Standards*, of the Unified Development Code (UDC).

(c) If the *Commercial Antenna* is mounted or attached to a building and there is equipment associated with the installation, all ancillary equipment shall be screened so that it is not visible from adjacent properties or rights-of-way. The proposed screening shall be approved by the Director of Planning and Zoning or his/her designee.

(d) If the *Commercial Antenna* is positioned in a way that it will be visible and standard screening methods are not possible, the antenna should utilize effective stealth techniques to camouflage or conceal it from view.

~~(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~~

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Not Highlight

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Font: Italic

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Indent: Left: 0.5", Numbered + Level: 2 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 1.25" + Indent at: 1.5"

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: Italic

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 (1) 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 03.06, *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 03.06, *Antennas*.

(c) Replacement of an Existing Freestanding Antenna that has 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 (1) of the spaces required for the principal use on the property.

(8) The antenna will meet all applicable requirements of Subsection 03.06, *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 (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) The antenna will meet all applicable requirements of Subsection 03.06, *Antennas*.~~

~~(7)~~(6) *Solar Energy Collector Panels and System.*

(a) *Residential*. *Solar Energy Collector Panels and Systems* installed on a residential structure shall be required to meet the requirement of the International Building Code (IBC), and be required to apply for and receive a building permit from the Building Inspections Department.

(b) *Small Commercial*. *Solar Energy Collector Panels and Systems* installed on a *Small Commercial* structure shall be required to meet the requirement of the International Building Code (IBC), and be required to apply for and receive a building permit from the Building Inspections Department. *Small Commercial* shall mean a *Small Commercial Customer* as defined by Section 202, *Price to Beat*, of Chapter 39, *Restructuring of Electrical Utility Industry*, of the Texas Utilities Code. It shall be the burden of a property owner to show that a particular property meets the definition of a *Small Commercial Customer*.

(c) *Commercial*. *Solar Energy Collector Panels and Systems* installed on a *Commercial* structure shall be required to meet the following:

(1) *Solar Energy Collector Panels on a Pitched Roof*. *Solar Energy Collector Panels* installed on a pitched roof shall be of a flat configuration and shall be subject to the following requirements:

(A) *Solar Energy Collector Panels* shall not extend beyond the roofline or eave lines of a roof.

(B) *Solar Energy Collector Panels* shall not exceed more than 45.00% of the total roof area.

(C) Configuration of *Solar Energy Collector Panels* on a pitched roof shall be a regular quadrangular shape, flat to the roof or integrated with the roof, and aligned with the natural roof edges.

(D) The surface of the *Solar Energy Collector Panel* shall not be more than six (6) inches above the surface of the pitched roof.

(2) *Solar Shingle on a Pitched Roof*. *Solar Shingles* may be installed on a pitched roof; however, *Solar Shingles* are subject to the following requirements:

(A) *Solar Shingles* shall be installed on 100.00% of the total roof area -- *excluding accent roof materials (e.g. metal roofs over gabled windows, porches, entryways, and etcetera)* --, and shall not be installed alongside another roof mounted *Solar Energy Collector System*.

(3) *Solar Energy Collector Panels on a Flat Roof*. *Solar Energy Collector Panels* installed on a flat roof, whether rack-mounted or flat-mounted, shall be screened from public view, and meet the following requirements:

(A) The height of such screening, at the minimum, shall be the height of the *Solar Energy Collector Panel*.

(B) The screening may be by a parapet or screening wall replicating the materials of the building.

(4) Reflective glare of *Solar Energy Collector Panels* shall be minimized by the positioning of the *Solar Collector Panels* or by the use of non-glare glazing.

(5) 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.

(6) 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 of Rockwall.

(7) The maximum overall height of ground mounted or pole mounted *Solar Energy Collector Panels* shall not exceed eight (8) feet.

Formatted: Indent: Left: 1", Numbered + Level: 1 + Numbering Style: A, B, C, … + Start at: 1 + Alignment: Left + Aligned at: 0.94" + Indent at: 1.19"

Formatted: Font: Not Italic

Formatted: Font: Not Italic, No underline

(8) 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 03 | OTHER SPECIAL USE STANDARDS

SUBSECTION 03.01: 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~~SF 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~~SF per animal.

(B) *Other Animals.* An SUP is required for other farm animals, including fowls, chickens and swine (*except for "potbellied pigs" as defined in Section 6-1, Definitions, of Chapter 6, Animals, of the Municipal Code of Ordinances*), and for a reduction in the land area required for grazing farm animals. The city shall not grant a 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, *Definitions*, of Chapter 6, *Animals*, of the Municipal 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 6-1, *Definitions*, of Chapter 6, *Animals*, of the Municipal Code of Ordinances.

SUBSECTION 03.02: TEMPORARY ACCOMODATION FOR EMPLOYEES, CUSTORMERS 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 (5) percent of the building area is utilized for this ancillary use.

SUBSECTION 03.03: 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 03.04: FLAG POLES

Flag poles are permitted in all districts, but must meet the building height and setback requirements for each district. (See Article 05, *District Development Standards*, of the Unified Development Code).

SUBSECTION 03.05: 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~~ 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~~ 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.

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.

Formatted: Font: Italic

Formatted: Font: Italic

(B) *Retail Establishments with Alcoholic Beverage Sales.*

(1) Retail establishments *or* Alcoholic Beverage Stores 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 or Alcoholic Beverage Stores 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 *or* Alcoholic Beverage Stores engaged in the selling of beer, wine, and distilled spirits or liquor 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 or Alcoholic Beverage Store 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.

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 *or* Alcoholic Beverage Stores engaged in the selling of beer, wine, and distilled spirits or liquor 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, *Signs*, of the Municipal Code of Ordinances, pertaining to signs.

(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.

~~SUBSECTION 03.06: 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 and Zoning. Roof-mounted equipment should be placed and finished in a manner which minimizes its~~

Formatted: Underline, Font color: Accent 5

~~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 04 | FLOODPLAIN AREAS

SUBSECTION 04.01: PERMITTED USES

The following land 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, *Floods*, of the Municipal Code of Ordinances, and the Engineering Department's *Standards of Design and Construction Manual*:

(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 04.02: DUMPING, EXCAVATING OR FILLING IN A FLOODPLAIN

Any dumping, excavation, storage or filling operation on any property within any district having a floodplain designation or that is within a creek or drain way shall require a permit from the City Engineer prior to the commencement of such activity; however, no construction, buildings, or structures shall be permitted within a floodplain. Fences maybe permitted through approval by the City Engineer in accordance with the requirements of the Engineering Department's *Standards of Design and Construction Manual*.

SUBSECTION 04.03: 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 (UDC) shall not be so interpreted.

SECTION 05 | TEMPORARY USES AND STRUCTURES

SUBSECTION 05.01: 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 05.02: TEMPORARY USES

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 06 | NON-CONFORMING USES, STRUCTURES, AND SITES

SUBSECTION 06.01: INTENT

Within the zoning districts established by this Unified Development Code (UDC), 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 (UDC). 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 non-conforming lots, buildings, or uses shall not be enlarged upon, expanded or extended, except as otherwise specifically provided, and that such non-conforming 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, non-conforming uses are declared to be incompatible with permitted uses in the same zoning districts.

SUBSECTION 06.02: APPLICABILITY

The provisions of this section shall apply to lots, uses and buildings which become non-conforming by reason of the adoption of, or an amendment to, the ordinance from which this Unified Development Code (UDC) is derived, as of the effective date of such amendment.

SUBSECTION 06.03: NON-CONFORMING 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 (UDC) 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 (UDC) for the district in which it is located.

(2) The right to continue non-conforming uses shall be subject to regulations prohibiting the creation of a nuisance and regulations reasonably protecting adjacent property.

(B) *Cessation of Non-~~conforming~~ Conforming 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 Non-~~conforming~~ Conforming Use*. No existing building or premises devoted to a use that is not permitted by this Unified Development Code (UDC) 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 non-conforming use of a building may be changed to another non-conforming 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 non-conforming use has been changed to a conforming use, the use shall not thereafter be changed to a non-conforming use.

(3) When authorized by the board of adjustment, enlargement or completion of a building devoted to a non-conforming 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% of its original area of nonconformity.

(4) When authorized by the board of adjustment, a non-conforming 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 non-conforming, if no structural alterations except those required by law, are made.

SUBSECTION 06.04: NON-CONFORMING 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 non-conforming 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 (UDC). (For land use nonconformity, see Subsection 06.03, *Non-Conforming Uses*, of Article 04, *Permissible Uses*).

(B) *Use of Non-~~conforming~~ Conforming Buildings, Structures or Land*.

(1) No building or structure which was originally designed for or used as a non-conforming use shall again be put to a non-conforming use, where such use has ceased for 180-days or more during any three (3) 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 (UDC) shall be discontinued within six months from the enactment of this Unified Development Code (UDC). The non-conforming use of land and/or buildings involving individual structures with a replacement cost of $1,000.00 or less, which becomes non-conforming by reason of subsequent amendments to this Unified Development Code (UDC) shall be discontinued within six months from the date of such amendment.

(C) *Construction Approved prior to Unified Development Code (UDC)*. Nothing in this Unified Development Code (UDC) 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 (UDC), 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 non-conforming structure which is damaged more than 75.00% 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 75.00% 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 (UDC) 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 50.00% of the replacement cost of the building. If the repairs exceed 50.00%, 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 non-conforming structure or portion of a structure containing a non-conforming 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 (10) percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be.

(2) If 50% or more of a non-conforming structure containing a non-conforming 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 Non-~~conforming~~ Conforming Building or Structure*. No non-conforming 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) *Non-~~conforming~~ Conforming Lot Sizes*. All lots used for storage that do not require a building and the use of such lot is made non-conforming by this Unified Development Code (UDC) 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 (UDC) is derived, or amendments [*thereto*].

SUBSECTION 06.05: NON-CONFORMING SHORT-TERM RENTALS

Short-Term Rentals, as defined in Article 13, *Definitions*, of this Unified Development Code (UDC), shall be considered to be legally in existence for the purpose of establishing vested or non-conforming rights regarding the zoning requirements if all of the following criteria is met by the owner of a *Short-Term Rental*:

(A) The owner of a property provides a property deed or proof of ownership showing that the property was purchased prior to April 1, 2024.

(B) The owner of the property can provide proof that the property was used as a *Short-Term Rental* (*i.e. a listing, proof of rental, etc.*) *OR* proof of payment of hotel occupancy tax to the City of Rockwall.

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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 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	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									
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	A			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL 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	MIXED USE DISTRICTS: Downtown (DT) District	Residential Office (RO) District	NON-RESIDENTIAL DISTRICTS: Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	OVERLAY DISTRICTS: Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
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											
Home Occupation	(9)	(7)	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
Limited-Service Hotel	(10)														S			S	S		S				
Full-Service Hotel	(11)	(8)													S			S	S		S				
Residence Hotel	(12)														S			S	S		S				
Motel	(13)														S			S	S		S				
Multi-Family Development or Structure	(14)	(9)												P											
Portable Building	(15)	(10)		P	P	P	P	P	P	P	P	P	P												
Residential Infill in an Established Subdivision	(16)	(11)	S	S	S	S	S	S	S	S	S	S	S	S	S	S									
Short-Term Rental (*Owner-Occupied, Single-Family Home, Townhome, or Duplex*)	(17)	(12)		P	P	P	P	P	P	P	P	P	P	P	S	S									
Short-Term Rental (*Non-Owner-Occupied, Single-Family Home, Townhome, or Duplex*)	(17)	(13)		P	P	P	P	P	P	P	P	P	P	P	S	S									
Short-Term Rental (*Apartment or Condominium*)	(17)	(14)		P	P	P	P	P	P	P	P	P	P	P	S	S									
Single-Family Attached Structure	(18)	(15)										P	P	P											
Single-Family Detached Structure	(19)	(16)	P	P	P	P	P	P	P	P	P	P	P	P		P									
Single-Family Zero Lot Line Structure	(20)	(17)										P	P	P		P									
Private Swimming Pool	(21)		A	A	A	A	A	A	A	A	A	A	A	A	A	A									
Private ~~Tennis~~ Sports Court with Standalone or Dedicated Lighting	(22)	(18)	A	~~SP~~	~~SP~~	~~SP~~	S	S	S	S	S	S	S	~~SP~~		S		P	P	P	P				
Townhouse	(23)	(~~18~~19)												P		P									
Urban Residential	(24)	(~~19~~20)												S	S										
INSTITUTIONAL AND COMMUNITY SERVICE LAND USES	2.02(C)	2.03(C)																							
Assisted Living Facility	(1)	(1)												P	S	S	S	S	S		S				
Blood Plasma Donor Center	(2)																	P	P	P	P	P			
Cemetery/Mausoleum	(3)		S														P	P	P	P	P	P			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL 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	MIXED USE DISTRICTS: Downtown (DT) District	Residential Office (RO) District	NON-RESIDENTIAL DISTRICTS: Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	OVERLAY DISTRICTS: Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
Church/House of Worship	(4)	(2)	S	S	S	S	S	S	S	S	S	S	S	P	S		P	S	S	P	S	P			
College, University, or Seminary	(5)														P				S	P	P	P			
Convalescent Care Facility/Nursing Home	(6)													S	S	P	P	P	P	P	S				
Congregate Care Facility/Elderly Housing	(7)	(3)												P	S	S	S	S	S		S				
Crematorium	(8)																				S	P			
Daycare with Seven (7) or More Children	(9)	(4)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S			
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	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	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	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	S					
Trade School	(24)														S			S	P	P	P	P			
Rescue Mission or Shelter for the Homeless	(254)																			S	P	P			
Social Service Provider (*Except Rescue Mission or Homeless Shelter*)	(265)																	S		P	P	P			
OFFICE AND PROFESSIONAL LAND USES	2.02(D)	2.03(D)																							

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Highlight

Formatted: Font: Bold, Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Font: Italic

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL 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	MIXED USE DISTRICTS: Downtown (DT) District	Residential Office (RO) District	NON-RESIDENTIAL DISTRICTS: Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	OVERLAY DISTRICTS: Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
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 or Medical Office Building less than 5,000 SF	(2) & (3)														P	P	P	P	P	P	P	P			
Office or Medical Office Building 5,000 SF or Greater	(2) & (3)														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	(2)	(2)													S			S	P	P	P	P			
Outdoor Commercial Amusement/Recreation	(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	P	P	P	P	P			
Private Country Club	(5)		S	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																	P		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	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	S	P	P	P			
Theater	(15)														P			S	P	P	P	P			
RETAIL AND PERSONAL SERVICES LAND USES	2.02(F)	2.03(F)																							
Alcoholic Beverage Package Sales	(1)	(1)													P		S	P	P	P	S				

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: No underline, Font color: Background 1

Formatted: Font color: Accent 5

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
Alcoholic Beverage Store	~~(2)~~	(2)														S				S	P					
Antique/Collectible Store	(~~23~~)															S		S	P	P	P					
Astrologer, Hypnotist, or Psychic	(~~34~~)															S	P	P	P	P	P					
Banquet Facility/Event Hall	(~~45~~)															S			P	P	P					
Portable Beverage Service Facility	(~~56~~)	(3)														S	S		S	S	S	S	P			
Brewp~~-P~~ub	(~~67~~)															P		P	P	P	P	P	P			
Business School	(~~78~~)															P			P	P	P	P				
Catering Service	(~~89~~)															A		S	P	P	P	P				
Temporary Christmas Tree Sales Lot and/or Similar Uses	(~~910~~)	(4)														S		S	P	P	P	P	P			
Copy Center	(~~1011~~)															P		P	P	P	P	P	P			
Craft/Micro Brewery, Distillery and/or Winery	(~~1112~~)	(5)														S			S	S		P	P			
Incidental Display	(~~1213~~)	(6)														P		P	P	P	P	P				
Food Trucks/Trailers	(~~1314~~)	(7)														P	S	S	P	P	P	P	P			
Garden Supply/Plant Nursery	(~~1415~~)																	S	P	P	P	P				
General Personal Service	(~~1516~~)	(8)														P		P	P	P	P	S				
General Retail Store	(~~1617~~)															P	S	P	P	P	P	S	S			
Hair Salon and/or Manicurist	(~~1718~~)															P	S	P	P	P	P	S				
Laundromat with Dropoff/Pickup Services	(~~1819~~)															P		P	P	P	P	P	P			
Self-~~-~~Service Laundromat	(~~1920~~)															P		P	P	P	P	P	P			
Massage Therapist	(~~2021~~)															P	P	P	P	P	P					
Private Museum or Art Gallery	(~~2122~~)															P	P	S	P	P		P				
Night Club, Discotheque, or Dance Hall	(~~2223~~)															S			S	P	P	S	S			
Pawn Shop	(~~2324~~)																			S	S	P	P			
Permanent Cosmetics	(~~2425~~)	(9)														A	A	A	A	A	A	A				

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Font color: Accent 5

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
Pet Shop	(~~2526~~)																	P	P	P	P					
Temporary Real Estate Sales Office	(~~2627~~)		P	P	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	(~~2728~~)	(10)																	S	P	P	P	P			
Restaurant with less than 2,000 SF with Drive-Through or Drive-In	(~~2829~~)	(11)																S	S	S	S	S	S			
Restaurant with less than 2,000 SF without Drive-Through or Drive-In	(~~2930~~)															P	S	P	P	P	P	P	P			
Restaurant with 2,000 SF or more with Drive-Through or Drive-In	(~~2829~~)	(12)																S	S	P	P	P	P			
Restaurant with 2,000 SF or more without Drive-Through or Drive-In	(~~2930~~)															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*)	(~~3031~~)	(13)																S	P	P	P	P	P	S	S	
Retail Store with Gasoline Sales that has more than Two (2) Dispensers	(~~3032~~)	(13)																	S	P	P	P	P	S	S	
Secondhand Dealer	(~~3133~~)															S			P	P	P	P	P			
Art, Photography, or Music Studio	(~~3233~~)															P	P	P	P	P	P	P				
Tailor, Clothing, and/or Apparel Shop	(~~3334~~)															P		P	P	P	P					
Tattoo and/or Body Piercing	(~~3435~~)																				P					
Taxidermist Shop	(~~3536~~)																				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	P			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [*Article 04, Permissible Uses*]	RESIDENTIAL 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	MIXED USE DISTRICTS: Downtown (DT) District	Residential Office (RO) District	NON-RESIDENTIAL DISTRICTS: Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	OVERLAY DISTRICTS: Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
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 Rental, Sales, and Service	(10)	(5)																	S	P	S	P			
Locksmith	(11)														P			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			
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)	(6)	P	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 Automotive 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 Lot	(8)														S				P	P	P	P			
Non-Commercial Parking Lot	(9)														A		S	P	P	P	P	P			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Not Strikethrough

Formatted: Not Strikethrough

Formatted: Not Strikethrough

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
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	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	(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				

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

LAND USE SCHEDULE

	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						OVERLAY DISTRICTS		
LEGEND:																								
Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District																								
P — Land Use Permitted *By-Right*																								
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	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
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			
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~~for a Residential Property	(2)	(1)	~~PA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~P~~		~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~			
~~Commercial Antenna~~	~~(3)~~	~~(2)~~													~~S~~	~~S~~		~~S~~	~~S~~	~~S~~	~~S~~	~~P~~			
Antenna for an Amateur Radio	(43)	(32)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Antenna Dish	(54)	(43)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Freestanding Commercial ~~Freestanding~~ Antenna (*i.e. Monopole or a Similar Structure*)	(65)	(54)	S											S		S	S	~~SP~~	~~SP~~	~~SP~~	P	P	S		S
Mounted or Attached Commercial Antenna	~~(76)~~	(65)	S											P	S	S	S	~~SP~~	~~SP~~	~~SP~~	P	P			
Bus Charter Service and Service Facility	~~(87)~~																			P	P	P			
Helipad	~~(98)~~																	S	S	S	S	S			
Utilities (*Non-Municipally Owned or Controlled*), Including Sanitary Landfill, Water Treatment, and Supply, and Wastewater Treatment	~~(109)~~		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	~~(1110)~~		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Font: Italic

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
Private Streets	~~(1211)~~			S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S			
Radio Broadcasting	~~(1312)~~														S			P	P	P	P	P			
Railroad Yard or Shop	~~(1413)~~		S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S			
Recording Studio	~~(1514)~~														S			S	P	P	P	P			
Satellite Dish	~~(1615)~~		A	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	~~(1716)~~	~~(76)~~	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Transit Passenger Facility	~~(1817)~~														S	S	S	S	S	S	S	S			
Trucking Company	~~(1918)~~																			P	P	P			
TV Broadcasting and Other Communication Service	~~(2019)~~														S			S	S	P	P	P			
Utilities Holding a Franchise from the City of Rockwall	~~(2120)~~		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	~~(2221)~~		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			
Utility/Transmission Lines	~~(2322)~~		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~~			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

ARTICLE 05 | DISTRICT DEVELOPMENT STANDARDS

SECTION 01 | GENERAL STANDARDS
SECTION 02 | AGRICULTURAL DISTRICTS
SECTION 03 | RESIDENTIAL DISTRICTS
SECTION 04 | COMMERCIAL DISTRICTS
SECTION 05 | INDUSTRIAL DISTRICTS
SECTION 06 | OVERLAY DISTRICTS
SECTION 07 | DISTRICT DEVELOPMENT STANDARDS

SECTION 01 | GENERAL STANDARDS

SUBSECTION 01.01: OPEN SPACE

The purpose of this Article is to set forth regulations which protect the public from the potential negative effects of industrial and intense commercial development by regulating smoke and particulate matter, odorous matter, fire or explosive materials, toxic and noxious matter, vibration, open storage, glare and fuel supply in the vicinity of such sites.

(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 03.01, *General Residential District Standards*

(b) *Commercial*. Subsection (D), *Open Space Guidelines*, of Section 04.01, *General Commercial District Standards*

(c) *Industrial*. Subsection (D), *Open Space Guidelines*, of Section 05.01, *General Industrial District Standards*

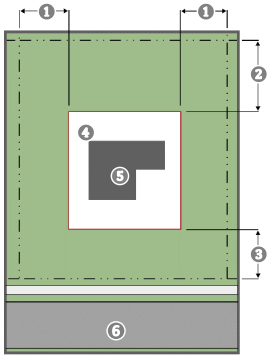
SUBSECTION 01.02: SITE PLANS

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 11, *Development Applications and Review Procedures*.

SUBSECTION 01.03: LOT CONFIGURATIONS

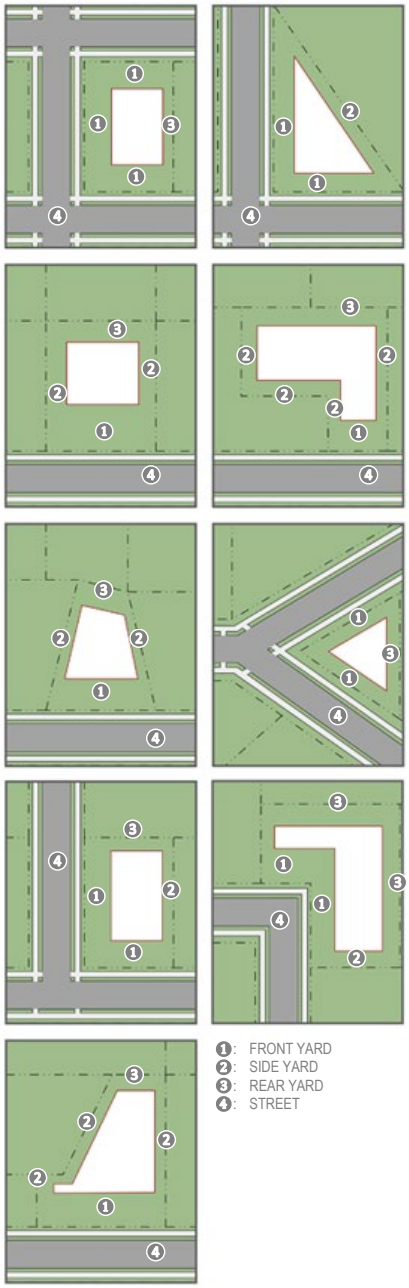
(A) *Lots with a Single Street Frontage*. Where lots have a single street frontage, the required setbacks should generally adhere to the following diagram:

FIGURE 1: LOT WITH A SINGLE STREET FRONTAGE



1: REQUIRED SIDE YARD SETBACK
2: REQUIRED REAR YARD SETBACK
3: REQUIRED FRONT YARD SETBACK
4: BUILDABLE AREA
5: BUILDING COVERAGE
6: STREET

FIGURE 2: LOT WITH MULTIPLE STREET FRONTAGE

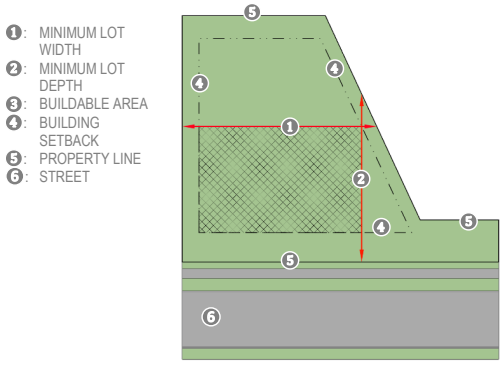


1: FRONT YARD
2: SIDE YARD
3: REAR YARD
4: STREET

(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:~~ *Figure 2*.

~~(B)~~(C) *Determining Lot Width and Depth for an Irregularly Shaped Lot*. To determine the minimum lot width and depth of an irregularly shaped lot or where a portion of the lot does not adhere to the required minimum lot width or depth, the follow method of calculation shall be use:

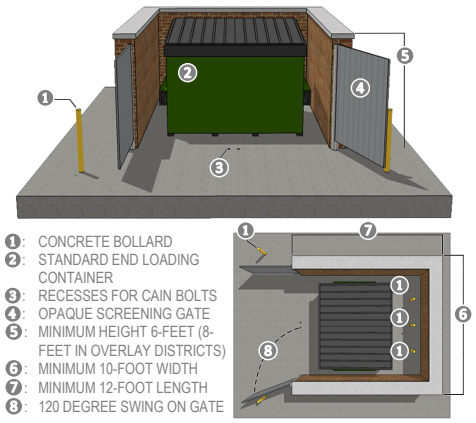
FIGURE 3: IRREGULARLY SHAPED LOT



SUBSECTION 01.04: 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.

FIGURE 3: STANDARD DUMPSTER ENCLOSURE



SUBSECTION 01.05: SCREENING STANDARDS

All development shall adhere to the following screening standards:

(A) *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 05.02, *Landscape Screening Standards*, of Article 08, *Landscape Standards*.

(B) *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.

(C) *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 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.

(D) *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.

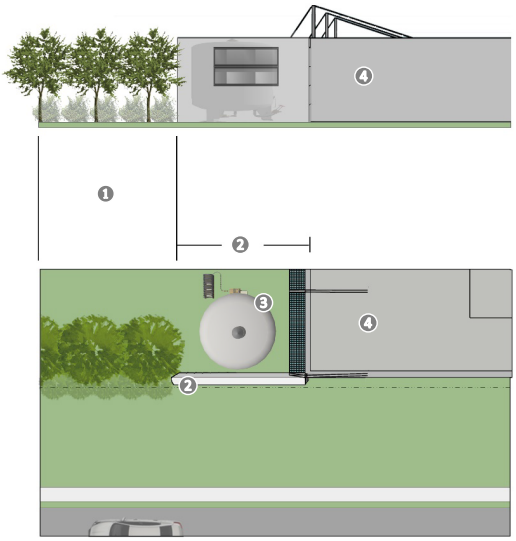
(E) *Outside Storage*. Outside storage of materials or vehicles shall be screened from all public streets, any residential zoning district or residentially used property, and parks and open space that abuts or is directly across a public street or alley from the subject property. The screening must be 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

Formatted: Indent: Left: 0.25", No bullets or numbering

Formatted: Normal

accordance with Subsection 05.02, *Landscape Screening Standards*, of Article 08, *Landscape Standards*.

FIGURE 4: ABOVE GROUND STORAGE TANKS



1: SECONDARY SCREENING CANOPY TREES (SPACED 20-FOOT ON CENTER) AND SHRUBS
2: SCREENING WALL
3: ABOVE GROUND STORAGE TANK
4: INDUSTRIAL BUILDING

SUBSECTION 01.06: RESIDENTIAL ADJACENCY STANDARDS

(A) *Purpose*. The general objectives of residential adjacency standards are to preserve and protect the integrity, enjoyment and property values of residential neighborhoods within the City of Rockwall, through the establishment of standards for certain nonresidential uses that may impact surrounding residential land uses. These standards are in addition to the development regulations applicable to the underlying zoning district. When any requirements in this section are in conflict with any other requirements for the underlying zoning district, the more restrictive requirements shall apply.

(B) *Definitions*.

Residential Adjacency. Any nonresidential building, use, or associated activity that when located in proximity to a residential district may result in detrimental impact to a residential property. Residential adjacency shall include the lot on which the nonresidential building, use, or associated activity is located. In cases where multiple uses are contained on the same lot, residential adjacency shall apply to the area within that lot which encompasses the building, use, or associated activity and all accessory buildings, uses, or areas necessary to support them.

Vehicular Service Bays. Any partially or fully enclosed space used for "major" or "minor" automobile repair, or truck and bus repair, or similar activities.

Individual Service Speakers. Speakers used to conduct business with individual customers outdoors or in a partially enclosed structure, including, but not limited to:

- Drive-through payment windows;
- Drive-through restaurant ordering boards;
- Service station pump islands; and
- Car washes.

Public Address/Paging Systems. Loud speaker or amplified paging systems intended to contact or provide information to person(s) on the exterior of a building such as those commonly used by businesses with large outdoor facilities/operations, including, but not limited to:

- New and used car dealers;
- Building material sales;
- Garden centers; and
- Car washes.

Small Engine Repair Shop. Shop for repair of lawnmowers, chain saws, lawn equipment, and other machines with one-cylinder engines.

Motorcycle. A usually two (2) wheeled self-propelled vehicle having one (1) or two (2) saddles or seats, and which may have a sidecar attached. For purposes of the Unified Development Code (UDC), motorbikes, motor scooters, mopeds, and similar vehicles are classified as motorcycles.

Motorcycle Sales and Service. The display, sale and servicing, including repair work of motorcycles.

(C) *Applicability*.

(1) The residential adjacency standards shall apply when a use is proposed for a nonresidential building or site that is adjacent to a residential district, and both of the following conditions apply:

(a) An existing or proposed building, structure, or device on the lot is within 150 feet of a residential district boundary, except if the activity proposes the use of public address/paging systems, in which case 500 feet shall be the effective distance; and

(b) One or more of the following uses are proposed:

(1) Planned shopping centers and neighborhood convenience centers.

(2) Restaurants, including accessory outdoor seating, with drive-in or drive-through facilities.

(3) Retail outlets where gasoline products are sold as an accessory use.

(4) Automotive repair, as an accessory to a retail use, provided all work is conducted wholly within a completely enclosed building.

(5) Gasoline service stations.

(6) Car wash.

(7) Drive-in businesses.

(8) New car dealership.

(9) Nursery, greenhouse, or garden center.

(10) Minor automotive repair.

(11) New boat dealership.

(12) Automotive vehicle sales and service.

(13) Automotive repair and other repair services, excluding wrecking yards.

(14) Lumberyards or contractor yards, general warehousing and storage, farm equipment or other heavy equipment sales and service, farm products, warehousing and storage, including mini-warehouses for storage purposes only.

(15) Small engine repair service.

(16) Motorcycle sales and service.

(2) Review of proposals for compliance with the residential adjacency standards will be carried out in conjunction with site plan review, depending on whether or not the actual use of the site is known.

(D) *Standards*.

(1) *Noise*.

(a) Any use containing individual service speakers shall not be permitted within 150 feet of any residential district unless the speaker is appropriately screened and shall meet the standards established in Article IV, *Noise*, of Chapter 16, *Environment*, of the Municipal Code of Ordinances. The Planning and Zoning Commission may require wing walls, landscape screens, changes in building orientation, and/or other design elements to screen and minimize the impact of individual service speakers.

(b) Any use containing public address/paging systems shall not be permitted within 500 feet of any residential district unless separated by an MD4 or larger thoroughfare.

(2) *Loading Spaces*.

(a) Where adjacent to residential districts, off-street loading areas shall be fully screened from view of the residential district.

(b) The director may require wing walls, landscape screens, changes in building orientation, and/or other architectural elements to minimize the impact of uses containing loading docks within 150 feet of any residential district.

(3) *Vehicular Service Bays*.

(a) All vehicular service bays within 150 feet of a residential district shall face away from adjacent residential districts unless separated by a building or permanent architectural feature of minimum height matching the height of the service bays.

(b) Walls separating service bays from a residential district shall be of masonry or reinforced concrete with no openings.

(c) The director may require wing walls, landscape screens, changes in building orientation, and/or other design elements to minimize the impact of service bays within 150 feet of a residential district.

(d) No use including outdoor vehicular repair, servicing or testing shall be permitted within 150 feet of a residential district.

(4) *Small Engine Repair Shops*. Small engine repair shops shall not be permitted within 150 feet of a residential district unless all repair, service, and testing activities are done in a fully enclosed building.

(5) *Motorcycle Sales/Service*. Motorcycle sales/service facilities shall not be permitted within 150 feet of a residential district unless all repair, service, and testing activities are done in a fully enclosed building.

(6) *Car Wash and Fuel Dispensing Facilities*.

(a) Car wash and fuel dispensing facilities shall not be permitted within 150 feet of a residential district.

(b) Where car wash and fuel dispensing facilities are within 300 feet but greater than 150 feet of a residential district, the Planning and Zoning Commission may require wing walls, landscape screens, and/or other design elements to screen and minimize the impact of such facilities.

(7) *Combination Gas Station, Fast Food Restaurant, and/or Convenience Store*.

(a) Combination gas station, fast food restaurant, convenience store shall not be permitted within 150 feet of a residential district.

(b) Where combination gas station, fast food restaurant, convenience stores are within 300 feet but greater than 150 feet of a residential district, the Planning and Zoning Commission may require wing walls, landscape screens, and/or other design elements to screen and minimize the impact of such facilities.

(8) *Signs*.

(a) No more than one (1) monument sign per street frontage with a maximum height of five (5) feet and a maximum area of 60 square feet shall be allowed.

(b) A business shall be allowed any number of attached walls, projection or marquee signs so long as the total face area of the building or store front does not exceed ten (10) percent of the front face area of the building or store front as established in approved plans submitted to the City, or 60 square feet, whichever is greater, or exceed six feet in height as per the sign ordinance.

(E) *Review*. The following information shall be submitted in order to facilitate the review:

(1) All information and procedures as required by site plan review in Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC).

(2) Location and description of existing and proposed exterior speaker systems to include information about the height, octave and decibel band ranges of each fixture.

(3) Information indicating the location and orientation of all off-street loading spaces.

(4) Information indicating the location and orientation of all vehicular service bays.

(5) Information indicating the location and description of existing and proposed screening between the proposed nonresidential use and the residential district.

SUBSECTION 01.07: 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.

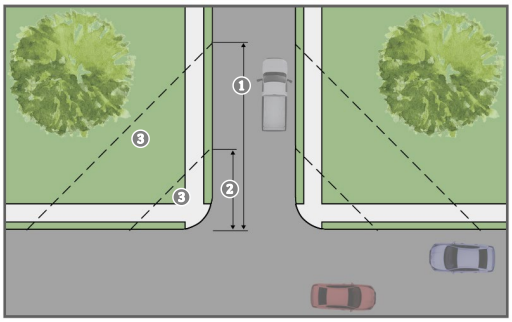
An open fire escape may project into a required yard by not more than half the width of the setback, but not more than four (4) feet from the building. Fire escapes, solid floored balconies and enclosed outside stairways may project into a rear yard by a maximum of four (4) feet.

(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.

SUBSECTION 01.08: 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.

FIGURE 5: SITE DISTANCE REQUIREMENTS



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

NOTES:

(1) THE TRIANGLE SHOULD BE MEASURED FROM THE EDGE OF THE STREET, AND PROJECTED AT A 45-DEGREE ANGLE TO THE ADJOINING STREET.

(2) THE UNOBSTRUCTED VERTICAL FIELD OF VISION SHOULD BE BETWEEN TWO (2) FEET AND NINE (9) FEET IN HEIGHT.

(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) curb lines 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.

SECTION 02 | AGRICULTURAL DISTRICTS

SUBSECTION 02.01: 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 01.01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within an Agricultural (AG) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SECTION 03 | RESIDENTIAL DISTRICTS

SUBSECTION 03.01: 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.

FIGURE 6: ANTI-MONOTONY 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 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 Figure 6 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 08, *Fence Standards*, of Article 08, *Landscape and Fence Standards*.

SUBSECTION 03.02: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family Estate 1.5 (SFE-1.5) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.03: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family Estate 2.0 (SFE-2.0) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.04: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family Estate 4.0 (SFE-4.0) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.05: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 1 (SF-1) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.06: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 16 (SF-16) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.07: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 10 (SF-10) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.08: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 8.4 (SF-8.4) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.09: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 7 (SF-7) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.10: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Zero Lot Line (ZL-5) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.11: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Two-Family (2F) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.12: 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 01, *Land Use Schedule*, of Article 04, *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 04 | COMMERCIAL DISTRICTS

SUBSECTION 04.01: 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 07.03, *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 standards for articulation on primary building façades as depicted in *Figure 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 standards for articulation on secondary building façades as depicted in *Figure 7*.

(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 criterion 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 08, *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.

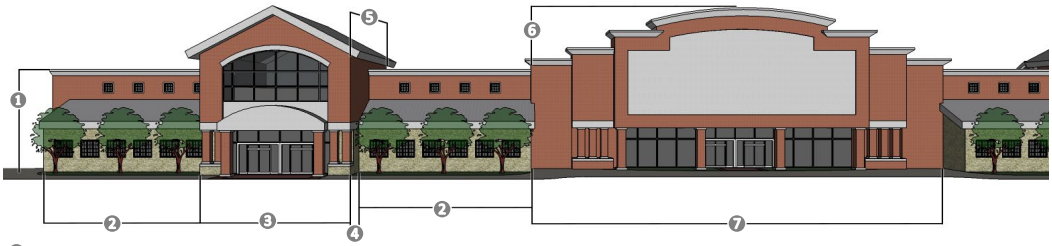
(b) Buildings should be placed in a manner that screens the drive-through lane and creates pedestrian pathways and spaces.

(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.

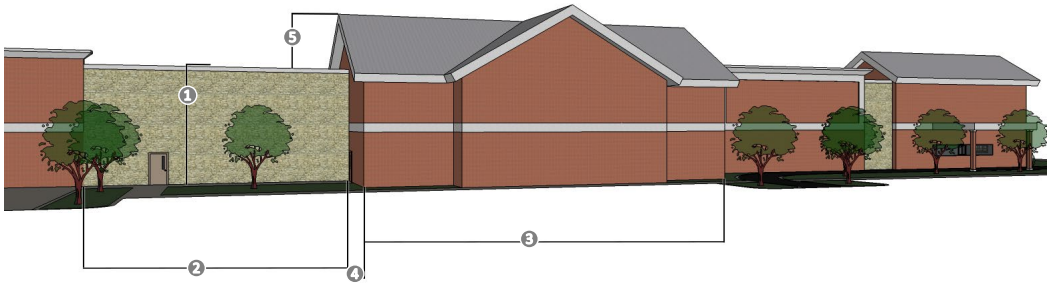
(4) *Residential Adjacency Standards*. Where the property immediately abuts a residential zoning district or residentially used property -- unless separated by an M4D (major collector, four [4] lane, divided roadway) or larger thoroughfare -- a minimum 25-foot wide landscaped buffer must be installed 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*, of Article 08, *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*, of Article 08, *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

FIGURE 7: COMMERCIAL BUILDING ARTICULATION STANDARDS



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 THREE (3) TIMES THE WALL HEIGHT (I.E. 3 x ❶≥❷).
❸: *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% x ❷≤❸).
❹: *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% x ❶≤❹).
❺: *PRIMARY AND/OR SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL WIDTH OF THE PRIMARY AND/OR SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL EXTEND TWICE THE REQUIRED WALL PROJECTION (I.E. 2 x ❹≥❺).
❻: *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% x ❶≤❻).
❼: *PRIMARY ENTRYWAY/ARCHITECTURAL ELEMENT LENGTH*. THE PRIMARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL MEET ALL OF THE SAME PROJECTIONS AS THE SECONDARY ENTRYWAYS/ARCHITECTURAL ELEMENT, BUT SHALL EXTEND A MINIMUM OF TWICE THE LENGTH OF THE SECONDARY ELEMENT (I.E..2 x ❸≥❼).



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 THREE (3) TIMES THE WALL HEIGHT (I.E. 3 x ❶≥❷).
❸: *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% x ❷≤❸).
❹: *SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL PROJECTION FOR A SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 15% OF THE WALL HIEGHT (I.E. 15% x ❶≤❹).
❺: 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% x ❶≤❺).

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.

(F) *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 11, *Development Applications and Review Procedures*.

SUBSECTION 04.02: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Residential-Office (RO) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *Non-Residential District Development Standards*.

SUBSECTION 04.03: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Neighborhood Services (NS) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *Non-Residential District Development Standards*.

SUBSECTION 04.04: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a General Retail (GR) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *Non-Residential District Development Standards*.

SUBSECTION 04.05: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Commercial (C) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *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 01, *Land Use Schedule*, of Article 04, *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 04.06: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Commercial (C) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *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 01.05, *Screening Standards*.

SUBSECTION 04.07: DOWNTOWN (DT) DISTRICT

(A) *Purpose, Goals and Intent*.

(1) *Purpose*. The purpose of the Downtown District is to implement the adopted recommendations of the comprehensive plan and Downtown Plan by encouraging new development and redevelopment in the Downtown area.

The goals of this zoning district are:

(a) To make the downtown area a sustainable "Great Place" within the region that will attract high quality investment and reinvestment over time.

(b) To capitalize on the existing historic character of the downtown and provide Rockwall with a thriving downtown center.

(c) To provide development and land use flexibility within the framework of a form-based development zoning district.

(d) To provide a mix of residential, retail and office uses in a pedestrian-friendly environment.

The intent of this zoning district is:

(a) To provide a comfortable and attractive environment for pedestrians which include such things as buildings framing public space, street trees, lighting and awnings that will attract pedestrians.

(b) To construct continuous building frontage along block faces except where it is desirable to provide for pedestrian and auto pass-throughs to parking at mid-block.

(c) To provide shared and consolidated parking both on-street and in the center of blocks that will benefit the entire district.

(d) To contribute to the definition and use of public sidewalks, parks and plazas.

(e) To design and build an infrastructure of buildings to accommodate a range of uses over time without the need to destroy older buildings and rebuild them for each successive use.

(f) To design streets and buildings which will contribute to creating a safe environment.

(B) *Definitions*.

(1) *Purpose.* For the purposes of this section, the following definitions shall apply.

(a) *Primary Building Facade*. Any facade that faces a public street or open space.

(b) *Downtown District Engineering and Landscape Standards*. Any approved city standards which govern such items as street, streetscape, drainage, signage and other public improvements in the Downtown (DT) District.

(c) *Primary Entry*. The main entry to a building on a block face. There must be at least one (1) main building entry for each ground floor use, tenant or lobby on each block face which contains the use or tenant. Any additional building entries may be considered a secondary entry.

(d) *Feature Buildings*. Buildings which are located on axis with a terminating street or open space, or at the intersection of streets. Such buildings shall incorporate architectural features which address height and articulation that emphasize the importance of such a location.

(e) *Historic Core*. See the regulating plan for historic core boundaries which is on file in the City secretary's office.

(f) *Long-Term Parking*. Customer or tenant parking which is intended for the primary use of vehicles parked for a duration of more than two hours and neither priced nor managed to encourage turnover.

(g) *Reserved Parking*. Parking which is assigned or reserved for tenants or visitors of a building or business.

(h) *Shared Parking*. Parking which is shared by tenants, visitors and the public. Hours of availability may be further defined in cooperation with the City.

(i) *Short-Term Parking*. Customer or tenant parking which is intended to serve commercial businesses or residential uses that has a regular turnover of two hours or less.

(j) *Regulating Plan*. The plan approved by the City which applies the Downtown District and which identifies certain subdistricts and the location of required retail at grade, among other items.

(k) *Stoop*. A structure that is located approximately at the level of the first floor of the structure and intended to provide access to a residential unit.

(l) *Story*. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above the floor of such story. This includes any mezzanine or loft which may comprise only a portion of a full floor plate.

(m) *Major Waiver to Design Standards*. A significant change to both the standards and intent of this zoning district, and involves Planning and Zoning Commission and City Council approval.

(n) *Minor Waiver to Design Standards*. A minor change to the standards, but not the intent, of this zoning district and involves staff approval.

(C) *General District Standards*.

(1) *Regulating Plan.*

(a) *Authority.* A regulating plan is the coding key for application of this district's provisions to properties, and shall be considered part of this zoning district. It may establish such things as:

(1) Major street types within the district;

(a) Sub-district areas;

(b) Required at-grade retail construction;

(c) Public open space and plazas; and

(d) Regional hike and bike corridors.

(b) *Zoning of Property*.

(1) *Downtown Development Plan Required.* An approved downtown development plan which is consistent with this Unified Development Code (UDC) and the regulating plan shall be required prior to issuance of any building permit.

(2) *Nonconformity.* Uses which are legal and conforming at the time of rezoning to the Downtown District shall continue as legal conforming uses under their current standards until those uses are deemed abandoned. For example:

(a) They have been replaced with a conforming use;

(b) Such building or structure is or hereafter becomes vacant and remains unoccupied or out of use for a continuous period of six months, or the special equipment and furnishings peculiar to the non-conforming use have been removed from the premises and have not been replaced within such six-month period; or

(c) The intention of the owner to permanently discontinue the use is apparent.

(2) *Waivers of Design Standards.* In order to provide flexibility and create high quality projects, standards in the Downtown District may receive a waiver from City staff, the Planning and Zoning Commission, and/or the City Council. (*See subsection VIII.B, Waivers, below, for applicability, processes and procedures.*)

(a) Minor waivers are limited to the following:

(1) Depth or height of required retail space.

(2) Requirement to line a parking garage with buildings.

(3) Requirement for continuous building frontage.

(4) Establishment of build-to line.

(5) Encroachment into the build-to line.

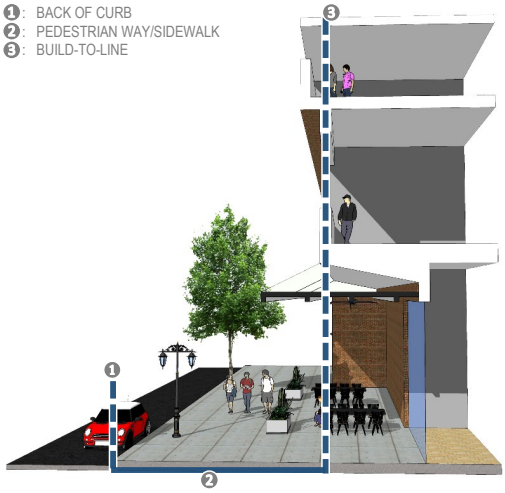
(6) Residential landscape requirement.

(7) Increased building height for "feature" buildings.

(8) Design of buildings without tri-partite architecture.

FIGURE 8: EXAMPLE OF A BUILD-TO-LINE

❶: BACK OF CURB
❷: PEDESTRIAN WAY/SIDEWALK
❸: BUILD-TO-LINE



(9) Required frequency of building entries along a street edge.

(10) Window detailing.

(11) Exterior building materials.

(12) Exterior building color.

(13) Retail at grade design standards.

(14) Balcony and patio railing.

(15) Landscape standards.

(16) Location of bicycle parking.

(b) Major waivers may include, but are not limited to, the following:

(1) Required retail construction.

(2) Building height for non-feature buildings.

(3) Exceeding the maximum leasable retail area.

(4) Required setback of the fourth floor and above.

(5) Residential at grade design standards.

(6) Parking requirements.

(7) Parking garage design standards.

(3) *Function/Land Use.*

(a) *Land Use*.

(1) Retail, personal service, residential and office uses shall be allowed throughout the district. For a specific list of permitted uses, see Article 04, *Permissible Uses*, of the Unified Development Code (UDC).

(2) Where *Required Retail Construction* is designated on the regulating plan, the ground floor adjacent to the street shall be constructed to retail building standards for a depth of at least 50-feet, however, a smaller depth may be allowed if the retail is serving as a *liner* use which is masking a parking garage by minor waiver.

(3) All access drives shall require a minor waiver.

(4) *Block Face.* It is intended that building walls should be continuous along block faces to create a strong edge to the street and contribute to creating an attractive and active pedestrian environment. Contributing to that goal, however, is to allow some limited variation and opportunities for outside dining, pocket parks and special building entry features.

(a) *Block Length*. The length of new blocks should not be less than 200-feet, nor more than 600-feet.

(b) *Block Faces*. Block faces shall contain continuous building frontage with the exception of a mid-block access to parking which is no greater than 34-feet in width and 16-feet in height.

(c) *Continuous Building Frontage* will be considered to be met if the primary building facade is located within five feet of the build-to line requirement. However, administrative approval of a minor waiver will permit up to 15% of the building frontage to be up to 15 feet behind the build-to line provided that it results in an attractive outdoor dining area, building entry feature or other amenity which contributes to the streetscape. A greater increase shall require approval of a major waiver.

(d) *Façades*. Façades shall generally be built parallel to the street frontage, except at street intersections, where a corner facade containing a primary building entrance may be curved or angled toward an intersection.

(e) *Build-To-Lines (i.e. Setbacks)*.

(1) Build-to lines shall be measured from the planned street back-of-curb, as established on the approved regulating plan for the district and the standards in the Unified Development Code (UDC) [*see Table 1, 2 & 3 for Downtown District Standards below*], or the City's approved Master Thoroughfare Plan. The entire area between the back-of-curb and the primary building facade shall be dedicated as public right-of-way or have a public easement placed upon it.

(2) Awnings may encroach above the public sidewalk without limit, provided they leave a minimum clearance of 7.5-feet above the sidewalk, and are set back a minimum of 18-inches from the back of curb and will not impede street tree growth.

(5) *Streetscape and Landscape*.

(a) Streetscape standards shall be established by the City for sidewalk paving, street trees, tree grates, lighting fixtures, trash receptacles and benches for both residential and nonresidential ground-level frontages.

(b) Non-residential ground floor frontages shall not be required to provide additional landscaping beyond that required in the Downtown District engineering and landscape standards.

(c) Residential ground floor frontages shall be required to landscape a minimum of five feet between the edge of sidewalk and the primary building facade, excluding access to sidewalks, stairs, stoops, porches and patios. This area may be landscaped with ground cover, low shrubs, ornamental trees and street trees. In addition, street tree wells may also be landscaped. Landscaping for tree wells is limited to ground cover and low shrubs.

TABLE 1: DOWNTOWN DISTRICT STANDARDS FOR BUILDING HEIGHT

BUILDING HEIGHT [(1) & (3)]	BLOCKS FACING THE SQUARE	BLOCKS FACING SINGLE-FAMILY ZONING	ALL OTHER BLOCKS
MAXIMUM # OF STORIES	4	2 [(1)]	4
MINIMUM # OF STORIES	2	2	2

TABLE 2: DOWNTOWN DISTRICT STANDARDS FOR BUILD-TO-LINE

BUILD-TO LINE [(2)]	BLOCKS FACING THE SQUARE	BLOCKS FACING SINGLE-FAMILY ZONING	ALL OTHER BLOCKS
GOLIAD STREET AND ALAMO STREET [(4)]	20-Feet	20-Feet	18-Feet
RUSK, WASHINGTON AND DENNISON [(5)]	20-Feet	20-Feet	24-Feet
ALL OTHER ROADS	18-Feet	18-Feet	18-Feet

TABLE 3: DOWNTOWN DISTRICT STANDARDS FOR PEDESTRIAN ACCESS

PEDESTRIAN WALKWAY WIDTH	BLOCKS FACING THE SQUARE	BLOCKS FACING SINGLE-FAMILY ZONING	ALL OTHER BLOCKS
NON-RESIDENTIAL	10-Feet	10-Feet	10-Feet [(5)]
RESIDENTIAL [(6)]	6-Feet	6-Feet	6-Feet

NOTES:

(1): MAXIMUM OF TWO (2) STORIES WHEN THE BUILDING IS WITHIN 200-FEET OF SINGLE-FAMILY ZONED PROPERTY.

(2): BUILD-TO-LINES ARE MEASURED FROM THE *BACK OF CURB* OF THE PLANNED STREET AS SET OUT IN THE APPROVED REGULATING PLAN FOR THE DISTRICT. THE SETBACK RANGE IS ESTABLISHED FOR THE BLOCK FACE. [SEE SUBSECTION 04.07(C)(4), *BLOCK FACE*].

(3): INCREASED HEIGHT FOR FEATURE BUILDINGS MAY BE APPROVED AS PART OF SITE PLAN APPROVAL BY MINOR WAIVER. ADDITIONAL HEIGHT FOR OTHER BUILDINGS SHALL BE CONSIDERED A MAJOR WAIVER.

(4): EXCEPT ALONG GOLIAD STREET BETWEEN WASHINGTON STREET AND KAUFMAN STREET, WHERE EXISTING BUILDING LINES WILL BE ENFORCED.

(5): SIDEWALK TABLES MAY BE ALLOWED BY THE CITY IN RETAIL AREAS.

(6): EXCEPT RUSK STREET BETWEEN ST. AUGUSTINE STREET AND ALAMO STREET WHERE EXISTING HISTORIC BUILDING LINES WILL BE ENFORCED.

(D) *Buildings.*

(1) *Intent*. It is the intent of this zoning district to create an attractive and active village style district and the size, disposition, function, and design of buildings, play an important role in achieving that goal.

(a) Buildings should directly contribute to the attractiveness, safety and function of the street and other public areas.

(b) Buildings that accommodate retail at grade should feature the retail activity over the building's architecture.

(c) Buildings should be constructed in a manner, and with materials, that are highly durable and will continue to endure and be attractive over a long time, especially adjacent to public and pedestrian areas.

(d) It is intended by this zoning district to encourage a variety of building and design solutions in response to the standards and regulations outlined herein.

(2) *Building Standards.*

(a) *Building Form.*

(1) The maximum retail area allowed for a single user shall be 40,000 square feet. Any lease which exceeds this size shall require approval of a major waiver.

(2) All buildings shall be designed and constructed in tri-partite architecture so that they have a distinct base, middle and top.

(3) Buildings which are located on axis with a terminating street or at the intersection of streets shall be considered a feature building. Such buildings shall be designed with features which take advantage of that location, such as an accentuated entry and a unique building articulation which is off-set from the front wall planes and goes above the main building eave or parapet line.

(b) *Architectural Features.*

(1) Buildings which are greater than three (3) stories in height must be set back at the fourth floor at least eight feet behind the building face of the first three floors along street frontages. Any change to this standard shall be considered a major waiver.

(2) Windows shall have at least a four (4) inch reveal and except for retail at grade, shall be vertical in proportion.

(3) No glass curtain wall shall be permitted except by approval of major waiver.

(4) Each building and separate lease space at grade along the street edge shall have a functioning primary entry from the sidewalk. Such entries must be inset from the front building plane by at least five feet. Secondary entries may be set back as little as three (3) feet. Functioning entries must be located no greater than 30-feet apart. Corner entries may count as a primary entry for both intersecting street frontages.

(5) Architectural elements of the primary building facade may encroach beyond the build-to line by up to five feet provided that pedestrian flow will not be significantly impeded, with a minor waiver. These elements may include stoops, porches, bay windows, eaves, planters and light wells for a below grade floor. Balconies, canopies and awnings are not limited in their encroachment, provided that they do not substantially interfere with pedestrian movement and street tree growth. This does not apply to the historic core.

FIGURE 9: EXAMPLE OF TRI-PARTITE ARCHITECTURE

❶: TOP; ❷: MIDDLE; ❸: BASE

(c) *External Facade Materials*. The following shall apply to all exterior walls of buildings and parking structures which are clearly visible from a public street, walkway or open space:

FIGURE 10: 4TH FLOOR SETBACK REQUIREMENT

(1) Ground floor exterior walls, excluding windows, doors, and other openings, shall be constructed of 100% brick, natural or cast stone on the exterior facade.

(2) Overall, a minimum of 85% of exterior walls which face on a street right-of-way, plaza or open space, excluding windows, doors, and other openings, shall be constructed of brick, natural or cast stone. Where such a wall turns a corner, the surface materials shall continue around the corner a minimum of eight feet.

(3) The remainder may be constructed of noncombustible materials including exterior stucco and class PB exterior insulating and finishing systems (EIFS). Stucco and EIFS shall be used only for walls, architectural features, and embellishments not subject to pedestrian contact. On wholly residential structures, cementitious fiberboard may be used for up to ten (10) percent of the facade provided it is above the ground floor.

(4) Unpainted metal, or metal subject to ordinary rusting shall not be used as a building material. Factory finished metal elements as well as metals that develop an attractive oxidized finish, such as copper, galvanized metal, stainless steel or weathering steel, may be used as architectural accents by minor waiver approval.

(5) Windows and glazing shall be a minimum of 30% up to a maximum of 70% of each building elevation. [*See Subsection (D)(2)(f), Non-Residential at Grade, below for special requirements for retail at grade*].

(6) A variation of up to 15% of the standards above, and the material type may be approved by administrative approval of a minor waiver, provided that the change will result in an improved architectural design without degrading the quality of public areas or increasing the need for maintenance.

(d) *Color.*

(1) The dominant color of all buildings (including above grade parking structures shall be muted shades of warm gray, red, green, beige and/or brown. Black, gold and stark white shall not be used except as an accent color. There are no restrictions on accent colors which comprise less than one (1) percent of the building face, except that florescent colors are prohibited.

(2) Roof colors shall be a shade of cool gray, warm gray, brown or red.

(e) *Residential at Grade.*

(1) All buildings which are constructed for residential units at grade shall include a primary front door entrance into the unit which may be accessed from the sidewalk. Any change to this standard shall be considered a major waiver.

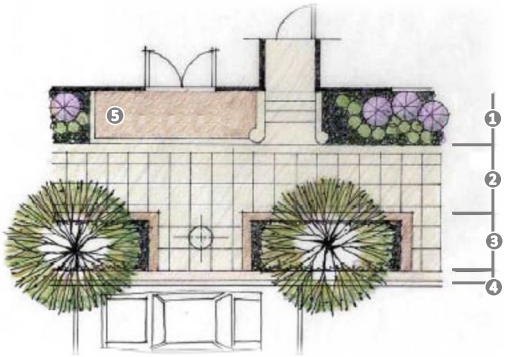
(2) The entry shall be located a minimum of two (2) feet above the sidewalk elevation and include a minimum 24-square-foot stoop. Any change to this standard shall be considered a major waiver.

(3) Units must also include windows which provide residents a view of the street and sidewalk area. Any change to this standard shall be considered a major waiver.

(4) Lobbies to upper stories may be located at grade level.

(5) Balcony and patio railings and fences shall be constructed of wrought iron or metal. Wood fences and railings and chain-link fencing are prohibited. Masonry columns may be used on patios provided that they are used as accents.

FIGURE 11: EXAMPLE OF RESIDENTIAL AT GRADE



❶: RESIDENTIAL LANDSCAPE/PATIO SETBACK;
❷: CLEAR SIDEWALK
❸: TREE, LIGHTING AND BIKE RACK ZONE
❹: ONE (1) FOOT DISMOUNT STRIP
❺: ELEVATED PRIVATE PATIO

(f) *Non-Residential at Grade.*

(1) The ground floor entry must be located at the approximate elevation of the adjacent sidewalk.

(2) Retail uses adjacent to the sidewalk at grade shall:

(a) Be constructed to meet fire code separation from any other uses constructed above;

(b) Have a minimum clear height of 16-feet between finished floor and the bottom of the structure above. Mezzanines within the retail space shall be allowed per building code;

(c) Have a canopy which extends at least six feet over the sidewalk for at least 75% of the frontage on any portion of a building located on the north, east or west side of a street and public sidewalk; and

(d) Have clear glass windows for at least 60%, but no greater than 80%, of the ground floor facade.

(e) No outdoor storage is permitted. Outdoor retail display or sales shall require a permit from the City.

FIGURE 12: EXAMPLE OF NON-RESIDENTIAL AT GRADE

❶: SIDEWALK WITH POSSIBLE OUTDOOR SEATING AND DINING
❷: TREE, LIGHTING AND BIKE RACK ZONE
❸: ONE (1) FOOT DISMOUNT STRIP

(D) Parking.

(1) *Automobile Parking.*

(a) *Intent*. The following is the intent of the City's parking policies and the Downtown Zoning District:

(1) Support the creation of shared parking in order to enable visitors to park once at a convenient location and to access a variety of commercial enterprises in a pedestrian-friendly environment.

(2) Manage parking so that it is convenient and efficient, and supports an active and vibrant retail environment.

(3) Ensure visibility and ease of access to parking.

(4) Maximize on-street parking.

(5) Provide flexibility for changes in land uses which have different parking requirements within the district.

(6) Provide flexibility for the redevelopment of small sites.

(7) Design parking structures so that they do not dominate the public environment by lining the edge of structures with residential or commercial uses.

(8) Avoid diffused, inefficient single-purpose reserved parking.

(9) Avoid adverse parking impacts on residential neighborhoods.

(b) *Parking Requirements*. Off-street and on-street facilities shall be provided as required in Article 06, *Parking and Loading*, of the Unified Development Code (UDC).

(1) *Parking Reductions*.

(a) Properties in the historic core shall receive a credit for the number of parking spaces which would normally be required for retail use on the ground floor of any existing or new structure. To achieve this credit, however, retail or restaurant use must be located on the ground floor.

(b) In the remainder of the district, on-street parking which is directly in front of the development site may be counted toward the parking requirement for the development.

(2) *Achieving Automobile Parking*.

(a) Parking requirements may be met on-site, curb-side, by lease from the City or its designated authority or by payment of cash-in-lieu of parking to the City or its designated authority.

(b) Due to the limited land area within the historic core and the need to provide off-site parking, development shall be eligible to receive a reduction in the cost for the payment to the City for the required cash fee or the lease payments. The amount and the terms of the reduction shall be determined by the City manager or his designee by individual agreements.

(c) The City manager or designee shall annually establish the following:

(1) The leasing rates for city-provided parking spaces as a result of the need to provide such spaces for new development; and

(2) The cost of construction of a parking space in a parking structure for the purposes of establishing cash-in-lieu payments.

(3) *Parking Location*. All off-street parking shall be located behind buildings which face on a street or public open space. Any change to this standard shall be considered a major waiver.

(4) *At-Grade Parking*. Any at-grade parking lots fronting roadways which may be approved shall be set back not less than ten feet from the right-of-way line of such roadways, and screened from view as outlined in Subsection (F), *Landscaping Requirements*.

(5) *Parking Garages*. Parking garages that have frontage on public streets shall comply with all setback and build-to standards as established in *Tables 1, 2 & 3, Downtown District Standards*, and Subsection (D)(2)(c), *External Facade Materials*. However:

(a) Parking garages which are adjacent to a street shall be set back a minimum of 50-feet and lined with buildings containing any permitted use but parking.

(b) All parking garages shall be constructed with flat parking decks for ease in re-use of all or portions of the structure when parking demand wanes, unless otherwise approved by major waiver.

(c) Off-street below grade parking is permitted to the lot lines, but must be designed to allow for utilities and planting of landscape as defined in Subsection (F), *Landscaping Requirements*.

(6) Shared Parking.

(a) Uses may join in establishing shared parking areas if it can be demonstrated that the parking for two (2) or more specific uses occurs at alternating time periods. Required parking shall be determined based on parking demand for the peak parking period, as determined by a parking analysis study approved by the Director of Planning and Zoning.

(b) Shared parking shall be clearly designated with signs and markings.

(2) *Bicycle Parking*.

(a) *Goals*. Bicycle parking is required in order to encourage the use of bicycles by providing safe and convenient places to park bicycles.

(b) Required bicycle parking. Bicycle parking shall be provided based on at least one (1) space for each ten automobile parking spaces required as part of the base parking requirements above.

(c) *Bicycle Parking Standards*.

(1) *Location*.

(a) Required bicycle parking must be located within 50 feet of an entrance to the building. With approval of a minor waiver, bicycle parking may be located in the public right-of-way.

(b) Bicycle parking may be provided within a building, but the location must be easily accessible to bicycles.

(2) *Covered Spaces*. If covered spaces for motor vehicles are provided on-site, then 50% of the bicycle parking shall also be covered, unless otherwise approved by minor waiver.

(3) *Signs*. If the bicycle parking is not visible from the street, then a sign must be posted indicating the location of the bicycle parking facilities.

(4) *Rack Types and Required Areas*. Bicycle racks and the area required for parking and maneuvering must meet the Downtown District engineering and landscape standards or be approved by minor waiver

(see below). Bicycle lockers may also be allowed as part of meeting the bicycle parking requirement, but must be approved as to type and location.

(d) *Standards for Bicycle Rack Types and Dimensions*.

(1) *Rack Type*.

(a) Bicycle rack types and standards shall be approved by the City.

(b) *Parking Space Dimensions*.

(1) Bicycle parking spaces must be at least six feet long and two feet wide, and in covered situations, the overhead clearance must be at least seven feet.

(2) An aisle for bicycle maneuvering must be provided and maintained beside or between each row of bicycle parking. This aisle must be at least five feet wide.

(3) Each required bicycle parking space must be accessible without moving another bicycle.

(4) Areas set aside for bicycle parking must be clearly marked and reserved for bicycle parking only.

(E) *Streetscape, Lighting and Mechanical*.

(1) *Intent*.

(a) It is the intent of this zoning district to provide a level and consistency of lighting that supports pedestrian activity and promotes safety.

(b) The entire district shall utilize the basic fixtures and furnishings in the public areas as may be approved by the City for this district.

(c) Mechanical equipment shall not be clearly visible from the street or other public area.

(2) *Standards*.

(a) For streetscape and lighting specifications, see the Subsection (H), *Downtown District Engineering and Landscape Standards*.

(b) Lighting elements shall be incandescent, metal Halide, or halogen only. No HID or fluorescent lights (*except fluorescent bulbs that screw into standard socket fixtures*) may be used on the exterior of buildings.

(c) All lighting shall be focused downward or narrowly focused on its intended target such as signing, parking and pedestrian walkways. No lighting source from a commercial activity shall be visible by a residential unit.

(d) Mechanical and electrical equipment, transformers, meters, garbage containers and loading areas shall be located and screened so that they are not visible from the street or other public area.

(1) Mechanical equipment shall be screened from view from all public roadways and located to minimize noise intrusion to adjacent properties. The required screening must be composed of the same exterior materials as the buildings on the lot, or through the use of masonry walls, ornamental fence (80% opaque), evergreen landscape material, or combination thereof.

(2) All roof-mounted mechanical elements must be screened from view from the public right-of-way and neighboring properties. Screening must be architecturally compatible with the building design.

(3) Loading, service and trash storage areas shall be screened from all public roadways. Refuse containers must be placed on a designed, reinforced concrete pad and approach. The required screening must be composed of the same exterior materials as the buildings on the lot, or through the use of masonry walls, ornamental fence (80% opaque), evergreen landscape material, or combination thereof.

(e) Any bicycle parking in the public right-of-way shall be located within the band created by street trees and pedestrian street lights; however, it must be placed in a manner that avoids conflicts with pedestrian and vehicular paths.

(F) *Landscape Requirements*. Landscaping within the Downtown District shall comply with the provisions in this subsection, the City's streetscape standards and the standards contained in Article 08, *Landscaping and Fence Standards*, of this Unified Development Code (UDC). Where conflicts exist between this district and Article 08, *Landscaping and Fence Standards*, of this Unified Development Code (UDC), the requirements in this district shall be applied.

(1) *Street Trees*. Street trees shall be large shade tree species having a minimum caliper of four inches, selected in accordance with the City's landscape standards. Street trees shall be planted at least 20-feet on center.

(2) *Plant Material*. Front yards shall be landscaped adjacent to residential at grade per the diagram in Subsection (D)(2)(e), *Residential at Grade*, above. Plant materials shall consist of shade trees, ornamental trees, shrubs, evergreen ground covers, vines, and seasonal color.

Formatted: Font: Italic, Underline

(3) *Paving Material*.

(a) Paving material shall be warm toned, natural materials such as brick, stone and concrete. Asphalt may be approved as part of a minor waiver.

(b) Gravel as a paving material is prohibited.

(4) *Parking Lot Landscape.*

(a) Landscaping of the internal surface parking area shall not be required unless it is planned to serve as long-term parking. In which case, such long-term surface parking areas shall meet the requirements of Subsection (F), *Landscaping Requirements*. For the purpose of this subsection, long-term parking shall be determined by the

Director of Planning and Zoning, and may include parking which has a likelihood of being in place for a period of ten years or more.

(b) Surface parking lots shall be screened from all adjacent public streets and neighboring sites. The screen must extend along all edges of the parking lot and must be three feet in height, 80% opaque, and may be accomplished through the use of masonry walls, ornamental metal, evergreen plant materials, or a combination thereof. Planting beds for screen planting shall be a minimum of three feet in width.

(c) Interior parking lot landscape shall be consistent with Article 08, *Landscape Standards*, of the Unified Development Code (UDC).

(d) Parking spaces shall not exceed ten spaces in a row without being interrupted by a landscaped island (nine [9] foot minimum). Islands shall be planted with a minimum of one (1) shade tree for every ten (10) cars.

(G) *Administration*.

(1) *Intent*. It is the intent that a developer or builder who wishes to develop under this zoning district will be processed in an expedited manner with administrative approvals, and may in fact qualify for incentives under other separate city programs. However, if there are substantial major waivers requested, additional approvals shall be required which may delay development progress.

(2) *Waivers of Design Standards*.

(a) For the purposes of this district, there shall be two types of waivers of design standards: minor and major. Requests for waivers shall not be subject to review or decision by the zoning board of adjustment. A waiver request may only be made in conjunction with an application for a downtown development plan.

(b) *Minor Waivers* are those changes to design standards in the Downtown District identified in Subsection (C)(2), Waivers of Design Standards, may be approved administratively by the Director of Planning and Zoning or his designee in conjunction with a decision on an application for approval of a downtown development plan. All minor waivers must meet the full intent of this zoning district as stated in section I. Appeals to decisions concerning minor waivers may be made to the Planning and Zoning Commission.

(c) *Major Waivers* are major changes to the design standards in the Downtown District. Major waivers may only be approved by the City Council, following a recommendation by the Planning and Zoning Commission, in conjunction with a decision on an application for approval of a downtown development plan. Examples of major waivers are listed in Subsection III.B above; however, the City Council reserves the right to grant a major waiver to any standard not specifically designated as a minor waiver contained in this Article pending the City Council finds that the waiver:

(1) Meets the general intent of this district in which the property is located;

(2) Will result in an improved project which will be an attractive contribution to the district; and

(3) Will not prevent the realization of the intent of this district.

(d) The City may impose conditions on granting any waiver to mitigate negative impacts neighboring properties or public streets or open space.

(3) *Downtown Development Plan Approval.*

(a) Prior to obtaining a building permit, a downtown development plan must be approved by the Director of Planning and Zoning or his designee, to certify that it meets the purpose, intent and standards contained in this zoning district.

(b) Downtown development plans must include the following information:

- Site Plan
- Building Elevations and Sections
- Building Function/Proposed Use
- Parking Standards Being Met
- Landscape Plan
- Any Waivers being Requested

(c) Applications for downtown development plan approval shall be reviewed within 30-days of being formally accepted by the City. At such time, the approval, approval with conditions or denial shall be forwarded to the applicant. However, applications including a request for a major waiver shall be scheduled for Planning and Zoning Commission and City Council action.

(d) Denial of a downtown development plan may be appealed to the Planning and Zoning Commission and City Council within 30-days of notification of such denial

(4) *Lapse of Approval*. If a building permit has not been obtained within two years following approval of the downtown development plan, such plan shall lapse unless the property owner requests an extension prior to the expiration of the two-year period. The request for an extension shall be considered by the planning director, or he may at his discretion refer the decision to the Planning and Zoning Commission and City Council in the same manner as for approval of the downtown development plan. The Director of Planning and Zoning (or the City Council, upon recommendation by the commission) may grant an extension of the time for expiration of the downtown development plan for a period not to exceed one (1) year from the date of initial approval of the application. Every request for an extension shall include a statement of the reasons why the expiration date should be extended. The decision-maker may grant a request for extension upon demonstration that circumstances beyond the control of the applicant have resulted in the applicant's inability to perform the tasks necessary to prevent the downtown development plan from expiring before the lapse date. The commission or the City

Council also may terminate the downtown development plan or may attach additional conditions to the extension of the plan.

(5) *Platting in the Downtown District*. Plats in the Downtown District shall ensure public access easements over sidewalk areas and shared drive access.

(H) *Downtown District Engineering and Landscape Standards*.

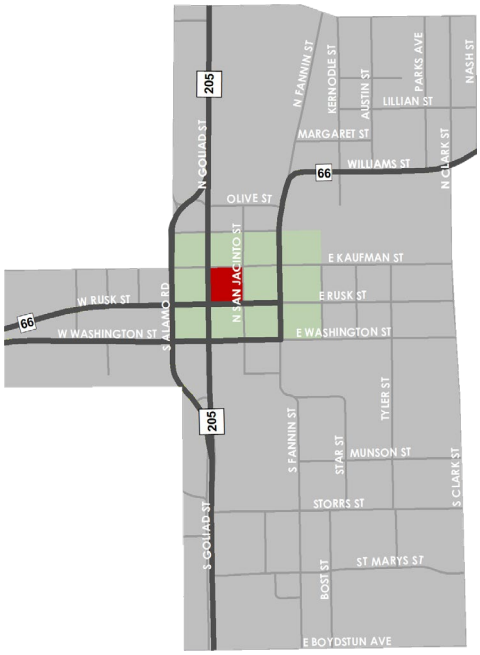
(1) *Downtown Plan*. The Downtown District Engineering and Landscape Standards shall be in accordance with the approved Rockwall Downtown Plan.

(2) *Street Trees*.

(a) Trees which may be planted adjacent to sidewalks, alleys and streets are limited to the trees depicted in the tables contained in Appendix C, *Landscaping Guidelines and Requirements*, of this Unified Development Code (UDC).

(b) Shade trees shall be used for all formal street tree planting unless prohibited by the Texas Department of Transportation, in which case smaller ornamental trees may be used.

MAP 1: DOWNTOWN (DT) DISTRICT



GREEN: DOWNTOWN CORE; *GRAY*: PERIMETER ZONE; *RED*: DOWNTOWN SQUARE; *DARK GREY LINE*: MAJOR THOROUGHFARES.

(c) Each street shall be planted with a focus on one (1) species to reinforce street character

(3) *Street Furniture*.

(a) The Downtown District shall utilize the following *street furniture* in accordance with *Map 1: Downtown District*:

(I) *Streetscape Elements*. All streetscape elements described here within, are not intended to be the final product specification. The electrical engineer, architect, landscape architect or other professional designer should verify the product color, material and style number, prior to placing the final streetscape element order with manufacturer and supplier. Lighting fixture and traffic signal electrical voltage supply, circuiting, photometrics and final fixture location needs to be specified by a registered electrical engineer, with all fixture footings checked by a registered structural engineer, prior to installation.

(1) *Downtown Square and Downtown Core Streets.*

(a) *Light Standard: A1*. All commercial streets in the *Downtown Core*.

(1) *Catalog Number*. AAL/2-PRMN H3 or H5/150 to 175-watt MH lamp (voltage)/2-TRA5U arms/DB6 base with 4" round 15' ht. pole/PN A50596-1

(2) *Description*. Architectural Area Lighting (AAL); Promenade Series, Fixture: 2-PRMS Double Pedestrian Light Standard with a H3 or H5 horizontal lamp reflector, 150-watt to 175-watt metal halide lamp, medium base socket for use with E17 lamps; (voltage); CHM glass chimney, with brass holder, and DBZ dark bronze color. Arm: # 2-TRA5U period arm, one-piece cast aluminum, and DBZ dark bronze color. Pole, base and pole cap: DB6 4R16-125, 4" OD round straight aluminum, 15' tall (special) with a DB6 base, 36" ht. × 15" base diameter; P/N A50596-1, Small cast final at pole top, DBZ dark bronze color.

(b) *Light Standard: A2*. Limited to the *Downtown Square* and San Jacinto Street pedestrian ways.

(1) *Description*. Same as A1 above except with the optional BPS fixture struts are finished in a brass colored powder coating.

(c) *Traffic Signal: D1*. All commercial streets of the *Downtown Core*, if needed.

(1) Description. Valmont traffic structures. Pole/base/pole sphere final: Tapered, round standard galvanized steel pole, with an aluminum ball final on the pole top (Ball Top FCA-BL Series # FCA/BL/A/ (Estimate a 10" diameter ball, verify final size with top diameter range at top of pole/DB, dark bronze); pole base has an ornamental cast nut cover, color of complete traffic structure is a galvanized + powder coated finish, color = dark bronze to match Historic District street sign blades. Arm: Tapered, round standard arm, with an aluminum ball final on the end of the arm (ball top FCA-BL Series # FCA/BL/A/(estimate a 5" diameter ball, verify final size with top diameter range at the end of the arm after arm length is specified)/DBZ, dark bronze color. Signals: TXDOT standard signal, black color with black silhouettes, mount tightly to signal arm with black connections, so as to eliminate any visible gaps between silhouette and arm. Street Sign: Sign blade to match Historic District colors, font and sign format.

(d) *Traffic Signal with Light Standard: D2*. All commercial streets of the *Downtown Core*, if needed.

(1) Description. Same as D1 traffic signal, except pole is typical "standard combination structure" with AAL (B2 type) light; arm is a (modified) WMA 12 "shepherd's crook" contemporary arm modified to accept the Valmont pole, DBZ, dark bronze color.

(e) *Light Standard Banner Brackets*. At selected streets.

(1) Description. Architectural area lighting (AAL). Breakaway banner arm 2-BBD4-18, clamps onto a 4" O.D. pole and adjustable to desired position. Banner size should not exceed five (5) SF - maximum 70 mph wind. Verify banner bracket locations and mounting height; DBZ, dark bronze color, polyester powder finish.

(f) *Benches*. All commercial streets in the *Downtown Core*.

(1) Catalog Number. Du Mor Bench # 140 - 60 and # 140-80

(2) Description. Du Mor Site Furnishings. Bench 140 – in six (6) feet and eight (8) feet lengths, All welded seat assembly, Seating Surface: 1/4" × 1 1/2" HR steel bar 2-3/8" O.D. Sch 40 steel pipe, cast iron supports, bracing 1 1/16" O.D. steel pipe, stainless steel fasteners, dark bronze color polyester powder finish.

(g) *Trash Receptacles*. All commercial streets in the *Downtown Core*.

(1) Catalog Number. Du Mor Receptacle 84-22DM

(2) Description. Du Mor Site Furnishings. Trash receptacle 84-22, 22-gallon all steel receptacle, 150 lbs., top edge: 5/8 " diameter steel bar; vertical straps: 1/4; " × 3" steel bar with a 22-gallon plastic liner, cover; spun 14-gauge steel with vinyl coated cable; and a dome top, dark bronze color in a polyester powder finish.

(h) *Street Sign Blades*.

(1) Description. Match Historic District street sign blades (*dark bronze color with white lettering*).

(i) *Street Sign Brackets*. At non-signalized intersections. Street signs can be mounted to light standard poles.

(1) Description. Architectural area lighting (AAL). (Special) Each bracket is bolted to pole, dark bronze color to match fixture in polyester powder finish. (Verify bracket size with sign blade used as well as sign mounting height).

(j) *Street Regulatory Sign and Poles*.

(1) Description. Paint the backs of all sign blades and all poles, dark bronze color to match the Historic District street sign blades.

(k) *Bollards*. Limited to the *Downtown Square*.

(1) Catalog Number. Sternberg Vintage Lighting, ornamental bollard #4501

(2) Description. Sternberg Vintage Lighting. Ornamental steel bollard #4501, 5¼" diameter straight tubing (no fluting), 30" high, 8" dia. base, no internal light, DBZ, dark bronze color to match the Historic District street sign blades.

(2) *Downtown Perimeter Zone Streets.*

(a) *Light Standard: B1*. All neighborhood residential streets.

(1) Description. Same as A1 above except as a single headed fixture.

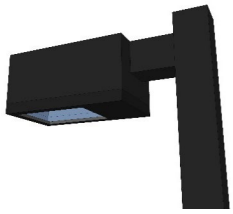
(b) *Light Standard: B2*. Limited to north and south sections of Goliad Street inside the *Downtown Zone* and at the intersections of Clark Street, Washington Street and Denison Streets inside the *Downtown Zone*.

(1) *Catalog Number*. AAL/PRM2 (H2, H3, H4, H5)/250 watt MH horizontal lamp (Voltage)/ARM: (modified) SLA 4 arm to accept the 5" dia. post/tendon/5" O.D. smooth round aluminum pole/DB 10 base/P/N A50575 large cast finial.

(2) *Description*. Architectural area lighting (AAL). Promenade Series, fixture: PRM2 (H2, H3, H4 and H5), 250-watt metal halide horizontal lamp, (voltage), DBZ dark bronze color, arm: (modified) SLA 4 arm (shepherd's crook) to accept the 5" dia. post/tendon, DBZ, dark bronze color, polyester power finish. Pole, base and pole cap: 5" O.D. diameter, smooth round aluminum pole, with a DB 10 ornamental base that is 48" high with an 18" base diameter, large cast finial #P/N A50575 20" high × 5½" O.D. that fits on top of pole, DBZ dark bronze color, polyester powder finish.

(c) *Light Standard: C*. Current standards. All thoroughfares (*i.e. SH-66, Goliad Street, Washington Street, and Denison Street*) inside the *Downtown Perimeter Zone* (*existing and new routed thoroughfares*).

(1) *Description*. Existing *Shoe Box* style light standard.



(d) *Light Standard Banner Brackets*. At selected streets.

(1) *Catalog Number*. AAL—Banner arm 2-BBD4-18

(2) *Description*. Architectural area lighting (AAL). Breakaway banner arm 2-BBD4-18, clamps onto a 4" O.D. pole and adjustable to desired position. Banner size should not exceed 5 SF - Maximum 70 mph wind. Verify banner bracket locations and mounting height. DBZ dark bronze color.

(e) *Street Sign Blades*.

(1) *Description*. Match Historic District street sign blades (*dark bronze color with white lettering*).

(f) *Street Sign Brackets*. At non-signalized intersections. Street signs can be mounted to light standard poles.

(1) *Description*. Architectural area lighting (AAL). (Special) Each bracket is bolted to pole, dark bronze color to match fixture in polyester powder finish. Verify bracket size with sign blade used as well as sign mounting height.

(g) *Street Regulatory Signs and Poles*.

(1) *Description*. Paint the backs of all sign blades and all poles, dark bronze to match the Historic District street sign blades.

(3) *Major Thoroughfares and Parkways.*

(a) *Light Standard: C*. Current standards.

(1) *Description*. Existing "shoe box" style light standard painted dark bronze.

(b) *Street Signs*.

(1) *Description*. Paint the backs of all sign blades and all poles, dark bronze to match the Historic District street sign blades.

SECTION 05 | INDUSTRIAL DISTRICTS

SUBSECTION 05.01: 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.

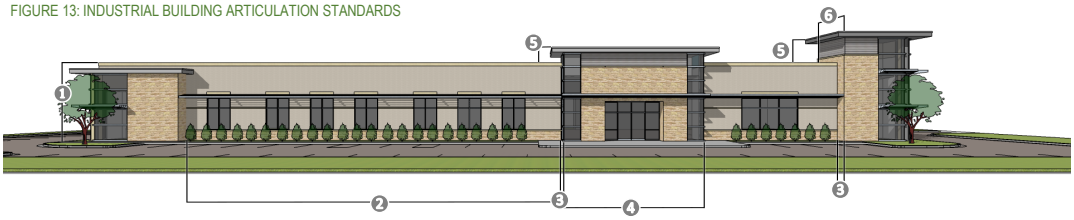
(2) *Cementitious Materials.* The use of cementitious materials (e.g. stucco, cementitious lap siding, or similar materials approved by the Director of Planning and Zoning or his/her designee) shall be limited to 50% of the building's exterior façade; however, stucco shall not be used within the first 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.

(b) *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.

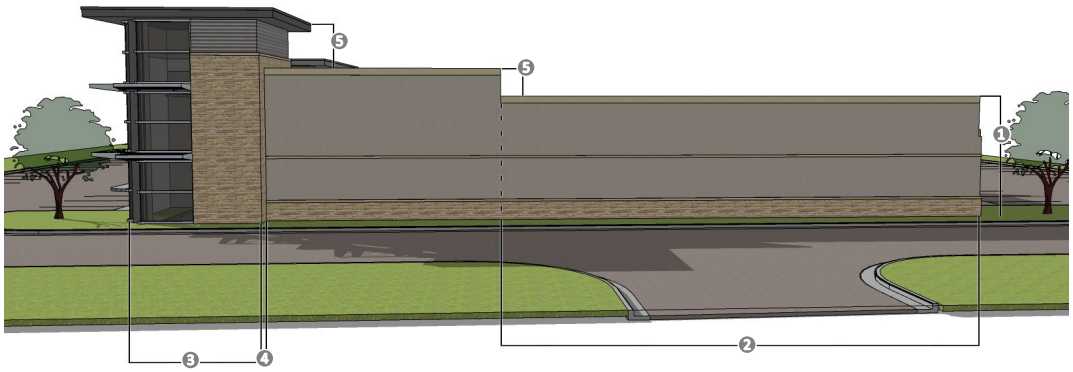
(c) *Secondary Materials.* Secondary Materials are any material that is not deemed to be a Primary Material as defined above. This includes materials like aluminum composite materials, metal panels, acrylic products (i.e. EIFS products) cast stone, or other materials identified by the Director of Planning 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.

FIGURE 13: INDUSTRIAL BUILDING ARTICULATION STANDARDS



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 x ❶≥❷).
❸: *WALL PROJECTION*. THE MINIMUM WALL PROJECTION FOR AN ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 25% OF THE WALL HEIGHT (I.E. 25% x ❶≤❸).
❹: *ENTRYWAY/ARCHITECTURAL ELEMENT LENGTH*. THE MINIMUM LENGTH OF AN ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 33% OF THE WALL HEIGHT (I.E. 33% x ❷≤❹).
❺: *PROJECTION HEIGHT*. THE ENTRYWAYS/ARCHITECTURAL ELEMENT SHALL EXTEND A MINIMUM OF 25% OF THE WALL HEIGHT ABOVE THE TOP OF THE WALL (I.E. 25% x ❶≤❺).
❻: *ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL WIDTH OF THE ENTRYWAY/ARCHITECTURAL ELEMENT SHALL EXTEND TWICE THE REQUIRED WALL PROJECTION (I.E. 2 x ❹≥❺).



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 THREE (3) TIMES THE WALL HEIGHT (I.E. 3 x ❶≥❷).
❸: *SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT LENGTH*. THE MINIMUM LENGTH OF THE SECONDARY ENTRYWAY OR PROJECTTING ARCHITECTURAL ELEMENT SHALL BE 15% OF THE WALL LENGTH (I.E. 15% x ❷≤❸).
❹: *SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL PROJECTION FOR A SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 15% OF THE WALL HIEHGT (I.E. 15% x ❶≤❹).
❺: 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% x ❶≤❺).

(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 standards for articulation on primary building façades as depicted in *Figure 8*.

(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 standards for articulation on secondary building façades as depicted in *Figure 8*.

(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 09.01, *Exceptions to the General Standards*, Article 11, *Development Applications and Review Procedures*.

SUBSECTION 05.02: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements.* All development within a Light Industrial (LI) District shall conform to Subsection 05.01, *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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

SUBSECTION 05.03: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Heavy Industrial (HI) District shall conform to Subsection 05.01, *General Industrial District Standards*, and the related standards listed within Subsection 7.03, *Non-Residential District Development Standards*.

SECTION 06 | OVERLAY DISTRICTS

SUBSECTION 06.01: 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 06.02: 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 04, 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:

(1) Retail Store with Gasoline Sales (*Any Number of Dispensers or Vehicles*)

(2) Car Wash (*Any Type*)

(3) 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 and Zoning 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.

(a) *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 09.02, *Variances to the General Overlay District Standards*, of Article 11, *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:

(a) Scenic Overlay (SOV) District: 15-feet
(b) SH-66 Overlay (SH-66 OV) District: 15-feet
(c) IH-30 Overlay (IH-30 OV) District: 25-feet
(d) SH-205 Overlay (SH-205 OV) District: 25-feet
(e) North SH-205 Overlay (N. SH-205 OV) District: 25-feet
(f) SH-205 By-Pass Overlay (SH-205 BY OV) District:

- Residential Land Uses: See Section 06.10, *SH-205 By-Pass Overlay (SH-205 BY OV) District*
- Retail/Commercial Land Uses: 15-feet
- Industrial/Office/Technology Land Uses: 50-feet

(g) 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

(h) 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

(i) 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 or any roadway that is depicted on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan*) [*outside of and beyond any required right-of-way dedication*] shall be as follows:

(a) Scenic Overlay (SOV) District: 20-feet
(b) SH-66 Overlay (SH-66 OV) District: 20-feet
(c) IH-30 Overlay (IH-30 OV) District: 20-feet
(d) SH-205 Overlay (SH-205 OV) District: 20-feet
(e) North SH-205 Overlay (N. SH-205 OV) District: 20-feet
(f) 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

(g) 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

(h) 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

(i) 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 shrubbery or a combination thereof along the entire length of the frontage. Berms and shrubbery shall each 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 C, *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 06.03: HISTORIC OVERLAY (HO) DISTRICT

(A) *Purpose*. The protection, enhancement and perpetuation of districts and landmarks of historical and cultural importance and significance are necessary to promote the economic, cultural, educational and general welfare of the public. It is recognized that within the City numerous areas, sites and structures represent the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural and cultural resources that constitute their heritage, and therefore this overlay district is intended to:

(1) Protect and enhance the district and landmarks which represent distinctive elements of the City's historic, architectural and cultural heritage;

(2) Foster civic pride in the accomplishments of the past;

(3) Protect and enhance the City's attractiveness to visitors and the support and stimulus to the economy thereby provided;

(4) Ensure the harmonious, orderly and efficient growth and development of the City;

(5) Promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the City;

(6) Stabilize and improve values of such properties;

(7) Promote education of significance and importance of historical preservation including the exploration of tax incentives (federal, state or local) that may apply to individual property owners or properties within the historic district as a whole; and8.Provide guidance to property owners restoring and/or rehabilitating historic significant in an effort to maintain the historical integrity of the area.

(B) *Terms and Definitions*. The following terms and definitions are used in the historic district ordinance and the historic guidelines.

(1) *Applicable Property or Applicable Structure*. The term used for properties that meet the following criteria, and are subject to the provisions of Unified Development Code:

(a) Either be a designated historical landmark or be wholly or partially located within a designated historic district, and

(b) Either be a contributing structure or property as defined in this section or be located within 200-feet of a contributing structure or property.

(2) *Board*. The Rockwall Historic Preservation Advisory Board (HPAB).

(3) *Certificate of Appropriateness (COA)*. A document approved by the board certifying that the proposed actions meet the intent of the ordinance and guidelines, or that a waiver has been granted.

(4) *Contributing Structure or Property*. A building, site, structure or object which adds to the historical architectural qualities,

historical associations or archaeological value for which a property or district is significant because:

(a) It was present during the period of significance and possesses historical integrity reflecting its character at that time or is capable of yielding important information about the period, or

(b) It independently meets the National Register criteria. The level by which a property is "contributing" (high-, medium- and low-contributing property) was originally determined by a historic survey of the properties within the (HO) Historic Overlay District implemented by the City community development department through the spring and summer of 2000. This survey may be amended from time to time.

(5) *District*. A designated area within the preservation district or elsewhere in the City subject to the requirements and standards of the historic district ordinance. An identifying name will precede the word "district".

(6) *Guidelines*. The adopted historic district design guidelines as stated in Appendix D, *Historic Preservation Guidelines*, of the Unified Development Code (UDC).

(7) *Landmark Property*. A property or structure(s), not contiguous to or part of an existing historic district that is deemed worthy of preserving.

(8) *Non-Contributing Structure or Property*. A building, site, structure, or object which does not add to the historical architectural qualities, historical associations, or archaeological value for which a property or district is significant because

(a) It was not present during the period of significance, or

(b) Due to alterations, disturbances, additions, or other changes it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period, or3.It does not independently meet the National Register criteria.

(9) *Preservation District*. The area designated as having structures which may be suitable for inclusion in a historic district or districts.

(C) *Historic Preservation Officer*. The Historic Preservation Officer (HPO) shall administer this section and advise the Historic Preservation Advisory Board on matters submitted to it.

(D) *Designation Criteria*. The board may recommend to the commission and the City Council that certain properties be "landmark districts" and that specific areas be designated as "historic districts" as provided for in this Unified Development Code (UDC). Any such designation must comply with all limitations expressed Subsections (E)(5) and (E)(6) below. Such a property or district shall bear the word "landmark" or "historic" in their zoning designation.

Properties that are listed as a Recorded Texas Historic Landmark (RTHL), State Archeological Landmark (SAL) or listed on the National Register of Historic Places (NR) shall be designated as recognized local landmarks.

(E) *Designation Procedures.*

(1) The City Council may designate by zoning ordinance certain areas as landmark or historic districts, providing they meet the criteria in Subsections (E)(5) and (E)(6). When so designated, the area shall bear the word "historic" or "landmark" in their zoning designation.

(2) The following steps shall be followed at every level in the recommendation and approval process:

(a) Public hearings shall be held and notices of same shall be posted, advertised, and notices sent in the manner prescribed under Subsection (G)(6), *Public Hearing*, and other procedures specifically provided in the City's Unified Development Code.

(b) Property owners and other interested parties may present testimony or documentary evidence that will become part of a record regarding the historic, architectural, or cultural importance of the proposed district. The record also may contain staff reports, public comments, or other evidence offered outside of the hearing and entered into the record.

(3) The board shall make its recommendation to the Planning and Zoning Commission within a reasonable time period, allowing for deliberations and strict adherence to timeframes required for public hearings. The Planning and Zoning Commission shall schedule a public hearing to be held within 45-days of receiving the board's recommendation.

(4) Upon designation of an area as a landmark or historic district, the designation should be recorded in the tax records of the City, and the City official zoning maps. All zoning maps should indicate the designated districts by an appropriate mark.

(5) A historic landmark property may be a single property or structure not contiguous to or part of an existing historic district, but is deemed worth of preserving. A landmark district may be designated if the property meets one of the following:

(a) Possesses significance in history, architecture, archeology, and/or culture;

(b) Is associated with events that made a significant contribution to the broad patterns of local, regional, state and/or national history;

(c) Is associated with the lives of persons significant in the City's past;

(d) Embodies the distinctive characteristics of a type, period, and/or method of construction;

(e) Represents the work of a master designer, builder, and/or craftsman; or

(f) Represents an established and familiar visual historical feature of the City.

(6) The board may recommend a historic district to the City Council to be designated if it:

(a) Contains a significant number of properties which meet one or more of the criteria for designation of a landmark as outlined in Subsection (E)(5) above, or

(b) Constitutes a distinct historical section of the City.

(7) The boundaries of each designated historic district shall be specified in written detail and shall be filed in the City secretary's office for public inspection.

(F) *Certificate of Appropriateness (COA) for Alteration or New Construction.*

(1) *Applicability of Ordinance.*

(a) *Included Properties*. The provisions of this ordinance shall apply only to those properties, hereinafter referred to as "applicable properties", which meet the following criteria:

(1) Either be a designated historical landmark or be wholly or partially located within a designated historic district, and

(2) Either be a contributing property as defined in subsection B or be located within 200-feet of a contributing property.

(b) *Excluded Properties*. Properties owned by a religious institution or used for religious purposes shall not be considered eligible for designation as a contributing property (*and shall not be affected by adjacent contributing properties*) unless they derive primary significance from either architectural distinction or historical importance

(2) *COA Does Not Replace Other Codes*. The Certificate of Appropriateness (COA) is in addition to and does not replace any other city permits or codes that must be followed.

(3) *Examples*. These are examples of situations that require a Certificate of Appropriateness (COA) for work performed on an applicable property. Additional information is located in the design guidelines contained in Appendix D, *Historic Preservation Guidelines*, of the Unified Development Code (UDC).

(a) Construction of a new building.

(b) Demolition or removal of an existing structure.

(c) Alterations to the façade, including additions and removals that will be visible from a public street.

(d) New improvements that would substantially obstruct the view of the main or front elevation as seen from a public street.

(e) Painting of a masonry surface not previously painted. For other painting, see design guidelines, residential properties.

Any addition or deletion of landscape materials or landscape design elements need not receive a Certificate of Appropriateness (COA) from the Historic Preservation Advisory Board (HPAB). It is recommended, however, that all proposed landscaping used in the district be extracted from the "recommended plant list" as provided in the landscape ordinance of the City. City staff shall maintain a list of plant material that is appropriate for all designated historic areas.

Any person wishing to paint a structure within a historic district may do so without receiving a Certificate of Appropriateness (COA) from the board. City staff and/or the board shall provide review and comment as requested by the property owner about color selection and design. Such review and comment, however, shall not be binding.

The board may recommend guidelines to enable the Historic Preservation Officer (HPO) to issue a Certificate of Appropriateness (COA) for exterior restorations and renovations requiring a building permit.

(G) *Application Procedure.*

(1) *Application Form*. Prior to the commencement of any work requiring a COA the owner shall file with the Historic Preservation Officer (HPO) an application for such a certificate. The application shall contain:

(a) Name, address, telephone number of applicant(s), detailed description of proposed work.

(b) Location of the proposed work (street address) and photographs of the property and adjacent properties. (Historical photographs also may be helpful.)

(c) Elevation drawings of the proposed changes, if available, and preferably in color.

(d) Samples of materials to be used, if requested by the board.

(e) If applicable, a scale drawing of any signs showing the type of lettering to be used, all dimensions and colors, a description of materials be used, method of illumination (if any), and a plan showing the sign's location on the property.

(f) Site plan in accordance with the Unified Development Code, if applicable.

(g) Any other information which the board may deem necessary in order to visualize the proposed work, and any additional material the applicant wishes to submit.

(2) *Building Permit*. A COA issued by the board is required before a building permit will be issued for any work.

(3) *Time Frame for Actions*. The board shall deny, approve, or approve the COA with modifications within 60 days from receipt of the completed application and supporting documentation. The board shall hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views.

Should the board not act within the 60-day period, the COA shall be automatically referred to the City Council for their approval or denial, following a public hearing.

(4) *Written Decisions*. All decisions of the board shall be in writing. An approved Certificate of Appropriateness (COA) shall be sent to the applicant and a copy filed with the City secretary's office for public inspection. The board's decision shall state the reasons for denying or modifying any application.

(5) *Standards for Approval*. The Historic Preservation Advisory Board must approve the application for a Certificate of Appropriateness (COA) if it determines that:

(a) For contributing structures, the application will not adversely affect the character of the site; and the proposed work is consistent with the regulations contained in this section and proposed preservation criteria; or

(b) For non-contributing structures, the proposed work is compatible with the historic district.

(6) *Public Hearing*. A public hearing before the board is required as defined in subsection E.6 before a decision can be made on a zoning recommendation forwarded to the Planning and Zoning Commission.

(a) The board shall hold a public hearing on all actions considered and appeals made to it. Said public hearing shall be held, when necessary, on the third Thursday of the month. In cases where this "regularly scheduled" meeting date is not appropriate (*e.g., in cases as set forth under section I, emergency procedure*) an alternative meeting date will be set.

(b) Written notice of the public hearing shall be sent to the applicant, all persons who are owners of real property lying within 200 feet of the subject property and to all other persons deemed by the board to be affected.

(c) Written notice shall be given not less than ten days before the date set for the public hearing to all such owners of record as the ownership appears on the current on-line tax roll. The notice may be served by deposition of the same, properly addressed and postage paid, in the U.S. Post Office.

(H) *Actions After Board Decision*.

(1) *Appeal Process*. If the Certificate of Appropriateness (COA) is denied, the applicant may appeal to the City Council by filing a written notice with the Historic Preservation Officer (HPO) within ten business days after the decision of the board. In considering an appeal, the sole issue before the City Council shall be whether the board erred in its decision. The City Council shall consider the same standards and evidence that was considered in making the decision. Appeal to the City Council constitutes the final administrative remedy.

If the Certificate of Appropriateness (COA) is approved, any property owner within the subject historic district aggrieved by any decision of the board may appeal to the City Council. Said appeals may be made by filing a written notice with the Historic Preservation Officer (HPO) within ten business days after the decision of board.

(2) *Reapplication*. If an appeal is denied by both the board and the City Council, no further applications may be considered for the subject matter of the denied Certificate of Appropriateness (COA) for one (1) year from the date of the final decision unless:

(a) The Certificate of Appropriateness (COA) has been denied without prejudice; or

(b) The board waives the time limitation because it that there are changes or circumstances sufficient to warrant a new hearing. A simple majority vote by the board is required to grant the request for the waiver of the time limitation.

(3) *Suspension of Work*. After the work authorized by the Certificate of Appropriateness (COA) is commenced, the applicant must make continuous progress towards completion of the work, and shall not suspend or abandon the work for a period of more than 180 days. The Historic Preservation Officer (HPO) and/or building official may, in writing, authorize a suspension of work for a period greater than 180 days upon written request by the applicant showing circumstances beyond his control.

(I) *Emergency Procedure*. If any applicable structure is damaged and the building official determines that it is a public safety hazard or will suffer additional damage without immediate repair, the building official may allow the property owner to temporarily protect the structure whether or not the materials used conform to the guidelines. However, in such a case, the property owner must then apply for a Certificate of Appropriateness (COA) for the restoration, rebuilding, remodeling, demolition or removal of the structure within ten days of the occurrence that caused the damage. The temporary protection authorized under this subsection must not permanently alter the architectural features of the structure.

(J) *Demolition*.

(1) *Requires a Certificate of Appropriateness (COA)*. A Certificate of Appropriateness (COA) is required prior to receiving a permit for demolition of a property within a historic district, including secondary buildings. An application for demolition of a contributing structure on the grounds of hardship may be filed. The applicant must establish the following elements to prove hardship:

(a) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible; and

(b) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and

(c) Efforts to find a purchaser interested in acquiring the property and preserving it have failed; and/or

(d) The structure or property is in such condition as to be irreparably damaged and as such poses a nuisance to the surrounding area and is a "threat" to the health, safety and general welfare of the community.

(2) *Demolition Delay*. The Historic Preservation Officer (HPO) upon receipt of an application for a demolition permit of a subject property designation as a historic landmark or located within a designated historic district shall forward on the application for demolition to the Historic Preservation Advisory Board (HPAB) for consideration at their next regularly scheduled meeting.

(a) The issuing of a demolition permit shall be delayed for minimum of 60-days from the date of approval of an application by the Historic Preservation Advisory Board (HPAB).

(b) During this 60-day delay, the Historic Preservation Officer (HPO) shall work with the Historic Preservation Advisory Board to notify all potentially interested parties of the pending demolition in order to allow such parties to take whatever steps they deem appropriate to accomplish the preservation of the subject property.

(c) If it is determined by the Director of Planning and Zoning in consultation with the Historic Preservation Officer (HPO) that a property poses an immediate threat to the public health and safety, this determination shall be reported to the City manager who may instruct the building official to issue a demolition permit without delay.

(3) *Expiration*. A Certificate of Appropriateness (COA) for the demolition or removal expires if the work authorized by the certificate for demolition or removal is not commenced within 180 days from that date of the issuance of the certificate for demolition.

(K) *Enforcement*. All work performed pursuant to a Certificate of Appropriateness (COA) issued under this Unified Development Code (UDC) shall conform to all requirements included therein. It shall be the duty of the building inspection department to periodically inspect any such work to assure compliance. In the event work is found that is not being performed in accordance with the Certificate of Appropriateness (COA), the building inspection department may suspend the Certificate of Appropriateness (COA), issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. A Certificate of Appropriateness (COA) may be reinstated, any stop work order lifted, and work may resume upon assurance that compliance will henceforth exist.

(L) *Ordinary Maintenance*. Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district that does not involve a change in design or material. In-kind replacement or repair is included in this definition of ordinary maintenance.

(M) *Preservation Incentives*. To promote the goal of stabilizing and improving values of properties within the district, and encourage the rehabilitation and stabilization of structures, the City Council by resolution may offer tax incentives.

(N) *Minimum Maintenance Standards*. No owner or person with an interest in real property designated as a landmark or a property located within a district shall permit the property to fall into a serious state of disrepair so as to result in the significant deterioration of any exterior architectural feature which would, in the judgment of the HPAB, create a detrimental effect upon the historic character of the landmark or district.

(1) Serious disrepair and significant deterioration examples. Examples of serious disrepair or significant deterioration include:

(a) Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.

(b) Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling

(c) Deterioration or crumbling of exterior plaster finishes, surfaces or mortars.

(d) Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.

(e) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.

(f) Rotting, holes, and other forms of material decay.

(g) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.

(h) Deterioration that has a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the contributing structure.

(i) Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

(O) *Procedure to Mitigate Demolition by Neglect*. Demolition by neglect refers to the gradual deterioration of a property when routine or minimum maintenance is not performed. The HPO and the development services department staff shall work together in an effort to reduce demolition by neglect involving landmarks or properties located within districts within the City. A demolition by neglect citation as determined by the HPAB may be issued against the owner of the property for failure to comply with the minimum maintenance standards by permitting the subject property to exhibit serious disrepair or significant deterioration as outlined in section N herein.

(1) Due to the time-consuming nature of pursuing enforcement under this section, no more than one (1) property will be under consideration during each of the following quarters (January-March, April-June, July-September, and October- December).

(2) While the HPO will act as the point of contact, the development services department staff shall, when needed, assist with inspections. If there is a dispute between the HPO and development services department staff, the City manager may be consulted as a mitigating party.

(3) *Citation Procedures*. The procedure for citing a property for Demolition by Neglect shall be as follows:

(a) Initial identification is made by visual inspection of the area by the HPO or an HPAB member or by referral from someone in the area. All referrals shall be made in writing and shall be submitted to the HPO.

(b) Once the initial identification is made, followed by a preliminary determination by the HPO, the property owner shall be notified by US mail of the defects of the building and informed of various incentive programs that may be available for repair. The owner is given 30 days in which to respond to the preliminary determination by submitting a stabilization proposal to HPO. The stabilization proposal

will be presented to the HPAB at the next available meeting. If the HPAB approves the proposal, a Certificate of Appropriateness (COA), if necessary, may be issued administratively by the HPO. The approval will detail the specific work which is necessary to correct the demolition by neglect conditions, as well as a time period to begin and complete the work. The HPO shall update the HPAB on the status of the property every 30 days once work begins on the property.

(c) If the property owner receives the letter regarding the preliminary determination, but fails to respond, a second notice shall be sent in the same manner as described above.

(d) If the property owner fails to receive and/or respond to the letter regarding the preliminary determination after two attempts, the matter returns to the HPAB for a citation hearing. The HPO shall send a third notice via certified mail informing the owner of the hearing, the property is posted with a notice of the violation in accordance with the provisions of this Article, and a public hearing on the citation is scheduled.

(e) At the public hearing the owner is invited to address the HPAB's concerns and to show cause why a citation should not be issued. The HPAB may act to approve any proposed work, defer the matter to give the owner more time either to correct the deficiencies or make a proposal for stabilization, or issue a citation to the owner of the property for failure to correct the demolition by neglect conditions.

(f) If the owner is cited for the condition of demolition by neglect of the property, he is given 14 days to submit a stabilization proposal to the HPO, and at the discretion of the HPAB, up to one (1) year to correct the defects. The HPO shall update the HPAB on the status of the property every 30 days once work begins on the property.

(g) If the owner does respond with a stabilization proposal, the matter is turned over to the City Attorney in which case the citation will be taken forward to the municipal court where the City Attorney shall request the court allow the property owner the time prescribed by the HPAB to correct the defects as described in section F.

SUBSECTION 06.04: NORTH GOLIAD CORRIDOR OVERLAY (NGC OV) DISTRICT

(A) *Purpose*. The North Goliad Corridor Overlay District is a specialized zoning district overlay along North Goliad Street beginning north of the Downtown District and terminating at Live Oak Street. This Corridor has been identified as one of the important entry points into the City of Rockwall. The district has been established to protect scenic and historic qualities through the use of additional development criteria. The district establishes design standards to guide the new construction and rehabilitation of buildings, streetscapes and architectural styles consistent with the existing historic residential homes and businesses located along the corridor.

(B) *Application and Boundaries*. The boundaries of the North Goliad Corridor Overlay District are as established in the official zoning map of the City of Rockwall. The boundary generally extends from Olive Street north to Live Oak and being more particularly described herein as Exhibit "A" [Ord. No. 07-30, Exhibit A which is on file in the City secretary's office]. use or change of use within the North Goliad Corridor Overlay District.

All property developed within the Overlay District must meet both the terms and requirements of the underlying zoning classification applicable to the property and the provisions set forth in the Overlay District. The most restrictive requirement applicable to the property shall apply.

(C) *Architectural Standards*. Most of the historic architecture of the district does not follow one specific style, but is influenced by many. The development along the corridor is an eclectic mix of buildings, but there is a similar vocabulary in the building design and construction materials. The development for the residential and commercial buildings shall generally fit within one or more of the following architectural styles.

FIGURE 14: BUNGALOW

(1) *Bungalow*. The bungalow style is a unique house type that borrows from other cultures, but is a truly American design. Developed on the west coast, the bungalow reduces the distinction between inside and outside space, reflecting open practical living. It is generally a low, small house that used natural materials and relief on simplified design. The roof structure is most often broad gables, often with a separate lower gable covering the porch, although hipped roof structures are also common. There is little ornamentation, and what is found is of simplified design. The first bungalow development period was from 1895 to 1915.

FIGURE 15: COTTAGE

(2) *Cottage*. A cottage is basically a small frame single-family home that does not use any particular architectural style or ornamentation pattern. Roof styles vary, but most often use gable, hip or a combination of the two. This is a style that often borrows elements from classic styles, but does not incorporate other elements that make the style unique.

FIGURE 16: CRAFTSMAN

(3) *Craftsman*. An extension of the early bungalow, the craftsman design included a low-pitched gabled roof with a wide, unenclosed eave overhang. Roof rafters are usually exposed and decorative beams or braces are commonly added under gables. Porches are either full or partial-width, with a roof often supported by tapered square columns. The most distinctive features of this are the junctions where the roof joins the wall, where the most ornamentation occurs. This was the dominant style for smaller homes from 1905 to early 1920s. The popularity of the style faded quickly, however, and few were built after 1930.

FIGURE 17: FOLK VICTORIAN

(4) *Folk Victorian*. The folk Victorian style uses a simple, folk type house style that is often one (1) story and has a roof that is gabled or hipped (pyramidal). It lacks the intricate, irregular roof structure of the Queen Anne style, but includes ornamentation common to Victorian-style detailing, especially spindle work. Facades are generally symmetrical.

FIGURE 18: QUEEN ANNE

(5) *Queen Anne*. The Queen Anne architectural style was common from about 1880 to 1910. Identifying features include a steeply pitched, irregular shaped roof, often with a dominant front-facing gable, patterned shingles, cutaway bay windows, and other features to avoid a smooth walled appearance. The decorative detailing is usually of two types:

(a) Spindle work includes turned posts and may also include decorative gables and ornamentation under the wall overhangs.

(b) Free classic detailing uses classical columns, instead of delicate turned posts, and other ornamentation is less "lacy" and delicate than that found in spindle work. This style became common after 1890.

(D) *Building Design*. The height of new buildings shall not exceed this Unified Development Code standards: generally, one (1) and two (2) stories are allowed (36 feet maximum). New building additions and alterations should be compatible with the adjoining area and not exceed height, lot coverage and floor area ratio requirements as specified in this Unified Development Code.

- The use of consistent architectural styles from the years 1870 to 1940 is strongly encouraged rather than additions or alterations from more recent or different design styles (see architectural styles in subsection C of this section for examples).
- New construction should include elements such as cladding, roofing material, roof structure and ornamentation common to the district.
- The existing pattern of building facades generally respecting pedestrian or human scale design should be incorporated into new development projects. Roof types generally associated with residential buildings such as gable, hip or gambrel are also appropriate for structure within the North Goliad Corridor Overlay District.
- All decorative fixtures, including awnings, signs and lighting, shall be integrated with other design elements of the structures.
- Building elevations shall be submitted as part of the development application for review by the Historic Preservation Advisory Board who shall make its recommendations to Planning and Zoning Commission. Perspectives, accurate sections or a model of the project may be required to depict the height, mass and scale of the proposed project with respect to its setting and adjacent development.

(E) *Parking Area Restrictions*. Any surface parking shall be provided in well-screened parking lots at the rear or behind the main facade of the building. All parking structures shall adhere to the standards of this Unified Development Code and any additional requirements of the underlying zoning district.

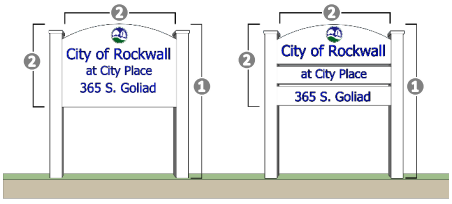
(F) *Cross Access*. Cross access easements may be required by the planning commission and/or City Council at the time of site plan approval or platting to ensure access between adjoining properties and to reduce the number of needed curb cuts.

(G) *Accessory Buildings*. New accessory or outbuildings, including garages and enclosures for service areas, trash or recycle containers, or storage structures should be compatible with materials, textures, colors and architectural styles of the principle buildings.

(H) *Landscaping Standards*. Existing trees should be retained where possible. Street trees and other sidewalk area landscaping shall be incorporated if pedestrian circulation will not be obstructed. Front yards should be landscaped compatible with the majority of neighboring properties. All sites shall, as a minimum, meet the requirements of Article 08, *Landscape Standards*.

(I) *Signs*. All signs shall comply with Chapter 32, *Signs*, of the Municipal Code of Ordinances and the underlying zoning district that applies to the North Goliad Corridor Overlay District and to the following additional standards. Signs shall be freestanding with two support standards. The maximum size shall be 16 square feet and shall not impede pedestrian or motor vehicle traffic. Monument signs are not allowed. All lighted signs shall be indirectly light no direct or internally light sign shall be allowed. All lighting elements such as wires, junction boxes, transformers, switches and panel boxes shall be concealed from view.

FIGURE 19: SIGNAGE REQUIREMENTS



1: EIGHT (8) FOOT
2: FOUR (4) FOOT

(J) *Lighting Standards*. In addition to the requirements of the outdoor lighting requirements no light pole, pole base or combination thereof shall exceed 20 feet in the North Goliad Corridor Overlay District. All lighting fixtures shall focus light downward and be contained on the site. Lighting elements shall be incandescent, metal Halide, or halogen only. No HID or fluorescent lights (except fluorescent bulbs that screw into standard socket fixtures) may be used on the exterior of buildings. All street lighting shall meet the specifications for a *B1* & *B2* contained in Subsection (I), *Streetscape Elements*, of Section 04.07, *Downtown (DT) District*, of the Unified Development Code (UDC).

(K) *Variance*. The City Council may, upon request from the applicant, grant a variance to any provision of this section where unique or extraordinary conditions exist or where strict adherence to the provisions of this section would create a hardship. Approval of any variance to any provision of this section shall require City Council approval by a three-quarter majority vote of those City Council members present with a minimum of four affirmative votes.

SUBSECTION 06.05: SOUTHSIDE RESIDENTIAL NEIGHBORHOOD OVERLAY (SRO) DISTRICT

(A) *Purpose*. The purpose of the overlay district is to provide the flexibility necessary for allowing infill and redevelopment of the Southside Neighborhood, while maintaining and protecting the character and integrity of the existing neighborhood.

(B) *Other Requirements*. Any requirements not specifically stated in this section shall comply with the Single-Family 7 (SF-7) District requirements.

(C) *Area Requirements*.

(1) Minimum lot area: 5,000 square feet.

(2) Maximum number of single-family detached dwellings units per lot: One.

(3) Minimum square footage per dwelling unit: 900 square feet.

(4) Minimum lot frontage on a public street: 50 feet.

(5) Minimum lot depth: 100 feet.

(6) Minimum depth of front yard setback: 20 feet.

(7) Minimum depth of rear yard setback: 10 feet.

(8) Minimum width of side yard setback:

(a) Internal lot: 6 feet.

(b) Abutting street: 15 feet.

(c) Abutting an arterial: 20 feet.

(9) Minimum distance between separate buildings on the same lot or parcel of land: ten feet.

(10) Minimum length of driveway pavement from the public right-of-way for rear or side yards: 20 feet.

(11) Maximum building coverage as a percentage of lot area: 40%.

(12) Maximum building height: 32 feet.

(13) Minimum number of paved off-street parking spaces required for:

(a) One single-family dwelling unit: Two (2) Parking Spaces. An enclosed garage shall not be considered in meeting the off-street parking requirements.

(b) All other uses: see Article 06, *Parking and Loading*, of the Unified Development Code (UDC).

(D) *Consideration of Special Request in Furtherance of Neighborhood Preservation*. The City Council may consider special requests in furtherance of neighborhood preservation and enhancement within the established neighborhood preservation overlay district. Such requests may include, but not necessarily be limited to neighborhood signage plans, the use of alternate building materials reductions in the building setbacks, or other requests submitted for consideration to the planning and zoning department.

Upon receipt of such requests, the Planning and Zoning Commission shall review the case and forward a recommendation to the City Council for consideration. The City Council may approve special request. Any such approval shall preempt any other underlying zoning restrictions in the Unified Development Code (UDC). Such special requests may be denied by the City Council by the passage of a motion to deny.

Special requests shall not include any request to change the land use of a property.

SUBSECTION 06.06: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.07: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.08: SCENIC OVERLAY (SOV) 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.09: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.10: 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 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 06.02, *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.

(c) *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.

(d) *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.*

Continued on Next Page ...

Formatted: Centered

Formatted: Font: Italic

FIGURE 20: DESIGN ALTERNATIVE #1; INCREASED BUFFER

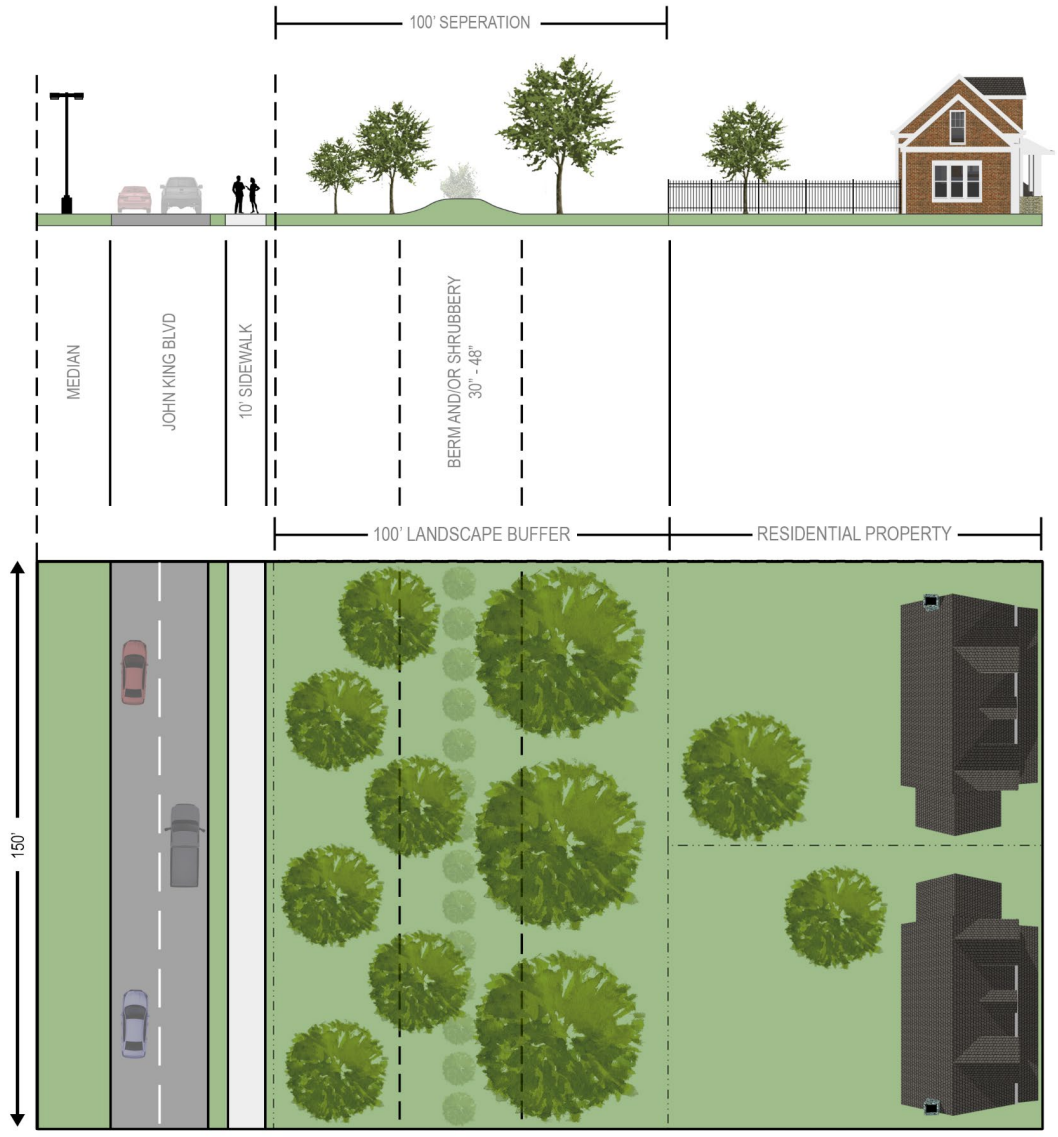


FIGURE 21: DESIGN ALTERNATIVE #2; INCREASED BUFFER

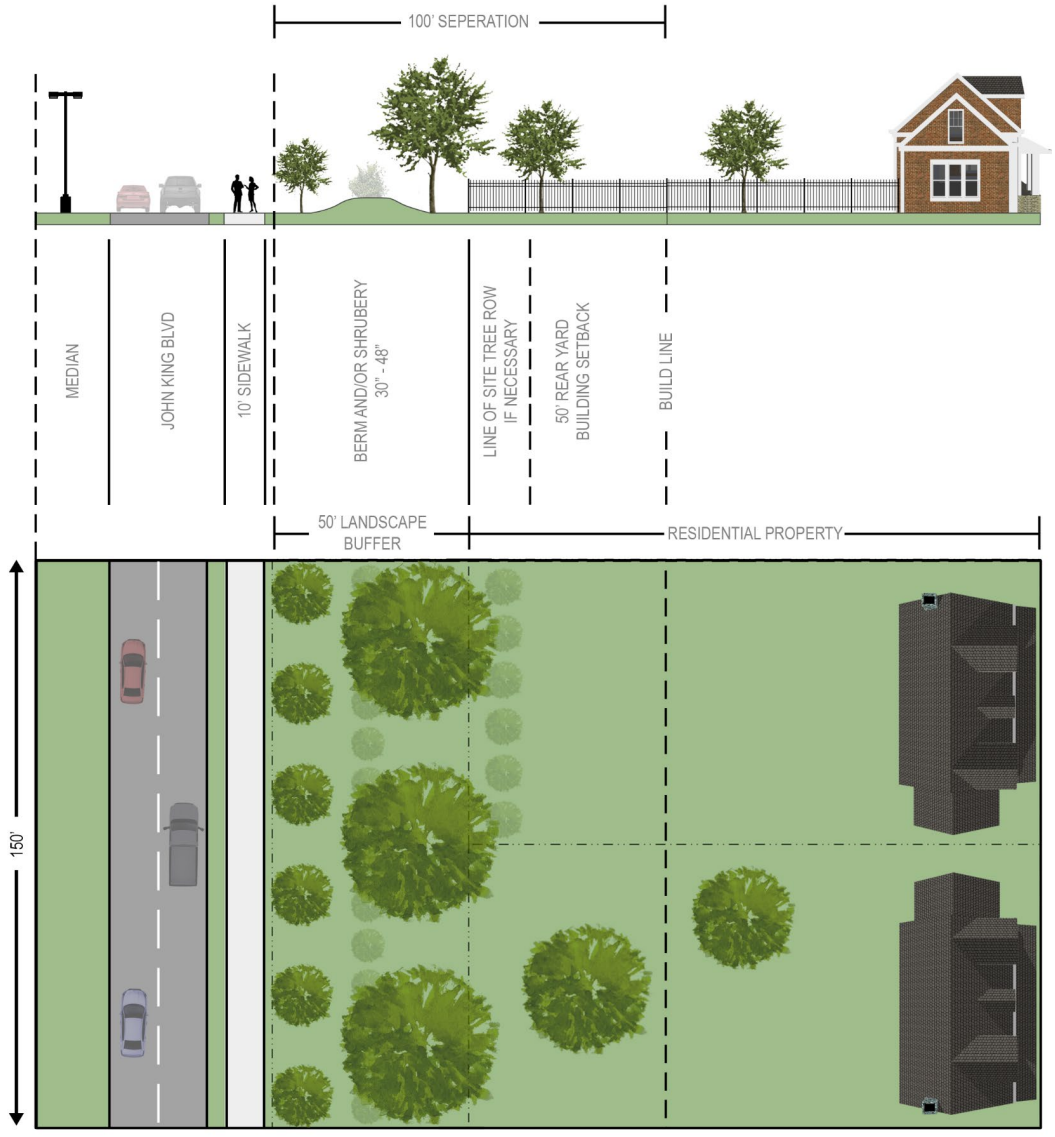


FIGURE 22: DESIGN ALTERNATIVE #3; SLIP STREET

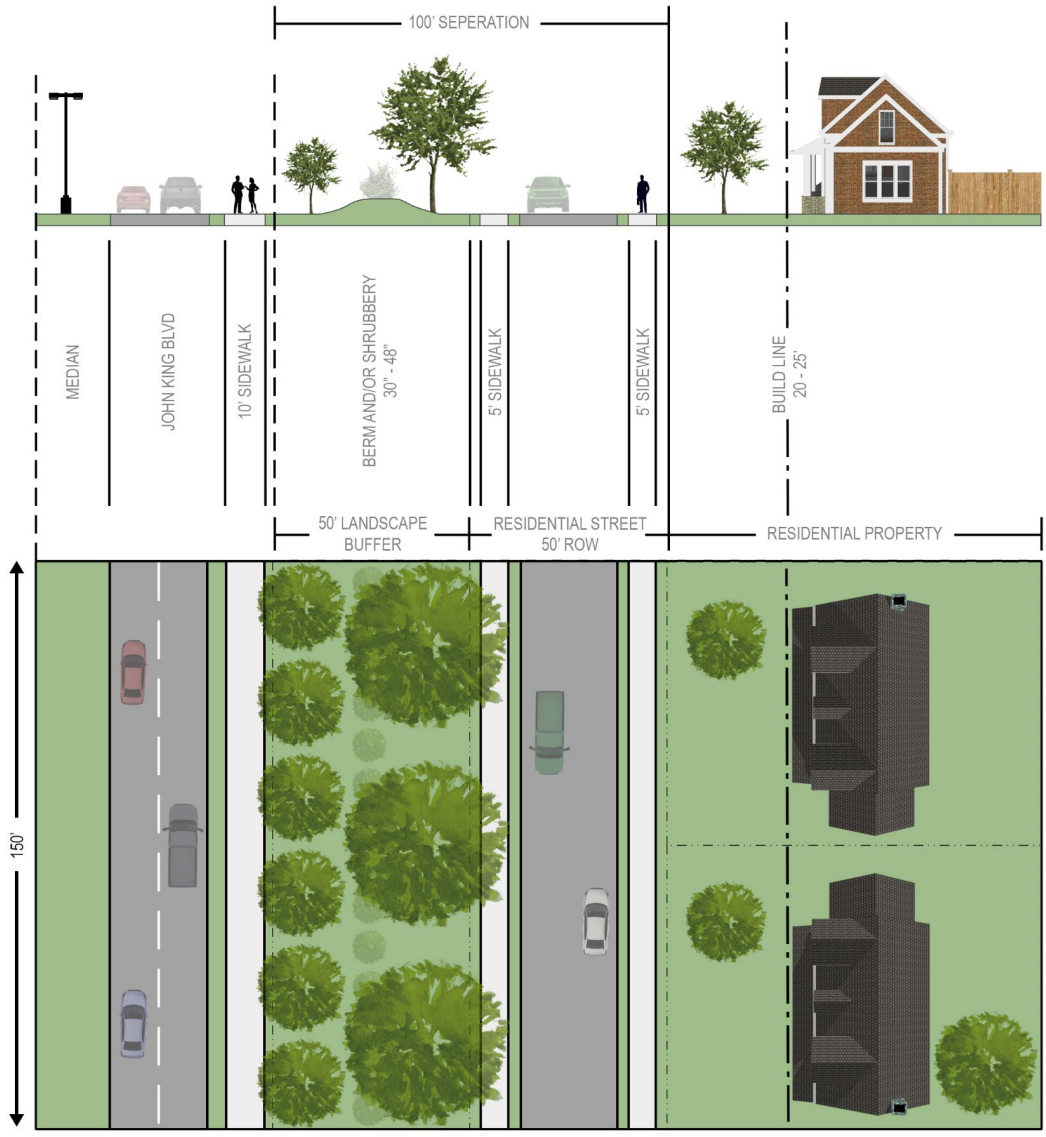
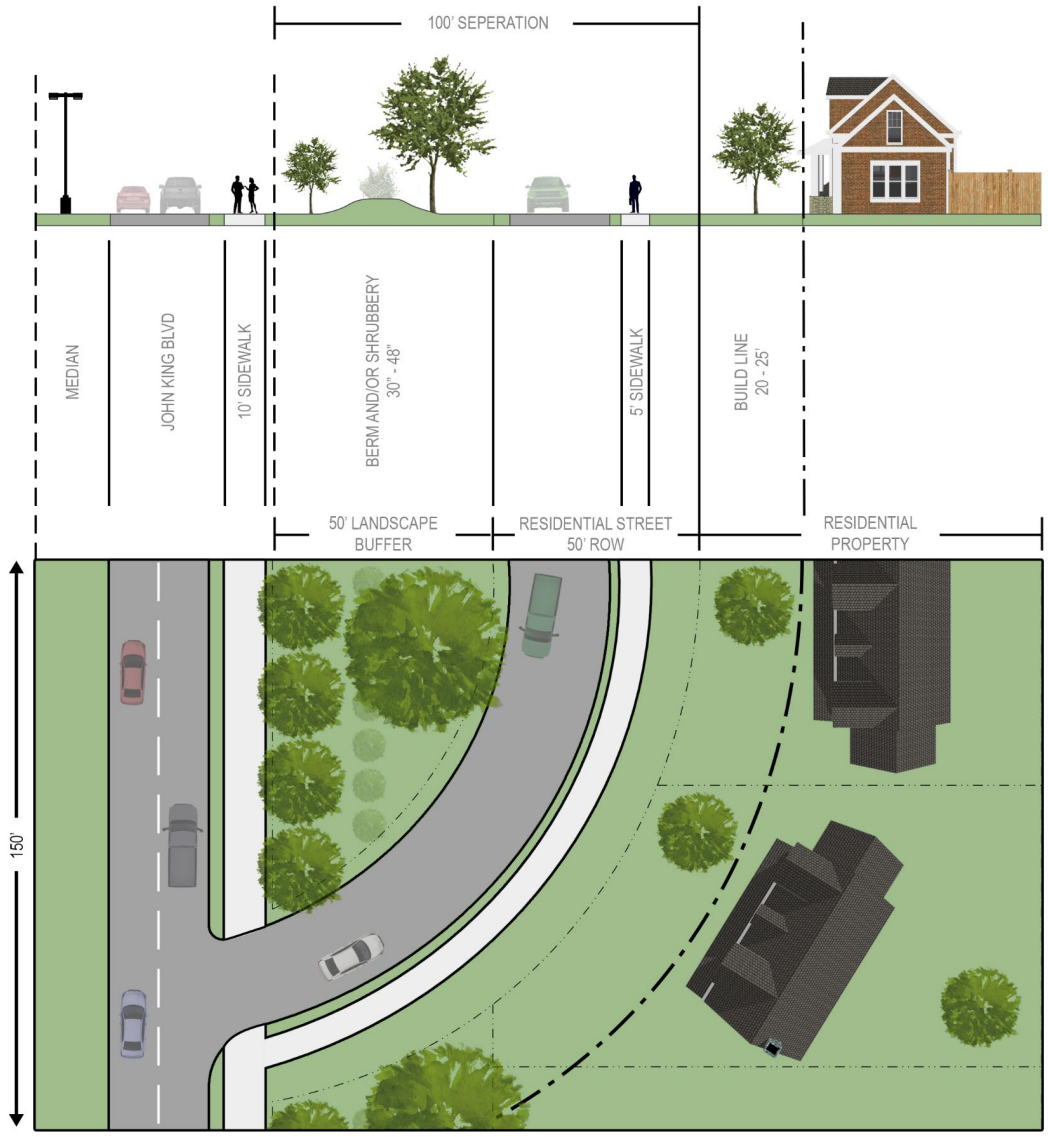


FIGURE 23: DESIGN ALTERNATIVE #4; SLIP STREET

FIGURE 24: DESIGN ALTERNATIVE #5; EYEBROW STREET



(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.

FIGURE 25: LINE-OF-SITE REQUIREMENTS

❶: REPRESENTS THE LINE OF SIGHT AT SIX (6) FEET FROM GRADE.
❷: THE SOLID *RED LINE* SHOWS THAT THE VISIBILITY IS IMPAIRED FROM JOHN KING BOULEVARD BY EITHER [1] A ROW OF TREES OR [2] A BERM AND ROW OF SHRUBBERY.

SUBSECTION 06.11: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.12: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.13: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.14: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.15: AIRPORT OVERLAY (AP OV) DISTRICT

Note: This document was prepared using FAA guidelines as of March 17, 2020 and using AC150/5300-14D.

(A) *Purpose*. The purpose of this district is to provide both airspace protection and land use compatibility with airport operations at the Ralph M. Hall/Rockwall Municipal Airport. This district, through establishment of airport zones and corresponding regulations, provides for independent review of development proposals in order to promote the public interest in safety, health and general welfare of the City of Rockwall. Therefore, the City of Rockwall deems it necessary to regulate uses of land located within or near the traffic patterns of the airport through regulation of height of structures and objects of natural growth, and through the regulation of land uses within the Airport Overlay (AP OV) District, and other FAA regulated areas associated with the airport (*i.e. areas relating to RSA/ROFA/ROFZ which extend off the airport property*).

(B) *District Boundaries*. This *Airport Overlay (AP OV) District* is hereby established as the land area owned by the City of Rockwall and held as Ralph M. Hall/Rockwall Municipal Airport, the Airport Runway Protection Zone (RPZs), and a buffer area extending 500-feet from all property lines of the Ralph M. Hall/Rockwall Municipal Airport (*see Figure 29: Airport Overlay District Boundaries*).

(C) *Definitions*. Unless otherwise stated in this section, the following words shall have the definitions prescribed to them below:

(1) *Administrative Agency*. The appropriate person or office of the municipality that is responsible for the administration and enforcement of the regulations prescribed in this section of the Unified Development Code (UDC).

(2) *Airport*. The current and future boundaries of the Ralph Hall Municipal Airport located within the City of Rockwall, Texas.

(3) *Airport Hazard*. A structure or object of natural growth that obstructs the air space required for the taking off, landing, and flight of aircraft or that interferes with visual, radar, radio, or other systems for tracking, acquiring data relating to, monitoring, or controlling aircraft.

(4) *Airport Hazard Area*. An area of land or water on which an airport hazard could exist.

(5) *Applicant*. The person or persons making a request to the administrative agency.

(6) *Centerline*. The runway centerline identifies the center of the runway and provides alignment guidance during takeoff and landings. The centerline consists of a line of uniformly spaced stripes and gaps.

(7) *Non-Conforming Land Use or Non-Conforming Use*. Any land use of which is inconsistent with the provisions of these regulations and which is existing as of the effective date of the Airport Overlay (AP OV) District.

(8) *Person*. An individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

(9) *Runway*. A defined area on the airport prepared for the landing and taking off of aircraft along its length. The current length of the Rockwall Municipal Airport is 3,373-feet by 45-feet and the zoned dimensions are 3,373-feet by 60-feet.

(10) *Runway Safety Area (RSA)*. The surface surrounding the runway prepared or suitable for reducing the risk of damage to airplanes in the event of an undershoot, overshoot, or excursion from the runway.

(11) *Structure*. An object constructed or installed by one (1) or more persons and includes but is not limited to a building, tower, smokestack, and overhead transmission line.

(D) *Airport Zones*. In order to implement the intent of this ordinance, the Airport Overlay (AP OV) District hereby includes the following three (3) exhibits that depict the zones within the controlled area and shown on the official zoning map as depicted in *Figure 29: Airport Overlay District Boundaries*:

- Airport Overlay (AP OV) District Boundaries (*see Figure 29: Airport Overlay District Boundaries*)
- Development Zones within the Airport Overlay (AP OV) District (*see Figure 30: Development Zones within the Airport Overlay (AP OV) District*)
- Airport Airspace Zones Boundaries (*see Figure 31: Airspace Zone Boundaries*)

(E) *Permitted Uses*. All uses otherwise permitted by existing zoning ordinances within the boundaries of the AP OV District are permitted within the district, except where there is a conflict between the AP OV District and the existing zoning ordinances. Where the

provisions of the AP OV District are more restrictive, the provisions of the AP OV District shall govern.

(F) *Controlled Area*. The area within which airport land use compatibility controls may be instituted, as defined by *Section 241, Municipal and County Zoning Authority Around Airports,* of the *V.T.C.A., Texas Local Government Code,* shall be defined as the controlled area. The controlled area is located outside the Airport boundaries and within an area measured no farther than one and one-half (1½) statute miles from the centerline of the Ralph M. Hall/Rockwall Municipal Airport runway and lies no farther than five (5) statute miles from each end of the paved surface of the runway.

(G) *Airspace Zones*. *Airspace Zones* consist of all of the land area lying beneath the surfaces referenced in Section H, *Height Limitations*, below and in Title 14, Part 77.19. The following *Airspace Zones* are hereby established and set forth (*see Figures 26: Airspace Zones [right] & Figure 31: Airspace Zone Boundaries [below]; reference Title 14, Part 77, FAR*):

(1) *Primary Surface.* The *Primary Surface* is a surface that is longitudinally centered on the runway. It extends 200-feet beyond the end of each runway and 250-feet on either side of the centerline of the runway for a total width of 500-feet (*i.e. a 250-foot side buffer of the runway centerline*).

(2) *Approach Zone.* The *Approach Zone* is a fan shaped zone that is established at both ends of the runway for the purpose of landings and take-offs. The *Approach Zone* commences at the end of the *Primary Surface* (*i.e. 200-feet beyond the end of the runway*) and has a beginning width of 500-feet. It then extends uniformly along the continuation of the centerline of the runway to a width of 3,500-feet at a distance of 10,000-feet from the point of commencement, and a slope of 34:1 or one (1) foot in height for each 34-feet in horizontal distance *[this is the land area that exists underneath the Approach Surface]*.

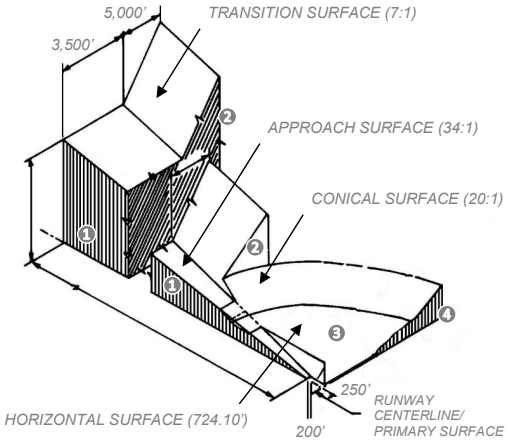
(3) *Transitional Zones.* The *Transitional Zones* are symmetrically located on either side of runway, and have variable widths. The *Transitional Zones* extend outward and upward commencing from the edge of the *Primary Surface* (*i.e. 250-feet on either side of the centerline of the runway*), and *Approach Surfaces*. The *Transitional Zones* extend upward and outward at slope of 7:1 or one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the *Horizontal Zone*. The *Transitional Zones* are established adjacent to the *Approach Zones* and extend their entire length. The *Transitional Zones* flare symmetrically with either side of the runway *Approach Zone* from the base of said zones and slope upward and outward at the rate of 7:1 or one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surface of the *Horizontal Zone* and the *Conical Zone [this is the land area that exists underneath the Transitional Surface]*.

(4) *Horizontal Zone.* The *Horizontal Zone* consists of the land area within the perimeter of which is constructed by swinging arcs of 10,000-feet from the center of each *Primary Surface*, 200-feet beyond the centerline of each runway and connecting the adjacent arcs by lines of tangent to those arcs. The *Horizontal Zone* does not include the *Approach Zone* and/or the *Transition Zone [this is the land area that exists underneath the Horizontal Surface]*.

(5) *Conical Zone.* The *Conical Zone* consists of the land area that commences at the periphery of the *Horizontal Zone* and extends outward for a distance of 4,000-feet, at a 20:1 slope or one (1) foot in height for each 20-feet of horizontal distance. The *Conical Zone* does not include the *Approach Zone* and/or the *Transition Zone [this is the land area that exists underneath the Conical Surface]*.

FIGURE 26: AIRSPACE ZONES

❶: APPROACH ZONE; ❷: TRANSITION ZONE; ❸: HORIZONTAL ZONE; ❹: CONICAL ZONE



(H) *Height Limitations*. Except as otherwise provided in this ordinance, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created above to a height in excess of the limits established herein for each of the imaginary surfaces created by the airspace zones (*Title 14 CFR, Section 77.19, Civil Airport Imaginary Surfaces)*, which are defined as follows:

(1) *Approach Surface.* The *Approach Surface* is the surface that is created by the *Approach Zone*, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending into the area required for an aircraft's navigable airspace. The *Approach Surface* is the same starting width as the *Primary Surface* (*i.e. 500-feet*), and has a slope of 34:1 or one (1) foot in height for each 34-feet in horizontal distance commencing at the *Primary Surface* and extending to a point 10,000-feet from the point of beginning and widening to a width of 3,500-feet.

(2) *Transitional Surface.* The *Transitional Surface* is the surface that is created by the *Transitional Zone*, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending in the area required for an aircraft's navigable airspace. The *Transitional Surface* is the surface that extends outward and upward, at right angles to the runway centerline (*at any point 250-feet normal to and at the elevation*

of the centerline) and extended runway centerline (*i.e. 200-feet beyond the end of the runway*), from the sides of the *Primary Surface* and the *Approach Surfaces* to a point of 150-feet above the airport elevation (*i.e. 724.10-feet*) [*the airport elevation is 574.10-feet above mean sea level*]. The *Transitional Surface* has a slope of 7:1 or one (1) foot in height for each seven (7) feet in horizontal distance.

(3) *Horizontal Surface.* The *Horizontal Surface* is the surface that is created by the *Horizontal* Zone, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending into the area required for an aircraft's navigable airspace. The *Horizontal Surface* is the horizontal plane created by swinging arcs with a 10,000-foot radius centered on the extended runway centerline where it crosses the *Primary Surface*, and is situated 150-feet above the established airport elevation (*i.e. 724-feet) [the airport elevation is 574-feet above mean sea level],* which coincides with the extent of the *Horizontal Zone*.

(4) *Conical Surface.* The *Conical Surface* is the surface that is created by the *Conical Zone*, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending into the area required for an aircraft's navigable airspace. The *Conical Surface* extends upward and outward from the outer limits or the periphery of the *Horizontal Surface* at a slope of 20:1 or one (1) foot in height for each 20-feet of horizontal distance for a horizontal distance of 4,000-feet. The *Conical Surface* extends to a height of 350-feet above the airport's elevation (*i.e. 924-feet*) [*the airport elevation is 574-feet above mean sea level*].

[Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail. Nothing in this ordinance shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 45-feet above the surface of the land, except in the Approach Zones.]

(I) *Airport Hazard Area*. The *Airport Hazard Area* is an area of land or water on which an airport hazard could exist. An *airport hazard* is defined as a structure or object of natural growth that obstructs the airspace required for the taking off, landing, and flight of aircraft or that interferes with visual, radar, radio, or other systems for tracking, acquiring data relating to, monitoring, or controlling aircraft. For the purposes of this ordinance, the *Airport Hazard Area* is defined as the entirety of all the imaginary surfaces stated in Section H, *Height Limitations*, of this ordinance (*see Figure 31: Airspace Zone Boundaries*).

(J) *Land Use Compatibility*.

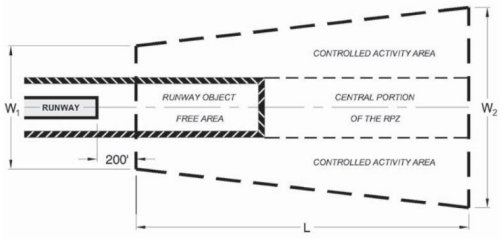
(1) *Intent*. The Airport Overlay (AP OV) District is intended to overlay any other zoning district's regulations comprising or pertaining to areas to which it is applicable, to prevent undue negative interaction between aviation activities associated with the airport and the surrounding community. It is intended to protect the lives and property of the users of the airport and of the occupants of the land in its general vicinity by restricting places of public assembly within this Airport Overlay (AP OV) District. The overlay is intended to preserve the utility of the airport and the public investment therein.

(2) *Development Zones*. The *Development Zones* are hereby established within the Airport Overlay (AP OV) District. These zones are depicted in *Figure 30: Development Zones within the Airport Overlay (AP OV) District* of this ordinance. The *Development Zones* are defined and described as follows:

(a) *Airport Runway Protection Zones (RPZs).* The *Airport Runway Protection Zones* are hereby established as the trapezoidal areas centered about the extended runway centerline. The *RPZ* dimensions for a particular runway end are a function of the type of aircraft and approach/departure visibility minimum associated with the runway end. The *RPZs* for the Ralph M. Hall/Rockwall Municipal Airport commence 200-feet from the edge of pavement at the end of each runway, beginning with a base of 500-feet (*i.e. inner width or 'W_1'*), extending 1,000-feet along the runway centerline (*i.e. length or 'L'*), and terminating at the outboard corners of a 700-foot line segment (*i.e. outer width or 'W_2'*) [*see Figure 27: Airport Runway Protection Zone (RPZ)*], creating a 13.770-acre trapezoidal area, which is intended to service *Aircraft Approach/Departure Categories 'A' & 'B'* (*i.e. small single and multi-engine planes*). Contained within the two (2) trapezoidal areas that make up the *RPZs* are the *Controlled Activity Area* and a portion of the *ROFA (Object Free Area)*. These areas are defined as follows:

(1) *The Runway Object Free Area (ROFA).* The *Runway Object Free Area (ROFA)* is centered on the runway centerline. The *ROFA* clearing standard requires clearing the *ROFA* of above ground objects protruding above the runway safety area edge elevation. Except where precluded by other clearing standards, it is acceptable to place objects that need to be located in the *ROFA* for air navigation or aircraft ground maneuvering purposes to protrude above the nearest point of the runway safety area, and to taxi and hold aircraft in the *ROFA*. To the extent practicable, objects in the *ROFA* should meet the same frangibility requirements as the runway safety area. Objects non-essential for air navigation or aircraft ground maneuvering purposes are not permitted to be placed in the *ROFA*. This includes parked airplanes and agricultural operations.

FIGURE 27: AIRPORT RUNWAY PROTECTION ZONE (RPZ)



(2) *The Controlled Activity Area.* The *Controlled Activity Area* is the portion of the *RPZ* beyond the boundaries of the *ROFA*.

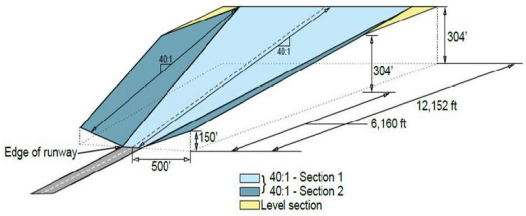
(b) *Municipal Airport Zone.* The *Municipal Airport Zone* is hereby established as the real property boundaries of the Ralph M. Hall/Rockwall Municipal Airport. This zone contains the majority of all airport related land uses and structures.

(c) *Airport Influence Zone.* The *Airport Influence Zone* contains all areas within the 500-foot buffer excluding the *Municipal Airport Zone* and the *RPZ*.

(d) *Height Restriction Zone.* The *Height Restriction Zone* extends to the edge of the *Conical Zone* and is subject only to the requirements stipulated in Section H, *Height Limitations*, of this ordinance (*see Figure 29: Airport Overlay District Boundaries*).

(e) *Departure Surface*. The *Departure Surface* starts at the end of the runway end elevation and matches the width of the usable runway. From the edge of the usable runway, the surface rises upward to 150-feet above the runway end elevation at a point 500-feet on either side of the runway centerline. The new surface rises upward along the extended centerline at a slope of 40:1 or one (1) foot in height for each 40-feet in horizontal distance until reaching 304-feet above the runway end elevation (*i.e. 6,160-feet across at its outer width at the runway end elevation*). Upon reaching the 304-foot marker, the surface levels out until the end of the departure surface at 12,152-feet. The area splays outward at a rate of 15-degrees relative to the extended runway centerline (*see Figure 28: Departure Surface*).

FIGURE 28: DEPARTURE SURFACE



(3) *Land Use Restrictions*.

(a) *Runway Object Free Area (ROFA) and Controlled Activity Area*. No uses are permitted within the *Runway Object Free Area (ROFA)* or the *Controlled Activity Area* unless deemed essential to air navigation or aircraft ground maneuvering purposes by the Federal Aviation Administration (FAA) with the following exceptions:

(1) *Permitted Uses*. See the current *FAA Standard*.

(2) *Specific Use Permit (SUP)*.

(a) Roadways, Automobile Parking Areas, and Railroads that Adhere to the Height Restrictions

(b) *Municipal Airport Zone*.

(1) *Permitted Uses.*

(a) Aircraft Runways, Taxiways, Taxi Lanes, Ramps, Parking Areas and Fuel Storage Facilities

(b) Aircraft Operational Facilities (*including but not limited to Instrument Landing Systems, Visual Navigational Aids, and Related Equipment; Communication Facilities; Weather Service Offices and Equipment*)

(c) Hangars (*includes all buildings which may be used for the Storage or Maintenance of Aircraft, Airport Snow Removal, Sweeping and Other Maintenance Equipment, and/or Other Aviation-Related or Ancillary Activities*)

(d) Terminal Buildings (*which may contain Offices or Airline Companies, and Other Businesses and Concessionaires*)

(e) Offices and Facilities for Airport Management, Air Charter, Air Taxi, Crop Spraying, Aircraft Sales or Rentals, and Air Cargo Processing Facilities

(f) Agriculture (*other than Forestry or Livestock*), Tourism Information Centers and Museums

(g) Flight Schools, Flying Clubs, and Other Schools or Training Facilities (*relating to Aviation or Air-Related Transportation*)

(h) Offices and Facilities for the Operation and Maintenance of Air Rescue, Emergency and Firefighting Services

(i) Aircraft Maintenance, Manufacturing, and Testing Facilities

(j) Offices and Facilities of Federal, State and Local Government Entities that Incorporate an Aeronautical Land Use (*Unless the Property has been Designated for Non-Aeronautical Land Uses*)

(2) *Prohibited Uses*.

(a) No uses other than those uses explicitly permitted above.

(c) *Airport Influence Zone*. All uses permitted within the underlying zoning depicted on the official zoning map of the City of Rockwall, with the following additional uses and exceptions:

(1) *Specific Use Permits (SUP)*.

(a) Residential Airpark or Aviation Homes

(b) Driving Test Track

(2) *Prohibited Uses*.

(a) Residential Uses (*e.g. Single Family, Multi Family, etc.*)

(b) Educational Centers (*including all types of Primary and Secondary Schools, Pre-Schools, and Child Care Facilities*)

(c) Hospitals, Medical Inpatient Treatment Facilities, Nursing Homes and/or Convalescent Home Facilities

(d) Places of Worship

(e) Places of Public Assembly (*Not Previously Listed*)

(f) Fuel Handling and Storage Facilities (*Does Not Include Gas Station*)

(d) *Height Restriction Zone*. Properties within the *Height Restriction Zone*, outside of the Airport Overlay (AP OV District), are subject to the use requirements stipulated by the underlying zoning depicted on the official zoning map of the City of Rockwall (*see Figure 29: Airport Overlay District Boundaries*).

(4) *Additional Use Restrictions*.

(a) Notwithstanding any other provision of this ordinance, no use may be made of land within any zone established by this ordinance in such a manner as to (*1*) create electrical interference with radio communication between the Airport and aircraft, (*2*) make it difficult for flyers to distinguish between airport lights and others, (*3*) result in glare in the eyes of flyers using the Airport, (*4*) impair visibility in the vicinity of the Airport or otherwise endanger the landing, taking-off, or maneuvering of aircraft.

(5) *Legal Non-Conforming Land Uses*.

(a) *Regulations Not Retroactive*. The regulations prescribed by this ordinance shall not be construed to require the removal, lowering, changes and/or alteration of any structure (*e.g. building*) or object of natural growth (*e.g. tree*) not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of any legal non-conforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure or property, for which the construction or alteration of said structure or property was commenced prior to the effective date of this ordinance.

(b) *Hazard Marking and Lighting*. Notwithstanding the preceding provision of this section, the owner of any non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the City Manager or his designee to indicate to the operators of aircraft in the vicinity of the Airport, the presence of such airport hazards. Markers and lighting necessary for existing non-conforming structures or trees shall be operated and maintained at the expense of the property owner. Markers and lighting necessary for future non-conforming structures or trees, approved per the requirements of this ordinance, shall be installed, operated, and maintained at the expense of the property owner.

(K) *Development Standards.*

(1) *Architectural Standards*.

(a) All buildings within the *Municipal Airport Zone* shall be designed by a licensed, professional architect and all drawings submitted for approval and/or permits shall bear the architect's seal of the State of Texas.

(b) All buildings intended for airport related use such as hangars, maintenance facilities, offices and facilities for airport management, terminal buildings and other similar types of uses with exterior walls visible from a public right-of-way shall consist of 90% masonry materials, excluding doors and windows as defined in Article 13, *Definitions*, of the Unified Development Code (UDC) [*i.e. "Masonry"*]. Building exterior walls not visible from the public rights-of-way may be earth-tone colored, pre-finished aluminum, steel or masonry. Materials that are unfinished are prohibited.

[All other buildings not related to airport uses within the Airport Overlay (AP OV) District shall conform to building materials requirements as stipulated within the Unified Development Code (UDC).]

In addition, all buildings intended for airport related uses shall adhere to the following standards:

(1) A *Material Sample Board* indicating all exterior materials and colors must be submitted to the Planning and Zoning Commission, upon a recommendation by the Architecture Review Board (ARB), for approval prior to the commencement of construction. All sides of the exterior building shall be architecturally integrated and similar in nature with respect to the design and aesthetic.

(2) All roofs shall be metal. If galvanized metal is being proposed, it shall be limited to a roofing material only.

(3) Building glazing or reflectors shall not be incorporated into a building if it will cause a glare or reflection that could interfere with airport operations or ground circulation.

(4) All windows or large glass elements shall be oriented and/or treated to avoid reflections that could cause a distraction to air traffic that is landing or taking off.

(5) All new construction shall be of a high quality and utilize materials and finishes that will maintain their appearance with relatively low maintenance.

(6) All steel used for roofing or siding shall be a minimum of 28-gauge steel, with a factory finish in a color that has been approved by the Planning and Zoning Commission, and which has been warranted by the manufacturer for a minimum of 20 years with regards to the durability and color fastness.

(7) All floors must be constructed of a minimum of four (4) inches thick concrete and reinforced with steel to a standard approved by the Engineering and Building Inspections Departments.

(8) All hangars facing a taxiway (*i.e. a path connecting runways with ramps, hangars, terminals, etc.*) shall have a hangar door that has a minimum opening of 55-feet in width by 16-feet in height (*i.e. 55' [w] x 16' [h]*). Buildings facing a taxilane (*i.e. a path connecting the taxiways to aircraft parking positions*) shall have a hangar door that has a minimum opening of 41-feet, 6-inches in width by 12-feet in height (*i.e. 41'-6" [w] x 12' [h]*). Approved swing out, overhead or sliding doors may also be used. All pedestrian doors must be of a pre-finished metal construction positioned in metal doorjambs. No wood doorjambs will be permitted on exterior doors.

(9) Mechanical equipment shall be screened so as not to be visible from the public and private rights-of-way. All screens, whether situated on the ground or on the building, shall be constructed to be aesthetically integrated into the design of the building. The rooftops of all buildings shall be free of any mechanical equipment unless completely screened from all points of view along all public rights-of-way by an architectural parapet. All screening materials shall be compatible with the material used on the building.

(2) *Landscaping*.

(a) The requirements contained within Article 05, *District Development Standards*, and Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC), whichever would be applicable to the subject property independent of the AP OV District, shall apply to a property located within the overlay (*i.e. the landscaping percentage of the underlying zoning district would apply*); however, landscaping plans in the AP OV District should be designed with the consideration of aircraft movement and should not be designed using trees and/or plants that have the propensity to attract hazardous wildlife. In cases where aircraft requirements would conflict with certain landscaping elements, the Planning and Zoning Commission may approve requirements that deviate from those stipulated by the Unified Development Code (UDC) if, in its opinion, such alternate requirements provide for a safer and more efficient use of the property. In addition, the Planning and Zoning Commission may request that a qualified Airport Wildlife Biologist review landscaping plans in sensitive areas and provide recommendations for planting placement and alternatives.

(3) *Variances*. The City Council may, upon request from the applicant, grant a variance to the any of the provisions contained within Section K.6, *Architectural Standards*, and Section K.7, *Landscaping*, of this ordinance where unique or extraordinary conditions exist or where strict adherence to the provisions of this ordinance would create a hardship. Approval of any variance to any provision of this section shall require City Council approval by a three-quarter (¾) majority vote of the City Council members present with a minimum of four (4) affirmative votes.

(L) *Administrative Procedures and Permits.*

(1) *Notice of Proposed Construction or Alteration (i.e. FAA Form 7460-1)*. Any tree or structure (*new or alteration of an existing structure*) proposed within the AP OV District or 20,000-feet of the runway shall require an applicant to file a *Notice of Proposed Construction or Alteration* form (*i.e. FAA Form 7460-1*) with the Federal Aviation Administration (FAA) to determine if the tree or structure creates a hazard to air navigation or will result in an inefficient use of airspace.

(2) *Future Use*. Except as specifically provided herein, no change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(a) In the area lying within the limits of the *Horizontal Zone* and *Conical Zone*, no permit -- *except as required by Section (L)(1) above* -- shall be required for any tree or structure less than 75-feet of vertical height above the ground as measured at grade, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.

(b) In the areas lying within the limits of the *Approach Zones* but at the horizontal distance of not less than 4,000-feet from each end of the runways, no permit -- *except as required by Section (L)(1) above* -- shall be required for any tree or structure less than 75-feet of vertical height above the ground as measured at grade, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limit prescribed for the *Approach Zone*.

(c) In the areas lying within the limits of the *Transitional Zones* ending at the perimeter of the *Horizontal Zone*, no permit -- *except as required by Section (L)(1) above* -- shall be required for any tree or structure less than 75-feet of vertical height above the ground as measured at grade, except when such tree or structure because of terrain, land-contour or topographic features would extend above the height limit prescribed for such *Transitional Zones*.

(3) *Exceptions/Variances/Non-Conforming Uses*. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this Ordinance except as set forth in Section H, *Height Limitations*.

(a) *Existing Uses*. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this Ordinance or any amendments thereto or than it is when

the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(b) *Non-Conforming Uses Abandoned or Destroyed*. Whenever the Board of Adjustment (BOA) determines that a non-conforming structure or use has been abandoned for a period of six (6) months, or more than eighty (80%) percent of a non-conforming structure or tree has been torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(c) *Variances*. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use of their property, not in accordance with the regulations prescribed in this ordinance, may apply to the Board of Adjustment (BOA) for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulation would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice to be in accordance with the spirit and intent of this Ordinance.

(d) *Hazard Marking and Lighting*. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the owners at their own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

(M) *Enforcement*. It shall be the duty of the City Manager or his designee to administer and enforce the regulations prescribed herein. Application of permits shall be made to the City Manager or his designee upon a form published for that purpose. Applications required by this ordinance to be submitted to the City Manager or his designee shall be promptly considered and granted or denied. Applications for variances shall be made to the Board of Adjustment (BOA) by first filing said application for variance with the City Manager or his designee who shall forthwith transmit said application to the Board of Adjustment for determination.

(N) *Appeals*. Requests for appeals to administrative decisions by the City Manager or his designee concerning the enforcement of this ordinance shall be directed to the Board of Adjustment (BOA) in compliance with Section 04, Board of Adjustments, of Article 02, Authority and Administrative Procedures, of the Unified Development Code (UDC).

Continued on Next Page …

FIGURE 29: AIRPORT OVERLAY (AP OV) DISTRICT BOUNDARIES

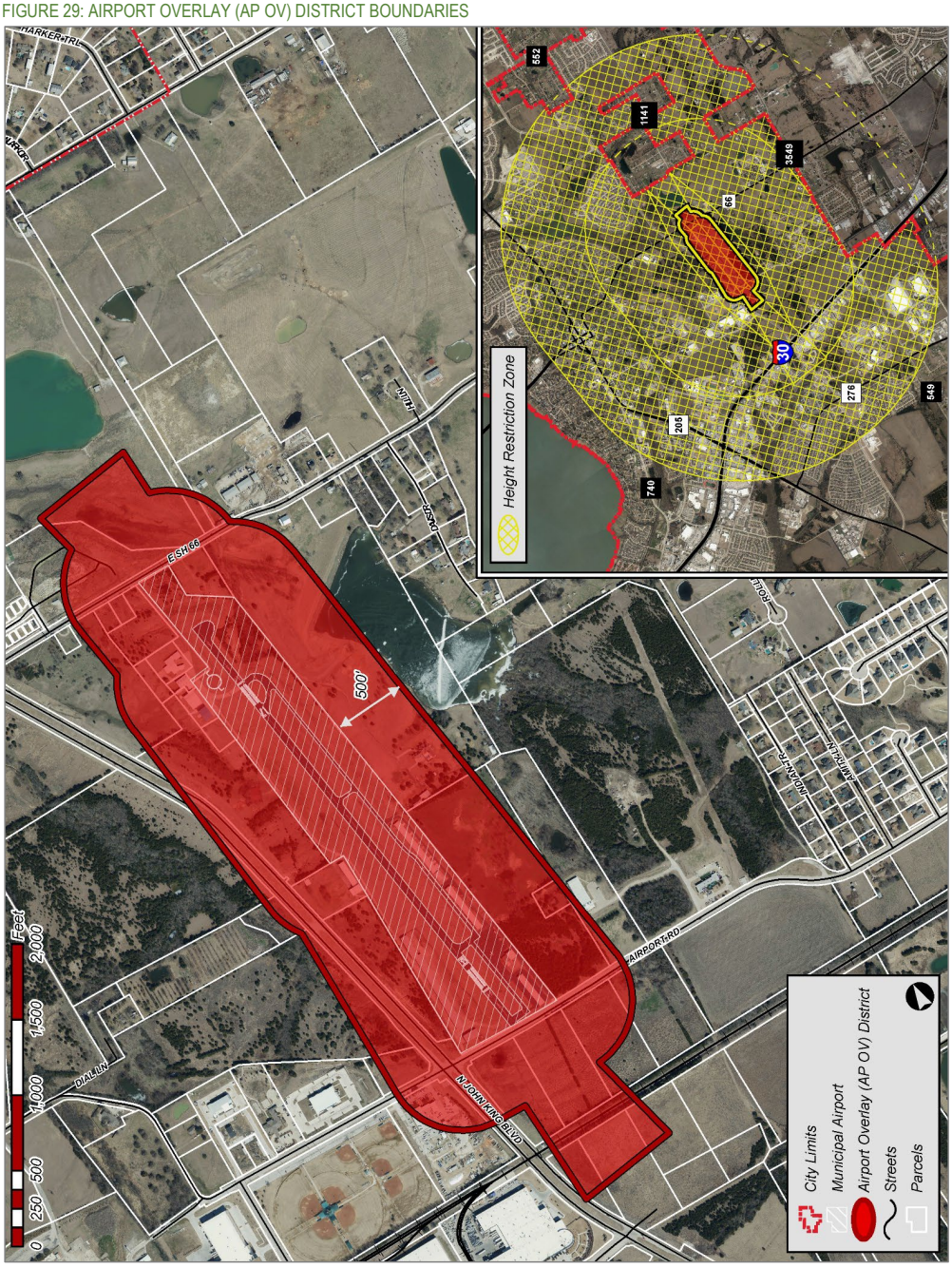


FIGURE 30: DEVELOPMENT ZONES WITHIN THE AIRPORT OVERLAY (AP OV) DISTRICT

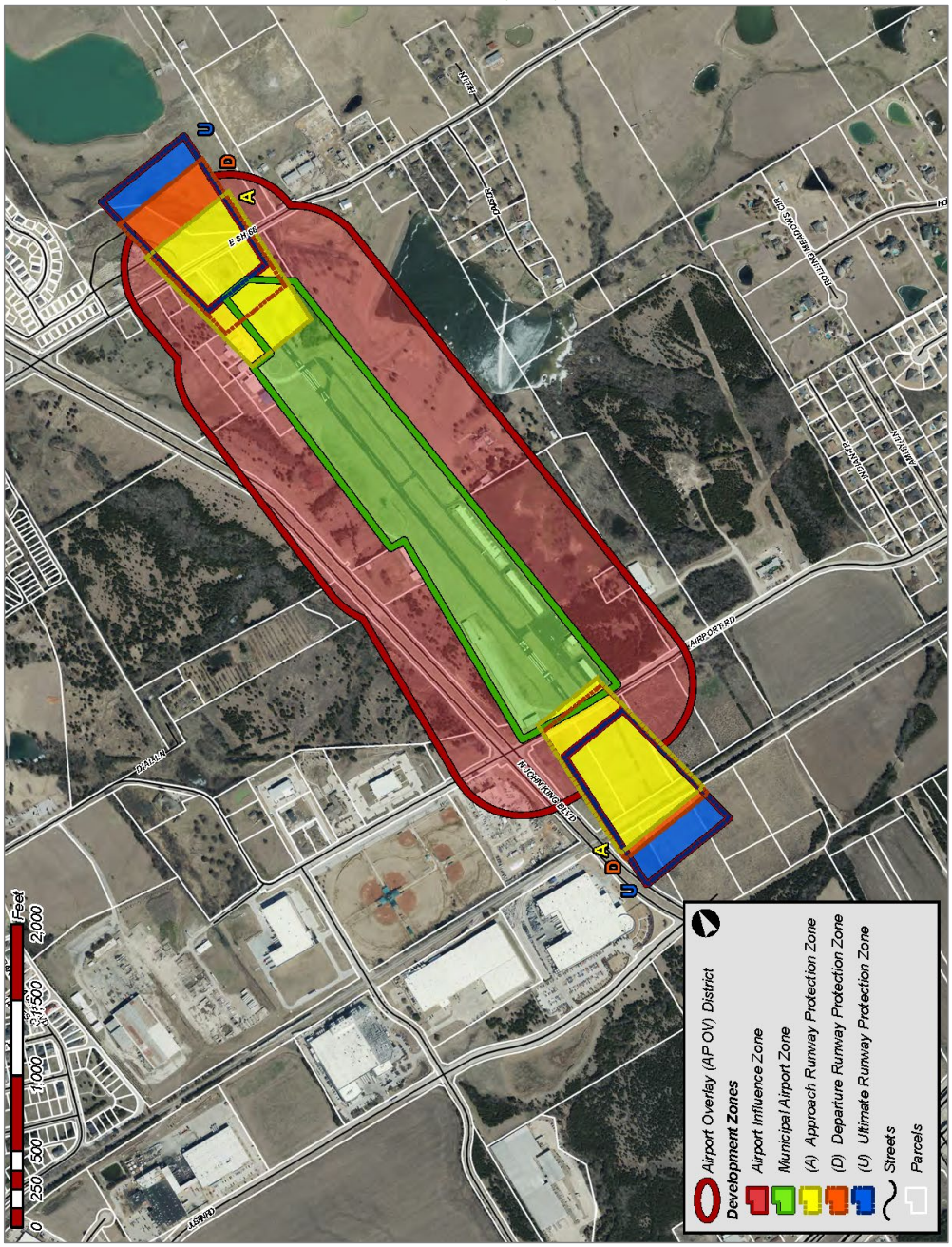


FIGURE 31: AIRSPACE ZONE BOUNDARIES

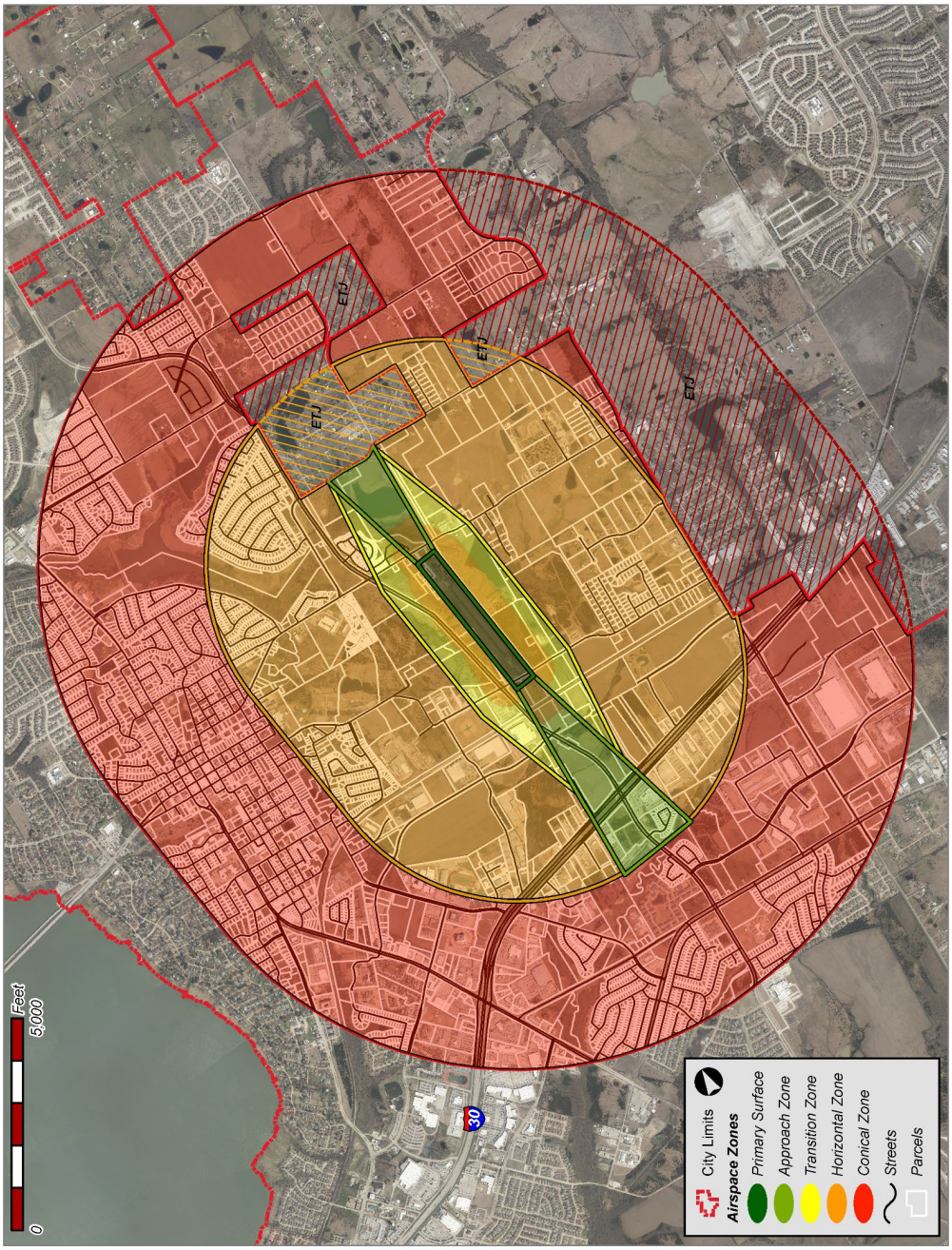
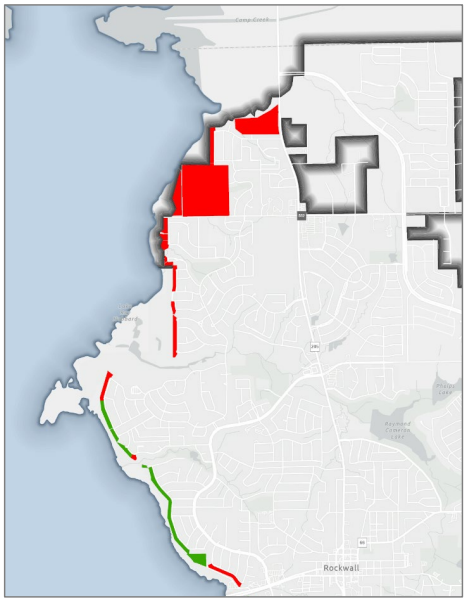
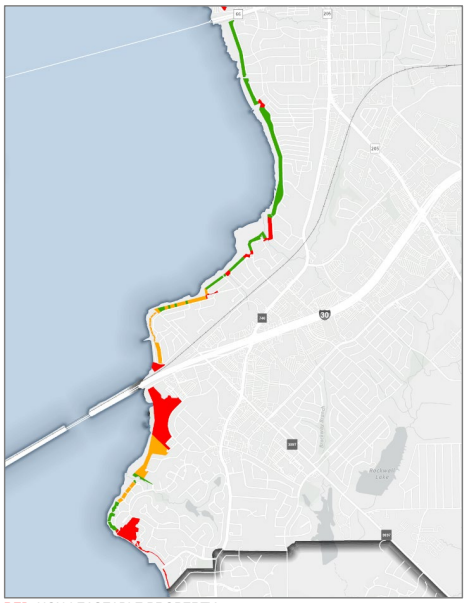


FIGURE 32: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT MAP





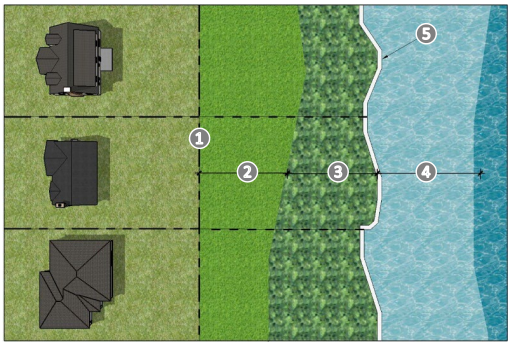
RED: NON-LEASEABLE PROPERTY
GREEN: LEASABLE PROPERTY
ORANGE: HOA LEASABLE AREA

SUBSECTION 06.16: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT

(A) *Purpose*. The purpose of the *Lake Ray Hubbard Takeline Overlay (TL OV) District* is to permit the development of property along the shoreline of Lake Ray Hubbard under certain regulatory conditions governing permitted uses and development standards, setting forth the procedures for the development of said property, and establishing an appeal process for the development standards of the district. This zoning district has its basis in and is intended to serve as an implementation tool for the Lake Ray Hubbard Master Plan (*adopted by the City of Dallas*), the Lake Ray Hubbard Interlocal Agreement as approved by those municipalities comprising the *Lake Cities Coalition* (*i.e. Garland, Rockwall, and Rowlett*) and the City of Dallas, and the OURHometown Vision 2040 Comprehensive Plan. The adoption of this zoning district is intended to provide a means for the protection of water quality.

(B) *Boundaries*. The Lake Ray Hubbard Takeline (TL OV) District includes all property that is located between the City of Dallas *Takeline* as shown on the boundary map for Lake Ray Hubbard (*i.e. File 612D-1 on file in the City of Dallas Records Vault and depicted below in Figure 32, Lake Ray Hubbard Takeline [TL OV] District Map*) and the meandering of the contour line 435.5-feet sea level elevation. In addition, *Figure 33*: *Elevation Contours*, shows the elevation zones used to delineate where certain land uses are permitted.

FIGURE 33: ELEVATION CONTOUR ZONES



❶: REAR PROPERTY LINE/TAKE LINE; ❷: 438.0 ELEVATION ZONE; ❸: 435.5 ELEVATION ZONE; ❹: 425.5 ELEVATION ZONE; ❺: SEAWALL;

(C) *Applicability*.

(1) *Applicable Lots*. The standards set forth within Subsection 06.16, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, shall apply only to those lots within the takeline that are zoned and used for detached, single-family residential land uses, and that either have a minimum lot width of 45-feet when measured at the front building line or a minimum width of 35-feet at the front building line when located on a curved street or cul-de-sac or Homeowner's Association (HOA) that are eligible to lease. The properties and Homeowner's Associations (HOA's) that are eligible to lease the takeline area are depicted in *Figure*

32: Lake Ray Hubbard Takeline Overlay (TL OV) District Map above.

(2) *Exceptions for Lots Not Meeting the Applicability Standards*. The City Council shall have the authority to consider special exceptions to the eligibility standards set forth within this section that apply to those lots within the Lake Ray Hubbard Takeline Overlay (TL OV) District that are zoned and used for detached, attached, or zero-lot-line single-family residential land uses and meet the minimum lot width requirements as prescribed in Subsection 06.15(C)(1) above.

(D) *Definitions*. The terms used in this section shall be as defined in this Unified Development Code (UDC), the Lake Ray Hubbard Interlocal Agreement, and the sublease agreements prepared by the City of Rockwall. For specific land use definitions refer to Subsection (K), *Specifications for Permitted Land Uses*. In addition, the following terms shall be defined as follows:

(1) *Catwalk*. The narrow walkway of a dock providing people access to moored watercraft.

(2) *Centerline*. An established line that is equidistant from the surface or sides of something (*e.g. parcel boundaries*).

(3) *Cleat*. A metal fitting with two (2) projecting pieces used to wrap a rope around to secure a watercraft in position.

(4) *Dredging*. The process of deepening a waterway for the sale and efficient movement of watercraft by the removal of dirt either by digging or by suction.

(5) *Habitable Structure*. A structure fit for human habitation usually containing amenities (*e.g. fireplace, furniture, plumbing, bathing facilities, and cooking facilities*). Structures allowed by this section shall *not* be habitable structures and may not contain such amenities.

(6) *Lake*. Refers to Lake Ray Hubbard.

(7) *Lake Area*. The City of Dallas property, known as Lake Ray Hubbard, that is normally submerged by the lake at a normal lake pool elevation (*i.e. property at or below an elevation of 435.5-feet mean sea level*).

(8) *Leased Area*. Means the take area that is within the corporate limits of the City of Rockwall, or where the takeline is directly adjacent to the corporate limits of the City of Rockwall.

(9) *Lift*. A temporary means of elevating a watercraft out of the water by use of a hoist.

(10) *Locker Box*. A secured chest fixed onto a dock used for storage of watercraft equipment.

(11) *Moor*. Securing a watercraft to a fixed object such as a fixed cleat on a seawall while the watercraft is still in the water.

(12) *Mooring*. A place where a watercraft can be tied up and secured while in the water (*e.g. a slip*) for not more than 156-consecutive hours.

(13) *Power Source Station*. Used as a power supply for lighting a dock just below watercraft level.

(14) *Shoreline*. Refers to the line along the shore of the lake, established by the normal lake pool elevations (*i.e. 435.5-feet mean sea level*).

(15) *Slip*. A watercraft's berth between two (2) piers or between finger piers.

(16) *Take or Takeline Area*. Refers to the land owned by Dallas between the takeline and the normal lake pool elevations (*i.e. 435.5-feet mean sea level*).

(17) *Treated Wood*. Wood treated by the impregnation or application of chemical solutions or chemical mixtures for the purpose of retarding or preventing deterioration or destruction cause by insects, fungi, bacteria, or other wood destroying organisms.

(18) *View Clear Zone*. The area within the view preservation angle where no new structures or plantings shall exceed six (6) feet above the existing grade to maintain neighboring views.

(19) *View Corridor*. A sight passage recognized as holding an intangible asset for a property owner and for a community due to the unique visual qualities of distant terrain, woodlands, wetlands, grasslands, skylines, and manmade lakes expressed through a view preservation angle from either a generally recognized center point or various center points along a road corridor or public view area (*see Figure 28: Visual Measurements for View Corridors of Subsection (E)*).

(20) *View Preservation Angle*. The angle determined as the line extending from the center point -- *or 30-foot point depending on lot size* -- along the quarter distance line of the leased area extending back toward the opposite corner where the takeline area crosses the lease area's side yard (*see Figure 28: Visual Measurements for View Corridors*).

(21) *Watercraft (or Boat)*. A craft for water transport. Examples of watercrafts are as follows:

(a) *Motorized Boat*. A boat propelled by an internal combustion engine.

(b) *Sail Boat*. A boat with a mast and sail propelled by the wind.

(E) *Visual Measurements for View Corridors*.

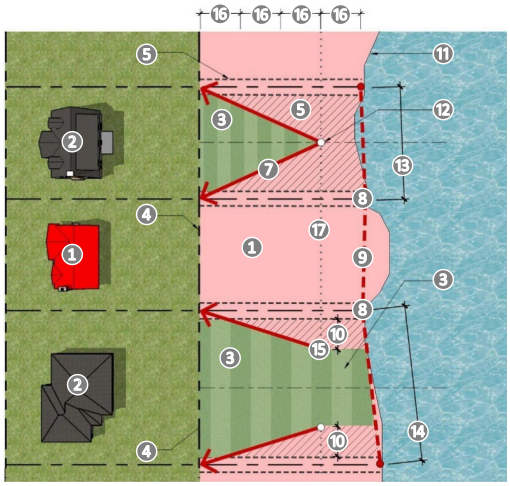
(1) *View Corridors*. View clear zones are established to protect a property owner's views of the lake and to maintain the aesthetic value of the lake's shoreline. The view clear zones for the takeline areas are established by the shoreline frontage of the takeline lease area. This measurement is determined by projecting the lease areas side yards to the normal pool elevation (*i.e. 435.5-feet mean sea level*), and connecting these two (2) points in a straight line (*see Figure 34: Visual Measurements for View Corridors*). Based on this linear measurement, the view clear zones are determined by the following:

(a) *Lots That Have Less Than 100-Feet of Shoreline Frontage*. The view corridor for lots that have less than 100-feet of shoreline frontage is defined by the view preservation angle determined as the quarter distance (*i.e. 25%*) center point from the shoreline frontage line

along the centerline of the leasing property owner's side yard with the angle running from the quarter distance center point to the opposite corners where the takeline area crosses the lease area's side yard. Those areas that fall inside of the view clear zones will be restricted from any type of new improvements or plantings exceeding six (6) feet in height with the exception of boat-related uses, which will be allowed by an administrative exception in accordance with Subsection (F)(2)(d).

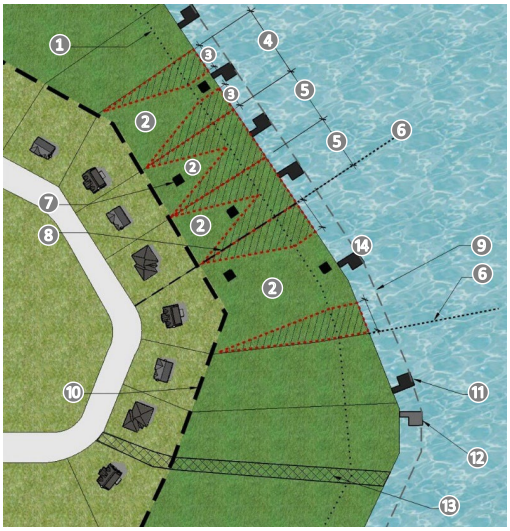
(b) *Lots That Have More 100-Feet or More Shoreline Frontage*. The view corridor for lots that have 100-feet or more shoreline frontage are defined by the view preservation angle determined as the quarter distance (*i.e. 25%*) line projected from the shoreline frontage line extending from the leasing property owner's side yard 30-feet along the quarter distance line and running from this point to the opposite corners where the takeline area crosses the lease area's side yard, and in a straight line from the 30-foot point on the quarter distance line to the shoreline frontage line. Those areas that fall inside of the view clear zones will be restricted from any type of new improvements or plantings exceeding six (6) feet in height with the exception of boat-related uses, which will be allowed by an administrative exception in accordance with Subsection (F)(2)(d).

FIGURE 34: VISUAL MEASUREMENTS FOR VIEW CORRIDORS



❶: SUBJECT PROPERTY'S AND ITS VIEW CORRIDOR (*PINK AREA*); ❷: NEIGHBORING PROPERTY; ❸: NEIGHBORING PROPERTY'S BUILDABLE AREA (*GREEN LINED AREA*); ❹: REAR PROPERTY LINE/TAKELINE; ❺: VIEW CLEAR ZONE (*LINED AREA*); ❻: LEASE AREA SIDE YARD SETBACK; ❼: VIEW PRESERVATION ANGLE; ❽: THE INTERSECTION OF THE 435.5 ELEVATION LINE AND THE LEASE AREA'S SIDE YARD; ❾: SHORELINE FRONTAGE LINE (*ESTABLISHED BY CONNECTING THE TWO [2] ❽ POINTS IN A STRAIGHT LINE*); ❿: 30-FOOT ; ⓫: SHORELINE; ⓬: CENTER POINT AT THE QUARTER DISTANCE LINE; ⓭: A LOT WITH A SHORELINE FRONTAGE LESS THAN 100-FEET; ⓮: A LOT WITH A SHORELINE FRONTAGE 100-FEET OR MORE; ⓯: 30-FOOT POINT ON THE QUARTER DISTANCE LINE; ⓰: 25% OF THE TAKELINE AREA; ⓱: QUARTER DISTANCE LINE.

FIGURE 35 EXAMPLES OF VISUAL MEASUREMENTS FOR VIEW CORRIDORS AND STRUCTURE PLACEMENT



❶: QUARTER DISTANCE LINE; ❷: BUILDABLE AREA; ❸: 30-FEET; ❹: A LOT WITH A SHORELINE FRONTAGE LINE 100-FEET OR MORE; ❺: A LOT WITH A SHORELINE FRONTAGE LINE LESS THAN 100-FEET; ❻: LEASE AREA'S PROJECTED SIDE YARD; ❼: STRUCTURE BUILT IN THE 438.0 ELEVATION ZONE; ❽: LEASE AREA'S SIDE YARD; ❾: 40-FOOT BUILDING LINE; ❿: REAR PROPERTY LINE/TAKELINE ; ⓫: EXISTING BOATHOUSE; ⓬: BOATHOUSE LOCATION APPROVED ADMINISTRATIVELY BECAUSE OF DRAINAGE EASEMENT AND CLUSTERED WITH AN EXISTING BOATHOUSE; ⓭: DRAINAGE EASEMENT; ⓮: BOATHOUSE AND STRUCTURE IN THE 435.5 ELEVATION ZONE GENERALLY CENTERED IN THE LEASE AREA BEHIND THE PRIMARY STRUCTURE.

(F) *General Requirements*. The following general requirements shall apply for all property in the takeline area.

(1) *Number of Permitted Structures*. The following is the maximum number of structures that shall be permitted in each elevation zone (*NOTE: in this case a structure is defined as any of the permitted uses specified in Subsection (K), Specifications for Permitted Land Uses that exceeds six [6] feet in height*):

(a) *438.0 Elevation Zone*: Two (2) structures shall be permitted in the *438.0 Elevation Zone*.

(b) *435.5 Elevation Zone*. One (1) structure shall be permitted in the *435.5 Elevation Zone*.

(2) *General Location of Permitted Structures*. The following requirements relate to where structures should be generally located in each elevation zone (*NOTE: in this case a structure is defined as any of the permitted uses specified in Subsection (K), Specifications for Permitted Land Uses that exceeds six [6] feet in height*):

(a) *438.0 Elevation Zone*: Structures in the *438.0 Elevation Zone* should be located outside of the view clear zones unless specifically permitted to be in the view clear zone by Subsection (K), *Specifications for Permitted Land Uses*.

(b) *435.5 Elevation Zone*: Structures in the *435.5 Elevation Zone* should be generally centered in the lease area -- *equal distance from both leased side yard boundary lines* -- behind the primary structure on the leasing property and outside of the view clear zones unless specifically permitted to be in the view clear zone by Subsection (K), *Specifications for Permitted Land Uses*.

(c) *425.5 Elevation Zone*: Structures located in the *425.5 Elevation Zone* should be generally centered along the shoreline -- *equal distance from both the leased side yard boundary lines* -- behind the primary structure of the leasing property.

(d) *Administrative Exception for the 435.5 & 425.5 Elevation Zone*. In cases where it is [*1*] not feasible to construct a structure in the center of the lease area or along the shoreline, [*2*] will increase the view corridor or benefit the surrounding properties by not centering a structure in the lease area, or [*3*] where centering the structure will create an undue hardship to the property owner leasing the lease area, the Director of Planning and Zoning or his/her designee may approve an administrative exception to allow an alternate location that is not generally centered in the lease area as long as the location for the proposed structure is outside of the view clear zone. In approving these requests, the Director of Planning and Zoning or his/her designee shall consider the impact of the proposed structure on the adjacent property owners.

(3) *Building Materials*. The permitted building materials shall be as stipulated in Subsection (K), *Specifications for Permitted Land Uses*, and as permitted by the City Council through a Specific Use Permit (SUP); however, the use of canvas, cloth, or like materials shall be prohibited within the takeline area. In addition, loose ground materials (*e.g. sand, fill, pea gravel*) that could be used for trails, paths, play areas, active sports activities, or as exposed landscape bedding material are prohibited.

(4) *Trees*. In order to plant or remove a tree in the takeline area, a *Treescape Plan* showing the exact location, size (*i.e. trunk diameter and height*), and common name of the tree to be planted or removed will be required to be submitted to the Parks and Recreation Department. A permit to plant or remove a tree may be approved administratively by the Director of Parks and Recreation or his/her designee, or forwarded to the Parks and Recreation Board for approval. In reviewing a request to plant or remove a tree, the following criteria shall apply:

(a) *Planting Trees*. Trees are permitted to be planted within the *438.0 Elevation Zone* pending they are [*1*] not a variety specifically listed in the prohibited tree list contained in Section 03, *Tree Planting Guidelines and Requirements*, of Appendix C, *Landscaping Guidelines and Requirements*, and [*2*] they are not located within the view clear zone outlined Subsection (E), *Visual Measurements*. The Director of Parks and Recreation or his/her designee may grant an exception to allow a tree to be planted in the view clear zone where it is determined that the tree will not decrease the visibility of the lake or shoreline for the adjacent properties. In making this determination, the Director of Parks and Recreation shall consider the size of the proposed tree at maturity.

(b) *Removing Trees*. Trees are permitted to be removed only if they are determined to be damaged or diseased, or if they create a hazardous or dangerous condition that could endanger the public health, safety or welfare of the general public.

(5) *Temporary Structures on Lease 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(K)(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.

(G) *Residential Sublease Agreement*. A *Residential Sublease Agreement* is an agreement between a property owner and the City of Rockwall that grants the property owner certain rights to the exclusive use of the takeline area. A *Residential Sublease Agreement* shall be required to build certain structures within the takeline area. The area to be leased by a single-family property owner shall be directly contiguous to the boundaries of the property and are only permitted in the areas depicted in *GREEN* on Figure 32, *Lake Ray Hubbard Takeline (TL OV) District Map*. It shall be a violation of the zoning code to build or maintain a structure in the takeline area without a valid *Residential Sublease Agreement*. An owner in violation of this section shall be subject to the requirements of Section 01, *Penalties*, of Article 12, *Enforcement*, of the Unified Development Code (UDC). The following shall be the costs associated with a *Residential Sublease Agreement*:

Lease	Fees
New Lease (*i.e. New Never Leased by Current Owner*) [2]	$200.00
Annual Renewal of a Lease	$100.00
Change of Ownership of a Valid Lease	$50.00
Reinstatement of an Expired Lease (*i.e. Same Property Owner*) [3]	$500.00

NOTES:

[1]: To be subject to these new fees, a lease entered into after *January 1, 2021* will be required (*i.e. the effective date of the amendment adopting these fees*).

[2]: A lease is considered to be new under the following circumstances: [*1*] the property has never had a valid lease agreement, or [*2*] the property had a valid lease under different ownership but that lease agreement expired prior to the current owner taking possession of the property.

[3]: A lease is considered to be a reinstatement when it lapses or expires under the current ownership, and then the same owner requests a new lease.

(H) *Homeowner's Association (HOA) Sublease Agreement*. A *Homeowner's Association (HOA) Sublease Agreement* is an agreement between a Homeowner's Association (HOA) and the City of Rockwall that grants the HOA certain rights to the exclusive use of the takeline area for their members. The area to be leased by the Homeowner's Association (HOA) shall be directly contiguous to the boundaries of the HOA and are only permitted in the areas depicted in ORANGE on Figure 32, *Lake Ray Hubbard Takeline [TL OV] District Map*. It shall be a violation of the zoning code to build or maintain a structure in the takeline area without a valid *Homeowner's Association (HOA) Sublease Agreement*. A Homeowner's Association (HOA) in violation of this section shall be subject to the requirements of Section 01, *Penalties*, of Article 12, *Enforcement*, of the Unified Development Code (UDC). The requirements for a *Homeowner's Association (HOA) Sublease Agreement* are as follows:

(1) *Site Plan*. Prior to the execution of a *Homeowner's Association (HOA) Sublease Agreement*, the Homeowner's Association (HOA) shall submit a *Site Plan* to the Director of Planning and Zoning in accordance with the procedures outlined in Subsection 01.02, *Submission of an Application*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). The *Site Plan* shall show all of the *Activity Areas* [*see Subsection (H)(2) below*], the proposed improvements for these areas, the required seawalls, fixed piers and/or dock decks, private walkways, and any landscaping for the leased area. The Planning and Zoning Commission shall review the *Site Plan* in accordance with the procedures contained in Section 03, *Site Plans*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Upon approval of a *Site Plan*, the approved *Site Plan* shall be incorporated into the *Homeowner's Association (HOA) Sublease Agreement*. Should the Homeowner's Association (HOA) choose to amend the *Site Plan*, the *Site Plan* shall be amended in accordance with the procedures of Subsection 03.06, *Amended Site Plan*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Upon approval of an amendment to the *Site Plan*, a new *Homeowner's Association (HOA) Sublease Agreement* shall be drafted containing the *Amended Site Plan* and superseding the original *Homeowner's Association (HOA) Sublease Agreement*.

(2) *Activity Areas*. In lieu of the requirements of Subsections (F)(1), *Number of Permitted Structures*, and (F)(2), *General Location of Permitted Structures*, -- *and as part of the required Site Plan outlined in Subsection (H)(1) above* -- the Homeowner's Association (HOA) shall identify *Activity Areas* where improvements can/will be made within the leased area. Improvements outside of the *Activity Areas* -- *with the exception of landscaping and private walkways* -- shall be prohibited for the purpose of preserving the view corridors of the existing residential properties. The *Activity Areas* shall generally adhere to the following requirements:

(a) *Size*. *Activity Areas* should not be larger than 50-feet by 50-feet, unless otherwise approved by the Planning and Zoning Commission. In reviewing the *Activity Areas*, the Planning and Zoning Commission shall consider how the proposed size affects the view corridors of the adjacent residential properties.

(b) *Location*. *Activity Areas* shall be spaced so that they are a minimum of 200-feet apart, and be setback a minimum of 25-feet from the rear or side yard property line of any residential property. In addition, the *Activity Areas* shall be located in a manner that will create the least amount of impact to the adjacent property owners and their view corridors.

(c) *Seawalls*. Prior to the construction of an *Activity Area*, a seawall, conforming to Subsection (K), *Specifications for Permitted Land Uses*, and extending 100-feet on either side of the *Activity Area*, shall be required to be constructed.

(3) *Fixed Piers and Dock Decks*. Fixed piers and dock decks, conforming to Subsection (K), *Specifications for Permitted Land Uses* and spaced a minimum of 200-feet apart, are permitted along the leased area; however, a seawall, conforming to Subsection (K), *Specifications for Permitted Land Uses* and extending 100-feet on either side of the fixed pier or dock deck, shall be required with the proposed improvements.

(4) *Prohibited Land Uses*. Boathouses, as defined in Subsection (K), *Specifications for Permitted Land Uses*, shall be prohibited in the leased area associated with any *Homeowner's Association (HOA) Sublease Agreement*; however, in the event a boathouse existed in the leased area prior to the execution of the *Homeowner's Association (HOA) Sublease Agreement*, the HOA shall assume responsibility for the existing improvement in accordance with Subsection (H)(5) below.

(5) *Existing Improvements*. As part of the *Homeowner's Association (HOA) Sublease Agreement*, the HOA shall be required to assume responsibility for any existing improvements and the maintenance of these improvements in the leased area.

(6) *Fees*. The following shall be the costs associated with a *Homeowner's Association (HOA) Sublease Agreement*:

Lease	Fees
New Lease (*i.e. New Never Leased by HOA*) [1]	$200.00
Annual Renewal of a Lease	$100.00
Reinstatement of an Expired Lease (*i.e. Same HOA*) [2]	$500.00

NOTES:

[1]: A lease is considered to be new if the property has never had a valid lease agreement or if a site plan has been amended in accordance with the procedures of Subsection (H)(1).

[2]: A lease is considered to be a reinstatement when it lapses or expires, and then the Homeowner's Association (HOA) requests a new lease.

(I) *Permitted Uses*. All of the uses permitted within the *Lake Ray Hubbard Takeline Overlay (TL OV) District* shall adhere to all other

applicable codes and the permitting requirements of the City of Rockwall. For a list of permitted land uses see Subsection (L), *Specifications for Permitted Land Uses*, or Subsection 07.05, *Lake Ray Hubbard Takeline Overlay (TL OV) District Development Standards*.

(J) *Specific Use Permits (SUPs)*. A Specific Use Permit (SUP) may be requested for: [*1*] any use that is not listed in Subsection (K), *Specifications for Permitted Land Uses* or [*2*] any structure that does not adhere to the requirements stipulated for that use or structure as required by Subsection (K), *Specifications for Permitted Land Uses*; however, a request for a Specific Use Permit (SUP) cannot be requested if a dimensional, material, size, or location standard stipulated in Subsection (K), *Specifications for Permitted Land Uses*, or Subsection (F), *General Requirements*, is expressly prohibited. In addition, no requests can be made that violate the view corridor requirements stipulated in Subsection (E), *Visual Measurements*. A Specific Use Permit (SUP) may be requested for water related land uses that are not specifically addressed in Subsection (K), *Specifications for Permitted Land Uses*, (*e.g. jet ski lift*) pending the applicant provides a letter of consent from the City of Dallas prior to making the application. In considering a Specific Use Permit (SUP) request, the City Council shall consider how the proposed request [*1*] impacts adjacent properties, and [*2*] adheres to the intent of the Lake Ray Hubbard Takeline Overlay (TL OV) District.

(K) *Specifications for Permitted Land Uses*. See Subsection 07.05, *Lake Ray Hubbard Takeline Overlay (TL OV) District Development Standards*, for a summary of the development standards for each of the following conditional uses.

(1) *Barbecue Pit*.

(a) *Definition*. A *barbecue pit* is a permanent fireplace structure over which meat, poultry and other foods are roasted (*for Fire Pit see Subsection 06.15(K)(9)*).

(b) *Prerequisites*. A *barbecue pit* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *barbecue pit* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *barbecue pit* can only be fueled by charcoal and wood products, and shall not be fueled by any permanently buried gas products (*i.e. natural gas or propane*).

(e) *Construction Standards*.

(1) *Building Materials*. A *barbecue pit* must be constructed utilizing a combination of natural stone, brick, concrete, and/or iron grating.

(2) *Height*. A *barbecue pit* shall not exceed a maximum of six (6) feet in height.

(3) *Size*. A *barbecue pit* shall not be smaller than a minimum size of three (3) feet in length by three (3) feet in width; however, a *barbecue pit* should not exceed a maximum size of eight (8) feet in length by three (3) feet in width.

(f) *Setback Requirements*. A *barbecue pit* must adhere to the following setbacks:

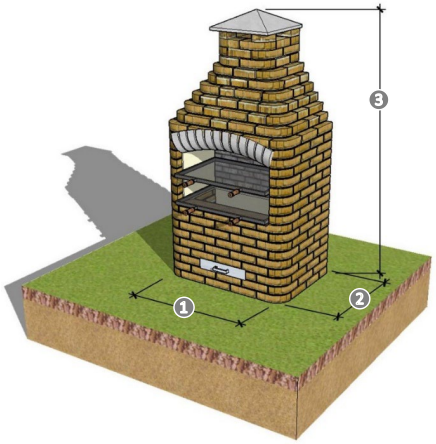
(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *barbecue pit* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *barbecue pit* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.



❶: A MINIMUM AND MAXIMUM OF THREE (3) FEET IN LENGTH; ❷: A MINIMUM OF THREE (3) FEET AND A MAXIMUM OF EIGHT (8) FEET IN WIDTH; ❸: A MAXIMUM OF SIX (6) FEET;

(2) *Boathouse*.

(a) *Definition*. A *boathouse* is a roofed structure affixed to the end of an adjoining *fixed pier*, with a main waterside opening, containing an operating boatlift, and which is built to house and protect a watercraft and boat related equipment.

(b) *Prerequisites*. A *boathouse* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall, has constructed a *seawall* along the entire length of the shoreline within the leased area, and has constructed a *fixed pier*.

(c) *Conditional Use Standards*. *Boathouses* are used for storing boats that have a fuel efficiency rating greater than 95%; however, boathouses may also be used to store

sailboats. *Boathouses* will not be used for storing any other type of items except boats and boat-related equipment. In addition, *Boathouses* shall not be used as a habitable dwelling structure, or shelter for domestic or wild animals. All *boathouses* shall be designed to discourage swimming, be durable, and have a base foundation construction of approved piling piers placed to a depth decided by a structural engineer; however, a *boathouse* shall not be designed to prevent public access to an area of water. Accessories placed on the flat surface of a *boathouse* or catwalk must be placed in an orderly manner that allows for the safe movement of people.

(d) *Elevation Zone*. A *boathouse* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

(e) *Construction Standards*.

(1) *Building Materials*. All *boathouse* constructed below the 437.0-foot mean sea level contour shall use only pilings and materials approved by the City of Rockwall and the City of Dallas. *Boathouses* shall be constructed utilizing composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with high-tech plastic materials*) -- *products equivalent to Trex brand are preferred* -- for decking, galvanized metal/iron/steel or aluminum (*with a minimum color rating of AAMA 2604*) for the support posts, all aforementioned materials and cedar or iron wood for the roof beams, and standing seam metal for the roof with a pre-finished color. Support posts may be wrapped in composite material. Water repellant sealants shall not be used to treat any cedar or ironwood used for roof beams. All fasteners binding materials together must be made out of stainless steel.

(2) *Height*. A *boathouse* shall be a minimum of 16-feet and a maximum of 21-feet in height as measured from the top of the fixed pier's catwalk to the vertex of the *boathouse's* cupola; however, in no case should a *boathouse* exceed one (1) story in height.

(3) *Size*. The footprint of the exterior sides of a *boathouse* will measure a minimum of eight (8) feet in width by 30-feet in length and a maximum of 12-feet in width and 30-feet in length. *Boathouses* shall not extend more that 40-linear feet into the water as measured from the normal pool elevation of the shoreline (*i.e. 435.5*).

(4) *Roof*. A *boathouse* will have a hip roof with either: [*1*] one (1) cupola with a hip roof centered at the top of the main hip roof, or [*2*] two (2) cupolas each with hip roofs at either end of the top of the main hip roof. Cupolas will be designed to allow updraft air and winds to vent outward, and shall measure three (3) feet by four (4) feet. All *boathouse* roofs shall be built with a minimum of a 2:1 roof pitch and will not have an overhang greater than 18-inches. *Boathouses* shall not incorporate a deck or platform.

(5) *Lighting*. Interior lighting for a *boathouse* will be directed downward from the ceiling of the structure and at the stored watercraft. Exterior lighting for a *boathouse* will be directed downwards toward the fixed pier with light fixtures incorporated either into the roof's overhang or the structure's columns. Lighting shall not hinder an adjacent property owner's lake views, negatively impact surrounding residents with unwanted brightness or glare, or interfere with the safety of the traveling public.

(6) *Additional Construction Standards*.

(a) *Deck Ladder*. A deck ladder is permitted to be constructed inside a *boathouse*.

(b) *Storage Unit*. A *boathouse* can incorporate one (1) storage unit measuring 72-inches in length by 20-inches in depth by 20-inches in height. Storage units shall be placed on the outer dockside, and shall only be used for storing boat-related equipment. The storage of fossil fuels and/or hazardous materials is prohibited.

(c) *Boat or Watercraft Lift(s)*. A *boathouse* must incorporate either one (1) regular boat lift or two (2) personal watercraft boat lifts. All boat or watercraft lifts must be able to hoist a watercraft above the 438.0-foot mean sea level contour, and be maintained in good operating condition. All watercrafts must be stored under the roof of the *boathouse*.

(d) *Pilings*. The approved pilings used to support a boathouse must be built up to at least 17-inches above the normal pool elevation of 435.5-feet mean sea level. Vertical rub rails are required on all concrete piers and pilings.

(e) *Catwalks*. The flat floor surface or catwalk for all structures must be no more and no less than 18-inches above the normal pool elevation of 435.5-feet mean sea level.

(f) *Safety Reflectors*. All structures shall be designed with safety reflectors to be clearly visible on three (3) sides on the main waterside of the end of the structure. Safety reflectors are required on either side of the main waterside end and the two (2) sides at a minimum increment of ten (10) feet starting at the structure's main waterside end and working back to the shoreline. Safety reflectors will be white, blue, or red and no less than three (3) inches in diameter or square in size, kept clean, firmly attached to the structure, and maintained in good condition.

(7) *Location*. All *boathouses* are required to be located in the water of the *Lake*. View corridor restrictions do not apply to *boathouses*; however, a boathouse should generally be located in line with the primary structure on the leasing property (*i.e. generally centered on the lot*). *Boathouses* shall not be designed to prevent or restrict public access to any portion of water within the *Lake*.

(f) *Setback Requirements*. A *boathouse* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-feet
(2) *Leased Side Yard Setback*: 10-feet
(3) *Maximum Distance from Seawall*: 40-feet

(g) *Additional Requirements*.

(1) *Dredging*. Dredging of the lake area is allowed for the berthing of a motorized boat into a *boathouse* provided that the dredging does not exacerbate shoreline erosion, lake siltation, water quality degradation, wetlands instability, or the integrity of any built structure, and the dredged channel is maintained for boating maneuverability to a depth of 425.0-feet mean sea level and a width area allowable for safe boating maneuverability. Property authorization to dredge must be obtained from the City of Rockwall, City of Dallas, US Army Corps of Engineers, and the Texas Parks and Wildlife Department. Disposal of dredging materials must be handled by a licensed establishment, properly treated and disposed of at an offsite location or disposed onsite only as part of land reclamation working under the City of Dallas guidelines and supervision.

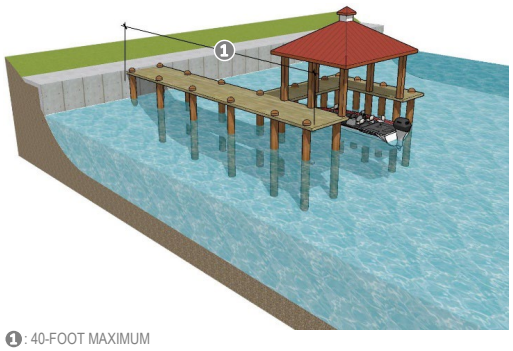
(2) *Compliance with Applicable Codes*. A *boathouse* must comply with all other applicable City of Rockwall codes.

(3) *Address*. All *boathouses* shall have a residential street address sign with six (6) inch black letters on a white background displayed outwards towards the main body of the *Lake* to be recognizable for waterside public safety and emergency personnel.

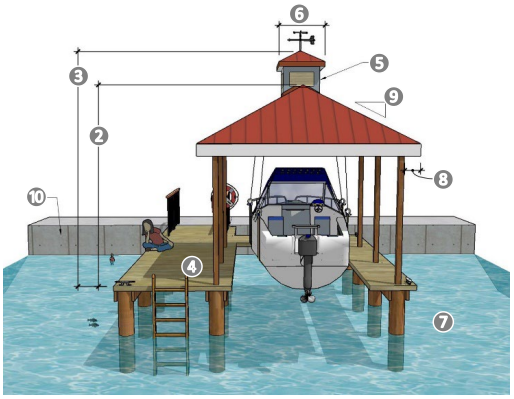
(4) *Easement Protection*. No *boathouse* shall encroach into an existing or identified future easement, right-of-way, access road, or path.

(h) *Visual Representation*.

Continued on Right Side of Page …



❶: 40-FOOT MAXIMUM



❶: 40-FOOT MAXIMUM; ❷: 13-FOOT MINIMUM TO 18-FOOT MAXIMUM; ❸: 16-FOOT MINIMUM TO 21-FOOT MAXIMUM; ❹: CATWALK (UNDERSTRUCTURE TO BE ABOVE THE 437.0-FOOT ELEVATION); ❺: CUPOLA; ❻: THREE (3) FEET BY FOUR (4) FEET; ❼: 435.5-FOOT NORMAL POOL ELEVATION; ❽: 1.5-FOOT MAXIMUM OVERHANG; ❾: 2:1 ROOF PITCH (HIP ROOF ONLY); ❿: SEAWALL

(3) *Covered Patio*.

(a) *Definition*. A *covered patio* is a standalone structure that provides shade and/or rain coverage for a patio or deck. Covered patios have a solid roof.

(b) *Prerequisites*. A *covered patio* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *covered patio* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *covered patio* shall not be used as a habitable dwelling structure, storage facility, or shelter for domestic or wild animals.

(e) *Construction Standards*.

(1) *Building Materials*. A *covered patio* must be constructed utilizing cedar, redwood, ironwood, composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. The roof of the structure should generally match the color of the roof on the primary structure, and be constructed using clay tiles, standing seam metal, slate shingles, concrete shingles, or ceramic shingles. Canvas, cloth, or mesh attachments to the structure shall be prohibited.

(2) *Height*. A *covered patio* shall not exceed a maximum height of 15-feet or one (1) story, and the roof shall not be used as a deck or lookout. The height shall be measured from grade to the mid-point of the pitched roof.

(3) *Size*. A *covered patio* shall not exceed a maximum size of 12-feet by 20-feet or 240 SF.

(4) *Roof*. A *covered patio* will have a hip or gable roof with either: [*1*] one (1) cupola with a hip roof centered at the top of the main hip roof, or [*2*] a clerestory built into the center of the main hip roof. Cupolas and clerestories will be designed to allow updraft air and winds to vent outward, and shall be proportional to the main roof. All *covered patios* should be built with a minimum of a 4:1 roof pitch. The roof shall not have an overhang greater than 18-inches.

(5) *Location*. A *covered patio* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Covered patios* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *covered patio* must adhere to the following setbacks:

(1) *Takeline Setback*: 6-Feet (*from the Concrete Cap of the Seawall*)
(2) *Leased Side Yard Setback*: 20-Feet

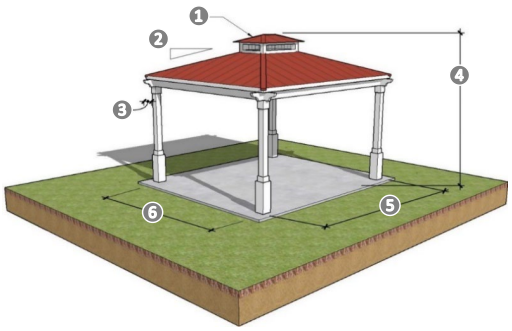
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *covered patio* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *covered patio* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *covered patio* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: CUPOLA OR CLERESTORY; ❷: 4:1 MINIMUM ROOF PITCH; ❸: 18-INCHES MAXIMUM OVERHANG; ❹: 15-FEET MAXIMUM HEIGHT; ❺: 20-FEET MAXIMUM; ❻: 12-FEET MAXIMUM;

(4) *Deck*.

(a) *Definition*. A *deck* is a roofless structure anchored to the ground that consists of planks running in a horizontal pattern and creating a flat surface area.

(b) *Prerequisites*. A *deck* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *deck* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted (*see Dock Deck in Subsection 06.15(K)(5)*).

(d) *Conditional Use Standards*. A *deck* shall not incorporate walls or other none transparent structures to function as handrails or counter space.

(e) *Construction Standards*.

(1) *Building Materials*. A *deck* must be constructed of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*). Handrails incorporated into a *deck* in the *438.0 Elevation Zone* shall be made of wrought iron or decorative metal. Handrails are *not* permitted in the *435.5 Elevation Zone*.

(2) *Height*. A *deck* shall not exceed a maximum height of 24-inches above grade.

(3) *Size*. A *deck* shall not exceed a maximum area of 1,000 SF.

(4) *Location*. A *deck* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Decks* shall not be placed in the view clear zone of a neighbor's view corridor.

(5) *Foundation*. A *deck* shall be anchored into the ground using concrete posts and footings as a foundation appropriate for the load and size of the proposed *deck*.

(f) *Setback Requirements*. A *deck* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

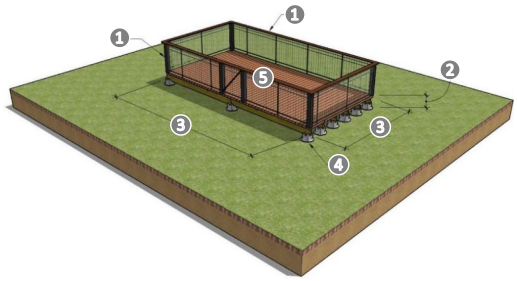
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *deck* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *deck* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *deck* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: WROUGHT IRON OR DECORATIVE METAL; ❷: MAXIMUM OF 24-INCHES OR TWO (2) FEET ABOVE GRADE; ❸: (L) X (W) SHALL NOT BE GREATER THAN 1,000 SF; ❹: CONCRETE POSTS AND FOOTINGS FOR FOUNDATION; ❺: COMPOSITE DECKING MATERIALS.

(5) *Dock Deck*.

(a) *Definition*. A *dock deck* is a flat floor surface area built over the water adjoining the end of a *fixed pier*.

(b) *Prerequisites*. A *dock deck* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall, has constructed a *seawall* along the entire length of the shoreline within the leased area, and has constructed *fixed pier*.

(c) *Elevation Zone*. A *dock deck* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

(d) *Conditional Use Standards*. Items that can be securely attached to the edge of a *dock deck* include the following: [*1*] a personal watercraft swing lift, [*2*] benches, [*3*] dock deck lighting that is either embedded in or on a pole, [*4*] locker box, and/or [*5*] power source station. A table may also be placed on the edge or in the center of a *dock deck*. A watercraft is only allowed to moor at any portion of a *dock deck* for no more that 156-consecutive hours during any given week. All *dock decks* shall be designed to discourage swimming, be durable, and have a base foundation construction of approved piling piers placed to a depth decided by a structural engineer; however, a *dock deck* shall not be designed to prevent public access to an area of water. *Dock decks* shall also be designed to be clearly visible during all seasons of the year and fluctuations in pool elevation of the *Lake*. Accessories placed on the flat surface of a *dock deck* or catwalk must be placed in an orderly manner that allows for the safe movement of people.

(e) *Construction Standards*.

(1) *Building Materials*. The catwalk and/or *dock deck* and any benches built on these structures shall utilize only composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*). Any railings built on a dock deck shall be constructed of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*) or steel tubing railings. *Dock decks* above 437.0 feet mean sea level are required to be constructed of metal pilings, concrete pilings, or plastic PVC pilings. *Dock decks* constructed below 437.0 feet mean sea level must use only pilings and materials approved by the City of Dallas as specified in the City of Dallas' *Construction Permit Application Lake Structures Lake Ray Hubbard*. All pilings shall be engineered and approved to handle the pressures, stresses, and loads applicable to lakefront conditions. The exterior color of all *dock decks* shall be a neutral or earth tone color and be subject to approval by the Planning and Zoning Department at the time of building permit. All fasteners binding materials together must be made of stainless steel. Water repellant sealants shall *not* be used.

(2) *Height*. No pole structures incorporated into a *dock deck* shall be higher than eight (8) feet above the flat floor surface with no more than four (4) pole structures allowed.

(3) *Size*. The footprint of the exterior sides of a *dock deck* adjoining a fixed pier shall be a minimum of eight (8) feet by ten (10) feet (*i.e. 80 SF*) and a maximum of 12-feet by 30-feet (*i.e. 360 SF*). *Dock decks* shall not extend more that 40-linear feet into

the water as measured from the normal pool elevation of the shoreline (*i.e. 435.5*).

(4) *Lighting*. Lighting shall not hinder an adjacent property owner's lake views, negatively impact surrounding residents with unwanted brightness or glare, or interfere with the safety of the traveling public. Safety lighting may be placed onto the interior edges of the flat floor surface of a *dock deck* at ten (10) foot increments, with the cover housing the lighting source no higher than six (6) inches. Two (2) light post structures with a maximum height of eight (8) feet can be placed along the periphery of a *dock deck*.

(5) *Additional Construction Standards*.

(a) *Pilings*. The approved pilings used to support a boathouse must be built up to at least 17-inches above the normal pool elevation of 435.5-feet mean sea level. Vertical rub rails are required on all concrete piers and pilings.

(b) *Catwalks*. The flat floor surface or catwalk for all structures must be no more and no less than 18-inches above the normal pool elevation of 435.5-feet mean sea level.

(c) *Safety Reflectors*. All structures shall be designed with safety reflectors to be clearly visible on three (3) sides on the main waterside of the end of the structure. Safety reflectors are required on either side of the main waterside end and the two (2) sides at a minimum increment of ten (10) feet starting at the structure's main waterside end and working back to the shoreline. Safety reflectors will be white, blue, or red and no less than three (3) inches in diameter or square in size, kept clean, firmly attached to the structure, and maintained in good condition.

(6) *Location*. View corridor restrictions do not apply to *dock decks*. *Dock decks* shall not be allowed on land.

(f) *Setback Requirements*. A *dock deck* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-feet
(2) *Leased Side Yard Setback*: 10-feet
(3) *Maximum Distance from Seawall*: 40-feet

(g) *Additional Requirements*.

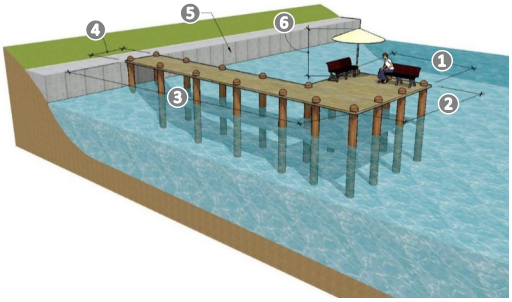
(1) *Dredging*. Dredging of the lake area is allowed for the berthing of a motorized boat into a *dock deck* provided that the dredging does not exacerbate shoreline erosion, lake siltation, water quality degradation, wetlands instability, or the integrity of any built structure, and the dredged channel is maintained for boating maneuverability to a depth of 425.0-feet mean sea level and a width area allowable for safe boating maneuverability. Property authorization to dredge must be obtained from the City of Rockwall, City of Dallas, US Army Corps of Engineers, and the Texas Parks and Wildlife Department. Disposal of dredging materials must be handled by a licensed establishment, properly treated and disposed of at an offsite location or disposed onsite only as part of land reclamation working under the City of Dallas guidelines and supervision.

(2) *Compliance with Applicable Codes*. A *dock deck* must comply with all other applicable City of Rockwall codes.

(3) *Address*. All *dock decks* shall have a residential street address sign with six (6) inch black letters on a white background displayed outwards towards the main body of the *Lake* to be recognizable for waterside public safety and emergency personnel.

(4) *Easement Protection*. No *dock deck* shall encroach into an existing or identified future easement, right-of-way, access road, or path.

(h) *Visual Representation*.



❶: MINIMUM OF TEN (10) FEET AND A MAXIMUM OF 30-FEET; ❷: MINIMUM OF EIGHT (8) FEET AND A MAXIMUM OF 12-FEET; ❸: 40-FOOT MAXIMUM; ❹: SIX (6) FOOT MAXIMUM; ❺: SEAWALL; ❻: EIGHT (8) FOOT MAXIMUM;

(6) *Fence*.

(a) *Definition*. A *fence* is a barrier, railing, or other upright structure, enclosing a specific area to mark a boundary or control access.

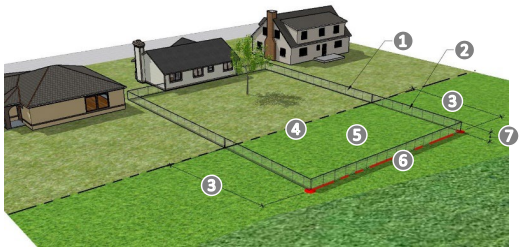
(b) *Prerequisites*. A *fence* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *fence* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *fence* shall only be allowed to enclose an area beginning at the *Takeline* corners (*i.e. the rear property line corners of the property leasing the take area*), extending 45-feet along the lease line, and

connecting the two (2) points in a straight line (*see example below*).



❶: EXISTING RESIDENTIAL FENCE ON THE LEASING PROPERTY; ❷: WROUGHT IRON OR BLACK TUBLAR STEEL FENCE; ❸: MAXIMUM OF 45-FEET ALONG THE LEASE LINE OF THE TAKELINE; ❹: REAR PROPERTY LINE/BEGINNING OF THE TAKELINE; ❺: 438.0 ELEVATION ZONE; ❻: THE STRAIGHT-LINE CONNECTION BETWEEN THE TWO (2), 45-FOOT POINTS; ❼: MAXIMUM OF 48-INCHES OR FOUR (4) FEET.

(e) *Construction Standards*.

(1) *Building Materials*. A *fence* shall *only* be constructed of wrought iron or black tubular steel.

(2) *Height*. A *fence* shall not exceed a maximum height of 48-inches from grade.

(3) *Location*. A *fence* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *fence* must adhere to the following setbacks:

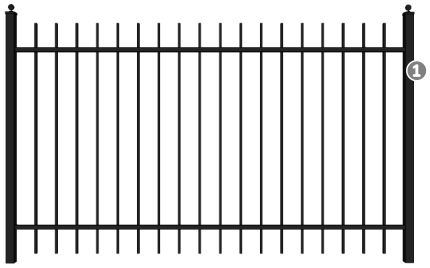
(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *fence* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *fence* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.



❶: FOUR (4) FOOT WROUGHT IRON FENCE

(7) *Flagpole*.

(a) *Definition*. A *flagpole* is an upright pole or staff, constructed at a 90-degree angle to the finished grade, which is used to raise a flag.

(b) *Prerequisites*. A *flagpole* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *flagpole* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A maximum of two (2) *flagpoles*, with one (1) flag on each pole shall be permitted within a lease area. The United States of America and State of Texas flags measuring a maximum of six (6) feet by four (4) feet will be the only flags permitted to be flown along the takeline. Lighting in association with a flagpole shall be prohibited.

(e) *Construction Standards*.

(1) *Building Materials*. A *flagpole* shall *only* be constructed of either stainless steel or aluminum.

(2) *Height*. A *flagpole* shall not exceed a maximum height of 20-feet from grade.

(3) *Size*. At the ground base a *flagpole* shall measure a minimum size of five (5) inches and a maximum size of eight (8) inches.

(4) *Location*. A *flagpole* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Flagpoles* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *flagpole* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

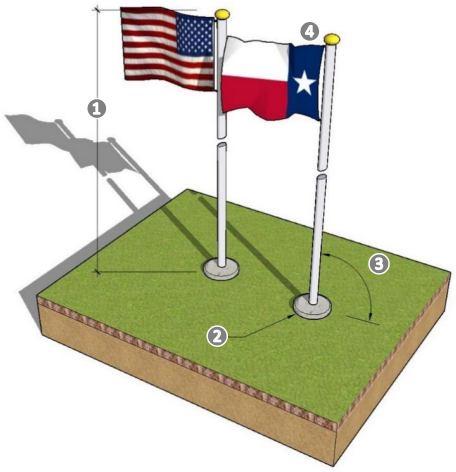
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *flagpole* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *flagpole* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *flagpole* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: MAXIMUM OF 20-FEET FROM GRADE; ❷: AT THE BASE THE FLAGPOLE CAN BE A MINIMUM OF FIVE (5) INCEHS AND A MAXIMUM OF EIGHT (8) INCHES; ❸: MAINTAINED TO BE 90-DEGREES FROM GRADE; ❹: FLAGPOLES ARE PERMITTED ONE (1) FLAG A MAXIMUM OF FOUR (4) FEET BY SIX (6) FEET;

(8) *Fixed Pier*.

(a) *Definition*. A *fixed pier* is a structure with a catwalk that extends from the shoreline out into the body of water with the structure being used to moor and land watercraft.

(b) *Prerequisites*. A *fixed pier* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall, and has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *fixed pier* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

(d) *Conditional Use Standards*. Each eligible property adjacent to the takeline will be permitted one (1) fixed pier with an adjoining dock deck and/or boathouse. *Fixed piers* can be designed to be in an 'I', 'T', 'L' or 'U' shape (*see* *Subsection 06.15(K)(8)(h)*). Items that can be securely attached to the edge of a *dock deck* include the following: [*1*] a personal watercraft swing lift, [*2*] benches, [*3*] cleats, [*4*] dock lighting, [*5*] locker box, and/or [*6*] power source station. A watercraft is only allowed to moor at any portion of a *fixed pier* for no more that 156-consecutive hours during any given week. All *fixed pier* shall be designed to discourage swimming, be durable, and have a base foundation construction of approved piling piers placed to a depth decided by a structural engineer; however, a *fixed pier* shall not be designed to prevent public access to an area of water. *Fixed piers* shall also be designed to be clearly visible during all seasons of the year and fluctuations in pool elevation of the *Lake*. Accessories placed on the flat surface of a catwalk of a *fixed pier* must be placed in an orderly manner that allows for the safe movement of people.

(e) *Construction Standards*.

(1) *Building Materials*. The catwalk and any benches built on these structures shall utilize only composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*). Any railings built on a *fixed pier* shall be constructed of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*) or steel tubing railings. *Fixed piers* above 437.0 feet mean sea level are required to be constructed of metal pilings, concrete pilings, or plastic PVC pilings. *Fixed piers* constructed below 437.0 feet mean sea level must use only pilings and materials approved by the City of Dallas as specified in the City of Dallas' *Construction Permit Application Lake Structures Lake Ray Hubbard*. All pilings shall be engineered and approved to handle the pressures, stresses, and loads applicable to lakefront conditions. The exterior color of all *fixed piers* shall be a neutral or earth tone color and be subject to approval by the Planning and Zoning Department at the time of building permit. All fasteners binding materials together must be made of stainless steel. Water repellant sealants shall not be used.

(2) *Height*. No pole structures incorporated into a *fixed pier* shall be higher than eight (8) feet above the flat floor surface with no more than two (2) pole structures allowed.

(3) *Size*. The catwalk of a *fixed pier* will be a maximum of six (6) feet in width, as measured at a 90-degree angle to the main *fixed pier's* length, and will not enclose any portion of the water to allow the free movement of water underneath. *Fixed piers* shall not extend more than 40-linear feet into the water as measured from the normal pool elevation of the shoreline (*i.e. 435.5*).

(4) *Lighting*. Lighting shall not hinder an adjacent property owner's lake views, negatively impact surrounding residents with unwanted brightness or glare, or interfere with the safety of the traveling public. Safety lighting may be placed onto the interior edges of the flat floor surface of the catwalk of a *fixed pier* at ten (10) foot increments, with the cover housing the lighting source no higher than six (6) inches. Two (2) light post structures with a maximum height of eight (8) feet can be placed at the end of a *fixed pier*.

(5) *Additional Construction Standards*.

(a) *Pilings*. The approved pilings used to support a boathouse must be built up to at least 17-inches above the normal pool elevation of 435.5-feet mean sea level. Vertical rub rails are required on all concrete piers and pilings.

(b) *Catwalks*. The catwalk of a *fixed pier* will be allowed within nine (9) feet of the normal pool elevation of 435.5-feet mean sea level. The flat floor surface or catwalk for all structures must be no more and no less than 18-inches above the normal pool elevation of 435.5-feet mean sea level.

(c) *Safety Reflectors*. All structures shall be designed with safety reflectors to be clearly visible on three (3) sides on the main waterside end of the end of the structure. Safety reflectors are required on either side of the main waterside end and the two (2) sides at a minimum increment of ten (10) feet starting at the structure's main waterside end and working back to the shoreline. Safety reflectors will be white, blue, or red and no less than three (3) inches in diameter or square in size, kept clean, firmly attached to the structure, and maintained in good condition.

(6) *Location*. View corridor restrictions do not apply to *fixed piers*.

(f) *Setback Requirements*. A *fixed pier* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-feet
(2) *Leased Side Yard Setback*: 10-feet
(3) *Maximum Distance from Seawall*: 40-feet

(g) *Additional Requirements*.

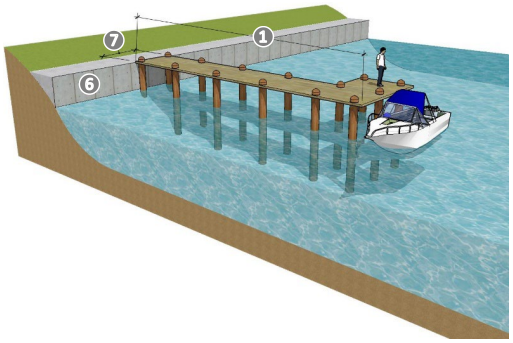
(1) *Dredging*. Dredging of the lake area is allowed for the berthing of a motorized boat into a *fixed pier* provided that the dredging does not exacerbate shoreline erosion, lake siltation, water quality degradation, wetlands instability, or the integrity of any built structure, and the dredged channel is maintained for boating maneuverability to a depth of 425.0-feet mean sea level and a width area allowable for safe boating maneuverability. Property authorization to dredge must be obtained from the City of Rockwall, City of Dallas, US Army Corps of Engineers, and the Texas Parks and Wildlife Department. Disposal of dredging materials must be handled by a licensed establishment, properly treated and disposed of at an offsite location or disposed onsite only as part of land reclamation working under the City of Dallas guidelines and supervision.

(2) *Compliance with Applicable Codes*. A *fixed pier* must comply with all other applicable City of Rockwall codes.

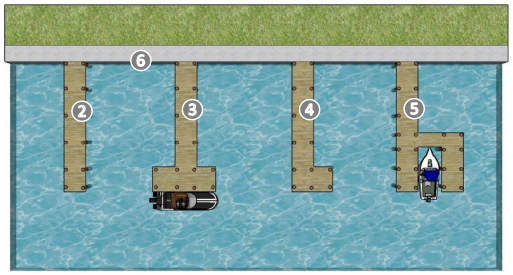
(3) *Address*. All *fixed pier* shall have a residential street address sign with six (6) inch black letters on a white background displayed outwards towards the main body of the *Lake* to be recognizable for waterside public safety and emergency personnel.

(4) *Easement Protection*. No *fixed pier* shall encroach into an existing or identified future easement, right-of-way, access road, or path.

(h) *Visual Representation*.



❶: 40-FOOT MAXIMUM; ❷: PIER IN AN 'I' SHAPE; ❸: PIER IN 'T' SHAPE; ❹: PIER IN A 'L' SHAPE; ❺: PIER IN A 'U' SHAPE; ❻: SEAWALL; ❼: SIX (6) FOOT MAXIMUM



(9) *Fire Pit*.

(a) *Definition*. A *fire pit* is a permanent fireplace that is dug into the ground or is in a freestanding structure in which a contained fire is made.

(b) *Prerequisites*. A *fire pit* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *fire pit* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *fire pit* can only be fueled by charcoal and wood products, and shall not be fueled

by any permanently buried gas products (*i.e. natural gas or propane*).

(e) *Construction Standards*.

(1) *Building Materials*. The surround (*i.e. the area used to contain the fire*) for a *fire pit* must be constructed utilizing a combination of natural stone, brick, and/or concrete.

(2) *Height*. A *fire pit* shall not exceed a maximum of 36-inches in height.

(3) *Size*. A *fire pit* shall not be smaller than a minimum size of three (3) feet in length by three (3) feet in width; however, a *fire pit* should not exceed a maximum size of five (5) feet in length by five (5) feet in width.

(f) *Setback Requirements*. A *fire pit* must adhere to the following setbacks:

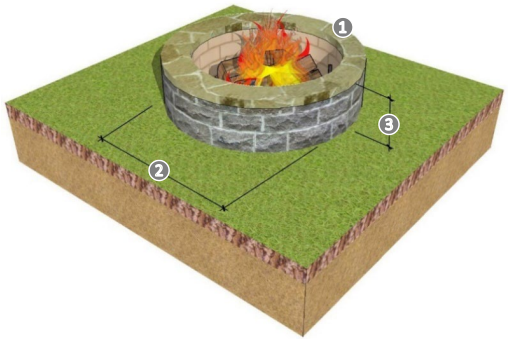
(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *fire pit* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *fire pit* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.



❶: NATURAL STONE, BRICK, AND/OR CONCRETE; ❷: MINIMUM SIZE OF THREE (3) FEET BY THREE (3) FEET AND A MAXIMUM SIZE OF FIVE (5) FEET BY FIVE (5) FEET; ❸: MAXIMUM HIEGHT OF 36-INCHES OR THREE (3) FEET.

(10) *Gazebo*.

(a) *Definition*. A *gazebo* is a permanent stand-alone structure with a roof and trellis structure open on all sides with places for sitting.

(b) *Prerequisites*. A *gazebo* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *gazebo* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *gazebo* shall not be used as a habitable dwelling structure, storage facility, deck, or shelter for domestic or wild animals.

(e) *Construction Standards*.

(1) *Building Materials*. A *gazebo* built in the *438.0 Elevation Zone* must be constructed utilizing cedar, redwood, ironwood, composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. The side trellis of the *gazebo* may be built using wood; however, canvas, cloth, or mesh attachments to the structure shall be prohibited. A *gazebo* built in the *435.5 Elevation Zone* shall only be built out of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. A *gazebo* will be constructed using steel reinforced concrete piers.

(2) *Height*. A *gazebo* shall not exceed a maximum height of 15-feet without a clerestory and 18-feet with a clerestory/cupola. The height of the *gazebo* shall be measured from grade to the vertex of the *gazebo's* main roof or clerestory/cupola roof. In either case a *gazebo* shall not be larger than one (1) story or incorporate a balcony.

(3) *Size*. A *gazebo* shall not exceed a maximum size of 12-feet by 12-feet or 144 SF.

(4) *Roof*. The roof of the *gazebo* shall be a hipped roof, gable roof, or hip and/or gable roof with or without a clerestory/cupola, and have a slope of 2:1. The roof shall not have an overhang greater than 18-inches. In addition, the roof of the *gazebo* can match the roof of the primary structure on the leasing property; otherwise, the roof shall be built out of a prefinished standing seam galvanized metal roof. If a clerestory/cupola is incorporated it shall be centered at the top of the main hip roof.

(5) *Location*. A *gazebo* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Gazebos* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *gazebo* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(g) *Additional Requirements.*

(1) *Earth Work*. Earth work required for the construction of a *gazebo* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *gazebo* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *gazebo* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation.*

❶: CUPOLA OR CLERESTORY; ❷: 2:1 MINIMUM ROOF PITCH; ❸: 1.5-FOOT MAXIMUM OVERHANG; ❹: 18-FEET MAXIMUM HEIGHT WITH A CUPOLA OR CLERESTORY AND 15-FEET WITHOUT A CUPOLA OR CLERESTORY; ❺: 12-FEET MAXIMUM; ❻: ROOF CAN MATCH THE PRIMARY STRUCTURE OTHERWISE THE ROOF SHALL BE STANDING SEAM METAL.

(11) *Landing and Stairs*.

(a) *Definition*. A *landing* is the area of a floor near the top or bottom step of a stair. A *stair* is a set of steps leading from one floor of an area to another.

(b) *Prerequisites*. A *landing and stairs* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 or 425.5 Elevation Zones* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *landing and stairs* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Permitted (*if a Seawall has been constructed*).

NOTE: A *landing and stairs* located in the *425.5 Elevation Zone* is permitted beside the lake but not upon or over the lake.

(d) *Conditional Use Standards*. A *landing and stairs* shall be allowed to be constructed in conjunction with a retaining wall if the retaining wall exceeds three (3) feet in height measured from the adjacent grade to the top of the wall.

(e) *Construction Standards*.

(1) *Building Materials*. A *landing and stairs* shall be constructed of wrought iron or black tubular steel, natural stone, brick, and/or concrete.

(2) *Height*. A *landing and stairs* shall not exceed the height of the adjacent retaining wall.

(3) *Size*. A *landing and stairs* shall be limited to eight (8) feet by eight (8) feet measured at the top of the adjacent retaining wall and the staircase shall be parallel to the retaining wall with a maximum width of a six (6) foot projection from the wall.

(4) *Location*. A *landing and stairs* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *landing and stairs* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 5-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *landing and stairs* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *landing and stairs* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.

PERSPECTIVE VIEW.

TOP VIEW.

❶: MINIMUM OF EIGHT (8) FOOT BY EIGHT (8) FOOT LANDING; ❷: VARIABLE LENGTH STAIRCASE; ❸: WROUGHT IRON OR BLACK TUBLAR STEEL; ❹: NATURAL STONE, BRICK, OR CONCRETE MATCHING THE RETAINING WALL; ❺: VARIABLE HEIGHT BUT A MINIMUM OF THREE (3) FEET; ❻: MAXIMUM OF SIX (6) FEET.

(12) *Landscaping and Retaining Walls*.

(a) *Definition*. *Landscaping* is the minor modification or altering of the surrounding takeline area terrain and shoreline with trees, shrubs, ground cover, and native stone or interlocking retaining walls.

(b) *Prerequisites*. *Landscaping and retaining walls* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. *Landscaping and retaining walls* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

NOTE: Remedial *landscaping* in the *425.5 Zone* is permitted when the intent is to maintain the integrity of the shoreline. This will require the approval of the Director of Parks and Recreation.

(d) *Conditional Use Standards*. *Landscaping and retaining walls* shall compliment and be integrated into the existing woodlands, wetlands, and general aesthetic of the takeline area. *Landscaping* shall not consist of hedge or shrub rows, or any plantings that may restrict views or lead to the siltation and/or erosion of the shoreline. The use of pesticides, herbicides, fungicides, or preservatives is *strictly prohibited*. All landscaping must comply with the requirements of Article 08, *Landscaping and Fence Standards*, of the Unified Development Code (UDC). For information regarding planting or removing trees see Subsection (F)(4) above.

(e) *Construction Standards*.

(1) *Building Materials*. *Retaining walls* shall be finished in native stone and will only be allowed in the *438.0 Elevation Zone* and the *435.5 Elevation Zone*. The use of mulch is prohibited in all zones with the exception of the *438.0 Elevation Zone*. The use of railroad ties, treated wood, pea gravel -- *with the exception of using it as a base* --, and brick shall be prohibited.

(2) *Height*. *Retaining walls* as part of landscaping will be limited to less than three (3) feet.

(3) *Location*. *Landscaping and retaining walls* shall not hinder the view clear zone of an adjacent neighbor's view corridor. *Landscaping* shall not exceed six (6) feet in height in the view clear zone.

(f) *Setback Requirements*. *Retaining walls* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *landscaping and retaining walls* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. *Landscaping and retaining walls* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. *Landscaping and retaining walls* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(13) *Municipal Utilities*.

(a) *Definition*. *Municipal utilities* represent all local utilities that consist of cable lines, pipelines, and wiring already existing and planned running through the take area used by both the local community and the region's communities to facilitate the distribution and collection of communications, water, electricity, natural gas, and waste byproducts.

(b) *Elevation Zone*. *Municipal utilities* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Permitted.

(c) *Conditional Use Standards*. All *municipal utilities'* infrastructure is permitted within the take area. *Municipal utilities* shall be placed underground.

(d) *Setback Requirements*. *Municipal utilities* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(e) *Additional Requirements*.

(1) *Compliance with Applicable Codes*. *Municipal utilities* must comply with all other applicable City of Rockwall codes.

(14) *Outdoor Lighting*.

(a) *Definition*. *Outdoor lighting* is a structure or system of structures, fixtures, and/or devices used to provide artificial nighttime lighting over a defined broad area, on buildings and monuments, on docks for safety, and to emphasize landscaping but not directed to the detriment of the traveling public or surrounding residents in the light's path.

(b) *Prerequisites*. *Outdoor lighting* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. *Outdoor lighting* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

NOTE: Catwalk lighting in the *425.5 Elevation Zone* is the only permitted *outdoor lighting* allowed below the *438.0 Elevation Zone*.

(d) *Conditional Use Standards*. Systems and structures associated with *outdoor lighting* include artificial landscape lighting, dock lighting, monument lighting, and flood lights. Cobra and florescent light fixtures are *not* allowed on poled structures. All lights are to have shields which deflect light downward. The operation of search or spot lighting shall be prohibited.

(e) *Photometric Plan*. A photometric plan describing compliance with the provisions of Article 07, *Performance Standards*, of the Unified Development Code (UDC) shall be submitted to the Director of Planning and Zoning or his/her designee prior to the issuance of a building permit for *outdoor lighting*. This plan shall be prepared by an appropriate lighting professional (*e.g. lighting engineer, architect, or other qualified lighting designer*). Upon installation of the lighting, the lighting professional shall provide a letter certifying that the lighting is installed in accordance with the approved photometric plan. The Director of Planning and Zoning, or his/her designee, shall have the authority to interpret and determine compliance with the photometric plan and the Unified Development Code (UDC). The Planning and Zoning Commission may grant an exception to the provisions of the Unified Development Code (UDC) when strict compliance with the requirements of this section will result in substantial financial hardship or inequity, so long as such exception is without harm to the public. Decisions of the Planning and Zoning Commission may be appealed to the City Council in accordance with the procedures outline in Section 09, *Exceptions and Variances*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC).

(f) *Construction Standards*.

(1) *Building Materials*. *Outdoor lighting* poles must be constructed of aluminum or steel. Wood and/or concrete poles are prohibited.

(2) *Height*. The height of *outdoor lighting* shall range from light fixtures embedded into a catwalk periphery to a 12-foot maximum for post structures on land for broader illumination. Poled outdoor light fixtures within the *438.0 Elevation Zone* should be no taller than one-third (*1/3*) the distance to a neighboring property and should not exceed 12-feet.

(3) *Location*. *Outdoor lighting* fixtures shall not be placed in the view clear zone of a neighbor's view corridor; however, view corridor restrictions do not apply for *outdoor lighting* associated with boathouses, dock decks, or fixed piers except as described for each use due to brightness and glare to surrounding neighbors and the traveling public.

(g) *Setback Requirements*. *Outdoor lighting* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(h) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *outdoor lighting* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. *Outdoor lighting* must comply with all other applicable City of Rockwall codes.

(3) *Municipal or Government Installed Lighting*. *Outdoor lighting* installed by and/or for a governmental agency for a public benefit that is used for activities for the public benefit (*e.g. rights-of-way, ball fields, airports, and/or parks*) shall be exempted from the requirements of this section; however, parking lot lighting for these activities shall meet the requirements of the Unified Development Code (UDC).

(15) *Patio*.

(a) *Definition*. A *patio* is a paved, tiled, or rocked outdoor area that is generally used for dining or recreation.

(b) *Prerequisites*. A *patio* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *patio* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *patio* shall not incorporate walls or other none transparent structures to function as handrails or counter space.

(e) *Construction Standards*.

(1) *Building Materials*. A *patio* must be constructed with natural stone. Handrails incorporated into a *patio* in the *438.0 Elevation Zone* shall be made of wrought iron or decorative metal. Handrails are *not* permitted in the *435.5 Elevation Zone*.

(2) *Height*. A *patio* shall not exceed a maximum height of 12-inches above grade.

(3) *Size*. A *patio* shall not exceed a maximum area of 1,000 SF.

(4) *Location*. *Patios* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *patio* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

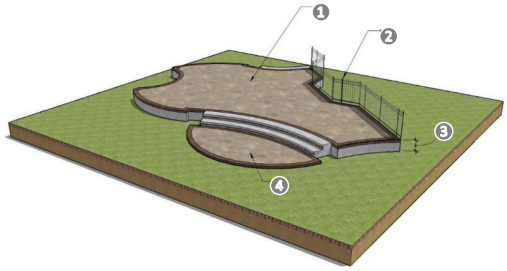
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *patio* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *patio* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *patio* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: NATURAL STONE; ❷: WROUGHT IRON OR BLACK TUBLAR STEEL; ❸: MAXIMUM OF 12-INCHES OR ONE (1) FOOT; ❹: PATIO AREA SHALL NOT BE GREATER THAN 1,000 SF

(16) *Pergola*.

(a) *Definition*. A *pergola* is a stand along structure consisting of parallel columns supporting an open roof of girders and cross rafters.

(b) *Prerequisites*. A *pergola* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *pergola* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *pergola* shall not be used as a habitable dwelling structure, storage facility, or shelter for domestic or wild animals.

(e) *Construction Standards*.

(1) *Building Materials*. A *pergola* constructed within the *438.0 Elevation Zone* must be constructed utilizing cedar, redwood, ironwood, composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. A *pergola* constructed within the 435.5 Elevation Zone must be constructed using composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*) or metal. Canvas, cloth, or mesh attachments to the structure shall be prohibited.

(2) *Height*. A *pergola* shall not exceed a maximum height of 12-feet or one (1) story, and the roof shall not be used as a deck or lookout. The height shall be measured from grade to the highest point of the structure.

(3) *Size*. A *pergola* shall not exceed a maximum size of 12-feet by 20-feet or 240 SF.

(4) *Roof*. The roof of the *pergola* shall not have an overhang greater than 18-inches.

(5) *Location*. A *pergola* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Pergolas* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A pergola must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(g) *Additional Requirements.*

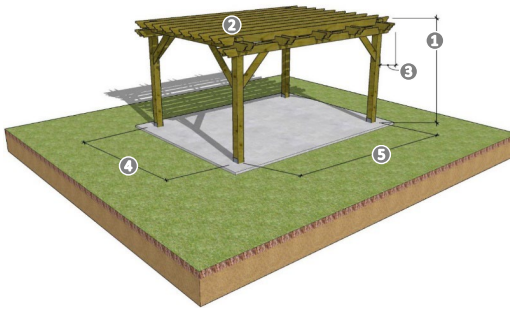
(1) *Earth Work*. Earth work required for the construction of a *pergola* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *pergola* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *pergola* shall not be located in an area where it would block public safety

personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation.*



❶: 12-FOOT MAXIMUM HEIGHT; ❷: OPEN ROOF OF GIRDERS OR RAFTERS; ❸: 1.5-FOOT MAXIMUM OVERHANG; ❹: 12-FOOT MAXIMUM; ❺: 20-FOOT MAXIMUM; ❻: ROOF CAN MATCH THE PRIMARY STRUCTURE OTHERWISE THE ROOF SHALL BE STANDING SEAM METAL.

(17) *Picnic Table*.

(a) *Definition*. A *picnic table* is a permanent outdoor structure used for outdoor dining.

(b) *Prerequisites*. A *picnic table* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *picnic table* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *picnic table* must be a minimum of 12-feet from a *barbecue pit* or *fire pit*, and shall be open to the air (*i.e. no roof covering*) unless combined with a covered patio or pergola. A *picnic table* shall be built on level terrain.

(e) *Construction Standards*.

(1) *Building Materials*. The surface area of the *picnic table* shall be constructed out of concrete, brick, or native stone. *Picnic tables* constructed with wood shall be prohibited.

(2) *Height*. A *picnic table* shall not exceed a maximum of 36-inches in height.

(3) *Size*. A *picnic table* shall not exceed a maximum size of ten (10) feet in length by eight (8) feet in width.

(4) *Location*. A *picnic table* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Picnic tables* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *picnic table* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

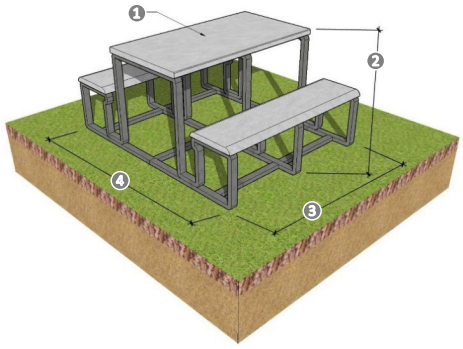
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *picnic table* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *picnic table* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *picnic table* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: SURFACE OF THE PICNIC TABLE SHALL BE CONCRETE, BRICK, OR NATIVE STONE; ❷: NOT TO EXCEED 36-INCHES OR THREE (3) FEET; ❸: EIGHT (8) FOOT MAXIMUM; ❹: TEN (10) FOOT MAXIMUM.

(18) *Private Play Structure*.

(a) *Definition*. A *private play structure* is a permanent outdoor structure used by children for play, which is installed by the private property owner.

(b) *Prerequisites*. A *private play structure* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *private play structure* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *private play structure* can consist of arched ladders, vertical ladders, horizontal ladders, clatter bridge, timber structures, slides, fort and slide playset, climbers, play walls, play climbers, play

pods, moon houses, jungle gyms, see-saws, merry-go-rounds, domes, rocket riders, tire swings, buoy balls, monkey bars, drums, chin-up bars, trampoline and rock walls; however, sandboxes and/or sand play areas shall *not* be permitted.

(e) *Construction Standards*.

(1) *Building Materials*. A *private play structure* shall be built out of aluminum, galvanized steel, rubber, and/or water-resistant wood; however, railroad ties and treated lumber are prohibited. The exterior color of a *private play structure* should blend and incorporate the same hues and tones of the surrounding landscaping.

(2) *Height*. A *private play structure* shall not exceed a maximum of eight (8) feet in height.

(3) *Size*. All *private play structures* will be situated in a collected area that is a maximum of 1,000 SF in area.

(4) *Location*. *Private play structures* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *private play structures* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(g) *Additional Requirements*.

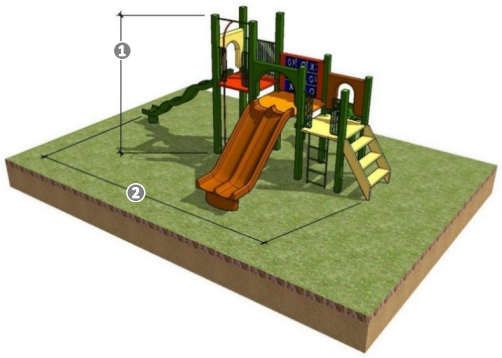
(1) *Earth Work*. Earth work required for the construction of a *private play structures* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *private play structure* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *private play structure* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.

Continued on Right Side of Page …



❶: MAXIMUM OF EIGHT (8) FEET IN HEIGHT; ❷: TOTAL SQUARE FOOTAGE SHALL NOT EXCEED A MAXIMUM OF 1,000 SF; ❸: EXTERIOR COLOR SHOULD BLEND WITH THE SURROUNDING LANDSCAPING.

(19) *Private Utilities*.

(a) *Definition*. *Private utilities* are a system of underground cable line, pipelines, and wiring installed by the leasing property owner to maintain and operate improvements in the take area.

(b) *Prerequisites*. *Private utilities* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. *Private utilities* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. *Private utilities* are required to be buried in accordance with Chapter 38, *Subdivisions*, of the City of Rockwall's Municipal Code of Ordinances. *No* overhead private utility lines are permitted in the lease area. *Private utilities* containing natural gas, propane, gasoline, oil, diesel, or similar types of compounds shall not be permitted within the lease area. No part of any *On-Site Sanitary Sewer System* (OSSF) or any other private wastewater system or appurtenances shall be permitted within the lease area.

(e) *Construction Standards*.

(1) *Building Materials*. *Private utilities* shall *only* be constructed out of materials permitted by the City's Engineering Department.

(2) *Location*. *Private utilities* within 20-feet of the normal pool elevation shoreline (*i.e. 435.5*) shall be built to handle load factors associated with emergency and service vehicles. *Private utilities* containing electricity and communication lines built into structures over the water shall not be allowed below the 436.5-foot mean sea level elevation.

(f) *Setback Requirements*. *Private utilities* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *private utilities* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *private utility* must comply with all other applicable City of Rockwall codes.

(3) *Damage to the System*. Any damage or destruction to any *private utility* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

(20) *Private Walkways*.

(a) *Definition*. *Private walkways* can be a single path or a network of paths installed by the leasing property owner in the takeline area.

(b) *Prerequisites*. *Private walkways* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. *Private walkways* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. *Private walkways* with steps are permitted (*see Landing and Stairs in Subsection 06.15(J)(11)*).

(e) *Construction Standards*.

(1) *Building Materials*. *Private walkways* shall be constructed using native stone, brick, concrete and/or rectangle pavers; however, *private walks* shall not consist of loose stone, gravel, sand, or asphalt.

(2) *Height*. *Private walkways* shall be flush with the surrounding grade, or work within the gradient present of the surrounding grade.

(3) *Size*. *Private walkways* shall be no greater than 48-inches in width.

(4) *Location*. *Private walkways* may encroach into an existing easement or right-of-way, encroach into an identified future easement or right-of-way, or encroach into an identified or set aside access path, provided that the property owner or sublease is responsible for repair and/or replacement of the walks in the event they are damaged or removed by the City or other public entity as a result of the necessary use of, or work within or around, said easements. An existing and future easement running through a lease property will be allowed to substitute for the 12-foot wide primary access right-of-way path provided it is 12-feet wide, suitable for access, and will connect to adjacent access paths.

(f) *Setback Requirements*. *Private walkways* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 10-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *private walkways* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *private walkway* must comply with all other applicable City of Rockwall codes.

(3) *Damage to the System*. Any damage or destruction to any *private walkway* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

(21) *Seawall*.

(a) *Definition*. A *seawall* is an engineered concrete or steel structure at the water's edge that is typically designed to curb shoreline erosion where it is installed.

(b) *Prerequisites*. A *seawall* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *seawall* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

NOTE: Seawalls are *only* permitted along the shoreline.

(d) *Construction Standards*.

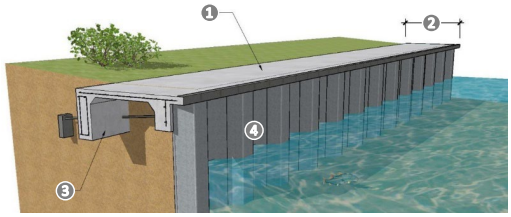
(1) *Concrete Cap*. A six (6) foot wide concrete cap must be constructed along the entire length of the erosion control structure. In order to allow the backfill material to properly settle, the construction of the concrete cap may be delayed for several weeks/months after the construction of the erosion control structure; however, in no case should the construction of the concrete cap be delayed for a time period exceeding one (1) year from the date of construction of the erosion control structure.

(e) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *seawalls* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *seawall* must comply with all other applicable City of Rockwall codes.

(f) *Visual Representation*.



❶: CONCRETE WALKWAY; ❷: SIX (6) FOOT MINIMUM; ❸: 24-INCH BY TEN (10) INCH BEAM WITH #3 REBAR ON 18-INCH CENTERS; ❹: RETAINING WALL.

(22) *Sprinkler/Irrigation System*.

(a) *Definition*. A *sprinkler/irrigation system* is an underground irrigation network used to water and maintain trees, shrubs, grounds, and the foundations of improvements.

(b) *Prerequisites*. A *sprinkler/irrigation system* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *sprinkler/irrigation system* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

Note: The prohibition of sprinkler/irrigation systems in the 425.5 Elevation Zone does not include the pumps or lines necessary to pump raw water, when a property owner has been granted permission to do so from the City of Dallas.

(d) *Conditional Use Standards*. A *sprinkler/irrigation system* must be connected to the leasing property owner's existing water supply source with approved backflow prevention devices.

(e) *Construction Standards*.

(1) *Building Materials*. A *sprinkler/irrigation system* shall *only* be constructed utilizing *Schedule 40 PVC* pipe.

(2) *Height*. The heads of a *sprinkler/irrigation system* used for shrubs shall extend no higher than three (3) feet from the average base of the surrounding terrain within a three (3) foot radius of the head.

(3) *Location*. A *sprinkler/irrigation system* shall be allowed up to one (1) foot of the normal pool elevation shoreline (*i.e. 435.5*) provided no part of the system could potentially result in lake siltation erosion.

(f) *Setback Requirements*. A *sprinkler/irrigation system* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *sprinkler/irrigation system* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *sprinkler/irrigation system* must comply with all other applicable City of Rockwall codes.

(3) *Damage to the System*. Any damage or destruction to any part of a *sprinkler/irrigation system* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

SUBSECTION 06.16: VARIANCES TO THE GENERAL OVERLAY DISTRICT STANDARDS

See Subsection 09.02, *Variances to the General Overlay Districts Standards*, of Article 11, *Development Applications and Review Procedures*.

SECTION 07 | DISTRICT DEVELOPMENT STANDARDS

See next page.

SUBSECTION 07.01: 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) [12]		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 & 9]		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 REQUIRED TO BE ON A PUBLIC STREET AS MEASURED AT THE BUILDING SETBACK LINE *OR* AT THE PROPERTY LINE, WHICHEVER IS CONFORMS.

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 06, *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 UNIT IN AN AGRICULTURAL (AG) DISTRICT.

12: CONDITIONED SPACE.

Formatted: Font color: Dark Red

SUBSECTION 07.02: MULTI-FAMILY DISTRICT DEVELOPMENT STANDARDS

ZONING DISTRICTS → / DEVELOPMENT STANDARDS ↓		MULTI-FAMILY 14 (MF-14) DISTRICT [1]
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 06, *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-FEET 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 08, *LANDSCAPE AND FENCE STANDARDS*.

SUBSECTION 07.03: NON-RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

*: FOR DEVELOPMENT IN THE DOWNTOWN (DT) DISTRICT SEE THE STANDARDS IN SECTION 04.08, *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+1/2*H*>36 [7] 50 [4]
	REAR (FEET)	30	20 W/O FRW ~~&~~ *OR* ALLEY	10 W/O FRW *OR* ~~&~~ ALLEY	10 W/O FRW *OR* ~~&~~ ALLEY	20 W/O FRW *OR* ~~&~~ ALLEY	10 W/O FRW [7]	20 + 1/2*H*>36 W/O FRW [7]
			0 W/ FRW ~~& ALLEY~~	0 W/ FRW ~~& ALLEY~~	0 W/ FRW ~~& ALLEY~~	1/2*H*>36 W/ FRW & ALLEY	1/2*H*>36 W/ FRW ~~& ALLEY~~ [7]	8 + 1/2*H*>36 W/ FRW ~~& ALLEY~~ [7]
	REAR ADJACENT RESIDENTIAL (FEET) [6]	*N/A*	20	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	50 + 1/2*H*>36 [7]
	SIDE (FEET)	10	5 W/O FRW	10 W/O FRW	10 W/O FRW	15 + 1/2*H*>36 W/O FRW [7]	15 + 1/2*H*>36 W/O FRW [7]	15 + 1/2*H*>36 W/O FRW [7]
			0 W/ FRW	0 W/ FRW	0 W/ FRW	1/2*H*>36 W/ FRW [7]	1/2*H*>36 W/ FRW [7]	8 + 1/2*H*>36 W/ FRW [7]
	SIDE ADJACENT RESIDENTIAL (FEET) [6]	20	20	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	50
BETWEEN BUILDINGS (FEET)		~~15~~ 20 W/O FRW 0 W/ FRW	~~15~~ 20 W/O FRW 0 W/ FRW	~~15~~ 20 W/O FRW 0 W/ FRW	~~15~~ 20 W/O FRW 0 W/ FRW	~~15~~ 20 + 1/2*H*>36 W/O FRW [7]	~~15~~ 20 + 1/2*H*>36 W/O FRW [7]	25 + 1/2*H*>36 W/O FRW [7]
						1/2*H*>36 W/ FRW [7]	1/2*H*>36 W/ FRW [7]	16 + 1/2*H*>136 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 08, *LANDSCAPE AND FENCE STANDARDS*						

KEY: BLUE: WHEN ADJACENT TO INTERSTATE 30; *H*: BUILDING HEIGHT; 1/2*H*>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 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 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 08, *LANDSCAPE AND FENCE 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 SUP BY THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL.
9. BUILDING HEIGHT MAY BE INCREASED UP TO 240-FEET IF APPROVED THROUGH A 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.

Formatted: Left, Right: -0.07"

Formatted: Font: Italic, Underline

Formatted: Left, Right: -0.07"

Formatted: Left, Right: -0.07"

Formatted: Left, Right: -0.07"

Formatted: Left, Right: -0.07"

SUBSECTION 07.04: ACCESSORY STRUCTURE DEVELOPMENT STANDARDS

ZONING DISTRICTS OR ACCESSORY STRUCTURE TYPE → / DEVELOPMENT STANDARDS ↓		ACCESSORY BUILDINGS [1, 3, 5, 8 & 12]							ACCESSORY STRUCTURES [1, 3, 5 & 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 AND ZERO LOT LINE (ZL-5) DISTRICT	PORTABLE ACCESSORY BUILDING 0 SF – 120 SF	DETACHED GARAGE [9]	CARPORTS [7]	ATTACHED AND DETACHED COVERED PORCHES	PERGOLAS
NUMBER OF ACCESSORY STRUCTURES OR NUMBER OF SPECIFIC ACCESSORY STRUCTURE PERMITTED		2 [2]	2 [2]	2 [2]	2 [6]	1	1	1	1	1	N/A [11]
MAXIMUM SF OF ACCESSORY STRUCTURE		1,000 [2]	1,000 [2]	1,250 [2]	144 [6]	100	120	625	500	500 [10]	500 [10]
MINIMUM SETBACKS	REAR (FEET)	10	10	10	3	3	3	10	10	3 [10]	3 [10]
	REAR W/ ALLEYWAY (FEET)	20 [4]	20 [4]	20 [4]	3	3	3	20 [4]	20	3 [10]	3 [10]
	SIDE (FEET)	SEE ZONING DISTRICT	SEE ZONING DISTRICT	SEE ZONING DISTRICT	SEE ZONING DISTRICT	3	3	SEE ZONING DISTRICT	SEE ZONING DISTRICT [10]	SEE ZONING DISTRICT [10]	3 [10]
BETWEEN BUILDINGS (FEET)		10	10	10	6	6	6	10	10	6	6
BUILDING HEIGHT (FEET) [8]		15	15	15	15	10	10	15	15	15	12

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/COVERED PORCHES/PERGOLAS THAT ARE INTEGRATED INTO THE MAIN ACCESSORY STRUCTURE AND WHICH ARE INCLUDED IN THE SQUARE FOOTAGE OF THE OVERALL 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 (EXCLUDING PORTABLE BUILDINGS) NOT MEETING THE SIZE OR HEIGHT REQUIREMENTS STIPULATED BY THIS SECTION SHALL REQUIRE A SPECIFIC USE PERMIT (SUP). IN REVIEWING A SPECIFIC USE PERMIT (SUP), THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL SHALL CONSIDER: [*1*] IF THE STRUCTURE WAS CONSTRUCTED WITHOUT A PERMIT OR UNDER FALSE PRETENSES, [*2*] THE SIZE OF THE PROPOSED ACCESSORY STRUCTURE COMPARED TO THE SIZE OF OTHER ACCESSORY STURCTURES IN THE AREA/NEIGHBORHOOD/SUBDIVISION, AND [*3*] THE SIZE, ARCHITECTURE AND BUILDING MATERIALS PROPOSED FOR THE STRUCTURE COMPARED TO THOSE OF THE PRIMARY STRUCTURE.

[6]: EACH PROPERTY SHALL BE PERMITTED ONE (1) DETACHED GARAGE UP TO 625 SF AND ONE (1) ACCESSORY BUILDING UP TO 144 SF OR TWO (2) ACCESSORY BUILDINGS UP TO 144 SF EACH. IF A PROPERTY HAS AN EXISTING ACCESSORY BUILDING GREATER THAN 144 SF, NO ADDITIONAL ACCESSORY BUILDINGS OR DETACHED GARAGES SHALL BE PERMITTED.

[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 AND PARK A STANDARD SIZE MOTOR VEHICLE (*I.E. A VEHICLE THAT IS A MINIMUM OF NINE [9] FEET BY 18-FEET*) INSIDE THE STRUCTURE. IN ADDITION, A DETACHED GARAGE MUST BE ACCESSIBLE FROM THE FRONT, REAR OR SIDE YARD BY A STANDARD WIDTH, CONCRETE DRIVEWAY THAT HAS MINIMUM LENGTH OF 20-FEET OF DRIVEWAY PAVEMENT. DETACHED GARAGES ACCESSIBLE FROM THE FRONT SHALL BE A MINIMUM OF 20-FEET BEHIND THE FRONT FAÇADE OF THE PRIMARY STRUCTURE.

[10]: COVERED PORCHES AND PERGOLAS THAT ARE ATTACHED OR CONTIGOUS WITH THE PRIMARY STRUCTURE SHALL BE EXEMPTED FROM THE SIZE RESTRICTIONS BUT SHALL BE REQUIRED TO MEET THE SAME SETBACKS AS THE PRIMARY STRUCTURE.

[11]: PERGOLAS ARE NOT SUBJECT TO THE *NUMBER OF ACCESSORY STRUCTURE REQUIREMENTS*, BUT DO COUNT AGAINST THE RESIDENTIAL LOT COVERAGE REQUIREMENTS FOR THE ZONING DISTRICT.

[12]: PORTABLE ACCESSORY BUILDINGS ARE DEFINED AS AN ACCESSORY BUILDING THAT DOES NOT HAVE A PERMENANT FOUNDATION. ALL ACCESSORY BUILDINGS THAT ARE NOT PORTABLE ACCESSORY BUILDINGS REQUIRE A PERMANENT CONCRETE FOUNDATION; HOWEVER, GREENHOUSES SHALL BE EXEMPT FROM HAVING A PERMANENT CONCRETE FOUNDATION.

SUBSECTION 07.05: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT DEVELOPMENT STANDARDS

LAND USE [1]	CONDITIONAL USE REFERENCE SEE SUBSECTION 06.15(J)	PRE-REQUISITES L: SUBLEASE; S: SEAWALL; FP: FIXED PIER	ELEVATION ZONES P: PERMITTED X: NOT PERMITTED 438.0	435.5	425.5	MINIMUM SIZE (FEET OR SQUARE FEET)	MAXIMUM SIZE (FEET, INCHES, OR SQUARE FEET)	MINIMUM HEIGHT (FEET OR INCHES)	MAXIMUM HEIGHT (FEET)	SIDE YARD SETBACK (FEET)	BUILDING MATERIALS NS: NATURAL STONE B: BRICK C: CONCRETE CM: COMPOSITE MATERIALS GM: GALVANIZED METAL IR: IRON SS: STAINLESS STEEL S: STEEL M: METAL A: ALUMINUM CW: CEDAR RW: REDWOOD IW: IRONWOOD SSM: STANDING SEAM METAL WR: WROUGHT IRON R: RUBBER
BARBECUE PIT	(1)	L	P	X	X	3' x 3'	8' x 3'	0'	6'	6'	NS, B, C, AND IR
BOAT HOUSE [2, 4, 5, & 15]	(2)	L, S, & FP	X	X	P	8' x 30'	12' x 30'	16'	21'	10'	CM FOR CATWALK AND DECKING; GM, IR, S, OR A FOR THE SUPPORTS [3]; CM, GM, IR, S, A, CW, IW, OR RW FOR ROOF BEAMS; AND SSM FOR THE ROOF
COVERED PATIO [5 & 15]	(3)	L & S [16]	P	P	X	0'	12' x 20'	0'	15' [6 & 7]	20'	CW, IW, & RW IN THE 438.0 ELEVATION ZONE; CM OR M IN THE 435.5 ELEVATION ZONE; SSM FOR THE ROOF
DECK [5 & 18]	(4)	L & S [16]	P	P	X	0'	1,000 SF	2' OR 24"	1'	20'	CM FOR THE DECKING, C FOOTINGS FOR FOUNDATION, AND WR FOR FENCING/RAILING
DOCK DECK [2 & 5]	(5)	L, S, & FP	X	X	P	8' x 10'	12' x 30'	0'	8' [8]	10'	CM
FENCE	(6)	L	P	X	X	0'	45'	4'	4'	0'	WR
FLAGPOLE [5 & 9]	(7)	L & S [16]	P	P	X	5" BASE	8" BASE	0'	20'	6'	SS OR A
FIXED PIER [2 & 5]	(8)	L & S	X	X	P	0'	6' x 40'	0'	8' [10]	10'	CM FOR CATWALK AND DECKING; CM OR S FOR RAILINGS
FIRE PIT	(9)	L & S [16]	P	X	X	3' x 3'	5' x 5'	0'	3'	6'	NS, B, AND C
GAZEBO [5 & 15]	(10)	L & S [16]	P	P	X	0'	12' x 12'	0'	15'/18' [7 & 11]	20'	CW, RW, IW, CM, OR M IN THE 438.0 ELEVATION ZONE; AND CM OR M IN THE 435.5 ELEVATION ZONE
LANDING AND STAIRS	(11)	L & S [17]	P	P	P	0'	8' x 8' x 6'	3'	SAME AS RETAINING WALL	5'	NS, B, AND C FOR THE STAIRS; WR OR BLACK S FOR THE RAILINGS AND/OR FENCE
PATIO [5 & 18]	(15)	L	P	P	X	0'	1,000 SF	0'	1'	20'	NS FOR THE DECK AREA AND WR FOR RAILINGS
PERGOLA [5]	(16)	L & S [16]	P	P	X	0'	12' x 20'	0'	12' [7]	20'	CW, RW, IW, OR CM IN THE 438.0 ELEVATION ZONE; CM OR M IN THE 435.5 ELEVATION ZONE
PICNIC TABLE	(17)	L	P	P	X	0'	8' x 10'	0'	3' OR 36"	6'	NS, B, AND C
PRIVATE PLAY STRUCTURE	(18)	L	P	X	X	0 SF	1,000 SF	0'	8'	20'	A, GM, R, CW, RW, AND IW
PRIVATE WALKWAYS	(20)	L & S [16]	P	P	X	0'	48" WIDE	0'	FLUSH WITH GRADE	10'	NS, B, C, AND RECTANGULAR PAVERS
LANDSCAPING AND RETAINING WALLS [12 & 13]	(12)	L	P	P	X						
MUNICIPAL UTILITIES	(13)	*NONE*	P	P	P						
OUTDOOR LIGHTING	(14)	L	P	X	X						
PRIVATE UTILITIES	(19)	L	P	P	X						
SEAWALL	(21)	L	X	X	P						
SPRINKLER/ IRRIGATION SYSTEM [14]	(22)	L	P	P	X						

NOTES:

1: FOR ALL LAND USES CHECK SECTION 06.15, *LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT* FOR ADDITIONAL REQUIREMENTS AND RESTRICTIONS.

2: BOATHOUSES, FIXED PIERS, DOCK DECKS, OR ANY COMBINATION OF THESE STRUCTURES MAY NOT EXTEND MORE THAN 40-FEET INTO THE WATER FROM THE 435.5 ELEVATION CONTOUR.

3: REQUIRES A HIP ROOF, A MINIMUM OF 2:1 ROOF PITCH, WITH ONE (1) CUPOLA (3' x 4') IN THE MIDDLE OF THE ROOF OR TWO (2) CUPOLAS (3' x 4') AT EACH END OF THE ROOF.

4: SUPPORT POSTS MAY BE WRAPPED IN A COMPOSITE MATERIAL.

5: THE STRUCTURE SHALL BE GENERALLY CENTERED IN THE LEASE AREA BEHIND THE PRIMARY STRUCTURE ON THE LEASING PROEPRTY IF LOCATED IN THE *435.5* OR *425.5 ELEVATION ZONES* (*IF PERMITTED IN THE ZONE*).

6: REQUIRES A HIP OR GABLE ROOF WITH A CUPOLA OR CLERESTORY AND A MINIMUM ROOF PITCH OF 4:1.

7: SHALL NOT EXCEED ONE (1) STORY OR BE USED AS A ROOF TOP DECK.

8: EIGHT (8) FEET ABOVE THE SURFACE AREA OF THE FLAT FLOOR SURFACE WITH NO MORE THAN FOUR (4) POLE STRUCTURES ALLOWED.

9: A MAXIMUM OF TWO (2) FLAG POLES ARE PERMITTED AND ONLY THE UNITED STATES OF AMERICA AND TEXAS FLAGS ARE TO BE FLOWN.

10: EIGHT (8) FEET ABOVE THE SURFACE AREA OF THE FLAT FLOOR SURFACE WITH NO MORE THAN TWO (2) POLE STRUCTURES ALLOWED.

11: REQUIRES A HIP OR GABEL ROOF OR A HIP AND/OR GABEL ROOF, WITH A MINIMUM ROOF PITCH OF 2:1, AND THAT IS A MAXIMUM OF 15-FEET WITHOUT A CLERESTORY OR CUPOLA OR 18-FEET WITH A CLERESTORY OR CUPOLA.

12: REMEDIAL LANDSCAPING ALLOWED IN THE 425.5 ELEVATION ZONE WITH THE INTENT TO MAINTAIN THE INTEGRITY OF THE SHORELINE.

13: RETAINING WALLS THAT ARE A PART OF LANDSCAPING ARE LIMITED TO LESS THAN THREE (3) FEET IN HEIGHT.

14: HEADS SHOULD EXTEND NO HIGHER THAN THREE (3) FEET FROM THE AVREAGE BASE OF THE SURROUNDING TERRIAN WITHIN A THREE (3) FOOT RADIUS.

15: ROOF OVERHANGS SHALL NOT EXCEED 18-INCHES.

16: A SEAWALL IS *ONLY* REQUIRED FOR CONSTRUCTION IN THE *435.5 ELEVATION ZONE*.

17: A SEAWALL IS *ONLY* REQUIRED FOR CONSTRUCTION IN THE *435.5 OR 425.5 ELEVATION ZONES*.

18: HANDRAILS ARE PROBITED IN THE *435.5 ELEVATION ZONE*.

ARTICLE 06 | PARKING AND LOADING

SECTION 01 | PURPOSE
SECTION 02 | APPLICABILITY
SECTION 03 | GENERAL PROVISIONS
SECTION 04 | RESIDENTIAL PARKING
SECTION 05 | OFF-STREET PARKING REQUIREMENTS
SECTION 06 | OFF-STREET LOADING REQUIREMENTS

SECTION 01 | PURPOSE

SUBSECTION 01.01: PARKING

The purpose of this Article is to regulate the number of required off-street vehicular parking spaces so as:

- To provide for the needs of occupants, customers, visitors or others involved in the use or occupancy of any building, structural improvement or place of assembly;
- To eliminate undue use of the street system for parking purposes;
- To avoid the occurrence of nonresident on-street parking in adjoining neighborhoods;
- To protect the environment by promoting trip reduction and efficient land use through an analytic process in which the amount of parking may be limited to what is realistically needed for the uses on the site, thus reducing concrete/asphalt areas, heat islands and air pollution;
- To promote and protect the public health, safety, comfort, convenience and general welfare; and
- To grant and define the administrative powers and duties necessary to enforce this Article.

SUBSECTION 01.02: LOADING

It is also the purpose of this Article to require allocation of sufficient off-street/on-site loading facilities by businesses and industry to ensure that the loading and unloading of vehicles will not interfere with traffic flow or block roadways or fire lanes.

SECTION 02 | APPLICABILITY

SUBSECTION 02.01: CONSTRUCTION OR CREATION OF USE

Any building, improvement, or use of land approved or erected shall include the necessary off-street parking spaces, and require off-street/on-site loading facilities subject to the standards established in this Article.

SUBSECTION 02.02: CHANGE OF USE

Whenever any building, improvement, or use of land is proposed to be changed to a new use, the provision of off-street parking and loading shall be required for the new use in accordance with this Article.

SUBSECTION 02.03: EXPANSION OF AN EXISTING USE

If any building, improvement, or use of land is expanded, the provisions for parking and loading shall be provided for the portion of land use and/or building that has been added.

SUBSECTION 02.04: RENOVATION OR REDEVELOPMENT

Notwithstanding Subsection 02.02 above, if any building, improvement, or use of land is repaired, renovated, altered, expanded or redeveloped, and the cost of such changes exceed 50.00% of the fair market value of the building improvement prior to the subject improvements, the parking and loading facilities set forth in this Article shall be made conforming, unless a specific use permit has been approved for such reduction in the provision of parking or loading.

SECTION 03 | GENERAL PROVISIONS

SUBSECTION 03.01: CALCULATION OF SPACES

(A) *Fractional Number of Spaces*. In determining the required number of parking spaces, fractional spaces shall be ~~counted to the nearest~~rounded up to the nearest whole space. Parking spaces located in buildings used for repair garages or auto laundries shall not be counted as meeting the required minimum parking.

(B) *Parking Structures Excluded*. Floor area of structures devoted to off-street parking of vehicles shall be excluded in computing the floor area for off-street parking requirements.

(C) *Requirements for Uses Not Listed*. The off-street parking requirements for a use not specifically listed in the schedule below shall be the same as required for a use of a similar nature as determined by the Director of Planning and Zoning.

SUBSECTION 03.02: PAVING MATERIALS

All required parking and loading areas, public and private drives, and fire lanes shall be constructed of concrete, but may have a surface treatment of brick, stone or other similar material; ~~. H~~ however, cast interlocking concrete, brick, or stone pavers installed on a prepared base may be used in parking areas and on public and private drives where approved by the City Engineer.

SUBSECTION 03.03: LOCATION OF COMMERCIAL PARKING AND LOADING SPACES

The required off-street parking and loading spaces shall be located on the same lot as the building or use served; except, off-street parking may also be located as follows:

(A) *Parking May Be Located Off-Site*.

(1) When an increase in the number of off-street parking spaces is required by a change or enlargement of use, or where off-street parking spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required off-street parking spaces may be located at a distance not to exceed 400-feet from the building being served; provided, however, that a written agreement thereto is properly executed and filed as provided below.

(2) The distance from the land use requiring parking to the off-site parking site shall be measured along the shortest legal pedestrian path between one site and the other.

(3) All off-site parking must first be approved by City Council.

(B) *Joint Use of Parking*. Parking adjustments may be allowed according to the following percentages by time of day:

TABLE 1: JOINT USE OF PARKING CALCULATIONS

TIME OF DAY	OFFICE	RETAIL	RESTAURANT	THEATER	HOTEL
6:00 AM - 12:00 PM	1.00	0.97	0.50	0.30	1.00
12:00 PM - 1:00PM	0.90	1.00	0.70	0.70	0.30
1:00 PM - 4:00 PM	0.97	0.97	0.60	0.70	0.45
4:00 PM - 6:00 PM	0.47	0.82	0.90	0.80	0.70
6:00 PM - 8:00 PM	0.07	0.89	1.00	1.00	1.00
8:00 PM - 12:00 AM	0.03	0.61	1.00	1.00	1.00

EXAMPLE 1: JOINT USE OF PARKING CALCULATIONS

An example of a mixed-use development comprised of the below land uses would be as follows:

Step 1: Development Square Footages

- *Office*: 50,000 SF
- *Retail*: 20,000 SF
- *Restaurant*: 8,000 SF

Step 2: Individual Parking Requirements

LAND USE	SF	PARKING REQUIREMENT	REQUIRED PARKING
OFFICE	50,000	1/300 SF	167
RETAIL	20,000	1/250 SF	80
RESTAURANT	8,000	1/100 SF	80
		TOTAL:	327

Step 3: Shared Parking Requirements

TIME OF DAY	OFFICE	RETAIL	RESTAURANT	TOTAL
6:00 AM - 12:00 PM	1.00x167=167	0.97x80=78	0.50x80=40	285
12:00 PM - 1:00PM	0.90x167=150	1.00x80=80	0.70x80=56	286
1:00 PM - 4:00 PM	0.97x167=162	0.97x80=78	0.60x80=48	288
4:00 PM - 6:00 PM	0.47x167=78	0.82x80=66	0.90x80=72	216
6:00 PM - 8:00 PM	0.07x167=12	0.89x80=71	1.00x80=80	163
8:00 PM - 12:00 AM	0.03x167=5	0.61x80=49	1.00x80=80	134

Step 4: The parking required is 288 parking spaces. This is a reduction of 39 parking spaces or 11.9% over the individual parking requirements.

(C) *Off-Site Parking Agreement*.

(1) When the required off-street parking spaces are not located on the same lot with the building or use served, or when the required off-street parking spaces are provided collectively or used jointly by two (2) or more establishments, a written agreement which ensures the retention of such spaces for this purpose, and for a period of not less than two (2) years, shall be drawn and executed by the parties concerned, approved as to form by the City Attorney, and filed with the application for a building permit or Certificate of Occupancy (CO) if a change in use is involved.

(2) If the off-site parking is terminated for any reason, then alternative parking meeting the standards of this Article, shall be required, or the property shall lose its Certificate of Occupancy (CO).

(D) *Parking in Front Yards of Residential and Agriculture*. No required off-street parking space shall be located in the required front yard in any residential or agricultural district.

(E) *Parking in Front Yards of Non-Residential*. In any nonresidential district, the required off-street parking space may be located in the required front yard provided that it meets landscaping and screening requirements in Article 08, *Landscape Standards*.

SUBSECTION 03.04: LIGHTING OF PARKING AND LOADING AREAS

(A) *Spill-Over Lighting*. All lighting facilities shall be so arranged as to reflect the illumination away from any adjacent property. Such lighting facilities shall provide illumination within parking areas not to exceed a maintained average of 1½ footcandles at ground level, and shall distribute not more than 0.2 of one (1) footcandle of light upon any adjacent residential property. (*also see Section 03, Outdoor Lighting for Non-Residential Properties, of Article 07, Environmental Standards*).

(B) *Lighting as a Nuisance or Safety Hazard*. All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not intrude on residential property or create a hazard to motorists on any street, alley or other public way.

SUBSECTION 03.05: PAY PARKING LOTS

No charge may be made for at-grade visitor parking spaces, unless approved by City Council as part of a specific Use Permit.

SUBSECTION 03.06: SHARED PARKING/CROSS ACCESS

In master planned retail centers, cross access and shared parking agreements are required for final platting.

SECTION 04 | RESIDENTIAL PARKING

SUBSECTION 04.01: LOTS LESS THAN FIVE (5) ACRES

(A) *Location*. All required residential parking shall be located onsite except in the Downtown District.

(B) *Garages*. In single-family or duplex districts, parking garages must be located at least 20-feet behind the front building facade for front entry garages, unless it is a *J-Swing* garage where the garage door is perpendicular to the street.

(C) *Carports*. In single-family or duplex districts, carports must be located at least 20-feet behind the front building facade and be architecturally integrated with the main residential structure.

SECTION 05 | OFF-STREET PARKING REQUIREMENTS

SUBSECTION 05.01: OFF-STREET PARKING REQUIREMENTS

The schedule of off-street parking requirements in Table 5 establishes parking requirements for all zoning districts.

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

SUBSECTION 05.02: CONVENTIONS USED IN PARKING REQUIREMENT SCHEDULE

(A) *Square Feet*. The term *SF* means gross square feet of building, unless otherwise noted.

(B) *Site Area Parking Requirements*. The parking requirement for a use of site area is based on the net site area exclusive of parking and buildings.

(C) *Land Uses*. Land uses listed under *Permitted Uses* in the accompanying schedule does not mean that this use is permitted within the City. Please refer to Article 04, *Permissible Uses*.

SUBSECTION 05.03: OFF-STREET PARKING STANDARDS

(A) *Head-In Parking*. An off-street parking space shall not be located on a public street. Head-in parking adjacent to a public street wherein the maneuvering of the vehicle in parking or leaving a parking space is done directly onto a public street, shall not be allowed in nonresidential zoning districts nor shall it be allowed in conjunction with multi-family residential land uses unless specifically approved as part of a special district zoning ordinance such as for the downtown.

(B) *Parking Spaces and Aisle Surfaces*. All parking spaces, aisles and maneuvering areas shall have an all-weather surface, whether enclosed or unenclosed, and shall be connected by an all-weather surfaced driveway to a street or alley.

(C) *Parking Space and Aisle Dimensions*. All parking spaces and aisle dimensions shall conform to the off-street parking requirements contained in the City's Standards of Design and Construction manual, as amended, unless otherwise approved by the Planning and Zoning Commission and City Council.

(D) *Site Access for Vehicles*. Access to a lot or tract shall conform to the access control guidelines in the driveway ordinance. A driveway conforming to City driveway standards shall be constructed for each approved access point. A permit much be obtained from the City to construct a driveway within the City.

SUBSECTION 05.04: HANDICAPPED PARKING

In each parking facility, a portion of the total number of parking spaces shall be specifically designated as handicapped accessible parking spaces and reserved for vehicles licensed by the state for use by the handicapped. The following parking and passenger loading standards shall apply to any new construction within the City.

Continued on Right Side of Page …

(A) *Space Required*.

TABLE 2: HANDICAPPED PARKING SPACE REQUIREMENT

TOTAL REQUIRED PARKING IN LOT	REQUIRED NUMBER OF HANDICAPPED SPACES
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% OF TOTAL
1,001+	20 + 1/100 OVER 1,000

(B) *Construction Standards*. Parking spaces and facilities intended for use by the handicapped shall be designed and constructed in accordance with the standards established by state law, City ordinances and the Americans with Disabilities Act (ADA).

(C) *Size of Spaces*. Accessible parking spaces shall be at least 108-inches wide and shall be served by a pedestrian maneuvering access aisle at least 60-inches wide. The access aisle shall be part of an accessible route to the building or facility entrance. Two (2) accessible parking spaces may share a common access aisle. Accessible parking spaces and access aisles shall be level with surface slopes not exceeding ~~2%~~two (2) percent in any direction.

(D) *Van Accessible Spaces*. One (1) in every eight (8) accessible spaces, but not less than one (1), shall be served by an access aisle not less than 108-inches wide and provide a minimum vertical clearance of 98-inches at the parking space and along at least one (1) vehicle access route to such parking space from site entrance and exit. All such spaces shall be designated "van accessible" and may be grouped on one (1) level of a parking structure.

(E) *Sign Handicapped Accessible Spaces*. Accessible spaces shall be designated as reserved by a sign showing a symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

(F) *Accessible Routes to the Building or Facility*. At least one (1) accessible route within the boundary of a site shall be provided from public transportation stops (*if available*), accessible parking and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public.

(G) *Accessible Routes On-Site*. At least one (1) accessible route shall connect accessible buildings, facilities, elements and spaces that are on the same site.

(H) *Accessible Route Design Standards*. An accessible route shall have a minimum clear width of 36-inches and provide adequate space for a wheel chair turn around. If an accessible route has less than 60-inches clear width, then passing spaces of at least 60-inches by 60-inches shall be located at reasonable intervals, not to exceed 200-feet. A 'T' intersection of two (2) corridors or walks is an acceptable passing place.

SECTION 06 | OFF-STREET LOADING REQUIREMENTS

SUBSECTION 06.01: APPLICABILITY

All non-residential structures which contain a gross floor area of 10,000 square feet or more shall provide and maintain off-street loading facilities on the same lot. Such off-street loading facilities shall be located adjacent to a public way or private service drive, in accordance with the following requirements:

(A) Unless an alternative is supported by design standards and approved as part of the detailed site plan, no area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

(B) Any loading dock or loading area must provide a maneuvering area located entirely on private property, and shall not utilize any public right-of-way, and shall not block any drive, aisle or fire lane.

(C) Loading docks that are within 400-feet of a residential district shall be equipped with noise attenuation devices and screened from view of adjacent residential lots.

SUBSECTION 06.02: LIGHTING OF LOADING AREAS

All lighting facilities shall be so arranged as to reflect the illumination away from any adjacent property. Such lighting facilities shall provide illumination within loading areas not to exceed 1.5 Foot Candles (FC) at ground level, and shall distribute not more than 0.2 of one (1) FC of light upon any adjacent property.

All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not intrude on residential property or create a hazard to motorists on any street alley or other public way.

SUBSECTION 06.03: DUMPSTER TRASH RECEPTACLES

All driveways to trash receptacles shall be designed to accommodate the weight of a 56,000 gross vehicular weight (GVW) sanitation truck. Lifting aprons shall be provided in front of each trash receptacle location to accommodate the front wheels of the sanitation truck. Access to the trash receptacle and lift apron shall be in a *straight in* manner, or other manner as approved by the City Engineer. Trash receptacles shall not be located beneath any overhead utility line.

SUBSECTION 06.04: SIZE

Loading spaces shall be a minimum of 12-feet in width, 65-feet in length, and 14-feet in height except as may otherwise be approved by the City Engineer.

SUBSECTION 06.05: OFF-STREET LOADING REQUIREMENTS

Any use that receives or distributes material, supplies or merchandise by motor vehicle shall provide off-street loading space in accordance with the following requirements~~.~~:

(A) *Retail, Commercial, and Industrial Land Uses*.

TABLE 3: COMMERCIAL OFF-STREET LOADING REQUIREMENTS

GROSS FLOOR AREA (SF)	MINIMUM REQUIRED LOADING SPACES
0 – 10,000	0
10,001 – 40,000	1
40,001 – 100,000	2
100,001 – 160,000	3
160,001 – 240,000	4
240,001 – 320,000	5
320,001 – 400,000	6
400,001+	PARKING STUDY REQUIRED

(B) *Auditoriums, Exhibition Halls, Hotels and Sports Arenas*.

TABLE 4: RESTAURANTS AND PUBLIC FACILITIES LOADING REQUIREMENTS

GROSS FLOOR AREA (SF)	MINIMUM REQUIRED LOADING SPACES
0 – 10,000	0
10,001 – 150,000	2
150,001 – 300,000	4
300,001 – 600,000	5
600,000+	PARKING STUDY REQUIRED

TABLE 5: PARKING REQUIREMENT SCHEDULE

AGRICULTURAL LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Agricultural Uses on Un-Platted Land (25-Acre+)	N/A
Animal Hospital or Clinic	1/500 SF
Animal Production	1/200 SF
Crop Production	N/A
Commercial Corral or Stable	1/2 Horse Stalls
Private Horse Corral or Stable	1/2 Horse Stalls
Wholesale Nursery (Growing Only)	N/A

RESIDENTIAL

LAND USE	MINIMUM PARKING REQUIRED
Boarding or Rooming House	1/75 SF (Sleeping Area Only)
Duplex	2/Dwelling Unit
Guest Quarters/Domestic or Security Unit	1.5/Unit
Multi-Family Unit with One (1) Bedroom	1.5/Unit
Multi-Family Unit with Two (2) Bedroom	2.0/Unit
Multi-Family Unit with Three (3) Bedroom	2.5/Unit
~~Servants~~/Caretakers Quarters	1/Bedroom
Single-Family Attached	2/Dwelling Unit
Single-Family Detached	2/Dwelling Unit
Single-Family Townhome	2/Dwelling Unit
Single-Family Zero Lot Line	2/Dwelling Unit

INSTITUTIONAL AND COMMUNITY SERVICE LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Auditorium or Assembly Hall	1/3 Seats or 1/100 SF[1]
Church/House of Worship	1/4 Seats
College, University, or Seminary	1/4 Students
Community Center	1/200 SF
Convalescent Care Facility	1/Bed & 1/Employee on Shift[3]
Nursing Home	1/6 Beds & 1/Employee on Shift[3]
Daycare with Seven (7) of More Children	1/300 SF & 4 Cueing Pickup/Drop-Off
Emergency Ambulance Service	1/300 SF & 1/750 SF of Site Area
Government Facility	1/300 SF
Hospice	1/6 Beds & 1/Employee on Shift[3]
Hospital	1/Bed[2]
Library, Art Gallery, or Museum	1/350 SF
Post Office	1/300 SF Customer Service Area
Retirement Home	1/Bedroom
Residential Care Facility	1/6 Beds & 1/Employee on Shift[3]
Vocational School	1/Student
Public or Private Primary School	1/25 Students
Public or Private Secondary School	1/5 Students

OFFICE AND PROFESSIONAL LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Financial Institution with or without Drive-Through	1/300 SF
Medical Office	1/200 SF
Office Building	1/300 SF

RECREATION, ENTERTAINMENT, AND AMUSEMENT LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Billiard Parlor or Pool Hall	1/100 SF or 1/4 Seats[1]
Indoor Commercial Amusement/Recreation	1/3 Occupancy
Public or Private Community or Recreation Club	3/Game Court or Bowling Alley, 1/250 SF of Assembly Area, & 25% Permitted on Pervious Surface
Public or Private Golf Course	5/Golf Green
Park or Playground	1/1,000 SF of Site Area
Recreation Facility, Health Club, or Gym	3/Game Court & 1/200 SF
Sports Arena, Stadium, and/or Track	1/3 Seats
Private Club	1/100 SF or 1/4 Seats[1]
Theater	1/3 Seats

RECREATION, ENTERTAINMENT, AND AMUSEMENT LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Antique/Collectable	1/250 SF
Auto/Truck Parts and Accessories	1/250 SF
Hair Salon, Manicurist, or Barbershop	1/250 SF
Hotel	1/Unit & 50% of Accessory Uses
Motel	1/Unit & 50% of Accessory Uses
Laundry/Dry Cleaning	1/250 SF
Mailing Service	1/300 SF
Full Service Restaurant	1/100 SF or 1/4 Seats[1]
Limited Service Restaurant	1/250 SF
Retail Store with Gasoline Sales	1/250 SF
General Retail Store	1/250 SF
Art, Photography, or Music Studio	1/250 SF
Veterinarian (*i.e. Not a Hospital or Clinic*)	1/300 SF

COMMERCIAL AND BUSINESS SERVICES LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Building and Landscape Materials	1/250 SF with a Minimum of 5
Commercial Other than Listed	As Determined by the Director
Exhibit Hall	1/100 SF
Medical or Scientific Research Laboratory	As Determined by the Director
Mortuary or Funeral Home	1/300 SF & 1/100 SF for Chapel
Research and Technology	1/500 SF or 1/Employee[1]
Shoe and Boot Repair and Sales	1/250 SF
Trade School	1/20 SF of Classroom Area

AUTO AND MARINE LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Auto Body Repair	2/Service Bay
Auto Mechanical Repair	2/Service Bay
Quick Lube/Oil Change	2/Service Bay
Truck Stop with Fuel and Accessory Services	1/200 SF for Retail/Restaurant, 2/Service Bay, & Mix of Truck and Car Stalls to be Determined by the Director
Truck/Trailer Rental	1/200 SF with a Minimum of 5

INDUSTRIAL AND MANUFACTURING LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Apparel Manufacturing	1/200 SF
Asphalt or Concrete Batch Plant	As Determined by the Director
Industrial and Manufacturing Other Than Listed	As Determined by the Director
Light Assembly and Fabrication	1/500 SF or 0.75/Employee[1&3]
Heavy Manufacturing	1/500 SF or 0.75/Employee[1&3]
Printing, Engraving, and Related Businesses	1/300 SF or 1/Employee[1]
Welding Repair	1/500 SF or 1/2 Employees[1]

INDUSTRIAL AND MANUFACTURING LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Distribution of Books or Other Printed Materials	1/1,000 or 1/2 Employees[1]
Gas/Chemical Bulk Storage	1/2,000 SF of Site Area
Mini-Warehouse	3 Parking Spaces & 1/100 Units
Packaging and/or Distribution	1/2,000 SF of Site Area or 1/2 Employees[1]
Recycling Collection Center and/or Storage	1/1,000 SF or 1/Employee[1]
Warehouse with Inside Storage	1/1,000
Outside Storage	As Determined by the Director
Warehouse Distribution Center	As Determined by the Director

UTILITIES, TRANSPORTATION, AND COMMUNICATION LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Commercial Antenna	1 Parking Space
Telephone Switching Station	1 Parking Space
Electrical Substation	1 Parking Space
Utility Shop and Storage	1/2,000 SF of Site Area
Airport, Heliport, or Landing Field	As Determined by the Director
Helistop	5 Spaces for Commercial and 3 Spaces for Non-Commercial

Notes:

[1]: Whichever is greater.

[2]: As determined by the Director of Planning and Zoning.

[3]: Number of employees.

ARTICLE 07 | ENVIRONMENTAL PERFORMANCE

SECTION 01 | PURPOSE
SECTION 02 | APPLICABILITY
SECTION 03 | OUTDOOR LIGHTING FOR NON-RESIDENTIAL PROPERTIES
SECTION 04 | NOISE
SECTION 05 | SMOKE AND PARTICULATE MATTER
SECTION 06 | ODOROUSE MATTER
SECTION 07 | TOXIC AND NOXIOUS MATTER
SECTION 08 | VIBRATION
SECTION 09 | FIRE OR EXPLOSIVE HAZARD MATERIAL
SECTION 10 | WATER AND WASTE POLLUTION

SECTION 01 | PURPOSE

The purpose of this Article is to set forth regulations which protect the public from the potential negative effects of industrial and intense commercial development by regulating smoke and particulate matter, odorous matter, fire or explosive materials, toxic and noxious matter, vibration, open storage, glare and fuel supply in the vicinity of such sites.

SECTION 02 | APPLICABILITY

The following performance standards shall apply to all zoning districts in the City of Rockwall.

SECTION 03 | OUTDOOR LIGHTING FOR NON-RESIDENTIAL PROPERTIES

SUBSECTION 03.01: DEFINITIONS

(1) *Candela*. A measurement quantified in unit(s) of luminous intensity in any given direction. It is also commonly referred to as candlepower(s).

(2) *Floodlight*. An artificial illumination in broad beam, ~~above 15 watts~~ with a light source that extends more than two (2) inches below the horizontal plane of the laminar.

(3) *Footcandle (FC)*. ~~means t~~The amount of illumination provided by one lumen uniformly distributed on one (1) square foot of surface.

(4) *Full Cut-Off*. A light source that does not extend below the horizontal plan of the luminaire.

(5) *Light Source*. The device which produces visible energy, such as a bulb.

(6) *Lumen*. The quantity of luminous flux intercepted by a surface of one square foot, all points of which are one foot from a uniform source of one candela. A one-candela source provides 12.57 lumens.

(7) *Luminaire*. A complete lighting unit including a light source and all necessary mechanical, electrical, reflective, and decorative parts.

(8) *Partial Cut-Off*. A light source that extends no more than one inch below the horizontal plan of luminaire.

(9) *Standard*. The light pole and base.

(10) *Temporary Holiday Lighting*. The type of lighting typically used during the holiday periods.

SUBSECTION 03.02: PROHIBITED LIGHTING

It shall be unlawful to display or operate the following:

(A) An unshielded light source, including bare bulbs, ~~above 15 watts,~~ except for temporary holiday lighting, decorative lighting (*e.g. string lights*), and lights intended to illuminate a State or National flag on a flag pole.

(B) The operation of search lighting is prohibited except it shall be permitted for a period not to exceed 14 days from grand openings and promotional events with permission of the building official.

SUBSECTION 03.03: MINIMUM REQUIREMENTS

(A) *Glare*. In order to preserve the night sky and to reduce glare on roadways, pedestrian areas and adjacent development, light sources (*e.g. light bulbs*) shall be oriented down and toward the center of the site or shielded so as to not be visible from the property line. This applies to refractory lenses which extend beyond the lighting fixture and are designed to redirect the lighting source horizontally. This does not apply to neon or internally lit signs, or to decorative lighting ~~with 15 watts or less per bulb~~ (*e.g. string lights*).

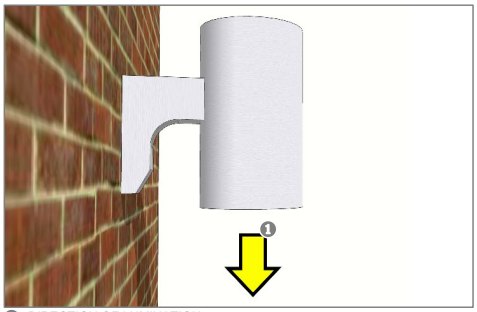
(B) *Light at Residential Property Line*. The allowable maximum light intensity measured at the property line of a residentially zoned lot shall be 0.2 of one footcandle.

(C) *Light at Non-Residential Property Line*. The allowable maximum light intensity measured at the property line of any non-residentially zoned lot shall be 0.2 of one (1) footcandle or 0.2 FC. For planned shopping centers or other commercial developments that contain more than one lot, the Planning and Zoning Commission may consider lighting plans that are intended to increase lighting efficiency and reduce the number of overall light fixtures, but result in light spillover across common lot lines within the same development; ~~. Hh~~however, in no case shall light levels exceed 0.2 FC at the property lines adjacent to the street and/or along the perimeter of the development.

(D) *Height*. No light pole, base or combination thereof shall exceed 30 feet, unless further restricted within an Overlay District as specified in Article 05, *District Development Standards*, of the Unified Development Code (UDC).

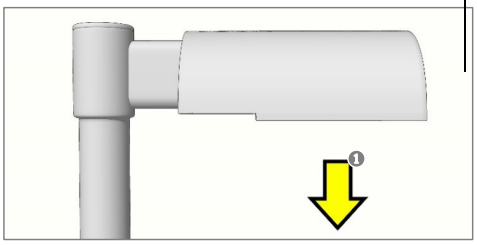
(E) *Building and Pole Mounted Lighting*. All building and pole mounted luminaries ~~exceeding 15 watts~~ shall be directed down with either a partial cut-off or full cut-off at the source. ~~(~~*See Figures 1-4 below*).

FIGURE 1: EXAMPLE OF FULL CUT-OFF BUILDING MOUNTED FIXTURE



1: DIRECTION OF LUMINATION

FIGURE 2: EXAMPLE OF FULL CUT-OFF POLE MOUNTED FIXTURE

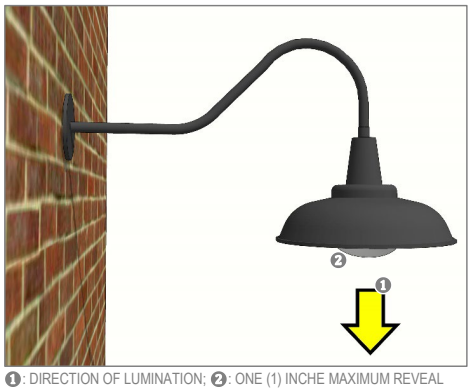


Formatted: Font: Italic

Formatted: Font: Italic

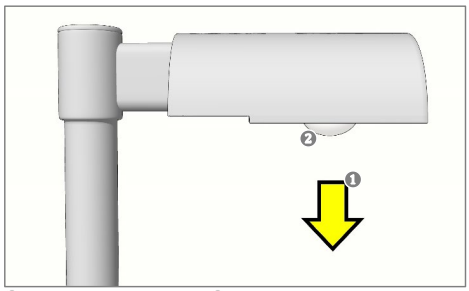
❶: DIRECTION OF LUMINATION

FIGURE 3: EXAMPLE OF PARTIAL CUT-OFF BUILDING MOUNTED FIXTURE



❶: DIRECTION OF LUMINATION; ❷: ONE (1) INCHE MAXIMUM REVEAL

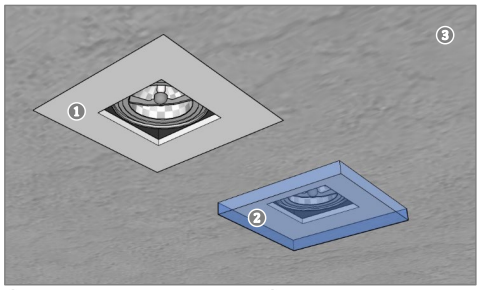
FIGURE 4: EXAMPLE OF PARTIAL CUT-OFF POLE MOUNTED FIXTURE



❶: DIRECTION OF LUMINATION; ❷: ONE (1) INCHE MAXIMUM REVEAL

(F) *Under-Canopy Lighting*. All under-canopy lighting, including, but not limited to, those fixtures utilized at fueling stations, drive-through lanes, and covered parking structures, shall be fully recessed into the canopy (~~*See see*~~ *Figure 5*).

FIGURE 5: EXAMPLES OF UNDER-CANOPY LIGHTING



❶: FLUSH LENS (*I.E. FULLY RECESSED*); ❷: PROJECTING LENDS (*I.E. NOT FULLY RECESSED*); ❸: CEILING

(G) *Illumination*. The maximum outdoor maintained, computed and measured illumination level within any nonresidential development shall not exceed 20 FC outdoors at any point on the site, with the following exceptions:

(1) Under-canopy lighting (*e.g., fuel stations, drive-through lanes and covered parking structures*) shall not exceed 35 FC. The remainder of the property shall comply with the 20-FC maximum.

(2) Lighting for motor vehicle dealerships shall not exceed 30 FC within the front yard(s) of the development. The remainder of the property shall comply with the 20-FC maximum.

(H) *Exemptions*. Historic or antique-style pedestrian light fixtures approved by the Planning and Zoning Commission are excluded from these standards.

SUBSECTION 03.04: PLAN REQUIRED

A photometric plan describing compliance with the provisions of this section shall be submitted to the Director of Planning and Zoning prior to the issuance of any building permit or Certificate of Occupancy (CO) that proposes additional lighting. This plan shall be prepared by an appropriate lighting designer such as a lighting engineer, architect or other qualified lighting designer. Upon installation of the lighting, the designer shall provide a letter certifying that the lighting is installed in accordance with the approved design and this section. The Director of Planning and Zoning shall have the authority to interpret and determine compliance with this section. The Planning and Zoning Commission may grant exemptions to the provisions of this Article if compliance will result in substantial financial hardship or inequity, so long as said exemption is without harm to the public. Decisions of the Planning and Zoning Commission may be appealed to the City Council.

SUBSECTION 03.05: NON-CONFORMING LIGHTING

Luminaries installed prior to the adoption of this Unified Development Code (UDC) shall be exempt from the requirements herein.

SUBSECTION 03.06: EXEMPTIONS

Lighting installed by or for a governmental agency for the public benefit that is used for activities for the public benefit such as right of way, ball fields, airports and parks;~~.~~ ~~H~~however, parking lot lighting for these activities shall be meet the requirements of the section.

SECTION 04 | NOISE

SUBSECTION 04.01: IN GENERAL

Refer to Article IV, *Noise*, of Chapter 16, *Environment*, of the Municipal Code of Ordinances for noise regulations.

SECTION 05 | SMOKE AND PARTICULATE MATTER

SUBSECTION 05.01: STANDARDS

No industrial operation or use shall cause, create, or allow the emission for more than three minutes in any one hour, of air contaminants which at the emission point or within the bounds of the property are:

(A) In violation of the standards specified by the Texas Natural Resource Conservation commission, or subsequent agency; or

(B) Of such capacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in *Subsection A* above except that, when the presence of steam is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the outside atmosphere, performance shall be considered to comply with this section.

SUBSECTION 05.02: COMBINED STANDARDS

The emission of particulate matter from all sources in a district subject to this Article shall not exceed the level specified by the Texas Natural Resource Conservation Commission, or subsequent agency.

SUBSECTION 05.03: STANDARDS MEASURED AT THE PROPERTY LINE

Open storage and open processing operations, including on-site transportation movements which are the source of wind or airborne dust or other particulate matter; or which involve dust or other particulate air contaminant generating equipment including, but not limited to, paint spraying, grain handling, sand or gravel processing or storage or sand blasting shall be so conducted such that dust and other particulate matter so generated are not transported across the boundary property line or the tract on which the use is located in concentrations exceeding standards set by the Texas Natural Resource Conservation Commission.

SECTION 06 | ODOROUS~~E~~ MATTER

SUBSECTION 06.01: APPLICABILITY

No use shall be operated in any zoning district in such a manner that the emission of odorous matter occurs in such quantity or volume as to produce a nuisance, source of discomfort or hazard beyond the bounding property lines of such use.

SUBSECTION 06.02: DETERMINATION

The odor threshold as herein referred to shall be determined by observation by a person or persons designated by the City Council. In any case, where the operator of an odor-emitting use may disagree with the enforcing officer where specific measurement of odor concentration is required, the method and procedures specified by the American Society for *Testing Materials ASTMD 1391-57* entitled Standard Method for Measuring Odors in Atmosphere shall be used.

SECTION 07 | TOXIC AND NOXIOUS MATTER

No industrial operation or other use shall emit toxic or noxious matter in any concentration across the bounding property line of the tract on which operation or use is located. The requirements of the Texas Air Control Board shall be met.

SECTION 08 | VIBRATION

Any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent property line, earthborn vibrations in excess of the limits set forth in ~~column~~ *Column I* (~~below~~*in Table 1: Vibrations Standards*) are prohibited. In addition, any industrial operation or activity which shall cause at any time and at any point along a zone boundary line, earthborn vibrations in excess of the limits set forth in column II are prohibited. Vibrations shall be expressed as resultant displacement in inches.

TABLE 1: VIBRATION STANDARDS

FREQUENCY (CYCLES PER SECOND)	DIPLACEMENT I (INCHES)	DISPLACEMENT II (INCHES)
0 – 10	0.0008	0.0004
10 – 20	0.0005	0.0002
20 – 30	0.0002	0.0001
30 – 40	0.0002	0.0001
40+	0.0001	0.0001

This tabulation is for steady state vibration~~;~~ ~~–~~, which is defined as continuous vibration in contrast to discrete pulses. Impact vibration, that is, discrete pulses which do not exceed 100 pulses per minute, shall not produce in excess of twice (*i.e. two [2] times*) the displacement stipulated above.

SECTION 09 | FIRE OR EXPLOSIVE HAZARD MATERIAL

SUBSECTION 09.01: EXPLOSIVE AND/OR FLAMMABLE MATERIAL

The storage, manufacture and/or use of all explosive and/or flammable liquids, solids or gases shall be permitted only when such storage, manufacture or use conforms to the standards and regulations established in Chapter 18, *Fire Prevention and Protection*, of the Municipal Code of Ordinances, as well as all other applicable city codes.

SECTION 10 | WATER AND WASTE POLLUTION

SUBSECTION 10.01: WATER POLLUTION

No operation or activity shall discharge or cause to be discharged, liquid or solid waste into public waters unless in conformance with the provisions of the Texas Water Quality Board.

SUBSECTION 10.02: LIQUID OR SOLID WASTE

No discharge at any point will be allowed into any public sewer, private sewer disposal system, or stream or into the ground, except in accordance with standards approved by the state health department or standards equivalent to those approved by such department, for similar uses, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements. All discharges shall comply with all applicable city ordinances.

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

ARTICLE 08 | LANDSCAPE AND FENCE STANDARDS

SECTION 01 | PURPOSE
SECTION 02 | APPLICATION OF ARTICLE
SECTION 03 | LANDSCAPE PLAN
SECTION 04 | APPROVED LANDSCAPE MATERIALS
SECTION 05 | LANDSCAPE STANDARDS
SECTION 06 | LANDSCAPE CREDITS
SECTION 07 | COMPLETION OF LANDSCAPING
SECTION 08 | FENCE STANDARDS
SECTION 09 | GENERAL MAINTENANCE

SECTION 01 | PURPOSE

The purpose of Article 08, *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.

SECTION 02 | APPLICATION OF ARTICLE

SUBSECTION 02.01: 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 02.01(A)(2).

(b) The expansion of a non-residential building or structure that increases the existing floor area by 30.00% 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 30.00% or that adds 2,000 SF of impervious coverage.

(2) Unless otherwise indicated in this *Article*, ~~T~~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 02.01(A) or Article 11, *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 06, *Non-Conforming Uses, Structures, and Sites*, of Article 04, *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 existing single-family and/or duplex land uses.

(d) Properties zoned Downtown (DT) District, as defined by Subsection 04.07, *Downtown (DT) District*, of Article 05, *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 02.01(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 06.02, *General Overlay District Standards*, of Article 05, *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 02.02: 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~~ Landscaping ~~plan~~ 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 09.01, *Exceptions to the General Standards*, of Article 11, *Development Applications and Review Procedures*.

SUBSECTION 02.03: EXCEPTIONS TO THE FENCE STANDARDS

All exceptions to the fence standards contained in this *Article* will be subject to the requirements of Section 08, *Fence Standards*.

SECTION 03 | LANDSCAPE PLAN

SUBSECTION 03.01: 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 03, *Site Plans*, of Article 11, *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), or a Horticulturist with a Bachelor's Degree unless otherwise permitted by the Director of Planning and Zoning.

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

SUBSECTION 03.02: 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 03, *Site Plans*, of Article 11, *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 03, *Site Plans*, of Article 11, *Development Applications and Review Procedures*.

SECTION 04 | ~~APPROVED~~ LANDSCAPE 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 C, *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.

(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 4½ ~~four (4)~~ feet above grade.

(5) The City of Rockwall encourages developments to incorporate ~~*xeriscaping*~~*Xeriscaping/smartscaping 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 05.05, *Xeriscaping and Smartscaping Standards*.

(B) *Prohibited Planting Materials*.

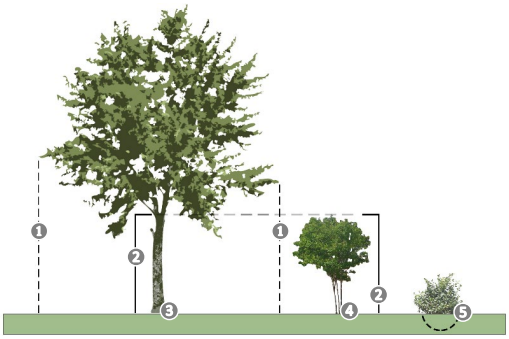
(1) *Artificial or Synthetic Plant Materials*.

(a) *Non-Residential Property*. Artificial or synthetic plant materials (*e.g. artificial grass, turf, trees, and/or shrubs*) shall be prohibited on all non-residentially zoned or used property in the City of Rockwall; however, the Planning and Zoning Commission can grant an *Exception* in accordance with the procedures contained in Subsection 09.01, *Exceptions to the General Standards*, of Article 11, *Development Applications and Review Procedures*, of this Unified Development Code (UDC) where it is found that the artificial plant materials are integral to the operations of the proposed non-residential land use or where it will serve as an on-site amenity to the non-residential land use.

(b) *Residential Property*. Artificial or synthetic plant materials (*e.g. artificial grass, turf, trees, and/or shrubs*) shall be prohibited on all residentially zoned or used property in: [*1*] the required front yard (*i.e. the area that extends from the front property line to the front façade of the primary structure*); [*2*] in areas of the required side or rear yard that are visible from public right-of-way, open space, or public parkland; [*3*] in public rights-of-way; and [*4*] in easements; however, a maximum of 400 square feet of non-PFAS (*i.e. Perfluorinated Alkylated Substances*) artificial grass or turf shall be permitted in the rear yard of all residentially zoned or used property regardless of visibility or screening.

~~(1)~~

FIGURE 1: APPROVED PLANTING MATERIALS AND SIZE



❶: DRIP LINE; ❷: FOUR (4) FEET; ❸: CANOPY TREE; ❹: ACCENT TREE; ❺: ~~THREE~~ FIVE (~~3~~5) GALLON SHRUB

SECTION 05 | LANDSCAPE STANDARDS

SUBSECTION 05.01: LANDSCAPE BUFFERS

The minimum requirements for landscape buffers shall be as follows:

(A) *Residential Landscape Buffers in Subdivisions*. (see *Figure 2: Residential Landscape Buffers Example*)

(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

Formatted: Font:
Formatted: Font: Italic
Formatted: Font:
Formatted: Font:
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Font:
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font:
Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: Italic
Formatted: Font: 5 pt

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.

(B) *Non-Residential Landscape Buffers*. (see *Figure 3: Commercial Landscape Buffers Example*)

(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 05.02(B), *Screening from Residential*.

(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 05.02: 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 01.05, *Screening Standards*, of Article 05, *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:

FIGURE 2: RESIDENTIAL LANDSCAPE BUFFERS EXAMPLE

❶: RESIDENTIAL PROPERTY; ❷: BUILD LINE; ❸: COLLECTOR STREET; ❹: TEN (10) FOOT LANDSCAPE BUFFER; ❺: PERIMETER COLLECTOR OR ARTERIALS ROADWAY

FIGURE 3: COMMERCIAL LANDSCAPE BUFFERS EXAMPLE

❶: STREET; ❷: RESIDENTIALLY ZONED OR USED PROPERTY; ❸: INDUSTRIAL OR COMMERCIAL ZONING/USE; ❹: ALLEYWAY; ❺: TEN (10) FOOT LANDSCAPE BUFFER WITH ACCENT AND CANOPY TREES; ❻: 20-FOOT LANDSCAPE BUFFER WITH THREE (3) TIERED SCREENING

(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

❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: ACCENT TREE OR LARGE SHRUB; ❹: SMALL SHRUB; ❺: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE; ❻: CANOPY TREES 20-FOOT ON CENTER

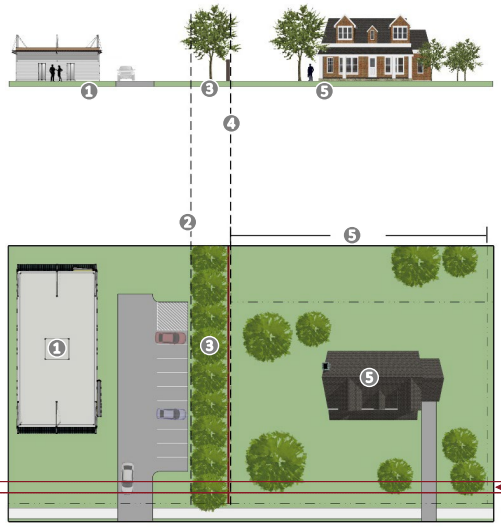
~~(1)~~(2) *Alternative #2*. A wrought iron fence with a mix of two (2) rows of staggered mature evergreen trees and one (1) row of deciduous canopy trees (*a minimum six [6] caliper inches*) along the entire length of the adjacency. All trees will be planted on 20-foot centers.

FIGURE 5: ALTERNATIVE #2

❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: TWO (2) ROWS OF EVERGREEN ACCENT TREES 20-FOOT OFFSET; ❹: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE; ❺: CANOPY TREES 20-FOOT ON CENTER

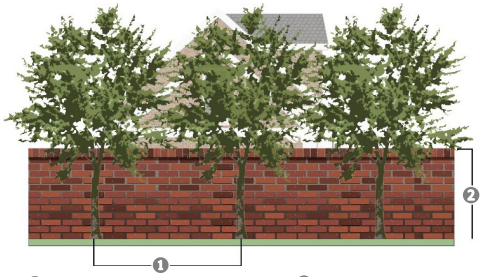
(B) *Screening from Residential*. Any non-residential or multi-family land use or parking area that has a side or rear contiguous to any residentially zoned or used property shall be screened with a masonry fence a minimum of six (6) feet in height with canopy trees planted on 20-foot centers (*as depicted 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



❶: COMMERCIAL PROPERTY; ❷: 20-FOOT LANDSCAPE BUFFER; ❸: CANOPY TREES 20-FOOT ON CENTER; ❹: MINIMUM SIX (6) FOOT MASONRY WALL ON PROPERTY LINE; ❺: RESIDENTIAL PROPERTY;

FIGURE 7: MASONRY FENCE WITH CANOPY TREES IN PERSPECTIVE VIEW



❶: CANOPY TREES 20-FOOT ON CENTER; ❷: MINIMUM SIX (6) FOOT MASONRY WALL;

~~(C)~~ *Continued on Next Page …*

Formatted: No underline

Formatted: Font: 5 pt, Not Italic, No underline

Formatted: Indent: Left: 0.5", No bullets or

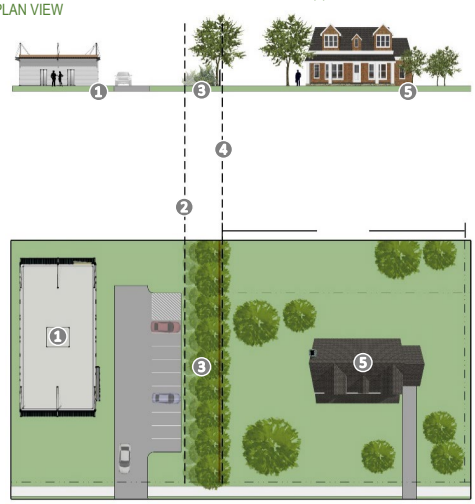
Formatted: Font: 5 pt

Formatted: Indent: Left: 0"

Formatted: Centered, No bullets or numbering

Formatted: Font: Italic

FIGURE 8: WROUGHT IRON FENCE WITH THREE (3) TIERED SCREENING IN PLAN VIEW



❶: COMMERCIAL PROPERTY; ❷: 20-FOOT LANDSCAPE BUFFER; ❸: THREE (3) TIERED SCEENING; ❹: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE ON PROPERTY LINE; ❺: RESIDENTIAL PROPERTY

FIGURE 9: ALTERNATIVE #1 [WROUGHT IRON FENCE WITH THREE (3) TIERED SCREENING IN PERSPECTIVE VIEW]

❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: LARGE SHRUB/ACCENT TREE; ❹: SMALL SHRUB; ❺: SIX (6) FOOT WROUGHT IRON FENCE; ❻: CANOPY TREES 20-FOOT ON CENTER

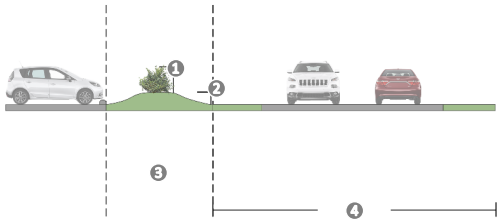
FIGURE 10: ALTERNATIVE #2 [WROUGHT IRON FENCE WITH TIERED SCREENING IN PERSPECTIVE VIEW]

❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: TWO (2) ROWS OF EVERGREEN ACCENT TREES 20-FOOT OFFSET; ❹: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE; ❺: CANOPY TREES 20-FOOT ON CENTER

~~(D)~~(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.

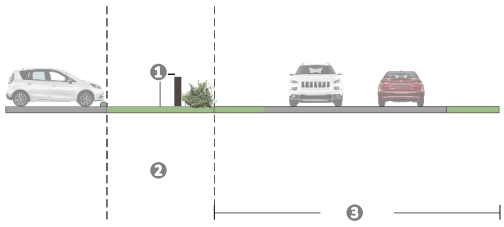
FIGURE 11: ALTERNATIVE #1 [HEADLIGHT SCREENING USING LANDSCAPING AND A BERM]



❶: MINIMUM THREE (3) FOOT SHRUB; ❷: MINIMUM TWO (2) FOOT BERM; ❸: 20-FOOT LANDCSAPE BUFFER; ❹: STREET OR ALLEYWAY

(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]



❶: MINIMUM THREE (3) FOOT MASONRY WALL; ❷: 20-FOOT LANDCSAPE BUFFER; ❸: STREET OR ALLEYWAY

~~(E)~~(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 05.03: LANDSCAPE REQUIREMENTS

(A) *Amount of Landscaping*. The following landscaping percentages shall be required and shall apply to the total site area to be developed:

TABLE 1: REQUIRED LANDSCAPING BY ZONING DISTRICT

ZONING DISTRICT	REQUIRED LANDSCAPING	REQUIRED WITH MAXIMUM CREDIT
Multi-Family 14 (MF-14) District	35%	22½%
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%
Downtown (DT) District	See Subsection 04.07: Article 05	

(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 per 1,500 SF 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.

FIGURE 13: LANDSCAPE REQUIREMENTS

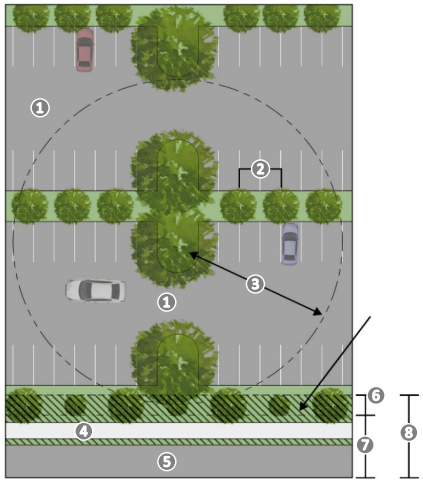
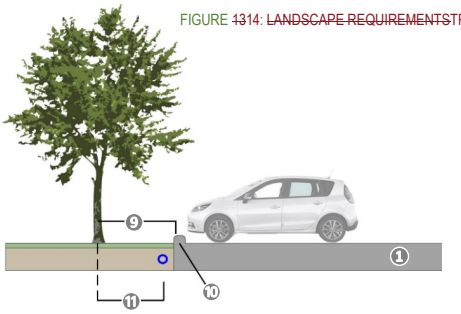


FIGURE ~~13~~14: ~~LANDSCAPE REQUIREMENTS~~TREE PLANTING REQUIREMENTS



❶: PARKING LOT; ❷: 20-FOOT SEPERATION; ❸: 80-FOOT BUFFER; ❹: SIDEWALK; ❺: STREET; ❻: TEN (10) FOOT LANDSCAPE BUFFER; ❼: RIGHT-OF-WAY; ❽: AREA REQUIRED TO BE IMPROVED WITH SOD (*I.E. HYDOMULCH IS PROHIBITED*); ❾: TREE MUST BE A MINIMUM OF FIVE (5) FEET FROM THE EDGE OF PAVEMENT; ❿: VEHICLE PROTECTION; ⓫: TREE MUST BE A MINIMUM OF FIVE (5) FEET OFF THE WATER/SEWER LINE

(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.

SUBSECTION 05.04: 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.

SUBSECTION 05.05: XERISCAPING/SMARTSCAPING STANDARDS

(A) *Purpose*. The purpose of this section is to promote the establishment of water conscious landscaping through the implementation of xeriscaping/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 C, *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/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/smartscaping 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 Subsection 05.03(D) (*i.e. one [1] tree per every 750 SF and one [1] accent tree per 1,500 SF of detention area*). Instead, a four (4) shrub**s** or ornamental grass**es** per every 750 SF of ~~dry~~ detention ~~land~~ area shall be required to be planted on the site or around the detention area.

(3) A maximum of 30.00% 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.

SECTION 06 | LANDSCAPE CREDITS

Credits to the landscape requirements may be achieved as follows:

SUBSECTION 06.01: 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 05, *District Development Standards*.

SUBSECTION 06.02: 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 06.03: 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 05.05, *Xeriscaping/Smartscaping Standards*, of this Article have been satisfied.

SECTION 07 | COMPLETION OF LANDSCAPING

SUBSECTION 07.01: IN ACCORDANCE WITH APPROVED PLANS

Except as otherwise provided in Subsection 07.02, 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 07.02) 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.

SUBSECTION 07.02: 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 07.03: FORFEITURE OF ESCROW

If a temporary Certificate of Occupancy (CO) is issued under Subsection 07.02 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.

FIGURE 15: CORNER LOTS

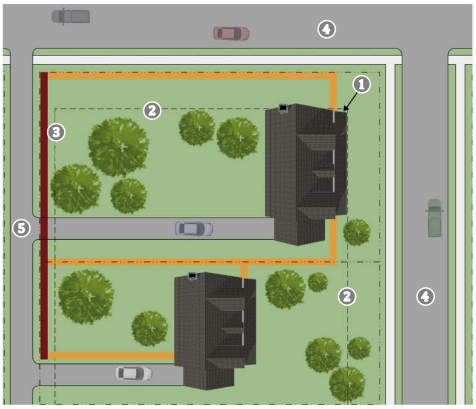


FIGURE 16: FENCES BACK TO A STREET

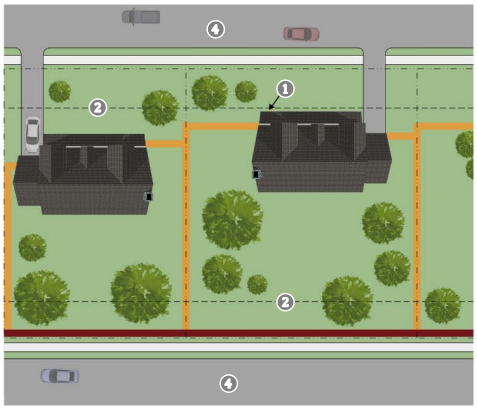
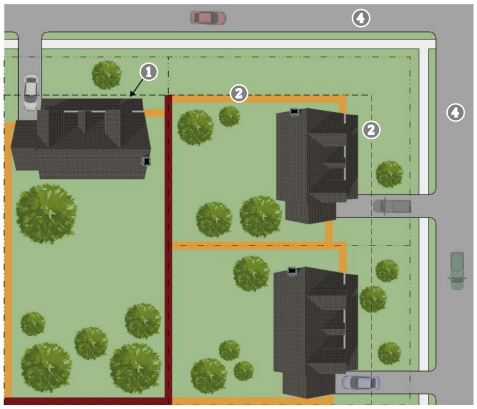


FIGURE 17: FENCES BACKING TO A SIDE YARD



❶: PORCH; ❷: 20-FOOT BUILD LINE; ❸: TEN (10) FOOT BUILD LINE; ❹: STREET; ❺: ALLEYWAY; **REAR YARD FENCE**; **SIDE YARD FENCE**

Formatted: Normal

SECTION 08 | FENCE STANDARDS

SUBSECTION 08.01: 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 08.02: 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 08, *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 08.03(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) PVC mesh (*i.e. tennis court mesh/windscreen*) or other materials or appurtenances (*e.g. slats, bamboo, mesh netting, fake or artificial plants or patterned material, signage, banners, etc.*) intended to provide screening that are affixed to wrought iron, decorative metal, chain-link or semi-transparent fencing shall be prohibited.

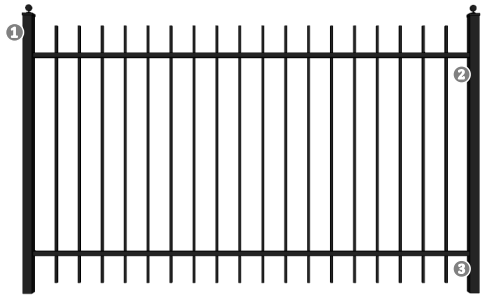
~~(6)~~(7) Solid wood fencing exceeding 48-inches in height shall be constructed using metal posts set in concrete, or brick, stone or a combination of brick and stone columns.

(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*.

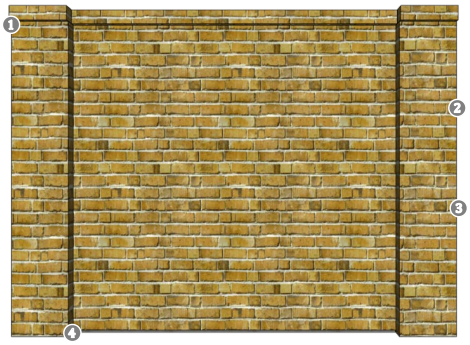
❶: Top Rail; ❷: Galvanized or Stainless-Steel Post (*Recommended Minimum of* 2.375"); ❸: Stinger Board (Recommended Minimum of 2" x 3"); ❹: Minimum ½" Wood Screen.

(2) *Wrought Iron Fence*.



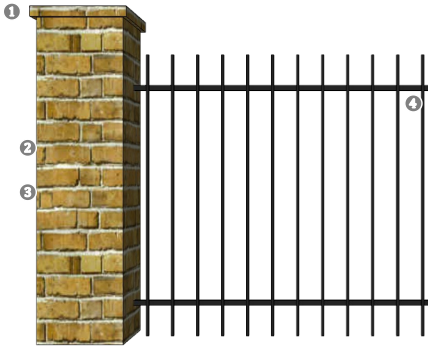
❶: Painted or Powder Coated with a Decay Resistant Paint; ❷: Top Rail; ❸: Bottom Rail.

(3) *Masonry Wall*.



❶: Rowlock Cap; ❷: Running Bond; ❸: 3/8" Tooled Joints (*Typical*); ❹: Concrete Footing/Mow Strip.

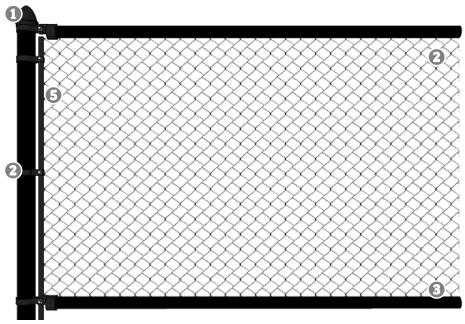
(4) *Fences with Masonry Columns*.



❶: Rowlock Cap; ❷: Running Bond; ❸: 3/8" Tooled Joints (*Typical*); ❹: Wrought Iron or *Board-On-Board* Wood Fence.

Formatted: List Paragraph, Add space between paragraphs of the same style, No bullets or numbering

(5) *Vinyl Coated Chain-Link Fence*.



❶: Post Cap; ❷: Top Rail; ❸: Bottom Rail; ❹: Tension Band; ❺: 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 08.03: 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 (s*pruce 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-feet 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 08.02(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 *not* be subject to the approval criteria and voting requirements stipulated by Section 09.01, *Exceptions to the General Standards*, of Article 11, *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 and all posts and/or framing shall be placed on the private side when adjacent to a public street (*excluding alleyway*), open space, public park, and/or neighboring properties. Painting a fence with oil or latex based paint shall be prohibited.

(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.

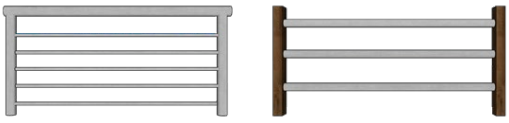
(II) *Replacement of an Existing Chain-Link Fence*. Existing chain-link fences maybe replaced with a new vinyl coated, chain-link fence that is a minimum of four (4) feet in height and a maximum of six (6) feet in height. Replacement chain-link fences may only be placed in the location of the existing 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*) and/or alternative fence standards on a *case-by-case* basis. These exceptions will *not* be subject to the approval criteria and voting requirements stipulated by Section 09.01, *Exceptions to the General Standards*, of Article 11, *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 08.03(A) & 08.03(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.

FIGURE 14: EXAMPLES OF SPLIT-RAIL AND/OR PIPE FENCING



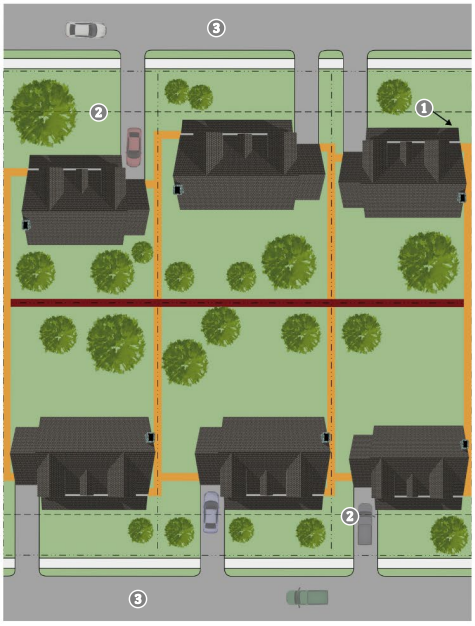
(D) *Fence Placement*.

(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*).

FIGURE 18: THROUGH LOTS

FIGURE 19: FENCES WITH COMMON REAR YARDS



❶: PORCH; ❷: 20-FOOT BUILD LINE; ❸: STREET; **REAR YARD FENCE**; **SIDE YARD FENCE**

(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*).

(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 08.03(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.

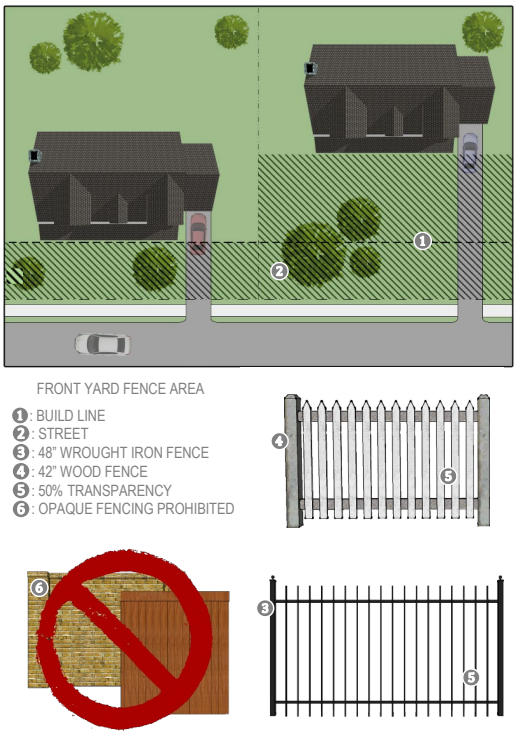
In considering a front yard fence, the Planning and Zoning Commission may require applicants to provide additional information, plans, drawings, and/or other information concerning the proposed front yard fence. In addition, the Planning and Zoning Commission may establish additional conditions of construction for any fence.

(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 08.03(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.

FIGURE 20: RESIDENTIAL FRONT YARD FENCES



FRONT YARD FENCE AREA

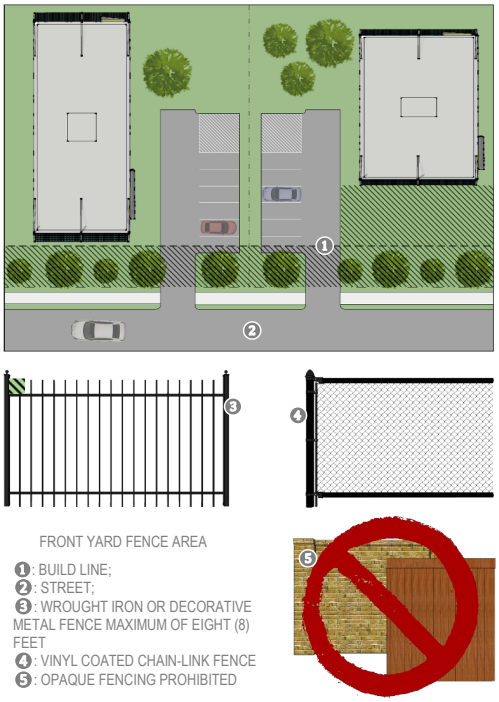
❶: BUILD LINE
❷: STREET
❸: 48" WROUGHT IRON FENCE
❹: 42" WOOD FENCE
❺: 50% TRANSPARENCY
❻: OPAQUE FENCING PROHIBITED

SUBSECTION 08.04: 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

FIGURE 21: NON-RESIDENTIAL FRONT YARD FENCES



specified in Subsection 04.07, *Downtown (DT) District*, of Article 05, *District Development Standards*, wood fences proposed in a Residential Office (RO) District or Downtown (DT) District -- *in conformance with the requirements of Subsection 08.03(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.

SECTION 09 | GENERAL MAINTENANCE

SUBSECTION 09.01: 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 09.02: 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 09.03: 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 09 | TREE PRESERVATION

SECTION 01 | PURPOSE, APPLICABILITY, AND EXEMPTIONS
SECTION 02 | DEFINITIONS
SECTION 03 | TREESCAPE PLAN
SECTION 04 | TREE REMOVAL PERMIT
SECTION 05 | TREE MITIGATION REQUIREMENTS
SECTION 06 | TREE PLANTING AND TRANSPLANTING REQUIREMENTS
SECTION 07 | TREE PROTECTION DURING CONSTRUCTION
SECTION 08 | TREE PRUNING
SECTION 09 | TREE FUND
SECTION 10 | VIOLATIONS

SECTION 01 | PURPOSE, APPLICABILITY, AND EXEMPTIONS

SUBSECTION 01.01: PURPOSE

The purpose of this *Article* is to secure the preservation of mature, healthy trees and natural areas, and to ensure the consideration of protected trees during the planning and design process for development and/or redevelopment within the City. In addition, this Article is intended to layout procedures for the protection of trees during the construction process, and outline the requirements for the replacement and replanting of trees that have been removed. This Article also provides protection for the indiscriminate clearing of any property within the City.

SUBSECTION 01.02: APPLICABILITY

The terms and provisions of this Article shall apply to all real property within the City's corporate limits that meets one of the following criteria:

(A) The establishment of a new subdivision of land.

(B) The replatting of undeveloped land for the purpose of combining and/or subdividing real property.

(C) The development of a residential tract of land that is greater than or equal to three (3) acres.

(D) The development and/or removal of trees on a non-residential tract of land that is greater than or equal to one acre.

(E) A submission of a site plan and/or plat for the purpose of developing, subdividing or combing non-residential land.

SUBSECTION 01.03: EXEMPTIONS

The terms and provisions of this Article shall not apply if the following conditions exist:

(A) *Agricultural Property*. Property zoned Agricultural (AG) District and being actively used for agricultural purposes shall be exempt from the requirements specified by this *Article*; however, clear-cutting of land on property zoned Agricultural (AG) District that is not being actively used for agricultural purposes is prohibited.

(B) *Damaged/Diseased Trees*. If a certified arborist establishes that the tree is dead, diseased, damaged beyond the point of recovery, or in danger of falling the tree maybe removed.

(C) *Residential Property*. The owner of a property with an existing single-family home shall be exempt from the tree protection and replacement requirements specified by this Article as it pertains to that property on which the home is located.

(D) *Public Safety*. If the City determines that a tree or trees create unsafe vision clearance or conflicts with other ordinances or regulations, or the tree or trees are determined to be in a diseased, dead, hazardous or dangerous condition so as to endanger the public health, safety or welfare of the general public, the City or property owner may remove the tree or trees without being required to follow the terms and provisions of this ordinance.

(E) *Utility Service Interruption*. The tree has disrupted a public utility service due to tornado, flood or another act of God. Removal shall be limited to the part of the tree that is found necessary to be removed to reestablish and maintain the utility service.

(F) *Utility Companies, Utility Service and or Distribution/Transmission Lines*. Utility companies shall not be subject to the tree protection or replacement requirements in this Article when establishing distribution and transmission lines. When establishing new utility service, services should be routed between the service pole or transmission and distribution lines and the building being served in a manner that does not require the removal of a protected of feature tree. All right-of-way, easements or similar types of public property maintained by utility companies shall not be subject to the tree protection or replacement requirements of this Article.

(G) *Public Property*. All right-of-way, easements or similar types of public property maintained by the City shall not be subject to the terms and provisions of this *Article*.

(H) *Trees Clearance Pruned by a Utility*. At the discretion of the City Arborist or the Director of the Parks and Recreation Department, trees that are located under existing powerlines or within an ONCOR easement that have clearance pruned by a utility (*i.e. that have been walled or 'V-cut'*) may be exempted from the mitigation requirements stipulated by this *Article*.

SECTION 02 | DEFINITIONS

(1) *Cedar Tree*. A *Cedar Tree* referenced in this *Article* shall mean Eastern Red Cedar.

(2) *Critical Root Zone (CRZ)*. The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line but not less than a one-foot radius for each one-inch DBH.

(3) *Clear-Cutting*. The removal of all trees or a significant majority of the trees within an area.

(4) *Diameter at Breast Height (DBH)*. The diameter in inches of a tree as measured through the main trunk at a point 4½-feet above the natural ground level.

(5) *Drip Line.* A vertical line running through the outermost portion of the crown of a tree and extending down to the ground.

(6) *Feature Tree.* Any tree ~~*-- excluding non-protected trees --*~~ that has a DBH of greater than 25-inches. Feature trees may not be removed without approval of the Planning and Zoning Commission.

(7) *Limits of Construction.* A delineation on the treescape plan that shows the boundary of the area within which all construction activity will occur.

(8) *Non-Protected Tree.* All Bois d'Arc, Willow, Cottonwood, Honey Locust, Chinaberry, and Hackberry trees regardless of size, and cedar trees less than eight (8) feet in height shall be considered non-protected trees and do not require mitigation to be removed.

(9) *Primary Protected Tree.* Any tree -- *excluding non-protected trees and hackberry and cedar trees* -- that ~~have~~ has a DBH of four (4) inches or greater. The removal of any protected tree shall require the approval of the Planning and Zoning Commission. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk at DBH to one-half (½) the diameter of each additional trunk.

(10) *Protective/Temporary Fencing.* Snow fencing, chain-link fencing, orange vinyl construction fencing or similar fencing with a four-foot approximate height. The Director of Planning and Zoning and zoning or his/her designee, shall determine the appropriate type of fencing for any particular property or portion thereof.

(11) *Replacement Tree.* A tree from the reclamation/tree preservation list contained in *Table 1.1: Required Trees by District* contained in Appendix C, *Landscape Guidelines and Requirements*, of the Unified Development Code (UDC) with a minimum caliper size of four (4) inches and height of seven (7) feet. For the purpose of determining size, replacement trees should be measured at DBH.

(12) *Secondary Protected Tree.* Any cedar tree that is eight (8) feet in height or greater. The removal of any protected tree shall require the approval of the Planning and Zoning Commission. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk at DBH to one-half the diameter of each additional trunk.

(13) *Tree.* Any self-supported woody perennial plant that will attain a trunk diameter of three (3) inches DBH and normally attains an overall height of at least 15-feet at maturity; usually with one main stem or trunk and many branches.

SECTION 03 | TREESCAPE PLAN

SUBSECTION 03.01: TREESCAPE

A treescape plan is a plan showing the exact location, size (*i.e. trunk diameter and height*), and common name of all trees, four (4) inches and greater and indicating the trees that are proposed to be removed, transplanted or replaced. A treescape plan shall be prepared by a landscape architect or design professional, be drawn to the largest scale practical, and incorporate the following elements:

(A) The location of all existing and/or proposed structures, or building pads as shown on the grading plan and all improvements properly dimensioned and referenced to the property lines.

(B) The building setbacks.

(C) All existing and proposed site elevations, grades, major contour lines and the limits of construction.

(D) The location of all existing or proposed utilities and easements.

(E) The location of all protected and feature trees.

(F) The location of all trees to be removed from the site and the location of all replacement trees.

(G) A spreadsheet indicating all trees by species, the *Locational ID* or tree tag number as shown on the treescape plan, the DBH/caliper inch, the health of the tree, if the tree has a disease or an insect infestation, if it is structurally sound, and the mitigation necessary if the tree is to be removed. Each column with numeric values shall be totaled (*see Table 2: Example of Treescape Plan Spreadsheet below).*

(H) A title block stating street address, lot and block, subdivision name, date and project number.

(I) The name, address, and phone number of the person preparing the plan and the developer/property owner.

(J) Tree survey shall be performed by an arborist, horticulturalist, or landscape architect with a preference for an arborist certified by the International Society of Arboriculture (ISA).

SUBSECTION 03.02: TREESCAPE PLAN REQUIRED

No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any tree situated on a property regulated by this Article without first submitting and receiving approval of a treescape plan unless otherwise allowed by this Article.

For properties that have no protected or feature trees or where the development of the property will not require the removal of any protected or feature trees, the developer or property owner may submit a letter certifying that no protected or feature trees will be affected as a result of the proposed development. This letter will be submitted with the understanding that if it is determined that there are protected or feature trees on the property any violation of the provisions of this Article shall be subject to the violation provisions and fines stipulated in Section 10, *Violations*.

Staff may administratively approve any treescape plan or letter that does not involve the removal of any protected or feature trees.

SUBSECTION 03.03: TREESCAPE APPLICATION

All applications for treescape plans shall be submitted to the Director of Planning and Zoning or his/her designee. In addition to the application, an applicant shall also submit [*1*] a treescape plan conforming to the requirements of this Article and [*2*] a letter from the applicant or property owner indicating the reason for the removal of any protected or feature trees. A treescape plan may also be required with an application for a site plan and/or a preliminary plat, replat, or final plat.

SUBSECTION 03.04: TREESCAPE PLAN REVIEW PROCESS

The Director of Planning and Zoning, or his/her designee, shall review the treescape plan and approve the plan per the requirements of this Article, or forward any recommendations to the Planning and Zoning Commission. As part of the treescape plan review process, the City has the right to request changes or adjustments in the layout and design of a development to save trees. The Planning and Zoning Commission will review and approve or disapprove the treescape plan. The decision of

TABLE 2: EXAMPLE OF TREESCAPE PLAN SPREADSHEET

#	SPECIES	CALIPER	PROTECT OR REMOVE	TREE HEALTH (1-5)	DISEASE (Y/N)	INSECT (Y/N)	STRUCTURAL (Y/N)	MITIGATION REQUIRED
1	Live Oak	4" Caliper	Remove	2	Y	Y	Y	0
2	Cedar	10' Tall	Remove	4	N	N	N	4"
3	Red Oak	26" Caliper	Remove	3	N	N	N	52"
							TOTAL:	56"

TREE HEALTH: 1: DEAD; 2: DISEASE/STRUCTURAL ISSUES; 3: VIABLE TREE WITH CARE; 4: GOOD HEALTH; 5: EXCELLENT HEALTH
TREE GRADES: 1-2: NOT PROTECTED; 3-5: PROTECTED

the Planning and Zoning Commission may be appealed to the City Council.

SUBSECTION 03.05: TREESCAPE PLAN EXPIRATION

A treescape plan shall be valid for two years from the approval date. A treescape plan that is approved in conjunction with a preliminary plat, final plat, site plan, and/or building permit shall be valid for the same amount of time as the corresponding plan and/or permit.

SUBSECTION 03.06: BUILDER/CONTRACTOR RESPONSIBILITY

It shall be the responsibility of the builder/contractor to verify that a parcel of land has an approved treescape plan prior to commencing work on a property. In addition, the builder/contractor shall be responsible for ensuring that all construction activities meet the requirements of this *Article*.

SECTION 04 | TREE REMOVAL PERMIT

Once a treescape plan has been approved for a property, a tree removal permit will be required to remove any tree(s). Tree removal permits may be approved administratively by the Director of Planning and Zoning or his/her designee, or forwarded on to the Planning and Zoning Commission for approval. Feature trees may not be removed without the approval of the Planning and Zoning Commission. All trees removed through this process will require mitigation in accordance with the sections contained in this Article.

SECTION 05 | TREE MITIGATION REQUIREMENTS

The tree mitigation requirements shall apply for all properties that do not fall under the exemptions listed in Section 01.03, *Exemptions*, of this *Article*. In addition, if a treescape plan or tree removal permit allows for the removal of a protected or feature tree(s), the applicant and/or property owner shall account for the number of inches of tree being removed using the following criteria:

(A) *Primary Protected Trees*. Primary protected trees measuring four inches through 25-inches DBH shall be replaced on an inch-for-inch basis *(i.e. the total number of caliper inches of tree being replaced shall equal the total number of caliper inches being removed*).

(B) *Secondary Protected Trees*. *Cedar Trees* measuring eight (8) feet or greater in height shall be replaced with a single, four (4) inch caliper tree

(C) *Featured Trees*. Featured trees (*i.e. all trees greater than 25-inches*) shall be replaced with twice the number of inches being removed (*i.e. the total number of caliper inches of tree being replaced shall be twice the number of caliper inches being removed*).

(D) *Non-Protected Tree*. No mitigation will be required for the removal of any tree that is less than four (4) inches DBH or a *Cedar Tree* less than eight (8) feet in height. In addition, no mitigation shall be required for the removal of Bois d'Arc, Willow, Cottonwood, Honey Locust, Chinaberry, and Hackberry trees.

TABLE 2: SUMMARY OF MITIGATION REQUIREMENTS

Type of Tree	Mitigation Value	Mitigation Requirement	Example of Mitigation Requirements
Primary Protected Trees	4" – 25"	1":1"	A 20-inch tree would require 20-inches of mitigation.
Secondary Protect Trees	8' or Greater	1 x 4" Caliper Tree	An eight (8) foot tree would require one (1), four (4) inch caliper tree.
Featured Trees	Greater Than 25"	1":2"	A 30-inch tree would require 60-inches of mitigation.

(E) *Tree Preservation Credits*. For each saved oak, pecan or elm tree(s) 25-inches DBH or greater the mitigation balance can be reduced on an inch-for-inch basis for up to 20.00% of the total mitigation balance (*i.e. total mitigation balance × 20.00% = total eligible tree preservation credit*).

(F) *Mitigation Balance*. The total mitigation balance (*i.e. mitigation balance − tree preservation credits = total mitigation balance*) may be satisfied through one or a combination of the following:

(1) The developer/property owner can provide the required number of trees -- *four (4) inch caliper DBH minimum* -- on the subject property to offset the total mitigation balance (*e.g. if the total mitigation balance is 12-inches then three (3), four (4) inch caliper trees could be planted on-site to satisfy the mitigation requirements*).

(2) The developer/property owner may petition the parks and recreation department to accept the required number of trees -- *four (4) inch caliper DBH minimum* -- to offset the total mitigation balance (*e.g. if the total mitigation balance is 12-inches then three ~~([3),-]~~, four ~~([4)-]~~ inch caliper trees could be submitted to the parks and recreation department to satisfy the mitigation requirements*). Depending on the number of trees being submitted the Director of Parks and Recreation or his/her designee could require a facilities agreement be approved prior to accepting the trees.

(3) Tree preservation credits may be purchased at a rate of $200.00 per inch for up to 20.00% of the total replacement inches. For example, if total mitigation required was 100-inches the developer/property owner could pay a total of $4,000.00 [*i.e. (20% × 100) × $200.00 = $4,000.00*] into the City's tree fund; however, the developer/property owner would still be required to satisfy a remaining tree mitigation balance of 80-inches. In addition, if the developer/property owner plants a tree on [*1*] the property for which the tree preservation credit was assessed or [*2*] a location that is mutually agreed upon by the City and the developer/property owner, the developer/property owner shall be eligible for a reduction in the cost of tree preservation credits of up to 50.00%. These funds will be deposited in the City's tree mitigation fund and will be used for planting trees in the City's parks, medians, street rights-of-way, or other similar areas as determined by the parks and recreation department.

(4) Trees required by Article 08, *Landscape Standards*, of the Unified Development Code (UDC) shall be permitted to be subtracted from the total mitigation balance if provided on site as part of the required landscaping.

Formatted: Font: Italic

(G) *Alternative tree Tree mitigation Mitigation settlement Settlement agreementsAgreements*. In certain cases, the City Council -- *upon recommendation from the Planning and Zoning Commission* -- may consider an *alternative Alternative tree Tree mitigation Mitigation settlement Settlement agreement Agreement* where, due to hardship, the applicant is unable to meet the requirements of this *Article* or where it is determined that adherence to the tree mitigation requirements will create a hardship for an applicant. These funds will be deposited in the City's tree mitigation fund and will be used for planting trees in the City's parks, medians, street rights-of-way, or other similar areas as determined by the parks and recreation department.

SECTION 06 | TREE PLANTING AND TRANSPLANTING REQUIREMENTS

SUBSECTION 06.01: REPLACEMENT TREES

All replacement trees shall be subject to the following planting requirements:

(A) All replacement trees must be maintained in a healthy growing condition for a minimum of two (2) years from the date of planting.

(B) Replacement trees shall not be planted within an area such that the mature root zone will interfere with underground public utility lines, and/or where the mature canopy of the tree will interfere with overhead utility lines. In addition, no tree shall be planted within five (5) feet of an existing fire hydrant, water line or sewer line.

(C) Replacement trees shall be selected from the reclamation/tree preservation section of *Table 1.1: Required Trees by District* contained in Appendix C, *Landscape Guidelines and Requirements*, of the Unified Development Code (UDC).

(D) All replacement trees shall be a minimum of ~~four (4)~~three (3) caliper inches DBH.

REFERENCE: AMERICAN STANDARD FOR NURSERY STOCK; ANSI Z60.1-2014 STANDARDS

SUBSECTION 06.02: TRANSPLANTING TREES

All trees conforming to the species permitted in the reclamation/tree preservation section of *Table 1.1: Required Trees by District* contained in Appendix C, *Landscape Guidelines and Requirements*, of the Unified Development Code (UDC) can be transplanted to meet the replacement requirements and shall be subject to the following planting requirements:

(A) All trees three (3) caliper inches DBH through six (6) caliper inches DBH are eligible for transplanting.

REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS

(B) All transplanted trees must survive and be maintained in a healthy condition for a minimum of two (2) years from the date of transplanting. The developer/property owner who received the transplanting credit must replace trees that do not meet these criteria.

(C) Transplanted protected trees will be listed in the tree survey with the notation that they are being transplanted.

SECTION 07 | TREE PROTECTION DURING CONSTRUCTION

SUBSECTION 07.01: TREE PROTECTION

(A) Prior to any construction or land development, the developer shall clearly mark all protected and feature trees with an aluminum tag -- *indicating the trees relationship to the treescape plan* -- and flag (*i.e. bright fluorescent red vinyl tape*). The red tape should be wrapped around the main trunk of the protected and/or feature tree at a height of approximately five (5) feet so that the tape is clearly visible during construction. In those instances where a protected tree is so close to the construction area that construction equipment could possibly damage the tree, a protective fence shall be required. The protective fence must be maintained during all construction phases until the project is finished.

(B) The developer or property owner shall be responsible for preserving all protected and feature trees during construction. This includes hiring an arborist, if necessary.

SUBSECTION 07.02: MATERIAL AND EQUIPMENT STORAGE

The developer or contractor shall not store any material or equipment under the canopy of any protected or featured tree. During the construction stage of the development no cleaning or storage of equipment or material shall be allowed within the drip line of any tree scheduled to be preserved on an approved treescape plan. Those materials include, but are not limited to, oils, solvents, mortar, asphalt and concrete.

SUBSECTION 07.03: SIGNS

No signs, wire or other attachments shall be affixed to any tree scheduled to be preserved on an approve treescape plan.

SUBSECTION 07.04: TRAFFIC

No vehicular traffic, construction equipment traffic or parking shall take place within the drip line of any tree unless on existing street pavement. This restriction does not apply to single incident access for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine mowing operations.

SUBSECTION 07.05: GRADE

No grade change in excess of two (2) inches shall be allowed within the drip line of any protected or featured tree unless adequate construction methods are approved beforehand. If approved, major grade changes (*i.e. two [2] inches or greater*) within the critical root zone of a protected or featured tree will require additional measures to maintain proper oxygen and water exchange with the roots. Root pruning will be required when disturbance will result in root exposure.

SUBSECTION 07.06: TREE FLAGGING

At the time of submittal of a treescape plan all protected trees or feature trees should be marked with an aluminum tag, which indicates its relationship to the treescape plan, and clearly flagged with bright fluorescent red vinyl tape. The red tape should be wrapped around the

Formatted: Underline
Formatted: Underline
Formatted: Underline
Formatted: Underline
Formatted: Underline
Formatted: Font: Italic
Formatted: Font: Italic

main trunk of the protected tree at a height of approximately four (4) feet so that the tape is clearly visible.

SUBSECTION 07.07: BORING

Boring of utilities under protected or feature trees shall be required in those circumstances where it is not possible to trench around the critical root zone of a protected or feature tree. When required, the length of the bore shall be the width of the critical root zone plus two (2) feet on either side of the critical root zone and shall be at a minimum depth of 48-inches.

SUBSECTION 07.08: DAMAGE

Any physical damage to a tree being preserved for a tree credit that is considered to place the survival of the tree in doubt shall be eliminated as a credited tree and will require additional trees to planted in its place at the required ratio. A certified arborist shall be consulted to determine whether physical damage to a tree places the survival of the tree in doubt.

SECTION 08 | TREE PRUNING

SUBSECTION 08.01: GENERAL

No protected or featured tree shall be pruned in a manner that would significantly disfigure the tree, or in a manner that would lead to the death of the tree.

REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS

SUBSECTION 08.02: PRUNING BY UTILITY COMPANIES

Utility companies may prune trees as necessary to reestablish disrupted service or maintain existing service without obtaining a permit.

REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS

SUBSECTION 08.03: ALLOWED PRUINING

A protected or featured tree may be pruned in cases where it is necessary to remove branches broken during the course of construction, or where protected or featured trees must be pruned to allow construction of a structure. Pruning should be done in manner that does not significantly disfigure the tree or lead to the death of the tree.

SECTION 09 | TREE FUND

SUBSECTION 09.01: ADMINISTRATION OF THE TREE FUND

The City shall administer the tree fund. The funds shall be used to purchase plant material as permitted by this ordinance, install (*including the equipment or labor necessary to install the plant materials*) and maintain trees on public property including the necessary irrigation equipment, to acquire wooded property that remains in a naturalistic state in perpetuity, to perform and maintain a city-wide tree inventory and to educate citizens and developers on the benefits and value of trees. The City Council shall have the ability to adopt alternative methods of creating tree credits and methods of distribution of trees and/or funds for purchasing trees.

Funds collected as a result of the mitigation of trees may be used to purchase trees, both deciduous and coniferous, any woody type plant or any perennial appropriate for the climatic conditions of the north Texas region.

SUBSECTION 09.02: COLLECTION OF MONEY FOR THE TREE FUND

Money contributed to the tree fund shall be paid prior to the issuance of a building permit and/or prior to the filing of a final plat.

SECTION 10 | VIOLATIONS

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this Article shall be fined $500.00 for each offense. The unlawful damage, destruction or removal of each tree shall be considered a separate incident and each offence subjects the violator to the maximum penalty of $500.00 for the first tree with each subsequent tree increasing by $500.00 increments.

No acceptance of public improvements shall be authorized and no Certificates of Occupancy (CO) shall be issued until all fines for violations of this Article have been paid to the City.

ARTICLE 11 | DEVELOPMENT APPLICATIONS AND REVIEW PROCEDURES

SECTION 01 | GENERAL
SECTION 02 | ZONING
SECTION 03 | SITE PLANS
SECTION 04 | PLATS
SECTION 05 | MISCELLANEOUS CASES
SECTION 06 | CERTIFICATE OF APPROPRIATENESS (COA)
SECTION 07 | BUILDING PERMIT FEE WAIVER
SECTION 08 | SMALL MATCHING GRANTS
SECTION 09 | EXCEPTIONS AND VARIANCES
SECTION 10 | FEE SCHEDULE

SECTION 01 | GENERAL

SUBSECTION 01.01: 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 01.02: 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 04.03, *Jurisdiction*, of Article 02, *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 01.03: 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 01.04: 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.

Alternatively, should an applicant fail to address staff's comments before the resubmittal deadline prior to the Planning and Zoning Commission meeting, the application shall be considered to be admiratively denied. If an application is denied in this manner, there shall be no restrictions on when a new application can be resubmitted in accordance with the City's procedures for submitting development applications.

SUBSECTION 01.05: 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

Formatted

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Font: Italic

Formatted: Font: 5 pt

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 02 | ZONING

SUBSECTION 02.01: 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 (UDC)*. 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 02.02: 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 04, *Permissible Uses*, of this Unified Development Code (UDC). 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 (SUP) 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.

(E) *Expiration*. Unless otherwise specified in a Specific Use Permit (SUP) ordinance, Aa Specific Use Permit (SUP) shall automatically expire due to inactivity if:

(1) 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

(2) A building permit or Certificate of Occupancy (CO) expires, is terminated or revoked under the requirements of the Codes of the City of Rockwall.

(F) *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).

(G) *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 and Zoning 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.

(H) *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 02.02(E).

SUBSECTION 02.03: 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 02.03(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

Formatted: Font: 5 pt

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 table/postpone or 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 20.00% 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 02.04: 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 02.05: 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 02.05(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.

Formatted: Font: Italic

SECTION 03 | SITE PLANS

SUBSECTION 03.01: 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.

SUBSECTION 03.02: 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:

(1) 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.

(2) 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.

Formatted: Font: Italic

SUBSECTION 03.03: 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 03.04: 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 03.04: 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 03.05: 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 03.06: 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 01.02, *Submission of an Application*. In the event the Director of Planning and Zoning determines that the

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

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 04 | PLATS

SUBSECTION 04.01: 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 05 | MISCELLANEOUS CASES

(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 06 | CERTIFICATE OF APPROPRIATENESS (COA)

SUBSECTION 06.01: 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 06.03, *Historic Overlay District*, of Article 05, *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 that is visible until a Certificate of Appropriateness (COA) has been approved by the Historic Preservation Advisory Board (HPAB).

SUBSECTION 06.02: SUBMITTAL REQUIREMENTS

The procedures and requirements for a Certificate of Appropriateness (COA) are outlined in Subsection 06.03, *Historic Overlay District*, of Article 05, *District Development Standards*.

SECTION 07 | BUILDING PERMIT FEE WAIVER

SUBSECTION 07.01: 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 07.02: 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 50.00% 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 50.00% 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 50.00% 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 07.03: 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

Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic, Underline, Font color: Accent 5
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic

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 08 | SMALL MATCHING GRANTS

SUBSECTION 08.01: 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 08.02: 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 08.03: 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 08.04: CERTIFICATION AND VERIFICATION PROCESS

Applications for the Small Neighborhood Matching Grants pursuant to Subsection 08.03 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 09 | EXCEPTIONS AND VARIANCES

SUBSECTION 09.01: 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 20.00% natural or cultured stone.

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

(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 06, *Overlay Districts*, of Article 05, *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 09.02: 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 06.02, *General Overlay Districts Standards*, of Article 05, *District Development 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 90.00% masonry (*i.e. brick, stone, or cultured stone*).

(G) The inclusion of 20.00% 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 09.03: 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 (PD)	$200.00 + $15.00/Acre
(4) MISCELLANEOUS	
(a) Variance/Special Exception*	$100.00
(b) Tree Removal	$75.00
(c) Other Miscellaneous Requests	$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

NOTES:
*: See Section (D) below.

(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-acres x $15.00/Acres = $78.75 + $200.00 [*Base Fee*] = $278.75 [*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.

(D) *Non-Compliant Structure Fees*. Fees associated with requests for a Site Plan, Specific Use Permit (SUP) or a Variance/Special Exception that deal with structures that were [*1*] constructed without a building permit, or [*2*] that were *not* constructed in conformance with an approved building permit shall be increased by $1,000.00. For example, a 5.25-acre property that is requesting approval under this section would be calculated as follows:

5.25-acres x $15.00/Acres = $78.75 + $200.00 [*Base Fee*] = $278.75 [*Typical Application Fee*] + $1,000.00 [*Forgiveness Fee*] = $1,278.75 [*Fee Due*]

ARTICLE 13 | DEFINITIONS

SECTION 01 | GENERAL
SECTION 02 | WORDS, TERMS, AND LAND USES DEFINED

SECTION 01 | GENERAL

SUBSECTION 01.01: 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 02 | WORDS, TERMS, AND LAND USES DEFINED

SUBSECTION 02.01: 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 practice of cultivating soil, producing crops, and raising livestock for food, fiber, fuel, and other products. 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 self-contained housing unit that is part of a larger building or complex ~~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 (s*ee Dwelling Unit*).

(6) *Apartment House or Building*. A building that contains numerous individual housing units~~arranged, intended or designed for more than two families~~ (*see Dwelling Unit, Multiple*).

(7) *Associated Recreation*. Leisure activities and amenities that are linked or connected to an area of ~~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 individual or entity who has been given legal authority to act on behalf of another person, organization, or entity. ~~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 floor or level of a building that is partially or entirely below ground level~~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 Lodging House*. A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five (5) 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.

(14) *Buildable Area*. The "buildable area" refers to the portion of a parcel or tract of land that is suitable and legally permitted for the construction of buildings or structures, while complying with ~~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~~ the requirements of th~~eis~~ Unified Development Code (UDC).

(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. In addition~~,~~ ~~except that~~ two (2) buildings connected by a breeze way shall not be deemed as one (1) building.

(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, parking structures, and accessory buildings.

(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 ~~c~~City charged with implementation, inspection, and enforcement of the building codes.

(20) *Building, Pri~~mary~~incipal*. A ~~principal~~ primary building refers to the main or principal structure on a property that serves as the primary residential, commercial, or industrial space. It is the main building that is intended for the primary use or occupancy on the site.~~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 within 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.

(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).

(b) *Side Building Setback Line (Defining a Side Yard)*. A line parallel to an adjacent lot which the building sides up to.

(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.

(22) *Caliper*. The diameter of the trunk measured ~~six (6) 4½ feet~~inches above ground level ~~up. to and including four (4) 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 large, typically deciduous or evergreen tree that forms the uppermost layer or canopy. These trees have a tall and broad crown that provides shade and shelter ~~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 two (2) sides, covered with a roof and constructed specifically for the storage of one or more automobiles.

(25) *Certificate of Occupancy*. An official document issued by the City of Rockwall to certify that a building or land use complies with applicable City requirements, and is safe for occupancy. ~~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 (UDC).~~

(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 development strategy that concentrates buildings and infrastructure in specific areas while preserving open space and natural resources in surrounding areas. Cluster development encourages the grouping of buildings into compact clusters, leaving larger portions of the land vacant or minimally disturbed ~~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~~ A long-term policy document that serves as a guide for future growth, development, and land use within the ~~comprehensive plan of the~~ City. It outlines a vision for the community's future and establishes goals, policies, and strategies to achieve desired outcomes. ~~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.~~

(33) (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 (UDC).

(35) *Density*. The ratio of dwelling units per gross acre of platted area being developed.

(36) *District*. A zone or geographic area established by the comprehensive plan ~~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 (1) 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.

Formatted: Indent: Left: 0", Hanging: 0.31", Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.25", No widow/orphan control

(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.

(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 (5) people~~(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*. The width of a property or parcel of land along the front boundary that faces the street or public right-of-way. It represents the distance between the side boundaries of the lot, measured along the front property line.~~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 (5) 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, residentially zoned or used property, or to a public or private street or alley; and

(b) At least 80% of which is covered by natural grass, ground cover, or other natural plant materials (excluding screening).

~~(b)~~(c) Which is exclusive of any easements or right-of-way.

(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 (6) 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.

(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*. The smallest allowable size of a parcel of land as specified by the zoning district.~~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 (2) or more streets at their

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", Don't add space between paragraphs of the same style, No bullets or numbering, Widow/Orphan control

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, and has a front yard setback adjacent to each street.

(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 (2) nonintersecting public streets as distinguished from a corner lot. These lots have a front yard setback adjacent to each street.

(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 public 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.

(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.

(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, which cannot be less than the minimum lot width – *per the zoning district* – at any point on the lots, measured at the front setback line.

(74) *Lots in Separate Ownership at the Time of the Passage of this Unified Development Code (UDC)*. 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 (UDC) 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.

(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.

Modular.

- Brick.
- Natural or quarried stone.
- Cast or cultured stone.
- Glass block or glass.
- Tile.
- Custom concrete masonry units (normal or heavy weight blocks with an integral color that is sandblasted, burnished or has a split face).

(78) *Mobile Home*. A dwelling structure meeting the definitions and requirements specified in chapter 1201 of the State of Texas Occupational Code.

(79) *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.

(80) *Municipal Uses*. Facilities owned or controlled by the City of Rockwall, including, but not limited to, office buildings, maintenance shops, treatment plants; community centers.

(81) *Non-Conforming 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 non-conforming use if established prior to the passage of this Unified Development Code (UDC).

(82) *Non-Permeable Coverage*. Coverage with a non-permeable pavementsurface.

(83) *Parking Area*. Space Land used exclusively for the parking of vehicles, and where no other business is conducted, and is paved to city specifications.

(84) *Parking Space*. A designated area within a parking facility or on a street where a motor vehicle can be parked legally and safely., 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.

(85) *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

Formatted: Indent: Left: 0.31", Bulleted + Level: 1 + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: Italic

provided by clustering the units.

(86) *Paving*. Material which provides an all-weather surface for the maneuvering, parking, and storage of vehicles and/or equipment. All required paving shall meet the standards specified by applicable city specifications.

(87) *Permitted Use*. A use specifically allowed in one (1) or more of the various districts without the necessity of obtaining a use permit.

(88) *Person*. Any individual, association, firm, corporation, governmental agency or political subdivision.

(89) *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.

(90) *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.

(91) *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.

(92) *Planning Consultant*. A private practitioner in planning, who is a member of the American Institute of Certified Planners (AICP).

(93) *Plat*. A map of a subdivision or site plan that represents a tract of land, showing the boundaries and location of individual properties, easements, and streets.

(94) *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.

(95) *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*).

(96) *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 without employee table service, taken out, or delivered to customers' location. Drive-through "pickup/order" window permitted provided that there is no public address system or speakers.

(97) *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.

(98) *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).

(99) *Right-of-way line*. A dividing line between a lot, tract, or parcel of land and the public right-of-way.

(100) *Screening*. Screening that complies with the construction and maintenance regulations in Section 05.02, *Landscape Screening*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).

(101) *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.

(102) *Setback*. See Building setback line.

(103) *Sign*. A name, identification, image, description, display or illustration which is affixed to, painted, or represented directly or indirectly upon a building, window, 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.

(104) *Site*. A single lot or combination of continuous lots that may or may not be owned separately, that will be developed under one (1) unified plan, as if it were a single parcel of land.

(105) *Site Plan*. The development plan for one (1) 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.

(106) *Small Tree*. A tree of a species which normally reaches a height of less than 30 feet.

(107) *Soil*. A medium that plants will grow in.

(108) *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.

(109) *Storage*. The housing of physical products, materials, or inventory in a designated location internal to a non-residential land use, until they are needed for use or sale directly to a consumer. Storage shall not be considered warehousing and is not associated with wholesale operations. ~~accumulation, stocking, or depositing of materials or items.~~ In addition, this~~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.

(110) *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% 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.

(111) *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.

(112) *Street Line*. The dividing line between the street right-of-way and the abutting property.

(113) *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.

(114) *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.~~

(115) *Subdivision*. The division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for sale, development or lease.

(116) *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.

(117) *Variance/Exception*. 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.

(118) *Visibility Triangle*. The term *visibility triangle* as defined in Section 01.08, *Public Right-of-Way Visibility*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC).

(119) *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.

~~(119)~~(120) *Warehousing*. The storage of physical products or materials in a designated facility or warehouse unitl they are needed for distribution or sale. Warehousing is generally associated with industrial or wholesale land uses.

~~(120)~~(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.

~~(121)~~(122) *Xeriscaping*./Smartscaping 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 02.02: 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~~housing, raising, or training more than three (3) dogs, ~~or three (3)~~ cats, or ~~three (3) of~~ any other domesticated animal over the age of three (3) months old as a ~~-- *not including livestock or farm animals* -- are housed, boarded, raised or trained as a~~ commercial enterprise, excluding livestock or farm animals. This definition does ~~not include~~excludes 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 providing veterinary care to pets and animals. Services include medical consultations, surgery, diagnostics, and emergency care. ~~the diagnosis, treatment, or hospitalization of animals.~~

(4)

(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.

Formatted: Indent: First line: 0"

Formatted: Font: Not Italic, No underline

(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 biproducts 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~~ Supplementary structure or building on a residential property that is secondary to the primary dwelling and serves a supportive or complementary function. These structures are typically used for purposes such as storage, recreation, or housing equipment and are ancillary to the primary residential use of the property. ~~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 residential property where lodging accommodations are provided for short-term guests, typically on a nightly basis, in a manner that is ancillary to the primary residential use of the property. Bed and Breakfast establishments offer overnight accommodations and breakfast services to travelers, often in a more personalized setting compared to larger hotels. Typically, Bed and Breakfast establishments are operated by the property owner who may reside on-site.~~single-family owner-occupied house offering rooms with breakfast on a nightly basis for a fee.~~

(3) *Caretakers Quarters/Domestic or Security Unit*. A ~~residen~~residential unit or structure located on a property primarily for the accommodation of individuals responsible for overseeing and maintaining the property, providing domestic services, or ensuring security. These quarters typically serve as residences for caretakers, groundskeepers, domestic staff, or security personnel employed by the property owner. The primary function of these quarters/units are intended to support the operation and maintenance of the property rather than serve as a primary residence for the property owner.~~ce 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 utilized for religious or spiritual practices, typically associated with a specific faith or belief system. Monasteries or temples are often characterized by their communal living arrangements, places of worship, meditation spaces, and facilities for religious instruction and rituals. These establishments may also include amenities such as gardens, libraries, dining halls, and guest accommodations for visitors or pilgrims. Monasteries are commonly associated with religious orders or communities of monks or nuns, while temples may serve as places of worship for congregations or followers of a specific faith.~~ occupied by a community of monks, nuns, priests, or similar sects living under religious vows.~~

(5) *Duplex*. A residential building containing two separate housing units, each with its own entrance and typically sharing a common wall or floor/ceiling. Duplexes are designed to accommodate two households within a single structure, providing independent living spaces on one (1) lot or parcel of land. Each unit in a duplex typically includes a kitchen, bathroom, bedrooms, and living areas, offering occupants a level of privacy similar to that of a single-family dwelling. Duplexes may be arranged side-by-side ~~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. Commercial garages typically accommodate a variety of vehicles including cars, trucks, buses, or motorcycles, and may offer storage services. These facilities may range in size from small to large operations and serve commercial fleets or specialize in specific types of vehicles.

(7) *Residential Garage*. A ~~residential~~ structure or part of a residential property designed and used primarily for ~~accessory building used for~~ the storage motor vehicles belonging to the property owner and occupants of the main residential structure and are intended to provide shelter and security for vehicles from the elements and potential theft or vandalism. In addition, to vehicle storage, residential garages may also serve as workshops, storage spaces for tools and equipment, or multi-purpose areas for recreational activities. ~~.~~ These structures are typically attached to the primary structure; however, they may also be a detached structure.

(8) *Guest Quarters/Secondary Living Unit*. A self-contained ~~n~~ accessory building that is ancillary to the primary dwelling. Guest Quarters or Secondary Living Units are designed to provide separate temporary accommodations for ~~for the temporary occupancy of~~ guests, or family members of the primary owners or occupants. These units may include

amenities such as a bedroom, bathroom, and living area. However, a full kitchen is not permitted. These dwellings are not to be rented or otherwise used as a separate domicile.

~~(9)~~ *Home Occupation*. A business or commercial activity ~~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, and 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.~~ Home occupations allow individuals to run small-scale businesses from their homes while maintaining the residential character of the neighborhood. These businesses are secondary to the primary residential use of the property and are intended to be compatible with surrounding residential properties.

~~(10)~~(9)

~~(11)~~(10) *Limited-Service Hotel*. A type of lodging establishment that offers basic accommodation services to guests without the extensive amenities typically found in full-service hotels. Limited service hotels provide essential amenities such as guest rooms, limited food and beverage options (if any), and minimal on-site facilities or services. These hotels are often characterized by their lower operating costs, streamlined operations, and competitive room rates. Limited service hotels may cater to budget-conscious travelers, business ~~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.~~

~~(12)~~(11) *Full-Service Hotel*. A type of lodging establishment that offers a comprehensive range of amenities and services to guests, typically including accommodations, dining options, meeting and event spaces, recreational facilities, and various guest services such as concierge assistance and room service. ~~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.~~

~~(13)~~(12) *Residence Hotel*. A hybrid lodging establishment that combines the elements of traditional hotels with long-term residential accommodations. Residence hotels typically offer full furnished, apartment style units equipped with kitchens or kitchenettes, living areas, and separate bedrooms, providing guests with a home-like environment during their stay. These establishments cater to both short-term and extended-stay guests, offering flexible accommodations for travelers, corporate clients, and individuals in need of temporary housing solutions. Residence hotels often provide additional amenities such as housekeeping services, on-site laundry facilities, fitness centers, business centers, and communal spaces to enhance the guest experience. ~~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.~~

~~(14)~~(13) *Motel*. A lodging establishment designed primarily to provide short-term accommodations for travelers, typically accessible directly from the exterior of the building. Motels are characterized by their layout of individual guest rooms or units arranged around a central parking area, allowing guests to park their vehicles near their rooms for convenient access. Motel rooms often feature basic amenities such as beds, bathrooms, and limited furnishings catering to travelers seeking affordable and convenient overnight stays. Motels may offer additional facilities and services such as swimming pools, continental breakfasts, and guest laundry facilities. ~~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.~~

~~(15)~~(14) *Multi-Family Development or Structure ~~or Development~~*. A residential property or 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. These developments may include ~~Examples of a *Multi-Family Development* include~~ Triplexes, Quad or Fourplexes, apartments, condominiums, or other types of multi-unit residential buildings. Multi-family developments typically offer amenities such as common areas, recreational facilities, parking, and landscaping, enhancing the quality of life for residents.~~and etcetera.~~

~~(16)~~ *Portable Building*. A temporary ~~buildin~~building, typically ~~g~~ pre-made off-site. They can be used temporarily for storage, offices, classrooms, or retail spaces.~~that may or may not have a foundation and is transportable.~~

(15)

~~(17)~~

~~(18)~~(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.

~~(19)~~(17) *Short-Term Rental*. A *Short-Term Rental* is a residential dwelling unit, apartment, condominium, or *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* in

Formatted: Indent: Left: 0.5", No bullets or

which the entire structure or a portion thereof is offered for rent for a period exceeding 12-hours, but less than 30 consecutive days, to a particular occupant. In practice, a *Short-Term Rental* is considered to be a residential land use, and is *not* considered to be a *Limited-Service Hotel*, *Full-Service Hotel*, *Residence Hotel*, *Motel*, or *Bed and Breakfast* as defined in this Unified Development Code (UDC). *Short-Term Rentals* can be further defined based on the following three (3) categories:

(a) *Short-Term Rental (Owner-Occupied Single-Family Home, Townhome, or Duplex)*. A single-family home, townhome, or duplex -- *or portion thereof* -- in which the property owner or operator, as reflected in a valid lease agreement, is a resident (*i.e. occupies the primary structure*) and is present during the rental. This includes when a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* is detached from the primary structure and either the primary or secondary structure is rented, but the owner or operator resides on the property.

(b) *Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex)*. A single-family home, townhome, or duplex -- *or a portion thereof* -- in which the property owner or operator does *not* occupy the dwelling unit during the rental, or that the owner or property owner does *not* occupy another dwelling unit -- *or portion thereof* -- on the same property (*i.e. the property owner or operator is not on-site as an occupant during the rental of the property*).

(c) *Short-Term Rental (Apartment or Condominium)*. An *Apartment* or *Condominium* (*or similar multi-family structure, excluding duplexes, but including triplexes or quadplexes, as defined in this Unified Development Code [UDC]*) -- *or a portion thereof* -- in which the property owner or operator may or may not be an occupant of the dwelling unit during the rental.

~~(20)~~(18) *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*).

~~(21)~~(19) *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*).

~~(22)~~ *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)~~

~~(23)~~ *Private Swimming Pool*. Aquatic facilities within residential or commercial properties provide recreational, fitness, or therapeutic activities for individuals or groups. In residential settings, private swimming pools are owned and maintained by homeowners or communities, offering exclusive aquatic spaces for residents and their guests. In commercial settings, pools are found in establishments like hotels, resorts, fitness centers, spas, and clubs, catering to paying patrons, members, or guests.~~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.~~

~~(24)~~(22) *Private Sports Court with Standalone or Dedicated Lighting.* A designated area within a residential or commercial property intended for sports and recreational activities. These courts are typically owned and maintained by individual homeowners, residential communities, or commercial establishments. They provide space for activities such as basketball, tennis, volleyball, or other sports, offering residents, guests, members, or patrons a convenient and private location to engage in physical exercise and leisure pursuits.

~~(25)~~ *Townhouse*. A single-family residential ~~structure~~ unit that is occupied by one (1) family and shares a common wall or walls with another single-family residential unit~~structure, but~~ that is on an individual lot and can be conveyed individually (*i.e. one [1] dwelling unit per lot*). Townhouses often feature multiple floors and compact footprint designs, providing private outdoor spaces such as yards or patios, and may be part of a larger planned development with shared amenities and common areas.~~These units are typically constructed in a series or group of units.~~

(23)

~~(26)~~

~~(1)~~(24) *Urban Residential*. A development situated within the City's Downtown (DT) District, also known as ~~-- *which is also referred to as* ~~the urban core, -- that allowing ws for single-family, single-family attached, townhomes, and lofts with r~~(i.e. ~~one [1] story of~~ residential above commercial only~~)~~. This type of structure typically contains a mix of office, retail, and residential land uses.

(C) *Institutional and Community Service Land Uses.*

Assisted Living Facility. A facility that is licensed under Chapter 247, *Assisted Living Facilities*, of the Texas Health and Safety Code and offers housing and personal care services to elderly or disabled individuals who need support but not intensive medical care. It includes communal living units, dining services, and recreational activities. ~~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.~~

(1)

~~(1)~~ *Blood or Plasma Donation Center*. A ~~facility~~ commercial facility where individuals can donate blood or plasma for medical purposes. Staffed by trained professionals, it ensures a safe environment for donation and proper handling of donations for transfusions, treatments, or research.~~that allows for a person or persons to donate or sell blood or plasma for use in medical or other products.~~

(2)

Formatted: Font: 10 pt
Formatted: Font: 5 pt
Formatted: Normal, Don't add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: Not at 0.38"
Formatted: Font: 5 pt
Formatted: Font: 5 pt
Formatted: Normal, No bullets or numbering, Widow/Orphan control, Tab stops: Not at 0.38"
Formatted: Indent: Left: 0", First line: 0", Add space between paragraphs of the same style, Tab stops: Not at 0.38"
Formatted: Font: Italic, Underline
Formatted: List Paragraph, Add space between paragraphs of the same style, Tab stops: Not at 0.38"
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"
Formatted: Font: Not Italic
Formatted: Font: Not Italic
Formatted: Underline
Formatted: Left
Formatted: Font: 5 pt
Formatted: Font: Italic
Formatted: Font: 5 pt, Italic
Formatted: Font: 5 pt, Underline
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: 5 pt, Bold, Italic
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"
Formatted: Font: Italic
Formatted: Normal, No bullets or numbering, Widow/Orphan control, Tab stops: Not at 0.38"
Formatted: Font: 5 pt, No underline
Formatted: Indent: Left: 0.5", No bullets or

(3) *Cemetery/Mausoleum*. A designated area for burying or entombing deceased individuals including animals. It includes grave plots, crypts, or niches, along with pathways and landscaping. These facilities provide a respectful resting place and space for remembrance.~~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 primarily used for religious gatherings, ceremonies, and worship services. It typically includes a sanctuary or worship hall, administrative offices, classrooms for religious education, and often ancillary facilities such as a fellowship hall, kitchen, and parking lot. These facilities serve as places for spiritual practice, community gatherings, and religious observance for adherents of a particular faith or denomination. ~~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.~~

(4)

~~(5)~~ *College, University, or Seminary*. An educational institution ~~established for educational purposes~~ offering ~~courses for study~~higher learning in academic or religious studies beyond that of ~~the~~ the secondary education level. These institutions provide a comprehensive environment for academic pursuits and personal development. This land use shall exclude *Trade Schools*.

(5)

~~(6)~~ *Convalescent Care Facility/Nursing Home*. A facility ~~providing primarily inpatient health care, personal care, or rehabilitative services on a 24-hour basis~~that provides long-term care, medical services, and assistance with activities of daily living for individuals who require ongoing support due to illness, injury, or advanced age. These facilities typically offer 24-hour nursing care, medication management, rehabilitation services, and assistance with personal care tasks such as bathing, dressing, and eating~~over a long period of time to persons chronically ill, aged, or disabled who need ongoing health supervision~~, but not hospitalization.

(6)

~~(7)~~

~~(8)~~(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.

~~(9)~~(8) *Crematorium*. A facility licensed, or qualified to be licensed, by the State of Texas for the cremation of human or animal remains.

~~(10)~~(9) *Daycare with Seven (7) or More Children*. A state licensed facility ~~-- *other than a public, parochial, or private school* --~~ excluding public, parochial, or private schools, dedicated to caring for~~providing care for~~ seven (7) or more children under the age of 14 years old. This care is provided for less than 24-hours per day, ~~(typically daytime hours only)~~during daytime hours, and is situated at a non-residential location ~~other than a residence~~.

~~(11)~~(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.

~~(12)~~(11) *Group or Community Home*. A facility that is licensed under Chapter 247, Assisted Living Facilities, of the Texas Health and Safety Code, and serves as 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.

~~(13)~~(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.

~~(14)~~(13) *Halfway House*. ~~A facility where persons are aided in~~ readjusting to society following a period of imprisonment, hospitalization, homelessness, or institutionalized treatment.

~~(15)~~(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.

~~(16)~~(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.

~~(17)~~(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.

~~(18)~~(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.

~~(19)~~(18) *Local Post Office.* A local branch of the United States Postal Services or a private commercial venture engaged in

Formatted: Font: Not Italic

Formatted: Font: Italic, Underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: Not Italic, No underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Indent: Left: 0.5", No bullets or

the distribution of mail, packages, and incidental services.

~~(20)~~(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.

~~(21)~~(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.

~~(22)~~(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.

~~(23)~~(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) *Trade School*. An educational institution specializing in vocational training for specific trades or professions. It provides hands-on instruction in areas like automotive repair, construction, and healthcare, preparing students for entry into their chosen field.

(25) *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.

(26) *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 01, *Land Use Schedule*, of Article 04, *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 or Medical Office Building*. An *office building* is a facility that ~~facility that~~ provides executive, management, administrative, or professional services not specifically listed elsewhere in Section 01, *Land Use Schedule*, of Article 04, *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. A *medical office building* is a facility designed to support a range of healthcare services, including diagnostics, treatments, and administrative functions. These services encompass procedures requiring medical devices or the expertise of a qualified medical professional. Examples include but are not limited to medical doctor offices, physical therapy, massage therapy, chiropractic care, Botox treatments, and sonograms.

(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.*

(a) ~~(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.

~~(4)~~*(b)* ~~(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.

Formatted: Font: Italic, Underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

Formatted: List Paragraph, Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Font: Italic, Underline

(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.*

(a) ~~(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.

~~(10)~~(b) ~~(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) *Alcoholic Beverage Package Sales*. The act of selling beer, wine, and/or liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- in accordance with the requirements of this Unified Development Code (UDC) by a person, establishment, or place of business.

(2) *Alcoholic Beverage Store*. A standalone retail establishment that engages in the sale of beer, wine, *and* liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- to the general public for off-premise personal or household consumption.

(3) *Antique/Collectible Store*. A retail establishment that engages in the selling of works of art, furniture or other artifacts of an earlier period.

(4) *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.

(5) *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.

(6) *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.

(7) *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.

(8) *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.

(9) *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.

(10) *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.

(11) *Copy Center.* An establishment that reproduces, in printed form, individual orders from a business, profession, service, industry, or government organization.

Formatted: Font: Italic, Underline

Formatted: List Paragraph, Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Font: Not Italic, No underline

(12) *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.

(13) *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.

(14) *Food Trucks/Trailers.* 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.

(15) *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.

(16) *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.

(17) *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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(18) *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.

(19) *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.

(20) *Self-Service Laundromat.* A facility where patrons wash, dry or dry clean clothing and other fabrics in machines operated by the patron.

(21) *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.

(22) *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.

(23) *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*.

(24) *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.

(25) *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.

(26) *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.

(27) *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.

(28) *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.

(29) *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.

(30) *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.

(31) *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.

(32) *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.

(33) *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.

(34) *Tailor, Clothing, and/or Apparel Shop.* An establishment engaged in custom making, altering, or the repair of clothing.

(35) *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.

(36) *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 Bond Services*. 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 or, 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.

(16)

~~(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)~~(17) *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) *New and/or Used 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~~tune-ups, 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.

(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.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: 5 pt

(3) *Bottle Works for, 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 Plating or/E Electro-pPlating*. 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 of (Sand, Gravel, Oil and Other Materials)*. 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/or 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.

~~*Accessory Antenna*~~*Antenna for a Residential Property*. A structure or device mounted on a residential property intended for the transmission or reception of electromagnetic signals, including but not limited to television, radio, satellite, or internet communications. Antennas may include satellite dishes, television antennas, radio antennas, or similar devices, and may be freestanding, mounted on buildings, or attached to existing structures. ~~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.~~

~~(2) *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.~~

~~(3)~~(2) *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.

~~(4)~~(3) *Antenna Dish.* An antenna that is parabolic or bowl-shaped and that receives and/or transmits signals in a specific directional pattern

~~(5)~~(4) ~~*Commercial*~~ *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure).* 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.

~~(6)~~(5) *Mounted or Attached 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.

~~(7)~~(6) *Bus Charter and Service Facility.* A facility for the loading and discharging of train or bus passengers.

~~(8)~~(7) *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.

~~(9)~~(8) *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.

~~(10)~~(9) *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.

~~(11)~~(10) *Private Streets.* A private vehicular access way

Formatted: Not Highlight

shared by and serving two (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.

~~(12)~~(11) *Radio Broadcasting.* A land use that broadcasts amplitude modulation or frequency modulation audio signals for general public reception.

~~(13)~~(12) *Railroad Yard or Shop.* A facility used for the storage of railway cars, boxcars and engines and related equipment.

~~(14)~~(13) *Recording Studio.* A facility that provides an environment for the purposes of writing, collaborating, preforming, instruction, preparing, or completing audio recordings.

~~(15)~~(14) *Satellite Dish.* An oval or round, parabolic apparatus capable of receiving television communications.

~~(16)~~(15) *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.

~~(17)~~(16) *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.

~~(18)~~(17) *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.

~~(19)~~(18) *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.

~~(20)~~(19) *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.

~~(21)~~(20) *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.

~~(22)~~(21) *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.

~~*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 unconceal~~

APPENDIX C | LANDSCAPING GUIDELINES AND REQUIREMENTS

SECTION 01 | INTRODUCTION
SECTION 02 | PURPOSE
SECTION 03 | DISTRICT LANDSCAPING REQUIREMENTS
SECTION 04 | TREE PLANTING GUIDELINES AND REQUIREMENTS
SECTION 05 | EFFECTIVE DATE AND APPLICABILITY
SECTION 06 | RECOMMENDED SHRUB VARIETIES
SECTION 07 | RECOMMENDED GRASSES
SECTION 08 | ALTERNATIVE PLANTING LIST

SECTION 01 | INTRODUCTION

These guidelines were drafted by the citizens and local experts for the purpose of outlining the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC), and to provide guidelines for plantings that are appropriate within the City of Rockwall.

SECTION 02 | PURPOSE

The purpose of the following appendix is to provide a general reference guide for meeting the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC). This appendix is not intended to be a comprehensive list of all plant materials that can be utilized for development within the City of Rockwall. The Director of Planning and Zoning or his/her designee can approve a landscape plan that includes tree, shrub, and grass varieties not indicated in this appendix upon a finding that the proposed planting is appropriate for the development.

SECTION 03 | TREE PLANTING GUIDELINES AND REQUIREMENTS

The following table and guidelines are a summary of the required tree planting requirements stipulated by Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).

TABLE 1: REQUIRED TREES BY DISTRICT

		OVERLAY DISTRICTS												
		IH-30	SH-205	SOV	SH-66	205-BY	N-205	E-66	FM-549	SH-276	DT	NON	XERI	REC
CANOPY TREES	AFGHAN PINE	X	X	X	X	X	X	X	X	X		X	X	X
	BALD CYPRESS	X				X			X	X	X	X		X
	BURR OAK	X	X	X	X	X	X	X	X	X	X	X	X	X
	CADDO MAPLE		X	X			X	X	X			X		X
	CEDAR ELM	X	X	X	X	X	X	X	X	X	X	X		X
	CHINQUAPIN OAK										X	X	X	X
	EASTERN RED CEDAR	X				X				X	X	X		X
	HOMESTEAD ELM	X				X				X	X	X		X
	LACEBARK ELM	X	X	X	X	X	X	X	X	X	X	X		X
	LEYLAND CYPRESS		X	X			X	X	X			X		X
	LITTLE GEM MAGNOLIA	X	X	X	X	X	X	X	X	X	X	X		X
	LIVE OAK	X	X	X	X	X	X	X	X	X	X	X		X
	OCTOBER GLORY MAPLE	X	X	X	X	X	X	X	X	X	X	X		X
	PECAN										X	X		X
	TEXAS ASH	X			X	X			X	X		X		X
	TEXAS RED OAK	X			X	X			X	X	X	X		X
ACCENT TREES	DESERT WILLOW	X	X	X	X	X	X	X	X	X	X	X	X	X
	DOWNY HAWTHORN										X	X		X
	EASTERN REDBUD	X	X	X	X	X	X	X	X	X	X	X		X
	EVES NECKLACE	X	X	X	X	X	X	X	X	X	X	X	X	X
	MEXICAN BUCKEYE	X	X	X	X	X	X	X	X	X	X	X		X
	POSSUMHAW HOLLY	X	X	X	X	X	X	X	X	X	X	X	X	X
	SHANTUNG MAPLE	X	X	X	X	X	X	X	X	X	X	X		X
	FLAME LEAF SUMAC	X	X	X	X	X	X	X	X	X	X	X		X
	YAUPON HOLLY	X	X	X	X	X	X	X	X	X	X	X		X

NOTES: NON: NON-OVERLAY DISTRICTS; XERI: XERISCAPE; REC: RECLAMATION/TREE PRESERVATION

PROHIBITED TREE LIST: [*1*] CATALPA (CATALPA SP.); [*2*] HACKBERRY; [*3*] SUGARBERRY (CELTIS SP.); [*4*] HONEYLOCUST (GLEDITSIA TRIACANTHOS) ; [*5*] TULIP TREE (LIRIODENDRON TULIPIFERA); [*6*] CHINABERRY (MELIA AZEDARACH); [7] SYCAMORE (PLATANUS OCCIDENTALIS); [*8*] COTTONWOOD, POPLAR (POPULUS SP.); [*9*] WILLOWS (SALIX SP.); ~~[*10*] AMERICAN ELM (ULMUS AMERICANA); [*11*] SIBERIAN ELM (ULMUS PUMILIA);~~ [*1210*] JERUSALEM THORN/PETUMA (PARKINSONIA ACULEATA); [*1311*] BOIS D'ARC (MACLURA POMIFERA); [*1412*] FLOWERING CRABAPPLE VARIETIES (MALUS SP.); ~~[*15*] GINKO TREE (GINKO BILOBA);~~ [*1613*] PEACH/PLUM VARIETIES; [*1716*] MULBERRY VARIETIES (MORUS SP.); ~~[*18*] TEXAS MOUNTAIN LAUREL (SOPHORA SECUNDIFLORA) ; [*19*] LILAC CHASTE TREE (VITEX AGNUSCASTUS)~~; [*2017*] PINE TREE VARIETIES (PINUS SO.)~~,~~ [*2118*] SILVER MAPLE (ACER SACCHARINUM)~~,~~ [*2219*] BOX ELDER (ACER NEGUNDO) ; [*23*] MIMOSA (ALBIZIA JULIBRISSIN) ; [*24*] CATALPA (CATALPA SP.).

SECTION 04 | RECOMMENDED TREE VARIETIES (CANOPY AND ACCENT TREES)

The following information concerning the City's recommended trees was obtained from the Texas A&M Forest Service, Texas *Tree Planting Guide* and all illustrations were provided courtesy of Texas A&M Forest Service *Copyright by Robert O'Brien*.

AFGHAN PINE

LATIN NAME: PINUS ELDARICA
SECONDARY NAMES: ELDARICA PINE, MONDEL PINE

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *35' TO 50'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: RAPID
- *NATIVE*: AFGHANISTAN AND CENTRAL ASIA
- *SOIL NEEDS*: REQUIRES WELL DRAINED, DRY SOILS
- *TOLERANCES*: SALTY SOIL, DROUGHT, ALKALINE SOILS [*PH > 7.5*]
- *FEATURES*: SOFT, GREEN NEEDLES FORM A DENSE CANOPY
- *USES*: SCREENING AND WINDBREAKS
- *FIREWISE*: NO
- *ISSUES*: THE PINE TIP MOTH CAN KILL NEW SHOOTS AND RUIN THE SHAPE OF THE TREE. THE TREE IS NOT TOLERANT OF WET SITES.
- *SIMILAR SPECIES*: ALEPPO PINE (*PINUS HALAPENSIS*)

BALD CYPRESS

LATIN NAME: TAXODIUM DISTICHUM
SECONDARY NAMES: BALDCYPRESS

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 70'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: WILL GROW IN A VARIETY OF SOILS
- *TOLERANCES*: DROUGHT AND POORLY DRAINED SITES
- *FEATURES*: DECIDUOUS CONIFER WITH FEATHER-LIKE LEAVES, ROUND SEED BALLS, AND FIBROUS BARK
- *USES*: DETENTION AREAS AND POORLY DRAINED AREAS
- *FIREWISE*: YES
- *ISSUES*: WOODY 'KNEES' AND BAGWORMS
- *SIMILAR SPECIES*: MONTEZUMA BALCYPRESS (*TAXODIUM MUCRONATUM*)

BUR OAK

LATIN NAME: QUERCUS MACROCARPA
SECONDARY NAMES: MOSSY CUP OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 60'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE TO RAPID
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, PREFERS DEEPER SOIL
- *TOLERANCES*: SALTY SOIL, DROUGHT, ALKALINE SOILS [*PH > 7.5*]
- *FEATURES*: UNIQUE LEAF SHAPE, LARGEST ACORN OF ANY OAK
- *USES*: DROUGHT TOLERANT TREE
- *FIREWISE*: YES
- *ISSUES*: ACORNS AND LEAVES CAN CREATE SIGNIFICANT CLEAN-UP.
- *SIMILAR SPECIES*: WHITE OAK (QUERCUS ALBA)

CADDO MAPLE

LATIN NAME: ACER SACCHARUM 'CADDO'
SECONDARY NAMES: ELDARICA PINE, MONDEL PINE

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 60'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: SLOW TO MEDIUM
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: ROCKY & ALKALINE SOILS AND DROUGHT TOLERANT
- *FEATURES*: MEDIUM TREE WITH A ROUNDED APPEARANCE, DARK GREEN FOLIAGE THAT CHANGES TO A GOLDEN COLOR IN THE FALL.
- *FIREWISE*: YES
- *ISSUES*: AVAILABILITY
- *SIMILAR SPECIES*: SUGAR MAPLE (A. SACCHARUM)

CEDAR ELM

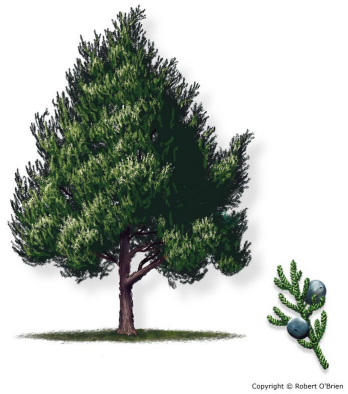
LATIN NAME: ULMUS CRASSIFOLIA
SECONDARY NAMES: TEXAS ELM

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *70' TO 90'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ALKALINE ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: LUSTROUS DARK GREEN LEAVES THAT ARE STIFF AND ROUGH TO THE TOUCH
- *USES*: LANDSCAPE TREE, PARKING LOT/STREET TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS, MINOR LEAF BEETLE & DUTCH ELM DISEASE
- *SIMILAR SPECIES*: WINGED ELM (*ULMUS ALATA*)

CHINQUAPIN OAK

LATIN NAME: QUERCUS MUEHLENBERGII
SECONDARY NAMES: CHINKAPIN OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: SLOW TO MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, ALKALINE SOILS
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: YELLOW-GREEN LEAVES W/ SMALL ACORNS (~3/4" LONG)
- *USES*: SHADE TREE
- *FIREWISE*: YES
- *ISSUES*: SENSITIVE ROOT SYSTEM; AS LITTLE AS ONE (1) INCH OF FILL DIRT CAN HURT THE TREE.
- *SIMILAR SPECIES*: SWAMP CHESTNUT OAK (QUERCUS MICHAUXII)



EASTERN RED CEDAR

LATIN NAME: JUNIPERUS VIRGINIANA VAR. VIRGINIANA
SECONDARY NAMES: PENCIL CEDAR

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *30' TO 50'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: MEDIUM
- *NATIVE*: EASTERN NORTH AMERICA
- *SOIL NEEDS*: ACIDIC, ALKALINE, LOAMY, WELL-DRAINED AND CLAY
- *TOLERANCES*: DROUGHT, EROSION, DRY SOIL, SHALLOW ROCKY AREAS
- *FEATURES*: SCALE-LIKE EVERGREEN LEAVES COMPACTED TO FORM ROUNDED FOUR (4) SIDED BRANCLETS.
- *USES*: WINDBREAKS AND FENCE ROWS, SCREENING TREE
- *FIREWISE*: NO
- *ISSUES*: CEDAR APPLE RUST AND BAGWORMS.
- *SIMILAR SPECIES*: SOUTHERN REDCEDAR (JUNIPERUS VIRGINIANA VAR. SILICICOLA) AND ROCKY MOUNTAIN JUNIPER (J. SCOPULORUM)

HOMESTEAD ELM

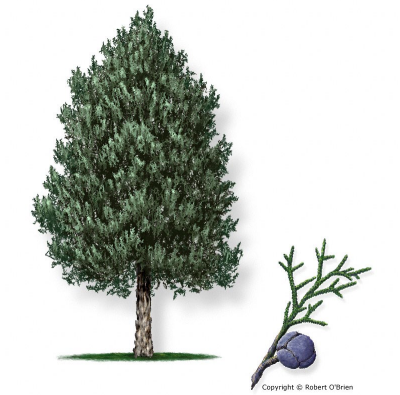
LATIN NAME: ULMUS 'HOMESTEAD'

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 60'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: DARK GREEN LEAVES THAT TURN BLEACH YELLOW IN THE FALL AND GREENISH TINY MULTI FLOWERED PENDULOUS RACEMES IN SPRING.
- *USES*: SHADE TREE
- *FIREWISE*: YES
- *ISSUES*: RESISTANT TO DUTCH ELM DISEASE BUT SUSCEPTIBLE TO ELM LEAF BEATLE.
- *SIMILAR SPECIES*: N/A. THE HOMESTEAD ELM IS A HYBRID.

LACEBARK ELM

LATIN NAME: ULMUS PARVIFOLIA

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *35' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: CHINA, JAPAN AND KOREA
- *SOIL NEEDS*: ADAPTABLE, PREFERS WELL DRAINED SOILS
- *TOLERANCES*: DROUGHT, ALKALINE SOILS [*PH > 7.5*]
- *FEATURES*: VARIABLE FALL COLOR; INTERESTING BARK TEXTURE.
- *FIREWISE*: YES
- *ISSUES*: REQUIRES PRUNING TO DEVELOP A STRONG BRANCH STRUCTURE.
- *SIMILAR SPECIES*: SIBERIAN ELM (*ULMUS PUMILA*) AND JAPANESE ZELKOVA (*ZELKOVA SERRATA*)



LEYLAND CYPRESS

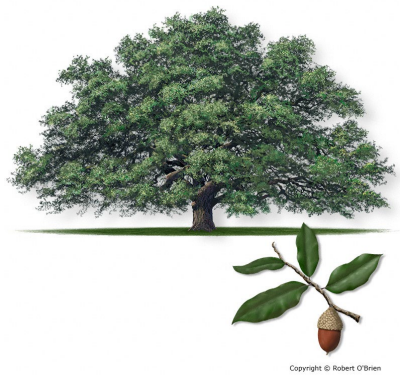
LATIN NAME: X CUPRESSOCYPARIS LEYLANDII
SECONDARY NAMES: CYPRESS

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *60' TO 70'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: RAPID
- *NATIVE*: ENGLAND AND EUROPE
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: DROUGHT AND POOR SOIL
- *FEATURES*: DECIDUOUS CONIFER WITH FEATHER-LIKE LEAVES, ROUND SEED BALLS, AND FIBROUS BARK
- *USES*: SCREENING, WINDBREAKS, AND NON-RESIDENTIAL LANDSCAPING
- *FIREWISE*: NO
- *ISSUES*: BAGWORMS AND SPIDER MITES
- *SIMILAR SPECIES*: MONTEZUMA BALDCYPRESS (TAXODIUM MUCRONATUM)

LITTLE GEM MAGNOLIA

LATIN NAME: MAGNOLIA GRANDIFLORA 'LITTLE GEM'
SECONDARY NAMES: LARGE-FLOWERED MAGNOLIA

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *15' TO 20'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: MODERATE
- *NATIVE*: SOUTHEAST UNITED STATES
- *SOIL NEEDS*: WELL DRAINED SOIL
- *TOLERANCES*: MODERATE DROUGHT, SALT AND SOIL VARIATION
- *FEATURES*: LARGE LEATHERY, DARK GREEN AND GLOSSY LEAVES WITH CUP SHAPED, WHITE FLOWERS AND OVAL AGGREGATION OF SEED PODS 3"-4" LONG.
- *USES*: SHADE AND LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: NO MAJOR PROBLEMS
- *SIMILAR SPECIES*: SWEETBAY MAGNOLIA (MAGNOLIA VIRGINIANA)



LIVE OAK

LATIN NAME: QUERCUS VIRGINIANA
SECONDARY NAMES: COAST LIVE OAK, SOUTHERN LIVE OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 50'*
- *LEAF TYPE*: *EVERGREEN/SEMI EVERGREEN*
- *GROWTH RATE*: MODERATELY FAST
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, ACIDIC, ALKALINE, CLAY, LOAMY AND WELL DRAINED
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: GREEN TO DARK GREEN LEAVES WITH SMALL ACORNS ABOUT ¾-INCH LONG AND BORNE SINGLY OR IN CLUSTERS UP TO FIVE.
- *FIREWISE*: YES
- *ISSUES*: LEAF BLISTER AND FUNGAL GALL
- *SIMILAR SPECIES*: TEXAS LIVE OAK (QUERCUS FUSIFORMIS)

OCTOBER GLORY MAPLE

LATIN NAME: ACER RUBRUM 'OCTOBER GLORY'

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE TO RAPID
- *NATIVE*: NORTH AMERICA
- *SOIL NEEDS*: ADAPTABLE; PREFERS SLIGHTLY ACIDIC SOIL
- *TOLERANCES*: MODERATE DROUGHT TOLERANCE
- *FEATURES*: SOFT, GREEN NEEDLES FORM A DENSE CANOPY
- *USES*: SHADE TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS AND LEAF SCORCH
- *SIMILAR SPECIES*: CHALK MAPLE (ACER LEUCODERME)

PECAN

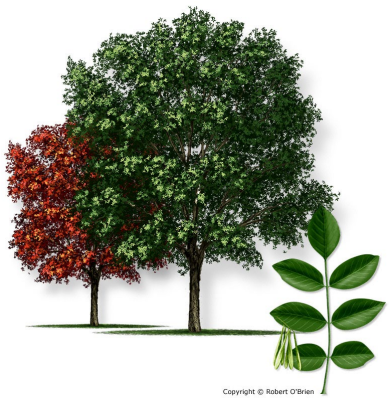
LATIN NAME: CARYA ILLINOINENSIS
SECONDARY NAMES: PECAN HICKORY

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 70'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, PREFERS DEEP MOIST SOIL
- *TOLERANCES*: DROUGHT, SALTY SOIL, POORLY DRAINED SOIL, ALKALINE SOILS [*PH>7.5*]
- *FEATURES*: NUTS ARE IN IMPORTANT WILDLIFE FOOD; MATURE CROWN IS OPEN AND AIRY.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS, BRITTLE WOOD; SUSCEPTIBLE TO INSECTS
- *SIMILAR SPECIES*: WATER HICKORY (CARYA AQUATICA) & BLACK WALNUT (JUGLANS NIGRA)

RED OAK

LATIN NAME: QUERCUS FALCATA
SECONDARY NAMES: SOUTHERN RED OAK

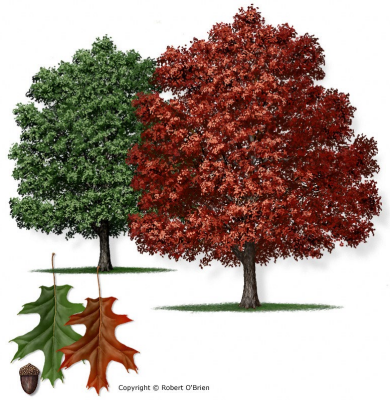
- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *30' TO 55'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: TEXAS
- *SOIL NEEDS*: AVOID PH>7.5; ANY TEXTURE; PREFERS GOOD DRAINAGE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: YOUNG TREES HAVE 'CANDLEABRA' SHAPE; FALL COLOR IS ORGANGE TO DEEP RED
- *FIREWISE*: YES
- *ISSUES*: OAK WILT
- *SIMILAR SPECIES*: BLACK OAK (QUERCUS VELUTINA)



TEXAS ASH

LATIN NAME: FRAXINUS TEXENSIS
SECONDARY NAMES: MOUNTAIN ASH

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *35' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID (BUT VARIABLE)
- *NATIVE*: EAST AND CENTRAL TEXAS
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: MEDIUM SIZED TREE WITH GREEN OR PURPLE FLOWERS AND SMALL WOODY WINGED SAMARA IN LONG PANICLES.
- *FIREWISE*: YES
- *ISSUES*: POOR DRAINAGE LEADS TO ROOT DISEASES
- *SIMILAR SPECIES*: CAROLINA ASH (FRAXINUS CAROLINIANA) AND GREGG ASH (F. GREGGII)



TEXAS RED OAK

LATIN NAME: QUERCUS BUCKLEYI
SECONDARY NAMES: BUCKLEY OAK, TEXAS RED OAK, SPANISH OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *30' TO 55'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: CENTRAL TEXAS
- *SOIL NEEDS*: ALKALINE ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: MEDIUM TREE WITH REDDISH-BROWN CATKINS/ACORNS AND SLENDER, DARK GREEN LEAVES THAT TURN RED IN THE FALL.
- *FIREWISE*: YES
- *ISSUES*: OAK WILT
- *SIMILAR SPECIES*: SHUMARD OAK (QUERCUS SHUMARDII)

DESERT WILLIOW

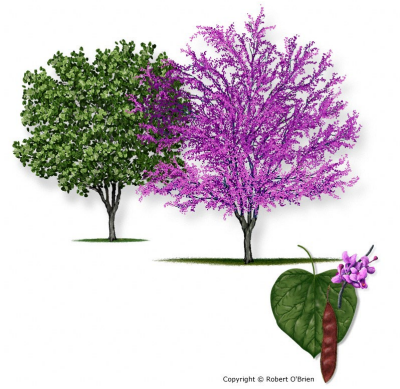
LATIN NAME: CHILOPSIS LINEARIS
SECONDARY NAMES: DESERT-WILLOW

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *15' TO 20'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MEDIUM
- *NATIVE*: WEST TEXAS
- *SOIL NEEDS*: ADAPTABLE, ACIDIC, LOAMY AND WELL DRAINED SOIL
- TOLERANCES: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: MULTI-TRUNKED, WELL BRANCHED AND THICK GROWTH
- *USES*: PRIMARILY A LANDSCAPE TREE; XERISCAPING
- *FIREWISE*: YES
- *ISSUES*: SUSCEPTIBLE TO ALTERNERIA LEAF SPOT
- *SIMILAR SPECIES*: FLOWERING WILLOW, WILLOWLEAF CATALPA, DESERT CATALPA, FLOR DE MIMBRE, MIMBRE, BOW WILLOW

DOWNY HAWTHORN

LATIN NAME: CRATAEGUS MOLLIS
SECONDARY NAMES: A VARIETY OF COMMON NAMES OFTEN ENDING IN "HAW" – ARE USED FOR THE INDIVIDUAL HAWTHORN SPECIES

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *20' TO 30'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: SLOW
- *NATIVE*: EASTERN AND CENTRAL UNITED STATES AND CANADA
- *SOIL NEEDS*: REQUIRES WELL DRAINED, DRY SOILS
- *TOLERANCES*: DRY SOIL AND DROUGHT
- *FEATURES*: SMALL TREE WITH CLUSTERS OF WHITE FLOWERS AND BRIGHT RED BERRY FRUIT.
- *USES*: LANDSCAPING
- *FIREWISE*: YES
- *ISSUES*: SUSCEPTIBLE TO SEVERAL LEAF DISEASES
- *SIMILAR SPECIES*: RIVER BIRCH (BETULA NIGRA) & GUM BULLY (SIDEROXYLON LANUGINOSUM)



EASTERN REDBUD

LATIN NAME: CERCIS CANADENSIS VAR. CANADENSIS
SECONDARY NAMES: JUDAS-TREE

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *20' TO 30'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MEDIUM
- *NATIVE*: EAST TEXAS
- *SOIL NEEDS*: ALKALINE, ACIDIC, LOAMY, SANDY AND WELL DRAINED
- *TOLERANCES*: CLAY SOILS AND VERY HIGH HEAT
- *FEATURES*: SMALL TREE WITH PINK AND PURPLE, ROSE-PURPLE OR WHITE BLOOMS AND SMALL FLATTENED PODS WITH BROWN SEEDS.
- *USES*: WILDLIFE AND LANDSCAPING
- *FIREWISE*: YES
- *ISSUES*: LEAF SPOTS, DIEBACK/CANKER, AND VERTICILLIUM WILT
- *SIMILAR SPECIES*: REDBUD

EVE'S NECKLACE

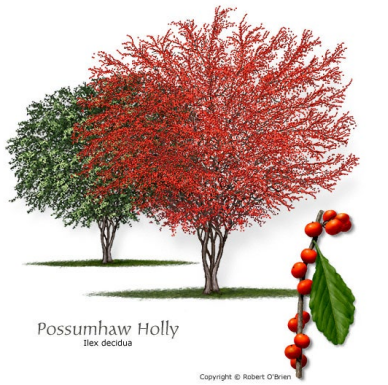
LATIN NAME: SOPHORA AFFINIS
SECONDARY NAMES: TEXAS SOPHORA, EVE'S-NECKLACEPOD

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *15' TO 35'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: FAST (*GENERALLY SLOWS AT 15'*)
- *NATIVE*: CENTRAL TEXAS
- *SOIL NEEDS*: ALKALINE ADAPTABLE
- *TOLERANCES*: VERY HIGH HEAT
- *FEATURES*: SMALL TREE WITH PALE TO ROSY PINK FLOWERS THAT BLOOM IN THE SPRING AND LONG BLACK SEGMENTED SEEDPODS.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: NO PROBLEMS REPORTED
- *SIMILAR SPECIES*: BLACK LOCUST (ROBINIA PSEUDOACACIA)

MEXICAN BUCKEYE

LATIN NAME: UNGNADIA SPECIOSA

- *CITY TREE CLASSIFICATION*: *ACCENTTREE*
- *MATURE HEIGHT*: *15' TO 30'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: NEUTRAL ALKALINE
- *TOLERANCES*: DROUGHT, ALKALINE SOILS [*PH > 7.5*]
- *FEATURES*: PINK FLOWERS APPEAR WITH NEW LEAVES; BROWN FRUIT HUSKS REMAIN THROUGH WINTER.
- *USES*: LANDSCAPE OR SPECIMEN TREE
- *FIREWISE*: YES
- *ISSUES*: REQUIRES PRUNING TO DEVELOP ONE OR MORE TRUNKS.
- *SIMILAR SPECIES*: MONILLO, MONA, TEXAS BUCKEYE, SPANISH BUCKEYE, FALSE BUCKEYE, CANYON BUCKEYE



POSSUMHAW HOLLY

LATIN NAME: ILEX DECIDUA
SECONDARY NAMES: POSSUMHAW (DECIDUOUS HOLLY)

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *8' TO 10' (OCCASIONALLY 20')*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: SLOW
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: DROUGHT, POORLY DRAINED SITES, ALKALINE SOILS [*PH>7.5*]
- *FEATURES*: ORANGE OR RED BERRIES ON GRAY BRANCHES.
- *USES*: LANDSCAPE TREE AND DETENTION TREE
- *FIREWISE*: YES
- *ISSUES*: THIN BARK SUSCEPTIBLE TO INJURY
- *SIMILAR SPECIES*: BEARBERRY, MEADOW HOLLY, PRAIRIE HOLLY, SWAMP HOLLY, WELK HOLLY, WINTERBERRY

SHANTUNG MAPLE

LATIN NAME: ACER TRUNCATUM
SECONDARY NAMES: SHANDONG MAPLE, PURPLEBLOW MAPLE

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *25' TO 35'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: NORTHERN CHINA
- *SOIL NEEDS*: LOAM, SANDY AND CLAY (ADAPTABLE)
- *TOLERANCES*: MODERATE DROUGHT
- *FEATURES*: MEDIUM SIZED TREE WITH DARK GREEN, GLOSSY LEAVES THAT CHANGE TO YELLOW ORANGE/BRIGHT RED IN THE FALL.
- *FIREWISE*: NO
- *ISSUES*: LEAF SPOT AND LEAF SCORCH
- *SIMILAR SPECIES*: JAPANESE MAPLES

FLAMELEAF SUMAC

LATIN NAME: RHUS LANCEOLATA
SECONDARY NAMES: PRAIRIE SUMAC, PRAIRIE FLAMELEAF SUMAC

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *40' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: NEUTRAL ALKALINE
- *TOLERANCES*: DROUGHT, ALKALINE SOILS [*PH* > 7.5]
- *FEATURES*: COMPOUND LEAVES TURN BRIGHT RED IN FALL; WHITE FLOWER SPIKES BEAR RED CLUSTERS OF BERRIES.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: REQURIES PRUNING TO DEVELOP ONE OR MORE TRUNKS.
- *SIMILAR SPECIES*: TEXAS SUMAC, LANCE-LEAVED SUMAC, LIMESTONE SUMAC AND PRAIRIE SHINING SUMAC

YAPON HOLLY

LATIN NAME: ILEX VOMITORIA
SECONDARY NAMES: YAUPON, CASSINA

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *10' TO 20'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: SLOW
- *NATIVE*: SOUTHEAST UNITED STATES (TEXAS)
- *SOIL NEEDS*: WELL DRAINED, SANDY, LOAMY, CLAY AND LIMESTONE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: SMALL TREE WITH INCONSPICUOUS LIGHT GREEN BLOOMS AND RED BERRY LIKE DRUPE.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS, MINOR LEAF BEETLE & DUTCH ELM DISEASE
- *SIMILAR SPECIES*: EVERGREEN CASSENA, EMETIC HOLLY, INDIAN BLACK DRINK

SECTION 05 | RECOMMENDED SHRUB VARIETIES

The following are the City of Rockwall's recommended shrub varieties.

	SHRUB	SCIENTIFIC NAME	SCR	XERI	
3	BARBERRY	BERBERIS THUMBERGII 'CRIMSON PYGMY'			SMALL SHRUBS
8	DWARF YAUPON HOLLY	ILEX VOMITORIA 'NANA'			
10	YUCCA	YUCCA SP.		X	
16	JUNIPER	JUNIPERUS SP.			
17	JAPANESE BOXWOOD	BUXUS JAPONICA			
20	MEXICAN OREGANO	POLIOMENTHA LONGIFLORA			
24	RED YUCCA	HESPERALOE PARVIFOLIA		X	
25	ROCK ROSE	PAVONIA LASIOPETALA		X	
1	AGARITA	MAHONIA TRIFOLIOLATA		X	MEDIUM SHRUBS
2	BARBERRY	BERBERIS ATROPURPUREA 'ROSE GLOW'			
5	CENIZO (TEXAS SAGE)	LEUCOPHYLLUM SP.	X	X	
7	DWARF BURFORD HOLLY	ILEX CORNUTA 'BURFORDII NANA'	X		
14	HOGPLUM	COLUBRINA TEXENSIS			
15	INDIAN HAWTHORN	RAPHIOLEPIS INDICA			
19	JAPANESE QUINCE	CHAENOMELES JAPONICA			
23	PEARL BUSH	EXOCHORDA GIRALDII WILSONII			
27	ROSEMARY	ROSMARINUS OFFICINALIS		X	
28	VIRGINIA SWEETSPIRE	ITEA VIRGINICA			LARGE SHRUBS
4	BRIDAL WREATH SPIREA	SPIRAEA CANTONIENSIS	X	X	
6	CHINESE FRINGE	LOROPETALUM CHINENSE	X		
9	ELAEGNUS	ELAEAGNUS X EBBINGEI	X		
11	EVERGREEN SUMAC	RHUS VIRENS			
12	FORSYTHIA	FORSYTHIA INTERMEDIA 'SPECTABILIS'			
13	GLOSSY ABELIA	ABELIA X GRADIFLORA			
18	JAPANESE CLEYERA	CLEYERA TERNSTROEMIA GYMNANTHERA			
21	NELLIE STEVENS HOLLY	ILEX 'NELLIE R. STEVENS'	X		
22	OLEANDER	NERIUM OLEDANDER	X		
26	ROSE OF SHARON	HIBISCUS SYRIACUS	X		

NOTES: XERI: XERISCAPE; SCR: SCREENING

SECTION 06 | RECOMMENDED GRASSES

The following are the City of Rockwall's recommended grass varieties.

	GRASS	SCIENTIFIC NAME	XERI
1	BERMUDA GRASS	CYNODON DACTYLON	
2	BIG BLUESTEM	ANDROPOGON GERARDII	X
3	BUFFALO GRASS	BUCHLOE DACTYLOIDES	X
4	DEER MUHLY	MUHLENBERGIA RIGENS	
5	EASTERN GAMAGRASS	TRIPSACUM DACTYLOIDES	X
6	FOUNTAIN GRASS	PENNISETUM ALOPERCUROIDES 'HAMELIN'	
7	FEATHER REED GRASS	CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER'	
8	INLAND SEAOATS	CHASMANTHIUM LATIFOLIUM	X
9	JAPANSES BLOOD GRASS	IMPERATA CYLINDRICA 'RED BARON'	
10	LITTLE BLUESTEM	SCHIXACHYRIUM SCOPARIUM	X
11	MAIDEN GRASS	ADAGIO, CABARET, GRACILLIMUS, MORINING LIGHT, VARIGATUS, ZEBRA GRASS	X
12	MEXICAN FEATHER GRASS	STIPA TENUISSIMA 'PONY TAILS'	X
13	MUHLY GRASS	MUEHELENBERGIA LINDHEIMERI	X
14	PRAIRIE MIX	N/A	X
15	PRAIRIE DROPSEED	SPOROBOLUS HETEROLEPSIS	
16	ST. AUGUSTINE GRASS	STENOTAPHRUM SECUNDATUM	X
17	SWITCH GRASS	PANICUM VIRGATUM	X
18	WEEPING LOVE GRASS	ERAGROSTIS CURVULA	X

SECTION 07 | ALTERNATIVE PLANTING LIST

The following list shows all alternative plant types permitted by the City of Rockwall since the adoption of this Appendix C, *Landscape Guidelines*, of the Unified Development Code (UDC).

Trees.

Shrubs.

Grasses.

Bermudagrass: Tif Tuf, Tahoma 31, Celebration and Tifway 419

Zoysia Grass: Zeon, Jamur, Emerald, and Palisades

Formatted: Font: Italic, Underline

CITY OF ROCKWALL

ORDINANCE NO. 24-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 VARIOUS ARTICLES AS DEPCITED IN *EXHIBITS 'A' THROUGH 'J'* 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 Director of Planning and Zoning in accordance with 02.01(C)(3) of Article 11, *Development Review Procedures*, of the Unified Development Code (UDC) to make various changes for the purpose of: [*1*] ensuring that the incorporation of new requirements and language into the document have not created conflicting references, [*2*] adjusting the language and requirements to ensure that the intent of each prerequisite is clearly conveyed, and [*3*] addressing any deficiencies identified by City staff in administering the criterion contain within the document; 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 Article 03, *Zoning Districts and Maps*, 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 Article 04, *Permissible Uses*, 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 'B'* of this ordinance;

SECTION 3. That 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 'C'* of this ordinance;

SECTION 4. That Article 06, *Parking and Loading*, 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 'D'* of this ordinance;

SECTION 5. That Article 07, *Environmental Performance*, 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 'E'* of this ordinance;

SECTION 6. That Article 08, *Landscape and Fence 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 'F'* of this ordinance;

SECTION 7. That Article 09, *Tree Preservation*, of the Unified Development Code [*Ordinance No. 20-*

DRAFT ORDINANCE 04.30.2024

02] 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 11, *Development Applications and Review*, 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 'H'* of this ordinance;

SECTION 9. That Article 13, *Definitions*, 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 'I'* of this ordinance;

SECTION 10. That Appendix C, *Landscape Guidelines and Requirements*, 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 'J'* of this ordinance;

SECTION 11. 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 12. 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. 20-02*], 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 13. 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 JUNE, 2024.

_____

Trace Johannesen, *Mayor*

ATTEST:

_____

Kristy Teague, *City Secretary*

APPROVED AS TO FORM:

_____

Frank J. Garza, *City Attorney*

1st Reading: *May 20, 2024*

2nd Reading: *June 3, 2024*

DRAFT ORDINANCE 04.30.2024

Continued on Next Page …

DRAFT
ORDINANCE
04.30.2024

SECTION 01 | ZONING MAP

(A) The City of Rockwall is hereby divided into zones, or districts, as shown on the ~~Officiale~~ *Zoning Map* which, together with all explanatory matter thereon, is hereby adopted by reference and declared a part of this Unified Development Code (UDC). The zones, or districts, hereby established are and shall be known and cited as:

RESIDENTIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
05.02.01	Agricultural (AG) District	AG
05.03.02	Single Family Estate 1.5 (SFE-1.5) District	SFE-1.5
05.03.03	Single Family Estate 2.0 (SFE-2.0) District	SFE-2.0
05.03.04	Single Family Estate 4.0 (SFE-4.0) District	SFE-4.0
05.03.05	Single Family 1 (SF-1) District	SF-1
05.03.06	Single Family 16 (SF-16) District	SF-16
05.03.07	Single Family 10 (SF-10) District	SF-10
05.03.08	Single Family 8.4 (SF-8.4) District	SF-8.4
05.03.09	Single Family 7 (SF-7) District	SF-7
05.03.10	Zero Lot Line (ZL-5) District	ZL-5
05.03.11	Two-Family (2F) District	2F
05.03.12	Multi-Family 14 (MF-14) District	MF-14

COMMERCIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
05.04.02	Residential-Office (RO) District	RO
05.04.03	Neighborhood Services (NS) District	NS
05.04.04	General Retail (GR) District	GR
05.04.05	Commercial (C) District	C
05.04.06	Heavy Commercial (HC) District	HC
05.04.07	Downtown (DT) District	DT

INDUSTRIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
05.05.02	Light Industrial (LI) District	LI
05.05.03	Heavy Industrial (HI) District	HI

OVERLAY & SPECIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
10.01	Planned Development (PD) District	PD
05.06.03	Historic Overlay (HOV) District	HOV
05.06.04	North Goliad Street Overlay (NG OV) District	NG OV
05.06.05	Southside Residential Overlay (SRO) District	SRO
05.06.06	IH-30 Overlay (IH OV) District	IH-30 OV
05.06.07	SH-205 Overlay (SH-205 OV) District	SH-205 OV
05.06.08	Scenic Overlay (SOV) District	SOV
05.06.09	SH-66 Overlay (SH-66 OV) District	SH-66 OV
05.06.10	SH-205 By-Pass Overlay (SH-205 BY-OV) District	SH-205 BY-OV
05.06.11	North SH-205 Overlay (N. SH-205 OV) District	N. SH-205 OV
05.06.12	East SH-66 Overlay (E. SH-66 OV) District	SH-66 OV
05.06.13	FM-549 Overlay (FM-549 OV) District	FM-549 OV
05.06.14	SH-276 Overlay (SH-276 OV) District	SH-276 OV
05.06.15	Lake Ray Hubbard Takeline Overlay (TL OV) District	TL OV

(B) The ~~Office~~ *Official Zoning Map* shall be identified by the signature of the Mayor attested by the City Secretary, under the following words:

This is to certify that this is the Office Zoning Map referred to in Article 03 of the Unified Development Code (UDC) of the City of Rockwall, Texas.

(C) When changes are made in district boundaries or other matter portrayed on the ~~Officiale~~ *Zoning Map*, such changes shall be entered on the ~~Officiale~~ *Zoning Map* by the City Secretary promptly after the amendment has been approved by City Council, and the change shall note the ordinance number and date that the change was approved.

(D) No changes of any nature shall be made in the ~~Office~~ *Official Zoning Map* or matter shown thereon except in conformity with the procedures set forth in this Unified Development Code (UDC). Any unauthorized change of whatever kind by any person shall be considered a violation of this Unified Development Code (UDC).

(E) The original reproducible tracing of the ~~Office~~ *Official Zoning Map* shall be located in the office of the Director of Planning and Zoning in city hall and shall be the final authority as to the current zoning status of land and water areas, building and other structures in the City of Rockwall.

(F) City Council may, by resolution, adopt a new ~~Office~~ *Official Zoning Map* should the original reproducible tracing of the ~~Office~~ *Official Zoning Map* be damaged, destroyed, lost or become ambiguous because of the nature or number of changes and additions. The new ~~Office~~ *Official Zoning Map* may correct drafting or other errors or omissions in the prior ~~Office~~ *Official Zoning Map*, but no other correction shall have the effect of amending the original ~~Office~~ *Official Zoning Map* or any subsequent amendment thereof. The new ~~Office~~ *Official Zoning Map* shall be identified by the signature of the ~~mayor~~ Mayor attested by the ~~city~~ City ~~secretary~~Secretary, under the following words:

This is to certify that this Office Zoning Map supersedes and replaces the Office Zoning Map adopted (date of adoption of Map being replaced) as a part of the Unified Development Code (UDC) of the City of Rockwall, Texas.

(G) Unless the prior ~~Office~~ *Official Zoning Map* has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 02 | RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

SUBSECTION 02.01: BOUNDARIES

Where uncertainty exists as to the boundaries of zoning districts as shown on the ~~Office~~ *Official Zoning Map*, the following rules shall apply:

(A) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow center lines;

(B) Boundaries indicated as approximately following platted lot lines shall be construed as following lot lines;

(C) Boundaries indicated as following City Limit lines shall be construed as following such City Limits;

(D) Boundaries indicated as parallel to or extensions of features indicated in *Subsections A, B, & C* above shall be so construed. Distances not specifically indicated on the ~~Office~~ *Official Zoning Map* shall be determined by the scale of the map;

(E) Where physical or cultural features existing on the ground are at variance with those shown on the ~~Office~~ *Official Zoning Map*, or in other circumstances not covered by *Subsections A & B* above, the City Council shall interpret the district boundaries.

Formatted: Font: Italic
Formatted
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic

DRAFT ORDINANCE 04-30-2024

SECTION 03 | REGULATIONS APPLICABLE TO ALL DISTRICTS

SUBSECTION 03.01: GENERAL REGULATIONS

The following regulations shall apply to all zoning districts listed in this Article and further defined in Article 04, *Permissible Uses*, and Article 05, *District Development Standards*, of the Unified Development Code (UDC).

(A) No land or building shall be used or intended for any use other than those permitted in the district wherein such land or building is located.

(B) No building shall be erected, reconstructed, enlarged, structurally altered, or moved in such manner as to evade conformity with height, bulk, yard, lot area, use, and other regulations for the district wherein such building is located.

(C) No yard provided adjacent to a building for the purpose of complying with provisions of this Unified Development Code (UDC) shall be considered as providing any part of a yard for another building on the same lot or on an adjacent lot.

(D) No street or walkway shall serve as any part of a required yard or minimum lot area although street rights of way and open space may be used in determining allowable units per acre in residential subdivisions.

(E) Every building hereafter erected or altered shall be located on a lot as defined in Article 13, *Definitions*, of the Unified Development Code (UDC).

SECTION 04 | LISTING OF APPROVED PLANNED DEVELOPMENT (PD) DISTRICTS

Planned Development (PD) Districts that have been approved and appear on the zoning maps are referenced by a Planned Development (PD) number (PD-#) and the zoning district classification and/or uses authorized by the particular zoning case. The listing of approved Planned Development (PD) Districts will be documented in Appendix A, *Planned Development (PD) Districts*, of the Unified Development Code (UDC).

SECTION 05 | LISTING OF APPROVED SPECIFIC USE PERMITS (SUP)

Specific Use Permits (SUPs) that have been approved shall be referenced by a Specific Use Permit number (S-#) and the type of use authorized by those permits. The listing of approved Specific Use Permits (SUPs) will be documented in Appendix B, *Specific Use Permits (SUPs)*, of the Unified Development Code (UDC).

SECTION 06 | ZONING UPON ANNEXATION

All territory hereinafter annexed to the City of Rockwall shall assume an interim classification of Agricultural (AG) District, pending determination of the property's initial permanent zoning in accordance with the provisions of state law and this chapter unless application for permanent zoning is submitted by the property owner at the time of annexation. ~~The Planning and Zoning Commission shall, as soon as practical after annexation of any territory to the City, institute proceedings on its own motion, to give the newly annexed territory a permanent zoning, following the same procedure as is provided by law for the adoption of original zoning procedures.~~ The interim zoning prior to the permanent zoning shall not be considered a rezoning for legal purposes. The procedure for establishing initial zoning other than Agricultural (AG) District on annexed territory shall conform to the procedure established by law for the adoption of normal zoning classifications and regulations as defined in Section 02, *Zoning*, of Article 11, *Development Review Procedures*, of the Unified Development Code (UDC).

Formatted: Underline, Font color: Accent 5

In an area classified Agricultural (AG) District, no person shall erect, excavate, construct, or proceed or continue with the erection or construction of any building or structure or add to, enlarge, move, improve, alter, repair, convert, or extend or demolish any building or structure or cause the same to be done in any newly annexed territory to the City without first applying for and obtaining a building permit therefore from the Chief Building Official as may be required in applicable City ordinances.

DRAFT ORDINANCE 04.30.2024

Continued on Next Page …

DRAFT
ORDINANCE
04.30.2024

SECTION 01 | LAND USE SCHEDULE

SUBSECTION 01.01: USE OF LAND AND BUILDINGS

Buildings, structures, and land uses shall be in conformance with the permitted uses depicted in Land Use Schedule and in compliance with Subsection 02.03, *Conditional Land Use Standards*. The following is the legend for the Land Use Schedule:

	Land Use *NOT* Permitted
P	Land Use Permitted *By-Right*
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 01.02: LAND USE SCHEDULE

See the Land Use Schedule at the end of this Article.

SECTION 02 | CONDITIONAL LAND USE STANDARDS AND DEFINITIONS

SUBSECTION 02.01: DETERMINATION OF LAND USES

Land uses shall be permitted in a zoning district as indicated in 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 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 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 02.02: LAND USE DEFINITIONS

For land use definitions see Section 02.02, *Land Use Definitions*, of Article 13, *Definitions*.

SUBSECTION 02.03: 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) The property shall be a minimum of ten (10) acres of more in size.

(b) 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).

(c) 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 03.01, *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.

DRAFT ORDINANCE 04.30.2024

(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 an 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~~Urban Farm, [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~~Urban Farm shall be reviewed as part of the Specific Use Permit (SUP), including the size and intended use.

(4) The applicant shall provide an 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~~Urban Farm, [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 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*.

(2) *Bed and Breakfast.*

(a) A Bed and Breakfast may only be established on an owner-occupied, single-family lot.

(b) In addition to the single-family parking requirements, one (1) parking space per bedroom shall be provided.

(c) 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).

DRAFT ORDINANCE 04.30.2024

(d) Bed and Breakfast shall be required to meet all applicable City Fire Codes, including providing a smoke alarm system.

(e) A Bed and Breakfast shall be subject to an annual inspection by the Fire Department.

(f) All applicable hotel/motel taxes shall be paid.

(g) The maximum length of a guests stay is shall be limited to 14 consecutive days in any 30-day period.

(h) 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 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(4) *Attached Garage.*

(a) See Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*.

(5) *Detached Garage.*

(a) See Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *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% of the area of the main structure.

(c) Guest Quarters or Secondary Living Units shall not incorporate a kitchen or kitchen facilities; however, they may incorporate all other elements of a dwelling unit.

~~(c)~~(d) No such use may be sold or conveyed separately without meeting the requirements of the zoning district and the subdivision ordinance.

~~(d)~~(e) 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 07.02, *Multi-Family District Development Standards*, of Article 05, *District Development Standards*.

(10) *Portable Building.*

(a) See Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *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

Formatted: Indent: Left: 0.5", No bullets or

DRAFT ORDINANCE 04.30.2024

complimentary to the existing housing in the Established Subdivision.

(12) *Short-Term Rental (Owner-Occupied Single-Family Home, Townhome, or Duplex).*

(a) The *Short-Term Rental* shall not incorporate accessory land uses that are not permitted within the underlying zoning district (*e.g. Banquet Facility/Event Hall which includes meeting halls and wedding venues*) as stipulated by the *Permissible Use Charts* contained within this *Article*.

(b) In order to establish and operate a *Short-Term Rental (Owner Occupied Single-Family Home, Townhome, or Duplex)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, *Short-Term Rentals*, of Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances.

(13) *Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex).*

(a) *Short-Term Rentals* that are *Non-Owner-Occupied* shall not be located within 1,000-feet of another *Short-Term Rental* that is *Non-Owner Occupied*; however, *Short-Term Rentals* that were in existence prior to April 1, 2024 that [*1*] meet the criteria established in Subsection 06.05, *Non-Conforming Short-Term Rentals*, of this *Article*, and [*2*] received a valid permit and registration -- *in accordance with Article 2, Short-Term Rentals, of Chapter 13, Rental Housing, of the Municipal Code of Ordinances* -- prior to July 1, 2024 shall be exempted from the proximity requirements.

(b) *Short-Term Rentals* that are *Non-Owner-Occupied* that do not meet proximity requirements may be considered on a *case-by-case* basis by the Planning and Zoning Commission and City Council through a Specific Use Permit (SUP). In considering a Specific Use Permit (SUP) for a *Short-Term Rental* that is *Non-Owner-Occupied* the Planning and Zoning Commission and City Council shall consider the size, location, and impact of the proposed and existing *Short-Term Rentals* on the adjacent residential properties and their occupants.

(c) The *Short-Term Rental* shall not incorporate accessory land uses that are not permitted within the underlying zoning district (*e.g. Banquet Facility/Event Hall which includes meeting halls and wedding venues*) as stipulated by the *Permissible Use Charts* contained within this *Article*.

(d) In order to establish and operate a *Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, *Short-Term Rentals*, of Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances.

(14) *Short-Term Rental (Apartment or Condominium).*

(a) The number of *Short-Term Rentals* permitted within an *Apartment Complex*, *Condominium Building*, or any other multi-family structure -- *as defined by this land use in Article 13, Definitions, of this Unified Development Code (UDC)* -- shall be limited to a total of five (5) percent of the total units situated on a single parcel of land. For example, if a *Condominium Building* consisted of 100-units on a single parcel of land, a total of five (5) of the units could be established as *Short-Term Rentals*. In cases where there is a remainder in the number of units, the number of units shall round up (*e.g. 25-Units x 5.00% = 1.25-Units or 2-Units*).

(b) In order to establish and operate a *Short-Term Rental (Apartment or Condominium)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, *Short-Term Rentals*, of Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances.

(15) *Single-Family Attached Structure.*

(a) See Section 03, *Residential Districts*, of Article 05, *District Development Standards*.

(b) See Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(16) *Single-Family Detached Structure.*

(a) See Section 03, *Residential Districts*, of Article 05, *District Development Standards*.

(b) See Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(17) *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 03, *Residential Districts*, of Article 05, *District Development Standards*.

(c) See Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(18) *Private Sports Court with Standalone or Dedicated Lighting.*

(A) A *Private Sports Court* includes any *Sports Court* that is separated from the primary structure or an existing residential driveway that is intended to be used for sports such as -- *but not limited to* – tennis, pickleball, basketball, volleyball, or similar activities for the property owner and/or their guests. A *Private Sports Court* does *not* include basketball courts or similar sports facilities that are attached to the primary structure or that make use of the existing residential driveway.

(B) A *Private Sports Court* shall be situated behind the primary structure, not situated within any easements, and be setback a minimum of ten (10) feet from all property lines.

(C) All dedicated lighting associated with a *Private Sports Court* on a residential property shall be on a standalone light pole a maximum of 14-feet in height with lighting standards that are fully cutoff and shielded and directed

Formatted: Font: Italic, Underline
Formatted: No underline
Formatted: Font: Italic
Formatted: No underline
Formatted: Underline
Formatted: No underline
Formatted: No underline
Formatted: No underline
Formatted: No underline
Formatted: Font: 5 pt, No underline
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: No underline
Formatted: No underline
Formatted: No underline
Formatted: Font: 5 pt, No underline
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: No underline
Formatted: No underline
Formatted: No underline
Formatted: No underline

DRAFT ORDINANCE 04-24

downward toward the courts surface. In addition, light standards should be oriented to minimize light spillage and glare.

(D) All dedicated lighting associated with a *Private Sports Court* on a non-residential property shall adhere to the requirements of Section 03, *Outdoor Lighting for Non-Residential Properties*, of Article 07, *Environmental Performance*, of the Unified Development Code (UDC).

~~(18)~~(19) *Townhouse.*

(a) See Section 03, *Residential Districts*, of Article 05, *District Development Standards*.

(b) See the standards for the Two-Family (2F) District Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

~~(19)~~(20) *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 02.03(C)(5).

(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 an operated by:

(1) The Texas Department of ~~Mental Health and Metal Retardation (MHMR)~~Aging and Disability Services;

(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 02.03(C)(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 (2) 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.*

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Underline, Font color: Accent 5

Formatted: Font: Not Italic, No underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

DRAFT ORDINANCE 04.30.2024

(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 02.03(C)(9)(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.

(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.*

(1) *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.

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

DRAFT ORDINANCE 04-30-2024

(2) *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*).

(3) *Alcoholic Sales Revenue.* Revenues from the sale of alcoholic beverages shall not exceed 40.00% 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 exceed the maximum allowed percentage.

(4) *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 (1) party.

(5) *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.

(6) *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.*

(1) *Alcoholic Beverage Package Sales.*

(a) The package sales of liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- shall *only* be permitted in conjunction with an *Alcoholic Beverage Store*, and shall not be permitted as an accessory use to any other land use contained within this Unified Development Code (UDC).

(b) The package sales of beer and wine shall be permitted *by-right* as an *accessory* land use to a *General Retail Store*, *Retail Store with Gasoline Sales*, *Brew Pub*, *Craft/Micro Brewery and/or Winery*, *Brewery*, and *Winery*.

(2) *Alcoholic Beverage Store.*

(a) An *Alcoholic Beverage Store* shall include the sale of beer, wine, *and* liquor or distilled spirits as defined by the Texas Alcoholic Beverage Code.

(b) An *Alcoholic Beverage Store* shall be prohibited from locating within 1,000-feet of a lot, parcel, or tract of land with another *Alcoholic Beverage Store* situated on it as measured in a straight line between the nearest points of one (1) of the lots, parcels, or tracts of land to the other lot, parcel, or tract of land.

(3) *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 off 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.

(4) *Temporary Christmas Tree Sales Lot and Similar Uses.*

(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.

Formatted: Font: Italic

Formatted: Font: Italic

DRAFT
ORDINANCE
04.30.2024

(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.

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

(a) The total building area of a Craft/Micro Brewery, Distillery, and/or Winery shall be less than 12,000 SF.

(b) A maximum of 40.00% 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.

(6) *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 30.00% 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 (1) foot taller than the materials being displayed, whichever is greater.

(2) Include a minimum of 20.00% 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 (1) 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 (5) 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.

(7) *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

Formatted: Font: Italic

Formatted: Font: Italic, Underline, Font color: Accent 5

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

DRAFT ORDINANCE 04-20-2024

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 (8) square feet 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).

(8) *General Personal Service.*

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

(9) *Permanent Cosmetics.*

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

(b) Accessory use to a *General Personal Service*.

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

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

(11) *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 from the point of order.

(12) *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 from the point of order.

(13) *Retail Store with Gasoline Sales*.

(a) All fuel vents associated with the fuel storage tanks at any *Retail Store with Gasoline Sales* shall be located within the gas canopy, and shall be fully screened and not visible from adjacent properties and/or right-of-way.

(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 04, *Permissible Uses*, and Article 08, *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~~ building area is defined as the entirely enclosed air-conditioned portion of the primary building*).

(c) Outdoor sales and display may occupy up to 30.00% 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 20.00% 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 04, *Permissible Uses*, and Article 08, *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.*

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

DRAFT ORDINANCE 04.30.2024

(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) *Rental, Sales, and Service of Heavy Machinery.*

(a) In the Commercial (C) District, the Rental, Sales, and Service of Heavy Machinery 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).

(b) All outside storage of equipment and machinery shall be visibly screened from all adjacent properties utilizing one of the screening alternatives outlined in Subsection 05.02(A), *Loading Docks and Outside Storage Areas*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).

(c) The storage area for equipment and machinery shall not occupy any required parking spaces. Excess parking spaces may be used if all other requirements are met.

(d) The storage and/or display of equipment and machinery shall be in a stowed position so as to not extend any part of the equipment or machinery in an upward or outward manner.

(e) The conditions above shall not be construed to permit the outside storage of equipment and machinery for outside display, and does not permit additional outside storage of other materials that are not associated with the Rental, Sales, and Service of Heavy Machinery land use.

(f) Maintenance or service of any equipment and machinery shall not be performed on-site.

(6) *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.

(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 04, *Permissible Uses*, and Article 08, *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 30.00% 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 04, *Permissible Uses*, and Article 08, *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 50.00% 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

Formatted: Font: Italic

DRAFT ORDINANCE 04.30.2024

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, etcetera shall be performed outside the building*).

(d) Accessory uses may be allowed in compliance with *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 25.00% 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 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.

(l) *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*).

Formatted: Font: Italic

(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.*

DRAFT ORDINANCE 04.30.2024

(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.

(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. 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 Planning and Zoning Commission 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 05.02, *Landscape Screening*, of Article 08, *Landscape and Fence Standards*. See-through fencing should be wrought iron, or similar. Chain-link 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 01.05, *Screening Standards*, of Article 05, *District Development Standards*.

(b) No outside storage shall be allowed in any zoning district adjacent to IH-30; ~~. H~~ 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 *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 02.02(F)(4), shall not be considered Outside Storage and/or Outside Display, and shall be subject to the requirements of Subsection 02.02(F)(4).

(K) *Utilities, Communications and Transportation Land Uses*

(1) *Antenna ~~as an Accessory~~for a Residential Property.*

(a) The antenna installation shall comply with the height and ~~area regulations~~setback requirements of the applicable zoning district.

~~(a)~~(b) For an *Antenna for an Amateur Radio* see Subsection 02.03(K)(2).

~~(b) Administrative approval of the antenna installation shall be required.~~

~~(c) The antenna will meet all applicable requirements of Subsection 03.06, *Antennas*.~~

(2) *Antenna for an Amateur Radio.*

Formatted: Font: Italic

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Underline, Font color: Accent 5

Formatted: Underline, Font color: Accent 5

DRAFT ORDINANCE 04.30.2024

(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~~. H;~~ 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 03.06, *Antennas*.~~

(3) *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~~; . H~~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 03.06, *Antennas*.~~

(4) *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure).*

(a) *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure)* on private property:

(1) One (1) *Freestanding Commercial Antenna* shall be permitted on a non-residential lot as allowed by the applicable zoning district.

(2) The height of the *Freestanding Commercial Antenna* shall adhere to the height and building setbacks of the applicable zoning district; however, the City Council may grant a Specific Use Permit (SUP) for a *Freestanding Commercial Antenna* that exceeds the height of the zoning district.

(3) All equipment, buildings, and/or structures shall be a material allowed by the applicable zoning district or overlay district (*whichever is more restrictive*), and be similar in color and character to the primary building on the site (*if a primary building exists*).

(4) No more than three (3) separate equipment buildings shall be located on a single lot.

(5) All equipment and buildings shall be enclosed by a wrought iron or decorative metal fence with screening shrubs a minimum of six (6) feet in height or a masonry screening wall that is a minimum of eight (8) feet in height and that is compatible in colors and materials as the primary building (*if a primary building exists*). All fences shall be as defined by Article 08, *Landscape and Fencing Standards*, of the Unified Development Code (UDC).

(6) A minimum of one (1) paved parking space providing access to the *Freestanding Commercial Antenna* shall be required. The parking space shall be reserved exclusively for use in conjunction with the *Freestanding Commercial Antenna*, and -- *where applicable* -- may be one (1) of the parking spaces provided for the primary structure on the subject property.

(7) All development associated with a *Freestanding Commercial Antenna* shall adhere to the Engineering Department's *Standards of Design and Construction Manual*.

(b) *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure)* on public property or public parkland:

(1) *Freestanding Commercial Antennas* shall be permitted *by-right* on all public property or public parkland regardless of zoning designation.

(2) The height of the *Freestanding Commercial Antenna* shall adhere to the height and building setbacks of the applicable zoning district unless otherwise approved through agreement or Specific Use Permit (SUP) by the City Council.

(3) All buildings and/or structures shall be of a material allowed by the applicable zoning district or overlay district (*whichever is more restrictive*), and be of a similar color and character to the primary building on the site (*if a primary building exists*) unless otherwise approved by the City Council through agreement or Specific Use Permit (SUP).

Formatted: Font: 5 pt
Formatted: Indent: Left: 1", No bullets or numbering
Formatted: Font: 5 pt
Formatted: Normal, No bullets or numbering
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: Italic
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: Italic, Underline, Font color: Accent 5
Formatted: Font: 5 pt
Formatted: Font: 5 pt
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: Italic, Underline
Formatted: Font: 5 pt
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: 5 pt
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Font: 5 pt

DRAFT ORDINANCE 04-2024

(4) No more than three (3) separate equipment buildings shall be located on a single lot unless otherwise approved by the City Council through agreement or Specific Use Permit (SUP).

(5) All equipment and buildings shall be enclosed by a wrought iron or decorative metal fence with screening shrubs a minimum of six (6) feet in height or a masonry screening wall that is a minimum of eight (8) feet in height and that is compatible in colors and materials as the primary building (*if a primary building exists*) unless otherwise approved by the City Council through agreement or Specific Use Permit (SUP). All fences shall be as defined by Article 08, *Landscape and Fencing Standards*, of the Unified Development Code (UDC).

(6) A minimum of one (1) paved parking space providing access to the *Freestanding Commercial Antenna* shall be required. The parking space shall be reserved exclusively for use in conjunction with the *Freestanding Commercial Antenna*, and -- *where applicable* -- may be one (1) of the parking spaces provided for the primary structure on the subject property.

(7) All development associated with a *Freestanding Commercial Antenna* shall adhere to the Engineering Department's *Standards of Design and Construction Manual*.

~~(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 (1) 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 03.06, *Antennas*.~~

(5) ~~*Commercial Freestanding*~~*Mounted or Attached Commercial Antenna*.

(a) The height of the *Mounted or Attached Commercial Antenna* shall adhere to the height and building setbacks of the applicable zoning district; however, a *Mounted or Attached Commercial Antenna* shall be permitted to extend a maximum of ten (10) feet above the maximum height of the support structure, and shall maintain a 15-foot clearance from the ground to the lowest element of the antenna if attached to a utility installation or light pole.

(b) If the *Mounted or Attached Commercial Antenna* has ground mounted equipment or buildings associated with the installation, these structures shall be of a material allowed by the applicable zoning district or overlay district (*whichever is more restrictive*), and be of a similar color and character to the building that the *Commercial Antenna* is attached or mounted. In addition, all equipment and buildings shall be enclosed by a wrought iron or decorative metal fence with screening shrubs a minimum of six (6) feet in height or a masonry screening wall that is a minimum of eight (8) feet in height and that is compatible in colors and materials as the building that the *Commercial Antenna* is attached or mounted. All fences shall be as defined by Article 08, *Landscape and Fencing Standards*, of the Unified Development Code (UDC).

(c) If the *Commercial Antenna* is mounted or attached to a building and there is equipment associated with the installation, all ancillary equipment shall be screened so that it is not visible from adjacent properties or rights-of-way. The proposed screening shall be approved by the Director of Planning and Zoning or his/her designee.

(d) If the *Commercial Antenna* is positioned in a way that it will be visible and standard screening methods are not possible, the antenna should utilize effective stealth techniques to camouflage or conceal it from view.

~~(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~~

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Not Highlight

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Font: Italic

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Indent: Left: 0.5", Numbered + Level: 2 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 1.25" + Indent at: 1.5"

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: Italic

DRAFT ORDINANCE 04-30-2024

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 (1) 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 03.06, *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 03.06, *Antennas*.

(c) Replacement of an Existing Freestanding Antenna that has 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 (1) of the spaces required for the principal use on the property.

(8) The antenna will meet all applicable requirements of Subsection 03.06, *Antennas*.

(6) *Mounted Commercial Antenna.*

DRAFT ORDINANCE 04.30.2024

~~(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 (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) The antenna will meet all applicable requirements of Subsection 03.06, *Antennas*.~~

~~(7)~~(6) *Solar Energy Collector Panels and System.*

(a) *Residential*. *Solar Energy Collector Panels and Systems* installed on a residential structure shall be required to meet the requirement of the International Building Code (IBC), and be required to apply for and receive a building permit from the Building Inspections Department.

(b) *Small Commercial*. *Solar Energy Collector Panels and Systems* installed on a *Small Commercial* structure shall be required to meet the requirement of the International Building Code (IBC), and be required to apply for and receive a building permit from the Building Inspections Department. *Small Commercial* shall mean a *Small Commercial Customer* as defined by Section 202, *Price to Beat*, of Chapter 39, *Restructuring of Electrical Utility Industry*, of the Texas Utilities Code. It shall be the burden of a property owner to show that a particular property meets the definition of a *Small Commercial Customer*.

(c) *Commercial*. *Solar Energy Collector Panels and Systems* installed on a *Commercial* structure shall be required to meet the following:

(1) *Solar Energy Collector Panels on a Pitched Roof*. *Solar Energy Collector Panels* installed on a pitched roof shall be of a flat configuration and shall be subject to the following requirements:

(A) *Solar Energy Collector Panels* shall not extend beyond the roofline or eave lines of a roof.

(B) *Solar Energy Collector Panels* shall not exceed more than 45.00% of the total roof area.

(C) Configuration of *Solar Energy Collector Panels* on a pitched roof shall be a regular quadrangular shape, flat to the roof or integrated with the roof, and aligned with the natural roof edges.

(D) The surface of the *Solar Energy Collector Panel* shall not be more than six (6) inches above the surface of the pitched roof.

(2) *Solar Shingle on a Pitched Roof*. *Solar Shingles* may be installed on a pitched roof; however, *Solar Shingles* are subject to the following requirements:

(A) *Solar Shingles* shall be installed on 100.00% of the total roof area -- *excluding accent roof materials (e.g. metal roofs over gabled windows, porches, entryways, and etcetera)* --, and shall not be installed alongside another roof mounted *Solar Energy Collector System*.

(3) *Solar Energy Collector Panels on a Flat Roof*. *Solar Energy Collector Panels* installed on a flat roof, whether rack-mounted or flat-mounted, shall be screened from public view, and meet the following requirements:

(A) The height of such screening, at the minimum, shall be the height of the *Solar Energy Collector Panel*.

(B) The screening may be by a parapet or screening wall replicating the materials of the building.

(4) Reflective glare of *Solar Energy Collector Panels* shall be minimized by the positioning of the *Solar Collector Panels* or by the use of non-glare glazing.

(5) 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.

(6) 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 of Rockwall.

(7) The maximum overall height of ground mounted or pole mounted *Solar Energy Collector Panels* shall not exceed eight (8) feet.

Formatted: Indent: Left: 1", Numbered + Level: 1 + Numbering Style: A, B, C, … + Start at: 1 + Alignment: Left + Aligned at: 0.94" + Indent at: 1.19"

Formatted: Font: Not Italic

Formatted: Font: Not Italic, No underline

DRAFT OF 04.30.2024

(8) 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 03 | OTHER SPECIAL USE STANDARDS

SUBSECTION 03.01: 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~~SF 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~~SF per animal.

(B) *Other Animals.* An SUP is required for other farm animals, including fowls, chickens and swine (*except for "potbellied pigs" as defined in Section 6-1, Definitions, of Chapter 6, Animals, of the Municipal Code of Ordinances*), and for a reduction in the land area required for grazing farm animals. The city shall not grant a 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, *Definitions*, of Chapter 6, *Animals*, of the Municipal 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 6-1, *Definitions*, of Chapter 6, *Animals*, of the Municipal Code of Ordinances.

SUBSECTION 03.02: TEMPORARY ACCOMODATION FOR EMPLOYEES, CUSTORMERS 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 (5) percent of the building area is utilized for this ancillary use.

SUBSECTION 03.03: 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 03.04: FLAG POLES

Flag poles are permitted in all districts, but must meet the building height and setback requirements for each district. (See Article 05, *District Development Standards*, of the Unified Development Code).

SUBSECTION 03.05: 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~~ 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~~ 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.

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.

Formatted: Font: Italic

Formatted: Font: Italic

DRAFT ORDINANCE 04-2024

(B) *Retail Establishments with Alcoholic Beverage Sales.*

(1) Retail establishments *or* Alcoholic Beverage Stores 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 or Alcoholic Beverage Stores 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 *or* Alcoholic Beverage Stores engaged in the selling of beer, wine, and distilled spirits or liquor 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 or Alcoholic Beverage Store 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.

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 *or* Alcoholic Beverage Stores engaged in the selling of beer, wine, and distilled spirits or liquor 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, *Signs*, of the Municipal Code of Ordinances, pertaining to signs.

(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.

~~SUBSECTION 03.06: 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 and Zoning. Roof-mounted equipment should be placed and finished in a manner which minimizes its~~

Formatted: Underline, Font color: Accent 5

DRAFT ORDINANCE 04-30-2024

~~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 04 | FLOODPLAIN AREAS

SUBSECTION 04.01: PERMITTED USES

The following land 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, *Floods*, of the Municipal Code of Ordinances, and the Engineering Department's *Standards of Design and Construction Manual*:

(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 04.02: DUMPING, EXCAVATING OR FILLING IN A FLOODPLAIN

Any dumping, excavation, storage or filling operation on any property within any district having a floodplain designation or that is within a creek or drain way shall require a permit from the City Engineer prior to the commencement of such activity; however, no construction, buildings, or structures shall be permitted within a floodplain. Fences maybe permitted through approval by the City Engineer in accordance with the requirements of the Engineering Department's *Standards of Design and Construction Manual*.

SUBSECTION 04.03: 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 (UDC) shall not be so interpreted.

SECTION 05 | TEMPORARY USES AND STRUCTURES

SUBSECTION 05.01: 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 05.02: TEMPORARY USES

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 06 | NON-CONFORMING USES, STRUCTURES, AND SITES

SUBSECTION 06.01: INTENT

Within the zoning districts established by this Unified Development Code (UDC), 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 (UDC). 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 non-conforming lots, buildings, or uses shall not be enlarged upon, expanded or extended, except as otherwise specifically provided, and that such non-conforming 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, non-conforming uses are declared to be incompatible with permitted uses in the same zoning districts.

SUBSECTION 06.02: APPLICABILITY

The provisions of this section shall apply to lots, uses and buildings which become non-conforming by reason of the adoption of, or an amendment to, the ordinance from which this Unified Development Code (UDC) is derived, as of the effective date of such amendment.

SUBSECTION 06.03: NON-CONFORMING 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 (UDC) 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 (UDC) for the district in which it is located.

(2) The right to continue non-conforming uses shall be subject to regulations prohibiting the creation of a nuisance and regulations reasonably protecting adjacent property.

DRAFT ORDINANCE 04.30.2024

(B) *Cessation of Non-~~conforming~~ Conforming 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 Non-~~conforming~~ Conforming Use*. No existing building or premises devoted to a use that is not permitted by this Unified Development Code (UDC) 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 non-conforming use of a building may be changed to another non-conforming 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 non-conforming use has been changed to a conforming use, the use shall not thereafter be changed to a non-conforming use.

(3) When authorized by the board of adjustment, enlargement or completion of a building devoted to a non-conforming 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% of its original area of nonconformity.

(4) When authorized by the board of adjustment, a non-conforming 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 non-conforming, if no structural alterations except those required by law, are made.

SUBSECTION 06.04: NON-CONFORMING 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 non-conforming 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 (UDC). (For land use nonconformity, see Subsection 06.03, *Non-Conforming Uses*, of Article 04, *Permissible Uses*).

(B) *Use of Non-~~conforming~~ Conforming Buildings, Structures or Land*.

(1) No building or structure which was originally designed for or used as a non-conforming use shall again be put to a non-conforming use, where such use has ceased for 180-days or more during any three (3) 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 (UDC) shall be discontinued within six months from the enactment of this Unified Development Code (UDC). The non-conforming use of land and/or buildings involving individual structures with a replacement cost of $1,000.00 or less, which becomes non-conforming by reason of subsequent amendments to this Unified Development Code (UDC) shall be discontinued within six months from the date of such amendment.

(C) *Construction Approved prior to Unified Development Code (UDC)*. Nothing in this Unified Development Code (UDC) 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 (UDC), 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 non-conforming structure which is damaged more than 75.00% 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 75.00% 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 (UDC) 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 50.00% of the replacement cost of the building. If the repairs exceed 50.00%, 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 non-conforming structure or portion of a structure containing a non-conforming 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 (10) percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be.

(2) If 50% or more of a non-conforming structure containing a non-conforming 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.

DRAFT ORDINANCE 04-60-2024

(G) *Moving of a Non-~~conforming~~ Conforming Building or Structure*. No non-conforming 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) *Non-~~conforming~~ Conforming Lot Sizes*. All lots used for storage that do not require a building and the use of such lot is made non-conforming by this Unified Development Code (UDC) 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 (UDC) is derived, or amendments [*thereto*].

SUBSECTION 06.05: NON-CONFORMING SHORT-TERM RENTALS

Short-Term Rentals, as defined in Article 13, *Definitions*, of this Unified Development Code (UDC), shall be considered to be legally in existence for the purpose of establishing vested or non-conforming rights regarding the zoning requirements if all of the following criteria is met by the owner of a *Short-Term Rental*:

(A) The owner of a property provides a property deed or proof of ownership showing that the property was purchased prior to April 1, 2024.

(B) The owner of the property can provide proof that the property was used as a *Short-Term Rental* (*i.e. a listing, proof of rental, etc.*) *OR* proof of payment of hotel occupancy tax to the City of Rockwall.

DRAFT
ORDINANCE
04.30.2024

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference *Article 04, Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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 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	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									
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	A			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

DRAFT NOT FOR CONSTRUCTION 04.30.2024

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
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												
Home Occupation	(9)	(7)	P	P	P	P	P	P	P	P	P	P	P	P	P	P										
Limited-Service Hotel	(10)														S			S	S		S					
Full-Service Hotel	(11)	(8)													S			S	S		S					
Residence Hotel	(12)														S			S	S		S					
Motel	(13)														S			S	S		S					
Multi-Family Development or Structure	(14)	(9)												P												
Portable Building	(15)	(10)		P	P	P	P	P	P	P	P	P	P													
Residential Infill in an Established Subdivision	(16)	(11)	S	S	S	S	S	S	S	S	S	S	S	S	S	S										
Short-Term Rental (*Owner-Occupied, Single-Family Home, Townhome, or Duplex*)	(17)	(12)		P	P	P	P	P	P	P	P	P	P	P	S	S										
Short-Term Rental (*Non-Owner-Occupied, Single-Family Home, Townhome, or Duplex*)	(17)	(13)		P	P	P	P	P	P	P	P	P	P	P	S	S										
Short-Term Rental (*Apartment or Condominium*)	(17)	(14)		P	P	P	P	P	P	P	P	P	P	P	S	S										
Single-Family Attached Structure	(18)	(15)										P	P	P												
Single-Family Detached Structure	(19)	(16)	P	P	P	P	P	P	P	P	P	P	P	P		P										
Single-Family Zero Lot Line Structure	(20)	(17)										P	P	P		P										
Private Swimming Pool	(21)		A	A	A	A	A	A	A	A	A	A	A	A	A	A										
Private ~~Tennis~~ Sports Court with Standalone or Dedicated Lighting	(22)	(18)	A	~~SP~~	~~SP~~	~~SP~~	S	S	S	S	S	S	S	~~SP~~		S		P	P	P	P				
Townhouse	(23)	(~~18~~19)												P		P										
Urban Residential	(24)	(~~19~~20)												S	S											
INSTITUTIONAL AND COMMUNITY SERVICE LAND USES	2.02(C)	2.03(C)																								
Assisted Living Facility	(1)	(1)												P	S	S	S	S	S		S					
Blood Plasma Donor Center	(2)																	P	P	P	P	P				
Cemetery/Mausoleum	(3)		S														P	P	P	P	P	P				

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

DRAFT NOT FOR CONSTRUCTION 04.30.2024

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL 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	MIXED USE DISTRICTS: Downtown (DT) District	Residential Office (RO) District	NON-RESIDENTIAL DISTRICTS: Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	OVERLAY DISTRICTS: Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
Church/House of Worship	(4)	(2)	S	S	S	S	S	S	S	S	S	S	S	P	S		P	S	S	P	S	P			
College, University, or Seminary	(5)														P				S	P	P	P			
Convalescent Care Facility/Nursing Home	(6)													S	S	P	P	P	P	P	S				
Congregate Care Facility/Elderly Housing	(7)	(3)												P	S	S	S	S	S		S				
Crematorium	(8)																				S	P			
Daycare with Seven (7) or More Children	(9)	(4)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S			
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	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	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	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	S					
Trade School	(24)														S			S	P	P	P	P			
Rescue Mission or Shelter for the Homeless	(254)																			S	P	P			
Social Service Provider (*Except Rescue Mission or Homeless Shelter*)	(265)																	S		P	P	P			
OFFICE AND PROFESSIONAL LAND USES	2.02(D)	2.03(D)																							

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Highlight

Formatted: Font: Bold, Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Font: Italic

DRAFT
ORDINANCE
04.30.24

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL 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	MIXED USE DISTRICTS: Downtown (DT) District	Residential Office (RO) District	NON-RESIDENTIAL DISTRICTS: Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	OVERLAY DISTRICTS: Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
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 or Medical Office Building less than 5,000 SF	(2) & (3)														P	P	P	P	P	P	P	P			
Office or Medical Office Building 5,000 SF or Greater	(2) & (3)														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	(2)	(2)													S			S	P	P	P	P			
Outdoor Commercial Amusement/Recreation	(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	P	P	P	P	P			
Private Country Club	(5)		S	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																	P		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	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	S	P	P	P			
Theater	(15)														P			S	P	P	P	P			
RETAIL AND PERSONAL SERVICES LAND USES	2.02(F)	2.03(F)																							
Alcoholic Beverage Package Sales	(1)	(1)													P		S	P	P	P	S				

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: No underline, Font color: Background 1

Formatted: Font color: Accent 5

DRAFT NOT FOR ADVICE 04.30.24

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE [Reference Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
Alcoholic Beverage Store	~~(2)~~	(2)													S				S	P					
Antique/Collectible Store	~~(23)~~														S		S	P	P	P					
Astrologer, Hypnotist, or Psychic	~~(34)~~														S	P	P	P	P	P					
Banquet Facility/Event Hall	~~(45)~~														S			P	P	P					
Portable Beverage Service Facility	~~(56)~~	(3)													S	S		S	S	S	S	P			
Brewp-Pub	~~(67)~~														P		P	P	P	P	P	P			
Business School	~~(78)~~														P			P	P	P	P				
Catering Service	~~(89)~~														A		S	P	P	P	P				
Temporary Christmas Tree Sales Lot and/or Similar Uses	~~(910)~~	(4)													S		S	P	P	P	P	P			
Copy Center	~~(1011)~~														P		P	P	P	P	P	P			
Craft/Micro Brewery, Distillery and/or Winery	~~(1112)~~	(5)													S			S	S		P	P			
Incidental Display	~~(1213)~~	(6)													P		P	P	P	P	P				
Food Trucks/Trailers	~~(1314)~~	(7)													P	S	S	P	P	P	P	P			
Garden Supply/Plant Nursery	~~(1415)~~																S	P	P	P	P				
General Personal Service	~~(1516)~~	(8)													P		P	P	P	P	S				
General Retail Store	~~(1617)~~														P	S	P	P	P	P	S	S			
Hair Salon and/or Manicurist	~~(1718)~~														P	S	P	P	P	P	S				
Laundromat with Dropoff/Pickup Services	~~(1819)~~														P		P	P	P	P	P	P			
Self-Service Laundromat	~~(1920)~~														P		P	P	P	P	P	P			
Massage Therapist	~~(2021)~~														P	P	P	P	P	P					
Private Museum or Art Gallery	~~(2122)~~														P	P	S	P	P		P				
Night Club, Discotheque, or Dance Hall	~~(2223)~~														S			S	P	P	S	S			
Pawn Shop	~~(2324)~~																		S	S	P	P			
Permanent Cosmetics	~~(2425)~~	(9)													A	A	A	A	A	A	A				

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Font color: Accent 5

DRAFT NOT FOR ADVICE 04.30.2024

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE [Reference Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
Pet Shop	~~(2526)~~																P	P	P	P						
Temporary Real Estate Sales Office	~~(2627)~~		P	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	~~(2728)~~	(10)																S	P	P	P	P				
Restaurant with less than 2,000 SF with Drive-Through or Drive-In	~~(2829)~~	(11)															S	S	S	S	S	S				
Restaurant with less than 2,000 SF without Drive-Through or Drive-In	~~(2930)~~														P	S	P	P	P	P	P	P				
Restaurant with 2,000 SF or more with Drive-Through or Drive-In	~~(2829)~~	(12)															S	S	P	P	P	P				
Restaurant with 2,000 SF or more without Drive-Through or Drive-In	~~(2930)~~														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)*	~~(3031)~~	(13)															S	P	P	P	P	P	S	S		
Retail Store with Gasoline Sales that has more than Two (2) Dispensers	~~(3032)~~	(13)																S	P	P	P	P	S	S		
Secondhand Dealer	~~(3133)~~														S			P	P	P	P	P				
Art, Photography, or Music Studio	~~(3233)~~														P	P	P	P	P	P	P					
Tailor, Clothing, and/or Apparel Shop	~~(3334)~~														P		P	P	P	P						
Tattoo and/or Body Piercing	~~(3435)~~																			P						
Taxidermist Shop	~~(3536)~~																			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	P				

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

DRAFT NOT FOR CONSTRUCTION 04.30.2024

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE [Reference Article 04, *Permissible Uses*]	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
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 Rental, Sales, and Service	(10)	(5)																	S	P	S	P			
Locksmith	(11)														P			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			
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)	(6)	P	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 Automotive 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 Lot	(8)														S				P	P	P	P			
Non-Commercial Parking Lot	(9)														A		S	P	P	P	P	P			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Not Strikethrough

Formatted: Not Strikethrough

Formatted: Not Strikethrough

DRAFT
NOT FOR CONSTRUCTION
04.30.2024

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE [Reference Article 04, *Permissible Uses*]	RESIDENTIAL 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	MIXED USE DISTRICTS: Downtown (DT) District	Residential Office (RO) District	NON-RESIDENTIAL DISTRICTS: Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	OVERLAY DISTRICTS: Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
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	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	(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					

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

DRAFT NOT FOR ADVICE 04.30.2024

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE [Reference Article 04, *Permissible Uses*]	RESIDENTIAL 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	MIXED USE DISTRICTS: Downtown (DT) District	Residential Office (RO) District	NON-RESIDENTIAL DISTRICTS: Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	OVERLAY DISTRICTS: Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
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			
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~~for a Residential Property	(2)	(1)	~~PA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~P~~		~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~			
~~Commercial Antenna~~	~~(3)~~	~~(2)~~													~~S~~	~~S~~		~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~P~~			
Antenna for an Amateur Radio	(43)	(32)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Antenna Dish	(54)	(43)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Freestanding Commercial ~~Freestanding~~ Antenna (*i.e. Monopole or a Similar Structure*)	(65)	(54)	S											S		S	S	~~SP~~	~~SP~~	~~SP~~	P	P	P	S		S
Mounted or Attached Commercial Antenna	(76)	(65)	S											P	S	S	S	~~SP~~	~~SP~~	~~SP~~	P	P	P			
Bus Charter Service and Service Facility	(87)																				P	P	P			
Helipad	(98)																	S	S	S	S	S	S			
Utilities (*Non-Municipally Owned or Controlled*), Including Sanitary Landfill, Water Treatment, and Supply, and Wastewater Treatment	(109)		S	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	(1110)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Font: Italic

DRAFT
NOT FOR CONSTRUCTION
04.30.2024

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE [Reference Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
Private Streets	~~(4211)~~			S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S			
Radio Broadcasting	~~(4312)~~														S			P	P	P	P	P			
Railroad Yard or Shop	~~(4413)~~		S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S			
Recording Studio	~~(4514)~~														S			S	P	P	P	P			
Satellite Dish	~~(4615)~~		A	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	~~(4716)~~	~~(76)~~	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Transit Passenger Facility	~~(4817)~~														S	S	S	S	S	S	S	S			
Trucking Company	~~(4918)~~																			P	P	P			
TV Broadcasting and Other Communication Service	~~(2019)~~														S			S	S	P	P	P			
Utilities Holding a Franchise from the City of Rockwall	~~(2120)~~		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	~~(2221)~~		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			
Utility/Transmission Lines	~~(2322)~~		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~~			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

DRAFT
ORDINANCE
04.30.2024

DRAFT
ORDINANCE
4.30.2024

Continued on Next Page …

DRAFT
ORDINANCE
04.30.2024

SECTION 01 | GENERAL STANDARDS

SUBSECTION 01.01: OPEN SPACE

The purpose of this Article is to set forth regulations which protect the public from the potential negative effects of industrial and intense commercial development by regulating smoke and particulate matter, odorous matter, fire or explosive materials, toxic and noxious matter, vibration, open storage, glare and fuel supply in the vicinity of such sites.

(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 03.01, *General Residential District Standards*

(b) *Commercial*. Subsection (D), *Open Space Guidelines*, of Section 04.01, *General Commercial District Standards*

(c) *Industrial*. Subsection (D), *Open Space Guidelines*, of Section 05.01, *General Industrial District Standards*

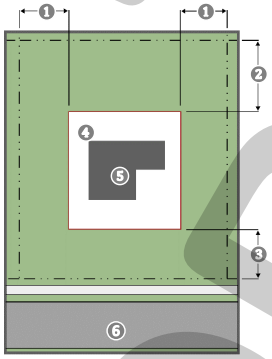
SUBSECTION 01.02: SITE PLANS

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 11, *Development Applications and Review Procedures*.

SUBSECTION 01.03: LOT CONFIGURATIONS

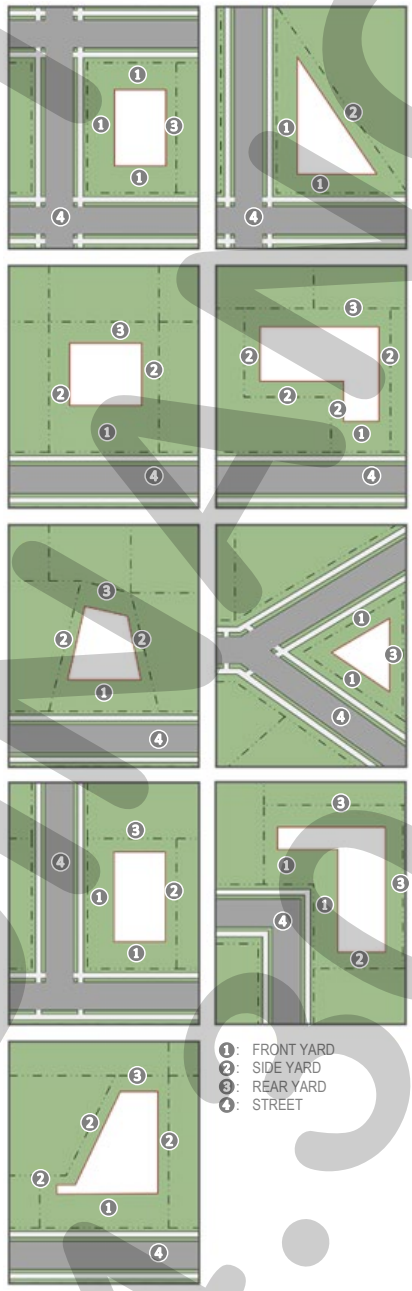
(A) *Lots with a Single Street Frontage*. Where lots have a single street frontage, the required setbacks should generally adhere to the following diagram:

FIGURE 1: LOT WITH A SINGLE STREET FRONTAGE



1: REQUIRED SIDE YARD SETBACK
2: REQUIRED REAR YARD SETBACK
3: REQUIRED FRONT YARD SETBACK
4: BUILDABLE AREA
5: BUILDING COVERAGE
6: STREET

FIGURE 2: LOT WITH MULTIPLE STREET FRONTAGE



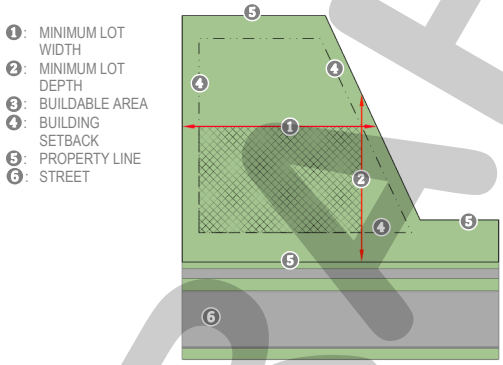
1: FRONT YARD
2: SIDE YARD
3: REAR YARD
4: STREET

DRAFT ORDINANCE 04.30.2024

(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:~~ *Figure 2*.

~~(B)~~(C) *Determining Lot Width and Depth for an Irregularly Shaped Lot*. To determine the minimum lot width and depth of an irregularly shaped lot or where a portion of the lot does not adhere to the required minimum lot width or depth, the follow method of calculation shall be use:

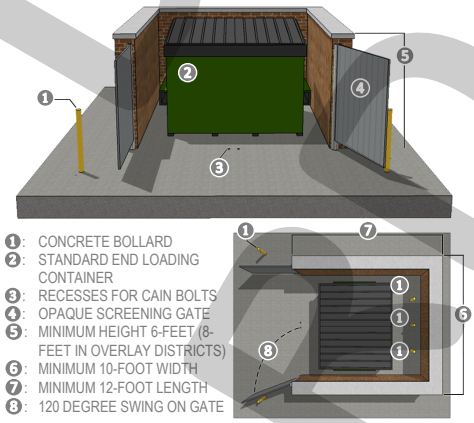
FIGURE 3: IRREGULARLY SHAPED LOT



SUBSECTION 01.04: 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.

FIGURE 3: STANDARD DUMPSTER ENCLOSURE



SUBSECTION 01.05: SCREENING STANDARDS

All development shall adhere to the following screening standards:

(A) *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 05.02, *Landscape Screening Standards*, of Article 08, *Landscape Standards*.

(B) *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.

(C) *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 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.

(D) *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.

(E) *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

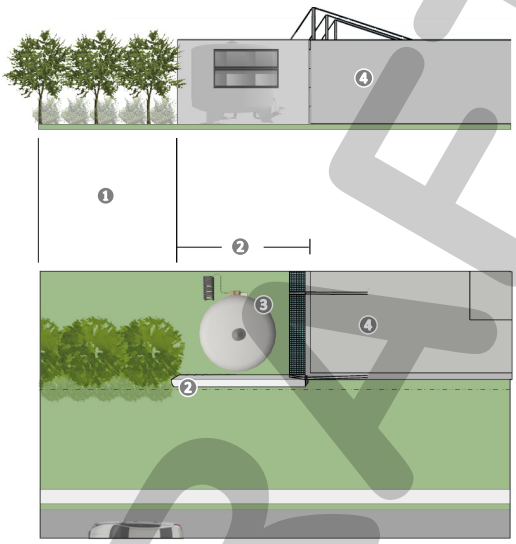
Formatted: Indent: Left: 0.25", No bullets or numbering

Formatted: Normal

DRAFT ONLY 04.30.2024

accordance with Subsection 05.02, *Landscape Screening Standards*, of Article 08, *Landscape Standards*.

FIGURE 4: ABOVE GROUND STORAGE TANKS



1: SECONDARY SCREENING CANOPY TREES (SPACED 20-FOOT ON CENTER) AND SHRUBS
2: SCREENING WALL
3: ABOVE GROUND STORAGE TANK
4: INDUSTRIAL BUILDING

SUBSECTION 01.06: RESIDENTIAL ADJACENCY STANDARDS

(A) *Purpose*. The general objectives of residential adjacency standards are to preserve and protect the integrity, enjoyment and property values of residential neighborhoods within the City of Rockwall, through the establishment of standards for certain nonresidential uses that may impact surrounding residential land uses. These standards are in addition to the development regulations applicable to the underlying zoning district. When any requirements in this section are in conflict with any other requirements for the underlying zoning district, the more restrictive requirements shall apply.

(B) *Definitions*.

Residential Adjacency. Any nonresidential building, use, or associated activity that when located in proximity to a residential district may result in detrimental impact to a residential property. Residential adjacency shall include the lot on which the nonresidential building, use, or associated activity is located. In cases where multiple uses are contained on the same lot, residential adjacency shall apply to the area within that lot which encompasses the building, use, or associated activity and all accessory buildings, uses, or areas necessary to support them.

Vehicular Service Bays. Any partially or fully enclosed space used for "major" or "minor" automobile repair, or truck and bus repair, or similar activities.

Individual Service Speakers. Speakers used to conduct business with individual customers outdoors or in a partially enclosed structure, including, but not limited to:

- Drive-through payment windows;
- Drive-through restaurant ordering boards;
- Service station pump islands; and
- Car washes.

Public Address/Paging Systems. Loud speaker or amplified paging systems intended to contact or provide information to person(s) on the exterior of a building such as those commonly used by businesses with large outdoor facilities/operations, including, but not limited to:

- New and used car dealers;
- Building material sales;
- Garden centers; and
- Car washes.

Small Engine Repair Shop. Shop for repair of lawnmowers, chain saws, lawn equipment, and other machines with one-cylinder engines.

Motorcycle. A usually two (2) wheeled self-propelled vehicle having one (1) or two (2) saddles or seats, and which may have a sidecar attached. For purposes of the Unified Development Code (UDC), motorbikes, motor scooters, mopeds, and similar vehicles are classified as motorcycles.

Motorcycle Sales and Service. The display, sale and servicing, including repair work of motorcycles.

(C) *Applicability*.

(1) The residential adjacency standards shall apply when a use is proposed for a nonresidential building or site that is adjacent to a residential district, and both of the following conditions apply:

(a) An existing or proposed building, structure, or device on the lot is within 150 feet of a residential district boundary, except if the activity proposes the use of public address/paging systems, in which case 500 feet shall be the effective distance; and

(b) One or more of the following uses are proposed:

(1) Planned shopping centers and neighborhood convenience centers.

(2) Restaurants, including accessory outdoor seating, with drive-in or drive-through facilities.

(3) Retail outlets where gasoline products are sold as an accessory use.

(4) Automotive repair, as an accessory to a retail use, provided all work is conducted wholly within a completely enclosed building.

(5) Gasoline service stations.

DRAFT ORDINANCE 04.30.2024

(6) Car wash.

(7) Drive-in businesses.

(8) New car dealership.

(9) Nursery, greenhouse, or garden center.

(10) Minor automotive repair.

(11) New boat dealership.

(12) Automotive vehicle sales and service.

(13) Automotive repair and other repair services, excluding wrecking yards.

(14) Lumberyards or contractor yards, general warehousing and storage, farm equipment or other heavy equipment sales and service, farm products, warehousing and storage, including mini-warehouses for storage purposes only.

(15) Small engine repair service.

(16) Motorcycle sales and service.

(2) Review of proposals for compliance with the residential adjacency standards will be carried out in conjunction with site plan review, depending on whether or not the actual use of the site is known.

(D) *Standards*.

(1) *Noise*.

(a) Any use containing individual service speakers shall not be permitted within 150 feet of any residential district unless the speaker is appropriately screened and shall meet the standards established in Article IV, *Noise*, of Chapter 16, *Environment*, of the Municipal Code of Ordinances. The Planning and Zoning Commission may require wing walls, landscape screens, changes in building orientation, and/or other design elements to screen and minimize the impact of individual service speakers.

(b) Any use containing public address/paging systems shall not be permitted within 500 feet of any residential district unless separated by an MD4 or larger thoroughfare.

(2) *Loading Spaces*.

(a) Where adjacent to residential districts, off-street loading areas shall be fully screened from view of the residential district.

(b) The director may require wing walls, landscape screens, changes in building orientation, and/or other architectural elements to minimize the impact of uses containing loading docks within 150 feet of any residential district.

(3) *Vehicular Service Bays*.

(a) All vehicular service bays within 150 feet of a residential district shall face away from adjacent residential districts unless separated by a building or permanent architectural feature of minimum height matching the height of the service bays.

(b) Walls separating service bays from a residential district shall be of masonry or reinforced concrete with no openings.

(c) The director may require wing walls, landscape screens, changes in building orientation, and/or other design elements to minimize the impact of service bays within 150 feet of a residential district.

(d) No use including outdoor vehicular repair, servicing or testing shall be permitted within 150 feet of a residential district.

(4) *Small Engine Repair Shops*. Small engine repair shops shall not be permitted within 150 feet of a residential district unless all repair, service, and testing activities are done in a fully enclosed building.

(5) *Motorcycle Sales/Service*. Motorcycle sales/service facilities shall not be permitted within 150 feet of a residential district unless all repair, service, and testing activities are done in a fully enclosed building.

(6) *Car Wash and Fuel Dispensing Facilities*.

(a) Car wash and fuel dispensing facilities shall not be permitted within 150 feet of a residential district.

(b) Where car wash and fuel dispensing facilities are within 300 feet but greater than 150 feet of a residential district, the Planning and Zoning Commission may require wing walls, landscape screens, and/or other design elements to screen and minimize the impact of such facilities.

(7) *Combination Gas Station, Fast Food Restaurant, and/or Convenience Store*.

(a) Combination gas station, fast food restaurant, convenience store shall not be permitted within 150 feet of a residential district.

(b) Where combination gas station, fast food restaurant, convenience stores are within 300 feet but greater than 150 feet of a residential district, the Planning and Zoning Commission may require wing walls, landscape screens, and/or other design elements to screen and minimize the impact of such facilities.

(8) *Signs*.

(a) No more than one (1) monument sign per street frontage with a maximum height of five (5) feet and a maximum area of 60 square feet shall be allowed.

(b) A business shall be allowed any number of attached walls, projection or marquee signs so long as the total face area of the building or store front does not exceed ten (10) percent of the front face area of the building or store front as established in approved plans submitted to the City, or 60 square feet, whichever is greater, or exceed six feet in height as per the sign ordinance.

DRAFT ORDINANCE 04.30.2024

(E) *Review*. The following information shall be submitted in order to facilitate the review:

(1) All information and procedures as required by site plan review in Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC).

(2) Location and description of existing and proposed exterior speaker systems to include information about the height, octave and decibel band ranges of each fixture.

(3) Information indicating the location and orientation of all off-street loading spaces.

(4) Information indicating the location and orientation of all vehicular service bays.

(5) Information indicating the location and description of existing and proposed screening between the proposed nonresidential use and the residential district.

SUBSECTION 01.07: 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.

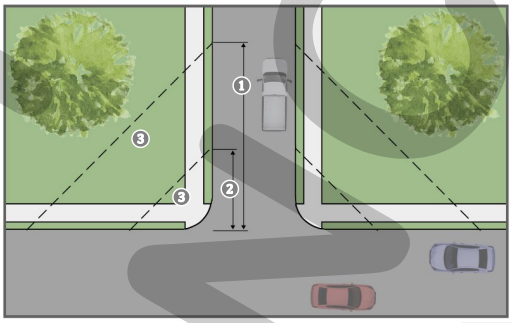
An open fire escape may project into a required yard by not more than half the width of the setback, but not more than four (4) feet from the building. Fire escapes, solid floored balconies and enclosed outside stairways may project into a rear yard by a maximum of four (4) feet.

(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.

SUBSECTION 01.08: 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.

FIGURE 5: SITE DISTANCE REQUIREMENTS



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

NOTES:
(1) THE TRIANGLE SHOULD BE MEASURED FROM THE EDGE OF THE STREET, AND PROJECTED AT A 45-DEGREE ANGLE TO THE ADJOINING STREET.
(2) THE UNOBSTRUCTED VERTICAL FIELD OF VISION SHOULD BE BETWEEN TWO (2) FEET AND NINE (9) FEET IN HEIGHT.

(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) curb lines 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

DRAFT 04.30.2024

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.

SECTION 02 | AGRICULTURAL DISTRICTS

SUBSECTION 02.01: 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 01.01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within an Agricultural (AG) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SECTION 03 | RESIDENTIAL DISTRICTS

SUBSECTION 03.01: GENERAL RESIDENTIAL DISTRICT STANDARDS

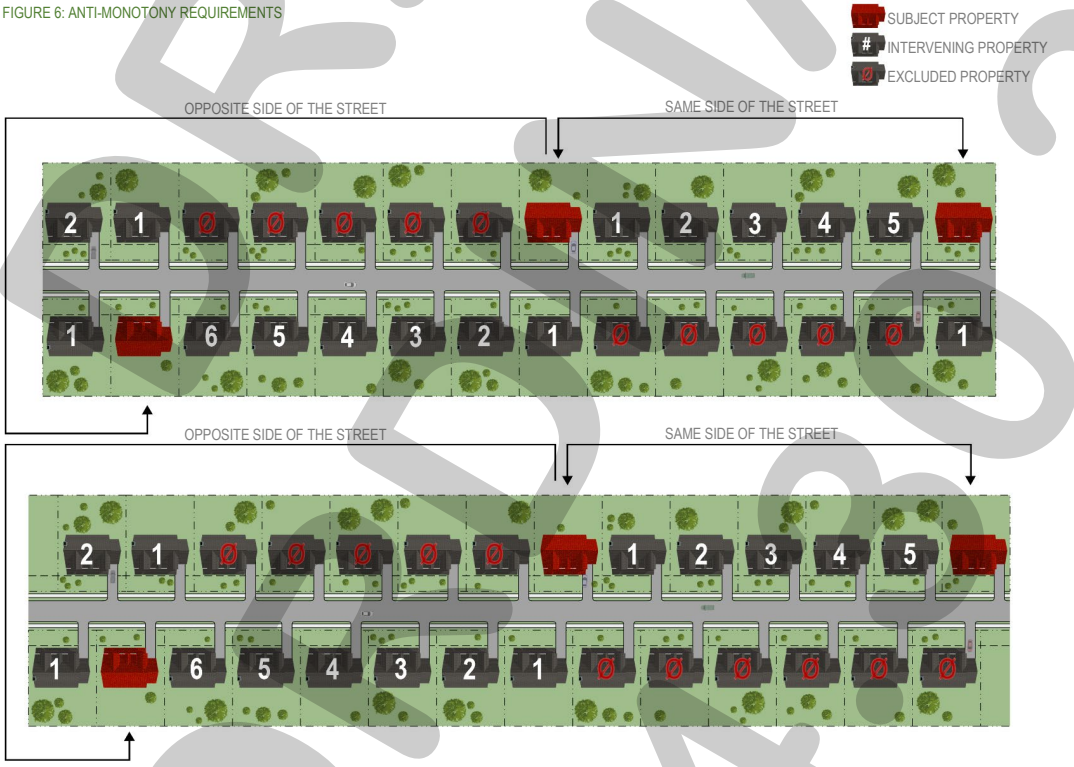
All residential development shall conform to the following standards:

(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.

FIGURE 6: ANTI-MONOTONY REQUIREMENTS



DRAFT
ORDINANCE
04-30-2024

(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 Figure 6 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 08, *Fence Standards*, of Article 08, *Landscape and Fence Standards*.

SUBSECTION 03.02: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family Estate 1.5 (SFE-1.5) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.03: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family Estate 2.0 (SFE-2.0) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.04: 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 01, *Land Use Schedule*, of Article 04 *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family Estate 4.0 (SFE-4.0) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.05: 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

DRAFT ORDINANCE 04.2024

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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 1 (SF-1) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.06: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 16 (SF-16) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.07: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 10 (SF-10) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.08: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 8.4 (SF-8.4) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.09: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 7 (SF-7) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.10: 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

DRAFT
04.30.2024

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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Zero Lot Line (ZL-5) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.11: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Two-Family (2F) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.12: 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 01, *Land Use Schedule*, of Article 04, *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 04 | COMMERCIAL DISTRICTS

SUBSECTION 04.01: 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 07.03, *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 standards for articulation on primary building façades as depicted in *Figure 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 standards for articulation on secondary building façades as depicted in *Figure 7*.

(D) *Open Space Guidelines*. Commercial land uses should be designed to be integrated with adjacent land uses, as opposed to separating

DRAFT OFFICE 04.30.2024

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 criterion 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 08, *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.

DRAFT ORDINANCE 04.30.2024

(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.

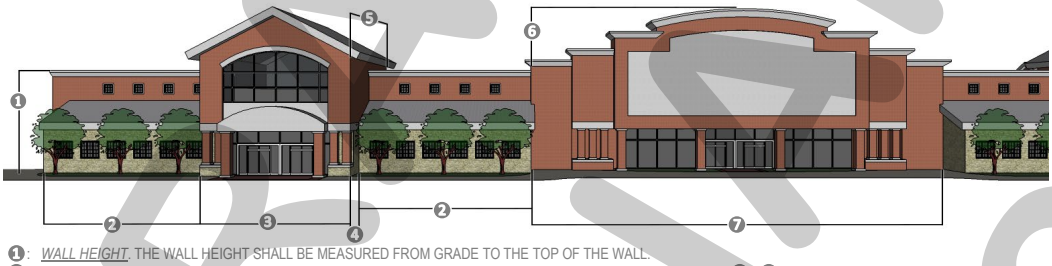
(b) Buildings should be placed in a manner that screens the drive-through lane and creates pedestrian pathways and spaces.

(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.

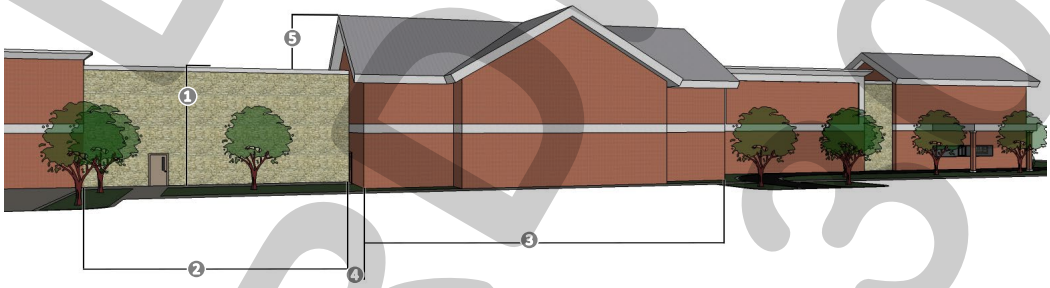
(4) *Residential Adjacency Standards*. Where the property immediately abuts a residential zoning district or residentially used property -- unless separated by an M4D (major collector, four [4] lane, divided roadway) or larger thoroughfare -- a minimum 25-foot wide landscaped buffer must be installed 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*, of Article 08, *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*, of Article 08, *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

FIGURE 7: COMMERCIAL BUILDING ARTICULATION STANDARDS



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 THREE (3) TIMES THE WALL HEIGHT (I.E. 3 x ❶≥❷).
❸: *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% x ❷≤❸).
❹: *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% x ❶≤❹).
❺: *PRIMARY AND/OR SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL WIDTH OF THE PRIMARY AND/OR SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL EXTEND TWICE THE REQUIRED WALL PROJECTION (I.E. 2 x ❹≥❺).
❻: *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% x ❶≤❻).
❼: *PRIMARY ENTRYWAY/ARCHITECTURAL ELEMENT LENGTH*. THE PRIMARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL MEET ALL OF THE SAME PROJECTIONS AS THE SECONDARY ENTRYWAYS/ARCHITECTURAL ELEMENT, BUT SHALL EXTEND A MINIMUM OF TWICE THE LENGTH OF THE SECONDARY ELEMENT (I.E..2 x ❸≥❼).



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 THREE (3) TIMES THE WALL HEIGHT (I.E. 3 x ❶≥❷).
❸: *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% x ❷≤❸).
❹: *SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL PROJECTION FOR A SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 15% OF THE WALL HIEGHT (I.E. 15% x ❶≤❹).
❺: 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% x ❶≤❺).

DRAFT 04.30.2024

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.

(F) *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 11, *Development Applications and Review Procedures*.

SUBSECTION 04.02: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Residential-Office (RO) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *Non-Residential District Development Standards*.

SUBSECTION 04.03: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Neighborhood Services (NS) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *Non-Residential District Development Standards*.

SUBSECTION 04.04: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a General Retail (GR) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *Non-Residential District Development Standards*.

SUBSECTION 04.05: 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

DRAFT ORDINANCE 04-30-2024

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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Commercial (C) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *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 01, *Land Use Schedule*, of Article 04, *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 04.06: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Commercial (C) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *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 01.05, *Screening Standards*.

SUBSECTION 04.07: DOWNTOWN (DT) DISTRICT

(A) *Purpose, Goals and Intent*.

(1) *Purpose*. The purpose of the Downtown District is to implement the adopted recommendations of the comprehensive plan and Downtown Plan by encouraging new development and redevelopment in the Downtown area.

The goals of this zoning district are:

(a) To make the downtown area a sustainable "Great Place" within the region that will attract high quality investment and reinvestment over time.

(b) To capitalize on the existing historic character of the downtown and provide Rockwall with a thriving downtown center.

(c) To provide development and land use flexibility within the framework of a form-based development zoning district.

(d) To provide a mix of residential, retail and office uses in a pedestrian-friendly environment.

The intent of this zoning district is:

(a) To provide a comfortable and attractive environment for pedestrians which include such things as buildings framing public space, street trees, lighting and awnings that will attract pedestrians.

(b) To construct continuous building frontage along block faces except where it is desirable to provide for pedestrian and auto pass-throughs to parking at mid-block.

(c) To provide shared and consolidated parking both on-street and in the center of blocks that will benefit the entire district.

(d) To contribute to the definition and use of public sidewalks, parks and plazas.

(e) To design and build an infrastructure of buildings to accommodate a range of uses over time without the need to destroy older buildings and rebuild them for each successive use.

DRAFT ORDINANCE 04.30.2024

(f) To design streets and buildings which will contribute to creating a safe environment.

(B) *Definitions*.

(1) *Purpose.* For the purposes of this section, the following definitions shall apply.

(a) *Primary Building Facade*. Any facade that faces a public street or open space.

(b) *Downtown District Engineering and Landscape Standards*. Any approved city standards which govern such items as street, streetscape, drainage, signage and other public improvements in the Downtown (DT) District.

(c) *Primary Entry*. The main entry to a building on a block face. There must be at least one (1) main building entry for each ground floor use, tenant or lobby on each block face which contains the use or tenant. Any additional building entries may be considered a secondary entry.

(d) *Feature Buildings*. Buildings which are located on axis with a terminating street or open space, or at the intersection of streets. Such buildings shall incorporate architectural features which address height and articulation that emphasize the importance of such a location.

(e) *Historic Core*. See the regulating plan for historic core boundaries which is on file in the City secretary's office.

(f) *Long-Term Parking*. Customer or tenant parking which is intended for the primary use of vehicles parked for a duration of more than two hours and neither priced nor managed to encourage turnover.

(g) *Reserved Parking*. Parking which is assigned or reserved for tenants or visitors of a building or business.

(h) *Shared Parking*. Parking which is shared by tenants, visitors and the public. Hours of availability may be further defined in cooperation with the City.

(i) *Short-Term Parking*. Customer or tenant parking which is intended to serve commercial businesses or residential uses that has a regular turnover of two hours or less.

(j) *Regulating Plan*. The plan approved by the City which applies the Downtown District and which identifies certain subdistricts and the location of required retail at grade, among other items.

(k) *Stoop*. A structure that is located approximately at the level of the first floor of the structure and intended to provide access to a residential unit.

(l) *Story*. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above the floor of such story. This includes any mezzanine or loft which may comprise only a portion of a full floor plate.

(m) *Major Waiver to Design Standards*. A significant change to both the standards and intent of this zoning district, and involves Planning and Zoning Commission and City Council approval.

(n) *Minor Waiver to Design Standards*. A minor change to the standards, but not the intent, of this zoning district and involves staff approval.

(C) *General District Standards*.

(1) *Regulating Plan.*

(a) *Authority.* A regulating plan is the coding key for application of this district's provisions to properties, and shall be considered part of this zoning district. It may establish such things as:

(1) Major street types within the district;

(a) Sub-district areas;

(b) Required at-grade retail construction;

(c) Public open space and plazas; and

(d) Regional hike and bike corridors.

(b) *Zoning of Property*.

(1) *Downtown Development Plan Required.* An approved downtown development plan which is consistent with this Unified Development Code (UDC) and the regulating plan shall be required prior to issuance of any building permit.

(2) *Nonconformity.* Uses which are legal and conforming at the time of rezoning to the Downtown District shall continue as legal conforming uses under their current standards until those uses are deemed abandoned. For example:

(a) They have been replaced with a conforming use;

(b) Such building or structure is or hereafter becomes vacant and remains unoccupied or out of use for a continuous period of six months, or the special equipment and furnishings peculiar to the non-conforming use have been removed from the premises and have not been replaced within such six-month period; or

(c) The intention of the owner to permanently discontinue the use is apparent.

(2) *Waivers of Design Standards.* In order to provide flexibility and create high quality projects, standards in the Downtown District may receive a waiver from City staff, the Planning and Zoning Commission, and/or the City Council. (*See subsection VIII.B, Waivers, below, for applicability, processes and procedures.*)

(a) Minor waivers are limited to the following:

(1) Depth or height of required retail space.

(2) Requirement to line a parking garage with buildings.

(3) Requirement for continuous building frontage.

(4) Establishment of build-to line.

DRAFT ORDINANCE 04.15.2024

(5) Encroachment into the build-to line.

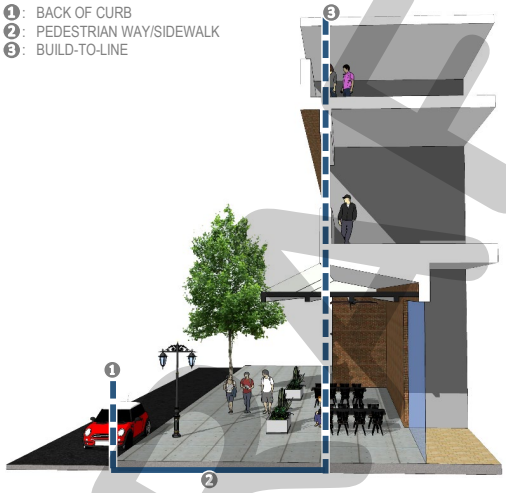
(6) Residential landscape requirement.

(7) Increased building height for "feature" buildings.

(8) Design of buildings without tri-partite architecture.

FIGURE 8: EXAMPLE OF A BUILD-TO-LINE

❶: BACK OF CURB
❷: PEDESTRIAN WAY/SIDEWALK
❸: BUILD-TO-LINE



(9) Required frequency of building entries along a street edge.

(10) Window detailing.

(11) Exterior building materials.

(12) Exterior building color.

(13) Retail at grade design standards.

(14) Balcony and patio railing.

(15) Landscape standards.

(16) Location of bicycle parking.

(b) Major waivers may include, but are not limited to, the following:

(1) Required retail construction.

(2) Building height for non-feature buildings.

(3) Exceeding the maximum leasable retail area.

(4) Required setback of the fourth floor and above.

(5) Residential at grade design standards.

(6) Parking requirements.

(7) Parking garage design standards.

(3) *Function/Land Use.*

(a) *Land Use*.

(1) Retail, personal service, residential and office uses shall be allowed throughout the district. For a specific list of permitted uses, see Article 04, *Permissible Uses*, of the Unified Development Code (UDC).

(2) Where *Required Retail Construction* is designated on the regulating plan, the ground floor adjacent to the street shall be constructed to retail building standards for a depth of at least 50-feet, however, a smaller depth may be allowed if the retail is serving as a *liner* use which is masking a parking garage by minor waiver.

(3) All access drives shall require a minor waiver.

(4) *Block Face.* It is intended that building walls should be continuous along block faces to create a strong edge to the street and contribute to creating an attractive and active pedestrian environment. Contributing to that goal, however, is to allow some limited variation and opportunities for outside dining, pocket parks and special building entry features.

(a) *Block Length*. The length of new blocks should not be less than 200-feet, nor more than 600-feet.

(b) *Block Faces*. Block faces shall contain continuous building frontage with the exception of a mid-block access to parking which is no greater than 34-feet in width and 16-feet in height.

(c) *Continuous Building Frontage* will be considered to be met if the primary building facade is located within five feet of the build-to line requirement. However, administrative approval of a minor waiver will permit up to 15% of the building frontage to be up to 15 feet behind the build-to line provided that it results in an attractive outdoor dining area, building entry feature or other amenity which contributes to the streetscape. A greater increase shall require approval of a major waiver.

(d) *Façades*. Façades shall generally be built parallel to the street frontage, except at street intersections, where a corner facade containing a primary building entrance may be curved or angled toward an intersection.

(e) *Build-To-Lines (i.e. Setbacks)*.

(1) Build-to lines shall be measured from the planned street back-of-curb, as established on the approved regulating plan for the district and the standards in the Unified Development Code (UDC) [*see Table 1, 2 & 3 for Downtown District Standards below*], or the City's approved Master Thoroughfare Plan. The entire area between the back-of-curb and the primary building facade shall be dedicated as public right-of-way or have a public easement placed upon it.

(2) Awnings may encroach above the public sidewalk without limit, provided they leave a minimum clearance of 7.5-feet above the sidewalk, and are set back a minimum of 18-inches from the back of curb and will not impede street tree growth.

DRAFT ORDINANCE 04.30.2024

(5) *Streetscape and Landscape*.

(a) Streetscape standards shall be established by the City for sidewalk paving, street trees, tree grates, lighting fixtures, trash receptacles and benches for both residential and nonresidential ground-level frontages.

(b) Non-residential ground floor frontages shall not be required to provide additional landscaping beyond that required in the Downtown District engineering and landscape standards.

(c) Residential ground floor frontages shall be required to landscape a minimum of five feet between the edge of sidewalk and the primary building facade, excluding access to sidewalks, stairs, stoops, porches and patios. This area may be landscaped with ground cover, low shrubs, ornamental trees and street trees. In addition, street tree wells may also be landscaped. Landscaping for tree wells is limited to ground cover and low shrubs.

TABLE 1: DOWNTOWN DISTRICT STANDARDS FOR BUILDING HEIGHT

BUILDING HEIGHT [1] & [3]	BLOCKS FACING THE SQUARE	BLOCKS FACING SINGLE-FAMILY ZONING	ALL OTHER BLOCKS
MAXIMUM # OF STORIES	4	2 [1]	4
MINIMUM # OF STORIES	2	2	2

TABLE 2: DOWNTOWN DISTRICT STANDARDS FOR BUILD-TO-LINE

BUILD-TO LINE [2]	BLOCKS FACING THE SQUARE	BLOCKS FACING SINGLE-FAMILY ZONING	ALL OTHER BLOCKS
GOLIAD STREET AND ALAMO STREET [4]	20-Feet	20-Feet	18-Feet
RUSK, WASHINGTON AND DENNISON [5]	20-Feet	20-Feet	24-Feet
ALL OTHER ROADS	18-Feet	18-Feet	18-Feet

TABLE 3: DOWNTOWN DISTRICT STANDARDS FOR PEDESTRIAN ACCESS

PEDESTRIAN WALKWAY WIDTH	BLOCKS FACING THE SQUARE	BLOCKS FACING SINGLE-FAMILY ZONING	ALL OTHER BLOCKS
NON-RESIDENTIAL	10-Feet	10-Feet	10-Feet [5]
RESIDENTIAL [6]	6-Feet	6-Feet	6-Feet

NOTES:

(1): MAXIMUM OF TWO (2) STORIES WHEN THE BUILDING IS WITHIN 200-FEET OF SINGLE-FAMILY ZONED PROPERTY.

(2): BUILD-TO-LINES ARE MEASURED FROM THE *BACK OF CURB* OF THE PLANNED STREET AS SET OUT IN THE APPROVED REGULATING PLAN FOR THE DISTRICT. THE SETBACK RANGE IS ESTABLISHED FOR THE BLOCK FACE. [SEE SUBSECTION 04.07(C)(4), *BLOCK FACE*].

(3): INCREASED HEIGHT FOR FEATURE BUILDINGS MAY BE APPROVED AS PART OF SITE PLAN APPROVAL BY MINOR WAIVER. ADDITIONAL HEIGHT FOR OTHER BUILDINGS SHALL BE CONSIDERED A MAJOR WAIVER.

(4): EXCEPT ALONG GOLIAD STREET BETWEEN WASHINGTON STREET AND KAUFMAN STREET, WHERE EXISTING BUILDING LINES WILL BE ENFORCED.

(5): SIDEWALK TABLES MAY BE ALLOWED BY THE CITY IN RETAIL AREAS.

(6): EXCEPT RUSK STREET BETWEEN ST. AUGUSTINE STREET AND ALAMO STREET WHERE EXISTING HISTORIC BUILDING LINES WILL BE ENFORCED.

(D) *Buildings.*

(1) *Intent*. It is the intent of this zoning district to create an attractive and active village style district and the size, disposition, function, and design of buildings, play an important role in achieving that goal.

(a) Buildings should directly contribute to the attractiveness, safety and function of the street and other public areas.

(b) Buildings that accommodate retail at grade should feature the retail activity over the building's architecture.

(c) Buildings should be constructed in a manner, and with materials, that are highly durable and will continue to endure and be attractive over a long time, especially adjacent to public and pedestrian areas.

(d) It is intended by this zoning district to encourage a variety of building and design solutions in response to the standards and regulations outlined herein.

(2) *Building Standards.*

(a) *Building Form.*

(1) The maximum retail area allowed for a single user shall be 40,000 square feet. Any lease which exceeds this size shall require approval of a major waiver.

(2) All buildings shall be designed and constructed in tri-partite architecture so that they have a distinct base, middle and top.

(3) Buildings which are located on axis with a terminating street or at the intersection of streets shall be considered a feature building. Such buildings shall be designed with features which take advantage of that location, such as an accentuated entry and a unique building articulation which is off-set from the front wall planes and goes above the main building eave or parapet line.

(b) *Architectural Features.*

(1) Buildings which are greater than three (3) stories in height must be set back at the fourth floor at least eight feet behind the building face of the first three floors along street frontages. Any change to this standard shall be considered a major waiver.

(2) Windows shall have at least a four (4) inch reveal and except for retail at grade, shall be vertical in proportion.

(3) No glass curtain wall shall be permitted except by approval of major waiver.

(4) Each building and separate lease space at grade along the street edge shall have a functioning primary entry from the sidewalk. Such entries must be inset from the front building plane by at least five feet. Secondary entries may be set back as little as three (3) feet. Functioning entries must be located no greater than 30-feet apart. Corner entries may count as a primary entry for both intersecting street frontages.

DRAFT ORDINANCE 04-30-2024

(5) Architectural elements of the primary building facade may encroach beyond the build-to line by up to five feet provided that pedestrian flow will not be significantly impeded, with a minor waiver. These elements may include stoops, porches, bay windows, eaves, planters and light wells for a below grade floor. Balconies, canopies and awnings are not limited in their encroachment, provided that they do not substantially interfere with pedestrian movement and street tree growth. This does not apply to the historic core.

FIGURE 9: EXAMPLE OF TRI-PARTITE ARCHITECTURE

❶: TOP; ❷: MIDDLE; ❸: BASE

(c) *External Facade Materials*. The following shall apply to all exterior walls of buildings and parking structures which are clearly visible from a public street, walkway or open space:

FIGURE 10: 4TH FLOOR SETBACK REQUIREMENT

(1) Ground floor exterior walls, excluding windows, doors, and other openings, shall be constructed of 100% brick, natural or cast stone on the exterior facade.

(2) Overall, a minimum of 85% of exterior walls which face on a street right-of-way, plaza or open space, excluding windows, doors, and other openings, shall be constructed of brick, natural or cast stone. Where such a wall turns a corner, the surface materials shall continue around the corner a minimum of eight feet.

(3) The remainder may be constructed of noncombustible materials including exterior stucco and class PB exterior insulating and finishing systems (EIFS). Stucco and EIFS shall be used only for walls, architectural features, and embellishments not subject to pedestrian contact. On wholly residential structures, cementitious fiberboard may be used for up to ten (10) percent of the facade provided it is above the ground floor.

(4) Unpainted metal, or metal subject to ordinary rusting shall not be used as a building material. Factory finished metal elements as well as metals that develop an attractive oxidized finish, such as copper, galvanized metal, stainless steel or weathering steel, may be used as architectural accents by minor waiver approval.

(5) Windows and glazing shall be a minimum of 30% up to a maximum of 70% of each building elevation. [*See Subsection (D)(2)(f), Non-Residential at Grade, below for special requirements for retail at grade*].

(6) A variation of up to 15% of the standards above, and the material type may be approved by administrative approval of a minor waiver, provided that the change will result in an improved architectural design without degrading the quality of public areas or increasing the need for maintenance.

(d) *Color.*

(1) The dominant color of all buildings (including above grade parking structures shall be muted shades of warm gray, red, green, beige and/or brown. Black, gold and stark white shall not be used except as an accent color. There are no restrictions on accent colors which comprise less than one (1) percent of the building face, except that florescent colors are prohibited.

(2) Roof colors shall be a shade of cool gray, warm gray, brown or red.

(e) *Residential at Grade.*

(1) All buildings which are constructed for residential units at grade shall include a primary front door entrance into the unit which may be accessed from the sidewalk. Any change to this standard shall be considered a major waiver.

DRAFT ORDINANCE 04-39-2024

(2) The entry shall be located a minimum of two (2) feet above the sidewalk elevation and include a minimum 24-square-foot stoop. Any change to this standard shall be considered a major waiver.

(3) Units must also include windows which provide residents a view of the street and sidewalk area. Any change to this standard shall be considered a major waiver.

(4) Lobbies to upper stories may be located at grade level.

(5) Balcony and patio railings and fences shall be constructed of wrought iron or metal. Wood fences and railings and chain-link fencing are prohibited. Masonry columns may be used on patios provided that they are used as accents.

FIGURE 11: EXAMPLE OF RESIDENTIAL AT GRADE

❶: RESIDENTIAL LANDSCAPE/PATIO SETBACK;
❷: CLEAR SIDEWALK
❸: TREE, LIGHTING AND BIKE RACK ZONE
❹: ONE (1) FOOT DISMOUNT STRIP
❺: ELEVATED PRIVATE PATIO

(f) *Non-Residential at Grade.*

(1) The ground floor entry must be located at the approximate elevation of the adjacent sidewalk.

(2) Retail uses adjacent to the sidewalk at grade shall:

(a) Be constructed to meet fire code separation from any other uses constructed above;

(b) Have a minimum clear height of 16-feet between finished floor and the bottom of the structure above. Mezzanines within the retail space shall be allowed per building code;

(c) Have a canopy which extends at least six feet over the sidewalk for at least 75% of the frontage on any portion of a building located on the north, east or west side of a street and public sidewalk; and

(d) Have clear glass windows for at least 60%, but no greater than 80%, of the ground floor facade.

(e) No outdoor storage is permitted. Outdoor retail display or sales shall require a permit from the City.

FIGURE 12: EXAMPLE OF NON-RESIDENTIAL AT GRADE

❶: SIDEWALK WITH POSSIBLE OUTDOOR SEATING AND DINING
❷: TREE, LIGHTING AND BIKE RACK ZONE
❸: ONE (1) FOOT DISMOUNT STRIP

(D) *Parking.*

(1) *Automobile Parking.*

(a) *Intent*. The following is the intent of the City's parking policies and the Downtown Zoning District:

(1) Support the creation of shared parking in order to enable visitors to park once at a convenient location and to access a variety of commercial enterprises in a pedestrian-friendly environment.

(2) Manage parking so that it is convenient and efficient, and supports an active and vibrant retail environment.

(3) Ensure visibility and ease of access to parking.

(4) Maximize on-street parking.

(5) Provide flexibility for changes in land uses which have different parking requirements within the district.

(6) Provide flexibility for the redevelopment of small sites.

(7) Design parking structures so that they do not dominate the public environment by lining the edge of structures with residential or commercial uses.

(8) Avoid diffused, inefficient single-purpose reserved parking.

(9) Avoid adverse parking impacts on residential neighborhoods.

DRAFT 04.30.2024

(b) *Parking Requirements*. Off-street and on-street facilities shall be provided as required in Article 06, *Parking and Loading*, of the Unified Development Code (UDC).

(1) *Parking Reductions*.

(a) Properties in the historic core shall receive a credit for the number of parking spaces which would normally be required for retail use on the ground floor of any existing or new structure. To achieve this credit, however, retail or restaurant use must be located on the ground floor.

(b) In the remainder of the district, on-street parking which is directly in front of the development site may be counted toward the parking requirement for the development.

(2) *Achieving Automobile Parking*.

(a) Parking requirements may be met on-site, curb-side, by lease from the City or its designated authority or by payment of cash-in-lieu of parking to the City or its designated authority.

(b) Due to the limited land area within the historic core and the need to provide off-site parking, development shall be eligible to receive a reduction in the cost for the payment to the City for the required cash fee or the lease payments. The amount and the terms of the reduction shall be determined by the City manager or his designee by individual agreements.

(c) The City manager or designee shall annually establish the following:

(1) The leasing rates for city-provided parking spaces as a result of the need to provide such spaces for new development; and

(2) The cost of construction of a parking space in a parking structure for the purposes of establishing cash-in-lieu payments.

(3) *Parking Location*. All off-street parking shall be located behind buildings which face on a street or public open space. Any change to this standard shall be considered a major waiver.

(4) *At-Grade Parking*. Any at-grade parking lots fronting roadways which may be approved shall be set back not less than ten feet from the right-of-way line of such roadways, and screened from view as outlined in Subsection (F), *Landscaping Requirements*.

(5) *Parking Garages*. Parking garages that have frontage on public streets shall comply with all setback and build-to standards as established in *Tables 1, 2 & 3, Downtown District Standards*, and Subsection (D)(2)(c), *External Facade Materials*. However:

(a) Parking garages which are adjacent to a street shall be set back a minimum of 50-feet and lined with buildings containing any permitted use but parking.

(b) All parking garages shall be constructed with flat parking decks for ease in re-use of all or portions of the structure when parking demand wanes, unless otherwise approved by major waiver.

(c) Off-street below grade parking is permitted to the lot lines, but must be designed to allow for utilities and planting of landscape as defined in Subsection (F), *Landscaping Requirements*.

(6) Shared Parking.

(a) Uses may join in establishing shared parking areas if it can be demonstrated that the parking for two (2) or more specific uses occurs at alternating time periods. Required parking shall be determined based on parking demand for the peak parking period, as determined by a parking analysis study approved by the Director of Planning and Zoning.

(b) Shared parking shall be clearly designated with signs and markings.

(2) *Bicycle Parking*.

(a) *Goals*. Bicycle parking is required in order to encourage the use of bicycles by providing safe and convenient places to park bicycles.

(b) Required bicycle parking. Bicycle parking shall be provided based on at least one (1) space for each ten automobile parking spaces required as part of the base parking requirements above.

(c) *Bicycle Parking Standards*.

(1) *Location*.

(a) Required bicycle parking must be located within 50 feet of an entrance to the building. With approval of a minor waiver, bicycle parking may be located in the public right-of-way.

(b) Bicycle parking may be provided within a building, but the location must be easily accessible to bicycles.

(2) *Covered Spaces*. If covered spaces for motor vehicles are provided on-site, then 50% of the bicycle parking shall also be covered, unless otherwise approved by minor waiver.

(3) *Signs*. If the bicycle parking is not visible from the street, then a sign must be posted indicating the location of the bicycle parking facilities.

(4) *Rack Types and Required Areas*. Bicycle racks and the area required for parking and maneuvering must meet the Downtown District engineering and landscape standards or be approved by minor waiver

DRAFT ORDINANCE 04.30.2024

(see below). Bicycle lockers may also be allowed as part of meeting the bicycle parking requirement, but must be approved as to type and location.

(d) *Standards for Bicycle Rack Types and Dimensions*.

(1) *Rack Type*.

(a) Bicycle rack types and standards shall be approved by the City.

(b) *Parking Space Dimensions*.

(1) Bicycle parking spaces must be at least six feet long and two feet wide, and in covered situations, the overhead clearance must be at least seven feet.

(2) An aisle for bicycle maneuvering must be provided and maintained beside or between each row of bicycle parking. This aisle must be at least five feet wide.

(3) Each required bicycle parking space must be accessible without moving another bicycle.

(4) Areas set aside for bicycle parking must be clearly marked and reserved for bicycle parking only.

(E) *Streetscape, Lighting and Mechanical*.

(1) *Intent*.

(a) It is the intent of this zoning district to provide a level and consistency of lighting that supports pedestrian activity and promotes safety.

(b) The entire district shall utilize the basic fixtures and furnishings in the public areas as may be approved by the City for this district.

(c) Mechanical equipment shall not be clearly visible from the street or other public area.

(2) *Standards*.

(a) For streetscape and lighting specifications, see the Subsection (H), *Downtown District Engineering and Landscape Standards*.

(b) Lighting elements shall be incandescent, metal Halide, or halogen only. No HID or fluorescent lights (*except fluorescent bulbs that screw into standard socket fixtures*) may be used on the exterior of buildings.

(c) All lighting shall be focused downward or narrowly focused on its intended target such as signing, parking and pedestrian walkways. No lighting source from a commercial activity shall be visible by a residential unit.

(d) Mechanical and electrical equipment, transformers, meters, garbage containers and loading areas shall be located and screened so that they are not visible from the street or other public area.

(1) Mechanical equipment shall be screened from view from all public roadways and located to minimize noise intrusion to adjacent properties. The required screening must be composed of the same exterior materials as the buildings on the lot, or through the use of masonry walls, ornamental fence (80% opaque), evergreen landscape material, or combination thereof.

(2) All roof-mounted mechanical elements must be screened from view from the public right-of-way and neighboring properties. Screening must be architecturally compatible with the building design.

(3) Loading, service and trash storage areas shall be screened from all public roadways. Refuse containers must be placed on a designed, reinforced concrete pad and approach. The required screening must be composed of the same exterior materials as the buildings on the lot, or through the use of masonry walls, ornamental fence (80% opaque), evergreen landscape material, or combination thereof.

(e) Any bicycle parking in the public right-of-way shall be located within the band created by street trees and pedestrian street lights; however, it must be placed in a manner that avoids conflicts with pedestrian and vehicular paths.

(F) *Landscape Requirements*. Landscaping within the Downtown District shall comply with the provisions in this subsection, the City's streetscape standards and the standards contained in Article 08, *Landscaping and Fence Standards*, of this Unified Development Code (UDC). Where conflicts exist between this district and Article 08, *Landscaping and Fence Standards*, of this Unified Development Code (UDC), the requirements in this district shall be applied.

(1) *Street Trees*. Street trees shall be large shade tree species having a minimum caliper of four inches, selected in accordance with the City's landscape standards. Street trees shall be planted at least 20-feet on center.

(2) *Plant Material*. Front yards shall be landscaped adjacent to residential at grade per the diagram in Subsection (D)(2)(e), *Residential at Grade*, above. Plant materials shall consist of shade trees, ornamental trees, shrubs, evergreen ground covers, vines, and seasonal color.

Formatted: Font: Italic, Underline

(3) *Paving Material*.

(a) Paving material shall be warm toned, natural materials such as brick, stone and concrete. Asphalt may be approved as part of a minor waiver.

(b) Gravel as a paving material is prohibited.

(4) *Parking Lot Landscape.*

(a) Landscaping of the internal surface parking area shall not be required unless it is planned to serve as long-term parking. In which case, such long-term surface parking areas shall meet the requirements of Subsection (F), *Landscaping Requirements*. For the purpose of this subsection, long-term parking shall be determined by the

DRAFT ORDINANCE 04.30.2024

Director of Planning and Zoning, and may include parking which has a likelihood of being in place for a period of ten years or more.

(b) Surface parking lots shall be screened from all adjacent public streets and neighboring sites. The screen must extend along all edges of the parking lot and must be three feet in height, 80% opaque, and may be accomplished through the use of masonry walls, ornamental metal, evergreen plant materials, or a combination thereof. Planting beds for screen planting shall be a minimum of three feet in width.

(c) Interior parking lot landscape shall be consistent with Article 08, *Landscape Standards*, of the Unified Development Code (UDC).

(d) Parking spaces shall not exceed ten spaces in a row without being interrupted by a landscaped island (nine [9] foot minimum). Islands shall be planted with a minimum of one (1) shade tree for every ten (10) cars.

(G) *Administration*.

(1) *Intent*. It is the intent that a developer or builder who wishes to develop under this zoning district will be processed in an expedited manner with administrative approvals, and may in fact qualify for incentives under other separate city programs. However, if there are substantial major waivers requested, additional approvals shall be required which may delay development progress.

(2) *Waivers of Design Standards*.

(a) For the purposes of this district, there shall be two types of waivers of design standards: minor and major. Requests for waivers shall not be subject to review or decision by the zoning board of adjustment. A waiver request may only be made in conjunction with an application for a downtown development plan.

(b) *Minor Waivers* are those changes to design standards in the Downtown District identified in Subsection (C)(2), Waivers of Design Standards, may be approved administratively by the Director of Planning and Zoning or his designee in conjunction with a decision on an application for approval of a downtown development plan. All minor waivers must meet the full intent of this zoning district as stated in section I. Appeals to decisions concerning minor waivers may be made to the Planning and Zoning Commission.

(c) *Major Waivers* are major changes to the design standards in the Downtown District. Major waivers may only be approved by the City Council, following a recommendation by the Planning and Zoning Commission, in conjunction with a decision on an application for approval of a downtown development plan. Examples of major waivers are listed in Subsection III.B above; however, the City Council reserves the right to grant a major waiver to any standard not specifically designated as a minor waiver contained in this Article pending the City Council finds that the waiver:

(1) Meets the general intent of this district in which the property is located;

(2) Will result in an improved project which will be an attractive contribution to the district; and

(3) Will not prevent the realization of the intent of this district.

(d) The City may impose conditions on granting any waiver to mitigate negative impacts neighboring properties or public streets or open space.

(3) *Downtown Development Plan Approval.*

(a) Prior to obtaining a building permit, a downtown development plan must be approved by the Director of Planning and Zoning or his designee, to certify that it meets the purpose, intent and standards contained in this zoning district.

(b) Downtown development plans must include the following information:

- Site Plan
- Building Elevations and Sections
- Building Function/Proposed Use
- Parking Standards Being Met
- Landscape Plan
- Any Waivers being Requested

(c) Applications for downtown development plan approval shall be reviewed within 30-days of being formally accepted by the City. At such time, the approval, approval with conditions or denial shall be forwarded to the applicant. However, applications including a request for a major waiver shall be scheduled for Planning and Zoning Commission and City Council action.

(d) Denial of a downtown development plan may be appealed to the Planning and Zoning Commission and City Council within 30-days of notification of such denial

(4) *Lapse of Approval*. If a building permit has not been obtained within two years following approval of the downtown development plan, such plan shall lapse unless the property owner requests an extension prior to the expiration of the two-year period. The request for an extension shall be considered by the planning director, or he may at his discretion refer the decision to the Planning and Zoning Commission and City Council in the same manner as for approval of the downtown development plan. The Director of Planning and Zoning (or the City Council, upon recommendation by the commission) may grant an extension of the time for expiration of the downtown development plan for a period not to exceed one (1) year from the date of initial approval of the application. Every request for an extension shall include a statement of the reasons why the expiration date should be extended. The decision-maker may grant a request for extension upon demonstration that circumstances beyond the control of the applicant have resulted in the applicant's inability to perform the tasks necessary to prevent the downtown development plan from expiring before the lapse date. The commission or the City

DRAFT ORDINANCE 04-2024

Council also may terminate the downtown development plan or may attach additional conditions to the extension of the plan.

(5) *Platting in the Downtown District*. Plats in the Downtown District shall ensure public access easements over sidewalk areas and shared drive access.

(H) *Downtown District Engineering and Landscape Standards*.

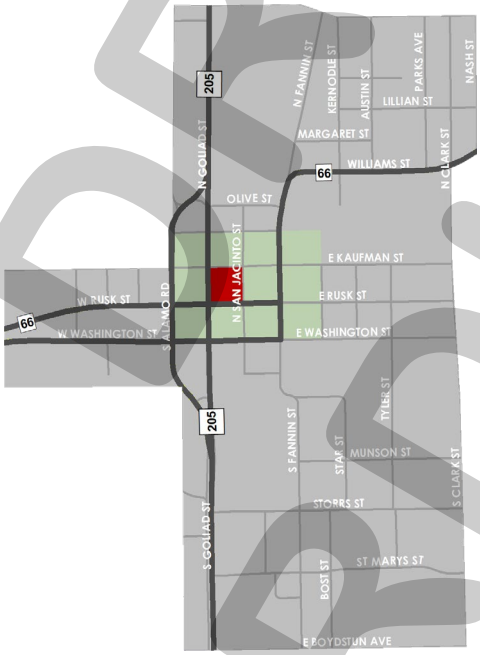
(1) *Downtown Plan*. The Downtown District Engineering and Landscape Standards shall be in accordance with the approved Rockwall Downtown Plan.

(2) *Street Trees*.

(a) Trees which may be planted adjacent to sidewalks, alleys and streets are limited to the trees depicted in the tables contained in Appendix C, *Landscaping Guidelines and Requirements*, of this Unified Development Code (UDC).

(b) Shade trees shall be used for all formal street tree planting unless prohibited by the Texas Department of Transportation, in which case smaller ornamental trees may be used.

MAP 1: DOWNTOWN (DT) DISTRICT



GREEN: DOWNTOWN CORE; *GRAY*: PERIMETER ZONE; *RED*: DOWNTOWN SQUARE; *DARK GREY LINE*: MAJOR THOROUGHFARES.

(c) Each street shall be planted with a focus on one (1) species to reinforce street character

(3) *Street Furniture*.

(a) The Downtown District shall utilize the following *street furniture* in accordance with *Map 1: Downtown District*:

(I) *Streetscape Elements*. All streetscape elements described here within, are not intended to be the final product specification. The electrical engineer, architect, landscape architect or other professional designer should verify the product color, material and style number, prior to placing the final streetscape element order with manufacturer and supplier. Lighting fixture and traffic signal electrical voltage supply, circuiting, photometrics and final fixture location needs to be specified by a registered electrical engineer, with all fixture footings checked by a registered structural engineer, prior to installation.

(1) *Downtown Square and Downtown Core Streets.*

(a) *Light Standard: A1*. All commercial streets in the *Downtown Core*.

(1) *Catalog Number*. AAL/2-PRMN H3 or H5/150 to 175-watt MH lamp (voltage)/2-TRA5U arms/DB6 base with 4" round 15' ht. pole/PN A50596-1

(2) *Description*. Architectural Area Lighting (AAL); Promenade Series, Fixture: 2-PRMS Double Pedestrian Light Standard with a H3 or H5 horizontal lamp reflector, 150-watt to 175-watt metal halide lamp, medium base socket for use with E17 lamps; (voltage); CHM glass chimney, with brass holder, and DBZ dark bronze color. Arm: # 2-TRA5U period arm, one-piece cast aluminum, and DBZ dark bronze color. Pole, base and pole cap: DB6 4R16-125, 4" OD round straight aluminum, 15' tall (special) with a DB6 base, 36" ht. × 15" base diameter; P/N A50596-1, Small cast final at pole top, DBZ dark bronze color.

(b) *Light Standard: A2*. Limited to the *Downtown Square* and San Jacinto Street pedestrian ways.

(1) *Description*. Same as A1 above except with the optional BPS fixture struts are finished in a brass colored powder coating.

(c) *Traffic Signal: D1*. All commercial streets of the *Downtown Core*, if needed.

DRAFT
ORDINANCE
04.30.2024

(1) *Description*. Valmont traffic structures. Pole/base/pole sphere final: Tapered, round standard galvanized steel pole, with an aluminum ball final on the pole top (Ball Top FCA-BL Series # FCA/BL/A/ (Estimate a 10" diameter ball, verify final size with top diameter range at top of pole/DB, dark bronze); pole base has an ornamental cast nut cover, color of complete traffic structure is a galvanized + powder coated finish, color = dark bronze to match Historic District street sign blades. Arm: Tapered, round standard arm, with an aluminum ball final on the end of the arm (ball top FCA-BL Series # FCA/BL/A/(estimate a 5" diameter ball, verify final size with top diameter range at the end of the arm after arm length is specified)/DBZ, dark bronze color. Signals: TXDOT standard signal, black color with black silhouettes, mount tightly to signal arm with black connections, so as to eliminate any visible gaps between silhouette and arm. Street Sign: Sign blade to match Historic District colors, font and sign format.

(d) *Traffic Signal with Light Standard: D2*. All commercial streets of the *Downtown Core*, if needed.

(1) *Description*. Same as D1 traffic signal, except pole is typical "standard combination structure" with AAL (B2 type) light; arm is a (modified) WMA 12 "shepherd's crook" contemporary arm modified to accept the Valmont pole, DBZ, dark bronze color.

(e) *Light Standard Banner Brackets*. At selected streets.

(1) *Description*. Architectural area lighting (AAL). Breakaway banner arm 2-BBD4-18, clamps onto a 4" O.D. pole and adjustable to desired position. Banner size should not exceed five (5) SF - maximum 70 mph wind. Verify banner bracket locations and mounting height; DBZ, dark bronze color, polyester powder finish.

(f) *Benches*. All commercial streets in the *Downtown Core*.

(1) *Catalog Number*. Du Mor Bench # 140 - 60 and # 140-80

(2) *Description*. Du Mor Site Furnishings. Bench 140 – in six (6) feet and eight (8) feet lengths, All welded seat assembly, Seating Surface: 1/4" × 1 1/2" HR steel bar 2-3/8" O.D. Sch 40 steel pipe, cast iron supports, bracing 1 1/16" O.D. steel pipe, stainless steel fasteners, dark bronze color polyester powder finish.

(g) *Trash Receptacles*. All commercial streets in the *Downtown Core*.

(1) *Catalog Number*. Du Mor Receptacle 84-22DM

(2) *Description*. Du Mor Site Furnishings. Trash receptacle 84-22, 22-gallon all steel receptacle, 150 lbs., top edge: 5/8 " diameter steel bar; vertical straps: 1/4; " × 3" steel bar with a 22-gallon plastic liner, cover; spun 14-gauge steel with vinyl coated cable; and a dome top, dark bronze color in a polyester powder finish.

(h) *Street Sign Blades*.

(1) *Description*. Match Historic District street sign blades (*dark bronze color with white lettering*).

(i) *Street Sign Brackets*. At non-signalized intersections. Street signs can be mounted to light standard poles.

(1) *Description*. Architectural area lighting (AAL). (Special) Each bracket is bolted to pole, dark bronze color to match fixture in polyester powder finish. (Verify bracket size with sign blade used as well as sign mounting height).

(j) *Street Regulatory Sign and Poles*.

(1) *Description*. Paint the backs of all sign blades and all poles, dark bronze color to match the Historic District street sign blades.

(k) *Bollards*. Limited to the *Downtown Square*.

(1) *Catalog Number*. Sternberg Vintage Lighting, ornamental bollard #4501

(2) *Description*. Sternberg Vintage Lighting. Ornamental steel bollard #4501, 5¼" diameter straight tubing (no fluting), 30" high, 8" dia. base, no internal light, DBZ, dark bronze color to match the Historic District street sign blades.

(2) *Downtown Perimeter Zone Streets*.

(a) *Light Standard: B1*. All neighborhood residential streets.

(1) *Description*. Same as A1 above except as a single headed fixture.

(b) *Light Standard: B2*. Limited to north and south sections of Goliad Street inside the *Downtown Zone* and at the intersections of Clark Street, Washington Street and Denison Streets inside the *Downtown Zone*.

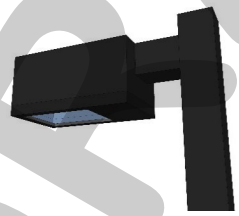
DRAFT 04.30.2024

(1) *Catalog Number*. AAL/PRM2 (H2, H3, H4, H5)/250 watt MH horizontal lamp (Voltage)/ARM: (modified) SLA 4 arm to accept the 5" dia. post/tendon/5" O.D. smooth round aluminum pole/DB 10 base/P/N A50575 large cast finial.

(2) *Description*. Architectural area lighting (AAL). Promenade Series, fixture: PRM2 (H2, H3, H4 and H5), 250-watt metal halide horizontal lamp, (voltage), DBZ dark bronze color, arm: (modified) SLA 4 arm (shepherd's crook) to accept the 5" dia. post/tendon, DBZ, dark bronze color, polyester power finish. Pole, base and pole cap: 5" O.D. diameter, smooth round aluminum pole, with a DB 10 ornamental base that is 48" high with an 18" base diameter, large cast finial #P/N A50575 20" high × 5½" O.D. that fits on top of pole, DBZ dark bronze color, polyester powder finish.

(c) *Light Standard: C*. Current standards. All thoroughfares (*i.e. SH-66, Goliad Street, Washington Street, and Denison Street*) inside the *Downtown Perimeter Zone* (*existing and new routed thoroughfares*).

(1) *Description*. Existing *Shoe Box* style light standard.



(d) *Light Standard Banner Brackets*. At selected streets.

(1) *Catalog Number*. AAL—Banner arm 2-BBD4-18

(2) *Description*. Architectural area lighting (AAL). Breakaway banner arm 2-BBD4-18, clamps onto a 4" O.D. pole and adjustable to desired position. Banner size should not exceed 5 SF - Maximum 70 mph wind. Verify banner bracket locations and mounting height. DBZ dark bronze color.

(e) *Street Sign Blades*.

(1) *Description*. Match Historic District street sign blades (*dark bronze color with white lettering*).

(f) *Street Sign Brackets*. At non-signalized intersections. Street signs can be mounted to light standard poles.

(1) *Description*. Architectural area lighting (AAL). (Special) Each bracket is bolted to pole, dark bronze color to match fixture in polyester powder finish. Verify bracket size with sign blade used as well as sign mounting height.

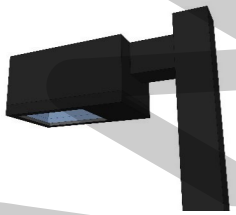
(g) *Street Regulatory Signs and Poles*.

(1) *Description*. Paint the backs of all sign blades and all poles, dark bronze to match the Historic District street sign blades.

(3) *Major Thoroughfares and Parkways.*

(a) *Light Standard: C*. Current standards.

(1) *Description*. Existing "shoe box" style light standard painted dark bronze.



(b) *Street Signs*.

(1) *Description*. Paint the backs of all sign blades and all poles, dark bronze to match the Historic District street sign blades.

SECTION 05 | INDUSTRIAL DISTRICTS

SUBSECTION 05.01: 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.

DRAFT ORDINANCE 04.30.2024

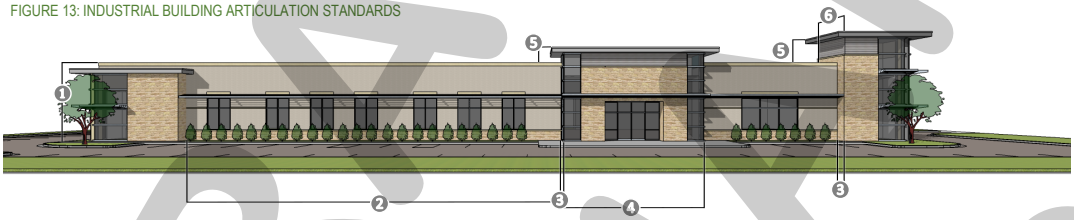
(2) *Cementitious Materials.* The use of cementitious materials (e.g. stucco, cementitious lap siding, or similar materials approved by the Director of Planning and Zoning or his/her designee) shall be limited to 50% of the building's exterior façade; however, stucco shall not be used within the first 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.

(b) *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.

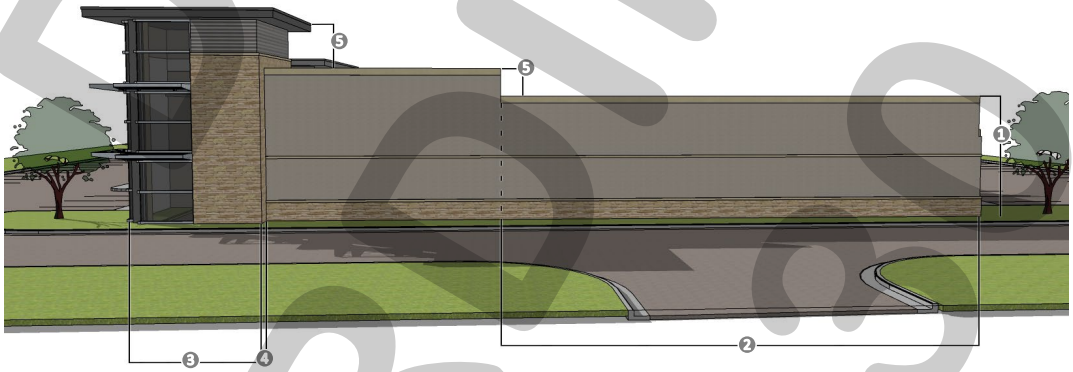
(c) *Secondary Materials.* Secondary Materials are any material that is not deemed to be a Primary Material as defined above. This includes materials like aluminum composite materials, metal panels, acrylic products (i.e. EIFS products) cast stone, or other materials identified by the Director of Planning 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.

FIGURE 13: INDUSTRIAL BUILDING ARTICULATION STANDARDS



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 x ❶≥❷).
❸: *WALL PROJECTION*. THE MINIMUM WALL PROJECTION FOR AN ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 25% OF THE WALL HEIGHT (I.E. 25% x ❶≤❸).
❹: *ENTRYWAY/ARCHITECTURAL ELEMENT LENGTH*. THE MINIMUM LENGTH OF AN ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 33% OF THE WALL HEIGHT (I.E. 33% x ❷≤❹).
❺: *PROJECTION HEIGHT*. THE ENTRYWAYS/ARCHITECTURAL ELEMENT SHALL EXTEND A MINIMUM OF 25% OF THE WALL HEIGHT ABOVE THE TOP OF THE WALL (I.E. 25% x ❶≤❺).
❻: *ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL WIDTH OF THE ENTRYWAY/ARCHITECTURAL ELEMENT SHALL EXTEND TWICE THE REQUIRED WALL PROJECTION (I.E. 2 x ❹≥❺).



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 THREE (3) TIMES THE WALL HEIGHT (I.E. 3 x ❶≥❷).
❸: *SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT LENGTH*. THE MINIMUM LENGTH OF THE SECONDARY ENTRYWAY OR PROJECTTING ARCHITECTURAL ELEMENT SHALL BE 15% OF THE WALL LENGTH (I.E. 15% x ❷≤❸).
❹: *SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL PROJECTION FOR A SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 15% OF THE WALL HIEHGT (I.E. 15% x ❶≤❹).
❺: 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% x ❶≤❺).

DRAFT 04.9.2024

(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 standards for articulation on primary building façades as depicted in *Figure 8*.

(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 standards for articulation on secondary building façades as depicted in *Figure 8*.

(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 09.01, *Exceptions to the General Standards*, Article 11, *Development Applications and Review Procedures*.

SUBSECTION 05.02: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements.* All development within a Light Industrial (LI) District shall conform to Subsection 05.01, *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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

SUBSECTION 05.03: 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

DRAFT ORDINANCE 04-30-2024

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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Heavy Industrial (HI) District shall conform to Subsection 05.01, *General Industrial District Standards*, and the related standards listed within Subsection 7.03, *Non-Residential District Development Standards*.

SECTION 06 | OVERLAY DISTRICTS

SUBSECTION 06.01: 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 06.02: 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 04, 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:

(1) Retail Store with Gasoline Sales (*Any Number of Dispensers or Vehicles*)

(2) Car Wash (*Any Type*)

(3) 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 and Zoning 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.

(a) *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-

DRAFT ORDINANCE 04-05-2024

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 09.02, *Variances to the General Overlay District Standards*, of Article 11, *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:

(a) Scenic Overlay (SOV) District: 15-feet
(b) SH-66 Overlay (SH-66 OV) District: 15-feet
(c) IH-30 Overlay (IH-30 OV) District: 25-feet
(d) SH-205 Overlay (SH-205 OV) District: 25-feet
(e) North SH-205 Overlay (N. SH-205 OV) District: 25-feet
(f) SH-205 By-Pass Overlay (SH-205 BY OV) District:

- Residential Land Uses: See Section 06.10, *SH-205 By-Pass Overlay (SH-205 BY OV) District*
- Retail/Commercial Land Uses: 15-feet
- Industrial/Office/Technology Land Uses: 50-feet

(g) 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

(h) 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

(i) 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*).

DRAFT ORDINANCE 04-30-2024

(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 or any roadway that is depicted on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan*) [*outside of and beyond any required right-of-way dedication*] shall be as follows:

(a) Scenic Overlay (SOV) District: 20-feet
(b) SH-66 Overlay (SH-66 OV) District: 20-feet
(c) IH-30 Overlay (IH-30 OV) District: 20-feet
(d) SH-205 Overlay (SH-205 OV) District: 20-feet
(e) North SH-205 Overlay (N. SH-205 OV) District: 20-feet
(f) 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

(g) 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

(h) 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

(i) 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

DRAFT ORDINANCE 04.30.2024

All landscape buffers shall incorporate ground cover, a built-up berm and shrubbery or a combination thereof along the entire length of the frontage. Berms and shrubbery shall each 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 C, *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 06.03: HISTORIC OVERLAY (HO) DISTRICT

(A) *Purpose*. The protection, enhancement and perpetuation of districts and landmarks of historical and cultural importance and significance are necessary to promote the economic, cultural, educational and general welfare of the public. It is recognized that within the City numerous areas, sites and structures represent the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural and cultural resources that constitute their heritage, and therefore this overlay district is intended to:

(1) Protect and enhance the district and landmarks which represent distinctive elements of the City's historic, architectural and cultural heritage;

(2) Foster civic pride in the accomplishments of the past;

(3) Protect and enhance the City's attractiveness to visitors and the support and stimulus to the economy thereby provided;

(4) Ensure the harmonious, orderly and efficient growth and development of the City;

(5) Promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the City;

(6) Stabilize and improve values of such properties;

(7) Promote education of significance and importance of historical preservation including the exploration of tax incentives (federal, state or local) that may apply to individual property owners or properties within the historic district as a whole; and8.Provide guidance to property owners restoring and/or rehabilitating historic significant in an effort to maintain the historical integrity of the area.

(B) *Terms and Definitions*. The following terms and definitions are used in the historic district ordinance and the historic guidelines.

(1) *Applicable Property or Applicable Structure*. The term used for properties that meet the following criteria, and are subject to the provisions of Unified Development Code:

(a) Either be a designated historical landmark or be wholly or partially located within a designated historic district, and

(b) Either be a contributing structure or property as defined in this section or be located within 200-feet of a contributing structure or property.

(2) *Board*. The Rockwall Historic Preservation Advisory Board (HPAB).

(3) *Certificate of Appropriateness (COA)*. A document approved by the board certifying that the proposed actions meet the intent of the ordinance and guidelines, or that a waiver has been granted.

(4) *Contributing Structure or Property*. A building, site, structure or object which adds to the historical architectural qualities,

DRAFT ORDINANCE 04.30.2024

historical associations or archaeological value for which a property or district is significant because:

(a) It was present during the period of significance and possesses historical integrity reflecting its character at that time or is capable of yielding important information about the period, or

(b) It independently meets the National Register criteria. The level by which a property is "contributing" (high-, medium- and low-contributing property) was originally determined by a historic survey of the properties within the (HO) Historic Overlay District implemented by the City community development department through the spring and summer of 2000. This survey may be amended from time to time.

(5) *District*. A designated area within the preservation district or elsewhere in the City subject to the requirements and standards of the historic district ordinance. An identifying name will precede the word "district".

(6) *Guidelines*. The adopted historic district design guidelines as stated in Appendix D, *Historic Preservation Guidelines*, of the Unified Development Code (UDC).

(7) *Landmark Property*. A property or structure(s), not contiguous to or part of an existing historic district that is deemed worthy of preserving.

(8) *Non-Contributing Structure or Property*. A building, site, structure, or object which does not add to the historical architectural qualities, historical associations, or archaeological value for which a property or district is significant because

(a) It was not present during the period of significance, or

(b) Due to alterations, disturbances, additions, or other changes it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period, or3.It does not independently meet the National Register criteria.

(9) *Preservation District*. The area designated as having structures which may be suitable for inclusion in a historic district or districts.

(C) *Historic Preservation Officer*. The Historic Preservation Officer (HPO) shall administer this section and advise the Historic Preservation Advisory Board on matters submitted to it.

(D) *Designation Criteria*. The board may recommend to the commission and the City Council that certain properties be "landmark districts" and that specific areas be designated as "historic districts" as provided for in this Unified Development Code (UDC). Any such designation must comply with all limitations expressed Subsections (E)(5) and (E)(6) below. Such a property or district shall bear the word "landmark" or "historic" in their zoning designation.

Properties that are listed as a Recorded Texas Historic Landmark (RTHL), State Archeological Landmark (SAL) or listed on the National Register of Historic Places (NR) shall be designated as recognized local landmarks.

(E) *Designation Procedures.*

(1) The City Council may designate by zoning ordinance certain areas as landmark or historic districts, providing they meet the criteria in Subsections (E)(5) and (E)(6). When so designated, the area shall bear the word "historic" or "landmark" in their zoning designation.

(2) The following steps shall be followed at every level in the recommendation and approval process:

(a) Public hearings shall be held and notices of same shall be posted, advertised, and notices sent in the manner prescribed under Subsection (G)(6), *Public Hearing*, and other procedures specifically provided in the City's Unified Development Code.

(b) Property owners and other interested parties may present testimony or documentary evidence that will become part of a record regarding the historic, architectural, or cultural importance of the proposed district. The record also may contain staff reports, public comments, or other evidence offered outside of the hearing and entered into the record.

(3) The board shall make its recommendation to the Planning and Zoning Commission within a reasonable time period, allowing for deliberations and strict adherence to timeframes required for public hearings. The Planning and Zoning Commission shall schedule a public hearing to be held within 45-days of receiving the board's recommendation.

(4) Upon designation of an area as a landmark or historic district, the designation should be recorded in the tax records of the City, and the City official zoning maps. All zoning maps should indicate the designated districts by an appropriate mark.

(5) A historic landmark property may be a single property or structure not contiguous to or part of an existing historic district, but is deemed worth of preserving. A landmark district may be designated if the property meets one of the following:

(a) Possesses significance in history, architecture, archeology, and/or culture;

(b) Is associated with events that made a significant contribution to the broad patterns of local, regional, state and/or national history;

(c) Is associated with the lives of persons significant in the City's past;

(d) Embodies the distinctive characteristics of a type, period, and/or method of construction;

(e) Represents the work of a master designer, builder, and/or craftsman; or

(f) Represents an established and familiar visual historical feature of the City.

(6) The board may recommend a historic district to the City Council to be designated if it:

(a) Contains a significant number of properties which meet one or more of the criteria for designation of a landmark as outlined in Subsection (E)(5) above, or

(b) Constitutes a distinct historical section of the City.

DRAFT ORDINANCE 04.30.2024

(7) The boundaries of each designated historic district shall be specified in written detail and shall be filed in the City secretary's office for public inspection.

(F) *Certificate of Appropriateness (COA) for Alteration or New Construction.*

(1) *Applicability of Ordinance.*

(a) *Included Properties*. The provisions of this ordinance shall apply only to those properties, hereinafter referred to as "applicable properties", which meet the following criteria:

(1) Either be a designated historical landmark or be wholly or partially located within a designated historic district, and

(2) Either be a contributing property as defined in subsection B or be located within 200-feet of a contributing property.

(b) *Excluded Properties*. Properties owned by a religious institution or used for religious purposes shall not be considered eligible for designation as a contributing property (*and shall not be affected by adjacent contributing properties*) unless they derive primary significance from either architectural distinction or historical importance.

(2) *COA Does Not Replace Other Codes*. The Certificate of Appropriateness (COA) is in addition to and does not replace any other city permits or codes that must be followed.

(3) *Examples*. These are examples of situations that require a Certificate of Appropriateness (COA) for work performed on an applicable property. Additional information is located in the design guidelines contained in Appendix D, *Historic Preservation Guidelines*, of the Unified Development Code (UDC).

(a) Construction of a new building.

(b) Demolition or removal of an existing structure.

(c) Alterations to the façade, including additions and removals that will be visible from a public street.

(d) New improvements that would substantially obstruct the view of the main or front elevation as seen from a public street.

(e) Painting of a masonry surface not previously painted. For other painting, see design guidelines, residential properties.

Any addition or deletion of landscape materials or landscape design elements need not receive a Certificate of Appropriateness (COA) from the Historic Preservation Advisory Board (HPAB). It is recommended, however, that all proposed landscaping used in the district be extracted from the "recommended plant list" as provided in the landscape ordinance of the City. City staff shall maintain a list of plant material that is appropriate for all designated historic areas.

Any person wishing to paint a structure within a historic district may do so without receiving a Certificate of Appropriateness (COA) from the board. City staff and/or the board shall provide review and comment as requested by the property owner about color selection and design. Such review and comment, however, shall not be binding.

The board may recommend guidelines to enable the Historic Preservation Officer (HPO) to issue a Certificate of Appropriateness (COA) for exterior restorations and renovations requiring a building permit.

(G) *Application Procedure.*

(1) *Application Form*. Prior to the commencement of any work requiring a COA the owner shall file with the Historic Preservation Officer (HPO) an application for such a certificate. The application shall contain:

(a) Name, address, telephone number of applicant(s), detailed description of proposed work.

(b) Location of the proposed work (street address) and photographs of the property and adjacent properties. (Historical photographs also may be helpful.)

(c) Elevation drawings of the proposed changes, if available, and preferably in color.

(d) Samples of materials to be used, if requested by the board.

(e) If applicable, a scale drawing of any signs showing the type of lettering to be used, all dimensions and colors, a description of materials be used, method of illumination (if any), and a plan showing the sign's location on the property.

(f) Site plan in accordance with the Unified Development Code, if applicable.

(g) Any other information which the board may deem necessary in order to visualize the proposed work, and any additional material the applicant wishes to submit.

(2) *Building Permit*. A COA issued by the board is required before a building permit will be issued for any work.

(3) *Time Frame for Actions*. The board shall deny, approve, or approve the COA with modifications within 60 days from receipt of the completed application and supporting documentation. The board shall hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views.

Should the board not act within the 60-day period, the COA shall be automatically referred to the City Council for their approval or denial, following a public hearing.

(4) *Written Decisions*. All decisions of the board shall be in writing. An approved Certificate of Appropriateness (COA) shall be sent to the applicant and a copy filed with the City secretary's office for public inspection. The board's decision shall state the reasons for denying or modifying any application.

(5) *Standards for Approval*. The Historic Preservation Advisory Board must approve the application for a Certificate of Appropriateness (COA) if it determines that:

DRAFT ORDINANCE 04.30.2024

(a) For contributing structures, the application will not adversely affect the character of the site; and the proposed work is consistent with the regulations contained in this section and proposed preservation criteria; or

(b) For non-contributing structures, the proposed work is compatible with the historic district.

(6) *Public Hearing*. A public hearing before the board is required as defined in subsection E.6 before a decision can be made on a zoning recommendation forwarded to the Planning and Zoning Commission.

(a) The board shall hold a public hearing on all actions considered and appeals made to it. Said public hearing shall be held, when necessary, on the third Thursday of the month. In cases where this "regularly scheduled" meeting date is not appropriate (*e.g., in cases as set forth under section I, emergency procedure*) an alternative meeting date will be set.

(b) Written notice of the public hearing shall be sent to the applicant, all persons who are owners of real property lying within 200 feet of the subject property and to all other persons deemed by the board to be affected.

(c) Written notice shall be given not less than ten days before the date set for the public hearing to all such owners of record as the ownership appears on the current on-line tax roll. The notice may be served by deposition of the same, properly addressed and postage paid, in the U.S. Post Office.

(H) *Actions After Board Decision*.

(1) *Appeal Process*. If the Certificate of Appropriateness (COA) is denied, the applicant may appeal to the City Council by filing a written notice with the Historic Preservation Officer (HPO) within ten business days after the decision of the board. In considering an appeal, the sole issue before the City Council shall be whether the board erred in its decision. The City Council shall consider the same standards and evidence that was considered in making the decision. Appeal to the City Council constitutes the final administrative remedy.

If the Certificate of Appropriateness (COA) is approved, any property owner within the subject historic district aggrieved by any decision of the board may appeal to the City Council. Said appeals may be made by filing a written notice with the Historic Preservation Officer (HPO) within ten business days after the decision of board.

(2) *Reapplication*. If an appeal is denied by both the board and the City Council, no further applications may be considered for the subject matter of the denied Certificate of Appropriateness (COA) for one (1) year from the date of the final decision unless:

(a) The Certificate of Appropriateness (COA) has been denied without prejudice; or

(b) The board waives the time limitation because it that there are changes or circumstances sufficient to warrant a new hearing. A simple majority vote by the board is required to grant the request for the waiver of the time limitation.

(3) *Suspension of Work*. After the work authorized by the Certificate of Appropriateness (COA) is commenced, the applicant must make continuous progress towards completion of the work, and shall not suspend or abandon the work for a period of more than 180 days. The Historic Preservation Officer (HPO) and/or building official may, in writing, authorize a suspension of work for a period greater than 180 days upon written request by the applicant showing circumstances beyond his control.

(I) *Emergency Procedure*. If any applicable structure is damaged and the building official determines that it is a public safety hazard or will suffer additional damage without immediate repair, the building official may allow the property owner to temporarily protect the structure whether or not the materials used conform to the guidelines. However, in such a case, the property owner must then apply for a Certificate of Appropriateness (COA) for the restoration, rebuilding, remodeling, demolition or removal of the structure within ten days of the occurrence that caused the damage. The temporary protection authorized under this subsection must not permanently alter the architectural features of the structure.

(J) *Demolition*.

(1) *Requires a Certificate of Appropriateness (COA)*. A Certificate of Appropriateness (COA) is required prior to receiving a permit for demolition of a property within a historic district, including secondary buildings. An application for demolition of a contributing structure on the grounds of hardship may be filed. The applicant must establish the following elements to prove hardship:

(a) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible; and

(b) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and

(c) Efforts to find a purchaser interested in acquiring the property and preserving it have failed; and/or

(d) The structure or property is in such condition as to be irreparably damaged and as such poses a nuisance to the surrounding area and is a "threat" to the health, safety and general welfare of the community.

(2) *Demolition Delay*. The Historic Preservation Officer (HPO) upon receipt of an application for a demolition permit of a subject property designation as a historic landmark or located within a designated historic district shall forward on the application for demolition to the Historic Preservation Advisory Board (HPAB) for consideration at their next regularly scheduled meeting.

(a) The issuing of a demolition permit shall be delayed for minimum of 60-days from the date of approval of an application by the Historic Preservation Advisory Board (HPAB).

DRAFT ORDINANCE 04.30.2024

(b) During this 60-day delay, the Historic Preservation Officer (HPO) shall work with the Historic Preservation Advisory Board to notify all potentially interested parties of the pending demolition in order to allow such parties to take whatever steps they deem appropriate to accomplish the preservation of the subject property.

(c) If it is determined by the Director of Planning and Zoning in consultation with the Historic Preservation Officer (HPO) that a property poses an immediate threat to the public health and safety, this determination shall be reported to the City manager who may instruct the building official to issue a demolition permit without delay.

(3) *Expiration*. A Certificate of Appropriateness (COA) for the demolition or removal expires if the work authorized by the certificate for demolition or removal is not commenced within 180 days from that date of the issuance of the certificate for demolition.

(K) *Enforcement*. All work performed pursuant to a Certificate of Appropriateness (COA) issued under this Unified Development Code (UDC) shall conform to all requirements included therein. It shall be the duty of the building inspection department to periodically inspect any such work to assure compliance. In the event work is found that is not being performed in accordance with the Certificate of Appropriateness (COA), the building inspection department may suspend the Certificate of Appropriateness (COA), issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. A Certificate of Appropriateness (COA) may be reinstated, any stop work order lifted, and work may resume upon assurance that compliance will henceforth exist.

(L) *Ordinary Maintenance*. Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district that does not involve a change in design or material. In-kind replacement or repair is included in this definition of ordinary maintenance.

(M) *Preservation Incentives*. To promote the goal of stabilizing and improving values of properties within the district, and encourage the rehabilitation and stabilization of structures, the City Council by resolution may offer tax incentives.

(N) *Minimum Maintenance Standards*. No owner or person with an interest in real property designated as a landmark or a property located within a district shall permit the property to fall into a serious state of disrepair so as to result in the significant deterioration of any exterior architectural feature which would, in the judgment of the HPAB, create a detrimental effect upon the historic character of the landmark or district.

(1) Serious disrepair and significant deterioration examples. Examples of serious disrepair or significant deterioration include:

(a) Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.

(b) Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling

(c) Deterioration or crumbling of exterior plaster finishes, surfaces or mortars.

(d) Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.

(e) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.

(f) Rotting, holes, and other forms of material decay.

(g) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.

(h) Deterioration that has a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the contributing structure.

(i) Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

(O) *Procedure to Mitigate Demolition by Neglect*. Demolition by neglect refers to the gradual deterioration of a property when routine or minimum maintenance is not performed. The HPO and the development services department staff shall work together in an effort to reduce demolition by neglect involving landmarks or properties located within districts within the City. A demolition by neglect citation as determined by the HPAB may be issued against the owner of the property for failure to comply with the minimum maintenance standards by permitting the subject property to exhibit serious disrepair or significant deterioration as outlined in section N herein.

(1) Due to the time-consuming nature of pursuing enforcement under this section, no more than one (1) property will be under consideration during each of the following quarters (January-March, April-June, July-September, and October- December).

(2) While the HPO will act as the point of contact, the development services department staff shall, when needed, assist with inspections. If there is a dispute between the HPO and development services department staff, the City manager may be consulted as a mitigating party.

(3) *Citation Procedures*. The procedure for citing a property for Demolition by Neglect shall be as follows:

(a) Initial identification is made by visual inspection of the area by the HPO or an HPAB member or by referral from someone in the area. All referrals shall be made in writing and shall be submitted to the HPO.

(b) Once the initial identification is made, followed by a preliminary determination by the HPO, the property owner shall be notified by US mail of the defects of the building and informed of various incentive programs that may be available for repair. The owner is given 30 days in which to respond to the preliminary determination by submitting a stabilization proposal to HPO. The stabilization proposal

DRAFT ORDINANCE 04-30-2024

will be presented to the HPAB at the next available meeting. If the HPAB approves the proposal, a Certificate of Appropriateness (COA), if necessary, may be issued administratively by the HPO. The approval will detail the specific work which is necessary to correct the demolition by neglect conditions, as well as a time period to begin and complete the work. The HPO shall update the HPAB on the status of the property every 30 days once work begins on the property.

(c) If the property owner receives the letter regarding the preliminary determination, but fails to respond, a second notice shall be sent in the same manner as described above.

(d) If the property owner fails to receive and/or respond to the letter regarding the preliminary determination after two attempts, the matter returns to the HPAB for a citation hearing. The HPO shall send a third notice via certified mail informing the owner of the hearing, the property is posted with a notice of the violation in accordance with the provisions of this Article, and a public hearing on the citation is scheduled.

(e) At the public hearing the owner is invited to address the HPAB's concerns and to show cause why a citation should not be issued. The HPAB may act to approve any proposed work, defer the matter to give the owner more time either to correct the deficiencies or make a proposal for stabilization, or issue a citation to the owner of the property for failure to correct the demolition by neglect conditions.

(f) If the owner is cited for the condition of demolition by neglect of the property, he is given 14 days to submit a stabilization proposal to the HPO, and at the discretion of the HPAB, up to one (1) year to correct the defects. The HPO shall update the HPAB on the status of the property every 30 days once work begins on the property.

(g) If the owner does respond with a stabilization proposal, the matter is turned over to the City Attorney in which case the citation will be taken forward to the municipal court where the City Attorney shall request the court allow the property owner the time prescribed by the HPAB to correct the defects as described in section F.

SUBSECTION 06.04: NORTH GOLIAD CORRIDOR OVERLAY (NGC OV) DISTRICT

(A) *Purpose*. The North Goliad Corridor Overlay District is a specialized zoning district overlay along North Goliad Street beginning north of the Downtown District and terminating at Live Oak Street. This Corridor has been identified as one of the important entry points into the City of Rockwall. The district has been established to protect scenic and historic qualities through the use of additional development criteria. The district establishes design standards to guide the new construction and rehabilitation of buildings, streetscapes and architectural styles consistent with the existing historic residential homes and businesses located along the corridor.

(B) *Application and Boundaries*. The boundaries of the North Goliad Corridor Overlay District are as established in the official zoning map of the City of Rockwall. The boundary generally extends from Olive Street north to Live Oak and being more particularly described herein as Exhibit "A" [Ord. No. 07-30, Exhibit A which is on file in the City secretary's office]. use or change of use within the North Goliad Corridor Overlay District.

All property developed within the Overlay District must meet both the terms and requirements of the underlying zoning classification applicable to the property and the provisions set forth in the Overlay District. The most restrictive requirement applicable to the property shall apply.

(C) *Architectural Standards*. Most of the historic architecture of the district does not follow one specific style, but is influenced by many. The development along the corridor is an eclectic mix of buildings, but there is a similar vocabulary in the building design and construction materials. The development for the residential and commercial buildings shall generally fit within one or more of the following architectural styles.

FIGURE 14: BUNGALOW

(1) *Bungalow*. The bungalow style is a unique house type that borrows from other cultures, but is a truly American design. Developed on the west coast, the bungalow reduces the distinction between inside and outside space, reflecting open practical living. It is generally a low, small house that used natural materials and relief on simplified design. The roof structure is most often broad gables, often with a separate lower gable covering the porch, although hipped roof structures are also common. There is little ornamentation, and what is found is of simplified design. The first bungalow development period was from 1895 to 1915.

FIGURE 15: COTTAGE

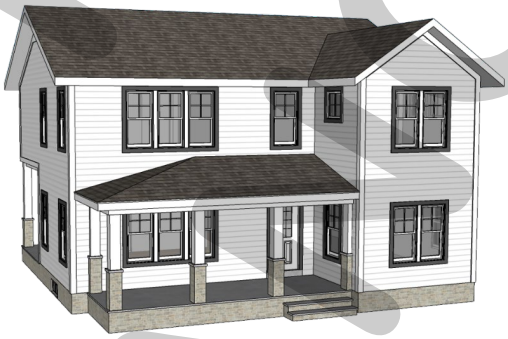
DRAFT ONLY 04.30.2024

(2) *Cottage*. A cottage is basically a small frame single-family home that does not use any particular architectural style or ornamentation pattern. Roof styles vary, but most often use gable, hip or a combination of the two. This is a style that often borrows elements from classic styles, but does not incorporate other elements that make the style unique.

FIGURE 16: CRAFTSMAN

(3) *Craftsman*. An extension of the early bungalow, the craftsman design included a low-pitched gabled roof with a wide, unenclosed eave overhang. Roof rafters are usually exposed and decorative beams or braces are commonly added under gables. Porches are either full or partial-width, with a roof often supported by tapered square columns. The most distinctive features of this are the junctions where the roof joins the wall, where the most ornamentation occurs. This was the dominant style for smaller homes from 1905 to early 1920s. The popularity of the style faded quickly, however, and few were built after 1930.

FIGURE 17: FOLK VICTORIAN



(4) *Folk Victorian*. The folk Victorian style uses a simple, folk type house style that is often one (1) story and has a roof that is gabled or hipped (pyramidal). It lacks the intricate, irregular roof structure of the Queen Anne style, but includes ornamentation common to Victorian-style detailing, especially spindle work. Facades are generally symmetrical.

FIGURE 18: QUEEN ANNE

(5) *Queen Anne*. The Queen Anne architectural style was common from about 1880 to 1910. Identifying features include a steeply pitched, irregular shaped roof, often with a dominant front-facing gable, patterned shingles, cutaway bay windows, and other features to avoid a smooth walled appearance. The decorative detailing is usually of two types:

(a) Spindle work includes turned posts and may also include decorative gables and ornamentation under the wall overhangs.

DRAFT ORDINANCE 04-30-2024

(b) Free classic detailing uses classical columns, instead of delicate turned posts, and other ornamentation is less "lacy" and delicate than that found in spindle work. This style became common after 1890.

(D) *Building Design*. The height of new buildings shall not exceed this Unified Development Code standards: generally, one (1) and two (2) stories are allowed (36 feet maximum). New building additions and alterations should be compatible with the adjoining area and not exceed height, lot coverage and floor area ratio requirements as specified in this Unified Development Code.

- The use of consistent architectural styles from the years 1870 to 1940 is strongly encouraged rather than additions or alterations from more recent or different design styles (see architectural styles in subsection C of this section for examples).
- New construction should include elements such as cladding, roofing material, roof structure and ornamentation common to the district.
- The existing pattern of building facades generally respecting pedestrian or human scale design should be incorporated into new development projects. Roof types generally associated with residential buildings such as gable, hip or gambrel are also appropriate for structure within the North Goliad Corridor Overlay District.
- All decorative fixtures, including awnings, signs and lighting, shall be integrated with other design elements of the structures.
- Building elevations shall be submitted as part of the development application for review by the Historic Preservation Advisory Board who shall make its recommendations to Planning and Zoning Commission. Perspectives, accurate sections or a model of the project may be required to depict the height, mass and scale of the proposed project with respect to its setting and adjacent development.

(E) *Parking Area Restrictions*. Any surface parking shall be provided in well-screened parking lots at the rear or behind the main facade of the building. All parking structures shall adhere to the standards of this Unified Development Code and any additional requirements of the underlying zoning district.

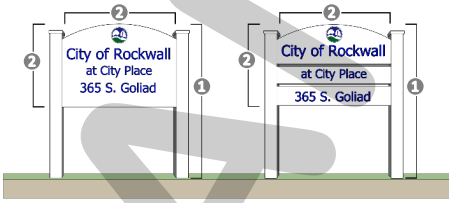
(F) *Cross Access*. Cross access easements may be required by the planning commission and/or City Council at the time of site plan approval or platting to ensure access between adjoining properties and to reduce the number of needed curb cuts.

(G) *Accessory Buildings*. New accessory or outbuildings, including garages and enclosures for service areas, trash or recycle containers, or storage structures should be compatible with materials, textures, colors and architectural styles of the principle buildings.

(H) *Landscaping Standards*. Existing trees should be retained where possible. Street trees and other sidewalk area landscaping shall be incorporated if pedestrian circulation will not be obstructed. Front yards should be landscaped compatible with the majority of neighboring properties. All sites shall, as a minimum, meet the requirements of Article 08, *Landscape Standards*.

(I) *Signs*. All signs shall comply with Chapter 32, *Signs*, of the Municipal Code of Ordinances and the underlying zoning district that applies to the North Goliad Corridor Overlay District and to the following additional standards. Signs shall be freestanding with two support standards. The maximum size shall be 16 square feet and shall not impede pedestrian or motor vehicle traffic. Monument signs are not allowed. All lighted signs shall be indirectly light no direct or internally light sign shall be allowed. All lighting elements such as wires, junction boxes, transformers, switches and panel boxes shall be concealed from view.

FIGURE 19: SIGNAGE REQUIREMENTS



1: EIGHT (8) FOOT
2: FOUR (4) FOOT

(J) *Lighting Standards*. In addition to the requirements of the outdoor lighting requirements no light pole, pole base or combination thereof shall exceed 20 feet in the North Goliad Corridor Overlay District. All lighting fixtures shall focus light downward and be contained on the site. Lighting elements shall be incandescent, metal Halide, or halogen only. No HID or fluorescent lights (except fluorescent bulbs that screw into standard socket fixtures) may be used on the exterior of buildings. All street lighting shall meet the specifications for a *B1* & *B2* contained in Subsection (I), *Streetscape Elements*, of Section 04.07, *Downtown (DT) District*, of the Unified Development Code (UDC).

(K) *Variance*. The City Council may, upon request from the applicant, grant a variance to any provision of this section where unique or extraordinary conditions exist or where strict adherence to the provisions of this section would create a hardship. Approval of any variance to any provision of this section shall require City Council approval by a three-quarter majority vote of those City Council members present with a minimum of four affirmative votes.

SUBSECTION 06.05: SOUTHSIDE RESIDENTIAL NEIGHBORHOOD OVERLAY (SRO) DISTRICT

(A) *Purpose*. The purpose of the overlay district is to provide the flexibility necessary for allowing infill and redevelopment of the Southside Neighborhood, while maintaining and protecting the character and integrity of the existing neighborhood.

(B) *Other Requirements*. Any requirements not specifically stated in this section shall comply with the Single-Family 7 (SF-7) District requirements.

(C) *Area Requirements*.

DRAFT ORDINANCE 04.30.2024

(1) Minimum lot area: 5,000 square feet.

(2) Maximum number of single-family detached dwellings units per lot: One.

(3) Minimum square footage per dwelling unit: 900 square feet.

(4) Minimum lot frontage on a public street: 50 feet.

(5) Minimum lot depth: 100 feet.

(6) Minimum depth of front yard setback: 20 feet.

(7) Minimum depth of rear yard setback: 10 feet.

(8) Minimum width of side yard setback:

(a) Internal lot: 6 feet.

(b) Abutting street: 15 feet.

(c) Abutting an arterial: 20 feet.

(9) Minimum distance between separate buildings on the same lot or parcel of land: ten feet.

(10) Minimum length of driveway pavement from the public right-of-way for rear or side yards: 20 feet.

(11) Maximum building coverage as a percentage of lot area: 40%.

(12) Maximum building height: 32 feet.

(13) Minimum number of paved off-street parking spaces required for:

(a) One single-family dwelling unit: Two (2) Parking Spaces. An enclosed garage shall not be considered in meeting the off-street parking requirements.

(b) All other uses: see Article 06, *Parking and Loading*, of the Unified Development Code (UDC).

(D) *Consideration of Special Request in Furtherance of Neighborhood Preservation*. The City Council may consider special requests in furtherance of neighborhood preservation and enhancement within the established neighborhood preservation overlay district. Such requests may include, but not necessarily be limited to neighborhood signage plans, the use of alternate building materials reductions in the building setbacks, or other requests submitted for consideration to the planning and zoning department.

Upon receipt of such requests, the Planning and Zoning Commission shall review the case and forward a recommendation to the City Council for consideration. The City Council may approve special request. Any such approval shall preempt any other underlying zoning restrictions in the Unified Development Code (UDC). Such special requests may be denied by the City Council by the passage of a motion to deny.

Special requests shall not include any request to change the land use of a property.

SUBSECTION 06.06: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.07: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.08: SCENIC OVERLAY (SOV) 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

DRAFT ORDINANCE 04.30.2024

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 06.02, *General Overlay District Standards*.

SUBSECTION 06.09: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.10: 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 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 06.02, *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:

DRAFT 04.30.2024

(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.

(c) *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.

(d) *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.*

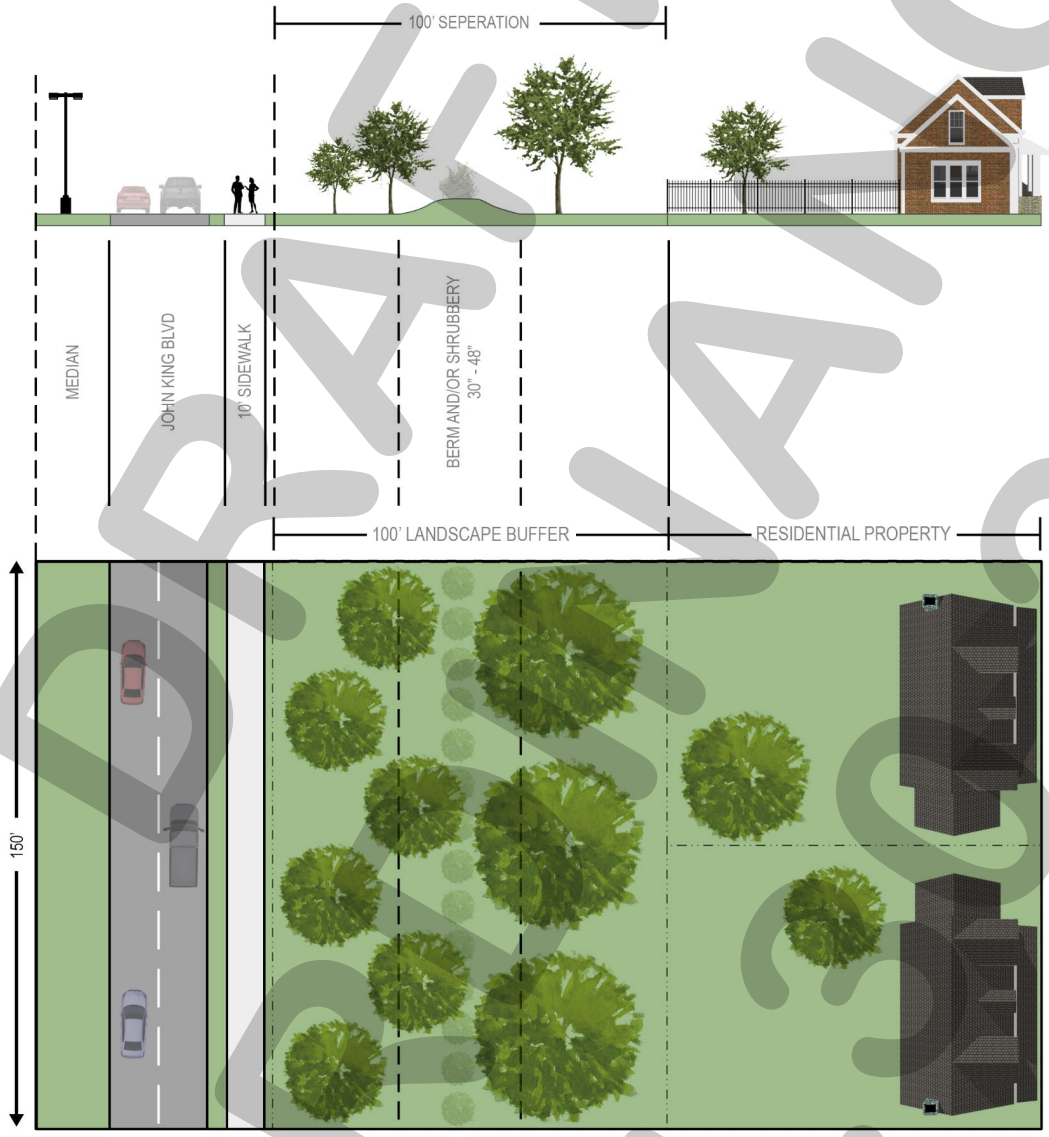
Continued on Next Page ...

Formatted: Centered

Formatted: Font: Italic

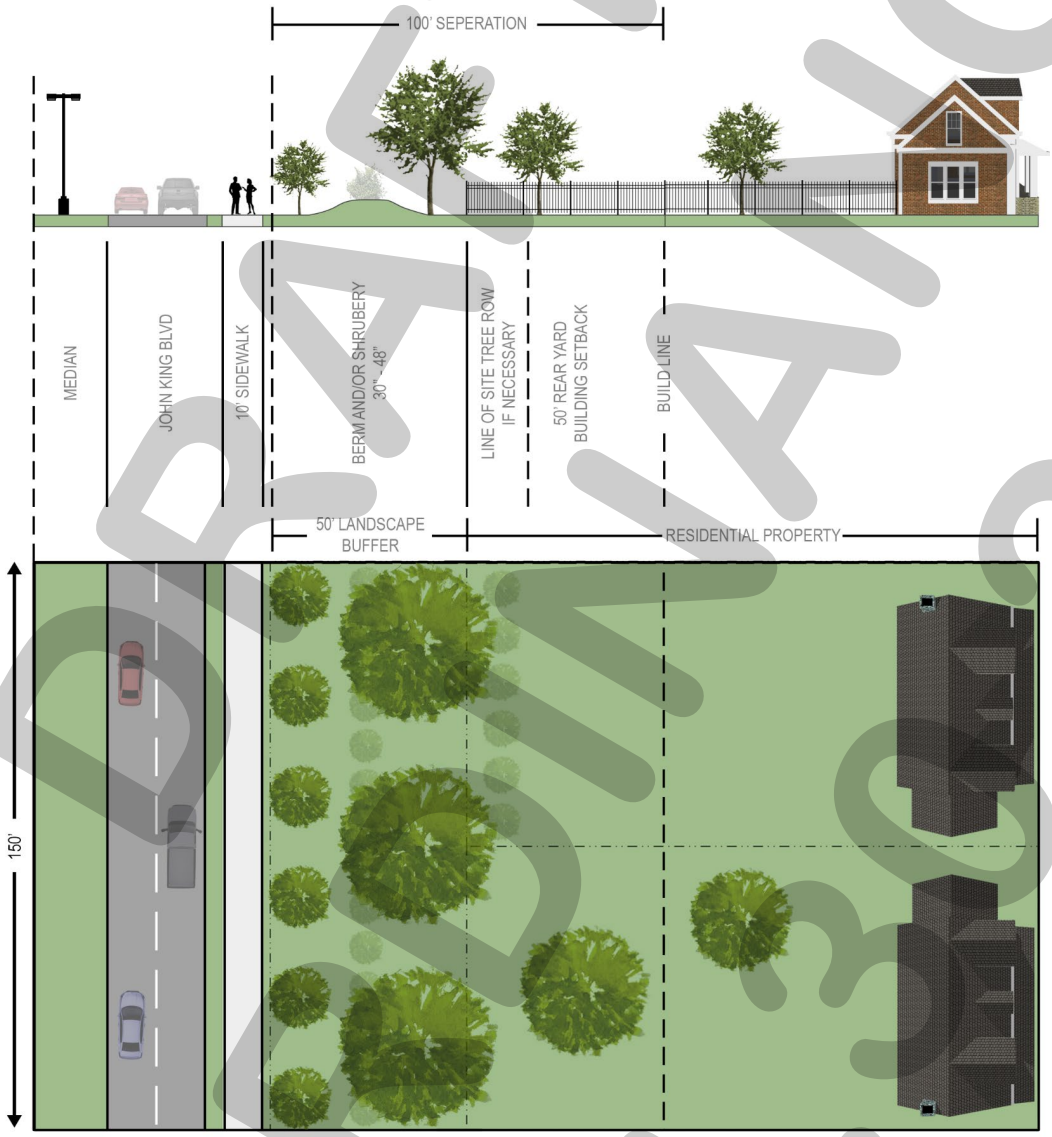
DRAFT
ORDINANCE
04.30.2024

FIGURE 20: DESIGN ALTERNATIVE #1; INCREASED BUFFER



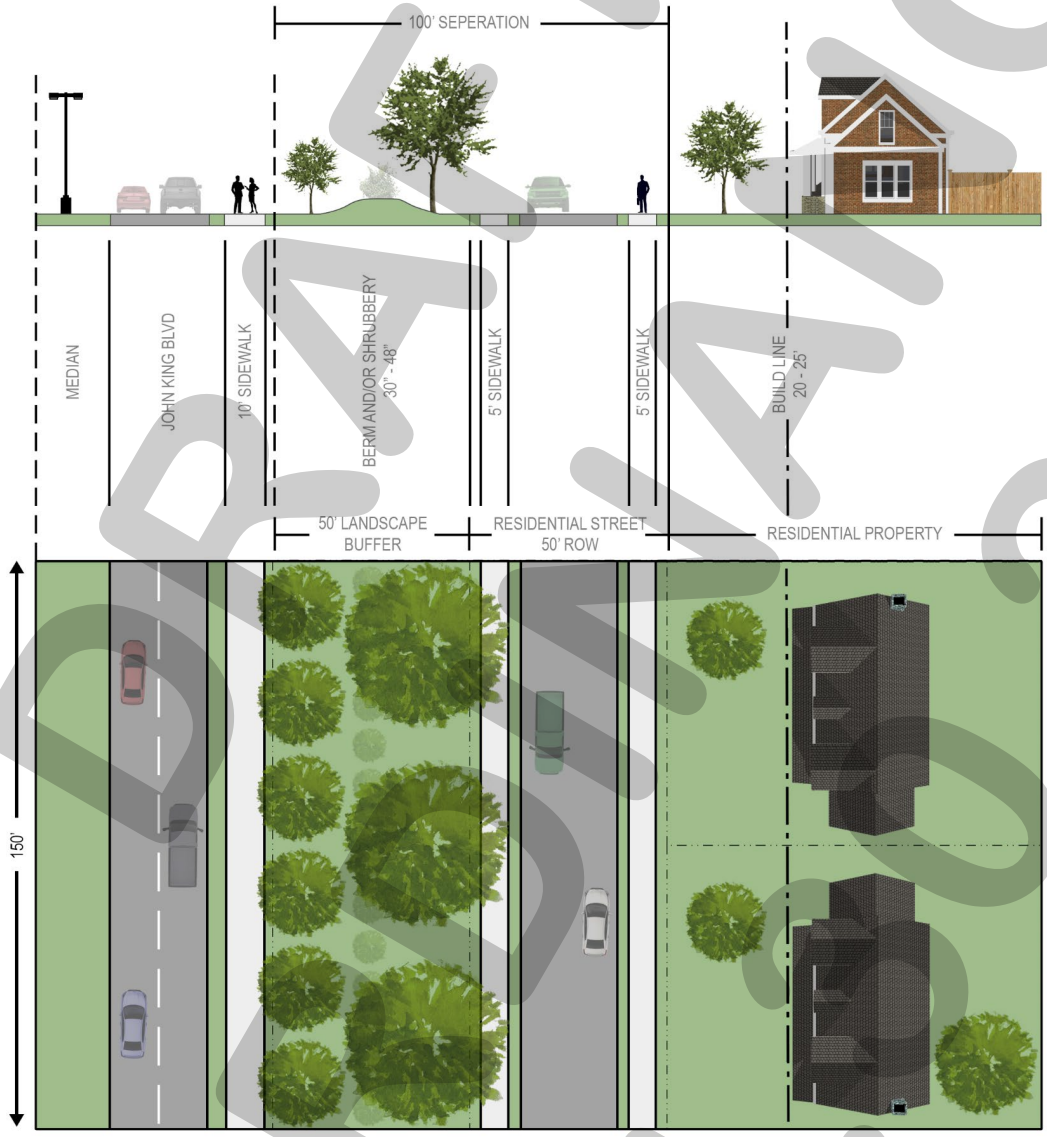
DRAFT FOR NOTICE 04.30.2024

FIGURE 21: DESIGN ALTERNATIVE #2; INCREASED BUFFER



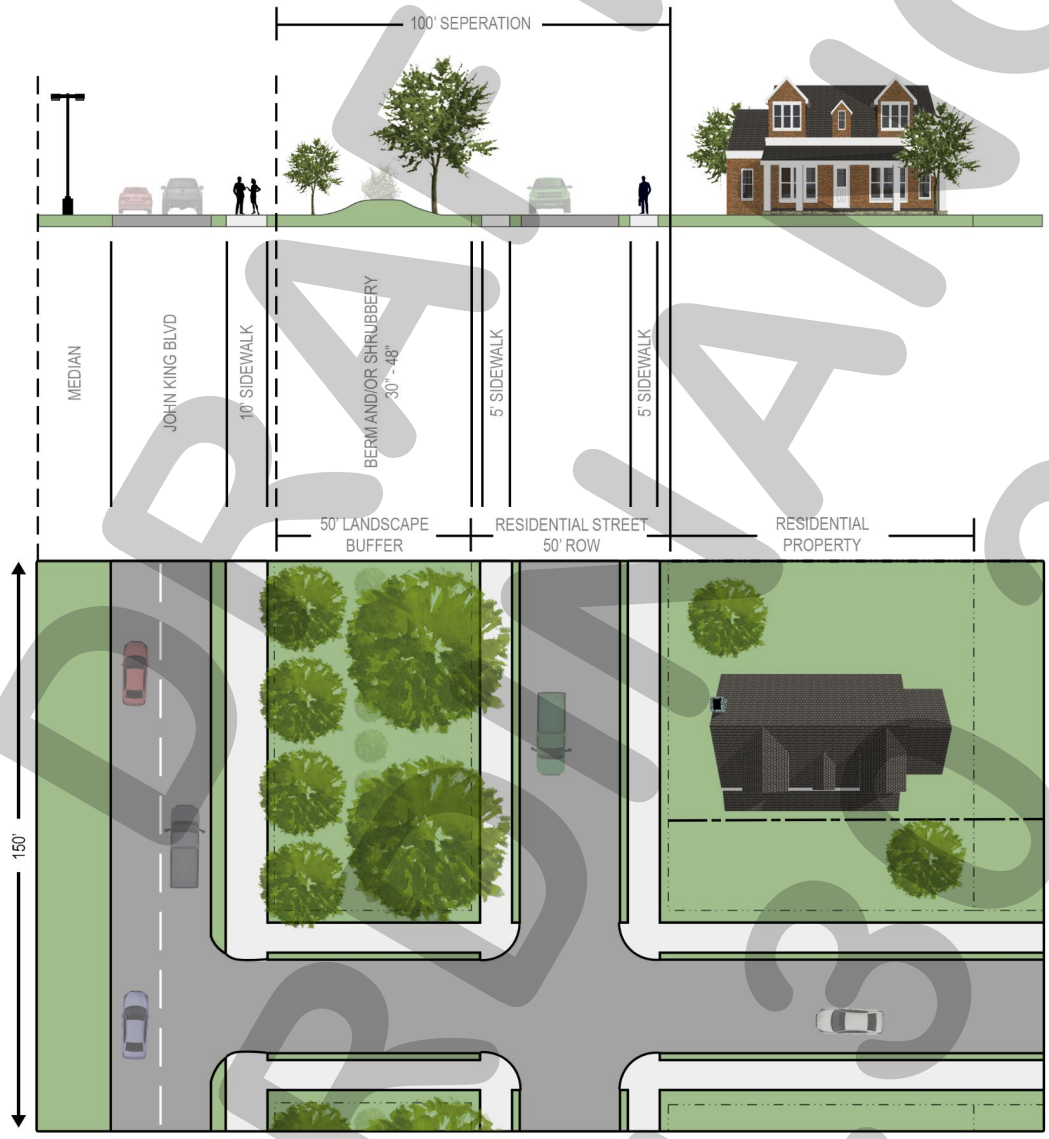
DRAFT
ON DISPLAY
04.30.2024

FIGURE 22: DESIGN ALTERNATIVE #3; SLIP STREET



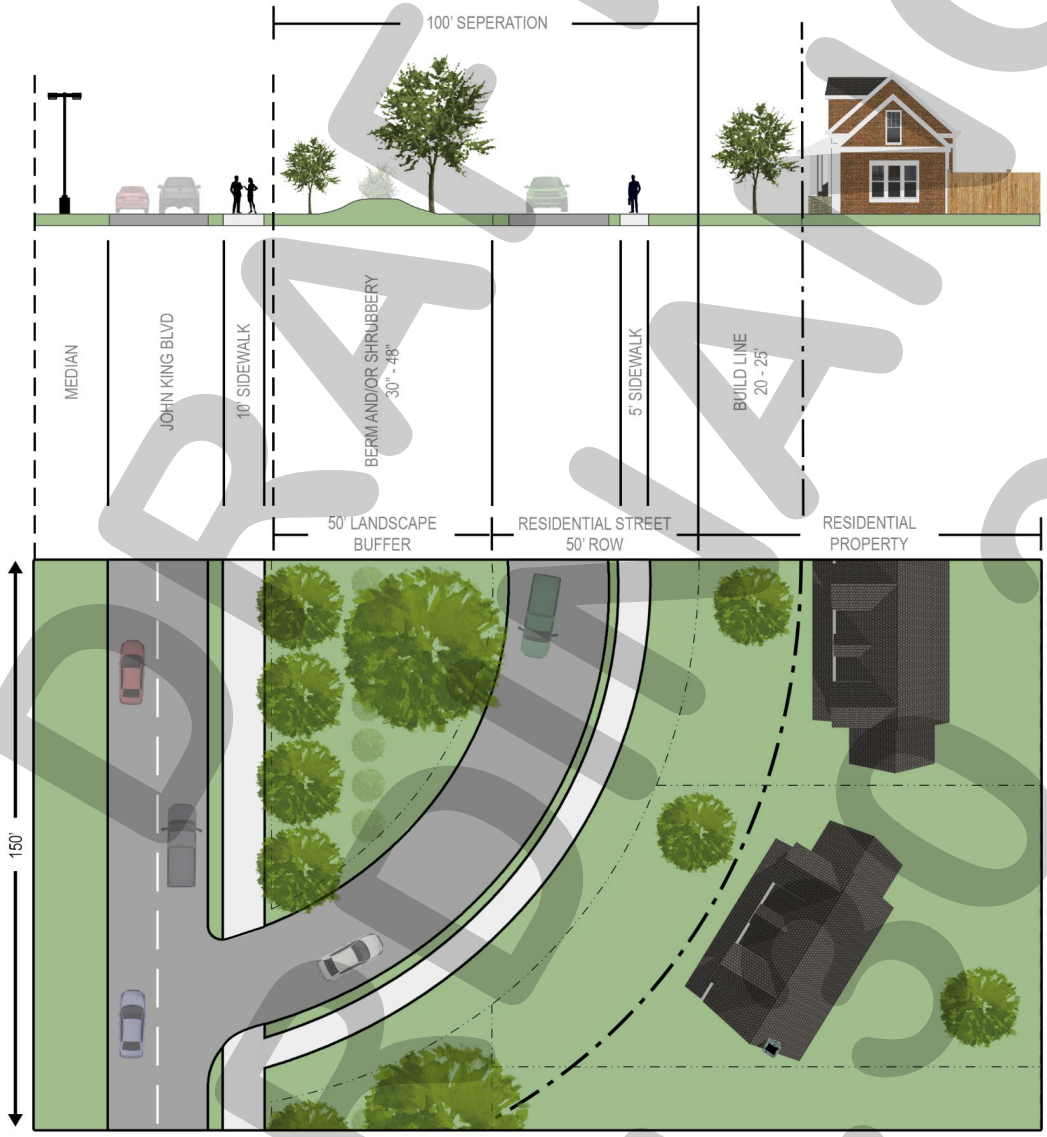
DRAFT
04.30.2024

FIGURE 23: DESIGN ALTERNATIVE #4; SLIP STREET



DRAFT ORDINANCE 04.30.2024

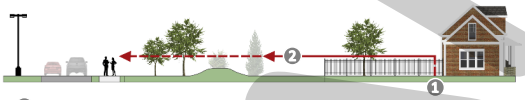
FIGURE 24: DESIGN ALTERNATIVE #5; EYEBROW STREET



DRAFT ORDINANCE 04.30.2024

(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.

FIGURE 25: LINE-OF-SITE REQUIREMENTS



❶: REPRESENTS THE LINE OF SIGHT AT SIX (6) FEET FROM GRADE.
❷: THE SOLID *RED LINE* SHOWS THAT THE VISIBILITY IS IMPAIRED FROM JOHN KING BOULEVARD BY EITHER [1] A ROW OF TREES OR [2] A BERM AND ROW OF SHRUBBERY.

SUBSECTION 06.11: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.12: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.13: 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 06.02, *General Overlay District Standards*.

DRAFT ORDINANCE 04.15.2024

SUBSECTION 06.14: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.15: AIRPORT OVERLAY (AP OV) DISTRICT

Note: This document was prepared using FAA guidelines as of March 17, 2020 and using AC150/5300-14D.

(A) *Purpose*. The purpose of this district is to provide both airspace protection and land use compatibility with airport operations at the Ralph M. Hall/Rockwall Municipal Airport. This district, through establishment of airport zones and corresponding regulations, provides for independent review of development proposals in order to promote the public interest in safety, health and general welfare of the City of Rockwall. Therefore, the City of Rockwall deems it necessary to regulate uses of land located within or near the traffic patterns of the airport through regulation of height of structures and objects of natural growth, and through the regulation of land uses within the Airport Overlay (AP OV) District, and other FAA regulated areas associated with the airport (*i.e. areas relating to RSA/ROFA/ROFZ which extend off the airport property*).

(B) *District Boundaries*. This *Airport Overlay (AP OV) District* is hereby established as the land area owned by the City of Rockwall and held as Ralph M. Hall/Rockwall Municipal Airport, the Airport Runway Protection Zone (RPZs), and a buffer area extending 500-feet from all property lines of the Ralph M. Hall/Rockwall Municipal Airport (*see Figure 29: Airport Overlay District Boundaries*).

(C) *Definitions*. Unless otherwise stated in this section, the following words shall have the definitions prescribed to them below:

(1) *Administrative Agency*. The appropriate person or office of the municipality that is responsible for the administration and enforcement of the regulations prescribed in this section of the Unified Development Code (UDC).

(2) *Airport*. The current and future boundaries of the Ralph Hall Municipal Airport located within the City of Rockwall, Texas.

(3) *Airport Hazard*. A structure or object of natural growth that obstructs the air space required for the taking off, landing, and flight of aircraft or that interferes with visual, radar, radio, or other systems for tracking, acquiring data relating to, monitoring, or controlling aircraft.

(4) *Airport Hazard Area*. An area of land or water on which an airport hazard could exist.

(5) *Applicant*. The person or persons making a request to the administrative agency.

(6) *Centerline*. The runway centerline identifies the center of the runway and provides alignment guidance during takeoff and landings. The centerline consists of a line of uniformly spaced stripes and gaps.

(7) *Non-Conforming Land Use or Non-Conforming Use*. Any land use of which is inconsistent with the provisions of these regulations and which is existing as of the effective date of the Airport Overlay (AP OV) District.

(8) *Person*. An individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

(9) *Runway*. A defined area on the airport prepared for the landing and taking off of aircraft along its length. The current length of the Rockwall Municipal Airport is 3,373-feet by 45-feet and the zoned dimensions are 3,373-feet by 60-feet.

(10) *Runway Safety Area (RSA)*. The surface surrounding the runway prepared or suitable for reducing the risk of damage to airplanes in the event of an undershoot, overshoot, or excursion from the runway.

(11) *Structure*. An object constructed or installed by one (1) or more persons and includes but is not limited to a building, tower, smokestack, and overhead transmission line.

(D) *Airport Zones*. In order to implement the intent of this ordinance, the Airport Overlay (AP OV) District hereby includes the following three (3) exhibits that depict the zones within the controlled area and shown on the official zoning map as depicted in *Figure 29: Airport Overlay District Boundaries*:

- Airport Overlay (AP OV) District Boundaries (*see Figure 29: Airport Overlay District Boundaries*)
- Development Zones within the Airport Overlay (AP OV) District (*see Figure 30: Development Zones within the Airport Overlay (AP OV) District*)
- Airport Airspace Zones Boundaries (*see Figure 31: Airspace Zone Boundaries*)

(E) *Permitted Uses*. All uses otherwise permitted by existing zoning ordinances within the boundaries of the AP OV District are permitted within the district, except where there is a conflict between the AP OV District and the existing zoning ordinances. Where the

ORDINANCE 04-30-2024

provisions of the AP OV District are more restrictive, the provisions of the AP OV District shall govern.

(F) *Controlled Area*. The area within which airport land use compatibility controls may be instituted, as defined by *Section 241, Municipal and County Zoning Authority Around Airports,* of the *V.T.C.A., Texas Local Government Code,* shall be defined as the controlled area. The controlled area is located outside the Airport boundaries and within an area measured no farther than one and one-half (1½) statute miles from the centerline of the Ralph M. Hall/Rockwall Municipal Airport runway and lies no farther than five (5) statute miles from each end of the paved surface of the runway.

(G) *Airspace Zones*. *Airspace Zones* consist of all of the land area lying beneath the surfaces referenced in Section H, *Height Limitations*, below and in Title 14, Part 77.19. The following *Airspace Zones* are hereby established and set forth (*see Figures 26: Airspace Zones [right] & Figure 31: Airspace Zone Boundaries [below]; reference Title 14, Part 77, FAR*):

(1) *Primary Surface.* The *Primary Surface* is a surface that is longitudinally centered on the runway. It extends 200-feet beyond the end of each runway and 250-feet on either side of the centerline of the runway for a total width of 500-feet (*i.e. a 250-foot side buffer of the runway centerline*).

(2) *Approach Zone.* The *Approach Zone* is a fan shaped zone that is established at both ends of the runway for the purpose of landings and take-offs. The *Approach Zone* commences at the end of the *Primary Surface* (*i.e. 200-feet beyond the end of the runway*) and has a beginning width of 500-feet. It then extends uniformly along the continuation of the centerline of the runway to a width of 3,500-feet at a distance of 10,000-feet from the point of commencement, and a slope of 34:1 or one (1) foot in height for each 34-feet in horizontal distance *[this is the land area that exists underneath the Approach Surface]*.

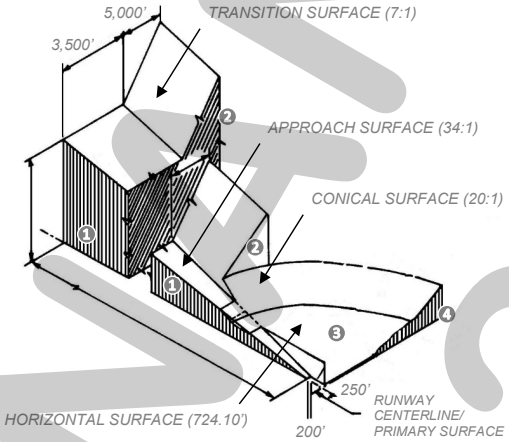
(3) *Transitional Zones.* The *Transitional Zones* are symmetrically located on either side of runway, and have variable widths. The *Transitional Zones* extend outward and upward commencing from the edge of the *Primary Surface* (*i.e. 250-feet on either side of the centerline of the runway*), and *Approach Surfaces.* The *Transitional Zones* extend upward and outward at slope of 7:1 or one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the *Horizontal Zone*. The *Transitional Zones* are established adjacent to the *Approach Zones* and extend their entire length. The *Transitional Zones* flare symmetrically with either side of the runway *Approach Zone* from the base of said zones and slope upward and outward at the rate of 7:1 or one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surface of the *Horizontal Zone* and the *Conical Zone [this is the land area that exists underneath the Transitional Surface]*.

(4) *Horizontal Zone.* The *Horizontal Zone* consists of the land area within the perimeter of which is constructed by swinging arcs of 10,000-feet from the center of each *Primary Surface*, 200-feet beyond the centerline of each runway and connecting the adjacent arcs by lines of tangent to those arcs. The *Horizontal Zone* does not include the *Approach Zone* and/or the *Transition Zone [this is the land area that exists underneath the Horizontal Surface]*.

(5) *Conical Zone.* The *Conical Zone* consists of the land area that commences at the periphery of the *Horizontal Zone* and extends outward for a distance of 4,000-feet, at a 20:1 slope or one (1) foot in height for each 20-feet of horizontal distance. The *Conical Zone* does not include the *Approach Zone* and/or the *Transition Zone [this is the land area that exists underneath the Conical Surface]*.

FIGURE 26: AIRSPACE ZONES

❶: APPROACH ZONE; ❷: TRANSITION ZONE; ❸: HORIZONTAL ZONE; ❹: CONICAL ZONE



(H) *Height Limitations*. Except as otherwise provided in this ordinance, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created above to a height in excess of the limits established herein for each of the imaginary surfaces created by the airspace zones (*Title 14 CFR, Section 77.19, Civil Airport Imaginary Surfaces)*, which are defined as follows:

(1) *Approach Surface.* The *Approach Surface* is the surface that is created by the *Approach Zone*, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending into the area required for an aircraft's navigable airspace. The *Approach Surface* is the same starting width as the *Primary Surface* (*i.e. 500-feet*), and has a slope of 34:1 or one (1) foot in height for each 34-feet in horizontal distance commencing at the *Primary Surface* and extending to a point 10,000-feet from the point of beginning and widening to a width of 3,500-feet.

(2) *Transitional Surface.* The *Transitional Surface* is the surface that is created by the *Transitional Zone*, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending in the area required for an aircraft's navigable airspace. The *Transitional Surface* is the surface that extends outward and upward, at right angles to the runway centerline (*at any point 250-feet normal to and at the elevation*

DRAFT ORDINANCE 04-2024

of the centerline) and extended runway centerline (*i.e. 200-feet beyond the end of the runway*), from the sides of the *Primary Surface* and the *Approach Surfaces* to a point of 150-feet above the airport elevation (*i.e. 724.10-feet*) [*the airport elevation is 574.10-feet above mean sea level*]. The *Transitional Surface* has a slope of 7:1 or one (1) foot in height for each seven (7) feet in horizontal distance.

(3) *Horizontal Surface.* The *Horizontal Surface* is the surface that is created by the *Horizontal* Zone, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending into the area required for an aircraft's navigable airspace. The *Horizontal Surface* is the horizontal plane created by swinging arcs with a 10,000-foot radius centered on the extended runway centerline where it crosses the *Primary Surface*, and is situated 150-feet above the established airport elevation (*i.e. 724-feet) [the airport elevation is 574-feet above mean sea level]*, which coincides with the extent of the *Horizontal Zone*.

(4) *Conical Surface.* The *Conical Surface* is the surface that is created by the *Conical Zone*, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending into the area required for an aircraft's navigable airspace. The *Conical Surface* extends upward and outward from the outer limits or the periphery of the *Horizontal Surface* at a slope of 20:1 or one (1) foot in height for each 20-feet of horizontal distance for a horizontal distance of 4,000-feet. The *Conical Surface* extends to a height of 350-feet above the airport's elevation (*i.e. 924-feet*) [*the airport elevation is 574-feet above mean sea level*].

[Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail. Nothing in this ordinance shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 45-feet above the surface of the land, except in the Approach Zones.]

(I) *Airport Hazard Area.* The *Airport Hazard Area* is an area of land or water on which an airport hazard could exist. An *airport hazard* is defined as a structure or object of natural growth that obstructs the airspace required for the taking off, landing, and flight of aircraft or that interferes with visual, radar, radio, or other systems for tracking, acquiring data relating to, monitoring, or controlling aircraft. For the purposes of this ordinance, the *Airport Hazard Area* is defined as the entirety of all the imaginary surfaces stated in Section H, *Height Limitations*, of this ordinance (*see Figure 31: Airspace Zone Boundaries*).

(J) *Land Use Compatibility.*

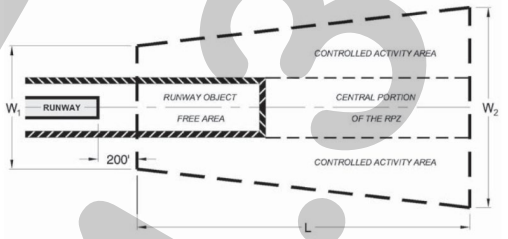
(1) *Intent.* The Airport Overlay (AP OV) District is intended to overlay any other zoning district's regulations comprising or pertaining to areas to which it is applicable, to prevent undue negative interaction between aviation activities associated with the airport and the surrounding community. It is intended to protect the lives and property of the users of the airport and of the occupants of the land in its general vicinity by restricting places of public assembly within this Airport Overlay (AP OV) District. The overlay is intended to preserve the utility of the airport and the public investment therein.

(2) *Development Zones.* The *Development Zones* are hereby established within the Airport Overlay (AP OV) District. These zones are depicted in *Figure 30: Development Zones within the Airport Overlay (AP OV) District* of this ordinance. The *Development Zones* are defined and described as follows:

(a) *Airport Runway Protection Zones (RPZs).* The *Airport Runway Protection Zones* are hereby established as the trapezoidal areas centered about the extended runway centerline. The *RPZ* dimensions for a particular runway end are a function of the type of aircraft and approach/departure visibility minimum associated with the runway end. The *RPZs* for the Ralph M. Hall/Rockwall Municipal Airport commence 200-feet from the edge of pavement at the end of each runway, beginning with a base of 500-feet (*i.e. inner width or 'W_1'*), extending 1,000-feet along the runway centerline (*i.e. length or 'L'*), and terminating at the outboard corners of a 700-foot line segment (*i.e. outer width or 'W_2'*) [*see Figure 27: Airport Runway Protection Zone (RPZ)*], creating a 13.770-acre trapezoidal area, which is intended to service *Aircraft Approach/Departure Categories 'A' & 'B'* (*i.e. small single and multi-engine planes*). Contained within the two (2) trapezoidal areas that make up the *RPZs* are the *Controlled Activity Area* and a portion of the *ROFA (Object Free Area)*. These areas are defined as follows:

(1) *The Runway Object Free Area (ROFA).* The *Runway Object Free Area (ROFA)* is centered on the runway centerline. The *ROFA* clearing standard requires clearing the *ROFA* of above ground objects protruding above the runway safety area edge elevation. Except where precluded by other clearing standards, it is acceptable to place objects that need to be located in the *ROFA* for air navigation or aircraft ground maneuvering purposes to protrude above the nearest point of the runway safety area, and to taxi and hold aircraft in the *ROFA*. To the extent practicable, objects in the *ROFA* should meet the same frangibility requirements as the runway safety area. Objects non-essential for air navigation or aircraft ground maneuvering purposes are not permitted to be placed in the *ROFA*. This includes parked airplanes and agricultural operations.

FIGURE 27: AIRPORT RUNWAY PROTECTION ZONE (RPZ)



DRAFT ORDINANCE 04.30.2024

(2) *The Controlled Activity Area.* The *Controlled Activity Area* is the portion of the *RPZ* beyond the boundaries of the *ROFA*.

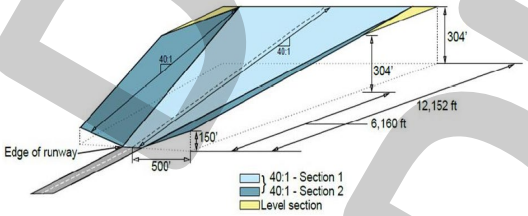
(b) *Municipal Airport Zone.* The *Municipal Airport Zone* is hereby established as the real property boundaries of the Ralph M. Hall/Rockwall Municipal Airport. This zone contains the majority of all airport related land uses and structures.

(c) *Airport Influence Zone.* The *Airport Influence Zone* contains all areas within the 500-foot buffer excluding the *Municipal Airport Zone* and the *RPZ*.

(d) *Height Restriction Zone.* The *Height Restriction Zone* extends to the edge of the *Conical Zone* and is subject only to the requirements stipulated in Section H, *Height Limitations*, of this ordinance (*see Figure 29: Airport Overlay District Boundaries*).

(e) *Departure Surface*. The *Departure Surface* starts at the end of the runway end elevation and matches the width of the usable runway. From the edge of the usable runway, the surface rises upward to 150-feet above the runway end elevation at a point 500-feet on either side of the runway centerline. The new surface rises upward along the extended centerline at a slope of 40:1 or one (1) foot in height for each 40-feet in horizontal distance until reaching 304-feet above the runway end elevation (*i.e. 6,160-feet across at its outer width at the runway end elevation*). Upon reaching the 304-foot marker, the surface levels out until the end of the departure surface at 12,152-feet. The area splays outward at a rate of 15-degrees relative to the extended runway centerline (*see Figure 28: Departure Surface*).

FIGURE 28: DEPARTURE SURFACE



(3) *Land Use Restrictions*.

(a) *Runway Object Free Area (ROFA) and Controlled Activity Area*. No uses are permitted within the *Runway Object Free Area (ROFA)* or the *Controlled Activity Area* unless deemed essential to air navigation or aircraft ground maneuvering purposes by the Federal Aviation Administration (FAA) with the following exceptions:

(1) *Permitted Uses*. See the current *FAA Standard*.

(2) *Specific Use Permit (SUP)*.

(a) Roadways, Automobile Parking Areas, and Railroads that Adhere to the Height Restrictions

(b) *Municipal Airport Zone*.

(1) *Permitted Uses.*

(a) Aircraft Runways, Taxiways, Taxi Lanes, Ramps, Parking Areas and Fuel Storage Facilities

(b) Aircraft Operational Facilities (*including but not limited to Instrument Landing Systems, Visual Navigational Aids, and Related Equipment; Communication Facilities; Weather Service Offices and Equipment*)

(c) Hangars (*includes all buildings which may be used for the Storage or Maintenance of Aircraft, Airport Snow Removal, Sweeping and Other Maintenance Equipment, and/or Other Aviation-Related or Ancillary Activities*)

(d) Terminal Buildings (*which may contain Offices or Airline Companies, and Other Businesses and Concessionaires*)

(e) Offices and Facilities for Airport Management, Air Charter, Air Taxi, Crop Spraying, Aircraft Sales or Rentals, and Air Cargo Processing Facilities

(f) Agriculture (*other than Forestry or Livestock*), Tourism Information Centers and Museums

(g) Flight Schools, Flying Clubs, and Other Schools or Training Facilities (*relating to Aviation or Air-Related Transportation*)

(h) Offices and Facilities for the Operation and Maintenance of Air Rescue, Emergency and Firefighting Services

(i) Aircraft Maintenance, Manufacturing, and Testing Facilities

(j) Offices and Facilities of Federal, State and Local Government Entities that Incorporate an Aeronautical Land Use (*Unless the Property has been Designated for Non-Aeronautical Land Uses*)

(2) *Prohibited Uses*.

(a) No uses other than those uses explicitly permitted above.

(c) *Airport Influence Zone*. All uses permitted within the underlying zoning depicted on the official zoning map of the City of Rockwall, with the following additional uses and exceptions:

(1) *Specific Use Permits (SUP)*.

(a) Residential Airpark or Aviation Homes

(b) Driving Test Track

(2) *Prohibited Uses*.

(a) Residential Uses (*e.g. Single Family, Multi Family, etc.*)

(b) Educational Centers (*including all types of Primary and Secondary Schools, Pre-Schools, and Child Care Facilities*)

DRAFT ORDINANCE 04.30.2024

(c) Hospitals, Medical Inpatient Treatment Facilities, Nursing Homes and/or Convalescent Home Facilities

(d) Places of Worship

(e) Places of Public Assembly (*Not Previously Listed*)

(f) Fuel Handling and Storage Facilities (*Does Not Include Gas Station*)

(d) *Height Restriction Zone*. Properties within the *Height Restriction Zone*, outside of the Airport Overlay (AP OV District), are subject to the use requirements stipulated by the underlying zoning depicted on the official zoning map of the City of Rockwall (*see Figure 29: Airport Overlay District Boundaries*).

(4) *Additional Use Restrictions*.

(a) Notwithstanding any other provision of this ordinance, no use may be made of land within any zone established by this ordinance in such a manner as to (*1*) create electrical interference with radio communication between the Airport and aircraft, (*2*) make it difficult for flyers to distinguish between airport lights and others, (*3*) result in glare in the eyes of flyers using the Airport, (*4*) impair visibility in the vicinity of the Airport or otherwise endanger the landing, taking-off, or maneuvering of aircraft.

(5) *Legal Non-Conforming Land Uses*.

(a) *Regulations Not Retroactive*. The regulations prescribed by this ordinance shall not be construed to require the removal, lowering, changes and/or alteration of any structure (*e.g. building*) or object of natural growth (*e.g. tree*) not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of any legal non-conforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure or property, for which the construction or alteration of said structure or property was commenced prior to the effective date of this ordinance.

(b) *Hazard Marking and Lighting*. Notwithstanding the preceding provision of this section, the owner of any non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the City Manager or his designee to indicate to the operators of aircraft in the vicinity of the Airport, the presence of such airport hazards. Markers and lighting necessary for existing non-conforming structures or trees shall be operated and maintained at the expense of the property owner. Markers and lighting necessary for future non-conforming structures or trees, approved per the requirements of this ordinance, shall be installed, operated, and maintained at the expense of the property owner.

(K) *Development Standards.*

(1) *Architectural Standards*.

(a) All buildings within the *Municipal Airport Zone* shall be designed by a licensed, professional architect and all drawings submitted for approval and/or permits shall bear the architect's seal of the State of Texas.

(b) All buildings intended for airport related use such as hangars, maintenance facilities, offices and facilities for airport management, terminal buildings and other similar types of uses with exterior walls visible from a public right-of-way shall consist of 90% masonry materials, excluding doors and windows as defined in Article 13, *Definitions*, of the Unified Development Code (UDC) [*i.e. "Masonry"*]. Building exterior walls not visible from the public rights-of-way may be earth-tone colored, pre-finished aluminum, steel or masonry. Materials that are unfinished are prohibited.

[All other buildings not related to airport uses within the Airport Overlay (AP OV) District shall conform to building materials requirements as stipulated within the Unified Development Code (UDC).]

In addition, all buildings intended for airport related uses shall adhere to the following standards:

(1) A *Material Sample Board* indicating all exterior materials and colors must be submitted to the Planning and Zoning Commission, upon a recommendation by the Architecture Review Board (ARB), for approval prior to the commencement of construction. All sides of the exterior building shall be architecturally integrated and similar in nature with respect to the design and aesthetic.

(2) All roofs shall be metal. If galvanized metal is being proposed, it shall be limited to a roofing material only.

(3) Building glazing or reflectors shall not be incorporated into a building if it will cause a glare or reflection that could interfere with airport operations or ground circulation.

(4) All windows or large glass elements shall be oriented and/or treated to avoid reflections that could cause a distraction to air traffic that is landing or taking off.

(5) All new construction shall be of a high quality and utilize materials and finishes that will maintain their appearance with relatively low maintenance.

(6) All steel used for roofing or siding shall be a minimum of 28-gauge steel, with a factory finish in a color that has been approved by the Planning and Zoning Commission, and which has been warranted by the manufacturer for a minimum of 20 years with regards to the durability and color fastness.

(7) All floors must be constructed of a minimum of four (4) inches thick concrete and reinforced with steel to a standard approved by the Engineering and Building Inspections Departments.

DRAFT ORDINANCE 04.08.2024

(8) All hangars facing a taxiway (*i.e. a path connecting runways with ramps, hangars, terminals, etc.*) shall have a hangar door that has a minimum opening of 55-feet in width by 16-feet in height (*i.e. 55' [w] x 16' [h]*). Buildings facing a taxilane (*i.e. a path connecting the taxiways to aircraft parking positions*) shall have a hangar door that has a minimum opening of 41-feet, 6-inches in width by 12-feet in height (*i.e. 41'-6" [w] x 12' [h]*). Approved swing out, overhead or sliding doors may also be used. All pedestrian doors must be of a pre-finished metal construction positioned in metal doorjambs. No wood doorjambs will be permitted on exterior doors.

(9) Mechanical equipment shall be screened so as not to be visible from the public and private rights-of-way. All screens, whether situated on the ground or on the building, shall be constructed to be aesthetically integrated into the design of the building. The rooftops of all buildings shall be free of any mechanical equipment unless completely screened from all points of view along all public rights-of-way by an architectural parapet. All screening materials shall be compatible with the material used on the building.

(2) *Landscaping*.

(a) The requirements contained within Article 05, *District Development Standards*, and Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC), whichever would be applicable to the subject property independent of the AP OV District, shall apply to a property located within the overlay (*i.e. the landscaping percentage of the underlying zoning district would apply*); however, landscaping plans in the AP OV District should be designed with the consideration of aircraft movement and should not be designed using trees and/or plants that have the propensity to attract hazardous wildlife. In cases where aircraft requirements would conflict with certain landscaping elements, the Planning and Zoning Commission may approve requirements that deviate from those stipulated by the Unified Development Code (UDC) if, in its opinion, such alternate requirements provide for a safer and more efficient use of the property. In addition, the Planning and Zoning Commission may request that a qualified Airport Wildlife Biologist review landscaping plans in sensitive areas and provide recommendations for planting placement and alternatives.

(3) *Variances*. The City Council may, upon request from the applicant, grant a variance to the any of the provisions contained within Section K.6, *Architectural Standards*, and Section K.7, *Landscaping*, of this ordinance where unique or extraordinary conditions exist or where strict adherence to the provisions of this ordinance would create a hardship. Approval of any variance to any provision of this section shall require City Council approval by a three-quarter (¾) majority vote of the City Council members present with a minimum of four (4) affirmative votes.

(L) *Administrative Procedures and Permits.*

(1) *Notice of Proposed Construction or Alteration (i.e. FAA Form 7460-1)*. Any tree or structure (*new or alteration of an existing structure*) proposed within the AP OV District or 20,000-feet of the runway shall require an applicant to file a *Notice of Proposed Construction or Alteration* form (*i.e. FAA Form 7460-1*) with the Federal Aviation Administration (FAA) to determine if the tree or structure creates a hazard to air navigation or will result in an inefficient use of airspace.

(2) *Future Use*. Except as specifically provided herein, no change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(a) In the area lying within the limits of the *Horizontal Zone* and *Conical Zone*, no permit -- *except as required by Section (L)(1) above* -- shall be required for any tree or structure less than 75-feet of vertical height above the ground as measured at grade, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.

(b) In the areas lying within the limits of the *Approach Zones* but at the horizontal distance of not less than 4,000-feet from each end of the runways, no permit -- *except as required by Section (L)(1) above* -- shall be required for any tree or structure less than 75-feet of vertical height above the ground as measured at grade, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limit prescribed for the *Approach Zone*.

(c) In the areas lying within the limits of the *Transitional Zones* ending at the perimeter of the *Horizontal Zone*, no permit -- *except as required by Section (L)(1) above* -- shall be required for any tree or structure less than 75-feet of vertical height above the ground as measured at grade, except when such tree or structure because of terrain, land-contour or topographic features would extend above the height limit prescribed for such *Transitional Zones*.

(3) *Exceptions/Variances/Non-Conforming Uses*. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this Ordinance except as set forth in Section H, *Height Limitations*.

(a) *Existing Uses*. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this Ordinance or any amendments thereto or than it is when

DRAFT ORDINANCE 04-30-2024

the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(b) *Non-Conforming Uses Abandoned or Destroyed*. Whenever the Board of Adjustment (BOA) determines that a non-conforming structure or use has been abandoned for a period of six (6) months, or more than eighty (80%) percent of a non-conforming structure or tree has been torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(c) *Variances*. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use of their property, not in accordance with the regulations prescribed in this ordinance, may apply to the Board of Adjustment (BOA) for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulation would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice to be in accordance with the spirit and intent of this Ordinance.

(d) *Hazard Marking and Lighting*. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the owners at their own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

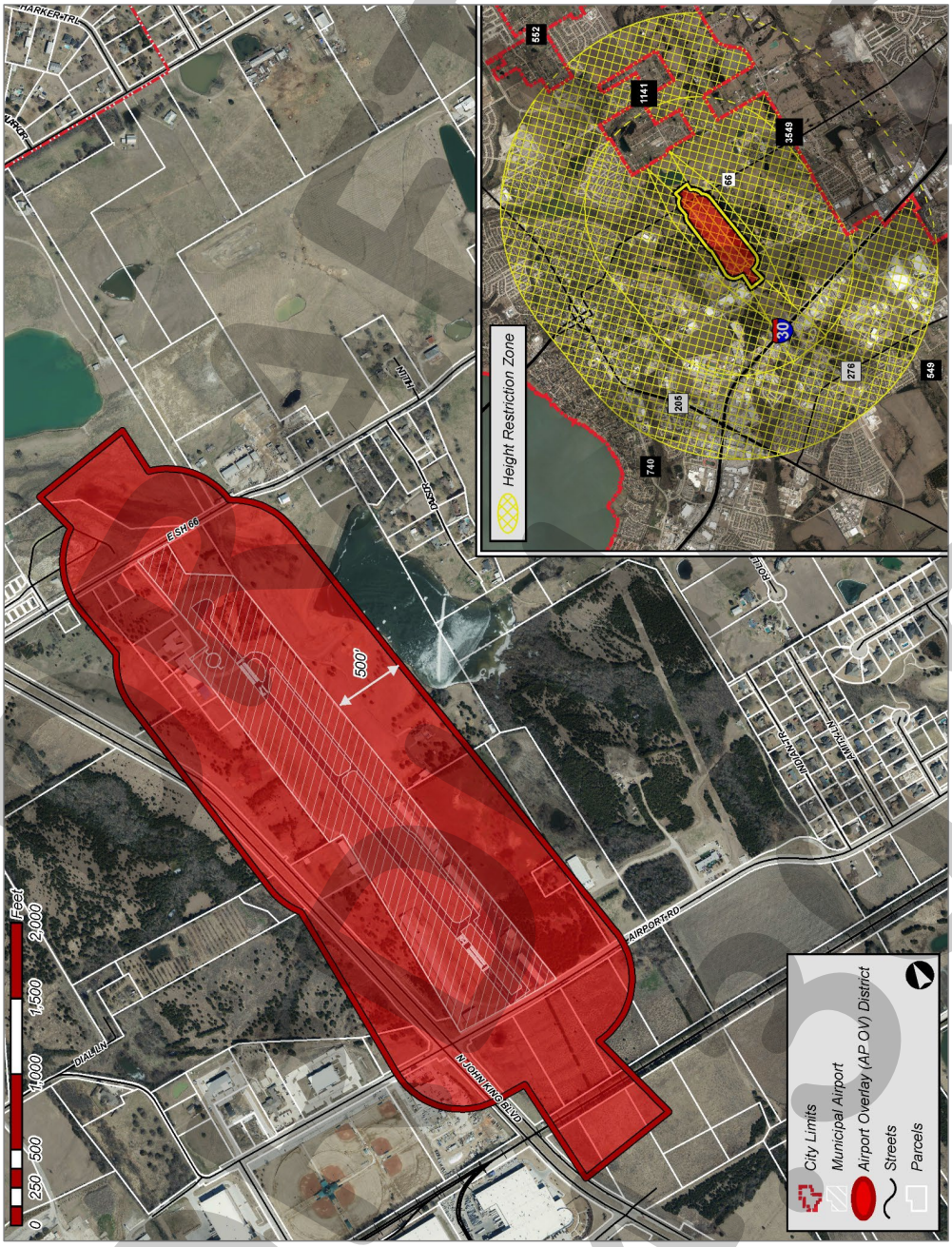
(M) *Enforcement*. It shall be the duty of the City Manager or his designee to administer and enforce the regulations prescribed herein. Application of permits shall be made to the City Manager or his designee upon a form published for that purpose. Applications required by this ordinance to be submitted to the City Manager or his designee shall be promptly considered and granted or denied. Applications for variances shall be made to the Board of Adjustment (BOA) by first filing said application for variance with the City Manager or his designee who shall forthwith transmit said application to the Board of Adjustment for determination.

(N) *Appeals*. Requests for appeals to administrative decisions by the City Manager or his designee concerning the enforcement of this ordinance shall be directed to the Board of Adjustment (BOA) in compliance with Section 04, Board of Adjustments, of Article 02, Authority and Administrative Procedures, of the Unified Development Code (UDC).

Continued on Next Page …

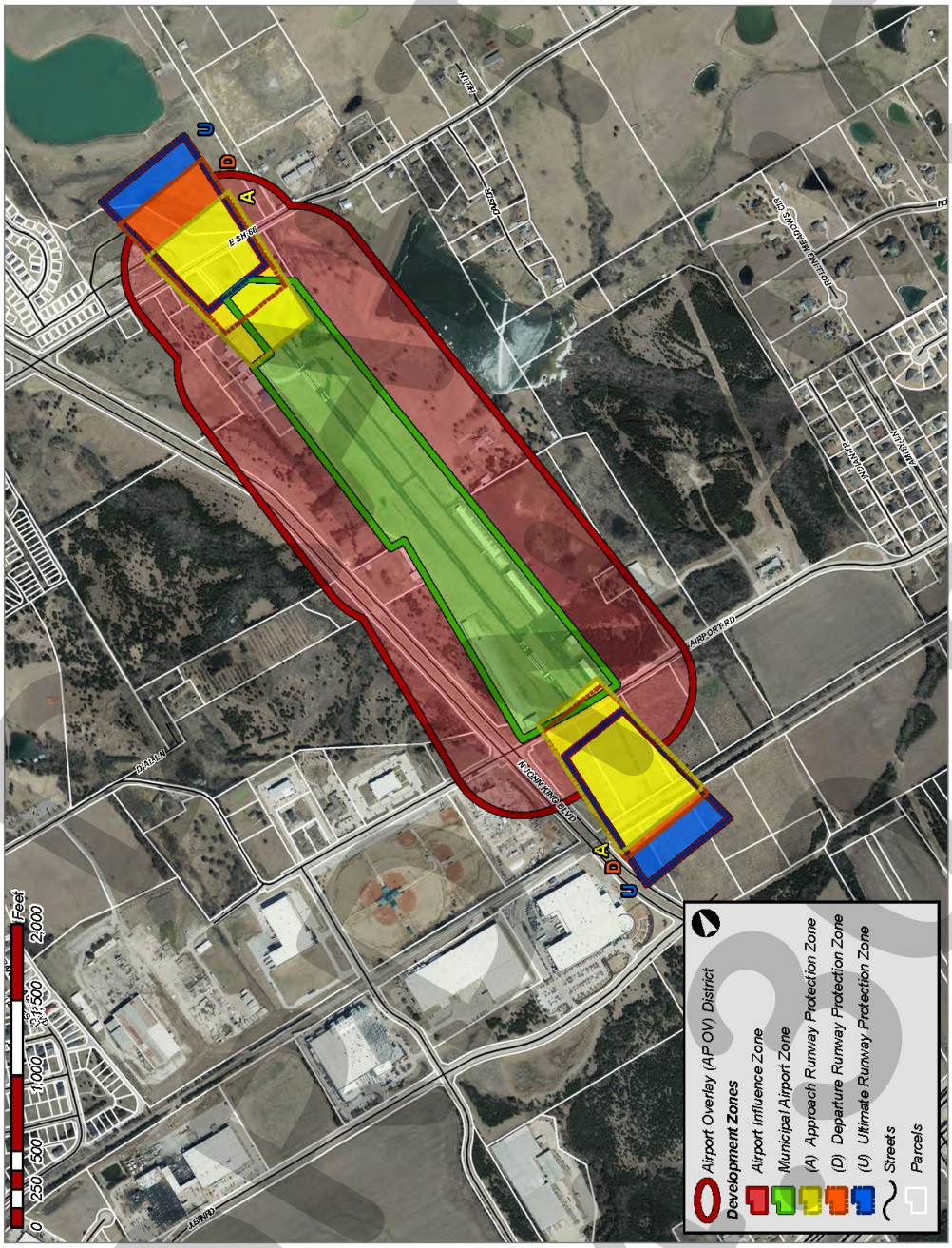
DRAFT ORDINANCE 04.30.2024

FIGURE 29: AIRPORT OVERLAY (AP OV) DISTRICT BOUNDARIES



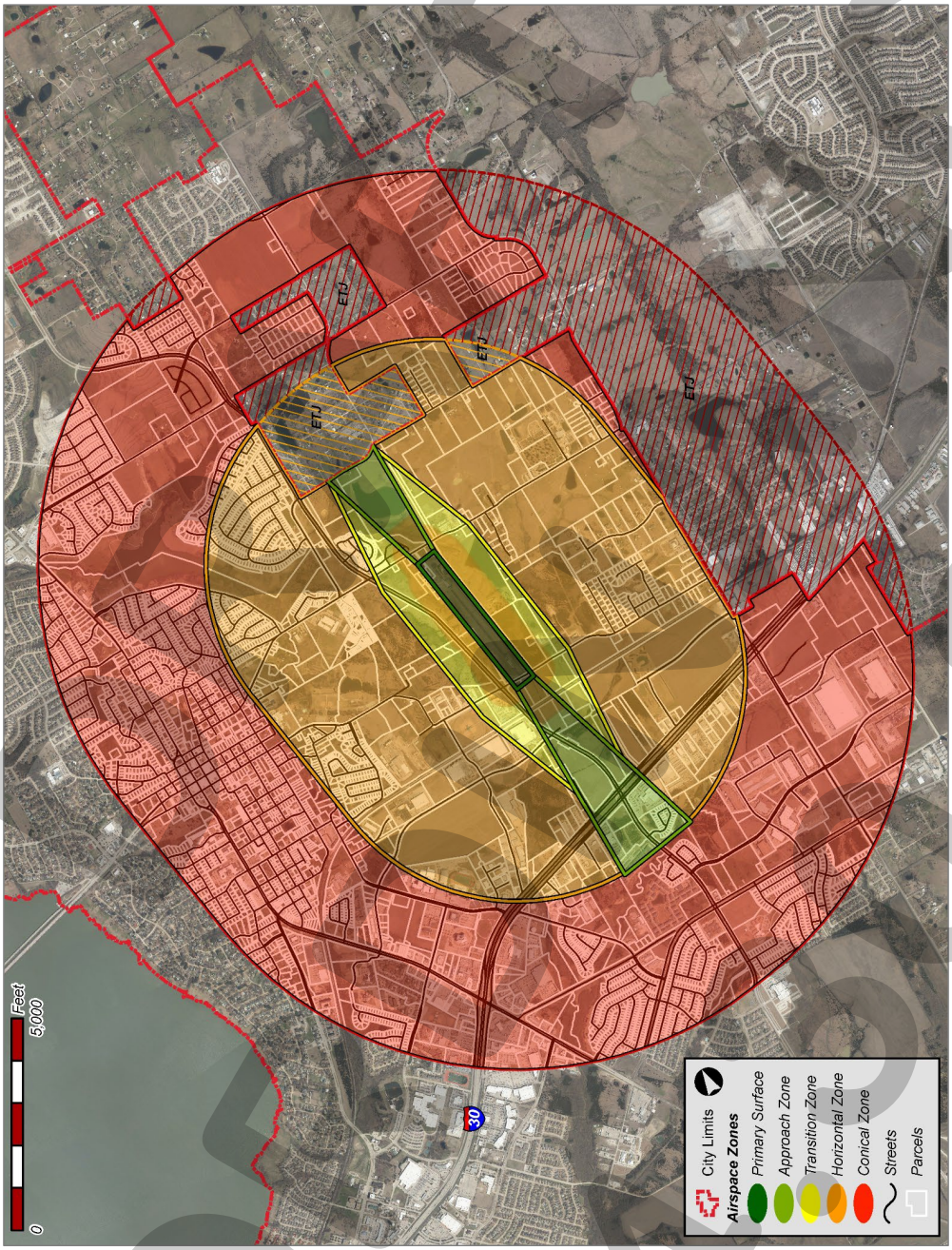
04.2024

FIGURE 30: DEVELOPMENT ZONES WITHIN THE AIRPORT OVERLAY (AP OV) DISTRICT



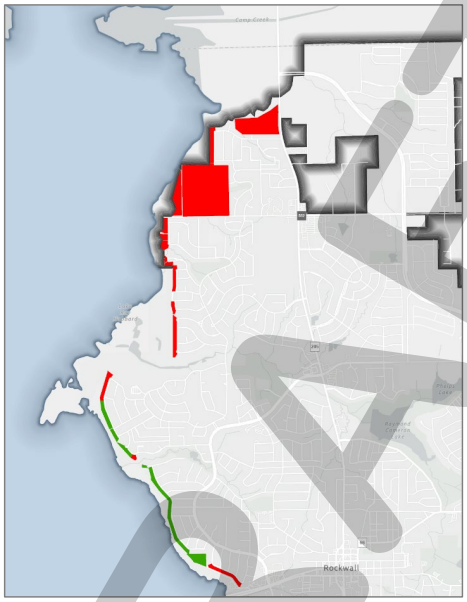
DRAFT 04.30.2024

FIGURE 31: AIRSPACE ZONE BOUNDARIES



04.05.2024

FIGURE 32: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT MAP



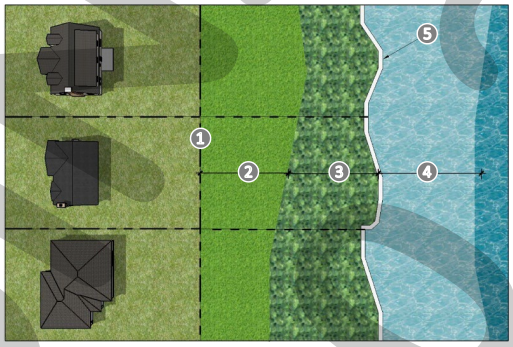
RED: NON-LEASEABLE PROPERTY
GREEN: LEASABLE PROPERTY
ORANGE: HOA LEASABLE AREA

SUBSECTION 06.16: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT

(A) *Purpose*. The purpose of the *Lake Ray Hubbard Takeline Overlay (TL OV) District* is to permit the development of property along the shoreline of Lake Ray Hubbard under certain regulatory conditions governing permitted uses and development standards, setting forth the procedures for the development of said property, and establishing an appeal process for the development standards of the district. This zoning district has its basis in and is intended to serve as an implementation tool for the Lake Ray Hubbard Master Plan (*adopted by the City of Dallas*), the Lake Ray Hubbard Interlocal Agreement as approved by those municipalities comprising the *Lake Cities Coalition* (*i.e. Garland, Rockwall, and Rowlett*) and the City of Dallas, and the OURHometown Vision 2040 Comprehensive Plan. The adoption of this zoning district is intended to provide a means for the protection of water quality.

(B) *Boundaries*. The Lake Ray Hubbard Takeline (TL OV) District includes all property that is located between the City of Dallas *Takeline* as shown on the boundary map for Lake Ray Hubbard (*i.e. File 612D-1 on file in the City of Dallas Records Vault and depicted below in Figure 32, Lake Ray Hubbard Takeline [TL OV] District Map*) and the meandering of the contour line 435.5-feet sea level elevation. In addition, *Figure 33*: *Elevation Contours*, shows the elevation zones used to delineate where certain land uses are permitted.

FIGURE 33: ELEVATION CONTOUR ZONES



❶: REAR PROPERTY LINE/TAKE LINE; ❷: 438.0 ELEVATION ZONE; ❸: 435.5 ELEVATION ZONE; ❹: 425.5 ELEVATION ZONE; ❺: SEAWALL;

(C) *Applicability*.

(1) *Applicable Lots*. The standards set forth within Subsection 06.16, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, shall apply only to those lots within the takeline that are zoned and used for detached, single-family residential land uses, and that either have a minimum lot width of 45-feet when measured at the front building line or a minimum width of 35-feet at the front building line when located on a curved street or cul-de-sac or Homeowner's Association (HOA) that are eligible to lease. The properties and Homeowner's Associations (HOA's) that are eligible to lease the takeline area are depicted in *Figure*

DRAFT ORDINANCE 04-30-2024

32: Lake Ray Hubbard Takeline Overlay (TL OV) District Map above.

(2) *Exceptions for Lots Not Meeting the Applicability Standards*. The City Council shall have the authority to consider special exceptions to the eligibility standards set forth within this section that apply to those lots within the Lake Ray Hubbard Takeline Overlay (TL OV) District that are zoned and used for detached, attached, or zero-lot-line single-family residential land uses and meet the minimum lot width requirements as prescribed in Subsection 06.15(C)(1) above.

(D) *Definitions*. The terms used in this section shall be as defined in this Unified Development Code (UDC), the Lake Ray Hubbard Interlocal Agreement, and the sublease agreements prepared by the City of Rockwall. For specific land use definitions refer to Subsection (K), *Specifications for Permitted Land Uses*. In addition, the following terms shall be defined as follows:

(1) *Catwalk*. The narrow walkway of a dock providing people access to moored watercraft.

(2) *Centerline*. An established line that is equidistant from the surface or sides of something (*e.g. parcel boundaries*).

(3) *Cleat*. A metal fitting with two (2) projecting pieces used to wrap a rope around to secure a watercraft in position.

(4) *Dredging*. The process of deepening a waterway for the sale and efficient movement of watercraft by the removal of dirt either by digging or by suction.

(5) *Habitable Structure*. A structure fit for human habitation usually containing amenities (*e.g. fireplace, furniture, plumbing, bathing facilities, and cooking facilities*). Structures allowed by this section shall *not* be habitable structures and may not contain such amenities.

(6) *Lake*. Refers to Lake Ray Hubbard.

(7) *Lake Area*. The City of Dallas property, known as Lake Ray Hubbard, that is normally submerged by the lake at a normal lake pool elevation (*i.e. property at or below an elevation of 435.5-feet mean sea level*).

(8) *Leased Area*. Means the take area that is within the corporate limits of the City of Rockwall, or where the takeline is directly adjacent to the corporate limits of the City of Rockwall.

(9) *Lift*. A temporary means of elevating a watercraft out of the water by use of a hoist.

(10) *Locker Box*. A secured chest fixed onto a dock used for storage of watercraft equipment.

(11) *Moor*. Securing a watercraft to a fixed object such as a fixed cleat on a seawall while the watercraft is still in the water.

(12) *Mooring*. A place where a watercraft can be tied up and secured while in the water (*e.g. a slip*) for not more than 156-consecutive hours.

(13) *Power Source Station*. Used as a power supply for lighting a dock just below watercraft level.

(14) *Shoreline*. Refers to the line along the shore of the lake, established by the normal lake pool elevations (*i.e. 435.5-feet mean sea level*).

(15) *Slip*. A watercraft's berth between two (2) piers or between finger piers.

(16) *Take or Takeline Area*. Refers to the land owned by Dallas between the takeline and the normal lake pool elevations (*i.e. 435.5-feet mean sea level*).

(17) *Treated Wood*. Wood treated by the impregnation or application of chemical solutions or chemical mixtures for the purpose of retarding or preventing deterioration or destruction cause by insects, fungi, bacteria, or other wood destroying organisms.

(18) *View Clear Zone*. The area within the view preservation angle where no new structures or plantings shall exceed six (6) feet above the existing grade to maintain neighboring views.

(19) *View Corridor*. A sight passage recognized as holding an intangible asset for a property owner and for a community due to the unique visual qualities of distant terrain, woodlands, wetlands, grasslands, skylines, and manmade lakes expressed through a view preservation angle from either a generally recognized center point or various center points along a road corridor or public view area (*see Figure 28: Visual Measurements for View Corridors of Subsection (E)*).

(20) *View Preservation Angle*. The angle determined as the line extending from the center point -- *or 30-foot point depending on lot size* -- along the quarter distance line of the leased area extending back toward the opposite corner where the takeline area crosses the lease area's side yard (*see Figure 28: Visual Measurements for View Corridors*).

(21) *Watercraft (or Boat)*. A craft for water transport. Examples of watercrafts are as follows:

(a) *Motorized Boat*. A boat propelled by an internal combustion engine.

(b) *Sail Boat*. A boat with a mast and sail propelled by the wind.

(E) *Visual Measurements for View Corridors*.

(1) *View Corridors*. View clear zones are established to protect a property owner's views of the lake and to maintain the aesthetic value of the lake's shoreline. The view clear zones for the takeline areas are established by the shoreline frontage of the takeline lease area. This measurement is determined by projecting the lease areas side yards to the normal pool elevation (*i.e. 435.5-feet mean sea level*), and connecting these two (2) points in a straight line (*see Figure 34: Visual Measurements for View Corridors*). Based on this linear measurement, the view clear zones are determined by the following:

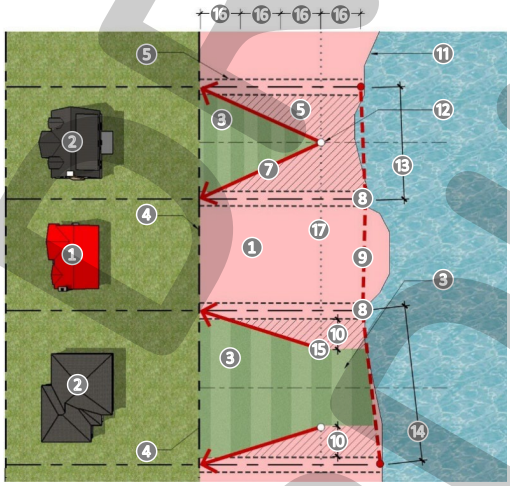
(a) *Lots That Have Less Than 100-Feet of Shoreline Frontage*. The view corridor for lots that have less than 100-feet of shoreline frontage is defined by the view preservation angle determined as the quarter distance (*i.e. 25%*) center point from the shoreline frontage line

DRAFT ORDINANCE 04-30-2024

along the centerline of the leasing property owner's side yard with the angle running from the quarter distance center point to the opposite corners where the takeline area crosses the lease area's side yard. Those areas that fall inside of the view clear zones will be restricted from any type of new improvements or plantings exceeding six (6) feet in height with the exception of boat-related uses, which will be allowed by an administrative exception in accordance with Subsection (F)(2)(d).

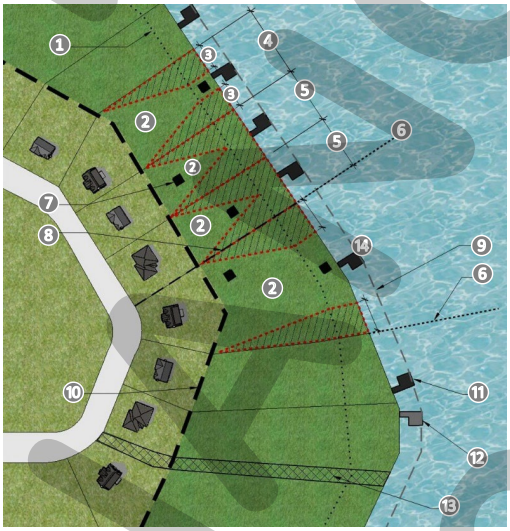
(b) *Lots That Have More 100-Feet or More Shoreline Frontage*. The view corridor for lots that have 100-feet or more shoreline frontage are defined by the view preservation angle determined as the quarter distance (*i.e. 25%*) line projected from the shoreline frontage line extending from the leasing property owner's side yard 30-feet along the quarter distance line and running from this point to the opposite corners where the takeline area crosses the lease area's side yard, and in a straight line from the 30-foot point on the quarter distance line to the shoreline frontage line. Those areas that fall inside of the view clear zones will be restricted from any type of new improvements or plantings exceeding six (6) feet in height with the exception of boat-related uses, which will be allowed by an administrative exception in accordance with Subsection (F)(2)(d).

FIGURE 34: VISUAL MEASUREMENTS FOR VIEW CORRIDORS



❶: SUBJECT PROPERTY'S AND ITS VIEW CORRIDOR (*PINK AREA*); ❷: NEIGHBORING PROPERTY; ❸: NEIGHBORING PROPERTY'S BUILDABLE AREA (*GREEN LINED AREA*); ❹: REAR PROPERTY LINE/TAKELINE; ❺: VIEW CLEAR ZONE (*LINED AREA*); ❻: LEASE AREA SIDE YARD SETBACK; ❼: VIEW PRESERVATION ANGLE; ❽: THE INTERSECTION OF THE 435.5 ELEVATION LINE AND THE LEASE AREA'S SIDE YARD; ❾: SHORELINE FRONTAGE LINE (*ESTABLISHED BY CONNECTING THE TWO [2] ❽ POINTS IN A STRAIGHT LINE*); ❿: 30-FOOT ; ⓫: SHORELINE; ⓬: CENTER POINT AT THE QUARTER DISTANCE LINE; ⓭: A LOT WITH A SHORELINE FRONTAGE LESS THAN 100-FEET; ⓮: A LOT WITH A SHORELINE FRONTAGE 100-FEET OR MORE; ⓯: 30-FOOT POINT ON THE QUARTER DISTANCE LINE; ⓰: 25% OF THE TAKELINE AREA; ⓱: QUARTER DISTANCE LINE.

FIGURE 35 EXAMPLES OF VISUAL MEASUREMENTS FOR VIEW CORRIDORS AND STRUCTURE PLACEMENT



❶: QUARTER DISTANCE LINE; ❷: BUILDABLE AREA; ❸: 30-FEET; ❹: A LOT WITH A SHORELINE FRONTAGE LINE 100-FEET OR MORE; ❺: A LOT WITH A SHORELINE FRONTAGE LINE LESS THAN 100-FEET; ❻: LEASE AREA'S PROJECTED SIDE YARD; ❼: STRUCTURE BUILT IN THE 438.0 ELEVATION ZONE; ❽: LEASE AREA'S SIDE YARD; ❾: 40-FOOT BUILDING LINE; ❿: REAR PROPERTY LINE/TAKELINE ; ⓫: EXISTING BOATHOUSE; ⓬: BOATHOUSE LOCATION APPROVED ADMINISTRATIVELY BECAUSE OF DRAINAGE EASEMENT AND CLUSTERED WITH AN EXISTING BOATHOUSE; ⓭: DRAINAGE EASEMENT; ⓮: BOATHOUSE AND STRUCTURE IN THE 435.5 ELEVATION ZONE GENERALLY CENTERED IN THE LEASE AREA BEHIND THE PRIMARY STRUCTURE.

(F) *General Requirements*. The following general requirements shall apply for all property in the takeline area.

(1) *Number of Permitted Structures*. The following is the maximum number of structures that shall be permitted in each elevation zone (*NOTE: in this case a structure is defined as any of the permitted uses specified in Subsection (K), Specifications for Permitted Land Uses that exceeds six [6] feet in height*):

(a) *438.0 Elevation Zone*: Two (2) structures shall be permitted in the *438.0 Elevation Zone*.

(b) *435.5 Elevation Zone*. One (1) structure shall be permitted in the *435.5 Elevation Zone*.

(2) *General Location of Permitted Structures*. The following requirements relate to where structures should be generally located in each elevation zone (*NOTE: in this case a structure is defined as any of the permitted uses specified in Subsection (K), Specifications for Permitted Land Uses that exceeds six [6] feet in height*):

PRIOR TO CE 04.30.2024

(a) *438.0 Elevation Zone*: Structures in the *438.0 Elevation Zone* should be located outside of the view clear zones unless specifically permitted to be in the view clear zone by Subsection (K), *Specifications for Permitted Land Uses*.

(b) *435.5 Elevation Zone*: Structures in the *435.5 Elevation Zone* should be generally centered in the lease area -- *equal distance from both leased side yard boundary lines* -- behind the primary structure on the leasing property and outside of the view clear zones unless specifically permitted to be in the view clear zone by Subsection (K), *Specifications for Permitted Land Uses*.

(c) *425.5 Elevation Zone*: Structures located in the *425.5 Elevation Zone* should be generally centered along the shoreline -- *equal distance from both the leased side yard boundary lines* -- behind the primary structure of the leasing property.

(d) *Administrative Exception for the 435.5 & 425.5 Elevation Zone*. In cases where it is [*1*] not feasible to construct a structure in the center of the lease area or along the shoreline, [*2*] will increase the view corridor or benefit the surrounding properties by not centering a structure in the lease area, or [*3*] where centering the structure will create an undue hardship to the property owner leasing the lease area, the Director of Planning and Zoning or his/her designee may approve an administrative exception to allow an alternate location that is not generally centered in the lease area as long as the location for the proposed structure is outside of the view clear zone. In approving these requests, the Director of Planning and Zoning or his/her designee shall consider the impact of the proposed structure on the adjacent property owners.

(3) *Building Materials*. The permitted building materials shall be as stipulated in Subsection (K), *Specifications for Permitted Land Uses*, and as permitted by the City Council through a Specific Use Permit (SUP); however, the use of canvas, cloth, or like materials shall be prohibited within the takeline area. In addition, loose ground materials (*e.g. sand, fill, pea gravel*) that could be used for trails, paths, play areas, active sports activities, or as exposed landscape bedding material are prohibited.

(4) *Trees*. In order to plant or remove a tree in the takeline area, a *Treescape Plan* showing the exact location, size (*i.e. trunk diameter and height*), and common name of the tree to be planted or removed will be required to be submitted to the Parks and Recreation Department. A permit to plant or remove a tree may be approved administratively by the Director of Parks and Recreation or his/her designee, or forwarded to the Parks and Recreation Board for approval. In reviewing a request to plant or remove a tree, the following criteria shall apply:

(a) *Planting Trees*. Trees are permitted to be planted within the *438.0 Elevation Zone* pending they are [*1*] not a variety specifically listed in the prohibited tree list contained in Section 03, *Tree Planting Guidelines and Requirements*, of Appendix C, *Landscaping Guidelines and Requirements*, and [*2*] they are not located within the view clear zone outlined Subsection (E), *Visual Measurements*. The Director of Parks and Recreation or his/her designee may grant an exception to allow a tree to be planted in the view clear zone where it is determined that the tree will not decrease the visibility of the lake or shoreline for the adjacent properties. In making this determination, the Director of Parks and Recreation shall consider the size of the proposed tree at maturity.

(b) *Removing Trees*. Trees are permitted to be removed only if they are determined to be damaged or diseased, or if they create a hazardous or dangerous condition that could endanger the public health, safety or welfare of the general public.

(5) *Temporary Structures on Lease 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(K)(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.

(G) *Residential Sublease Agreement*. A *Residential Sublease Agreement* is an agreement between a property owner and the City of Rockwall that grants the property owner certain rights to the exclusive use of the takeline area. A *Residential Sublease Agreement* shall be required to build certain structures within the takeline area. The area to be leased by a single-family property owner shall be directly contiguous to the boundaries of the property and are only permitted in the areas depicted in *GREEN* on Figure 32, *Lake Ray Hubbard Takeline (TL OV) District Map*. It shall be a violation of the zoning code to build or maintain a structure in the takeline area without a valid *Residential Sublease Agreement*. An owner in violation of this section shall be subject to the requirements of Section 01, *Penalties*, of Article 12, *Enforcement*, of the Unified Development Code (UDC). The following shall be the costs associated with a *Residential Sublease Agreement*:

Lease	Fees
New Lease (*i.e. New Never Leased by Current Owner*) [2]	$200.00
Annual Renewal of a Lease	$100.00
Change of Ownership of a Valid Lease	$50.00
Reinstatement of an Expired Lease (*i.e. Same Property Owner*) [3]	$500.00

NOTES:

[1]: To be subject to these new fees, a lease entered into after *January 1, 2021* will be required (*i.e. the effective date of the amendment adopting these fees*).

[2]: A lease is considered to be new under the following circumstances: [*1*] the property has never had a valid lease agreement, or [*2*] the property had a valid lease under different ownership but that lease agreement expired prior to the current owner taking possession of the property.

DRAFT ORDINANCE 04.30.2024

[3]: A lease is considered to be a reinstatement when it lapses or expires under the current ownership, and then the same owner requests a new lease.

(H) *Homeowner's Association (HOA) Sublease Agreement*. A *Homeowner's Association (HOA) Sublease Agreement* is an agreement between a Homeowner's Association (HOA) and the City of Rockwall that grants the HOA certain rights to the exclusive use of the takeline area for their members. The area to be leased by the Homeowner's Association (HOA) shall be directly contiguous to the boundaries of the HOA and are only permitted in the areas depicted in ORANGE on Figure 32, *Lake Ray Hubbard Takeline [TL OV] District Map*. It shall be a violation of the zoning code to build or maintain a structure in the takeline area without a valid *Homeowner's Association (HOA) Sublease Agreement*. A Homeowner's Association (HOA) in violation of this section shall be subject to the requirements of Section 01, *Penalties*, of Article 12, *Enforcement*, of the Unified Development Code (UDC). The requirements for a *Homeowner's Association (HOA) Sublease Agreement* are as follows:

(1) *Site Plan*. Prior to the execution of a *Homeowner's Association (HOA) Sublease Agreement*, the Homeowner's Association (HOA) shall submit a *Site Plan* to the Director of Planning and Zoning in accordance with the procedures outlined in Subsection 01.02, *Submission of an Application*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). The *Site Plan* shall show all of the *Activity Areas* [*see Subsection (H)(2) below*], the proposed improvements for these areas, the required seawalls, fixed piers and/or dock decks, private walkways, and any landscaping for the leased area. The Planning and Zoning Commission shall review the *Site Plan* in accordance with the procedures contained in Section 03, *Site Plans*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Upon approval of a *Site Plan*, the approved *Site Plan* shall be incorporated into the *Homeowner's Association (HOA) Sublease Agreement*. Should the Homeowner's Association (HOA) choose to amend the *Site Plan*, the *Site Plan* shall be amended in accordance with the procedures of Subsection 03.06, *Amended Site Plan*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Upon approval of an amendment to the *Site Plan*, a new *Homeowner's Association (HOA) Sublease Agreement* shall be drafted containing the *Amended Site Plan* and superseding the original *Homeowner's Association (HOA) Sublease Agreement*.

(2) *Activity Areas*. In lieu of the requirements of Subsections (F)(1), *Number of Permitted Structures*, and (F)(2), *General Location of Permitted Structures*, -- *and as part of the required Site Plan outlined in Subsection (H)(1) above* -- the Homeowner's Association (HOA) shall identify *Activity Areas* where improvements can/will be made within the leased area. Improvements outside of the *Activity Areas* -- *with the exception of landscaping and private walkways* -- shall be prohibited for the purpose of preserving the view corridors of the existing residential properties. The *Activity Areas* shall generally adhere to the following requirements:

(a) *Size*. *Activity Areas* should not be larger than 50-feet by 50-feet, unless otherwise approved by the Planning and Zoning Commission. In reviewing the *Activity Areas*, the Planning and Zoning Commission shall consider how the proposed size affects the view corridors of the adjacent residential properties.

(b) *Location*. *Activity Areas* shall be spaced so that they are a minimum of 200-feet apart, and be setback a minimum of 25-feet from the rear or side yard property line of any residential property. In addition, the *Activity Areas* shall be located in a manner that will create the least amount of impact to the adjacent property owners and their view corridors.

(c) *Seawalls*. Prior to the construction of an *Activity Area*, a seawall, conforming to Subsection (K), *Specifications for Permitted Land Uses*, and extending 100-feet on either side of the *Activity Area*, shall be required to be constructed.

(3) *Fixed Piers and Dock Decks*. Fixed piers and dock decks, conforming to Subsection (K), *Specifications for Permitted Land Uses* and spaced a minimum of 200-feet apart, are permitted along the leased area; however, a seawall, conforming to Subsection (K), *Specifications for Permitted Land Uses* and extending 100-feet on either side of the fixed pier or dock deck, shall be required with the proposed improvements.

(4) *Prohibited Land Uses*. Boathouses, as defined in Subsection (K), *Specifications for Permitted Land Uses*, shall be prohibited in the leased area associated with any *Homeowner's Association (HOA) Sublease Agreement*; however, in the event a boathouse existed in the leased area prior to the execution of the *Homeowner's Association (HOA) Sublease Agreement*, the HOA shall assume responsibility for the existing improvement in accordance with Subsection (H)(5) below.

(5) *Existing Improvements*. As part of the *Homeowner's Association (HOA) Sublease Agreement*, the HOA shall be required to assume responsibility for any existing improvements and the maintenance of these improvements in the leased area.

(6) *Fees*. The following shall be the costs associated with a *Homeowner's Association (HOA) Sublease Agreement*:

Lease	Fees
New Lease (*i.e. New Never Leased by HOA*) [1]	$200.00
Annual Renewal of a Lease	$100.00
Reinstatement of an Expired Lease (*i.e. Same HOA*) [2]	$500.00

NOTES:

[1]: A lease is considered to be new if the property has never had a valid lease agreement or if a site plan has been amended in accordance with the procedures of Subsection (H)(1).

[2]: A lease is considered to be a reinstatement when it lapses or expires, and then the Homeowner's Association (HOA) requests a new lease.

(I) *Permitted Uses*. All of the uses permitted within the *Lake Ray Hubbard Takeline Overlay (TL OV) District* shall adhere to all other

DRAFT 04.30.2024

applicable codes and the permitting requirements of the City of Rockwall. For a list of permitted land uses see Subsection (L), *Specifications for Permitted Land Uses*, or Subsection 07.05, *Lake Ray Hubbard Takeline Overlay (TL OV) District Development Standards*.

(J) *Specific Use Permits (SUPs)*. A Specific Use Permit (SUP) may be requested for: [*1*] any use that is not listed in Subsection (K), *Specifications for Permitted Land Uses* or [*2*] any structure that does not adhere to the requirements stipulated for that use or structure as required by Subsection (K), *Specifications for Permitted Land Uses*; however, a request for a Specific Use Permit (SUP) cannot be requested if a dimensional, material, size, or location standard stipulated in Subsection (K), *Specifications for Permitted Land Uses*, or Subsection (F), *General Requirements*, is expressly prohibited. In addition, no requests can be made that violate the view corridor requirements stipulated in Subsection (E), *Visual Measurements*. A Specific Use Permit (SUP) may be requested for water related land uses that are not specifically addressed in Subsection (K), *Specifications for Permitted Land Uses*. (*e.g. jet ski lift*) pending the applicant provides a letter of consent from the City of Dallas prior to making the application. In considering a Specific Use Permit (SUP) request, the City Council shall consider how the proposed request [*1*] impacts adjacent properties, and [*2*] adheres to the intent of the Lake Ray Hubbard Takeline Overlay (TL OV) District.

(K) *Specifications for Permitted Land Uses*. See Subsection 07.05, *Lake Ray Hubbard Takeline Overlay (TL OV) District Development Standards*, for a summary of the development standards for each of the following conditional uses.

(1) *Barbecue Pit*.

(a) *Definition*. A *barbecue pit* is a permanent fireplace structure over which meat, poultry and other foods are roasted (*for Fire Pit see Subsection 06.15(K)(9)*).

(b) *Prerequisites*. A *barbecue pit* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *barbecue pit* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *barbecue pit* can only be fueled by charcoal and wood products, and shall not be fueled by any permanently buried gas products (*i.e. natural gas or propane*).

(e) *Construction Standards*.

(1) *Building Materials*. A *barbecue pit* must be constructed utilizing a combination of natural stone, brick, concrete, and/or iron grating.

(2) *Height*. A *barbecue pit* shall not exceed a maximum of six (6) feet in height.

(3) *Size*. A *barbecue pit* shall not be smaller than a minimum size of three (3) feet in length by three (3) feet in width; however, a *barbecue pit* should not exceed a maximum size of eight (8) feet in length by three (3) feet in width.

(f) *Setback Requirements*. A *barbecue pit* must adhere to the following setbacks:

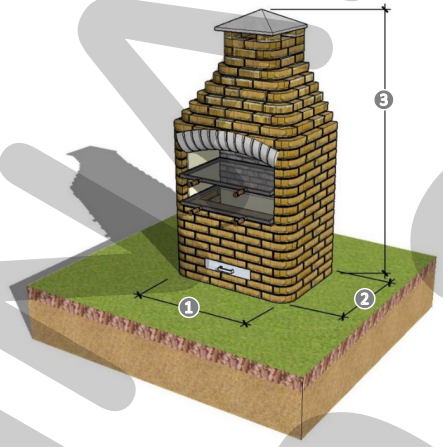
(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *barbecue pit* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *barbecue pit* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.



❶: A MINIMUM AND MAXIMUM OF THREE (3) FEET IN LENGTH; ❷: A MINIMUM OF THREE (3) FEET AND A MAXIMUM OF EIGHT (8) FEET IN WIDTH; ❸: A MAXIMUM OF SIX (6) FEET;

(2) *Boathouse*.

(a) *Definition*. A *boathouse* is a roofed structure affixed to the end of an adjoining *fixed pier*, with a main waterside opening, containing an operating boatlift, and which is built to house and protect a watercraft and boat related equipment.

(b) *Prerequisites*. A *boathouse* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall, has constructed a *seawall* along the entire length of the shoreline within the leased area, and has constructed a *fixed pier*.

(c) *Conditional Use Standards*. *Boathouses* are used for storing boats that have a fuel efficiency rating greater than 95%; however, boathouses may also be used to store

PRIMARY ORDINANCE 04-30-2024

sailboats. *Boathouses* will not be used for storing any other type of items except boats and boat-related equipment. In addition, *Boathouses* shall not be used as a habitable dwelling structure, or shelter for domestic or wild animals. All *boathouses* shall be designed to discourage swimming, be durable, and have a base foundation construction of approved piling piers placed to a depth decided by a structural engineer; however, a *boathouse* shall not be designed to prevent public access to an area of water. Accessories placed on the flat surface of a *boathouse* or catwalk must be placed in an orderly manner that allows for the safe movement of people.

(d) *Elevation Zone*. A *boathouse* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

(e) *Construction Standards*.

(1) *Building Materials*. All *boathouse* constructed below the 437.0-foot mean sea level contour shall use only pilings and materials approved by the City of Rockwall and the City of Dallas. *Boathouses* shall be constructed utilizing composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with high-tech plastic materials*) -- *products equivalent to Trex brand are preferred* -- for decking, galvanized metal/iron/steel or aluminum (*with a minimum color rating of AAMA 2604*) for the support posts, all aforementioned materials and cedar or iron wood for the roof beams, and standing seam metal for the roof with a pre-finished color. Support posts may be wrapped in composite material. Water repellant sealants shall not be used to treat any cedar or ironwood used for roof beams. All fasteners binding materials together must be made out of stainless steel.

(2) *Height*. A *boathouse* shall be a minimum of 16-feet and a maximum of 21-feet in height as measured from the top of the fixed pier's catwalk to the vertex of the *boathouse's* cupola; however, in no case should a *boathouse* exceed one (1) story in height.

(3) *Size*. The footprint of the exterior sides of a *boathouse* will measure a minimum of eight (8) feet in width by 30-feet in length and a maximum of 12-feet in width and 30-feet in length. *Boathouses* shall not extend more that 40-linear feet into the water as measured from the normal pool elevation of the shoreline (*i.e. 435.5*).

(4) *Roof*. A *boathouse* will have a hip roof with either: [*1*] one (1) cupola with a hip roof centered at the top of the main hip roof, or [2] two (2) cupolas each with hip roofs at either end of the top of the main hip roof. Cupolas will be designed to allow updraft air and winds to vent outward, and shall measure three (3) feet by four (4) feet. All *boathouse* roofs shall be built with a minimum of a 2:1 roof pitch and will not have an overhang greater than 18-inches. *Boathouses* shall not incorporate a deck or platform.

(5) *Lighting*. Interior lighting for a *boathouse* will be directed downward from the ceiling of the structure and at the stored watercraft. Exterior lighting for a *boathouse* will be directed downwards toward the fixed pier with light fixtures incorporated either into the roof's overhang or the structure's columns. Lighting shall not hinder an adjacent property owner's lake views, negatively impact surrounding residents with unwanted brightness or glare, or interfere with the safety of the traveling public.

(6) *Additional Construction Standards*.

(a) *Deck Ladder*. A deck ladder is permitted to be constructed inside a *boathouse*.

(b) *Storage Unit*. A *boathouse* can incorporate one (1) storage unit measuring 72-inches in length by 20-inches in depth by 20-inches in height. Storage units shall be placed on the outer dockside, and shall only be used for storing boat-related equipment. The storage of fossil fuels and/or hazardous materials is prohibited.

(c) *Boat or Watercraft Lift(s)*. A *boathouse* must incorporate either one (1) regular boat lift or two (2) personal watercraft boat lifts. All boat or watercraft lifts must be able to hoist a watercraft above the 438.0-foot mean sea level contour, and be maintained in good operating condition. All watercrafts must be stored under the roof of the *boathouse*.

(d) *Pilings*. The approved pilings used to support a boathouse must be built up to at least 17-inches above the normal pool elevation of 435.5-feet mean sea level. Vertical rub rails are required on all concrete piers and pilings.

(e) *Catwalks*. The flat floor surface or catwalk for all structures must be no more and no less than 18-inches above the normal pool elevation of 435.5-feet mean sea level.

(f) *Safety Reflectors*. All structures shall be designed with safety reflectors to be clearly visible on three (3) sides on the main waterside of the end of the structure. Safety reflectors are required on either side of the main waterside end and the two (2) sides at a minimum increment of ten (10) feet starting at the structure's main waterside end and working back to the shoreline. Safety reflectors will be white, blue, or red and no less than three (3) inches in diameter or square in size, kept clean, firmly attached to the structure, and maintained in good condition.

DRAFT ORDINANCE 04.30.2024

(7) *Location*. All *boathouses* are required to be located in the water of the *Lake*. View corridor restrictions do not apply to *boathouses*; however, a boathouse should generally be located in line with the primary structure on the leasing property (*i.e. generally centered on the lot*). *Boathouses* shall not be designed to prevent or restrict public access to any portion of water within the *Lake*.

(f) *Setback Requirements*. A *boathouse* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-feet
(2) *Leased Side Yard Setback*: 10-feet
(3) *Maximum Distance from Seawall*: 40-feet

(g) *Additional Requirements*.

(1) *Dredging*. Dredging of the lake area is allowed for the berthing of a motorized boat into a *boathouse* provided that the dredging does not exacerbate shoreline erosion, lake siltation, water quality degradation, wetlands instability, or the integrity of any built structure, and the dredged channel is maintained for boating maneuverability to a depth of 425.0-feet mean sea level and a width area allowable for safe boating maneuverability. Property authorization to dredge must be obtained from the City of Rockwall, City of Dallas, US Army Corps of Engineers, and the Texas Parks and Wildlife Department. Disposal of dredging materials must be handled by a licensed establishment, properly treated and disposed of at an offsite location or disposed onsite only as part of land reclamation working under the City of Dallas guidelines and supervision.

(2) *Compliance with Applicable Codes*. A *boathouse* must comply with all other applicable City of Rockwall codes.

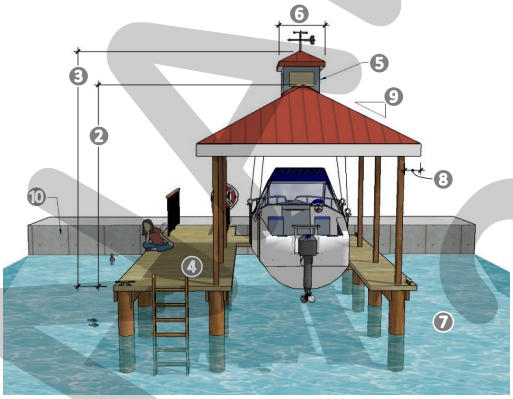
(3) *Address*. All *boathouses* shall have a residential street address sign with six (6) inch black letters on a white background displayed outwards towards the main body of the *Lake* to be recognizable for waterside public safety and emergency personnel.

(4) *Easement Protection*. No *boathouse* shall encroach into an existing or identified future easement, right-of-way, access road, or path.

(h) *Visual Representation*.

Continued on Right Side of Page …

❶: 40-FOOT MAXIMUM



❶: 40-FOOT MAXIMUM; ❷: 13-FOOT MINIMUM TO 18-FOOT MAXIMUM; ❸: 16-FOOT MINIMUM TO 21-FOOT MAXIMUM; ❹: CATWALK (UNDERSTRUCTURE TO BE ABOVE THE 437.0-FOOT ELEVATION); ❺: CUPOLA; ❻: THREE (3) FEET BY FOUR (4) FEET; ❼: 435.5-FOOT NORMAL POOL ELEVATION; ❽: 1.5-FOOT MAXIMUM OVERHANG; ❾: 2:1 ROOF PITCH (HIP ROOF ONLY); ❿: SEAWALL

(3) *Covered Patio*.

(a) *Definition*. A *covered patio* is a standalone structure that provides shade and/or rain coverage for a patio or deck. Covered patios have a solid roof.

(b) *Prerequisites*. A *covered patio* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *covered patio* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

DRAFT ORDINANCE 04.30.2024

(d) *Conditional Use Standards*. A *covered patio* shall not be used as a habitable dwelling structure, storage facility, or shelter for domestic or wild animals.

(e) *Construction Standards*.

(1) *Building Materials*. A *covered patio* must be constructed utilizing cedar, redwood, ironwood, composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. The roof of the structure should generally match the color of the roof on the primary structure, and be constructed using clay tiles, standing seam metal, slate shingles, concrete shingles, or ceramic shingles. Canvas, cloth, or mesh attachments to the structure shall be prohibited.

(2) *Height*. A *covered patio* shall not exceed a maximum height of 15-feet or one (1) story, and the roof shall not be used as a deck or lookout. The height shall be measured from grade to the mid-point of the pitched roof.

(3) *Size*. A *covered patio* shall not exceed a maximum size of 12-feet by 20-feet or 240 SF.

(4) *Roof*. A *covered patio* will have a hip or gable roof with either: [*1*] one (1) cupola with a hip roof centered at the top of the main hip roof, or [*2*] a clerestory built into the center of the main hip roof. Cupolas and clerestories will be designed to allow updraft air and winds to vent outward, and shall be proportional to the main roof. All *covered patios* should be built with a minimum of a 4:1 roof pitch. The roof shall not have an overhang greater than 18-inches.

(5) *Location*. A *covered patio* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Covered patios* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *covered patio* must adhere to the following setbacks:

(1) *Takeline Setback*: 6-Feet (*from the Concrete Cap of the Seawall*)
(2) *Leased Side Yard Setback*: 20-Feet

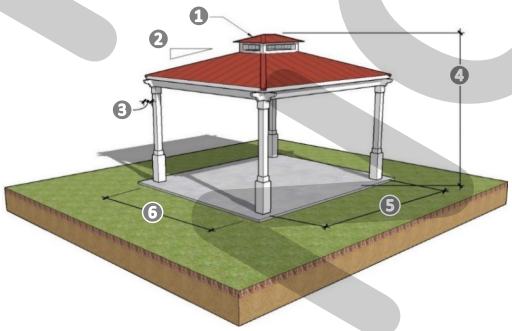
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *covered patio* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *covered patio* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *covered patio* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: CUPOLA OR CLERESTORY; ❷: 4:1 MINIMUM ROOF PITCH; ❸: 18-INCHES MAXIMUM OVERHANG; ❹: 15-FEET MAXIMUM HEIGHT; ❺: 20-FEET MAXIMUM; ❻: 12-FEET MAXIMUM;

(4) *Deck*.

(a) *Definition*. A *deck* is a roofless structure anchored to the ground that consists of planks running in a horizontal pattern and creating a flat surface area.

(b) *Prerequisites*. A *deck* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *deck* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted (*see Dock Deck in Subsection 06.15(K)(5)*).

(d) *Conditional Use Standards*. A *deck* shall not incorporate walls or other none transparent structures to function as handrails or counter space.

(e) *Construction Standards*.

(1) *Building Materials*. A *deck* must be constructed of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*). Handrails incorporated into a *deck* in the *438.0 Elevation Zone* shall be made of wrought iron or decorative metal. Handrails are *not* permitted in the *435.5 Elevation Zone*.

(2) *Height*. A *deck* shall not exceed a maximum height of 24-inches above grade.

(3) *Size*. A *deck* shall not exceed a maximum area of 1,000 SF.

DRAFT ORDINANCE 04.30.2024

(4) *Location*. A *deck* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Decks* shall not be placed in the view clear zone of a neighbor's view corridor.

(5) *Foundation*. A *deck* shall be anchored into the ground using concrete posts and footings as a foundation appropriate for the load and size of the proposed *deck*.

(f) *Setback Requirements*. A *deck* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

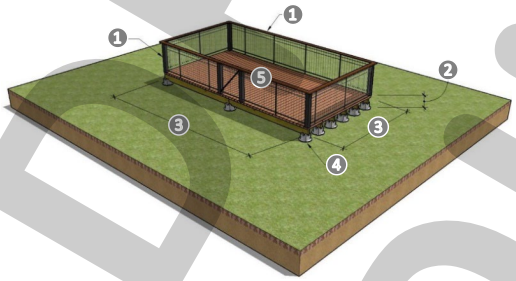
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *deck* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *deck* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *deck* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: WROUGHT IRON OR DECORATIVE METAL; ❷: MAXIMUM OF 24-INCHES OR TWO (2) FEET ABOVE GRADE; ❸: (L) X (W) SHALL NOT BE GREATER THAN 1,000 SF; ❹: CONCRETE POSTS AND FOOTINGS FOR FOUNDATION; ❺: COMPOSITE DECKING MATERIALS.

(5) *Dock Deck*.

(a) *Definition*. A *dock deck* is a flat floor surface area built over the water adjoining the end of a *fixed pier*.

(b) *Prerequisites*. A *dock deck* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall, has constructed a *seawall* along the entire length of the shoreline within the leased area, and has constructed *fixed pier*.

(c) *Elevation Zone*. A *dock deck* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

(d) *Conditional Use Standards*. Items that can be securely attached to the edge of a *dock deck* include the following: [*1*] a personal watercraft swing lift, [*2*] benches, [*3*] dock deck lighting that is either embedded in or on a pole, [*4*] locker box, and/or [*5*] power source station. A table may also be placed on the edge or in the center of a *dock deck*. A watercraft is only allowed to moor at any portion of a *dock deck* for no more that 156-consecutive hours during any given week. All *dock decks* shall be designed to discourage swimming, be durable, and have a base foundation construction of approved piling piers placed to a depth decided by a structural engineer; however, a *dock deck* shall not be designed to prevent public access to an area of water. *Dock decks* shall also be designed to be clearly visible during all seasons of the year and fluctuations in pool elevation of the *Lake*. Accessories placed on the flat surface of a *dock deck* or catwalk must be placed in an orderly manner that allows for the safe movement of people.

(e) *Construction Standards*.

(1) *Building Materials*. The catwalk and/or *dock deck* and any benches built on these structures shall utilize only composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*). Any railings built on a dock deck shall be constructed of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*) or steel tubing railings. *Dock decks* above 437.0 feet mean sea level are required to be constructed of metal pilings, concrete pilings, or plastic PVC pilings. *Dock decks* constructed below 437.0 feet mean sea level must use only pilings and materials approved by the City of Dallas as specified in the City of Dallas' *Construction Permit Application Lake Structures Lake Ray Hubbard*. All pilings shall be engineered and approved to handle the pressures, stresses, and loads applicable to lakefront conditions. The exterior color of all *dock decks* shall be a neutral or earth tone color and be subject to approval by the Planning and Zoning Department at the time of building permit. All fasteners binding materials together must be made of stainless steel. Water repellant sealants shall *not* be used.

(2) *Height*. No pole structures incorporated into a *dock deck* shall be higher than eight (8) feet above the flat floor surface with no more than four (4) pole structures allowed.

(3) *Size*. The footprint of the exterior sides of a *dock deck* adjoining a fixed pier shall be a minimum of eight (8) feet by ten (10) feet (*i.e. 80 SF*) and a maximum of 12-feet by 30-feet (*i.e. 360 SF*). *Dock decks* shall not extend more that 40-linear feet into

DRAFT ORDINANCE 04-2024

the water as measured from the normal pool elevation of the shoreline (*i.e. 435.5*).

(4) *Lighting*. Lighting shall not hinder an adjacent property owner's lake views, negatively impact surrounding residents with unwanted brightness or glare, or interfere with the safety of the traveling public. Safety lighting may be placed onto the interior edges of the flat floor surface of a *dock deck* at ten (10) foot increments, with the cover housing the lighting source no higher than six (6) inches. Two (2) light post structures with a maximum height of eight (8) feet can be placed along the periphery of a *dock deck*.

(5) *Additional Construction Standards*.

(a) *Pilings*. The approved pilings used to support a boathouse must be built up to at least 17-inches above the normal pool elevation of 435.5-feet mean sea level. Vertical rub rails are required on all concrete piers and pilings.

(b) *Catwalks*. The flat floor surface or catwalk for all structures must be no more and no less than 18-inches above the normal pool elevation of 435.5-feet mean sea level.

(c) *Safety Reflectors*. All structures shall be designed with safety reflectors to be clearly visible on three (3) sides on the main waterside of the end of the structure. Safety reflectors are required on either side of the main waterside end and the two (2) sides at a minimum increment of ten (10) feet starting at the structure's main waterside end and working back to the shoreline. Safety reflectors will be white, blue, or red and no less than three (3) inches in diameter or square in size, kept clean, firmly attached to the structure, and maintained in good condition.

(6) *Location*. View corridor restrictions do not apply to *dock decks*. *Dock decks* shall not be allowed on land.

(f) *Setback Requirements*. A *dock deck* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-feet
(2) *Leased Side Yard Setback*: 10-feet
(3) *Maximum Distance from Seawall*: 40-feet

(g) *Additional Requirements*.

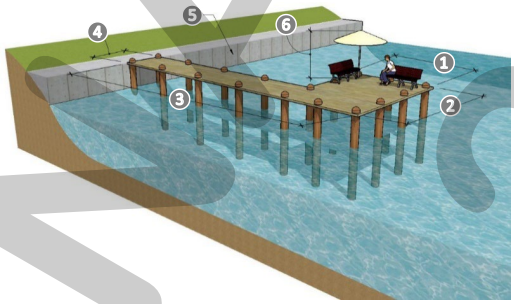
(1) *Dredging*. Dredging of the lake area is allowed for the berthing of a motorized boat into a *dock deck* provided that the dredging does not exacerbate shoreline erosion, lake siltation, water quality degradation, wetlands instability, or the integrity of any built structure, and the dredged channel is maintained for boating maneuverability to a depth of 425.0-feet mean sea level and a width area allowable for safe boating maneuverability. Property authorization to dredge must be obtained from the City of Rockwall, City of Dallas, US Army Corps of Engineers, and the Texas Parks and Wildlife Department. Disposal of dredging materials must be handled by a licensed establishment, properly treated and disposed of at an offsite location or disposed onsite only as part of land reclamation working under the City of Dallas guidelines and supervision.

(2) *Compliance with Applicable Codes*. A *dock deck* must comply with all other applicable City of Rockwall codes.

(3) *Address*. All *dock decks* shall have a residential street address sign with six (6) inch black letters on a white background displayed outwards towards the main body of the *Lake* to be recognizable for waterside public safety and emergency personnel.

(4) *Easement Protection*. No *dock deck* shall encroach into an existing or identified future easement, right-of-way, access road, or path.

(h) *Visual Representation*.



❶: MINIMUM OF TEN (10) FEET AND A MAXIMUM OF 30-FEET; ❷: MINIMUM OF EIGHT (8) FEET AND A MAXIMUM OF 12-FEET; ❸: 40-FOOT MAXIMUM; ❹: SIX (6) FOOT MAXIMUM; ❺: SEAWALL; ❻: EIGHT (8) FOOT MAXIMUM;

(6) *Fence*.

(a) *Definition*. A *fence* is a barrier, railing, or other upright structure, enclosing a specific area to mark a boundary or control access.

(b) *Prerequisites*. A *fence* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

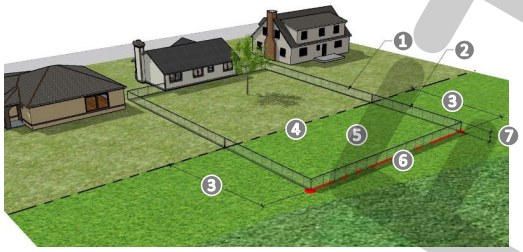
(c) *Elevation Zone*. A *fence* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *fence* shall only be allowed to enclose an area beginning at the *Takeline* corners (*i.e. the rear property line corners of the property leasing the take area*), extending 45-feet along the lease line, and

DRAFT ORDINANCE 04-30-2024

connecting the two (2) points in a straight line (*see example below*).



❶: EXISTING RESIDENTIAL FENCE ON THE LEASING PROPERTY; ❷: WROUGHT IRON OR BLACK TUBLAR STEEL FENCE; ❸: MAXIMUM OF 45-FEET ALONG THE LEASE LINE OF THE TAKELINE; ❹: REAR PROPERTY LINE/BEGINNING OF THE TAKELINE; ❺: 438.0 ELEVATION ZONE; ❻: THE STRAIGHT-LINE CONNECTION BETWEEN THE TWO (2), 45-FOOT POINTS; ❼: MAXIMUM OF 48-INCHES OR FOUR (4) FEET.

(e) *Construction Standards*.

(1) *Building Materials*. A *fence* shall *only* be constructed of wrought iron or black tubular steel.

(2) *Height*. A *fence* shall not exceed a maximum height of 48-inches from grade.

(3) *Location*. A *fence* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *fence* must adhere to the following setbacks:

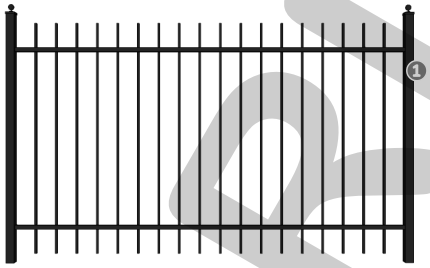
(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *fence* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *fence* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.



❶: FOUR (4) FOOT WROUGHT IRON FENCE

(7) *Flagpole*.

(a) *Definition*. A *flagpole* is an upright pole or staff, constructed at a 90-degree angle to the finished grade, which is used to raise a flag.

(b) *Prerequisites*. A *flagpole* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *flagpole* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A maximum of two (2) *flagpoles*, with one (1) flag on each pole shall be permitted within a lease area. The United States of America and State of Texas flags measuring a maximum of six (6) feet by four (4) feet will be the only flags permitted to be flown along the takeline. Lighting in association with a flagpole shall be prohibited.

(e) *Construction Standards*.

(1) *Building Materials*. A *flagpole* shall *only* be constructed of either stainless steel or aluminum.

(2) *Height*. A *flagpole* shall not exceed a maximum height of 20-feet from grade.

(3) *Size*. At the ground base a *flagpole* shall measure a minimum size of five (5) inches and a maximum size of eight (8) inches.

(4) *Location*. A *flagpole* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Flagpoles* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *flagpole* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

(g) *Additional Requirements*.

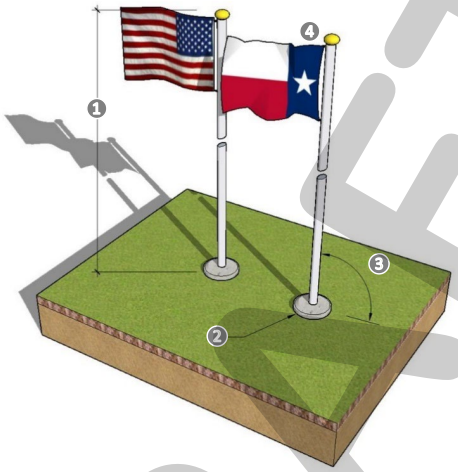
(1) *Earth Work*. Earth work required for the construction of a *flagpole* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *flagpole* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *flagpole* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

DRAFT ORDINANCE 04-30-2024

(h) *Visual Representation*.



❶: MAXIMUM OF 20-FEET FROM GRADE; ❷: AT THE BASE THE FLAGPOLE CAN BE A MINIMUM OF FIVE (5) INCEHS AND A MAXIMUM OF EIGHT (8) INCHES; ❸: MAINTAINED TO BE 90-DEGREES FROM GRADE; ❹: FLAGPOLES ARE PERMITTED ONE (1) FLAG A MAXIMUM OF FOUR (4) FEET BY SIX (6) FEET;

(8) *Fixed Pier*.

(a) *Definition*. A *fixed pier* is a structure with a catwalk that extends from the shoreline out into the body of water with the structure being used to moor and land watercraft.

(b) *Prerequisites*. A *fixed pier* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall, and has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *fixed pier* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

(d) *Conditional Use Standards*. Each eligible property adjacent to the takeline will be permitted one (1) fixed pier with an adjoining dock deck and/or boathouse. *Fixed piers* can be designed to be in an 'I', 'T', 'L' or 'U' shape (*see* Subsection 06.15(K)(8)(h)). Items that can be securely attached to the edge of a *dock deck* include the following: [*1*] a personal watercraft swing lift, [*2*] benches, [*3*] cleats, [*4*] dock lighting, [*5*] locker box, and/or [*6*] power source station. A watercraft is only allowed to moor at any portion of a *fixed pier* for no more that 156-consecutive hours during any given week. All *fixed pier* shall be designed to discourage swimming, be durable, and have a base foundation construction of approved piling piers placed to a depth decided by a structural engineer; however, a *fixed pier* shall not be designed to prevent public access to an area of water. *Fixed piers* shall also be designed to be clearly visible during all seasons of the year and fluctuations in pool elevation of the *Lake*. Accessories placed on the flat surface of a catwalk of a *fixed pier* must be placed in an orderly manner that allows for the safe movement of people.

(e) *Construction Standards*.

(1) *Building Materials*. The catwalk and any benches built on these structures shall utilize only composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*). Any railings built on a *fixed pier* shall be constructed of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*) or steel tubing railings. *Fixed piers* above 437.0 feet mean sea level are required to be constructed of metal pilings, concrete pilings, or plastic PVC pilings. *Fixed piers* constructed below 437.0 feet mean sea level must use only pilings and materials approved by the City of Dallas as specified in the City of Dallas' *Construction Permit Application Lake Structures Lake Ray Hubbard*. All pilings shall be engineered and approved to handle the pressures, stresses, and loads applicable to lakefront conditions. The exterior color of all *fixed piers* shall be a neutral or earth tone color and be subject to approval by the Planning and Zoning Department at the time of building permit. All fasteners binding materials together must be made of stainless steel. Water repellant sealants shall not be used.

(2) *Height*. No pole structures incorporated into a *fixed pier* shall be higher than eight (8) feet above the flat floor surface with no more than two (2) pole structures allowed.

(3) *Size*. The catwalk of a *fixed pier* will be a maximum of six (6) feet in width, as measured at a 90-degree angle to the main *fixed pier's* length, and will not enclose any portion of the water to allow the free movement of water underneath. *Fixed piers* shall not extend more than 40-linear feet into the water as measured from the normal pool elevation of the shoreline (*i.e. 435.5*).

(4) *Lighting*. Lighting shall not hinder an adjacent property owner's lake views, negatively impact surrounding residents with unwanted brightness or glare, or interfere with the safety of the traveling public. Safety lighting may be placed onto the interior edges of the flat floor surface of the catwalk of a *fixed pier* at ten (10) foot increments, with the cover housing the lighting source no higher than six (6) inches. Two (2) light post structures with a maximum height of eight (8) feet can be placed at the end of a *fixed pier*.

(5) *Additional Construction Standards*.

DRAFT 04.30.2024

(a) *Pilings*. The approved pilings used to support a boathouse must be built up to at least 17-inches above the normal pool elevation of 435.5-feet mean sea level. Vertical rub rails are required on all concrete piers and pilings.

(b) *Catwalks*. The catwalk of a *fixed pier* will be allowed within nine (9) feet of the normal pool elevation of 435.5-feet mean sea level. The flat floor surface or catwalk for all structures must be no more and no less than 18-inches above the normal pool elevation of 435.5-feet mean sea level.

(c) *Safety Reflectors*. All structures shall be designed with safety reflectors to be clearly visible on three (3) sides on the main waterside end of the end of the structure. Safety reflectors are required on either side of the main waterside end and the two (2) sides at a minimum increment of ten (10) feet starting at the structure's main waterside end and working back to the shoreline. Safety reflectors will be white, blue, or red and no less than three (3) inches in diameter or square in size, kept clean, firmly attached to the structure, and maintained in good condition.

(6) *Location*. View corridor restrictions do not apply to *fixed piers*.

(f) *Setback Requirements*. A *fixed pier* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-feet
(2) *Leased Side Yard Setback*: 10-feet
(3) *Maximum Distance from Seawall*: 40-feet

(g) *Additional Requirements*.

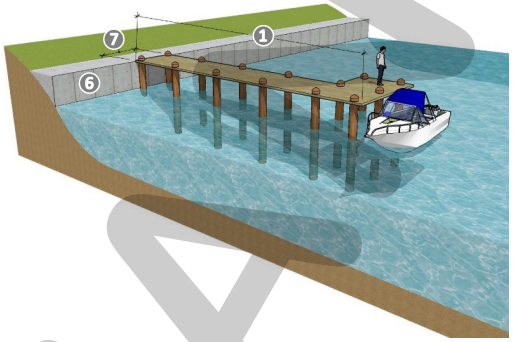
(1) *Dredging*. Dredging of the lake area is allowed for the berthing of a motorized boat into a *fixed pier* provided that the dredging does not exacerbate shoreline erosion, lake siltation, water quality degradation, wetlands instability, or the integrity of any built structure, and the dredged channel is maintained for boating maneuverability to a depth of 425.0-feet mean sea level and a width area allowable for safe boating maneuverability. Property authorization to dredge must be obtained from the City of Rockwall, City of Dallas, US Army Corps of Engineers, and the Texas Parks and Wildlife Department. Disposal of dredging materials must be handled by a licensed establishment, properly treated and disposed of at an offsite location or disposed onsite only as part of land reclamation working under the City of Dallas guidelines and supervision.

(2) *Compliance with Applicable Codes*. A *fixed pier* must comply with all other applicable City of Rockwall codes.

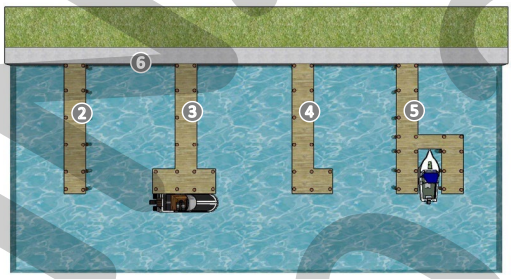
(3) *Address*. All *fixed pier* shall have a residential street address sign with six (6) inch black letters on a white background displayed outwards towards the main body of the *Lake* to be recognizable for waterside public safety and emergency personnel.

(4) *Easement Protection*. No *fixed pier* shall encroach into an existing or identified future easement, right-of-way, access road, or path.

(h) *Visual Representation*.



❶: 40-FOOT MAXIMUM; ❷: PIER IN AN 'I' SHAPE; ❸: PIER IN 'T' SHAPE; ❹: PIER IN A 'L' SHAPE; ❺: PIER IN A 'U' SHAPE; ❻: SEAWALL; ❼: SIX (6) FOOT MAXIMUM



(9) *Fire Pit*.

(a) *Definition*. A *fire pit* is a permanent fireplace that is dug into the ground or is in a freestanding structure in which a contained fire is made.

(b) *Prerequisites*. A *fire pit* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *fire pit* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *fire pit* can only be fueled by charcoal and wood products, and shall not be fueled

DRAFT 04.30.2024

by any permanently buried gas products (*i.e. natural gas or propane*).

(e) *Construction Standards*.

(1) *Building Materials*. The surround (*i.e. the area used to contain the fire*) for a *fire pit* must be constructed utilizing a combination of natural stone, brick, and/or concrete.

(2) *Height*. A *fire pit* shall not exceed a maximum of 36-inches in height.

(3) *Size*. A *fire pit* shall not be smaller than a minimum size of three (3) feet in length by three (3) feet in width; however, a *fire pit* should not exceed a maximum size of five (5) feet in length by five (5) feet in width.

(f) *Setback Requirements*. A *fire pit* must adhere to the following setbacks:

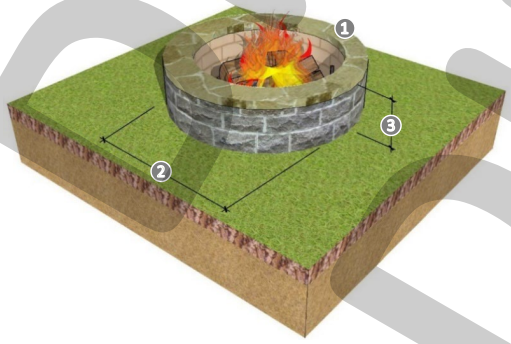
(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *fire pit* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *fire pit* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.



❶: NATURAL STONE, BRICK, AND/OR CONCRETE; ❷: MINIMUM SIZE OF THREE (3) FEET BY THREE (3) FEET AND A MAXIMUM SIZE OF FIVE (5) FEET BY FIVE (5) FEET; ❸: MAXIMUM HIEGHT OF 36-INCHES OR THREE (3) FEET.

(10) *Gazebo*.

(a) *Definition*. A *gazebo* is a permanent stand-alone structure with a roof and trellis structure open on all sides with places for sitting.

(b) *Prerequisites*. A *gazebo* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *gazebo* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *gazebo* shall not be used as a habitable dwelling structure, storage facility, deck, or shelter for domestic or wild animals.

(e) *Construction Standards*.

(1) *Building Materials*. A *gazebo* built in the *438.0 Elevation Zone* must be constructed utilizing cedar, redwood, ironwood, composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. The side trellis of the *gazebo* may be built using wood; however, canvas, cloth, or mesh attachments to the structure shall be prohibited. A *gazebo* built in the *435.5 Elevation Zone* shall only be built out of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. A *gazebo* will be constructed using steel reinforced concrete piers.

(2) *Height*. A *gazebo* shall not exceed a maximum height of 15-feet without a clerestory and 18-feet with a clerestory/cupola. The height of the *gazebo* shall be measured from grade to the vertex of the *gazebo's* main roof or clerestory/cupola roof. In either case a *gazebo* shall not be larger than one (1) story or incorporate a balcony.

(3) *Size*. A *gazebo* shall not exceed a maximum size of 12-feet by 12-feet or 144 SF.

(4) *Roof*. The roof of the *gazebo* shall be a hipped roof, gable roof, or hip and/or gable roof with or without a clerestory/cupola, and have a slope of 2:1. The roof shall not have an overhang greater than 18-inches. In addition, the roof of the *gazebo* can match the roof of the primary structure on the leasing property; otherwise, the roof shall be built out of a prefinished standing seam galvanized metal roof. If a clerestory/cupola is incorporated it shall be centered at the top of the main hip roof.

(5) *Location*. A *gazebo* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Gazebos* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *gazebo* must adhere to the following setbacks:

DRAFT ORDINANCE 04.15.2024

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

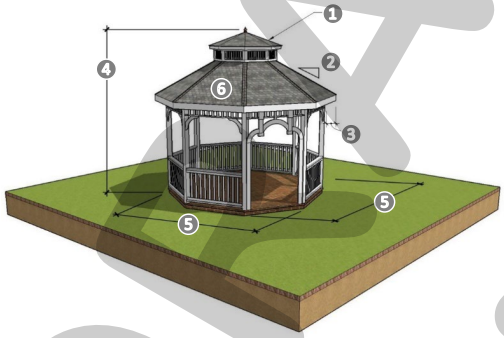
(g) *Additional Requirements.*

(1) *Earth Work*. Earth work required for the construction of a *gazebo* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *gazebo* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *gazebo* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation.*



❶: CUPOLA OR CLERESTORY; ❷: 2:1 MINIMUM ROOF PITCH; ❸: 1.5-FOOT MAXIMUM OVERHANG; ❹: 18-FEET MAXIMUM HEIGHT WITH A CUPOLA OR CLERESTORY AND 15-FEET WITHOUT A CUPOLA OR CLERESTORY; ❺: 12-FEET MAXIMUM; ❻: ROOF CAN MATCH THE PRIMARY STRUCTURE OTHERWISE THE ROOF SHALL BE STANDING SEAM METAL.

(11) *Landing and Stairs*.

(a) *Definition*. A *landing* is the area of a floor near the top or bottom step of a stair. A *stair* is a set of steps leading from one floor of an area to another.

(b) *Prerequisites*. A *landing and stairs* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 or 425.5 Elevation Zones* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *landing and stairs* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Permitted (*if a Seawall has been constructed*).

NOTE: A *landing and stairs* located in the *425.5 Elevation Zone* is permitted beside the lake but not upon or over the lake.

(d) *Conditional Use Standards*. A *landing and stairs* shall be allowed to be constructed in conjunction with a retaining wall if the retaining wall exceeds three (3) feet in height measured from the adjacent grade to the top of the wall.

(e) *Construction Standards*.

(1) *Building Materials*. A *landing and stairs* shall be constructed of wrought iron or black tubular steel, natural stone, brick, and/or concrete.

(2) *Height*. A *landing and stairs* shall not exceed the height of the adjacent retaining wall.

(3) *Size*. A *landing and stairs* shall be limited to eight (8) feet by eight (8) feet measured at the top of the adjacent retaining wall and the staircase shall be parallel to the retaining wall with a maximum width of a six (6) foot projection from the wall.

(4) *Location*. A *landing and stairs* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *landing and stairs* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 5-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *landing and stairs* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *landing and stairs* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.

PERSPECTIVE VIEW:

DRAFT ORDINANCE 04.15.2024

TOP VIEW.

❶: MINIMUM OF EIGHT (8) FOOT BY EIGHT (8) FOOT LANDING; ❷: VARIABLE LENGTH STAIRCASE; ❸: WROUGHT IRON OR BLACK TUBLAR STEEL; ❹: NATURAL STONE, BRICK, OR CONCRETE MATCHING THE RETAINING WALL; ❺: VARIABLE HEIGHT BUT A MINIMUM OF THREE (3) FEET; ❻: MAXIMUM OF SIX (6) FEET.

(12) *Landscaping and Retaining Walls*.

(a) *Definition*. *Landscaping* is the minor modification or altering of the surrounding takeline area terrain and shoreline with trees, shrubs, ground cover, and native stone or interlocking retaining walls.

(b) *Prerequisites*. *Landscaping and retaining walls* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. *Landscaping and retaining walls* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

NOTE: Remedial *landscaping* in the *425.5 Zone* is permitted when the intent is to maintain the integrity of the shoreline. This will require the approval of the Director of Parks and Recreation.

(d) *Conditional Use Standards*. *Landscaping and retaining walls* shall compliment and be integrated into the existing woodlands, wetlands, and general aesthetic of the takeline area. *Landscaping* shall not consist of hedge or shrub rows, or any plantings that may restrict views or lead to the siltation and/or erosion of the shoreline. The use of pesticides, herbicides, fungicides, or preservatives is *strictly prohibited*. All landscaping must comply with the requirements of Article 08, *Landscaping and Fence Standards*, of the Unified Development Code (UDC). For information regarding planting or removing trees see Subsection (F)(4) above.

(e) *Construction Standards*.

(1) *Building Materials*. *Retaining walls* shall be finished in native stone and will only be allowed in the *438.0 Elevation Zone* and the *435.5 Elevation Zone*. The use of mulch is prohibited in all zones with the exception of the *438.0 Elevation Zone*. The use of railroad ties, treated wood, pea gravel -- *with the exception of using it as a base* --, and brick shall be prohibited.

(2) *Height*. *Retaining walls* as part of landscaping will be limited to less than three (3) feet.

(3) *Location*. *Landscaping and retaining walls* shall not hinder the view clear zone of an adjacent neighbor's view corridor. *Landscaping* shall not exceed six (6) feet in height in the view clear zone.

(f) *Setback Requirements*. *Retaining walls* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *landscaping and retaining walls* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. *Landscaping and retaining walls* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. *Landscaping and retaining walls* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(13) *Municipal Utilities*.

(a) *Definition*. *Municipal utilities* represent all local utilities that consist of cable lines, pipelines, and wiring already existing and planned running through the take area used by both the local community and the region's communities to facilitate the distribution and collection of communications, water, electricity, natural gas, and waste byproducts.

(b) *Elevation Zone*. *Municipal utilities* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Permitted.

(c) *Conditional Use Standards*. All *municipal utilities'* infrastructure is permitted within the take area. *Municipal utilities* shall be placed underground.

(d) *Setback Requirements*. *Municipal utilities* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(e) *Additional Requirements*.

(1) *Compliance with Applicable Codes*. *Municipal utilities* must comply with all other applicable City of Rockwall codes.

DRAFT ORDINANCE 04.30.2024

(14) *Outdoor Lighting*.

(a) *Definition*. *Outdoor lighting* is a structure or system of structures, fixtures, and/or devices used to provide artificial nighttime lighting over a defined broad area, on buildings and monuments, on docks for safety, and to emphasize landscaping but not directed to the detriment of the traveling public or surrounding residents in the light's path.

(b) *Prerequisites*. *Outdoor lighting* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. *Outdoor lighting* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

NOTE: Catwalk lighting in the *425.5 Elevation Zone* is the only permitted *outdoor lighting* allowed below the *438.0 Elevation Zone*.

(d) *Conditional Use Standards*. Systems and structures associated with *outdoor lighting* include artificial landscape lighting, dock lighting, monument lighting, and flood lights. Cobra and florescent light fixtures are *not* allowed on poled structures. All lights are to have shields which deflect light downward. The operation of search or spot lighting shall be prohibited.

(e) *Photometric Plan*. A photometric plan describing compliance with the provisions of Article 07, *Performance Standards*, of the Unified Development Code (UDC) shall be submitted to the Director of Planning and Zoning or his/her designee prior to the issuance of a building permit for *outdoor lighting*. This plan shall be prepared by an appropriate lighting professional (*e.g. lighting engineer, architect, or other qualified lighting designer*). Upon installation of the lighting, the lighting professional shall provide a letter certifying that the lighting is installed in accordance with the approved photometric plan. The Director of Planning and Zoning, or his/her designee, shall have the authority to interpret and determine compliance with the photometric plan and the Unified Development Code (UDC). The Planning and Zoning Commission may grant an exception to the provisions of the Unified Development Code (UDC) when strict compliance with the requirements of this section will result in substantial financial hardship or inequity, so long as such exception is without harm to the public. Decisions of the Planning and Zoning Commission may be appealed to the City Council in accordance with the procedures outline in Section 09, *Exceptions and Variances*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC).

(f) *Construction Standards*.

(1) *Building Materials*. *Outdoor lighting* poles must be constructed of aluminum or steel. Wood and/or concrete poles are prohibited.

(2) *Height*. The height of *outdoor lighting* shall range from light fixtures embedded into a catwalk periphery to a 12-foot maximum for post structures on land for broader illumination. Poled outdoor light fixtures within the *438.0 Elevation Zone* should be no taller than one-third (*1/3*) the distance to a neighboring property and should not exceed 12-feet.

(3) *Location*. *Outdoor lighting* fixtures shall not be placed in the view clear zone of a neighbor's view corridor; however, view corridor restrictions do not apply for *outdoor lighting* associated with boathouses, dock decks, or fixed piers except as described for each use due to brightness and glare to surrounding neighbors and the traveling public.

(g) *Setback Requirements*. *Outdoor lighting* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(h) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *outdoor lighting* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. *Outdoor lighting* must comply with all other applicable City of Rockwall codes.

(3) *Municipal or Government Installed Lighting*. *Outdoor lighting* installed by and/or for a governmental agency for a public benefit that is used for activities for the public benefit (*e.g. rights-of-way, ball fields, airports, and/or parks*) shall be exempted from the requirements of this section; however, parking lot lighting for these activities shall meet the requirements of the Unified Development Code (UDC).

(15) *Patio*.

(a) *Definition*. A *patio* is a paved, tiled, or rocked outdoor area that is generally used for dining or recreation.

(b) *Prerequisites*. A *patio* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *patio* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *patio* shall not incorporate walls or other none transparent structures to function as handrails or counter space.

(e) *Construction Standards*.

DRAFT ONLY 04.30.2024

(1) *Building Materials*. A *patio* must be constructed with natural stone. Handrails incorporated into a *patio* in the *438.0 Elevation Zone* shall be made of wrought iron or decorative metal. Handrails are *not* permitted in the *435.5 Elevation Zone*.

(2) *Height*. A *patio* shall not exceed a maximum height of 12-inches above grade.

(3) *Size*. A *patio* shall not exceed a maximum area of 1,000 SF.

(4) *Location*. *Patios* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *patio* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *patio* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *patio* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *patio* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.

❶: NATURAL STONE; ❷: WROUGHT IRON OR BLACK TUBLAR STEEL; ❸: MAXIMUM OF 12-INCHES OR ONE (1) FOOT; ❹: PATIO AREA SHALL NOT BE GREATER THAN 1,000 SF

(16) *Pergola*.

(a) *Definition*. A *pergola* is a stand along structure consisting of parallel columns supporting an open roof of girders and cross rafters.

(b) *Prerequisites*. A *pergola* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *pergola* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *pergola* shall not be used as a habitable dwelling structure, storage facility, or shelter for domestic or wild animals.

(e) *Construction Standards*.

(1) *Building Materials*. A *pergola* constructed within the *438.0 Elevation Zone* must be constructed utilizing cedar, redwood, ironwood, composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. A *pergola* constructed within the 435.5 Elevation Zone must be constructed using composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*) or metal. Canvas, cloth, or mesh attachments to the structure shall be prohibited.

(2) *Height*. A *pergola* shall not exceed a maximum height of 12-feet or one (1) story, and the roof shall not be used as a deck or lookout. The height shall be measured from grade to the highest point of the structure.

(3) *Size*. A *pergola* shall not exceed a maximum size of 12-feet by 20-feet or 240 SF.

(4) *Roof*. The roof of the *pergola* shall not have an overhang greater than 18-inches.

(5) *Location*. A *pergola* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Pergolas* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A pergola must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(g) *Additional Requirements.*

(1) *Earth Work*. Earth work required for the construction of a *pergola* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

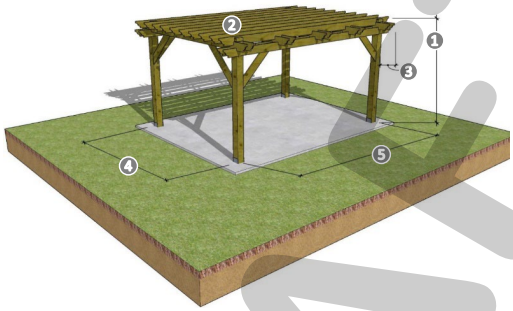
(2) *Compliance with Applicable Codes*. A *pergola* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *pergola* shall not be located in an area where it would block public safety

DRAFT ORDINANCE 04.30.2024

personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation.*



❶: 12-FOOT MAXIMUM HEIGHT; ❷: OPEN ROOF OF GIRDERS OR RAFTERS; ❸: 1.5-FOOT MAXIMUM OVERHANG; ❹: 12-FOOT MAXIMUM; ❺: 20-FOOT MAXIMUM; ❻: ROOF CAN MATCH THE PRIMARY STRUCTURE OTHERWISE THE ROOF SHALL BE STANDING SEAM METAL.

(17) *Picnic Table*.

(a) *Definition*. A *picnic table* is a permanent outdoor structure used for outdoor dining.

(b) *Prerequisites*. A *picnic table* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *picnic table* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *picnic table* must be a minimum of 12-feet from a *barbecue pit* or *fire pit*, and shall be open to the air (*i.e. no roof covering*) unless combined with a covered patio or pergola. A *picnic table* shall be built on level terrain.

(e) *Construction Standards*.

(1) *Building Materials*. The surface area of the *picnic table* shall be constructed out of concrete, brick, or native stone. *Picnic tables* constructed with wood shall be prohibited.

(2) *Height*. A *picnic table* shall not exceed a maximum of 36-inches in height.

(3) *Size*. A *picnic table* shall not exceed a maximum size of ten (10) feet in length by eight (8) feet in width.

(4) *Location*. A *picnic table* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Picnic tables* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *picnic table* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

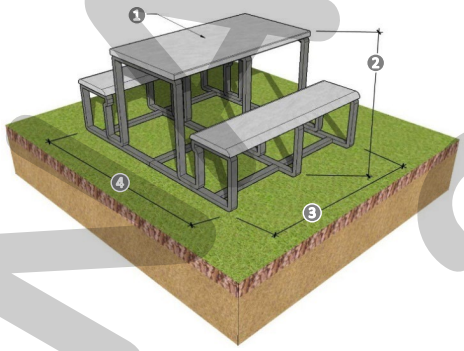
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *picnic table* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *picnic table* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *picnic table* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: SURFACE OF THE PICNIC TABLE SHALL BE CONCRETE, BRICK, OR NATIVE STONE; ❷: NOT TO EXCEED 36-INCHES OR THREE (3) FEET; ❸: EIGHT (8) FOOT MAXIMUM; ❹: TEN (10) FOOT MAXIMUM.

(18) *Private Play Structure*.

(a) *Definition*. A *private play structure* is a permanent outdoor structure used by children for play, which is installed by the private property owner.

(b) *Prerequisites*. A *private play structure* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *private play structure* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *private play structure* can consist of arched ladders, vertical ladders, horizontal ladders, clatter bridge, timber structures, slides, fort and slide playset, climbers, play walls, play climbers, play

DRAFT ORDINANCE 04-30-2024

pods, moon houses, jungle gyms, see-saws, merry-go-rounds, domes, rocket riders, tire swings, buoy balls, monkey bars, drums, chin-up bars, trampoline and rock walls; however, sandboxes and/or sand play areas shall *not* be permitted.

(e) *Construction Standards*.

(1) *Building Materials*. A *private play structure* shall be built out of aluminum, galvanized steel, rubber, and/or water-resistant wood; however, railroad ties and treated lumber are prohibited. The exterior color of a *private play structure* should blend and incorporate the same hues and tones of the surrounding landscaping.

(2) *Height*. A *private play structure* shall not exceed a maximum of eight (8) feet in height.

(3) *Size*. All *private play structures* will be situated in a collected area that is a maximum of 1,000 SF in area.

(4) *Location*. *Private play structures* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *private play structures* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(g) *Additional Requirements*.

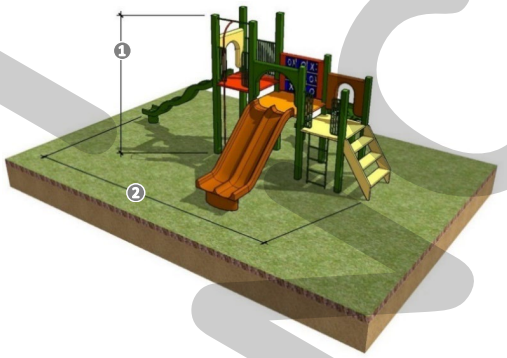
(1) *Earth Work*. Earth work required for the construction of a *private play structures* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *private play structure* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *private play structure* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.

Continued on Right Side of Page …



❶: MAXIMUM OF EIGHT (8) FEET IN HEIGHT; ❷: TOTAL SQUARE FOOTAGE SHALL NOT EXCEED A MAXIMUM OF 1,000 SF; ❸: EXTERIOR COLOR SHOULD BLEND WITH THE SURROUNDING LANDSCAPING.

(19) *Private Utilities*.

(a) *Definition*. *Private utilities* are a system of underground cable line, pipelines, and wiring installed by the leasing property owner to maintain and operate improvements in the take area.

(b) *Prerequisites*. *Private utilities* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. *Private utilities* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. *Private utilities* are required to be buried in accordance with Chapter 38, *Subdivisions*, of the City of Rockwall's Municipal Code of Ordinances. *No* overhead private utility lines are permitted in the lease area. *Private utilities* containing natural gas, propane, gasoline, oil, diesel, or similar types of compounds shall not be permitted within the lease area. No part of any *On-Site Sanitary Sewer System* (OSSF) or any other private wastewater system or appurtenances shall be permitted within the lease area.

(e) *Construction Standards*.

(1) *Building Materials*. *Private utilities* shall *only* be constructed out of materials permitted by the City's Engineering Department.

(2) *Location*. *Private utilities* within 20-feet of the normal pool elevation shoreline (*i.e. 435.5*) shall be built to handle load factors associated with emergency and service vehicles. *Private utilities* containing electricity and communication lines built into structures over the water shall not be allowed below the 436.5-foot mean sea level elevation.

DRAFT ORDINANCE 04-30-2024

(f) *Setback Requirements*. *Private utilities* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *private utilities* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *private utility* must comply with all other applicable City of Rockwall codes.

(3) *Damage to the System*. Any damage or destruction to any *private utility* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

(20) *Private Walkways*.

(a) *Definition*. *Private walkways* can be a single path or a network of paths installed by the leasing property owner in the takeline area.

(b) *Prerequisites*. *Private walkways* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. *Private walkways* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. *Private walkways* with steps are permitted (*see Landing and Stairs in Subsection 06.15(J)(11)*).

(e) *Construction Standards*.

(1) *Building Materials*. *Private walkways* shall be constructed using native stone, brick, concrete and/or rectangle pavers; however, *private walks* shall not consist of loose stone, gravel, sand, or asphalt.

(2) *Height*. *Private walkways* shall be flush with the surrounding grade, or work within the gradient present of the surrounding grade.

(3) *Size*. *Private walkways* shall be no greater than 48-inches in width.

(4) *Location*. *Private walkways* may encroach into an existing easement or right-of-way, encroach into an identified future easement or right-of-way, or encroach into an identified or set aside access path, provided that the property owner or sublease is responsible for repair and/or replacement of the walks in the event they are damaged or removed by the City or other public entity as a result of the necessary use of, or work within or around, said easements. An existing and future easement running through a lease property will be allowed to substitute for the 12-foot wide primary access right-of-way path provided it is 12-feet wide, suitable for access, and will connect to adjacent access paths.

(f) *Setback Requirements*. *Private walkways* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 10-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *private walkways* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *private walkway* must comply with all other applicable City of Rockwall codes.

(3) *Damage to the System*. Any damage or destruction to any *private walkway* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

(21) *Seawall*.

(a) *Definition*. A *seawall* is an engineered concrete or steel structure at the water's edge that is typically designed to curb shoreline erosion where it is installed.

(b) *Prerequisites*. A *seawall* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *seawall* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

NOTE: Seawalls are *only* permitted along the shoreline.

(d) *Construction Standards*.

(1) *Concrete Cap*. A six (6) foot wide concrete cap must be constructed along the entire length of the erosion control structure. In order to allow the backfill material to properly settle, the construction of the concrete cap may be delayed for several weeks/months after the construction of the erosion control structure; however, in no case should the construction of the concrete cap be delayed for a time period exceeding one (1) year from the date of construction of the erosion control structure.

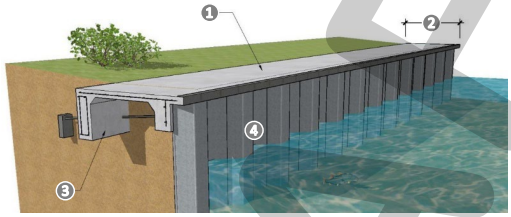
(e) *Additional Requirements*.

DRAFT ORDINANCE 04.30.2024

(1) *Earth Work*. Earth work required for the construction of a *seawalls* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *seawall* must comply with all other applicable City of Rockwall codes.

(f) *Visual Representation*.



❶: CONCRETE WALKWAY; ❷: SIX (6) FOOT MINIMUM; ❸: 24-INCH BY TEN (10) INCH BEAM WITH #3 REBAR ON 18-INCH CENTERS; ❹: RETAINING WALL.

(22) *Sprinkler/Irrigation System*.

(a) *Definition*. A *sprinkler/irrigation system* is an underground irrigation network used to water and maintain trees, shrubs, grounds, and the foundations of improvements.

(b) *Prerequisites*. A *sprinkler/irrigation system* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *sprinkler/irrigation system* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

Note: The prohibition of sprinkler/irrigation systems in the 425.5 Elevation Zone does not include the pumps or lines necessary to pump raw water, when a property owner has been granted permission to do so from the City of Dallas.

(d) *Conditional Use Standards*. A *sprinkler/irrigation system* must be connected to the leasing property owner's existing water supply source with approved backflow prevention devices.

(e) *Construction Standards*.

(1) *Building Materials*. A *sprinkler/irrigation system* shall *only* be constructed utilizing *Schedule 40 PVC* pipe.

(2) *Height*. The heads of a *sprinkler/irrigation system* used for shrubs shall extend no higher than three (3) feet from the average base of the surrounding terrain within a three (3) foot radius of the head.

(3) *Location*. A *sprinkler/irrigation system* shall be allowed up to one (1) foot of the normal pool elevation shoreline (*i.e. 435.5*) provided no part of the system could potentially result in lake siltation erosion.

(f) *Setback Requirements*. A *sprinkler/irrigation system* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *sprinkler/irrigation system* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *sprinkler/irrigation system* must comply with all other applicable City of Rockwall codes.

(3) *Damage to the System*. Any damage or destruction to any part of a *sprinkler/irrigation system* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

SUBSECTION 06.16: VARIANCES TO THE GENERAL OVERLAY DISTRICT STANDARDS

See Subsection 09.02, *Variances to the General Overlay Districts Standards*, of Article 11, *Development Applications and Review Procedures*.

SECTION 07 | DISTRICT DEVELOPMENT STANDARDS

See next page.

DRAFT ORDINANCE 04.30.2024

SUBSECTION 07.01: 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) [12]		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 & 9]		2 [8]	2 [8]	2 [8]	2 [8]	2 [8]	2 [8]	2 [8]	2 [8]	2 [9]	2 [10]	2 [8]

Formatted: Font color: Dark Red

ADDITIONAL REQUIREMENTS:

1. THE SINGLE FAMILY 1 (SF-1) DISTRICT ALLOWS FOR ONE (1) UNIT PER GROSS ACRE.
2. FRONTAGE REQUIRED TO BE ON A PUBLIC STREET AS MEASURED AT THE BUILDING SETBACK LINE *OR* AT THE PROPERTY LINE, WHICHEVER IS CONFORMS.
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 06, *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 UNIT IN AN AGRICULTURAL (AG) DISTRICT.
12. CONDITIONED SPACE.

DRAFT ORDINANCE 04.30.2024

SUBSECTION 07.02: MULTI-FAMILY DISTRICT DEVELOPMENT STANDARDS

ZONING DISTRICTS → / DEVELOPMENT STANDARDS ↓		MULTI-FAMILY 14 (MF-14) DISTRICT [1]
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 06, *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-FEET 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 08, *LANDSCAPE AND FENCE STANDARDS*.

DRAFT ORDINANCE 04.30.2024

SUBSECTION 07.03: NON-RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

*: FOR DEVELOPMENT IN THE DOWNTOWN (DT) DISTRICT SEE THE STANDARDS IN SECTION 04.08, *DOWNTOWN (DT) DISTRICT*.

DEVELOPMENT STANDARDS ↓ / ZONING DISTRICTS →		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+1/2*H*>36 [7] 50 [4]
	REAR (FEET)	30	20 W/O FRW & *OR* ALLEY	10 W/O FRW *OR* & ALLEY	10 W/O FRW *OR* & ALLEY	20 W/O FRW *OR* & ALLEY	10 W/O FRW [7]	20 + 1/2*H*>36 W/O FRW [7]
			0 W/ FRW & ALLEY	0 W/ FRW & ALLEY	0 W/ FRW & ALLEY	1/2*H*>36 W/ FRW & ALLEY	1/2*H*>36 W/ FRW & ALLEY [7]	8 + 1/2*H*>36 W/ FRW & ALLEY [7]
	REAR ADJACENT RESIDENTIAL (FEET) [6]	*N/A*	20	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	50 + 1/2*H*>36 [7]
	SIDE (FEET)	10	5 W/O FRW	10 W/O FRW	10 W/O FRW	15 + 1/2*H*>36 W/O FRW [7]	15 + 1/2*H*>36 W/O FRW [7]	15 + 1/2*H*>36 W/O FRW [7]
			0 W/ FRW	0 W/ FRW	0 W/ FRW	1/2*H*>36 W/ FRW [7]	1/2*H*>36 W/ FRW [7]	8 + 1/2*H*>36 W/ FRW [7]
	SIDE ADJACENT RESIDENTIAL (FEET) [6]	20	20	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	50
BETWEEN BUILDINGS (FEET)		15-20 W/O FRW 0 W/ FRW	15-20 W/O FRW 0 W/ FRW	15-20 W/O FRW 0 W/ FRW	15-20 W/O FRW 0 W/ FRW	15-20 + 1/2*H*>36 W/O FRW [7]	15-20 + 1/2*H*>36 W/O FRW [7]	25 + 1/2*H*>36 W/O FRW [7]
						1/2*H*>36 W/ FRW [7]	1/2*H*>36 W/ FRW [7]	16 + 1/2*H*>136 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 08, *LANDSCAPE AND FENCE STANDARDS*						

KEY: BLUE: WHEN ADJACENT TO INTERSTATE 30; *H*: BUILDING HEIGHT; 1/2*H*>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 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 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 08, *LANDSCAPE AND FENCE 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 SUP BY THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL.
9. BUILDING HEIGHT MAY BE INCREASED UP TO 240-FEET IF APPROVED THROUGH A 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.

Formatted: Left, Right: -0.07"
Formatted: Font: Italic, Underline
Formatted: Left, Right: -0.07"
Formatted: Left, Right: -0.07"
Formatted: Left, Right: -0.07"
Formatted: Left, Right: -0.07"

DRAFT 04.30.2024

SUBSECTION 07.04: ACCESSORY STRUCTURE DEVELOPMENT STANDARDS

ZONING DISTRICTS OR ACCESSORY STRUCTURE TYPE → / DEVELOPMENT STANDARDS ↓		ACCESSORY BUILDINGS [1, 3, 5, 8 & 12]							ACCESSORY STRUCTURES [1, 3, 5 & 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 AND ZERO LOT LINE (ZL-5) DISTRICT	PORTABLE ACCESSORY BUILDING 0 SF – 120 SF	DETACHED GARAGE [9]	CARPORTS [7]	ATTACHED AND DETACHED COVERED PORCHES	PERGOLAS
NUMBER OF ACCESSORY STRUCTURES OR NUMBER OF SPECIFIC ACCESSORY STRUCTURE PERMITTED		2 [2]	2 [2]	2 [2]	2 [6]	1	1	1	1	1	N/A [11]
MAXIMUM SF OF ACCESSORY STRUCTURE		1,000 [2]	1,000 [2]	1,250 [2]	144 [6]	100	120	625	500	500 [10]	500 [10]
MINIMUM SETBACKS	REAR (FEET)	10	10	10	3	3	3	10	10	3 [10]	3 [10]
	REAR W/ ALLEYWAY (FEET)	20 [4]	20 [4]	20 [4]	3	3	3	20 [4]	20	3 [10]	3 [10]
	SIDE (FEET)	SEE ZONING DISTRICT	SEE ZONING DISTRICT	SEE ZONING DISTRICT	SEE ZONING DISTRICT	3	3	SEE ZONING DISTRICT	SEE ZONING DISTRICT [10]	SEE ZONING DISTRICT [10]	3 [10]
BETWEEN BUILDINGS (FEET)		10	10	10	6	6	6	10	10	6	6
BUILDING HEIGHT (FEET) [8]		15	15	15	15	10	10	15	15	15	12

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/COVERED PORCHES/PERGOLAS THAT ARE INTEGRATED INTO THE MAIN ACCESSORY STRUCTURE AND WHICH ARE INCLUDED IN THE SQUARE FOOTAGE OF THE OVERALL 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 (EXCLUDING PORTABLE BUILDINGS) NOT MEETING THE SIZE OR HEIGHT REQUIREMENTS STIPULATED BY THIS SECTION SHALL REQUIRE A SPECIFIC USE PERMIT (SUP). IN REVIEWING A SPECIFIC USE PERMIT (SUP), THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL SHALL CONSIDER: [*1*] IF THE STRUCTURE WAS CONSTRUCTED WITHOUT A PERMIT OR UNDER FALSE PRETENSES, [2] THE SIZE OF THE PROPOSED ACCESSORY STRUCTURE COMPARED TO THE SIZE OF OTHER ACCESSORY STURCTURES IN THE AREA/NEIGHBORHOOD/SUBDIVISION, AND [*3*] THE SIZE, ARCHITECTURE AND BUILDING MATERIALS PROPOSED FOR THE STRUCTURE COMPARED TO THOSE OF THE PRIMARY STRUCTURE.

6: EACH PROPERTY SHALL BE PERMITTED ONE (1) DETACHED GARAGE UP TO 625 SF AND ONE (1) ACCESSORY BUILDING UP TO 144 SF OR TWO (2) ACCESSORY BUILDINGS UP TO 144 SF EACH. IF A PROPERTY HAS AN EXISTING ACCESSORY BUILDING GREATER THAN 144 SF, NO ADDITIONAL ACCESSORY BUILDINGS OR DETACHED GARAGES SHALL BE PERMITTED.

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 AND PARK A STANDARD SIZE MOTOR VEHICLE (*I.E. A VEHICLE THAT IS A MINIMUM OF NINE [9] FEET BY 18-FEET*) INSIDE THE STRUCTURE. IN ADDITION, A DETACHED GARAGE MUST BE ACCESSIBLE FROM THE FRONT, REAR OR SIDE YARD BY A STANDARD WIDTH, CONCRETE DRIVEWAY THAT HAS MINIMUM LENGTH OF 20-FEET OF DRIVEWAY PAVEMENT. DETACHED GARAGES ACCESSIBLE FROM THE FRONT SHALL BE A MINIMUM OF 20-FEET BEHIND THE FRONT FAÇADE OF THE PRIMARY STRUCTURE.

10: COVERED PORCHES AND PERGOLAS THAT ARE ATTACHED OR CONTIGOUS WITH THE PRIMARY STRUCTURE SHALL BE EXEMPTED FROM THE SIZE RESTRICTIONS BUT SHALL BE REQUIRED TO MEET THE SAME SETBACKS AS THE PRIMARY STRUCTURE.

11: PERGOLAS ARE NOT SUBJECT TO THE *NUMBER OF ACCESSORY STRUCTURE REQUIREMENTS*, BUT *DO* COUNT AGAINST THE RESIDENTIAL LOT COVERAGE REQUIREMENTS FOR THE ZONING DISTRICT.

12: PORTABLE ACCESSORY BUILDINGS ARE DEFINED AS AN ACCESSORY BUILDING THAT DOES NOT HAVE A PERMENANT FOUNDATION. ALL ACCESSORY BUILDINGS THAT ARE NOT PORTABLE ACCESSORY BUILDINGS REQUIRE A PERMANENT CONCRETE FOUNDATION; HOWEVER, GREENHOUSES SHALL BE EXEMPT FROM HAVING A PERMANENT CONCRETE FOUNDATION.

DRAFT ORDINANCE 04-39 2024

SUBSECTION 07.05: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT DEVELOPMENT STANDARDS

LAND USE [1]	CONDITIONAL USE REFERENCE SEE SUBSECTION 06.15(J)	PRE-REQUISITES L: SUBLEASE, S: SEAWALL, FP: FIXED PIER	ELEVATION ZONES P: PERMITTED X: NOT PERMITTED 438.0	435.5	425.5	MINIMUM SIZE (FEET OR SQUARE FEET)	MAXIMUM SIZE (FEET, INCHES, OR SQUARE FEET)	MINIMUM HEIGHT (FEET OR INCHES)	MAXIMUM HEIGHT (FEET)	SIDE YARD SETBACK (FEET)	BUILDING MATERIALS NS: NATURAL STONE B: BRICK C: CONCRETE CM: COMPOSITE MATERIALS GM: GALVANIZED METAL IR: IRON SS: STAINLESS STEEL S: STEEL M: METAL A: ALUMINUM CW: CEDAR RW: REDWOOD IW: IRONWOOD SSM: STANDING SEAM METAL WR: WROUGHT IRON R: RUBBER
BARBECUE PIT	(1)	L	P	X	X	3' x 3'	8' x 3'	0'	6'	6'	NS, B, C, AND IR
BOAT HOUSE [2, 4, 5, & 15]	(2)	L, S, & FP	X	X	P	8' x 30'	12' x 30'	16'	21'	10'	CM FOR CATWALK AND DECKING; GM, IR, S, OR A FOR THE SUPPORTS [3]; CM, GM, IR, S, A, CW, IW, OR RW FOR ROOF BEAMS; AND SSM FOR THE ROOF
COVERED PATIO [5 & 15]	(3)	L & S [16]	P	P	X	0'	12' x 20'	0'	15' [6 & 7]	20'	CW, IW, & RW IN THE 438.0 ELEVATION ZONE; CM OR M IN THE 435.5 ELEVATION ZONE; SSM FOR THE ROOF
DECK [5 & 18]	(4)	L & S [16]	P	P	X	0'	1,000 SF	2' OR 24"	1'	20'	CM FOR THE DECKING, C FOOTINGS FOR FOUNDATION, AND WR FOR FENCING/RAILING
DOCK DECK [2 & 5]	(5)	L, S, & FP	X	X	P	8' x 10'	12' x 30'	0'	8' [8]	10'	CM
FENCE	(6)	L	P	X	X	0'	45'	4'	4'	0'	WR
FLAGPOLE [5 & 9]	(7)	L & S [16]	P	P	X	5" BASE	8" BASE	0'	20'	6'	SS OR A
FIXED PIER [2 & 5]	(8)	L & S	X	X	P	0'	6' x 40'	0'	8' [10]	10'	CM FOR CATWALK AND DECKING; CM OR S FOR RAILINGS
FIRE PIT	(9)	L & S [16]	P	X	X	3' x 3'	5' x 5'	0'	3'	6'	NS, B, AND C
GAZEBO [5 & 15]	(10)	L & S [16]	P	P	X	0'	12' x 12'	0'	15'/18' [7 & 11]	20'	CW, RW, IW, CM, OR M IN THE 438.0 ELEVATION ZONE; AND CM OR M IN THE 435.5 ELEVATION ZONE
LANDING AND STAIRS	(11)	L & S [17]	P	P	P	0'	8' x 8' x 6'	3'	SAME AS RETAINING WALL	5'	NS, B, AND C FOR THE STAIRS; WR OR BLACK S FOR THE RAILINGS AND/OR FENCE
PATIO [5 & 18]	(15)	L	P	P	X	0'	1,000 SF	0'	1'	20'	NS FOR THE DECK AREA AND WR FOR RAILINGS
PERGOLA [5]	(16)	L & S [16]	P	P	X	0'	12' x 20'	0'	12' [7]	20'	CW, RW, IW, OR CM IN THE 438.0 ELEVATION ZONE; CM OR M IN THE 435.5 ELEVATION ZONE
PICNIC TABLE	(17)	L	P	P	X	0'	8' x 10'	0'	3' OR 36"	6'	NS, B, AND C
PRIVATE PLAY STRUCTURE	(18)	L	P	X	X	0 SF	1,000 SF	0'	8'	20'	A, GM, R, CW, RW, AND IW
PRIVATE WALKWAYS	(20)	L & S [16]	P	P	X	0'	48" WIDE	0'	FLUSH WITH GRADE	10'	NS, B, C, AND RECTANGULAR PAVERS
LANDSCAPING AND RETAINING WALLS [12 & 13]	(12)	L	P	P	X						
MUNICIPAL UTILITIES	(13)	*NONE*	P	P	P						
OUTDOOR LIGHTING	(14)	L	P	X	X						
PRIVATE UTILITIES	(19)	L	P	P	X						
SEAWALL	(21)	L	X	X	P						
SPRINKLER/ IRRIGATION SYSTEM [14]	(22)	L	P	P	X						

NOTES:

1: FOR ALL LAND USES CHECK SECTION 06.15, *LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT* FOR ADDITIONAL REQUIREMENTS AND RESTRICTIONS.

2: BOATHOUSES, FIXED PIERS, DOCK DECKS, OR ANY COMBINATION OF THESE STRUCTURES MAY NOT EXTEND MORE THAN 40-FEET INTO THE WATER FROM THE 435.5 ELEVATION CONTOUR.

3: REQUIRES A HIP ROOF, A MINIMUM OF 2:1 ROOF PITCH, WITH ONE (1) CUPOLA (3' x 4') IN THE MIDDLE OF THE ROOF OR TWO (2) CUPOLAS (3' x 4') AT EACH END OF THE ROOF.

4: SUPPORT POSTS MAY BE WRAPPED IN A COMPOSITE MATERIAL.

5: THE STRUCTURE SHALL BE GENERALLY CENTERED IN THE LEASE AREA BEHIND THE PRIMARY STRUCTURE ON THE LEASING PROEPRTY IF LOCATED IN THE *435.5* OR *425.5 ELEVATION ZONES* (*IF PERMITTED IN THE ZONE*).

6: REQUIRES A HIP OR GABLE ROOF WITH A CUPOLA OR CLERESTORY AND A MINIMUM ROOF PITCH OF 4:1.

7: SHALL NOT EXCEED ONE (1) STORY OR BE USED AS A ROOF TOP DECK.

8: EIGHT (8) FEET ABOVE THE SURFACE AREA OF THE FLAT FLOOR SURFACE WITH NO MORE THAN FOUR (4) POLE STRUCTURES ALLOWED.

9: A MAXIMUM OF TWO (2) FLAG POLES ARE PERMITTED AND ONLY THE UNITED STATES OF AMERICA AND TEXAS FLAGS ARE TO BE FLOWN.

10: EIGHT (8) FEET ABOVE THE SURFACE AREA OF THE FLAT FLOOR SURFACE WITH NO MORE THAN TWO (2) POLE STRUCTURES ALLOWED.

11: REQUIRES A HIP OR GABEL ROOF OR A HIP AND/OR GABEL ROOF, WITH A MINIMUM ROOF PITCH OF 2:1, AND THAT IS A MAXIMUM OF 15-FEET WITHOUT A CLERESTORY OR CUPOLA OR 18-FEET WITH A CLERESTORY OR CUPOLA.

12: REMEDIAL LANDSCAPING ALLOWED IN THE 425.5 ELEVATION ZONE WITH THE INTENT TO MAINTAIN THE INTEGRITY OF THE SHORELINE.

13: RETAINING WALLS THAT ARE A PART OF LANDSCAPING ARE LIMITED TO LESS THAN THREE (3) FEET IN HEIGHT.

14: HEADS SHOULD EXTEND NO HIGHER THAN THREE (3) FEET FROM THE AVREAGE BASE OF THE SURROUNDING TERRIAN WITHIN A THREE (3) FOOT RADIUS.

15: ROOF OVERHANGS SHALL NOT EXCEED 18-INCHES.

16: A SEAWALL IS *ONLY* REQUIRED FOR CONSTRUCTION IN THE *435.5 ELEVATION ZONE*.

17: A SEAWALL IS *ONLY* REQUIRED FOR CONSTRUCTION IN THE *435.5 OR 425.5 ELEVATION ZONES*.

18: HANDRAILS ARE PROBITED IN THE *435.5 ELEVATION ZONE*.

DRAFT 04.30.2024

Continued on Next Page …

DRAFT
ORDINANCE
04.30.2024

SECTION 01 | PURPOSE

SUBSECTION 01.01: PARKING

The purpose of this Article is to regulate the number of required off-street vehicular parking spaces so as:

- To provide for the needs of occupants, customers, visitors or others involved in the use or occupancy of any building, structural improvement or place of assembly;
- To eliminate undue use of the street system for parking purposes;
- To avoid the occurrence of nonresident on-street parking in adjoining neighborhoods;
- To protect the environment by promoting trip reduction and efficient land use through an analytic process in which the amount of parking may be limited to what is realistically needed for the uses on the site, thus reducing concrete/asphalt areas, heat islands and air pollution;
- To promote and protect the public health, safety, comfort, convenience and general welfare; and
- To grant and define the administrative powers and duties necessary to enforce this Article.

SUBSECTION 01.02: LOADING

It is also the purpose of this Article to require allocation of sufficient off-street/on-site loading facilities by businesses and industry to ensure that the loading and unloading of vehicles will not interfere with traffic flow or block roadways or fire lanes.

SECTION 02 | APPLICABILITY

SUBSECTION 02.01: CONSTRUCTION OR CREATION OF USE

Any building, improvement, or use of land approved or erected shall include the necessary off-street parking spaces, and require off-street/on-site loading facilities subject to the standards established in this Article.

SUBSECTION 02.02: CHANGE OF USE

Whenever any building, improvement, or use of land is proposed to be changed to a new use, the provision of off-street parking and loading shall be required for the new use in accordance with this Article.

SUBSECTION 02.03: EXPANSION OF AN EXISTING USE

If any building, improvement, or use of land is expanded, the provisions for parking and loading shall be provided for the portion of land use and/or building that has been added.

SUBSECTION 02.04: RENOVATION OR REDEVELOPMENT

Notwithstanding Subsection 02.02 above, if any building, improvement, or use of land is repaired, renovated, altered, expanded or redeveloped, and the cost of such changes exceed 50.00% of the fair market value of the building improvement prior to the subject improvements, the parking and loading facilities set forth in this Article shall be made conforming, unless a specific use permit has been approved for such reduction in the provision of parking or loading.

SECTION 03 | GENERAL PROVISIONS

SUBSECTION 03.01: CALCULATION OF SPACES

(A) *Fractional Number of Spaces*. In determining the required number of parking spaces, fractional spaces shall be ~~counted to the nearest~~rounded up to the nearest whole space. Parking spaces located in buildings used for repair garages or auto laundries shall not be counted as meeting the required minimum parking.

(B) *Parking Structures Excluded*. Floor area of structures devoted to off-street parking of vehicles shall be excluded in computing the floor area for off-street parking requirements.

(C) *Requirements for Uses Not Listed*. The off-street parking requirements for a use not specifically listed in the schedule below shall be the same as required for a use of a similar nature as determined by the Director of Planning and Zoning.

SUBSECTION 03.02: PAVING MATERIALS

All required parking and loading areas, public and private drives, and fire lanes shall be constructed of concrete, but may have a surface treatment of brick, stone or other similar material; ~~. H~~ however, cast interlocking concrete, brick, or stone pavers installed on a prepared base may be used in parking areas and on public and private drives where approved by the City Engineer.

SUBSECTION 03.03: LOCATION OF COMMERCIAL PARKING AND LOADING SPACES

The required off-street parking and loading spaces shall be located on the same lot as the building or use served; except, off-street parking may also be located as follows:

(A) *Parking May Be Located Off-Site*.

(1) When an increase in the number of off-street parking spaces is required by a change or enlargement of use, or where off-street parking spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required off-street parking spaces may be located at a distance not to exceed 400-feet from the building being served; provided, however, that a written agreement thereto is properly executed and filed as provided below.

(2) The distance from the land use requiring parking to the off-site parking site shall be measured along the shortest legal pedestrian path between one site and the other.

(3) All off-site parking must first be approved by City Council.

(B) *Joint Use of Parking*. Parking adjustments may be allowed according to the following percentages by time of day:

DRAFT ORDINANCE 04.30.2024

TABLE 1: JOINT USE OF PARKING CALCULATIONS

TIME OF DAY	OFFICE	RETAIL	RESTAURANT	THEATER	HOTEL
6:00 AM - 12:00 PM	1.00	0.97	0.50	0.30	1.00
12:00 PM - 1:00PM	0.90	1.00	0.70	0.70	0.30
1:00 PM - 4:00 PM	0.97	0.97	0.60	0.70	0.45
4:00 PM - 6:00 PM	0.47	0.82	0.90	0.80	0.70
6:00 PM - 8:00 PM	0.07	0.89	1.00	1.00	1.00
8:00 PM - 12:00 AM	0.03	0.61	1.00	1.00	1.00

EXAMPLE 1: JOINT USE OF PARKING CALCULATIONS

An example of a mixed-use development comprised of the below land uses would be as follows:

Step 1: Development Square Footages

- *Office*: 50,000 SF
- *Retail*: 20,000 SF
- *Restaurant*: 8,000 SF

Step 2: Individual Parking Requirements

LAND USE	SF	PARKING REQUIREMENT	REQUIRED PARKING
OFFICE	50,000	1/300 SF	167
RETAIL	20,000	1/250 SF	80
RESTAURANT	8,000	1/100 SF	80
		TOTAL:	327

Step 3: Shared Parking Requirements

TIME OF DAY	OFFICE	RETAIL	RESTAURANT	TOTAL
6:00 AM - 12:00 PM	1.00x167=167	0.97x80=78	0.50x80=40	285
12:00 PM - 1:00PM	0.90x167=150	1.00x80=80	0.70x80=56	286
1:00 PM - 4:00 PM	0.97x167=162	0.97x80=78	0.60x80=48	288
4:00 PM - 6:00 PM	0.47x167=78	0.82x80=66	0.90x80=72	216
6:00 PM - 8:00 PM	0.07x167=12	0.89x80=71	1.00x80=80	163
8:00 PM - 12:00 AM	0.03x167=5	0.61x80=49	1.00x80=80	134

Step 4: The parking required is 288 parking spaces. This is a reduction of 39 parking spaces or 11.9% over the individual parking requirements.

(C) *Off-Site Parking Agreement*.

(1) When the required off-street parking spaces are not located on the same lot with the building or use served, or when the required off-street parking spaces are provided collectively or used jointly by two (2) or more establishments, a written agreement which ensures the retention of such spaces for this purpose, and for a period of not less than two (2) years, shall be drawn and executed by the parties concerned, approved as to form by the City Attorney, and filed with the application for a building permit or Certificate of Occupancy (CO) if a change in use is involved.

(2) If the off-site parking is terminated for any reason, then alternative parking meeting the standards of this Article, shall be required, or the property shall lose its Certificate of Occupancy (CO).

(D) *Parking in Front Yards of Residential and Agriculture*. No required off-street parking space shall be located in the required front yard in any residential or agricultural district.

(E) *Parking in Front Yards of Non-Residential*. In any nonresidential district, the required off-street parking space may be located in the required front yard provided that it meets landscaping and screening requirements in Article 08, *Landscape Standards*.

SUBSECTION 03.04: LIGHTING OF PARKING AND LOADING AREAS

(A) *Spill-Over Lighting*. All lighting facilities shall be so arranged as to reflect the illumination away from any adjacent property. Such lighting facilities shall provide illumination within parking areas not to exceed a maintained average of 1½ footcandles at ground level, and shall distribute not more than 0.2 of one (1) footcandle of light upon any adjacent residential property. (*also see Section 03, Outdoor Lighting for Non-Residential Properties, of Article 07, Environmental Standards*).

(B) *Lighting as a Nuisance or Safety Hazard*. All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not intrude on residential property or create a hazard to motorists on any street, alley or other public way.

SUBSECTION 03.05: PAY PARKING LOTS

No charge may be made for at-grade visitor parking spaces, unless approved by City Council as part of a specific Use Permit.

SUBSECTION 03.06: SHARED PARKING/CROSS ACCESS

In master planned retail centers, cross access and shared parking agreements are required for final platting.

SECTION 04 | RESIDENTIAL PARKING

SUBSECTION 04.01: LOTS LESS THAN FIVE (5) ACRES

(A) *Location*. All required residential parking shall be located onsite except in the Downtown District.

(B) *Garages*. In single-family or duplex districts, parking garages must be located at least 20-feet behind the front building facade for front entry garages, unless it is a *J-Swing* garage where the garage door is perpendicular to the street.

(C) *Carports*. In single-family or duplex districts, carports must be located at least 20-feet behind the front building facade and be architecturally integrated with the main residential structure.

SECTION 05 | OFF-STREET PARKING REQUIREMENTS

SUBSECTION 05.01: OFF-STREET PARKING REQUIREMENTS

The schedule of off-street parking requirements in Table 5 establishes parking requirements for all zoning districts.

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

DRAFT ORDINANCE 04.30.2024

SUBSECTION 05.02: CONVENTIONS USED IN PARKING REQUIREMENT SCHEDULE

(A) *Square Feet*. The term *SF* means gross square feet of building, unless otherwise noted.

(B) *Site Area Parking Requirements*. The parking requirement for a use of site area is based on the net site area exclusive of parking and buildings.

(C) *Land Uses*. Land uses listed under *Permitted Uses* in the accompanying schedule does not mean that this use is permitted within the City. Please refer to Article 04, *Permissible Uses*.

SUBSECTION 05.03: OFF-STREET PARKING STANDARDS

(A) *Head-In Parking*. An off-street parking space shall not be located on a public street. Head-in parking adjacent to a public street wherein the maneuvering of the vehicle in parking or leaving a parking space is done directly onto a public street, shall not be allowed in nonresidential zoning districts nor shall it be allowed in conjunction with multi-family residential land uses unless specifically approved as part of a special district zoning ordinance such as for the downtown.

(B) *Parking Spaces and Aisle Surfaces*. All parking spaces, aisles and maneuvering areas shall have an all-weather surface, whether enclosed or unenclosed, and shall be connected by an all-weather surfaced driveway to a street or alley.

(C) *Parking Space and Aisle Dimensions*. All parking spaces and aisle dimensions shall conform to the off-street parking requirements contained in the City's Standards of Design and Construction manual, as amended, unless otherwise approved by the Planning and Zoning Commission and City Council.

(D) *Site Access for Vehicles*. Access to a lot or tract shall conform to the access control guidelines in the driveway ordinance. A driveway conforming to City driveway standards shall be constructed for each approved access point. A permit much be obtained from the City to construct a driveway within the City.

SUBSECTION 05.04: HANDICAPPED PARKING

In each parking facility, a portion of the total number of parking spaces shall be specifically designated as handicapped accessible parking spaces and reserved for vehicles licensed by the state for use by the handicapped. The following parking and passenger loading standards shall apply to any new construction within the City.

Continued on Right Side of Page …

(A) *Space Required*.

TABLE 2: HANDICAPPED PARKING SPACE REQUIREMENT

TOTAL REQUIRED PARKING IN LOT	REQUIRED NUMBER OF HANDICAPPED SPACES
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% OF TOTAL
1,001+	20 + 1/100 OVER 1,000

(B) *Construction Standards*. Parking spaces and facilities intended for use by the handicapped shall be designed and constructed in accordance with the standards established by state law, City ordinances and the Americans with Disabilities Act (ADA).

(C) *Size of Spaces*. Accessible parking spaces shall be at least 108-inches wide and shall be served by a pedestrian maneuvering access aisle at least 60-inches wide. The access aisle shall be part of an accessible route to the building or facility entrance. Two (2) accessible parking spaces may share a common access aisle. Accessible parking spaces and access aisles shall be level with surface slopes not exceeding ~~2%~~two (2) percent in any direction.

(D) *Van Accessible Spaces*. One (1) in every eight (8) accessible spaces, but not less than one (1), shall be served by an access aisle not less than 108-inches wide and provide a minimum vertical clearance of 98-inches at the parking space and along at least one (1) vehicle access route to such parking space from site entrance and exit. All such spaces shall be designated "van accessible" and may be grouped on one (1) level of a parking structure.

(E) *Sign Handicapped Accessible Spaces*. Accessible spaces shall be designated as reserved by a sign showing a symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

(F) *Accessible Routes to the Building or Facility*. At least one (1) accessible route within the boundary of a site shall be provided from public transportation stops (*if available*), accessible parking and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public.

(G) *Accessible Routes On-Site*. At least one (1) accessible route shall connect accessible buildings, facilities, elements and spaces that are on the same site.

(H) *Accessible Route Design Standards*. An accessible route shall have a minimum clear width of 36-inches and provide adequate space for a wheel chair turn around. If an accessible route has less than 60-inches clear width, then passing spaces of at least 60-inches by 60-inches shall be located at reasonable intervals, not to exceed 200-feet. A 'T' intersection of two (2) corridors or walks is an acceptable passing place.

DRAFT ORDINANCE 04-30-2024

SECTION 06 | OFF-STREET LOADING REQUIREMENTS

SUBSECTION 06.01: APPLICABILITY

All non-residential structures which contain a gross floor area of 10,000 square feet or more shall provide and maintain off-street loading facilities on the same lot. Such off-street loading facilities shall be located adjacent to a public way or private service drive, in accordance with the following requirements:

(A) Unless an alternative is supported by design standards and approved as part of the detailed site plan, no area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

(B) Any loading dock or loading area must provide a maneuvering area located entirely on private property, and shall not utilize any public right-of-way, and shall not block any drive, aisle or fire lane.

(C) Loading docks that are within 400-feet of a residential district shall be equipped with noise attenuation devices and screened from view of adjacent residential lots.

SUBSECTION 06.02: LIGHTING OF LOADING AREAS

All lighting facilities shall be so arranged as to reflect the illumination away from any adjacent property. Such lighting facilities shall provide illumination within loading areas not to exceed 1.5 Foot Candles (FC) at ground level, and shall distribute not more than 0.2 of one (1) FC of light upon any adjacent property.

All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not intrude on residential property or create a hazard to motorists on any street alley or other public way.

SUBSECTION 06.03: DUMPSTER TRASH RECEPTACLES

All driveways to trash receptacles shall be designed to accommodate the weight of a 56,000 gross vehicular weight (GVW) sanitation truck. Lifting aprons shall be provided in front of each trash receptacle location to accommodate the front wheels of the sanitation truck. Access to the trash receptacle and lift apron shall be in a *straight in* manner, or other manner as approved by the City Engineer. Trash receptacles shall not be located beneath any overhead utility line.

SUBSECTION 06.04: SIZE

Loading spaces shall be a minimum of 12-feet in width, 65-feet in length, and 14-feet in height except as may otherwise be approved by the City Engineer.

SUBSECTION 06.05: OFF-STREET LOADING REQUIREMENTS

Any use that receives or distributes material, supplies or merchandise by motor vehicle shall provide off-street loading space in accordance with the following requirements~~.~~:

(A) *Retail, Commercial, and Industrial Land Uses.*

TABLE 3: COMMERCIAL OFF-STREET LOADING REQUIREMENTS

GROSS FLOOR AREA (SF)	MINIMUM REQUIRED LOADING SPACES
0 – 10,000	0
10,001 – 40,000	1
40,001 – 100,000	2
100,001 – 160,000	3
160,001 – 240,000	4
240,001 – 320,000	5
320,001 – 400,000	6
400,001+	PARKING STUDY REQUIRED

(B) *Auditoriums, Exhibition Halls, Hotels and Sports Arenas.*

TABLE 4: RESTAURANTS AND PUBLIC FACILITIES LOADING REQUIREMENTS

GROSS FLOOR AREA (SF)	MINIMUM REQUIRED LOADING SPACES
0 – 10,000	0
10,001 – 150,000	2
150,001 – 300,000	4
300,001 – 600,000	5
600,000+	PARKING STUDY REQUIRED

DRAFT ORDINANCE 04.30.2024

TABLE 5: PARKING REQUIREMENT SCHEDULE

AGRICULTURAL LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Agricultural Uses on Un-Platted Land (25-Acre+)	N/A
Animal Hospital or Clinic	1/500 SF
Animal Production	1/200 SF
Crop Production	N/A
Commercial Corral or Stable	1/2 Horse Stalls
Private Horse Corral or Stable	1/2 Horse Stalls
Wholesale Nursery (Growing Only)	N/A

RESIDENTIAL

LAND USE	MINIMUM PARKING REQUIRED
Boarding or Rooming House	1/75 SF (Sleeping Area Only)
Duplex	2/Dwelling Unit
Guest Quarters/Domestic or Security Unit	1.5/Unit
Multi-Family Unit with One (1) Bedroom	1.5/Unit
Multi-Family Unit with Two (2) Bedroom	2.0/Unit
Multi-Family Unit with Three (3) Bedroom	2.5/Unit
~~Servants~~/Caretakers Quarters	1/Bedroom
Single-Family Attached	2/Dwelling Unit
Single-Family Detached	2/Dwelling Unit
Single-Family Townhome	2/Dwelling Unit
Single-Family Zero Lot Line	2/Dwelling Unit

INSTITUTIONAL AND COMMUNITY SERVICE LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Auditorium or Assembly Hall	1/3 Seats or 1/100 SF[1]
Church/House of Worship	1/4 Seats
College, University, or Seminary	1/4 Students
Community Center	1/200 SF
Convalescent Care Facility	1/Bed & 1/Employee on Shift[3]
Nursing Home	1/6 Beds & 1/Employee on Shift[3]
Daycare with Seven (7) or More Children	1/300 SF & 4 Cueing Pickup/Drop-Off
Emergency Ambulance Service	1/300 SF & 1/750 SF of Site Area
Government Facility	1/300 SF
Hospice	1/6 Beds & 1/Employee on Shift[3]
Hospital	1/Bed[2]
Library, Art Gallery, or Museum	1/350 SF
Post Office	1/300 SF Customer Service Area
Retirement Home	1/Bedroom
Residential Care Facility	1/6 Beds & 1/Employee on Shift[3]
Vocational School	1/Student
Public or Private Primary School	1/25 Students
Public or Private Secondary School	1/5 Students

OFFICE AND PROFESSIONAL LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Financial Institution with or without Drive-Through	1/300 SF
Medical Office	1/200 SF
Office Building	1/300 SF

RECREATION, ENTERTAINMENT, AND AMUSEMENT LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Billiard Parlor or Pool Hall	1/100 SF or 1/4 Seats[1]
Indoor Commercial Amusement/Recreation	1/3 Occupancy
Public or Private Community or Recreation Club	3/Game Court or Bowling Alley, 1/250 SF of Assembly Area, & 25% Permitted on Pervious Surface
Public or Private Golf Course	5/Golf Green
Park or Playground	1/1,000 SF of Site Area
Recreation Facility, Health Club, or Gym	3/Game Court & 1/200 SF
Sports Arena, Stadium, and/or Track	1/3 Seats
Private Club	1/100 SF or 1/4 Seats[1]
Theater	1/3 Seats

RECREATION, ENTERTAINMENT, AND AMUSEMENT LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Antique/Collectable	1/250 SF
Auto/Truck Parts and Accessories	1/250 SF
Hair Salon, Manicurist, or Barbershop	1/250 SF
Hotel	1/Unit & 50% of Accessory Uses
Motel	1/Unit & 50% of Accessory Uses
Laundry/Dry Cleaning	1/250 SF
Mailing Service	1/300 SF
Full Service Restaurant	1/100 SF or 1/4 Seats[1]
Limited Service Restaurant	1/250 SF
Retail Store with Gasoline Sales	1/250 SF
General Retail Store	1/250 SF
Art, Photography, or Music Studio	1/250 SF
Veterinarian (*i.e. Not a Hospital or Clinic*)	1/300 SF

COMMERCIAL AND BUSINESS SERVICES LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Building and Landscape Materials	1/250 SF with a Minimum of 5
Commercial Other than Listed	As Determined by the Director
Exhibit Hall	1/100 SF
Medical or Scientific Research Laboratory	As Determined by the Director
Mortuary or Funeral Home	1/300 SF & 1/100 SF for Chapel
Research and Technology	1/500 SF or 1/Employee[1]
Shoe and Boot Repair and Sales	1/250 SF
Trade School	1/20 SF of Classroom Area

AUTO AND MARINE LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Auto Body Repair	2/Service Bay
Auto Mechanical Repair	2/Service Bay
Quick Lube/Oil Change	2/Service Bay
Truck Stop with Fuel and Accessory Services	1/200 SF for Retail/Restaurant, 2/Service Bay, & Mix of Truck and Car Stalls to be Determined by the Director
Truck/Trailer Rental	1/200 SF with a Minimum of 5

INDUSTRIAL AND MANUFACTURING LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Apparel Manufacturing	1/200 SF
Asphalt or Concrete Batch Plant	As Determined by the Director
Industrial and Manufacturing Other Than Listed	As Determined by the Director
Light Assembly and Fabrication	1/500 SF or 0.75/Employee[1&3]
Heavy Manufacturing	1/500 SF or 0.75/Employee[1&3]
Printing, Engraving, and Related Businesses	1/300 SF or 1/Employee[1]
Welding Repair	1/500 SF or 1/2 Employees[1]

INDUSTRIAL AND MANUFACTURING LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Distribution of Books or Other Printed Materials	1/1,000 or 1/2 Employees[1]
Gas/Chemical Bulk Storage	1/2,000 SF of Site Area
Mini-Warehouse	3 Parking Spaces & 1/100 Units
Packaging and/or Distribution	1/2,000 SF of Site Area or 1/2 Employees[1]
Recycling Collection Center and/or Storage	1/1,000 SF or 1/Employee[1]
Warehouse with Inside Storage	1/1,000
Outside Storage	As Determined by the Director
Warehouse Distribution Center	As Determined by the Director

UTILITIES, TRANSPORTATION, AND COMMUNICATION LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Commercial Antenna	1 Parking Space
Telephone Switching Station	1 Parking Space
Electrical Substation	1 Parking Space
Utility Shop and Storage	1/2,000 SF of Site Area
Airport, Heliport, or Landing Field	As Determined by the Director
Helistop	5 Spaces for Commercial and 3 Spaces for Non-Commercial

Notes:
[1]: Whichever is greater.
[2]: As determined by the Director of Planning and Zoning.
[3]: Number of employees.

DRAFT 04.30.2024

DRAFT
ORDINANCE
04.30.2024

Continued on Next Page …

SECTION 01 | PURPOSE

The purpose of this Article is to set forth regulations which protect the public from the potential negative effects of industrial and intense commercial development by regulating smoke and particulate matter, odorous matter, fire or explosive materials, toxic and noxious matter, vibration, open storage, glare and fuel supply in the vicinity of such sites.

SECTION 02 | APPLICABILITY

The following performance standards shall apply to all zoning districts in the City of Rockwall.

SECTION 03 | OUTDOOR LIGHTING FOR NON-RESIDENTIAL PROPERTIES

SUBSECTION 03.01: DEFINITIONS

(1) *Candela*. A measurement quantified in unit(s) of luminous intensity in any given direction. It is also commonly referred to as candlepower(s).

(2) *Floodlight*. An artificial illumination in broad beam, ~~above 15 watts~~ with a light source that extends more than two (2) inches below the horizontal plane of the laminar.

(3) *Footcandle (FC)*. ~~means t~~The amount of illumination provided by one lumen uniformly distributed on one (1) square foot of surface.

(4) *Full Cut-Off*. A light source that does not extend below the horizontal plan of the luminaire.

(5) *Light Source*. The device which produces visible energy, such as a bulb.

(6) *Lumen*. The quantity of luminous flux intercepted by a surface of one square foot, all points of which are one foot from a uniform source of one candela. A one-candela source provides 12.57 lumens.

(7) *Luminaire*. A complete lighting unit including a light source and all necessary mechanical, electrical, reflective, and decorative parts.

(8) *Partial Cut-Off*. A light source that extends no more than one inch below the horizontal plan of luminaire.

(9) *Standard*. The light pole and base.

(10) *Temporary Holiday Lighting*. The type of lighting typically used during the holiday periods.

SUBSECTION 03.02: PROHIBITED LIGHTING

It shall be unlawful to display or operate the following:

(A) An unshielded light source, including bare bulbs, ~~above 15 watts,~~ except for temporary holiday lighting, decorative lighting (*e.g. string lights*), and lights intended to illuminate a State or National flag on a flag pole.

(B) The operation of search lighting is prohibited except it shall be permitted for a period not to exceed 14 days from grand openings and promotional events with permission of the building official.

SUBSECTION 03.03: MINIMUM REQUIREMENTS

(A) *Glare*. In order to preserve the night sky and to reduce glare on roadways, pedestrian areas and adjacent development, light sources (*e.g. light bulbs*) shall be oriented down and toward the center of the site or shielded so as to not be visible from the property line. This applies to refractory lenses which extend beyond the lighting fixture and are designed to redirect the lighting source horizontally. This does not apply to neon or internally lit signs, or to decorative lighting ~~with 15 watts or less per bulb~~ (*e.g. string lights*).

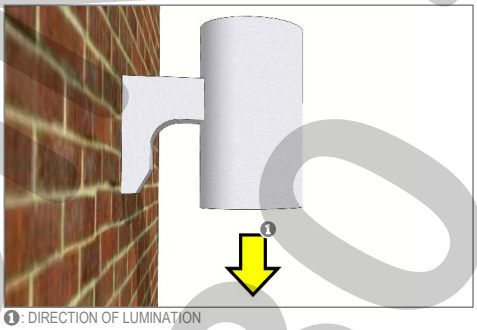
(B) *Light at Residential Property Line*. The allowable maximum light intensity measured at the property line of a residentially zoned lot shall be 0.2 of one footcandle.

(C) *Light at Non-Residential Property Line*. The allowable maximum light intensity measured at the property line of any non-residentially zoned lot shall be 0.2 of one (1) footcandle or 0.2 FC. For planned shopping centers or other commercial developments that contain more than one lot, the Planning and Zoning Commission may consider lighting plans that are intended to increase lighting efficiency and reduce the number of overall light fixtures, but result in light spillover across common lot lines within the same development; ~~.~~ Hhowever, in no case shall light levels exceed 0.2 FC at the property lines adjacent to the street and/or along the perimeter of the development.

(D) *Height*. No light pole, base or combination thereof shall exceed 30 feet, unless further restricted within an Overlay District as specified in Article 05, *District Development Standards*, of the Unified Development Code (UDC).

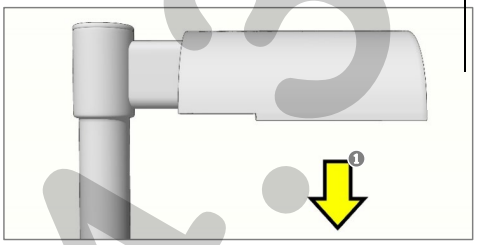
(E) *Building and Pole Mounted Lighting*. All building and pole mounted luminaries ~~exceeding 15 watts~~ shall be directed down with either a partial cut-off or full cut-off at the source. ~~(~~*See Figures 1-4 below*).

FIGURE 1: EXAMPLE OF FULL CUT-OFF BUILDING MOUNTED FIXTURE



1: DIRECTION OF LUMINATION

FIGURE 2: EXAMPLE OF FULL CUT-OFF POLE MOUNTED FIXTURE



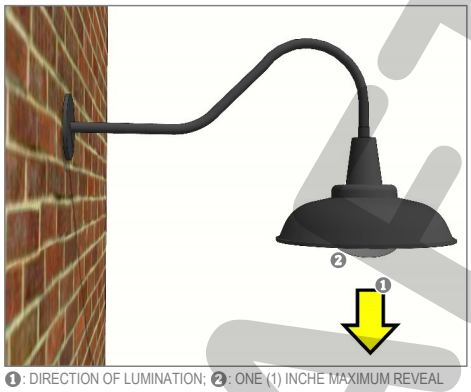
Formatted: Font: Italic

Formatted: Font: Italic

DRAFT ORDINANCE 04-30-2024

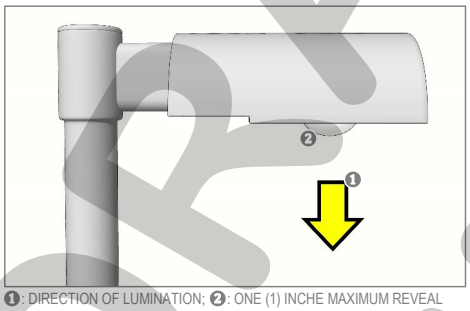
❶: DIRECTION OF LUMINATION

FIGURE 3: EXAMPLE OF PARTIAL CUT-OFF BUILDING MOUNTED FIXTURE



❶: DIRECTION OF LUMINATION; ❷: ONE (1) INCHE MAXIMUM REVEAL

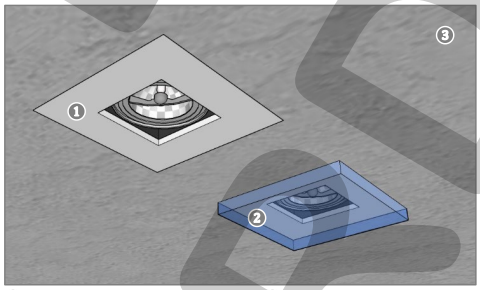
FIGURE 4: EXAMPLE OF PARTIAL CUT-OFF POLE MOUNTED FIXTURE



❶: DIRECTION OF LUMINATION; ❷: ONE (1) INCHE MAXIMUM REVEAL

(F) *Under-Canopy Lighting*. All under-canopy lighting, including, but not limited to, those fixtures utilized at fueling stations, drive-through lanes, and covered parking structures, shall be fully recessed into the canopy (~~*See see*~~ *Figure 5*).

FIGURE 5: EXAMPLES OF UNDER-CANOPY LIGHTING



❶: FLUSH LENS (*I.E. FULLY RECESSED*); ❷: PROJECTING LENDS (*I.E. NOT FULLY RECESSED*); ❸: CEILING

(G) *Illumination*. The maximum outdoor maintained, computed and measured illumination level within any nonresidential development shall not exceed 20 FC outdoors at any point on the site, with the following exceptions:

(1) Under-canopy lighting (*e.g., fuel stations, drive-through lanes and covered parking structures*) shall not exceed 35 FC. The remainder of the property shall comply with the 20-FC maximum.

(2) Lighting for motor vehicle dealerships shall not exceed 30 FC within the front yard(s) of the development. The remainder of the property shall comply with the 20-FC maximum.

(H) *Exemptions*. Historic or antique-style pedestrian light fixtures approved by the Planning and Zoning Commission are excluded from these standards.

SUBSECTION 03.04: PLAN REQUIRED

A photometric plan describing compliance with the provisions of this section shall be submitted to the Director of Planning and Zoning prior to the issuance of any building permit or Certificate of Occupancy (CO) that proposes additional lighting. This plan shall be prepared by an appropriate lighting designer such as a lighting engineer, architect or other qualified lighting designer. Upon installation of the lighting, the designer shall provide a letter certifying that the lighting is installed in accordance with the approved design and this section. The Director of Planning and Zoning shall have the authority to interpret and determine compliance with this section. The Planning and Zoning Commission may grant exemptions to the provisions of this Article if compliance will result in substantial financial hardship or inequity, so long as said exemption is without harm to the public. Decisions of the Planning and Zoning Commission may be appealed to the City Council.

SUBSECTION 03.05: NON-CONFORMING LIGHTING

Luminaries installed prior to the adoption of this Unified Development Code (UDC) shall be exempt from the requirements herein.

SUBSECTION 03.06: EXEMPTIONS

Lighting installed by or for a governmental agency for the public benefit that is used for activities for the public benefit such as right of way, ball fields, airports and parks;~~.~~ ~~H~~however, parking lot lighting for these activities shall be meet the requirements of the section.

SECTION 04 | NOISE

SUBSECTION 04.01: IN GENERAL

Refer to Article IV, *Noise*, of Chapter 16, *Environment*, of the Municipal Code of Ordinances for noise regulations.

SECTION 05 | SMOKE AND PARTICULATE MATTER

SUBSECTION 05.01: STANDARDS

No industrial operation or use shall cause, create, or allow the emission for more than three minutes in any one hour, of air contaminants which at the emission point or within the bounds of the property are:

(A) In violation of the standards specified by the Texas Natural Resource Conservation commission, or subsequent agency; or

DRAFT ORDINANCE 04.30.2024

(B) Of such capacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in *Subsection A* above except that, when the presence of steam is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the outside atmosphere, performance shall be considered to comply with this section.

SUBSECTION 05.02: COMBINED STANDARDS

The emission of particulate matter from all sources in a district subject to this Article shall not exceed the level specified by the Texas Natural Resource Conservation Commission, or subsequent agency.

SUBSECTION 05.03: STANDARDS MEASURED AT THE PROPERTY LINE

Open storage and open processing operations, including on-site transportation movements which are the source of wind or airborne dust or other particulate matter; or which involve dust or other particulate air contaminant generating equipment including, but not limited to, paint spraying, grain handling, sand or gravel processing or storage or sand blasting shall be so conducted such that dust and other particulate matter so generated are not transported across the boundary property line or the tract on which the use is located in concentrations exceeding standards set by the Texas Natural Resource Conservation Commission.

SECTION 06 | ODOROUS~~E~~ MATTER

SUBSECTION 06.01: APPLICABILITY

No use shall be operated in any zoning district in such a manner that the emission of odorous matter occurs in such quantity or volume as to produce a nuisance, source of discomfort or hazard beyond the bounding property lines of such use.

SUBSECTION 06.02: DETERMINATION

The odor threshold as herein referred to shall be determined by observation by a person or persons designated by the City Council. In any case, where the operator of an odor-emitting use may disagree with the enforcing officer where specific measurement of odor concentration is required, the method and procedures specified by the American Society for *Testing Materials ASTMD 1391-57* entitled Standard Method for Measuring Odors in Atmosphere shall be used.

SECTION 07 | TOXIC AND NOXIOUS MATTER

No industrial operation or other use shall emit toxic or noxious matter in any concentration across the bounding property line of the tract on which operation or use is located. The requirements of the Texas Air Control Board shall be met.

SECTION 08 | VIBRATION

Any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent property line, earthborn vibrations in excess of the limits set forth in ~~column~~ *Column I* (*~~below~~in Table 1: Vibrations Standards*) are prohibited. In addition, any industrial operation or activity which shall cause at any time and at any point along a zone boundary line, earthborn vibrations in excess of the limits set forth in column II are prohibited. Vibrations shall be expressed as resultant displacement in inches.

TABLE 1: VIBRATION STANDARDS

FREQUENCY (CYCLES PER SECOND)	DIPLACEMENT I (INCHES)	DISPLACEMENT II (INCHES)
0 – 10	0.0008	0.0004
10 – 20	0.0005	0.0002
20 – 30	0.0002	0.0001
30 – 40	0.0002	0.0001
40+	0.0001	0.0001

This tabulation is for steady state vibration~~s~~, which is defined as continuous vibration in contrast to discrete pulses. Impact vibration, that is, discrete pulses which do not exceed 100 pulses per minute, shall not produce in excess of twice (*i.e. two [2] times*) the displacement stipulated above.

Formatted: Font: Italic

SECTION 09 | FIRE OR EXPLOSIVE HAZARD MATERIAL

SUBSECTION 09.01: EXPLOSIVE AND/OR FLAMMABLE MATERIAL

The storage, manufacture and/or use of all explosive and/or flammable liquids, solids or gases shall be permitted only when such storage, manufacture or use conforms to the standards and regulations established in Chapter 18, *Fire Prevention and Protection*, of the Municipal Code of Ordinances, as well as all other applicable city codes.

SECTION 10 | WATER AND WASTE POLLUTION

SUBSECTION 10.01: WATER POLLUTION

No operation or activity shall discharge or cause to be discharged, liquid or solid waste into public waters unless in conformance with the provisions of the Texas Water Quality Board.

SUBSECTION 10.02: LIQUID OR SOLID WASTE

No discharge at any point will be allowed into any public sewer, private sewer disposal system, or stream or into the ground, except in accordance with standards approved by the state health department or standards equivalent to those approved by such department, for similar uses, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements. All discharges shall comply with all applicable city ordinances.

Formatted: Font: Italic

Formatted: Font: Italic

DRAFT ORDINANCE 04.30.2024

Continued on Next Page …

DRAFT
ORDINANCE
04.30.2024

SECTION 01 | PURPOSE

The purpose of Article 08, *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.

SECTION 02 | APPLICATION OF ARTICLE

SUBSECTION 02.01: 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 02.01(A)(2).

(b) The expansion of a non-residential building or structure that increases the existing floor area by 30.00% 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 30.00% or that adds 2,000 SF of impervious coverage.

(2) Unless otherwise indicated in this *Article*, ~~T~~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 02.01(A) or Article 11, *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 06, *Non-Conforming Uses, Structures, and Sites*, of Article 04, *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 existing single-family and/or duplex land uses.

(d) Properties zoned Downtown (DT) District, as defined by Subsection 04.07, *Downtown (DT) District*, of Article 05, *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 02.01(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 06.02, *General Overlay District Standards*, of Article 05, *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 02.02: 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~~ Landscaping ~~plan~~ 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 09.01, *Exceptions to the General Standards*, of Article 11, *Development Applications and Review Procedures*.

Formatted: Font: Italic

Formatted: Font: Italic

SUBSECTION 02.03: EXCEPTIONS TO THE FENCE STANDARDS

All exceptions to the fence standards contained in this *Article* will be subject to the requirements of Section 08, *Fence Standards*.

Formatted: Font: Italic

SECTION 03 | LANDSCAPE PLAN

SUBSECTION 03.01: 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 03, *Site Plans*, of Article 11, *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), or a Horticulturist with a Bachelor's Degree unless otherwise permitted by the Director of Planning and Zoning.

DRAFT ORDINANCE 04-30-2024

SUBSECTION 03.02: 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 03, *Site Plans*, of Article 11, *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 03, *Site Plans*, of Article 11, *Development Applications and Review Procedures*.

SECTION 04 | ~~APPROVED~~ LANDSCAPE 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 C, *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.

(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 4½ ~~four (4)~~ feet above grade.

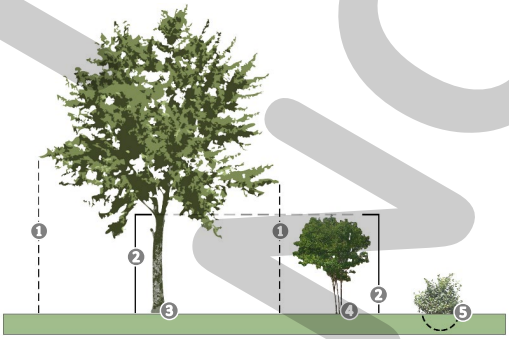
(5) The City of Rockwall encourages developments to incorporate ~~xeriscaping~~*Xeriscaping*/~~smartscaping~~ *Smartscaping* to promote reduced water usage through the use of drought tolerant plants. The City's *Xeriscaping/Smartscaping Standards and Guidelines* are outlined in Section 05.05, *Xeriscaping and Smartscaping Standards*.

(B) *Prohibited Planting Materials*.

(1) *Artificial or Synthetic Plant Materials*.

(a) *Non-Residential Property*. Artificial or synthetic plant

FIGURE 1: APPROVED PLANTING MATERIALS AND SIZE



❶: DRIP LINE; ❷: FOUR (4) FEET; ❸: CANOPY TREE; ❹: ACCENT TREE; ❺: ~~THREE~~ FIVE (~~3~~5) GALLON SHRUB

materials (*e.g. artificial grass, turf, trees, and/or shrubs*) shall be prohibited on all non-residentially zoned or used property in the City of Rockwall; however, the Planning and Zoning Commission can grant an *Exception* in accordance with the procedures contained in Subsection 09.01, *Exceptions to the General Standards*, of Article 11, *Development Applications and Review Procedures*, of this Unified Development Code (UDC) where it is found that the artificial plant materials are integral to the operations of the proposed non-residential land use or where it will serve as an on-site amenity to the non-residential land use.

(b) *Residential Property*. Artificial or synthetic plant materials (*e.g. artificial grass, turf, trees, and/or shrubs*) shall be prohibited on all residentially zoned or used property in: [*1*] the required front yard (*i.e. the area that extends from the front property line to the front façade of the primary structure*); [*2*] in areas of the required side or rear yard that are visible from public right-of-way, open space, or public parkland; [*3*] in public rights-of-way; and [*4*] in easements; however, a maximum of 400 square feet of non-PFAS (*i.e. Perfluorinated Alkylated Substances*) artificial grass or turf shall be permitted in the rear yard of all residentially zoned or used property regardless of visibility or screening.

~~(1)~~

SECTION 05 | LANDSCAPE STANDARDS

SUBSECTION 05.01: LANDSCAPE BUFFERS

The minimum requirements for landscape buffers shall be as follows:

(A) *Residential Landscape Buffers in Subdivisions*. (see *Figure 2: Residential Landscape Buffers Example*)

(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

Formatted: Font:

Formatted: Font: Italic

Formatted: Font:

Formatted: Font:

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Font:

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font:

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Font: Italic

Formatted: Font: 5 pt

DRAFT ORDINANCE 04.30.2024

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.

(B) *Non-Residential Landscape Buffers*. (see *Figure 3: Commercial Landscape Buffers Example*)

(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 05.02(B), *Screening from Residential*.

(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 05.02: 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 01.05, *Screening Standards*, of Article 05, *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:

FIGURE 2: RESIDENTIAL LANDSCAPE BUFFERS EXAMPLE

1: RESIDENTIAL PROPERTY; 2: BUILD LINE; 3: COLLECTOR STREET; 4: TEN (10) FOOT LANDSCAPE BUFFER; 5: PERIMETER COLLECTOR OR ARTERIALS ROADWAY

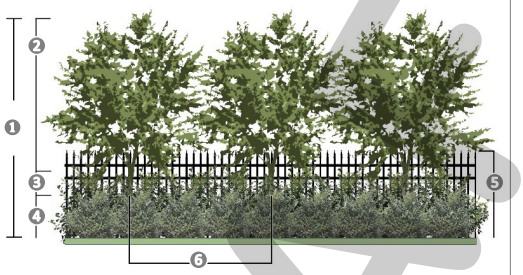
FIGURE 3: COMMERCIAL LANDSCAPE BUFFERS EXAMPLE

1: STREET; 2: RESIDENTIALLY ZONED OR USED PROPERTY; 3: INDUSTRIAL OR COMMERCIAL ZONING/USE; 4: ALLEYWAY; 5: TEN (10) FOOT LANDSCAPE BUFFER WITH ACCENT AND CANOPY TREES; 6: 20-FOOT LANDSCAPE BUFFER WITH THREE (3) TIERED SCREENING

DRAFT ORDINANCE 04-06-2024

(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.

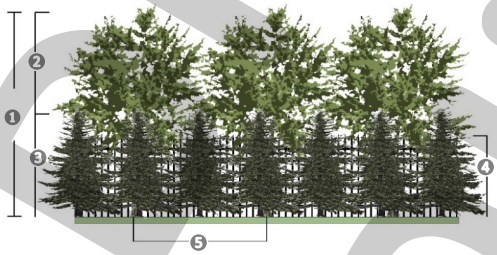
FIGURE 4: ALTERNATIVE #1



❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: ACCENT TREE OR LARGE SHRUB; ❹: SMALL SHRUB; ❺: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE; ❻: CANOPY TREES 20-FOOT ON CENTER

~~(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.

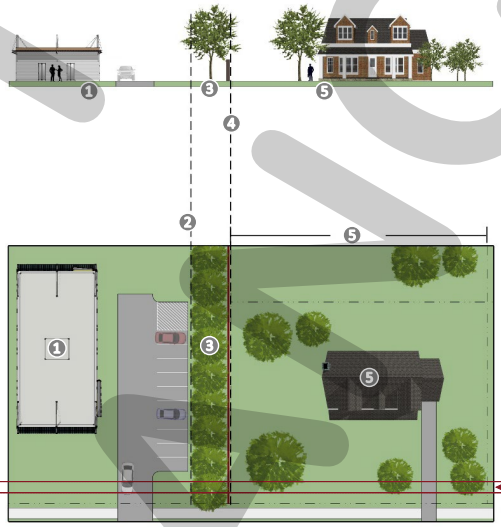
FIGURE 5: ALTERNATIVE #2



❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: TWO (2) ROWS OF EVERGREEN ACCENT TREES 20-FOOT OFFSET; ❹: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE; ❺: CANOPY TREES 20-FOOT ON CENTER

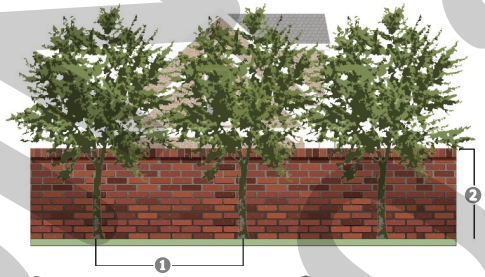
(B) *Screening from Residential*. Any non-residential or multi-family land use or parking area that has a side or rear contiguous to any residentially zoned or used property shall be screened with a masonry fence a minimum of six (6) feet in height with canopy trees planted on 20-foot centers (*as depicted 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



❶: COMMERCIAL PROPERTY; ❷: 20-FOOT LANDSCAPE BUFFER; ❸: CANOPY TREES 20-FOOT ON CENTER; ❹: MINIMUM SIX (6) FOOT MASONRY WALL ON PROPERTY LINE; ❺: RESIDENTIAL PROPERTY;

FIGURE 7: MASONRY FENCE WITH CANOPY TREES IN PERSPECTIVE VIEW



❶: CANOPY TREES 20-FOOT ON CENTER; ❷: MINIMUM SIX (6) FOOT MASONRY WALL;

~~(C)~~ *Continued on Next Page ...*

Formatted: No underline

Formatted: Font: 5 pt, Not Italic, No underline

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: 5 pt

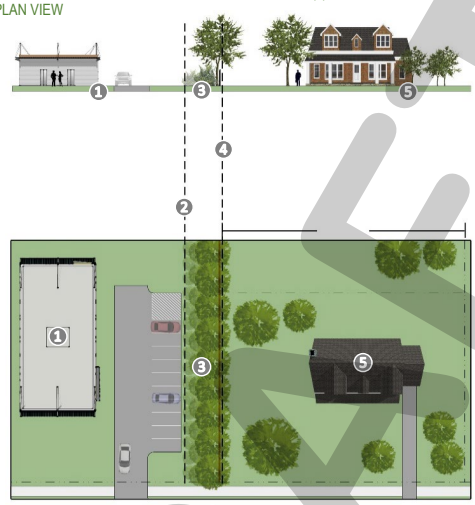
Formatted: Indent: Left: 0"

Formatted: Centered, No bullets or numbering

Formatted: Font: Italic

DRAFT 04.30.2024

FIGURE 8: WROUGHT IRON FENCE WITH THREE (3) TIERED SCREENING IN PLAN VIEW



❶: COMMERCIAL PROPERTY; ❷: 20-FOOT LANDSCAPE BUFFER; ❸: THREE (3) TIERED SCEENING; ❹: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE ON PROPERTY LINE; ❺: RESIDENTIAL PROPERTY

FIGURE 9: ALTERNATIVE #1 [WROUGHT IRON FENCE WITH THREE (3) TIERED SCREENING IN PERSPECTIVE VIEW]

❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: LARGE SHRUB/ACCENT TREE; ❹: SMALL SHRUB; ❺: SIX (6) FOOT WROUGHT IRON FENCE; ❻: CANOPY TREES 20-FOOT ON CENTER

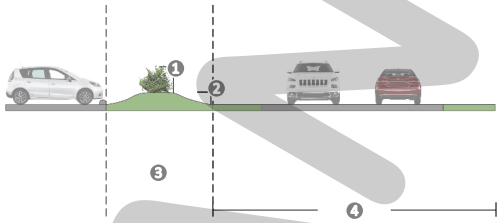
FIGURE 10: ALTERNATIVE #2 [WROUGHT IRON FENCE WITH TIERED SCREENING IN PERSPECTIVE VIEW]

❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: TWO (2) ROWS OF EVERGREEN ACCENT TREES 20-FOOT OFFSET; ❹: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE; ❺: CANOPY TREES 20-FOOT ON CENTER

~~(D)~~(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.

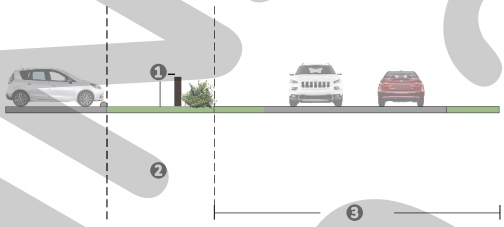
FIGURE 11: ALTERNATIVE #1 [HEADLIGHT SCREENING USING LANDSCAPING AND A BERM]



❶: MINIMUM THREE (3) FOOT SHRUB; ❷: MINIMUM TWO (2) FOOT BERM; ❸: 20-FOOT LANDCSAPE BUFFER; ❹: STREET OR ALLEYWAY

(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]



❶: MINIMUM THREE (3) FOOT MASONRY WALL; ❷: 20-FOOT LANDCSAPE BUFFER; ❸: STREET OR ALLEYWAY

~~(E)~~(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

DRAFT ORDINANCE 04.30.2024

be installed and verified by the Director of Planning and Zoning or his/her designee.

SUBSECTION 05.03: LANDSCAPE REQUIREMENTS

(A) *Amount of Landscaping*. The following landscaping percentages shall be required and shall apply to the total site area to be developed:

TABLE 1: REQUIRED LANDSCAPING BY ZONING DISTRICT

ZONING DISTRICT	REQUIRED LANDSCAPING	REQUIRED WITH MAXIMUM CREDIT
Multi-Family 14 (MF-14) District	35%	22½%
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%
Downtown (DT) District	See Subsection 04.07: Article 05	

(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 per 1,500 SF 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.

FIGURE 13: LANDSCAPE REQUIREMENTS

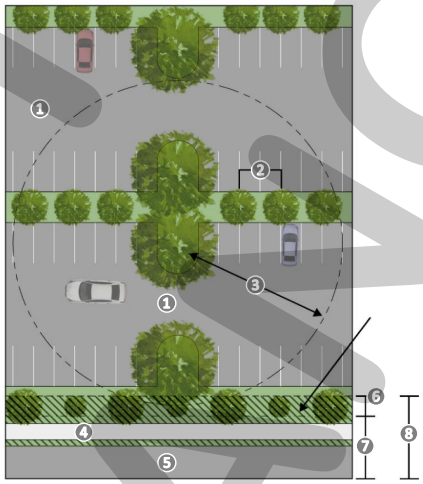
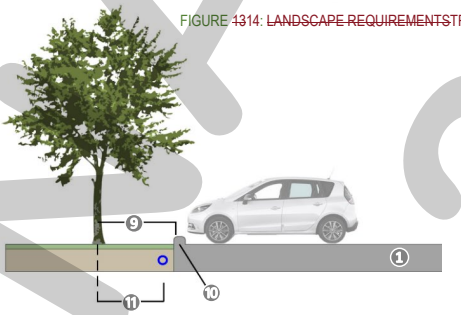


FIGURE ~~13~~14: ~~LANDSCAPE REQUIREMENTS~~TREE PLANTING REQUIREMENTS



❶: PARKING LOT; ❷: 20-FOOT SEPERATION; ❸: 80-FOOT BUFFER; ❹: SIDEWALK; ❺: STREET; ❻: TEN (10) FOOT LANDSCAPE BUFFER; ❼: RIGHT-OF-WAY; ❽: AREA REQUIRED TO BE IMPROVED WITH SOD (*I.E. HYDOMULCH IS PROHIBITED*); ❾: TREE MUST BE A MINIMUM OF FIVE (5) FEET FROM THE EDGE OF PAVEMENT; ❿: VEHICLE PROTECTION; ⓫: TREE MUST BE A MINIMUM OF FIVE (5) FEET OFF THE WATER/SEWER LINE

(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

DRAFT ORDINANCE 04-2024

approved by the Building Inspections Department prior to installation and acceptance of the project.

SUBSECTION 05.04: 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.

SUBSECTION 05.05: XERISCAPING/SMARTSCAPING STANDARDS

(A) *Purpose*. The purpose of this section is to promote the establishment of water conscious landscaping through the implementation of xeriscaping/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 C, *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/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.

DRAFT ORDINANCE 04.05.2024

(7) *Appropriate Maintenance*. Proper pruning, weeding and fertilization as required with all landscape plans shall be required. Typically, xeriscape/smartscaping 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 Subsection 05.03(D) (*i.e. one [1] tree per every 750 SF and one [1] accent tree per 1,500 SF of detention area*). Instead, a four (4) shrubs or ornamental grasses per every 750 SF of ~~dry~~ detention ~~land~~ area shall be required to be planted on the site or around the detention area.

(3) A maximum of 30.00% 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.

SECTION 06 | LANDSCAPE CREDITS

Credits to the landscape requirements may be achieved as follows:

SUBSECTION 06.01: 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 05, *District Development Standards*.

SUBSECTION 06.02: 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 06.03: 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 05.05, *Xeriscaping/Smartscaping Standards*, of this Article have been satisfied.

SECTION 07 | COMPLETION OF LANDSCAPING

SUBSECTION 07.01: IN ACCORDANCE WITH APPROVED PLANS

Except as otherwise provided in Subsection 07.02, 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 07.02) 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.

SUBSECTION 07.02: 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 07.03: FORFEITURE OF ESCROW

If a temporary Certificate of Occupancy (CO) is issued under Subsection 07.02 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.

DRAFT ORDINANCE 04.30.2024

FIGURE 15: CORNER LOTS

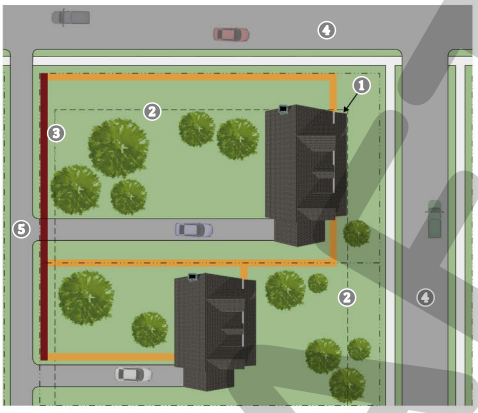


FIGURE 16: FENCES BACK TO A STREET

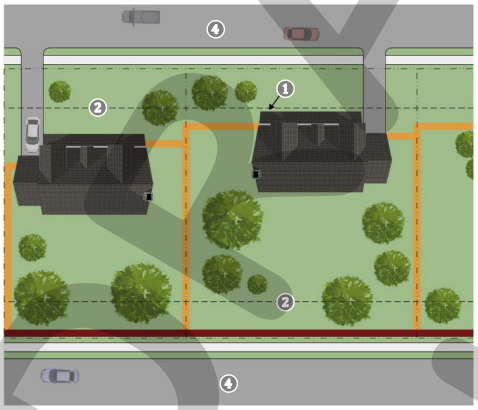
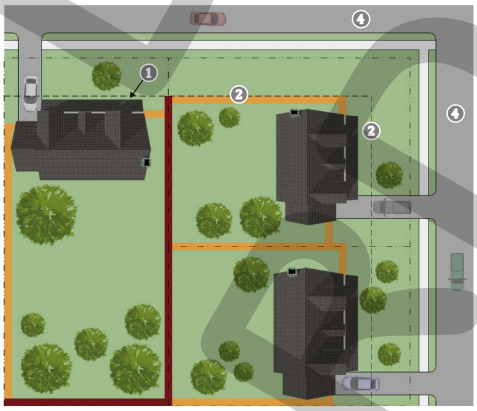


FIGURE 17: FENCES BACKING TO A SIDE YARD



❶: PORCH; ❷: 20-FOOT BUILD LINE; ❸: TEN (10) FOOT BUILD LINE; ❹: STREET; ❺: ALLEYWAY; **REAR YARD FENCE**; SIDE YARD FENCE

Formatted: Normal

SECTION 08 | FENCE STANDARDS

SUBSECTION 08.01: 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 08.02: 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 08, *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 08.03(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.

DRAFT
04.30.2024

(6) PVC mesh (*i.e. tennis court mesh/windscreen*) or other materials or appurtenances (*e.g. slats, bamboo, mesh netting, fake or artificial plants or patterned material, signage, banners, etc.*) intended to provide screening that are affixed to wrought iron, decorative metal, chain-link or semi-transparent fencing shall be prohibited.

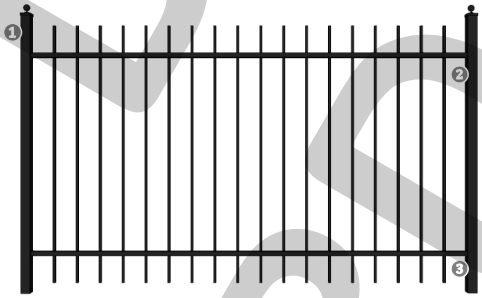
~~(6)~~(7) Solid wood fencing exceeding 48-inches in height shall be constructed using metal posts set in concrete, or brick, stone or a combination of brick and stone columns.

(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*.

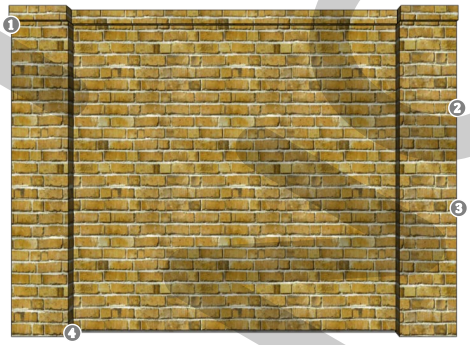
❶: Top Rail; ❷: Galvanized or Stainless-Steel Post (*Recommended Minimum of* 2.375"); ❸: Stinger Board (Recommended Minimum of 2" x 3"); ❹: Minimum ½" Wood Screen.

(2) *Wrought Iron Fence*.



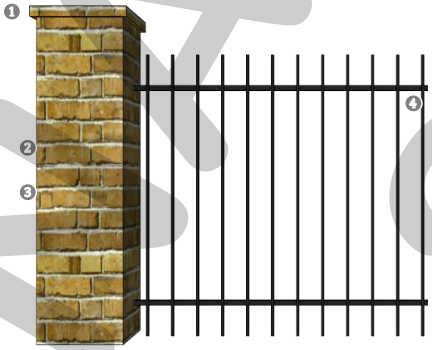
❶: Painted or Powder Coated with a Decay Resistant Paint; ❷: Top Rail; ❸: Bottom Rail.

(3) *Masonry Wall*.



❶: Rowlock Cap; ❷: Running Bond; ❸: 3/8" Tooled Joints (*Typical*); ❹: Concrete Footing/Mow Strip.

(4) *Fences with Masonry Columns*.

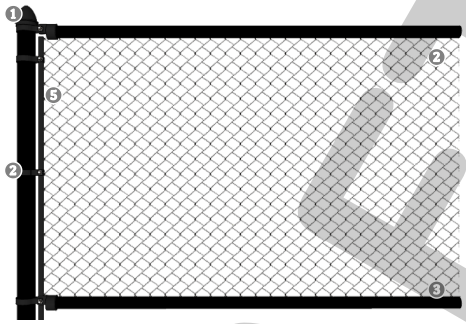


❶: Rowlock Cap; ❷: Running Bond; ❸: 3/8" Tooled Joints (*Typical*); ❹: Wrought Iron or *Board-On-Board* Wood Fence.

Formatted: List Paragraph, Add space between paragraphs of the same style, No bullets or numbering

DRAFT ORD. 04-30-2024

(5) *Vinyl Coated Chain-Link Fence*.



❶: Post Cap; ❷: Top Rail; ❸: Bottom Rail; ❹: Tension Band; ❺: 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 08.03: 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-feet 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 08.02(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 *not* be subject to the approval criteria and voting requirements stipulated by Section 09.01, *Exceptions to the General Standards*, of Article 11, *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 and all posts and/or framing shall be placed on the private side when adjacent to a public street (*excluding alleyway*), open space, public park, and/or neighboring properties. Painting a fence with oil or latex based paint shall be prohibited.

(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.

DRAFT ORDINANCE 04.01.2024

(b) *Chain-Link Fences*.

(I) *New Chain-Link Fences*. New chain-link fences shall be prohibited.

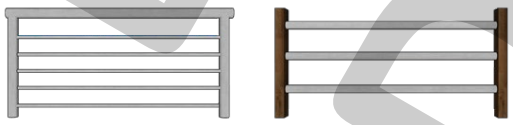
(II) *Replacement of an Existing Chain-Link Fence*. Existing chain-link fences maybe replaced with a new vinyl coated, chain-link fence that is a minimum of four (4) feet in height and a maximum of six (6) feet in height. Replacement chain-link fences may only be placed in the location of the existing 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*) and/or alternative fence standards on a *case-by-case* basis. These exceptions will *not* be subject to the approval criteria and voting requirements stipulated by Section 09.01, *Exceptions to the General Standards*, of Article 11, *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 08.03(A) & 08.03(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.

FIGURE 14: EXAMPLES OF 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*).

FIGURE 18: THROUGH LOTS

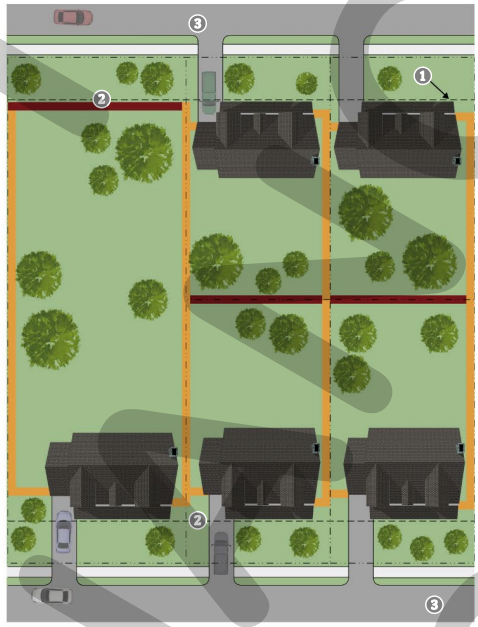


FIGURE 19: FENCES WITH COMMON REAR YARDS

❶: PORCH; ❷: 20-FOOT BUILD LINE; ❸: STREET; **REAR YARD FENCE**; **SIDE YARD FENCE**

DRAFT
ORDINANCE
04-20-2024

(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*).

(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 08.03(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.

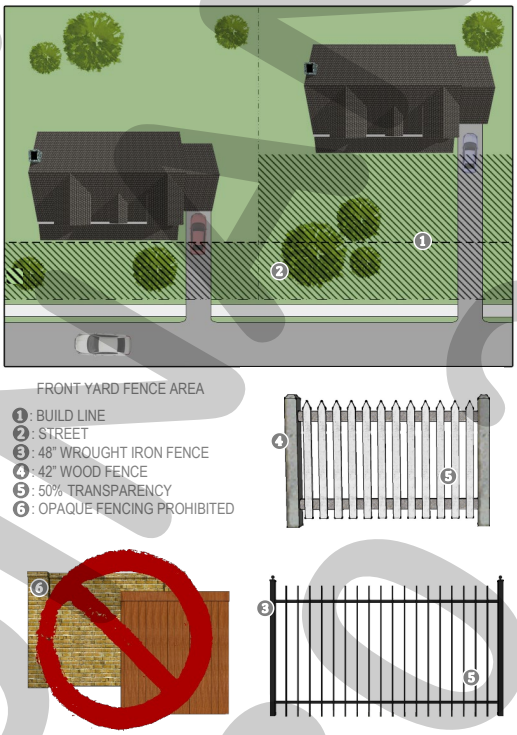
In considering a front yard fence, the Planning and Zoning Commission may require applicants to provide additional information, plans, drawings, and/or other information concerning the proposed front yard fence. In addition, the Planning and Zoning Commission may establish additional conditions of construction for any fence.

(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 08.03(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.

FIGURE 20: RESIDENTIAL FRONT YARD FENCES



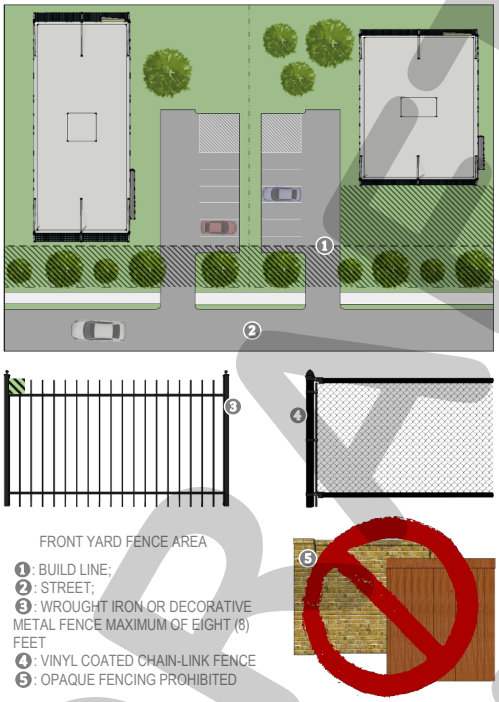
SUBSECTION 08.04: NON-RESIDENTIAL FENCES

(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

DRAFT ORDINANCE 04-30-2024

FIGURE 21: NON-RESIDENTIAL FRONT YARD FENCES



FRONT YARD FENCE AREA

❶: BUILD LINE;
❷: STREET;
❸: WROUGHT IRON OR DECORATIVE METAL FENCE MAXIMUM OF EIGHT (8) FEET
❹: VINYL COATED CHAIN-LINK FENCE
❺: OPAQUE FENCING PROHIBITED

specified in Subsection 04.07, *Downtown (DT) District*, of Article 05, *District Development Standards*, wood fences proposed in a Residential Office (RO) District or Downtown (DT) District -- *in conformance with the requirements of Subsection 08.03(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.

SECTION 09 | GENERAL MAINTENANCE

SUBSECTION 09.01: 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 09.02: 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 09.03: 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.

DRAFT ORDINANCE 04-30-2024

Continued on Next Page …

DRAFT
ORDINANCE
04.30.2024

SECTION 01 | PURPOSE, APPLICABILITY, AND EXEMPTIONS

SUBSECTION 01.01: PURPOSE

The purpose of this *Article* is to secure the preservation of mature, healthy trees and natural areas, and to ensure the consideration of protected trees during the planning and design process for development and/or redevelopment within the City. In addition, this Article is intended to layout procedures for the protection of trees during the construction process, and outline the requirements for the replacement and replanting of trees that have been removed. This Article also provides protection for the indiscriminate clearing of any property within the City.

SUBSECTION 01.02: APPLICABILITY

The terms and provisions of this Article shall apply to all real property within the City's corporate limits that meets one of the following criteria:

(A) The establishment of a new subdivision of land.

(B) The replatting of undeveloped land for the purpose of combining and/or subdividing real property.

(C) The development of a residential tract of land that is greater than or equal to three (3) acres.

(D) The development and/or removal of trees on a non-residential tract of land that is greater than or equal to one acre.

(E) A submission of a site plan and/or plat for the purpose of developing, subdividing or combing non-residential land.

SUBSECTION 01.03: EXEMPTIONS

The terms and provisions of this Article shall not apply if the following conditions exist:

(A) *Agricultural Property*. Property zoned Agricultural (AG) District and being actively used for agricultural purposes shall be exempt from the requirements specified by this *Article*; however, clear-cutting of land on property zoned Agricultural (AG) District that is not being actively used for agricultural purposes is prohibited.

(B) *Damaged/Diseased Trees*. If a certified arborist establishes that the tree is dead, diseased, damaged beyond the point of recovery, or in danger of falling the tree maybe removed.

(C) *Residential Property*. The owner of a property with an existing single-family home shall be exempt from the tree protection and replacement requirements specified by this Article as it pertains to that property on which the home is located.

(D) *Public Safety*. If the City determines that a tree or trees create unsafe vision clearance or conflicts with other ordinances or regulations, or the tree or trees are determined to be in a diseased, dead, hazardous or dangerous condition so as to endanger the public health, safety or welfare of the general public, the City or property owner may remove the tree or trees without being required to follow the terms and provisions of this ordinance.

(E) *Utility Service Interruption*. The tree has disrupted a public utility service due to tornado, flood or another act of God. Removal shall be limited to the part of the tree that is found necessary to be removed to reestablish and maintain the utility service.

(F) *Utility Companies, Utility Service and or Distribution/Transmission Lines*. Utility companies shall not be subject to the tree protection or replacement requirements in this Article when establishing distribution and transmission lines. When establishing new utility service, services should be routed between the service pole or transmission and distribution lines and the building being served in a manner that does not require the removal of a protected of feature tree. All right-of-way, easements or similar types of public property maintained by utility companies shall not be subject to the tree protection or replacement requirements of this Article.

(G) *Public Property*. All right-of-way, easements or similar types of public property maintained by the City shall not be subject to the terms and provisions of this *Article*.

(H) *Trees Clearance Pruned by a Utility*. At the discretion of the City Arborist or the Director of the Parks and Recreation Department, trees that are located under existing powerlines or within an ONCOR easement that have clearance pruned by a utility (*i.e. that have been walled or 'V-cut'*) may be exempted from the mitigation requirements stipulated by this *Article*.

SECTION 02 | DEFINITIONS

(1) *Cedar Tree*. A *Cedar Tree* referenced in this *Article* shall mean Eastern Red Cedar.

(2) *Critical Root Zone (CRZ)*. The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line but not less than a one-foot radius for each one-inch DBH.

(3) *Clear-Cutting*. The removal of all trees or a significant majority of the trees within an area.

(4) *Diameter at Breast Height (DBH)*. The diameter in inches of a tree as measured through the main trunk at a point 4½-feet above the natural ground level.

(5) *Drip Line*. A vertical line running through the outermost portion of the crown of a tree and extending down to the ground.

(6) *Feature Tree*. Any tree ~~-- *excluding non-protected trees* --~~ that has a DBH of greater than 25-inches. Feature trees may not be removed without approval of the Planning and Zoning Commission.

(7) *Limits of Construction*. A delineation on the treescape plan that shows the boundary of the area within which all construction activity will occur.

(8) *Non-Protected Tree*. All Bois d'Arc, Willow, Cottonwood, Honey Locust, Chinaberry, and Hackberry trees regardless of size, and cedar trees less than eight (8) feet in height shall be considered non-protected trees and do not require mitigation to be removed.

(9) *Primary Protected Tree*. Any tree -- *excluding non-protected trees and hackberry and cedar trees* -- that ~~have~~ has a DBH of four (4) inches or greater. The removal of any protected tree shall require the approval of the Planning and Zoning Commission. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk at DBH to one-half (½) the diameter of each additional trunk.

DRAFT ORDINANCE 04.2024

(10) *Protective/Temporary Fencing.* Snow fencing, chain-link fencing, orange vinyl construction fencing or similar fencing with a four-foot approximate height. The Director of Planning and Zoning and zoning or his/her designee, shall determine the appropriate type of fencing for any particular property or portion thereof.

(11) *Replacement Tree.* A tree from the reclamation/tree preservation list contained in *Table 1.1: Required Trees by District* contained in Appendix C, *Landscape Guidelines and Requirements*, of the Unified Development Code (UDC) with a minimum caliper size of four (4) inches and height of seven (7) feet. For the purpose of determining size, replacement trees should be measured at DBH.

(12) *Secondary Protected Tree.* Any cedar tree that is eight (8) feet in height or greater. The removal of any protected tree shall require the approval of the Planning and Zoning Commission. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk at DBH to one-half the diameter of each additional trunk.

(13) *Tree.* Any self-supported woody perennial plant that will attain a trunk diameter of three (3) inches DBH and normally attains an overall height of at least 15-feet at maturity; usually with one main stem or trunk and many branches.

SECTION 03 | TREESCAPE PLAN

SUBSECTION 03.01: TREESCAPE

A treescape plan is a plan showing the exact location, size (*i.e. trunk diameter and height*), and common name of all trees, four (4) inches and greater and indicating the trees that are proposed to be removed, transplanted or replaced. A treescape plan shall be prepared by a landscape architect or design professional, be drawn to the largest scale practical, and incorporate the following elements:

(A) The location of all existing and/or proposed structures, or building pads as shown on the grading plan and all improvements properly dimensioned and referenced to the property lines.

(B) The building setbacks.

(C) All existing and proposed site elevations, grades, major contour lines and the limits of construction.

(D) The location of all existing or proposed utilities and easements.

(E) The location of all protected and feature trees.

(F) The location of all trees to be removed from the site and the location of all replacement trees.

(G) A spreadsheet indicating all trees by species, the *Locational ID* or tree tag number as shown on the treescape plan, the DBH/caliper inch, the health of the tree, if the tree has a disease or an insect infestation, if it is structurally sound, and the mitigation necessary if the tree is to be removed. Each column with numeric values shall be totaled (*see Table 2: Example of Treescape Plan Spreadsheet below).*

(H) A title block stating street address, lot and block, subdivision name, date and project number.

(I) The name, address, and phone number of the person preparing the plan and the developer/property owner.

(J) Tree survey shall be performed by an arborist, horticulturalist, or landscape architect with a preference for an arborist certified by the International Society of Arboriculture (ISA).

SUBSECTION 03.02: TREESCAPE PLAN REQUIRED

No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any tree situated on a property regulated by this Article without first submitting and receiving approval of a treescape plan unless otherwise allowed by this Article.

For properties that have no protected or feature trees or where the development of the property will not require the removal of any protected or feature trees, the developer or property owner may submit a letter certifying that no protected or feature trees will be affected as a result of the proposed development. This letter will be submitted with the understanding that if it is determined that there are protected or feature trees on the property any violation of the provisions of this Article shall be subject to the violation provisions and fines stipulated in Section 10, *Violations*.

Staff may administratively approve any treescape plan or letter that does not involve the removal of any protected or feature trees.

SUBSECTION 03.03: TREESCAPE APPLICATION

All applications for treescape plans shall be submitted to the Director of Planning and Zoning or his/her designee. In addition to the application, an applicant shall also submit [*1*] a treescape plan conforming to the requirements of this Article and [*2*] a letter from the applicant or property owner indicating the reason for the removal of any protected or feature trees. A treescape plan may also be required with an application for a site plan and/or a preliminary plat, replat, or final plat.

SUBSECTION 03.04: TREESCAPE PLAN REVIEW PROCESS

The Director of Planning and Zoning, or his/her designee, shall review the treescape plan and approve the plan per the requirements of this Article, or forward any recommendations to the Planning and Zoning Commission. As part of the treescape plan review process, the City has the right to request changes or adjustments in the layout and design of a development to save trees. The Planning and Zoning Commission will review and approve or disapprove the treescape plan. The decision of

TABLE 2: EXAMPLE OF TREESCAPE PLAN SPREADSHEET

#	SPECIES	CALIPER	PROTECT OR REMOVE	TREE HEALTH (1-5)	DISEASE (Y/N)	INSECT (Y/N)	STRUCTURAL (Y/N)	MITIGATION REQUIRED
1	Live Oak	4" Caliper	Remove	2	Y	Y	Y	0
2	Cedar	10' Tall	Remove	4	N	N	N	4"
3	Red Oak	26" Caliper	Remove	3	N	N	N	52"
							TOTAL:	56"

TREE HEALTH: 1: DEAD; 2: DISEASE/STRUCTURAL ISSUES; 3: VIABLE TREE WITH CARE; 4: GOOD HEALTH; 5: EXCELLENT HEALTH
TREE GRADES: 1-2: NOT PROTECTED; 3-5: PROTECTED

DRAFT ORDINANCE 04.30.2024

the Planning and Zoning Commission may be appealed to the City Council.

SUBSECTION 03.05: TREESCAPE PLAN EXPIRATION

A treescape plan shall be valid for two years from the approval date. A treescape plan that is approved in conjunction with a preliminary plat, final plat, site plan, and/or building permit shall be valid for the same amount of time as the corresponding plan and/or permit.

SUBSECTION 03.06: BUILDER/CONTRACTOR RESPONSIBILITY

It shall be the responsibility of the builder/contractor to verify that a parcel of land has an approved treescape plan prior to commencing work on a property. In addition, the builder/contractor shall be responsible for ensuring that all construction activities meet the requirements of this *Article*.

SECTION 04 | TREE REMOVAL PERMIT

Once a treescape plan has been approved for a property, a tree removal permit will be required to remove any tree(s). Tree removal permits may be approved administratively by the Director of Planning and Zoning or his/her designee, or forwarded on to the Planning and Zoning Commission for approval. Feature trees may not be removed without the approval of the Planning and Zoning Commission. All trees removed through this process will require mitigation in accordance with the sections contained in this Article.

SECTION 05 | TREE MITIGATION REQUIREMENTS

The tree mitigation requirements shall apply for all properties that do not fall under the exemptions listed in Section 01.03, *Exemptions*, of this *Article*. In addition, if a treescape plan or tree removal permit allows for the removal of a protected or feature tree(s), the applicant and/or property owner shall account for the number of inches of tree being removed using the following criteria:

(A) *Primary Protected Trees*. Primary protected trees measuring four inches through 25-inches DBH shall be replaced on an inch-for-inch basis (*i.e. the total number of caliper inches of tree being replaced shall equal the total number of caliper inches being removed*).

(B) *Secondary Protected Trees*. *Cedar Trees* measuring eight (8) feet or greater in height shall be replaced with a single, four (4) inch caliper tree

(C) *Featured Trees*. Featured trees (*i.e. all trees greater than 25-inches*) shall be replaced with twice the number of inches being removed (*i.e. the total number of caliper inches of tree being replaced shall be twice the number of caliper inches being removed*).

(D) *Non-Protected Tree*. No mitigation will be required for the removal of any tree that is less than four (4) inches DBH or a *Cedar Tree* less than eight (8) feet in height. In addition, no mitigation shall be required for the removal of Bois d'Arc, Willow, Cottonwood, Honey Locust, Chinaberry, and Hackberry trees.

TABLE 2: SUMMARY OF MITIGATION REQUIREMENTS

Type of Tree	Mitigation Value	Mitigation Requirement	Example of Mitigation Requirements
Primary Protected Trees	4" – 25"	1":1"	A 20-inch tree would require 20-inches of mitigation.
Secondary Protect Trees	8' or Greater	1 x 4" Caliper Tree	An eight (8) foot tree would require one (1), four (4) inch caliper tree.
Featured Trees	Greater Than 25"	1":2"	A 30-inch tree would require 60-inches of mitigation.

(E) *Tree Preservation Credits*. For each saved oak, pecan or elm tree(s) 25-inches DBH or greater the mitigation balance can be reduced on an inch-for-inch basis for up to 20.00% of the total mitigation balance (*i.e. total mitigation balance × 20.00% = total eligible tree preservation credit*).

(F) *Mitigation Balance*. The total mitigation balance (*i.e. mitigation balance − tree preservation credits = total mitigation balance*) may be satisfied through one or a combination of the following:

(1) The developer/property owner can provide the required number of trees -- *four (4) inch caliper DBH minimum* -- on the subject property to offset the total mitigation balance (*e.g. if the total mitigation balance is 12-inches then three (3), four (4) inch caliper trees could be planted on-site to satisfy the mitigation requirements*).

(2) The developer/property owner may petition the parks and recreation department to accept the required number of trees -- *four (4) inch caliper DBH minimum* -- to offset the total mitigation balance (*e.g. if the total mitigation balance is 12-inches then three ~~([3),-]~~, four ~~([4)-]~~ inch caliper trees could be submitted to the parks and recreation department to satisfy the mitigation requirements*). Depending on the number of trees being submitted the Director of Parks and Recreation or his/her designee could require a facilities agreement be approved prior to accepting the trees.

(3) Tree preservation credits may be purchased at a rate of $200.00 per inch for up to 20.00% of the total replacement inches. For example, if total mitigation required was 100-inches the developer/property owner could pay a total of $4,000.00 [*i.e. (20% × 100) × $200.00 = $4,000.00*] into the City's tree fund; however, the developer/property owner would still be required to satisfy a remaining tree mitigation balance of 80-inches. In addition, if the developer/property owner plants a tree on [*1*] the property for which the tree preservation credit was assessed or [*2*] a location that is mutually agreed upon by the City and the developer/property owner, the developer/property owner shall be eligible for a reduction in the cost of tree preservation credits of up to 50.00%. These funds will be deposited in the City's tree mitigation fund and will be used for planting trees in the City's parks, medians, street rights-of-way, or other similar areas as determined by the parks and recreation department.

(4) Trees required by Article 08, *Landscape Standards*, of the Unified Development Code (UDC) shall be permitted to be subtracted from the total mitigation balance if provided on site as part of the required landscaping.

Formatted: Font: Italic

DRAFT ORDINANCE 04.2024

(G) *~~Alternative tree Tree mitigation Mitigation settlement Settlement agreements~~Agreements*. In certain cases, the City Council -- *upon recommendation from the Planning and Zoning Commission* -- may consider an *~~alternative Alternative tree Tree mitigation Mitigation settlement Settlement agreement Agreement~~* where, due to hardship, the applicant is unable to meet the requirements of this *Article* or where it is determined that adherence to the tree mitigation requirements will create a hardship for an applicant. These funds will be deposited in the City's tree mitigation fund and will be used for planting trees in the City's parks, medians, street rights-of-way, or other similar areas as determined by the parks and recreation department.

SECTION 06 | TREE PLANTING AND TRANSPLANTING REQUIREMENTS

SUBSECTION 06.01: REPLACEMENT TREES

All replacement trees shall be subject to the following planting requirements:

(A) All replacement trees must be maintained in a healthy growing condition for a minimum of two (2) years from the date of planting.

(B) Replacement trees shall not be planted within an area such that the mature root zone will interfere with underground public utility lines, and/or where the mature canopy of the tree will interfere with overhead utility lines. In addition, no tree shall be planted within five (5) feet of an existing fire hydrant, water line or sewer line.

(C) Replacement trees shall be selected from the reclamation/tree preservation section of *Table 1.1: Required Trees by District* contained in Appendix C, *Landscape Guidelines and Requirements*, of the Unified Development Code (UDC).

(D) All replacement trees shall be a minimum of ~~four (4)~~three (3) caliper inches DBH.

REFERENCE: AMERICAN STANDARD FOR NURSERY STOCK; ANSI Z60.1-2014 STANDARDS

SUBSECTION 06.02: TRANSPLANTING TREES

All trees conforming to the species permitted in the reclamation/tree preservation section of *Table 1.1: Required Trees by District* contained in Appendix C, *Landscape Guidelines and Requirements*, of the Unified Development Code (UDC) can be transplanted to meet the replacement requirements and shall be subject to the following planting requirements:

(A) All trees three (3) caliper inches DBH through six (6) caliper inches DBH are eligible for transplanting.

REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS

(B) All transplanted trees must survive and be maintained in a healthy condition for a minimum of two (2) years from the date of transplanting. The developer/property owner who received the transplanting credit must replace trees that do not meet these criteria.

(C) Transplanted protected trees will be listed in the tree survey with the notation that they are being transplanted.

SECTION 07 | TREE PROTECTION DURING CONSTRUCTION

SUBSECTION 07.01: TREE PROTECTION

(A) Prior to any construction or land development, the developer shall clearly mark all protected and feature trees with an aluminum tag -- *indicating the trees relationship to the treescape plan* -- and flag *(i.e. bright fluorescent red vinyl tape)*. The red tape should be wrapped around the main trunk of the protected and/or feature tree at a height of approximately five (5) feet so that the tape is clearly visible during construction. In those instances where a protected tree is so close to the construction area that construction equipment could possibly damage the tree, a protective fence shall be required. The protective fence must be maintained during all construction phases until the project is finished.

(B) The developer or property owner shall be responsible for preserving all protected and feature trees during construction. This includes hiring an arborist, if necessary.

SUBSECTION 07.02: MATERIAL AND EQUIPMENT STORAGE

The developer or contractor shall not store any material or equipment under the canopy of any protected or featured tree. During the construction stage of the development no cleaning or storage of equipment or material shall be allowed within the drip line of any tree scheduled to be preserved on an approved treescape plan. Those materials include, but are not limited to, oils, solvents, mortar, asphalt and concrete.

SUBSECTION 07.03: SIGNS

No signs, wire or other attachments shall be affixed to any tree scheduled to be preserved on an approve treescape plan.

SUBSECTION 07.04: TRAFFIC

No vehicular traffic, construction equipment traffic or parking shall take place within the drip line of any tree unless on existing street pavement. This restriction does not apply to single incident access for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine mowing operations.

SUBSECTION 07.05: GRADE

No grade change in excess of two (2) inches shall be allowed within the drip line of any protected or featured tree unless adequate construction methods are approved beforehand. If approved, major grade changes (*i.e. two [2] inches or greater*) within the critical root zone of a protected or featured tree will require additional measures to maintain proper oxygen and water exchange with the roots. Root pruning will be required when disturbance will result in root exposure.

SUBSECTION 07.06: TREE FLAGGING

At the time of submittal of a treescape plan all protected trees or feature trees should be marked with an aluminum tag, which indicates its relationship to the treescape plan, and clearly flagged with bright fluorescent red vinyl tape. The red tape should be wrapped around the

Formatted: Underline
Formatted: Underline
Formatted: Underline
Formatted: Underline
Formatted: Underline
Formatted: Font: Italic
Formatted: Font: Italic

DRAFT ORDINANCE 04.30.2024

main trunk of the protected tree at a height of approximately four (4) feet so that the tape is clearly visible.

SUBSECTION 07.07: BORING

Boring of utilities under protected or feature trees shall be required in those circumstances where it is not possible to trench around the critical root zone of a protected or feature tree. When required, the length of the bore shall be the width of the critical root zone plus two (2) feet on either side of the critical root zone and shall be at a minimum depth of 48-inches.

SUBSECTION 07.08: DAMAGE

Any physical damage to a tree being preserved for a tree credit that is considered to place the survival of the tree in doubt shall be eliminated as a credited tree and will require additional trees to planted in its place at the required ratio. A certified arborist shall be consulted to determine whether physical damage to a tree places the survival of the tree in doubt.

SECTION 08 | TREE PRUNING

SUBSECTION 08.01: GENERAL

No protected or featured tree shall be pruned in a manner that would significantly disfigure the tree, or in a manner that would lead to the death of the tree.

REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS

SUBSECTION 08.02: PRUNING BY UTILITY COMPANIES

Utility companies may prune trees as necessary to reestablish disrupted service or maintain existing service without obtaining a permit.

REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS

SUBSECTION 08.03: ALLOWED PRUINING

A protected or featured tree may be pruned in cases where it is necessary to remove branches broken during the course of construction, or where protected or featured trees must be pruned to allow construction of a structure. Pruning should be done in manner that does not significantly disfigure the tree or lead to the death of the tree.

SECTION 09 | TREE FUND

SUBSECTION 09.01: ADMINISTRATION OF THE TREE FUND

The City shall administer the tree fund. The funds shall be used to purchase plant material as permitted by this ordinance, install (*including the equipment or labor necessary to install the plant materials*) and maintain trees on public property including the necessary irrigation equipment, to acquire wooded property that remains in a naturalistic state in perpetuity, to perform and maintain a city-wide tree inventory and to educate citizens and developers on the benefits and value of trees. The City Council shall have the ability to adopt alternative methods of creating tree credits and methods of distribution of trees and/or funds for purchasing trees.

Funds collected as a result of the mitigation of trees may be used to purchase trees, both deciduous and coniferous, any woody type plant or any perennial appropriate for the climatic conditions of the north Texas region.

SUBSECTION 09.02: COLLECTION OF MONEY FOR THE TREE FUND

Money contributed to the tree fund shall be paid prior to the issuance of a building permit and/or prior to the filing of a final plat.

SECTION 10 | VIOLATIONS

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this Article shall be fined $500.00 for each offense. The unlawful damage, destruction or removal of each tree shall be considered a separate incident and each offence subjects the violator to the maximum penalty of $500.00 for the first tree with each subsequent tree increasing by $500.00 increments.

No acceptance of public improvements shall be authorized and no Certificates of Occupancy (CO) shall be issued until all fines for violations of this Article have been paid to the City.

DRAFT ORDINANCE 04.30.2024

Continued on Next Page …

DRAFT
ORDINANCE
04.30.2024

SECTION 01 | GENERAL

SUBSECTION 01.01: 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 01.02: 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 04.03, *Jurisdiction*, of Article 02, *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 01.03: 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 01.04: 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.

Alternatively, should an applicant fail to address staff's comments before the resubmittal deadline prior to the Planning and Zoning Commission meeting, the application shall be considered to be admiratively denied. If an application is denied in this manner, there shall be no restrictions on when a new application can be resubmitted in accordance with the City's procedures for submitting development applications.

SUBSECTION 01.05: 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

Formatted

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Font: Italic

Formatted: Font: 5 pt

DRAFT ONLY 04.30.2024

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 02 | ZONING

SUBSECTION 02.01: 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 (UDC). 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 02.02: 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 04, *Permissible Uses*, of this Unified Development Code (UDC). 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 (SUP) 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.

(E) *Expiration*. Unless otherwise specified in a Specific Use Permit (SUP) ordinance, Aa Specific Use Permit (SUP) shall automatically expire due to inactivity if:

(1) 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]

DRAFT ORDINANCE 04.30.2024

months), or one (1) year of the approval date of this ordinance if no building permit is necessary; or

(2) A building permit or Certificate of Occupancy (CO) expires, is terminated or revoked under the requirements of the Codes of the City of Rockwall.

(F) *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).

(G) *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 and Zoning 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.

(H) *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 02.02(E).

SUBSECTION 02.03: 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 02.03(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

Formatted: Font: 5 pt

DRAFT ONLY 04.30.2024

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 table/postpone or 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 20.00% 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 02.04: 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.

DRAFT ORDINANCE 04.30.2024

(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 02.05: 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 02.05(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.

Formatted: Font: Italic

SECTION 03 | SITE PLANS

SUBSECTION 03.01: 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.

SUBSECTION 03.02: 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:

(1) 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.

(2) 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.

Formatted: Font: Italic

SUBSECTION 03.03: 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.

DRAFT ONLY 04.30.2024

SUBSECTION 03.04: 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 03.04: 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 03.05: 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 03.06: 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 01.02, *Submission of an Application*. In the event the Director of Planning and Zoning determines that the

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

DRAFT ORDINANCE 04.15.2024

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 04 | PLATS

SUBSECTION 04.01: 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 05 | MISCELLANEOUS CASES

(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 06 | CERTIFICATE OF APPROPRIATENESS (COA)

SUBSECTION 06.01: 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 06.03, *Historic Overlay District*, of Article 05, *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 that is visible until a Certificate of Appropriateness (COA) has been approved by the Historic Preservation Advisory Board (HPAB).

SUBSECTION 06.02: SUBMITTAL REQUIREMENTS

The procedures and requirements for a Certificate of Appropriateness (COA) are outlined in Subsection 06.03, *Historic Overlay District*, of Article 05, *District Development Standards*.

SECTION 07 | BUILDING PERMIT FEE WAIVER

SUBSECTION 07.01: 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 07.02: 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 50.00% 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 50.00% 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 50.00% 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 07.03: 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

Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic, Underline, Font color: Accent 5
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic

DRAFT ORDINANCE 04-30-2024

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 08 | SMALL MATCHING GRANTS

SUBSECTION 08.01: 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 08.02: 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 08.03: 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 08.04: CERTIFICATION AND VERIFICATION PROCESS

Applications for the Small Neighborhood Matching Grants pursuant to Subsection 08.03 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 09 | EXCEPTIONS AND VARIANCES

SUBSECTION 09.01: 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 20.00% natural or cultured stone.

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

DRAFT ORDINANCE 04.30.2024

(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 06, *Overlay Districts*, of Article 05, *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 09.02: 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 06.02, *General Overlay Districts Standards*, of Article 05, *District Development 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 90.00% masonry (*i.e. brick, stone, or cultured stone*).

(G) The inclusion of 20.00% 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 09.03: 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.

DRAFT ORDINANCE 04.30.2024

(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 (PD)	$200.00 + $15.00/Acre
(4) MISCELLANEOUS	
(a) Variance/Special Exception*	$100.00
(b) Tree Removal	$75.00
(c) Other Miscellaneous Requests	$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

NOTES:
*: See Section (D) below.

(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-acres x $15.00/Acres = $78.75 + $200.00 [*Base Fee*] = $278.75 [*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.

(D) *Non-Compliant Structure Fees*. Fees associated with requests for a Site Plan, Specific Use Permit (SUP) or a Variance/Special Exception that deal with structures that were [*1*] constructed without a building permit, or [*2*] that were *not* constructed in conformance with an approved building permit shall be increased by $1,000.00. For example, a 5.25-acre property that is requesting approval under this section would be calculated as follows:

5.25-acres x $15.00/Acres = $78.75 + $200.00 [*Base Fee*] = $278.75 [*Typical Application Fee*] + $1,000.00 [*Forgiveness Fee*] = $1,278.75 [*Fee Due*]

DRAFT ORDINANCE 04.30.2024

Continued on Next Page …

DRAFT
ORDINANCE
04.30.2024

SECTION 01 | GENERAL

SUBSECTION 01.01: 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 02 | WORDS, TERMS, AND LAND USES DEFINED

SUBSECTION 02.01: 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 practice of cultivating soil, producing crops, and raising livestock for food, fiber, fuel, and other products. 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 ~~self-contained~~ housing unit that is part of a larger building or complex ~~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 that contains numerous individual housing units~~arranged, intended or designed for more than two families~~ (*see Dwelling Unit, Multiple*).

(7) *Associated Recreation*. Leisure activities and amenities that are linked or connected to an area of ~~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 individual or entity who has been given legal authority to act on behalf of another person, organization, or entity. ~~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 floor or level of a building that is partially or entirely below ground level~~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 Lodging House*. A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five (5) 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.

(14) *Buildable Area*. The "buildable area" refers to the portion of a parcel or tract of land that is suitable and legally permitted for the construction of buildings or structures, while complying with ~~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~~ the requirements of the~~is~~ Unified Development Code (UDC).

(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. In addition,~~, except that~~ two (2) buildings connected by a breeze way shall not be deemed as one (1) building.

(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, parking structures, and accessory buildings.

(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 ~~c~~City charged with implementation, inspection, and enforcement of the building codes.

(20) *Building, Primary~~incipal~~*. A ~~principal~~ primary building refers to the main or principal structure on a property that serves as the primary residential, commercial, or industrial space. It is the main building that is intended for the primary use or occupancy on the site.~~is one in which a main use of the lot on which it is located is conducted.~~

DRAFT ORDINANCE 04-30-2024

(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 within 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.

(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).

(b) *Side Building Setback Line (Defining a Side Yard)*. A line parallel to an adjacent lot which the building sides up to.

(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.

(22) *Caliper*. The diameter of the trunk measured ~~six (6) 4½-feetinches~~ above ground level ~~up. to and including four (4) 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 large, typically deciduous or evergreen tree that forms the uppermost layer or canopy. These trees have a tall and broad crown that provides shade and shelter ~~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 two (2) sides, covered with a roof and constructed specifically for the storage of one or more automobiles.

(25) *Certificate of Occupancy*. An official document issued by the City of Rockwall to certify that a building or land use complies with applicable City requirements, and is safe for occupancy. ~~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 (UDC).~~

(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 development strategy that concentrates buildings and infrastructure in specific areas while preserving open space and natural resources in surrounding areas. Cluster development encourages the grouping of buildings into compact clusters, leaving larger portions of the land vacant or minimally disturbed ~~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~~ A long-term policy document that serves as a guide for future growth, development, and land use within the ~~comprehensive plan of the~~ City. It outlines a vision for the community's future and establishes goals, policies, and strategies to achieve desired outcomes. ~~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.~~

(33) (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 (UDC).

(35) *Density*. The ratio of dwelling units per gross acre of platted area being developed.

(36) *District*. A zone or geographic area established by the comprehensive plan ~~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 (1) 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.

Formatted: Indent: Left: 0", Hanging: 0.31", Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.25", No widow/orphan control

DRAFT ONLY 04.30.2024

(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.

(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 (5) people~~(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*. The width of a property or parcel of land along the front boundary that faces the street or public right-of-way. It represents the distance between the side boundaries of the lot, measured along the front property line.~~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 (5) 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, residentially zoned or used property, or to a public or private street or alley; and

(b) At least 80% of which is covered by natural grass, ground cover, or other natural plant materials (excluding screening).

~~(b)~~(c) Which is exclusive of any easements or right-of-way.

(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 (6) 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.

(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*. The smallest allowable size of a parcel of land as specified by the zoning district.~~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 (2) or more streets at their

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", Don't add space between paragraphs of the same style, No bullets or numbering, Widow/Orphan control

DRAFT ORDINANCE 04.15.2024

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, and has a front yard setback adjacent to each street.~~.~~

(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 (2) nonintersecting public streets as distinguished from a corner lot. These lots have a front yard setback adjacent to each street.

(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 public 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.

(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.

(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, which cannot be less than the minimum lot width – *per the zoning district* – at any point on the lots~~, measured at the front setback line~~.

(74) *Lots in Separate Ownership at the Time of the Passage of this Unified Development Code (UDC)*. 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 (UDC) 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.

(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.

Modular.

- Brick.
- Natural or quarried stone.
- ~~Cast or cultured stone.~~
- Glass block or glass.
- Tile.
- Custom concrete masonry units (normal or heavy weight blocks with an integral color that is sandblasted, burnished or has a split face).

(78) *Mobile Home*. A dwelling structure meeting the definitions and requirements specified in chapter 1201 of the State of Texas Occupational Code.

(79) *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.

(80) *Municipal Uses*. Facilities owned or controlled by the City of Rockwall, including, but not limited to, office buildings, maintenance shops, treatment plants; community centers.

(81) *Non-Conforming 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 non-conforming use if established prior to the passage of this Unified Development Code (UDC).

(82) *Non-Permeable Coverage*. Coverage with a non-permeable ~~pavement~~surface.

(83) *Parking Area*. ~~Space~~ Land used exclusively for the parking of vehicles, ~~and~~ where no other business is conducted, and is paved to city specifications.

(84) *Parking Space*. A designated area within a parking facility or on a street where a motor vehicle can be parked legally and safely.~~, 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.

(85) *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

Formatted: Indent: Left: 0.31", Bulleted + Level: 1 + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: Italic

DRAFT ORDINANCE 04-30-2024

provided by clustering the units.

(86) *Paving*. Material which provides an all-weather surface for the maneuvering, parking, and storage of vehicles and/or equipment. All required paving shall meet the standards specified by applicable city specifications.

(87) *Permitted Use*. A use specifically allowed in one (1) or more of the various districts without the necessity of obtaining a use permit.

(88) *Person*. Any individual, association, firm, corporation, governmental agency or political subdivision.

(89) *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.

(90) *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.

(91) *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.

(92) *Planning Consultant*. A private practitioner in planning, who is a member of the American Institute of Certified Planners (AICP).

(93) *Plat*. A map of a subdivision or site plan that represents a tract of land, showing the boundaries and location of individual properties, easements, and streets.

(94) *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.

(95) *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*).

(96) *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 without employee table service, taken out, or delivered to customers' location. Drive-through "pickup/order" window permitted provided that there is no public address system or speakers.

(97) *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.

(98) *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).

(99) *Right-of-way line*. A dividing line between a lot, tract, or parcel of land and the public right-of-way.

(100) *Screening*. Screening that complies with the construction and maintenance regulations in Section 05.02, *Landscape Screening*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).

(101) *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.

(102) *Setback*. See Building setback line.

(103) *Sign*. A name, identification, image, description, display or illustration which is affixed to, painted, or represented directly or indirectly upon a building, window, 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.

(104) *Site*. A single lot or combination of continuous lots that may or may not be owned separately, that will be developed under one (1) unified plan, as if it were a single parcel of land.

(105) *Site Plan*. The development plan for one (1) 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.

(106) *Small Tree*. A tree of a species which normally reaches a height of less than 30 feet.

(107) *Soil*. A medium that plants will grow in.

(108) *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.

(109) *Storage*. The housing of physical products, materials, or inventory in a designated location internal to a non-residential land use, until they are needed for use or sale directly to a consumer. Storage shall not be considered warehousing and is not associated with wholesale operations. ~~accumulation, stocking, or depositing of materials or items.~~ In addition, this~~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

DRAFT ORDINANCE 04-30-2024

residential lot.

(110) *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% 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.

(111) *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.

(112) *Street Line*. The dividing line between the street right-of-way and the abutting property.

(113) *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.

(114) *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.~~

(115) *Subdivision*. The division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for sale, development or lease.

(116) *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.

(117) *Variance/Exception*. 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.

(118) *Visibility Triangle*. The term *visibility triangle* as defined in Section 01.08, *Public Right-of-Way Visibility*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC).

(119) *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.

~~(119)~~(120) *Warehousing*. The storage of physical products or materials in a designated facility or warehouse until they are needed for distribution or sale. Warehousing is generally associated with industrial or wholesale land uses.

~~(120)~~(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.

~~(121)~~(122) *Xeriscaping*./Smartscaping 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 02.02: 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~~housing, raising, or training more than three (3) dogs, ~~or three (3)~~ cats, or ~~three (3) of~~ any other domesticated animal over the age of three (3) months old ~~as a -- *not including livestock or farm animals* -- are housed, boarded, raised or trained as a~~ commercial enterprise, excluding livestock or farm animals. This definition does ~~not include~~excludes 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 providing veterinary care to pets and animals. Services include medical consultations, surgery, diagnostics, and emergency care. ~~the diagnosis, treatment, or hospitalization of animals.~~

~~(4)~~

(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.

Formatted: Indent: First line: 0"

Formatted: Font: Not Italic, No underline

DRAFT ORDINANCE 04-30-2024

(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 biproducts 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~~ Supplementary structure or building on a residential property that is secondary to the primary dwelling and serves a supportive or complementary function. These structures are typically used for purposes such as storage, recreation, or housing equipment and are ancillary to the primary residential use of the property. ~~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 residential property where lodging accommodations are provided for short-term guests, typically on a nightly basis, in a manner that is ancillary to the primary residential use of the property. Bed and Breakfast establishments offer overnight accommodations and breakfast services to travelers, often in a more personalized setting compared to larger hotels. Typically, Bed and Breakfast establishments are operated by the property owner who may reside on-site.~~single-family owner-occupied house offering rooms with breakfast on a nightly basis for a fee.~~

(3) *Caretakers Quarters/Domestic or Security Unit*. A ~~residen~~residential unit or structure located on a property primarily for the accommodation of individuals responsible for overseeing and maintaining the property, providing domestic services, or ensuring security. These quarters typically serve as residences for caretakers, groundskeepers, domestic staff, or security personnel employed by the property owner. The primary function of these quarters/units are intended to support the operation and maintenance of the property rather than serve as a primary residence for the property owner.~~ce 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 utilized for religious or spiritual practices, typically associated with a specific faith or belief system. Monasteries or temples are often characterized by their communal living arrangements, places of worship, meditation spaces, and facilities for religious instruction and rituals. These establishments may also include amenities such as gardens, libraries, dining halls, and guest accommodations for visitors or pilgrims. Monasteries are commonly associated with religious orders or communities of monks or nuns, while temples may serve as places of worship for congregations or followers of a specific faith.~~ occupied by a community of monks, nuns, priests, or similar sects living under religious vows.~~

(5) *Duplex*. A residential building containing two separate housing units, each with its own entrance and typically sharing a common wall or floor/ceiling. Duplexes are designed to accommodate two households within a single structure, providing independent living spaces on one (1) lot or parcel of land. Each unit in a duplex typically includes a kitchen, bathroom, bedrooms, and living areas, offering occupants a level of privacy similar to that of a single-family dwelling. Duplexes may be arranged side-by-side ~~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. Commercial garages typically accommodate a variety of vehicles including cars, trucks, buses, or motorcycles, and may offer storage services. These facilities may range in size from small to large operations and serve commercial fleets or specialize in specific types of vehicles.

(7) *Residential Garage*. A ~~residential~~ structure or part of a residential property designed and used primarily for ~~accessory building used for~~ the storage motor vehicles belonging to the property owner and occupants of the main residential structure and are intended to provide shelter and security for vehicles from the elements and potential theft or vandalism. In addition, to vehicle storage, residential garages may also serve as workshops, storage spaces for tools and equipment, or multi-purpose areas for recreational activities. ~~.~~ These structures are typically attached to the primary structure; however, they may also be a detached structure.

(8) *Guest Quarters/Secondary Living Unit*. A self-contained ~~n~~ accessory building that is ancillary to the primary dwelling. Guest Quarters or Secondary Living Units are designed to provide separate temporary accommodations for ~~for the temporary occupancy of~~ guests, or family members of the primary owners or occupants. These units may include

DRAFT ORDINANCE 04-30-2024

amenities such as a bedroom, bathroom, and living area. However, a full kitchen is not permitted. These dwellings are not to be rented or otherwise used as a separate domicile.

~~(9)~~ *Home Occupation*. A business or commercial activity ~~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, and 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.~~ Home occupations allow individuals to run small-scale businesses from their homes while maintaining the residential character of the neighborhood. These businesses are secondary to the primary residential use of the property and are intended to be compatible with surrounding residential properties.

~~(10)~~(9)

~~(11)~~(10) *Limited-Service Hotel*. A type of lodging establishment that offers basic accommodation services to guests without the extensive amenities typically found in full-service hotels. Limited service hotels provide essential amenities such as guest rooms, limited food and beverage options (if any), and minimal on-site facilities or services. These hotels are often characterized by their lower operating costs, streamlined operations, and competitive room rates. Limited service hotels may cater to budget-conscious travelers, business ~~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.~~

~~(12)~~(11) *Full-Service Hotel*. A type of lodging establishment that offers a comprehensive range of amenities and services to guests, typically including accommodations, dining options, meeting and event spaces, recreational facilities, and various guest services such as concierge assistance and room service. ~~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.~~

~~(13)~~(12) *Residence Hotel*. A hybrid lodging establishment that combines the elements of traditional hotels with long-term residential accommodations. Residence hotels typically offer full furnished, apartment style units equipped with kitchens or kitchenettes, living areas, and separate bedrooms, providing guests with a home-like environment during their stay. These establishments cater to both short-term and extended-stay guests, offering flexible accommodations for travelers, corporate clients, and individuals in need of temporary housing solutions. Residence hotels often provide additional amenities such as housekeeping services, on-site laundry facilities, fitness centers, business centers, and communal spaces to enhance the guest experience. ~~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.~~

~~(14)~~(13) *Motel*. A lodging establishment designed primarily to provide short-term accommodations for travelers, typically accessible directly from the exterior of the building. Motels are characterized by their layout of individual guest rooms or units arranged around a central parking area, allowing guests to park their vehicles near their rooms for convenient access. Motel rooms often feature basic amenities such as beds, bathrooms, and limited furnishings catering to travelers seeking affordable and convenient overnight stays. Motels may offer additional facilities and services such as swimming pools, continental breakfasts, and guest laundry facilities. ~~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.~~

~~(15)~~(14) *Multi-Family Development or Structure~~ or Development*. A residential property or 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. These developments may include ~~Examples of a *Multi-Family Development* include~~ Triplexes, Quad or Fourplexes, apartments, condominiums, or other types of multi-unit residential buildings. Multi-family developments typically offer amenities such as common areas, recreational facilities, parking, and landscaping, enhancing the quality of life for residents.~~and etcetera.~~

~~(16)~~ *Portable Building*. A temporary ~~buildin~~building, typically ~~g~~ pre-made off-site. They can be used temporarily for storage, offices, classrooms, or retail spaces.~~that may or may not have a foundation and is transportable.~~

(15)

~~(17)~~

~~(18)~~(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.

~~(19)~~(17) *Short-Term Rental*. A *Short-Term Rental* is a residential dwelling unit, apartment, condominium, or *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* in

Formatted: Indent: Left: 0.5", No bullets or

DRAFT 04.30.2024

which the entire structure or a portion thereof is offered for rent for a period exceeding 12-hours, but less than 30 consecutive days, to a particular occupant. In practice, a *Short-Term Rental* is considered to be a residential land use, and is *not* considered to be a *Limited-Service Hotel*, *Full-Service Hotel*, *Residence Hotel*, *Motel*, or *Bed and Breakfast* as defined in this Unified Development Code (UDC). *Short-Term Rentals* can be further defined based on the following three (3) categories:

(a) *Short-Term Rental (Owner-Occupied Single-Family Home, Townhome, or Duplex)*. A single-family home, townhome, or duplex -- *or portion thereof* -- in which the property owner or operator, as reflected in a valid lease agreement, is a resident (*i.e. occupies the primary structure*) and is present during the rental. This includes when a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* is detached from the primary structure and either the primary or secondary structure is rented, but the owner or operator resides on the property.

(b) *Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex)*. A single-family home, townhome, or duplex -- *or a portion thereof* -- in which the property owner or operator does *not* occupy the dwelling unit during the rental, or that the owner or property owner does *not* occupy another dwelling unit -- *or portion thereof* -- on the same property (*i.e. the property owner or operator is not on-site as an occupant during the rental of the property*).

(c) *Short-Term Rental (Apartment or Condominium)*. An *Apartment* or *Condominium* (*or similar multi-family structure, excluding duplexes, but including triplexes or quadplexes, as defined in this Unified Development Code [UDC]* -- *or a portion thereof* -- in which the property owner or operator may or may not be an occupant of the dwelling unit during the rental.

~~(20)~~(18) *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*).

~~(21)~~(19) *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*).

~~(22) *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)

(23) *Private Swimming Pool*. Aquatic facilities within residential or commercial properties provide recreational, fitness, or therapeutic activities for individuals or groups. In residential settings, private swimming pools are owned and maintained by homeowners or communities, offering exclusive aquatic spaces for residents and their guests. In commercial settings, pools are found in establishments like hotels, resorts, fitness centers, spas, and clubs, catering to paying patrons, members, or guests.~~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.~~

~~(24)~~(22) *Private Sports Court with Standalone or Dedicated Lighting.* A designated area within a residential or commercial property intended for sports and recreational activities. These courts are typically owned and maintained by individual homeowners, residential communities, or commercial establishments. They provide space for activities such as basketball, tennis, volleyball, or other sports, offering residents, guests, members, or patrons a convenient and private location to engage in physical exercise and leisure pursuits.

~~(25)~~ *Townhouse*. A single-family residential ~~structure~~ unit that is occupied by one (1) family and shares a common wall or walls with another single-family residential ~~unit~~structure, but that is on an individual lot and can be conveyed individually (*i.e. one [1] dwelling unit per lot*). Townhouses often feature multiple floors and compact footprint designs, providing private outdoor spaces such as yards or patios, and may be part of a larger planned development with shared amenities and common areas.~~These units are typically constructed in a series or group of units.~~

(23)

~~(26)~~

~~(1)~~(24) *Urban Residential*. A development situated within the City's Downtown (DT) District, also known as ~~-- *which is also referred to as* the urban core, -- that~~ allowing ~~ws for~~ single-family, single-family attached, townhomes, and lofts with r~~i.e. one [1] story of~~ residential above commercial only~~)~~. This type of structure typically contains a mix of office, retail, and residential land uses.

(C) *Institutional and Community Service Land Uses.*

Assisted Living Facility. A facility that is licensed under Chapter 247, *Assisted Living Facilities*, of the Texas Health and Safety Code and offers housing and personal care services to elderly or disabled individuals who need support but not intensive medical care. It includes communal living units, dining services, and recreational activities. ~~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.~~

(1)

~~(1)~~ *Blood or Plasma Donation Center*. A ~~facility~~ commercial facility where individuals can donate blood or plasma for medical purposes. ~~Staffed by trained professionals, it ensures a safe~~ environment for donation and proper handling of donations for transfusions, treatments, or research.~~that allows for a person or persons to donate or sell blood or plasma for use in medical or other products.~~

(2)

Formatted: Font: 10 pt

Formatted: Font: 5 pt

Formatted: Normal, Don't add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: Not at 0.38"

Formatted: Font: 5 pt

Formatted: Font: 5 pt

Formatted: Normal, No bullets or numbering, Widow/Orphan control, Tab stops: Not at 0.38"

Formatted: Indent: Left: 0", First line: 0", Add space between paragraphs of the same style, Tab stops: Not at 0.38"

Formatted: Font: Italic, Underline

Formatted: List Paragraph, Add space between paragraphs of the same style, Tab stops: Not at 0.38"

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Underline

Formatted: Left

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 5 pt, Italic

Formatted: Font: 5 pt, Underline

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: 5 pt, Bold, Italic

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: Italic

Formatted: Normal, No bullets or numbering, Widow/Orphan control, Tab stops: Not at 0.38"

Formatted: Font: 5 pt, No underline

Formatted: Indent: Left: 0.5", No bullets or

DRAFT ORDINANCE 04-24

(3) *Cemetery/Mausoleum*. A designated area for burying or entombing deceased individuals including animals. It includes grave plots, crypts, or niches, along with pathways and landscaping. These facilities provide a respectful resting place and space for remembrance.~~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 primarily used for religious gatherings, ceremonies, and worship services. It typically includes a sanctuary or worship hall, administrative offices, classrooms for religious education, and often ancillary facilities such as a fellowship hall, kitchen, and parking lot. These facilities serve as places for spiritual practice, community gatherings, and religious observance for adherents of a particular faith or denomination. ~~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.~~

(4)

~~(5)~~ *College, University, or Seminary*. An educational institution ~~established for educational purposes~~ offering ~~courses for study~~higher learning in academic or religious studies beyond ~~that of the~~ the secondary education level. These institutions provide a comprehensive environment for academic pursuits and personal development. This land use shall exclude *Trade Schools*.

(5)

~~(6)~~ *Convalescent Care Facility/Nursing Home*. A facility ~~providing primarily inpatient health care, personal care, or rehabilitative services on a 24-hour basis~~that provides long-term care, medical services, and assistance with activities of daily living for individuals who require ongoing support due to illness, injury, or advanced age. These facilities typically offer 24-hour nursing care, medication management, rehabilitation services, and assistance with personal care tasks such as bathing, dressing, and eating~~over a long period of time to persons chronically ill, aged, or disabled who need ongoing health supervision~~, but not hospitalization.

(6)

~~(7)~~

~~(8)~~(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.

~~(9)~~(8) *Crematorium*. A facility licensed, or qualified to be licensed, by the State of Texas for the cremation of human or animal remains.

~~(10)~~(9) *Daycare with Seven (7) or More Children*. A state licensed facility ~~-- *other than a public, parochial, or private school* --~~ excluding public, parochial, or private schools, dedicated to caring for~~providing care for~~ seven (7) or more children under the age of 14 years old. This care is provided for less than 24-hours per day, ~~(typically daytime hours only)~~during daytime hours, and is situated at a non-residential location ~~other than a residence~~.

~~(11)~~(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.

~~(12)~~(11) *Group or Community Home*. A facility that is licensed under Chapter 247, Assisted Living Facilities, of the Texas Health and Safety Code, and serves as 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.

~~(13)~~(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.

~~(14)~~(13) *Halfway House*. A facility where persons are aided in readjusting to society following a period of imprisonment, hospitalization, homelessness, or institutionalized treatment.

~~(15)~~(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.

~~(16)~~(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.

~~(17)~~(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.

~~(18)~~(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.

~~(19)~~(18) *Local Post Office.* A local branch of the United States Postal Services or a private commercial venture engaged in

Formatted: Font: Not Italic

Formatted: Font: Italic, Underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: Not Italic, No underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Indent: Left: 0.5", No bullets or

DRAFT
04.30.2024

the distribution of mail, packages, and incidental services.

~~(20)~~(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.

~~(21)~~(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.

~~(22)~~(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.

~~(23)~~(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) *Trade School*. An educational institution specializing in vocational training for specific trades or professions. It provides hands-on instruction in areas like automotive repair, construction, and healthcare, preparing students for entry into their chosen field.

(25) *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.

(26) *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 01, *Land Use Schedule*, of Article 04, *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 or Medical Office Building*. An *office building* is a facility that ~~facility that~~ provides executive, management, administrative, or professional services not specifically listed elsewhere in Section 01, *Land Use Schedule*, of Article 04, *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. A *medical office building* is a facility designed to support a range of healthcare services, including diagnostics, treatments, and administrative functions. These services encompass procedures requiring medical devices or the expertise of a qualified medical professional. Examples include but are not limited to medical doctor offices, physical therapy, massage therapy, chiropractic care, Botox treatments, and sonograms.

(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.*

(a) ~~(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.

~~(4)~~*(b)* ~~(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.

Formatted: Font: Italic, Underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

Formatted: List Paragraph, Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Font: Italic, Underline

DRAFT 04.30.2024

(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.*

(a) ~~(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.

~~(10)~~(b) ~~(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) *Alcoholic Beverage Package Sales*. The act of selling beer, wine, and/or liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- in accordance with the requirements of this Unified Development Code (UDC) by a person, establishment, or place of business.

(2) *Alcoholic Beverage Store*. A standalone retail establishment that engages in the sale of beer, wine, *and* liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- to the general public for off-premise personal or household consumption.

(3) *Antique/Collectible Store*. A retail establishment that engages in the selling of works of art, furniture or other artifacts of an earlier period.

(4) *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.

(5) *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.

(6) *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.

(7) *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.

(8) *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.

(9) *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.

(10) *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.

(11) *Copy Center.* An establishment that reproduces, in printed form, individual orders from a business, profession, service, industry, or government organization.

Formatted: Font: Italic, Underline

Formatted: List Paragraph, Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Font: Not Italic, No underline

DRAFT ORDINANCE 04.03.2024

(12) *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.

(13) *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.

(14) *Food Trucks/Trailers.* 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.

(15) *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.

(16) *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.

(17) *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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(18) *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.

(19) *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.

(20) *Self-Service Laundromat.* A facility where patrons wash, dry or dry clean clothing and other fabrics in machines operated by the patron.

(21) *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.

(22) *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.

(23) *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*.

(24) *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.

(25) *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.

(26) *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.

(27) *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.

(28) *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.

(29) *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

DRAFT ORDINANCE 04-36-2024

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.

(30) *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.

(31) *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.

(32) *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.

(33) *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.

(34) *Tailor, Clothing, and/or Apparel Shop.* An establishment engaged in custom making, altering, or the repair of clothing.

(35) *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.

(36) *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 Bond Services*. 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 or, 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

DRAFT ORDINANCE 04.30.2024

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.

~~(16)~~

~~(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)~~(17) *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) *New and/or Used 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 ~~tuneup~~tune-ups, 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.

(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.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: 5 pt

DRAFT ORDINANCE 04.30.2024

(3) *Bottle Works for, 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 Plating or/E Electro-pPlating*. 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 of (Sand, Gravel, Oil and Other Materials)*. 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/or 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

DRAFT ORDINANCE 04.30.2024

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.

~~*Accessory Antenna*~~*Antenna for a Residential Property*. A structure or device mounted on a residential property intended for the transmission or reception of electromagnetic signals, including but not limited to television, radio, satellite, or internet communications. Antennas may include satellite dishes, television antennas, radio antennas, or similar devices, and may be freestanding, mounted on buildings, or attached to existing structures. ~~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.~~

~~(2) *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.~~

~~(3)~~(2) *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.

~~(4)~~(3) *Antenna Dish.* An antenna that is parabolic or bowl-shaped and that receives and/or transmits signals in a specific directional pattern

~~(5)~~(4) ~~*Commercial*~~ *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure).* 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.

~~(6)~~(5) *Mounted or Attached 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.

~~(7)~~(6) *Bus Charter and Service Facility.* A facility for the loading and discharging of train or bus passengers.

~~(8)~~(7) *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.

~~(9)~~(8) *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.

~~(10)~~(9) *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.

~~(11)~~(10) *Private Streets.* A private vehicular access way

Formatted: Not Highlight

DRAFT
04.30.2024

shared by and serving two (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.

~~(12)~~(11) *Radio Broadcasting.* A land use that broadcasts amplitude modulation or frequency modulation audio signals for general public reception.

~~(13)~~(12) *Railroad Yard or Shop.* A facility used for the storage of railway cars, boxcars and engines and related equipment.

~~(14)~~(13) *Recording Studio.* A facility that provides an environment for the purposes of writing, collaborating, preforming, instruction, preparing, or completing audio recordings.

~~(15)~~(14) *Satellite Dish.* An oval or round, parabolic apparatus capable of receiving television communications.

~~(16)~~(15) *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.

~~(17)~~(16) *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.

~~(18)~~(17) *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.

~~(19)~~(18) *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.

~~(20)~~(19) *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.

~~(21)~~(20) *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.

~~(22)~~(21) *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.

~~*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 unconceal~~

DRAFT ORDINANCE 04.30.2024

Continued on Next Page …

DRAFT
ORDINANCE
04.30.2024

SECTION 01 | INTRODUCTION

These guidelines were drafted by the citizens and local experts for the purpose of outlining the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC), and to provide guidelines for plantings that are appropriate within the City of Rockwall.

SECTION 02 | PURPOSE

The purpose of the following appendix is to provide a general reference guide for meeting the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC). This appendix is not intended to be a comprehensive list of all plant materials that can be utilized for development within the City of Rockwall. The Director of Planning and Zoning or his/her designee can approve a landscape plan that includes tree, shrub, and grass varieties not indicated in this appendix upon a finding that the proposed planting is appropriate for the development.

SECTION 03 | TREE PLANTING GUIDELINES AND REQUIREMENTS

The following table and guidelines are a summary of the required tree planting requirements stipulated by Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).

TABLE 1: REQUIRED TREES BY DISTRICT

		OVERLAY DISTRICTS												
		IH-30	SH-205	SOV	SH-66	205-BY	N-205	E-66	FM-549	SH-276	DT	NON	XERI	REC
CANOPY TREES	AFGHAN PINE	X	X	X	X	X	X	X	X	X		X	X	X
	BALD CYPRESS	X				X			X	X	X	X		X
	BURR OAK	X	X	X	X	X	X	X	X	X	X	X	X	X
	CADDO MAPLE		X	X			X	X	X			X		X
	CEDAR ELM	X	X	X	X	X	X	X	X	X	X	X		X
	CHINQUAPIN OAK										X	X	X	X
	EASTERN RED CEDAR	X				X				X	X	X		X
	HOMESTEAD ELM	X				X				X	X	X		X
	LACEBARK ELM	X	X	X	X	X	X	X	X	X	X	X		X
	LEYLAND CYPRESS		X	X			X	X	X			X		X
	LITTLE GEM MAGNOLIA	X	X	X	X	X	X	X	X	X	X	X		X
	LIVE OAK	X	X	X	X	X	X	X	X	X	X	X		X
	OCTOBER GLORY MAPLE	X	X	X	X	X	X	X	X	X	X	X		X
	PECAN										X	X		X
	TEXAS ASH	X			X	X			X	X		X		X
	TEXAS RED OAK	X			X	X			X	X	X	X		X
ACCENT TREES	DESERT WILLOW	X	X	X	X	X	X	X	X	X	X	X	X	X
	DOWNY HAWTHORN										X	X		X
	EASTERN REDBUD	X	X	X	X	X	X	X	X	X	X	X		X
	EVES NECKLACE	X	X	X	X	X	X	X	X	X	X	X	X	X
	MEXICAN BUCKEYE	X	X	X	X	X	X	X	X	X	X	X		X
	POSSUMHAW HOLLY	X	X	X	X	X	X	X	X	X	X	X	X	X
	SHANTUNG MAPLE	X	X	X	X	X	X	X	X	X	X	X		X
	FLAME LEAF SUMAC	X	X	X	X	X	X	X	X	X	X	X		X
	YAUPON HOLLY	X	X	X	X	X	X	X	X	X	X	X		X

NOTES: NON: NON-OVERLAY DISTRICTS; XERI: XERISCAPE; REC: RECLAMATION/TREE PRESERVATION

PROHIBITED TREE LIST: [*1*] CATALPA (CATALPA SP.); [*2*] HACKBERRY; [*3*] SUGARBERRY (CELTIS SP.); [*4*] HONEYLOCUST (GLEDITSIA TRIACANTHOS) ; [*5*] TULIP TREE (LIRIODENDRON TULIPIFERA); [*6*] CHINABERRY (MELIA AZEDARACH); [7] SYCAMORE (PLATANUS OCCIDENTALIS); [*8*] COTTONWOOD, POPLAR (POPULUS SP.); [*9*] WILLOWS (SALIX SP.); ~~[*10*] AMERICAN ELM (ULMUS AMERICANA); [*11*] SIBERIAN ELM (ULMUS PUMILIA);~~ [*1210*] JERUSALEM THORN/PETUMA (PARKINSONIA ACULEATA); [*1311*] BOIS D'ARC (MACLURA POMIFERA); [*1412*] FLOWERING CRABAPPLE VARIETIES (MALUS SP.); ~~[*15*] GINKO TREE (GINKO BILOBA);~~ [*1613*] PEACH/PLUM VARIETIES; [*1716*] MULBERRY VARIETIES (MORUS SP.); ~~[*18*] TEXAS MOUNTAIN LAUREL (SOPHORA SECUNDIFLORA) ; [*19*] LILAC CHASTE TREE (VITEX AGNUSCASTUS)~~; [*2017*] PINE TREE VARIETIES (PINUS SO.); ~~[*2118*]~~ SILVER MAPLE (ACER SACCHARINUM); ~~[*2219*]~~ BOX ELDER (ACER NEGUNDO) ; [*23*] MIMOSA (ALBIZIA JULIBRISSIN) ; [*24*] CATALPA (CATALPA SP.).

DRAFT ORDINANCE 04-30-2024

SECTION 04 | RECOMMENDED TREE VARIETIES (CANOPY AND ACCENT TREES)

The following information concerning the City's recommended trees was obtained from the Texas A&M Forest Service, Texas *Tree Planting Guide* and all illustrations were provided courtesy of Texas A&M Forest Service *Copyright by Robert O'Brien.*

AFGHAN PINE

LATIN NAME: PINUS ELDARICA
SECONDARY NAMES: ELDARICA PINE, MONDEL PINE

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *35' TO 50'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: RAPID
- *NATIVE*: AFGHANISTAN AND CENTRAL ASIA
- *SOIL NEEDS*: REQUIRES WELL DRAINED, DRY SOILS
- *TOLERANCES*: SALTY SOIL, DROUGHT, ALKALINE SOILS [*PH > 7.5*]
- *FEATURES*: SOFT, GREEN NEEDLES FORM A DENSE CANOPY
- *USES*: SCREENING AND WINDBREAKS
- *FIREWISE*: NO
- *ISSUES*: THE PINE TIP MOTH CAN KILL NEW SHOOTS AND RUIN THE SHAPE OF THE TREE. THE TREE IS NOT TOLERANT OF WET SITES.
- *SIMILAR SPECIES*: ALEPPO PINE (*PINUS HALAPENSIS*)

BALD CYPRESS

LATIN NAME: TAXODIUM DISTICHUM
SECONDARY NAMES: BALDCYPRESS

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 70'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: WILL GROW IN A VARIETY OF SOILS
- *TOLERANCES*: DROUGHT AND POORLY DRAINED SITES
- *FEATURES*: DECIDUOUS CONIFER WITH FEATHER-LIKE LEAVES, ROUND SEED BALLS, AND FIBROUS BARK
- *USES*: DETENTION AREAS AND POORLY DRAINED AREAS
- *FIREWISE*: YES
- *ISSUES*: WOODY 'KNEES' AND BAGWORMS
- *SIMILAR SPECIES*: MONTEZUMA BALCYPRESS (*TAXODIUM MUCRONATUM*)

BUR OAK

LATIN NAME: QUERCUS MACROCARPA
SECONDARY NAMES: MOSSY CUP OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 60'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE TO RAPID
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, PREFERS DEEPER SOIL
- *TOLERANCES*: SALTY SOIL, DROUGHT, ALKALINE SOILS [*PH > 7.5*]
- *FEATURES*: UNIQUE LEAF SHAPE, LARGEST ACORN OF ANY OAK
- *USES*: DROUGHT TOLERANT TREE
- *FIREWISE*: YES
- *ISSUES*: ACORNS AND LEAVES CAN CREATE SIGNIFICANT CLEAN-UP.
- *SIMILAR SPECIES*: WHITE OAK (QUERCUS ALBA)

DRAFT ORDINANCE 04.30.2024

CADDO MAPLE

LATIN NAME: ACER SACCHARUM 'CADDO'
SECONDARY NAMES: ELDARICA PINE, MONDEL PINE

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 60'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: SLOW TO MEDIUM
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: ROCKY & ALKALINE SOILS AND DROUGHT TOLERANT
- *FEATURES*: MEDIUM TREE WITH A ROUNDED APPEARANCE, DARK GREEN FOLIAGE THAT CHANGES TO A GOLDEN COLOR IN THE FALL.
- *FIREWISE*: YES
- *ISSUES*: AVAILABILITY
- *SIMILAR SPECIES*: SUGAR MAPLE (A. SACCHARUM)

CEDAR ELM

LATIN NAME: ULMUS CRASSIFOLIA
SECONDARY NAMES: TEXAS ELM

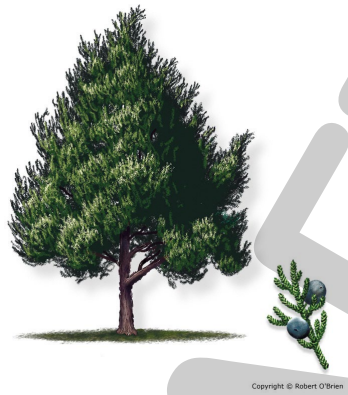
- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *70' TO 90'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ALKALINE ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: LUSTROUS DARK GREEN LEAVES THAT ARE STIFF AND ROUGH TO THE TOUCH
- *USES*: LANDSCAPE TREE, PARKING LOT/STREET TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS, MINOR LEAF BEETLE & DUTCH ELM DISEASE
- *SIMILAR SPECIES*: WINGED ELM (*ULMUS ALATA*)

CHINQUAPIN OAK

LATIN NAME: QUERCUS MUEHLENBERGII
SECONDARY NAMES: CHINKAPIN OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: SLOW TO MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, ALKALINE SOILS
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: YELLOW-GREEN LEAVES W/ SMALL ACORNS (~3/4" LONG)
- *USES*: SHADE TREE
- *FIREWISE*: YES
- *ISSUES*: SENSITIVE ROOT SYSTEM; AS LITTLE AS ONE (1) INCH OF FILL DIRT CAN HURT THE TREE.
- *SIMILAR SPECIES*: SWAMP CHESTNUT OAK (QUERCUS MICHAUXII)

DRAFT ORDINANCE 04.30.2024



EASTERN RED CEDAR

LATIN NAME: JUNIPERUS VIRGINIANA VAR. VIRGINIANA
SECONDARY NAMES: PENCIL CEDAR

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *30' TO 50'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: MEDIUM
- *NATIVE*: EASTERN NORTH AMERICA
- *SOIL NEEDS*: ACIDIC, ALKALINE, LOAMY, WELL-DRAINED AND CLAY
- *TOLERANCES*: DROUGHT, EROSION, DRY SOIL, SHALLOW ROCKY AREAS
- *FEATURES*: SCALE-LIKE EVERGREEN LEAVES COMPACTED TO FORM ROUNDED FOUR (4) SIDED BRANCLETS.
- *USES*: WINDBREAKS AND FENCE ROWS, SCREENING TREE
- *FIREWISE*: NO
- *ISSUES*: CEDAR APPLE RUST AND BAGWORMS.
- *SIMILAR SPECIES*: SOUTHERN REDCEDAR (JUNIPERUS VIRGINIANA VAR. SILICICOLA) AND ROCKY MOUNTAIN JUNIPER (J. SCOPULORUM)

HOMESTEAD ELM

LATIN NAME: ULMUS 'HOMESTEAD'

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 60'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: DARK GREEN LEAVES THAT TURN BLEACH YELLOW IN THE FALL AND GREENISH TINY MULTI FLOWERED PENDULOUS RACEMES IN SPRING.
- *USES*: SHADE TREE
- *FIREWISE*: YES
- *ISSUES*: RESISTANT TO DUTCH ELM DISEASE BUT SUSCEPTIBLE TO ELM LEAF BEATLE.
- *SIMILAR SPECIES*: N/A. THE HOMESTEAD ELM IS A HYBRID.

LACEBARK ELM

LATIN NAME: ULMUS PARVIFOLIA

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *35' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: CHINA, JAPAN AND KOREA
- *SOIL NEEDS*: ADAPTABLE, PREFERS WELL DRAINED SOILS
- *TOLERANCES*: DROUGHT, ALKALINE SOILS [*PH* > 7.5]
- *FEATURES*: VARIABLE FALL COLOR; INTERESTING BARK TEXTURE.
- *FIREWISE*: YES
- *ISSUES*: REQUIRES PRUNING TO DEVELOP A STRONG BRANCH STRUCTURE.
- *SIMILAR SPECIES*: SIBERIAN ELM (*ULMUS PUMILA*) AND JAPANESE ZELKOVA (*ZELKOVA SERRATA*)

DRAFT ORDINANCE 04.30.2024

LEYLAND CYPRESS

LATIN NAME: X CUPRESSOCYPARIS LEYLANDII
SECONDARY NAMES: CYPRESS

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *60' TO 70'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: RAPID
- *NATIVE*: ENGLAND AND EUROPE
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: DROUGHT AND POOR SOIL
- *FEATURES*: DECIDUOUS CONIFER WITH FEATHER-LIKE LEAVES, ROUND SEED BALLS, AND FIBROUS BARK
- *USES*: SCREENING, WINDBREAKS, AND NON-RESIDENTIAL LANDSCAPING
- *FIREWISE*: NO
- *ISSUES*: BAGWORMS AND SPIDER MITES
- *SIMILAR SPECIES*: MONTEZUMA BALDCYPRESS (TAXODIUM MUCRONATUM)

LITTLE GEM MAGNOLIA

LATIN NAME: MAGNOLIA GRANDIFLORA 'LITTLE GEM'
SECONDARY NAMES: LARGE-FLOWERED MAGNOLIA

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *15' TO 20'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: MODERATE
- *NATIVE*: SOUTHEAST UNITED STATES
- *SOIL NEEDS*: WELL DRAINED SOIL
- *TOLERANCES*: MODERATE DROUGHT, SALT AND SOIL VARIATION
- *FEATURES*: LARGE LEATHERY, DARK GREEN AND GLOSSY LEAVES WITH CUP SHAPED, WHITE FLOWERS AND OVAL AGGREGATION OF SEED PODS 3"-4" LONG.
- *USES*: SHADE AND LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: NO MAJOR PROBLEMS
- *SIMILAR SPECIES*: SWEETBAY MAGNOLIA (MAGNOLIA VIRGINIANA)

LIVE OAK

LATIN NAME: QUERCUS VIRGINIANA
SECONDARY NAMES: COAST LIVE OAK, SOUTHERN LIVE OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 50'*
- *LEAF TYPE*: *EVERGREEN/SEMI EVERGREEN*
- *GROWTH RATE*: MODERATELY FAST
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, ACIDIC, ALKALINE, CLAY, LOAMY AND WELL DRAINED
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: GREEN TO DARK GREEN LEAVES WITH SMALL ACORNS ABOUT ¾-INCH LONG AND BORNE SINGLY OR IN CLUSTERS UP TO FIVE.
- *FIREWISE*: YES
- *ISSUES*: LEAF BLISTER AND FUNGAL GALL
- *SIMILAR SPECIES*: TEXAS LIVE OAK (QUERCUS FUSIFORMIS)

DRAFT ORDINANCE 04.30.2024

OCTOBER GLORY MAPLE

LATIN NAME: ACER RUBRUM 'OCTOBER GLORY'

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE TO RAPID
- *NATIVE*: NORTH AMERICA
- *SOIL NEEDS*: ADAPTABLE; PREFERS SLIGHTLY ACIDIC SOIL
- *TOLERANCES*: MODERATE DROUGHT TOLERANCE
- *FEATURES*: SOFT, GREEN NEEDLES FORM A DENSE CANOPY
- *USES*: SHADE TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS AND LEAF SCORCH
- *SIMILAR SPECIES*: CHALK MAPLE (ACER LEUCODERME)

PECAN

LATIN NAME: CARYA ILLINOINENSIS
SECONDARY NAMES: PECAN HICKORY

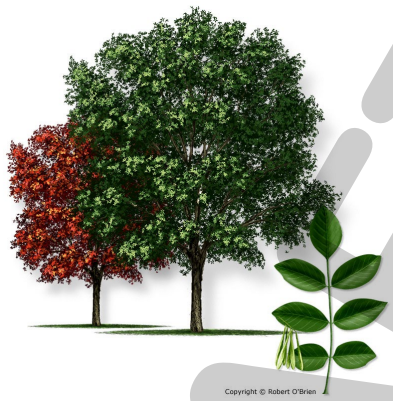
- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 70'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, PREFERS DEEP MOIST SOIL
- *TOLERANCES*: DROUGHT, SALTY SOIL, POORLY DRAINED SOIL, ALKALINE SOILS [*PH>7.5*]
- *FEATURES*: NUTS ARE IN IMPORTANT WILDLIFE FOOD; MATURE CROWN IS OPEN AND AIRY.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS, BRITTLE WOOD; SUSCEPTIBLE TO INSECTS
- *SIMILAR SPECIES*: WATER HICKORY (CARYA AQUATICA) & BLACK WALNUT (JUGLANS NIGRA)

RED OAK

LATIN NAME: QUERCUS FALCATA
SECONDARY NAMES: SOUTHERN RED OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *30' TO 55'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: TEXAS
- *SOIL NEEDS*: AVOID PH>7.5; ANY TEXTURE; PREFERS GOOD DRAINAGE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: YOUNG TREES HAVE 'CANDLEABRA' SHAPE; FALL COLOR IS ORGANGE TO DEEP RED
- *FIREWISE*: YES
- *ISSUES*: OAK WILT
- *SIMILAR SPECIES*: BLACK OAK (QUERCUS VELUTINA)

DRAFT ORDINANCE 04.30.2024



TEXAS ASH

LATIN NAME: FRAXINUS TEXENSIS
SECONDARY NAMES: MOUNTAIN ASH

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *35' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID (BUT VARIABLE)
- *NATIVE*: EAST AND CENTRAL TEXAS
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: MEDIUM SIZED TREE WITH GREEN OR PURPLE FLOWERS AND SMALL WOODY WINGED SAMARA IN LONG PANICLES.
- *FIREWISE*: YES
- *ISSUES*: POOR DRAINAGE LEADS TO ROOT DISEASES
- *SIMILAR SPECIES*: CAROLINA ASH (FRAXINUS CAROLINIANA) AND GREGG ASH (F. GREGGII)

TEXAS RED OAK

LATIN NAME: QUERCUS BUCKLEYI
SECONDARY NAMES: BUCKLEY OAK, TEXAS RED OAK, SPANISH OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *30' TO 55'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: CENTRAL TEXAS
- *SOIL NEEDS*: ALKALINE ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: MEDIUM TREE WITH REDDISH-BROWN CATKINS/ACORNS AND SLENDER, DARK GREEN LEAVES THAT TURN RED IN THE FALL.
- *FIREWISE*: YES
- *ISSUES*: OAK WILT
- *SIMILAR SPECIES*: SHUMARD OAK (QUERCUS SHUMARDII)

DESERT WILLIOW

LATIN NAME: CHILOPSIS LINEARIS
SECONDARY NAMES: DESERT-WILLOW

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *15' TO 20'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MEDIUM
- *NATIVE*: WEST TEXAS
- *SOIL NEEDS*: ADAPTABLE, ACIDIC, LOAMY AND WELL DRAINED SOIL
- TOLERANCES: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: MULTI-TRUNKED, WELL BRANCHED AND THICK GROWTH
- *USES*: PRIMARILY A LANDSCAPE TREE; XERISCAPING
- *FIREWISE*: YES
- *ISSUES*: SUSCEPTIBLE TO ALTERNERIA LEAF SPOT
- *SIMILAR SPECIES*: FLOWERING WILLOW, WILLOWLEAF CATALPA, DESERT CATALPA, FLOR DE MIMBRE, MIMBRE, BOW WILLOW

DRAFT ORDINANCE 04.30.2024

DOWNY HAWTHORN

LATIN NAME: CRATAEGUS MOLLIS
SECONDARY NAMES: A VARIETY OF COMMON NAMES OFTEN ENDING IN "HAW" – ARE USED FOR THE INDIVIDUAL HAWTHORN SPECIES

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *20' TO 30'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: SLOW
- *NATIVE*: EASTERN AND CENTRAL UNITED STATES AND CANADA
- *SOIL NEEDS*: REQUIRES WELL DRAINED, DRY SOILS
- *TOLERANCES*: DRY SOIL AND DROUGHT
- *FEATURES*: SMALL TREE WITH CLUSTERS OF WHITE FLOWERS AND BRIGHT RED BERRY FRUIT.
- *USES*: LANDSCAPING
- *FIREWISE*: YES
- *ISSUES*: SUSCEPTIBLE TO SEVERAL LEAF DISEASES
- *SIMILAR SPECIES*: RIVER BIRCH (BETULA NIGRA) & GUM BULLY (SIDEROXYLON LANUGINOSUM)

EASTERN REDBUD

LATIN NAME: CERCIS CANADENSIS VAR. CANADENSIS
SECONDARY NAMES: JUDAS-TREE

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *20' TO 30'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MEDIUM
- *NATIVE*: EAST TEXAS
- *SOIL NEEDS*: ALKALINE, ACIDIC, LOAMY, SANDY AND WELL DRAINED
- *TOLERANCES*: CLAY SOILS AND VERY HIGH HEAT
- *FEATURES*: SMALL TREE WITH PINK AND PURPLE, ROSE-PURPLE OR WHITE BLOOMS AND SMALL FLATTENED PODS WITH BROWN SEEDS.
- *USES*: WILDLIFE AND LANDSCAPING
- *FIREWISE*: YES
- *ISSUES*: LEAF SPOTS, DIEBACK/CANKER, AND VERTICILLIUM WILT
- *SIMILAR SPECIES*: REDBUD

EVE'S NECKLACE

LATIN NAME: SOPHORA AFFINIS
SECONDARY NAMES: TEXAS SOPHORA, EVE'S-NECKLACEPOD

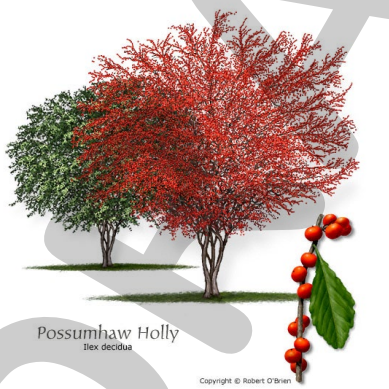
- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *15' TO 35'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: FAST (*GENERALLY SLOWS AT 15'*)
- *NATIVE*: CENTRAL TEXAS
- *SOIL NEEDS*: ALKALINE ADAPTABLE
- *TOLERANCES*: VERY HIGH HEAT
- *FEATURES*: SMALL TREE WITH PALE TO ROSY PINK FLOWERS THAT BLOOM IN THE SPRING AND LONG BLACK SEGMENTED SEEDPODS.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: NO PROBLEMS REPORTED
- *SIMILAR SPECIES*: BLACK LOCUST (ROBINIA PSEUDOACACIA)

DRAFT ORDINANCE 04.30.2024

MEXICAN BUCKEYE

LATIN NAME: UNGNADIA SPECIOSA

- CITY TREE CLASSIFICATION: ACCENTTREE
- MATURE HEIGHT: 15' TO 30'
- LEAF TYPE: DECIDUOUS
- GROWTH RATE: MODERATE
- NATIVE: TEXAS
- SOIL NEEDS: NEUTRAL ALKALINE
- TOLERANCES: DROUGHT, ALKALINE SOILS [PH > 7.5]
- FEATURES: PINK FLOWERS APPEAR WITH NEW LEAVES; BROWN FRUIT HUSKS REMAIN THROUGH WINTER.
- USES: LANDSCAPE OR SPECIMEN TREE
- FIREWISE: YES
- ISSUES: REQUIRES PRUNING TO DEVELOP ONE OR MORE TRUNKS.
- SIMILAR SPECIES: MONILLO, MONA, TEXAS BUCKEYE, SPANISH BUCKEYE, FALSE BUCKEYE, CANYON BUCKEYE



POSSUMHAW HOLLY

LATIN NAME: ILEX DECIDUA
SECONDARY NAMES: POSSUMHAW (DECIDUOUS HOLLY)

- CITY TREE CLASSIFICATION: ACCENT TREE
- MATURE HEIGHT: 8' TO 10' (OCCASIONALLY 20')
- LEAF TYPE: DECIDUOUS
- GROWTH RATE: SLOW
- NATIVE: TEXAS
- SOIL NEEDS: ADAPTABLE
- TOLERANCES: DROUGHT, POORLY DRAINED SITES, ALKALINE SOILS [PH>7.5]
- FEATURES: ORANGE OR RED BERRIES ON GRAY BRANCHES.
- USES: LANDSCAPE TREE AND DETENTION TREE
- FIREWISE: YES
- ISSUES: THIN BARK SUSCEPTIBLE TO INJURY
- SIMILAR SPECIES: BEARBERRY, MEADOW HOLLY, PRAIRIE HOLLY, SWAMP HOLLY, WELK HOLLY, WINTERBERRY

SHANTUNG MAPLE

LATIN NAME: ACER TRUNCATUM
SECONDARY NAMES: SHANDONG MAPLE, PURPLEBLOW MAPLE

- CITY TREE CLASSIFICATION: ACCENT TREE
- MATURE HEIGHT: 25' TO 35'
- LEAF TYPE: DECIDUOUS
- GROWTH RATE: RAPID
- NATIVE: NORTHERN CHINA
- SOIL NEEDS: LOAM, SANDY AND CLAY (ADAPTABLE)
- TOLERANCES: MODERATE DROUGHT
- FEATURES: MEDIUM SIZED TREE WITH DARK GREEN, GLOSSY LEAVES THAT CHANGE TO YELLOW ORANGE/BRIGHT RED IN THE FALL.
- FIREWISE: NO
- ISSUES: LEAF SPOT AND LEAF SCORCH
- SIMILAR SPECIES: JAPANESE MAPLES

DRAFT ORDINANCE 04.30.2024

FLAMELEAF SUMAC

LATIN NAME: RHUS LANCEOLATA
SECONDARY NAMES: PRAIRIE SUMAC, PRAIRIE FLAMELEAF SUMAC

- *CITY TREE CLASSIFICATION: ACCENT TREE*
- *MATURE HEIGHT: 40' TO 50'*
- *LEAF TYPE: DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: NEUTRAL ALKALINE
- *TOLERANCES*: DROUGHT, ALKALINE SOILS [*PH* > 7.5]
- *FEATURES*: COMPOUND LEAVES TURN BRIGHT RED IN FALL; WHITE FLOWER SPIKES BEAR RED CLUSTERS OF BERRIES.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: REQURIES PRUNING TO DEVELOP ONE OR MORE TRUNKS.
- *SIMILAR SPECIES*: TEXAS SUMAC, LANCE-LEAVED SUMAC, LIMESTONE SUMAC AND PRAIRIE SHINING SUMAC

YAPON HOLLY

LATIN NAME: ILEX VOMITORIA
SECONDARY NAMES: YAUPON, CASSINA

- *CITY TREE CLASSIFICATION: ACCENT TREE*
- *MATURE HEIGHT: 10' TO 20'*
- *LEAF TYPE: EVERGREEN*
- *GROWTH RATE*: SLOW
- *NATIVE*: SOUTHEAST UNITED STATES (TEXAS)
- *SOIL NEEDS*: WELL DRAINED, SANDY, LOAMY, CLAY AND LIMESTONE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: SMALL TREE WITH INCONSPICUOUS LIGHT GREEN BLOOMS AND RED BERRY LIKE DRUPE.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS, MINOR LEAF BEETLE & DUTCH ELM DISEASE
- *SIMILAR SPECIES*: EVERGREEN CASSENA, EMETIC HOLLY, INDIAN BLACK DRINK

DRAFT ORDINANCE 04.30.2024

SECTION 05 | RECOMMENDED SHRUB VARIETIES

The following are the City of Rockwall's recommended shrub varieties.

	SHRUB	SCIENTIFIC NAME	SCR	XERI	
3	BARBERRY	BERBERIS THUMBERGII 'CRIMSON PYGMY'			SMALL SHRUBS
8	DWARF YAUPON HOLLY	ILEX VOMITORIA 'NANA'			
10	YUCCA	YUCCA SP.		X	
16	JUNIPER	JUNIPERUS SP.			
17	JAPANESE BOXWOOD	BUXUS JAPONICA			
20	MEXICAN OREGANO	POLIOMENTHA LONGIFLORA			
24	RED YUCCA	HESPERALOE PARVIFOLIA		X	
25	ROCK ROSE	PAVONIA LASIOPETALA		X	
1	AGARITA	MAHONIA TRIFOLIOLATA		X	MEDIUM SHRUBS
2	BARBERRY	BERBERIS ATROPURPUREA 'ROSE GLOW'			
5	CENIZO (TEXAS SAGE)	LEUCOPHYLLUM SP.	X	X	
7	DWARF BURFORD HOLLY	ILEX CORNUTA 'BURFORDII NANA'	X		
14	HOGPLUM	COLUBRINA TEXENSIS			
15	INDIAN HAWTHORN	RAPHIOLEPIS INDICA			
19	JAPANESE QUINCE	CHAENOMELES JAPONICA			
23	PEARL BUSH	EXOCHORDA GIRALDII WILSONII			
27	ROSEMARY	ROSMARINUS OFFICINALIS		X	
28	VIRGINIA SWEETSPIRE	ITEA VIRGINICA			LARGE SHRUBS
4	BRIDAL WREATH SPIREA	SPIRAEA CANTONIENSIS	X	X	
6	CHINESE FRINGE	LOROPETALUM CHINENSE	X		
9	ELAEGNUS	ELAEAGNUS X EBBINGEI	X		
11	EVERGREEN SUMAC	RHUS VIRENS			
12	FORSYTHIA	FORSYTHIA INTERMEDIA 'SPECTABILIS'			
13	GLOSSY ABELIA	ABELIA X GRADIFLORA			
18	JAPANESE CLEYERA	CLEYERA TERNSTROEMIA GYMNANTHERA			
21	NELLIE STEVENS HOLLY	ILEX 'NELLIE R. STEVENS'	X		
22	OLEANDER	NERIUM OLEDANDER	X		
26	ROSE OF SHARON	HIBISCUS SYRIACUS	X		

NOTES: XERI: XERISCAPE; SCR: SCREENING

DRAFT
04.2024

SECTION 06 | RECOMMENDED GRASSES

The following are the City of Rockwall's recommended grass varieties.

	GRASS	SCIENTIFIC NAME	XERI
1	BERMUDA GRASS	CYNODON DACTYLON	
2	BIG BLUESTEM	ANDROPOGON GERARDII	X
3	BUFFALO GRASS	BUCHLOE DACTYLOIDES	X
4	DEER MUHLY	MUHLENBERGIA RIGENS	
5	EASTERN GAMAGRASS	TRIPSACUM DACTYLOIDES	X
6	FOUNTAIN GRASS	PENNISETUM ALOPERCUROIDES 'HAMELIN'	
7	FEATHER REED GRASS	CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER'	
8	INLAND SEAOATS	CHASMANTHIUM LATIFOLIUM	X
9	JAPANSES BLOOD GRASS	IMPERATA CYLINDRICA 'RED BARON'	
10	LITTLE BLUESTEM	SCHIXACHYRIUM SCOPARIUM	X
11	MAIDEN GRASS	ADAGIO, CABARET, GRACILLIMUS, MORINING LIGHT, VARIGATUS, ZEBRA GRASS	X
12	MEXICAN FEATHER GRASS	STIPA TENUISSIMA 'PONY TAILS'	X
13	MUHLY GRASS	MUEHELENBERGIA LINDHEIMERI	X
14	PRAIRIE MIX	N/A	X
15	PRAIRIE DROPSEED	SPOROBOLUS HETEROLEPSIS	
16	ST. AUGUSTINE GRASS	STENOTAPHRUM SECUNDATUM	X
17	SWITCH GRASS	PANICUM VIRGATUM	X
18	WEEPING LOVE GRASS	ERAGROSTIS CURVULA	X

SECTION 07 | ALTERNATIVE PLANTING LIST

The following list shows all alternative plant types permitted by the City of Rockwall since the adoption of this Appendix C, *Landscape Guidelines*, of the Unified Development Code (UDC).

Trees.

Shrubs.

Grasses.

Bermudagrass: Tif Tuf, Tahoma 31, Celebration and Tifway 419

Zoysia Grass: Zeon, Jamur, Emerald, and Palisades

Formatted: Font: Italic, Underline

DRAFT ORDINANCE 04.30.2024

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

TO:	Planning and Zoning Commission
FROM:	Ryan Miller, *Director of Planning and Zoning*
DATE:	May 14, 2024
SUBJECT:	Z2024-017; *Amendment to the Unified Development Code (UDC)*

The current version of the Unified Development Code (UDC) was adopted on February 3, 2020 by *Ordinance No. 20-02* (*i.e. Case No. Z2019-028*). Since its adoption, there have been 17 amendments to the Unified Development Code (UDC) intended to address various single item issues (*e.g. Short-Term Rentals, Credit Access Businesses, Alcoholic Beverage Stores, etc.*); however, staff has not performed a review of the entire document over the last four (4) years. The importance of reviewing the entire document -- *beyond simply addressing sentence structure and grammatical errors* -- is to: [*1*] ensure that the incorporation of new requirements and language into the document have not created conflicting references, [*2*] adjust the language and requirements to ensure the intent of each prerequisite is clearly conveyed, and [*3*] address any deficiencies identified by staff in administering the criterion contained within the document. The need to constantly improve and change the Unified Development Code (UDC) is one of the main reasons that a zoning code is referred to as a *Living Document*. Based on this need -- *and in accordance with Subsection 02.01(C)(3) of Article 11, Development Review Procedures, of the Unified Development Code (UDC)* --, staff has prepared a comprehensive review of the Unified Development Code (UDC), and is proposing several changes. The following is a summary of all of the changes being proposed by staff for each section of the Unified Development Code (UDC). Where applicable, staff has also included an explanation of why each change has been identified and the potential significance or impacts of the change.

HIGHLIGHTED: Additional changes to the Unified Development Code (UDC) added since the April 30, 2024 Planning and Zoning Commission Work Session Meeting.

ARTICLE 03. ZONING DISTRICT AND MAPS

(1) *Official Zoning Map*. Changed the reference from *Office Zoning Map* to *Official Zoning Map* as this is the term used to describe the zoning map in other planning related documents.

(2) *Zoning Upon Annexation*. Staff amended Section 06, *Zoning Upon Annexation*, to remove the reference stating that the Planning and Zoning Commission initiates zoning after a property is annexed. This section was not reflective of the process the City uses to annex property. Under the City's current process for annexation, a property is annexed and zoned Agricultural (AG) District, which is an interim zoning classification. The property is then permitted to remain in the Agricultural (AG) District until a conforming zoning case is brought forward by the property owner.

ARTICLE 04. PERMISSIBLE USES

(1) *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit*. The *Operational Conditions* for the *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* land use were amended to clarify that these types of structures cannot contain kitchens or food preparation facilities (*i.e. they cannot contain all the qualifications of a dwelling unit*). This is already the practice of the City to ensure that multiple dwelling units are not established on a single-family residential lot.

(2) *Private Sports Court with Standalone or Dedicated Lighting*. Staff changed the *Private Tennis Court* land use to a *Private Sports Court with Standalone or Dedicated Lighting* land use. In making this change, several *Operational Conditions* were also added to the land use, including: [*1*] a clarification that this land use excludes basketball courts or similar sports facilities that are attached to the primary structure or that make use of an existing residential driveway; [*2*] the standalone court needs to be behind the primary structure, outside of any easements, and be setback a minimum of ten (10) feet from each property line; and [*3*] any dedicated lighting associated with the court shall be a maximum of 14-feet in height, and be fully shielded and directed downward towards the court. Staff also changed where this land use was permitted in both residential

and commercial zoning districts. Specifically, the proposed amendment allows the land use *by-right* in all Single-Family Estate (SFE) Districts and the Multi-Family 14 (MF-14) District, leaving the Specific Use Permit (SUP) requirement in all other Single-Family (SF) Districts and the Residential Office (RO) District. In commercial zoning districts, the amendment adds a *by-right* allowance for the General Retail (GR) District, Commercial (C) District, Heavy Commercial (HC) District, and Light Industrial (LI) District.

The purpose of the proposed changes is to address multiple issues staff has identified in the current code requirements. First, there have recently been two (2) cases of pickleball courts being constructed on residential properties in association with *Short-Term Rentals*. Under the current code requirements, a property owner was able to put in a standalone basketball court with dedicated lighting *by-right*, but required a Specific Use Permit (SUP) when installing a tennis court or pickleball court with dedicated lighting. This was required despite each of these land uses having similar impacts to the adjacent properties. Second, the code required the Specific Use Permit (SUP) indiscriminately across the single-family zoning districts without accounting for the size of the property. As with many land uses, a larger Single-Family Estate (SFE) District property is better suited to accommodate additional land uses without causing negative extraneities to adjacent properties; whereas, smaller Single-Family (SF) District properties have less land area to diminish the negative aspects of the land use. Finally, there has recently been an increasing number of non-residential properties proposing to install pickleball courts or other outdoor sports amenities for their employees. Under the current code, there is no easy mechanism to facilitate these requests. The proposed code amendment seeks to remedy these issues.

(3) *Daycare with Seven (7) or More Children*. In response to a recent case concerning a variance request to the materials for a fence for a daycare facility, the Planning and Zoning Commission raised questions about the zoning code not having requirements for the screening of the playground and splashpad areas associated with these land uses. To address this, staff is proposing to add an *Operational Condition* to the *Daycare with Seven (7) or More Children* land use that will require mature evergreen shrubs be incorporated around these areas to provide screening.

(4) *Retail Store with Gasoline Sales*. Under the current code there is no *Operational Conditions* for the *Retail Store with Gasoline Sales* land use. One (1) of the design related items that staff requests on all new gas stations is that the fuel vents associated with the fuel storage tanks be located within the gas canopy as opposed to being vented in the front of the facility, which is common of older gas station design. These vents are typically hard to screen and can be unsightly when located in the landscape buffer or parking areas. Based on this staff added an *Operational Condition* that would require these vents to be incorporated into the gas canopy of any new gas station facilities.

(5) *Commercial Antennas and Wireless Communication Towers*. Under the City's current Unified Development Code (UDC), the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, have multiple land uses that deal with wireless communication towers. Specifically, these land uses are *Antenna as an Accessory*, *Commercial Antenna*, *Commercial Freestanding Antenna*, *Mounted Commercial Antenna*, and *Wireless Communication Tower*. Looking under the definitions for these land uses contained in Article 13, *Definitions*, of the Unified Development Code (UDC), there appears to be overlap with regard to what each of these land uses are intended to be. In addition, there does not appear to be any continuity between which zoning districts these land uses are permitted (*i.e. some of these land uses are allowed by-right in certain zoning districts, while other land uses require a Specific Use Permit [SUP] or prohibit the land use in the same zoning district*). To correct these issues staff is proposing to change the *Permissible Use Charts* to [*1*] remove the *Commercial Antenna* and *Wireless Communication Tower* land uses; [*2*] change the *Antenna as an Accessory* land use to *Antenna for Residential Properties*, allow it as an accessory land use in all single-family zoning districts, and prohibit it in all non-residential zoning districts; [*3*] change the *Commercial Freestanding Antenna* land use to *Freestanding Commercial Antenna (i.e. Monopole or a Similar Structure)*; and [*4*] change the *Mounted Commercial Antenna* land use to *Mounted or Attached Commercial Antenna*. In addition, staff consolidated the *Operational Conditions* for all of the removed and redefined land uses. This also involved removing the Subsection 03.06, *Antennas*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) -- *which was previously used as a catch all section and did not pertain to any single land use* --, and consolidated these standards into the *Operational Conditions* for each land use. Finally, staff created a carveout for establishing the *Freestanding Commercial Antenna (i.e. Monopole or a Similar Structure)* land use on public property or public parkland regardless of zoning designation. The purpose of this carveout is to acknowledge that these types of facilities are typically done through contracts/agreements that are approved by the City Council or the School Board for the Rockwall Independent School District. Through the proposed changes staff is confident that the consolidated set of standards provides clearer direction for these types of facilities.

(6) *Commercial Drone Delivery Hub*. In response to recent requests from certain businesses in the City, staff has added a *Commercial Drone Deliver Hub* land use. This land use will allow for *Drone Delivery Hubs* to be added as an accessory land use to existing commercial/industrial businesses in the Commercial (C), Heavy Commercial (HC), and Light Industrial (LI) Districts, and as a standalone land use in the Heavy Commercial (HC) and Light Industrial (LI) Districts; however, it can only be established through a Specific Use Permit (SUP) in these districts. In addition, staff has established *Operational Conditions* that address the size, location and screening requirements for the *Drone Staging Area*, and that stipulate these areas are required to be delineated on an approved site plan. For a *Commercial Drone Delivery Hub* as an *Accessory Land Use*, staff also granted a provision that would allow for a reduction in the parking requirements of up to ten (10) percent. This was done to allow these types of facilities to be incorporated into the parking areas of existing commercial/industrial buildings.

ARTICLE 05. DISTRICT DEVELOPMENT STANDARDS

(1) *Determining Lot Width and Depth for an Irregularly Shaped Lot*. Staff added an exhibit better explaining how lot width and depth are calculated on an irregular shaped lot, and how the buildable area for an irregular shaped lot is calculated. This is being done as a further clarification of the City's requirements, and to prevent future inconsistent development.

(2) *Monument Signage in the Downtown (DT) and Residential-Office (RO) Districts*. Staff clarified the signage requirements in the Downtown (DT) and Residential-Office (RO) Districts stipulating that they shall conform to the requirements of the North Goliad Corridor Overlay (NGC OV) District. This change is being made to create continuity between these districts, which are generally adjacent to each other.

(3) *Landscape Buffers in the General Overlay District Standards*. Staff clarified the definition of *Primary Roadways* for landscape buffers to include any roadway that is depicted on the City's Master Thoroughfare Plan as contained in the OURHometown Vision 2040 Comprehensive Plan. The purpose of this clarification is tied to discussions between staff and applicants of cases in the City's Overlay Districts that are proposing development or redevelopment on property that have frontages on more than one (1) roadway.

(4) *Clarifications to the Residential District Development Standards*. Staff amended the table in Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) to: [*1*] define where and how lot width is to be measured, [*2*] better define the lot size required to construct a single-family home on a property zoned Agricultural (AG) District, and [*3*] add a note specifically stating that the minimum square footage for a dwelling unit is defined as conditioned space only. Per comments from the Planning and Zoning Commission, staff has also clarified the minimum square footage requirements for passive housing.

(5) *Required Distance Between Buildings for Non-Residential Zoning Districts*. Staff included changes that increased the distance between buildings from 15-feet to 20-feet in all of the City's non-residential zoning districts (*with the exception of the Heavy Industrial (HI) District, which already requires 25-feet*). The purpose of incorporating this change was to ensure that the Unified Development Code (UDC) was not less restrictive than the International Fire Code (IFC) and International Building Code (IBC), which both currently require 20-feet in most circumstances.

(6) *Greenhouses*. Staff amended the table in Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) to exempt greenhouses from being required to construct a permeant concrete foundation.

ARTICLE 06. PARKING AND LOADING

(1) *Calculation of Parking Spaces*. Changed the calculation of parking spaces from being counted to the *nearest* whole space to being *rounded up* to the nearest whole space. This change was made to provide clarity in how the City's parking calculations are tabulated after this question was raised by an applicant during the site plan review process.

ARTICLE 07. ENVIRONMENTAL PERFORMANCE

(1) *Lighting Exemptions*. The current zoning code uses lights with a light source of 15 watts or more as a standard way of exempting decorative lighting from certain requirements associated with shielding and glare; however, with the wider use

of LED lighting many light standards that shouldn't be exempted from the standards are using light sources that have blubs that use less than 15 watts. Based on this staff removed the reference to 15 watts.

ARTICLE 08. LANDSCAPE AND FENCE STANDARDS

(1) *Application of Article*. Staff clarified the applicability section of the *Article*. Specifically, staff added the word *existing* to the exemption for single-family and/or duplex land uses to show that the exemption only applies to existing single-family and duplex properties. Staff also added a statement of "(u)nless otherwise indicated in this *Article* …" as there are sections of the code that are applicable to existing single-family and duplex properties.

(2) *Artificial or Synthetic Plant Materials*. Recently, the Neighborhood Improvement Services (NIS) Division has been dealing with the unpermitted installations of artificial turf. In addition, the Planning and Zoning Commission has ruled on three (3) requests for exceptions associated with the application of artificial turf on residential properties. Under the City's current codes, there are two (2) references to the application of artificial turf: [*1*] the Unified Development Code (UDC) specifically prohibits the use of artificial or synthetic plant materials (*Subsection 04(B), Prohibited Planting Materials, of Article 08, Landscape and Fence Standards*), and [*2*] the City's *Engineering Standards of Design and Construction* state that all rights-of-way and easements shall be sodded in natural grass and that no artificial grass is permitted (*Subsection 3.06.05, Lot Development, and Subsection 4.02, Coverage*). Beyond the aesthetic issues of allowing artificial turf in the front yards of residential properties, it would be expensive for the City to allow artificial turf in easements and rights-of-way. The reason for this is that after the City disturbs a right-of-way or easement to service a utility line, the cost associated with returning the turfed area back to its original condition is exponentially higher than to simply reestablish natural grass. In addition, there are environmental impacts that need to be considered when establishing requirements for artificial turf. Specifically, artificial turf increases the speeds that stormwater runs off of a property in the same way an impervious surface does, which can cause flooding issues in the City's existing detention ponds; artificial turf has a higher surface temperature than natural grass or bare soil (*i.e. natural grass has a maximum daytime surface temperature of 88° whereas artificial turf has a maximum daytime surface temperature of 158°*) [*per a study by College Station, TX*]; and, certain artificial turf products have been shown to contain materials that have Polyfluoroalkyl Substances (PFAS) [*which is better understood as a 'forever chemical'*], which have been found in creeks and water supplies around the installation of these products. Based on this, staff is proposing to clarify the current requirements of the Unified Development Code (UDC) to prohibit artificial or synthetic plant materials on all residentially zoned or used properties; however, since artificial turf can be an effective amenity around swimming pools, as a recreational amenity (*i.e. putting greens*), and in areas where grass cannot be established, staff is proposing to allow it in areas that are not visible from public rights-of-way or public parks/open spaces, and is not located within a public easement. In addition, staff has included a provision that would also allow any residential property -- *regardless of visibility* -- the ability to establish 400 SF of artificial turf in the rear yard regardless of visibility or screening. For commercially zoned or used properties, artificial or synthetic plant materials would be prohibited except where it was requested as an exception from the Planning and Zoning Commission, and the Planning and Zoning Commission is able to determine that the installation is integral to the businesses operations or where it will serve as an on-site amenity. Finally, staff should note that all installations of artificial turf will require a miscellaneous building permit from the City to: [*1*] ensure compliance to the requirements established in the Unified Development Code (UDC), and [*2*] to review any impacts to the existing grade of the property.

(3) *Fence Materials*. Recently, the City's Neighborhood Improvement Services (NIS) have had a number of reactive and proactive code enforcement cases that deal with property owners affixing PVC mesh (*i.e. tennis court mesh/windscreen*) or other similar materials to wrought iron fences for the purposes of screening portions of their property. These cases have involved both residential and non-residential properties. Under the City's current zoning code, this material is *not* a permitted material; however, some property owners have struggled to understand that this is not acceptable because the code does not specifically state that this is a prohibited material. To remedy this staff has added a requirement under Subsection 08.02(B), *Material Requirements*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC) specifically prohibiting PVC mesh or other materials or appurtenances from being affixed to wrought iron or decorative metal, chain-link or semi-transparent fencing.

ARTICLE 09. TREE PRESERVATION

(1) *Replacement Trees*. After conferring with the Director of Parks and Recreation/City Arborist, staff changed the replacement tree requirements from a minimum of four (4) inches to a minimum of three (3) inches. This change will allow more trees

to be planted on site or in the City's public parks and open space, and the Director of Parks and Recreation/City Arborist is certain that a three (3) inch caliper tree will have a similar survival and establishment rate as a four (4) inch caliper tree.

ARTICLE 11. DEVELOPMENT APPLICATION AND REVIEW PROCEDURES

(1) *Denial of Application*. Recently, staff has had issues with applicants of development cases submitting cases prematurely or being unable to address staff's comments within the time periods required by the City's processes. This becomes important considering the *Shot Clocks* established by the State of Texas that either make it difficult on staff's part to conditionally approve site plan and subdivision plat cases or that prohibit staff from requesting that an applicant table or postpone a case. To try and curb some of these issues, staff has included language in Subsection 01.04, *Denial of an Application*, of Article 11, *Development Application and Review Procedures*, of the Unified Development Code (UDC) that allow staff to administratively deny an applicant in the event that the applicant fails to address staff's comments within the stated time periods of the development process.

(2) *Non-Compliant Structure Fee*. Staff added site plans to the *Non-Compliant Structure Fee*, which is a fee that was established to increase the application fees on property owners that begin projects without seeking prior approvals (*i.e. that commence work without building permits or other approvals, and then seek forgiveness through the City's processes*). The reason that staff is adding the requirement for site plans is because in certain circumstances a *Non-Compliant Structure* may only need site plan approval as opposed to needing a variance/exception or Specific Use Permit (SUP). This expands the requirement to cover all possible cases where forgiveness can be requested.

ARTICLE 13. DEFINITIONS

(1) *Definitions*. Staff made clarifications and revisions to multiple definitions in Article 13, *Definitions*, of the Unified Development Code (UDC) relating to land uses and general standards. In addition, staff added new definitions for all the amended and newly created land uses detailed in the changes proposed for Article 04, *Permissible Uses*, of the Unified Development Code (UDC).

APPENDIX C. LANDSCAPING GUIDELINES AND REQUIREMENTS

(1) *Changes to the Prohibited Tree List*. At the direction of the Director of Parks and Recreation/City Arborist, staff has removed several trees from the list of prohibited trees.

Staff has included an up to date redlined copy of the proposed changes along with a draft ordinance in the attached packet. The proposed changes include all items identified by the Planning and Zoning Commission at the work session meeting on April 30, 2024. 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 30, 2024~~
Planning and Zoning Commission Public Hearing: May 14, 2024
City Council Public Hearing/1st Reading: May 20, 2024
City Council 2nd Reading: June 3, 2024

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 *May 14, 2024*.

ARTICLE 03 | ZONING DISTRICTS AND MAPS

SECTION 01 | ZONING MAP
SECTION 02 | RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES
SECTION 03 | REGULATIONS APPLICABLE TO ALL DISTRICTS
SECTION 04 | LISTING OF APPROVED PLANNED DEVELOPMENT (PD) DISTRICTS
SECTION 05 | LISTING OF APPROVED SPECIFIC USE PERMITS (SUP)
SECTION 06 | ZONING UPON ANNEXATION

SECTION 01 | ZONING MAP

(A) The City of Rockwall is hereby divided into zones, or districts, as shown on the ~~Officiale~~ *Zoning Map* which, together with all explanatory matter thereon, is hereby adopted by reference and declared a part of this Unified Development Code (UDC). The zones, or districts, hereby established are and shall be known and cited as:

RESIDENTIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
05.02.01	Agricultural (AG) District	AG
05.03.02	Single Family Estate 1.5 (SFE-1.5) District	SFE-1.5
05.03.03	Single Family Estate 2.0 (SFE-2.0) District	SFE-2.0
05.03.04	Single Family Estate 4.0 (SFE-4.0) District	SFE-4.0
05.03.05	Single Family 1 (SF-1) District	SF-1
05.03.06	Single Family 16 (SF-16) District	SF-16
05.03.07	Single Family 10 (SF-10) District	SF-10
05.03.08	Single Family 8.4 (SF-8.4) District	SF-8.4
05.03.09	Single Family 7 (SF-7) District	SF-7
05.03.10	Zero Lot Line (ZL-5) District	ZL-5
05.03.11	Two-Family (2F) District	2F
05.03.12	Multi-Family 14 (MF-14) District	MF-14

COMMERCIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
05.04.02	Residential-Office (RO) District	RO
05.04.03	Neighborhood Services (NS) District	NS
05.04.04	General Retail (GR) District	GR
05.04.05	Commercial (C) District	C
05.04.06	Heavy Commercial (HC) District	HC
05.04.07	Downtown (DT) District	DT

INDUSTRIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
05.05.02	Light Industrial (LI) District	LI
05.05.03	Heavy Industrial (HI) District	HI

OVERLAY & SPECIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
10.01	Planned Development (PD) District	PD
05.06.03	Historic Overlay (HOV) District	HOV
05.06.04	North Goliad Street Overlay (NG OV) District	NG OV
05.06.05	Southside Residential Overlay (SRO) District	SRO
05.06.06	IH-30 Overlay (IH OV) District	IH-30 OV
05.06.07	SH-205 Overlay (SH-205 OV) District	SH-205 OV
05.06.08	Scenic Overlay (SOV) District	SOV
05.06.09	SH-66 Overlay (SH-66 OV) District	SH-66 OV
05.06.10	SH-205 By-Pass Overlay (SH-205 BY-OV) District	SH-205 BY-OV
05.06.11	North SH-205 Overlay (N. SH-205 OV) District	N. SH-205 OV
05.06.12	East SH-66 Overlay (E. SH-66 OV) District	SH-66 OV
05.06.13	FM-549 Overlay (FM-549 OV) District	FM-549 OV
05.06.14	SH-276 Overlay (SH-276 OV) District	SH-276 OV
05.06.15	Lake Ray Hubbard Takeline Overlay (TL OV) District	TL OV

(B) The ~~Office~~ *Official Zoning Map* shall be identified by the signature of the Mayor attested by the City Secretary, under the following words:

This is to certify that this is the Office Zoning Map referred to in Article 03 of the Unified Development Code (UDC) of the City of Rockwall, Texas.

(C) When changes are made in district boundaries or other matters portrayed on the ~~Officiale~~ *Zoning Map*, such changes shall be entered on the ~~Officiale~~ *Zoning Map* by the City ~~Secretary~~ of Rockwall's Geographic Information Systems (GIS) Division promptly after the amendment has been approved by City Council, and the change shall note the ordinance number and date that the change was approved.

(D) No changes of any nature shall be made in the ~~Office~~ *Official Zoning Map* or matter shown thereon except in conformity with the procedures set forth in this Unified Development Code (UDC). Any unauthorized change of whatever kind by any person shall be considered a violation of this Unified Development Code (UDC).

(E) The original reproducible tracing of the ~~Office~~ *Official Zoning Map* shall be located in the office of the Director of Planning and Zoning in city hall and shall be the final authority as to the current zoning status of land and water areas, building and other structures in the City of Rockwall.

(F) City Council may, by resolution, adopt a new ~~Office~~ *Official Zoning Map* should the original reproducible tracing of the ~~Office~~ *Official Zoning Map* be damaged, destroyed, lost or become ambiguous because of the nature or number of changes and additions. The new ~~Office~~ *Official Zoning Map* may correct drafting or other errors or omissions in the prior ~~Office~~ *Official Zoning Map*, but no other correction shall have the effect of amending the original ~~Office~~ *Official Zoning Map* or any subsequent amendment thereof. The new ~~Office~~ *Official Zoning Map* shall be identified by the signature of the ~~mayor~~ Mayor attested by the ~~city~~ City ~~secretary~~Secretary, under the following words:

This is to certify that this Office Zoning Map supersedes and replaces the Office Zoning Map adopted (date of adoption of Map being replaced) as a part of the Unified Development Code (UDC) of the City of Rockwall, Texas.

(G) Unless the prior ~~Office~~ *Official Zoning Map* has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 02 | RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

SUBSECTION 02.01: BOUNDARIES

Where uncertainty exists as to the boundaries of zoning districts as shown on the ~~Office~~ *Official Zoning Map*, the following rules shall apply:

(A) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow center lines;

(B) Boundaries indicated as approximately following platted lot lines shall be construed as following lot lines;

(C) Boundaries indicated as following City Limit lines shall be construed as following such City Limits;

(D) Boundaries indicated as parallel to or extensions of features indicated in *Subsections A, B, & C* above shall be so construed. Distances not specifically indicated on the ~~Office~~ *Official Zoning Map* shall be determined by the scale of the map;

(E) Where physical or cultural features existing on the ground are at variance with those shown on the ~~Office~~ *Official Zoning Map*, or in

Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic

other circumstances not covered by *Subsections A & B* above, the City Council shall interpret the district boundaries.

SECTION 03 | REGULATIONS APPLICABLE TO ALL DISTRICTS

SUBSECTION 03.01: GENERAL REGULATIONS

The following regulations shall apply to all zoning districts listed in this Article and further defined in Article 04, *Permissible Uses*, and Article 05, *District Development Standards*, of the Unified Development Code (UDC).

(A) No land or building shall be used or intended for any use other than those permitted in the district wherein such land or building is located.

(B) No building shall be erected, reconstructed, enlarged, structurally altered, or moved in such manner as to evade conformity with height, bulk, yard, lot area, use, and other regulations for the district wherein such building is located.

(C) No yard provided adjacent to a building for the purpose of complying with provisions of this Unified Development Code (UDC) shall be considered as providing any part of a yard for another building on the same lot or on an adjacent lot.

(D) No street or walkway shall serve as any part of a required yard or minimum lot area although street ~~rights~~ rights-of-way and open space may be used in determining allowable units per acre in residential subdivisions.

(E) Every building hereafter erected or altered shall be located on a lot as defined in Article 13, *Definitions*, of the Unified Development Code (UDC).

SECTION 04 | LISTING OF APPROVED PLANNED DEVELOPMENT (PD) DISTRICTS

Planned Development (PD) Districts that have been approved and appear on the zoning maps are referenced by a Planned Development (PD) number (PD-#) and the zoning district classification and/or uses authorized by the particular zoning case. The listing of approved Planned Development (PD) Districts will be documented in Appendix A, *Planned Development (PD) Districts*, of the Unified Development Code (UDC).

SECTION 05 | LISTING OF APPROVED SPECIFIC USE PERMITS (SUP)

Specific Use Permits (SUPs) that have been approved shall be referenced by a Specific Use Permit number (S-#) and the type of use authorized by those permits. The listing of approved Specific Use Permits (SUPs) will be documented in Appendix B, *Specific Use Permits (SUPs)*, of the Unified Development Code (UDC).

SECTION 06 | ZONING UPON ANNEXATION

All territory hereinafter annexed to the City of Rockwall shall assume an interim classification of Agricultural (AG) District, pending determination of the property's initial permanent zoning in accordance with the provisions of state law and this chapter unless application for permanent zoning is submitted by the property owner at the time of annexation. ~~The Planning and Zoning Commission shall, as soon as practical after annexation of any territory to the City, institute proceedings on its own motion, to give the newly annexed territory a permanent zoning, following the same procedure as is provided by law for the adoption of original zoning procedures.~~ The interim zoning prior to the permanent zoning shall not be considered a rezoning for legal purposes. The procedure for establishing initial zoning other than Agricultural (AG) District on annexed territory shall conform to the procedure established by law for the adoption of normal zoning classifications and regulations as defined in Section 02, *Zoning*, of Article 11, *Development Review Procedures*, of the Unified Development Code (UDC).

In an area classified Agricultural (AG) District, no person shall erect, excavate, construct, or proceed or continue with the erection or construction of any building or structure or add to, enlarge, move, improve, alter, repair, convert, or extend or demolish any building or structure or cause the same to be done in any newly annexed territory to the City without first applying for and obtaining a building permit therefore from the Chief Building Official as may be required in applicable City ordinances.

Formatted: Underline, Font color: Accent 5

ARTICLE 04 | PERMISSIBLE USES

SECTION 01 | LAND USE SCHEDULE
SECTION 02 | CONDITIONAL LAND USE STANDARDS AND DEFINITIONS
SECTION 03 | OTHER SPECIAL USE STANDARDS
SECTION 04 | FLOODPLAIN AREAS
SECTION 05 | TEMPORARY USES AND STRUCTURES
SECTION 06 | NON-CONFORMING USES, STRUCTURES, AND SITES

SECTION 01 | LAND USE SCHEDULE

SUBSECTION 01.01: USE OF LAND AND BUILDINGS

Buildings, structures, and land uses shall be in conformance with the permitted uses depicted in Land Use Schedule and in compliance with Subsection 02.03, *Conditional Land Use Standards*. The following is the legend for the Land Use Schedule:

	Land Use *NOT* Permitted *OR* for Overlay Districts Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 01.02: LAND USE SCHEDULE

See the Land Use Schedule at the end of this Article.

SECTION 02 | CONDITIONAL LAND USE STANDARDS AND DEFINITIONS

SUBSECTION 02.01: DETERMINATION OF LAND USES

Land uses shall be permitted in a zoning district as indicated in *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 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 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 02.02: LAND USE DEFINITIONS

For land use definitions see Section 02.02, *Land Use Definitions*, of Article 13, *Definitions*.

SUBSECTION 02.03: 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) The property shall be a minimum of ten (10) acres of more in size.

(b) 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).

(c) 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 03.01, *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.

Formatted: Font: 8.5 pt

Formatted Table

Formatted: Font: 9 pt

Formatted: Font: 9 pt

Formatted: Font: 9 pt

Formatted: Font: 9 pt

Formatted: Font: 9 pt

Formatted: Font: Italic

(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 an 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~~Urban Farm, [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~~Urban Farm shall be reviewed as part of the Specific Use Permit (SUP), including the size and intended use.

(4) The applicant shall provide an 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~~Urban Farm, [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 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*.

(2) *Bed and Breakfast.*

(a) A *Bed and Breakfast* may only be established on an owner-occupied, single-family lot.

(b) In addition to the single-family parking requirements, one (1) parking space per bedroom shall be provided.

(c) 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).

Formatted: Font: Italic

Formatted: Font: Italic

(d) *Bed and Breakfast* shall be required to meet all applicable City Fire Codes, including providing a smoke alarm system.

(e) A *Bed and Breakfast* shall be subject to an annual inspection by the Fire Department.

(f) All applicable hotel/motel taxes shall be paid.

(g) The maximum length of a guests stay is shall be limited to 14 consecutive days in any 30-day period.

(h) 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 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(4) *Attached Garage.*

(a) See Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*.

(5) *Detached Garage.*

(a) See Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*.

(6) *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit.*

(a) *Guest Quarters or Secondary Living Units/Accessory Dwelling Unit* may be allowed on a property in a residential zoning district provided that it is ancillary to an existing single-family home.

(b) The area of ~~such quarters~~the *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* shall not exceed 30.00% of the area of the main structure.

(c) The *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* shall not incorporate kitchen facilities (*e.g. a stove or oven, food preparation area, etc.*); however, they may incorporate all other elements of a dwelling unit as outline in the definition of a *Dwelling Unit* contain in Article 13, *Definitions*.

~~(c)~~(d) ~~No such use~~A *Guest Quarters/Secondary Living Unit/Accessory Dwelling* may *not* be sold or conveyed separately without meeting the density and dimensional requirements of the zoning district as outlined in the Unified Development Code (UDC) and ~~the~~ Chapter 38, *Subdivisions*, of the Municipal Code of Ordinance~~subdivision ordinance~~.

~~(d)~~(e) *Guest Quarters/ or Secondary Living Units/Accessory Dwelling 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 07.02, *Multi-Family District Development Standards*, of Article 05, *District Development Standards*.

~~(10) *Portable Building.*~~

~~(a) See Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *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

Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Underline, Font color: Accent 5
Formatted: Font: Italic

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) *Short-Term Rental (Owner-Occupied Single-Family Home, Townhome, or Duplex).*

(a) The *Short-Term Rental* shall not incorporate accessory land uses that are not permitted within the underlying zoning district (*e.g. Banquet Facility/Event Hall which includes meeting halls and wedding venues*) as stipulated by the *Permissible Use Charts* contained within this *Article*.

(b) In order to establish and operate a *Short-Term Rental (Owner Occupied Single-Family Home, Townhome, or Duplex)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, *Short-Term Rentals*, of Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances.

(13) *Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex).*

(a) *Short-Term Rentals* that are *Non-Owner-Occupied* shall not be located within 1,000-feet of another *Short-Term Rental* that is *Non-Owner Occupied*; however, *Short-Term Rentals* that were in existence prior to April 1, 2024 that [*1*] meet the criteria established in Subsection 06.05, *Non-Conforming Short-Term Rentals*, of this *Article*, and [*2*] received a valid permit and registration -- *in accordance with Article 2, Short-Term Rentals, of Chapter 13, Rental Housing, of the Municipal Code of Ordinances* -- prior to July 1, 2024 shall be exempted from the proximity requirements.

(b) *Short-Term Rentals* that are *Non-Owner-Occupied* that do not meet proximity requirements may be considered on a *case-by-case* basis by the Planning and Zoning Commission and City Council through a Specific Use Permit (SUP). In considering a Specific Use Permit (SUP) for a *Short-Term Rental* that is *Non-Owner-Occupied* the Planning and Zoning Commission and City Council shall consider the size, location, and impact of the proposed and existing *Short-Term Rentals* on the adjacent residential properties and their occupants.

(c) The *Short-Term Rental* shall not incorporate accessory land uses that are not permitted within the underlying zoning district (*e.g. Banquet Facility/Event Hall which includes meeting halls and wedding venues*) as stipulated by the *Permissible Use Charts* contained within this *Article*.

(d) In order to establish and operate a *Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, *Short-Term Rentals*, of Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances.

(14) *Short-Term Rental (Apartment or Condominium).*

(a) The number of *Short-Term Rentals* permitted within an *Apartment Complex, Condominium Building*, or any other multi-family structure -- *as defined by this land use in Article 13, Definitions, of this Unified Development Code (UDC)* -- shall be limited to a total of five (5) percent of the total units situated on a single parcel of land. For example, if a *Condominium Building* consisted of 100-units on a single parcel of land, a total of five (5) of the units could be established as *Short-Term Rentals*. In cases where there is a remainder in the number of units, the number of units shall round up (*e.g. 25-Units x 5.00% = 1.25-Units or 2-Units*).

(b) In order to establish and operate a *Short-Term Rental (Apartment or Condominium)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, *Short-Term Rentals*, of Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances.

(15) *Single-Family Attached Structure.*

(a) See Section 03, *Residential Districts*, of Article 05, *District Development Standards*.

(b) See Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(16) *Single-Family Detached Structure.*

(a) See Section 03, *Residential Districts*, of Article 05, *District Development Standards*.

(b) See Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(17) *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 03, *Residential Districts*, of Article 05, *District Development Standards*.

(c) See Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(18) *Private Sports Court with Standalone or Dedicated Lighting.*

(A) A *Private Sports Court* includes any *Sports Court* that is separated from the primary structure or an existing residential driveway that is intended to be used for sports such as -- *but not limited to* – tennis, pickleball, basketball, volleyball, or similar activities for the property owner and/or their guests. A *Private Sports Court* does *not* include basketball courts or similar sports facilities that are

Formatted: Font: Italic, Underline

Formatted: No underline

Formatted: Font: Italic

Formatted: No underline

Formatted: Underline

Formatted: No underline

Formatted: No underline

attached to the primary structure or that make use of the existing residential driveway.

(B) A *Private Sports Court* shall be situated behind the primary structure, not situated within any easements, and be setback a minimum of ten (10) feet from all property lines.

(C) All dedicated lighting associated with a *Private Sports Court* on a residential property shall be on a standalone light pole a maximum of 14-feet in height with lighting standards that are fully cutoff and shielded and directed downward towards the surface of the court. In addition, light standards should be oriented in such a manner as to minimize light spillage and glare that could affect adjacent properties.

(D) All dedicated lighting associated with a *Private Sports Court* on a non-residential property shall adhere to the requirements of Section 03, *Outdoor Lighting for Non-Residential Properties*, of Article 07, *Environmental Performance*, of the Unified Development Code (UDC).

~~(18)~~(19) *Townhouse.*

(a) See Section 03, *Residential Districts*, of Article 05, *District Development Standards*.

(b) See the standards for the Two-Family (2F) District Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

~~(19)~~(20) *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 02.03(C)(5).

(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.

~~(a)~~(b) Playgrounds and splash pads shall be screened from all adjacent properties and public rights-of-way using mature evergreen shrubs.

(5) *Group or Community Home.*

(a) The facility must be an operated by:

(1) The Texas Department of ~~Mental Health and Mental Retardation (MHMR)~~Aging and Disability Services;

(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 02.03(C)(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 (2) 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

Formatted: No underline
Formatted: No underline
Formatted: Font: 5 pt, No underline
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: No underline
Formatted: No underline
Formatted: No underline
Formatted: Font: 5 pt, No underline
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: No underline
Formatted: No underline
Formatted: No underline
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"
Formatted: Underline, Font color: Accent 5
Formatted: Font: Not Italic, No underline
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic

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 02.03(C)(9)(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.

(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.*

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

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

(6) *Private Club, Lodge or Fraternal Organization.*

(a) *Private Club.*

(1) *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.

(2) *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*).

(3) *Alcoholic Sales Revenue.* Revenues from the sale of alcoholic beverages shall not exceed 40.00% 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 exceed the maximum allowed percentage.

(4) *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 (1) party.

(5) *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.

(6) *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.*

(1) *Alcoholic Beverage Package Sales.*

(a) The package sales of liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- shall *only* be permitted in conjunction with an *Alcoholic Beverage Store*, and shall not be permitted as an accessory use to any other land use contained within this Unified Development Code (UDC).

(b) The package sales of beer and wine shall be permitted *by-right* as an *accessory* land use to a *General Retail Store*, *Retail Store with Gasoline Sales*, *Brew Pub*, *Craft/Micro Brewery and/or Winery*, *Brewery*, and *Winery*.

(2) *Alcoholic Beverage Store.*

(a) An *Alcoholic Beverage Store* shall include the sale of beer, wine, *and* liquor or distilled spirits as defined by the Texas Alcoholic Beverage Code.

(b) An *Alcoholic Beverage Store* shall be prohibited from locating within 1,000-feet of a lot, parcel, or tract of land with another *Alcoholic Beverage Store* situated on it as measured in a straight line between the nearest points of one (1) of the lots, parcels, or tracts of land to the other lot, parcel, or tract of land.

(3) *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 off 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.

Formatted: Font: Italic

(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.

(4) *Temporary Christmas Tree Sales Lot and Similar Uses.*

(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.

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

(a) The total building area of a Craft/Micro Brewery, Distillery, and/or Winery shall be less than 12,000 SF.

(b) A maximum of 40.00% 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.

(6) *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 30.00% 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 (1) foot taller than the materials being displayed, whichever is greater.

(2) Include a minimum of 20.00% 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 (1) 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 (~~15~~) 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.

(7) *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

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic, Underline, Font color: Accent 5

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

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 (8) square feet 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).

(8) *General Personal Service.*

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

(9) *Permanent Cosmetics.*

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

(b) Accessory use to a *General Personal Service*.

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

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

(11) *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 from the point of order.

(12) *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 from the point of order.

(13) *Retail Store with Gasoline Sales*.

(a) All fuel vents associated with the fuel storage tanks at any *Retail Store with Gasoline Sales* shall be located within the gas canopy, and shall be fully screened and not visible from adjacent properties and/or rights-of-way.

(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 04, *Permissible Uses*, and Article 08, *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 building area is defined as the entirely enclosed air-conditioned portion of the primary building*).

(c) Outdoor sales and display may occupy up to 30.00% 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 20.00% solid screening matching the material of the primary building. The remainder may be solid evergreen planting, or wrought iron or decorative metal fence.

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

(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 04, *Permissible Uses*, and Article 08, *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) *Rental, Sales, and Service of Heavy Machinery.*

(a) In the Commercial (C) District, the Rental, Sales, and Service of Heavy Machinery 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).

(b) All outside storage of equipment and machinery shall be visibly screened from all adjacent properties utilizing one of the screening alternatives outlined in Subsection 05.02(A), *Loading Docks and Outside Storage Areas*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).

(c) The storage area for equipment and machinery shall not occupy any required parking spaces. Excess parking spaces may be used if all other requirements are met.

(d) The storage and/or display of equipment and machinery shall be in a stowed position so as to not extend any part of the equipment or machinery in an upward or outward manner.

(e) The conditions above shall not be construed to permit the outside storage of equipment and machinery for outside display, and does not permit additional outside storage of other materials that are not associated with the Rental, Sales, and Service of Heavy Machinery land use.

(f) Maintenance or service of any equipment and machinery shall not be performed on-site.

(6) *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.

(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 04, *Permissible Uses*, and Article 08, *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 30.00% 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 04, *Permissible Uses*, and Article 08, *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).*

Formatted: Font: Italic

(a) The area to be used for outside storage and display shall not exceed 50.00% 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, etcetera shall be performed outside the building*).

(d) Accessory uses may be allowed in compliance with *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 25.00% 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, 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.

(l) *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

Formatted: Font: Italic

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.

(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. 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 Planning and Zoning Commission 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 05.02, *Landscape Screening*, of Article 08, *Landscape and Fence Standards*. See-through fencing should be wrought iron, or similar. Chain-link 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 01.05, *Screening Standards*, of Article 05, *District Development Standards*.

(b) No outside storage shall be allowed in any zoning district adjacent to IH-30; ~~. H~~ 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 *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.

Formatted: Font: Italic

(c) Incidental Display, as defined in Subsection 02.02(F)(4), shall not be considered Outside Storage and/or Outside Display, and shall be subject to the requirements of Subsection 02.02(F)(4).

(K) *Utilities, Communications and Transportation Land Uses*

(1) *Antenna ~~as an Accessory~~for a Residential Property.*

(a) The antenna installation shall comply with the height and ~~area regulations~~setback requirements of the applicable zoning district.

~~(a)~~(b) For an *Antenna for an Amateur Radio* see Subsection 02.03(K)(2).

~~(b) Administrative approval of the antenna installation shall be required.~~

~~(c) The antenna will meet all applicable requirements of Subsection 03.06, *Antennas*.~~

(2) *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~~. H;~~ 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 03.06, *Antennas*.~~

(3) *Antenna Dish.*

(a) Dish antennas shall not be located within front or side yards, and shall be fully screened from view from ~~streets~~ rights-of-way and public or ~~common~~ private 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; ~~. H~~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 03.06, *Antennas*.~~

(4) *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure).*

(a) *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure)* on private property:

(1) One (1) *Freestanding Commercial Antenna* shall be permitted on a non-residential lot as allowed by the applicable zoning district.

(2) The height of the *Freestanding Commercial Antenna* shall adhere to the height and building setbacks of the applicable zoning district; however, the City Council may grant a Specific Use Permit (SUP) for a *Freestanding Commercial Antenna* that exceeds the height of the zoning district.

(3) All equipment, buildings, and/or structures shall be a material allowed by the applicable zoning district or overlay district (*whichever is more restrictive*), and be similar in color and character to the primary building on the site (*if a primary building exists*).

(4) No more than three (3) separate equipment buildings shall be located on a single lot.

(5) All equipment and buildings shall be enclosed by a wrought iron or decorative metal fence with screening shrubs a minimum of six (6) feet in height or a masonry screening wall that is a minimum of eight (8) feet in height and that is compatible in colors and materials as the primary building (*if a primary building exists*). All fences shall be as defined by Article 08, *Landscape and Fencing Standards*, of the Unified Development Code (UDC).

(6) A minimum of one (1) paved parking space providing access to the *Freestanding Commercial Antenna* shall be required. The parking space shall be reserved exclusively for use in conjunction with the *Freestanding Commercial Antenna*, and -- *where applicable* -- may be one (1) of the parking spaces provided for the primary structure on the subject property if additional parking (*above and beyond the required parking*) exists.

(7) All development associated with a *Freestanding Commercial Antenna* shall adhere to the Engineering Department's *Standards of Design and Construction Manual*.

Formatted: Font: 5 pt
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Underline, Font color: Accent 5
Formatted: Underline, Font color: Accent 5
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Font: 5 pt
Formatted: Indent: Left: 1", No bullets or numbering
Formatted: Font: 5 pt
Formatted: Normal, No bullets or numbering
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: Italic
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: Italic, Underline, Font color: Accent 5
Formatted: Font: 5 pt

(b) *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure)* on public property or public parkland:

(1) *Freestanding Commercial Antennas* shall be permitted *by-right* on all public property or public parkland regardless of zoning designation.

(2) The height of the *Freestanding Commercial Antenna* shall adhere to the height and building setbacks of the applicable zoning district unless otherwise approved through agreement or Specific Use Permit (SUP) by the City Council.

(3) All buildings and/or structures shall be of a material allowed by the applicable zoning district or overlay district (*whichever is more restrictive*), and be of a similar color and character to the primary building on the site (*if a primary building exists*) unless otherwise approved by the City Council through agreement or Specific Use Permit (SUP).

(4) No more than three (3) separate equipment buildings shall be located on a single lot unless otherwise approved by the City Council through agreement or Specific Use Permit (SUP).

(5) All equipment and buildings shall be enclosed by a wrought iron or decorative metal fence with screening shrubs a minimum of six (6) feet in height or a masonry screening wall that is a minimum of eight (8) feet in height and that is compatible in colors and materials as the primary building (*if a primary building exists*) unless otherwise approved by the City Council through agreement or Specific Use Permit (SUP). All fences shall be as defined by Article 08, *Landscape and Fencing Standards*, of the Unified Development Code (UDC).

(6) A minimum of one (1) paved parking space providing access to the *Freestanding Commercial Antenna* shall be required. The parking space shall be reserved exclusively for use in conjunction with the *Freestanding Commercial Antenna*, and -- *where applicable* -- may be one (1) of the parking spaces provided for the primary structure on the subject property if additional parking (*above and beyond the required parking*) exists.

(7) All development associated with a *Freestanding Commercial Antenna* shall adhere to the Engineering Department's *Standards of Design and Construction Manual*.

~~(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 (1) 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 03.06, *Antennas*.~~

(5) ~~*Commercial Freestanding*~~*Mounted or Attached Commercial Antenna.*

(a) The height of the *Mounted or Attached Commercial Antenna* shall adhere to the height and building setbacks of the applicable zoning district; however, a *Mounted or Attached Commercial Antenna* shall be permitted to extend a maximum of ten (10) feet above the maximum height of the support structure, and shall maintain a 15-foot clearance from the ground to the lowest element of the antenna if attached to a utility installation or light pole.

(b) If the *Mounted or Attached Commercial Antenna* has ground mounted equipment or buildings associated with the installation, these structures shall be of a material allowed by the applicable zoning district or overlay district (*whichever is more restrictive*), and be of a similar color and character to the building in which the *Commercial Antenna* is attached or mounted. In addition, all equipment and buildings shall be enclosed by a wrought iron or decorative metal fence with screening shrubs a minimum of six (6) feet in height or a masonry screening wall that is a minimum of eight (8) feet in height and that is compatible in colors and materials as the building in which the *Commercial Antenna* is attached or mounted. All fences shall be as defined by Article 08, *Landscape and Fencing Standards*, of the Unified Development Code (UDC).

(c) If the *Commercial Antenna* is mounted or attached to a building and there is equipment associated with the installation, all ancillary equipment shall be screened so that it is not visible from adjacent properties, public or private open space/parkland, or rights-of-way. The proposed screening shall be approved by the Director of Planning and Zoning or his/her designee.

(d) If the *Commercial Antenna* is positioned in a way that it will be visible and standard screening methods are not possible, the antenna should utilize effective stealth techniques to camouflage or conceal it from view. Such

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Font: Italic, Underline

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Not Highlight

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Font: Italic

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Indent: Left: 0.5", Numbered + Level: 2 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 1.25" + Indent at: 1.5"

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

stealth techniques must be approved by the City Council through agreement or Specific Use Permit (SUP).

(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 (1) 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 03.06, *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 03.06, *Antennas*.

(c) Replacement of an Existing Freestanding Antenna that has 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

Formatted: Font: 5 pt

Formatted: Normal, No bullets or numbering

Formatted: Font: Italic

~~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 (1) of the spaces required for the principal use on the property.~~

~~(8) The antenna will meet all applicable requirements of Subsection 03.06, *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 (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) The antenna will meet all applicable requirements of Subsection 03.06, *Antennas*.~~

(6) *Commercial Drone Delivery Hub*.

(a) *General Requirements*. All *Commercial Drone Delivery Hubs -- regardless of if the land use is a primary or accessory land use* -- shall be at a minimum 150-feet from any residentially zoned or used property, and public parks or open space. This proximity requirement shall be measured from the property line of the proposed *Commercial Drone Delivery Hub* to the property line of the nearest residentially zoned or used property, or the property line of the public park or open space.

(b) *Definitions*. For the purposes of this section a *Drone Staging Area* shall be a designated area in which a drone or unmanned aerial vehicle (UAV) initiates take-offs and landings. The *Drone Staging Area* shall include the launch pad and any appurtenances and outside storage necessary for operations in this area.

(c) *Accessory Land Use*. A *Commercial Drone Delivery Hub* shall only be permitted as an *Accessory Land Use* to a land use permitted within the Commercial (C), Heavy Commercial (HC), and Light Industrial (LI) Districts, and shall be subject to the following requirements:

(1) *Site Plan*. The *Drone Staging Area* for a *Commercial Drone Delivery Hub* shall be designated on the approved *Site Plan* for the subject property.

(2) *Drone Staging Area*. The *Drone Staging Area* for a *Commercial Drone Delivery Hub* as an *Accessory Land Use* to a permitted land use in the Commercial (C) District shall be limited to ten (10) percent of the total site area or 1,000 SF (*whichever is greater*). A *Drone Staging Area* that is fully located within an enclosed building or that is situated on the roof of the building containing the primary land use shall be exempt from this limitation; however, any mechanical equipment associated with the proposed land use shall adhere to the screening requirements for utility equipment as stipulated by Subsection 01.05, *Screening Standards*, of Article 05, *District Development Standards*.

(3) *Location Requirements for Drone Staging Areas*. *Drone Staging Areas* shall *not* be located or situated within any building setbacks or required landscape buffers, fire lanes, easements, loading/unloading areas, or required parking spaces. In addition, the *Drone Staging Area* shall not obstruct visibility for pedestrians or vehicular traffic circulation on the subject property.

(4) *Screening of Drone Staging Areas*. All *Drone Staging Areas* shall be screened in accordance with the requirements for *Outside Storage* as stipulated by Subsection 01.05, *Screening Standards*, of Article 05, *District Development Standards*.

(5) *Buildings for Commercial Drone Delivery Hub*. Where a detached building is proposed as an

accessory building for a *Commercial Drone Delivery Hub* as an accessory land use, the maximum square footage of the building shall be limited to ten (10) percent of the total floor area of the primary building on the subject property.

(6) *Reduction of Existing Parking*. Where it is deemed appropriate by the City Council, upon a recommendation by the Planning and Zoning Commission, a ten (10) percent reduction in the required number of parking spaces may be granted to accommodate a *Drone Staging Area*; however, no additional parking shall be required for the establishment of a *Commercial drone Delivery Hub* as an accessory land use. Should the *Drone Staging Area* be removed from the property the parking reduction will be revoked and the parking areas shall be reestablished as they were prior to the establishment of the *Drone Staging Area*.

(d) *Primary Land Use*. A *Commercial Drone Delivery Hub* shall only be permitted as a primary land use in the Heavy Commercial (HC) and Light Industrial (LI) Districts, and shall be subject to the following requirements:

(1) *Site Plan*. The *Drone Staging Area* for a *Commercial Drone Delivery Hub* shall be designated on the approved *Site Plan* for the subject property.

(2) *Drone Staging Areas*. A *Drone Staging Area* that is situated on the roof of the building shall be subject to the screening requirements for utility equipment as stipulated by Subsection 01.05, *Screening Standards*, of Article 05, *District Development Standards*. In addition, the proposed facility shall adhere to the height restrictions of the zoning district, but a single mast for a windsock may extend above the parapet of the building in accordance with the requirements of Subsection 04.01(B) or Subsection 05.01(B) of Article 05, *District Development Standards* (*whichever may be applicable*).

(3) *Location Requirements for Drone Staging Areas*. *Drone Staging Areas* shall *not* be located or situated within any building setbacks or required landscape buffers, fire lanes, easements, loading/unloading areas, or required parking spaces. In addition, the *Drone Staging Area* shall not obstruct visibility for pedestrians or vehicular traffic circulation on the subject property.

(4) *Screening of Drone Staging Areas*. All *Drone Staging Areas* shall be screened in accordance with the requirements for *Outside Storage* as stipulated by Subsection 01.05, *Screening Standards*, of Article 05, *District Development Standards*.

(7) *Solar Energy Collector Panels and System.*

(a) *Residential*. *Solar Energy Collector Panels and Systems* installed on a residential structure shall be required to meet the requirement of the International Building Code (IBC), and be required to apply for and receive a building permit from the Building Inspections Department.

(b) *Small Commercial*. *Solar Energy Collector Panels and Systems* installed on a *Small Commercial* structure shall be required to meet the requirement of the International Building Code (IBC), and be required to apply for and receive a building permit from the Building Inspections Department. *Small Commercial* shall mean a *Small Commercial Customer* as defined by Section 202, *Price to Beat*, of Chapter 39, *Restructuring of Electrical Utility Industry*, of the Texas Utilities Code. It shall be the burden of a property owner to show that a particular property meets the definition of a *Small Commercial Customer*.

(c) *Commercial*. *Solar Energy Collector Panels and Systems* installed on a *Commercial* structure shall be required to meet the following:

(1) *Solar Energy Collector Panels on a Pitched Roof*. *Solar Energy Collector Panels* installed on a pitched roof shall be of a flat configuration and shall be subject to the following requirements:

(A) *Solar Energy Collector Panels* shall not extend beyond the roofline or eave lines of a roof.

(B) *Solar Energy Collector Panels* shall not exceed more than 45.00% of the total roof area.

(C) Configuration of *Solar Energy Collector Panels* on a pitched roof shall be a regular quadrangular shape, flat to the roof or integrated with the roof, and aligned with the natural roof edges.

(D) The surface of the *Solar Energy Collector Panel* shall not be more than six (6) inches above the surface of the pitched roof.

(2) *Solar Shingle on a Pitched Roof*. *Solar Shingles* may be installed on a pitched roof; however, *Solar Shingles* are subject to the following requirements:

(A) *Solar Shingles* shall be installed on 100.00% of the total roof area -- *excluding accent roof materials (e.g. metal roofs over gabled windows, porches, entryways, and etcetera)* --, and shall not be installed alongside another roof mounted *Solar Energy Collector System*.

(3) *Solar Energy Collector Panels on a Flat Roof*. *Solar Energy Collector Panels* installed on a flat roof, whether rack-mounted or flat-mounted, shall be screened from public view, and meet the following requirements:

(A) The height of such screening, at the minimum, shall be the height of the *Solar Energy Collector Panel*.

(B) The screening may be by a parapet or screening wall replicating the materials of the building.

(4) Reflective glare of *Solar Energy Collector Panels* shall be minimized by the positioning of the *Solar Collector Panels* or by the use of non-glare glazing.

(5) 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.

(6) 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 of Rockwall.

(7) The maximum overall height of ground mounted or pole mounted *Solar Energy Collector Panels* shall not exceed eight (8) feet.

(8) 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 03 | OTHER SPECIAL USE STANDARDS

SUBSECTION 03.01: 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~~SF 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~~SF per animal.

(B) *Other Animals.* An SUP is required for other farm animals, including fowls, chickens and swine (*except for "potbellied pigs" as defined in Section 6-1, Definitions, of Chapter 6, Animals, of the Municipal Code of Ordinances*), and for a reduction in the land area required for grazing farm animals. The city shall not grant a 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, *Definitions*, of Chapter 6, *Animals*, of the Municipal 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 6-1, *Definitions*, of Chapter 6, *Animals*, of the Municipal Code of Ordinances.

SUBSECTION 03.02: TEMPORARY ACCOMODATION FOR EMPLOYEES, CUSTORMERS 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 (5) percent of the building area is utilized for this ancillary use.

SUBSECTION 03.03: 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 03.04: FLAG POLES

Flag poles are permitted in all districts, but must meet the building height and setback requirements for each district. (See Article 05, *District Development Standards*, of the Unified Development Code).

SUBSECTION 03.05: 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~~ 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~~ 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

Formatted: Font: Italic

Formatted: Font: Italic

property line to the base of the floor on which the permit or license holder is located.

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 *or* Alcoholic Beverage Stores 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 or Alcoholic Beverage Stores 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 *or* Alcoholic Beverage Stores engaged in the selling of beer, wine, and distilled spirits or liquor 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 or Alcoholic Beverage Store 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.

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 *or* Alcoholic Beverage Stores engaged in the selling of beer, wine, and distilled spirits or liquor 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, *Signs*, of the Municipal Code of Ordinances, pertaining to signs.

Formatted: Underline, Font color: Accent 5

(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.

~~SUBSECTION 03.06: 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 and Zoning. 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 04 | FLOODPLAIN AREAS

SUBSECTION 04.01: PERMITTED USES

The following land 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, *Floods*, of the Municipal Code of Ordinances, and the Engineering Department's *Standards of Design and Construction Manual*:

(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 04.02: DUMPING, EXCAVATING OR FILLING IN A FLOODPLAIN

Any dumping, excavation, storage or filling operation on any property within any district having a floodplain designation or that is within a creek or drain way shall require a permit from the City Engineer prior to the commencement of such activity; however, no construction, buildings, or structures shall be permitted within a floodplain. Fences maybe permitted through approval by the City Engineer in accordance with the requirements of the Engineering Department's *Standards of Design and Construction Manual*.

SUBSECTION 04.03: 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 (UDC) shall not be so interpreted.

SECTION 05 | TEMPORARY USES AND STRUCTURES

SUBSECTION 05.01: 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 05.02: TEMPORARY USES

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 06 | NON-CONFORMING USES, STRUCTURES, AND SITES

SUBSECTION 06.01: INTENT

Within the zoning districts established by this Unified Development Code (UDC), 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 (UDC). 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 non-conforming lots, buildings, or uses shall not be enlarged upon, expanded or extended, except as otherwise specifically provided, and that such non-conforming 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, non-conforming uses are declared to be incompatible with permitted uses in the same zoning districts.

SUBSECTION 06.02: APPLICABILITY

The provisions of this section shall apply to lots, uses and buildings which become non-conforming by reason of the adoption of, or an amendment to, the ordinance from which this Unified Development Code (UDC) is derived, as of the effective date of such amendment.

SUBSECTION 06.03: NON-CONFORMING 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 (UDC) 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 (UDC) for the district in which it is located.

(2) The right to continue non-conforming uses shall be subject to regulations prohibiting the creation of a nuisance and regulations reasonably protecting adjacent property.

(B) *Cessation of Non-~~conforming~~ Conforming 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 Non-~~conforming~~ Conforming Use*. No existing building or premises devoted to a use that is not permitted by this Unified Development Code (UDC) 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 non-conforming use of a building may be changed to another non-conforming 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 non-conforming use has been changed to a conforming use, the use shall not thereafter be changed to a non-conforming use.

(3) When authorized by the board of adjustment, enlargement or completion of a building devoted to a non-conforming 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% of its original area of nonconformity.

(4) When authorized by the board of adjustment, a non-conforming 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 non-conforming, if no structural alterations except those required by law, are made.

SUBSECTION 06.04: NON-CONFORMING 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 non-conforming 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 (UDC). (For land use nonconformity, see Subsection 06.03, *Non-Conforming Uses*, of Article 04, *Permissible Uses*).

(B) *Use of Non-~~conforming~~ Conforming Buildings, Structures or Land*.

(1) No building or structure which was originally designed for or used as a non-conforming use shall again be put to a non-conforming use, where such use has ceased for 180-days or more during any three (3) 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 (UDC) shall be discontinued within six months from the enactment of this Unified Development Code (UDC). The non-conforming use of land and/or buildings involving individual structures with a replacement cost of $1,000.00 or less, which becomes non-conforming by reason of subsequent amendments to this Unified Development Code (UDC) shall be discontinued within six months from the date of such amendment.

(C) *Construction Approved prior to Unified Development Code (UDC)*. Nothing in this Unified Development Code (UDC) 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 (UDC), 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 non-conforming structure which is damaged more than 75.00% 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 75.00% 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 (UDC) 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 50.00% of the replacement cost of the building. If the repairs exceed 50.00%, 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 non-conforming structure or portion of a structure containing a non-conforming 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 (10) percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be.

(2) If 50% or more of a non-conforming structure containing a non-conforming 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 Non-~~conforming~~ Conforming Building or Structure*. No non-conforming 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) *Non-~~conforming~~ Conforming Lot Sizes*. All lots used for storage that do not require a building and the use of such lot is made non-conforming by this Unified Development Code (UDC) 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 (UDC) is derived, or amendments [*thereto*].

SUBSECTION 06.05: NON-CONFORMING SHORT-TERM RENTALS

Short-Term Rentals, as defined in Article 13, *Definitions*, of this Unified Development Code (UDC), shall be considered to be legally in existence for the purpose of establishing vested or non-conforming rights regarding the zoning requirements if all of the following criteria is met by the owner of a *Short-Term Rental*:

(A) The owner of a property provides a property deed or proof of ownership showing that the property was purchased prior to April 1, 2024.

(B) The owner of the property can provide proof that the property was used as a *Short-Term Rental* (*i.e. a listing, proof of rental, etc.*) *OR* proof of payment of hotel occupancy tax to the City of Rockwall.

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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 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	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									
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	A			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL 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	MIXED USE DISTRICTS: Downtown (DT) District	Residential Office (RO) District	NON-RESIDENTIAL DISTRICTS: Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	OVERLAY DISTRICTS: Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
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											
Home Occupation	(9)	(7)	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
Limited-Service Hotel	(10)														S			S	S		S				
Full-Service Hotel	(11)	(8)													S			S	S		S				
Residence Hotel	(12)														S			S	S		S				
Motel	(13)														S			S	S		S				
Multi-Family Development or Structure	(14)	(9)												P											
Portable Building	(15)	(10)		P	P	P	P	P	P	P	P	P	P												
Residential Infill in an Established Subdivision	(16)	(11)	S	S	S	S	S	S	S	S	S	S	S	S	S	S									
Short-Term Rental (*Owner-Occupied, Single-Family Home, Townhome, or Duplex*)	(17)	(12)		P	P	P	P	P	P	P	P	P	P	P	S	S									
Short-Term Rental (*Non-Owner-Occupied, Single-Family Home, Townhome, or Duplex*)	(17)	(13)		P	P	P	P	P	P	P	P	P	P	P	S	S									
Short-Term Rental (*Apartment or Condominium*)	(17)	(14)		P	P	P	P	P	P	P	P	P	P	P	S	S									
Single-Family Attached Structure	(18)	(15)										P	P	P											
Single-Family Detached Structure	(19)	(16)	P	P	P	P	P	P	P	P	P	P	P	P		P									
Single-Family Zero Lot Line Structure	(20)	(17)										P	P	P		P									
Private Swimming Pool	(21)		A	A	A	A	A	A	A	A	A	A	A	A	A	A									
Private ~~Tennis~~ Sports Court with Standalone or Dedicated Lighting	(22)	(18)	A	~~SP~~	~~SP~~	~~SP~~	S	S	S	S	S	S	S	~~SP~~		S		P	P	P	P				
Townhouse	(23)	(~~18~~19)												P		P									
Urban Residential	(24)	(~~19~~20)												S	S										
INSTITUTIONAL AND COMMUNITY SERVICE LAND USES	2.02(C)	2.03(C)																							
Assisted Living Facility	(1)	(1)												P	S	S	S	S	S		S				
Blood Plasma Donor Center	(2)																	P	P	P	P	P			
Cemetery/Mausoleum	(3)		S														P	P	P	P	P	P			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
Church/House of Worship	(4)	(2)	S	S	S	S	S	S	S	S	S	S	S	P	S		P	S	S	P	S	P			
College, University, or Seminary	(5)														P				S	P	P	P			
Convalescent Care Facility/Nursing Home	(6)													S	S	P	P	P	P	P	S				
Congregate Care Facility/Elderly Housing	(7)	(3)												P	S	S	S	S	S		S				
Crematorium	(8)																				S	P			
Daycare with Seven (7) or More Children	(9)	(4)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S			
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	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	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	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	S					
Trade School	(24)														S			S	P	P	P	P			
Rescue Mission or Shelter for the Homeless	(254)																			S	P	P			
Social Service Provider (*Except Rescue Mission or Homeless Shelter*)	(265)																	S		P	P	P			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Highlight

Formatted: Font: Bold, Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted Table

Formatted: Font: Italic

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
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 or Medical Office Building less than 5,000 SF	(2) & (3)															P	P	P	P	P	P	P	P			
Office or Medical Office Building 5,000 SF or Greater	(2) & (3)															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	(2)	(2)														S			S	P	P	P	P			
Outdoor Commercial Amusement/Recreation	(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	P	P	P	P	P			
Private Country Club	(5)		S	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	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																		P		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	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	S	P	P	P			
Theater	(15)															P			S	P	P	P	P			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: No underline, Font color: Background 1

Formatted Table

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
RETAIL AND PERSONAL SERVICES LAND USES	2.02(F)	2.03(F)																							
Alcoholic Beverage Package Sales	~~(1)~~	(1)													P		S	P	P	P	S				
Alcoholic Beverage Store	~~(2)~~	(2)													S				S	P					
Antique/Collectible Store	~~(23)~~														S		S	P	P	P					
Astrologer, Hypnotist, or Psychic	~~(34)~~														S	P	P	P	P	P					
Banquet Facility/Event Hall	~~(45)~~														S			P	P	P					
Portable Beverage Service Facility	~~(56)~~	(3)													S	S		S	S	S	S	P			
Brew~~p~~-~~P~~ub	~~(67)~~														P		P	P	P	P	P	P			
Business School	~~(78)~~														P			P	P	P	P				
Catering Service	~~(89)~~														A		S	P	P	P	P				
Temporary Christmas Tree Sales Lot and/or Similar Uses	~~(910)~~	(4)													S		S	P	P	P	P	P			
Copy Center	~~(1011)~~														P		P	P	P	P	P	P			
Craft/Micro Brewery, Distillery and/or Winery	~~(1112)~~	(5)													S			S	S		P	P			
Incidental Display	~~(1213)~~	(6)													P		P	P	P	P	P				
Food Trucks/Trailers	~~(1314)~~	(7)													P	S	S	P	P	P	P	P			
Garden Supply/Plant Nursery	~~(1415)~~																S	P	P	P	P				
General Personal Service	~~(1516)~~	(8)													P		P	P	P	P	S				
General Retail Store	~~(1617)~~														P	S	P	P	P	P	S	S			
Hair Salon and/or Manicurist	~~(1718)~~														P	S	P	P	P	P	S				
Laundromat with Dropoff/Pickup Services	~~(1819)~~														P		P	P	P	P	P	P			
Self-~~-~~Service Laundromat	~~(1920)~~														P		P	P	P	P	P	P			
Massage Therapist	~~(2021)~~														P	P	P	P	P	P					
Private Museum or Art Gallery	~~(2122)~~														P	P	S	P	P		P				
Night Club, Discotheque, or Dance Hall	~~(2223)~~														S			S	P	P	S	S			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Font color: Accent 5

Formatted: Font color: Accent 5

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL 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	MIXED USE DISTRICTS: Downtown (DT) District	Residential Office (RO) District	NON-RESIDENTIAL DISTRICTS: Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	OVERLAY DISTRICTS: Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
Pawn Shop	~~(2324)~~																		S	S	P	P			
Permanent Cosmetics	~~(2425)~~	(9)													A	A	A	A	A	A	A				
Pet Shop	~~(2526)~~																P	P	P	P					
Temporary Real Estate Sales Office	~~(2627)~~		P	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	~~(2728)~~	(10)																S	P	P	P	P			
Restaurant with less than 2,000 SF with Drive-Through or Drive-In	~~(2829)~~	(11)															S	S	S	S	S	S			
Restaurant with less than 2,000 SF without Drive-Through or Drive-In	~~(2930)~~														P	S	P	P	P	P	P	P			
Restaurant with 2,000 SF or more with Drive-Through or Drive-In	~~(2829)~~	(12)															S	S	P	P	P	P			
Restaurant with 2,000 SF or more without Drive-Through or Drive-In	~~(2930)~~														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*)	~~(3031)~~	(13)															S	P	P	P	P	P	S	S	
Retail Store with Gasoline Sales that has more than Two (2) Dispensers	~~(3032)~~	(13)																S	P	P	P	P	S	S	
Secondhand Dealer	~~(3133)~~														S			P	P	P	P	P			
Art, Photography, or Music Studio	~~(3233)~~														P	P	P	P	P	P	P				
Tailor, Clothing, and/or Apparel Shop	~~(3334)~~														P		P	P	P	P					
Tattoo and/or Body Piercing	~~(3435)~~																			P					
Taxidermist Shop	~~(3536)~~																			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			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted Table

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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	
Custom and Craft Work	(5)																				P	P	P				
Electrical, Watch, Clock, Jewelry and/or Similar Repair	(6)															P		S	P	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 Rental, Sales, and Service	(10)	(5)																		S	P	S	P				
Locksmith	(11)															P			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				
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)	(6)	P	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 Automotive 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				

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Not Strikethrough

Formatted: Not Strikethrough

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
Commercial Parking Lot	(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	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	(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			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Not Strikethrough

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL 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	MIXED USE DISTRICTS: Downtown (DT) District	Residential Office (RO) District	NON-RESIDENTIAL DISTRICTS: Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	OVERLAY DISTRICTS: Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
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			
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~~for a Residential Property	(2)	(1)	~~PA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~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	~~(43)~~	~~(32)~~	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Antenna Dish	~~(54)~~	~~(43)~~	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Freestanding Commercial ~~Freestanding~~ Antenna (*i.e. Monopole or a Similar Structure*)	~~(65)~~	~~(54)~~	S											S		S	S	~~SP~~	~~SP~~	~~SP~~	P	P	S		S
Mounted or Attached Commercial Antenna	~~(76)~~	~~(65)~~	S											P	S	S	S	~~SP~~	~~SP~~	~~SP~~	P	P			
Bus Charter Service and Service Facility	~~(87)~~																			P	P	P			
Commercial Drone Delivery Hub	(8)	(6)																	S	S	S				
Helipad	(9)																	S	S	S	S	S			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted Table

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
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 (*Includes Utilities with a Franchise Utility Agreement with the City of Rockwall*)	(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	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	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	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	A			
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	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~~			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Font: Italic

ARTICLE 05 | DISTRICT DEVELOPMENT STANDARDS

SECTION 01 | GENERAL STANDARDS
SECTION 02 | AGRICULTURAL DISTRICTS
SECTION 03 | RESIDENTIAL DISTRICTS
SECTION 04 | COMMERCIAL DISTRICTS
SECTION 05 | INDUSTRIAL DISTRICTS
SECTION 06 | OVERLAY DISTRICTS
SECTION 07 | DISTRICT DEVELOPMENT STANDARDS

SECTION 01 | GENERAL STANDARDS

SUBSECTION 01.01: OPEN SPACE

The purpose of this Article is to set forth regulations which protect the public from the potential negative effects of industrial and intense commercial development by regulating smoke and particulate matter, odorous matter, fire or explosive materials, toxic and noxious matter, vibration, open storage, glare and fuel supply in the vicinity of such sites.

(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 03.01, *General Residential District Standards*

(b) *Commercial*. Subsection (D), *Open Space Guidelines*, of Section 04.01, *General Commercial District Standards*

(c) *Industrial*. Subsection (D), *Open Space Guidelines*, of Section 05.01, *General Industrial District Standards*

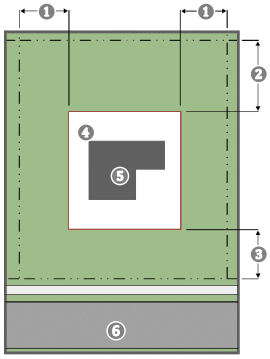
SUBSECTION 01.02: SITE PLANS

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 11, *Development Applications and Review Procedures*.

SUBSECTION 01.03: LOT CONFIGURATIONS

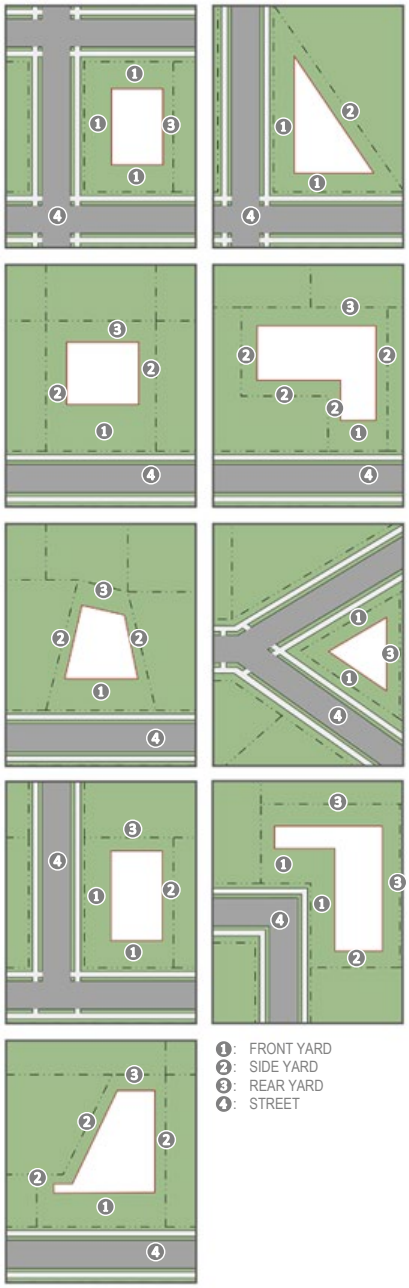
(A) *Lots with a Single Street Frontage*. Where lots have a single street frontage, the required setbacks should generally adhere to the following diagram:

FIGURE 1: LOT WITH A SINGLE STREET FRONTAGE



1: REQUIRED SIDE YARD SETBACK
2: REQUIRED REAR YARD SETBACK
3: REQUIRED FRONT YARD SETBACK
4: BUILDABLE AREA
5: BUILDING COVERAGE
6: STREET

FIGURE 2: LOT WITH MULTIPLE STREET FRONTAGE

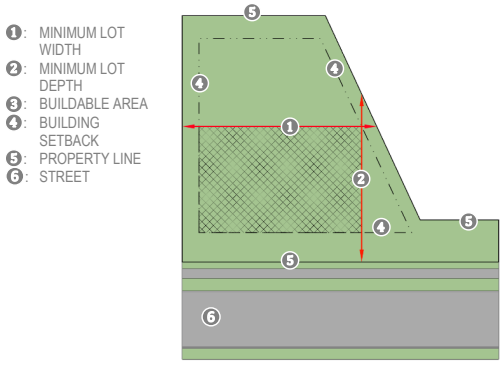


1: FRONT YARD
2: SIDE YARD
3: REAR YARD
4: STREET

(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:~~ *Figure 2*.

~~(B)~~(C) *Determining Lot Width and Depth for an Irregularly Shaped Lot*. To determine the minimum lot width and depth of an irregularly shaped lot or where a portion of the lot does not adhere to the required minimum lot width or depth, the follow method of calculation shall be use:

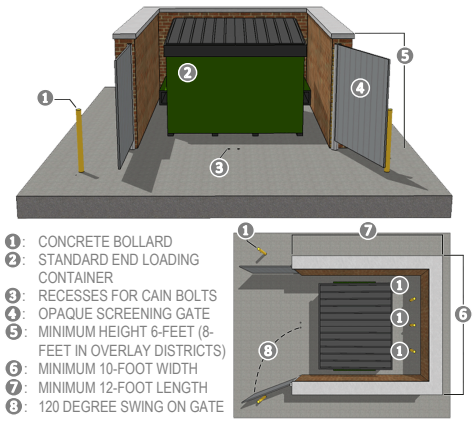
FIGURE 3: IRREGULARLY SHAPED LOT



SUBSECTION 01.04: 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.

FIGURE 3: STANDARD DUMPSTER ENCLOSURE



SUBSECTION 01.05: SCREENING STANDARDS

All development shall adhere to the following screening standards:

(A) *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 05.02, *Landscape Screening Standards*, of Article 08, *Landscape Standards*.

(B) *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.

(C) *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 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.

(D) *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.

(E) *Outside Storage*. Outside storage of materials or vehicles shall be screened from all public ~~streets~~rights-of-way, any adjacent properties, ~~any residential zoning district or residentially used property,~~ and parks and open space that abut~~s~~ or ~~is~~are 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

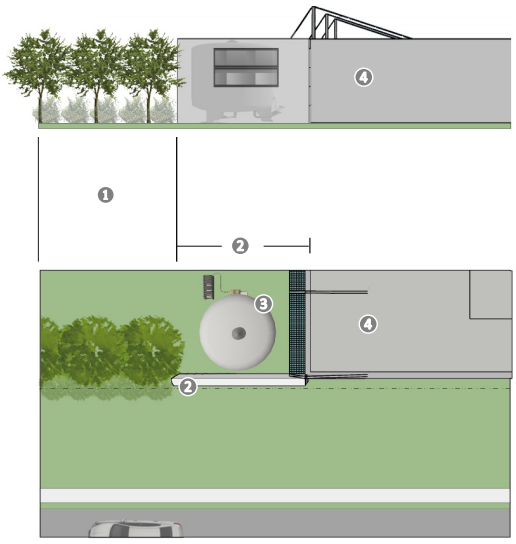
Formatted: Indent: Left: 0.25", No bullets or numbering

Formatted: Normal

Formatted: Font: Italic

accordance with Subsection 05.02, *Landscape Screening Standards*, of Article 08, *Landscape Standards*.

FIGURE 4: ABOVE GROUND STORAGE TANKS



1: SECONDARY SCREENING CANOPY TREES (SPACED 20-FOOT ON CENTER) AND SHRUBS
2: SCREENING WALL
3: ABOVE GROUND STORAGE TANK
4: INDUSTRIAL BUILDING

SUBSECTION 01.06: RESIDENTIAL ADJACENCY STANDARDS

(A) *Purpose*. The general objectives of residential adjacency standards are to preserve and protect the integrity, enjoyment and property values of residential neighborhoods within the City of Rockwall, through the establishment of standards for certain nonresidential uses that may impact surrounding residential land uses. These standards are in addition to the development regulations applicable to the underlying zoning district. When any requirements in this section are in conflict with any other requirements for the underlying zoning district, the more restrictive requirements shall apply.

(B) *Definitions*.

Residential Adjacency. Any nonresidential building, use, or associated activity that when located in proximity to a residential district may result in detrimental impact to a residential property. Residential adjacency shall include the lot on which the nonresidential building, use, or associated activity is located. In cases where multiple uses are contained on the same lot, residential adjacency shall apply to the area within that lot which encompasses the building, use, or associated activity and all accessory buildings, uses, or areas necessary to support them.

Vehicular Service Bays. Any partially or fully enclosed space used for "major" or "minor" automobile repair, or truck and bus repair, or similar activities.

Individual Service Speakers. Speakers used to conduct business with individual customers outdoors or in a partially enclosed structure, including, but not limited to:

- Drive-through payment windows;
- Drive-through restaurant ordering boards;
- Service station pump islands; and
- Car washes.

Public Address/Paging Systems. Loud speaker or amplified paging systems intended to contact or provide information to person(s) on the exterior of a building such as those commonly used by businesses with large outdoor facilities/operations, including, but not limited to:

- New and used car dealers;
- Building material sales;
- Garden centers; and
- Car washes.

Small Engine Repair Shop. Shop for repair of lawnmowers, chain saws, lawn equipment, and other machines with one-cylinder engines.

Motorcycle. A usually two (2) wheeled self-propelled vehicle having one (1) or two (2) saddles or seats, and which may have a sidecar attached. For purposes of the Unified Development Code (UDC), motorbikes, motor scooters, mopeds, and similar vehicles are classified as motorcycles.

Motorcycle Sales and Service. The display, sale and servicing, including repair work of motorcycles.

(C) *Applicability*.

(1) The residential adjacency standards shall apply when a use is proposed for a nonresidential building or site that is adjacent to a residential district, and both of the following conditions apply:

(a) An existing or proposed building, structure, or device on the lot is within 150 feet of a residential district boundary, except if the activity proposes the use of public address/paging systems, in which case 500 feet shall be the effective distance; and

(b) One or more of the following uses are proposed:

(1) Planned shopping centers and neighborhood convenience centers.

(2) Restaurants, including accessory outdoor seating, with drive-in or drive-through facilities.

(3) Retail outlets where gasoline products are sold as an accessory use.

(4) Automotive repair, as an accessory to a retail use, provided all work is conducted wholly within a completely enclosed building.

(5) Gasoline service stations.

(6) Car wash.

(7) Drive-in businesses.

(8) New car dealership.

(9) Nursery, greenhouse, or garden center.

(10) Minor automotive repair.

(11) New boat dealership.

(12) Automotive vehicle sales and service.

(13) Automotive repair and other repair services, excluding wrecking yards.

(14) Lumberyards or contractor yards, general warehousing and storage, farm equipment or other heavy equipment sales and service, farm products, warehousing and storage, including mini-warehouses for storage purposes only.

(15) Small engine repair service.

(16) Motorcycle sales and service.

(2) Review of proposals for compliance with the residential adjacency standards will be carried out in conjunction with site plan review, depending on whether or not the actual use of the site is known.

(D) *Standards*.

(1) *Noise*.

(a) Any use containing individual service speakers shall not be permitted within 150 feet of any residential district unless the speaker is appropriately screened and shall meet the standards established in Article IV, *Noise*, of Chapter 16, *Environment*, of the Municipal Code of Ordinances. The Planning and Zoning Commission may require wing walls, landscape screens, changes in building orientation, and/or other design elements to screen and minimize the impact of individual service speakers.

(b) Any use containing public address/paging systems shall not be permitted within 500 feet of any residential district unless separated by an MD4 or larger thoroughfare.

(2) *Loading Spaces*.

(a) Where adjacent to residential districts, off-street loading areas shall be fully screened from view of the residential district.

(b) The director may require wing walls, landscape screens, changes in building orientation, and/or other architectural elements to minimize the impact of uses containing loading docks within 150 feet of any residential district.

(3) *Vehicular Service Bays*.

(a) All vehicular service bays within 150 feet of a residential district shall face away from adjacent residential districts unless separated by a building or permanent architectural feature of minimum height matching the height of the service bays.

(b) Walls separating service bays from a residential district shall be of masonry or reinforced concrete with no openings.

(c) The director may require wing walls, landscape screens, changes in building orientation, and/or other design elements to minimize the impact of service bays within 150 feet of a residential district.

(d) No use including outdoor vehicular repair, servicing or testing shall be permitted within 150 feet of a residential district.

(4) *Small Engine Repair Shops*. Small engine repair shops shall not be permitted within 150 feet of a residential district unless all repair, service, and testing activities are done in a fully enclosed building.

(5) *Motorcycle Sales/Service*. Motorcycle sales/service facilities shall not be permitted within 150 feet of a residential district unless all repair, service, and testing activities are done in a fully enclosed building.

(6) *Car Wash and Fuel Dispensing Facilities*.

(a) Car wash and fuel dispensing facilities shall not be permitted within 150 feet of a residential district.

(b) Where car wash and fuel dispensing facilities are within 300 feet but greater than 150 feet of a residential district, the Planning and Zoning Commission may require wing walls, landscape screens, and/or other design elements to screen and minimize the impact of such facilities.

(7) *Combination Gas Station, Fast Food Restaurant, and/or Convenience Store*.

(a) Combination gas station, fast food restaurant, convenience store shall not be permitted within 150 feet of a residential district.

(b) Where combination gas station, fast food restaurant, convenience stores are within 300 feet but greater than 150 feet of a residential district, the Planning and Zoning Commission may require wing walls, landscape screens, and/or other design elements to screen and minimize the impact of such facilities.

(8) *Signs*.

(a) No more than one (1) monument sign per street frontage with a maximum height of five (5) feet and a maximum area of 60 square feet shall be allowed.

(b) A business shall be allowed any number of attached walls, projection or marquee signs so long as the total face area of the building or store front does not exceed ten (10) percent of the front face area of the building or store front as established in approved plans submitted to the City, or 60 square feet, whichever is greater, or exceed six feet in height as per the sign ordinance.

(E) *Review*. The following information shall be submitted in order to facilitate the review:

(1) All information and procedures as required by site plan review in Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC).

(2) Location and description of existing and proposed exterior speaker systems to include information about the height, octave and decibel band ranges of each fixture.

(3) Information indicating the location and orientation of all off-street loading spaces.

(4) Information indicating the location and orientation of all vehicular service bays.

(5) Information indicating the location and description of existing and proposed screening between the proposed nonresidential use and the residential district.

SUBSECTION 01.07: 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.

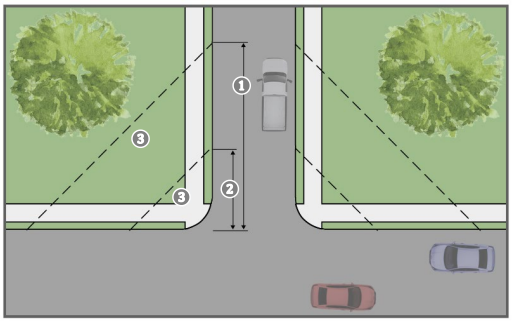
An open fire escape may project into a required yard by not more than half the width of the setback, but not more than four (4) feet from the building. Fire escapes, solid floored balconies and enclosed outside stairways may project into a rear yard by a maximum of four (4) feet.

(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.

SUBSECTION 01.08: 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.

FIGURE 5: SITE DISTANCE REQUIREMENTS



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

NOTES:

(1) THE TRIANGLE SHOULD BE MEASURED FROM THE EDGE OF THE STREET, AND PROJECTED AT A 45-DEGREE ANGLE TO THE ADJOINING STREET.

(2) THE UNOBSTRUCTED VERTICAL FIELD OF VISION SHOULD BE BETWEEN TWO (2) FEET AND NINE (9) FEET IN HEIGHT.

(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) curb lines 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.

SECTION 02 | AGRICULTURAL DISTRICTS

SUBSECTION 02.01: 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 01.01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within an Agricultural (AG) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SECTION 03 | RESIDENTIAL DISTRICTS

SUBSECTION 03.01: 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.

FIGURE 6: ANTI-MONOTONY 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 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 Figure 6 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 08, *Fence Standards*, of Article 08, *Landscape and Fence Standards*.

SUBSECTION 03.02: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family Estate 1.5 (SFE-1.5) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.03: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family Estate 2.0 (SFE-2.0) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.04: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family Estate 4.0 (SFE-4.0) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.05: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 1 (SF-1) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.06: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 16 (SF-16) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.07: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 10 (SF-10) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.08: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 8.4 (SF-8.4) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.09: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 7 (SF-7) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.10: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Zero Lot Line (ZL-5) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.11: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Two-Family (2F) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.12: 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 01, *Land Use Schedule*, of Article 04, *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 04 | COMMERCIAL DISTRICTS

SUBSECTION 04.01: 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 07.03, *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 standards for articulation on primary building façades as depicted in *Figure 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 standards for articulation on secondary building façades as depicted in *Figure 7*.

(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 criterion 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 08, *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.

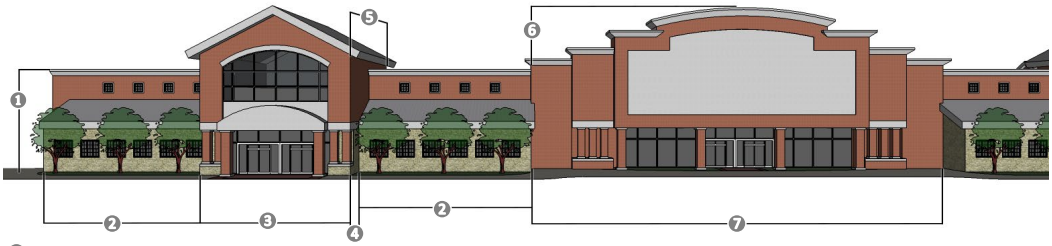
(b) Buildings should be placed in a manner that screens the drive-through lane and creates pedestrian pathways and spaces.

(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.

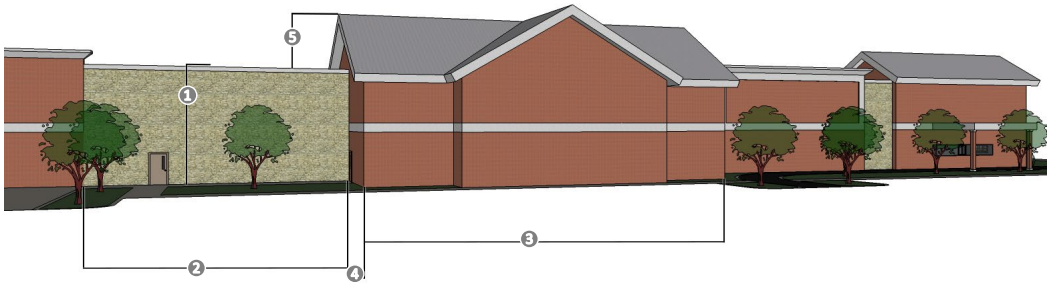
(4) *Residential Adjacency Standards*. Where the property immediately abuts a residential zoning district or residentially used property -- unless separated by an M4D (major collector, four [4] lane, divided roadway) or larger thoroughfare -- a minimum 25-foot wide landscaped buffer must be installed 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*, of Article 08, *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*, of Article 08, *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

FIGURE 7: COMMERCIAL BUILDING ARTICULATION STANDARDS



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 THREE (3) TIMES THE WALL HEIGHT (I.E. 3 x ❶≥❷).
❸: *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% x ❷≤❸).
❹: *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% x ❶≤❹).
❺: *PRIMARY AND/OR SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL WIDTH OF THE PRIMARY AND/OR SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL EXTEND TWICE THE REQUIRED WALL PROJECTION (I.E. 2 x ❹≥❺).
❻: *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% x ❶≤❻).
❼: *PRIMARY ENTRYWAY/ARCHITECTURAL ELEMENT LENGTH*. THE PRIMARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL MEET ALL OF THE SAME PROJECTIONS AS THE SECONDARY ENTRYWAYS/ARCHITECTURAL ELEMENT, BUT SHALL EXTEND A MINIMUM OF TWICE THE LENGTH OF THE SECONDARY ELEMENT (I.E..2 x ❸≥❼).



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 THREE (3) TIMES THE WALL HEIGHT (I.E. 3 x ❶≥❷).
❸: *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% x ❷≤❸).
❹: *SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL PROJECTION FOR A SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 15% OF THE WALL HIEGHT (I.E. 15% x ❶≤❹).
❺: 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% x ❶≤❺).

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.

(F) *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 11, *Development Applications and Review Procedures*.

SUBSECTION 04.02: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Residential-Office (RO) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *Non-Residential District Development Standards*.

~~(C)~~(D) *Signage*. All signage permitted within the Residential-Office (RO) District shall conform to the requirements for signage as outline in Subsection 06.04, *North Goliad Corridor Overlay (NGC OV) District*.

SUBSECTION 04.03: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Neighborhood Services (NS) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *Non-Residential District Development Standards*.

SUBSECTION 04.04: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a General Retail (GR) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *Non-Residential District Development Standards*.

SUBSECTION 04.05: 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

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font color: Accent 5

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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Commercial (C) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *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 01, *Land Use Schedule*, of Article 04, *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 04.06: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Commercial (C) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *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 01.05, *Screening Standards*.

SUBSECTION 04.07: DOWNTOWN (DT) DISTRICT

(A) *Purpose, Goals and Intent*.

(1) *Purpose*. The purpose of the Downtown District is to implement the adopted recommendations of the comprehensive plan and Downtown Plan by encouraging new development and redevelopment in the Downtown area.

The goals of this zoning district are:

(a) To make the downtown area a sustainable "Great Place" within the region that will attract high quality investment and reinvestment over time.

(b) To capitalize on the existing historic character of the downtown and provide Rockwall with a thriving downtown center.

(c) To provide development and land use flexibility within the framework of a form-based development zoning district.

(d) To provide a mix of residential, retail and office uses in a pedestrian-friendly environment.

The intent of this zoning district is:

(a) To provide a comfortable and attractive environment for pedestrians which include such things as buildings framing public space, street trees, lighting and awnings that will attract pedestrians.

(b) To construct continuous building frontage along block faces except where it is desirable to provide for pedestrian and auto pass-throughs to parking at mid-block.

(c) To provide shared and consolidated parking both on-street and in the center of blocks that will benefit the entire district.

(d) To contribute to the definition and use of public sidewalks, parks and plazas.

(e) To design and build an infrastructure of buildings to accommodate a range of uses over time without the need to destroy older buildings and rebuild them for each successive use.

(f) To design streets and buildings which will contribute to creating a safe environment.

(B) *Definitions*.

(1) *Purpose.* For the purposes of this section, the following definitions shall apply.

(a) *Primary Building Facade*. Any facade that faces a public street or open space.

(b) *Downtown District Engineering and Landscape Standards*. Any approved city standards which govern such items as street, streetscape, drainage, signage and other public improvements in the Downtown (DT) District.

(c) *Primary Entry*. The main entry to a building on a block face. There must be at least one (1) main building entry for each ground floor use, tenant or lobby on each block face which contains the use or tenant. Any additional building entries may be considered a secondary entry.

(d) *Feature Buildings*. Buildings which are located on axis with a terminating street or open space, or at the intersection of streets. Such buildings shall incorporate architectural features which address height and articulation that emphasize the importance of such a location.

(e) *Historic Core*. See the regulating plan for historic core boundaries which is on file in the City secretary's office.

(f) *Long-Term Parking*. Customer or tenant parking which is intended for the primary use of vehicles parked for a duration of more than two hours and neither priced nor managed to encourage turnover.

(g) *Reserved Parking*. Parking which is assigned or reserved for tenants or visitors of a building or business.

(h) *Shared Parking*. Parking which is shared by tenants, visitors and the public. Hours of availability may be further defined in cooperation with the City.

(i) *Short-Term Parking*. Customer or tenant parking which is intended to serve commercial businesses or residential uses that has a regular turnover of two hours or less.

(j) *Regulating Plan*. The plan approved by the City which applies the Downtown District and which identifies certain subdistricts and the location of required retail at grade, among other items.

(k) *Stoop*. A structure that is located approximately at the level of the first floor of the structure and intended to provide access to a residential unit.

(l) *Story*. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above the floor of such story. This includes any mezzanine or loft which may comprise only a portion of a full floor plate.

(m) *Major Waiver to Design Standards*. A significant change to both the standards and intent of this zoning district, and involves Planning and Zoning Commission and City Council approval.

(n) *Minor Waiver to Design Standards*. A minor change to the standards, but not the intent, of this zoning district and involves staff approval.

(C) *General District Standards*.

(1) *Regulating Plan.*

(a) *Authority.* A regulating plan is the coding key for application of this district's provisions to properties, and shall be considered part of this zoning district. It may establish such things as:

(1) Major street types within the district;

(a) Sub-district areas;

(b) Required at-grade retail construction;

(c) Public open space and plazas; and

(d) Regional hike and bike corridors.

(b) *Zoning of Property*.

(1) *Downtown Development Plan Required.* An approved downtown development plan which is consistent with this Unified Development Code (UDC) and the regulating plan shall be required prior to issuance of any building permit.

(2) *Nonconformity.* Uses which are legal and conforming at the time of rezoning to the Downtown District shall continue as legal conforming uses under their current standards until those uses are deemed abandoned. For example:

(a) They have been replaced with a conforming use;

(b) Such building or structure is or hereafter becomes vacant and remains unoccupied or out of use for a continuous period of six months, or the special equipment and furnishings peculiar to the non-conforming use have been removed from the premises and have not been replaced within such six-month period; or

(c) The intention of the owner to permanently discontinue the use is apparent.

(2) *Waivers of Design Standards.* In order to provide flexibility and create high quality projects, standards in the Downtown District may receive a waiver from City staff, the Planning and Zoning Commission, and/or the City Council. (*See subsection VIII.B, Waivers, below, for applicability, processes and procedures.*)

(a) Minor waivers are limited to the following:

(1) Depth or height of required retail space.

(2) Requirement to line a parking garage with buildings.

(3) Requirement for continuous building frontage.

(4) Establishment of build-to line.

(5) Encroachment into the build-to line.

(6) Residential landscape requirement.

(7) Increased building height for "feature" buildings.

(8) Design of buildings without tri-partite architecture.

(9) Required frequency of building entries along a street edge.

(10) Window detailing.

(11) Exterior building materials.

(12) Exterior building color.

(13) Retail at grade design standards.

(14) Balcony and patio railing.

(15) Landscape standards.

(16) Location of bicycle parking.

(b) Major waivers may include, but are not limited to, the following:

(1) Required retail construction.

(2) Building height for non-feature buildings.

(3) Exceeding the maximum leasable retail area.

(4) Required setback of the fourth floor and above.

(5) Residential at grade design standards.

(6) Parking requirements.

(7) Parking garage design standards.

(3) *Function/Land Use.*

(a) *Land Use*.

(1) Retail, personal service, residential and office uses shall be allowed throughout the district. For a specific list of permitted uses, see Article 04, *Permissible Uses*, of the Unified Development Code (UDC).

(2) Where *Required Retail Construction* is designated on the regulating plan, the ground floor adjacent to the street shall be constructed to retail building standards for a depth of at least 50-feet, however, a smaller depth may be allowed if the retail is serving as a *liner* use which is masking a parking garage by minor waiver.

(3) All access drives shall require a minor waiver.

(4) *Block Face.* It is intended that building walls should be continuous along block faces to create a strong edge to the street and contribute to creating an attractive and active pedestrian environment. Contributing to that goal, however, is to allow some limited variation and opportunities for outside dining, pocket parks and special building entry features.

(a) *Block Length*. The length of new blocks should not be less than 200-feet, nor more than 600-feet.

(b) *Block Faces*. Block faces shall contain continuous building frontage with the exception of a mid-block access to parking which is no greater than 34-feet in width and 16-feet in height.

(c) *Continuous Building Frontage* will be considered to be met if the primary building facade is located within five feet of the build-to line requirement. However, administrative approval of a minor waiver will permit up to 15% of the building frontage to be up to 15 feet behind the build-to line provided that it results in an attractive outdoor dining area, building entry feature or other amenity which contributes to the streetscape. A greater increase shall require approval of a major waiver.

(d) *Façades*. Façades shall generally be built parallel to the street frontage, except at street intersections, where a corner facade containing a primary building entrance may be curved or angled toward an intersection.

FIGURE 8: EXAMPLE OF A BUILD-TO-LINE

❶: BACK OF CURB
❷: PEDESTRIAN WAY/SIDEWALK
❸: BUILD-TO-LINE

(e) *Build-To-Lines (i.e. Setbacks)*.

(1) Build-to lines shall be measured from the planned street back-of-curb, as established on the approved regulating plan for the district and the standards in the Unified Development Code (UDC) [*see Table 1, 2 & 3 for Downtown District Standards below*], or the City's approved Master Thoroughfare Plan. The entire area between the back-of-curb and the primary building facade shall be dedicated as public right-of-way or have a public easement placed upon it.

(2) Awnings may encroach above the public sidewalk without limit, provided they leave a minimum

clearance of 7.5-feet above the sidewalk, and are set back a minimum of 18-inches from the back of curb and will not impede street tree growth.

(5) *Streetscape and Landscape*.

(a) Streetscape standards shall be established by the City for sidewalk paving, street trees, tree grates, lighting fixtures, trash receptacles and benches for both residential and nonresidential ground-level frontages.

(b) Non-residential ground floor frontages shall not be required to provide additional landscaping beyond that required in the Downtown District engineering and landscape standards.

(c) Residential ground floor frontages shall be required to landscape a minimum of five feet between the edge of sidewalk and the primary building facade, excluding access to sidewalks, stairs, stoops, porches and patios. This area may be landscaped with ground cover, low shrubs, ornamental trees and street trees. In addition, street tree wells may also be landscaped. Landscaping for tree wells is limited to ground cover and low shrubs.

TABLE 1: DOWNTOWN DISTRICT STANDARDS FOR BUILDING HEIGHT

BUILDING HEIGHT [1] & [3]	BLOCKS FACING THE SQUARE	BLOCKS FACING SINGLE-FAMILY ZONING	ALL OTHER BLOCKS
MAXIMUM # OF STORIES	4	2 [1]	4
MINIMUM # OF STORIES	2	2	2

TABLE 2: DOWNTOWN DISTRICT STANDARDS FOR BUILD-TO-LINE

BUILD-TO LINE [2]	BLOCKS FACING THE SQUARE	BLOCKS FACING SINGLE-FAMILY ZONING	ALL OTHER BLOCKS
GOLIAD STREET AND ALAMO STREET [4]	20-Feet	20-Feet	18-Feet
RUSK, WASHINGTON AND DENNISON [5]	20-Feet	20-Feet	24-Feet
ALL OTHER ROADS	18-Feet	18-Feet	18-Feet

TABLE 3: DOWNTOWN DISTRICT STANDARDS FOR PEDESTRIAN ACCESS

PEDESTRIAN WALKWAY WIDTH	BLOCKS FACING THE SQUARE	BLOCKS FACING SINGLE-FAMILY ZONING	ALL OTHER BLOCKS
NON-RESIDENTIAL	10-Feet	10-Feet	10-Feet [5]
RESIDENTIAL [6]	6-Feet	6-Feet	6-Feet

NOTES:

[1]: MAXIMUM OF TWO (2) STORIES WHEN THE BUILDING IS WITHIN 200-FEET OF SINGLE-FAMILY ZONED PROPERTY.

[2]: BUILD-TO-LINES ARE MEASURED FROM THE *BACK OF CURB* OF THE PLANNED STREET AS SET OUT IN THE APPROVED REGULATING PLAN FOR THE DISTRICT. THE SETBACK RANGE IS ESTABLISHED FOR THE BLOCK FACE. [SEE SUBSECTION 04.07(C)(4), *BLOCK FACE*].

[3]: INCREASED HEIGHT FOR FEATURE BUILDINGS MAY BE APPROVED AS PART OF SITE PLAN APPROVAL BY MINOR WAIVER. ADDITIONAL HEIGHT FOR OTHER BUILDINGS SHALL BE CONSIDERED A MAJOR WAIVER.

[4]: EXCEPT ALONG GOLIAD STREET BETWEEN WASHINGTON STREET AND KAUFMAN STREET, WHERE EXISTING BUILDING LINES WILL BE ENFORCED.

[5]: SIDEWALK TABLES MAY BE ALLOWED BY THE CITY IN RETAIL AREAS.

[6]: EXCEPT RUSK STREET BETWEEN ST. AUGUSTINE STREET AND ALAMO STREET WHERE EXISTING HISTORIC BUILDING LINES WILL BE ENFORCED.

(D) *Buildings.*

(1) *Intent*. It is the intent of this zoning district to create an attractive and active village style district and the size, disposition, function, and design of buildings, play an important role in achieving that goal.

(a) Buildings should directly contribute to the attractiveness, safety and function of the street and other public areas.

(b) Buildings that accommodate retail at grade should feature the retail activity over the building's architecture.

(c) Buildings should be constructed in a manner, and with materials, that are highly durable and will continue to endure and be attractive over a long time, especially adjacent to public and pedestrian areas.

(d) It is intended by this zoning district to encourage a variety of building and design solutions in response to the standards and regulations outlined herein.

(2) *Building Standards.*

(a) *Building Form.*

(1) The maximum retail area allowed for a single user shall be 40,000 square feet. Any lease which exceeds this size shall require approval of a major waiver.

(2) All buildings shall be designed and constructed in tri-partite architecture so that they have a distinct base, middle and top.

(3) Buildings which are located on axis with a terminating street or at the intersection of streets shall be considered a feature building. Such buildings shall be designed with features which take advantage of that location, such as an accentuated entry and a unique building articulation which is off-set from the front wall planes and goes above the main building eave or parapet line.

(b) *Architectural Features.*

(1) Buildings which are greater than three (3) stories in height must be set back at the fourth floor at least eight feet behind the building face of the first three floors along street frontages. Any change to this standard shall be considered a major waiver.

(2) Windows shall have at least a four (4) inch reveal and except for retail at grade, shall be vertical in proportion.

(3) No glass curtain wall shall be permitted except by approval of major waiver.

(4) Each building and separate lease space at grade along the street edge shall have a functioning primary entry from the sidewalk. Such entries must be inset from the front building plane by at least five

feet. Secondary entries may be set back as little as three (3) feet. Functioning entries must be located no greater than 30-feet apart. Corner entries may count as a primary entry for both intersecting street frontages.

(5) Architectural elements of the primary building facade may encroach beyond the build-to line by up to five feet provided that pedestrian flow will not be significantly impeded, with a minor waiver. These elements may include stoops, porches, bay windows, eaves, planters and light wells for a below grade floor. Balconies, canopies and awnings are not limited in their encroachment, provided that they do not substantially interfere with pedestrian movement and street tree growth. This does not apply to the historic core.

FIGURE 9: EXAMPLE OF TRI-PARTITE ARCHITECTURE

❶: TOP; ❷: MIDDLE; ❸: BASE

FIGURE 10: 4TH FLOOR SETBACK REQUIREMENT

(c) *External Facade Materials*. The following shall apply to all exterior walls of buildings and parking structures which are clearly visible from a public street, walkway or open space:

(1) Ground floor exterior walls, excluding windows, doors, and other openings, shall be constructed of 100% brick, natural or cast stone on the exterior facade.

(2) Overall, a minimum of 85% of exterior walls which face on a street right-of-way, plaza or open space, excluding windows, doors, and other openings, shall be constructed of brick, natural or cast stone. Where such a wall turns a corner, the surface materials shall continue around the corner a minimum of eight feet.

(3) The remainder may be constructed of noncombustible materials including exterior stucco and class PB exterior insulating and finishing systems (EIFS). Stucco and EIFS shall be used only for walls, architectural features, and embellishments not subject to pedestrian contact. On wholly residential structures, cementitious fiberboard may be used for up to ten (10) percent of the facade provided it is above the ground floor.

(4) Unpainted metal, or metal subject to ordinary rusting shall not be used as a building material. Factory finished metal elements as well as metals that develop an attractive oxidized finish, such as copper, galvanized metal, stainless steel or weathering steel, may be used as architectural accents by minor waiver approval.

(5) Windows and glazing shall be a minimum of 30% up to a maximum of 70% of each building elevation. [*See Subsection (D)(2)(f), Non-Residential at Grade, below for special requirements for retail at grade*].

(6) A variation of up to 15% of the standards above, and the material type may be approved by administrative approval of a minor waiver, provided that the change will result in an improved architectural design without degrading the quality of public areas or increasing the need for maintenance.

(d) *Color.*

(1) The dominant color of all buildings (including above grade parking structures shall be muted shades of warm gray, red, green, beige and/or brown. Black, gold and stark white shall not be used except as an accent color. There are no restrictions on accent colors which comprise less than one (1) percent of the building face, except that florescent colors are prohibited.

(2) Roof colors shall be a shade of cool gray, warm gray, brown or red.

(e) *Residential at Grade.*

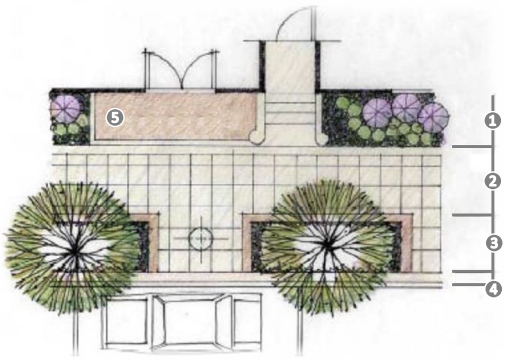
(1) All buildings which are constructed for residential units at grade shall include a primary front door

entrance into the unit which may be accessed from the sidewalk. Any change to this standard shall be considered a major waiver.

(2) The entry shall be located a minimum of two (2) feet above the sidewalk elevation and include a minimum 24-square-foot stoop. Any change to this standard shall be considered a major waiver.

(3) Units must also include windows which provide residents a view of the street and sidewalk area. Any change to this standard shall be considered a major waiver.

FIGURE 11: EXAMPLE OF RESIDENTIAL AT GRADE



❶: RESIDENTIAL LANDSCAPE/PATIO SETBACK;
❷: CLEAR SIDEWALK
❸: TREE, LIGHTING AND BIKE RACK ZONE
❹: ONE (1) FOOT DISMOUNT STRIP
❺: ELEVATED PRIVATE PATIO

(4) Lobbies to upper stories may be located at grade level.

(5) Balcony and patio railings and fences shall be constructed of wrought iron or metal. Wood fences and railings and chain-link fencing are prohibited. Masonry columns may be used on patios provided that they are used as accents.

(f) *Non-Residential at Grade.*

(1) The ground floor entry must be located at the approximate elevation of the adjacent sidewalk.

(2) Retail uses adjacent to the sidewalk at grade shall:

(a) Be constructed to meet fire code separation from any other uses constructed above;

(b) Have a minimum clear height of 16-feet between finished floor and the bottom of the structure above. Mezzanines within the retail space shall be allowed per building code;

(c) Have a canopy which extends at least six feet over the sidewalk for at least 75% of the frontage on any portion of a building located on the north, east or west side of a street and public sidewalk; and

(d) Have clear glass windows for at least 60%, but no greater than 80%, of the ground floor facade.

(e) No outdoor storage is permitted. Outdoor retail display or sales shall require a permit from the City.

FIGURE 12: EXAMPLE OF NON-RESIDENTIAL AT GRADE

❶: SIDEWALK WITH POSSIBLE OUTDOOR SEATING AND DINING
❷: TREE, LIGHTING AND BIKE RACK ZONE
❸: ONE (1) FOOT DISMOUNT STRIP

~~(D)~~(E) *Parking.*

(1) *Automobile Parking.*

(a) *Intent*. The following is the intent of the City's parking policies and the Downtown Zoning District:

(1) Support the creation of shared parking in order to enable visitors to park once at a convenient location and to access a variety of commercial enterprises in a pedestrian-friendly environment.

(2) Manage parking so that it is convenient and efficient, and supports an active and vibrant retail environment.

(3) Ensure visibility and ease of access to parking.

(4) Maximize on-street parking.

(5) Provide flexibility for changes in land uses which have different parking requirements within the district.

(6) Provide flexibility for the redevelopment of small sites.

(7) Design parking structures so that they do not dominate the public environment by lining the edge of structures with residential or commercial uses.

(8) Avoid diffused, inefficient single-purpose reserved parking.

(9) Avoid adverse parking impacts on residential neighborhoods.

(b) *Parking Requirements*. Off-street and on-street facilities shall be provided as required in Article 06, *Parking and Loading*, of the Unified Development Code (UDC).

(1) *Parking Reductions*.

(a) Properties in the historic core shall receive a credit for the number of parking spaces which would normally be required for retail use on the ground floor of any existing or new structure. To achieve this credit, however, retail or restaurant use must be located on the ground floor.

(b) In the remainder of the district, on-street parking which is directly in front of the development site may be counted toward the parking requirement for the development.

(2) *Achieving Automobile Parking*.

(a) Parking requirements may be met on-site, curb-side, by lease from the City or its designated authority or by payment of cash-in-lieu of parking to the City or its designated authority.

(b) Due to the limited land area within the historic core and the need to provide off-site parking, development shall be eligible to receive a reduction in the cost for the payment to the City for the required cash fee or the lease payments. The amount and the terms of the reduction shall be determined by the City manager or his designee by individual agreements.

(c) The City manager or designee shall annually establish the following:

(1) The leasing rates for city-provided parking spaces as a result of the need to provide such spaces for new development; and

(2) The cost of construction of a parking space in a parking structure for the purposes of establishing cash-in-lieu payments.

(3) *Parking Location*. All off-street parking shall be located behind buildings which face on a street or public open space. Any change to this standard shall be considered a major waiver.

(4) *At-Grade Parking*. Any at-grade parking lots fronting roadways which may be approved shall be set back not less than ten feet from the right-of-way line of such roadways, and screened from view as outlined in Subsection (F), *Landscaping Requirements*.

(5) *Parking Garages*. Parking garages that have frontage on public streets shall comply with all setback and build-to standards as established in *Tables 1, 2 & 3, Downtown District Standards*, and Subsection (D)(2)(c), *External Facade Materials*. However:

(a) Parking garages which are adjacent to a street shall be set back a minimum of 50-feet and lined with buildings containing any permitted use but parking.

(b) All parking garages shall be constructed with flat parking decks for ease in re-use of all or portions of the structure when parking demand wanes, unless otherwise approved by major waiver.

(c) Off-street below grade parking is permitted to the lot lines, but must be designed to allow for utilities and planting of landscape as defined in Subsection (F), *Landscaping Requirements*.

(6) Shared Parking.

(a) Uses may join in establishing shared parking areas if it can be demonstrated that the parking for two (2) or more specific uses occurs at alternating time periods. Required parking shall be determined based on parking demand for the peak parking period, as determined by a parking analysis study approved by the Director of Planning and Zoning.

(b) Shared parking shall be clearly designated with signs and markings.

(2) *Bicycle Parking*.

(a) *Goals*. Bicycle parking is required in order to encourage the use of bicycles by providing safe and convenient places to park bicycles.

(b) Required bicycle parking. Bicycle parking shall be provided based on at least one (1) space for each ten automobile parking spaces required as part of the base parking requirements above.

(c) *Bicycle Parking Standards*.

(1) *Location*.

(a) Required bicycle parking must be located within 50 feet of an entrance to the building. With approval of a minor waiver, bicycle parking may be located in the public right-of-way.

(b) Bicycle parking may be provided within a building, but the location must be easily accessible to bicycles.

(2) *Covered Spaces*. If covered spaces for motor vehicles are provided on-site, then 50% of the bicycle parking shall also be covered, unless otherwise approved by minor waiver.

(3) *Signs*.

(a) All monument signs in the Downtown (DT) District shall conform to the signage requirements stipulated by Subsection 06.04, *North Goliad Corridor Overlay (NGC OV) District*. All other signage shall conform to Chapter 32, *Signs*, of the Municipal Code of Ordinances.

Formatted: Font: 5 pt

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Underline, Font color: Accent 5

Formatted: Underline, Font color: Accent 5

Formatted: Font: 5 pt

Formatted: Indent: Left: 1.25", No bullets or numbering

~~(3)~~(b) If the bicycle parking is not visible from the street, then a sign must be posted indicating the location of the bicycle parking facilities.

(4) *Rack Types and Required Areas*. Bicycle racks and the area required for parking and maneuvering must meet the Downtown District engineering and landscape standards or be approved by minor waiver (see below). Bicycle lockers may also be allowed as part of meeting the bicycle parking requirement, but must be approved as to type and location.

(d) *Standards for Bicycle Rack Types and Dimensions*.

(1) *Rack Type*.

(a) Bicycle rack types and standards shall be approved by the City.

(b) *Parking Space Dimensions*.

(1) Bicycle parking spaces must be at least six feet long and two feet wide, and in covered situations, the overhead clearance must be at least seven feet.

(2) An aisle for bicycle maneuvering must be provided and maintained beside or between each row of bicycle parking. This aisle must be at least five feet wide.

(3) Each required bicycle parking space must be accessible without moving another bicycle.

(4) Areas set aside for bicycle parking must be clearly marked and reserved for bicycle parking only.

~~(E)~~(F) *Streetscape, Lighting and Mechanical*.

(1) *Intent*.

(a) It is the intent of this zoning district to provide a level and consistency of lighting that supports pedestrian activity and promotes safety.

(b) The entire district shall utilize the basic fixtures and furnishings in the public areas as may be approved by the City for this district.

(c) Mechanical equipment shall not be clearly visible from the street or other public area.

(2) *Standards*.

(a) For streetscape and lighting specifications, see the Subsection (H), *Downtown District Engineering and Landscape Standards*.

(b) Lighting elements shall be incandescent, metal Halide, or halogen only. No HID or fluorescent lights (*except fluorescent bulbs that screw into standard socket fixtures*) may be used on the exterior of buildings.

(c) All lighting shall be focused downward or narrowly focused on its intended target such as signing, parking and pedestrian walkways. No lighting source from a commercial activity shall be visible by a residential unit.

(d) Mechanical and electrical equipment, transformers, meters, garbage containers and loading areas shall be located and screened so that they are not visible from the street or other public area.

(1) Mechanical equipment shall be screened from view from all public roadways and located to minimize noise intrusion to adjacent properties. The required screening must be composed of the same exterior materials as the buildings on the lot, or through the use of masonry walls, ornamental fence (80% opaque), evergreen landscape material, or combination thereof.

(2) All roof-mounted mechanical elements must be screened from view from the public right-of-way and neighboring properties. Screening must be architecturally compatible with the building design.

(3) Loading, service and trash storage areas shall be screened from all public roadways. Refuse containers must be placed on a designed, reinforced concrete pad and approach. The required screening must be composed of the same exterior materials as the buildings on the lot, or through the use of masonry walls, ornamental fence (80% opaque), evergreen landscape material, or combination thereof.

(e) Any bicycle parking in the public right-of-way shall be located within the band created by street trees and pedestrian street lights; however, it must be placed in a manner that avoids conflicts with pedestrian and vehicular paths.

~~(F)~~(G) *Landscape Requirements*. Landscaping within the Downtown District shall comply with the provisions in this subsection, the City's streetscape standards and the standards contained in Article 08, *Landscaping and Fence Standards*, of this Unified Development Code (UDC). Where conflicts exist between this district and Article 08, *Landscaping and Fence Standards*, of this Unified Development Code (UDC), the requirements in this district shall be applied.

(1) *Street Trees*. Street trees shall be large shade tree species having a minimum caliper of four inches, selected in accordance with the City's landscape standards. Street trees shall be planted at least 20-feet on center.

(2) *Plant Material*. Front yards shall be landscaped adjacent to residential at grade per the diagram in Subsection (D)(2)(e), *Residential at Grade*, above. Plant materials shall consist of shade trees, ornamental trees, shrubs, evergreen ground covers, vines, and seasonal color.

(3) *Paving Material*.

(a) Paving material shall be warm toned, natural materials such as brick, stone and concrete. Asphalt may be approved as part of a minor waiver.

(b) Gravel as a paving material is prohibited.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Font: 5 pt

Formatted: Font: Italic, Underline

(4) *Parking Lot Landscape.*

(a) Landscaping of the internal surface parking area shall not be required unless it is planned to serve as long-term parking. In which case, such long-term surface parking areas shall meet the requirements of Subsection (F), *Landscaping Requirements*. For the purpose of this subsection, long-term parking shall be determined by the Director of Planning and Zoning, and may include parking which has a likelihood of being in place for a period of ten years or more.

(b) Surface parking lots shall be screened from all adjacent public streets and neighboring sites. The screen must extend along all edges of the parking lot and must be three feet in height, 80% opaque, and may be accomplished through the use of masonry walls, ornamental metal, evergreen plant materials, or a combination thereof. Planting beds for screen planting shall be a minimum of three feet in width.

(c) Interior parking lot landscape shall be consistent with Article 08, *Landscape Standards*, of the Unified Development Code (UDC).

(d) Parking spaces shall not exceed ten spaces in a row without being interrupted by a landscaped island (nine [9] foot minimum). Islands shall be planted with a minimum of one (1) shade tree for every ten (10) cars.

~~(G)~~(H) *Administration*.

(1) *Intent*. It is the intent that a developer or builder who wishes to develop under this zoning district will be processed in an expedited manner with administrative approvals, and may in fact qualify for incentives under other separate city programs. However, if there are substantial major waivers requested, additional approvals shall be required which may delay development progress.

(2) *Waivers of Design Standards*.

(a) For the purposes of this district, there shall be two types of waivers of design standards: minor and major. Requests for waivers shall not be subject to review or decision by the zoning board of adjustment. A waiver request may only be made in conjunction with an application for a downtown development plan.

(b) *Minor Waivers* are those changes to design standards in the Downtown District identified in Subsection (C)(2), Waivers of Design Standards, may be approved administratively by the Director of Planning and Zoning or his designee in conjunction with a decision on an application for approval of a downtown development plan. All minor waivers must meet the full intent of this zoning district as stated in section I. Appeals to decisions concerning minor waivers may be made to the Planning and Zoning Commission.

(c) *Major Waivers* are major changes to the design standards in the Downtown District. Major waivers may only be approved by the City Council, following a recommendation by the Planning and Zoning Commission, in conjunction with a decision on an application for approval of a downtown development plan. Examples of major waivers are listed in Subsection III.B above; however, the City Council reserves the right to grant a major waiver to any standard not specifically designated as a minor waiver contained in this Article pending the City Council finds that the waiver:

(1) Meets the general intent of this district in which the property is located;

(2) Will result in an improved project which will be an attractive contribution to the district; and

(3) Will not prevent the realization of the intent of this district.

(d) The City may impose conditions on granting any waiver to mitigate negative impacts neighboring properties or public streets or open space.

(3) *Downtown Development Plan Approval.*

(a) Prior to obtaining a building permit, a downtown development plan must be approved by the Director of Planning and Zoning or his designee, to certify that it meets the purpose, intent and standards contained in this zoning district.

(b) Downtown development plans must include the following information:

- Site Plan
- Building Elevations and Sections
- Building Function/Proposed Use
- Parking Standards Being Met
- Landscape Plan
- Any Waivers being Requested

(c) Applications for downtown development plan approval shall be reviewed within 30-days of being formally accepted by the City. At such time, the approval, approval with conditions or denial shall be forwarded to the applicant. However, applications including a request for a major waiver shall be scheduled for Planning and Zoning Commission and City Council action.

(d) Denial of a downtown development plan may be appealed to the Planning and Zoning Commission and City Council within 30-days of notification of such denial

(4) *Lapse of Approval*. If a building permit has not been obtained within two years following approval of the downtown development plan, such plan shall lapse unless the property owner requests an extension prior to the expiration of the two-year period. The request for an extension shall be considered by the planning director, or he may at his discretion refer the decision to the Planning and Zoning Commission and City Council in the same manner as for approval of the downtown development plan. The Director of Planning and Zoning (or the City Council, upon recommendation by the commission) may grant an extension of the time for expiration of the downtown development plan for a period not to exceed one (1) year from the date of initial approval of the application. Every request for

an extension shall include a statement of the reasons why the expiration date should be extended. The decision-maker may grant a request for extension upon demonstration that circumstances beyond the control of the applicant have resulted in the applicant's inability to perform the tasks necessary to prevent the downtown development plan from expiring before the lapse date. The commission or the City Council also may terminate the downtown development plan or may attach additional conditions to the extension of the plan.

(5) *Platting in the Downtown District*. Plats in the Downtown District shall ensure public access easements over sidewalk areas and shared drive access.

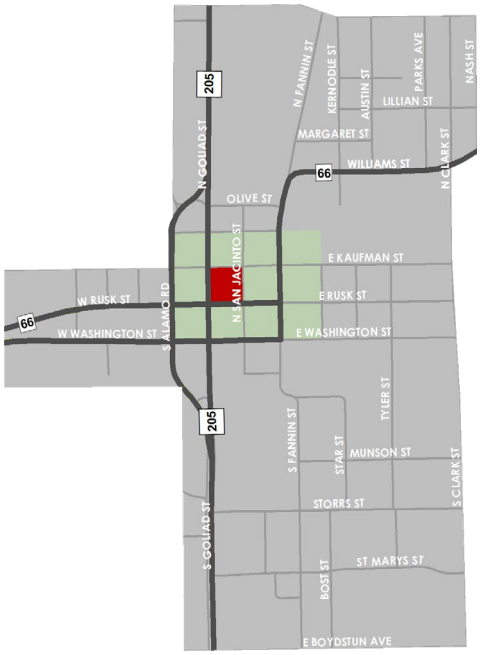
~~(H)~~(I) *Downtown District Engineering and Landscape Standards*.

(1) *Downtown Plan*. The Downtown District Engineering and Landscape Standards shall be in accordance with the approved Rockwall Downtown Plan.

(2) *Street Trees*.

(a) Trees which may be planted adjacent to sidewalks, alleys and streets are limited to the trees depicted in the tables

MAP 1: DOWNTOWN (DT) DISTRICT



GREEN: DOWNTOWN CORE; *GRAY*: PERIMETER ZONE; ***RED***: DOWNTOWN SQUARE; ***DARK GREY LINE***: MAJOR THOROUGHFARES.

contained in Appendix C, *Landscaping Guidelines and Requirements*, of this Unified Development Code (UDC).

(b) Shade trees shall be used for all formal street tree planting unless prohibited by the Texas Department of Transportation, in which case smaller ornamental trees may be used.

(c) Each street shall be planted with a focus on one (1) species to reinforce street character

(3) *Street Furniture*.

(a) The Downtown District shall utilize the following *street furniture* in accordance with *Map 1: Downtown District*:

~~(I)~~(J) *Streetscape Elements*. All streetscape elements described here within, are not intended to be the final product specification. The electrical engineer, architect, landscape architect or other professional designer should verify the product color, material and style number, prior to placing the final streetscape element order with manufacturer and supplier. Lighting fixture and traffic signal electrical voltage supply, circuiting, photometrics and final fixture location needs to be specified by a registered electrical engineer, with all fixture footings checked by a registered structural engineer, prior to installation.

(1) *Downtown Square and Downtown Core Streets.*

(a) *Light Standard: A1*. All commercial streets in the *Downtown Core*.

(1) *Catalog Number*. AAL/2-PRMN H3 or H5/150 to 175-watt MH lamp (voltage)/2-TRA5U arms/DB6 base with 4" round 15' ht. pole/PN A50596-1

(2) *Description*. Architectural Area Lighting (AAL); Promenade Series, Fixture: 2-PRMS Double Pedestrian Light Standard with a H3 or H5 horizontal lamp reflector, 150-watt to 175-watt metal halide lamp, medium base socket for use with E17 lamps; (voltage); CHM glass chimney, with brass holder, and DBZ dark bronze color. Arm: # 2-TRA5U period arm, one-piece cast aluminum, and DBZ dark bronze color. Pole, base and pole cap: DB6 4R16-125, 4" OD round straight aluminum, 15' tall (special) with a DB6 base, 36" ht. × 15" base diameter; P/N A50596-1, Small cast final at pole top, DBZ dark bronze color.

(b) *Light Standard: A2*. Limited to the *Downtown Square* and San Jacinto Street pedestrian ways.

(1) *Description*. Same as A1 above except with the optional BPS fixture struts are finished in a brass colored powder coating.

(c) *Traffic Signal: D1*. All commercial streets of the *Downtown Core*, if needed.

(1) *Description*. Valmont traffic structures. Pole/base/pole sphere final: Tapered, round standard galvanized steel pole, with an aluminum ball final on the pole top (Ball Top FCA-BL Series # FCA/BL/A/ (Estimate a 10" diameter ball, verify final size with top diameter range at top of pole/DB, dark bronze); pole base has an ornamental cast nut cover, color of complete traffic structure is a galvanized + powder coated finish, color = dark bronze to match Historic District street sign blades. Arm: Tapered, round standard arm, with an aluminum ball final on the end of the arm (ball top FCA-BL Series # FCA/BL/A/(estimate a 5" diameter ball, verify final size with top diameter range at the end of the arm after arm length is specified)/DBZ, dark bronze color. Signals: TXDOT standard signal, black color with black silhouettes, mount tightly to signal arm with black connections, so as to eliminate any visible gaps between silhouette and arm. Street Sign: Sign blade to match Historic District colors, font and sign format.

(d) *Traffic Signal with Light Standard: D2*. All commercial streets of the *Downtown Core*, if needed.

(1) *Description*. Same as D1 traffic signal, except pole is typical "standard combination structure" with AAL (B2 type) light; arm is a (modified) WMA 12 "shepherd's crook" contemporary arm modified to accept the Valmont pole, DBZ, dark bronze color.

(e) *Light Standard Banner Brackets*. At selected streets.

(1) *Description*. Architectural area lighting (AAL). Breakaway banner arm 2-BBD4-18, clamps onto a 4" O.D. pole and adjustable to desired position. Banner size should not exceed five (5) SF - maximum 70 mph wind. Verify banner bracket locations and mounting height; DBZ, dark bronze color, polyester powder finish.

(f) *Benches*. All commercial streets in the *Downtown Core*.

(1) *Catalog Number*. Du Mor Bench # 140 - 60 and # 140-80

(2) *Description*. Du Mor Site Furnishings. Bench 140 – in six (6) feet and eight (8) feet lengths, All welded seat assembly, Seating Surface: 1/4" × 1 1/2" HR steel bar 2-3/8" O.D. Sch 40 steel pipe, cast iron supports, bracing 1 1/16" O.D. steel pipe, stainless steel fasteners, dark bronze color polyester powder finish.

(g) *Trash Receptacles*. All commercial streets in the *Downtown Core*.

(1) *Catalog Number*. Du Mor Receptacle 84-22DM

(2) *Description*. Du Mor Site Furnishings. Trash receptacle 84-22, 22-gallon all steel receptacle, 150 lbs., top edge: 5/8 " diameter steel bar; vertical straps: 1/4; " × 3" steel bar with a 22-gallon plastic liner, cover; spun 14-gauge steel with vinyl coated cable; and a dome top, dark bronze color in a polyester powder finish.

(h) *Street Sign Blades*.

(1) *Description*. Match Historic District street sign blades (*dark bronze color with white lettering*).

(i) *Street Sign Brackets*. At non-signalized intersections. Street signs can be mounted to light standard poles.

(1) *Description*. Architectural area lighting (AAL). (Special) Each bracket is bolted to pole, dark bronze color to match fixture in polyester powder finish. (Verify bracket size with sign blade used as well as sign mounting height).

(j) *Street Regulatory Sign and Poles*.

(1) *Description*. Paint the backs of all sign blades and all poles, dark bronze color to match the Historic District street sign blades.

(k) *Bollards*. Limited to the *Downtown Square*.

(1) *Catalog Number*. Sternberg Vintage Lighting, ornamental bollard #4501

(2) *Description*. Sternberg Vintage Lighting. Ornamental steel bollard #4501, 5¼" diameter straight tubing (no fluting), 30" high, 8" dia. base, no internal light, DBZ, dark bronze color to match the Historic District street sign blades.

(2) *Downtown Perimeter Zone Streets.*

(a) *Light Standard: B1*. All neighborhood residential streets.

(1) *Description*. Same as A1 above except as a single headed fixture.

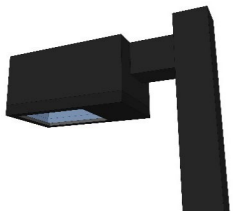
(b) *Light Standard: B2*. Limited to north and south sections of Goliad Street inside the *Downtown Zone* and at the intersections of Clark Street, Washington Street and Denison Streets inside the *Downtown Zone.*

(1) *Catalog Number*. AAL/PRM2 (H2, H3, H4, H5)/250 watt MH horizontal lamp (Voltage)/ARM: (modified) SLA 4 arm to accept the 5" dia. post/tendon/5" O.D. smooth round aluminum pole/DB 10 base/P/N A50575 large cast finial.

(2) *Description*. Architectural area lighting (AAL). Promenade Series, fixture: PRM2 (H2, H3, H4 and H5), 250-watt metal halide horizontal lamp, (voltage), DBZ dark bronze color, arm: (modified) SLA 4 arm (shepherd's crook) to accept the 5" dia. post/tendon, DBZ, dark bronze color, polyester power finish. Pole, base and pole cap: 5" O.D. diameter, smooth round aluminum pole, with a DB 10 ornamental base that is 48" high with an 18" base diameter, large cast finial #P/N A50575 20" high × 5½" O.D. that fits on top of pole, DBZ dark bronze color, polyester powder finish.

(c) *Light Standard: C*. Current standards. All thoroughfares (*i.e. SH-66, Goliad Street, Washington Street, and Denison Street*) inside the *Downtown Perimeter Zone* (*existing and new routed thoroughfares*).

(1) *Description*. Existing *Shoe Box* style light standard.



(d) *Light Standard Banner Brackets*. At selected streets.

(1) *Catalog Number*. AAL—Banner arm 2-BBD4-18

(2) *Description*. Architectural area lighting (AAL). Breakaway banner arm 2-BBD4-18, clamps onto a 4" O.D. pole and adjustable to desired position. Banner size should not exceed 5 SF - Maximum 70 mph wind. Verify banner bracket locations and mounting height. DBZ dark bronze color.

(e) *Street Sign Blades*.

(1) *Description*. Match Historic District street sign blades (*dark bronze color with white lettering*).

(f) *Street Sign Brackets*. At non-signalized intersections. Street signs can be mounted to light standard poles.

(1) *Description*. Architectural area lighting (AAL). (Special) Each bracket is bolted to pole, dark bronze color to match fixture in polyester powder finish. Verify bracket size with sign blade used as well as sign mounting height.

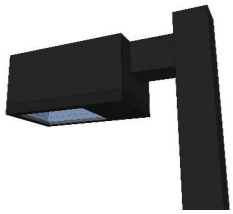
(g) *Street Regulatory Signs and Poles*.

(1) *Description*. Paint the backs of all sign blades and all poles, dark bronze to match the Historic District street sign blades.

(3) *Major Thoroughfares and Parkways.*

(a) *Light Standard: C*. Current standards.

(1) *Description*. Existing "shoe box" style light standard painted dark bronze.



(b) *Street Signs*.

(1) *Description*. Paint the backs of all sign blades and all poles, dark bronze to match the Historic District street sign blades.

SECTION 05 | INDUSTRIAL DISTRICTS

SUBSECTION 05.01: 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 and Zoning 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.

(b) *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.

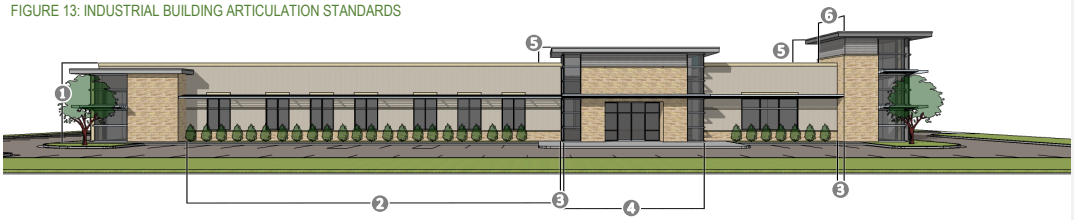
(c) *Secondary Materials.* Secondary Materials are any material that is not deemed to be a Primary Material as defined above. This includes materials like aluminum composite materials, metal panels, acrylic products (i.e. EIFS products) cast stone, or other materials identified by the Director of Planning 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.

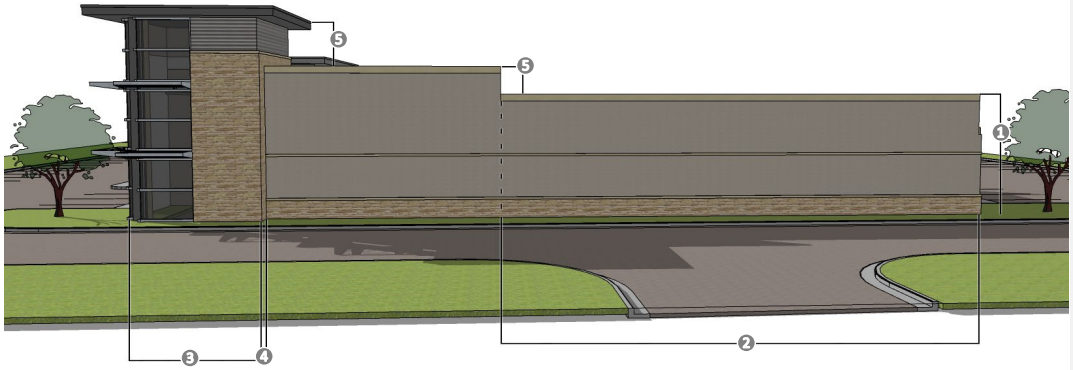
(B) *Maximum Building Height.*

(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

FIGURE 13: INDUSTRIAL BUILDING ARTICULATION STANDARDS



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 x ❶≥❷).
❸: *WALL PROJECTION*. THE MINIMUM WALL PROJECTION FOR AN ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 25% OF THE WALL HEIGHT (I.E. 25% x ❶≤❸).
❹: *ENTRYWAY/ARCHITECTURAL ELEMENT LENGTH*. THE MINIMUM LENGTH OF AN ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 33% OF THE WALL HEIGHT (I.E. 33% x ❷≤❹).
❺: *PROJECTION HEIGHT*. THE ENTRYWAYS/ARCHITECTURAL ELEMENT SHALL EXTEND A MINIMUM OF 25% OF THE WALL HEIGHT ABOVE THE TOP OF THE WALL (I.E. 25% x ❶≤❺).
❻: *ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL WIDTH OF THE ENTRYWAY/ARCHITECTURAL ELEMENT SHALL EXTEND TWICE THE REQUIRED WALL PROJECTION (I.E. 2 x ❹≥❺).



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 THREE (3) TIMES THE WALL HEIGHT (I.E. 3 x ❶≥❷).
❸: *SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT LENGTH*. THE MINIMUM LENGTH OF THE SECONDARY ENTRYWAY OR PROJECTTING ARCHITECTURAL ELEMENT SHALL BE 15% OF THE WALL LENGTH (I.E. 15% x ❷≤❸).
❹: *SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL PROJECTION FOR A SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 15% OF THE WALL HIEHGT (I.E. 15% x ❶≤❹).
❺: 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% x ❶≤❺).

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 standards for articulation on primary building façades as depicted in *Figure 8*.

(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 standards for articulation on secondary building façades as depicted in *Figure 8*.

(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 09.01, *Exceptions to the General Standards*, Article 11, *Development Applications and Review Procedures*.

SUBSECTION 05.02: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements.* All development within a Light Industrial (LI) District shall conform to Subsection 05.01, *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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

SUBSECTION 05.03: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Heavy Industrial (HI) District shall conform to Subsection 05.01, *General Industrial District Standards*, and the related standards listed within Subsection 7.03, *Non-Residential District Development Standards*.

SECTION 06 | OVERLAY DISTRICTS

SUBSECTION 06.01: 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 06.02: 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 04, 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:

(1) Retail Store with Gasoline Sales (*Any Number of Dispensers or Vehicles*)

(2) Car Wash (*Any Type*)

(3) 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 and Zoning 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.

(a) *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 09.02, *Variances to the General Overlay District Standards*, of Article 11, *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:

(a) Scenic Overlay (SOV) District: 15-feet
(b) SH-66 Overlay (SH-66 OV) District: 15-feet
(c) IH-30 Overlay (IH-30 OV) District: 25-feet
(d) SH-205 Overlay (SH-205 OV) District: 25-feet
(e) North SH-205 Overlay (N. SH-205 OV) District: 25-feet
(f) SH-205 By-Pass Overlay (SH-205 BY OV) District:

- Residential Land Uses: See Section 06.10, *SH-205 By-Pass Overlay (SH-205 BY OV) District*
- Retail/Commercial Land Uses: 15-feet
- Industrial/Office/Technology Land Uses: 50-feet

(g) 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

(h) 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

(i) 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 or any roadway that is depicted on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan*) [*outside of and beyond any required right-of-way dedication*] shall be as follows:

(a) Scenic Overlay (SOV) District: 20-feet
(b) SH-66 Overlay (SH-66 OV) District: 20-feet
(c) IH-30 Overlay (IH-30 OV) District: 20-feet
(d) SH-205 Overlay (SH-205 OV) District: 20-feet
(e) North SH-205 Overlay (N. SH-205 OV) District: 20-feet
(f) 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

(g) 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

(h) 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

(i) 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 shrubbery or a combination thereof along the entire length of the frontage. Berms and shrubbery shall each 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 C, *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 06.03: HISTORIC OVERLAY (HO) DISTRICT

(A) *Purpose*. The protection, enhancement and perpetuation of districts and landmarks of historical and cultural importance and significance are necessary to promote the economic, cultural, educational and general welfare of the public. It is recognized that within the City numerous areas, sites and structures represent the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural and cultural resources that constitute their heritage, and therefore this overlay district is intended to:

(1) Protect and enhance the district and landmarks which represent distinctive elements of the City's historic, architectural and cultural heritage;

(2) Foster civic pride in the accomplishments of the past;

(3) Protect and enhance the City's attractiveness to visitors and the support and stimulus to the economy thereby provided;

(4) Ensure the harmonious, orderly and efficient growth and development of the City;

(5) Promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the City;

(6) Stabilize and improve values of such properties;

(7) Promote education of significance and importance of historical preservation including the exploration of tax incentives (federal, state or local) that may apply to individual property owners or properties within the historic district as a whole; and8.Provide guidance to property owners restoring and/or rehabilitating historic significant in an effort to maintain the historical integrity of the area.

(B) *Terms and Definitions*. The following terms and definitions are used in the historic district ordinance and the historic guidelines.

(1) *Applicable Property or Applicable Structure*. The term used for properties that meet the following criteria, and are subject to the provisions of Unified Development Code:

(a) Either be a designated historical landmark or be wholly or partially located within a designated historic district, and

(b) Either be a contributing structure or property as defined in this section or be located within 200-feet of a contributing structure or property.

(2) *Board*. The Rockwall Historic Preservation Advisory Board (HPAB).

(3) *Certificate of Appropriateness (COA)*. A document approved by the board certifying that the proposed actions meet the intent of the ordinance and guidelines, or that a waiver has been granted.

(4) *Contributing Structure or Property*. A building, site, structure or object which adds to the historical architectural qualities, historical associations or archaeological value for which a property or district is significant because:

(a) It was present during the period of significance and possesses historical integrity reflecting its character at that time or is capable of yielding important information about the period, or

(b) It independently meets the National Register criteria. The level by which a property is "contributing" (high-, medium- and low-contributing property) was originally determined by a historic survey of the properties within the (HO) Historic Overlay District implemented by the City community development department through the spring and summer of 2000. This survey may be amended from time to time.

(5) *District*. A designated area within the preservation district or elsewhere in the City subject to the requirements and standards of the historic district ordinance. An identifying name will precede the word "district".

(6) *Guidelines*. The adopted historic district design guidelines as stated in Appendix D, *Historic Preservation Guidelines*, of the Unified Development Code (UDC).

(7) *Landmark Property*. A property or structure(s), not contiguous to or part of an existing historic district that is deemed worthy of preserving.

(8) *Non-Contributing Structure or Property*. A building, site, structure, or object which does not add to the historical architectural qualities, historical associations, or archaeological value for which a property or district is significant because

(a) It was not present during the period of significance, or

(b) Due to alterations, disturbances, additions, or other changes it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period, or3.It does not independently meet the National Register criteria.

(9) *Preservation District*. The area designated as having structures which may be suitable for inclusion in a historic district or districts.

(C) *Historic Preservation Officer*. The Historic Preservation Officer (HPO) shall administer this section and advise the Historic Preservation Advisory Board on matters submitted to it.

(D) *Designation Criteria*. The board may recommend to the commission and the City Council that certain properties be "landmark districts" and that specific areas be designated as "historic districts" as provided for in this Unified Development Code (UDC). Any such designation must comply with all limitations expressed Subsections (E)(5) and (E)(6) below. Such a property or district shall bear the word "landmark" or "historic" in their zoning designation.

Properties that are listed as a Recorded Texas Historic Landmark (RTHL), State Archeological Landmark (SAL) or listed on the National Register of Historic Places (NR) shall be designated as recognized local landmarks.

(E) *Designation Procedures.*

(1) The City Council may designate by zoning ordinance certain areas as landmark or historic districts, providing they meet the criteria in Subsections (E)(5) and (E)(6). When so designated, the area shall bear the word "historic" or "landmark" in their zoning designation.

(2) The following steps shall be followed at every level in the recommendation and approval process:

(a) Public hearings shall be held and notices of same shall be posted, advertised, and notices sent in the manner prescribed under Subsection (G)(6), *Public Hearing*, and other procedures specifically provided in the City's Unified Development Code.

(b) Property owners and other interested parties may present testimony or documentary evidence that will become part of a record regarding the historic, architectural, or cultural importance of the proposed district. The record also may contain staff reports, public comments, or other evidence offered outside of the hearing and entered into the record.

(3) The board shall make its recommendation to the Planning and Zoning Commission within a reasonable time period, allowing for deliberations and strict adherence to timeframes required for public hearings. The Planning and Zoning Commission shall schedule a public hearing to be held within 45-days of receiving the board's recommendation.

(4) Upon designation of an area as a landmark or historic district, the designation should be recorded in the tax records of the City, and the City official zoning maps. All zoning maps should indicate the designated districts by an appropriate mark.

(5) A historic landmark property may be a single property or structure not contiguous to or part of an existing historic district, but is deemed worth of preserving. A landmark district may be designated if the property meets one of the following:

(a) Possesses significance in history, architecture, archeology, and/or culture;

(b) Is associated with events that made a significant contribution to the broad patterns of local, regional, state and/or national history;

(c) Is associated with the lives of persons significant in the City's past;

(d) Embodies the distinctive characteristics of a type, period, and/or method of construction;

(e) Represents the work of a master designer, builder, and/or craftsman; or

(f) Represents an established and familiar visual historical feature of the City.

(6) The board may recommend a historic district to the City Council to be designated if it:

(a) Contains a significant number of properties which meet one or more of the criteria for designation of a landmark as outlined in Subsection (E)(5) above, or

(b) Constitutes a distinct historical section of the City.

(7) The boundaries of each designated historic district shall be specified in written detail and shall be filed in the City secretary's office for public inspection.

(F) *Certificate of Appropriateness (COA) for Alteration or New Construction.*

(1) *Applicability of Ordinance.*

(a) *Included Properties*. The provisions of this ordinance shall apply only to those properties, hereinafter referred to as "applicable properties", which meet the following criteria:

(1) Either be a designated historical landmark or be wholly or partially located within a designated historic district, and

(2) Either be a contributing property as defined in subsection B or be located within 200-feet of a contributing property.

(b) *Excluded Properties*. Properties owned by a religious institution or used for religious purposes shall not be considered eligible for designation as a contributing property (*and shall not be affected by adjacent contributing properties*) unless they derive primary significance from either architectural distinction or historical importance

(2) *COA Does Not Replace Other Codes*. The Certificate of Appropriateness (COA) is in addition to and does not replace any other city permits or codes that must be followed.

(3) *Examples*. These are examples of situations that require a Certificate of Appropriateness (COA) for work performed on an applicable property. Additional information is located in the design guidelines contained in Appendix D, *Historic Preservation Guidelines*, of the Unified Development Code (UDC).

(a) Construction of a new building.

(b) Demolition or removal of an existing structure.

(c) Alterations to the façade, including additions and removals that will be visible from a public street.

(d) New improvements that would substantially obstruct the view of the main or front elevation as seen from a public street.

(e) Painting of a masonry surface not previously painted. For other painting, see design guidelines, residential properties.

Any addition or deletion of landscape materials or landscape design elements need not receive a Certificate of Appropriateness (COA) from the Historic Preservation Advisory Board (HPAB). It is recommended, however, that all proposed landscaping used in the district be extracted from the "recommended plant list" as provided in the landscape ordinance of the City. City staff shall maintain a list of plant material that is appropriate for all designated historic areas.

Any person wishing to paint a structure within a historic district may do so without receiving a Certificate of Appropriateness (COA) from the board. City staff and/or the board shall provide review and comment as requested by the property owner about color selection and design. Such review and comment, however, shall not be binding.

The board may recommend guidelines to enable the Historic Preservation Officer (HPO) to issue a Certificate of Appropriateness (COA) for exterior restorations and renovations requiring a building permit.

(G) *Application Procedure.*

(1) *Application Form*. Prior to the commencement of any work requiring a COA the owner shall file with the Historic Preservation Officer (HPO) an application for such a certificate. The application shall contain:

(a) Name, address, telephone number of applicant(s), detailed description of proposed work.

(b) Location of the proposed work (street address) and photographs of the property and adjacent properties. (Historical photographs also may be helpful.)

(c) Elevation drawings of the proposed changes, if available, and preferably in color.

(d) Samples of materials to be used, if requested by the board.

(e) If applicable, a scale drawing of any signs showing the type of lettering to be used, all dimensions and colors, a description of materials be used, method of illumination (if any), and a plan showing the sign's location on the property.

(f) Site plan in accordance with the Unified Development Code, if applicable.

(g) Any other information which the board may deem necessary in order to visualize the proposed work, and any additional material the applicant wishes to submit.

(2) *Building Permit*. A COA issued by the board is required before a building permit will be issued for any work.

(3) *Time Frame for Actions*. The board shall deny, approve, or approve the COA with modifications within 60 days from receipt of the completed application and supporting documentation. The board shall hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views.

Should the board not act within the 60-day period, the COA shall be automatically referred to the City Council for their approval or denial, following a public hearing.

(4) *Written Decisions*. All decisions of the board shall be in writing. An approved Certificate of Appropriateness (COA) shall be sent to the applicant and a copy filed with the City secretary's office for public inspection. The board's decision shall state the reasons for denying or modifying any application.

(5) *Standards for Approval*. The Historic Preservation Advisory Board must approve the application for a Certificate of Appropriateness (COA) if it determines that:

(a) For contributing structures, the application will not adversely affect the character of the site; and the proposed work is consistent with the regulations contained in this section and proposed preservation criteria; or

(b) For non-contributing structures, the proposed work is compatible with the historic district.

(6) *Public Hearing*. A public hearing before the board is required as defined in subsection E.6 before a decision can be made on a zoning recommendation forwarded to the Planning and Zoning Commission.

(a) The board shall hold a public hearing on all actions considered and appeals made to it. Said public hearing shall be held, when necessary, on the third Thursday of the month. In cases where this "regularly scheduled" meeting date is not appropriate (*e.g., in cases as set forth under section I, emergency procedure*) an alternative meeting date will be set.

(b) Written notice of the public hearing shall be sent to the applicant, all persons who are owners of real property lying within 200 feet of the subject property and to all other persons deemed by the board to be affected.

(c) Written notice shall be given not less than ten days before the date set for the public hearing to all such owners of record as the ownership appears on the current on-line tax roll. The notice may be served by deposition of the same, properly addressed and postage paid, in the U.S. Post Office.

(H) *Actions After Board Decision*.

(1) *Appeal Process*. If the Certificate of Appropriateness (COA) is denied, the applicant may appeal to the City Council by filing a written notice with the Historic Preservation Officer (HPO) within ten business days after the decision of the board. In considering an appeal, the sole issue before the City Council shall be whether the board erred in its decision. The City Council shall consider the same standards and evidence that was considered in making the decision. Appeal to the City Council constitutes the final administrative remedy.

If the Certificate of Appropriateness (COA) is approved, any property owner within the subject historic district aggrieved by any decision of the board may appeal to the City Council. Said appeals may be made by filing a written notice with the Historic Preservation Officer (HPO) within ten business days after the decision of board.

(2) *Reapplication*. If an appeal is denied by both the board and the City Council, no further applications may be considered for the subject matter of the denied Certificate of Appropriateness (COA) for one (1) year from the date of the final decision unless:

(a) The Certificate of Appropriateness (COA) has been denied without prejudice; or

(b) The board waives the time limitation because it that there are changes or circumstances sufficient to warrant a new hearing. A simple majority vote by the board is required to grant the request for the waiver of the time limitation.

(3) *Suspension of Work*. After the work authorized by the Certificate of Appropriateness (COA) is commenced, the applicant must make continuous progress towards completion of the work, and shall not suspend or abandon the work for a period of more than 180 days. The Historic Preservation Officer (HPO) and/or building official may, in writing, authorize a suspension of work for a period greater than 180 days upon written request by the applicant showing circumstances beyond his control.

(I) *Emergency Procedure*. If any applicable structure is damaged and the building official determines that it is a public safety hazard or will suffer additional damage without immediate repair, the building official may allow the property owner to temporarily protect the structure whether or not the materials used conform to the guidelines. However, in such a case, the property owner must then apply for a Certificate of Appropriateness (COA) for the restoration, rebuilding, remodeling, demolition or removal of the structure within ten days of the occurrence that caused the damage. The temporary protection authorized under this subsection must not permanently alter the architectural features of the structure.

(J) *Demolition*.

(1) *Requires a Certificate of Appropriateness (COA)*. A Certificate of Appropriateness (COA) is required prior to receiving a permit for demolition of a property within a historic district, including secondary buildings. An application for demolition of a contributing structure on the grounds of hardship may be filed. The applicant must establish the following elements to prove hardship:

(a) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible; and

(b) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and

(c) Efforts to find a purchaser interested in acquiring the property and preserving it have failed; and/or

(d) The structure or property is in such condition as to be irreparably damaged and as such poses a nuisance to the surrounding area and is a "threat" to the health, safety and general welfare of the community.

(2) *Demolition Delay*. The Historic Preservation Officer (HPO) upon receipt of an application for a demolition permit of a subject property designation as a historic landmark or located within a designated historic district shall forward on the application for demolition to the Historic Preservation Advisory Board (HPAB) for consideration at their next regularly scheduled meeting.

(a) The issuing of a demolition permit shall be delayed for minimum of 60-days from the date of approval of an application by the Historic Preservation Advisory Board (HPAB).

(b) During this 60-day delay, the Historic Preservation Officer (HPO) shall work with the Historic Preservation Advisory Board to notify all potentially interested parties of the pending demolition in order to allow such parties to take whatever steps they deem appropriate to accomplish the preservation of the subject property.

(c) If it is determined by the Director of Planning and Zoning in consultation with the Historic Preservation Officer (HPO) that a property poses an immediate threat to the public health and safety, this determination shall be reported to the City manager who may instruct the building official to issue a demolition permit without delay.

(3) *Expiration*. A Certificate of Appropriateness (COA) for the demolition or removal expires if the work authorized by the certificate for demolition or removal is not commenced within 180 days from that date of the issuance of the certificate for demolition.

(K) *Enforcement*. All work performed pursuant to a Certificate of Appropriateness (COA) issued under this Unified Development Code (UDC) shall conform to all requirements included therein. It shall be the duty of the building inspection department to periodically inspect any such work to assure compliance. In the event work is found that is not being performed in accordance with the Certificate of Appropriateness (COA), the building inspection department may suspend the Certificate of Appropriateness (COA), issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. A Certificate of Appropriateness (COA) may be reinstated, any stop work order lifted, and work may resume upon assurance that compliance will henceforth exist.

(L) *Ordinary Maintenance*. Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district that does not involve a change in design or material. In-kind replacement or repair is included in this definition of ordinary maintenance.

(M) *Preservation Incentives*. To promote the goal of stabilizing and improving values of properties within the district, and encourage the rehabilitation and stabilization of structures, the City Council by resolution may offer tax incentives.

(N) *Minimum Maintenance Standards*. No owner or person with an interest in real property designated as a landmark or a property located within a district shall permit the property to fall into a serious state of disrepair so as to result in the significant deterioration of any exterior architectural feature which would, in the judgment of the HPAB, create a detrimental effect upon the historic character of the landmark or district.

(1) Serious disrepair and significant deterioration examples. Examples of serious disrepair or significant deterioration include:

(a) Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.

(b) Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling

(c) Deterioration or crumbling of exterior plaster finishes, surfaces or mortars.

(d) Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.

(e) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.

(f) Rotting, holes, and other forms of material decay.

(g) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.

(h) Deterioration that has a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the contributing structure.

(i) Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

(O) *Procedure to Mitigate Demolition by Neglect*. Demolition by neglect refers to the gradual deterioration of a property when routine or minimum maintenance is not performed. The HPO and the development services department staff shall work together in an effort to reduce demolition by neglect involving landmarks or properties located within districts within the City. A demolition by neglect citation as determined by the HPAB may be issued against the owner of the property for failure to comply with the minimum maintenance standards by permitting the subject property to exhibit serious disrepair or significant deterioration as outlined in section N herein.

(1) Due to the time-consuming nature of pursuing enforcement under this section, no more than one (1) property will be under consideration during each of the following quarters (January-March, April-June, July-September, and October- December).

(2) While the HPO will act as the point of contact, the development services department staff shall, when needed, assist with inspections. If there is a dispute between the HPO and development services department staff, the City manager may be consulted as a mitigating party.

(3) *Citation Procedures*. The procedure for citing a property for Demolition by Neglect shall be as follows:

(a) Initial identification is made by visual inspection of the area by the HPO or an HPAB member or by referral from someone in the area. All referrals shall be made in writing and shall be submitted to the HPO.

(b) Once the initial identification is made, followed by a preliminary determination by the HPO, the property owner shall be notified by US mail of the defects of the building and informed of various incentive programs that may be available for repair. The owner is given 30 days in which to respond to the preliminary determination by submitting a stabilization proposal to HPO. The stabilization proposal will be presented to the HPAB at the next available meeting. If the HPAB approves the proposal, a Certificate of Appropriateness (COA), if necessary, may be issued administratively by the HPO. The approval will detail the specific work which is necessary to correct the demolition

by neglect conditions, as well as a time period to begin and complete the work. The HPO shall update the HPAB on the status of the property every 30 days once work begins on the property.

(c) If the property owner receives the letter regarding the preliminary determination, but fails to respond, a second notice shall be sent in the same manner as described above.

(d) If the property owner fails to receive and/or respond to the letter regarding the preliminary determination after two attempts, the matter returns to the HPAB for a citation hearing. The HPO shall send a third notice via certified mail informing the owner of the hearing, the property is posted with a notice of the violation in accordance with the provisions of this Article, and a public hearing on the citation is scheduled.

(e) At the public hearing the owner is invited to address the HPAB's concerns and to show cause why a citation should not be issued. The HPAB may act to approve any proposed work, defer the matter to give the owner more time either to correct the deficiencies or make a proposal for stabilization, or issue a citation to the owner of the property for failure to correct the demolition by neglect conditions.

(f) If the owner is cited for the condition of demolition by neglect of the property, he is given 14 days to submit a stabilization proposal to the HPO, and at the discretion of the HPAB, up to one (1) year to correct the defects. The HPO shall update the HPAB on the status of the property every 30 days once work begins on the property.

(g) If the owner does respond with a stabilization proposal, the matter is turned over to the City Attorney in which case the citation will be taken forward to the municipal court where the City Attorney shall request the court allow the property owner the time prescribed by the HPAB to correct the defects as described in section F.

SUBSECTION 06.04: NORTH GOLIAD CORRIDOR OVERLAY (NGC OV) DISTRICT

(A) *Purpose*. The North Goliad Corridor Overlay District is a specialized zoning district overlay along North Goliad Street beginning north of the Downtown District and terminating at Live Oak Street. This Corridor has been identified as one of the important entry points into the City of Rockwall. The district has been established to protect scenic and historic qualities through the use of additional development criteria. The district establishes design standards to guide the new construction and rehabilitation of buildings, streetscapes and architectural styles consistent with the existing historic residential homes and businesses located along the corridor.

(B) *Application and Boundaries*. The boundaries of the North Goliad Corridor Overlay District are as established in the official zoning map of the City of Rockwall. The boundary generally extends from Olive Street north to Live Oak and being more particularly described herein as Exhibit "A" [Ord. No. 07-30, Exhibit A which is on file in the City secretary's office]. use or change of use within the North Goliad Corridor Overlay District.

All property developed within the Overlay District must meet both the terms and requirements of the underlying zoning classification applicable to the property and the provisions set forth in the Overlay District. The most restrictive requirement applicable to the property shall apply.

(C) *Architectural Standards*. Most of the historic architecture of the district does not follow one specific style, but is influenced by many. The development along the corridor is an eclectic mix of buildings, but there is a similar vocabulary in the building design and construction materials. The development for the residential and commercial buildings shall generally fit within one or more of the following architectural styles.

FIGURE 14: BUNGALOW

(1) *Bungalow*. The bungalow style is a unique house type that borrows from other cultures, but is a truly American design. Developed on the west coast, the bungalow reduces the distinction between inside and outside space, reflecting open practical living. It is generally a low, small house that used natural materials and relief on simplified design. The roof structure is most often broad gables, often with a separate lower gable covering the porch, although hipped roof structures are also common. There is little ornamentation, and what is found is of simplified design. The first bungalow development period was from 1895 to 1915.

FIGURE 15: COTTAGE

(2) *Cottage*. A cottage is basically a small frame single-family home that does not use any particular architectural style or ornamentation pattern. Roof styles vary, but most often use gable, hip or a combination of the two. This is a style that often borrows elements from classic styles, but does not incorporate other elements that make the style unique.

FIGURE 16: CRAFTSMAN

(3) *Craftsman*. An extension of the early bungalow, the craftsman design included a low-pitched gabled roof with a wide, unenclosed eave overhang. Roof rafters are usually exposed and decorative beams or braces are commonly added under gables. Porches are either full or partial-width, with a roof often supported by tapered square columns. The most distinctive features of this are the junctions where the roof joins the wall, where the most ornamentation occurs. This was the dominant style for smaller homes from 1905 to early 1920s. The popularity of the style faded quickly, however, and few were built after 1930.

FIGURE 17: FOLK VICTORIAN

(4) *Folk Victorian*. The folk Victorian style uses a simple, folk type house style that is often one (1) story and has a roof that is gabled or hipped (pyramidal). It lacks the intricate, irregular roof structure of the Queen Anne style, but includes ornamentation common to Victorian-style detailing, especially spindle work. Facades are generally symmetrical.

~~(4)~~

FIGURE 18: QUEEN ANNE

(5) *Queen Anne*. The Queen Anne architectural style was common from about 1880 to 1910. Identifying features include a steeply pitched, irregular shaped roof, often with a dominant front-facing gable, patterned shingles, cutaway bay windows, and other features to avoid a smooth walled appearance. The decorative detailing is usually of two types:

(a) Spindle work includes turned posts and may also include decorative gables and ornamentation under the wall overhangs.

(b) Free classic detailing uses classical columns, instead of delicate turned posts, and other ornamentation is less

Formatted: Indent: Left: 0.5", No bullets or

"lacy" and delicate than that found in spindle work. This style became common after 1890.

(D) *Building Design*. The height of new buildings shall not exceed this Unified Development Code standards: generally, one (1) and two (2) stories are allowed (36 feet maximum). New building additions and alterations should be compatible with the adjoining area and not exceed height, lot coverage and floor area ratio requirements as specified in this Unified Development Code.

- The use of consistent architectural styles from the years 1870 to 1940 is strongly encouraged rather than additions or alterations from more recent or different design styles (see architectural styles in subsection C of this section for examples).
- New construction should include elements such as cladding, roofing material, roof structure and ornamentation common to the district.
- The existing pattern of building facades generally respecting pedestrian or human scale design should be incorporated into new development projects. Roof types generally associated with residential buildings such as gable, hip or gambrel are also appropriate for structure within the North Goliad Corridor Overlay District.
- All decorative fixtures, including awnings, signs and lighting, shall be integrated with other design elements of the structures.
- Building elevations shall be submitted as part of the development application for review by the Historic Preservation Advisory Board who shall make its recommendations to Planning and Zoning Commission. Perspectives, accurate sections or a model of the project may be required to depict the height, mass and scale of the proposed project with respect to its setting and adjacent development.

(E) *Parking Area Restrictions*. Any surface parking shall be provided in well-screened parking lots at the rear or behind the main facade of the building. All parking structures shall adhere to the standards of this Unified Development Code and any additional requirements of the underlying zoning district.

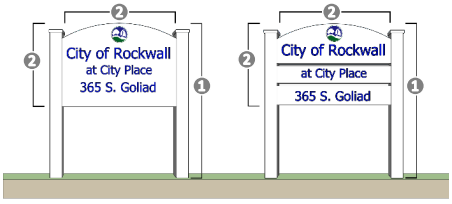
(F) *Cross Access*. Cross access easements may be required by the planning commission and/or City Council at the time of site plan approval or platting to ensure access between adjoining properties and to reduce the number of needed curb cuts.

(G) *Accessory Buildings*. New accessory or outbuildings, including garages and enclosures for service areas, trash or recycle containers, or storage structures should be compatible with materials, textures, colors and architectural styles of the principle buildings.

(H) *Landscaping Standards*. Existing trees should be retained where possible. Street trees and other sidewalk area landscaping shall be incorporated if pedestrian circulation will not be obstructed. Front yards should be landscaped compatible with the majority of neighboring properties. All sites shall, as a minimum, meet the requirements of Article 08, *Landscape Standards*.

(I) *Signs*. All signs shall comply with Chapter 32, *Signs*, of the Municipal Code of Ordinances and the underlying zoning district that applies to the North Goliad Corridor Overlay District and to the following additional standards. Signs shall be freestanding with two support standards. The maximum size shall be 16 square feet and shall not impede pedestrian or motor vehicle traffic. Monument signs are not allowed. All lighted signs shall be indirectly light no direct or internally light sign shall be allowed. All lighting elements such as wires, junction boxes, transformers, switches and panel boxes shall be concealed from view.

FIGURE 19: SIGNAGE REQUIREMENTS



1: EIGHT (8) FOOT
2: FOUR (4) FOOT

(J) *Lighting Standards*. In addition to the requirements of the outdoor lighting requirements no light pole, pole base or combination thereof shall exceed 20 feet in the North Goliad Corridor Overlay District. All lighting fixtures shall focus light downward and be contained on the site. Lighting elements shall be incandescent, metal Halide, or halogen only. No HID or fluorescent lights (except fluorescent bulbs that screw into standard socket fixtures) may be used on the exterior of buildings. All street lighting shall meet the specifications for a *B1* & *B2* contained in Subsection (I), *Streetscape Elements*, of Section 04.07, *Downtown (DT) District*, of the Unified Development Code (UDC).

(K) *Variance*. The City Council may, upon request from the applicant, grant a variance to any provision of this section where unique or extraordinary conditions exist or where strict adherence to the provisions of this section would create a hardship. Approval of any variance to any provision of this section shall require City Council approval by a three-quarter majority vote of those City Council members present with a minimum of four affirmative votes.

SUBSECTION 06.05: SOUTHSIDE RESIDENTIAL NEIGHBORHOOD OVERLAY (SRO) DISTRICT

(A) *Purpose*. The purpose of the overlay district is to provide the flexibility necessary for allowing infill and redevelopment of the Southside Neighborhood, while maintaining and protecting the character and integrity of the existing neighborhood.

(B) *Other Requirements*. Any requirements not specifically stated in this section shall comply with the Single-Family 7 (SF-7) District requirements.

(C) *Area Requirements*.

(1) Minimum lot area: 5,000 square feet.

(2) Maximum number of single-family detached dwellings units per lot: One.

(3) Minimum square footage per dwelling unit: 900 square feet.

(4) Minimum lot frontage on a public street: 50 feet.

(5) Minimum lot depth: 100 feet.

(6) Minimum depth of front yard setback: 20 feet.

(7) Minimum depth of rear yard setback: 10 feet.

(8) Minimum width of side yard setback:

(a) Internal lot: 6 feet.

(b) Abutting street: 15 feet.

(c) Abutting an arterial: 20 feet.

(9) Minimum distance between separate buildings on the same lot or parcel of land: ten feet.

(10) Minimum length of driveway pavement from the public right-of-way for rear or side yards: 20 feet.

(11) Maximum building coverage as a percentage of lot area: 40%.

(12) Maximum building height: 32 feet.

(13) Minimum number of paved off-street parking spaces required for:

(a) One single-family dwelling unit: Two (2) Parking Spaces. An enclosed garage shall not be considered in meeting the off-street parking requirements.

(b) All other uses: see Article 06, *Parking and Loading*, of the Unified Development Code (UDC).

(D) *Consideration of Special Request in Furtherance of Neighborhood Preservation*. The City Council may consider special requests in furtherance of neighborhood preservation and enhancement within the established neighborhood preservation overlay district. Such requests may include, but not necessarily be limited to neighborhood signage plans, the use of alternate building materials reductions in the building setbacks, or other requests submitted for consideration to the planning and zoning department.

Upon receipt of such requests, the Planning and Zoning Commission shall review the case and forward a recommendation to the City Council for consideration. The City Council may approve special request. Any such approval shall preempt any other underlying zoning restrictions in the Unified Development Code (UDC). Such special requests may be denied by the City Council by the passage of a motion to deny.

Special requests shall not include any request to change the land use of a property.

SUBSECTION 06.06: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.07: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.08: SCENIC OVERLAY (SOV) 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.09: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.10: 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 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 06.02, *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.

(c) *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.

(d) *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.*

Continued on Next Page ...

Formatted: Centered

Formatted: Font: Italic

FIGURE 20: DESIGN ALTERNATIVE #1; INCREASED BUFFER

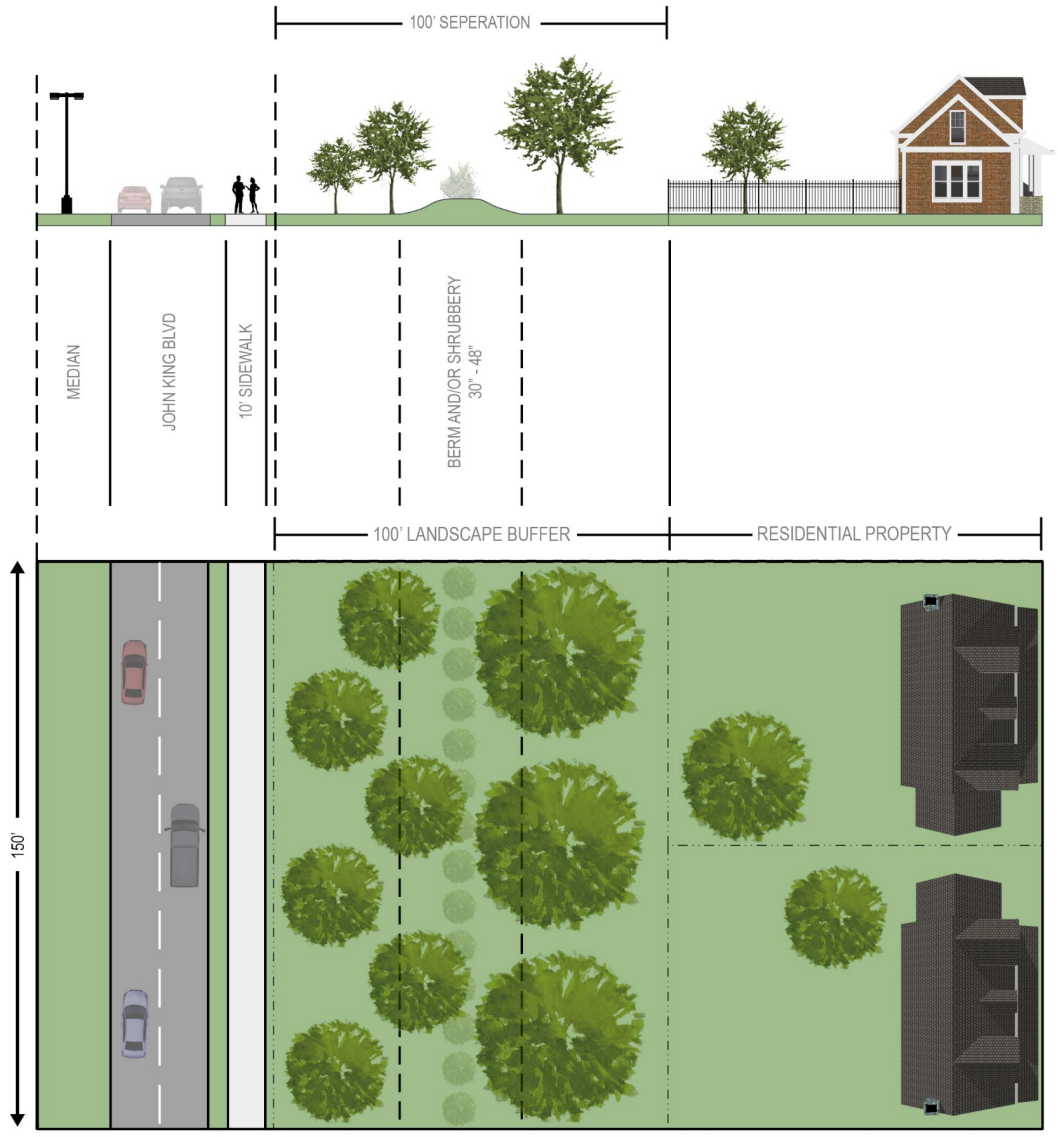


FIGURE 21: DESIGN ALTERNATIVE #2; INCREASED BUFFER

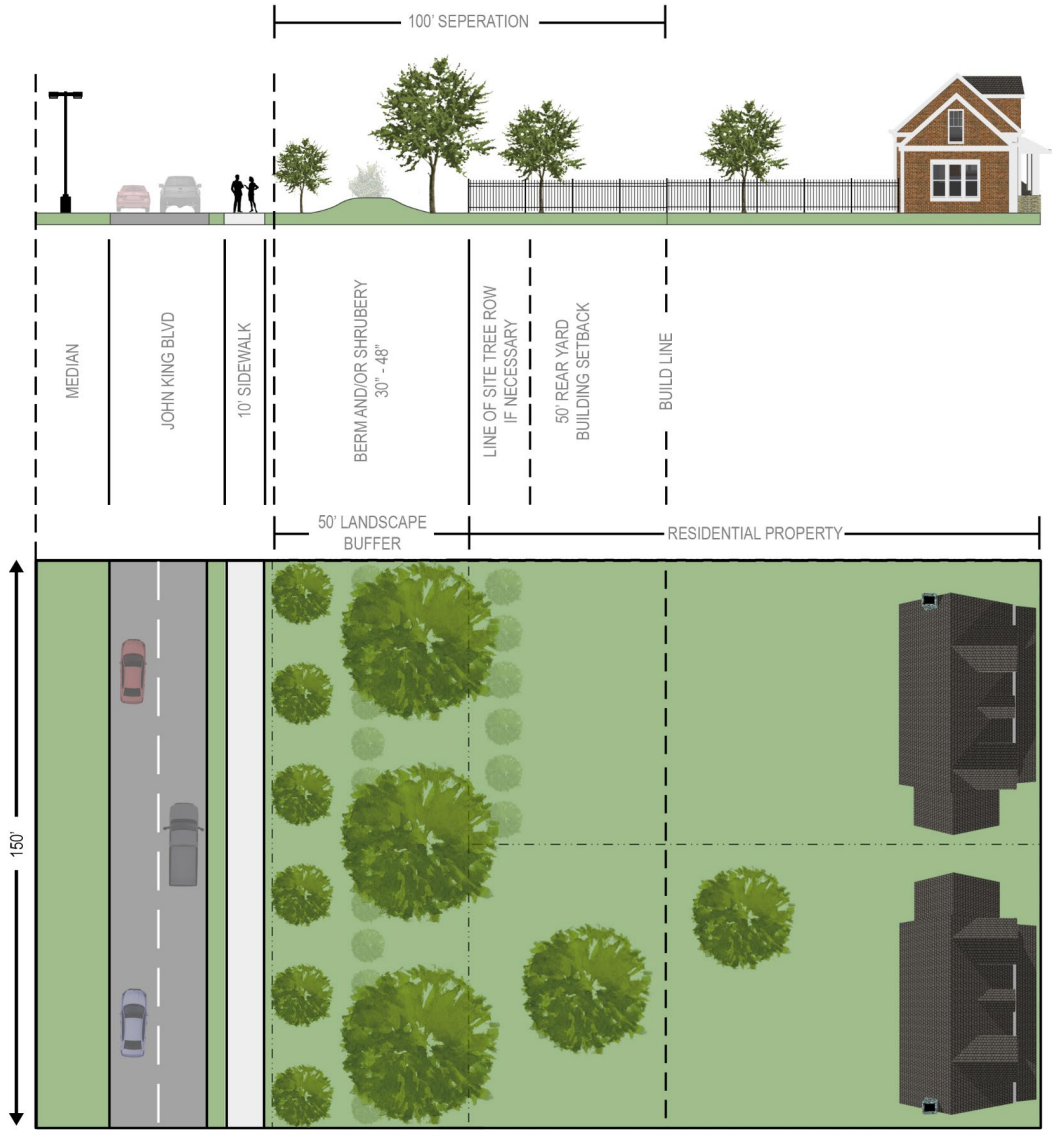


FIGURE 22: DESIGN ALTERNATIVE #3; SLIP STREET

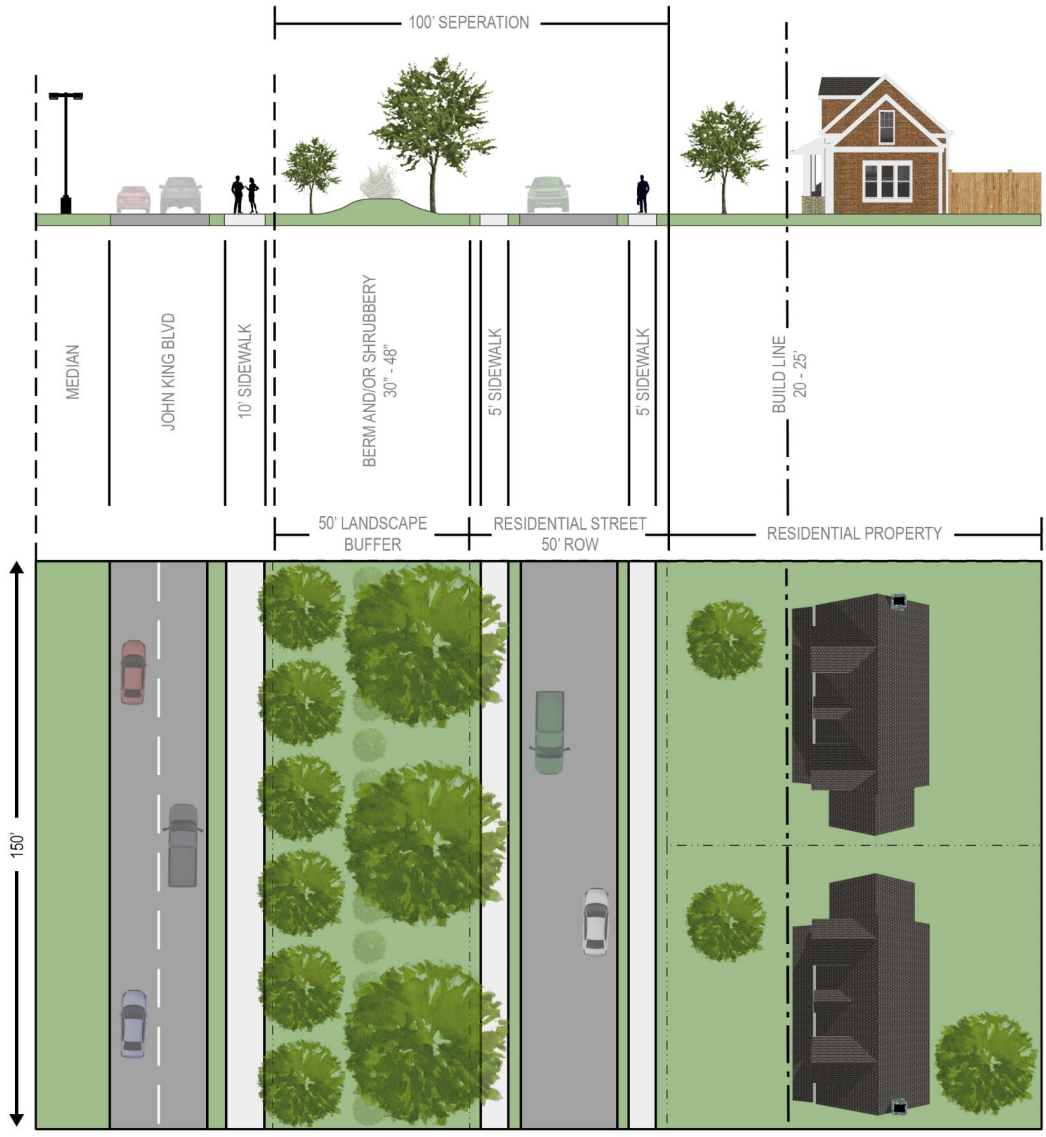
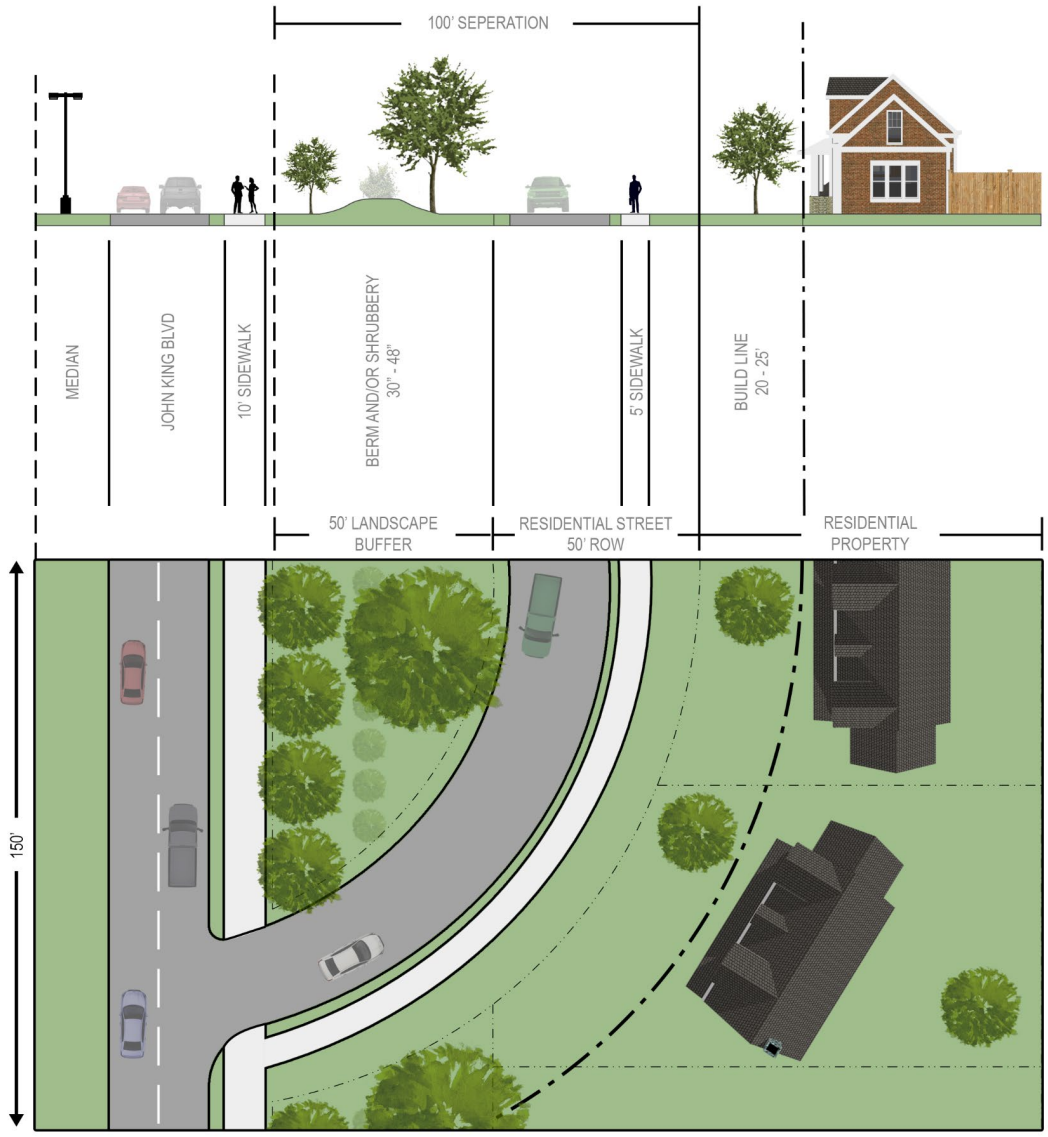


FIGURE 23: DESIGN ALTERNATIVE #4; SLIP STREET

FIGURE 24: DESIGN ALTERNATIVE #5; EYEBROW STREET



(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.

FIGURE 25: LINE-OF-SITE REQUIREMENTS

❶: REPRESENTS THE LINE OF SIGHT AT SIX (6) FEET FROM GRADE.
❷: THE SOLID *RED LINE* SHOWS THAT THE VISIBILITY IS IMPAIRED FROM JOHN KING BOULEVARD BY EITHER [1] A ROW OF TREES OR [2] A BERM AND ROW OF SHRUBBERY.

SUBSECTION 06.11: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.12: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.13: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.14: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.15: AIRPORT OVERLAY (AP OV) DISTRICT

Note: This document was prepared using FAA guidelines as of March 17, 2020 and using AC150/5300-14D.

(A) *Purpose*. The purpose of this district is to provide both airspace protection and land use compatibility with airport operations at the Ralph M. Hall/Rockwall Municipal Airport. This district, through establishment of airport zones and corresponding regulations, provides for independent review of development proposals in order to promote the public interest in safety, health and general welfare of the City of Rockwall. Therefore, the City of Rockwall deems it necessary to regulate uses of land located within or near the traffic patterns of the airport through regulation of height of structures and objects of natural growth, and through the regulation of land uses within the Airport Overlay (AP OV) District, and other FAA regulated areas associated with the airport (*i.e. areas relating to RSA/ROFA/ROFZ which extend off the airport property*).

(B) *District Boundaries*. This *Airport Overlay (AP OV) District* is hereby established as the land area owned by the City of Rockwall and held as Ralph M. Hall/Rockwall Municipal Airport, the Airport Runway Protection Zone (RPZs), and a buffer area extending 500-feet from all property lines of the Ralph M. Hall/Rockwall Municipal Airport (*see Figure 29: Airport Overlay District Boundaries*).

(C) *Definitions*. Unless otherwise stated in this section, the following words shall have the definitions prescribed to them below:

(1) *Administrative Agency*. The appropriate person or office of the municipality that is responsible for the administration and enforcement of the regulations prescribed in this section of the Unified Development Code (UDC).

(2) *Airport*. The current and future boundaries of the Ralph Hall Municipal Airport located within the City of Rockwall, Texas.

(3) *Airport Hazard*. A structure or object of natural growth that obstructs the air space required for the taking off, landing, and flight of aircraft or that interferes with visual, radar, radio, or other systems for tracking, acquiring data relating to, monitoring, or controlling aircraft.

(4) *Airport Hazard Area*. An area of land or water on which an airport hazard could exist.

(5) *Applicant*. The person or persons making a request to the administrative agency.

(6) *Centerline*. The runway centerline identifies the center of the runway and provides alignment guidance during takeoff and landings. The centerline consists of a line of uniformly spaced stripes and gaps.

(7) *Non-Conforming Land Use or Non-Conforming Use*. Any land use of which is inconsistent with the provisions of these regulations and which is existing as of the effective date of the Airport Overlay (AP OV) District.

(8) *Person*. An individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

(9) *Runway*. A defined area on the airport prepared for the landing and taking off of aircraft along its length. The current length of the Rockwall Municipal Airport is 3,373-feet by 45-feet and the zoned dimensions are 3,373-feet by 60-feet.

(10) *Runway Safety Area (RSA)*. The surface surrounding the runway prepared or suitable for reducing the risk of damage to airplanes in the event of an undershoot, overshoot, or excursion from the runway.

(11) *Structure*. An object constructed or installed by one (1) or more persons and includes but is not limited to a building, tower, smokestack, and overhead transmission line.

(D) *Airport Zones*. In order to implement the intent of this ordinance, the Airport Overlay (AP OV) District hereby includes the following three (3) exhibits that depict the zones within the controlled area and shown on the official zoning map as depicted in *Figure 29: Airport Overlay District Boundaries*:

- Airport Overlay (AP OV) District Boundaries (*see Figure 29: Airport Overlay District Boundaries*)
- Development Zones within the Airport Overlay (AP OV) District (*see Figure 30: Development Zones within the Airport Overlay (AP OV) District*)
- Airport Airspace Zones Boundaries (*see Figure 31: Airspace Zone Boundaries*)

(E) *Permitted Uses*. All uses otherwise permitted by existing zoning ordinances within the boundaries of the AP OV District are permitted within the district, except where there is a conflict between the AP OV District and the existing zoning ordinances. Where the

provisions of the AP OV District are more restrictive, the provisions of the AP OV District shall govern.

(F) *Controlled Area*. The area within which airport land use compatibility controls may be instituted, as defined by *Section 241, Municipal and County Zoning Authority Around Airports,* of the *V.T.C.A., Texas Local Government Code,* shall be defined as the controlled area. The controlled area is located outside the Airport boundaries and within an area measured no farther than one and one-half (1½) statute miles from the centerline of the Ralph M. Hall/Rockwall Municipal Airport runway and lies no farther than five (5) statute miles from each end of the paved surface of the runway.

(G) *Airspace Zones*. *Airspace Zones* consist of all of the land area lying beneath the surfaces referenced in Section H, *Height Limitations*, below and in Title 14, Part 77.19. The following *Airspace Zones* are hereby established and set forth (*see Figures 26: Airspace Zones [right] & Figure 31: Airspace Zone Boundaries [below]; reference Title 14, Part 77, FAR*):

(1) *Primary Surface.* The *Primary Surface* is a surface that is longitudinally centered on the runway. It extends 200-feet beyond the end of each runway and 250-feet on either side of the centerline of the runway for a total width of 500-feet (*i.e. a 250-foot side buffer of the runway centerline*).

(2) *Approach Zone.* The *Approach Zone* is a fan shaped zone that is established at both ends of the runway for the purpose of landings and take-offs. The *Approach Zone* commences at the end of the *Primary Surface* (*i.e. 200-feet beyond the end of the runway*) and has a beginning width of 500-feet. It then extends uniformly along the continuation of the centerline of the runway to a width of 3,500-feet at a distance of 10,000-feet from the point of commencement, and a slope of 34:1 or one (1) foot in height for each 34-feet in horizontal distance *[this is the land area that exists underneath the Approach Surface]*.

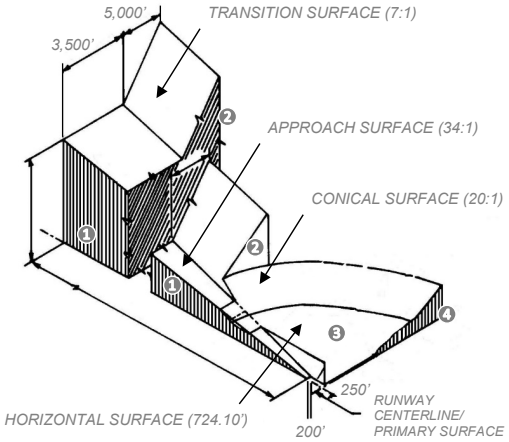
(3) *Transitional Zones.* The *Transitional Zones* are symmetrically located on either side of runway, and have variable widths. The *Transitional Zones* extend outward and upward commencing from the edge of the *Primary Surface* (*i.e. 250-feet on either side of the centerline of the runway*), and *Approach Surfaces*. The *Transitional Zones* extend upward and outward at slope of 7:1 or one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the *Horizontal Zone*. The *Transitional Zones* are established adjacent to the *Approach Zones* and extend their entire length. The *Transitional Zones* flare symmetrically with either side of the runway *Approach Zone* from the base of said zones and slope upward and outward at the rate of 7:1 or one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surface of the *Horizontal Zone* and the *Conical Zone [this is the land area that exists underneath the Transitional Surface]*.

(4) *Horizontal Zone.* The *Horizontal Zone* consists of the land area within the perimeter of which is constructed by swinging arcs of 10,000-feet from the center of each *Primary Surface*, 200-feet beyond the centerline of each runway and connecting the adjacent arcs by lines of tangent to those arcs. The *Horizontal Zone* does not include the *Approach Zone* and/or the *Transition Zone [this is the land area that exists underneath the Horizontal Surface]*.

(5) *Conical Zone.* The *Conical Zone* consists of the land area that commences at the periphery of the *Horizontal Zone* and extends outward for a distance of 4,000-feet, at a 20:1 slope or one (1) foot in height for each 20-feet of horizontal distance. The *Conical Zone* does not include the *Approach Zone* and/or the *Transition Zone [this is the land area that exists underneath the Conical Surface]*.

FIGURE 26: AIRSPACE ZONES

❶: APPROACH ZONE; ❷: TRANSITION ZONE; ❸: HORIZONTAL ZONE; ❹: CONICAL ZONE



(H) *Height Limitations*. Except as otherwise provided in this ordinance, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created above to a height in excess of the limits established herein for each of the imaginary surfaces created by the airspace zones (*Title 14 CFR, Section 77.19, Civil Airport Imaginary Surfaces)*, which are defined as follows:

(1) *Approach Surface.* The *Approach Surface* is the surface that is created by the *Approach Zone*, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending into the area required for an aircraft's navigable airspace. The *Approach Surface* is the same starting width as the *Primary Surface* (*i.e. 500-feet*), and has a slope of 34:1 or one (1) foot in height for each 34-feet in horizontal distance commencing at the *Primary Surface* and extending to a point 10,000-feet from the point of beginning and widening to a width of 3,500-feet.

(2) *Transitional Surface.* The *Transitional Surface* is the surface that is created by the *Transitional Zone*, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending in the area required for an aircraft's navigable airspace. The *Transitional Surface* is the surface that extends outward and upward, at right angles to the runway centerline (*at any point 250-feet normal to and at the elevation*

of the centerline) and extended runway centerline (*i.e. 200-feet beyond the end of the runway*), from the sides of the *Primary Surface* and the *Approach Surfaces* to a point of 150-feet above the airport elevation (*i.e. 724.10-feet*) [*the airport elevation is 574.10-feet above mean sea level*]. The *Transitional Surface* has a slope of 7:1 or one (1) foot in height for each seven (7) feet in horizontal distance.

(3) *Horizontal Surface.* The *Horizontal Surface* is the surface that is created by the *Horizontal* Zone, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending into the area required for an aircraft's navigable airspace. The *Horizontal Surface* is the horizontal plane created by swinging arcs with a 10,000-foot radius centered on the extended runway centerline where it crosses the *Primary Surface*, and is situated 150-feet above the established airport elevation (*i.e. 724-feet) [the airport elevation is 574-feet above mean sea level],* which coincides with the extent of the *Horizontal Zone*.

(4) *Conical Surface.* The *Conical Surface* is the surface that is created by the *Conical Zone*, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending into the area required for an aircraft's navigable airspace. The *Conical Surface* extends upward and outward from the outer limits or the periphery of the *Horizontal Surface* at a slope of 20:1 or one (1) foot in height for each 20-feet of horizontal distance for a horizontal distance of 4,000-feet. The *Conical Surface* extends to a height of 350-feet above the airport's elevation (*i.e. 924-feet*) [*the airport elevation is 574-feet above mean sea level*].

[Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail. Nothing in this ordinance shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 45-feet above the surface of the land, except in the Approach Zones.]

(I) *Airport Hazard Area*. The *Airport Hazard Area* is an area of land or water on which an airport hazard could exist. An *airport hazard* is defined as a structure or object of natural growth that obstructs the airspace required for the taking off, landing, and flight of aircraft or that interferes with visual, radar, radio, or other systems for tracking, acquiring data relating to, monitoring, or controlling aircraft. For the purposes of this ordinance, the *Airport Hazard Area* is defined as the entirety of all the imaginary surfaces stated in Section H, *Height Limitations*, of this ordinance (*see Figure 31: Airspace Zone Boundaries*).

(J) *Land Use Compatibility*.

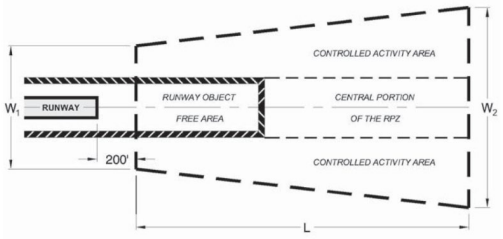
(1) *Intent*. The Airport Overlay (AP OV) District is intended to overlay any other zoning district's regulations comprising or pertaining to areas to which it is applicable, to prevent undue negative interaction between aviation activities associated with the airport and the surrounding community. It is intended to protect the lives and property of the users of the airport and of the occupants of the land in its general vicinity by restricting places of public assembly within this Airport Overlay (AP OV) District. The overlay is intended to preserve the utility of the airport and the public investment therein.

(2) *Development Zones*. The *Development Zones* are hereby established within the Airport Overlay (AP OV) District. These zones are depicted in *Figure 30: Development Zones within the Airport Overlay (AP OV) District* of this ordinance. The *Development Zones* are defined and described as follows:

(a) *Airport Runway Protection Zones (RPZs).* The *Airport Runway Protection Zones* are hereby established as the trapezoidal areas centered about the extended runway centerline. The *RPZ* dimensions for a particular runway end are a function of the type of aircraft and approach/departure visibility minimum associated with the runway end. The *RPZs* for the Ralph M. Hall/Rockwall Municipal Airport commence 200-feet from the edge of pavement at the end of each runway, beginning with a base of 500-feet (*i.e. inner width or 'W_1'*), extending 1,000-feet along the runway centerline (*i.e. length or 'L'*), and terminating at the outboard corners of a 700-foot line segment (*i.e. outer width or 'W_2'*) [*see Figure 27: Airport Runway Protection Zone (RPZ)*], creating a 13.770-acre trapezoidal area, which is intended to service *Aircraft Approach/Departure Categories 'A' & 'B'* (*i.e. small single and multi-engine planes*). Contained within the two (2) trapezoidal areas that make up the *RPZs* are the *Controlled Activity Area* and a portion of the *ROFA (Object Free Area)*. These areas are defined as follows:

(1) *The Runway Object Free Area (ROFA).* The *Runway Object Free Area (ROFA)* is centered on the runway centerline. The *ROFA* clearing standard requires clearing the *ROFA* of above ground objects protruding above the runway safety area edge elevation. Except where precluded by other clearing standards, it is acceptable to place objects that need to be located in the *ROFA* for air navigation or aircraft ground maneuvering purposes to protrude above the nearest point of the runway safety area, and to taxi and hold aircraft in the *ROFA*. To the extent practicable, objects in the *ROFA* should meet the same frangibility requirements as the runway safety area. Objects non-essential for air navigation or aircraft ground maneuvering purposes are not permitted to be placed in the *ROFA*. This includes parked airplanes and agricultural operations.

FIGURE 27: AIRPORT RUNWAY PROTECTION ZONE (RPZ)



(2) *The Controlled Activity Area.* The *Controlled Activity Area* is the portion of the *RPZ* beyond the boundaries of the *ROFA*.

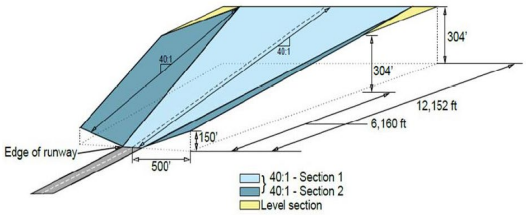
(b) *Municipal Airport Zone.* The *Municipal Airport Zone* is hereby established as the real property boundaries of the Ralph M. Hall/Rockwall Municipal Airport. This zone contains the majority of all airport related land uses and structures.

(c) *Airport Influence Zone.* The *Airport Influence Zone* contains all areas within the 500-foot buffer excluding the *Municipal Airport Zone* and the *RPZ*.

(d) *Height Restriction Zone.* The *Height Restriction Zone* extends to the edge of the *Conical Zone* and is subject only to the requirements stipulated in Section H, *Height Limitations*, of this ordinance (*see Figure 29: Airport Overlay District Boundaries*).

(e) *Departure Surface*. The *Departure Surface* starts at the end of the runway end elevation and matches the width of the usable runway. From the edge of the usable runway, the surface rises upward to 150-feet above the runway end elevation at a point 500-feet on either side of the runway centerline. The new surface rises upward along the extended centerline at a slope of 40:1 or one (1) foot in height for each 40-feet in horizontal distance until reaching 304-feet above the runway end elevation (*i.e. 6,160-feet across at its outer width at the runway end elevation*). Upon reaching the 304-foot marker, the surface levels out until the end of the departure surface at 12,152-feet. The area splays outward at a rate of 15-degrees relative to the extended runway centerline (*see Figure 28: Departure Surface*).

FIGURE 28: DEPARTURE SURFACE



(3) *Land Use Restrictions*.

(a) *Runway Object Free Area (ROFA) and Controlled Activity Area*. No uses are permitted within the *Runway Object Free Area (ROFA)* or the *Controlled Activity Area* unless deemed essential to air navigation or aircraft ground maneuvering purposes by the Federal Aviation Administration (FAA) with the following exceptions:

(1) *Permitted Uses*. See the current *FAA Standard*.

(2) *Specific Use Permit (SUP)*.

(a) Roadways, Automobile Parking Areas, and Railroads that Adhere to the Height Restrictions

(b) *Municipal Airport Zone*.

(1) *Permitted Uses.*

(a) Aircraft Runways, Taxiways, Taxi Lanes, Ramps, Parking Areas and Fuel Storage Facilities

(b) Aircraft Operational Facilities (*including but not limited to Instrument Landing Systems, Visual Navigational Aids, and Related Equipment; Communication Facilities; Weather Service Offices and Equipment*)

(c) Hangars (*includes all buildings which may be used for the Storage or Maintenance of Aircraft, Airport Snow Removal, Sweeping and Other Maintenance Equipment, and/or Other Aviation-Related or Ancillary Activities*)

(d) Terminal Buildings (*which may contain Offices or Airline Companies, and Other Businesses and Concessionaires*)

(e) Offices and Facilities for Airport Management, Air Charter, Air Taxi, Crop Spraying, Aircraft Sales or Rentals, and Air Cargo Processing Facilities

(f) Agriculture (*other than Forestry or Livestock*), Tourism Information Centers and Museums

(g) Flight Schools, Flying Clubs, and Other Schools or Training Facilities (*relating to Aviation or Air-Related Transportation*)

(h) Offices and Facilities for the Operation and Maintenance of Air Rescue, Emergency and Firefighting Services

(i) Aircraft Maintenance, Manufacturing, and Testing Facilities

(j) Offices and Facilities of Federal, State and Local Government Entities that Incorporate an Aeronautical Land Use (*Unless the Property has been Designated for Non-Aeronautical Land Uses*)

(2) *Prohibited Uses*.

(a) No uses other than those uses explicitly permitted above.

(c) *Airport Influence Zone*. All uses permitted within the underlying zoning depicted on the official zoning map of the City of Rockwall, with the following additional uses and exceptions:

(1) *Specific Use Permits (SUP)*.

(a) Residential Airpark or Aviation Homes

(b) Driving Test Track

(2) *Prohibited Uses*.

(a) Residential Uses (*e.g. Single Family, Multi Family, etc.*)

(b) Educational Centers (*including all types of Primary and Secondary Schools, Pre-Schools, and Child Care Facilities*)

(c) Hospitals, Medical Inpatient Treatment Facilities, Nursing Homes and/or Convalescent Home Facilities

(d) Places of Worship

(e) Places of Public Assembly (*Not Previously Listed*)

(f) Fuel Handling and Storage Facilities (*Does Not Include Gas Station*)

(d) *Height Restriction Zone*. Properties within the *Height Restriction Zone*, outside of the Airport Overlay (AP OV District), are subject to the use requirements stipulated by the underlying zoning depicted on the official zoning map of the City of Rockwall (*see Figure 29: Airport Overlay District Boundaries*).

(4) *Additional Use Restrictions*.

(a) Notwithstanding any other provision of this ordinance, no use may be made of land within any zone established by this ordinance in such a manner as to (*1*) create electrical interference with radio communication between the Airport and aircraft, (*2*) make it difficult for flyers to distinguish between airport lights and others, (*3*) result in glare in the eyes of flyers using the Airport, (*4*) impair visibility in the vicinity of the Airport or otherwise endanger the landing, taking-off, or maneuvering of aircraft.

(5) *Legal Non-Conforming Land Uses*.

(a) *Regulations Not Retroactive*. The regulations prescribed by this ordinance shall not be construed to require the removal, lowering, changes and/or alteration of any structure (*e.g. building*) or object of natural growth (*e.g. tree*) not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of any legal non-conforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure or property, for which the construction or alteration of said structure or property was commenced prior to the effective date of this ordinance.

(b) *Hazard Marking and Lighting*. Notwithstanding the preceding provision of this section, the owner of any non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the City Manager or his designee to indicate to the operators of aircraft in the vicinity of the Airport, the presence of such airport hazards. Markers and lighting necessary for existing non-conforming structures or trees shall be operated and maintained at the expense of the property owner. Markers and lighting necessary for future non-conforming structures or trees, approved per the requirements of this ordinance, shall be installed, operated, and maintained at the expense of the property owner.

(K) *Development Standards.*

(1) *Architectural Standards*.

(a) All buildings within the *Municipal Airport Zone* shall be designed by a licensed, professional architect and all drawings submitted for approval and/or permits shall bear the architect's seal of the State of Texas.

(b) All buildings intended for airport related use such as hangars, maintenance facilities, offices and facilities for airport management, terminal buildings and other similar types of uses with exterior walls visible from a public right-of-way shall consist of 90% masonry materials, excluding doors and windows as defined in Article 13, *Definitions*, of the Unified Development Code (UDC) [*i.e. "Masonry"*]. Building exterior walls not visible from the public rights-of-way may be earth-tone colored, pre-finished aluminum, steel or masonry. Materials that are unfinished are prohibited.

[All other buildings not related to airport uses within the Airport Overlay (AP OV) District shall conform to building materials requirements as stipulated within the Unified Development Code (UDC).]

In addition, all buildings intended for airport related uses shall adhere to the following standards:

(1) A *Material Sample Board* indicating all exterior materials and colors must be submitted to the Planning and Zoning Commission, upon a recommendation by the Architecture Review Board (ARB), for approval prior to the commencement of construction. All sides of the exterior building shall be architecturally integrated and similar in nature with respect to the design and aesthetic.

(2) All roofs shall be metal. If galvanized metal is being proposed, it shall be limited to a roofing material only.

(3) Building glazing or reflectors shall not be incorporated into a building if it will cause a glare or reflection that could interfere with airport operations or ground circulation.

(4) All windows or large glass elements shall be oriented and/or treated to avoid reflections that could cause a distraction to air traffic that is landing or taking off.

(5) All new construction shall be of a high quality and utilize materials and finishes that will maintain their appearance with relatively low maintenance.

(6) All steel used for roofing or siding shall be a minimum of 28-gauge steel, with a factory finish in a color that has been approved by the Planning and Zoning Commission, and which has been warranted by the manufacturer for a minimum of 20 years with regards to the durability and color fastness.

(7) All floors must be constructed of a minimum of four (4) inches thick concrete and reinforced with steel to a standard approved by the Engineering and Building Inspections Departments.

(8) All hangars facing a taxiway (*i.e. a path connecting runways with ramps, hangars, terminals, etc.*) shall have a hangar door that has a minimum opening of 55-feet in width by 16-feet in height (*i.e. 55' [w] x 16' [h]*). Buildings facing a taxilane (*i.e. a path connecting the taxiways to aircraft parking positions*) shall have a hangar door that has a minimum opening of 41-feet, 6-inches in width by 12-feet in height (*i.e. 41'-6" [w] x 12' [h]*). Approved swing out, overhead or sliding doors may also be used. All pedestrian doors must be of a pre-finished metal construction positioned in metal doorjambs. No wood doorjambs will be permitted on exterior doors.

(9) Mechanical equipment shall be screened so as not to be visible from the public and private rights-of-way. All screens, whether situated on the ground or on the building, shall be constructed to be aesthetically integrated into the design of the building. The rooftops of all buildings shall be free of any mechanical equipment unless completely screened from all points of view along all public rights-of-way by an architectural parapet. All screening materials shall be compatible with the material used on the building.

(2) *Landscaping*.

(a) The requirements contained within Article 05, *District Development Standards*, and Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC), whichever would be applicable to the subject property independent of the AP OV District, shall apply to a property located within the overlay (*i.e. the landscaping percentage of the underlying zoning district would apply*); however, landscaping plans in the AP OV District should be designed with the consideration of aircraft movement and should not be designed using trees and/or plants that have the propensity to attract hazardous wildlife. In cases where aircraft requirements would conflict with certain landscaping elements, the Planning and Zoning Commission may approve requirements that deviate from those stipulated by the Unified Development Code (UDC) if, in its opinion, such alternate requirements provide for a safer and more efficient use of the property. In addition, the Planning and Zoning Commission may request that a qualified Airport Wildlife Biologist review landscaping plans in sensitive areas and provide recommendations for planting placement and alternatives.

(3) *Variances*. The City Council may, upon request from the applicant, grant a variance to the any of the provisions contained within Section K.6, *Architectural Standards*, and Section K.7, *Landscaping*, of this ordinance where unique or extraordinary conditions exist or where strict adherence to the provisions of this ordinance would create a hardship. Approval of any variance to any provision of this section shall require City Council approval by a three-quarter (¾) majority vote of the City Council members present with a minimum of four (4) affirmative votes.

(L) *Administrative Procedures and Permits.*

(1) *Notice of Proposed Construction or Alteration (i.e. FAA Form 7460-1)*. Any tree or structure (*new or alteration of an existing structure*) proposed within the AP OV District or 20,000-feet of the runway shall require an applicant to file a *Notice of Proposed Construction or Alteration* form (*i.e. FAA Form 7460-1*) with the Federal Aviation Administration (FAA) to determine if the tree or structure creates a hazard to air navigation or will result in an inefficient use of airspace.

(2) *Future Use*. Except as specifically provided herein, no change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(a) In the area lying within the limits of the *Horizontal Zone* and *Conical Zone*, no permit -- *except as required by Section (L)(1) above* -- shall be required for any tree or structure less than 75-feet of vertical height above the ground as measured at grade, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.

(b) In the areas lying within the limits of the *Approach Zones* but at the horizontal distance of not less than 4,000-feet from each end of the runways, no permit -- *except as required by Section (L)(1) above* -- shall be required for any tree or structure less than 75-feet of vertical height above the ground as measured at grade, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limit prescribed for the *Approach Zone*.

(c) In the areas lying within the limits of the *Transitional Zones* ending at the perimeter of the *Horizontal Zone*, no permit -- *except as required by Section (L)(1) above* -- shall be required for any tree or structure less than 75-feet of vertical height above the ground as measured at grade, except when such tree or structure because of terrain, land-contour or topographic features would extend above the height limit prescribed for such *Transitional Zones*.

(3) *Exceptions/Variances/Non-Conforming Uses*. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this Ordinance except as set forth in Section H, *Height Limitations*.

(a) *Existing Uses*. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this Ordinance or any amendments thereto or than it is when

the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(b) *Non-Conforming Uses Abandoned or Destroyed*. Whenever the Board of Adjustment (BOA) determines that a non-conforming structure or use has been abandoned for a period of six (6) months, or more than eighty (80%) percent of a non-conforming structure or tree has been torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(c) *Variances*. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use of their property, not in accordance with the regulations prescribed in this ordinance, may apply to the Board of Adjustment (BOA) for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulation would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice to be in accordance with the spirit and intent of this Ordinance.

(d) *Hazard Marking and Lighting*. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the owners at their own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

(M) *Enforcement*. It shall be the duty of the City Manager or his designee to administer and enforce the regulations prescribed herein. Application of permits shall be made to the City Manager or his designee upon a form published for that purpose. Applications required by this ordinance to be submitted to the City Manager or his designee shall be promptly considered and granted or denied. Applications for variances shall be made to the Board of Adjustment (BOA) by first filing said application for variance with the City Manager or his designee who shall forthwith transmit said application to the Board of Adjustment for determination.

(N) *Appeals*. Requests for appeals to administrative decisions by the City Manager or his designee concerning the enforcement of this ordinance shall be directed to the Board of Adjustment (BOA) in compliance with Section 04, Board of Adjustments, of Article 02, Authority and Administrative Procedures, of the Unified Development Code (UDC).

Continued on Next Page …

FIGURE 29: AIRPORT OVERLAY (AP OV) DISTRICT BOUNDARIES

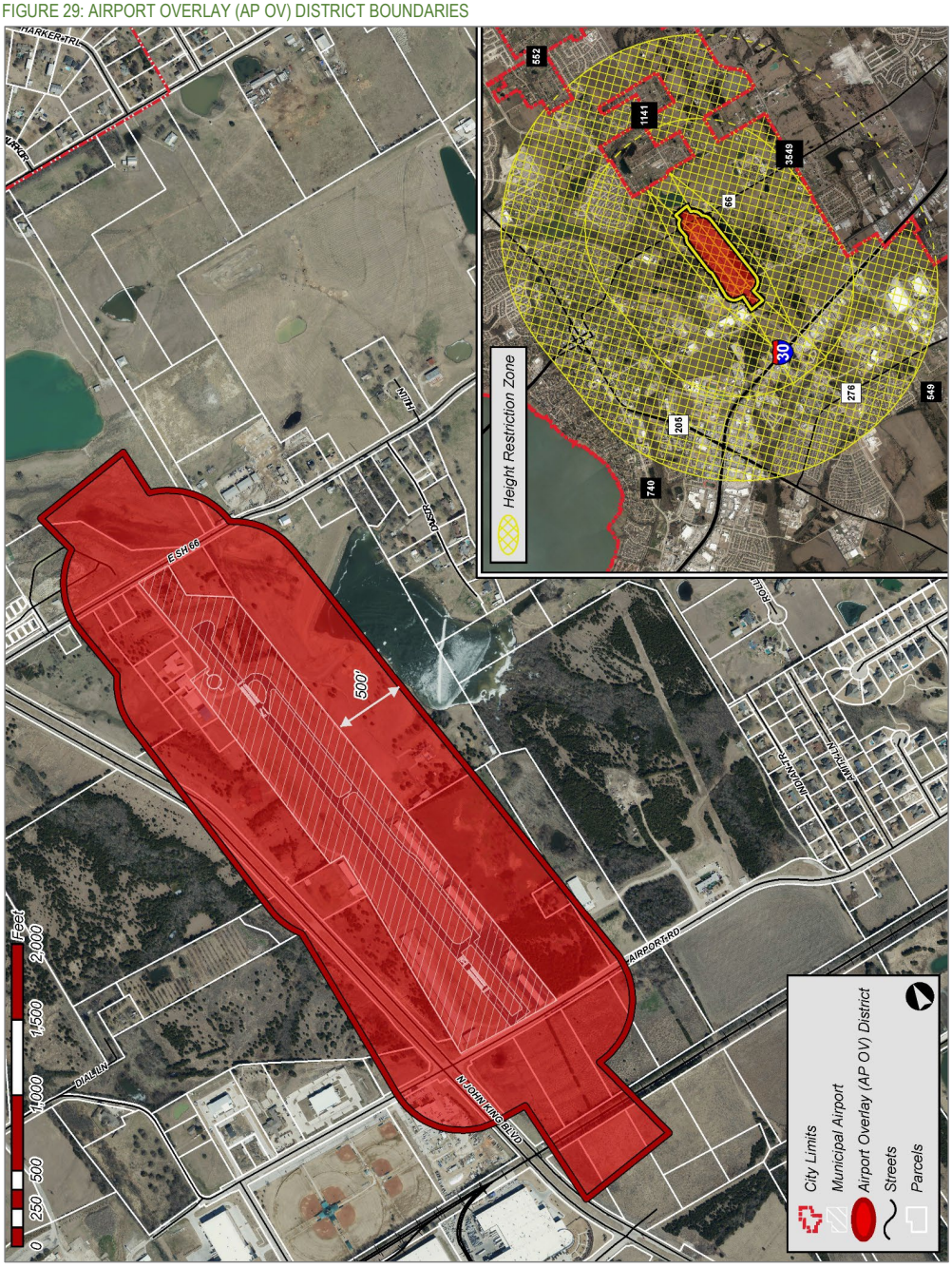


FIGURE 30: DEVELOPMENT ZONES WITHIN THE AIRPORT OVERLAY (AP OV) DISTRICT

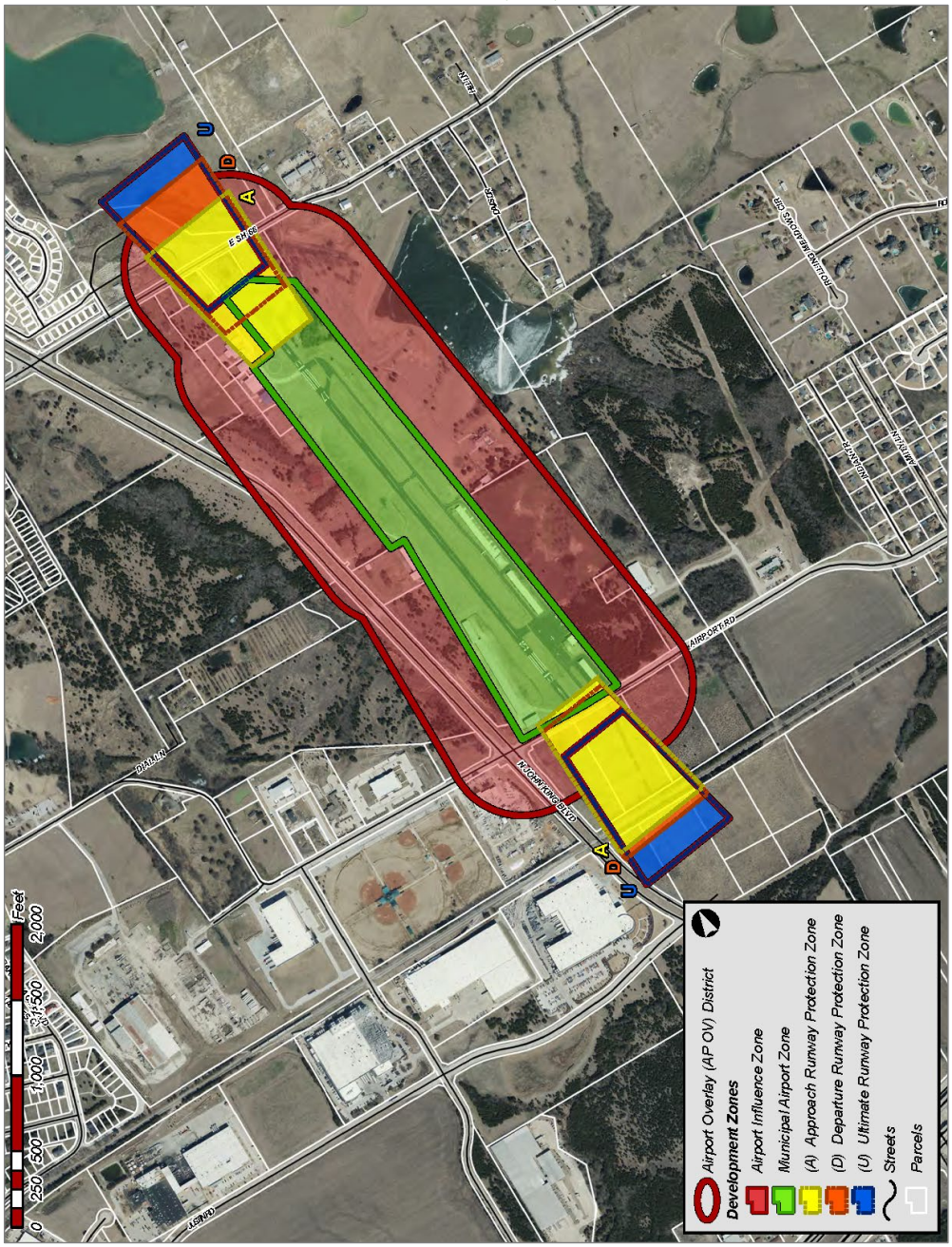


FIGURE 31: AIRSPACE ZONE BOUNDARIES

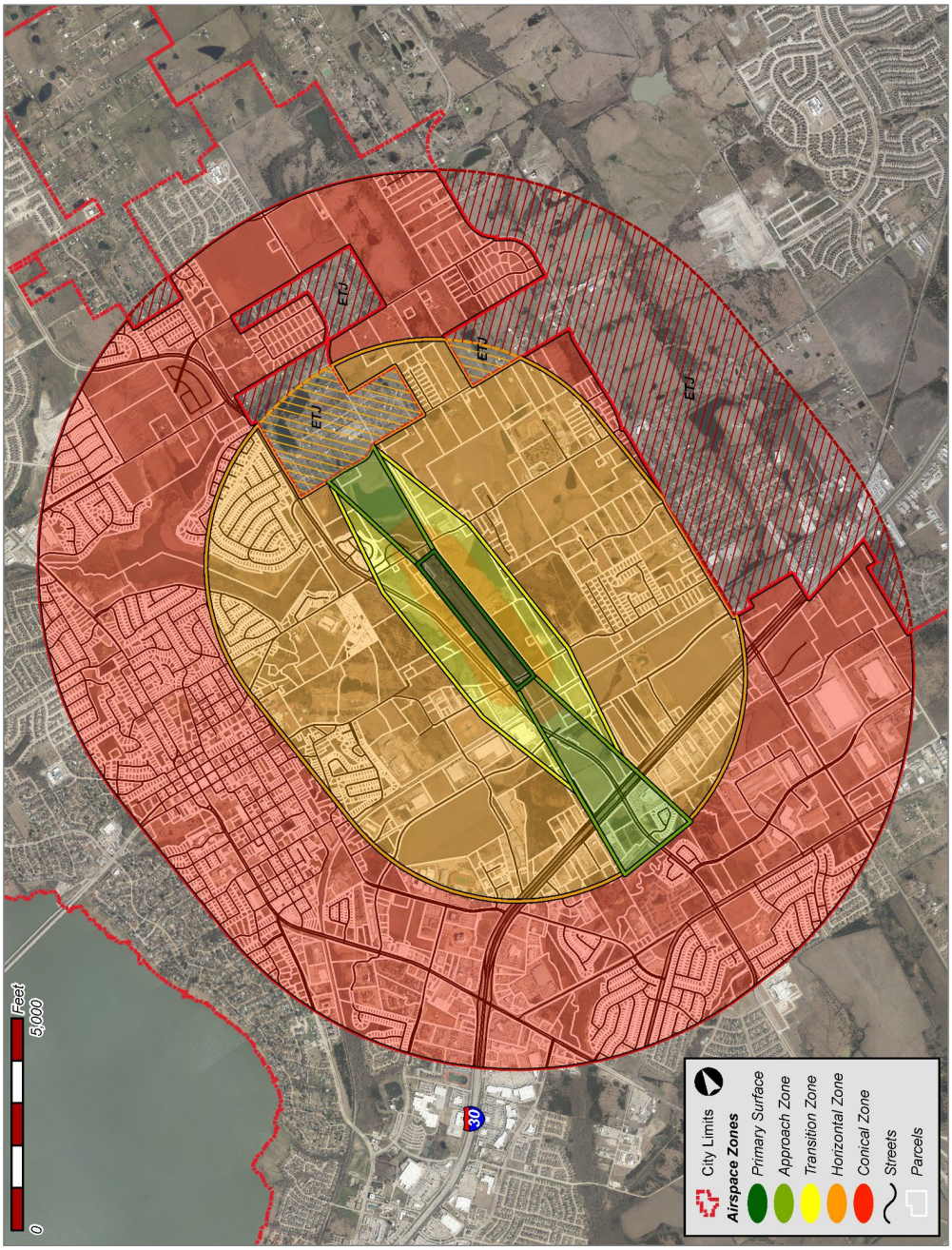
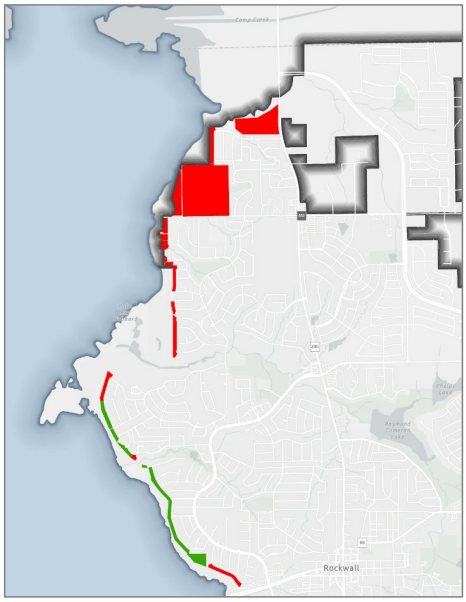
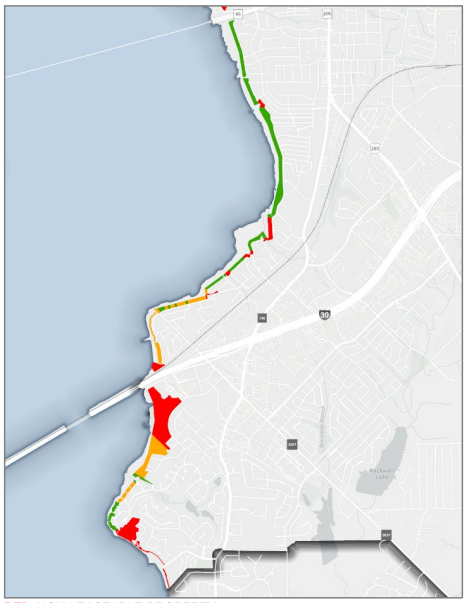


FIGURE 32: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT MAP





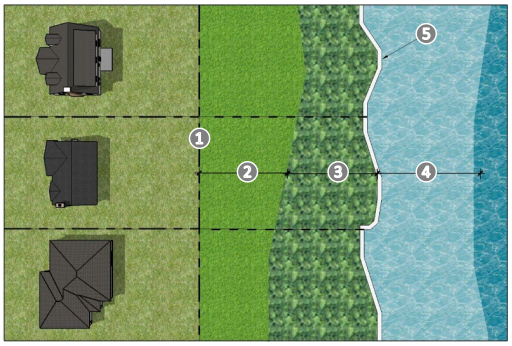
RED: NON-LEASEABLE PROPERTY
GREEN: LEASABLE PROPERTY
ORANGE: HOA LEASABLE AREA

SUBSECTION 06.16: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT

(A) *Purpose*. The purpose of the *Lake Ray Hubbard Takeline Overlay (TL OV) District* is to permit the development of property along the shoreline of Lake Ray Hubbard under certain regulatory conditions governing permitted uses and development standards, setting forth the procedures for the development of said property, and establishing an appeal process for the development standards of the district. This zoning district has its basis in and is intended to serve as an implementation tool for the Lake Ray Hubbard Master Plan (*adopted by the City of Dallas*), the Lake Ray Hubbard Interlocal Agreement as approved by those municipalities comprising the *Lake Cities Coalition* (*i.e. Garland, Rockwall, and Rowlett*) and the City of Dallas, and the OURHometown Vision 2040 Comprehensive Plan. The adoption of this zoning district is intended to provide a means for the protection of water quality.

(B) *Boundaries*. The Lake Ray Hubbard Takeline (TL OV) District includes all property that is located between the City of Dallas *Takeline* as shown on the boundary map for Lake Ray Hubbard (*i.e. File 612D-1 on file in the City of Dallas Records Vault and depicted below in Figure 32, Lake Ray Hubbard Takeline [TL OV] District Map*) and the meandering of the contour line 435.5-feet sea level elevation. In addition, *Figure 33*: *Elevation Contours*, shows the elevation zones used to delineate where certain land uses are permitted.

FIGURE 33: ELEVATION CONTOUR ZONES



❶: REAR PROPERTY LINE/TAKE LINE; ❷: 438.0 ELEVATION ZONE; ❸: 435.5 ELEVATION ZONE; ❹: 425.5 ELEVATION ZONE; ❺: SEAWALL;

(C) *Applicability*.

(1) *Applicable Lots*. The standards set forth within Subsection 06.16, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, shall apply only to those lots within the takeline that are zoned and used for detached, single-family residential land uses, and that either have a minimum lot width of 45-feet when measured at the front building line or a minimum width of 35-feet at the front building line when located on a curved street or cul-de-sac or Homeowner's Association (HOA) that are eligible to lease. The properties and Homeowner's Associations (HOA's) that are eligible to lease the takeline area are depicted in *Figure*

32: Lake Ray Hubbard Takeline Overlay (TL OV) District Map above.

(2) *Exceptions for Lots Not Meeting the Applicability Standards*. The City Council shall have the authority to consider special exceptions to the eligibility standards set forth within this section that apply to those lots within the Lake Ray Hubbard Takeline Overlay (TL OV) District that are zoned and used for detached, attached, or zero-lot-line single-family residential land uses and meet the minimum lot width requirements as prescribed in Subsection 06.15(C)(1) above.

(D) *Definitions*. The terms used in this section shall be as defined in this Unified Development Code (UDC), the Lake Ray Hubbard Interlocal Agreement, and the sublease agreements prepared by the City of Rockwall. For specific land use definitions refer to Subsection (K), *Specifications for Permitted Land Uses*. In addition, the following terms shall be defined as follows:

(1) *Catwalk*. The narrow walkway of a dock providing people access to moored watercraft.

(2) *Centerline*. An established line that is equidistant from the surface or sides of something (*e.g. parcel boundaries*).

(3) *Cleat*. A metal fitting with two (2) projecting pieces used to wrap a rope around to secure a watercraft in position.

(4) *Dredging*. The process of deepening a waterway for the sale and efficient movement of watercraft by the removal of dirt either by digging or by suction.

(5) *Habitable Structure*. A structure fit for human habitation usually containing amenities (*e.g. fireplace, furniture, plumbing, bathing facilities, and cooking facilities*). Structures allowed by this section shall *not* be habitable structures and may not contain such amenities.

(6) *Lake*. Refers to Lake Ray Hubbard.

(7) *Lake Area*. The City of Dallas property, known as Lake Ray Hubbard, that is normally submerged by the lake at a normal lake pool elevation (*i.e. property at or below an elevation of 435.5-feet mean sea level*).

(8) *Leased Area*. Means the take area that is within the corporate limits of the City of Rockwall, or where the takeline is directly adjacent to the corporate limits of the City of Rockwall.

(9) *Lift*. A temporary means of elevating a watercraft out of the water by use of a hoist.

(10) *Locker Box*. A secured chest fixed onto a dock used for storage of watercraft equipment.

(11) *Moor*. Securing a watercraft to a fixed object such as a fixed cleat on a seawall while the watercraft is still in the water.

(12) *Mooring*. A place where a watercraft can be tied up and secured while in the water (*e.g. a slip*) for not more than 156-consecutive hours.

(13) *Power Source Station*. Used as a power supply for lighting a dock just below watercraft level.

(14) *Shoreline*. Refers to the line along the shore of the lake, established by the normal lake pool elevations (*i.e. 435.5-feet mean sea level*).

(15) *Slip*. A watercraft's berth between two (2) piers or between finger piers.

(16) *Take or Takeline Area*. Refers to the land owned by Dallas between the takeline and the normal lake pool elevations (*i.e. 435.5-feet mean sea level*).

(17) *Treated Wood*. Wood treated by the impregnation or application of chemical solutions or chemical mixtures for the purpose of retarding or preventing deterioration or destruction cause by insects, fungi, bacteria, or other wood destroying organisms.

(18) *View Clear Zone*. The area within the view preservation angle where no new structures or plantings shall exceed six (6) feet above the existing grade to maintain neighboring views.

(19) *View Corridor*. A sight passage recognized as holding an intangible asset for a property owner and for a community due to the unique visual qualities of distant terrain, woodlands, wetlands, grasslands, skylines, and manmade lakes expressed through a view preservation angle from either a generally recognized center point or various center points along a road corridor or public view area (*see Figure 28: Visual Measurements for View Corridors of Subsection (E)*).

(20) *View Preservation Angle*. The angle determined as the line extending from the center point -- *or 30-foot point depending on lot size* -- along the quarter distance line of the leased area extending back toward the opposite corner where the takeline area crosses the lease area's side yard (*see Figure 28: Visual Measurements for View Corridors*).

(21) *Watercraft (or Boat)*. A craft for water transport. Examples of watercrafts are as follows:

(a) *Motorized Boat*. A boat propelled by an internal combustion engine.

(b) *Sail Boat*. A boat with a mast and sail propelled by the wind.

(E) *Visual Measurements for View Corridors*.

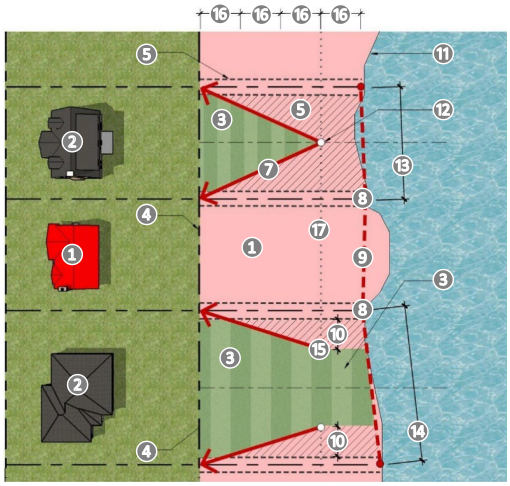
(1) *View Corridors*. View clear zones are established to protect a property owner's views of the lake and to maintain the aesthetic value of the lake's shoreline. The view clear zones for the takeline areas are established by the shoreline frontage of the takeline lease area. This measurement is determined by projecting the lease areas side yards to the normal pool elevation (*i.e. 435.5-feet mean sea level*), and connecting these two (2) points in a straight line (*see Figure 34: Visual Measurements for View Corridors*). Based on this linear measurement, the view clear zones are determined by the following:

(a) *Lots That Have Less Than 100-Feet of Shoreline Frontage*. The view corridor for lots that have less than 100-feet of shoreline frontage is defined by the view preservation angle determined as the quarter distance (*i.e. 25%*) center point from the shoreline frontage line

along the centerline of the leasing property owner's side yard with the angle running from the quarter distance center point to the opposite corners where the takeline area crosses the lease area's side yard. Those areas that fall inside of the view clear zones will be restricted from any type of new improvements or plantings exceeding six (6) feet in height with the exception of boat-related uses, which will be allowed by an administrative exception in accordance with Subsection (F)(2)(d).

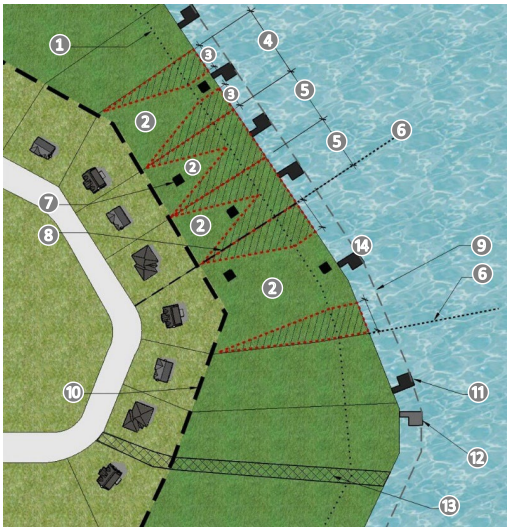
(b) *Lots That Have More 100-Feet or More Shoreline Frontage*. The view corridor for lots that have 100-feet or more shoreline frontage are defined by the view preservation angle determined as the quarter distance (*i.e. 25%*) line projected from the shoreline frontage line extending from the leasing property owner's side yard 30-feet along the quarter distance line and running from this point to the opposite corners where the takeline area crosses the lease area's side yard, and in a straight line from the 30-foot point on the quarter distance line to the shoreline frontage line. Those areas that fall inside of the view clear zones will be restricted from any type of new improvements or plantings exceeding six (6) feet in height with the exception of boat-related uses, which will be allowed by an administrative exception in accordance with Subsection (F)(2)(d).

FIGURE 34: VISUAL MEASUREMENTS FOR VIEW CORRIDORS



❶: SUBJECT PROPERTY'S AND ITS VIEW CORRIDOR (*PINK AREA*); ❷: NEIGHBORING PROPERTY; ❸: NEIGHBORING PROPERTY'S BUILDABLE AREA (*GREEN LINED AREA*); ❹: REAR PROPERTY LINE/TAKELINE; ❺: VIEW CLEAR ZONE (*LINED AREA*); ❻: LEASE AREA SIDE YARD SETBACK; ❼: VIEW PRESERVATION ANGLE; ❽: THE INTERSECTION OF THE 435.5 ELEVATION LINE AND THE LEASE AREA'S SIDE YARD; ❾: SHORELINE FRONTAGE LINE (*ESTABLISHED BY CONNECTING THE TWO [2] ❽ POINTS IN A STRAIGHT LINE*); ❿: 30-FOOT ; ⓫: SHORELINE; ⓬: CENTER POINT AT THE QUARTER DISTANCE LINE; ⓭: A LOT WITH A SHORELINE FRONTAGE LESS THAN 100-FEET; ⓮: A LOT WITH A SHORELINE FRONTAGE 100-FEET OR MORE; ⓯: 30-FOOT POINT ON THE QUARTER DISTANCE LINE; ⓰: 25% OF THE TAKELINE AREA; ⓱: QUARTER DISTANCE LINE.

FIGURE 35 EXAMPLES OF VISUAL MEASUREMENTS FOR VIEW CORRIDORS AND STRUCTURE PLACEMENT



❶: QUARTER DISTANCE LINE; ❷: BUILDABLE AREA; ❸: 30-FEET; ❹: A LOT WITH A SHORELINE FRONTAGE LINE 100-FEET OR MORE; ❺: A LOT WITH A SHORELINE FRONTAGE LINE LESS THAN 100-FEET; ❻: LEASE AREA'S PROJECTED SIDE YARD; ❼: STRUCTURE BUILT IN THE 438.0 ELEVATION ZONE; ❽: LEASE AREA'S SIDE YARD; ❾: 40-FOOT BUILDING LINE; ❿: REAR PROPERTY LINE/TAKELINE ; ⓫: EXISTING BOATHOUSE; ⓬: BOATHOUSE LOCATION APPROVED ADMINISTRATIVELY BECAUSE OF DRAINAGE EASEMENT AND CLUSTERED WITH AN EXISTING BOATHOUSE; ⓭: DRAINAGE EASEMENT; ⓮: BOATHOUSE AND STRUCTURE IN THE 435.5 ELEVATION ZONE GENERALLY CENTERED IN THE LEASE AREA BEHIND THE PRIMARY STRUCTURE.

(F) *General Requirements*. The following general requirements shall apply for all property in the takeline area.

(1) *Number of Permitted Structures*. The following is the maximum number of structures that shall be permitted in each elevation zone (*NOTE: in this case a structure is defined as any of the permitted uses specified in Subsection (K), Specifications for Permitted Land Uses that exceeds six [6] feet in height*):

(a) *438.0 Elevation Zone*: Two (2) structures shall be permitted in the *438.0 Elevation Zone*.

(b) *435.5 Elevation Zone*. One (1) structure shall be permitted in the *435.5 Elevation Zone*.

(2) *General Location of Permitted Structures*. The following requirements relate to where structures should be generally located in each elevation zone (*NOTE: in this case a structure is defined as any of the permitted uses specified in Subsection (K), Specifications for Permitted Land Uses that exceeds six [6] feet in height*):

(a) *438.0 Elevation Zone*: Structures in the *438.0 Elevation Zone* should be located outside of the view clear zones unless specifically permitted to be in the view clear zone by Subsection (K), *Specifications for Permitted Land Uses*.

(b) *435.5 Elevation Zone*: Structures in the *435.5 Elevation Zone* should be generally centered in the lease area -- *equal distance from both leased side yard boundary lines* -- behind the primary structure on the leasing property and outside of the view clear zones unless specifically permitted to be in the view clear zone by Subsection (K), *Specifications for Permitted Land Uses*.

(c) *425.5 Elevation Zone*: Structures located in the *425.5 Elevation Zone* should be generally centered along the shoreline -- *equal distance from both the leased side yard boundary lines* -- behind the primary structure of the leasing property.

(d) *Administrative Exception for the 435.5 & 425.5 Elevation Zone*. In cases where it is [*1*] not feasible to construct a structure in the center of the lease area or along the shoreline, [*2*] will increase the view corridor or benefit the surrounding properties by not centering a structure in the lease area, or [*3*] where centering the structure will create an undue hardship to the property owner leasing the lease area, the Director of Planning and Zoning or his/her designee may approve an administrative exception to allow an alternate location that is not generally centered in the lease area as long as the location for the proposed structure is outside of the view clear zone. In approving these requests, the Director of Planning and Zoning or his/her designee shall consider the impact of the proposed structure on the adjacent property owners.

(3) *Building Materials*. The permitted building materials shall be as stipulated in Subsection (K), *Specifications for Permitted Land Uses*, and as permitted by the City Council through a Specific Use Permit (SUP); however, the use of canvas, cloth, or like materials shall be prohibited within the takeline area. In addition, loose ground materials (*e.g. sand, fill, pea gravel*) that could be used for trails, paths, play areas, active sports activities, or as exposed landscape bedding material are prohibited.

(4) *Trees*. In order to plant or remove a tree in the takeline area, a *Treescape Plan* showing the exact location, size (*i.e. trunk diameter and height*), and common name of the tree to be planted or removed will be required to be submitted to the Parks and Recreation Department. A permit to plant or remove a tree may be approved administratively by the Director of Parks and Recreation or his/her designee, or forwarded to the Parks and Recreation Board for approval. In reviewing a request to plant or remove a tree, the following criteria shall apply:

(a) *Planting Trees*. Trees are permitted to be planted within the *438.0 Elevation Zone* pending they are [*1*] not a variety specifically listed in the prohibited tree list contained in Section 03, *Tree Planting Guidelines and Requirements*, of Appendix C, *Landscaping Guidelines and Requirements*, and [*2*] they are not located within the view clear zone outlined Subsection (E), *Visual Measurements*. The Director of Parks and Recreation or his/her designee may grant an exception to allow a tree to be planted in the view clear zone where it is determined that the tree will not decrease the visibility of the lake or shoreline for the adjacent properties. In making this determination, the Director of Parks and Recreation shall consider the size of the proposed tree at maturity.

(b) *Removing Trees*. Trees are permitted to be removed only if they are determined to be damaged or diseased, or if they create a hazardous or dangerous condition that could endanger the public health, safety or welfare of the general public.

(5) *Temporary Structures on Lease 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(K)(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.

(G) *Residential Sublease Agreement*. A *Residential Sublease Agreement* is an agreement between a property owner and the City of Rockwall that grants the property owner certain rights to the exclusive use of the takeline area. A *Residential Sublease Agreement* shall be required to build certain structures within the takeline area. The area to be leased by a single-family property owner shall be directly contiguous to the boundaries of the property and are only permitted in the areas depicted in *GREEN* on Figure 32, *Lake Ray Hubbard Takeline (TL OV) District Map*. It shall be a violation of the zoning code to build or maintain a structure in the takeline area without a valid *Residential Sublease Agreement*. An owner in violation of this section shall be subject to the requirements of Section 01, *Penalties*, of Article 12, *Enforcement*, of the Unified Development Code (UDC). The following shall be the costs associated with a *Residential Sublease Agreement*:

Lease	Fees
New Lease (*i.e. New Never Leased by Current Owner*) [2]	$200.00
Annual Renewal of a Lease	$100.00
Change of Ownership of a Valid Lease	$50.00
Reinstatement of an Expired Lease (*i.e. Same Property Owner*) [3]	$500.00

NOTES:

[1]: To be subject to these new fees, a lease entered into after *January 1, 2021* will be required (*i.e. the effective date of the amendment adopting these fees*).

[2]: A lease is considered to be new under the following circumstances: [*1*] the property has never had a valid lease agreement, or [*2*] the property had a valid lease under different ownership but that lease agreement expired prior to the current owner taking possession of the property.

[3]: A lease is considered to be a reinstatement when it lapses or expires under the current ownership, and then the same owner requests a new lease.

(H) *Homeowner's Association (HOA) Sublease Agreement*. A *Homeowner's Association (HOA) Sublease Agreement* is an agreement between a Homeowner's Association (HOA) and the City of Rockwall that grants the HOA certain rights to the exclusive use of the takeline area for their members. The area to be leased by the Homeowner's Association (HOA) shall be directly contiguous to the boundaries of the HOA and are only permitted in the areas depicted in ORANGE on Figure 32, *Lake Ray Hubbard Takeline [TL OV] District Map*. It shall be a violation of the zoning code to build or maintain a structure in the takeline area without a valid *Homeowner's Association (HOA) Sublease Agreement*. A Homeowner's Association (HOA) in violation of this section shall be subject to the requirements of Section 01, *Penalties*, of Article 12, *Enforcement*, of the Unified Development Code (UDC). The requirements for a *Homeowner's Association (HOA) Sublease Agreement* are as follows:

(1) *Site Plan*. Prior to the execution of a *Homeowner's Association (HOA) Sublease Agreement*, the Homeowner's Association (HOA) shall submit a *Site Plan* to the Director of Planning and Zoning in accordance with the procedures outlined in Subsection 01.02, *Submission of an Application*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). The *Site Plan* shall show all of the *Activity Areas* [*see Subsection (H)(2) below*], the proposed improvements for these areas, the required seawalls, fixed piers and/or dock decks, private walkways, and any landscaping for the leased area. The Planning and Zoning Commission shall review the *Site Plan* in accordance with the procedures contained in Section 03, *Site Plans*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Upon approval of a *Site Plan*, the approved *Site Plan* shall be incorporated into the *Homeowner's Association (HOA) Sublease Agreement*. Should the Homeowner's Association (HOA) choose to amend the *Site Plan*, the *Site Plan* shall be amended in accordance with the procedures of Subsection 03.06, *Amended Site Plan*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Upon approval of an amendment to the *Site Plan*, a new *Homeowner's Association (HOA) Sublease Agreement* shall be drafted containing the *Amended Site Plan* and superseding the original *Homeowner's Association (HOA) Sublease Agreement*.

(2) *Activity Areas*. In lieu of the requirements of Subsections (F)(1), *Number of Permitted Structures*, and (F)(2), *General Location of Permitted Structures*, -- *and as part of the required Site Plan outlined in Subsection (H)(1) above* -- the Homeowner's Association (HOA) shall identify *Activity Areas* where improvements can/will be made within the leased area. Improvements outside of the *Activity Areas* -- *with the exception of landscaping and private walkways* -- shall be prohibited for the purpose of preserving the view corridors of the existing residential properties. The *Activity Areas* shall generally adhere to the following requirements:

(a) *Size*. *Activity Areas* should not be larger than 50-feet by 50-feet, unless otherwise approved by the Planning and Zoning Commission. In reviewing the *Activity Areas*, the Planning and Zoning Commission shall consider how the proposed size affects the view corridors of the adjacent residential properties.

(b) *Location*. *Activity Areas* shall be spaced so that they are a minimum of 200-feet apart, and be setback a minimum of 25-feet from the rear or side yard property line of any residential property. In addition, the *Activity Areas* shall be located in a manner that will create the least amount of impact to the adjacent property owners and their view corridors.

(c) *Seawalls*. Prior to the construction of an *Activity Area*, a seawall, conforming to Subsection (K), *Specifications for Permitted Land Uses*, and extending 100-feet on either side of the *Activity Area*, shall be required to be constructed.

(3) *Fixed Piers and Dock Decks*. Fixed piers and dock decks, conforming to Subsection (K), *Specifications for Permitted Land Uses* and spaced a minimum of 200-feet apart, are permitted along the leased area; however, a seawall, conforming to Subsection (K), *Specifications for Permitted Land Uses* and extending 100-feet on either side of the fixed pier or dock deck, shall be required with the proposed improvements.

(4) *Prohibited Land Uses*. Boathouses, as defined in Subsection (K), *Specifications for Permitted Land Uses*, shall be prohibited in the leased area associated with any *Homeowner's Association (HOA) Sublease Agreement*; however, in the event a boathouse existed in the leased area prior to the execution of the *Homeowner's Association (HOA) Sublease Agreement*, the HOA shall assume responsibility for the existing improvement in accordance with Subsection (H)(5) below.

(5) *Existing Improvements*. As part of the *Homeowner's Association (HOA) Sublease Agreement*, the HOA shall be required to assume responsibility for any existing improvements and the maintenance of these improvements in the leased area.

(6) *Fees*. The following shall be the costs associated with a *Homeowner's Association (HOA) Sublease Agreement*:

Lease	Fees
New Lease (*i.e. New Never Leased by HOA*) [1]	$200.00
Annual Renewal of a Lease	$100.00
Reinstatement of an Expired Lease (*i.e. Same HOA*) [2]	$500.00

NOTES:

[1]: A lease is considered to be new if the property has never had a valid lease agreement or if a site plan has been amended in accordance with the procedures of Subsection (H)(1).

[2]: A lease is considered to be a reinstatement when it lapses or expires, and then the Homeowner's Association (HOA) requests a new lease.

(I) *Permitted Uses*. All of the uses permitted within the *Lake Ray Hubbard Takeline Overlay (TL OV) District* shall adhere to all other

applicable codes and the permitting requirements of the City of Rockwall. For a list of permitted land uses see Subsection (L), *Specifications for Permitted Land Uses*, or Subsection 07.05, *Lake Ray Hubbard Takeline Overlay (TL OV) District Development Standards*.

(J) *Specific Use Permits (SUPs)*. A Specific Use Permit (SUP) may be requested for: [*1*] any use that is not listed in Subsection (K), *Specifications for Permitted Land Uses* or [*2*] any structure that does not adhere to the requirements stipulated for that use or structure as required by Subsection (K), *Specifications for Permitted Land Uses*; however, a request for a Specific Use Permit (SUP) cannot be requested if a dimensional, material, size, or location standard stipulated in Subsection (K), *Specifications for Permitted Land Uses*, or Subsection (F), *General Requirements*, is expressly prohibited. In addition, no requests can be made that violate the view corridor requirements stipulated in Subsection (E), *Visual Measurements*. A Specific Use Permit (SUP) may be requested for water related land uses that are not specifically addressed in Subsection (K), *Specifications for Permitted Land Uses*, (*e.g. jet ski lift*) pending the applicant provides a letter of consent from the City of Dallas prior to making the application. In considering a Specific Use Permit (SUP) request, the City Council shall consider how the proposed request [*1*] impacts adjacent properties, and [*2*] adheres to the intent of the Lake Ray Hubbard Takeline Overlay (TL OV) District.

(K) *Specifications for Permitted Land Uses*. See Subsection 07.05, *Lake Ray Hubbard Takeline Overlay (TL OV) District Development Standards*, for a summary of the development standards for each of the following conditional uses.

(1) *Barbecue Pit*.

(a) *Definition*. A *barbecue pit* is a permanent fireplace structure over which meat, poultry and other foods are roasted (*for Fire Pit see Subsection 06.15(K)(9)*).

(b) *Prerequisites*. A *barbecue pit* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *barbecue pit* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *barbecue pit* can only be fueled by charcoal and wood products, and shall not be fueled by any permanently buried gas products (*i.e. natural gas or propane*).

(e) *Construction Standards*.

(1) *Building Materials*. A *barbecue pit* must be constructed utilizing a combination of natural stone, brick, concrete, and/or iron grating.

(2) *Height*. A *barbecue pit* shall not exceed a maximum of six (6) feet in height.

(3) *Size*. A *barbecue pit* shall not be smaller than a minimum size of three (3) feet in length by three (3) feet in width; however, a *barbecue pit* should not exceed a maximum size of eight (8) feet in length by three (3) feet in width.

(f) *Setback Requirements*. A *barbecue pit* must adhere to the following setbacks:

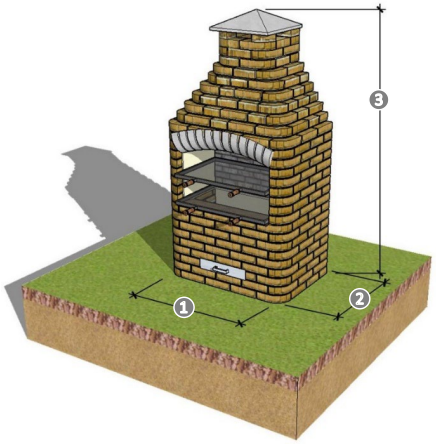
(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *barbecue pit* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *barbecue pit* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.



❶: A MINIMUM AND MAXIMUM OF THREE (3) FEET IN LENGTH; ❷: A MINIMUM OF THREE (3) FEET AND A MAXIMUM OF EIGHT (8) FEET IN WIDTH; ❸: A MAXIMUM OF SIX (6) FEET;

(2) *Boathouse*.

(a) *Definition*. A *boathouse* is a roofed structure affixed to the end of an adjoining *fixed pier*, with a main waterside opening, containing an operating boatlift, and which is built to house and protect a watercraft and boat related equipment.

(b) *Prerequisites*. A *boathouse* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall, has constructed a *seawall* along the entire length of the shoreline within the leased area, and has constructed a *fixed pier*.

(c) *Conditional Use Standards*. *Boathouses* are used for storing boats that have a fuel efficiency rating greater than 95%; however, boathouses may also be used to store

sailboats. *Boathouses* will not be used for storing any other type of items except boats and boat-related equipment. In addition, *Boathouses* shall not be used as a habitable dwelling structure, or shelter for domestic or wild animals. All *boathouses* shall be designed to discourage swimming, be durable, and have a base foundation construction of approved piling piers placed to a depth decided by a structural engineer; however, a *boathouse* shall not be designed to prevent public access to an area of water. Accessories placed on the flat surface of a *boathouse* or catwalk must be placed in an orderly manner that allows for the safe movement of people.

(d) *Elevation Zone*. A *boathouse* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

(e) *Construction Standards*.

(1) *Building Materials*. All *boathouse* constructed below the 437.0-foot mean sea level contour shall use only pilings and materials approved by the City of Rockwall and the City of Dallas. *Boathouses* shall be constructed utilizing composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with high-tech plastic materials*) -- *products equivalent to Trex brand are preferred* -- for decking, galvanized metal/iron/steel or aluminum (*with a minimum color rating of AAMA 2604*) for the support posts, all aforementioned materials and cedar or iron wood for the roof beams, and standing seam metal for the roof with a pre-finished color. Support posts may be wrapped in composite material. Water repellant sealants shall not be used to treat any cedar or ironwood used for roof beams. All fasteners binding materials together must be made out of stainless steel.

(2) *Height*. A *boathouse* shall be a minimum of 16-feet and a maximum of 21-feet in height as measured from the top of the fixed pier's catwalk to the vertex of the *boathouse's* cupola; however, in no case should a *boathouse* exceed one (1) story in height.

(3) *Size*. The footprint of the exterior sides of a *boathouse* will measure a minimum of eight (8) feet in width by 30-feet in length and a maximum of 12-feet in width and 30-feet in length. *Boathouses* shall not extend more that 40-linear feet into the water as measured from the normal pool elevation of the shoreline (*i.e. 435.5*).

(4) *Roof*. A *boathouse* will have a hip roof with either: [*1*] one (1) cupola with a hip roof centered at the top of the main hip roof, or [*2*] two (2) cupolas each with hip roofs at either end of the top of the main hip roof. Cupolas will be designed to allow updraft air and winds to vent outward, and shall measure three (3) feet by four (4) feet. All *boathouse* roofs shall be built with a minimum of a 2:1 roof pitch and will not have an overhang greater than 18-inches. *Boathouses* shall not incorporate a deck or platform.

(5) *Lighting*. Interior lighting for a *boathouse* will be directed downward from the ceiling of the structure and at the stored watercraft. Exterior lighting for a *boathouse* will be directed downwards toward the fixed pier with light fixtures incorporated either into the roof's overhang or the structure's columns. Lighting shall not hinder an adjacent property owner's lake views, negatively impact surrounding residents with unwanted brightness or glare, or interfere with the safety of the traveling public.

(6) *Additional Construction Standards*.

(a) *Deck Ladder*. A deck ladder is permitted to be constructed inside a *boathouse*.

(b) *Storage Unit*. A *boathouse* can incorporate one (1) storage unit measuring 72-inches in length by 20-inches in depth by 20-inches in height. Storage units shall be placed on the outer dockside, and shall only be used for storing boat-related equipment. The storage of fossil fuels and/or hazardous materials is prohibited.

(c) *Boat or Watercraft Lift(s)*. A *boathouse* must incorporate either one (1) regular boat lift or two (2) personal watercraft boat lifts. All boat or watercraft lifts must be able to hoist a watercraft above the 438.0-foot mean sea level contour, and be maintained in good operating condition. All watercrafts must be stored under the roof of the *boathouse*.

(d) *Pilings*. The approved pilings used to support a boathouse must be built up to at least 17-inches above the normal pool elevation of 435.5-feet mean sea level. Vertical rub rails are required on all concrete piers and pilings.

(e) *Catwalks*. The flat floor surface or catwalk for all structures must be no more and no less than 18-inches above the normal pool elevation of 435.5-feet mean sea level.

(f) *Safety Reflectors*. All structures shall be designed with safety reflectors to be clearly visible on three (3) sides on the main waterside of the end of the structure. Safety reflectors are required on either side of the main waterside end and the two (2) sides at a minimum increment of ten (10) feet starting at the structure's main waterside end and working back to the shoreline. Safety reflectors will be white, blue, or red and no less than three (3) inches in diameter or square in size, kept clean, firmly attached to the structure, and maintained in good condition.

(7) *Location*. All *boathouses* are required to be located in the water of the *Lake*. View corridor restrictions do not apply to *boathouses*; however, a boathouse should generally be located in line with the primary structure on the leasing property (*i.e. generally centered on the lot*). *Boathouses* shall not be designed to prevent or restrict public access to any portion of water within the *Lake*.

(f) *Setback Requirements*. A *boathouse* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-feet
(2) *Leased Side Yard Setback*: 10-feet
(3) *Maximum Distance from Seawall*: 40-feet

(g) *Additional Requirements*.

(1) *Dredging*. Dredging of the lake area is allowed for the berthing of a motorized boat into a *boathouse* provided that the dredging does not exacerbate shoreline erosion, lake siltation, water quality degradation, wetlands instability, or the integrity of any built structure, and the dredged channel is maintained for boating maneuverability to a depth of 425.0-feet mean sea level and a width area allowable for safe boating maneuverability. Property authorization to dredge must be obtained from the City of Rockwall, City of Dallas, US Army Corps of Engineers, and the Texas Parks and Wildlife Department. Disposal of dredging materials must be handled by a licensed establishment, properly treated and disposed of at an offsite location or disposed onsite only as part of land reclamation working under the City of Dallas guidelines and supervision.

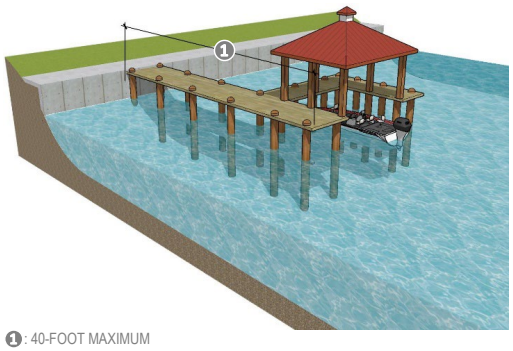
(2) *Compliance with Applicable Codes*. A *boathouse* must comply with all other applicable City of Rockwall codes.

(3) *Address*. All *boathouses* shall have a residential street address sign with six (6) inch black letters on a white background displayed outwards towards the main body of the *Lake* to be recognizable for waterside public safety and emergency personnel.

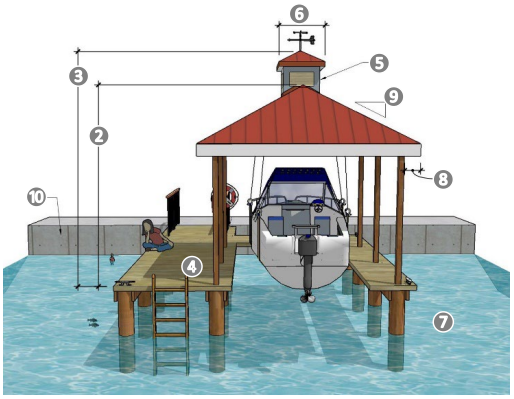
(4) *Easement Protection*. No *boathouse* shall encroach into an existing or identified future easement, right-of-way, access road, or path.

(h) *Visual Representation*.

Continued on Right Side of Page …



❶: 40-FOOT MAXIMUM



❶: 40-FOOT MAXIMUM; ❷: 13-FOOT MINIMUM TO 18-FOOT MAXIMUM; ❸: 16-FOOT MINIMUM TO 21-FOOT MAXIMUM; ❹: CATWALK (UNDERSTRUCTURE TO BE ABOVE THE 437.0-FOOT ELEVATION); ❺: CUPOLA; ❻: THREE (3) FEET BY FOUR (4) FEET; ❼: 435.5-FOOT NORMAL POOL ELEVATION; ❽: 1.5-FOOT MAXIMUM OVERHANG; ❾: 2:1 ROOF PITCH (HIP ROOF ONLY); ❿: SEAWALL

(3) *Covered Patio*.

(a) *Definition*. A *covered patio* is a standalone structure that provides shade and/or rain coverage for a patio or deck. Covered patios have a solid roof.

(b) *Prerequisites*. A *covered patio* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *covered patio* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *covered patio* shall not be used as a habitable dwelling structure, storage facility, or shelter for domestic or wild animals.

(e) *Construction Standards*.

(1) *Building Materials*. A *covered patio* must be constructed utilizing cedar, redwood, ironwood, composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. The roof of the structure should generally match the color of the roof on the primary structure, and be constructed using clay tiles, standing seam metal, slate shingles, concrete shingles, or ceramic shingles. Canvas, cloth, or mesh attachments to the structure shall be prohibited.

(2) *Height*. A *covered patio* shall not exceed a maximum height of 15-feet or one (1) story, and the roof shall not be used as a deck or lookout. The height shall be measured from grade to the mid-point of the pitched roof.

(3) *Size*. A *covered patio* shall not exceed a maximum size of 12-feet by 20-feet or 240 SF.

(4) *Roof*. A *covered patio* will have a hip or gable roof with either: [*1*] one (1) cupola with a hip roof centered at the top of the main hip roof, or [*2*] a clerestory built into the center of the main hip roof. Cupolas and clerestories will be designed to allow updraft air and winds to vent outward, and shall be proportional to the main roof. All *covered patios* should be built with a minimum of a 4:1 roof pitch. The roof shall not have an overhang greater than 18-inches.

(5) *Location*. A *covered patio* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Covered patios* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *covered patio* must adhere to the following setbacks:

(1) *Takeline Setback*: 6-Feet (*from the Concrete Cap of the Seawall*)
(2) *Leased Side Yard Setback*: 20-Feet

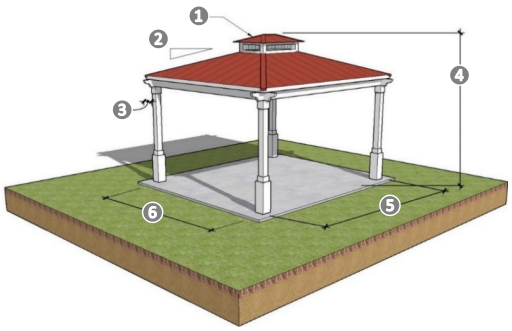
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *covered patio* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *covered patio* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *covered patio* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: CUPOLA OR CLERESTORY; ❷: 4:1 MINIMUM ROOF PITCH; ❸: 18-INCHES MAXIMUM OVERHANG; ❹: 15-FEET MAXIMUM HEIGHT; ❺: 20-FEET MAXIMUM; ❻: 12-FEET MAXIMUM;

(4) *Deck*.

(a) *Definition*. A *deck* is a roofless structure anchored to the ground that consists of planks running in a horizontal pattern and creating a flat surface area.

(b) *Prerequisites*. A *deck* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *deck* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted (*see Dock Deck in Subsection 06.15(K)(5)*).

(d) *Conditional Use Standards*. A *deck* shall not incorporate walls or other none transparent structures to function as handrails or counter space.

(e) *Construction Standards*.

(1) *Building Materials*. A *deck* must be constructed of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*). Handrails incorporated into a *deck* in the *438.0 Elevation Zone* shall be made of wrought iron or decorative metal. Handrails are *not* permitted in the *435.5 Elevation Zone*.

(2) *Height*. A *deck* shall not exceed a maximum height of 24-inches above grade.

(3) *Size*. A *deck* shall not exceed a maximum area of 1,000 SF.

(4) *Location*. A *deck* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Decks* shall not be placed in the view clear zone of a neighbor's view corridor.

(5) *Foundation*. A *deck* shall be anchored into the ground using concrete posts and footings as a foundation appropriate for the load and size of the proposed *deck*.

(f) *Setback Requirements*. A *deck* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

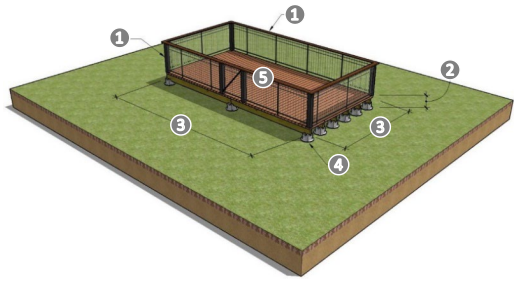
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *deck* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *deck* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *deck* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: WROUGHT IRON OR DECORATIVE METAL; ❷: MAXIMUM OF 24-INCHES OR TWO (2) FEET ABOVE GRADE; ❸: (L) X (W) SHALL NOT BE GREATER THAN 1,000 SF; ❹: CONCRETE POSTS AND FOOTINGS FOR FOUNDATION; ❺: COMPOSITE DECKING MATERIALS.

(5) *Dock Deck*.

(a) *Definition*. A *dock deck* is a flat floor surface area built over the water adjoining the end of a *fixed pier*.

(b) *Prerequisites*. A *dock deck* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall, has constructed a *seawall* along the entire length of the shoreline within the leased area, and has constructed *fixed pier*.

(c) *Elevation Zone*. A *dock deck* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

(d) *Conditional Use Standards*. Items that can be securely attached to the edge of a *dock deck* include the following: [*1*] a personal watercraft swing lift, [*2*] benches, [*3*] dock deck lighting that is either embedded in or on a pole, [*4*] locker box, and/or [*5*] power source station. A table may also be placed on the edge or in the center of a *dock deck*. A watercraft is only allowed to moor at any portion of a *dock deck* for no more that 156-consecutive hours during any given week. All *dock decks* shall be designed to discourage swimming, be durable, and have a base foundation construction of approved piling piers placed to a depth decided by a structural engineer; however, a *dock deck* shall not be designed to prevent public access to an area of water. *Dock decks* shall also be designed to be clearly visible during all seasons of the year and fluctuations in pool elevation of the *Lake*. Accessories placed on the flat surface of a *dock deck* or catwalk must be placed in an orderly manner that allows for the safe movement of people.

(e) *Construction Standards*.

(1) *Building Materials*. The catwalk and/or *dock deck* and any benches built on these structures shall utilize only composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*). Any railings built on a dock deck shall be constructed of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*) or steel tubing railings. *Dock decks* above 437.0 feet mean sea level are required to be constructed of metal pilings, concrete pilings, or plastic PVC pilings. *Dock decks* constructed below 437.0 feet mean sea level must use only pilings and materials approved by the City of Dallas as specified in the City of Dallas' *Construction Permit Application Lake Structures Lake Ray Hubbard*. All pilings shall be engineered and approved to handle the pressures, stresses, and loads applicable to lakefront conditions. The exterior color of all *dock decks* shall be a neutral or earth tone color and be subject to approval by the Planning and Zoning Department at the time of building permit. All fasteners binding materials together must be made of stainless steel. Water repellant sealants shall *not* be used.

(2) *Height*. No pole structures incorporated into a *dock deck* shall be higher than eight (8) feet above the flat floor surface with no more than four (4) pole structures allowed.

(3) *Size*. The footprint of the exterior sides of a *dock deck* adjoining a fixed pier shall be a minimum of eight (8) feet by ten (10) feet (*i.e. 80 SF*) and a maximum of 12-feet by 30-feet (*i.e. 360 SF*). *Dock decks* shall not extend more that 40-linear feet into

the water as measured from the normal pool elevation of the shoreline (*i.e. 435.5*).

(4) *Lighting*. Lighting shall not hinder an adjacent property owner's lake views, negatively impact surrounding residents with unwanted brightness or glare, or interfere with the safety of the traveling public. Safety lighting may be placed onto the interior edges of the flat floor surface of a *dock deck* at ten (10) foot increments, with the cover housing the lighting source no higher than six (6) inches. Two (2) light post structures with a maximum height of eight (8) feet can be placed along the periphery of a *dock deck*.

(5) *Additional Construction Standards*.

(a) *Pilings*. The approved pilings used to support a boathouse must be built up to at least 17-inches above the normal pool elevation of 435.5-feet mean sea level. Vertical rub rails are required on all concrete piers and pilings.

(b) *Catwalks*. The flat floor surface or catwalk for all structures must be no more and no less than 18-inches above the normal pool elevation of 435.5-feet mean sea level.

(c) *Safety Reflectors*. All structures shall be designed with safety reflectors to be clearly visible on three (3) sides on the main waterside of the end of the structure. Safety reflectors are required on either side of the main waterside end and the two (2) sides at a minimum increment of ten (10) feet starting at the structure's main waterside end and working back to the shoreline. Safety reflectors will be white, blue, or red and no less than three (3) inches in diameter or square in size, kept clean, firmly attached to the structure, and maintained in good condition.

(6) *Location*. View corridor restrictions do not apply to *dock decks*. *Dock decks* shall not be allowed on land.

(f) *Setback Requirements*. A *dock deck* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-feet
(2) *Leased Side Yard Setback*: 10-feet
(3) *Maximum Distance from Seawall*: 40-feet

(g) *Additional Requirements*.

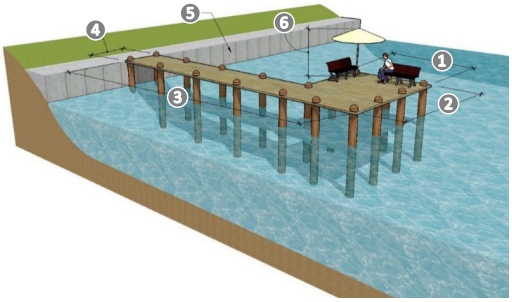
(1) *Dredging*. Dredging of the lake area is allowed for the berthing of a motorized boat into a *dock deck* provided that the dredging does not exacerbate shoreline erosion, lake siltation, water quality degradation, wetlands instability, or the integrity of any built structure, and the dredged channel is maintained for boating maneuverability to a depth of 425.0-feet mean sea level and a width area allowable for safe boating maneuverability. Property authorization to dredge must be obtained from the City of Rockwall, City of Dallas, US Army Corps of Engineers, and the Texas Parks and Wildlife Department. Disposal of dredging materials must be handled by a licensed establishment, properly treated and disposed of at an offsite location or disposed onsite only as part of land reclamation working under the City of Dallas guidelines and supervision.

(2) *Compliance with Applicable Codes*. A *dock deck* must comply with all other applicable City of Rockwall codes.

(3) *Address*. All *dock decks* shall have a residential street address sign with six (6) inch black letters on a white background displayed outwards towards the main body of the *Lake* to be recognizable for waterside public safety and emergency personnel.

(4) *Easement Protection*. No *dock deck* shall encroach into an existing or identified future easement, right-of-way, access road, or path.

(h) *Visual Representation*.



❶: MINIMUM OF TEN (10) FEET AND A MAXIMUM OF 30-FEET; ❷: MINIMUM OF EIGHT (8) FEET AND A MAXIMUM OF 12-FEET; ❸: 40-FOOT MAXIMUM; ❹: SIX (6) FOOT MAXIMUM; ❺: SEAWALL; ❻: EIGHT (8) FOOT MAXIMUM;

(6) *Fence*.

(a) *Definition*. A *fence* is a barrier, railing, or other upright structure, enclosing a specific area to mark a boundary or control access.

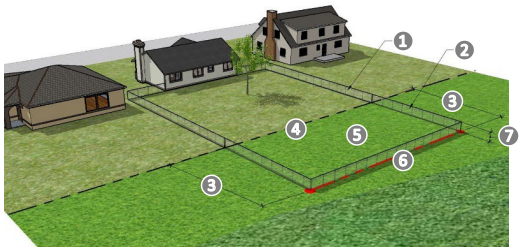
(b) *Prerequisites*. A *fence* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *fence* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *fence* shall only be allowed to enclose an area beginning at the *Takeline* corners (*i.e. the rear property line corners of the property leasing the take area*), extending 45-feet along the lease line, and

connecting the two (2) points in a straight line (*see example below*).



❶: EXISTING RESIDENTIAL FENCE ON THE LEASING PROPERTY; ❷: WROUGHT IRON OR BLACK TUBLAR STEEL FENCE; ❸: MAXIMUM OF 45-FEET ALONG THE LEASE LINE OF THE TAKELINE; ❹: REAR PROPERTY LINE/BEGINNING OF THE TAKELINE; ❺: 438.0 ELEVATION ZONE; ❻: THE STRAIGHT-LINE CONNECTION BETWEEN THE TWO (2), 45-FOOT POINTS; ❼: MAXIMUM OF 48-INCHES OR FOUR (4) FEET.

(e) *Construction Standards*.

(1) *Building Materials*. A *fence* shall *only* be constructed of wrought iron or black tubular steel.

(2) *Height*. A *fence* shall not exceed a maximum height of 48-inches from grade.

(3) *Location*. A *fence* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *fence* must adhere to the following setbacks:

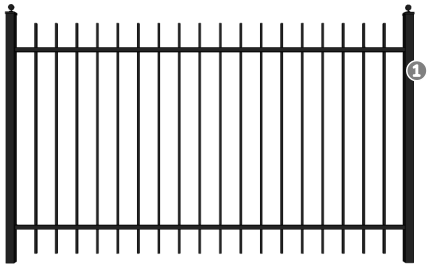
(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *fence* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *fence* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.



❶: FOUR (4) FOOT WROUGHT IRON FENCE

(7) *Flagpole*.

(a) *Definition*. A *flagpole* is an upright pole or staff, constructed at a 90-degree angle to the finished grade, which is used to raise a flag.

(b) *Prerequisites*. A *flagpole* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *flagpole* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A maximum of two (2) *flagpoles*, with one (1) flag on each pole shall be permitted within a lease area. The United States of America and State of Texas flags measuring a maximum of six (6) feet by four (4) feet will be the only flags permitted to be flown along the takeline. Lighting in association with a flagpole shall be prohibited.

(e) *Construction Standards*.

(1) *Building Materials*. A *flagpole* shall *only* be constructed of either stainless steel or aluminum.

(2) *Height*. A *flagpole* shall not exceed a maximum height of 20-feet from grade.

(3) *Size*. At the ground base a *flagpole* shall measure a minimum size of five (5) inches and a maximum size of eight (8) inches.

(4) *Location*. A *flagpole* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Flagpoles* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *flagpole* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

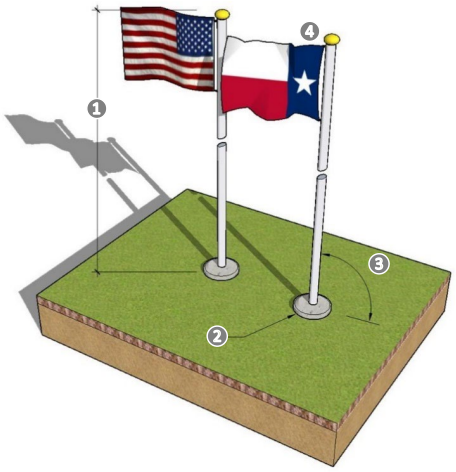
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *flagpole* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *flagpole* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *flagpole* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: MAXIMUM OF 20-FEET FROM GRADE; ❷: AT THE BASE THE FLAGPOLE CAN BE A MINIMUM OF FIVE (5) INCEHS AND A MAXIMUM OF EIGHT (8) INCHES; ❸: MAINTAINED TO BE 90-DEGREES FROM GRADE; ❹: FLAGPOLES ARE PERMITTED ONE (1) FLAG A MAXIMUM OF FOUR (4) FEET BY SIX (6) FEET;

(8) *Fixed Pier*.

(a) *Definition*. A *fixed pier* is a structure with a catwalk that extends from the shoreline out into the body of water with the structure being used to moor and land watercraft.

(b) *Prerequisites*. A *fixed pier* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall, and has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *fixed pier* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

(d) *Conditional Use Standards*. Each eligible property adjacent to the takeline will be permitted one (1) fixed pier with an adjoining dock deck and/or boathouse. *Fixed piers* can be designed to be in an 'I', 'T', 'L' or 'U' shape (*see* *Subsection 06.15(K)(8)(h)*). Items that can be securely attached to the edge of a *dock deck* include the following: [*1*] a personal watercraft swing lift, [*2*] benches, [*3*] cleats, [*4*] dock lighting, [*5*] locker box, and/or [*6*] power source station. A watercraft is only allowed to moor at any portion of a *fixed pier* for no more that 156-consecutive hours during any given week. All *fixed pier* shall be designed to discourage swimming, be durable, and have a base foundation construction of approved piling piers placed to a depth decided by a structural engineer; however, a *fixed pier* shall not be designed to prevent public access to an area of water. *Fixed piers* shall also be designed to be clearly visible during all seasons of the year and fluctuations in pool elevation of the *Lake*. Accessories placed on the flat surface of a catwalk of a *fixed pier* must be placed in an orderly manner that allows for the safe movement of people.

(e) *Construction Standards*.

(1) *Building Materials*. The catwalk and any benches built on these structures shall utilize only composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*). Any railings built on a *fixed pier* shall be constructed of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*) or steel tubing railings. *Fixed piers* above 437.0 feet mean sea level are required to be constructed of metal pilings, concrete pilings, or plastic PVC pilings. *Fixed piers* constructed below 437.0 feet mean sea level must use only pilings and materials approved by the City of Dallas as specified in the City of Dallas' *Construction Permit Application Lake Structures Lake Ray Hubbard*. All pilings shall be engineered and approved to handle the pressures, stresses, and loads applicable to lakefront conditions. The exterior color of all *fixed piers* shall be a neutral or earth tone color and be subject to approval by the Planning and Zoning Department at the time of building permit. All fasteners binding materials together must be made of stainless steel. Water repellant sealants shall not be used.

(2) *Height*. No pole structures incorporated into a *fixed pier* shall be higher than eight (8) feet above the flat floor surface with no more than two (2) pole structures allowed.

(3) *Size*. The catwalk of a *fixed pier* will be a maximum of six (6) feet in width, as measured at a 90-degree angle to the main *fixed pier's* length, and will not enclose any portion of the water to allow the free movement of water underneath. *Fixed piers* shall not extend more than 40-linear feet into the water as measured from the normal pool elevation of the shoreline (*i.e. 435.5*).

(4) *Lighting*. Lighting shall not hinder an adjacent property owner's lake views, negatively impact surrounding residents with unwanted brightness or glare, or interfere with the safety of the traveling public. Safety lighting may be placed onto the interior edges of the flat floor surface of the catwalk of a *fixed pier* at ten (10) foot increments, with the cover housing the lighting source no higher than six (6) inches. Two (2) light post structures with a maximum height of eight (8) feet can be placed at the end of a *fixed pier*.

(5) *Additional Construction Standards*.

(a) *Pilings*. The approved pilings used to support a boathouse must be built up to at least 17-inches above the normal pool elevation of 435.5-feet mean sea level. Vertical rub rails are required on all concrete piers and pilings.

(b) *Catwalks*. The catwalk of a *fixed pier* will be allowed within nine (9) feet of the normal pool elevation of 435.5-feet mean sea level. The flat floor surface or catwalk for all structures must be no more and no less than 18-inches above the normal pool elevation of 435.5-feet mean sea level.

(c) *Safety Reflectors*. All structures shall be designed with safety reflectors to be clearly visible on three (3) sides on the main waterside end of the end of the structure. Safety reflectors are required on either side of the main waterside end and the two (2) sides at a minimum increment of ten (10) feet starting at the structure's main waterside end and working back to the shoreline. Safety reflectors will be white, blue, or red and no less than three (3) inches in diameter or square in size, kept clean, firmly attached to the structure, and maintained in good condition.

(6) *Location*. View corridor restrictions do not apply to *fixed piers*.

(f) *Setback Requirements*. A *fixed pier* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-feet
(2) *Leased Side Yard Setback*: 10-feet
(3) *Maximum Distance from Seawall*: 40-feet

(g) *Additional Requirements*.

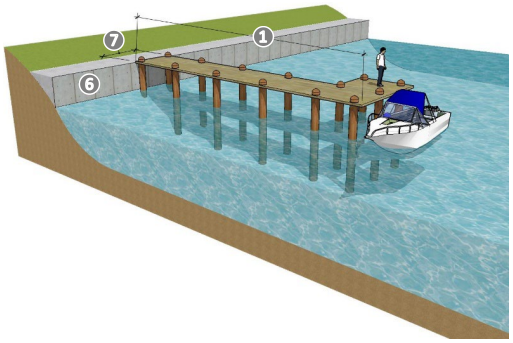
(1) *Dredging*. Dredging of the lake area is allowed for the berthing of a motorized boat into a *fixed pier* provided that the dredging does not exacerbate shoreline erosion, lake siltation, water quality degradation, wetlands instability, or the integrity of any built structure, and the dredged channel is maintained for boating maneuverability to a depth of 425.0-feet mean sea level and a width area allowable for safe boating maneuverability. Property authorization to dredge must be obtained from the City of Rockwall, City of Dallas, US Army Corps of Engineers, and the Texas Parks and Wildlife Department. Disposal of dredging materials must be handled by a licensed establishment, properly treated and disposed of at an offsite location or disposed onsite only as part of land reclamation working under the City of Dallas guidelines and supervision.

(2) *Compliance with Applicable Codes*. A *fixed pier* must comply with all other applicable City of Rockwall codes.

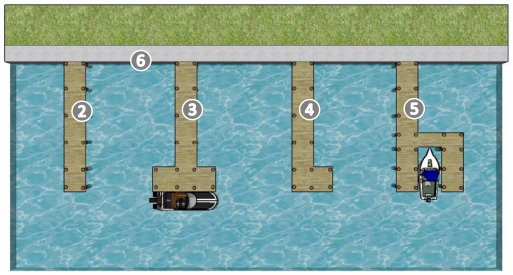
(3) *Address*. All *fixed pier* shall have a residential street address sign with six (6) inch black letters on a white background displayed outwards towards the main body of the *Lake* to be recognizable for waterside public safety and emergency personnel.

(4) *Easement Protection*. No *fixed pier* shall encroach into an existing or identified future easement, right-of-way, access road, or path.

(h) *Visual Representation*.



❶: 40-FOOT MAXIMUM; ❷: PIER IN AN 'I' SHAPE; ❸: PIER IN 'T' SHAPE; ❹: PIER IN A 'L' SHAPE; ❺: PIER IN A 'U' SHAPE; ❻: SEAWALL; ❼: SIX (6) FOOT MAXIMUM



(9) *Fire Pit*.

(a) *Definition*. A *fire pit* is a permanent fireplace that is dug into the ground or is in a freestanding structure in which a contained fire is made.

(b) *Prerequisites*. A *fire pit* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *fire pit* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *fire pit* can only be fueled by charcoal and wood products, and shall not be fueled

by any permanently buried gas products (*i.e. natural gas or propane*).

(e) *Construction Standards*.

(1) *Building Materials*. The surround (*i.e. the area used to contain the fire*) for a *fire pit* must be constructed utilizing a combination of natural stone, brick, and/or concrete.

(2) *Height*. A *fire pit* shall not exceed a maximum of 36-inches in height.

(3) *Size*. A *fire pit* shall not be smaller than a minimum size of three (3) feet in length by three (3) feet in width; however, a *fire pit* should not exceed a maximum size of five (5) feet in length by five (5) feet in width.

(f) *Setback Requirements*. A *fire pit* must adhere to the following setbacks:

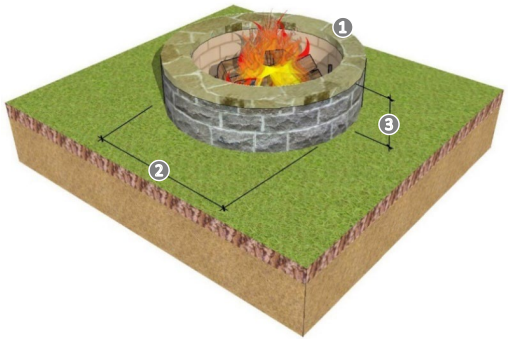
(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *fire pit* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *fire pit* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.



❶: NATURAL STONE, BRICK, AND/OR CONCRETE; ❷: MINIMUM SIZE OF THREE (3) FEET BY THREE (3) FEET AND A MAXIMUM SIZE OF FIVE (5) FEET BY FIVE (5) FEET; ❸: MAXIMUM HIEGHT OF 36-INCHES OR THREE (3) FEET.

(10) *Gazebo*.

(a) *Definition*. A *gazebo* is a permanent stand-alone structure with a roof and trellis structure open on all sides with places for sitting.

(b) *Prerequisites*. A *gazebo* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *gazebo* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *gazebo* shall not be used as a habitable dwelling structure, storage facility, deck, or shelter for domestic or wild animals.

(e) *Construction Standards*.

(1) *Building Materials*. A *gazebo* built in the *438.0 Elevation Zone* must be constructed utilizing cedar, redwood, ironwood, composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. The side trellis of the *gazebo* may be built using wood; however, canvas, cloth, or mesh attachments to the structure shall be prohibited. A *gazebo* built in the *435.5 Elevation Zone* shall only be built out of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. A *gazebo* will be constructed using steel reinforced concrete piers.

(2) *Height*. A *gazebo* shall not exceed a maximum height of 15-feet without a clerestory and 18-feet with a clerestory/cupola. The height of the *gazebo* shall be measured from grade to the vertex of the *gazebo's* main roof or clerestory/cupola roof. In either case a *gazebo* shall not be larger than one (1) story or incorporate a balcony.

(3) *Size*. A *gazebo* shall not exceed a maximum size of 12-feet by 12-feet or 144 SF.

(4) *Roof*. The roof of the *gazebo* shall be a hipped roof, gable roof, or hip and/or gable roof with or without a clerestory/cupola, and have a slope of 2:1. The roof shall not have an overhang greater than 18-inches. In addition, the roof of the *gazebo* can match the roof of the primary structure on the leasing property; otherwise, the roof shall be built out of a prefinished standing seam galvanized metal roof. If a clerestory/cupola is incorporated it shall be centered at the top of the main hip roof.

(5) *Location*. A *gazebo* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Gazebos* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *gazebo* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(g) *Additional Requirements.*

(1) *Earth Work*. Earth work required for the construction of a *gazebo* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *gazebo* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *gazebo* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation.*

❶: CUPOLA OR CLERESTORY; ❷: 2:1 MINIMUM ROOF PITCH; ❸: 1.5-FOOT MAXIMUM OVERHANG; ❹: 18-FEET MAXIMUM HEIGHT WITH A CUPOLA OR CLERESTORY AND 15-FEET WITHOUT A CUPOLA OR CLERESTORY; ❺: 12-FEET MAXIMUM; ❻: ROOF CAN MATCH THE PRIMARY STRUCTURE OTHERWISE THE ROOF SHALL BE STANDING SEAM METAL.

(11) *Landing and Stairs*.

(a) *Definition*. A *landing* is the area of a floor near the top or bottom step of a stair. A *stair* is a set of steps leading from one floor of an area to another.

(b) *Prerequisites*. A *landing and stairs* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 or 425.5 Elevation Zones* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *landing and stairs* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Permitted (*if a Seawall has been constructed*).

NOTE: A *landing and stairs* located in the *425.5 Elevation Zone* is permitted beside the lake but not upon or over the lake.

(d) *Conditional Use Standards*. A *landing and stairs* shall be allowed to be constructed in conjunction with a retaining wall if the retaining wall exceeds three (3) feet in height measured from the adjacent grade to the top of the wall.

(e) *Construction Standards*.

(1) *Building Materials*. A *landing and stairs* shall be constructed of wrought iron or black tubular steel, natural stone, brick, and/or concrete.

(2) *Height*. A *landing and stairs* shall not exceed the height of the adjacent retaining wall.

(3) *Size*. A *landing and stairs* shall be limited to eight (8) feet by eight (8) feet measured at the top of the adjacent retaining wall and the staircase shall be parallel to the retaining wall with a maximum width of a six (6) foot projection from the wall.

(4) *Location*. A *landing and stairs* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *landing and stairs* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 5-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *landing and stairs* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *landing and stairs* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.

PERSPECTIVE VIEW.

TOP VIEW.

❶: MINIMUM OF EIGHT (8) FOOT BY EIGHT (8) FOOT LANDING; ❷: VARIABLE LENGTH STAIRCASE; ❸: WROUGHT IRON OR BLACK TUBLAR STEEL; ❹: NATURAL STONE, BRICK, OR CONCRETE MATCHING THE RETAINING WALL; ❺: VARIABLE HEIGHT BUT A MINIMUM OF THREE (3) FEET; ❻: MAXIMUM OF SIX (6) FEET.

(12) *Landscaping and Retaining Walls*.

(a) *Definition*. *Landscaping* is the minor modification or altering of the surrounding takeline area terrain and shoreline with trees, shrubs, ground cover, and native stone or interlocking retaining walls.

(b) *Prerequisites*. *Landscaping and retaining walls* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. *Landscaping and retaining walls* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

NOTE: Remedial *landscaping* in the *425.5 Zone* is permitted when the intent is to maintain the integrity of the shoreline. This will require the approval of the Director of Parks and Recreation.

(d) *Conditional Use Standards*. *Landscaping and retaining walls* shall compliment and be integrated into the existing woodlands, wetlands, and general aesthetic of the takeline area. *Landscaping* shall not consist of hedge or shrub rows, or any plantings that may restrict views or lead to the siltation and/or erosion of the shoreline. The use of pesticides, herbicides, fungicides, or preservatives is *strictly prohibited*. All landscaping must comply with the requirements of Article 08, *Landscaping and Fence Standards*, of the Unified Development Code (UDC). For information regarding planting or removing trees see Subsection (F)(4) above.

(e) *Construction Standards*.

(1) *Building Materials*. *Retaining walls* shall be finished in native stone and will only be allowed in the *438.0 Elevation Zone* and the *435.5 Elevation Zone*. The use of mulch is prohibited in all zones with the exception of the *438.0 Elevation Zone*. The use of railroad ties, treated wood, pea gravel -- *with the exception of using it as a base* --, and brick shall be prohibited.

(2) *Height*. *Retaining walls* as part of landscaping will be limited to less than three (3) feet.

(3) *Location*. *Landscaping and retaining walls* shall not hinder the view clear zone of an adjacent neighbor's view corridor. *Landscaping* shall not exceed six (6) feet in height in the view clear zone.

(f) *Setback Requirements*. *Retaining walls* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *landscaping and retaining walls* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. *Landscaping and retaining walls* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. *Landscaping and retaining walls* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(13) *Municipal Utilities*.

(a) *Definition*. *Municipal utilities* represent all local utilities that consist of cable lines, pipelines, and wiring already existing and planned running through the take area used by both the local community and the region's communities to facilitate the distribution and collection of communications, water, electricity, natural gas, and waste byproducts.

(b) *Elevation Zone*. *Municipal utilities* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Permitted.

(c) *Conditional Use Standards*. All *municipal utilities'* infrastructure is permitted within the take area. *Municipal utilities* shall be placed underground.

(d) *Setback Requirements*. *Municipal utilities* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(e) *Additional Requirements*.

(1) *Compliance with Applicable Codes*. *Municipal utilities* must comply with all other applicable City of Rockwall codes.

(14) *Outdoor Lighting*.

(a) *Definition*. *Outdoor lighting* is a structure or system of structures, fixtures, and/or devices used to provide artificial nighttime lighting over a defined broad area, on buildings and monuments, on docks for safety, and to emphasize landscaping but not directed to the detriment of the traveling public or surrounding residents in the light's path.

(b) *Prerequisites*. *Outdoor lighting* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. *Outdoor lighting* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

NOTE: Catwalk lighting in the *425.5 Elevation Zone* is the only permitted *outdoor lighting* allowed below the *438.0 Elevation Zone*.

(d) *Conditional Use Standards*. Systems and structures associated with *outdoor lighting* include artificial landscape lighting, dock lighting, monument lighting, and flood lights. Cobra and florescent light fixtures are *not* allowed on poled structures. All lights are to have shields which deflect light downward. The operation of search or spot lighting shall be prohibited.

(e) *Photometric Plan*. A photometric plan describing compliance with the provisions of Article 07, *Performance Standards*, of the Unified Development Code (UDC) shall be submitted to the Director of Planning and Zoning or his/her designee prior to the issuance of a building permit for *outdoor lighting*. This plan shall be prepared by an appropriate lighting professional (*e.g. lighting engineer, architect, or other qualified lighting designer*). Upon installation of the lighting, the lighting professional shall provide a letter certifying that the lighting is installed in accordance with the approved photometric plan. The Director of Planning and Zoning, or his/her designee, shall have the authority to interpret and determine compliance with the photometric plan and the Unified Development Code (UDC). The Planning and Zoning Commission may grant an exception to the provisions of the Unified Development Code (UDC) when strict compliance with the requirements of this section will result in substantial financial hardship or inequity, so long as such exception is without harm to the public. Decisions of the Planning and Zoning Commission may be appealed to the City Council in accordance with the procedures outline in Section 09, *Exceptions and Variances*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC).

(f) *Construction Standards*.

(1) *Building Materials*. *Outdoor lighting* poles must be constructed of aluminum or steel. Wood and/or concrete poles are prohibited.

(2) *Height*. The height of *outdoor lighting* shall range from light fixtures embedded into a catwalk periphery to a 12-foot maximum for post structures on land for broader illumination. Poled outdoor light fixtures within the *438.0 Elevation Zone* should be no taller than one-third (*1/3*) the distance to a neighboring property and should not exceed 12-feet.

(3) *Location*. *Outdoor lighting* fixtures shall not be placed in the view clear zone of a neighbor's view corridor; however, view corridor restrictions do not apply for *outdoor lighting* associated with boathouses, dock decks, or fixed piers except as described for each use due to brightness and glare to surrounding neighbors and the traveling public.

(g) *Setback Requirements*. *Outdoor lighting* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(h) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *outdoor lighting* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. *Outdoor lighting* must comply with all other applicable City of Rockwall codes.

(3) *Municipal or Government Installed Lighting*. *Outdoor lighting* installed by and/or for a governmental agency for a public benefit that is used for activities for the public benefit (*e.g. rights-of-way, ball fields, airports, and/or parks*) shall be exempted from the requirements of this section; however, parking lot lighting for these activities shall meet the requirements of the Unified Development Code (UDC).

(15) *Patio*.

(a) *Definition*. A *patio* is a paved, tiled, or rocked outdoor area that is generally used for dining or recreation.

(b) *Prerequisites*. A *patio* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *patio* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *patio* shall not incorporate walls or other none transparent structures to function as handrails or counter space.

(e) *Construction Standards*.

(1) *Building Materials*. A *patio* must be constructed with natural stone. Handrails incorporated into a *patio* in the *438.0 Elevation Zone* shall be made of wrought iron or decorative metal. Handrails are *not* permitted in the *435.5 Elevation Zone*.

(2) *Height*. A *patio* shall not exceed a maximum height of 12-inches above grade.

(3) *Size*. A *patio* shall not exceed a maximum area of 1,000 SF.

(4) *Location*. *Patios* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *patio* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

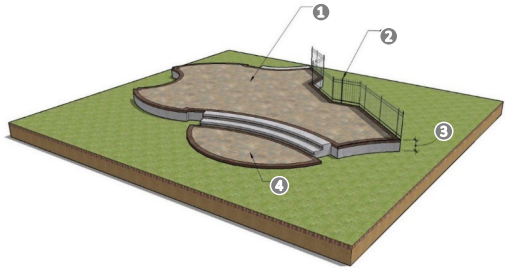
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *patio* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *patio* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *patio* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: NATURAL STONE; ❷: WROUGHT IRON OR BLACK TUBLAR STEEL; ❸: MAXIMUM OF 12-INCHES OR ONE (1) FOOT; ❹: PATIO AREA SHALL NOT BE GREATER THAN 1,000 SF

(16) *Pergola*.

(a) *Definition*. A *pergola* is a stand along structure consisting of parallel columns supporting an open roof of girders and cross rafters.

(b) *Prerequisites*. A *pergola* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *pergola* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *pergola* shall not be used as a habitable dwelling structure, storage facility, or shelter for domestic or wild animals.

(e) *Construction Standards*.

(1) *Building Materials*. A *pergola* constructed within the *438.0 Elevation Zone* must be constructed utilizing cedar, redwood, ironwood, composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. A *pergola* constructed within the 435.5 Elevation Zone must be constructed using composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*) or metal. Canvas, cloth, or mesh attachments to the structure shall be prohibited.

(2) *Height*. A *pergola* shall not exceed a maximum height of 12-feet or one (1) story, and the roof shall not be used as a deck or lookout. The height shall be measured from grade to the highest point of the structure.

(3) *Size*. A *pergola* shall not exceed a maximum size of 12-feet by 20-feet or 240 SF.

(4) *Roof*. The roof of the *pergola* shall not have an overhang greater than 18-inches.

(5) *Location*. A *pergola* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Pergolas* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A pergola must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(g) *Additional Requirements.*

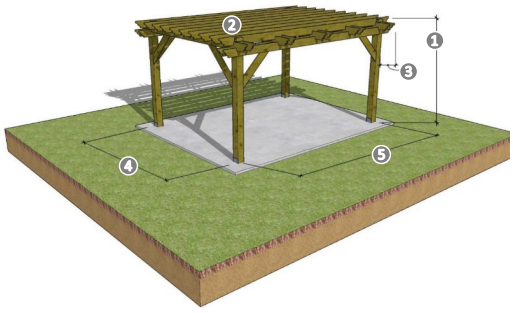
(1) *Earth Work*. Earth work required for the construction of a *pergola* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *pergola* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *pergola* shall not be located in an area where it would block public safety

personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation.*



❶: 12-FOOT MAXIMUM HEIGHT; ❷: OPEN ROOF OF GIRDERS OR RAFTERS; ❸: 1.5-FOOT MAXIMUM OVERHANG; ❹: 12-FOOT MAXIMUM; ❺: 20-FOOT MAXIMUM; ❻: ROOF CAN MATCH THE PRIMARY STRUCTURE OTHERWISE THE ROOF SHALL BE STANDING SEAM METAL.

(17) *Picnic Table*.

(a) *Definition*. A *picnic table* is a permanent outdoor structure used for outdoor dining.

(b) *Prerequisites*. A *picnic table* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *picnic table* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *picnic table* must be a minimum of 12-feet from a *barbecue pit* or *fire pit*, and shall be open to the air (*i.e. no roof covering*) unless combined with a covered patio or pergola. A *picnic table* shall be built on level terrain.

(e) *Construction Standards*.

(1) *Building Materials*. The surface area of the *picnic table* shall be constructed out of concrete, brick, or native stone. *Picnic tables* constructed with wood shall be prohibited.

(2) *Height*. A *picnic table* shall not exceed a maximum of 36-inches in height.

(3) *Size*. A *picnic table* shall not exceed a maximum size of ten (10) feet in length by eight (8) feet in width.

(4) *Location*. A *picnic table* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Picnic tables* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *picnic table* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

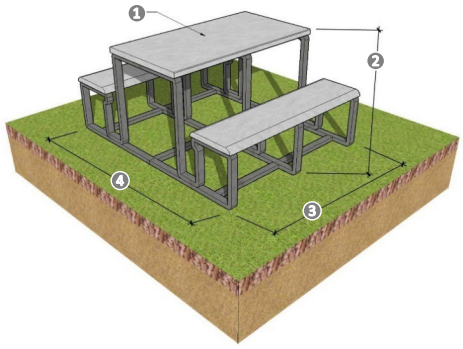
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *picnic table* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *picnic table* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *picnic table* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: SURFACE OF THE PICNIC TABLE SHALL BE CONCRETE, BRICK, OR NATIVE STONE; ❷: NOT TO EXCEED 36-INCHES OR THREE (3) FEET; ❸: EIGHT (8) FOOT MAXIMUM; ❹: TEN (10) FOOT MAXIMUM.

(18) *Private Play Structure*.

(a) *Definition*. A *private play structure* is a permanent outdoor structure used by children for play, which is installed by the private property owner.

(b) *Prerequisites*. A *private play structure* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *private play structure* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *private play structure* can consist of arched ladders, vertical ladders, horizontal ladders, clatter bridge, timber structures, slides, fort and slide playset, climbers, play walls, play climbers, play

pods, moon houses, jungle gyms, see-saws, merry-go-rounds, domes, rocket riders, tire swings, buoy balls, monkey bars, drums, chin-up bars, trampoline and rock walls; however, sandboxes and/or sand play areas shall *not* be permitted.

(e) *Construction Standards*.

(1) *Building Materials*. A *private play structure* shall be built out of aluminum, galvanized steel, rubber, and/or water-resistant wood; however, railroad ties and treated lumber are prohibited. The exterior color of a *private play structure* should blend and incorporate the same hues and tones of the surrounding landscaping.

(2) *Height*. A *private play structure* shall not exceed a maximum of eight (8) feet in height.

(3) *Size*. All *private play structures* will be situated in a collected area that is a maximum of 1,000 SF in area.

(4) *Location*. *Private play structures* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *private play structures* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(g) *Additional Requirements*.

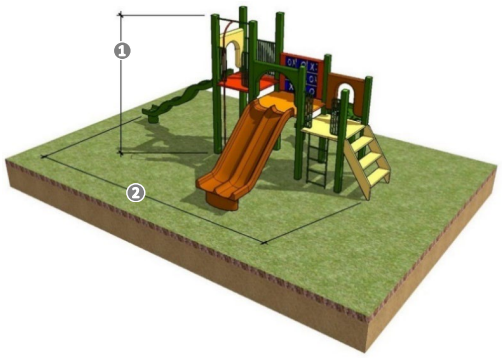
(1) *Earth Work*. Earth work required for the construction of a *private play structures* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *private play structure* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *private play structure* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.

Continued on Right Side of Page …



❶: MAXIMUM OF EIGHT (8) FEET IN HEIGHT; ❷: TOTAL SQUARE FOOTAGE SHALL NOT EXCEED A MAXIMUM OF 1,000 SF; ❸: EXTERIOR COLOR SHOULD BLEND WITH THE SURROUNDING LANDSCAPING.

(19) *Private Utilities*.

(a) *Definition*. *Private utilities* are a system of underground cable line, pipelines, and wiring installed by the leasing property owner to maintain and operate improvements in the take area.

(b) *Prerequisites*. *Private utilities* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. *Private utilities* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. *Private utilities* are required to be buried in accordance with Chapter 38, *Subdivisions*, of the City of Rockwall's Municipal Code of Ordinances. *No* overhead private utility lines are permitted in the lease area. *Private utilities* containing natural gas, propane, gasoline, oil, diesel, or similar types of compounds shall not be permitted within the lease area. No part of any *On-Site Sanitary Sewer System* (OSSF) or any other private wastewater system or appurtenances shall be permitted within the lease area.

(e) *Construction Standards*.

(1) *Building Materials*. *Private utilities* shall *only* be constructed out of materials permitted by the City's Engineering Department.

(2) *Location*. *Private utilities* within 20-feet of the normal pool elevation shoreline (*i.e. 435.5*) shall be built to handle load factors associated with emergency and service vehicles. *Private utilities* containing electricity and communication lines built into structures over the water shall not be allowed below the 436.5-foot mean sea level elevation.

(f) *Setback Requirements*. *Private utilities* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *private utilities* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *private utility* must comply with all other applicable City of Rockwall codes.

(3) *Damage to the System*. Any damage or destruction to any *private utility* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

(20) *Private Walkways*.

(a) *Definition*. *Private walkways* can be a single path or a network of paths installed by the leasing property owner in the takeline area.

(b) *Prerequisites*. *Private walkways* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. *Private walkways* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. *Private walkways* with steps are permitted (*see Landing and Stairs in Subsection 06.15(J)(11)*).

(e) *Construction Standards*.

(1) *Building Materials*. *Private walkways* shall be constructed using native stone, brick, concrete and/or rectangle pavers; however, *private walks* shall not consist of loose stone, gravel, sand, or asphalt.

(2) *Height*. *Private walkways* shall be flush with the surrounding grade, or work within the gradient present of the surrounding grade.

(3) *Size*. *Private walkways* shall be no greater than 48-inches in width.

(4) *Location*. *Private walkways* may encroach into an existing easement or right-of-way, encroach into an identified future easement or right-of-way, or encroach into an identified or set aside access path, provided that the property owner or sublease is responsible for repair and/or replacement of the walks in the event they are damaged or removed by the City or other public entity as a result of the necessary use of, or work within or around, said easements. An existing and future easement running through a lease property will be allowed to substitute for the 12-foot wide primary access right-of-way path provided it is 12-feet wide, suitable for access, and will connect to adjacent access paths.

(f) *Setback Requirements*. *Private walkways* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 10-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *private walkways* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *private walkway* must comply with all other applicable City of Rockwall codes.

(3) *Damage to the System*. Any damage or destruction to any *private walkway* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

(21) *Seawall*.

(a) *Definition*. A *seawall* is an engineered concrete or steel structure at the water's edge that is typically designed to curb shoreline erosion where it is installed.

(b) *Prerequisites*. A *seawall* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *seawall* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

NOTE: Seawalls are *only* permitted along the shoreline.

(d) *Construction Standards*.

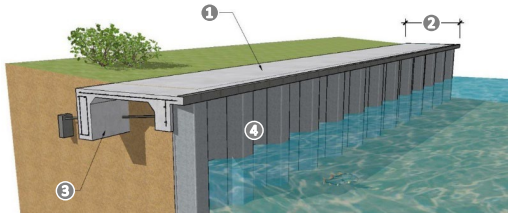
(1) *Concrete Cap*. A six (6) foot wide concrete cap must be constructed along the entire length of the erosion control structure. In order to allow the backfill material to properly settle, the construction of the concrete cap may be delayed for several weeks/months after the construction of the erosion control structure; however, in no case should the construction of the concrete cap be delayed for a time period exceeding one (1) year from the date of construction of the erosion control structure.

(e) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *seawalls* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *seawall* must comply with all other applicable City of Rockwall codes.

(f) *Visual Representation*.



❶: CONCRETE WALKWAY; ❷: SIX (6) FOOT MINIMUM; ❸: 24-INCH BY TEN (10) INCH BEAM WITH #3 REBAR ON 18-INCH CENTERS; ❹: RETAINING WALL.

(22) *Sprinkler/Irrigation System*.

(a) *Definition*. A *sprinkler/irrigation system* is an underground irrigation network used to water and maintain trees, shrubs, grounds, and the foundations of improvements.

(b) *Prerequisites*. A *sprinkler/irrigation system* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *sprinkler/irrigation system* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

Note: The prohibition of sprinkler/irrigation systems in the 425.5 Elevation Zone does not include the pumps or lines necessary to pump raw water, when a property owner has been granted permission to do so from the City of Dallas.

(d) *Conditional Use Standards*. A *sprinkler/irrigation system* must be connected to the leasing property owner's existing water supply source with approved backflow prevention devices.

(e) *Construction Standards*.

(1) *Building Materials*. A *sprinkler/irrigation system* shall *only* be constructed utilizing *Schedule 40 PVC* pipe.

(2) *Height*. The heads of a *sprinkler/irrigation system* used for shrubs shall extend no higher than three (3) feet from the average base of the surrounding terrain within a three (3) foot radius of the head.

(3) *Location*. A *sprinkler/irrigation system* shall be allowed up to one (1) foot of the normal pool elevation shoreline (*i.e. 435.5*) provided no part of the system could potentially result in lake siltation erosion.

(f) *Setback Requirements*. A *sprinkler/irrigation system* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *sprinkler/irrigation system* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *sprinkler/irrigation system* must comply with all other applicable City of Rockwall codes.

(3) *Damage to the System*. Any damage or destruction to any part of a *sprinkler/irrigation system* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

SUBSECTION 06.16: VARIANCES TO THE GENERAL OVERLAY DISTRICT STANDARDS

See Subsection 09.02, *Variances to the General Overlay Districts Standards*, of Article 11, *Development Applications and Review Procedures*.

SECTION 07 | DISTRICT DEVELOPMENT STANDARDS

See next page.

SUBSECTION 07.01: 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) [12]		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 & 9]		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 REQUIRED TO BE ON A PUBLIC STREET AS MEASURED AT THE BUILDING SETBACK LINE *OR* AT THE PROPERTY LINE, WHICHEVER IS CONFORMS.

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 06, *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 UNIT IN AN AGRICULTURAL (AG) DISTRICT.

12: THIS SHALL BE CONDITIONED SPACE. FOR PASSIVE HOUSING, THE SF CALCULATION SHALL BE CALCULATED USING ALL ENCLOSED HOUSING AREAS EXCLUDING THE GARAGE.

Formatted: Font color: Dark Red

SUBSECTION 07.02: MULTI-FAMILY DISTRICT DEVELOPMENT STANDARDS

ZONING DISTRICTS → / DEVELOPMENT STANDARDS ↓		MULTI-FAMILY 14 (MF-14) DISTRICT [1]
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 06, *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-FEET 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 08, *LANDSCAPE AND FENCE STANDARDS*.

SUBSECTION 07.03: NON-RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

*: FOR DEVELOPMENT IN THE DOWNTOWN (DT) DISTRICT SEE THE STANDARDS IN SECTION 04.08, *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+1/2*H*>36 [7] 50 [4]
	REAR (FEET)	30	20 W/O FRW ~~&~~ *OR* ALLEY	10 W/O FRW *OR* ~~&~~ ALLEY	10 W/O FRW *OR* ~~&~~ ALLEY	20 W/O FRW *OR* ~~&~~ ALLEY	10 W/O FRW [7]	20 + 1/2*H*>36 W/O FRW [7]
			0 W/ FRW ~~& ALLEY~~	0 W/ FRW ~~& ALLEY~~	0 W/ FRW ~~& ALLEY~~	1/2*H*>36 W/ FRW & ALLEY	1/2*H*>36 W/ FRW ~~& ALLEY~~ [7]	8 + 1/2*H*>36 W/ FRW ~~& ALLEY~~ [7]
	REAR ADJACENT RESIDENTIAL (FEET) [6]	*N/A*	20	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	50 + 1/2*H*>36 [7]
	SIDE (FEET)	10	5 W/O FRW	10 W/O FRW	10 W/O FRW	15 + 1/2*H*>36 W/O FRW [7]	15 + 1/2*H*>36 W/O FRW [7]	15 + 1/2*H*>36 W/O FRW [7]
			0 W/ FRW	0 W/ FRW	0 W/ FRW	1/2*H*>36 W/ FRW [7]	1/2*H*>36 W/ FRW [7]	8 + 1/2*H*>36 W/ FRW [7]
	SIDE ADJACENT RESIDENTIAL (FEET) [6]	20	20	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	50
BETWEEN BUILDINGS (FEET)		~~15~~ 20 W/O FRW 0 W/ FRW	~~15~~ 20 W/O FRW 0 W/ FRW	~~15~~ 20 W/O FRW 0 W/ FRW	~~15~~ 20 W/O FRW 0 W/ FRW	~~15~~ 20 + 1/2*H*>36 W/O FRW [7]	~~15~~ 20 + 1/2*H*>36 W/O FRW [7]	25 + 1/2*H*>36 W/O FRW [7]
						1/2*H*>36 W/ FRW [7]	1/2*H*>36 W/ FRW [7]	16 + 1/2*H*>136 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 08, *LANDSCAPE AND FENCE STANDARDS*						

KEY: BLUE: WHEN ADJACENT TO INTERSTATE 30; *H*: BUILDING HEIGHT; 1/2*H*>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 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 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 08, *LANDSCAPE AND FENCE 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 SUP BY THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL.
9. BUILDING HEIGHT MAY BE INCREASED UP TO 240-FEET IF APPROVED THROUGH A 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.

Formatted: Left, Right: -0.07"

Formatted: Font: Italic, Underline

Formatted: Left, Right: -0.07"

Formatted: Left, Right: -0.07"

Formatted: Left, Right: -0.07"

Formatted: Left, Right: -0.07"

SUBSECTION 07.04: ACCESSORY STRUCTURE DEVELOPMENT STANDARDS

ZONING DISTRICTS OR ACCESSORY STRUCTURE TYPE → / DEVELOPMENT STANDARDS ↓		ACCESSORY BUILDINGS [1, 3, 5, 8 & 12]							ACCESSORY STRUCTURES [1, 3, 5 & 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 AND ZERO LOT LINE (ZL-5) DISTRICT	PORTABLE ACCESSORY BUILDING 0 SF – 120 SF	DETACHED GARAGE [9]	CARPORTS [7]	ATTACHED AND DETACHED COVERED PORCHES	PERGOLAS
NUMBER OF ACCESSORY STRUCTURES OR NUMBER OF SPECIFIC ACCESSORY STRUCTURE PERMITTED		2 [2]	2 [2]	2 [2]	2 [6]	1	1	1	1	1	N/A [11]
MAXIMUM SF OF ACCESSORY STRUCTURE		1,000 [2]	1,000 [2]	1,250 [2]	144 [6]	100	120	625	500	500 [10]	500 [10]
MINIMUM SETBACKS	REAR (FEET)	10	10	10	3	3	3	10	10	3 [10]	3 [10]
	REAR W/ ALLEYWAY (FEET)	20 [4]	20 [4]	20 [4]	3	3	3	20 [4]	20	3 [10]	3 [10]
	SIDE (FEET)	SEE ZONING DISTRICT	SEE ZONING DISTRICT	SEE ZONING DISTRICT	SEE ZONING DISTRICT	3	3	SEE ZONING DISTRICT	SEE ZONING DISTRICT [10]	SEE ZONING DISTRICT [10]	3 [10]
BETWEEN BUILDINGS (FEET)		10	10	10	6	6	6	10	10	6	6
BUILDING HEIGHT (FEET) [8]		15	15	15	15	10	10	15	15	15	12

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/COVERED PORCHES/PERGOLAS THAT ARE INTEGRATED INTO THE MAIN ACCESSORY STRUCTURE AND WHICH ARE INCLUDED IN THE SQUARE FOOTAGE OF THE OVERALL 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 (EXCLUDING PORTABLE BUILDINGS) NOT MEETING THE SIZE OR HEIGHT REQUIREMENTS STIPULATED BY THIS SECTION SHALL REQUIRE A SPECIFIC USE PERMIT (SUP). IN REVIEWING A SPECIFIC USE PERMIT (SUP), THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL SHALL CONSIDER: [*1*] IF THE STRUCTURE WAS CONSTRUCTED WITHOUT A PERMIT OR UNDER FALSE PRETENSES, [*2*] THE SIZE OF THE PROPOSED ACCESSORY STRUCTURE COMPARED TO THE SIZE OF OTHER ACCESSORY STURCTURES IN THE AREA/NEIGHBORHOOD/SUBDIVISION, AND [*3*] THE SIZE, ARCHITECTURE AND BUILDING MATERIALS PROPOSED FOR THE STRUCTURE COMPARED TO THOSE OF THE PRIMARY STRUCTURE.

[6]: EACH PROPERTY SHALL BE PERMITTED ONE (1) DETACHED GARAGE UP TO 625 SF AND ONE (1) ACCESSORY BUILDING UP TO 144 SF OR TWO (2) ACCESSORY BUILDINGS UP TO 144 SF EACH. IF A PROPERTY HAS AN EXISTING ACCESSORY BUILDING GREATER THAN 144 SF, NO ADDITIONAL ACCESSORY BUILDINGS OR DETACHED GARAGES SHALL BE PERMITTED.

[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 AND PARK A STANDARD SIZE MOTOR VEHICLE (*I.E. A VEHICLE THAT IS A MINIMUM OF NINE [9] FEET BY 18-FEET*) INSIDE THE STRUCTURE. IN ADDITION, A DETACHED GARAGE MUST BE ACCESSIBLE FROM THE FRONT, REAR OR SIDE YARD BY A STANDARD WIDTH, CONCRETE DRIVEWAY THAT HAS MINIMUM LENGTH OF 20-FEET OF DRIVEWAY PAVEMENT. DETACHED GARAGES ACCESSIBLE FROM THE FRONT SHALL BE A MINIMUM OF 20-FEET BEHIND THE FRONT FAÇADE OF THE PRIMARY STRUCTURE.

[10]: COVERED PORCHES AND PERGOLAS THAT ARE ATTACHED OR CONTIGOUS WITH THE PRIMARY STRUCTURE SHALL BE EXEMPTED FROM THE SIZE RESTRICTIONS BUT SHALL BE REQUIRED TO MEET THE SAME SETBACKS AS THE PRIMARY STRUCTURE.

[11]: PERGOLAS ARE NOT SUBJECT TO THE *NUMBER OF ACCESSORY STRUCTURE REQUIREMENTS*, BUT DO COUNT AGAINST THE RESIDENTIAL LOT COVERAGE REQUIREMENTS FOR THE ZONING DISTRICT.

[12]: PORTABLE ACCESSORY BUILDINGS ARE DEFINED AS AN ACCESSORY BUILDING THAT DOES NOT HAVE A PERMENANT FOUNDATION. ALL ACCESSORY BUILDINGS THAT ARE NOT PORTABLE ACCESSORY BUILDINGS REQUIRE A PERMANENT CONCRETE FOUNDATION; HOWEVER, GREENHOUSES SHALL BE EXEMPT FROM HAVING A PERMANENT CONCRETE FOUNDATION.

SUBSECTION 07.05: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT DEVELOPMENT STANDARDS

LAND USE [1]	CONDITIONAL USE REFERENCE SEE SUBSECTION 06.15(J)	PRE-REQUISITES L: SUBLEASE; S: SEAWALL; FP: FIXED PIER	ELEVATION ZONES P: PERMITTED X: NOT PERMITTED 438.0	435.5	425.5	MINIMUM SIZE (FEET OR SQUARE FEET)	MAXIMUM SIZE (FEET, INCHES, OR SQUARE FEET)	MINIMUM HEIGHT (FEET OR INCHES)	MAXIMUM HEIGHT (FEET)	SIDE YARD SETBACK (FEET)	BUILDING MATERIALS NS: NATURAL STONE B: BRICK C: CONCRETE CM: COMPOSITE MATERIALS GM: GALVANIZED METAL IR: IRON SS: STAINLESS STEEL S: STEEL M: METAL A: ALUMINUM CW: CEDAR RW: REDWOOD IW: IRONWOOD SSM: STANDING SEAM METAL WR: WROUGHT IRON R: RUBBER
BARBECUE PIT	(1)	L	P	X	X	3' x 3'	8' x 3'	0'	6'	6'	NS, B, C, AND IR
BOAT HOUSE [2, 4, 5, & 15]	(2)	L, S, & FP	X	X	P	8' x 30'	12' x 30'	16'	21'	10'	CM FOR CATWALK AND DECKING; GM, IR, S, OR A FOR THE SUPPORTS [3]; CM, GM, IR, S, A, CW, IW, OR RW FOR ROOF BEAMS; AND SSM FOR THE ROOF
COVERED PATIO [5 & 15]	(3)	L & S [16]	P	P	X	0'	12' x 20'	0'	15' [6 & 7]	20'	CW, IW, & RW IN THE 438.0 ELEVATION ZONE; CM OR M IN THE 435.5 ELEVATION ZONE; SSM FOR THE ROOF
DECK [5 & 18]	(4)	L & S [16]	P	P	X	0'	1,000 SF	2' OR 24"	1'	20'	CM FOR THE DECKING, C FOOTINGS FOR FOUNDATION, AND WR FOR FENCING/RAILING
DOCK DECK [2 & 5]	(5)	L, S, & FP	X	X	P	8' x 10'	12' x 30'	0'	8' [8]	10'	CM
FENCE	(6)	L	P	X	X	0'	45'	4'	4'	0'	WR
FLAGPOLE [5 & 9]	(7)	L & S [16]	P	P	X	5" BASE	8" BASE	0'	20'	6'	SS OR A
FIXED PIER [2 & 5]	(8)	L & S	X	X	P	0'	6' x 40'	0'	8' [10]	10'	CM FOR CATWALK AND DECKING; CM OR S FOR RAILINGS
FIRE PIT	(9)	L & S [16]	P	X	X	3' x 3'	5' x 5'	0'	3'	6'	NS, B, AND C
GAZEBO [5 & 15]	(10)	L & S [16]	P	P	X	0'	12' x 12'	0'	15'/18' [7 & 11]	20'	CW, RW, IW, CM, OR M IN THE 438.0 ELEVATION ZONE; AND CM OR M IN THE 435.5 ELEVATION ZONE
LANDING AND STAIRS	(11)	L & S [17]	P	P	P	0'	8' x 8' x 6'	3'	SAME AS RETAINING WALL	5'	NS, B, AND C FOR THE STAIRS; WR OR BLACK S FOR THE RAILINGS AND/OR FENCE
PATIO [5 & 18]	(15)	L	P	P	X	0'	1,000 SF	0'	1'	20'	NS FOR THE DECK AREA AND WR FOR RAILINGS
PERGOLA [5]	(16)	L & S [16]	P	P	X	0'	12' x 20'	0'	12' [7]	20'	CW, RW, IW, OR CM IN THE 438.0 ELEVATION ZONE; CM OR M IN THE 435.5 ELEVATION ZONE
PICNIC TABLE	(17)	L	P	P	X	0'	8' x 10'	0'	3' OR 36"	6'	NS, B, AND C
PRIVATE PLAY STRUCTURE	(18)	L	P	X	X	0 SF	1,000 SF	0'	8'	20'	A, GM, R, CW, RW, AND IW
PRIVATE WALKWAYS	(20)	L & S [16]	P	P	X	0'	48" WIDE	0'	FLUSH WITH GRADE	10'	NS, B, C, AND RECTANGULAR PAVERS
LANDSCAPING AND RETAINING WALLS [12 & 13]	(12)	L	P	P	X						
MUNICIPAL UTILITIES	(13)	*NONE*	P	P	P						
OUTDOOR LIGHTING	(14)	L	P	X	X						
PRIVATE UTILITIES	(19)	L	P	P	X						
SEAWALL	(21)	L	X	X	P						
SPRINKLER/ IRRIGATION SYSTEM [14]	(22)	L	P	P	X						

NOTES:

1: FOR ALL LAND USES CHECK SECTION 06.15, *LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT* FOR ADDITIONAL REQUIREMENTS AND RESTRICTIONS.

2: BOATHOUSES, FIXED PIERS, DOCK DECKS, OR ANY COMBINATION OF THESE STRUCTURES MAY NOT EXTEND MORE THAN 40-FEET INTO THE WATER FROM THE 435.5 ELEVATION CONTOUR.

3: REQUIRES A HIP ROOF, A MINIMUM OF 2:1 ROOF PITCH, WITH ONE (1) CUPOLA (3' x 4') IN THE MIDDLE OF THE ROOF OR TWO (2) CUPOLAS (3' x 4') AT EACH END OF THE ROOF.

4: SUPPORT POSTS MAY BE WRAPPED IN A COMPOSITE MATERIAL.

5: THE STRUCTURE SHALL BE GENERALLY CENTERED IN THE LEASE AREA BEHIND THE PRIMARY STRUCTURE ON THE LEASING PROEPRTY IF LOCATED IN THE *435.5* OR *425.5 ELEVATION ZONES* (*IF PERMITTED IN THE ZONE*).

6: REQUIRES A HIP OR GABLE ROOF WITH A CUPOLA OR CLERESTORY AND A MINIMUM ROOF PITCH OF 4:1.

7: SHALL NOT EXCEED ONE (1) STORY OR BE USED AS A ROOF TOP DECK.

8: EIGHT (8) FEET ABOVE THE SURFACE AREA OF THE FLAT FLOOR SURFACE WITH NO MORE THAN FOUR (4) POLE STRUCTURES ALLOWED.

9: A MAXIMUM OF TWO (2) FLAG POLES ARE PERMITTED AND ONLY THE UNITED STATES OF AMERICA AND TEXAS FLAGS ARE TO BE FLOWN.

10: EIGHT (8) FEET ABOVE THE SURFACE AREA OF THE FLAT FLOOR SURFACE WITH NO MORE THAN TWO (2) POLE STRUCTURES ALLOWED.

11: REQUIRES A HIP OR GABEL ROOF OR A HIP AND/OR GABEL ROOF, WITH A MINIMUM ROOF PITCH OF 2:1, AND THAT IS A MAXIMUM OF 15-FEET WITHOUT A CLERESTORY OR CUPOLA OR 18-FEET WITH A CLERESTORY OR CUPOLA.

12: REMEDIAL LANDSCAPING ALLOWED IN THE 425.5 ELEVATION ZONE WITH THE INTENT TO MAINTAIN THE INTEGRITY OF THE SHORELINE.

13: RETAINING WALLS THAT ARE A PART OF LANDSCAPING ARE LIMITED TO LESS THAN THREE (3) FEET IN HEIGHT.

14: HEADS SHOULD EXTEND NO HIGHER THAN THREE (3) FEET FROM THE AVREAGE BASE OF THE SURROUNDING TERRIAN WITHIN A THREE (3) FOOT RADIUS.

15: ROOF OVERHANGS SHALL NOT EXCEED 18-INCHES.

16: A SEAWALL IS *ONLY* REQUIRED FOR CONSTRUCTION IN THE *435.5 ELEVATION ZONE*.

17: A SEAWALL IS *ONLY* REQUIRED FOR CONSTRUCTION IN THE *435.5 OR 425.5 ELEVATION ZONES*.

18: HANDRAILS ARE PROBITED IN THE *435.5 ELEVATION ZONE*.

ARTICLE 06 | PARKING AND LOADING

SECTION 01 | PURPOSE
SECTION 02 | APPLICABILITY
SECTION 03 | GENERAL PROVISIONS
SECTION 04 | RESIDENTIAL PARKING
SECTION 05 | OFF-STREET PARKING REQUIREMENTS
SECTION 06 | OFF-STREET LOADING REQUIREMENTS

SECTION 01 | PURPOSE

SUBSECTION 01.01: PARKING

The purpose of this Article is to regulate the number of required off-street vehicular parking spaces so as:

- To provide for the needs of occupants, customers, visitors or others involved in the use or occupancy of any building, structural improvement or place of assembly;
- To eliminate undue use of the street system for parking purposes;
- To avoid the occurrence of nonresident on-street parking in adjoining neighborhoods;
- To protect the environment by promoting trip reduction and efficient land use through an analytic process in which the amount of parking may be limited to what is realistically needed for the uses on the site, thus reducing concrete/asphalt areas, heat islands and air pollution;
- To promote and protect the public health, safety, comfort, convenience and general welfare; and
- To grant and define the administrative powers and duties necessary to enforce this Article.

SUBSECTION 01.02: LOADING

It is also the purpose of this Article to require allocation of sufficient off-street/on-site loading facilities by businesses and industry to ensure that the loading and unloading of vehicles will not interfere with traffic flow or block roadways or fire lanes.

SECTION 02 | APPLICABILITY

SUBSECTION 02.01: CONSTRUCTION OR CREATION OF USE

Any building, improvement, or use of land approved or erected shall include the necessary off-street parking spaces, and require off-street/on-site loading facilities subject to the standards established in this Article.

SUBSECTION 02.02: CHANGE OF USE

Whenever any building, improvement, or use of land is proposed to be changed to a new use, the provision of off-street parking and loading shall be required for the new use in accordance with this Article.

SUBSECTION 02.03: EXPANSION OF AN EXISTING USE

If any building, improvement, or use of land is expanded, the provisions for parking and loading shall be provided for the portion of land use and/or building that has been added.

SUBSECTION 02.04: RENOVATION OR REDEVELOPMENT

Notwithstanding Subsection 02.02 above, if any building, improvement, or use of land is repaired, renovated, altered, expanded or redeveloped, and the cost of such changes exceed 50.00% of the fair market value of the building improvement prior to the subject improvements, the parking and loading facilities set forth in this Article shall be made conforming, unless a specific use permit has been approved for such reduction in the provision of parking or loading.

SECTION 03 | GENERAL PROVISIONS

SUBSECTION 03.01: CALCULATION OF SPACES

(A) *Fractional Number of Spaces*. In determining the required number of parking spaces, fractional spaces shall be ~~counted to the nearest~~rounded up to the nearest whole space. Parking spaces located in buildings used for repair garages or auto laundries shall not be counted as meeting the required minimum parking.

(B) *Parking Structures Excluded*. Floor area of structures devoted to off-street parking of vehicles shall be excluded in computing the floor area for off-street parking requirements.

(C) *Requirements for Uses Not Listed*. The off-street parking requirements for a use not specifically listed in the schedule below shall be the same as required for a use of a similar nature as determined by the Director of Planning and Zoning.

SUBSECTION 03.02: PAVING MATERIALS

All required parking and loading areas, public and private drives, and fire lanes shall be constructed of concrete, but may have a surface treatment of brick, stone or other similar material; ~~. H~~ however, cast interlocking concrete, brick, or stone pavers installed on a prepared base may be used in parking areas and on public and private drives where approved by the City Engineer.

SUBSECTION 03.03: LOCATION OF COMMERCIAL PARKING AND LOADING SPACES

The required off-street parking and loading spaces shall be located on the same lot as the building or use served; except, off-street parking may also be located as follows:

(A) *Parking May Be Located Off-Site*.

(1) When an increase in the number of off-street parking spaces is required by a change or enlargement of use, or where off-street parking spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required off-street parking spaces may be located at a distance not to exceed 400-feet from the building being served; provided, however, that a written agreement thereto is properly executed and filed as provided below.

(2) The distance from the land use requiring parking to the off-site parking site shall be measured along the shortest legal pedestrian path between one site and the other.

(3) All off-site parking must first be approved by City Council.

(B) *Joint Use of Parking*. Parking adjustments may be allowed according to the following percentages by time of day:

TABLE 1: JOINT USE OF PARKING CALCULATIONS

TIME OF DAY	OFFICE	RETAIL	RESTAURANT	THEATER	HOTEL
6:00 AM - 12:00 PM	1.00	0.97	0.50	0.30	1.00
12:00 PM - 1:00PM	0.90	1.00	0.70	0.70	0.30
1:00 PM - 4:00 PM	0.97	0.97	0.60	0.70	0.45
4:00 PM - 6:00 PM	0.47	0.82	0.90	0.80	0.70
6:00 PM - 8:00 PM	0.07	0.89	1.00	1.00	1.00
8:00 PM - 12:00 AM	0.03	0.61	1.00	1.00	1.00

EXAMPLE 1: JOINT USE OF PARKING CALCULATIONS

An example of a mixed-use development comprised of the below land uses would be as follows:

Step 1: Development Square Footages

- *Office*: 50,000 SF
- *Retail*: 20,000 SF
- *Restaurant*: 8,000 SF

Step 2: Individual Parking Requirements

LAND USE	SF	PARKING REQUIREMENT	REQUIRED PARKING
OFFICE	50,000	1/300 SF	167
RETAIL	20,000	1/250 SF	80
RESTAURANT	8,000	1/100 SF	80
		TOTAL:	327

Step 3: Shared Parking Requirements

TIME OF DAY	OFFICE	RETAIL	RESTAURANT	TOTAL
6:00 AM - 12:00 PM	1.00x167=167	0.97x80=78	0.50x80=40	285
12:00 PM - 1:00PM	0.90x167=150	1.00x80=80	0.70x80=56	286
1:00 PM - 4:00 PM	0.97x167=162	0.97x80=78	0.60x80=48	288
4:00 PM - 6:00 PM	0.47x167=78	0.82x80=66	0.90x80=72	216
6:00 PM - 8:00 PM	0.07x167=12	0.89x80=71	1.00x80=80	163
8:00 PM - 12:00 AM	0.03x167=5	0.61x80=49	1.00x80=80	134

Step 4: The parking required is 288 parking spaces. This is a reduction of 39 parking spaces or 11.9% over the individual parking requirements.

(C) *Off-Site Parking Agreement*.

(1) When the required off-street parking spaces are not located on the same lot with the building or use served, or when the required off-street parking spaces are provided collectively or used jointly by two (2) or more establishments, a written agreement which ensures the retention of such spaces for this purpose, and for a period of not less than two (2) years, shall be drawn and executed by the parties concerned, approved as to form by the City Attorney, and filed with the application for a building permit or Certificate of Occupancy (CO) if a change in use is involved.

(2) If the off-site parking is terminated for any reason, then alternative parking meeting the standards of this Article, shall be required, or the property shall lose its Certificate of Occupancy (CO).

(D) *Parking in Front Yards of Residential and Agriculture*. No required off-street parking space shall be located in the required front yard in any residential or agricultural district.

(E) *Parking in Front Yards of Non-Residential*. In any nonresidential district, the required off-street parking space may be located in the required front yard provided that it meets landscaping and screening requirements in Article 08, *Landscape Standards*.

SUBSECTION 03.04: LIGHTING OF PARKING AND LOADING AREAS

(A) *Spill-Over Lighting*. All lighting facilities shall be so arranged as to reflect the illumination away from any adjacent property. Such lighting facilities shall provide illumination within parking areas not to exceed a maintained average of 1½ footcandles at ground level, and shall distribute not more than 0.2 of one (1) footcandle of light upon any adjacent residential property. (*also see Section 03, Outdoor Lighting for Non-Residential Properties, of Article 07, Environmental Standards*).

(B) *Lighting as a Nuisance or Safety Hazard*. All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not intrude on residential property or create a hazard to motorists on any street, alley or other public way.

SUBSECTION 03.05: PAY PARKING LOTS

No charge may be made for at-grade visitor parking spaces, unless approved by City Council as part of a specific Use Permit.

SUBSECTION 03.06: SHARED PARKING/CROSS ACCESS

In master planned retail centers, cross access and shared parking agreements are required for final platting.

SECTION 04 | RESIDENTIAL PARKING

SUBSECTION 04.01: LOTS LESS THAN FIVE (5) ACRES

(A) *Location*. All required residential parking shall be located onsite except in the Downtown District.

(B) *Garages*. In single-family or duplex districts, parking garages must be located at least 20-feet behind the front building facade for front entry garages, unless it is a *J-Swing* garage where the garage door is perpendicular to the street.

(C) *Carports*. In single-family or duplex districts, carports must be located at least 20-feet behind the front building facade and be architecturally integrated with the main residential structure.

SECTION 05 | OFF-STREET PARKING REQUIREMENTS

SUBSECTION 05.01: OFF-STREET PARKING REQUIREMENTS

The schedule of off-street parking requirements in Table 5 establishes parking requirements for all zoning districts.

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

SUBSECTION 05.02: CONVENTIONS USED IN PARKING REQUIREMENT SCHEDULE

(A) *Square Feet*. The term *SF* means gross square feet of building, unless otherwise noted.

(B) *Site Area Parking Requirements*. The parking requirement for a use of site area is based on the net site area exclusive of parking and buildings.

(C) *Land Uses*. Land uses listed under *Permitted Uses* in the accompanying schedule does not mean that this use is permitted within the City. Please refer to Article 04, *Permissible Uses*.

SUBSECTION 05.03: OFF-STREET PARKING STANDARDS

(A) *Head-In Parking*. An off-street parking space shall not be located on a public street. Head-in parking adjacent to a public street wherein the maneuvering of the vehicle in parking or leaving a parking space is done directly onto a public street, shall not be allowed in nonresidential zoning districts nor shall it be allowed in conjunction with multi-family residential land uses unless specifically approved as part of a special district zoning ordinance such as for the downtown.

(B) *Parking Spaces and Aisle Surfaces*. All parking spaces, aisles and maneuvering areas shall have an all-weather surface, whether enclosed or unenclosed, and shall be connected by an all-weather surfaced driveway to a street or alley.

(C) *Parking Space and Aisle Dimensions*. All parking spaces and aisle dimensions shall conform to the off-street parking requirements contained in the City's Standards of Design and Construction manual, as amended, unless otherwise approved by the Planning and Zoning Commission and City Council.

(D) *Site Access for Vehicles*. Access to a lot or tract shall conform to the access control guidelines in the driveway ordinance. A driveway conforming to City driveway standards shall be constructed for each approved access point. A permit much be obtained from the City to construct a driveway within the City.

SUBSECTION 05.04: HANDICAPPED PARKING

In each parking facility, a portion of the total number of parking spaces shall be specifically designated as handicapped accessible parking spaces and reserved for vehicles licensed by the state for use by the handicapped. The following parking and passenger loading standards shall apply to any new construction within the City.

Continued on Right Side of Page …

(A) *Space Required*.

TABLE 2: HANDICAPPED PARKING SPACE REQUIREMENT

TOTAL REQUIRED PARKING IN LOT	REQUIRED NUMBER OF HANDICAPPED SPACES
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% OF TOTAL
1,001+	20 + 1/100 OVER 1,000

(B) *Construction Standards*. Parking spaces and facilities intended for use by the handicapped shall be designed and constructed in accordance with the standards established by state law, City ordinances and the Americans with Disabilities Act (ADA).

(C) *Size of Spaces*. Accessible parking spaces shall be at least 108-inches wide and shall be served by a pedestrian maneuvering access aisle at least 60-inches wide. The access aisle shall be part of an accessible route to the building or facility entrance. Two (2) accessible parking spaces may share a common access aisle. Accessible parking spaces and access aisles shall be level with surface slopes not exceeding ~~2%~~two (2) percent in any direction.

(D) *Van Accessible Spaces*. One (1) in every eight (8) accessible spaces, but not less than one (1), shall be served by an access aisle not less than 108-inches wide and provide a minimum vertical clearance of 98-inches at the parking space and along at least one (1) vehicle access route to such parking space from site entrance and exit. All such spaces shall be designated "van accessible" and may be grouped on one (1) level of a parking structure.

(E) *Sign Handicapped Accessible Spaces*. Accessible spaces shall be designated as reserved by a sign showing a symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

(F) *Accessible Routes to the Building or Facility*. At least one (1) accessible route within the boundary of a site shall be provided from public transportation stops (*if available*), accessible parking and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public.

(G) *Accessible Routes On-Site*. At least one (1) accessible route shall connect accessible buildings, facilities, elements and spaces that are on the same site.

(H) *Accessible Route Design Standards*. An accessible route shall have a minimum clear width of 36-inches and provide adequate space for a wheel chair turn around. If an accessible route has less than 60-inches clear width, then passing spaces of at least 60-inches by 60-inches shall be located at reasonable intervals, not to exceed 200-feet. A 'T' intersection of two (2) corridors or walks is an acceptable passing place.

SECTION 06 | OFF-STREET LOADING REQUIREMENTS

SUBSECTION 06.01: APPLICABILITY

All non-residential structures which contain a gross floor area of 10,000 square feet or more shall provide and maintain off-street loading facilities on the same lot. Such off-street loading facilities shall be located adjacent to a public way or private service drive, in accordance with the following requirements:

(A) Unless an alternative is supported by design standards and approved as part of the detailed site plan, no area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

(B) Any loading dock or loading area must provide a maneuvering area located entirely on private property, and shall not utilize any public right-of-way, and shall not block any drive, aisle or fire lane.

(C) Loading docks that are within 400-feet of a residential district shall be equipped with noise attenuation devices and screened from view of adjacent residential lots.

SUBSECTION 06.02: LIGHTING OF LOADING AREAS

All lighting facilities shall be so arranged as to reflect the illumination away from any adjacent property. Such lighting facilities shall provide illumination within loading areas not to exceed 1.5 Foot Candles (FC) at ground level, and shall distribute not more than 0.2 of one (1) FC of light upon any adjacent property.

All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not intrude on residential property or create a hazard to motorists on any street alley or other public way.

SUBSECTION 06.03: DUMPSTER TRASH RECEPTACLES

All driveways to trash receptacles shall be designed to accommodate the weight of a 56,000 gross vehicular weight (GVW) sanitation truck. Lifting aprons shall be provided in front of each trash receptacle location to accommodate the front wheels of the sanitation truck. Access to the trash receptacle and lift apron shall be in a *straight in* manner, or other manner as approved by the City Engineer. Trash receptacles shall not be located beneath any overhead utility line.

SUBSECTION 06.04: SIZE

Loading spaces shall be a minimum of 12-feet in width, 65-feet in length, and 14-feet in height except as may otherwise be approved by the City Engineer.

SUBSECTION 06.05: OFF-STREET LOADING REQUIREMENTS

Any use that receives or distributes material, supplies or merchandise by motor vehicle shall provide off-street loading space in accordance with the following requirements~~.~~:

(A) *Retail, Commercial, and Industrial Land Uses*.

TABLE 3: COMMERCIAL OFF-STREET LOADING REQUIREMENTS

GROSS FLOOR AREA (SF)	MINIMUM REQUIRED LOADING SPACES
0 – 10,000	0
10,001 – 40,000	1
40,001 – 100,000	2
100,001 – 160,000	3
160,001 – 240,000	4
240,001 – 320,000	5
320,001 – 400,000	6
400,001+	PARKING STUDY REQUIRED

(B) *Auditoriums, Exhibition Halls, Hotels and Sports Arenas*.

TABLE 4: RESTAURANTS AND PUBLIC FACILITIES LOADING REQUIREMENTS

GROSS FLOOR AREA (SF)	MINIMUM REQUIRED LOADING SPACES
0 – 10,000	0
10,001 – 150,000	2
150,001 – 300,000	4
300,001 – 600,000	5
600,000+	PARKING STUDY REQUIRED

TABLE 5: PARKING REQUIREMENT SCHEDULE

AGRICULTURAL LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Agricultural Uses on Un-Platted Land (25-Acre+)	N/A
Animal Hospital or Clinic	1/500 SF
Animal Production	1/200 SF
Crop Production	N/A
Commercial Corral or Stable	1/2 Horse Stalls
Private Horse Corral or Stable	1/2 Horse Stalls
Wholesale Nursery (Growing Only)	N/A

RESIDENTIAL

LAND USE	MINIMUM PARKING REQUIRED
Boarding or Rooming House	1/75 SF (Sleeping Area Only)
Duplex	2/Dwelling Unit
Guest Quarters/Domestic or Security Unit	1.5/Unit
Multi-Family Unit with One (1) Bedroom	1.5/Unit
Multi-Family Unit with Two (2) Bedroom	2.0/Unit
Multi-Family Unit with Three (3) Bedroom	2.5/Unit
~~Servants~~/Caretakers Quarters	1/Bedroom
Single-Family Attached	2/Dwelling Unit
Single-Family Detached	2/Dwelling Unit
Single-Family Townhome	2/Dwelling Unit
Single-Family Zero Lot Line	2/Dwelling Unit

INSTITUTIONAL AND COMMUNITY SERVICE LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Auditorium or Assembly Hall	1/3 Seats or 1/100 SF[1]
Church/House of Worship	1/4 Seats
College, University, or Seminary	1/4 Students
Community Center	1/200 SF
Convalescent Care Facility	1/Bed & 1/Employee on Shift[3]
Nursing Home	1/6 Beds & 1/Employee on Shift[3]
Daycare with Seven (7) of More Children	1/300 SF & 4 Cueing Pickup/Drop-Off
Emergency Ambulance Service	1/300 SF & 1/750 SF of Site Area
Government Facility	1/300 SF
Hospice	1/6 Beds & 1/Employee on Shift[3]
Hospital	1/Bed[2]
Library, Art Gallery, or Museum	1/350 SF
Post Office	1/300 SF Customer Service Area
Retirement Home	1/Bedroom
Residential Care Facility	1/6 Beds & 1/Employee on Shift[3]
Vocational School	1/Student
Public or Private Primary School	1/25 Students
Public or Private Secondary School	1/5 Students

OFFICE AND PROFESSIONAL LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Financial Institution with or without Drive-Through	1/300 SF
Medical Office	1/200 SF
Office Building	1/300 SF

RECREATION, ENTERTAINMENT, AND AMUSEMENT LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Billiard Parlor or Pool Hall	1/100 SF or 1/4 Seats[1]
Indoor Commercial Amusement/Recreation	1/3 Occupancy
Public or Private Community or Recreation Club	3/Game Court or Bowling Alley, 1/250 SF of Assembly Area, & 25% Permitted on Pervious Surface
Public or Private Golf Course	5/Golf Green
Park or Playground	1/1,000 SF of Site Area
Recreation Facility, Health Club, or Gym	3/Game Court & 1/200 SF
Sports Arena, Stadium, and/or Track	1/3 Seats
Private Club	1/100 SF or 1/4 Seats[1]
Theater	1/3 Seats

RECREATION, ENTERTAINMENT, AND AMUSEMENT LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Antique/Collectable	1/250 SF
Auto/Truck Parts and Accessories	1/250 SF
Hair Salon, Manicurist, or Barbershop	1/250 SF
Hotel	1/Unit & 50% of Accessory Uses
Motel	1/Unit & 50% of Accessory Uses
Laundry/Dry Cleaning	1/250 SF
Mailing Service	1/300 SF
Full Service Restaurant	1/100 SF or 1/4 Seats[1]
Limited Service Restaurant	1/250 SF
Retail Store with Gasoline Sales	1/250 SF
General Retail Store	1/250 SF
Art, Photography, or Music Studio	1/250 SF
Veterinarian (*i.e. Not a Hospital or Clinic*)	1/300 SF

COMMERCIAL AND BUSINESS SERVICES LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Building and Landscape Materials	1/250 SF with a Minimum of 5
Commercial Other than Listed	As Determined by the Director
Exhibit Hall	1/100 SF
Medical or Scientific Research Laboratory	As Determined by the Director
Mortuary or Funeral Home	1/300 SF & 1/100 SF for Chapel
Research and Technology	1/500 SF or 1/Employee[1]
Shoe and Boot Repair and Sales	1/250 SF
Trade School	1/20 SF of Classroom Area

AUTO AND MARINE LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Auto Body Repair	2/Service Bay
Auto Mechanical Repair	2/Service Bay
Quick Lube/Oil Change	2/Service Bay
Truck Stop with Fuel and Accessory Services	1/200 SF for Retail/Restaurant, 2/Service Bay, & Mix of Truck and Car Stalls to be Determined by the Director
Truck/Trailer Rental	1/200 SF with a Minimum of 5

INDUSTRIAL AND MANUFACTURING LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Apparel Manufacturing	1/200 SF
Asphalt or Concrete Batch Plant	As Determined by the Director
Industrial and Manufacturing Other Than Listed	As Determined by the Director
Light Assembly and Fabrication	1/500 SF or 0.75/Employee[1&3]
Heavy Manufacturing	1/500 SF or 0.75/Employee[1&3]
Printing, Engraving, and Related Businesses	1/300 SF or 1/Employee[1]
Welding Repair	1/500 SF or 1/2 Employees[1]

INDUSTRIAL AND MANUFACTURING LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Distribution of Books or Other Printed Materials	1/1,000 or 1/2 Employees[1]
Gas/Chemical Bulk Storage	1/2,000 SF of Site Area
Mini-Warehouse	3 Parking Spaces & 1/100 Units
Packaging and/or Distribution	1/2,000 SF of Site Area or 1/2 Employees[1]
Recycling Collection Center and/or Storage	1/1,000 SF or 1/Employee[1]
Warehouse with Inside Storage	1/1,000
Outside Storage	As Determined by the Director
Warehouse Distribution Center	As Determined by the Director

UTILITIES, TRANSPORTATION, AND COMMUNICATION LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Commercial Antenna	1 Parking Space
Commercial Drone Delivery	1/300 SF of Drone Staging Area[4]
Telephone Switching Station	1 Parking Space
Electrical Substation	1 Parking Space
Utility Shop and Storage	1/2,000 SF of Site Area
Airport, Heliport, or Landing Field	As Determined by the Director
Helistop	5 Spaces for Commercial and 3 Spaces for Non-Commercial

Notes:

[1]: Whichever is greater.

[2]: As determined by the Director of Planning and Zoning.

[3]: Number of employees.

[4]: Plus any additional accessory land uses (*e.g. office, storage, etc.*).

Formatted Table

Formatted: Font: Bold, Font color: Dark Red, Superscript

ARTICLE 07 | ENVIRONMENTAL PERFORMANCE

SECTION 01 | PURPOSE
SECTION 02 | APPLICABILITY
SECTION 03 | OUTDOOR LIGHTING FOR NON-RESIDENTIAL PROPERTIES
SECTION 04 | NOISE
SECTION 05 | SMOKE AND PARTICULATE MATTER
SECTION 06 | ODOROUSE MATTER
SECTION 07 | TOXIC AND NOXIOUS MATTER
SECTION 08 | VIBRATION
SECTION 09 | FIRE OR EXPLOSIVE HAZARD MATERIAL
SECTION 10 | WATER AND WASTE POLLUTION

SECTION 01 | PURPOSE

The purpose of this Article is to set forth regulations which protect the public from the potential negative effects of industrial and intense commercial development by regulating smoke and particulate matter, odorous matter, fire or explosive materials, toxic and noxious matter, vibration, open storage, glare and fuel supply in the vicinity of such sites.

SECTION 02 | APPLICABILITY

The following performance standards shall apply to all zoning districts in the City of Rockwall.

SECTION 03 | OUTDOOR LIGHTING FOR NON-RESIDENTIAL PROPERTIES

SUBSECTION 03.01: DEFINITIONS

(1) *Candela*. A measurement quantified in unit(s) of luminous intensity in any given direction. It is also commonly referred to as candlepower(s).

(2) *Floodlight*. An artificial illumination in broad beam, ~~above 15 watts~~ with a light source that extends more than two (2) inches below the horizontal plane of the laminar.

(3) *Footcandle (FC)*. ~~means t~~The amount of illumination provided by one lumen uniformly distributed on one (1) square foot of surface.

(4) *Full Cut-Off*. A light source that does not extend below the horizontal plan of the luminaire.

(5) *Light Source*. The device which produces visible energy, such as a bulb.

(6) *Lumen*. The quantity of luminous flux intercepted by a surface of one square foot, all points of which are one foot from a uniform source of one candela. A one-candela source provides 12.57 lumens.

(7) *Luminaire*. A complete lighting unit including a light source and all necessary mechanical, electrical, reflective, and decorative parts.

(8) *Partial Cut-Off*. A light source that extends no more than one inch below the horizontal plan of luminaire.

(9) *Standard*. The light pole and base.

(10) *Temporary Holiday Lighting*. The type of lighting typically used during the holiday periods.

SUBSECTION 03.02: PROHIBITED LIGHTING

It shall be unlawful to display or operate the following:

(A) An unshielded light source, including bare bulbs, ~~above 15 watts,~~ except for temporary holiday lighting, decorative lighting (*e.g. string lights*), and lights intended to illuminate a State or National flag on a flag pole.

(B) The operation of search lighting is prohibited except it shall be permitted for a period not to exceed 14 days from grand openings and promotional events with permission of the building official.

SUBSECTION 03.03: MINIMUM REQUIREMENTS

(A) *Glare*. In order to preserve the night sky and to reduce glare on roadways, pedestrian areas and adjacent development, light sources (*e.g. light bulbs*) shall be oriented down and toward the center of the site or shielded so as to not be visible from the property line. This applies to refractory lenses which extend beyond the lighting fixture and are designed to redirect the lighting source horizontally. This does not apply to neon or internally lit signs, or to decorative lighting ~~with 15 watts or less per bulb~~ (*e.g. string lights*).

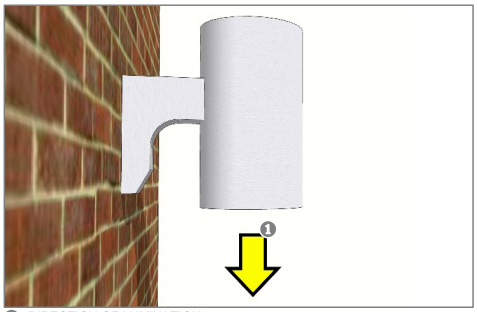
(B) *Light at Residential Property Line*. The allowable maximum light intensity measured at the property line of a residentially zoned lot shall be 0.2 of one footcandle.

(C) *Light at Non-Residential Property Line*. The allowable maximum light intensity measured at the property line of any non-residentially zoned lot shall be 0.2 of one (1) footcandle or 0.2 FC. For planned shopping centers or other commercial developments that contain more than one lot, the Planning and Zoning Commission may consider lighting plans that are intended to increase lighting efficiency and reduce the number of overall light fixtures, but result in light spillover across common lot lines within the same development; ~~. Hh~~however, in no case shall light levels exceed 0.2 FC at the property lines adjacent to the street and/or along the perimeter of the development.

(D) *Height*. No light pole, base or combination thereof shall exceed 30 feet, unless further restricted within an Overlay District as specified in Article 05, *District Development Standards*, of the Unified Development Code (UDC).

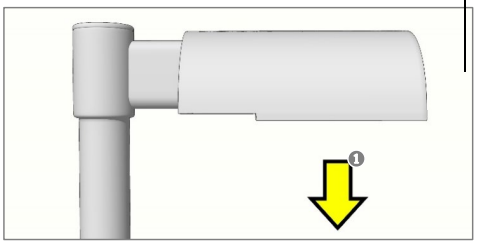
(E) *Building and Pole Mounted Lighting*. All building and pole mounted luminaries ~~exceeding 15 watts~~ shall be directed down with either a partial cut-off or full cut-off at the source. ~~(~~*See Figures 1-4 below*).

FIGURE 1: EXAMPLE OF FULL CUT-OFF BUILDING MOUNTED FIXTURE



1: DIRECTION OF LUMINATION

FIGURE 2: EXAMPLE OF FULL CUT-OFF POLE MOUNTED FIXTURE

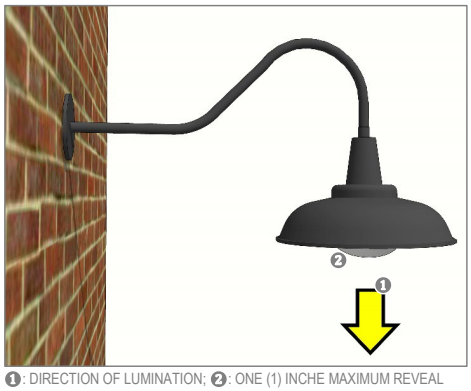


Formatted: Font: Italic

Formatted: Font: Italic

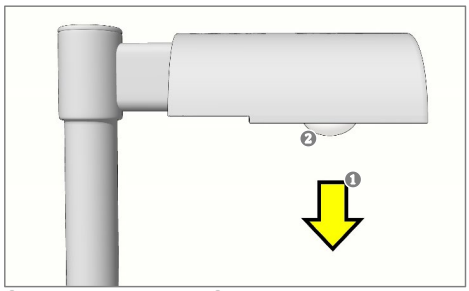
❶: DIRECTION OF LUMINATION

FIGURE 3: EXAMPLE OF PARTIAL CUT-OFF BUILDING MOUNTED FIXTURE



❶: DIRECTION OF LUMINATION; ❷: ONE (1) INCHE MAXIMUM REVEAL

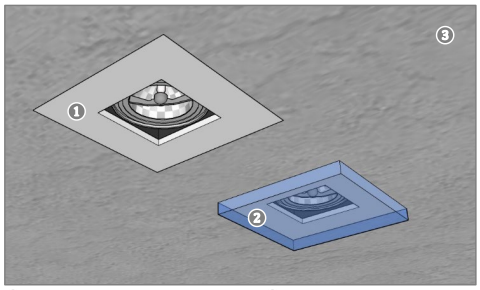
FIGURE 4: EXAMPLE OF PARTIAL CUT-OFF POLE MOUNTED FIXTURE



❶: DIRECTION OF LUMINATION; ❷: ONE (1) INCHE MAXIMUM REVEAL

(F) *Under-Canopy Lighting*. All under-canopy lighting, including, but not limited to, those fixtures utilized at fueling stations, drive-through lanes, and covered parking structures, shall be fully recessed into the canopy (~~*See see*~~ *Figure 5*).

FIGURE 5: EXAMPLES OF UNDER-CANOPY LIGHTING



❶: FLUSH LENS (*I.E. FULLY RECESSED*); ❷: PROJECTING LENDS (*I.E. NOT FULLY RECESSED*); ❸: CEILING

(G) *Illumination*. The maximum outdoor maintained, computed and measured illumination level within any nonresidential development shall not exceed 20 FC outdoors at any point on the site, with the following exceptions:

(1) Under-canopy lighting (*e.g., fuel stations, drive-through lanes and covered parking structures*) shall not exceed 35 FC. The remainder of the property shall comply with the 20-FC maximum.

(2) Lighting for motor vehicle dealerships shall not exceed 30 FC within the front yard(s) of the development. The remainder of the property shall comply with the 20-FC maximum.

(H) *Exemptions*. Historic or antique-style pedestrian light fixtures approved by the Planning and Zoning Commission are excluded from these standards.

SUBSECTION 03.04: PLAN REQUIRED

A photometric plan describing compliance with the provisions of this section shall be submitted to the Director of Planning and Zoning prior to the issuance of any building permit or Certificate of Occupancy (CO) that proposes additional lighting. This plan shall be prepared by an appropriate lighting designer such as a lighting engineer, architect or other qualified lighting designer. Upon installation of the lighting, the designer shall provide a letter certifying that the lighting is installed in accordance with the approved design and this section. The Director of Planning and Zoning shall have the authority to interpret and determine compliance with this section. The Planning and Zoning Commission may grant exemptions to the provisions of this Article if compliance will result in substantial financial hardship or inequity, so long as said exemption is without harm to the public. Decisions of the Planning and Zoning Commission may be appealed to the City Council.

SUBSECTION 03.05: NON-CONFORMING LIGHTING

Luminaries installed prior to the adoption of this Unified Development Code (UDC) shall be exempt from the requirements herein.

SUBSECTION 03.06: EXEMPTIONS

Lighting installed by or for a governmental agency for the public benefit that is used for activities for the public benefit such as right of way, ball fields, airports and parks;~~.~~ ~~H~~however, parking lot lighting for these activities shall be meet the requirements of the section.

SECTION 04 | NOISE

SUBSECTION 04.01: IN GENERAL

Refer to Article IV, *Noise*, of Chapter 16, *Environment*, of the Municipal Code of Ordinances for noise regulations.

SECTION 05 | SMOKE AND PARTICULATE MATTER

SUBSECTION 05.01: STANDARDS

No industrial operation or use shall cause, create, or allow the emission for more than three minutes in any one hour, of air contaminants which at the emission point or within the bounds of the property are:

(A) In violation of the standards specified by the Texas Natural Resource Conservation commission, or subsequent agency; or

(B) Of such capacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in *Subsection A* above except that, when the presence of steam is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the outside atmosphere, performance shall be considered to comply with this section.

SUBSECTION 05.02: COMBINED STANDARDS

The emission of particulate matter from all sources in a district subject to this Article shall not exceed the level specified by the Texas Natural Resource Conservation Commission, or subsequent agency.

SUBSECTION 05.03: STANDARDS MEASURED AT THE PROPERTY LINE

Open storage and open processing operations, including on-site transportation movements which are the source of wind or airborne dust or other particulate matter; or which involve dust or other particulate air contaminant generating equipment including, but not limited to, paint spraying, grain handling, sand or gravel processing or storage or sand blasting shall be so conducted such that dust and other particulate matter so generated are not transported across the boundary property line or the tract on which the use is located in concentrations exceeding standards set by the Texas Natural Resource Conservation Commission.

SECTION 06 | ODOROUS~~E~~ MATTER

SUBSECTION 06.01: APPLICABILITY

No use shall be operated in any zoning district in such a manner that the emission of odorous matter occurs in such quantity or volume as to produce a nuisance, source of discomfort or hazard beyond the bounding property lines of such use.

SUBSECTION 06.02: DETERMINATION

The odor threshold as herein referred to shall be determined by observation by a person or persons designated by the City Council. In any case, where the operator of an odor-emitting use may disagree with the enforcing officer where specific measurement of odor concentration is required, the method and procedures specified by the American Society for *Testing Materials ASTMD 1391-57* entitled Standard Method for Measuring Odors in Atmosphere shall be used.

SECTION 07 | TOXIC AND NOXIOUS MATTER

No industrial operation or other use shall emit toxic or noxious matter in any concentration across the bounding property line of the tract on which operation or use is located. The requirements of the Texas Air Control Board shall be met.

SECTION 08 | VIBRATION

Any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent property line, earthborn vibrations in excess of the limits set forth in ~~column~~ *Column I* (~~below~~*in Table 1: Vibrations Standards*) are prohibited. In addition, any industrial operation or activity which shall cause at any time and at any point along a zone boundary line, earthborn vibrations in excess of the limits set forth in column II are prohibited. Vibrations shall be expressed as resultant displacement in inches.

TABLE 1: VIBRATION STANDARDS

FREQUENCY (CYCLES PER SECOND)	DIPLACEMENT I (INCHES)	DISPLACEMENT II (INCHES)
0 – 10	0.0008	0.0004
10 – 20	0.0005	0.0002
20 – 30	0.0002	0.0001
30 – 40	0.0002	0.0001
40+	0.0001	0.0001

This tabulation is for steady state vibration~~;~~ ~~–~~, which is defined as continuous vibration in contrast to discrete pulses. Impact vibration, that is, discrete pulses which do not exceed 100 pulses per minute, shall not produce in excess of twice (*i.e. two [2] times*) the displacement stipulated above.

SECTION 09 | FIRE OR EXPLOSIVE HAZARD MATERIAL

SUBSECTION 09.01: EXPLOSIVE AND/OR FLAMMABLE MATERIAL

The storage, manufacture and/or use of all explosive and/or flammable liquids, solids or gases shall be permitted only when such storage, manufacture or use conforms to the standards and regulations established in Chapter 18, *Fire Prevention and Protection*, of the Municipal Code of Ordinances, as well as all other applicable city codes.

SECTION 10 | WATER AND WASTE POLLUTION

SUBSECTION 10.01: WATER POLLUTION

No operation or activity shall discharge or cause to be discharged, liquid or solid waste into public waters unless in conformance with the provisions of the Texas Water Quality Board.

SUBSECTION 10.02: LIQUID OR SOLID WASTE

No discharge at any point will be allowed into any public sewer, private sewer disposal system, or stream or into the ground, except in accordance with standards approved by the state health department or standards equivalent to those approved by such department, for similar uses, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements. All discharges shall comply with all applicable city ordinances.

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

ARTICLE 08 | LANDSCAPE AND FENCE STANDARDS

SECTION 01 | PURPOSE
SECTION 02 | APPLICATION OF ARTICLE
SECTION 03 | LANDSCAPE PLAN
SECTION 04 | APPROVED LANDSCAPE MATERIALS
SECTION 05 | LANDSCAPE STANDARDS
SECTION 06 | LANDSCAPE CREDITS
SECTION 07 | COMPLETION OF LANDSCAPING
SECTION 08 | FENCE STANDARDS
SECTION 09 | GENERAL MAINTENANCE

SECTION 01 | PURPOSE

The purpose of Article 08, *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.

SECTION 02 | APPLICATION OF ARTICLE

SUBSECTION 02.01: 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 02.01(A)(2).

(b) The expansion of a non-residential building or structure that increases the existing floor area by 30.00% 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 30.00% or that adds 2,000 SF of impervious coverage.

(2) Unless otherwise indicated in this *Article*, ~~T~~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 02.01(A) or Article 11, *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 06, *Non-Conforming Uses, Structures, and Sites*, of Article 04, *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 existing single-family and/or duplex land uses.

(d) Properties zoned Downtown (DT) District, as defined by Subsection 04.07, *Downtown (DT) District*, of Article 05, *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 02.01(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 06.02, *General Overlay District Standards*, of Article 05, *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 02.02: 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~~ Landscaping ~~plan~~ 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 09.01, *Exceptions to the General Standards*, of Article 11, *Development Applications and Review Procedures*.

SUBSECTION 02.03: EXCEPTIONS TO THE FENCE STANDARDS

All exceptions to the fence standards contained in this *Article* will be subject to the requirements of Section 08, *Fence Standards*.

SECTION 03 | LANDSCAPE PLAN

SUBSECTION 03.01: 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 03, *Site Plans*, of Article 11, *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), or a Horticulturist with a Bachelor's Degree unless otherwise permitted by the Director of Planning and Zoning.

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

SUBSECTION 03.02: 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 03, *Site Plans*, of Article 11, *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 03, *Site Plans*, of Article 11, *Development Applications and Review Procedures*.

SECTION 04 | ~~APPROVED~~ LANDSCAPE 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 C, *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.

(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 4½ ~~four (4)~~ feet above grade.

(5) The City of Rockwall encourages developments to incorporate ~~*xeriscaping*~~*Xeriscaping/smartscaping 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 05.05, *Xeriscaping and Smartscaping Standards*.

(B) *Prohibited Planting Materials*.

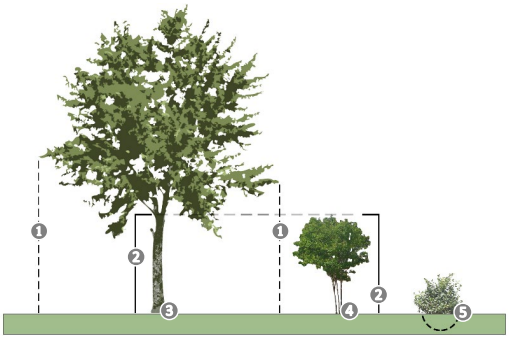
(1) *Artificial or Synthetic Plant Materials*.

(a) *Non-Residential Property*. Artificial or synthetic plant materials (*e.g. artificial grass, turf, trees, and/or shrubs*) shall be prohibited on all non-residentially zoned or used property in the City of Rockwall; however, the Planning and Zoning Commission can grant an *Exception* in accordance with the procedures contained in Subsection 09.01, *Exceptions to the General Standards*, of Article 11, *Development Applications and Review Procedures*, of this Unified Development Code (UDC) where it is found that the artificial plant materials are integral to the operations of the proposed non-residential land use or where it will serve as an on-site amenity to the non-residential land use.

(b) *Residential Property*. Artificial or synthetic plant materials (*e.g. artificial grass, turf, trees, and/or shrubs*) shall be prohibited on all residentially zoned or used property in: [*1*] the required front yard (*i.e. the area that extends from the front property line to the front façade of the primary structure*); [*2*] in areas of the required side or rear yard that are visible from public right-of-way, open space, or public parkland; [*3*] in public rights-of-way; and [*4*] in easements; however, a maximum of 400 square feet of non-PFAS (*i.e. Perfluorinated Alkylated Substances*) artificial grass or turf shall be permitted in the rear yard of all residentially zoned or used property regardless of visibility or screening.

~~(1)~~

FIGURE 1: APPROVED PLANTING MATERIALS AND SIZE



❶: DRIP LINE; ❷: FOUR (4) FEET; ❸: CANOPY TREE; ❹: ACCENT TREE; ❺: ~~THREE~~ FIVE (~~3~~5) GALLON SHRUB

SECTION 05 | LANDSCAPE STANDARDS

SUBSECTION 05.01: LANDSCAPE BUFFERS

The minimum requirements for landscape buffers shall be as follows:

(A) *Residential Landscape Buffers in Subdivisions*. (see *Figure 2: Residential Landscape Buffers Example*)

(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

Formatted: Font:
Formatted: Font: Italic
Formatted: Font:
Formatted: Font:
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Font:
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font:
Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: Italic
Formatted: Font: 5 pt

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.

(B) *Non-Residential Landscape Buffers*. (see *Figure 3: Commercial Landscape Buffers Example*)

(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 05.02(B), *Screening from Residential*.

(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 05.02: 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 01.05, *Screening Standards*, of Article 05, *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:

FIGURE 2: RESIDENTIAL LANDSCAPE BUFFERS EXAMPLE

❶: RESIDENTIAL PROPERTY; ❷: BUILD LINE; ❸: COLLECTOR STREET; ❹: TEN (10) FOOT LANDSCAPE BUFFER; ❺: PERIMETER COLLECTOR OR ARTERIALS ROADWAY

FIGURE 3: COMMERCIAL LANDSCAPE BUFFERS EXAMPLE

❶: STREET; ❷: RESIDENTIALLY ZONED OR USED PROPERTY; ❸: INDUSTRIAL OR COMMERCIAL ZONING/USE; ❹: ALLEYWAY; ❺: TEN (10) FOOT LANDSCAPE BUFFER WITH ACCENT AND CANOPY TREES; ❻: 20-FOOT LANDSCAPE BUFFER WITH THREE (3) TIERED SCREENING

(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

❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: ACCENT TREE OR LARGE SHRUB; ❹: SMALL SHRUB; ❺: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE; ❻: CANOPY TREES 20-FOOT ON CENTER

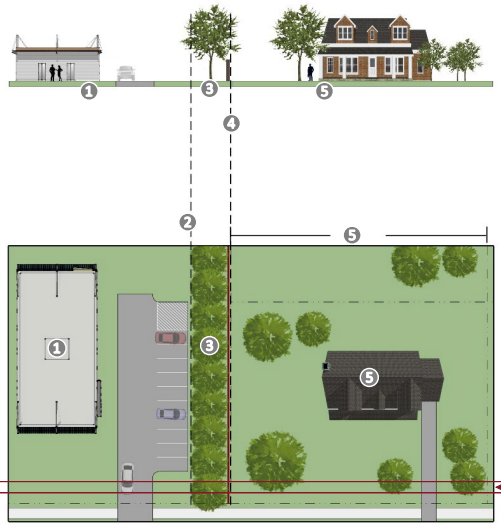
~~(1)~~(2) *Alternative #2*. A wrought iron fence with a mix of two (2) rows of staggered mature evergreen trees and one (1) row of deciduous canopy trees (*a minimum six [6] caliper inches*) along the entire length of the adjacency. All trees will be planted on 20-foot centers.

FIGURE 5: ALTERNATIVE #2

❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: TWO (2) ROWS OF EVERGREEN ACCENT TREES 20-FOOT OFFSET; ❹: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE; ❺: CANOPY TREES 20-FOOT ON CENTER

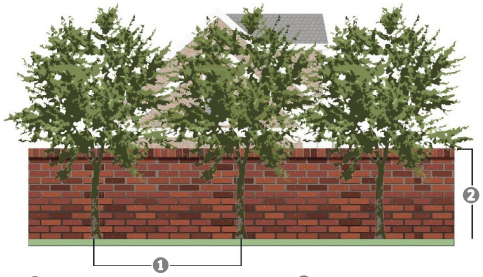
(B) *Screening from Residential*. Any non-residential or multi-family land use or parking area that has a side or rear contiguous to any residentially zoned or used property shall be screened with a masonry fence a minimum of six (6) feet in height with canopy trees planted on 20-foot centers (*as depicted 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



❶: COMMERCIAL PROPERTY; ❷: 20-FOOT LANDSCAPE BUFFER; ❸: CANOPY TREES 20-FOOT ON CENTER; ❹: MINIMUM SIX (6) FOOT MASONRY WALL ON PROPERTY LINE; ❺: RESIDENTIAL PROPERTY;

FIGURE 7: MASONRY FENCE WITH CANOPY TREES IN PERSPECTIVE VIEW



❶: CANOPY TREES 20-FOOT ON CENTER; ❷: MINIMUM SIX (6) FOOT MASONRY WALL;

~~(C)~~ *Continued on Next Page …*

Formatted: No underline

Formatted: Font: 5 pt, Not Italic, No underline

Formatted: Indent: Left: 0.5", No bullets or

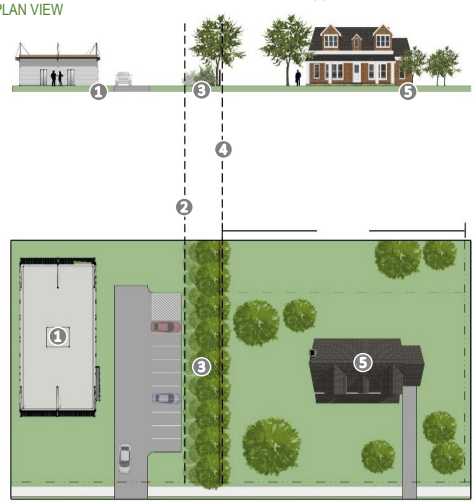
Formatted: Font: 5 pt

Formatted: Indent: Left: 0"

Formatted: Centered, No bullets or numbering

Formatted: Font: Italic

FIGURE 8: WROUGHT IRON FENCE WITH THREE (3) TIERED SCREENING IN PLAN VIEW



❶: COMMERCIAL PROPERTY; ❷: 20-FOOT LANDSCAPE BUFFER; ❸: THREE (3) TIERED SCEENING; ❹: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE ON PROPERTY LINE; ❺: RESIDENTIAL PROPERTY

FIGURE 9: ALTERNATIVE #1 [WROUGHT IRON FENCE WITH THREE (3) TIERED SCREENING IN PERSPECTIVE VIEW]

❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: LARGE SHRUB/ACCENT TREE; ❹: SMALL SHRUB; ❺: SIX (6) FOOT WROUGHT IRON FENCE; ❻: CANOPY TREES 20-FOOT ON CENTER

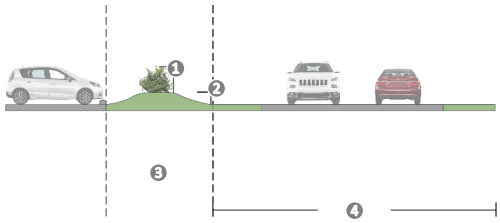
FIGURE 10: ALTERNATIVE #2 [WROUGHT IRON FENCE WITH TIERED SCREENING IN PERSPECTIVE VIEW]

❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: TWO (2) ROWS OF EVERGREEN ACCENT TREES 20-FOOT OFFSET; ❹: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE; ❺: CANOPY TREES 20-FOOT ON CENTER

~~(D)~~(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.

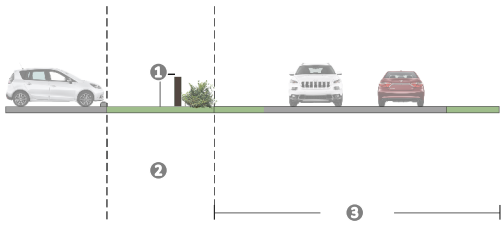
FIGURE 11: ALTERNATIVE #1 [HEADLIGHT SCREENING USING LANDSCAPING AND A BERM]



❶: MINIMUM THREE (3) FOOT SHRUB; ❷: MINIMUM TWO (2) FOOT BERM; ❸: 20-FOOT LANDCSAPE BUFFER; ❹: STREET OR ALLEYWAY

(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]



❶: MINIMUM THREE (3) FOOT MASONRY WALL; ❷: 20-FOOT LANDCSAPE BUFFER; ❸: STREET OR ALLEYWAY

~~(E)~~(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 05.03: LANDSCAPE REQUIREMENTS

(A) *Amount of Landscaping*. The following landscaping percentages shall be required and shall apply to the total site area to be developed:

TABLE 1: REQUIRED LANDSCAPING BY ZONING DISTRICT

ZONING DISTRICT	REQUIRED LANDSCAPING	REQUIRED WITH MAXIMUM CREDIT
Multi-Family 14 (MF-14) District	35%	22½%
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%
Downtown (DT) District	See Subsection 04.07: Article 05	

(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 per 1,500 SF 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.

FIGURE 13: LANDSCAPE REQUIREMENTS

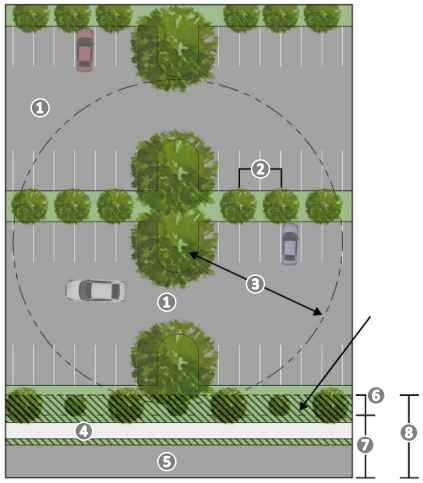
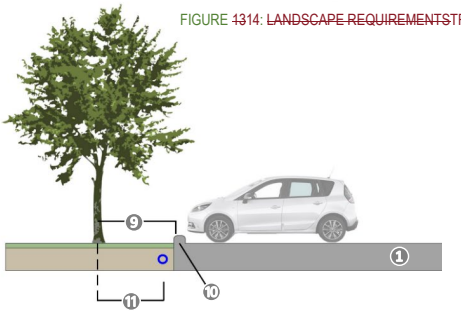


FIGURE ~~13~~14: ~~LANDSCAPE REQUIREMENTS~~TREE PLANTING REQUIREMENTS



❶: PARKING LOT; ❷: 20-FOOT SEPERATION; ❸: 80-FOOT BUFFER; ❹: SIDEWALK; ❺: STREET; ❻: TEN (10) FOOT LANDSCAPE BUFFER; ❼: RIGHT-OF-WAY; ❽: AREA REQUIRED TO BE IMPROVED WITH SOD (*I.E. HYDOMULCH IS PROHIBITED*); ❾: TREE MUST BE A MINIMUM OF FIVE (5) FEET FROM THE EDGE OF PAVEMENT; ❿: VEHICLE PROTECTION; ⓫: TREE MUST BE A MINIMUM OF FIVE (5) FEET OFF THE WATER/SEWER LINE

(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.

SUBSECTION 05.04: 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.

SUBSECTION 05.05: XERISCAPING/SMARTSCAPING STANDARDS

(A) *Purpose*. The purpose of this section is to promote the establishment of water conscious landscaping through the implementation of xeriscaping/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 C, *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/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/smartscaping 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 Subsection 05.03(D) (*i.e. one [1] tree per every 750 SF and one [1] accent tree per 1,500 SF of detention area*). Instead, a four (4) shrub**s** or ornamental grass**es** per every 750 SF of ~~dry~~ detention ~~land~~ area shall be required to be planted on the site or around the detention area.

(3) A maximum of 30.00% 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.

SECTION 06 | LANDSCAPE CREDITS

Credits to the landscape requirements may be achieved as follows:

SUBSECTION 06.01: 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 05, *District Development Standards*.

SUBSECTION 06.02: 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 06.03: 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 05.05, *Xeriscaping/Smartscaping Standards*, of this Article have been satisfied.

SECTION 07 | COMPLETION OF LANDSCAPING

SUBSECTION 07.01: IN ACCORDANCE WITH APPROVED PLANS

Except as otherwise provided in Subsection 07.02, 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 07.02) 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.

SUBSECTION 07.02: 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 07.03: FORFEITURE OF ESCROW

If a temporary Certificate of Occupancy (CO) is issued under Subsection 07.02 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.

FIGURE 15: CORNER LOTS

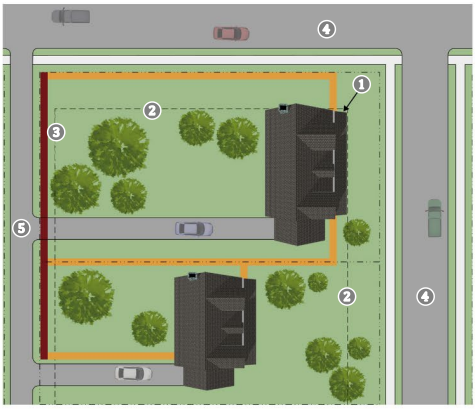


FIGURE 16: FENCES BACK TO A STREET

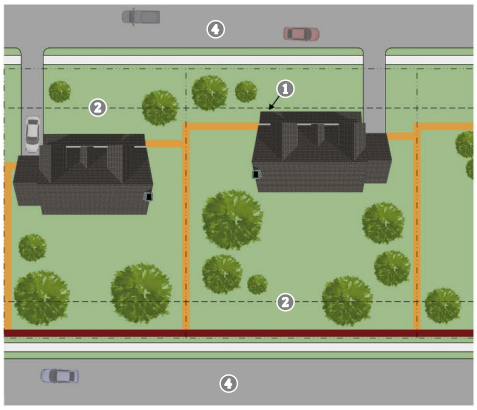
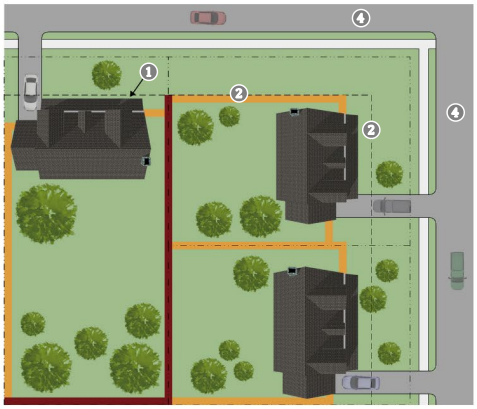


FIGURE 17: FENCES BACKING TO A SIDE YARD



❶: PORCH; ❷: 20-FOOT BUILD LINE; ❸: TEN (10) FOOT BUILD LINE; ❹: STREET; ❺: ALLEYWAY; **REAR YARD FENCE**; **SIDE YARD FENCE**

Formatted: Normal

SECTION 08 | FENCE STANDARDS

SUBSECTION 08.01: 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 08.02: 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 08, *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 08.03(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) PVC mesh (*i.e. tennis court mesh/windscreen*) or other materials or appurtenances (*e.g. slats, bamboo, mesh netting, fake or artificial plants or patterned material, signage, banners, etc.*) intended to provide screening that are affixed to wrought iron, decorative metal, chain-link or semi-transparent fencing shall be prohibited.

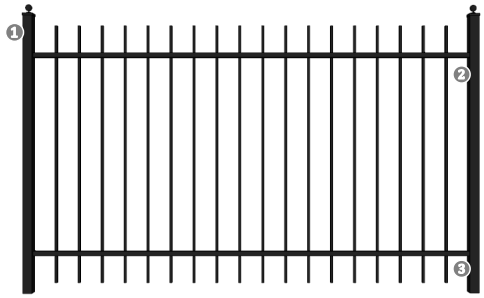
~~(6)~~(7) Solid wood fencing exceeding 48-inches in height shall be constructed using metal posts set in concrete, or brick, stone or a combination of brick and stone columns.

(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*.

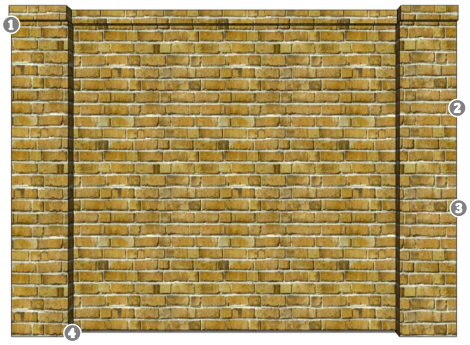
❶: Top Rail; ❷: Galvanized or Stainless-Steel Post (*Recommended Minimum of* 2.375"); ❸: Stinger Board (Recommended Minimum of 2" x 3"); ❹: Minimum ½" Wood Screen.

(2) *Wrought Iron Fence*.



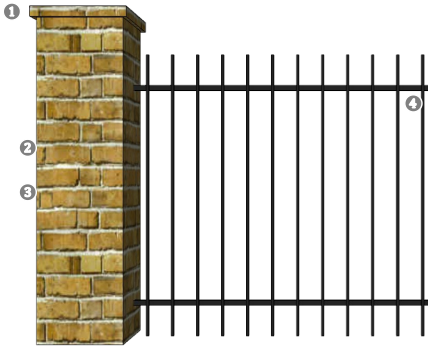
❶: Painted or Powder Coated with a Decay Resistant Paint; ❷: Top Rail; ❸: Bottom Rail.

(3) *Masonry Wall*.



❶: Rowlock Cap; ❷: Running Bond; ❸: 3/8" Tooled Joints (*Typical*); ❹: Concrete Footing/Mow Strip.

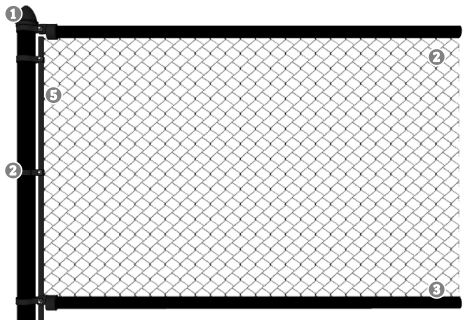
(4) *Fences with Masonry Columns*.



❶: Rowlock Cap; ❷: Running Bond; ❸: 3/8" Tooled Joints (*Typical*); ❹: Wrought Iron or *Board-On-Board* Wood Fence.

Formatted: List Paragraph, Add space between paragraphs of the same style, No bullets or numbering

(5) *Vinyl Coated Chain-Link Fence*.



❶: Post Cap; ❷: Top Rail; ❸: Bottom Rail; ❹: Tension Band; ❺: 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 08.03: 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 (s*pruce 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-feet 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 08.02(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 *not* be subject to the approval criteria and voting requirements stipulated by Section 09.01, *Exceptions to the General Standards*, of Article 11, *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 and all posts and/or framing shall be placed on the private side when adjacent to a public street (*excluding alleyway*), open space, public park, and/or neighboring properties. Painting a fence with oil or latex based paint shall be prohibited.

(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.

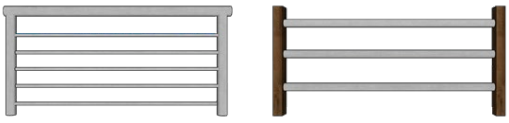
(II) *Replacement of an Existing Chain-Link Fence*. Existing chain-link fences maybe replaced with a new vinyl coated, chain-link fence that is a minimum of four (4) feet in height and a maximum of six (6) feet in height. Replacement chain-link fences may only be placed in the location of the existing 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*) and/or alternative fence standards on a *case-by-case* basis. These exceptions will *not* be subject to the approval criteria and voting requirements stipulated by Section 09.01, *Exceptions to the General Standards*, of Article 11, *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 08.03(A) & 08.03(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.

FIGURE 14: EXAMPLES OF SPLIT-RAIL AND/OR PIPE FENCING



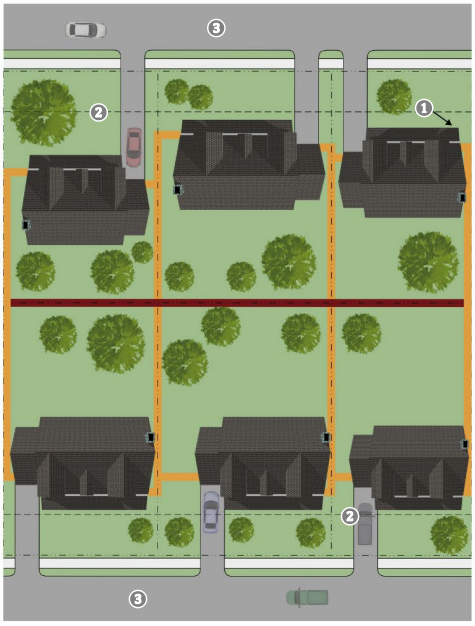
(D) *Fence Placement*.

(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*).

FIGURE 18: THROUGH LOTS

FIGURE 19: FENCES WITH COMMON REAR YARDS



❶: PORCH; ❷: 20-FOOT BUILD LINE; ❸: STREET; **REAR YARD FENCE**; **SIDE YARD FENCE**

(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*).

(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 08.03(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.

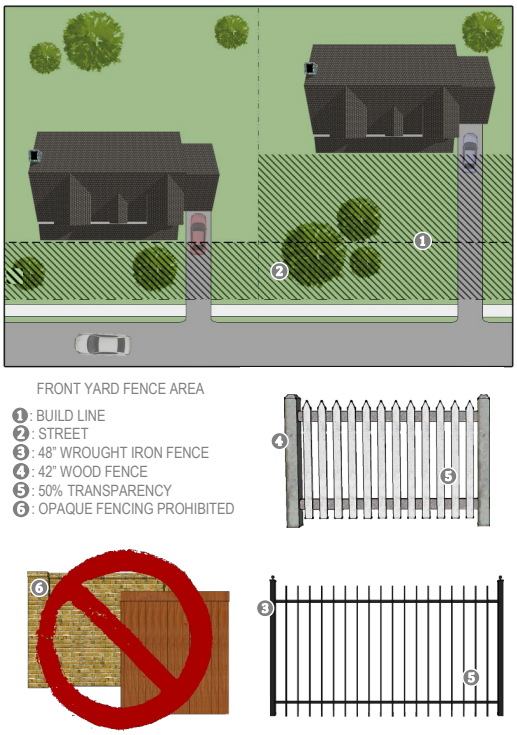
In considering a front yard fence, the Planning and Zoning Commission may require applicants to provide additional information, plans, drawings, and/or other information concerning the proposed front yard fence. In addition, the Planning and Zoning Commission may establish additional conditions of construction for any fence.

(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 08.03(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.

FIGURE 20: RESIDENTIAL FRONT YARD FENCES



FRONT YARD FENCE AREA

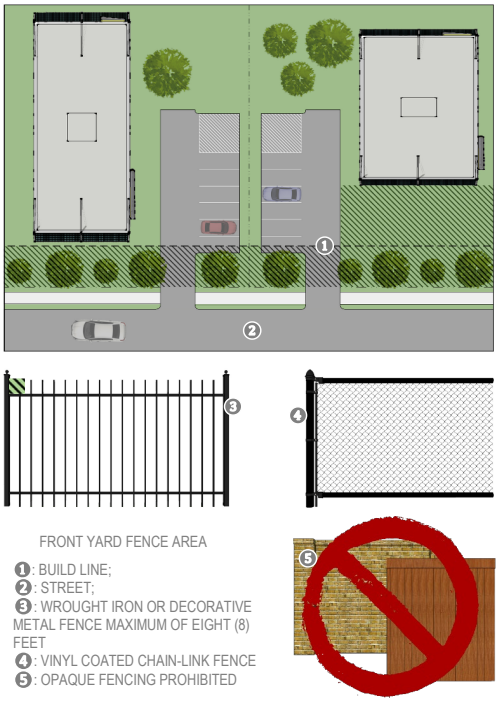
❶: BUILD LINE
❷: STREET
❸: 48" WROUGHT IRON FENCE
❹: 42" WOOD FENCE
❺: 50% TRANSPARENCY
❻: OPAQUE FENCING PROHIBITED

SUBSECTION 08.04: 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

FIGURE 21: NON-RESIDENTIAL FRONT YARD FENCES



specified in Subsection 04.07, *Downtown (DT) District*, of Article 05, *District Development Standards*, wood fences proposed in a Residential Office (RO) District or Downtown (DT) District -- *in conformance with the requirements of Subsection 08.03(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.

SECTION 09 | GENERAL MAINTENANCE

SUBSECTION 09.01: 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 09.02: 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 09.03: 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 09 | TREE PRESERVATION

SECTION 01 | PURPOSE, APPLICABILITY, AND EXEMPTIONS
SECTION 02 | DEFINITIONS
SECTION 03 | TREESCAPE PLAN
SECTION 04 | TREE REMOVAL PERMIT
SECTION 05 | TREE MITIGATION REQUIREMENTS
SECTION 06 | TREE PLANTING AND TRANSPLANTING REQUIREMENTS
SECTION 07 | TREE PROTECTION DURING CONSTRUCTION
SECTION 08 | TREE PRUNING
SECTION 09 | TREE FUND
SECTION 10 | VIOLATIONS

SECTION 01 | PURPOSE, APPLICABILITY, AND EXEMPTIONS

SUBSECTION 01.01: PURPOSE

The purpose of this *Article* is to secure the preservation of mature, healthy trees and natural areas, and to ensure the consideration of protected trees during the planning and design process for development and/or redevelopment within the City. In addition, this Article is intended to layout procedures for the protection of trees during the construction process, and outline the requirements for the replacement and replanting of trees that have been removed. This Article also provides protection for the indiscriminate clearing of any property within the City.

SUBSECTION 01.02: APPLICABILITY

The terms and provisions of this Article shall apply to all real property within the City's corporate limits that meets one of the following criteria:

(A) The establishment of a new subdivision of land.

(B) The replatting of undeveloped land for the purpose of combining and/or subdividing real property.

(C) The development of a residential tract of land that is greater than or equal to three (3) acres.

(D) The development and/or removal of trees on a non-residential tract of land that is greater than or equal to one acre.

(E) A submission of a site plan and/or plat for the purpose of developing, subdividing or combing non-residential land.

SUBSECTION 01.03: EXEMPTIONS

The terms and provisions of this Article shall not apply if the following conditions exist:

(A) *Agricultural Property*. Property zoned Agricultural (AG) District and being actively used for agricultural purposes shall be exempt from the requirements specified by this *Article*; however, clear-cutting of land on property zoned Agricultural (AG) District that is not being actively used for agricultural purposes is prohibited.

(B) *Damaged/Diseased Trees*. If a certified arborist establishes that the tree is dead, diseased, damaged beyond the point of recovery, or in danger of falling the tree maybe removed.

(C) *Residential Property*. The owner of a property with an existing single-family home shall be exempt from the tree protection and replacement requirements specified by this Article as it pertains to that property on which the home is located.

(D) *Public Safety*. If the City determines that a tree or trees create unsafe vision clearance or conflicts with other ordinances or regulations, or the tree or trees are determined to be in a diseased, dead, hazardous or dangerous condition so as to endanger the public health, safety or welfare of the general public, the City or property owner may remove the tree or trees without being required to follow the terms and provisions of this ordinance.

(E) *Utility Service Interruption*. The tree has disrupted a public utility service due to tornado, flood or another act of God. Removal shall be limited to the part of the tree that is found necessary to be removed to reestablish and maintain the utility service.

(F) *Utility Companies, Utility Service and or Distribution/Transmission Lines*. Utility companies shall not be subject to the tree protection or replacement requirements in this Article when establishing distribution and transmission lines. When establishing new utility service, services should be routed between the service pole or transmission and distribution lines and the building being served in a manner that does not require the removal of a protected of feature tree. All right-of-way, easements or similar types of public property maintained by utility companies shall not be subject to the tree protection or replacement requirements of this Article.

(G) *Public Property*. All right-of-way, easements or similar types of public property maintained by the City shall not be subject to the terms and provisions of this *Article*.

(H) *Trees Clearance Pruned by a Utility*. At the discretion of the City Arborist or the Director of the Parks and Recreation Department, trees that are located under existing powerlines or within an ONCOR easement that have clearance pruned by a utility (*i.e. that have been walled or 'V-cut'*) may be exempted from the mitigation requirements stipulated by this *Article*.

SECTION 02 | DEFINITIONS

(1) *Cedar Tree*. A *Cedar Tree* referenced in this *Article* shall mean Eastern Red Cedar.

(2) *Critical Root Zone (CRZ)*. The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line but not less than a one-foot radius for each one-inch DBH.

(3) *Clear-Cutting*. The removal of all trees or a significant majority of the trees within an area.

(4) *Diameter at Breast Height (DBH)*. The diameter in inches of a tree as measured through the main trunk at a point 4½-feet above the natural ground level.

(5) *Drip Line.* A vertical line running through the outermost portion of the crown of a tree and extending down to the ground.

(6) *Feature Tree.* Any tree ~~*-- excluding non-protected trees --*~~ that has a DBH of greater than 25-inches. Feature trees may not be removed without approval of the Planning and Zoning Commission.

(7) *Limits of Construction.* A delineation on the treescape plan that shows the boundary of the area within which all construction activity will occur.

(8) *Non-Protected Tree.* All Bois d'Arc, Willow, Cottonwood, Honey Locust, Chinaberry, and Hackberry trees regardless of size, and cedar trees less than eight (8) feet in height shall be considered non-protected trees and do not require mitigation to be removed.

(9) *Primary Protected Tree.* Any tree -- *excluding non-protected trees and hackberry and cedar trees* -- that ~~have~~ has a DBH of four (4) inches or greater. The removal of any protected tree shall require the approval of the Planning and Zoning Commission. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk at DBH to one-half (½) the diameter of each additional trunk.

(10) *Protective/Temporary Fencing.* Snow fencing, chain-link fencing, orange vinyl construction fencing or similar fencing with a four-foot approximate height. The Director of Planning and Zoning and zoning or his/her designee, shall determine the appropriate type of fencing for any particular property or portion thereof.

(11) *Replacement Tree.* A tree from the reclamation/tree preservation list contained in *Table 1.1: Required Trees by District* contained in Appendix C, *Landscape Guidelines and Requirements*, of the Unified Development Code (UDC) with a minimum caliper size of four (4) inches and height of seven (7) feet. For the purpose of determining size, replacement trees should be measured at DBH.

(12) *Secondary Protected Tree.* Any cedar tree that is eight (8) feet in height or greater. The removal of any protected tree shall require the approval of the Planning and Zoning Commission. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk at DBH to one-half the diameter of each additional trunk.

(13) *Tree.* Any self-supported woody perennial plant that will attain a trunk diameter of three (3) inches DBH and normally attains an overall height of at least 15-feet at maturity; usually with one main stem or trunk and many branches.

SECTION 03 | TREESCAPE PLAN

SUBSECTION 03.01: TREESCAPE

A treescape plan is a plan showing the exact location, size (*i.e. trunk diameter and height*), and common name of all trees, four (4) inches and greater and indicating the trees that are proposed to be removed, transplanted or replaced. A treescape plan shall be prepared by a landscape architect or design professional, be drawn to the largest scale practical, and incorporate the following elements:

(A) The location of all existing and/or proposed structures, or building pads as shown on the grading plan and all improvements properly dimensioned and referenced to the property lines.

(B) The building setbacks.

(C) All existing and proposed site elevations, grades, major contour lines and the limits of construction.

(D) The location of all existing or proposed utilities and easements.

(E) The location of all protected and feature trees.

(F) The location of all trees to be removed from the site and the location of all replacement trees.

(G) A spreadsheet indicating all trees by species, the *Locational ID* or tree tag number as shown on the treescape plan, the DBH/caliper inch, the health of the tree, if the tree has a disease or an insect infestation, if it is structurally sound, and the mitigation necessary if the tree is to be removed. Each column with numeric values shall be totaled (*see Table 2: Example of Treescape Plan Spreadsheet below).*

(H) A title block stating street address, lot and block, subdivision name, date and project number.

(I) The name, address, and phone number of the person preparing the plan and the developer/property owner.

(J) Tree survey shall be performed by an arborist, horticulturalist, or landscape architect with a preference for an arborist certified by the International Society of Arboriculture (ISA).

SUBSECTION 03.02: TREESCAPE PLAN REQUIRED

No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any tree situated on a property regulated by this Article without first submitting and receiving approval of a treescape plan unless otherwise allowed by this Article.

For properties that have no protected or feature trees or where the development of the property will not require the removal of any protected or feature trees, the developer or property owner may submit a letter certifying that no protected or feature trees will be affected as a result of the proposed development. This letter will be submitted with the understanding that if it is determined that there are protected or feature trees on the property any violation of the provisions of this Article shall be subject to the violation provisions and fines stipulated in Section 10, *Violations*.

Staff may administratively approve any treescape plan or letter that does not involve the removal of any protected or feature trees.

SUBSECTION 03.03: TREESCAPE APPLICATION

All applications for treescape plans shall be submitted to the Director of Planning and Zoning or his/her designee. In addition to the application, an applicant shall also submit [*1*] a treescape plan conforming to the requirements of this Article and [*2*] a letter from the applicant or property owner indicating the reason for the removal of any protected or feature trees. A treescape plan may also be required with an application for a site plan and/or a preliminary plat, replat, or final plat.

SUBSECTION 03.04: TREESCAPE PLAN REVIEW PROCESS

The Director of Planning and Zoning, or his/her designee, shall review the treescape plan and approve the plan per the requirements of this Article, or forward any recommendations to the Planning and Zoning Commission. As part of the treescape plan review process, the City has the right to request changes or adjustments in the layout and design of a development to save trees. The Planning and Zoning Commission will review and approve or disapprove the treescape plan. The decision of

TABLE 2: EXAMPLE OF TREESCAPE PLAN SPREADSHEET

#	SPECIES	CALIPER	PROTECT OR REMOVE	TREE HEALTH (1-5)	DISEASE (Y/N)	INSECT (Y/N)	STRUCTURAL (Y/N)	MITIGATION REQUIRED
1	Live Oak	4" Caliper	Remove	2	Y	Y	Y	0
2	Cedar	10' Tall	Remove	4	N	N	N	4"
3	Red Oak	26" Caliper	Remove	3	N	N	N	52"
							TOTAL:	56"

TREE HEALTH: 1: DEAD; 2: DISEASE/STRUCTURAL ISSUES; 3: VIABLE TREE WITH CARE; 4: GOOD HEALTH; 5: EXCELLENT HEALTH
TREE GRADES: 1-2: NOT PROTECTED; 3-5: PROTECTED

the Planning and Zoning Commission may be appealed to the City Council.

SUBSECTION 03.05: TREESCAPE PLAN EXPIRATION

A treescape plan shall be valid for two years from the approval date. A treescape plan that is approved in conjunction with a preliminary plat, final plat, site plan, and/or building permit shall be valid for the same amount of time as the corresponding plan and/or permit.

SUBSECTION 03.06: BUILDER/CONTRACTOR RESPONSIBILITY

It shall be the responsibility of the builder/contractor to verify that a parcel of land has an approved treescape plan prior to commencing work on a property. In addition, the builder/contractor shall be responsible for ensuring that all construction activities meet the requirements of this *Article*.

SECTION 04 | TREE REMOVAL PERMIT

Once a treescape plan has been approved for a property, a tree removal permit will be required to remove any tree(s). Tree removal permits may be approved administratively by the Director of Planning and Zoning or his/her designee, or forwarded on to the Planning and Zoning Commission for approval. Feature trees may not be removed without the approval of the Planning and Zoning Commission. All trees removed through this process will require mitigation in accordance with the sections contained in this Article.

SECTION 05 | TREE MITIGATION REQUIREMENTS

The tree mitigation requirements shall apply for all properties that do not fall under the exemptions listed in Section 01.03, *Exemptions*, of this *Article*. In addition, if a treescape plan or tree removal permit allows for the removal of a protected or feature tree(s), the applicant and/or property owner shall account for the number of inches of tree being removed using the following criteria:

(A) *Primary Protected Trees*. Primary protected trees measuring four inches through 25-inches DBH shall be replaced on an inch-for-inch basis *(i.e. the total number of caliper inches of tree being replaced shall equal the total number of caliper inches being removed*).

(B) *Secondary Protected Trees*. *Cedar Trees* measuring eight (8) feet or greater in height shall be replaced with a single, four (4) inch caliper tree

(C) *Featured Trees*. Featured trees (*i.e. all trees greater than 25-inches*) shall be replaced with twice the number of inches being removed (*i.e. the total number of caliper inches of tree being replaced shall be twice the number of caliper inches being removed*).

(D) *Non-Protected Tree*. No mitigation will be required for the removal of any tree that is less than four (4) inches DBH or a *Cedar Tree* less than eight (8) feet in height. In addition, no mitigation shall be required for the removal of Bois d'Arc, Willow, Cottonwood, Honey Locust, Chinaberry, and Hackberry trees.

TABLE 2: SUMMARY OF MITIGATION REQUIREMENTS

Type of Tree	Mitigation Value	Mitigation Requirement	Example of Mitigation Requirements
Primary Protected Trees	4" – 25"	1":1"	A 20-inch tree would require 20-inches of mitigation.
Secondary Protect Trees	8' or Greater	1 x 4" Caliper Tree	An eight (8) foot tree would require one (1), four (4) inch caliper tree.
Featured Trees	Greater Than 25"	1":2"	A 30-inch tree would require 60-inches of mitigation.

(E) *Tree Preservation Credits*. For each saved oak, pecan or elm tree(s) 25-inches DBH or greater the mitigation balance can be reduced on an inch-for-inch basis for up to 20.00% of the total mitigation balance (*i.e. total mitigation balance × 20.00% = total eligible tree preservation credit*).

(F) *Mitigation Balance*. The total mitigation balance (*i.e. mitigation balance − tree preservation credits = total mitigation balance*) may be satisfied through one or a combination of the following:

(1) The developer/property owner can provide the required number of trees -- *four (4) inch caliper DBH minimum* -- on the subject property to offset the total mitigation balance (*e.g. if the total mitigation balance is 12-inches then three (3), four (4) inch caliper trees could be planted on-site to satisfy the mitigation requirements*).

(2) The developer/property owner may petition the parks and recreation department to accept the required number of trees -- *four (4) inch caliper DBH minimum* -- to offset the total mitigation balance (*e.g. if the total mitigation balance is 12-inches then three ~~([3),-]~~, four ~~([4)-]~~ inch caliper trees could be submitted to the parks and recreation department to satisfy the mitigation requirements*). Depending on the number of trees being submitted the Director of Parks and Recreation or his/her designee could require a facilities agreement be approved prior to accepting the trees.

(3) Tree preservation credits may be purchased at a rate of $200.00 per inch for up to 20.00% of the total replacement inches. For example, if total mitigation required was 100-inches the developer/property owner could pay a total of $4,000.00 [*i.e. (20% × 100) × $200.00 = $4,000.00*] into the City's tree fund; however, the developer/property owner would still be required to satisfy a remaining tree mitigation balance of 80-inches. In addition, if the developer/property owner plants a tree on [*1*] the property for which the tree preservation credit was assessed or [*2*] a location that is mutually agreed upon by the City and the developer/property owner, the developer/property owner shall be eligible for a reduction in the cost of tree preservation credits of up to 50.00%. These funds will be deposited in the City's tree mitigation fund and will be used for planting trees in the City's parks, medians, street rights-of-way, or other similar areas as determined by the parks and recreation department.

(4) Trees required by Article 08, *Landscape Standards*, of the Unified Development Code (UDC) shall be permitted to be subtracted from the total mitigation balance if provided on site as part of the required landscaping.

Formatted: Font: Italic

(G) *Alternative ~~tree~~ Tree ~~mitigation~~ Mitigation ~~settlement~~ Settlement ~~agreements~~Agreements*. In certain cases, the City Council -- *upon recommendation from the Planning and Zoning Commission* -- may consider an *~~alternative~~ Alternative ~~tree~~ Tree ~~mitigation~~ Mitigation ~~settlement~~ Settlement ~~agreement~~ Agreement* where, due to hardship, the applicant is unable to meet the requirements of this *Article* or where it is determined that adherence to the tree mitigation requirements will create a hardship for an applicant. These funds will be deposited in the City's tree mitigation fund and will be used for planting trees in the City's parks, medians, street rights-of-way, or other similar areas as determined by the parks and recreation department.

SECTION 06 | TREE PLANTING AND TRANSPLANTING REQUIREMENTS

SUBSECTION 06.01: REPLACEMENT TREES

All replacement trees shall be subject to the following planting requirements:

(A) All replacement trees must be maintained in a healthy growing condition for a minimum of two (2) years from the date of planting.

(B) Replacement trees shall not be planted within an area such that the mature root zone will interfere with underground public utility lines, and/or where the mature canopy of the tree will interfere with overhead utility lines. In addition, no tree shall be planted within five (5) feet of an existing fire hydrant, water line or sewer line.

(C) Replacement trees shall be selected from the reclamation/tree preservation section of *Table 1.1: Required Trees by District* contained in Appendix C, *Landscape Guidelines and Requirements*, of the Unified Development Code (UDC).

(D) All replacement trees shall be a minimum of ~~four (4)~~three (3) caliper inches DBH.

REFERENCE: AMERICAN STANDARD FOR NURSERY STOCK; ANSI Z60.1-2014 STANDARDS

SUBSECTION 06.02: TRANSPLANTING TREES

All trees conforming to the species permitted in the reclamation/tree preservation section of *Table 1.1: Required Trees by District* contained in Appendix C, *Landscape Guidelines and Requirements*, of the Unified Development Code (UDC) can be transplanted to meet the replacement requirements and shall be subject to the following planting requirements:

(A) All trees three (3) caliper inches DBH through six (6) caliper inches DBH are eligible for transplanting.

REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS

(B) All transplanted trees must survive and be maintained in a healthy condition for a minimum of two (2) years from the date of transplanting. The developer/property owner who received the transplanting credit must replace trees that do not meet these criteria.

(C) Transplanted protected trees will be listed in the tree survey with the notation that they are being transplanted.

SECTION 07 | TREE PROTECTION DURING CONSTRUCTION

SUBSECTION 07.01: TREE PROTECTION

(A) Prior to any construction or land development, the developer shall clearly mark all protected and feature trees with an aluminum tag -- *indicating the trees relationship to the treescape plan* -- and flag (*i.e. bright fluorescent red vinyl tape*). The red tape should be wrapped around the main trunk of the protected and/or feature tree at a height of approximately five (5) feet so that the tape is clearly visible during construction. In those instances where a protected tree is so close to the construction area that construction equipment could possibly damage the tree, a protective fence shall be required. The protective fence must be maintained during all construction phases until the project is finished.

(B) The developer or property owner shall be responsible for preserving all protected and feature trees during construction. This includes hiring an arborist, if necessary.

SUBSECTION 07.02: MATERIAL AND EQUIPMENT STORAGE

The developer or contractor shall not store any material or equipment under the canopy of any protected or featured tree. During the construction stage of the development no cleaning or storage of equipment or material shall be allowed within the drip line of any tree scheduled to be preserved on an approved treescape plan. Those materials include, but are not limited to, oils, solvents, mortar, asphalt and concrete.

SUBSECTION 07.03: SIGNS

No signs, wire or other attachments shall be affixed to any tree scheduled to be preserved on an approve treescape plan.

SUBSECTION 07.04: TRAFFIC

No vehicular traffic, construction equipment traffic or parking shall take place within the drip line of any tree unless on existing street pavement. This restriction does not apply to single incident access for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine mowing operations.

SUBSECTION 07.05: GRADE

No grade change in excess of two (2) inches shall be allowed within the drip line of any protected or featured tree unless adequate construction methods are approved beforehand. If approved, major grade changes (*i.e. two [2] inches or greater*) within the critical root zone of a protected or featured tree will require additional measures to maintain proper oxygen and water exchange with the roots. Root pruning will be required when disturbance will result in root exposure.

SUBSECTION 07.06: TREE FLAGGING

At the time of submittal of a treescape plan all protected trees or feature trees should be marked with an aluminum tag, which indicates its relationship to the treescape plan, and clearly flagged with bright fluorescent red vinyl tape. The red tape should be wrapped around the

Formatted: Underline
Formatted: Underline
Formatted: Underline
Formatted: Underline
Formatted: Underline
Formatted: Font: Italic
Formatted: Font: Italic

main trunk of the protected tree at a height of approximately four (4) feet so that the tape is clearly visible.

SUBSECTION 07.07: BORING

Boring of utilities under protected or feature trees shall be required in those circumstances where it is not possible to trench around the critical root zone of a protected or feature tree. When required, the length of the bore shall be the width of the critical root zone plus two (2) feet on either side of the critical root zone and shall be at a minimum depth of 48-inches.

SUBSECTION 07.08: DAMAGE

Any physical damage to a tree being preserved for a tree credit that is considered to place the survival of the tree in doubt shall be eliminated as a credited tree and will require additional trees to planted in its place at the required ratio. A certified arborist shall be consulted to determine whether physical damage to a tree places the survival of the tree in doubt.

SECTION 08 | TREE PRUNING

SUBSECTION 08.01: GENERAL

No protected or featured tree shall be pruned in a manner that would significantly disfigure the tree, or in a manner that would lead to the death of the tree.

REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS

SUBSECTION 08.02: PRUNING BY UTILITY COMPANIES

Utility companies may prune trees as necessary to reestablish disrupted service or maintain existing service without obtaining a permit.

REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS

SUBSECTION 08.03: ALLOWED PRUINING

A protected or featured tree may be pruned in cases where it is necessary to remove branches broken during the course of construction, or where protected or featured trees must be pruned to allow construction of a structure. Pruning should be done in manner that does not significantly disfigure the tree or lead to the death of the tree.

SECTION 09 | TREE FUND

SUBSECTION 09.01: ADMINISTRATION OF THE TREE FUND

The City shall administer the tree fund. The funds shall be used to purchase plant material as permitted by this ordinance, install (*including the equipment or labor necessary to install the plant materials*) and maintain trees on public property including the necessary irrigation equipment, to acquire wooded property that remains in a naturalistic state in perpetuity, to perform and maintain a city-wide tree inventory and to educate citizens and developers on the benefits and value of trees. The City Council shall have the ability to adopt alternative methods of creating tree credits and methods of distribution of trees and/or funds for purchasing trees.

Funds collected as a result of the mitigation of trees may be used to purchase trees, both deciduous and coniferous, any woody type plant or any perennial appropriate for the climatic conditions of the north Texas region.

SUBSECTION 09.02: COLLECTION OF MONEY FOR THE TREE FUND

Money contributed to the tree fund shall be paid prior to the issuance of a building permit and/or prior to the filing of a final plat.

SECTION 10 | VIOLATIONS

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this Article shall be fined $500.00 for each offense. The unlawful damage, destruction or removal of each tree shall be considered a separate incident and each offence subjects the violator to the maximum penalty of $500.00 for the first tree with each subsequent tree increasing by $500.00 increments.

No acceptance of public improvements shall be authorized and no Certificates of Occupancy (CO) shall be issued until all fines for violations of this Article have been paid to the City.

ARTICLE 11 | DEVELOPMENT APPLICATIONS AND REVIEW PROCEDURES

SECTION 01 | GENERAL
SECTION 02 | ZONING
SECTION 03 | SITE PLANS
SECTION 04 | PLATS
SECTION 05 | MISCELLANEOUS CASES
SECTION 06 | CERTIFICATE OF APPROPRIATENESS (COA)
SECTION 07 | BUILDING PERMIT FEE WAIVER
SECTION 08 | SMALL MATCHING GRANTS
SECTION 09 | EXCEPTIONS AND VARIANCES
SECTION 10 | FEE SCHEDULE

SECTION 01 | GENERAL

SUBSECTION 01.01: 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 01.02: 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 04.03, *Jurisdiction*, of Article 02, *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 01.03: 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 01.04: 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.

Alternatively, should an applicant fail to address staff's comments before the resubmittal deadline prior to the Planning and Zoning Commission meeting, the application shall be considered to be admiratively denied. If an application is denied in this manner it shall be considered to be denied without prejudice, and there shall be no restrictions on when a new application can be resubmitted; however, new applications will be required to be submitted in accordance with the City's procedures for submitting development applications.

SUBSECTION 01.05: 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,

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Font: Italic

Formatted: Font: 5 pt

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 02 | ZONING

SUBSECTION 02.01: 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 (UDC). 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 02.02: 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 04, *Permissible Uses*, of this Unified Development Code (UDC). 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 (SUP) 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.

(E) *Expiration*. Unless otherwise specified in a Specific Use Permit (SUP) ordinance, ~~A~~a Specific Use Permit (SUP) shall automatically expire due to inactivity if:

(1) 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

(2) A building permit or Certificate of Occupancy (CO) expires, is terminated or revoked under the requirements of the Codes of the City of Rockwall.

(F) *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).

(G) *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 and Zoning 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.

(H) *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 02.02(E).

SUBSECTION 02.03: 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 02.03(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

Formatted: Font: 5 pt

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 table/postpone or 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 20.00% 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 02.04: 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 02.05: 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 02.05(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.

Formatted: Font: Italic

SECTION 03 | SITE PLANS

SUBSECTION 03.01: 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.

SUBSECTION 03.02: 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:

(1) 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.

(2) 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.

Formatted: Font: Italic

SUBSECTION 03.03: 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 03.04: 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 03.04: 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 03.05: 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 03.06: 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 01.02, *Submission of an Application*. In the event the Director of Planning and Zoning determines that the

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

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 04 | PLATS

SUBSECTION 04.01: 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 05 | MISCELLANEOUS CASES

(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 06 | CERTIFICATE OF APPROPRIATENESS (COA)

SUBSECTION 06.01: 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 06.03, *Historic Overlay District*, of Article 05, *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 that is visible until a Certificate of Appropriateness (COA) has been approved by the Historic Preservation Advisory Board (HPAB).

SUBSECTION 06.02: SUBMITTAL REQUIREMENTS

The procedures and requirements for a Certificate of Appropriateness (COA) are outlined in Subsection 06.03, *Historic Overlay District*, of Article 05, *District Development Standards*.

SECTION 07 | BUILDING PERMIT FEE WAIVER

SUBSECTION 07.01: 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 07.02: 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 50.00% 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 50.00% 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 50.00% 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 07.03: 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

Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic, Underline, Font color: Accent 5
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic

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 08 | SMALL MATCHING GRANTS

SUBSECTION 08.01: 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 08.02: 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 08.03: 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 08.04: CERTIFICATION AND VERIFICATION PROCESS

Applications for the Small Neighborhood Matching Grants pursuant to Subsection 08.03 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 09 | EXCEPTIONS AND VARIANCES

SUBSECTION 09.01: 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 20.00% natural or cultured stone.

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

(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 06, *Overlay Districts*, of Article 05, *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 09.02: 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 06.02, *General Overlay Districts Standards*, of Article 05, *District Development 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 90.00% masonry (*i.e. brick, stone, or cultured stone*).

(G) The inclusion of 20.00% 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 09.03: 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 (PD)	$200.00 + $15.00/Acre
(4) MISCELLANEOUS	
(a) Variance/Special Exception*	$100.00
(b) Tree Removal	$75.00
(c) Other Miscellaneous Requests	$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

NOTES:
*: See Section (D) below.

(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-acres x $15.00/Acres = $78.75 + $200.00 [*Base Fee*] = $278.75 [*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.

(D) *Non-Compliant Structure Fees*. Fees associated with requests for a Site Plan, Specific Use Permit (SUP) or a Variance/Special Exception that deal with structures that were [*1*] constructed without a building permit, or [*2*] that were *not* constructed in conformance with an approved building permit shall be increased by $1,000.00. For example, a 5.25-acre property that is requesting approval under this section would be calculated as follows:

5.25-acres x $15.00/Acres = $78.75 + $200.00 [*Base Fee*] = $278.75 [*Typical Application Fee*] + $1,000.00 [*Forgiveness Fee*] = $1,278.75 [*Fee Due*]

ARTICLE 13 | DEFINITIONS

SECTION 01 | GENERAL
SECTION 02 | WORDS, TERMS, AND LAND USES DEFINED

SECTION 01 | GENERAL

SUBSECTION 01.01: 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 02 | WORDS, TERMS, AND LAND USES DEFINED

SUBSECTION 02.01: 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 of the City of Rockwall.

(2) *Agriculture*. ~~The planting, cultivating, harvesting and storage of grains, hay or plants, or vineyards, commonly grown in Rockwall County~~The practice of cultivating soil, producing crops, and raising livestock for food, fiber, fuel, and other products. 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 (3) 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 right-of-way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street; it is also a public space ~~or way~~, that is 20-feet or less in width, and 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 self-contained housing unit that is part of a larger building or complex ~~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 (s*ee Dwelling Unit*).

(6) *Apartment House or Building*. A building that contains numerous individual housing units~~arranged, intended or designed for more than two families~~ (*see Dwelling Unit, Multiple*).

(7) *Associated Recreation*. Leisure activities and amenities that are linked or connected to an area of ~~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 individual or entity who has been given legal authority to act on behalf of another person, organization, or entity. ~~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 floor or level of a building that is partially or entirely below ground level~~story having more than one-half of its height below the average level of the adjoining ground.~~ A *Basement* or ~~cellar~~ *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~~Director of Planning and Zoning shall determine the outline of the block.

(12) *Boardinghouse or Lodging House*. A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five (5) 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 "~~*bBuildable area*~~*Area*" refers to the portion of a parcel or tract of land that is suitable and legally permitted for the construction of buildings or structures, while complying with ~~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~~ the requirements of the~~is~~ Unified Development Code (UDC).

(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. In addition, ~~, except that~~ two (2) buildings connected by a breeze way shall not be deemed as one (1) 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, parking structures, and accessory buildings.

(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 ~~c~~City charged with implementation, inspection, and enforcement of the building codes.

~~(20) *Building, Primaryincipal*. A principal primary building refers to the main or principal structure on a property that serves as the primary residential, commercial, or industrial space. It is the main building that is intended for the primary use or occupancy on the site.is one~~

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic, Underline

~~in which a main use of the lot on which it is located is conducted.~~

~~(21)~~(20) *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 ~~within~~ the building line ~~within~~ in 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.

(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).

(b) *Side Building Setback Line (Defining a Side Yard)*. A line parallel to an adjacent lot which the building sides up to.

(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.

~~(22)~~(21) *Caliper*. The diameter of the trunk measured ~~six (6) 4½ feetinches~~ above ground level ~~up. to and including four (4) 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)~~(22) *Canopy or Shade Tree*. A large, typically deciduous or evergreen tree that forms the uppermost layer or canopy. These trees have a tall and broad crown that provides shade and shelter ~~species of tree which normally bears crown foliage no lower than six feet above ground level upon maturity~~.

~~(24)~~(23) *Carport*. A structure which is open on at least two (2) sides, covered with a roof and constructed specifically for the storage of one or more automobiles.

~~(25)~~(24) *Certificate of Occupancy*. An official document issued by the City of Rockwall to certify that a building or land use complies with applicable City requirements, and is safe for occupancy. ~~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 (UDC).~~

~~(26)~~(25) *City*. The City of Rockwall, Texas.

~~(27)~~(26) *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)~~(27) *Cluster Development*. A development strategy that concentrates buildings and infrastructure in specific areas while preserving open space and natural resources in surrounding areas. Cluster development encourages the grouping of buildings into compact clusters, leaving larger portions of the land vacant or minimally disturbed ~~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)~~(28) *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)~~(29) *Commission*. The Planning and Zoning Commission of the City of Rockwall, Texas.

~~(31)~~(30) *Comprehensive Plan*. ~~The~~ A long-term policy document that serves as a guide for future growth, development, and land use within the ~~comprehensive plan of the~~ City. It outlines a vision for the community's future and establishes goals, policies, and strategies to achieve desired outcomes. ~~of Rockwall and includes any unit or a part of such unit separately adopted and any amendment to such plan or parts thereof.~~

~~(32)~~(31) *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.~~

(32)

~~(34)~~(33) *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 (UDC).

~~(35)~~(34) *Density*. The ratio of dwelling units per gross acre of platted area being developed.

~~(36)~~(35) *District*. A zone or geographic area established by the comprehensive plan ~~within the municipality within~~ which certain zoning or development regulations apply.

~~(37)~~(36) *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 (1) family is living independently of another is based on one or more of the following criteria:

(1) Separate sanitary facilities.

(2) Separate kitchen facilities.

Formatted: Indent: Left: 0", Hanging: 0.31", Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.25", No widow/orphan control

(3) Separate entrances.

(4) Separate utilities.

~~(38)~~(37) *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.

~~(39)~~(38) *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)~~(39) *Evergreen Tree or Shrub*. A tree or shrub ~~of a~~ species which normally retains its leaves throughout the year.

~~(41)~~(40) *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 (5) people~~(excluding servants)~~ living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a nonprofit, cost-sharing basis.

~~(42)~~(41) *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)~~(42) *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)~~(43) *Frontage*. The width of a property or parcel of land along the front boundary that is adjacent to or faces the street or public right-of-way. It represents the distance between the side boundaries of the lot, measured along the front property line.~~All the property abutting on one side of a street between two intersecting streets, measured along the street line.~~

~~(45)~~(44) *Garage Apartment*. A dwelling unit attached to a private garage.

~~(46)~~(45) *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)~~(46) *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)~~(47) *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)~~(48) *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)~~(49) *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)~~(50) *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)~~(51) *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)~~(52) *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)~~(53) *Kindergarten*. A school for more than five (5) children of preschool age, in which constructive endeavors, object lessons or educational games are prominent features of the curriculum.

~~(55)~~(54) *Landscape Architect*. A person licensed to practice or teach landscape architecture in the State of Texas pursuant to state law.

~~(56)~~(55) *Landscape Buffer*. A strip of land:

(a) Which serves a buffer function on the perimeter of a building site adjacent to another building site, residentially zoned or used property, or to a public or private street or alley; and

(b) At least 80% of which is covered by natural grass, ground cover, or other natural plant materials (*excluding screening*).

~~(b)~~(c) Which is exclusive of any easements or right-of-way.

~~(57)~~(56) *Landscaping*. Trees, shrubs, ground cover, earthen berms, vines, grass, water, decorative features such as fountains, or other material approved by the City Council.

~~(58)~~(57) *Large Shrub*. A shrub which normally reaches a height of six (6) feet or more upon maturity.

~~(59)~~(58) *Large Tree*. A tree of a species which normally reaches a height of 30 feet or more upon maturity.

~~(60)~~(59) *Legislative or Governing Body*. The City Council of the City of Rockwall, Texas.

~~(61)~~(60) *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.

~~(62)~~(61) *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.

Formatted: Font: Italic

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", Don't add space between paragraphs of the same style, No bullets or numbering, Widow/Orphan control

~~(63)~~(62) *Lot Area, Minimum*. The smallest allowable size of a parcel of land as specified by the zoning district. ~~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)~~(63) *Lot, Corner*. A lot abutting upon two (2) 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, and has a front yard setback adjacent to each street. ~~.~~

~~(65)~~(64) *Lot Depth*. The length of a line connecting the midpoints of the front and rear lot lines.

~~(66)~~(65) *Lot, Double Frontage, or Through Lot*. A lot abutting on two (2) nonintersecting public streets as distinguished from a corner lot. These lots have a front yard setback adjacent to each street.

~~(67)~~(66) *Lot, Frontage*. The length of street frontage between property lines.

~~(68)~~(67) *Lot, Interior*. A lot whose side lot lines do not abut upon any public street.

~~(69)~~(68) *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)~~(69) *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.

(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.

~~(71)~~(70) *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)~~(71) *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)~~(72) *Lot Width*. The horizontal distance between side property line~~s~~, which cannot be less than the minimum lot width ~~---~~ *per the zoning district* ~~---~~ at any point on the lot~~s, measured at the front setback line~~.

~~(74)~~(73) *Lots in Separate Ownership at the Time of the Passage of this Unified Development Code (UDC)*. 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 (UDC) was derived.

~~(75)~~(74) *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)~~(75) *Manufactured Home or HUD-Code Manufactured Home*. A dwelling structure meeting the definitions and requirements specified in ~~chapter~~ Chapter 1201, Manufactured Housing, of the ~~State of~~ Texas Occupational Code.

~~(77)~~(76) *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.

~~*Modular*~~*Masonry Materials*.

- Brick.
- Natural or ~~quarried~~ Quarried ~~stone~~Stone.
- Cast or ~~cultured~~ Cultured ~~stone~~Stone (*Outside of Overlay Districts ONLY*).
- Glass ~~block~~ Block or ~~glass~~Glass.
- Tile.
- Custom ~~concrete~~ Concrete ~~masonry~~ Masonry ~~units~~ Units (*CMU; Normal ~~Or~~ or Heavy Weight Blocks ~~With~~ with ~~An~~ an Integral Color ~~That~~ that ~~Is~~ is Sandblasted, Burnished ~~Or~~ or ~~Has~~ has ~~A~~ a Split Face*).

~~(78)~~(77) *Mobile Home*. A dwelling structure meeting the definitions and requirements specified in Chapter 1201, *Manufactured Housing*, of the Texas Occupational Code~~chapter 1201 of the State of Texas Occupational Code~~.

~~(79)~~(78) *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.

~~(80)~~(79) *Municipal Uses*. Facilities owned or controlled by the City of Rockwall, including, but not limited to, office buildings, maintenance shops, treatment plants; community centers.

~~(81)~~(80) *Non-Conforming 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 non-conforming use if established prior to the passage of this Unified Development Code (UDC).

~~(82)~~(81) *Non-Permeable Coverage*. Coverage with ~~a~~ non-permeable ~~pavement~~surface.

~~(83)~~(82) *Parking Area*. ~~Space~~ Land used exclusively for the parking of vehicles, ~~and~~ where no other business is conducted, and is paved to city specifications.

Formatted: Hyperlink

Formatted: Hyperlink, Font: Not Italic

Formatted: Hyperlink

Formatted: Font: Italic

Formatted: Font: Italic, Underline

Formatted: Font: Italic

~~(84)~~(83) *Parking Space*. A designated area within a parking ~~facility~~garage, parking lot or on a street where a motor vehicle can be parked legally and safely~~., 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.

~~(85)~~(84) *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.

~~(86)~~(85) *Paving*. Material which provides an all-weather surface for the maneuvering, parking, and storage of vehicles and/or equipment. All required paving shall meet the standards specified by applicable city specifications.

~~(87)~~(86) *Permitted Use*. A use specifically allowed in one (1) or more of the various districts without the necessity of obtaining a use permit.

~~(88)~~(87) *Person*. Any individual, association, firm, corporation, governmental agency or political subdivision.

~~(89)~~(88) *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.

~~(90)~~(89) *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.

~~(91)~~(90) *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.

~~(92)~~(91) *Planning Consultant*. A private practitioner in planning, who is a member of the American Institute of Certified Planners (AICP).

~~(93)~~(92) *Plat*. A map of a subdivision or site plan that represents a tract of land, showing the boundaries and location of individual properties, easements, and streets.

(93) *Primary Building or Principal Building*. A primary building or principal building refers to the main or principal structure on a property that serves as the primary residential, commercial, or industrial space. It is the main building that is intended for the primary use or occupancy on the site.

(94) *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)~~(b) Designed to be self-propelled or permanently towable by a light duty truck; and

~~(d)~~(c) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(95) *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*).

(96) *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 without employee table service, taken out, or delivered to customers' location. Drive-through "pickup/order" window permitted provided that there is no public address system or speakers.

(97) *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.

(98) *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).

(99) *Right-of-way line*. A dividing line between a lot, tract, or parcel of land and the public right-of-way.

(100) *Screening*. Screening that complies with the construction and maintenance regulations in Section 05.02, *Landscape Screening*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).

(101) *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.

(102) *Setback*. See Building setback line.

(103) *Sign*. A name, identification, image, description, display or illustration which is affixed to, painted, or represented directly or indirectly upon a building, window, 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.

(104) *Site*. A single lot or combination of continuous lots that may or may not be owned separately, that will be developed under one (1) unified plan, as if it were a single parcel of land.

(105) *Site Plan*. The development plan for one (1) 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.

(106) *Small Tree*. A tree of a species which normally reaches a height of less than 30 feet.

(107) *Soil*. A medium that plants will grow in.

(108) *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.

(109) *Storage*. The housing of physical products, materials, or inventory in a designated location internal to a non-residential land use, until they are needed for use or sale directly to a consumer. Storage shall not be considered warehousing and is not associated with wholesale operations. ~~accumulation, stocking, or depositing of materials or items.~~ In addition, this~~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.

(110) *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 50.00% 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.

(111) *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.

(112) *Street Line*. The dividing line between the street right-of-way and the abutting property.

(113) *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.

(114) *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.~~

(115) *Subdivision*. The division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for sale, development or lease.

(116) *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.

(117) *Variance/Exception*. 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.

(118) *Visibility Triangle*. The term *visibility triangle* as defined in Section 01.08, *Public Right-of-Way Visibility*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC).

(119) *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.

~~(119)~~(120) *Warehousing*. The storage of physical products or materials in a designated facility or warehouse ~~unitl~~until they are needed for distribution or sale. Warehousing is generally associated with industrial or wholesale land uses.

~~(120)~~(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.

~~(121)~~(122) *Xeriscaping~~/Smartscaping~~*. 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 02.02: 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~~housing, raising, or training more than three (3) dogs, ~~or three (3)~~ cats, or ~~three (3) of~~ any other domesticated animal over the age of three (3) months old as a~~-- *not including livestock or farm animals* -- are housed, boarded, raised or trained as a~~ commercial enterprise, excluding livestock or farm animals. This definition ~~does not include~~excludes 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 that is larger than an *Animal Clinic for Small Animals* ~~for~~that provid~~inges~~ veterinary and surgical care to pets and animals. Services include -- *but are not limited to* -- medical consultations, surgery, diagnostics, and emergency care. ~~the diagnosis, treatment, or hospitalization of animals.~~

(4)

Formatted: Font: 5 pt

Formatted: Normal, No bullets or numbering

Formatted: Font: Not Italic, No underline

Formatted: Font: Italic, Underline

Formatted: Font: Italic

Formatted: Indent: First line: 0"

(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 biproducts 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 S~~supplementary structure or building on a residential property that is secondary to the primary dwelling and serves a supportive or complementary function. These structures are typically used for purposes such as storage, recreation, or housing equipment and are ancillary to the primary residential use of the property. ~~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 residential property where lodging accommodations are provided for short-term guests, typically on a nightly basis, in a manner that is ancillary to the primary residential use of the property. Bed and Breakfast establishments offer overnight accommodations and breakfast services to travelers, often in a more personalized setting compared to larger hotels or *Short-Term Rentals (STRs)*. Typically, Bed and Breakfast establishments are operated by the property owner who ~~may~~shall reside on-site.~~single-family owner-occupied house offering rooms with breakfast on a nightly basis for a fee.~~

(3) *Caretakers Quarters/Domestic or Security Unit*. A ~~residen~~residential unit or structure located on a property primarily for the accommodation of individuals responsible for overseeing and maintaining the property, providing domestic services, or ensuring security. These quarters typically serve as residences for caretakers, groundskeepers, domestic staff, or security personnel employed by the property owner. The primary function of these quarters/units are intended to support the operation and maintenance of the property rather than serve as a primary residence for the property owner.~~ce 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 utilized for religious or spiritual practices, typically associated with a specific faith or belief system. Monasteries or temples are often characterized by their communal living arrangements, places of worship, meditation spaces, and facilities for religious instruction and rituals. These establishments may also include amenities such as gardens, libraries, dining halls, and guest accommodations for visitors or pilgrims. Monasteries are commonly associated with religious orders or communities of monks or nuns, while temples may serve as places of worship for congregations or followers of a specific faith.~~ occupied by a community of monks, nuns, priests, or similar sects living under religious vows.~~

(5) *Duplex*. A residential building containing two (2) separate housing units, each with its own entrance and typically sharing a common wall or floor/ceiling. Duplexes are designed to accommodate two (2) households within a single structure, providing independent living spaces~~ on one (1) lot or parcel of land~~. Each unit in a duplex typically includes a kitchen, bathroom, bedrooms, and living areas, offering occupants a level of privacy similar to that of a single-family dwelling. Duplexes may be arranged side-by-side ~~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. Commercial garages typically accommodate a variety of vehicles including cars, trucks, buses, or motorcycles, and may offer storage services. These facilities may range in size from small to large operations and serve commercial fleets or specialize in specific types of vehicles.

(7) *Residential Garage*. A ~~residential~~ structure or part of a residential property designed and used primarily for ~~accessory building used for~~ the storage motor vehicles belonging to the property owner and occupants of the main residential structure and are intended to provide shelter and security for vehicles from the elements and potential theft or vandalism. In addition, to vehicle storage, residential garages may also serve as workshops, storage spaces for tools and equipment, or multi-purpose areas for recreational activities. ~~.~~ These structures are typically attached to the primary structure; however, they may also be a detached structure.

(8) *Guest Quarters/Secondary Living Unit*. A self-contained ~~n~~ accessory building that is ancillary to the primary dwelling. Guest Quarters or Secondary Living Units are designed to provide separate temporary accommodations for ~~for the temporary occupancy of~~ guests, or family members of the primary owners or occupants. These units may include amenities such as a bedroom, bathroom, and living area~~;~~. ~~H~~However, a ~~full~~ kitchen facilities ~~are~~is not permitted. These dwellings are not to be rented or otherwise used as a separate domicile.

~~(9)~~ *Home Occupation*. A business or commercial activity ~~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, and 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.~~ Home occupations allow individuals to run small-scale businesses from their homes while maintaining the residential character of the neighborhood. These businesses are secondary to the primary residential use of the property and are intended to be compatible with surrounding residential properties.

~~(10)~~(9)

~~(11)~~(10) *Limited-Service Hotel*. A type of lodging establishment that offers basic accommodation services to guests without the extensive amenities typically found in full-service hotels. Limited service hotels provide essential amenities such as guest rooms, limited food and beverage options (*if any*), and minimal on-site facilities or services. These hotels are often characterized by their lower operating costs, streamlined operations, and competitive room rates. Limited service hotels may cater to budget-conscious travelers, business ~~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.~~

~~(12)~~(11) *Full-Service Hotel*. A type of lodging establishment that offers a comprehensive range of amenities and services to guests, typically including accommodations, dining options, meeting and event spaces, recreational facilities, and various guest services such as concierge assistance and room service. ~~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.~~

~~(13)~~(12) *Residence Hotel*. A hybrid lodging establishment that combines the elements of traditional hotels with long-term residential accommodations. Residence hotels typically offer full furnished, apartment style units equipped with kitchens or kitchenettes, living areas, and separate bedrooms, providing guests with a home-like environment during their stay. These establishments cater to both short-term and extended-stay guests, offering flexible accommodations for travelers, corporate clients, and individuals in need of temporary housing solutions. Residence hotels often provide additional amenities such as housekeeping services, on-site laundry facilities, fitness centers, business centers, and communal spaces to enhance the guest experience. ~~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.~~

~~(14)~~(13) *Motel*. A lodging establishment designed primarily to provide short-term accommodations for travelers, typically accessible directly from the exterior of the building. Motels are characterized by their layout of individual guest rooms or units arranged around a central parking area, allowing guests to park their vehicles near their rooms for convenient access. Motel rooms often feature basic amenities such as beds, bathrooms, and limited furnishings catering to travelers seeking affordable and convenient overnight stays. Motels may offer additional facilities and services such as swimming pools, continental breakfasts, and guest laundry facilities. ~~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.~~

Formatted: Font: Italic

~~(15)~~(14) *Multi-Family Development or Structure~~ or Development~~*. A residential property or 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. These developments may include~~ Examples of a *Multi-Family Development* include~~ Triplexes, Quad or Fourplexes, apartments, condominiums, or other types of multi-unit residential buildings. Multi-family developments typically offer amenities such as common areas, recreational facilities, parking, and landscaping, enhancing the quality of life for residents.~~and etcetera.~~

~~(16)~~ *Portable Building*. A temporary ~~buildin~~building, typically ~~a~~ pre-made off-site, and that doesn't have a permeant foundation (*i.e. the building can be moved*). They can be used ~~temporarily~~ for storage, offices, classrooms, or retail spaces.~~that may or may not have a foundation and is transportable.~~

(15)

~~(17)~~

~~(18)~~(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.

~~(19)~~(17) *Short-Term Rental*. A *Short-Term Rental* is a residential dwelling unit, apartment, condominium, or *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* in which the entire structure or a portion thereof is offered for rent for a period exceeding 12-hours, but less than 30 consecutive days, to a particular occupant. In practice, a *Short-Term Rental* is considered to be a residential land use, and is *not* considered to be a *Limited-Service Hotel*, *Full-Service Hotel*, *Residence Hotel*, *Motel*, or *Bed and Breakfast* as defined in this Unified Development Code (UDC). *Short-Term Rentals* can be further defined based on the following three (3) categories:

(a) *Short-Term Rental (Owner-Occupied Single-Family Home, Townhome, or Duplex)*. A single-family home, townhome, or duplex -- *or portion thereof* -- in which the property owner or operator, as reflected in a valid lease agreement, is a resident (*i.e. occupies the primary structure*) and is present during the rental. This includes when a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* is detached from the primary structure and either the primary or secondary structure is rented, but the owner or operator resides on the property.

(b) *Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex)*. A single-family home, townhome, or duplex -- *or a portion thereof* -- in which the property owner or operator does *not* occupy the dwelling unit during the rental, or that the owner or property owner does *not* occupy another dwelling unit -- *or portion thereof* -- on the same property (*i.e. the property owner or operator is not on-site as an occupant during the rental of the property*).

(c) *Short-Term Rental (Apartment or Condominium)*. An *Apartment* or *Condominium* (*or similar multi-family structure, excluding duplexes, but including triplexes or quadplexes, as defined in this Unified Development Code [UDC]*) -- *or a portion thereof* -- in which the property owner or operator may or may not be an occupant of the dwelling unit during the rental.

~~(20)~~(18) *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*).

~~(21)~~(19) *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*).

~~(22)~~ *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)

~~(23)~~ *Private Swimming Pool*. Aquatic facilities within residential or ~~commercial~~ properties that provide recreational, fitness, or therapeutic activities for individuals or groups. In residential settings, private swimming pools are owned and maintained by homeowners or communities, offering exclusive aquatic spaces for residents and their guests. ~~In commercial settings, pools are found in establishments like hotels, resorts, fitness centers, spas, and clubs, catering to paying patrons, members, or guests.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.~~

~~(24)~~(22) *Private Sports Court with Standalone or Dedicated Lighting*. A designated area within a residential or commercial property, that is independent of the primary structure, and is intended for sports and recreational activities. These courts are typically owned and maintained by individual homeowners, residential communities, or commercial establishments. They provide space for activities such as basketball, tennis, volleyball, or other sports, offering residents, guests, members, or patrons a convenient and private location to engage in physical exercise and leisure pursuits.

~~(25)~~ *Townhouse*. A single-family residential ~~structure~~ unit that is occupied by one (1) family and shares a common wall or walls with another single-family residential ~~unitstructure, but~~ that is on an individual lot and can be conveyed individually (*i.e. one [1] dwelling unit per lot*). Townhouses often feature multiple floors and compact footprint designs, providing private outdoor spaces such as yards or patios, and may be part of a larger planned development with shared amenities and common areas.~~These units are typically constructed in a series or group of units.~~

(23)

Formatted: Left

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: Italic

Formatted: Font: 5 pt, Italic

Formatted: Font: 5 pt, Underline

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: 5 pt, Bold, Italic

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: Italic

Formatted: Normal, No bullets or numbering, Widow/Orphan control, Tab stops: Not at 0.38"

Formatted: Font: 10 pt

Formatted: Font: 5 pt

Formatted: Normal, Don't add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: Not at 0.38"

Formatted: Font: 5 pt

Formatted: Font: 5 pt

Formatted: Normal, No bullets or numbering, Widow/Orphan control, Tab stops: Not at 0.38"

Formatted: Indent: Left: 0", First line: 0", Add space between paragraphs of the same style, Tab stops: Not at 0.38"

Formatted: Font: Italic, Underline

Formatted: List Paragraph, Add space between paragraphs of the same style, Tab stops: Not at 0.38"

~~(26)~~

~~(1)~~(24) *Urban Residential*. A development situated within the City's Downtown (DT) District -- *which is also referred to as the urban core*, -- that allows for single-family, single-family attached, townhomes, and lofts (*i.e. one [1] story of residential above commercial only*). This type of structure typically contains a mix of office, retail, and residential land uses.

(C) *Institutional and Community Service Land Uses.*

Assisted Living Facility. A facility that is licensed under Chapter 247, *Assisted Living Facilities*, of the Texas Health and Safety Code and offers housing and personal care services to elderly or disabled individuals who need support but not intensive medical care. It includes communal living units, dining services, and recreational activities. ~~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.~~

(1)

~~(1)~~ *Blood or Plasma Donation Center*. A ~~facility~~ commercial facility where individuals can donate blood or plasma for medical purposes. Staffed by trained professionals, it ensures a safe environment for donation and proper handling of donations for transfusions, treatments, or research.~~that allows for a person or persons to donate or sell blood or plasma for use in medical or other products.~~

(2)

(3) *Cemetery/Mausoleum*. A designated area for burying or entombing deceased individuals including animals. It includes grave plots, crypts, or niches, along with pathways and landscaping. These facilities provide a respectful resting place and space for remembrance.~~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 primarily used for religious gatherings, ceremonies, and worship services. It typically includes a sanctuary or worship hall, administrative offices, classrooms for religious education, and often ancillary facilities such as a fellowship hall, kitchen, and parking lot. These facilities serve as places for spiritual practice, community gatherings, and religious observance for adherents of a particular faith or denomination. ~~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.~~

(4)

~~(5)~~ *College, University, or Seminary*. An educational institution ~~established for educational purposes~~ offering ~~courses for study~~higher learning in academic or religious studies beyond that ~~of the~~ the secondary education level. These institutions provide a comprehensive environment for academic pursuits and personal development. This land use shall exclude *Trade Schools*.

(5)

~~(6)~~ *Convalescent Care Facility/Nursing Home*. A facility ~~providing primarily inpatient health care, personal care, or rehabilitative services on a 24-hour basis~~that provides long-term care, medical services, and assistance with activities of daily living for individuals who require ongoing support due to illness, injury, or advanced age. These facilities typically offer 24-hour nursing care, medication management, rehabilitation services, and assistance with personal care tasks such as bathing, dressing, and eating~~over a long period of time to persons chronically ill, aged, or disabled who need ongoing health supervision~~, but not hospitalization.

(6)

~~(7)~~

~~(8)~~(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.

~~(9)~~(8) *Crematorium*. A facility licensed, or qualified to be licensed, by the State of Texas for the cremation of human or animal remains.

~~(10)~~(9) *Daycare with Seven (7) or More Children*. A state licensed facility ~~-- *other than a public, parochial, or private school* --~~ excluding public ~~, parochial,~~ or private schools, dedicated to caring for~~providing care for~~ seven (7) or more children under the age of 14 years old. This care is provided for less than 24-hours per day, ~~(typically daytime hours only)~~during daytime hours, and is situated at a non-residential location ~~other than a residence~~.

~~(11)~~(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.

~~(12)~~(11) *Group or Community Home*. A facility that is licensed under Chapter 247, *Assisted Living Facilities*, of the Texas Health and Safety Code, and serves as 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.

~~(13)~~(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,

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: Not Italic, No underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Underline

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: 5 pt

Formatted: Font: 5 pt, No underline

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: Not Italic

Formatted: Font: Italic

Formatted: Font: Italic, Underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

employment offices, police and fire stations, and/or motor vehicle licensing and registration services.

~~(14)~~(13) *Halfway House*. A facility where persons are aided in readjusting to society following a period of imprisonment, hospitalization, homelessness, or institutionalized treatment.

~~(15)~~(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.

~~(16)~~(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.

~~(17)~~(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.

~~(18)~~(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.

~~(19)~~(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.

~~(20)~~(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.

~~(21)~~(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.

~~(22)~~(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.

~~(23)~~(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) *Trade School*. An educational institution specializing in vocational training for specific trades or professions. It provides hands-on instruction in areas like automotive repair, construction, and healthcare, preparing students for entry into their chosen field.

(25) *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.

(26) *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 01, *Land Use Schedule*, of Article 04, *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 or Medical Office Building*. An *office building* is a facility that ~~facility that~~ provides executive, management, administrative, or professional services not specifically listed elsewhere in Section 01, *Land Use Schedule*, of Article 04, *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. A *medical office building* is a facility designed to support a range of healthcare services, including diagnostics, treatments, and administrative functions. These services encompass procedures requiring medical devices or the expertise of a qualified medical professional. Examples include but are not limited to medical doctor offices, physical therapy, massage therapy, chiropractic care, Botox treatments, and sonograms.

(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

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

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.*

(a) ~~(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.

~~(4)~~*(b)* ~~(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.*

(a) ~~(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.

~~(10)~~(b) ~~(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) *Alcoholic Beverage Package Sales*. The act of selling beer, wine, and/or liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- in accordance with the requirements of this Unified Development Code (UDC) by a person, establishment, or place of business.

(2) *Alcoholic Beverage Store*. A standalone retail establishment that engages in the sale of beer, wine, *and* liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- to the general public for off-premise personal or household consumption.

(3) *Antique/Collectible Store*. A retail establishment that engages in the selling of works of art, furniture or other artifacts of an earlier period.

(4) *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.

(5) *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

Formatted: Font: Not Italic, No underline

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

Formatted: List Paragraph, Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Font: Italic, Underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: List Paragraph, Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

dancing, dining, and other entertainment activities that customarily occur in association with banquets, weddings, or receptions.

(6) *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.

(7) *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.

(8) *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.

(9) *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.

(10) *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.

(11) *Copy Center.* An establishment that reproduces, in printed form, individual orders from a business, profession, service, industry, or government organization.

(12) *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.

(13) *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.

(14) *Food Trucks/Trailers.* 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.

(15) *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.

(16) *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.

(17) *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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(18) *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.

(19) *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.

(20) *Self-Service Laundromat.* A facility where patrons wash, dry or dry clean clothing and other fabrics in machines operated by the patron.

(21) *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.

(22) *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.

(23) *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*.

(24) *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.

(25) *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.

(26) *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.

(27) *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.

(28) *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.

(29) *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.

(30) *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.

(31) *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.

(32) *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.

(33) *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.

(34) *Tailor, Clothing, and/or Apparel Shop.* An establishment engaged in custom making, altering, or the repair of clothing.

(35) *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.

(36) *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 Bond Services~~s~~*. 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 ~~or~~, 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.

~~(16)~~
~~(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)~~(17) *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) *New and/or Used 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

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

~~tuneups~~tune-ups, 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.

(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 for~~,~~ 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 Plating or~~/~~E Electro-~~p~~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 of ~~(~~Sand, Gravel, Oil and Other Materials~~)~~*. 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/or Machine Shop*. A workshop were 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.

~~Accessory Antenna~~Antenna for a Residential Property. A structure or device mounted on a residential property intended for the transmission or reception of electromagnetic signals, including but not limited to television, radio, satellite, or internet communications. Antennas may include satellite dishes, television antennas, radio antennas, or similar devices, and may be freestanding, mounted on buildings, or attached to existing structures. ~~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.~~

Formatted: Not Highlight

~~(2) *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.~~

~~(3)~~(2) *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.

~~(4)~~(3) *Antenna Dish.* An antenna that is parabolic or bowl-shaped and that receives and/or transmits signals in a specific directional pattern

~~(5)~~(4) ~~*Commercial*~~ *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure).* 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.

~~(6)~~(5) *Mounted or Attached 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.

(6) *Bus Charter and Service Facility*. A facility for the loading and discharging of train or bus passengers.

(7) *Commercial Drone Delivery Hub*. A dedicated facility used primarily for the distribution and management of unmanned aerial vehicles (UAVs), commonly known as drones, for the delivery of goods and services. This land use may also be incorporated as an accessory land use to retail, restaurant, or other permitted businesses in certain areas of the City.

(8) *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.

(9) *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.

(10) *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.

(11) *Private Streets.* A private vehicular access way shared by and serving two (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.

(12) *Radio Broadcasting.* A land use that broadcasts amplitude modulation or frequency modulation audio signals for general public reception.

(13) *Railroad Yard or Shop.* A facility used for the storage of railway cars, boxcars and engines and related equipment.

(14) *Recording Studio.* A facility that provides an environment for the purposes of writing, collaborating, preforming, instruction, preparing, or completing audio recordings.

(15) *Satellite Dish.* An oval or round, parabolic apparatus capable of receiving television communications.

(16) *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.

(17) *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.

(18) *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.

(19) *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.

(20) *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.

(21) *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.

(22) *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.

~~*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 unconceal~~

APPENDIX C | LANDSCAPING GUIDELINES AND REQUIREMENTS

SECTION 01 | INTRODUCTION
SECTION 02 | PURPOSE
SECTION 03 | DISTRICT LANDSCAPING REQUIREMENTS
SECTION 04 | TREE PLANTING GUIDELINES AND REQUIREMENTS
SECTION 05 | EFFECTIVE DATE AND APPLICABILITY
SECTION 06 | RECOMMENDED SHRUB VARIETIES
SECTION 07 | RECOMMENDED GRASSES
SECTION 08 | ALTERNATIVE PLANTING LIST

SECTION 01 | INTRODUCTION

These guidelines were drafted by the citizens and local experts for the purpose of outlining the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC), and to provide guidelines for plantings that are appropriate within the City of Rockwall.

SECTION 02 | PURPOSE

The purpose of the following appendix is to provide a general reference guide for meeting the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC). This appendix is not intended to be a comprehensive list of all plant materials that can be utilized for development within the City of Rockwall. The Director of Planning and Zoning or his/her designee can approve a landscape plan that includes tree, shrub, and grass varieties not indicated in this appendix upon a finding that the proposed planting is appropriate for the development.

SECTION 03 | TREE PLANTING GUIDELINES AND REQUIREMENTS

The following table and guidelines are a summary of the required tree planting requirements stipulated by Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).

TABLE 1: REQUIRED TREES BY DISTRICT

		OVERLAY DISTRICTS												
		IH-30	SH-205	SOV	SH-66	205-BY	N-205	E-66	FM-549	SH-276	DT	NON	XERI	REC
CANOPY TREES	AFGHAN PINE	X	X	X	X	X	X	X	X	X		X	X	X
	BALD CYPRESS	X				X			X	X	X	X		X
	BURR OAK	X	X	X	X	X	X	X	X	X	X	X	X	X
	CADDO MAPLE		X	X			X	X	X			X		X
	CEDAR ELM	X	X	X	X	X	X	X	X	X	X	X		X
	CHINQUAPIN OAK										X	X	X	X
	EASTERN RED CEDAR	X				X				X	X	X		X
	HOMESTEAD ELM	X				X				X	X	X		X
	LACEBARK ELM	X	X	X	X	X	X	X	X	X	X	X		X
	LEYLAND CYPRESS		X	X			X	X	X			X		X
	LITTLE GEM MAGNOLIA	X	X	X	X	X	X	X	X	X	X	X		X
	LIVE OAK	X	X	X	X	X	X	X	X	X	X	X		X
	OCTOBER GLORY MAPLE	X	X	X	X	X	X	X	X	X	X	X		X
	PECAN										X	X		X
	TEXAS ASH	X			X	X			X	X		X		X
	TEXAS RED OAK	X			X	X			X	X	X	X		X
ACCENT TREES	DESERT WILLOW	X	X	X	X	X	X	X	X	X	X	X	X	X
	DOWNY HAWTHORN										X	X		X
	EASTERN REDBUD	X	X	X	X	X	X	X	X	X	X	X		X
	EVES NECKLACE	X	X	X	X	X	X	X	X	X	X	X	X	X
	MEXICAN BUCKEYE	X	X	X	X	X	X	X	X	X	X	X		X
	POSSUMHAW HOLLY	X	X	X	X	X	X	X	X	X	X	X	X	X
	SHANTUNG MAPLE	X	X	X	X	X	X	X	X	X	X	X		X
	FLAME LEAF SUMAC	X	X	X	X	X	X	X	X	X	X	X		X
	YAUPON HOLLY	X	X	X	X	X	X	X	X	X	X	X		X

NOTES: NON: NON-OVERLAY DISTRICTS; XERI: XERISCAPE; REC: RECLAMATION/TREE PRESERVATION

PROHIBITED TREE LIST: [*1*] CATALPA (CATALPA SP.); [*2*] HACKBERRY; [*3*] SUGARBERRY (CELTIS SP.); [*4*] HONEYLOCUST (GLEDITSIA TRIACANTHOS) ; [*5*] TULIP TREE (LIRIODENDRON TULIPIFERA); [*6*] CHINABERRY (MELIA AZEDARACH); [7] SYCAMORE (PLATANUS OCCIDENTALIS); [*8*] COTTONWOOD, POPLAR (POPULUS SP.); [*9*] WILLOWS (SALIX SP.); ~~[*10*] AMERICAN ELM (ULMUS AMERICANA); [*11*] SIBERIAN ELM (ULMUS PUMILIA);~~ [*1210*] JERUSALEM THORN/PETUMA (PARKINSONIA ACULEATA); [*1311*] BOIS D'ARC (MACLURA POMIFERA); [*1412*] FLOWERING CRABAPPLE VARIETIES (MALUS SP.); ~~[*15*] GINKO TREE (GINKO BILOBA);~~ [*1613*] PEACH/PLUM VARIETIES; [*1716*] MULBERRY VARIETIES (MORUS SP.); ~~[*18*] TEXAS MOUNTAIN LAUREL (SOPHORA SECUNDIFLORA) ; [*19*] LILAC CHASTE TREE (VITEX AGNUSCASTUS)~~; [*2017*] PINE TREE VARIETIES (PINUS SO.)~~,~~ [*2118*] SILVER MAPLE (ACER SACCHARINUM)~~,~~ [*2219*] BOX ELDER (ACER NEGUNDO) ; [*23*] MIMOSA (ALBIZIA JULIBRISSIN) ; [*24*] CATALPA (CATALPA SP.).

SECTION 04 | RECOMMENDED TREE VARIETIES (CANOPY AND ACCENT TREES)

The following information concerning the City's recommended trees was obtained from the Texas A&M Forest Service, Texas *Tree Planting Guide* and all illustrations were provided courtesy of Texas A&M Forest Service *Copyright by Robert O'Brien*.

AFGHAN PINE

LATIN NAME: PINUS ELDARICA
SECONDARY NAMES: ELDARICA PINE, MONDEL PINE

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *35' TO 50'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: RAPID
- *NATIVE*: AFGHANISTAN AND CENTRAL ASIA
- *SOIL NEEDS*: REQUIRES WELL DRAINED, DRY SOILS
- *TOLERANCES*: SALTY SOIL, DROUGHT, ALKALINE SOILS [*PH > 7.5*]
- *FEATURES*: SOFT, GREEN NEEDLES FORM A DENSE CANOPY
- *USES*: SCREENING AND WINDBREAKS
- *FIREWISE*: NO
- *ISSUES*: THE PINE TIP MOTH CAN KILL NEW SHOOTS AND RUIN THE SHAPE OF THE TREE. THE TREE IS NOT TOLERANT OF WET SITES.
- *SIMILAR SPECIES*: ALEPPO PINE (*PINUS HALAPENSIS*)

BALD CYPRESS

LATIN NAME: TAXODIUM DISTICHUM
SECONDARY NAMES: BALDCYPRESS

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 70'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: WILL GROW IN A VARIETY OF SOILS
- *TOLERANCES*: DROUGHT AND POORLY DRAINED SITES
- *FEATURES*: DECIDUOUS CONIFER WITH FEATHER-LIKE LEAVES, ROUND SEED BALLS, AND FIBROUS BARK
- *USES*: DETENTION AREAS AND POORLY DRAINED AREAS
- *FIREWISE*: YES
- *ISSUES*: WOODY 'KNEES' AND BAGWORMS
- *SIMILAR SPECIES*: MONTEZUMA BALCYPRESS (*TAXODIUM MUCRONATUM*)

BUR OAK

LATIN NAME: QUERCUS MACROCARPA
SECONDARY NAMES: MOSSY CUP OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 60'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE TO RAPID
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, PREFERS DEEPER SOIL
- *TOLERANCES*: SALTY SOIL, DROUGHT, ALKALINE SOILS [*PH > 7.5*]
- *FEATURES*: UNIQUE LEAF SHAPE, LARGEST ACORN OF ANY OAK
- *USES*: DROUGHT TOLERANT TREE
- *FIREWISE*: YES
- *ISSUES*: ACORNS AND LEAVES CAN CREATE SIGNIFICANT CLEAN-UP.
- *SIMILAR SPECIES*: WHITE OAK (QUERCUS ALBA)

CADDO MAPLE

LATIN NAME: ACER SACCHARUM 'CADDO'
SECONDARY NAMES: ELDARICA PINE, MONDEL PINE

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 60'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: SLOW TO MEDIUM
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: ROCKY & ALKALINE SOILS AND DROUGHT TOLERANT
- *FEATURES*: MEDIUM TREE WITH A ROUNDED APPEARANCE, DARK GREEN FOLIAGE THAT CHANGES TO A GOLDEN COLOR IN THE FALL.
- *FIREWISE*: YES
- *ISSUES*: AVAILABILITY
- *SIMILAR SPECIES*: SUGAR MAPLE (A. SACCHARUM)

CEDAR ELM

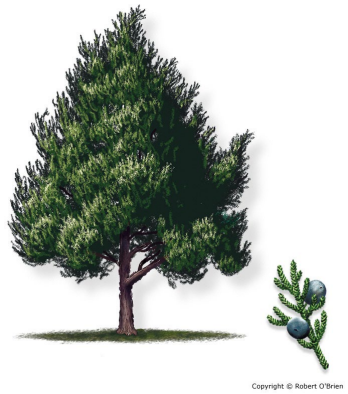
LATIN NAME: ULMUS CRASSIFOLIA
SECONDARY NAMES: TEXAS ELM

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *70' TO 90'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ALKALINE ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: LUSTROUS DARK GREEN LEAVES THAT ARE STIFF AND ROUGH TO THE TOUCH
- *USES*: LANDSCAPE TREE, PARKING LOT/STREET TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS, MINOR LEAF BEETLE & DUTCH ELM DISEASE
- *SIMILAR SPECIES*: WINGED ELM (*ULMUS ALATA*)

CHINQUAPIN OAK

LATIN NAME: QUERCUS MUEHLENBERGII
SECONDARY NAMES: CHINKAPIN OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: SLOW TO MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, ALKALINE SOILS
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: YELLOW-GREEN LEAVES W/ SMALL ACORNS (~3/4" LONG)
- *USES*: SHADE TREE
- *FIREWISE*: YES
- *ISSUES*: SENSITIVE ROOT SYSTEM; AS LITTLE AS ONE (1) INCH OF FILL DIRT CAN HURT THE TREE.
- *SIMILAR SPECIES*: SWAMP CHESTNUT OAK (QUERCUS MICHAUXII)



EASTERN RED CEDAR

LATIN NAME: JUNIPERUS VIRGINIANA VAR. VIRGINIANA
SECONDARY NAMES: PENCIL CEDAR

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *30' TO 50'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: MEDIUM
- *NATIVE*: EASTERN NORTH AMERICA
- *SOIL NEEDS*: ACIDIC, ALKALINE, LOAMY, WELL-DRAINED AND CLAY
- *TOLERANCES*: DROUGHT, EROSION, DRY SOIL, SHALLOW ROCKY AREAS
- *FEATURES*: SCALE-LIKE EVERGREEN LEAVES COMPACTED TO FORM ROUNDED FOUR (4) SIDED BRANCLETS.
- *USES*: WINDBREAKS AND FENCE ROWS, SCREENING TREE
- *FIREWISE*: NO
- *ISSUES*: CEDAR APPLE RUST AND BAGWORMS.
- *SIMILAR SPECIES*: SOUTHERN REDCEDAR (JUNIPERUS VIRGINIANA VAR. SILICICOLA) AND ROCKY MOUNTAIN JUNIPER (J. SCOPULORUM)

HOMESTEAD ELM

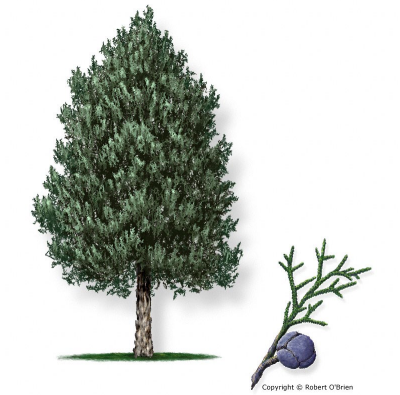
LATIN NAME: ULMUS 'HOMESTEAD'

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 60'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: DARK GREEN LEAVES THAT TURN BLEACH YELLOW IN THE FALL AND GREENISH TINY MULTI FLOWERED PENDULOUS RACEMES IN SPRING.
- *USES*: SHADE TREE
- *FIREWISE*: YES
- *ISSUES*: RESISTANT TO DUTCH ELM DISEASE BUT SUSCEPTIBLE TO ELM LEAF BEATLE.
- *SIMILAR SPECIES*: N/A. THE HOMESTEAD ELM IS A HYBRID.

LACEBARK ELM

LATIN NAME: ULMUS PARVIFOLIA

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *35' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: CHINA, JAPAN AND KOREA
- *SOIL NEEDS*: ADAPTABLE, PREFERS WELL DRAINED SOILS
- *TOLERANCES*: DROUGHT, ALKALINE SOILS [*PH > 7.5*]
- *FEATURES*: VARIABLE FALL COLOR; INTERESTING BARK TEXTURE.
- *FIREWISE*: YES
- *ISSUES*: REQUIRES PRUNING TO DEVELOP A STRONG BRANCH STRUCTURE.
- *SIMILAR SPECIES*: SIBERIAN ELM (*ULMUS PUMILA*) AND JAPANESE ZELKOVA (*ZELKOVA SERRATA*)



LEYLAND CYPRESS

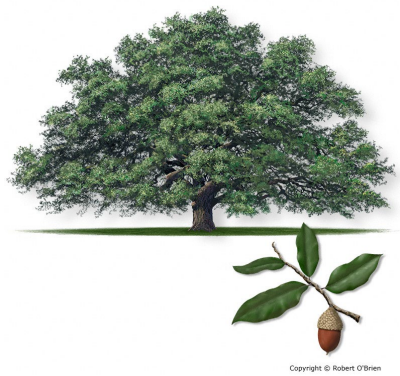
LATIN NAME: X CUPRESSOCYPARIS LEYLANDII
SECONDARY NAMES: CYPRESS

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *60' TO 70'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: RAPID
- *NATIVE*: ENGLAND AND EUROPE
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: DROUGHT AND POOR SOIL
- *FEATURES*: DECIDUOUS CONIFER WITH FEATHER-LIKE LEAVES, ROUND SEED BALLS, AND FIBROUS BARK
- *USES*: SCREENING, WINDBREAKS, AND NON-RESIDENTIAL LANDSCAPING
- *FIREWISE*: NO
- *ISSUES*: BAGWORMS AND SPIDER MITES
- *SIMILAR SPECIES*: MONTEZUMA BALDCYPRESS (TAXODIUM MUCRONATUM)

LITTLE GEM MAGNOLIA

LATIN NAME: MAGNOLIA GRANDIFLORA 'LITTLE GEM'
SECONDARY NAMES: LARGE-FLOWERED MAGNOLIA

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *15' TO 20'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: MODERATE
- *NATIVE*: SOUTHEAST UNITED STATES
- *SOIL NEEDS*: WELL DRAINED SOIL
- *TOLERANCES*: MODERATE DROUGHT, SALT AND SOIL VARIATION
- *FEATURES*: LARGE LEATHERY, DARK GREEN AND GLOSSY LEAVES WITH CUP SHAPED, WHITE FLOWERS AND OVAL AGGREGATION OF SEED PODS 3"-4" LONG.
- *USES*: SHADE AND LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: NO MAJOR PROBLEMS
- *SIMILAR SPECIES*: SWEETBAY MAGNOLIA (MAGNOLIA VIRGINIANA)



LIVE OAK

LATIN NAME: QUERCUS VIRGINIANA
SECONDARY NAMES: COAST LIVE OAK, SOUTHERN LIVE OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 50'*
- *LEAF TYPE*: *EVERGREEN/SEMI EVERGREEN*
- *GROWTH RATE*: MODERATELY FAST
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, ACIDIC, ALKALINE, CLAY, LOAMY AND WELL DRAINED
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: GREEN TO DARK GREEN LEAVES WITH SMALL ACORNS ABOUT ¾-INCH LONG AND BORNE SINGLY OR IN CLUSTERS UP TO FIVE.
- *FIREWISE*: YES
- *ISSUES*: LEAF BLISTER AND FUNGAL GALL
- *SIMILAR SPECIES*: TEXAS LIVE OAK (QUERCUS FUSIFORMIS)

OCTOBER GLORY MAPLE

LATIN NAME: ACER RUBRUM 'OCTOBER GLORY'

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE TO RAPID
- *NATIVE*: NORTH AMERICA
- *SOIL NEEDS*: ADAPTABLE; PREFERS SLIGHTLY ACIDIC SOIL
- *TOLERANCES*: MODERATE DROUGHT TOLERANCE
- *FEATURES*: SOFT, GREEN NEEDLES FORM A DENSE CANOPY
- *USES*: SHADE TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS AND LEAF SCORCH
- *SIMILAR SPECIES*: CHALK MAPLE (ACER LEUCODERME)

PECAN

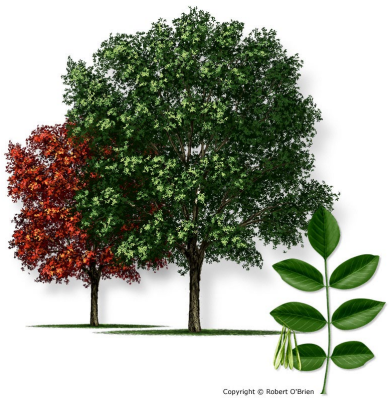
LATIN NAME: CARYA ILLINOINENSIS
SECONDARY NAMES: PECAN HICKORY

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 70'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, PREFERS DEEP MOIST SOIL
- *TOLERANCES*: DROUGHT, SALTY SOIL, POORLY DRAINED SOIL, ALKALINE SOILS [*PH>7.5*]
- *FEATURES*: NUTS ARE IN IMPORTANT WILDLIFE FOOD; MATURE CROWN IS OPEN AND AIRY.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS, BRITTLE WOOD; SUSCEPTIBLE TO INSECTS
- *SIMILAR SPECIES*: WATER HICKORY (CARYA AQUATICA) & BLACK WALNUT (JUGLANS NIGRA)

RED OAK

LATIN NAME: QUERCUS FALCATA
SECONDARY NAMES: SOUTHERN RED OAK

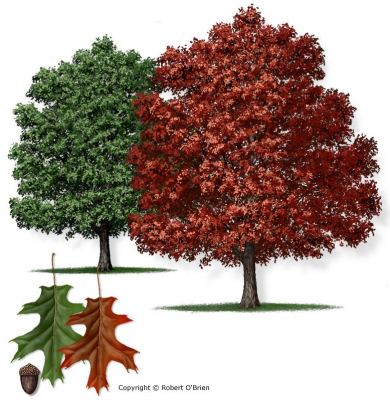
- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *30' TO 55'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: TEXAS
- *SOIL NEEDS*: AVOID PH>7.5; ANY TEXTURE; PREFERS GOOD DRAINAGE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: YOUNG TREES HAVE 'CANDLEABRA' SHAPE; FALL COLOR IS ORGANGE TO DEEP RED
- *FIREWISE*: YES
- *ISSUES*: OAK WILT
- *SIMILAR SPECIES*: BLACK OAK (QUERCUS VELUTINA)



TEXAS ASH

LATIN NAME: FRAXINUS TEXENSIS
SECONDARY NAMES: MOUNTAIN ASH

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *35' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID (BUT VARIABLE)
- *NATIVE*: EAST AND CENTRAL TEXAS
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: MEDIUM SIZED TREE WITH GREEN OR PURPLE FLOWERS AND SMALL WOODY WINGED SAMARA IN LONG PANICLES.
- *FIREWISE*: YES
- *ISSUES*: POOR DRAINAGE LEADS TO ROOT DISEASES
- *SIMILAR SPECIES*: CAROLINA ASH (FRAXINUS CAROLINIANA) AND GREGG ASH (F. GREGGII)



TEXAS RED OAK

LATIN NAME: QUERCUS BUCKLEYI
SECONDARY NAMES: BUCKLEY OAK, TEXAS RED OAK, SPANISH OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *30' TO 55'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: CENTRAL TEXAS
- *SOIL NEEDS*: ALKALINE ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: MEDIUM TREE WITH REDDISH-BROWN CATKINS/ACORNS AND SLENDER, DARK GREEN LEAVES THAT TURN RED IN THE FALL.
- *FIREWISE*: YES
- *ISSUES*: OAK WILT
- *SIMILAR SPECIES*: SHUMARD OAK (QUERCUS SHUMARDII)

DESERT WILLIOW

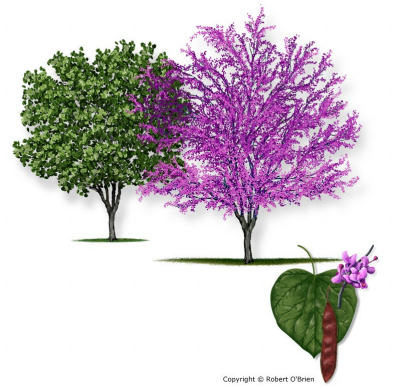
LATIN NAME: CHILOPSIS LINEARIS
SECONDARY NAMES: DESERT-WILLOW

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *15' TO 20'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MEDIUM
- *NATIVE*: WEST TEXAS
- *SOIL NEEDS*: ADAPTABLE, ACIDIC, LOAMY AND WELL DRAINED SOIL
- TOLERANCES: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: MULTI-TRUNKED, WELL BRANCHED AND THICK GROWTH
- *USES*: PRIMARILY A LANDSCAPE TREE; XERISCAPING
- *FIREWISE*: YES
- *ISSUES*: SUSCEPTIBLE TO ALTERNERIA LEAF SPOT
- *SIMILAR SPECIES*: FLOWERING WILLOW, WILLOWLEAF CATALPA, DESERT CATALPA, FLOR DE MIMBRE, MIMBRE, BOW WILLOW

DOWNY HAWTHORN

LATIN NAME: CRATAEGUS MOLLIS
SECONDARY NAMES: A VARIETY OF COMMON NAMES OFTEN ENDING IN "HAW" – ARE USED FOR THE INDIVIDUAL HAWTHORN SPECIES

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *20' TO 30'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: SLOW
- *NATIVE*: EASTERN AND CENTRAL UNITED STATES AND CANADA
- *SOIL NEEDS*: REQUIRES WELL DRAINED, DRY SOILS
- *TOLERANCES*: DRY SOIL AND DROUGHT
- *FEATURES*: SMALL TREE WITH CLUSTERS OF WHITE FLOWERS AND BRIGHT RED BERRY FRUIT.
- *USES*: LANDSCAPING
- *FIREWISE*: YES
- *ISSUES*: SUSCEPTIBLE TO SEVERAL LEAF DISEASES
- *SIMILAR SPECIES*: RIVER BIRCH (BETULA NIGRA) & GUM BULLY (SIDEROXYLON LANUGINOSUM)



EASTERN REDBUD

LATIN NAME: CERCIS CANADENSIS VAR. CANADENSIS
SECONDARY NAMES: JUDAS-TREE

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *20' TO 30'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MEDIUM
- *NATIVE*: EAST TEXAS
- *SOIL NEEDS*: ALKALINE, ACIDIC, LOAMY, SANDY AND WELL DRAINED
- *TOLERANCES*: CLAY SOILS AND VERY HIGH HEAT
- *FEATURES*: SMALL TREE WITH PINK AND PURPLE, ROSE-PURPLE OR WHITE BLOOMS AND SMALL FLATTENED PODS WITH BROWN SEEDS.
- *USES*: WILDLIFE AND LANDSCAPING
- *FIREWISE*: YES
- *ISSUES*: LEAF SPOTS, DIEBACK/CANKER, AND VERTICILLIUM WILT
- *SIMILAR SPECIES*: REDBUD

EVE'S NECKLACE

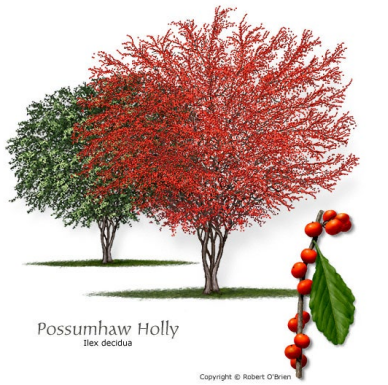
LATIN NAME: SOPHORA AFFINIS
SECONDARY NAMES: TEXAS SOPHORA, EVE'S-NECKLACEPOD

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *15' TO 35'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: FAST (*GENERALLY SLOWS AT 15'*)
- *NATIVE*: CENTRAL TEXAS
- *SOIL NEEDS*: ALKALINE ADAPTABLE
- *TOLERANCES*: VERY HIGH HEAT
- *FEATURES*: SMALL TREE WITH PALE TO ROSY PINK FLOWERS THAT BLOOM IN THE SPRING AND LONG BLACK SEGMENTED SEEDPODS.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: NO PROBLEMS REPORTED
- *SIMILAR SPECIES*: BLACK LOCUST (ROBINIA PSEUDOACACIA)

MEXICAN BUCKEYE

LATIN NAME: UNGNADIA SPECIOSA

- *CITY TREE CLASSIFICATION*: *ACCENTTREE*
- *MATURE HEIGHT*: *15' TO 30'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: NEUTRAL ALKALINE
- *TOLERANCES*: DROUGHT, ALKALINE SOILS [*PH > 7.5*]
- *FEATURES*: PINK FLOWERS APPEAR WITH NEW LEAVES; BROWN FRUIT HUSKS REMAIN THROUGH WINTER.
- *USES*: LANDSCAPE OR SPECIMEN TREE
- *FIREWISE*: YES
- *ISSUES*: REQUIRES PRUNING TO DEVELOP ONE OR MORE TRUNKS.
- *SIMILAR SPECIES*: MONILLO, MONA, TEXAS BUCKEYE, SPANISH BUCKEYE, FALSE BUCKEYE, CANYON BUCKEYE



POSSUMHAW HOLLY

LATIN NAME: ILEX DECIDUA
SECONDARY NAMES: POSSUMHAW (DECIDUOUS HOLLY)

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *8' TO 10' (OCCASIONALLY 20')*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: SLOW
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: DROUGHT, POORLY DRAINED SITES, ALKALINE SOILS [*PH>7.5*]
- *FEATURES*: ORANGE OR RED BERRIES ON GRAY BRANCHES.
- *USES*: LANDSCAPE TREE AND DETENTION TREE
- *FIREWISE*: YES
- *ISSUES*: THIN BARK SUSCEPTIBLE TO INJURY
- *SIMILAR SPECIES*: BEARBERRY, MEADOW HOLLY, PRAIRIE HOLLY, SWAMP HOLLY, WELK HOLLY, WINTERBERRY

SHANTUNG MAPLE

LATIN NAME: ACER TRUNCATUM
SECONDARY NAMES: SHANDONG MAPLE, PURPLEBLOW MAPLE

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *25' TO 35'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: NORTHERN CHINA
- *SOIL NEEDS*: LOAM, SANDY AND CLAY (ADAPTABLE)
- *TOLERANCES*: MODERATE DROUGHT
- *FEATURES*: MEDIUM SIZED TREE WITH DARK GREEN, GLOSSY LEAVES THAT CHANGE TO YELLOW ORANGE/BRIGHT RED IN THE FALL.
- *FIREWISE*: NO
- *ISSUES*: LEAF SPOT AND LEAF SCORCH
- *SIMILAR SPECIES*: JAPANESE MAPLES

FLAMELEAF SUMAC

LATIN NAME: RHUS LANCEOLATA
SECONDARY NAMES: PRAIRIE SUMAC, PRAIRIE FLAMELEAF SUMAC

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *40' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: NEUTRAL ALKALINE
- *TOLERANCES*: DROUGHT, ALKALINE SOILS [*PH* > 7.5]
- *FEATURES*: COMPOUND LEAVES TURN BRIGHT RED IN FALL; WHITE FLOWER SPIKES BEAR RED CLUSTERS OF BERRIES.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: REQURIES PRUNING TO DEVELOP ONE OR MORE TRUNKS.
- *SIMILAR SPECIES*: TEXAS SUMAC, LANCE-LEAVED SUMAC, LIMESTONE SUMAC AND PRAIRIE SHINING SUMAC

YAPON HOLLY

LATIN NAME: ILEX VOMITORIA
SECONDARY NAMES: YAUPON, CASSINA

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *10' TO 20'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: SLOW
- *NATIVE*: SOUTHEAST UNITED STATES (TEXAS)
- *SOIL NEEDS*: WELL DRAINED, SANDY, LOAMY, CLAY AND LIMESTONE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: SMALL TREE WITH INCONSPICUOUS LIGHT GREEN BLOOMS AND RED BERRY LIKE DRUPE.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS, MINOR LEAF BEETLE & DUTCH ELM DISEASE
- *SIMILAR SPECIES*: EVERGREEN CASSENA, EMETIC HOLLY, INDIAN BLACK DRINK

SECTION 05 | RECOMMENDED SHRUB VARIETIES

The following are the City of Rockwall's recommended shrub varieties.

	SHRUB	SCIENTIFIC NAME	SCR	XERI	
3	BARBERRY	BERBERIS THUMBERGII 'CRIMSON PYGMY'			SMALL SHRUBS
8	DWARF YAUPON HOLLY	ILEX VOMITORIA 'NANA'			
10	YUCCA	YUCCA SP.		X	
16	JUNIPER	JUNIPERUS SP.			
17	JAPANESE BOXWOOD	BUXUS JAPONICA			
20	MEXICAN OREGANO	POLIOMENTHA LONGIFLORA			
24	RED YUCCA	HESPERALOE PARVIFOLIA		X	
25	ROCK ROSE	PAVONIA LASIOPETALA		X	
1	AGARITA	MAHONIA TRIFOLIOLATA		X	MEDIUM SHRUBS
2	BARBERRY	BERBERIS ATROPURPUREA 'ROSE GLOW'			
5	CENIZO (TEXAS SAGE)	LEUCOPHYLLUM SP.	X	X	
7	DWARF BURFORD HOLLY	ILEX CORNUTA 'BURFORDII NANA'	X		
14	HOGPLUM	COLUBRINA TEXENSIS			
15	INDIAN HAWTHORN	RAPHIOLEPIS INDICA			
19	JAPANESE QUINCE	CHAENOMELES JAPONICA			
23	PEARL BUSH	EXOCHORDA GIRALDII WILSONII			
27	ROSEMARY	ROSMARINUS OFFICINALIS		X	
28	VIRGINIA SWEETSPIRE	ITEA VIRGINICA			LARGE SHRUBS
4	BRIDAL WREATH SPIREA	SPIRAEA CANTONIENSIS	X	X	
6	CHINESE FRINGE	LOROPETALUM CHINENSE	X		
9	ELAEGNUS	ELAEAGNUS X EBBINGEI	X		
11	EVERGREEN SUMAC	RHUS VIRENS			
12	FORSYTHIA	FORSYTHIA INTERMEDIA 'SPECTABILIS'			
13	GLOSSY ABELIA	ABELIA X GRADIFLORA			
18	JAPANESE CLEYERA	CLEYERA TERNSTROEMIA GYMNANTHERA			
21	NELLIE STEVENS HOLLY	ILEX 'NELLIE R. STEVENS'	X		
22	OLEANDER	NERIUM OLEDANDER	X		
26	ROSE OF SHARON	HIBISCUS SYRIACUS	X		

NOTES: XERI: XERISCAPE; SCR: SCREENING

SECTION 06 | RECOMMENDED GRASSES

The following are the City of Rockwall's recommended grass varieties.

	GRASS	SCIENTIFIC NAME	XERI
1	BERMUDA GRASS	CYNODON DACTYLON	
2	BIG BLUESTEM	ANDROPOGON GERARDII	X
3	BUFFALO GRASS	BUCHLOE DACTYLOIDES	X
4	DEER MUHLY	MUHLENBERGIA RIGENS	
5	EASTERN GAMAGRASS	TRIPSACUM DACTYLOIDES	X
6	FOUNTAIN GRASS	PENNISETUM ALOPERCUROIDES 'HAMELIN'	
7	FEATHER REED GRASS	CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER'	
8	INLAND SEAOATS	CHASMANTHIUM LATIFOLIUM	X
9	JAPANSES BLOOD GRASS	IMPERATA CYLINDRICA 'RED BARON'	
10	LITTLE BLUESTEM	SCHIXACHYRIUM SCOPARIUM	X
11	MAIDEN GRASS	ADAGIO, CABARET, GRACILLIMUS, MORINING LIGHT, VARIGATUS, ZEBRA GRASS	X
12	MEXICAN FEATHER GRASS	STIPA TENUISSIMA 'PONY TAILS'	X
13	MUHLY GRASS	MUEHELENBERGIA LINDHEIMERI	X
14	PRAIRIE MIX	N/A	X
15	PRAIRIE DROPSEED	SPOROBOLUS HETEROLEPSIS	
16	ST. AUGUSTINE GRASS	STENOTAPHRUM SECUNDATUM	X
17	SWITCH GRASS	PANICUM VIRGATUM	X
18	WEEPING LOVE GRASS	ERAGROSTIS CURVULA	X

SECTION 07 | ALTERNATIVE PLANTING LIST

The following list shows all alternative plant types permitted by the City of Rockwall since the adoption of this Appendix C, *Landscape Guidelines*, of the Unified Development Code (UDC).

Trees.

Shrubs.

Grasses.

Bermudagrass: Tif Tuf, Tahoma 31, Celebration and Tifway 419

Zoysia Grass: Zeon, Jamur, Emerald, and Palisades

Formatted: Font: Italic, Underline

CITY OF ROCKWALL

ORDINANCE NO. 24-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 VARIOUS ARTICLES AS DEPCITED IN *EXHIBITS 'A' THROUGH 'J'* 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 Director of Planning and Zoning in accordance with 02.01(C)(3) of Article 11, *Development Review Procedures*, of the Unified Development Code (UDC) to make various changes for the purpose of: [*1*] ensuring that the incorporation of new requirements and language into the document have not created conflicting references, [*2*] adjusting the language and requirements to ensure that the intent of each prerequisite is clearly conveyed, and [*3*] addressing any deficiencies identified by City staff in administering the criterion contain within the document; 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 Article 03, *Zoning Districts and Maps*, 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 Article 04, *Permissible Uses*, 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 'B'* of this ordinance;

SECTION 3. That 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 'C'* of this ordinance;

SECTION 4. That Article 06, *Parking and Loading*, 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 'D'* of this ordinance;

SECTION 5. That Article 07, *Environmental Performance*, 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 'E'* of this ordinance;

SECTION 6. That Article 08, *Landscape and Fence 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 'F'* of this ordinance;

SECTION 7. That Article 09, *Tree Preservation*, of the Unified Development Code [*Ordinance No. 20-*

DRAFT ORDINANCE 05.13.24

02] 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 11, *Development Applications and Review*, 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 'H'* of this ordinance;

SECTION 9. That Article 13, *Definitions*, 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 'I'* of this ordinance;

SECTION 10. That Appendix C, *Landscape Guidelines and Requirements*, 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 'J'* of this ordinance;

SECTION 11. 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 12. 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. 20-02*], 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 13. 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 JUNE, 2024.

_____

Trace Johannesen, *Mayor*

ATTEST:

_____

Kristy Teague, *City Secretary*

APPROVED AS TO FORM:

_____

Frank J. Garza, *City Attorney*

1st Reading: *May 20, 2024*

2nd Reading: *June 3, 2024*

DRAFT ORDINANCE 05.14.2024

Continued on Next Page …

DRAFT
ORDINANCE
05.14.2024

SECTION 01 | ZONING MAP

(A) The City of Rockwall is hereby divided into zones, or districts, as shown on the *Officiale Zoning Map* which, together with all explanatory matter thereon, is hereby adopted by reference and declared a part of this Unified Development Code (UDC). The zones, or districts, hereby established are and shall be known and cited as:

RESIDENTIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
05.02.01	Agricultural (AG) District	AG
05.03.02	Single Family Estate 1.5 (SFE-1.5) District	SFE-1.5
05.03.03	Single Family Estate 2.0 (SFE-2.0) District	SFE-2.0
05.03.04	Single Family Estate 4.0 (SFE-4.0) District	SFE-4.0
05.03.05	Single Family 1 (SF-1) District	SF-1
05.03.06	Single Family 16 (SF-16) District	SF-16
05.03.07	Single Family 10 (SF-10) District	SF-10
05.03.08	Single Family 8.4 (SF-8.4) District	SF-8.4
05.03.09	Single Family 7 (SF-7) District	SF-7
05.03.10	Zero Lot Line (ZL-5) District	ZL-5
05.03.11	Two-Family (2F) District	2F
05.03.12	Multi-Family 14 (MF-14) District	MF-14

COMMERCIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
05.04.02	Residential-Office (RO) District	RO
05.04.03	Neighborhood Services (NS) District	NS
05.04.04	General Retail (GR) District	GR
05.04.05	Commercial (C) District	C
05.04.06	Heavy Commercial (HC) District	HC
05.04.07	Downtown (DT) District	DT

INDUSTRIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
05.05.02	Light Industrial (LI) District	LI
05.05.03	Heavy Industrial (HI) District	HI

OVERLAY & SPECIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
10.01	Planned Development (PD) District	PD
05.06.03	Historic Overlay (HOV) District	HOV
05.06.04	North Goliad Street Overlay (NG OV) District	NG OV
05.06.05	Southside Residential Overlay (SRO) District	SRO
05.06.06	IH-30 Overlay (IH OV) District	IH-30 OV
05.06.07	SH-205 Overlay (SH-205 OV) District	SH-205 OV
05.06.08	Scenic Overlay (SOV) District	SOV
05.06.09	SH-66 Overlay (SH-66 OV) District	SH-66 OV
05.06.10	SH-205 By-Pass Overlay (SH-205 BY-OV) District	SH-205 BY-OV
05.06.11	North SH-205 Overlay (N. SH-205 OV) District	N. SH-205 OV
05.06.12	East SH-66 Overlay (E. SH-66 OV) District	SH-66 OV
05.06.13	FM-549 Overlay (FM-549 OV) District	FM-549 OV
05.06.14	SH-276 Overlay (SH-276 OV) District	SH-276 OV
05.06.15	Lake Ray Hubbard Takeline Overlay (TL OV) District	TL OV

(B) The ~~Office~~ *Official Zoning Map* shall be identified by the signature of the Mayor attested by the City Secretary, under the following words:

This is to certify that this is the Office Zoning Map referred to in Article 03 of the Unified Development Code (UDC) of the City of Rockwall, Texas.

(C) When changes are made in district boundaries or other matters portrayed on the ~~Officiale~~ *Zoning Map*, such changes shall be entered on the ~~Officiale~~ *Zoning Map* by the City ~~Secretary of~~ Rockwall's Geographic Information Systems (GIS) Division promptly after the amendment has been approved by City Council, and the change shall note the ordinance number and date that the change was approved.

(D) No changes of any nature shall be made in the ~~Office~~ *Official Zoning Map* or matter shown thereon except in conformity with the procedures set forth in this Unified Development Code (UDC). Any unauthorized change of whatever kind by any person shall be considered a violation of this Unified Development Code (UDC).

(E) The original reproducible tracing of the ~~Office~~ *Official Zoning Map* shall be located in the office of the Director of Planning and Zoning in city hall and shall be the final authority as to the current zoning status of land and water areas, building and other structures in the City of Rockwall.

(F) City Council may, by resolution, adopt a new ~~Office~~ *Official Zoning Map* should the original reproducible tracing of the ~~Office~~ *Official Zoning Map* be damaged, destroyed, lost or become ambiguous because of the nature or number of changes and additions. The new ~~Office~~ *Official Zoning Map* may correct drafting or other errors or omissions in the prior ~~Office~~ *Official Zoning Map*, but no other correction shall have the effect of amending the original ~~Office~~ *Official Zoning Map* or any subsequent amendment thereof. The new ~~Office~~ *Official Zoning Map* shall be identified by the signature of the ~~mayor~~ Mayor attested by the ~~city~~ City ~~secretary~~Secretary, under the following words:

This is to certify that this Office Zoning Map supersedes and replaces the Office Zoning Map adopted (date of adoption of Map being replaced) as a part of the Unified Development Code (UDC) of the City of Rockwall, Texas.

(G) Unless the prior ~~Office~~ *Official Zoning Map* has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 02 | RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

SUBSECTION 02.01: BOUNDARIES

Where uncertainty exists as to the boundaries of zoning districts as shown on the ~~Office~~ *Official Zoning Map*, the following rules shall apply:

(A) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow center lines;

(B) Boundaries indicated as approximately following platted lot lines shall be construed as following lot lines;

(C) Boundaries indicated as following City Limit lines shall be construed as following such City Limits;

(D) Boundaries indicated as parallel to or extensions of features indicated in *Subsections A, B, & C* above shall be so construed. Distances not specifically indicated on the ~~Office~~ *Official Zoning Map* shall be determined by the scale of the map;

(E) Where physical or cultural features existing on the ground are at variance with those shown on the ~~Office~~ *Official Zoning Map*, or in

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

ORDINANCE 05-14-2024

other circumstances not covered by *Subsections A & B* above, the City Council shall interpret the district boundaries.

SECTION 03 | REGULATIONS APPLICABLE TO ALL DISTRICTS

SUBSECTION 03.01: GENERAL REGULATIONS

The following regulations shall apply to all zoning districts listed in this Article and further defined in Article 04, *Permissible Uses*, and Article 05, *District Development Standards*, of the Unified Development Code (UDC).

(A) No land or building shall be used or intended for any use other than those permitted in the district wherein such land or building is located.

(B) No building shall be erected, reconstructed, enlarged, structurally altered, or moved in such manner as to evade conformity with height, bulk, yard, lot area, use, and other regulations for the district wherein such building is located.

(C) No yard provided adjacent to a building for the purpose of complying with provisions of this Unified Development Code (UDC) shall be considered as providing any part of a yard for another building on the same lot or on an adjacent lot.

(D) No street or walkway shall serve as any part of a required yard or minimum lot area although street ~~rights~~ rights ~~of~~ of-way and open space may be used in determining allowable units per acre in residential subdivisions.

(E) Every building hereafter erected or altered shall be located on a lot as defined in Article 13, *Definitions*, of the Unified Development Code (UDC).

SECTION 04 | LISTING OF APPROVED PLANNED DEVELOPMENT (PD) DISTRICTS

Planned Development (PD) Districts that have been approved and appear on the zoning maps are referenced by a Planned Development (PD) number (PD-#) and the zoning district classification and/or uses authorized by the particular zoning case. The listing of approved Planned Development (PD) Districts will be documented in Appendix A, *Planned Development (PD) Districts*, of the Unified Development Code (UDC).

SECTION 05 | LISTING OF APPROVED SPECIFIC USE PERMITS (SUP)

Specific Use Permits (SUPs) that have been approved shall be referenced by a Specific Use Permit number (S-#) and the type of use authorized by those permits. The listing of approved Specific Use Permits (SUPs) will be documented in Appendix B, *Specific Use Permits (SUPs)*, of the Unified Development Code (UDC).

SECTION 06 | ZONING UPON ANNEXATION

All territory hereinafter annexed to the City of Rockwall shall assume an interim classification of Agricultural (AG) District, pending determination of the property's initial permanent zoning in accordance with the provisions of state law and this chapter unless application for permanent zoning is submitted by the property owner at the time of annexation. ~~The Planning and Zoning Commission shall, as soon as practical after annexation of any territory to the City, institute proceedings on its own motion, to give the newly annexed territory a permanent zoning, following the same procedure as is provided by law for the adoption of original zoning procedures.~~ The interim zoning prior to the permanent zoning shall not be considered a rezoning for legal purposes. The procedure for establishing initial zoning other than Agricultural (AG) District on annexed territory shall conform to the procedure established by law for the adoption of normal zoning classifications and regulations as defined in Section 02, *Zoning*, of Article 11, *Development Review Procedures*, of the Unified Development Code (UDC).

In an area classified Agricultural (AG) District, no person shall erect, excavate, construct, or proceed or continue with the erection or construction of any building or structure or add to, enlarge, move, improve, alter, repair, convert, or extend or demolish any building or structure or cause the same to be done in any newly annexed territory to the City without first applying for and obtaining a building permit therefore from the Chief Building Official as may be required in applicable City ordinances.

Formatted: Underline, Font color: Accent 5

DRAFT ORDINANCE 05.14.2024

Continued on Next Page …

DRAFT
ORDINANCE
05.14.2024

SECTION 01 | LAND USE SCHEDULE

SUBSECTION 01.01: USE OF LAND AND BUILDINGS

Buildings, structures, and land uses shall be in conformance with the permitted uses depicted in Land Use Schedule and in compliance with Subsection 02.03, *Conditional Land Use Standards*. The following is the legend for the Land Use Schedule:

	Land Use *NOT* Permitted *OR* for Overlay Districts Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 01.02: LAND USE SCHEDULE

See the Land Use Schedule at the end of this Article.

SECTION 02 | CONDITIONAL LAND USE STANDARDS AND DEFINITIONS

SUBSECTION 02.01: DETERMINATION OF LAND USES

Land uses shall be permitted in a zoning district as indicated in *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 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 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 02.02: LAND USE DEFINITIONS

For land use definitions see Section 02.02, *Land Use Definitions*, of Article 13, *Definitions*.

SUBSECTION 02.03: 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) The property shall be a minimum of ten (10) acres of more in size.

(b) 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).

(c) 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 03.01, *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.

Formatted: Font: 8.5 pt
Formatted Table
Formatted: Font: 9 pt
Formatted: Font: 9 pt
Formatted: Font: 9 pt
Formatted: Font: 9 pt
Formatted: Font: 9 pt
Formatted: Font: Italic

DRAFT ORDINANCE 05.14.2024

(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 an 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~~Urban Farm, [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~~Urban Farm shall be reviewed as part of the Specific Use Permit (SUP), including the size and intended use.

(4) The applicant shall provide an 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~~Urban Farm, [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 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*.

(2) *Bed and Breakfast.*

(a) A *Bed and Breakfast* may only be established on an owner-occupied, single-family lot.

(b) In addition to the single-family parking requirements, one (1) parking space per bedroom shall be provided.

(c) 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).

Formatted: Font: Italic

Formatted: Font: Italic

DRAFT ORDINANCE 05.14.2024

(d) *Bed and Breakfast* shall be required to meet all applicable City Fire Codes, including providing a smoke alarm system.

(e) A *Bed and Breakfast* shall be subject to an annual inspection by the Fire Department.

(f) All applicable hotel/motel taxes shall be paid.

(g) The maximum length of a guests stay is shall be limited to 14 consecutive days in any 30-day period.

(h) 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 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(4) *Attached Garage.*

(a) See Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*.

(5) *Detached Garage.*

(a) See Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*.

(6) *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit.*

(a) *Guest Quarters or Secondary Living Units/Accessory Dwelling Unit* may be allowed on a property in a residential zoning district provided that it is ancillary to an existing single-family home.

(b) The area of ~~such quarters~~the *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* shall not exceed 30.00% of the area of the main structure.

(c) The *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* shall not incorporate kitchen facilities (*e.g. a stove or oven, food preparation area, etc.*); however, they may incorporate all other elements of a dwelling unit as outline in the definition of a *Dwelling Unit* contain in Article 13, *Definitions*.

~~(c)~~(d) ~~No such use~~A *Guest Quarters/Secondary Living Unit/Accessory Dwelling* may *not* be sold or conveyed separately without meeting the density and dimensional requirements of the zoning district as outlined in the Unified Development Code (UDC) and ~~the~~ Chapter 38, *Subdivisions*, of the Municipal Code of Ordinances~~subdivision ordinance~~.

~~(d)~~(e) *Guest Quarters/ or Secondary Living Units/Accessory Dwelling 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 07.02, *Multi-Family District Development Standards*, of Article 05, *District Development Standards*.

(10) *Portable Building.*

(a) See Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *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

Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Underline, Font color: Accent 5
Formatted: Font: Italic

DRAFT ORDINANCE 05-2024

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) *Short-Term Rental (Owner-Occupied Single-Family Home, Townhome, or Duplex).*

(a) The *Short-Term Rental* shall not incorporate accessory land uses that are not permitted within the underlying zoning district (*e.g. Banquet Facility/Event Hall which includes meeting halls and wedding venues*) as stipulated by the *Permissible Use Charts* contained within this *Article*.

(b) In order to establish and operate a *Short-Term Rental (Owner Occupied Single-Family Home, Townhome, or Duplex)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, *Short-Term Rentals*, of Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances.

(13) *Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex).*

(a) *Short-Term Rentals* that are *Non-Owner-Occupied* shall not be located within 1,000-feet of another *Short-Term Rental* that is *Non-Owner Occupied*; however, *Short-Term Rentals* that were in existence prior to April 1, 2024 that [*1*] meet the criteria established in Subsection 06.05, *Non-Conforming Short-Term Rentals*, of this *Article*, and [*2*] received a valid permit and registration -- *in accordance with Article 2, Short-Term Rentals, of Chapter 13, Rental Housing, of the Municipal Code of Ordinances* -- prior to July 1, 2024 shall be exempted from the proximity requirements.

(b) *Short-Term Rentals* that are *Non-Owner-Occupied* that do not meet proximity requirements may be considered on a *case-by-case* basis by the Planning and Zoning Commission and City Council through a Specific Use Permit (SUP). In considering a Specific Use Permit (SUP) for a *Short-Term Rental* that is *Non-Owner-Occupied* the Planning and Zoning Commission and City Council shall consider the size, location, and impact of the proposed and existing *Short-Term Rentals* on the adjacent residential properties and their occupants.

(c) The *Short-Term Rental* shall not incorporate accessory land uses that are not permitted within the underlying zoning district (*e.g. Banquet Facility/Event Hall which includes meeting halls and wedding venues*) as stipulated by the *Permissible Use Charts* contained within this *Article*.

(d) In order to establish and operate a *Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, *Short-Term Rentals*, of Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances.

(14) *Short-Term Rental (Apartment or Condominium).*

(a) The number of *Short-Term Rentals* permitted within an *Apartment Complex, Condominium Building*, or any other multi-family structure -- *as defined by this land use in Article 13, Definitions, of this Unified Development Code (UDC)* -- shall be limited to a total of five (5) percent of the total units situated on a single parcel of land. For example, if a *Condominium Building* consisted of 100-units on a single parcel of land, a total of five (5) of the units could be established as *Short-Term Rentals*. In cases where there is a remainder in the number of units, the number of units shall round up (*e.g. 25-Units x 5.00% = 1.25-Units or 2-Units*).

(b) In order to establish and operate a *Short-Term Rental (Apartment or Condominium)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, *Short-Term Rentals*, of Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances.

(15) *Single-Family Attached Structure.*

(a) See Section 03, *Residential Districts*, of Article 05, *District Development Standards*.

(b) See Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(16) *Single-Family Detached Structure.*

(a) See Section 03, *Residential Districts*, of Article 05, *District Development Standards*.

(b) See Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(17) *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 03, *Residential Districts*, of Article 05, *District Development Standards*.

(c) See Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(18) *Private Sports Court with Standalone or Dedicated Lighting.*

(A) A *Private Sports Court* includes any *Sports Court* that is separated from the primary structure or an existing residential driveway that is intended to be used for sports such as -- *but not limited to* – tennis, pickleball, basketball, volleyball, or similar activities for the property owner and/or their guests. A *Private Sports Court* does *not* include basketball courts or similar sports facilities that are

Formatted: Font: Italic, Underline

Formatted: No underline

Formatted: Font: Italic

Formatted: No underline

Formatted: Underline

Formatted: No underline

Formatted: No underline

DRAFT ORDINANCE 05-24-2024

attached to the primary structure or that make use of the existing residential driveway.

(B) A *Private Sports Court* shall be situated behind the primary structure, not situated within any easements, and be setback a minimum of ten (10) feet from all property lines.

(C) All dedicated lighting associated with a *Private Sports Court* on a residential property shall be on a standalone light pole a maximum of 14-feet in height with lighting standards that are fully cutoff and shielded and directed downward towards the surface of the court. In addition, light standards should be oriented in such a manner as to minimize light spillage and glare that could affect adjacent properties.

(D) All dedicated lighting associated with a *Private Sports Court* on a non-residential property shall adhere to the requirements of Section 03, *Outdoor Lighting for Non-Residential Properties*, of Article 07, *Environmental Performance*, of the Unified Development Code (UDC).

~~(18)~~(19) *Townhouse.*

(a) See Section 03, *Residential Districts*, of Article 05, *District Development Standards*.

(b) See the standards for the Two-Family (2F) District Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

~~(19)~~(20) *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 02.03(C)(5).

(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.

~~(a)~~(b) Playgrounds and splash pads shall be screened from all adjacent properties and public rights-of-way using mature evergreen shrubs.

(5) *Group or Community Home.*

(a) The facility must be an operated by:

(1) The Texas Department of ~~Mental Health and Mental Retardation (MHMR)~~Aging and Disability Services;

(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 02.03(C)(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 (2) 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

Formatted: No underline
Formatted: No underline
Formatted: Font: 5 pt, No underline
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: No underline
Formatted: No underline
Formatted: No underline
Formatted: Font: 5 pt, No underline
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: No underline
Formatted: No underline
Formatted: No underline
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"
Formatted: Underline, Font color: Accent 5
Formatted: Font: Not Italic, No underline
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic

DRAFT ORDINANCE 05-24

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 02.03(C)(9)(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.

(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.*

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

DRAFT ORDINANCE 05.13.2024

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

(6) *Private Club, Lodge or Fraternal Organization.*

(a) *Private Club.*

(1) *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.

(2) *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*).

(3) *Alcoholic Sales Revenue.* Revenues from the sale of alcoholic beverages shall not exceed 40.00% 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 exceed the maximum allowed percentage.

(4) *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 (1) party.

(5) *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.

(6) *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.*

(1) *Alcoholic Beverage Package Sales.*

(a) The package sales of liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- shall *only* be permitted in conjunction with an *Alcoholic Beverage Store*, and shall not be permitted as an accessory use to any other land use contained within this Unified Development Code (UDC).

(b) The package sales of beer and wine shall be permitted *by-right* as an *accessory* land use to a *General Retail Store*, *Retail Store with Gasoline Sales*, *Brew Pub*, *Craft/Micro Brewery and/or Winery*, *Brewery*, and *Winery*.

(2) *Alcoholic Beverage Store.*

(a) An *Alcoholic Beverage Store* shall include the sale of beer, wine, *and* liquor or distilled spirits as defined by the Texas Alcoholic Beverage Code.

(b) An *Alcoholic Beverage Store* shall be prohibited from locating within 1,000-feet of a lot, parcel, or tract of land with another *Alcoholic Beverage Store* situated on it as measured in a straight line between the nearest points of one (1) of the lots, parcels, or tracts of land to the other lot, parcel, or tract of land.

(3) *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 off 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.

Formatted: Font: Italic

DRAFT ORDINANCE 05.07.2024

(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.

(4) *Temporary Christmas Tree Sales Lot and Similar Uses.*

(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.

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

(a) The total building area of a Craft/Micro Brewery, Distillery, and/or Winery shall be less than 12,000 SF.

(b) A maximum of 40.00% 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.

(6) *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 30.00% 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 (1) foot taller than the materials being displayed, whichever is greater.

(2) Include a minimum of 20.00% 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 (1) 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 (~~15~~) 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.

(7) *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

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic, Underline, Font color: Accent 5

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

DRAFT ORDINANCE 05-24-2024

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 (8) square feet 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).

(8) *General Personal Service.*

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

(9) *Permanent Cosmetics.*

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

(b) Accessory use to a *General Personal Service*.

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

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

(11) *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 from the point of order.

(12) *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 from the point of order.

(13) *Retail Store with Gasoline Sales.*

(a) All fuel vents associated with the fuel storage tanks at any *Retail Store with Gasoline Sales* shall be located within the gas canopy, and shall be fully screened and not visible from adjacent properties and/or rights-of-way.

(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 04, *Permissible Uses*, and Article 08, *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 building area is defined as the entirely enclosed air-conditioned portion of the primary building*).

(c) Outdoor sales and display may occupy up to 30.00% 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 20.00% solid screening matching the material of the primary building. The remainder may be solid evergreen planting, or wrought iron or decorative metal fence.

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

DRAFT ORDINANCE 05-24-2024

(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 04, *Permissible Uses*, and Article 08, *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) *Rental, Sales, and Service of Heavy Machinery.*

(a) In the Commercial (C) District, the Rental, Sales, and Service of Heavy Machinery 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).

(b) All outside storage of equipment and machinery shall be visibly screened from all adjacent properties utilizing one of the screening alternatives outlined in Subsection 05.02(A), *Loading Docks and Outside Storage Areas*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).

(c) The storage area for equipment and machinery shall not occupy any required parking spaces. Excess parking spaces may be used if all other requirements are met.

(d) The storage and/or display of equipment and machinery shall be in a stowed position so as to not extend any part of the equipment or machinery in an upward or outward manner.

(e) The conditions above shall not be construed to permit the outside storage of equipment and machinery for outside display, and does not permit additional outside storage of other materials that are not associated with the Rental, Sales, and Service of Heavy Machinery land use.

(f) Maintenance or service of any equipment and machinery shall not be performed on-site.

(6) *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.

(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 04, *Permissible Uses*, and Article 08, *Landscape and Fence Standards*.

(2) *Minor Auto Repair Garage.*

Formatted: Font: Italic

(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 30.00% 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 04, *Permissible Uses*, and Article 08, *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).*

DRAFT ORDINANCE 05.04.2024

(a) The area to be used for outside storage and display shall not exceed 50.00% 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, etcetera shall be performed outside the building*).

(d) Accessory uses may be allowed in compliance with *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 25.00% 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, 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.

(l) *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*).

Formatted: Font: Italic

(4) *Environmentally Hazardous Materials.*

(a) Any land use which involves environmentally hazardous materials shall meet environmental standards established

DRAFT ORDINANCE 05-14-2024

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.

(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. 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 Planning and Zoning Commission 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 05.02, *Landscape Screening*, of Article 08, *Landscape and Fence Standards*. See-through fencing should be wrought iron, or similar. Chain-link 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 01.05, *Screening Standards*, of Article 05, *District Development Standards*.

(b) No outside storage shall be allowed in any zoning district adjacent to IH-30; ~~, H~~ 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 *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.

Formatted: Font: Italic

DRAFT ORDINANCE 05.04.2024

(c) Incidental Display, as defined in Subsection 02.02(F)(4), shall not be considered Outside Storage and/or Outside Display, and shall be subject to the requirements of Subsection 02.02(F)(4).

(K) *Utilities, Communications and Transportation Land Uses*

(1) *Antenna ~~as an Accessory~~for a Residential Property*.

(a) The antenna installation shall comply with the height and ~~area regulations~~setback requirements of the applicable zoning district.

~~(a)~~(b) For an *Antenna for an Amateur Radio* see Subsection 02.03(K)(2).

~~(b) Administrative approval of the antenna installation shall be required.~~

~~(c) The antenna will meet all applicable requirements of Subsection 03.06, *Antennas*.~~

(2) *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. ~~H;~~ 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 03.06, *Antennas*.~~

(3) *Antenna Dish.*

(a) Dish antennas shall not be located within front or side yards, and shall be fully screened from view from ~~streets~~ rights-of-way and public or ~~common~~ private 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; ~~. H~~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 03.06, *Antennas*.~~

(4) *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure)*.

(a) *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure)* on private property:

(1) One (1) *Freestanding Commercial Antenna* shall be permitted on a non-residential lot as allowed by the applicable zoning district.

(2) The height of the *Freestanding Commercial Antenna* shall adhere to the height and building setbacks of the applicable zoning district; however, the City Council may grant a Specific Use Permit (SUP) for a *Freestanding Commercial Antenna* that exceeds the height of the zoning district.

(3) All equipment, buildings, and/or structures shall be a material allowed by the applicable zoning district or overlay district (*whichever is more restrictive*), and be similar in color and character to the primary building on the site (*if a primary building exists*).

(4) No more than three (3) separate equipment buildings shall be located on a single lot.

(5) All equipment and buildings shall be enclosed by a wrought iron or decorative metal fence with screening shrubs a minimum of six (6) feet in height or a masonry screening wall that is a minimum of eight (8) feet in height and that is compatible in colors and materials as the primary building (*if a primary building exists*). All fences shall be as defined by Article 08, *Landscape and Fencing Standards*, of the Unified Development Code (UDC).

(6) A minimum of one (1) paved parking space providing access to the *Freestanding Commercial Antenna* shall be required. The parking space shall be reserved exclusively for use in conjunction with the *Freestanding Commercial Antenna*, and -- *where applicable* -- may be one (1) of the parking spaces provided for the primary structure on the subject property if additional parking (*above and beyond the required parking*) exists.

(7) All development associated with a *Freestanding Commercial Antenna* shall adhere to the Engineering Department's *Standards of Design and Construction Manual*.

Formatted: Font: 5 pt
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Underline, Font color: Accent 5
Formatted: Underline, Font color: Accent 5
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Font: 5 pt
Formatted: Indent: Left: 1", No bullets or numbering
Formatted: Font: 5 pt
Formatted: Normal, No bullets or numbering
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: Italic
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: Italic, Underline, Font color: Accent 5
Formatted: Font: 5 pt

DRAFT ORDINANCE 05-2024

(b) *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure)* on public property or public parkland:

(1) *Freestanding Commercial Antennas* shall be permitted *by-right* on all public property or public parkland regardless of zoning designation.

(2) The height of the *Freestanding Commercial Antenna* shall adhere to the height and building setbacks of the applicable zoning district unless otherwise approved through agreement or Specific Use Permit (SUP) by the City Council.

(3) All buildings and/or structures shall be of a material allowed by the applicable zoning district or overlay district (*whichever is more restrictive*), and be of a similar color and character to the primary building on the site (*if a primary building exists*) unless otherwise approved by the City Council through agreement or Specific Use Permit (SUP).

(4) No more than three (3) separate equipment buildings shall be located on a single lot unless otherwise approved by the City Council through agreement or Specific Use Permit (SUP).

(5) All equipment and buildings shall be enclosed by a wrought iron or decorative metal fence with screening shrubs a minimum of six (6) feet in height or a masonry screening wall that is a minimum of eight (8) feet in height and that is compatible in colors and materials as the primary building (*if a primary building exists*) unless otherwise approved by the City Council through agreement or Specific Use Permit (SUP). All fences shall be as defined by Article 08, *Landscape and Fencing Standards*, of the Unified Development Code (UDC).

(6) A minimum of one (1) paved parking space providing access to the *Freestanding Commercial Antenna* shall be required. The parking space shall be reserved exclusively for use in conjunction with the *Freestanding Commercial Antenna*, and -- *where applicable* -- may be one (1) of the parking spaces provided for the primary structure on the subject property if additional parking (*above and beyond the required parking*) exists.

(7) All development associated with a *Freestanding Commercial Antenna* shall adhere to the Engineering Department's *Standards of Design and Construction Manual*.

~~(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 (1) 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 03.06, *Antennas*.~~

(5) ~~*Commercial Freestanding*~~*Mounted or Attached Commercial Antenna*.

(a) The height of the *Mounted or Attached Commercial Antenna* shall adhere to the height and building setbacks of the applicable zoning district; however, a *Mounted or Attached Commercial Antenna* shall be permitted to extend a maximum of ten (10) feet above the maximum height of the support structure, and shall maintain a 15-foot clearance from the ground to the lowest element of the antenna if attached to a utility installation or light pole.

(b) If the *Mounted or Attached Commercial Antenna* has ground mounted equipment or buildings associated with the installation, these structures shall be of a material allowed by the applicable zoning district or overlay district (*whichever is more restrictive*), and be of a similar color and character to the building in which the *Commercial Antenna* is attached or mounted. In addition, all equipment and buildings shall be enclosed by a wrought iron or decorative metal fence with screening shrubs a minimum of six (6) feet in height or a masonry screening wall that is a minimum of eight (8) feet in height and that is compatible in colors and materials as the building in which the *Commercial Antenna* is attached or mounted. All fences shall be as defined by Article 08, *Landscape and Fencing Standards*, of the Unified Development Code (UDC).

(c) If the *Commercial Antenna* is mounted or attached to a building and there is equipment associated with the installation, all ancillary equipment shall be screened so that it is not visible from adjacent properties, public or private open space/parkland, or rights-of-way. The proposed screening shall be approved by the Director of Planning and Zoning or his/her designee.

(d) If the *Commercial Antenna* is positioned in a way that it will be visible and standard screening methods are not possible, the antenna should utilize effective stealth techniques to camouflage or conceal it from view. Such

Formatted: Font: 5 pt
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: Italic, Underline
Formatted: Font: 5 pt
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: 5 pt
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: 5 pt
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Not Highlight
Formatted: Font: 5 pt
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Font: 5 pt
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: Italic
Formatted: Font: 5 pt
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Indent: Left: 0.5", Numbered + Level: 2 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 1.25" + Indent at: 1.5"
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or

DRAFT ORDINANCE 05-2024

stealth techniques must be approved by the City Council through agreement or Specific Use Permit (SUP).

(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 (1) 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 03.06, *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 03.06, *Antennas*.

(c) Replacement of an Existing Freestanding Antenna that has 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

Formatted: Font: 5 pt

Formatted: Normal, No bullets or numbering

Formatted: Font: Italic

DRAFT ORDINANCE 05.20.2024

~~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 (1) of the spaces required for the principal use on the property.~~

~~(8) The antenna will meet all applicable requirements of Subsection 03.06, *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 (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) The antenna will meet all applicable requirements of Subsection 03.06, *Antennas*.~~

(6) *Commercial Drone Delivery Hub*.

(a) *General Requirements*. All *Commercial Drone Delivery Hubs -- regardless of if the land use is a primary or accessory land use* -- shall be at a minimum 150-feet from any residentially zoned or used property, and public parks or open space. This proximity requirement shall be measured from the property line of the proposed *Commercial Drone Delivery Hub* to the property line of the nearest residentially zoned or used property, or the property line of the public park or open space.

(b) *Definitions*. For the purposes of this section a *Drone Staging Area* shall be a designated area in which a drone or unmanned aerial vehicle (UAV) initiates take-offs and landings. The *Drone Staging Area* shall include the launch pad and any appurtenances and outside storage necessary for operations in this area.

(c) *Accessory Land Use*. A *Commercial Drone Delivery Hub* shall only be permitted as an *Accessory Land Use* to a land use permitted within the Commercial (C), Heavy Commercial (HC), and Light Industrial (LI) Districts, and shall be subject to the following requirements:

(1) *Site Plan*. The *Drone Staging Area* for a *Commercial Drone Delivery Hub* shall be designated on the approved *Site Plan* for the subject property.

(2) *Drone Staging Area*. The *Drone Staging Area* for a *Commercial Drone Delivery Hub* as an *Accessory Land Use* to a permitted land use in the Commercial (C) District shall be limited to ten (10) percent of the total site area or 1,000 SF (*whichever is greater*). A *Drone Staging Area* that is fully located within an enclosed building or that is situated on the roof of the building containing the primary land use shall be exempt from this limitation; however, any mechanical equipment associated with the proposed land use shall adhere to the screening requirements for utility equipment as stipulated by Subsection 01.05, *Screening Standards*, of Article 05, *District Development Standards*.

(3) *Location Requirements for Drone Staging Areas*. *Drone Staging Areas* shall *not* be located or situated within any building setbacks or required landscape buffers, fire lanes, easements, loading/unloading areas, or required parking spaces. In addition, the *Drone Staging Area* shall not obstruct visibility for pedestrians or vehicular traffic circulation on the subject property.

(4) *Screening of Drone Staging Areas*. All *Drone Staging Areas* shall be screened in accordance with the requirements for *Outside Storage* as stipulated by Subsection 01.05, *Screening Standards*, of Article 05, *District Development Standards*.

(5) *Buildings for Commercial Drone Delivery Hub*. Where a detached building is proposed as an

DRAFT ORDINANCE 05.14.2024

accessory building for a *Commercial Drone Delivery Hub* as an accessory land use, the maximum square footage of the building shall be limited to ten (10) percent of the total floor area of the primary building on the subject property.

(6) *Reduction of Existing Parking*. Where it is deemed appropriate by the City Council, upon a recommendation by the Planning and Zoning Commission, a ten (10) percent reduction in the required number of parking spaces may be granted to accommodate a *Drone Staging Area*; however, no additional parking shall be required for the establishment of a *Commercial drone Delivery Hub* as an accessory land use. Should the *Drone Staging Area* be removed from the property the parking reduction will be revoked and the parking areas shall be reestablished as they were prior to the establishment of the *Drone Staging Area*.

(d) *Primary Land Use*. A *Commercial Drone Delivery Hub* shall only be permitted as a primary land use in the Heavy Commercial (HC) and Light Industrial (LI) Districts, and shall be subject to the following requirements:

(1) *Site Plan*. The *Drone Staging Area* for a *Commercial Drone Delivery Hub* shall be designated on the approved *Site Plan* for the subject property.

(2) *Drone Staging Areas*. A *Drone Staging Area* that is situated on the roof of the building shall be subject to the screening requirements for utility equipment as stipulated by Subsection 01.05, *Screening Standards*, of Article 05, *District Development Standards*. In addition, the proposed facility shall adhere to the height restrictions of the zoning district, but a single mast for a windsock may extend above the parapet of the building in accordance with the requirements of Subsection 04.01(B) or Subsection 05.01(B) of Article 05, *District Development Standards* (*whichever may be applicable*).

(3) *Location Requirements for Drone Staging Areas*. *Drone Staging Areas* shall *not* be located or situated within any building setbacks or required landscape buffers, fire lanes, easements, loading/unloading areas, or required parking spaces. In addition, the *Drone Staging Area* shall not obstruct visibility for pedestrians or vehicular traffic circulation on the subject property.

(4) *Screening of Drone Staging Areas*. All *Drone Staging Areas* shall be screened in accordance with the requirements for *Outside Storage* as stipulated by Subsection 01.05, *Screening Standards*, of Article 05, *District Development Standards*.

(7) *Solar Energy Collector Panels and System.*

(a) *Residential*. *Solar Energy Collector Panels and Systems* installed on a residential structure shall be required to meet the requirement of the International Building Code (IBC), and be required to apply for and receive a building permit from the Building Inspections Department.

(b) *Small Commercial*. *Solar Energy Collector Panels and Systems* installed on a *Small Commercial* structure shall be required to meet the requirement of the International Building Code (IBC), and be required to apply for and receive a building permit from the Building Inspections Department. *Small Commercial* shall mean a *Small Commercial Customer* as defined by Section 202, *Price to Beat*, of Chapter 39, *Restructuring of Electrical Utility Industry*, of the Texas Utilities Code. It shall be the burden of a property owner to show that a particular property meets the definition of a *Small Commercial Customer*.

(c) *Commercial*. *Solar Energy Collector Panels and Systems* installed on a *Commercial* structure shall be required to meet the following:

(1) *Solar Energy Collector Panels on a Pitched Roof*. *Solar Energy Collector Panels* installed on a pitched roof shall be of a flat configuration and shall be subject to the following requirements:

(A) *Solar Energy Collector Panels* shall not extend beyond the roofline or eave lines of a roof.

(B) *Solar Energy Collector Panels* shall not exceed more than 45.00% of the total roof area.

(C) Configuration of *Solar Energy Collector Panels* on a pitched roof shall be a regular quadrangular shape, flat to the roof or integrated with the roof, and aligned with the natural roof edges.

(D) The surface of the *Solar Energy Collector Panel* shall not be more than six (6) inches above the surface of the pitched roof.

(2) *Solar Shingle on a Pitched Roof*. *Solar Shingles* may be installed on a pitched roof; however, *Solar Shingles* are subject to the following requirements:

(A) *Solar Shingles* shall be installed on 100.00% of the total roof area -- *excluding accent roof materials (e.g. metal roofs over gabled windows, porches, entryways, and etcetera)* --, and shall not be installed alongside another roof mounted *Solar Energy Collector System*.

(3) *Solar Energy Collector Panels on a Flat Roof*. *Solar Energy Collector Panels* installed on a flat roof, whether rack-mounted or flat-mounted, shall be screened from public view, and meet the following requirements:

(A) The height of such screening, at the minimum, shall be the height of the *Solar Energy Collector Panel*.

(B) The screening may be by a parapet or screening wall replicating the materials of the building.

DRAFT ORDINANCE 05.2024

(4) Reflective glare of *Solar Energy Collector Panels* shall be minimized by the positioning of the *Solar Collector Panels* or by the use of non-glare glazing.

(5) 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.

(6) 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 of Rockwall.

(7) The maximum overall height of ground mounted or pole mounted *Solar Energy Collector Panels* shall not exceed eight (8) feet.

(8) 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 03 | OTHER SPECIAL USE STANDARDS

SUBSECTION 03.01: 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~~SF 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~~SF per animal.

(B) *Other Animals.* An SUP is required for other farm animals, including fowls, chickens and swine (*except for "potbellied pigs" as defined in Section 6-1, Definitions, of Chapter 6, Animals, of the Municipal Code of Ordinances*), and for a reduction in the land area required for grazing farm animals. The city shall not grant a 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, *Definitions*, of Chapter 6, *Animals*, of the Municipal 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 6-1, *Definitions*, of Chapter 6, *Animals*, of the Municipal Code of Ordinances.

SUBSECTION 03.02: TEMPORARY ACCOMODATION FOR EMPLOYEES, CUSTORMERS 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 (5) percent of the building area is utilized for this ancillary use.

SUBSECTION 03.03: 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 03.04: FLAG POLES

Flag poles are permitted in all districts, but must meet the building height and setback requirements for each district. (See Article 05, *District Development Standards*, of the Unified Development Code).

SUBSECTION 03.05: 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~~ 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~~ 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

Formatted: Font: Italic

Formatted: Font: Italic

DRAFT ORDINANCE 05-2024

property line to the base of the floor on which the permit or license holder is located.

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 *or* Alcoholic Beverage Stores 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 or Alcoholic Beverage Stores 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 *or* Alcoholic Beverage Stores engaged in the selling of beer, wine, and distilled spirits or liquor 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 or Alcoholic Beverage Store 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.

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 *or* Alcoholic Beverage Stores engaged in the selling of beer, wine, and distilled spirits or liquor 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, *Signs*, of the Municipal Code of Ordinances, pertaining to signs.

Formatted: Underline, Font color: Accent 5

(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.

~~SUBSECTION 03.06: 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~~

DRAFT ORDINANCE 05-24

~~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 and Zoning. 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 04 | FLOODPLAIN AREAS

SUBSECTION 04.01: PERMITTED USES

The following land 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, *Floods*, of the Municipal Code of Ordinances, and the Engineering Department's *Standards of Design and Construction Manual*:

(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 04.02: DUMPING, EXCAVATING OR FILLING IN A FLOODPLAIN

Any dumping, excavation, storage or filling operation on any property within any district having a floodplain designation or that is within a creek or drain way shall require a permit from the City Engineer prior to the commencement of such activity; however, no construction, buildings, or structures shall be permitted within a floodplain. Fences maybe permitted through approval by the City Engineer in accordance with the requirements of the Engineering Department's *Standards of Design and Construction Manual*.

SUBSECTION 04.03: 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 (UDC) shall not be so interpreted.

SECTION 05 | TEMPORARY USES AND STRUCTURES

SUBSECTION 05.01: 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 05.02: TEMPORARY USES

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 06 | NON-CONFORMING USES, STRUCTURES, AND SITES

SUBSECTION 06.01: INTENT

Within the zoning districts established by this Unified Development Code (UDC), 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 (UDC). 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 non-conforming lots, buildings, or uses shall not be enlarged upon, expanded or extended, except as otherwise specifically provided, and that such non-conforming 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, non-conforming uses are declared to be incompatible with permitted uses in the same zoning districts.

SUBSECTION 06.02: APPLICABILITY

DRAFT 05.14.2024

The provisions of this section shall apply to lots, uses and buildings which become non-conforming by reason of the adoption of, or an amendment to, the ordinance from which this Unified Development Code (UDC) is derived, as of the effective date of such amendment.

SUBSECTION 06.03: NON-CONFORMING 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 (UDC) 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 (UDC) for the district in which it is located.

(2) The right to continue non-conforming uses shall be subject to regulations prohibiting the creation of a nuisance and regulations reasonably protecting adjacent property.

(B) *Cessation of Non-~~conforming~~ Conforming 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 Non-~~conforming~~ Conforming Use*. No existing building or premises devoted to a use that is not permitted by this Unified Development Code (UDC) 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 non-conforming use of a building may be changed to another non-conforming 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 non-conforming use has been changed to a conforming use, the use shall not thereafter be changed to a non-conforming use.

(3) When authorized by the board of adjustment, enlargement or completion of a building devoted to a non-conforming 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% of its original area of nonconformity.

(4) When authorized by the board of adjustment, a non-conforming 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 non-conforming, if no structural alterations except those required by law, are made.

SUBSECTION 06.04: NON-CONFORMING 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 non-conforming 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 (UDC). (For land use nonconformity, see Subsection 06.03, *Non-Conforming Uses*, of Article 04, *Permissible Uses*).

(B) *Use of Non-~~conforming~~ Conforming Buildings, Structures or Land*.

(1) No building or structure which was originally designed for or used as a non-conforming use shall again be put to a non-conforming use, where such use has ceased for 180-days or more during any three (3) 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 (UDC) shall be discontinued within six months from the enactment of this Unified Development Code (UDC). The non-conforming use of land and/or buildings involving individual structures with a replacement cost of $1,000.00 or less, which becomes non-conforming by reason of subsequent amendments to this Unified Development Code (UDC) shall be discontinued within six months from the date of such amendment.

(C) *Construction Approved prior to Unified Development Code (UDC)*. Nothing in this Unified Development Code (UDC) 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 (UDC), 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 non-conforming structure which is damaged more than 75.00% 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 75.00% 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 (UDC) 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 50.00% of the replacement cost of the building. If the repairs exceed 50.00%, the building shall be brought into conformity with all requirements of the zoning district in which it is located.

(F) *General Repairs and Maintenance*.

DRAFT ORDINANCE 05-24: 2024

(1) On any non-conforming structure or portion of a structure containing a non-conforming 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 (10) percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be.

(2) If 50% or more of a non-conforming structure containing a non-conforming 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 Non-~~conforming~~ Conforming Building or Structure*. No non-conforming 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) *Non-~~conforming~~ Conforming Lot Sizes*. All lots used for storage that do not require a building and the use of such lot is made non-conforming by this Unified Development Code (UDC) 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 (UDC) is derived, or amendments [*thereto*].

SUBSECTION 06.05: NON-CONFORMING SHORT-TERM RENTALS

Short-Term Rentals, as defined in Article 13, *Definitions*, of this Unified Development Code (UDC), shall be considered to be legally in existence for the purpose of establishing vested or non-conforming rights regarding the zoning requirements if all of the following criteria is met by the owner of a *Short-Term Rental*:

(A) The owner of a property provides a property deed or proof of ownership showing that the property was purchased prior to April 1, 2024.

(B) The owner of the property can provide proof that the property was used as a *Short-Term Rental* (*i.e. a listing, proof of rental, etc.*) *OR* proof of payment of hotel occupancy tax to the City of Rockwall.

DRAFT ORDINANCE 05.14.2024

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE [Reference Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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 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	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									
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	A			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

DRAFT ORDINANCE 05.14.2024

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
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											
Home Occupation	(9)	(7)	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
Limited-Service Hotel	(10)														S			S	S		S				
Full-Service Hotel	(11)	(8)													S			S	S		S				
Residence Hotel	(12)														S			S	S		S				
Motel	(13)														S			S	S		S				
Multi-Family Development or Structure	(14)	(9)												P											
Portable Building	(15)	(10)		P	P	P	P	P	P	P	P	P	P												
Residential Infill in an Established Subdivision	(16)	(11)	S	S	S	S	S	S	S	S	S	S	S	S	S	S									
Short-Term Rental (*Owner-Occupied, Single-Family Home, Townhome, or Duplex*)	(17)	(12)		P	P	P	P	P	P	P	P	P	P	P	S	S									
Short-Term Rental (*Non-Owner-Occupied, Single-Family Home, Townhome, or Duplex*)	(17)	(13)		P	P	P	P	P	P	P	P	P	P	P	S	S									
Short-Term Rental (*Apartment or Condominium*)	(17)	(14)		P	P	P	P	P	P	P	P	P	P	P	S	S									
Single-Family Attached Structure	(18)	(15)										P	P	P											
Single-Family Detached Structure	(19)	(16)	P	P	P	P	P	P	P	P	P	P	P	P		P									
Single-Family Zero Lot Line Structure	(20)	(17)										P	P	P		P									
Private Swimming Pool	(21)		A	A	A	A	A	A	A	A	A	A	A	A	A	A									
Private ~~Tennis~~ Sports Court with Standalone or Dedicated Lighting	(22)	(18)	A	~~SP~~	~~SP~~	~~SP~~	S	S	S	S	S	S	S	~~SP~~		S		P	P	P	P				
Townhouse	(23)	(~~18~~19)												P		P									
Urban Residential	(24)	(~~19~~20)												S	S										
INSTITUTIONAL AND COMMUNITY SERVICE LAND USES	2.02(C)	2.03(C)																							
Assisted Living Facility	(1)	(1)												P	S	S	S	S	S		S				
Blood Plasma Donor Center	(2)																	P	P	P	P	P			
Cemetery/Mausoleum	(3)		S														P	P	P	P	P	P			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

DRAFT ORDINANCE 05.14.2024

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL 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	MIXED USE DISTRICTS: Downtown (DT) District	Residential Office (RO) District	NON-RESIDENTIAL DISTRICTS: Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	OVERLAY DISTRICTS: Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
Church/House of Worship	(4)	(2)	S	S	S	S	S	S	S	S	S	S	S	P	S		P	S	S	P	S	P			
College, University, or Seminary	(5)														P				S	P	P	P			
Convalescent Care Facility/Nursing Home	(6)													S	S	P	P	P	P	P	S				
Congregate Care Facility/Elderly Housing	(7)	(3)												P	S	S	S	S	S		S				
Crematorium	(8)																				S	P			
Daycare with Seven (7) or More Children	(9)	(4)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S			
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	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	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	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	S					
Trade School	(24)														S			S	P	P	P	P			
Rescue Mission or Shelter for the Homeless	(254)																			S	P	P			
Social Service Provider (*Except Rescue Mission or Homeless Shelter*)	(265)																	S		P	P	P			

Formatted Table
Formatted: Font: 5 pt
Formatted: Font: Italic
Formatted: Font: 6.5 pt
Formatted: Font: 5 pt
Formatted: Highlight
Formatted: Font: Bold, Highlight
Formatted: Highlight
Formatted: Highlight
Formatted: Highlight
Formatted: Highlight
Formatted: Highlight
Formatted: Highlight
Formatted: Highlight
Formatted: Highlight
Formatted Table
Formatted: Font: Italic

DRAFT NOT FOR ORDINANCE

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE [Reference Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
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 or Medical Office Building less than 5,000 SF	(2) & (3)														P	P	P	P	P	P	P	P				
Office or Medical Office Building 5,000 SF or Greater	(2) & (3)														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	(2)	(2)													S			S	P	P	P	P				
Outdoor Commercial Amusement/Recreation	(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	P	P	P	P	P				
Private Country Club	(5)		S	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																	P		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	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	S	P	P	P				
Theater	(15)														P			S	P	P	P	P				

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: No underline, Font color: Background 1

Formatted Table

DRAFT NOT FOR CONSTRUCTION

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
RETAIL AND PERSONAL SERVICES LAND USES	2.02(F)	2.03(F)																							
Alcoholic Beverage Package Sales	(1)	(1)													P		S	P	P	P	S				
Alcoholic Beverage Store	(2)	(2)													S				S	P					
Antique/Collectible Store	(~~2~~3)														S		S	P	P	P					
Astrologer, Hypnotist, or Psychic	(~~3~~4)														S	P	P	P	P	P					
Banquet Facility/Event Hall	(~~4~~5)														S			P	P	P					
Portable Beverage Service Facility	(~~5~~6)	(3)													S	S		S	S	S	S	P			
Brewp~~P~~ub	(~~6~~7)														P		P	P	P	P	P	P			
Business School	(~~7~~8)														P			P	P	P	P				
Catering Service	(~~8~~9)														A		S	P	P	P	P				
Temporary Christmas Tree Sales Lot and/or Similar Uses	(~~9~~10)	(4)													S		S	P	P	P	P	P			
Copy Center	(~~10~~11)														P		P	P	P	P	P	P			
Craft/Micro Brewery, Distillery and/or Winery	(~~11~~12)	(5)													S			S	S		P	P			
Incidental Display	(~~12~~13)	(6)													P		P	P	P	P	P				
Food Trucks/Trailers	(~~13~~14)	(7)													P	S	S	P	P	P	P	P			
Garden Supply/Plant Nursery	(~~14~~15)																S	P	P	P	P				
General Personal Service	(~~15~~16)	(8)													P		P	P	P	P	S				
General Retail Store	(~~16~~17)														P	S	P	P	P	P	S	S			
Hair Salon and/or Manicurist	(~~17~~18)														P	S	P	P	P	P	S				
Laundromat with Dropoff/Pickup Services	(~~18~~19)														P		P	P	P	P	P	P			
Self-Service Laundromat	(~~19~~20)														P		P	P	P	P	P	P			
Massage Therapist	(~~20~~21)														P	P	P	P	P	P					
Private Museum or Art Gallery	(~~21~~22)														P	P	S	P	P		P				
Night Club, Discotheque, or Dance Hall	(~~22~~23)														S			S	P	P	S	S			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Font color: Accent 5

Formatted: Font color: Accent 5

DRAFT ORDINANCE 05.14.2024

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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

			RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						OVERLAY DISTRICTS		
LAND USES	LAND USE DEFINITION REFERENCE [Reference Article 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	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
Pawn Shop	(~~23~~24)																		S	S	P	P			
Permanent Cosmetics	(~~24~~25)	(9)													A	A	A	A	A	A	A				
Pet Shop	(~~25~~26)																P	P	P	P					
Temporary Real Estate Sales Office	(~~26~~27)		P	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	(~~27~~28)	(10)																S	P	P	P	P			
Restaurant with less than 2,000 SF with Drive-Through or Drive-In	(~~28~~29)	(11)															S	S	S	S	S	S			
Restaurant with less than 2,000 SF without Drive-Through or Drive-In	(~~29~~30)														P	S	P	P	P	P	P	P			
Restaurant with 2,000 SF or more with Drive-Through or Drive-In	(~~28~~29)	(12)															S	S	P	P	P	P			
Restaurant with 2,000 SF or more without Drive-Through or Drive-In	(~~29~~30)														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*)	(~~30~~31)	(13)															S	P	P	P	P	P	S	S	
Retail Store with Gasoline Sales that has more than Two (2) Dispensers	(~~30~~32)	(13)																S	P	P	P	P	S	S	
Secondhand Dealer	(~~31~~33)														S			P	P	P	P	P			
Art, Photography, or Music Studio	(~~32~~33)														P	P	P	P	P	P	P				
Tailor, Clothing, and/or Apparel Shop	(~~33~~34)														P		P	P	P	P					
Tattoo and/or Body Piercing	(~~34~~35)																			P					
Taxidermist Shop	(~~35~~36)																			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			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted Table

DRAFT ORDINANCE 05.14.2024

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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

			RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						OVERLAY DISTRICTS		
LAND USES	LAND USE DEFINITION REFERENCE [Reference Article 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	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
Custom and Craft Work	(5)																			P	P	P			
Electrical, Watch, Clock, Jewelry and/or Similar Repair	(6)														P		S	P	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 Rental, Sales, and Service	(10)	(5)																	S	P	S	P			
Locksmith	(11)														P			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			
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)	(6)	P	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 Automotive 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			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Not Strikethrough

Formatted: Not Strikethrough

DRAFT ORDINANCE 05.14.2024

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE [Reference Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
Commercial Parking Lot	(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	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	(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				

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Not Strikethrough

DRAFT
NOT FOR CONSTRUCTION
05.14.2024

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE [Reference Article 04, *Permissible Uses*]	RESIDENTIAL 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	MIXED USE DISTRICTS: Downtown (DT) District	Residential Office (RO) District	NON-RESIDENTIAL DISTRICTS: Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	OVERLAY DISTRICTS: Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
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			
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~~for a Residential Property	(2)	(1)	~~PA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~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	~~(43)~~	~~(32)~~	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Antenna Dish	~~(54)~~	~~(43)~~	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Freestanding Commercial ~~Freestanding~~ Antenna (*i.e. Monopole or a Similar Structure*)	~~(65)~~	~~(54)~~	S											S		S	S	~~SP~~	~~SP~~	~~SP~~	P	P	S		S
Mounted or Attached Commercial Antenna	~~(76)~~	~~(65)~~	S											P	S	S	S	~~SP~~	~~SP~~	~~SP~~	P	P			
Bus Charter Service and Service Facility	~~(87)~~																				P	P	P			
Commercial Drone Delivery Hub	~~(8)~~	(6)																		S	S	S				
Helipad	~~(9)~~																	S	S	S	S	S	S			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted Table

DRAFT NOT FOR CONSTRUCTION

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE [Reference Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
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 (*Includes Utilities with a Franchise Utility Agreement with the City of Rockwall*)	(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	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	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	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	A			
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	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~~			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Font: Italic

DRAFT NOT FOR SERVICE
05.17.2024

Continued on Next Page …

DRAFT
ORDINANCE
05.14.2024

SECTION 01 | GENERAL STANDARDS

SUBSECTION 01.01: OPEN SPACE

The purpose of this Article is to set forth regulations which protect the public from the potential negative effects of industrial and intense commercial development by regulating smoke and particulate matter, odorous matter, fire or explosive materials, toxic and noxious matter, vibration, open storage, glare and fuel supply in the vicinity of such sites.

(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 03.01, *General Residential District Standards*

(b) *Commercial*. Subsection (D), *Open Space Guidelines*, of Section 04.01, *General Commercial District Standards*

(c) *Industrial*. Subsection (D), *Open Space Guidelines*, of Section 05.01, *General Industrial District Standards*

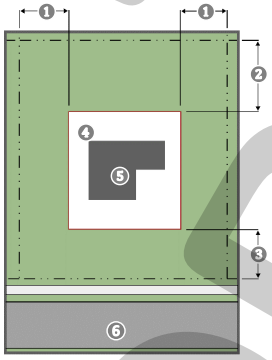
SUBSECTION 01.02: SITE PLANS

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 11, *Development Applications and Review Procedures*.

SUBSECTION 01.03: LOT CONFIGURATIONS

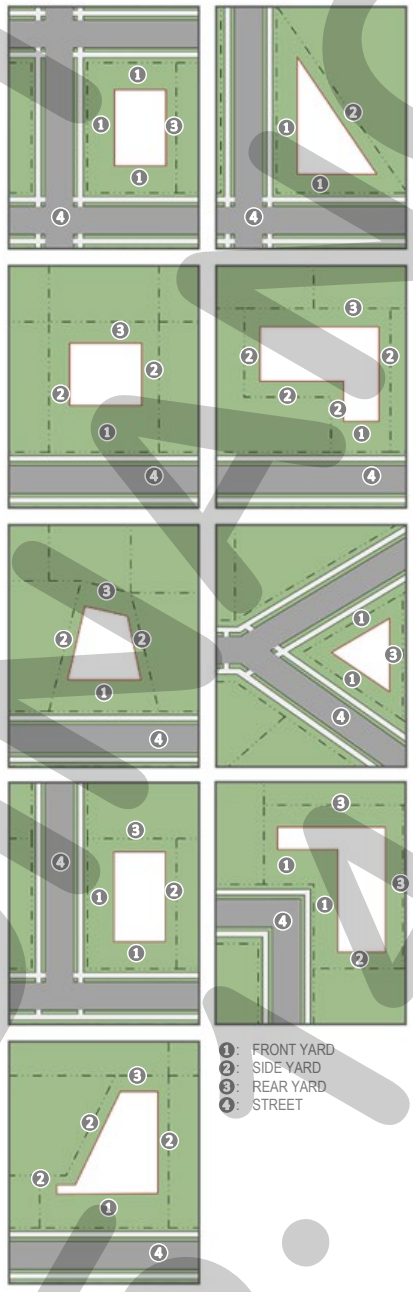
(A) *Lots with a Single Street Frontage*. Where lots have a single street frontage, the required setbacks should generally adhere to the following diagram:

FIGURE 1: LOT WITH A SINGLE STREET FRONTAGE



1: REQUIRED SIDE YARD SETBACK
2: REQUIRED REAR YARD SETBACK
3: REQUIRED FRONT YARD SETBACK
4: BUILDABLE AREA
5: BUILDING COVERAGE
6: STREET

FIGURE 2: LOT WITH MULTIPLE STREET FRONTAGE



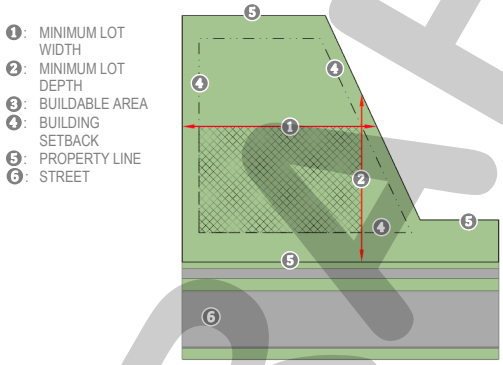
1: FRONT YARD
2: SIDE YARD
3: REAR YARD
4: STREET

DRAFT ORDINANCE 05.14.2024

(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:~~ *Figure 2*.

~~(B)~~(C) *Determining Lot Width and Depth for an Irregularly Shaped Lot*. To determine the minimum lot width and depth of an irregularly shaped lot or where a portion of the lot does not adhere to the required minimum lot width or depth, the follow method of calculation shall be use:

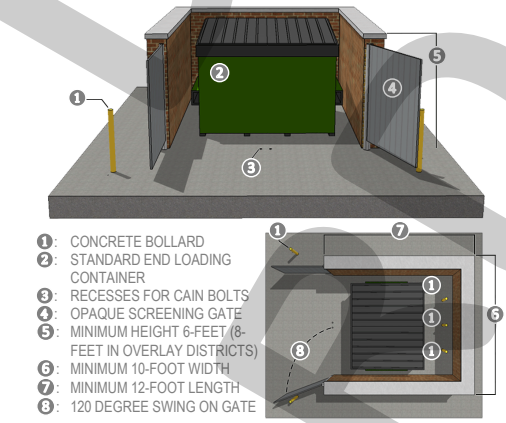
FIGURE 3: IRREGULARLY SHAPED LOT



SUBSECTION 01.04: 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.

FIGURE 3: STANDARD DUMPSTER ENCLOSURE



SUBSECTION 01.05: SCREENING STANDARDS

All development shall adhere to the following screening standards:

(A) *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 05.02, *Landscape Screening Standards*, of Article 08, *Landscape Standards*.

(B) *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.

(C) *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 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.

(D) *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.

(E) *Outside Storage*. Outside storage of materials or vehicles shall be screened from all public ~~streets~~rights-of-way, any adjacent properties, ~~any residential zoning district or residentially used property,~~ and parks and open space that abut~~s~~ or ~~is~~are 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

Formatted: Indent: Left: 0.25", No bullets or numbering

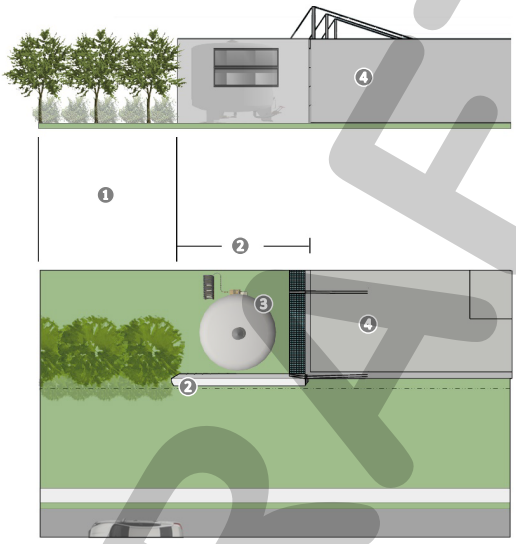
Formatted: Normal

Formatted: Font: Italic

DRAFT 05.01.2024

accordance with Subsection 05.02, *Landscape Screening Standards*, of Article 08, *Landscape Standards*.

FIGURE 4: ABOVE GROUND STORAGE TANKS



1: SECONDARY SCREENING CANOPY TREES (SPACED 20-FOOT ON CENTER) AND SHRUBS
2: SCREENING WALL
3: ABOVE GROUND STORAGE TANK
4: INDUSTRIAL BUILDING

SUBSECTION 01.06: RESIDENTIAL ADJACENCY STANDARDS

(A) *Purpose*. The general objectives of residential adjacency standards are to preserve and protect the integrity, enjoyment and property values of residential neighborhoods within the City of Rockwall, through the establishment of standards for certain nonresidential uses that may impact surrounding residential land uses. These standards are in addition to the development regulations applicable to the underlying zoning district. When any requirements in this section are in conflict with any other requirements for the underlying zoning district, the more restrictive requirements shall apply.

(B) *Definitions*.

Residential Adjacency. Any nonresidential building, use, or associated activity that when located in proximity to a residential district may result in detrimental impact to a residential property. Residential adjacency shall include the lot on which the nonresidential building, use, or associated activity is located. In cases where multiple uses are contained on the same lot, residential adjacency shall apply to the area within that lot which encompasses the building, use, or associated activity and all accessory buildings, uses, or areas necessary to support them.

Vehicular Service Bays. Any partially or fully enclosed space used for "major" or "minor" automobile repair, or truck and bus repair, or similar activities.

Individual Service Speakers. Speakers used to conduct business with individual customers outdoors or in a partially enclosed structure, including, but not limited to:

- Drive-through payment windows;
- Drive-through restaurant ordering boards;
- Service station pump islands; and
- Car washes.

Public Address/Paging Systems. Loud speaker or amplified paging systems intended to contact or provide information to person(s) on the exterior of a building such as those commonly used by businesses with large outdoor facilities/operations, including, but not limited to:

- New and used car dealers;
- Building material sales;
- Garden centers; and
- Car washes.

Small Engine Repair Shop. Shop for repair of lawnmowers, chain saws, lawn equipment, and other machines with one-cylinder engines.

Motorcycle. A usually two (2) wheeled self-propelled vehicle having one (1) or two (2) saddles or seats, and which may have a sidecar attached. For purposes of the Unified Development Code (UDC), motorbikes, motor scooters, mopeds, and similar vehicles are classified as motorcycles.

Motorcycle Sales and Service. The display, sale and servicing, including repair work of motorcycles.

(C) *Applicability*.

(1) The residential adjacency standards shall apply when a use is proposed for a nonresidential building or site that is adjacent to a residential district, and both of the following conditions apply:

(a) An existing or proposed building, structure, or device on the lot is within 150 feet of a residential district boundary, except if the activity proposes the use of public address/paging systems, in which case 500 feet shall be the effective distance; and

(b) One or more of the following uses are proposed:

(1) Planned shopping centers and neighborhood convenience centers.

(2) Restaurants, including accessory outdoor seating, with drive-in or drive-through facilities.

(3) Retail outlets where gasoline products are sold as an accessory use.

(4) Automotive repair, as an accessory to a retail use, provided all work is conducted wholly within a completely enclosed building.

(5) Gasoline service stations.

DRAFT
OFFICIAL NOTICE
05.14.2024

(6) Car wash.

(7) Drive-in businesses.

(8) New car dealership.

(9) Nursery, greenhouse, or garden center.

(10) Minor automotive repair.

(11) New boat dealership.

(12) Automotive vehicle sales and service.

(13) Automotive repair and other repair services, excluding wrecking yards.

(14) Lumberyards or contractor yards, general warehousing and storage, farm equipment or other heavy equipment sales and service, farm products, warehousing and storage, including mini-warehouses for storage purposes only.

(15) Small engine repair service.

(16) Motorcycle sales and service.

(2) Review of proposals for compliance with the residential adjacency standards will be carried out in conjunction with site plan review, depending on whether or not the actual use of the site is known.

(D) *Standards*.

(1) *Noise*.

(a) Any use containing individual service speakers shall not be permitted within 150 feet of any residential district unless the speaker is appropriately screened and shall meet the standards established in Article IV, *Noise*, of Chapter 16, *Environment*, of the Municipal Code of Ordinances. The Planning and Zoning Commission may require wing walls, landscape screens, changes in building orientation, and/or other design elements to screen and minimize the impact of individual service speakers.

(b) Any use containing public address/paging systems shall not be permitted within 500 feet of any residential district unless separated by an MD4 or larger thoroughfare.

(2) *Loading Spaces*.

(a) Where adjacent to residential districts, off-street loading areas shall be fully screened from view of the residential district.

(b) The director may require wing walls, landscape screens, changes in building orientation, and/or other architectural elements to minimize the impact of uses containing loading docks within 150 feet of any residential district.

(3) *Vehicular Service Bays*.

(a) All vehicular service bays within 150 feet of a residential district shall face away from adjacent residential districts unless separated by a building or permanent architectural feature of minimum height matching the height of the service bays.

(b) Walls separating service bays from a residential district shall be of masonry or reinforced concrete with no openings.

(c) The director may require wing walls, landscape screens, changes in building orientation, and/or other design elements to minimize the impact of service bays within 150 feet of a residential district.

(d) No use including outdoor vehicular repair, servicing or testing shall be permitted within 150 feet of a residential district.

(4) *Small Engine Repair Shops*. Small engine repair shops shall not be permitted within 150 feet of a residential district unless all repair, service, and testing activities are done in a fully enclosed building.

(5) *Motorcycle Sales/Service*. Motorcycle sales/service facilities shall not be permitted within 150 feet of a residential district unless all repair, service, and testing activities are done in a fully enclosed building.

(6) *Car Wash and Fuel Dispensing Facilities*.

(a) Car wash and fuel dispensing facilities shall not be permitted within 150 feet of a residential district.

(b) Where car wash and fuel dispensing facilities are within 300 feet but greater than 150 feet of a residential district, the Planning and Zoning Commission may require wing walls, landscape screens, and/or other design elements to screen and minimize the impact of such facilities.

(7) *Combination Gas Station, Fast Food Restaurant, and/or Convenience Store*.

(a) Combination gas station, fast food restaurant, convenience store shall not be permitted within 150 feet of a residential district.

(b) Where combination gas station, fast food restaurant, convenience stores are within 300 feet but greater than 150 feet of a residential district, the Planning and Zoning Commission may require wing walls, landscape screens, and/or other design elements to screen and minimize the impact of such facilities.

(8) *Signs*.

(a) No more than one (1) monument sign per street frontage with a maximum height of five (5) feet and a maximum area of 60 square feet shall be allowed.

(b) A business shall be allowed any number of attached walls, projection or marquee signs so long as the total face area of the building or store front does not exceed ten (10) percent of the front face area of the building or store front as established in approved plans submitted to the City, or 60 square feet, whichever is greater, or exceed six feet in height as per the sign ordinance.

DRAFT ORDINANCE 05.21.2024

(E) *Review*. The following information shall be submitted in order to facilitate the review:

(1) All information and procedures as required by site plan review in Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC).

(2) Location and description of existing and proposed exterior speaker systems to include information about the height, octave and decibel band ranges of each fixture.

(3) Information indicating the location and orientation of all off-street loading spaces.

(4) Information indicating the location and orientation of all vehicular service bays.

(5) Information indicating the location and description of existing and proposed screening between the proposed nonresidential use and the residential district.

SUBSECTION 01.07: 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.

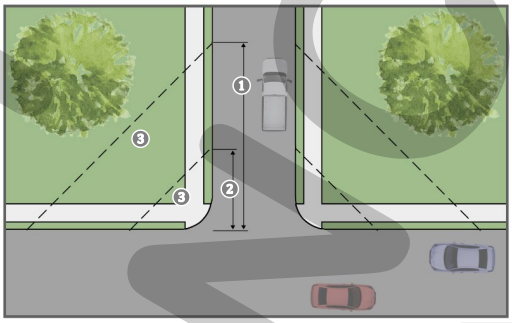
An open fire escape may project into a required yard by not more than half the width of the setback, but not more than four (4) feet from the building. Fire escapes, solid floored balconies and enclosed outside stairways may project into a rear yard by a maximum of four (4) feet.

(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.

SUBSECTION 01.08: 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.

FIGURE 5: SITE DISTANCE REQUIREMENTS



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

NOTES:

(1) THE TRIANGLE SHOULD BE MEASURED FROM THE EDGE OF THE STREET, AND PROJECTED AT A 45-DEGREE ANGLE TO THE ADJOINING STREET.

(2) THE UNOBSTRUCTED VERTICAL FIELD OF VISION SHOULD BE BETWEEN TWO (2) FEET AND NINE (9) FEET IN HEIGHT.

(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) curb lines 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

DRAFT ORDINANCE 05-24

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.

SECTION 02 | AGRICULTURAL DISTRICTS

SUBSECTION 02.01: 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 01.01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within an Agricultural (AG) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SECTION 03 | RESIDENTIAL DISTRICTS

SUBSECTION 03.01: GENERAL RESIDENTIAL DISTRICT STANDARDS

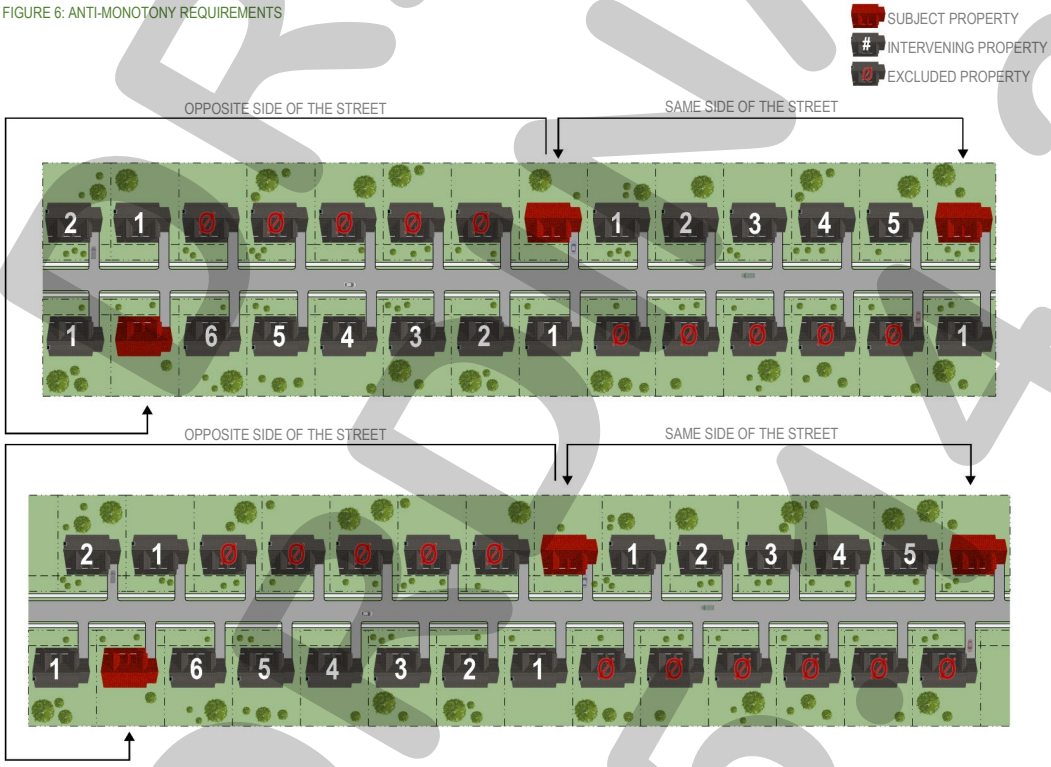
All residential development shall conform to the following standards:

(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.

FIGURE 6: ANTI-MONOTONY REQUIREMENTS



DRAFT
05.14.2024

(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 Figure 6 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 08, *Fence Standards*, of Article 08, *Landscape and Fence Standards*.

SUBSECTION 03.02: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family Estate 1.5 (SFE-1.5) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.03: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family Estate 2.0 (SFE-2.0) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.04: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family Estate 4.0 (SFE-4.0) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.05: 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

DRAFT ORDINANCE 05-XX: 2024

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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 1 (SF-1) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.06: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 16 (SF-16) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.07: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 10 (SF-10) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.08: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 8.4 (SF-8.4) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.09: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 7 (SF-7) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.10: 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

DRAFT OF 05.14.2024

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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Zero Lot Line (ZL-5) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.11: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Two-Family (2F) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.12: 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 01, *Land Use Schedule*, of Article 04, *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 04 | COMMERCIAL DISTRICTS

SUBSECTION 04.01: 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 07.03, *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 standards for articulation on primary building façades as depicted in *Figure 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 standards for articulation on secondary building façades as depicted in *Figure 7*.

(D) *Open Space Guidelines*. Commercial land uses should be designed to be integrated with adjacent land uses, as opposed to separating

DRAFT OFFICE 05.14.2024

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 criterion 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 08, *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.

DRAFT ORDINANCE 05.14.2024

(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.

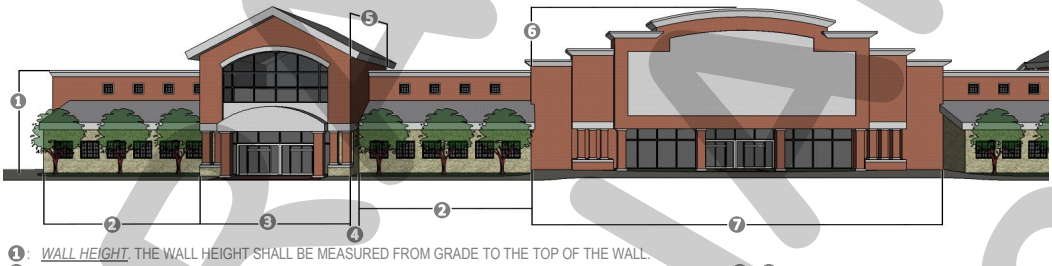
(b) Buildings should be placed in a manner that screens the drive-through lane and creates pedestrian pathways and spaces.

(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.

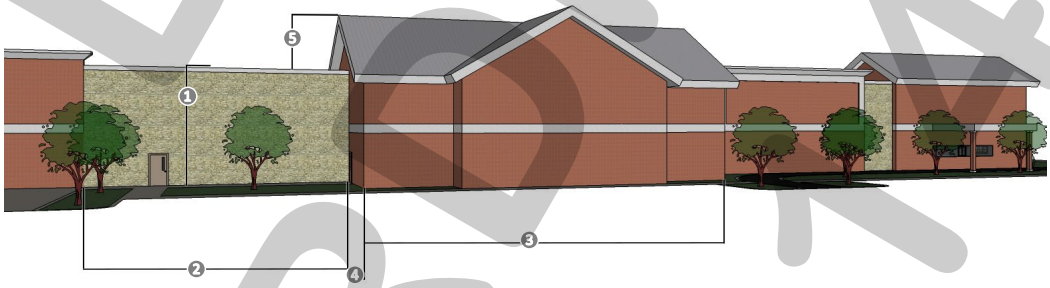
(4) *Residential Adjacency Standards*. Where the property immediately abuts a residential zoning district or residentially used property -- unless separated by an M4D (major collector, four [4] lane, divided roadway) or larger thoroughfare -- a minimum 25-foot wide landscaped buffer must be installed 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*, of Article 08, *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*, of Article 08, *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

FIGURE 7: COMMERCIAL BUILDING ARTICULATION STANDARDS



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 THREE (3) TIMES THE WALL HEIGHT (I.E. 3 x ❶≥❷).
❸: *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% x ❷≤❸).
❹: *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% x ❶≤❹).
❺: *PRIMARY AND/OR SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL WIDTH OF THE PRIMARY AND/OR SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL EXTEND TWICE THE REQUIRED WALL PROJECTION (I.E. 2 x ❹≥❺).
❻: *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% x ❶≤❻).
❼: *PRIMARY ENTRYWAY/ARCHITECTURAL ELEMENT LENGTH*. THE PRIMARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL MEET ALL OF THE SAME PROJECTIONS AS THE SECONDARY ENTRYWAYS/ARCHITECTURAL ELEMENT, BUT SHALL EXTEND A MINIMUM OF TWICE THE LENGTH OF THE SECONDARY ELEMENT (I.E..2 x ❸≥❼).



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 THREE (3) TIMES THE WALL HEIGHT (I.E. 3 x ❶≥❷).
❸: *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% x ❷≤❸).
❹: *SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL PROJECTION FOR A SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 15% OF THE WALL HIEGHT (I.E. 15% x ❶≤❹).
❺: 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% x ❶≤❺).

DRAFT 05.14.2024

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.

(F) *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 11, *Development Applications and Review Procedures*.

SUBSECTION 04.02: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Residential-Office (RO) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *Non-Residential District Development Standards*.

~~(C)~~(D) *Signage*. All signage permitted within the Residential-Office (RO) District shall conform to the requirements for signage as outline in Subsection 06.04, *North Goliad Corridor Overlay (NGC OV) District*.

SUBSECTION 04.03: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Neighborhood Services (NS) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *Non-Residential District Development Standards*.

SUBSECTION 04.04: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a General Retail (GR) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *Non-Residential District Development Standards*.

SUBSECTION 04.05: 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

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font color: Accent 5

ONLINE 05.14.2024

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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Commercial (C) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *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 01, *Land Use Schedule*, of Article 04, *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 04.06: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Commercial (C) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *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 01.05, *Screening Standards*.

SUBSECTION 04.07: DOWNTOWN (DT) DISTRICT

(A) *Purpose, Goals and Intent*.

(1) *Purpose*. The purpose of the Downtown District is to implement the adopted recommendations of the comprehensive plan and Downtown Plan by encouraging new development and redevelopment in the Downtown area.

The goals of this zoning district are:

(a) To make the downtown area a sustainable "Great Place" within the region that will attract high quality investment and reinvestment over time.

(b) To capitalize on the existing historic character of the downtown and provide Rockwall with a thriving downtown center.

(c) To provide development and land use flexibility within the framework of a form-based development zoning district.

(d) To provide a mix of residential, retail and office uses in a pedestrian-friendly environment.

The intent of this zoning district is:

(a) To provide a comfortable and attractive environment for pedestrians which include such things as buildings framing public space, street trees, lighting and awnings that will attract pedestrians.

(b) To construct continuous building frontage along block faces except where it is desirable to provide for pedestrian and auto pass-throughs to parking at mid-block.

(c) To provide shared and consolidated parking both on-street and in the center of blocks that will benefit the entire district.

(d) To contribute to the definition and use of public sidewalks, parks and plazas.

DRAFT ORDINANCE 05.04.2024

(e) To design and build an infrastructure of buildings to accommodate a range of uses over time without the need to destroy older buildings and rebuild them for each successive use.

(f) To design streets and buildings which will contribute to creating a safe environment.

(B) *Definitions*.

(1) *Purpose.* For the purposes of this section, the following definitions shall apply.

(a) *Primary Building Facade*. Any facade that faces a public street or open space.

(b) *Downtown District Engineering and Landscape Standards*. Any approved city standards which govern such items as street, streetscape, drainage, signage and other public improvements in the Downtown (DT) District.

(c) *Primary Entry*. The main entry to a building on a block face. There must be at least one (1) main building entry for each ground floor use, tenant or lobby on each block face which contains the use or tenant. Any additional building entries may be considered a secondary entry.

(d) *Feature Buildings*. Buildings which are located on axis with a terminating street or open space, or at the intersection of streets. Such buildings shall incorporate architectural features which address height and articulation that emphasize the importance of such a location.

(e) *Historic Core*. See the regulating plan for historic core boundaries which is on file in the City secretary's office.

(f) *Long-Term Parking*. Customer or tenant parking which is intended for the primary use of vehicles parked for a duration of more than two hours and neither priced nor managed to encourage turnover.

(g) *Reserved Parking*. Parking which is assigned or reserved for tenants or visitors of a building or business.

(h) *Shared Parking*. Parking which is shared by tenants, visitors and the public. Hours of availability may be further defined in cooperation with the City.

(i) *Short-Term Parking*. Customer or tenant parking which is intended to serve commercial businesses or residential uses that has a regular turnover of two hours or less.

(j) *Regulating Plan*. The plan approved by the City which applies the Downtown District and which identifies certain subdistricts and the location of required retail at grade, among other items.

(k) *Stoop*. A structure that is located approximately at the level of the first floor of the structure and intended to provide access to a residential unit.

(l) *Story*. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above the floor of such story. This includes any mezzanine or loft which may comprise only a portion of a full floor plate.

(m) *Major Waiver to Design Standards*. A significant change to both the standards and intent of this zoning district, and involves Planning and Zoning Commission and City Council approval.

(n) *Minor Waiver to Design Standards*. A minor change to the standards, but not the intent, of this zoning district and involves staff approval.

(C) *General District Standards*.

(1) *Regulating Plan.*

(a) *Authority.* A regulating plan is the coding key for application of this district's provisions to properties, and shall be considered part of this zoning district. It may establish such things as:

(1) Major street types within the district;

(a) Sub-district areas;

(b) Required at-grade retail construction;

(c) Public open space and plazas; and

(d) Regional hike and bike corridors.

(b) *Zoning of Property.*

(1) *Downtown Development Plan Required.* An approved downtown development plan which is consistent with this Unified Development Code (UDC) and the regulating plan shall be required prior to issuance of any building permit.

(2) *Nonconformity.* Uses which are legal and conforming at the time of rezoning to the Downtown District shall continue as legal conforming uses under their current standards until those uses are deemed abandoned. For example:

(a) They have been replaced with a conforming use;

(b) Such building or structure is or hereafter becomes vacant and remains unoccupied or out of use for a continuous period of six months, or the special equipment and furnishings peculiar to the non-conforming use have been removed from the premises and have not been replaced within such six-month period; or

(c) The intention of the owner to permanently discontinue the use is apparent.

(2) *Waivers of Design Standards.* In order to provide flexibility and create high quality projects, standards in the Downtown District may receive a waiver from City staff, the Planning and Zoning Commission, and/or the City Council. (*See subsection VIII.B, Waivers, below, for applicability, processes and procedures.*)

(a) Minor waivers are limited to the following:

(1) Depth or height of required retail space.

DRAFT ORDINANCE 05.14.2024

(2) Requirement to line a parking garage with buildings.
(3) Requirement for continuous building frontage.
(4) Establishment of build-to line.
(5) Encroachment into the build-to line.
(6) Residential landscape requirement.
(7) Increased building height for "feature" buildings.
(8) Design of buildings without tri-partite architecture.
(9) Required frequency of building entries along a street edge.
(10) Window detailing.
(11) Exterior building materials.
(12) Exterior building color.
(13) Retail at grade design standards.
(14) Balcony and patio railing.
(15) Landscape standards.
(16) Location of bicycle parking.

(b) Major waivers may include, but are not limited to, the following:
(1) Required retail construction.
(2) Building height for non-feature buildings.
(3) Exceeding the maximum leasable retail area.
(4) Required setback of the fourth floor and above.
(5) Residential at grade design standards.
(6) Parking requirements.
(7) Parking garage design standards.

(3) *Function/Land Use.*

(a) *Land Use*.

(1) Retail, personal service, residential and office uses shall be allowed throughout the district. For a specific list of permitted uses, see Article 04, *Permissible Uses*, of the Unified Development Code (UDC).

(2) Where *Required Retail Construction* is designated on the regulating plan, the ground floor adjacent to the street shall be constructed to retail building standards for a depth of at least 50-feet, however, a smaller depth may be allowed if the retail is serving as a *liner* use which is masking a parking garage by minor waiver.

(3) All access drives shall require a minor waiver.

(4) *Block Face.* It is intended that building walls should be continuous along block faces to create a strong edge to the street and contribute to creating an attractive and active pedestrian environment. Contributing to that goal, however, is to allow some limited variation and opportunities for outside dining, pocket parks and special building entry features.

(a) *Block Length*. The length of new blocks should not be less than 200-feet, nor more than 600-feet.

(b) *Block Faces*. Block faces shall contain continuous building frontage with the exception of a mid-block access to parking which is no greater than 34-feet in width and 16-feet in height.

(c) *Continuous Building Frontage* will be considered to be met if the primary building facade is located within five feet of the build-to line requirement. However, administrative approval of a minor waiver will permit up to 15% of the building frontage to be up to 15 feet behind the build-to line provided that it results in an attractive outdoor dining area, building entry feature or other amenity which contributes to the streetscape. A greater increase shall require approval of a major waiver.

(d) *Façades*. Façades shall generally be built parallel to the street frontage, except at street intersections, where a corner facade containing a primary building entrance may be curved or angled toward an intersection.

FIGURE 8: EXAMPLE OF A BUILD-TO-LINE
❶: BACK OF CURB
❷: PEDESTRIAN WAY/SIDEWALK
❸: BUILD-TO-LINE

(e) *Build-To-Lines (i.e. Setbacks)*.

(1) Build-to lines shall be measured from the planned street back-of-curb, as established on the approved regulating plan for the district and the standards in the Unified Development Code (UDC) [*see Table 1, 2 & 3 for Downtown District Standards below*], or the City's approved Master Thoroughfare Plan. The entire area between the back-of-curb and the primary building facade shall be dedicated as public right-of-way or have a public easement placed upon it.

(2) Awnings may encroach above the public sidewalk without limit, provided they leave a minimum

DRAFT
ORDINANCE
05.07.2024

clearance of 7.5-feet above the sidewalk, and are set back a minimum of 18-inches from the back of curb and will not impede street tree growth.

(5) *Streetscape and Landscape*.

(a) Streetscape standards shall be established by the City for sidewalk paving, street trees, tree grates, lighting fixtures, trash receptacles and benches for both residential and nonresidential ground-level frontages.

(b) Non-residential ground floor frontages shall not be required to provide additional landscaping beyond that required in the Downtown District engineering and landscape standards.

(c) Residential ground floor frontages shall be required to landscape a minimum of five feet between the edge of sidewalk and the primary building facade, excluding access to sidewalks, stairs, stoops, porches and patios. This area may be landscaped with ground cover, low shrubs, ornamental trees and street trees. In addition, street tree wells may also be landscaped. Landscaping for tree wells is limited to ground cover and low shrubs.

TABLE 1: DOWNTOWN DISTRICT STANDARDS FOR BUILDING HEIGHT

BUILDING HEIGHT [1] & [3]	BLOCKS FACING THE SQUARE	BLOCKS FACING SINGLE-FAMILY ZONING	ALL OTHER BLOCKS
MAXIMUM # OF STORIES	4	2 [1]	4
MINIMUM # OF STORIES	2	2	2

TABLE 2: DOWNTOWN DISTRICT STANDARDS FOR BUILD-TO-LINE

BUILD-TO LINE [2]	BLOCKS FACING THE SQUARE	BLOCKS FACING SINGLE-FAMILY ZONING	ALL OTHER BLOCKS
GOLIAD STREET AND ALAMO STREET [4]	20-Feet	20-Feet	18-Feet
RUSK, WASHINGTON AND DENNISON [5]	20-Feet	20-Feet	24-Feet
ALL OTHER ROADS	18-Feet	18-Feet	18-Feet

TABLE 3: DOWNTOWN DISTRICT STANDARDS FOR PEDESTRIAN ACCESS

PEDESTRIAN WALKWAY WIDTH	BLOCKS FACING THE SQUARE	BLOCKS FACING SINGLE-FAMILY ZONING	ALL OTHER BLOCKS
NON-RESIDENTIAL	10-Feet	10-Feet	10-Feet [5]
RESIDENTIAL [6]	6-Feet	6-Feet	6-Feet

NOTES:

[1]: MAXIMUM OF TWO (2) STORIES WHEN THE BUILDING IS WITHIN 200-FEET OF SINGLE-FAMILY ZONED PROPERTY.

[2]: BUILD-TO-LINES ARE MEASURED FROM THE *BACK OF CURB* OF THE PLANNED STREET AS SET OUT IN THE APPROVED REGULATING PLAN FOR THE DISTRICT. THE SETBACK RANGE IS ESTABLISHED FOR THE BLOCK FACE. [SEE SUBSECTION 04.07(C)(4), *BLOCK FACE*].

[3]: INCREASED HEIGHT FOR FEATURE BUILDINGS MAY BE APPROVED AS PART OF SITE PLAN APPROVAL BY MINOR WAIVER. ADDITIONAL HEIGHT FOR OTHER BUILDINGS SHALL BE CONSIDERED A MAJOR WAIVER.

[4]: EXCEPT ALONG GOLIAD STREET BETWEEN WASHINGTON STREET AND KAUFMAN STREET, WHERE EXISTING BUILDING LINES WILL BE ENFORCED.

[5]: SIDEWALK TABLES MAY BE ALLOWED BY THE CITY IN RETAIL AREAS.

[6]: EXCEPT RUSK STREET BETWEEN ST. AUGUSTINE STREET AND ALAMO STREET WHERE EXISTING HISTORIC BUILDING LINES WILL BE ENFORCED.

(D) *Buildings.*

(1) *Intent*. It is the intent of this zoning district to create an attractive and active village style district and the size, disposition, function, and design of buildings, play an important role in achieving that goal.

(a) Buildings should directly contribute to the attractiveness, safety and function of the street and other public areas.

(b) Buildings that accommodate retail at grade should feature the retail activity over the building's architecture.

(c) Buildings should be constructed in a manner, and with materials, that are highly durable and will continue to endure and be attractive over a long time, especially adjacent to public and pedestrian areas.

(d) It is intended by this zoning district to encourage a variety of building and design solutions in response to the standards and regulations outlined herein.

(2) *Building Standards.*

(a) *Building Form.*

(1) The maximum retail area allowed for a single user shall be 40,000 square feet. Any lease which exceeds this size shall require approval of a major waiver.

(2) All buildings shall be designed and constructed in tri-partite architecture so that they have a distinct base, middle and top.

(3) Buildings which are located on axis with a terminating street or at the intersection of streets shall be considered a feature building. Such buildings shall be designed with features which take advantage of that location, such as an accentuated entry and a unique building articulation which is off-set from the front wall planes and goes above the main building eave or parapet line.

(b) *Architectural Features.*

(1) Buildings which are greater than three (3) stories in height must be set back at the fourth floor at least eight feet behind the building face of the first three floors along street frontages. Any change to this standard shall be considered a major waiver.

(2) Windows shall have at least a four (4) inch reveal and except for retail at grade, shall be vertical in proportion.

(3) No glass curtain wall shall be permitted except by approval of major waiver.

(4) Each building and separate lease space at grade along the street edge shall have a functioning primary entry from the sidewalk. Such entries must be inset from the front building plane by at least five

DRAFT ORDINANCE 05-24-2024

feet. Secondary entries may be set back as little as three (3) feet. Functioning entries must be located no greater than 30-feet apart. Corner entries may count as a primary entry for both intersecting street frontages.

(5) Architectural elements of the primary building facade may encroach beyond the build-to line by up to five feet provided that pedestrian flow will not be significantly impeded, with a minor waiver. These elements may include stoops, porches, bay windows, eaves, planters and light wells for a below grade floor. Balconies, canopies and awnings are not limited in their encroachment, provided that they do not substantially interfere with pedestrian movement and street tree growth. This does not apply to the historic core.

FIGURE 9: EXAMPLE OF TRI-PARTITE ARCHITECTURE

❶: TOP; ❷: MIDDLE; ❸: BASE

FIGURE 10: 4TH FLOOR SETBACK REQUIREMENT

(c) *External Facade Materials*. The following shall apply to all exterior walls of buildings and parking structures which are clearly visible from a public street, walkway or open space:

(1) Ground floor exterior walls, excluding windows, doors, and other openings, shall be constructed of 100% brick, natural or cast stone on the exterior facade.

(2) Overall, a minimum of 85% of exterior walls which face on a street right-of-way, plaza or open space, excluding windows, doors, and other openings, shall be constructed of brick, natural or cast stone. Where such a wall turns a corner, the surface materials shall continue around the corner a minimum of eight feet.

(3) The remainder may be constructed of noncombustible materials including exterior stucco and class PB exterior insulating and finishing systems (EIFS). Stucco and EIFS shall be used only for walls, architectural features, and embellishments not subject to pedestrian contact. On wholly residential structures, cementitious fiberboard may be used for up to ten (10) percent of the facade provided it is above the ground floor.

(4) Unpainted metal, or metal subject to ordinary rusting shall not be used as a building material. Factory finished metal elements as well as metals that develop an attractive oxidized finish, such as copper, galvanized metal, stainless steel or weathering steel, may be used as architectural accents by minor waiver approval.

(5) Windows and glazing shall be a minimum of 30% up to a maximum of 70% of each building elevation. [*See Subsection (D)(2)(f), Non-Residential at Grade, below for special requirements for retail at grade*].

(6) A variation of up to 15% of the standards above, and the material type may be approved by administrative approval of a minor waiver, provided that the change will result in an improved architectural design without degrading the quality of public areas or increasing the need for maintenance.

(d) *Color.*

(1) The dominant color of all buildings (including above grade parking structures shall be muted shades of warm gray, red, green, beige and/or brown. Black, gold and stark white shall not be used except as an accent color. There are no restrictions on accent colors which comprise less than one (1) percent of the building face, except that florescent colors are prohibited.

(2) Roof colors shall be a shade of cool gray, warm gray, brown or red.

(e) *Residential at Grade.*

(1) All buildings which are constructed for residential units at grade shall include a primary front door

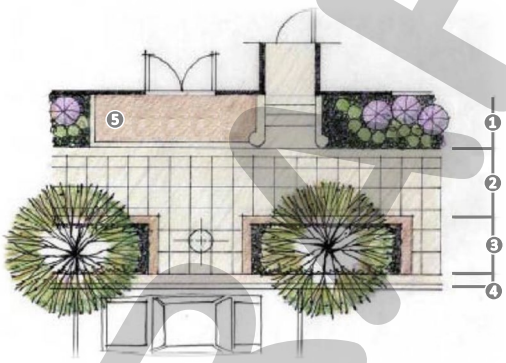
DRAFT ORDINANCE 05.04.2024

entrance into the unit which may be accessed from the sidewalk. Any change to this standard shall be considered a major waiver.

(2) The entry shall be located a minimum of two (2) feet above the sidewalk elevation and include a minimum 24-square-foot stoop. Any change to this standard shall be considered a major waiver.

(3) Units must also include windows which provide residents a view of the street and sidewalk area. Any change to this standard shall be considered a major waiver.

FIGURE 11: EXAMPLE OF RESIDENTIAL AT GRADE



1: RESIDENTIAL LANDSCAPE/PATIO SETBACK;
2: CLEAR SIDEWALK
3: TREE, LIGHTING AND BIKE RACK ZONE
4: ONE (1) FOOT DISMOUNT STRIP
5: ELEVATED PRIVATE PATIO

(4) Lobbies to upper stories may be located at grade level.

(5) Balcony and patio railings and fences shall be constructed of wrought iron or metal. Wood fences and railings and chain-link fencing are prohibited. Masonry columns may be used on patios provided that they are used as accents.

(f) *Non-Residential at Grade.*

(1) The ground floor entry must be located at the approximate elevation of the adjacent sidewalk.

(2) Retail uses adjacent to the sidewalk at grade shall:

(a) Be constructed to meet fire code separation from any other uses constructed above;

(b) Have a minimum clear height of 16-feet between finished floor and the bottom of the structure above. Mezzanines within the retail space shall be allowed per building code;

(c) Have a canopy which extends at least six feet over the sidewalk for at least 75% of the frontage on any portion of a building located on the north, east or west side of a street and public sidewalk; and

(d) Have clear glass windows for at least 60%, but no greater than 80%, of the ground floor facade.

(e) No outdoor storage is permitted. Outdoor retail display or sales shall require a permit from the City.

FIGURE 12: EXAMPLE OF NON-RESIDENTIAL AT GRADE

1: SIDEWALK WITH POSSIBLE OUTDOOR SEATING AND DINING
2: TREE, LIGHTING AND BIKE RACK ZONE
3: ONE (1) FOOT DISMOUNT STRIP

~~(D)~~(E) *Parking.*

(1) *Automobile Parking.*

(a) *Intent*. The following is the intent of the City's parking policies and the Downtown Zoning District:

(1) Support the creation of shared parking in order to enable visitors to park once at a convenient location and to access a variety of commercial enterprises in a pedestrian-friendly environment.

(2) Manage parking so that it is convenient and efficient, and supports an active and vibrant retail environment.

(3) Ensure visibility and ease of access to parking.

(4) Maximize on-street parking.

(5) Provide flexibility for changes in land uses which have different parking requirements within the district.

(6) Provide flexibility for the redevelopment of small sites.

(7) Design parking structures so that they do not dominate the public environment by lining the edge of structures with residential or commercial uses.

(8) Avoid diffused, inefficient single-purpose reserved parking.

(9) Avoid adverse parking impacts on residential neighborhoods.

DRAFT ORDINANCE 05.14.2024

(b) *Parking Requirements*. Off-street and on-street facilities shall be provided as required in Article 06, *Parking and Loading*, of the Unified Development Code (UDC).

(1) *Parking Reductions*.

(a) Properties in the historic core shall receive a credit for the number of parking spaces which would normally be required for retail use on the ground floor of any existing or new structure. To achieve this credit, however, retail or restaurant use must be located on the ground floor.

(b) In the remainder of the district, on-street parking which is directly in front of the development site may be counted toward the parking requirement for the development.

(2) *Achieving Automobile Parking*.

(a) Parking requirements may be met on-site, curb-side, by lease from the City or its designated authority or by payment of cash-in-lieu of parking to the City or its designated authority.

(b) Due to the limited land area within the historic core and the need to provide off-site parking, development shall be eligible to receive a reduction in the cost for the payment to the City for the required cash fee or the lease payments. The amount and the terms of the reduction shall be determined by the City manager or his designee by individual agreements.

(c) The City manager or designee shall annually establish the following:

(1) The leasing rates for city-provided parking spaces as a result of the need to provide such spaces for new development; and

(2) The cost of construction of a parking space in a parking structure for the purposes of establishing cash-in-lieu payments.

(3) *Parking Location*. All off-street parking shall be located behind buildings which face on a street or public open space. Any change to this standard shall be considered a major waiver.

(4) *At-Grade Parking*. Any at-grade parking lots fronting roadways which may be approved shall be set back not less than ten feet from the right-of-way line of such roadways, and screened from view as outlined in Subsection (F), *Landscaping Requirements*.

(5) *Parking Garages*. Parking garages that have frontage on public streets shall comply with all setback and build-to standards as established in *Tables 1, 2 & 3, Downtown District Standards*, and Subsection (D)(2)(c), *External Facade Materials*. However:

(a) Parking garages which are adjacent to a street shall be set back a minimum of 50-feet and lined with buildings containing any permitted use but parking.

(b) All parking garages shall be constructed with flat parking decks for ease in re-use of all or portions of the structure when parking demand wanes, unless otherwise approved by major waiver.

(c) Off-street below grade parking is permitted to the lot lines, but must be designed to allow for utilities and planting of landscape as defined in Subsection (F), *Landscaping Requirements*.

(6) Shared Parking.

(a) Uses may join in establishing shared parking areas if it can be demonstrated that the parking for two (2) or more specific uses occurs at alternating time periods. Required parking shall be determined based on parking demand for the peak parking period, as determined by a parking analysis study approved by the Director of Planning and Zoning.

(b) Shared parking shall be clearly designated with signs and markings.

(2) *Bicycle Parking*.

(a) *Goals*. Bicycle parking is required in order to encourage the use of bicycles by providing safe and convenient places to park bicycles.

(b) Required bicycle parking. Bicycle parking shall be provided based on at least one (1) space for each ten automobile parking spaces required as part of the base parking requirements above.

(c) *Bicycle Parking Standards*.

(1) *Location*.

(a) Required bicycle parking must be located within 50 feet of an entrance to the building. With approval of a minor waiver, bicycle parking may be located in the public right-of-way.

(b) Bicycle parking may be provided within a building, but the location must be easily accessible to bicycles.

(2) *Covered Spaces*. If covered spaces for motor vehicles are provided on-site, then 50% of the bicycle parking shall also be covered, unless otherwise approved by minor waiver.

(3) *Signs*.

(a) All monument signs in the Downtown (DT) District shall conform to the signage requirements stipulated by Subsection 06.04, *North Goliad Corridor Overlay (NGC OV) District*. All other signage shall conform to Chapter 32, *Signs*, of the Municipal Code of Ordinances.

Formatted: Font: 5 pt

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Underline, Font color: Accent 5

Formatted: Underline, Font color: Accent 5

Formatted: Font: 5 pt

Formatted: Indent: Left: 1.25", No bullets or numbering

DRAFT OFFICIAL 05.14.2024

~~(3)~~(b) If the bicycle parking is not visible from the street, then a sign must be posted indicating the location of the bicycle parking facilities.

(4) *Rack Types and Required Areas*. Bicycle racks and the area required for parking and maneuvering must meet the Downtown District engineering and landscape standards or be approved by minor waiver (see below). Bicycle lockers may also be allowed as part of meeting the bicycle parking requirement, but must be approved as to type and location.

(d) *Standards for Bicycle Rack Types and Dimensions*.

(1) *Rack Type*.

(a) Bicycle rack types and standards shall be approved by the City.

(b) *Parking Space Dimensions*.

(1) Bicycle parking spaces must be at least six feet long and two feet wide, and in covered situations, the overhead clearance must be at least seven feet.

(2) An aisle for bicycle maneuvering must be provided and maintained beside or between each row of bicycle parking. This aisle must be at least five feet wide.

(3) Each required bicycle parking space must be accessible without moving another bicycle.

(4) Areas set aside for bicycle parking must be clearly marked and reserved for bicycle parking only.

~~(E)~~(F) *Streetscape, Lighting and Mechanical*.

(1) *Intent*.

(a) It is the intent of this zoning district to provide a level and consistency of lighting that supports pedestrian activity and promotes safety.

(b) The entire district shall utilize the basic fixtures and furnishings in the public areas as may be approved by the City for this district.

(c) Mechanical equipment shall not be clearly visible from the street or other public area.

(2) *Standards*.

(a) For streetscape and lighting specifications, see the Subsection (H), *Downtown District Engineering and Landscape Standards*.

(b) Lighting elements shall be incandescent, metal Halide, or halogen only. No HID or fluorescent lights (*except fluorescent bulbs that screw into standard socket fixtures*) may be used on the exterior of buildings.

(c) All lighting shall be focused downward or narrowly focused on its intended target such as signing, parking and pedestrian walkways. No lighting source from a commercial activity shall be visible by a residential unit.

(d) Mechanical and electrical equipment, transformers, meters, garbage containers and loading areas shall be located and screened so that they are not visible from the street or other public area.

(1) Mechanical equipment shall be screened from view from all public roadways and located to minimize noise intrusion to adjacent properties. The required screening must be composed of the same exterior materials as the buildings on the lot, or through the use of masonry walls, ornamental fence (80% opaque), evergreen landscape material, or combination thereof.

(2) All roof-mounted mechanical elements must be screened from view from the public right-of-way and neighboring properties. Screening must be architecturally compatible with the building design.

(3) Loading, service and trash storage areas shall be screened from all public roadways. Refuse containers must be placed on a designed, reinforced concrete pad and approach. The required screening must be composed of the same exterior materials as the buildings on the lot, or through the use of masonry walls, ornamental fence (80% opaque), evergreen landscape material, or combination thereof.

(e) Any bicycle parking in the public right-of-way shall be located within the band created by street trees and pedestrian street lights; however, it must be placed in a manner that avoids conflicts with pedestrian and vehicular paths.

~~(F)~~(G) *Landscape Requirements*. Landscaping within the Downtown District shall comply with the provisions in this subsection, the City's streetscape standards and the standards contained in Article 08, *Landscaping and Fence Standards*, of this Unified Development Code (UDC). Where conflicts exist between this district and Article 08, *Landscaping and Fence Standards*, of this Unified Development Code (UDC), the requirements in this district shall be applied.

(1) *Street Trees*. Street trees shall be large shade tree species having a minimum caliper of four inches, selected in accordance with the City's landscape standards. Street trees shall be planted at least 20-feet on center.

(2) *Plant Material*. Front yards shall be landscaped adjacent to residential at grade per the diagram in Subsection (D)(2)(e), *Residential at Grade*, above. Plant materials shall consist of shade trees, ornamental trees, shrubs, evergreen ground covers, vines, and seasonal color.

(3) *Paving Material*.

(a) Paving material shall be warm toned, natural materials such as brick, stone and concrete. Asphalt may be approved as part of a minor waiver.

(b) Gravel as a paving material is prohibited.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Font: 5 pt

Formatted: Font: Italic, Underline

DRAFT ORDINANCE 05-24

(4) *Parking Lot Landscape.*

(a) Landscaping of the internal surface parking area shall not be required unless it is planned to serve as long-term parking. In which case, such long-term surface parking areas shall meet the requirements of Subsection (F), *Landscaping Requirements*. For the purpose of this subsection, long-term parking shall be determined by the Director of Planning and Zoning, and may include parking which has a likelihood of being in place for a period of ten years or more.

(b) Surface parking lots shall be screened from all adjacent public streets and neighboring sites. The screen must extend along all edges of the parking lot and must be three feet in height, 80% opaque, and may be accomplished through the use of masonry walls, ornamental metal, evergreen plant materials, or a combination thereof. Planting beds for screen planting shall be a minimum of three feet in width.

(c) Interior parking lot landscape shall be consistent with Article 08, *Landscape Standards*, of the Unified Development Code (UDC).

(d) Parking spaces shall not exceed ten spaces in a row without being interrupted by a landscaped island (nine [9] foot minimum). Islands shall be planted with a minimum of one (1) shade tree for every ten (10) cars.

~~(G)~~(H) *Administration*.

(1) *Intent*. It is the intent that a developer or builder who wishes to develop under this zoning district will be processed in an expedited manner with administrative approvals, and may in fact qualify for incentives under other separate city programs. However, if there are substantial major waivers requested, additional approvals shall be required which may delay development progress.

(2) *Waivers of Design Standards*.

(a) For the purposes of this district, there shall be two types of waivers of design standards: minor and major. Requests for waivers shall not be subject to review or decision by the zoning board of adjustment. A waiver request may only be made in conjunction with an application for a downtown development plan.

(b) *Minor Waivers* are those changes to design standards in the Downtown District identified in Subsection (C)(2), Waivers of Design Standards, may be approved administratively by the Director of Planning and Zoning or his designee in conjunction with a decision on an application for approval of a downtown development plan. All minor waivers must meet the full intent of this zoning district as stated in section I. Appeals to decisions concerning minor waivers may be made to the Planning and Zoning Commission.

(c) *Major Waivers* are major changes to the design standards in the Downtown District. Major waivers may only be approved by the City Council, following a recommendation by the Planning and Zoning Commission, in conjunction with a decision on an application for approval of a downtown development plan. Examples of major waivers are listed in Subsection III.B above; however, the City Council reserves the right to grant a major waiver to any standard not specifically designated as a minor waiver contained in this Article pending the City Council finds that the waiver:

(1) Meets the general intent of this district in which the property is located;

(2) Will result in an improved project which will be an attractive contribution to the district; and

(3) Will not prevent the realization of the intent of this district.

(d) The City may impose conditions on granting any waiver to mitigate negative impacts neighboring properties or public streets or open space.

(3) *Downtown Development Plan Approval.*

(a) Prior to obtaining a building permit, a downtown development plan must be approved by the Director of Planning and Zoning or his designee, to certify that it meets the purpose, intent and standards contained in this zoning district.

(b) Downtown development plans must include the following information:

- Site Plan
- Building Elevations and Sections
- Building Function/Proposed Use
- Parking Standards Being Met
- Landscape Plan
- Any Waivers being Requested

(c) Applications for downtown development plan approval shall be reviewed within 30-days of being formally accepted by the City. At such time, the approval, approval with conditions or denial shall be forwarded to the applicant. However, applications including a request for a major waiver shall be scheduled for Planning and Zoning Commission and City Council action.

(d) Denial of a downtown development plan may be appealed to the Planning and Zoning Commission and City Council within 30-days of notification of such denial

(4) *Lapse of Approval*. If a building permit has not been obtained within two years following approval of the downtown development plan, such plan shall lapse unless the property owner requests an extension prior to the expiration of the two-year period. The request for an extension shall be considered by the planning director, or he may at his discretion refer the decision to the Planning and Zoning Commission and City Council in the same manner as for approval of the downtown development plan. The Director of Planning and Zoning (or the City Council, upon recommendation by the commission) may grant an extension of the time for expiration of the downtown development plan for a period not to exceed one (1) year from the date of initial approval of the application. Every request for

DRAFT ORDINANCE 05-24:2024

an extension shall include a statement of the reasons why the expiration date should be extended. The decision-maker may grant a request for extension upon demonstration that circumstances beyond the control of the applicant have resulted in the applicant's inability to perform the tasks necessary to prevent the downtown development plan from expiring before the lapse date. The commission or the City Council also may terminate the downtown development plan or may attach additional conditions to the extension of the plan.

(5) *Platting in the Downtown District*. Plats in the Downtown District shall ensure public access easements over sidewalk areas and shared drive access.

~~(H)~~(I) *Downtown District Engineering and Landscape Standards*.

(1) *Downtown Plan*. The Downtown District Engineering and Landscape Standards shall be in accordance with the approved Rockwall Downtown Plan.

(2) *Street Trees*.

(a) Trees which may be planted adjacent to sidewalks, alleys and streets are limited to the trees depicted in the tables contained in Appendix C, *Landscaping Guidelines and Requirements*, of this Unified Development Code (UDC).

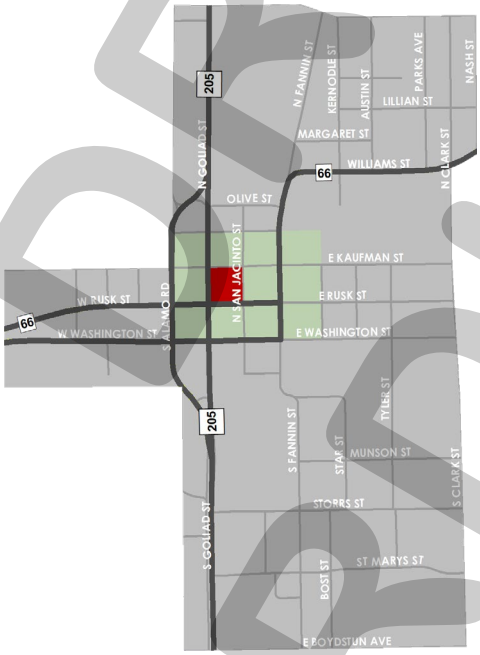
(b) Shade trees shall be used for all formal street tree planting unless prohibited by the Texas Department of Transportation, in which case smaller ornamental trees may be used.

(c) Each street shall be planted with a focus on one (1) species to reinforce street character

(3) *Street Furniture*.

(a) The Downtown District shall utilize the following *street furniture* in accordance with *Map 1: Downtown District*:

MAP 1: DOWNTOWN (DT) DISTRICT



GREEN: DOWNTOWN CORE; *GRAY*: PERIMETER ZONE; *RED*: DOWNTOWN SQUARE; ***DARK GREY LINE***: MAJOR THOROUGHFARES.

~~(I)~~(J) *Streetscape Elements*. All streetscape elements described here within, are not intended to be the final product specification. The electrical engineer, architect, landscape architect or other professional designer should verify the product color, material and style number, prior to placing the final streetscape element order with manufacturer and supplier. Lighting fixture and traffic signal electrical voltage supply, circuiting, photometrics and final fixture location needs to be specified by a registered electrical engineer, with all fixture footings checked by a registered structural engineer, prior to installation.

(1) *Downtown Square and Downtown Core Streets.*

(a) *Light Standard: A1*. All commercial streets in the *Downtown Core*.

(1) *Catalog Number*. AAL/2-PRMN H3 or H5/150 to 175-watt MH lamp (voltage)/2-TRA5U arms/DB6 base with 4" round 15' ht. pole/PN A50596-1

(2) *Description*. Architectural Area Lighting (AAL); Promenade Series, Fixture: 2-PRMS Double Pedestrian Light Standard with a H3 or H5 horizontal lamp reflector, 150-watt to 175-watt metal halide lamp, medium base socket for use with E17 lamps; (voltage); CHM glass chimney, with brass holder, and DBZ dark bronze color. Arm: # 2-TRA5U period arm, one-piece cast aluminum, and DBZ dark bronze color. Pole, base and pole cap: DB6 4R16-125, 4" OD round straight aluminum, 15' tall (special) with a DB6 base, 36" ht. × 15" base diameter; P/N A50596-1, Small cast final at pole top, DBZ dark bronze color.

(b) *Light Standard: A2*. Limited to the *Downtown Square* and San Jacinto Street pedestrian ways.

DRAFT ORDINANCE 05-14-2024

(1) *Description*. Same as A1 above except with the optional BPS fixture struts are finished in a brass colored powder coating.

(c) *Traffic Signal: D1*. All commercial streets of the *Downtown Core*, if needed.

(1) *Description*. Valmont traffic structures. Pole/base/pole sphere final: Tapered, round standard galvanized steel pole, with an aluminum ball final on the pole top (Ball Top FCA-BL Series # FCA/BL/A/ (Estimate a 10" diameter ball, verify final size with top diameter range at top of pole/DB, dark bronze); pole base has an ornamental cast nut cover, color of complete traffic structure is a galvanized + powder coated finish, color = dark bronze to match Historic District street sign blades. Arm: Tapered, round standard arm, with an aluminum ball final on the end of the arm (ball top FCA-BL Series # FCA/BL/A/(estimate a 5" diameter ball, verify final size with top diameter range at the end of the arm after arm length is specified)/DBZ, dark bronze color. Signals: TXDOT standard signal, black color with black silhouettes, mount tightly to signal arm with black connections, so as to eliminate any visible gaps between silhouette and arm. Street Sign: Sign blade to match Historic District colors, font and sign format.

(d) *Traffic Signal with Light Standard: D2*. All commercial streets of the *Downtown Core*, if needed.

(1) *Description*. Same as D1 traffic signal, except pole is typical "standard combination structure" with AAL (B2 type) light; arm is a (modified) WMA 12 "shepherd's crook" contemporary arm modified to accept the Valmont pole, DBZ, dark bronze color.

(e) *Light Standard Banner Brackets*. At selected streets.

(1) *Description*. Architectural area lighting (AAL). Breakaway banner arm 2-BBD4-18, clamps onto a 4" O.D. pole and adjustable to desired position. Banner size should not exceed five (5) SF - maximum 70 mph wind. Verify banner bracket locations and mounting height; DBZ, dark bronze color, polyester powder finish.

(f) *Benches*. All commercial streets in the *Downtown Core*.

(1) *Catalog Number*. Du Mor Bench # 140 - 60 and # 140-80

(2) *Description*. Du Mor Site Furnishings. Bench 140 – in six (6) feet and eight (8) feet lengths, All welded seat assembly, Seating Surface: 1/4" × 1 1/2" HR steel bar 2-3/8" O.D. Sch 40 steel pipe, cast iron supports, bracing 1 1/16" O.D. steel pipe, stainless steel fasteners, dark bronze color polyester powder finish.

(g) *Trash Receptacles*. All commercial streets in the *Downtown Core*.

(1) *Catalog Number*. Du Mor Receptacle 84-22DM

(2) *Description*. Du Mor Site Furnishings. Trash receptacle 84-22, 22-gallon all steel receptacle, 150 lbs., top edge: 5/8 " diameter steel bar; vertical straps: 1/4; " × 3" steel bar with a 22-gallon plastic liner, cover; spun 14-gauge steel with vinyl coated cable; and a dome top, dark bronze color in a polyester powder finish.

(h) *Street Sign Blades*.

(1) *Description*. Match Historic District street sign blades (*dark bronze color with white lettering*).

(i) *Street Sign Brackets*. At non-signalized intersections. Street signs can be mounted to light standard poles.

(1) *Description*. Architectural area lighting (AAL). (Special) Each bracket is bolted to pole, dark bronze color to match fixture in polyester powder finish. (Verify bracket size with sign blade used as well as sign mounting height).

(j) *Street Regulatory Sign and Poles*.

(1) *Description*. Paint the backs of all sign blades and all poles, dark bronze color to match the Historic District street sign blades.

(k) *Bollards*. Limited to the *Downtown Square*.

(1) *Catalog Number*. Sternberg Vintage Lighting, ornamental bollard #4501

(2) *Description*. Sternberg Vintage Lighting. Ornamental steel bollard #4501, 5¼" diameter straight tubing (no fluting), 30" high, 8" dia. base, no internal light, DBZ, dark bronze color to match the Historic District street sign blades.

(2) *Downtown Perimeter Zone Streets*.

(a) *Light Standard: B1*. All neighborhood residential streets.

DRAFT ORDINANCE 05.14.2024

(1) Description. Same as A1 above except as a single headed fixture.

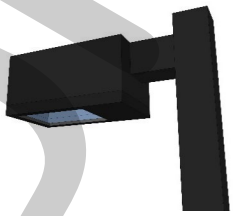
(b) Light Standard: B2. Limited to north and south sections of Goliad Street inside the *Downtown Zone* and at the intersections of Clark Street, Washington Street and Denison Streets inside the *Downtown Zone*.

(1) Catalog Number. AAL/PRM2 (H2, H3, H4, H5)/250 watt MH horizontal lamp (Voltage)/ARM: (modified) SLA 4 arm to accept the 5" dia. post/tendon/5" O.D. smooth round aluminum pole/DB 10 base/P/N A50575 large cast finial.

(2) Description. Architectural area lighting (AAL). Promenade Series, fixture: PRM2 (H2, H3, H4 and H5), 250-watt metal halide horizontal lamp, (voltage), DBZ dark bronze color, arm: (modified) SLA 4 arm (shepherd's crook) to accept the 5" dia. post/tendon, DBZ, dark bronze color, polyester power finish. Pole, base and pole cap: 5" O.D. diameter, smooth round aluminum pole, with a DB 10 ornamental base that is 48" high with an 18" base diameter, large cast finial #P/N A50575 20" high × 5½" O.D. that fits on top of pole, DBZ dark bronze color, polyester powder finish.

(c) Light Standard: C. Current standards. All thoroughfares (*i.e. SH-66, Goliad Street, Washington Street, and Denison Street*) inside the Downtown Perimeter Zone (*existing and new routed thoroughfares*).

(1) Description. Existing *Shoe Box* style light standard.



(d) Light Standard Banner Brackets. At selected streets.

(1) Catalog Number. AAL—Banner arm 2-BBD4-18

(2) Description. Architectural area lighting (AAL). Breakaway banner arm 2-BBD4-18, clamps onto a 4" O.D. pole and adjustable to desired position. Banner size should not exceed 5 SF - Maximum 70 mph wind. Verify banner bracket locations and mounting height. DBZ dark bronze color.

(e) Street Sign Blades.

(1) Description. Match Historic District street sign blades (*dark bronze color with white lettering*).

(f) Street Sign Brackets. At non-signalized intersections. Street signs can be mounted to light standard poles.

(1) Description. Architectural area lighting (AAL). (Special) Each bracket is bolted to pole, dark bronze color to match fixture in polyester powder finish. Verify bracket size with sign blade used as well as sign mounting height.

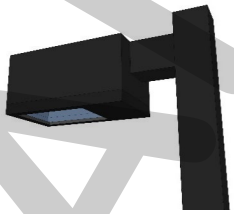
(g) Street Regulatory Signs and Poles.

(1) Description. Paint the backs of all sign blades and all poles, dark bronze to match the Historic District street sign blades.

(3) Major Thoroughfares and Parkways.

(a) Light Standard: C. Current standards.

(1) Description. Existing "shoe box" style light standard painted dark bronze.



(b) Street Signs.

(1) Description. Paint the backs of all sign blades and all poles, dark bronze to match the Historic District street sign blades.

SECTION 05 | INDUSTRIAL DISTRICTS

SUBSECTION 05.01: 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 and Zoning 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

DRAFT ORDINANCE 05-XX: 2024

(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.

(b) *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.

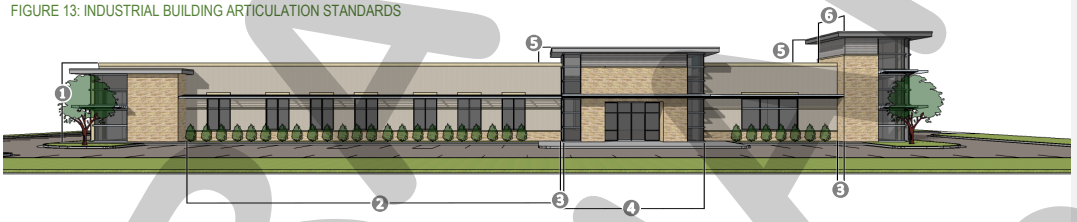
(c) *Secondary Materials.* Secondary Materials are any material that is not deemed to be a Primary Material as defined above. This includes materials like aluminum composite materials, metal panels, acrylic products (i.e. EIFS products) cast stone, or other materials identified by the Director of Planning 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.

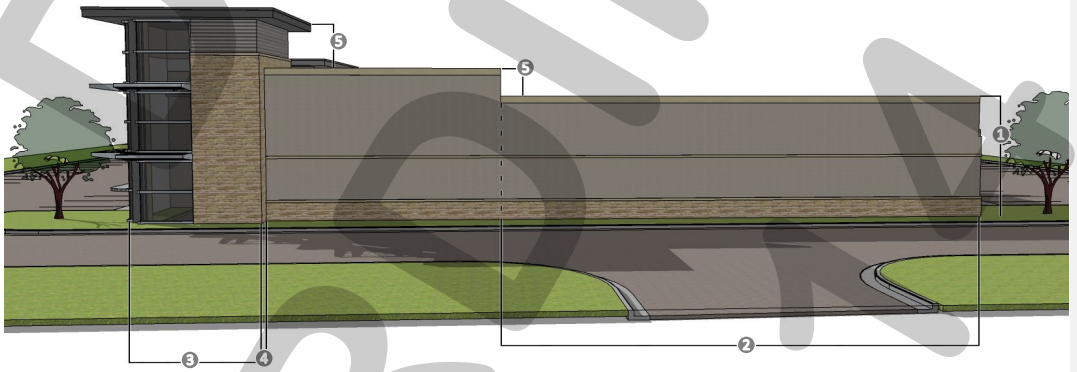
(B) *Maximum Building Height.*

(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

FIGURE 13: INDUSTRIAL BUILDING ARTICULATION STANDARDS



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 x ❶≥❷).
❸: *WALL PROJECTION*. THE MINIMUM WALL PROJECTION FOR AN ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 25% OF THE WALL HEIGHT (I.E. 25% x ❶≤❸).
❹: *ENTRYWAY/ARCHITECTURAL ELEMENT LENGTH*. THE MINIMUM LENGTH OF AN ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 33% OF THE WALL HEIGHT (I.E. 33% x ❷≤❹).
❺: *PROJECTION HEIGHT*. THE ENTRYWAYS/ARCHITECTURAL ELEMENT SHALL EXTEND A MINIMUM OF 25% OF THE WALL HEIGHT ABOVE THE TOP OF THE WALL (I.E. 25% x ❶≤❺).
❻: *ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL WIDTH OF THE ENTRYWAY/ARCHITECTURAL ELEMENT SHALL EXTEND TWICE THE REQUIRED WALL PROJECTION (I.E. 2 x ❹≥❺).



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 THREE (3) TIMES THE WALL HEIGHT (I.E. 3 x ❶≥❷).
❸: *SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT LENGTH*. THE MINIMUM LENGTH OF THE SECONDARY ENTRYWAY OR PROJECTTING ARCHITECTURAL ELEMENT SHALL BE 15% OF THE WALL LENGTH (I.E. 15% x ❷≤❸).
❹: *SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL PROJECTION FOR A SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 15% OF THE WALL HIEHGT (I.E. 15% x ❶≤❹).
❺: 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% x ❶≤❺).

DRAFT 05.01.2024

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 standards for articulation on primary building façades as depicted in *Figure 8*.

(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 standards for articulation on secondary building façades as depicted in *Figure 8*.

(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 09.01, *Exceptions to the General Standards*, Article 11, *Development Applications and Review Procedures*.

SUBSECTION 05.02: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements.* All development within a Light Industrial (LI) District shall conform to Subsection 05.01, *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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

SUBSECTION 05.03: 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.

DRAFT
05.14.2024

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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Heavy Industrial (HI) District shall conform to Subsection 05.01, *General Industrial District Standards*, and the related standards listed within Subsection 7.03, *Non-Residential District Development Standards*.

SECTION 06 | OVERLAY DISTRICTS

SUBSECTION 06.01: 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 06.02: 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 04, 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:

(1) Retail Store with Gasoline Sales (*Any Number of Dispensers or Vehicles*)

(2) Car Wash (*Any Type*)

(3) 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 and Zoning 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.

(a) *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

DRAFT ORDINANCE 05-XX: 2024

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 09.02, *Variances to the General Overlay District Standards*, of Article 11, *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:

(a) Scenic Overlay (SOV) District: 15-feet
(b) SH-66 Overlay (SH-66 OV) District: 15-feet
(c) IH-30 Overlay (IH-30 OV) District: 25-feet
(d) SH-205 Overlay (SH-205 OV) District: 25-feet
(e) North SH-205 Overlay (N. SH-205 OV) District: 25-feet
(f) SH-205 By-Pass Overlay (SH-205 BY OV) District:

- Residential Land Uses: See Section 06.10, *SH-205 By-Pass Overlay (SH-205 BY OV) District*
- Retail/Commercial Land Uses: 15-feet
- Industrial/Office/Technology Land Uses: 50-feet

(g) 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

(h) 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

(i) 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

DRAFT ORDINANCE 05.04.2024

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 or any roadway that is depicted on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan*) [*outside of and beyond any required right-of-way dedication*] shall be as follows:

(a) Scenic Overlay (SOV) District: 20-feet
(b) SH-66 Overlay (SH-66 OV) District: 20-feet
(c) IH-30 Overlay (IH-30 OV) District: 20-feet
(d) SH-205 Overlay (SH-205 OV) District: 20-feet
(e) North SH-205 Overlay (N. SH-205 OV) District: 20-feet
(f) 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

(g) 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

(h) 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

(i) 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 shrubbery or a combination thereof along the entire length of the frontage. Berms and shrubbery shall each 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

DRAFT ORDINANCE 05-24: 2024

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 C, *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 06.03: HISTORIC OVERLAY (HO) DISTRICT

(A) *Purpose*. The protection, enhancement and perpetuation of districts and landmarks of historical and cultural importance and significance are necessary to promote the economic, cultural, educational and general welfare of the public. It is recognized that within the City numerous areas, sites and structures represent the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural and cultural resources that constitute their heritage, and therefore this overlay district is intended to:

(1) Protect and enhance the district and landmarks which represent distinctive elements of the City's historic, architectural and cultural heritage;

(2) Foster civic pride in the accomplishments of the past;

(3) Protect and enhance the City's attractiveness to visitors and the support and stimulus to the economy thereby provided;

(4) Ensure the harmonious, orderly and efficient growth and development of the City;

(5) Promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the City;

(6) Stabilize and improve values of such properties;

(7) Promote education of significance and importance of historical preservation including the exploration of tax incentives (federal, state or local) that may apply to individual property owners or properties within the historic district as a whole; and8.Provide guidance to property owners restoring and/or rehabilitating historic significant in an effort to maintain the historical integrity of the area.

(B) *Terms and Definitions*. The following terms and definitions are used in the historic district ordinance and the historic guidelines.

(1) *Applicable Property or Applicable Structure*. The term used for properties that meet the following criteria, and are subject to the provisions of Unified Development Code:

(a) Either be a designated historical landmark or be wholly or partially located within a designated historic district, and

(b) Either be a contributing structure or property as defined in this section or be located within 200-feet of a contributing structure or property.

(2) *Board*. The Rockwall Historic Preservation Advisory Board (HPAB).

(3) *Certificate of Appropriateness (COA)*. A document approved by the board certifying that the proposed actions meet the intent of the ordinance and guidelines, or that a waiver has been granted.

(4) *Contributing Structure or Property*. A building, site, structure or object which adds to the historical architectural qualities, historical associations or archaeological value for which a property or district is significant because:

(a) It was present during the period of significance and possesses historical integrity reflecting its character at that time or is capable of yielding important information about the period, or

DRAFT 05.14.2024

(b) It independently meets the National Register criteria. The level by which a property is "contributing" (high-, medium- and low-contributing property) was originally determined by a historic survey of the properties within the (HO) Historic Overlay District implemented by the City community development department through the spring and summer of 2000. This survey may be amended from time to time.

(5) *District*. A designated area within the preservation district or elsewhere in the City subject to the requirements and standards of the historic district ordinance. An identifying name will precede the word "district".

(6) *Guidelines*. The adopted historic district design guidelines as stated in Appendix D, *Historic Preservation Guidelines*, of the Unified Development Code (UDC).

(7) *Landmark Property*. A property or structure(s), not contiguous to or part of an existing historic district that is deemed worthy of preserving.

(8) *Non-Contributing Structure or Property*. A building, site, structure, or object which does not add to the historical architectural qualities, historical associations, or archaeological value for which a property or district is significant because

(a) It was not present during the period of significance, or

(b) Due to alterations, disturbances, additions, or other changes it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period, or3.It does not independently meet the National Register criteria.

(9) *Preservation District*. The area designated as having structures which may be suitable for inclusion in a historic district or districts.

(C) *Historic Preservation Officer*. The Historic Preservation Officer (HPO) shall administer this section and advise the Historic Preservation Advisory Board on matters submitted to it.

(D) *Designation Criteria*. The board may recommend to the commission and the City Council that certain properties be "landmark districts" and that specific areas be designated as "historic districts" as provided for in this Unified Development Code (UDC). Any such designation must comply with all limitations expressed Subsections (E)(5) and (E)(6) below. Such a property or district shall bear the word "landmark" or "historic" in their zoning designation.

Properties that are listed as a Recorded Texas Historic Landmark (RTHL), State Archeological Landmark (SAL) or listed on the National Register of Historic Places (NR) shall be designated as recognized local landmarks.

(E) *Designation Procedures.*

(1) The City Council may designate by zoning ordinance certain areas as landmark or historic districts, providing they meet the criteria in Subsections (E)(5) and (E)(6). When so designated, the area shall bear the word "historic" or "landmark" in their zoning designation.

(2) The following steps shall be followed at every level in the recommendation and approval process:

(a) Public hearings shall be held and notices of same shall be posted, advertised, and notices sent in the manner prescribed under Subsection (G)(6), *Public Hearing*, and other procedures specifically provided in the City's Unified Development Code.

(b) Property owners and other interested parties may present testimony or documentary evidence that will become part of a record regarding the historic, architectural, or cultural importance of the proposed district. The record also may contain staff reports, public comments, or other evidence offered outside of the hearing and entered into the record.

(3) The board shall make its recommendation to the Planning and Zoning Commission within a reasonable time period, allowing for deliberations and strict adherence to timeframes required for public hearings. The Planning and Zoning Commission shall schedule a public hearing to be held within 45-days of receiving the board's recommendation.

(4) Upon designation of an area as a landmark or historic district, the designation should be recorded in the tax records of the City, and the City official zoning maps. All zoning maps should indicate the designated districts by an appropriate mark.

(5) A historic landmark property may be a single property or structure not contiguous to or part of an existing historic district, but is deemed worth of preserving. A landmark district may be designated if the property meets one of the following:

(a) Possesses significance in history, architecture, archeology, and/or culture;

(b) Is associated with events that made a significant contribution to the broad patterns of local, regional, state and/or national history;

(c) Is associated with the lives of persons significant in the City's past;

(d) Embodies the distinctive characteristics of a type, period, and/or method of construction;

(e) Represents the work of a master designer, builder, and/or craftsman; or

(f) Represents an established and familiar visual historical feature of the City.

(6) The board may recommend a historic district to the City Council to be designated if it:

(a) Contains a significant number of properties which meet one or more of the criteria for designation of a landmark as outlined in Subsection (E)(5) above, or

(b) Constitutes a distinct historical section of the City.

(7) The boundaries of each designated historic district shall be specified in written detail and shall be filed in the City secretary's office for public inspection.

(F) *Certificate of Appropriateness (COA) for Alteration or New Construction.*

DRAFT ORDINANCE 05.04.2024

(1) *Applicability of Ordinance.*

(a) *Included Properties*. The provisions of this ordinance shall apply only to those properties, hereinafter referred to as "applicable properties", which meet the following criteria:

(1) Either be a designated historical landmark or be wholly or partially located within a designated historic district, and

(2) Either be a contributing property as defined in subsection B or be located within 200-feet of a contributing property.

(b) *Excluded Properties*. Properties owned by a religious institution or used for religious purposes shall not be considered eligible for designation as a contributing property (*and shall not be affected by adjacent contributing properties*) unless they derive primary significance from either architectural distinction or historical importance

(2) *COA Does Not Replace Other Codes*. The Certificate of Appropriateness (COA) is in addition to and does not replace any other city permits or codes that must be followed.

(3) *Examples*. These are examples of situations that require a Certificate of Appropriateness (COA) for work performed on an applicable property. Additional information is located in the design guidelines contained in Appendix D, *Historic Preservation Guidelines*, of the Unified Development Code (UDC).

(a) Construction of a new building.

(b) Demolition or removal of an existing structure.

(c) Alterations to the façade, including additions and removals that will be visible from a public street.

(d) New improvements that would substantially obstruct the view of the main or front elevation as seen from a public street.

(e) Painting of a masonry surface not previously painted. For other painting, see design guidelines, residential properties.

Any addition or deletion of landscape materials or landscape design elements need not receive a Certificate of Appropriateness (COA) from the Historic Preservation Advisory Board (HPAB). It is recommended, however, that all proposed landscaping used in the district be extracted from the "recommended plant list" as provided in the landscape ordinance of the City. City staff shall maintain a list of plant material that is appropriate for all designated historic areas.

Any person wishing to paint a structure within a historic district may do so without receiving a Certificate of Appropriateness (COA) from the board. City staff and/or the board shall provide review and comment as requested by the property owner about color selection and design. Such review and comment, however, shall not be binding.

The board may recommend guidelines to enable the Historic Preservation Officer (HPO) to issue a Certificate of Appropriateness (COA) for exterior restorations and renovations requiring a building permit.

(G) *Application Procedure.*

(1) *Application Form*. Prior to the commencement of any work requiring a COA the owner shall file with the Historic Preservation Officer (HPO) an application for such a certificate. The application shall contain:

(a) Name, address, telephone number of applicant(s), detailed description of proposed work.

(b) Location of the proposed work (street address) and photographs of the property and adjacent properties. (Historical photographs also may be helpful.)

(c) Elevation drawings of the proposed changes, if available, and preferably in color.

(d) Samples of materials to be used, if requested by the board.

(e) If applicable, a scale drawing of any signs showing the type of lettering to be used, all dimensions and colors, a description of materials be used, method of illumination (if any), and a plan showing the sign's location on the property.

(f) Site plan in accordance with the Unified Development Code, if applicable.

(g) Any other information which the board may deem necessary in order to visualize the proposed work, and any additional material the applicant wishes to submit.

(2) *Building Permit*. A COA issued by the board is required before a building permit will be issued for any work.

(3) *Time Frame for Actions*. The board shall deny, approve, or approve the COA with modifications within 60 days from receipt of the completed application and supporting documentation. The board shall hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views.

Should the board not act within the 60-day period, the COA shall be automatically referred to the City Council for their approval or denial, following a public hearing.

(4) *Written Decisions*. All decisions of the board shall be in writing. An approved Certificate of Appropriateness (COA) shall be sent to the applicant and a copy filed with the City secretary's office for public inspection. The board's decision shall state the reasons for denying or modifying any application.

(5) *Standards for Approval*. The Historic Preservation Advisory Board must approve the application for a Certificate of Appropriateness (COA) if it determines that:

(a) For contributing structures, the application will not adversely affect the character of the site; and the proposed work is consistent with the regulations contained in this section and proposed preservation criteria; or

DRAFT ORDINANCE 05.2024

(b) For non-contributing structures, the proposed work is compatible with the historic district.

(6) *Public Hearing*. A public hearing before the board is required as defined in subsection E.6 before a decision can be made on a zoning recommendation forwarded to the Planning and Zoning Commission.

(a) The board shall hold a public hearing on all actions considered and appeals made to it. Said public hearing shall be held, when necessary, on the third Thursday of the month. In cases where this "regularly scheduled" meeting date is not appropriate (*e.g., in cases as set forth under section I, emergency procedure*) an alternative meeting date will be set.

(b) Written notice of the public hearing shall be sent to the applicant, all persons who are owners of real property lying within 200 feet of the subject property and to all other persons deemed by the board to be affected.

(c) Written notice shall be given not less than ten days before the date set for the public hearing to all such owners of record as the ownership appears on the current on-line tax roll. The notice may be served by deposition of the same, properly addressed and postage paid, in the U.S. Post Office.

(H) *Actions After Board Decision*.

(1) *Appeal Process*. If the Certificate of Appropriateness (COA) is denied, the applicant may appeal to the City Council by filing a written notice with the Historic Preservation Officer (HPO) within ten business days after the decision of the board. In considering an appeal, the sole issue before the City Council shall be whether the board erred in its decision. The City Council shall consider the same standards and evidence that was considered in making the decision. Appeal to the City Council constitutes the final administrative remedy.

If the Certificate of Appropriateness (COA) is approved, any property owner within the subject historic district aggrieved by any decision of the board may appeal to the City Council. Said appeals may be made by filing a written notice with the Historic Preservation Officer (HPO) within ten business days after the decision of board.

(2) *Reapplication*. If an appeal is denied by both the board and the City Council, no further applications may be considered for the subject matter of the denied Certificate of Appropriateness (COA) for one (1) year from the date of the final decision unless:

(a) The Certificate of Appropriateness (COA) has been denied without prejudice; or

(b) The board waives the time limitation because it that there are changes or circumstances sufficient to warrant a new hearing. A simple majority vote by the board is required to grant the request for the waiver of the time limitation.

(3) *Suspension of Work*. After the work authorized by the Certificate of Appropriateness (COA) is commenced, the applicant must make continuous progress towards completion of the work, and shall not suspend or abandon the work for a period of more than 180 days. The Historic Preservation Officer (HPO) and/or building official may, in writing, authorize a suspension of work for a period greater than 180 days upon written request by the applicant showing circumstances beyond his control.

(I) *Emergency Procedure*. If any applicable structure is damaged and the building official determines that it is a public safety hazard or will suffer additional damage without immediate repair, the building official may allow the property owner to temporarily protect the structure whether or not the materials used conform to the guidelines. However, in such a case, the property owner must then apply for a Certificate of Appropriateness (COA) for the restoration, rebuilding, remodeling, demolition or removal of the structure within ten days of the occurrence that caused the damage. The temporary protection authorized under this subsection must not permanently alter the architectural features of the structure.

(J) *Demolition*.

(1) *Requires a Certificate of Appropriateness (COA)*. A Certificate of Appropriateness (COA) is required prior to receiving a permit for demolition of a property within a historic district, including secondary buildings. An application for demolition of a contributing structure on the grounds of hardship may be filed. The applicant must establish the following elements to prove hardship:

(a) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible; and

(b) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and

(c) Efforts to find a purchaser interested in acquiring the property and preserving it have failed; and/or

(d) The structure or property is in such condition as to be irreparably damaged and as such poses a nuisance to the surrounding area and is a "threat" to the health, safety and general welfare of the community.

(2) *Demolition Delay*. The Historic Preservation Officer (HPO) upon receipt of an application for a demolition permit of a subject property designation as a historic landmark or located within a designated historic district shall forward on the application for demolition to the Historic Preservation Advisory Board (HPAB) for consideration at their next regularly scheduled meeting.

(a) The issuing of a demolition permit shall be delayed for minimum of 60-days from the date of approval of an application by the Historic Preservation Advisory Board (HPAB).

(b) During this 60-day delay, the Historic Preservation Officer (HPO) shall work with the Historic Preservation Advisory Board to notify all potentially interested parties of the pending demolition in order to allow such parties to take whatever steps they deem appropriate to accomplish the preservation of the subject property.

DRAFT ORDINANCE 05.13.2024

(c) If it is determined by the Director of Planning and Zoning in consultation with the Historic Preservation Officer (HPO) that a property poses an immediate threat to the public health and safety, this determination shall be reported to the City manager who may instruct the building official to issue a demolition permit without delay.

(3) *Expiration*. A Certificate of Appropriateness (COA) for the demolition or removal expires if the work authorized by the certificate for demolition or removal is not commenced within 180 days from that date of the issuance of the certificate for demolition.

(K) *Enforcement*. All work performed pursuant to a Certificate of Appropriateness (COA) issued under this Unified Development Code (UDC) shall conform to all requirements included therein. It shall be the duty of the building inspection department to periodically inspect any such work to assure compliance. In the event work is found that is not being performed in accordance with the Certificate of Appropriateness (COA), the building inspection department may suspend the Certificate of Appropriateness (COA), issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. A Certificate of Appropriateness (COA) may be reinstated, any stop work order lifted, and work may resume upon assurance that compliance will henceforth exist.

(L) *Ordinary Maintenance*. Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district that does not involve a change in design or material. In-kind replacement or repair is included in this definition of ordinary maintenance.

(M) *Preservation Incentives*. To promote the goal of stabilizing and improving values of properties within the district, and encourage the rehabilitation and stabilization of structures, the City Council by resolution may offer tax incentives.

(N) *Minimum Maintenance Standards*. No owner or person with an interest in real property designated as a landmark or a property located within a district shall permit the property to fall into a serious state of disrepair so as to result in the significant deterioration of any exterior architectural feature which would, in the judgment of the HPAB, create a detrimental effect upon the historic character of the landmark or district.

(1) Serious disrepair and significant deterioration examples. Examples of serious disrepair or significant deterioration include:

(a) Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.

(b) Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling

(c) Deterioration or crumbling of exterior plaster finishes, surfaces or mortars.

(d) Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.

(e) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.

(f) Rotting, holes, and other forms of material decay.

(g) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.

(h) Deterioration that has a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the contributing structure.

(i) Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

(O) *Procedure to Mitigate Demolition by Neglect*. Demolition by neglect refers to the gradual deterioration of a property when routine or minimum maintenance is not performed. The HPO and the development services department staff shall work together in an effort to reduce demolition by neglect involving landmarks or properties located within districts within the City. A demolition by neglect citation as determined by the HPAB may be issued against the owner of the property for failure to comply with the minimum maintenance standards by permitting the subject property to exhibit serious disrepair or significant deterioration as outlined in section N herein.

(1) Due to the time-consuming nature of pursuing enforcement under this section, no more than one (1) property will be under consideration during each of the following quarters (January-March, April-June, July-September, and October- December).

(2) While the HPO will act as the point of contact, the development services department staff shall, when needed, assist with inspections. If there is a dispute between the HPO and development services department staff, the City manager may be consulted as a mitigating party.

(3) *Citation Procedures*. The procedure for citing a property for Demolition by Neglect shall be as follows:

(a) Initial identification is made by visual inspection of the area by the HPO or an HPAB member or by referral from someone in the area. All referrals shall be made in writing and shall be submitted to the HPO.

(b) Once the initial identification is made, followed by a preliminary determination by the HPO, the property owner shall be notified by US mail of the defects of the building and informed of various incentive programs that may be available for repair. The owner is given 30 days in which to respond to the preliminary determination by submitting a stabilization proposal to HPO. The stabilization proposal will be presented to the HPAB at the next available meeting. If the HPAB approves the proposal, a Certificate of Appropriateness (COA), if necessary, may be issued administratively by the HPO. The approval will detail the specific work which is necessary to correct the demolition

DRAFT ORDINANCE 05-2024

by neglect conditions, as well as a time period to begin and complete the work. The HPO shall update the HPAB on the status of the property every 30 days once work begins on the property.

(c) If the property owner receives the letter regarding the preliminary determination, but fails to respond, a second notice shall be sent in the same manner as described above.

(d) If the property owner fails to receive and/or respond to the letter regarding the preliminary determination after two attempts, the matter returns to the HPAB for a citation hearing. The HPO shall send a third notice via certified mail informing the owner of the hearing, the property is posted with a notice of the violation in accordance with the provisions of this Article, and a public hearing on the citation is scheduled.

(e) At the public hearing the owner is invited to address the HPAB's concerns and to show cause why a citation should not be issued. The HPAB may act to approve any proposed work, defer the matter to give the owner more time either to correct the deficiencies or make a proposal for stabilization, or issue a citation to the owner of the property for failure to correct the demolition by neglect conditions.

(f) If the owner is cited for the condition of demolition by neglect of the property, he is given 14 days to submit a stabilization proposal to the HPO, and at the discretion of the HPAB, up to one (1) year to correct the defects. The HPO shall update the HPAB on the status of the property every 30 days once work begins on the property.

(g) If the owner does respond with a stabilization proposal, the matter is turned over to the City Attorney in which case the citation will be taken forward to the municipal court where the City Attorney shall request the court allow the property owner the time prescribed by the HPAB to correct the defects as described in section F.

SUBSECTION 06.04: NORTH GOLIAD CORRIDOR OVERLAY (NGC OV) DISTRICT

(A) *Purpose*. The North Goliad Corridor Overlay District is a specialized zoning district overlay along North Goliad Street beginning north of the Downtown District and terminating at Live Oak Street. This Corridor has been identified as one of the important entry points into the City of Rockwall. The district has been established to protect scenic and historic qualities through the use of additional development criteria. The district establishes design standards to guide the new construction and rehabilitation of buildings, streetscapes and architectural styles consistent with the existing historic residential homes and businesses located along the corridor.

(B) *Application and Boundaries*. The boundaries of the North Goliad Corridor Overlay District are as established in the official zoning map of the City of Rockwall. The boundary generally extends from Olive Street north to Live Oak and being more particularly described herein as Exhibit "A" [Ord. No. 07-30, Exhibit A which is on file in the City secretary's office]. use or change of use within the North Goliad Corridor Overlay District.

All property developed within the Overlay District must meet both the terms and requirements of the underlying zoning classification applicable to the property and the provisions set forth in the Overlay District. The most restrictive requirement applicable to the property shall apply.

(C) *Architectural Standards*. Most of the historic architecture of the district does not follow one specific style, but is influenced by many. The development along the corridor is an eclectic mix of buildings, but there is a similar vocabulary in the building design and construction materials. The development for the residential and commercial buildings shall generally fit within one or more of the following architectural styles.

FIGURE 14: BUNGALOW

(1) *Bungalow*. The bungalow style is a unique house type that borrows from other cultures, but is a truly American design. Developed on the west coast, the bungalow reduces the distinction between inside and outside space, reflecting open practical living. It is generally a low, small house that used natural materials and relief on simplified design. The roof structure is most often broad gables, often with a separate lower gable covering the porch, although hipped roof structures are also common. There is little ornamentation, and what is found is of simplified design. The first bungalow development period was from 1895 to 1915.

FIGURE 15: COTTAGE

DRAFT ORDINANCE 05.04.2024

(2) *Cottage*. A cottage is basically a small frame single-family home that does not use any particular architectural style or ornamentation pattern. Roof styles vary, but most often use gable, hip or a combination of the two. This is a style that often borrows elements from classic styles, but does not incorporate other elements that make the style unique.

FIGURE 16: CRAFTSMAN

(3) *Craftsman*. An extension of the early bungalow, the craftsman design included a low-pitched gabled roof with a wide, unenclosed eave overhang. Roof rafters are usually exposed and decorative beams or braces are commonly added under gables. Porches are either full or partial-width, with a roof often supported by tapered square columns. The most distinctive features of this are the junctions where the roof joins the wall, where the most ornamentation occurs. This was the dominant style for smaller homes from 1905 to early 1920s. The popularity of the style faded quickly, however, and few were built after 1930.

FIGURE 17: FOLK VICTORIAN

(4) *Folk Victorian*. The folk Victorian style uses a simple, folk type house style that is often one (1) story and has a roof that is gabled or hipped (pyramidal). It lacks the intricate, irregular roof structure of the Queen Anne style, but includes ornamentation common to Victorian-style detailing, especially spindle work. Facades are generally symmetrical.

~~(4)~~

FIGURE 18: QUEEN ANNE

(5) *Queen Anne*. The Queen Anne architectural style was common from about 1880 to 1910. Identifying features include a steeply pitched, irregular shaped roof, often with a dominant front-facing gable, patterned shingles, cutaway bay windows, and other features to avoid a smooth walled appearance. The decorative detailing is usually of two types:

(a) Spindle work includes turned posts and may also include decorative gables and ornamentation under the wall overhangs.

(b) Free classic detailing uses classical columns, instead of delicate turned posts, and other ornamentation is less

Formatted: Indent: Left: 0.5", No bullets or

DRAFT ORDINANCE 05.04.2024

"lacy" and delicate than that found in spindle work. This style became common after 1890.

(D) *Building Design*. The height of new buildings shall not exceed this Unified Development Code standards: generally, one (1) and two (2) stories are allowed (36 feet maximum). New building additions and alterations should be compatible with the adjoining area and not exceed height, lot coverage and floor area ratio requirements as specified in this Unified Development Code.

- The use of consistent architectural styles from the years 1870 to 1940 is strongly encouraged rather than additions or alterations from more recent or different design styles (see architectural styles in subsection C of this section for examples).
- New construction should include elements such as cladding, roofing material, roof structure and ornamentation common to the district.
- The existing pattern of building facades generally respecting pedestrian or human scale design should be incorporated into new development projects. Roof types generally associated with residential buildings such as gable, hip or gambrel are also appropriate for structure within the North Goliad Corridor Overlay District.
- All decorative fixtures, including awnings, signs and lighting, shall be integrated with other design elements of the structures.
- Building elevations shall be submitted as part of the development application for review by the Historic Preservation Advisory Board who shall make its recommendations to Planning and Zoning Commission. Perspectives, accurate sections or a model of the project may be required to depict the height, mass and scale of the proposed project with respect to its setting and adjacent development.

(E) *Parking Area Restrictions*. Any surface parking shall be provided in well-screened parking lots at the rear or behind the main facade of the building. All parking structures shall adhere to the standards of this Unified Development Code and any additional requirements of the underlying zoning district.

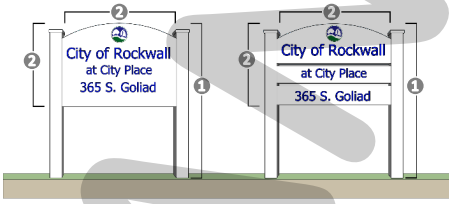
(F) *Cross Access*. Cross access easements may be required by the planning commission and/or City Council at the time of site plan approval or platting to ensure access between adjoining properties and to reduce the number of needed curb cuts.

(G) *Accessory Buildings*. New accessory or outbuildings, including garages and enclosures for service areas, trash or recycle containers, or storage structures should be compatible with materials, textures, colors and architectural styles of the principle buildings.

(H) *Landscaping Standards*. Existing trees should be retained where possible. Street trees and other sidewalk area landscaping shall be incorporated if pedestrian circulation will not be obstructed. Front yards should be landscaped compatible with the majority of neighboring properties. All sites shall, as a minimum, meet the requirements of Article 08, *Landscape Standards*.

(I) *Signs*. All signs shall comply with Chapter 32, *Signs*, of the Municipal Code of Ordinances and the underlying zoning district that applies to the North Goliad Corridor Overlay District and to the following additional standards. Signs shall be freestanding with two support standards. The maximum size shall be 16 square feet and shall not impede pedestrian or motor vehicle traffic. Monument signs are not allowed. All lighted signs shall be indirectly light no direct or internally light sign shall be allowed. All lighting elements such as wires, junction boxes, transformers, switches and panel boxes shall be concealed from view.

FIGURE 19: SIGNAGE REQUIREMENTS



❶: EIGHT (8) FOOT
❷: FOUR (4) FOOT

(J) *Lighting Standards*. In addition to the requirements of the outdoor lighting requirements no light pole, pole base or combination thereof shall exceed 20 feet in the North Goliad Corridor Overlay District. All lighting fixtures shall focus light downward and be contained on the site. Lighting elements shall be incandescent, metal Halide, or halogen only. No HID or fluorescent lights (except fluorescent bulbs that screw into standard socket fixtures) may be used on the exterior of buildings. All street lighting shall meet the specifications for a *B1* & *B2* contained in Subsection (I), *Streetscape Elements*, of Section 04.07, *Downtown (DT) District*, of the Unified Development Code (UDC).

(K) *Variance*. The City Council may, upon request from the applicant, grant a variance to any provision of this section where unique or extraordinary conditions exist or where strict adherence to the provisions of this section would create a hardship. Approval of any variance to any provision of this section shall require City Council approval by a three-quarter majority vote of those City Council members present with a minimum of four affirmative votes.

SUBSECTION 06.05: SOUTHSIDE RESIDENTIAL NEIGHBORHOOD OVERLAY (SRO) DISTRICT

(A) *Purpose*. The purpose of the overlay district is to provide the flexibility necessary for allowing infill and redevelopment of the Southside Neighborhood, while maintaining and protecting the character and integrity of the existing neighborhood.

(B) *Other Requirements*. Any requirements not specifically stated in this section shall comply with the Single-Family 7 (SF-7) District requirements.

(C) *Area Requirements*.

(1) Minimum lot area: 5,000 square feet.

DRAFT ORDINANCE 05.14.2024

(2) Maximum number of single-family detached dwellings units per lot: One.

(3) Minimum square footage per dwelling unit: 900 square feet.

(4) Minimum lot frontage on a public street: 50 feet.

(5) Minimum lot depth: 100 feet.

(6) Minimum depth of front yard setback: 20 feet.

(7) Minimum depth of rear yard setback: 10 feet.

(8) Minimum width of side yard setback:

(a) Internal lot: 6 feet.

(b) Abutting street: 15 feet.

(c) Abutting an arterial: 20 feet.

(9) Minimum distance between separate buildings on the same lot or parcel of land: ten feet.

(10) Minimum length of driveway pavement from the public right-of-way for rear or side yards: 20 feet.

(11) Maximum building coverage as a percentage of lot area: 40%.

(12) Maximum building height: 32 feet.

(13) Minimum number of paved off-street parking spaces required for:

(a) One single-family dwelling unit: Two (2) Parking Spaces. An enclosed garage shall not be considered in meeting the off-street parking requirements.

(b) All other uses: see Article 06, *Parking and Loading*, of the Unified Development Code (UDC).

(D) *Consideration of Special Request in Furtherance of Neighborhood Preservation*. The City Council may consider special requests in furtherance of neighborhood preservation and enhancement within the established neighborhood preservation overlay district. Such requests may include, but not necessarily be limited to neighborhood signage plans, the use of alternate building materials reductions in the building setbacks, or other requests submitted for consideration to the planning and zoning department.

Upon receipt of such requests, the Planning and Zoning Commission shall review the case and forward a recommendation to the City Council for consideration. The City Council may approve special request. Any such approval shall preempt any other underlying zoning restrictions in the Unified Development Code (UDC). Such special requests may be denied by the City Council by the passage of a motion to deny.

Special requests shall not include any request to change the land use of a property.

SUBSECTION 06.06: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.07: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.08: SCENIC OVERLAY (SOV) 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

DRAFT ORDINANCE 05.04.2024

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 06.02, *General Overlay District Standards*.

SUBSECTION 06.09: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.10: 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 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 06.02, *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:

DRAFT 05.14.2024

(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.

(c) *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.

(d) *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.*

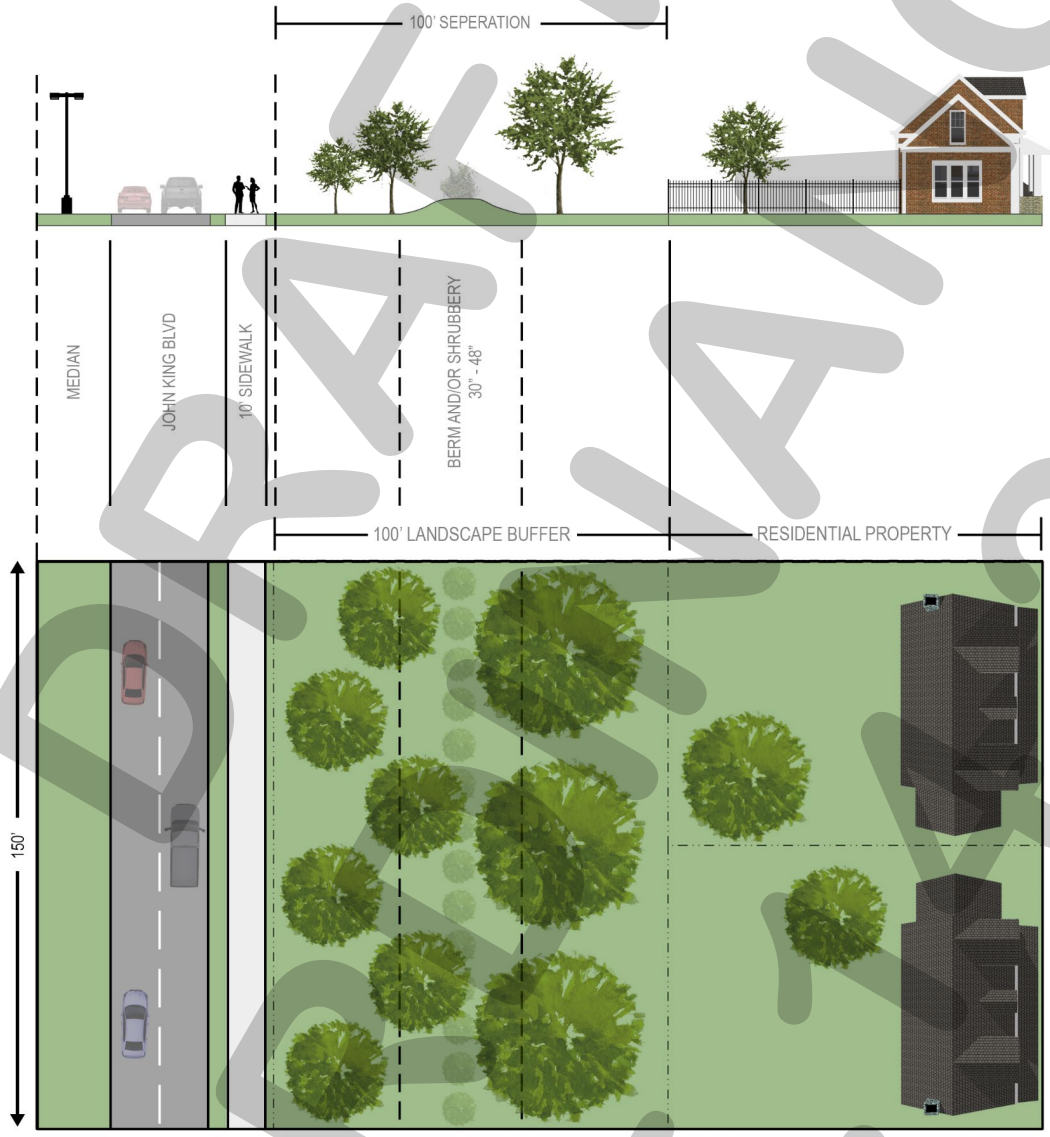
Continued on Next Page ...

Formatted: Centered

Formatted: Font: Italic

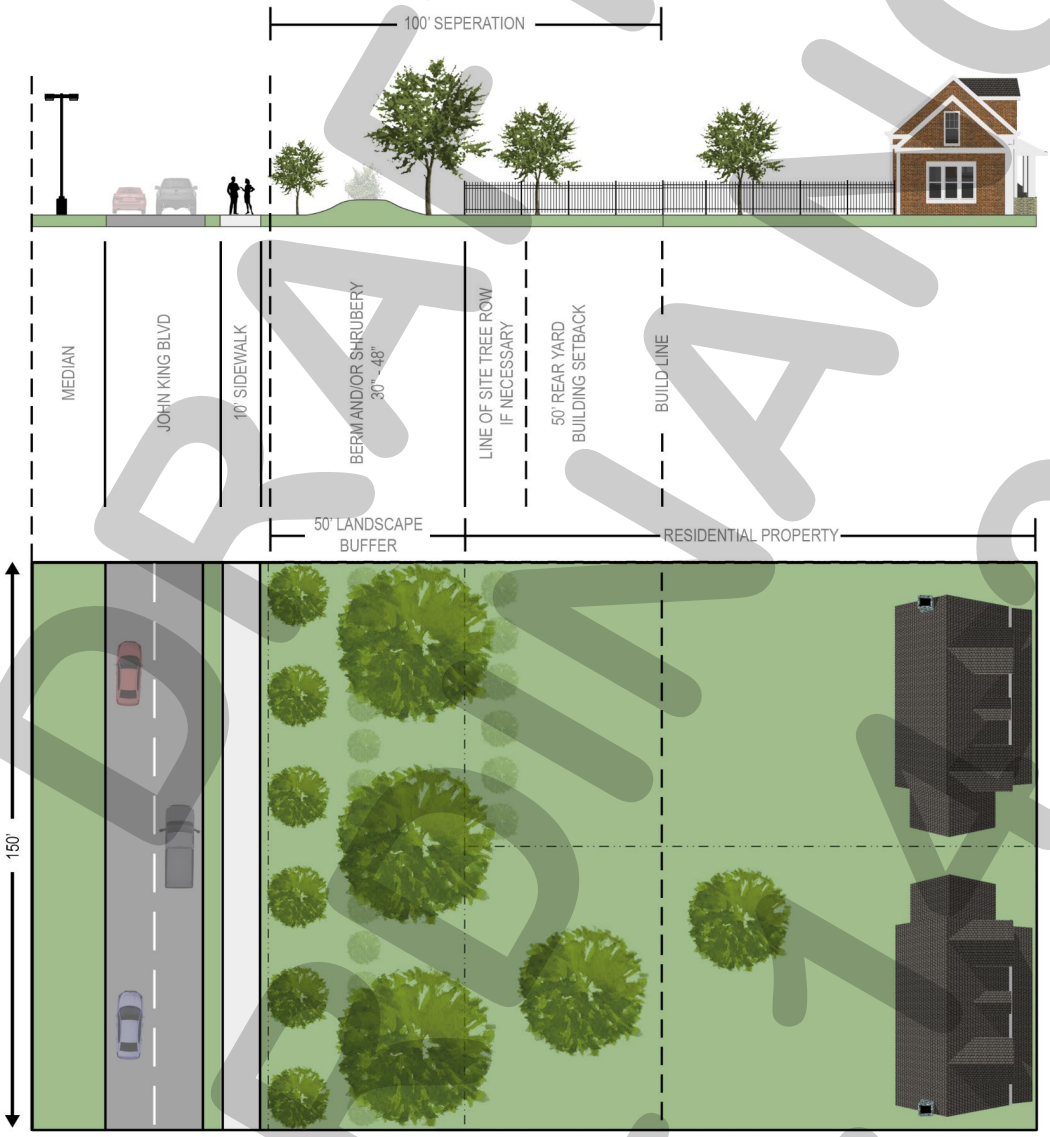
DRAFT ORDINANCE 05.14.2024

FIGURE 20: DESIGN ALTERNATIVE #1; INCREASED BUFFER



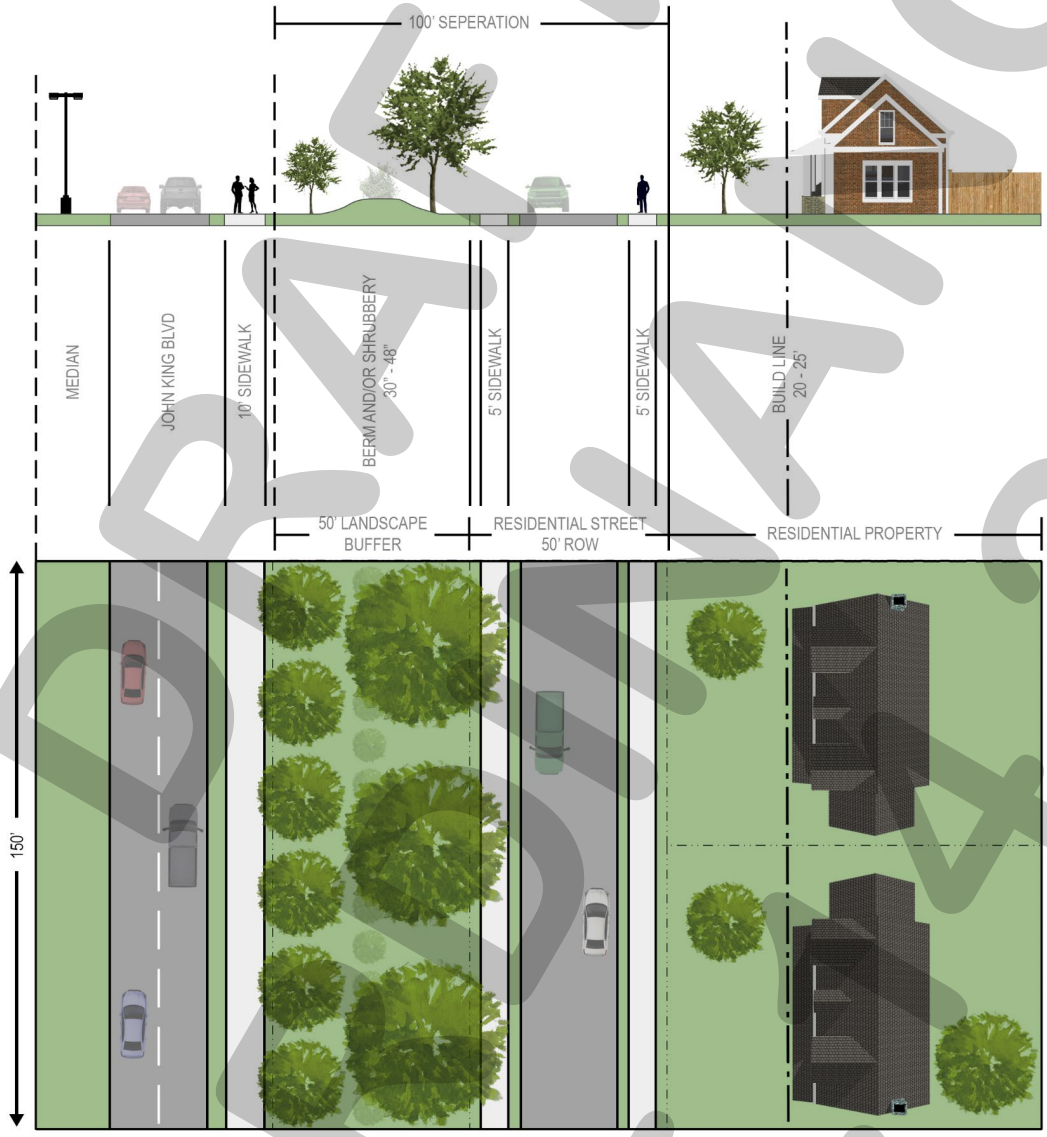
DRAFT FOR PUBLIC NOTICE 05.2024

FIGURE 21: DESIGN ALTERNATIVE #2; INCREASED BUFFER



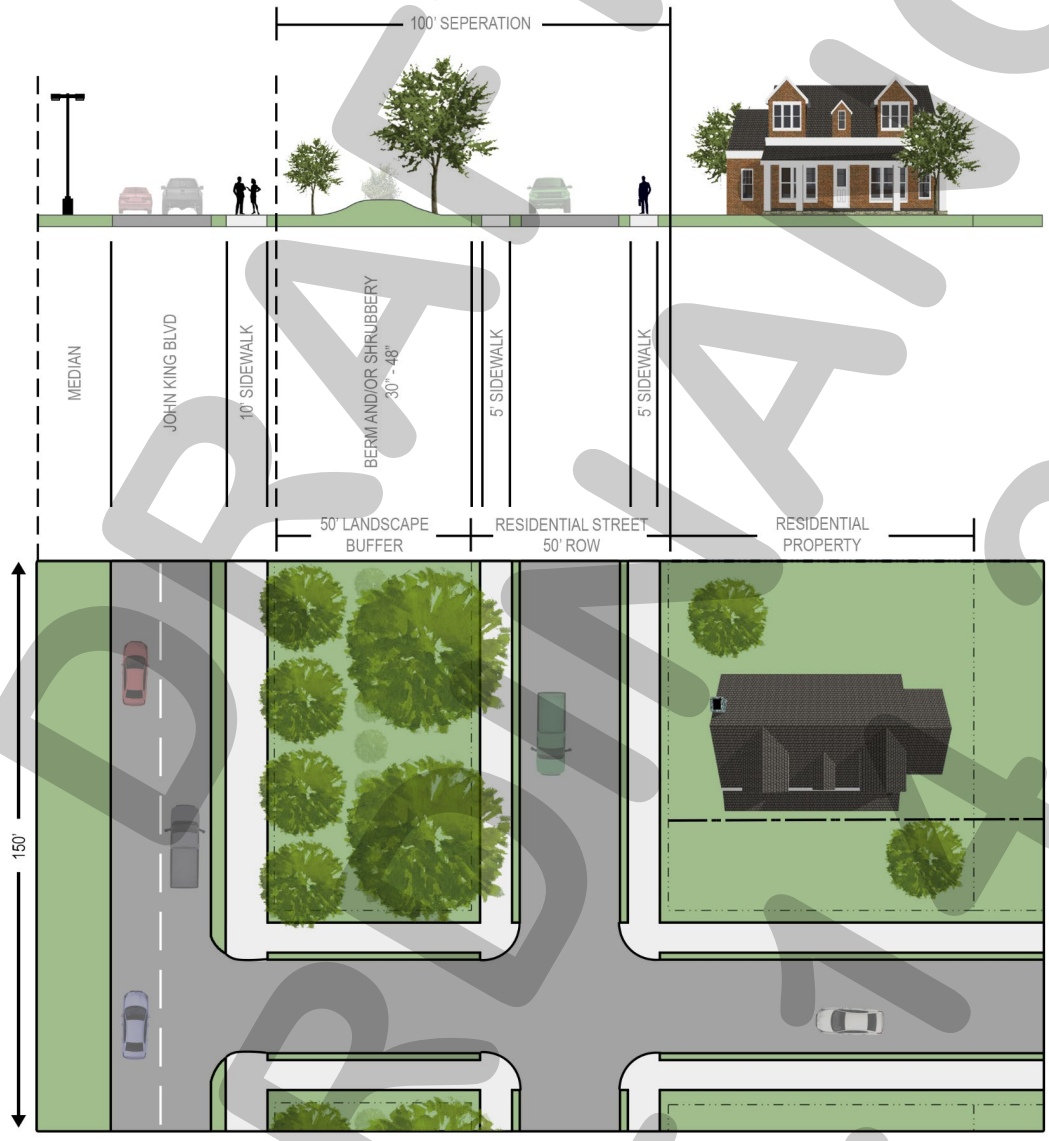
DRAFT ORDINANCE 05.07.2024

FIGURE 22: DESIGN ALTERNATIVE #3; SLIP STREET



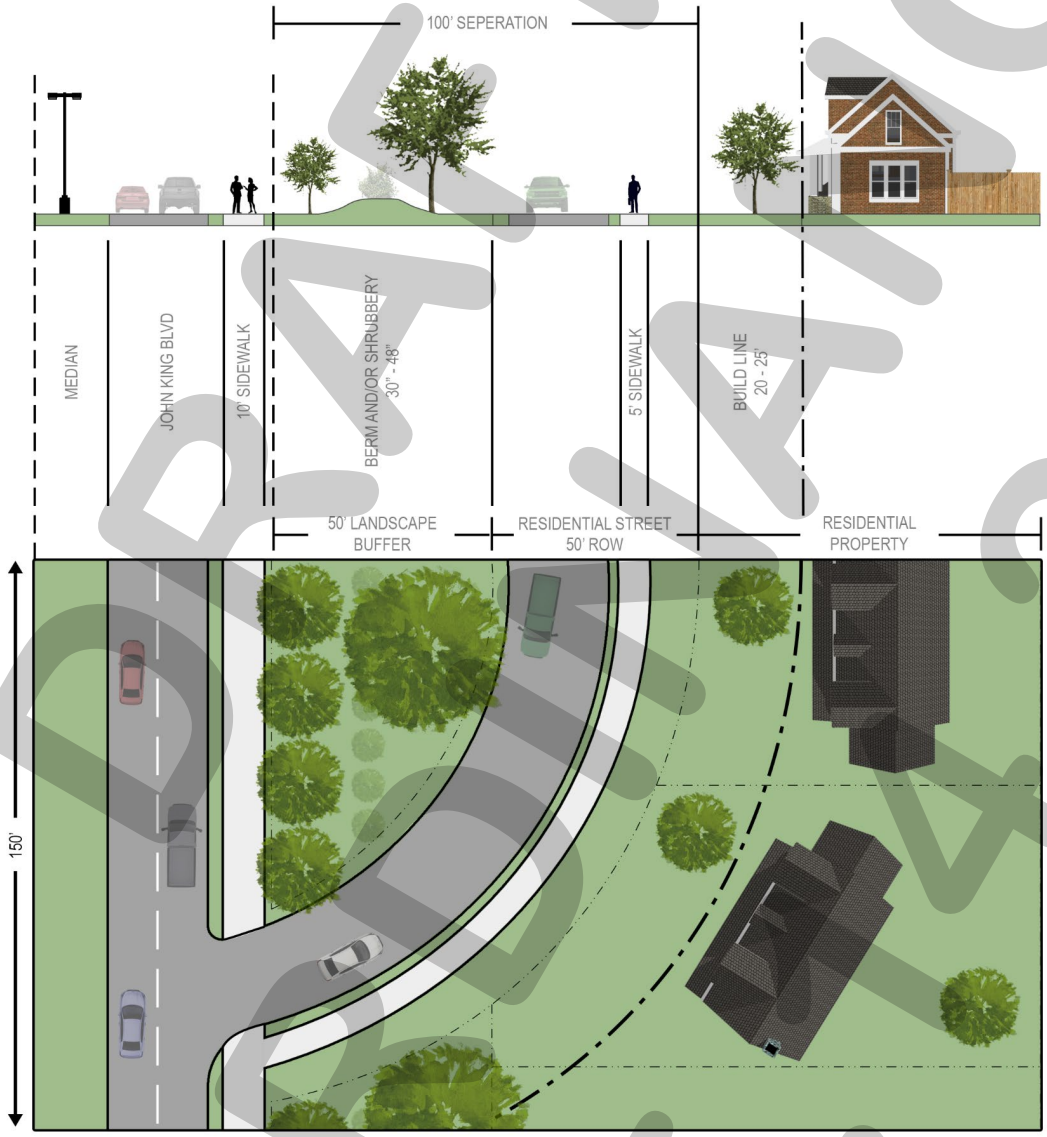
DRAFT
05.14.2024

FIGURE 23: DESIGN ALTERNATIVE #4; SLIP STREET



DRAFT ORDINANCE 05.07.2024

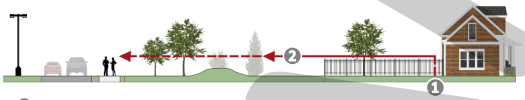
FIGURE 24: DESIGN ALTERNATIVE #5; EYEBROW STREET



DRAFT 05.14.2024

(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.

FIGURE 25: LINE-OF-SITE REQUIREMENTS



❶: REPRESENTS THE LINE OF SIGHT AT SIX (6) FEET FROM GRADE.
❷: THE SOLID *RED LINE* SHOWS THAT THE VISIBILITY IS IMPAIRED FROM JOHN KING BOULEVARD BY EITHER [1] A ROW OF TREES OR [2] A BERM AND ROW OF SHRUBBERY.

SUBSECTION 06.11: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.12: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.13: 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 06.02, *General Overlay District Standards*.

DRAFT ORDINANCE 05.2024

SUBSECTION 06.14: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.15: AIRPORT OVERLAY (AP OV) DISTRICT

Note: This document was prepared using FAA guidelines as of March 17, 2020 and using AC150/5300-14D.

(A) *Purpose*. The purpose of this district is to provide both airspace protection and land use compatibility with airport operations at the Ralph M. Hall/Rockwall Municipal Airport. This district, through establishment of airport zones and corresponding regulations, provides for independent review of development proposals in order to promote the public interest in safety, health and general welfare of the City of Rockwall. Therefore, the City of Rockwall deems it necessary to regulate uses of land located within or near the traffic patterns of the airport through regulation of height of structures and objects of natural growth, and through the regulation of land uses within the Airport Overlay (AP OV) District, and other FAA regulated areas associated with the airport (*i.e. areas relating to RSA/ROFA/ROFZ which extend off the airport property*).

(B) *District Boundaries*. This *Airport Overlay (AP OV) District* is hereby established as the land area owned by the City of Rockwall and held as Ralph M. Hall/Rockwall Municipal Airport, the Airport Runway Protection Zone (RPZs), and a buffer area extending 500-feet from all property lines of the Ralph M. Hall/Rockwall Municipal Airport (*see Figure 29: Airport Overlay District Boundaries*).

(C) *Definitions*. Unless otherwise stated in this section, the following words shall have the definitions prescribed to them below:

(1) *Administrative Agency*. The appropriate person or office of the municipality that is responsible for the administration and enforcement of the regulations prescribed in this section of the Unified Development Code (UDC).

(2) *Airport*. The current and future boundaries of the Ralph Hall Municipal Airport located within the City of Rockwall, Texas.

(3) *Airport Hazard*. A structure or object of natural growth that obstructs the air space required for the taking off, landing, and flight of aircraft or that interferes with visual, radar, radio, or other systems for tracking, acquiring data relating to, monitoring, or controlling aircraft.

(4) *Airport Hazard Area*. An area of land or water on which an airport hazard could exist.

(5) *Applicant*. The person or persons making a request to the administrative agency.

(6) Centerline. The runway centerline identifies the center of the runway and provides alignment guidance during takeoff and landings. The centerline consists of a line of uniformly spaced stripes and gaps.

(7) *Non-Conforming Land Use or Non-Conforming Use*. Any land use of which is inconsistent with the provisions of these regulations and which is existing as of the effective date of the Airport Overlay (AP OV) District.

(8) *Person*. An individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

(9) *Runway*. A defined area on the airport prepared for the landing and taking off of aircraft along its length. The current length of the Rockwall Municipal Airport is 3,373-feet by 45-feet and the zoned dimensions are 3,373-feet by 60-feet.

(10) *Runway Safety Area (RSA)*. The surface surrounding the runway prepared or suitable for reducing the risk of damage to airplanes in the event of an undershoot, overshoot, or excursion from the runway.

(11) *Structure*. An object constructed or installed by one (1) or more persons and includes but is not limited to a building, tower, smokestack, and overhead transmission line.

(D) *Airport Zones*. In order to implement the intent of this ordinance, the Airport Overlay (AP OV) District hereby includes the following three (3) exhibits that depict the zones within the controlled area and shown on the official zoning map as depicted in *Figure 29: Airport Overlay District Boundaries*:

- Airport Overlay (AP OV) District Boundaries (*see Figure 29: Airport Overlay District Boundaries*)
- Development Zones within the Airport Overlay (AP OV) District (*see Figure 30: Development Zones within the Airport Overlay (AP OV) District*)
- Airport Airspace Zones Boundaries (*see Figure 31: Airspace Zone Boundaries*)

(E) *Permitted Uses*. All uses otherwise permitted by existing zoning ordinances within the boundaries of the AP OV District are permitted within the district, except where there is a conflict between the AP OV District and the existing zoning ordinances. Where the

ORDINANCE 05-11 • 2024

provisions of the AP OV District are more restrictive, the provisions of the AP OV District shall govern.

(F) *Controlled Area*. The area within which airport land use compatibility controls may be instituted, as defined by *Section 241, Municipal and County Zoning Authority Around Airports,* of the *V.T.C.A., Texas Local Government Code,* shall be defined as the controlled area. The controlled area is located outside the Airport boundaries and within an area measured no farther than one and one-half (1½) statute miles from the centerline of the Ralph M. Hall/Rockwall Municipal Airport runway and lies no farther than five (5) statute miles from each end of the paved surface of the runway.

(G) *Airspace Zones*. *Airspace Zones* consist of all of the land area lying beneath the surfaces referenced in Section H, *Height Limitations*, below and in Title 14, Part 77.19. The following *Airspace Zones* are hereby established and set forth (*see Figures 26: Airspace Zones [right] & Figure 31: Airspace Zone Boundaries [below]; reference Title 14, Part 77, FAR*):

(1) *Primary Surface.* The *Primary Surface* is a surface that is longitudinally centered on the runway. It extends 200-feet beyond the end of each runway and 250-feet on either side of the centerline of the runway for a total width of 500-feet (*i.e. a 250-foot side buffer of the runway centerline*).

(2) *Approach Zone.* The *Approach Zone* is a fan shaped zone that is established at both ends of the runway for the purpose of landings and take-offs. The *Approach Zone* commences at the end of the *Primary Surface* (*i.e. 200-feet beyond the end of the runway*) and has a beginning width of 500-feet. It then extends uniformly along the continuation of the centerline of the runway to a width of 3,500-feet at a distance of 10,000-feet from the point of commencement, and a slope of 34:1 or one (1) foot in height for each 34-feet in horizontal distance *[this is the land area that exists underneath the Approach Surface]*.

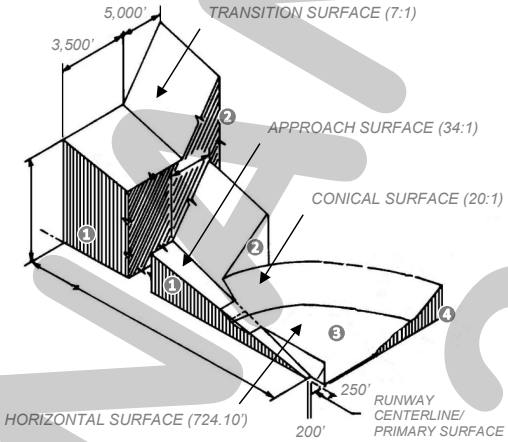
(3) *Transitional Zones.* The *Transitional Zones* are symmetrically located on either side of runway, and have variable widths. The *Transitional Zones* extend outward and upward commencing from the edge of the *Primary Surface* (*i.e. 250-feet on either side of the centerline of the runway*), and *Approach Surfaces*. The *Transitional Zones* extend upward and outward at slope of 7:1 or one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the *Horizontal Zone*. The *Transitional Zones* are established adjacent to the *Approach Zones* and extend their entire length. The *Transitional Zones* flare symmetrically with either side of the runway *Approach Zone* from the base of said zones and slope upward and outward at the rate of 7:1 or one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surface of the *Horizontal Zone* and the *Conical Zone [this is the land area that exists underneath the Transitional Surface]*.

(4) *Horizontal Zone.* The *Horizontal Zone* consists of the land area within the perimeter of which is constructed by swinging arcs of 10,000-feet from the center of each *Primary Surface*, 200-feet beyond the centerline of each runway and connecting the adjacent arcs by lines of tangent to those arcs. The *Horizontal Zone* does not include the *Approach Zone* and/or the *Transition Zone [this is the land area that exists underneath the Horizontal Surface]*.

(5) *Conical Zone.* The *Conical Zone* consists of the land area that commences at the periphery of the *Horizontal Zone* and extends outward for a distance of 4,000-feet, at a 20:1 slope or one (1) foot in height for each 20-feet of horizontal distance. The *Conical Zone* does not include the *Approach Zone* and/or the *Transition Zone [this is the land area that exists underneath the Conical Surface]*.

FIGURE 26: AIRSPACE ZONES

❶: APPROACH ZONE; ❷: TRANSITION ZONE; ❸: HORIZONTAL ZONE; ❹: CONICAL ZONE



(H) *Height Limitations*. Except as otherwise provided in this ordinance, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created above to a height in excess of the limits established herein for each of the imaginary surfaces created by the airspace zones (*Title 14 CFR, Section 77.19, Civil Airport Imaginary Surfaces)*, which are defined as follows:

(1) *Approach Surface.* The *Approach Surface* is the surface that is created by the *Approach Zone*, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending into the area required for an aircraft's navigable airspace. The *Approach Surface* is the same starting width as the *Primary Surface* (*i.e. 500-feet*), and has a slope of 34:1 or one (1) foot in height for each 34-feet in horizontal distance commencing at the *Primary Surface* and extending to a point 10,000-feet from the point of beginning and widening to a width of 3,500-feet.

(2) *Transitional Surface.* The *Transitional Surface* is the surface that is created by the *Transitional Zone*, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending in the area required for an aircraft's navigable airspace. The *Transitional Surface* is the surface that extends outward and upward, at right angles to the runway centerline (*at any point 250-feet normal to and at the elevation*

DRAFT ORDINANCE 05-2024

of the centerline) and extended runway centerline (*i.e. 200-feet beyond the end of the runway*), from the sides of the *Primary Surface* and the *Approach Surfaces* to a point of 150-feet above the airport elevation (*i.e. 724.10-feet*) [*the airport elevation is 574.10-feet above mean sea level*]. The *Transitional Surface* has a slope of 7:1 or one (1) foot in height for each seven (7) feet in horizontal distance.

(3) *Horizontal Surface.* The *Horizontal Surface* is the surface that is created by the *Horizontal* Zone, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending into the area required for an aircraft's navigable airspace. The *Horizontal Surface* is the horizontal plane created by swinging arcs with a 10,000-foot radius centered on the extended runway centerline where it crosses the *Primary Surface*, and is situated 150-feet above the established airport elevation (*i.e. 724-feet) [the airport elevation is 574-feet above mean sea level]*, which coincides with the extent of the *Horizontal Zone*.

(4) *Conical Surface.* The *Conical Surface* is the surface that is created by the *Conical Zone*, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending into the area required for an aircraft's navigable airspace. The *Conical Surface* extends upward and outward from the outer limits or the periphery of the *Horizontal Surface* at a slope of 20:1 or one (1) foot in height for each 20-feet of horizontal distance for a horizontal distance of 4,000-feet. The *Conical Surface* extends to a height of 350-feet above the airport's elevation (*i.e. 924-feet*) [*the airport elevation is 574-feet above mean sea level*].

[Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail. Nothing in this ordinance shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 45-feet above the surface of the land, except in the Approach Zones.]

(I) *Airport Hazard Area.* The *Airport Hazard Area* is an area of land or water on which an airport hazard could exist. An *airport hazard* is defined as a structure or object of natural growth that obstructs the airspace required for the taking off, landing, and flight of aircraft or that interferes with visual, radar, radio, or other systems for tracking, acquiring data relating to, monitoring, or controlling aircraft. For the purposes of this ordinance, the *Airport Hazard Area* is defined as the entirety of all the imaginary surfaces stated in Section H, *Height Limitations*, of this ordinance (*see Figure 31: Airspace Zone Boundaries*).

(J) *Land Use Compatibility.*

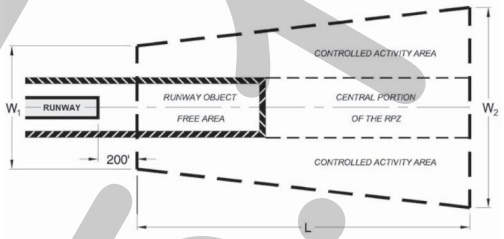
(1) *Intent.* The Airport Overlay (AP OV) District is intended to overlay any other zoning district's regulations comprising or pertaining to areas to which it is applicable, to prevent undue negative interaction between aviation activities associated with the airport and the surrounding community. It is intended to protect the lives and property of the users of the airport and of the occupants of the land in its general vicinity by restricting places of public assembly within this Airport Overlay (AP OV) District. The overlay is intended to preserve the utility of the airport and the public investment therein.

(2) *Development Zones.* The *Development Zones* are hereby established within the Airport Overlay (AP OV) District. These zones are depicted in *Figure 30: Development Zones within the Airport Overlay (AP OV) District* of this ordinance. The *Development Zones* are defined and described as follows:

(a) *Airport Runway Protection Zones (RPZs).* The *Airport Runway Protection Zones* are hereby established as the trapezoidal areas centered about the extended runway centerline. The *RPZ* dimensions for a particular runway end are a function of the type of aircraft and approach/departure visibility minimum associated with the runway end. The *RPZs* for the Ralph M. Hall/Rockwall Municipal Airport commence 200-feet from the edge of pavement at the end of each runway, beginning with a base of 500-feet (*i.e. inner width or 'W_1'*), extending 1,000-feet along the runway centerline (*i.e. length or 'L'*), and terminating at the outboard corners of a 700-foot line segment (*i.e. outer width or 'W_2'*) [*see Figure 27: Airport Runway Protection Zone (RPZ)*], creating a 13.770-acre trapezoidal area, which is intended to service *Aircraft Approach/Departure Categories 'A' & 'B'* (*i.e. small single and multi-engine planes*). Contained within the two (2) trapezoidal areas that make up the *RPZs* are the *Controlled Activity Area* and a portion of the *ROFA (Object Free Area)*. These areas are defined as follows:

(1) *The Runway Object Free Area (ROFA).* The *Runway Object Free Area (ROFA)* is centered on the runway centerline. The *ROFA* clearing standard requires clearing the *ROFA* of above ground objects protruding above the runway safety area edge elevation. Except where precluded by other clearing standards, it is acceptable to place objects that need to be located in the *ROFA* for air navigation or aircraft ground maneuvering purposes to protrude above the nearest point of the runway safety area, and to taxi and hold aircraft in the *ROFA*. To the extent practicable, objects in the *ROFA* should meet the same frangibility requirements as the runway safety area. Objects non-essential for air navigation or aircraft ground maneuvering purposes are not permitted to be placed in the *ROFA*. This includes parked airplanes and agricultural operations.

FIGURE 27: AIRPORT RUNWAY PROTECTION ZONE (RPZ)



DRAFT ORDINANCE 05-24

(2) *The Controlled Activity Area.* The *Controlled Activity Area* is the portion of the *RPZ* beyond the boundaries of the *ROFA*.

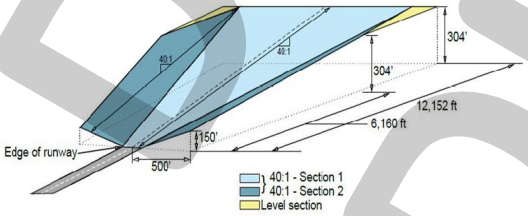
(b) *Municipal Airport Zone.* The *Municipal Airport Zone* is hereby established as the real property boundaries of the Ralph M. Hall/Rockwall Municipal Airport. This zone contains the majority of all airport related land uses and structures.

(c) *Airport Influence Zone.* The *Airport Influence Zone* contains all areas within the 500-foot buffer excluding the *Municipal Airport Zone* and the *RPZ*.

(d) *Height Restriction Zone.* The *Height Restriction Zone* extends to the edge of the *Conical Zone* and is subject only to the requirements stipulated in Section H, *Height Limitations*, of this ordinance (*see Figure 29: Airport Overlay District Boundaries*).

(e) *Departure Surface*. The *Departure Surface* starts at the end of the runway end elevation and matches the width of the usable runway. From the edge of the usable runway, the surface rises upward to 150-feet above the runway end elevation at a point 500-feet on either side of the runway centerline. The new surface rises upward along the extended centerline at a slope of 40:1 or one (1) foot in height for each 40-feet in horizontal distance until reaching 304-feet above the runway end elevation (*i.e. 6,160-feet across at its outer width at the runway end elevation*). Upon reaching the 304-foot marker, the surface levels out until the end of the departure surface at 12,152-feet. The area splays outward at a rate of 15-degrees relative to the extended runway centerline (*see Figure 28: Departure Surface*).

FIGURE 28: DEPARTURE SURFACE



(3) *Land Use Restrictions*.

(a) *Runway Object Free Area (ROFA) and Controlled Activity Area*. No uses are permitted within the *Runway Object Free Area (ROFA)* or the *Controlled Activity Area* unless deemed essential to air navigation or aircraft ground maneuvering purposes by the Federal Aviation Administration (FAA) with the following exceptions:

(1) *Permitted Uses*. See the current *FAA Standard*.

(2) *Specific Use Permit (SUP)*.

(a) Roadways, Automobile Parking Areas, and Railroads that Adhere to the Height Restrictions

(b) *Municipal Airport Zone*.

(1) *Permitted Uses.*

(a) Aircraft Runways, Taxiways, Taxi Lanes, Ramps, Parking Areas and Fuel Storage Facilities

(b) Aircraft Operational Facilities (*including but not limited to Instrument Landing Systems, Visual Navigational Aids, and Related Equipment; Communication Facilities; Weather Service Offices and Equipment*)

(c) Hangars (*includes all buildings which may be used for the Storage or Maintenance of Aircraft, Airport Snow Removal, Sweeping and Other Maintenance Equipment, and/or Other Aviation-Related or Ancillary Activities*)

(d) Terminal Buildings (*which may contain Offices or Airline Companies, and Other Businesses and Concessionaires*)

(e) Offices and Facilities for Airport Management, Air Charter, Air Taxi, Crop Spraying, Aircraft Sales or Rentals, and Air Cargo Processing Facilities

(f) Agriculture (*other than Forestry or Livestock*), Tourism Information Centers and Museums

(g) Flight Schools, Flying Clubs, and Other Schools or Training Facilities (*relating to Aviation or Air-Related Transportation*)

(h) Offices and Facilities for the Operation and Maintenance of Air Rescue, Emergency and Firefighting Services

(i) Aircraft Maintenance, Manufacturing, and Testing Facilities

(j) Offices and Facilities of Federal, State and Local Government Entities that Incorporate an Aeronautical Land Use (*Unless the Property has been Designated for Non-Aeronautical Land Uses*)

(2) *Prohibited Uses*.

(a) No uses other than those uses explicitly permitted above.

(c) *Airport Influence Zone*. All uses permitted within the underlying zoning depicted on the official zoning map of the City of Rockwall, with the following additional uses and exceptions:

(1) *Specific Use Permits (SUP)*.

(a) Residential Airpark or Aviation Homes

(b) Driving Test Track

(2) *Prohibited Uses*.

(a) Residential Uses (*e.g. Single Family, Multi Family, etc.*)

(b) Educational Centers (*including all types of Primary and Secondary Schools, Pre-Schools, and Child Care Facilities*)

DRAFT ORDINANCE 05-14-2024

(c) Hospitals, Medical Inpatient Treatment Facilities, Nursing Homes and/or Convalescent Home Facilities

(d) Places of Worship

(e) Places of Public Assembly (*Not Previously Listed*)

(f) Fuel Handling and Storage Facilities (*Does Not Include Gas Station*)

(d) *Height Restriction Zone*. Properties within the *Height Restriction Zone*, outside of the Airport Overlay (AP OV District), are subject to the use requirements stipulated by the underlying zoning depicted on the official zoning map of the City of Rockwall (*see Figure 29: Airport Overlay District Boundaries*).

(4) *Additional Use Restrictions*.

(a) Notwithstanding any other provision of this ordinance, no use may be made of land within any zone established by this ordinance in such a manner as to (*1*) create electrical interference with radio communication between the Airport and aircraft, (*2*) make it difficult for flyers to distinguish between airport lights and others, (*3*) result in glare in the eyes of flyers using the Airport, (*4*) impair visibility in the vicinity of the Airport or otherwise endanger the landing, taking-off, or maneuvering of aircraft.

(5) *Legal Non-Conforming Land Uses*.

(a) *Regulations Not Retroactive*. The regulations prescribed by this ordinance shall not be construed to require the removal, lowering, changes and/or alteration of any structure (*e.g. building*) or object of natural growth (*e.g. tree*) not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of any legal non-conforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure or property, for which the construction or alteration of said structure or property was commenced prior to the effective date of this ordinance.

(b) *Hazard Marking and Lighting*. Notwithstanding the preceding provision of this section, the owner of any non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the City Manager or his designee to indicate to the operators of aircraft in the vicinity of the Airport, the presence of such airport hazards. Markers and lighting necessary for existing non-conforming structures or trees shall be operated and maintained at the expense of the property owner. Markers and lighting necessary for future non-conforming structures or trees, approved per the requirements of this ordinance, shall be installed, operated, and maintained at the expense of the property owner.

(K) *Development Standards.*

(1) *Architectural Standards*.

(a) All buildings within the *Municipal Airport Zone* shall be designed by a licensed, professional architect and all drawings submitted for approval and/or permits shall bear the architect's seal of the State of Texas.

(b) All buildings intended for airport related use such as hangars, maintenance facilities, offices and facilities for airport management, terminal buildings and other similar types of uses with exterior walls visible from a public right-of-way shall consist of 90% masonry materials, excluding doors and windows as defined in Article 13, *Definitions*, of the Unified Development Code (UDC) [*i.e. "Masonry"*]. Building exterior walls not visible from the public rights-of-way may be earth-tone colored, pre-finished aluminum, steel or masonry. Materials that are unfinished are prohibited.

[All other buildings not related to airport uses within the Airport Overlay (AP OV) District shall conform to building materials requirements as stipulated within the Unified Development Code (UDC).]

In addition, all buildings intended for airport related uses shall adhere to the following standards:

(1) A *Material Sample Board* indicating all exterior materials and colors must be submitted to the Planning and Zoning Commission, upon a recommendation by the Architecture Review Board (ARB), for approval prior to the commencement of construction. All sides of the exterior building shall be architecturally integrated and similar in nature with respect to the design and aesthetic.

(2) All roofs shall be metal. If galvanized metal is being proposed, it shall be limited to a roofing material only.

(3) Building glazing or reflectors shall not be incorporated into a building if it will cause a glare or reflection that could interfere with airport operations or ground circulation.

(4) All windows or large glass elements shall be oriented and/or treated to avoid reflections that could cause a distraction to air traffic that is landing or taking off.

(5) All new construction shall be of a high quality and utilize materials and finishes that will maintain their appearance with relatively low maintenance.

(6) All steel used for roofing or siding shall be a minimum of 28-gauge steel, with a factory finish in a color that has been approved by the Planning and Zoning Commission, and which has been warranted by the manufacturer for a minimum of 20 years with regards to the durability and color fastness.

(7) All floors must be constructed of a minimum of four (4) inches thick concrete and reinforced with steel to a standard approved by the Engineering and Building Inspections Departments.

DRAFT ORDINANCE 05.14.2024

(8) All hangars facing a taxiway (*i.e. a path connecting runways with ramps, hangars, terminals, etc.*) shall have a hangar door that has a minimum opening of 55-feet in width by 16-feet in height (*i.e. 55' [w] x 16' [h]*). Buildings facing a taxilane (*i.e. a path connecting the taxiways to aircraft parking positions*) shall have a hangar door that has a minimum opening of 41-feet, 6-inches in width by 12-feet in height (*i.e. 41'-6" [w] x 12' [h]*). Approved swing out, overhead or sliding doors may also be used. All pedestrian doors must be of a pre-finished metal construction positioned in metal doorjambs. No wood doorjambs will be permitted on exterior doors.

(9) Mechanical equipment shall be screened so as not to be visible from the public and private rights-of-way. All screens, whether situated on the ground or on the building, shall be constructed to be aesthetically integrated into the design of the building. The rooftops of all buildings shall be free of any mechanical equipment unless completely screened from all points of view along all public rights-of-way by an architectural parapet. All screening materials shall be compatible with the material used on the building.

(2) *Landscaping*.

(a) The requirements contained within Article 05, *District Development Standards*, and Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC), whichever would be applicable to the subject property independent of the AP OV District, shall apply to a property located within the overlay (*i.e. the landscaping percentage of the underlying zoning district would apply*); however, landscaping plans in the AP OV District should be designed with the consideration of aircraft movement and should not be designed using trees and/or plants that have the propensity to attract hazardous wildlife. In cases where aircraft requirements would conflict with certain landscaping elements, the Planning and Zoning Commission may approve requirements that deviate from those stipulated by the Unified Development Code (UDC) if, in its opinion, such alternate requirements provide for a safer and more efficient use of the property. In addition, the Planning and Zoning Commission may request that a qualified Airport Wildlife Biologist review landscaping plans in sensitive areas and provide recommendations for planting placement and alternatives.

(3) *Variances*. The City Council may, upon request from the applicant, grant a variance to the any of the provisions contained within Section K.6, *Architectural Standards*, and Section K.7, *Landscaping*, of this ordinance where unique or extraordinary conditions exist or where strict adherence to the provisions of this ordinance would create a hardship. Approval of any variance to any provision of this section shall require City Council approval by a three-quarter (¾) majority vote of the City Council members present with a minimum of four (4) affirmative votes.

(L) *Administrative Procedures and Permits.*

(1) *Notice of Proposed Construction or Alteration (i.e. FAA Form 7460-1)*. Any tree or structure (*new or alteration of an existing structure*) proposed within the AP OV District or 20,000-feet of the runway shall require an applicant to file a *Notice of Proposed Construction or Alteration* form (*i.e. FAA Form 7460-1*) with the Federal Aviation Administration (FAA) to determine if the tree or structure creates a hazard to air navigation or will result in an inefficient use of airspace.

(2) *Future Use*. Except as specifically provided herein, no change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(a) In the area lying within the limits of the *Horizontal Zone* and *Conical Zone*, no permit -- *except as required by Section (L)(1) above* -- shall be required for any tree or structure less than 75-feet of vertical height above the ground as measured at grade, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.

(b) In the areas lying within the limits of the *Approach Zones* but at the horizontal distance of not less than 4,000-feet from each end of the runways, no permit -- *except as required by Section (L)(1) above* -- shall be required for any tree or structure less than 75-feet of vertical height above the ground as measured at grade, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limit prescribed for the *Approach Zone*.

(c) In the areas lying within the limits of the *Transitional Zones* ending at the perimeter of the *Horizontal Zone*, no permit -- *except as required by Section (L)(1) above* -- shall be required for any tree or structure less than 75-feet of vertical height above the ground as measured at grade, except when such tree or structure because of terrain, land-contour or topographic features would extend above the height limit prescribed for such *Transitional Zones*.

(3) *Exceptions/Variances/Non-Conforming Uses*. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this Ordinance except as set forth in Section H, *Height Limitations*.

(a) *Existing Uses*. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this Ordinance or any amendments thereto or than it is when

DRAFT ORDINANCE 05-24

the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(b) *Non-Conforming Uses Abandoned or Destroyed*. Whenever the Board of Adjustment (BOA) determines that a non-conforming structure or use has been abandoned for a period of six (6) months, or more than eighty (80%) percent of a non-conforming structure or tree has been torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(c) *Variances*. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use of their property, not in accordance with the regulations prescribed in this ordinance, may apply to the Board of Adjustment (BOA) for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulation would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice to be in accordance with the spirit and intent of this Ordinance.

(d) *Hazard Marking and Lighting*. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the owners at their own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

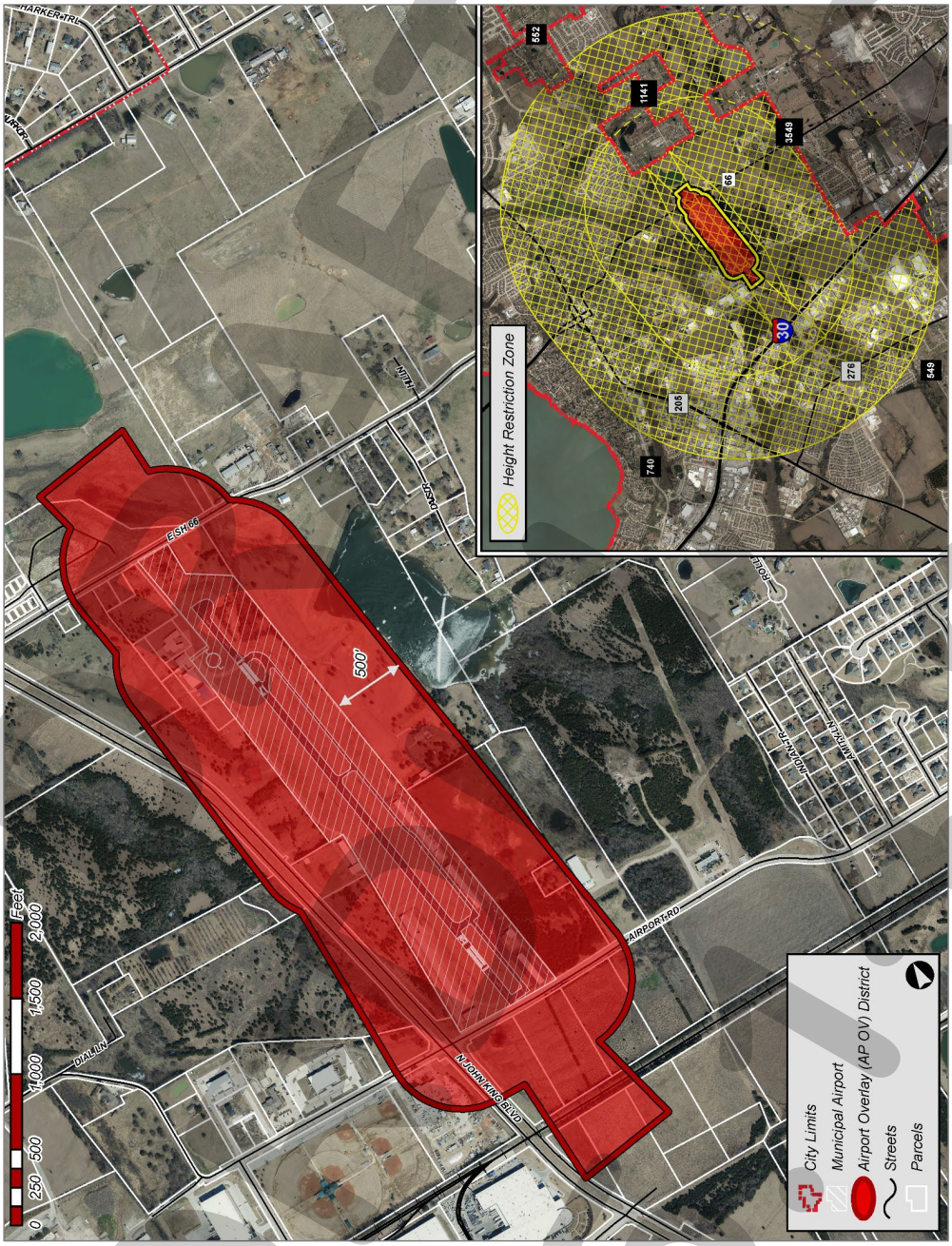
(M) *Enforcement*. It shall be the duty of the City Manager or his designee to administer and enforce the regulations prescribed herein. Application of permits shall be made to the City Manager or his designee upon a form published for that purpose. Applications required by this ordinance to be submitted to the City Manager or his designee shall be promptly considered and granted or denied. Applications for variances shall be made to the Board of Adjustment (BOA) by first filing said application for variance with the City Manager or his designee who shall forthwith transmit said application to the Board of Adjustment for determination.

(N) *Appeals*. Requests for appeals to administrative decisions by the City Manager or his designee concerning the enforcement of this ordinance shall be directed to the Board of Adjustment (BOA) in compliance with Section 04, Board of Adjustments, of Article 02, Authority and Administrative Procedures, of the Unified Development Code (UDC).

Continued on Next Page …

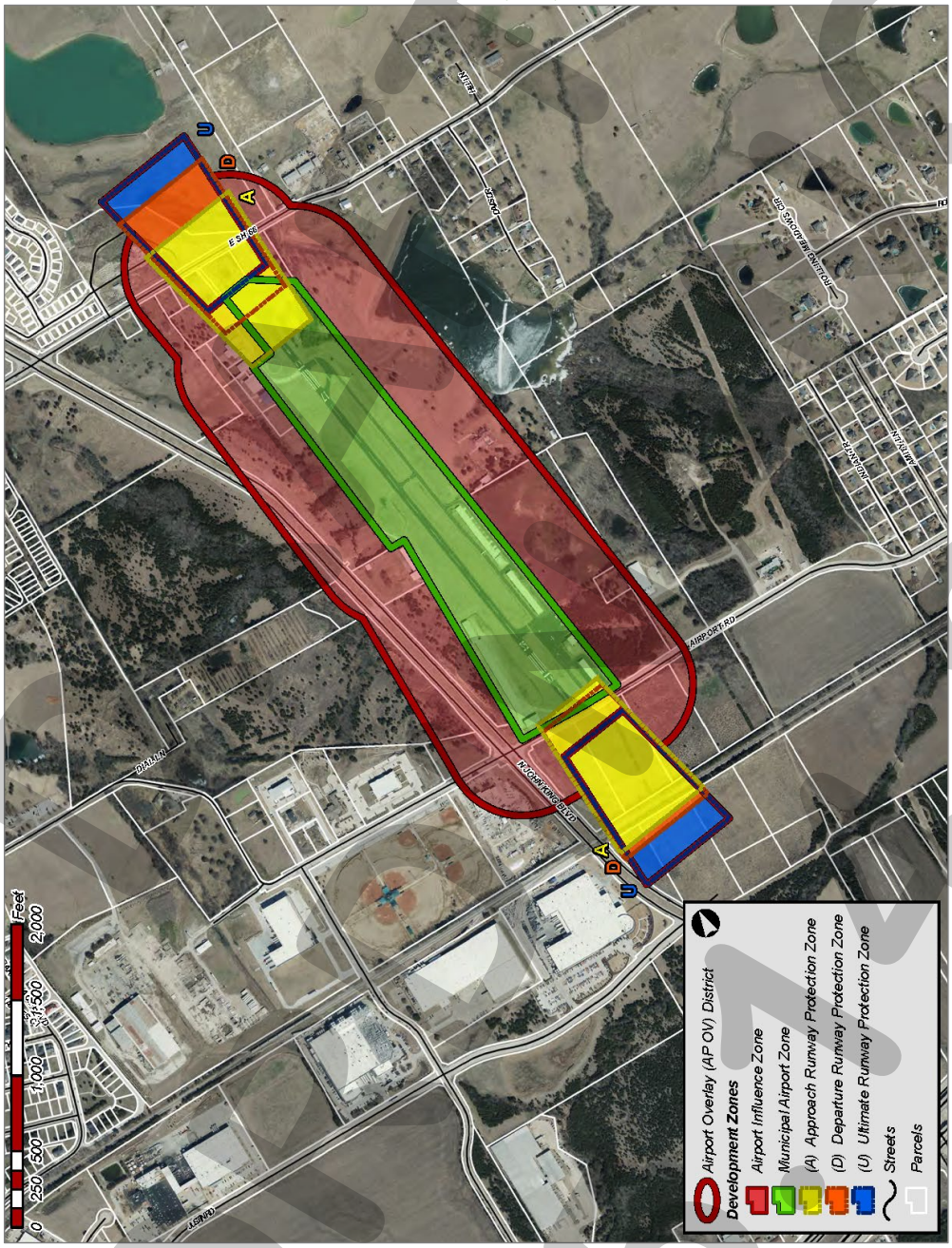
DRAFT ORDINANCE 05.14.2024

FIGURE 29: AIRPORT OVERLAY (AP OV) DISTRICT BOUNDARIES



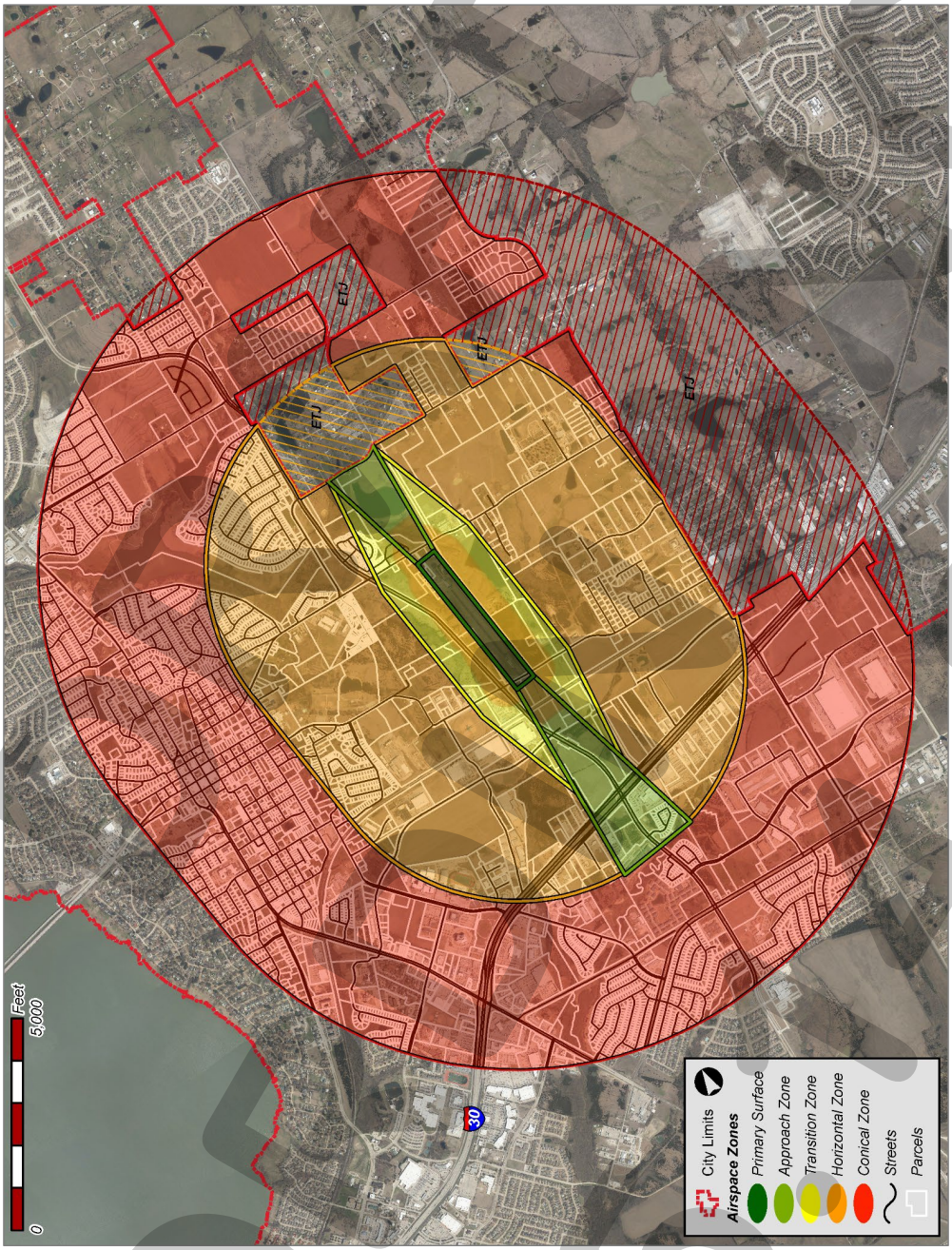
ARCHIVE 03.2024

FIGURE 30: DEVELOPMENT ZONES WITHIN THE AIRPORT OVERLAY (AP OV) DISTRICT



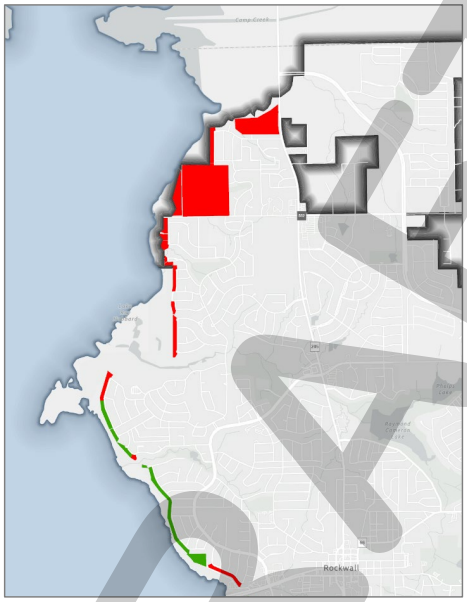
DRAFT 05.17.2024

FIGURE 31: AIRSPACE ZONE BOUNDARIES



OFFICE 05.07.2024

FIGURE 32: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT MAP



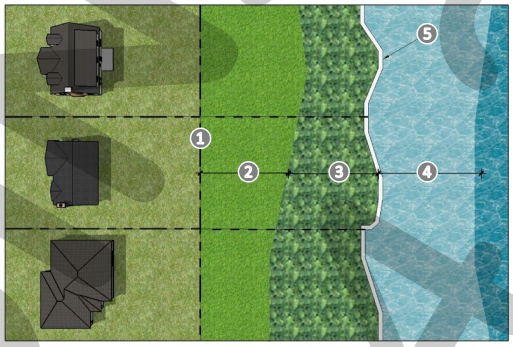
RED: NON-LEASEABLE PROPERTY
GREEN: LEASABLE PROPERTY
ORANGE: HOA LEASABLE AREA

SUBSECTION 06.16: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT

(A) *Purpose*. The purpose of the *Lake Ray Hubbard Takeline Overlay (TL OV) District* is to permit the development of property along the shoreline of Lake Ray Hubbard under certain regulatory conditions governing permitted uses and development standards, setting forth the procedures for the development of said property, and establishing an appeal process for the development standards of the district. This zoning district has its basis in and is intended to serve as an implementation tool for the Lake Ray Hubbard Master Plan (*adopted by the City of Dallas*), the Lake Ray Hubbard Interlocal Agreement as approved by those municipalities comprising the *Lake Cities Coalition* (*i.e. Garland, Rockwall, and Rowlett*) and the City of Dallas, and the OURHometown Vision 2040 Comprehensive Plan. The adoption of this zoning district is intended to provide a means for the protection of water quality.

(B) *Boundaries*. The Lake Ray Hubbard Takeline (TL OV) District includes all property that is located between the City of Dallas *Takeline* as shown on the boundary map for Lake Ray Hubbard (*i.e. File 612D-1 on file in the City of Dallas Records Vault and depicted below in Figure 32, Lake Ray Hubbard Takeline [TL OV] District Map*) and the meandering of the contour line 435.5-feet sea level elevation. In addition, *Figure 33*: *Elevation Contours*, shows the elevation zones used to delineate where certain land uses are permitted.

FIGURE 33: ELEVATION CONTOUR ZONES



❶: REAR PROPERTY LINE/TAKE LINE; ❷: 438.0 ELEVATION ZONE; ❸: 435.5 ELEVATION ZONE; ❹: 425.5 ELEVATION ZONE; ❺: SEAWALL;

(C) *Applicability*.

(1) *Applicable Lots*. The standards set forth within Subsection 06.16, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, shall apply only to those lots within the takeline that are zoned and used for detached, single-family residential land uses, and that either have a minimum lot width of 45-feet when measured at the front building line or a minimum width of 35-feet at the front building line when located on a curved street or cul-de-sac or Homeowner's Association (HOA) that are eligible to lease. The properties and Homeowner's Associations (HOA's) that are eligible to lease the takeline area are depicted in *Figure*

DRAFT ORDINANCE 05-24:2024

32: Lake Ray Hubbard Takeline Overlay (TL OV) District Map above.

(2) *Exceptions for Lots Not Meeting the Applicability Standards*. The City Council shall have the authority to consider special exceptions to the eligibility standards set forth within this section that apply to those lots within the Lake Ray Hubbard Takeline Overlay (TL OV) District that are zoned and used for detached, attached, or zero-lot-line single-family residential land uses and meet the minimum lot width requirements as prescribed in Subsection 06.15(C)(1) above.

(D) *Definitions*. The terms used in this section shall be as defined in this Unified Development Code (UDC), the Lake Ray Hubbard Interlocal Agreement, and the sublease agreements prepared by the City of Rockwall. For specific land use definitions refer to Subsection (K), *Specifications for Permitted Land Uses*. In addition, the following terms shall be defined as follows:

(1) *Catwalk*. The narrow walkway of a dock providing people access to moored watercraft.

(2) *Centerline*. An established line that is equidistant from the surface or sides of something (*e.g. parcel boundaries*).

(3) *Cleat*. A metal fitting with two (2) projecting pieces used to wrap a rope around to secure a watercraft in position.

(4) *Dredging*. The process of deepening a waterway for the sale and efficient movement of watercraft by the removal of dirt either by digging or by suction.

(5) *Habitable Structure*. A structure fit for human habitation usually containing amenities (*e.g. fireplace, furniture, plumbing, bathing facilities, and cooking facilities*). Structures allowed by this section shall *not* be habitable structures and may not contain such amenities.

(6) *Lake*. Refers to Lake Ray Hubbard.

(7) *Lake Area*. The City of Dallas property, known as Lake Ray Hubbard, that is normally submerged by the lake at a normal lake pool elevation (*i.e. property at or below an elevation of 435.5-feet mean sea level*).

(8) *Leased Area*. Means the take area that is within the corporate limits of the City of Rockwall, or where the takeline is directly adjacent to the corporate limits of the City of Rockwall.

(9) *Lift*. A temporary means of elevating a watercraft out of the water by use of a hoist.

(10) *Locker Box*. A secured chest fixed onto a dock used for storage of watercraft equipment.

(11) *Moor*. Securing a watercraft to a fixed object such as a fixed cleat on a seawall while the watercraft is still in the water.

(12) *Mooring*. A place where a watercraft can be tied up and secured while in the water (*e.g. a slip*) for not more than 156-consecutive hours.

(13) *Power Source Station*. Used as a power supply for lighting a dock just below watercraft level.

(14) *Shoreline*. Refers to the line along the shore of the lake, established by the normal lake pool elevations (*i.e. 435.5-feet mean sea level*).

(15) *Slip*. A watercraft's berth between two (2) piers or between finger piers.

(16) *Take or Takeline Area*. Refers to the land owned by Dallas between the takeline and the normal lake pool elevations (*i.e. 435.5-feet mean sea level*).

(17) *Treated Wood*. Wood treated by the impregnation or application of chemical solutions or chemical mixtures for the purpose of retarding or preventing deterioration or destruction cause by insects, fungi, bacteria, or other wood destroying organisms.

(18) *View Clear Zone*. The area within the view preservation angle where no new structures or plantings shall exceed six (6) feet above the existing grade to maintain neighboring views.

(19) *View Corridor*. A sight passage recognized as holding an intangible asset for a property owner and for a community due to the unique visual qualities of distant terrain, woodlands, wetlands, grasslands, skylines, and manmade lakes expressed through a view preservation angle from either a generally recognized center point or various center points along a road corridor or public view area (*see Figure 28: Visual Measurements for View Corridors of Subsection (E)*).

(20) *View Preservation Angle*. The angle determined as the line extending from the center point -- *or 30-foot point depending on lot size* -- along the quarter distance line of the leased area extending back toward the opposite corner where the takeline area crosses the lease area's side yard (*see Figure 28: Visual Measurements for View Corridors*).

(21) *Watercraft (or Boat)*. A craft for water transport. Examples of watercrafts are as follows:

(a) *Motorized Boat*. A boat propelled by an internal combustion engine.

(b) *Sail Boat*. A boat with a mast and sail propelled by the wind.

(E) *Visual Measurements for View Corridors*.

(1) *View Corridors*. View clear zones are established to protect a property owner's views of the lake and to maintain the aesthetic value of the lake's shoreline. The view clear zones for the takeline areas are established by the shoreline frontage of the takeline lease area. This measurement is determined by projecting the lease areas side yards to the normal pool elevation (*i.e. 435.5-feet mean sea level*), and connecting these two (2) points in a straight line (*see Figure 34: Visual Measurements for View Corridors*). Based on this linear measurement, the view clear zones are determined by the following:

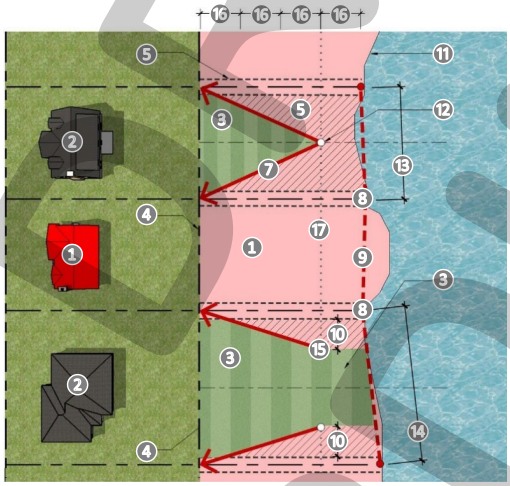
(a) *Lots That Have Less Than 100-Feet of Shoreline Frontage*. The view corridor for lots that have less than 100-feet of shoreline frontage is defined by the view preservation angle determined as the quarter distance (*i.e. 25%*) center point from the shoreline frontage line

DRAFT ORDINANCE 05-24: 2024

along the centerline of the leasing property owner's side yard with the angle running from the quarter distance center point to the opposite corners where the takeline area crosses the lease area's side yard. Those areas that fall inside of the view clear zones will be restricted from any type of new improvements or plantings exceeding six (6) feet in height with the exception of boat-related uses, which will be allowed by an administrative exception in accordance with Subsection (F)(2)(d).

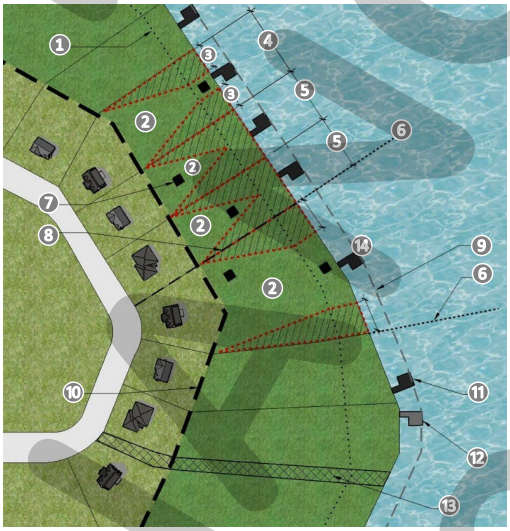
(b) *Lots That Have More 100-Feet or More Shoreline Frontage*. The view corridor for lots that have 100-feet or more shoreline frontage are defined by the view preservation angle determined as the quarter distance (*i.e. 25%*) line projected from the shoreline frontage line extending from the leasing property owner's side yard 30-feet along the quarter distance line and running from this point to the opposite corners where the takeline area crosses the lease area's side yard, and in a straight line from the 30-foot point on the quarter distance line to the shoreline frontage line. Those areas that fall inside of the view clear zones will be restricted from any type of new improvements or plantings exceeding six (6) feet in height with the exception of boat-related uses, which will be allowed by an administrative exception in accordance with Subsection (F)(2)(d).

FIGURE 34: VISUAL MEASUREMENTS FOR VIEW CORRIDORS



❶: SUBJECT PROPERTY'S AND ITS VIEW CORRIDOR (*PINK AREA*); ❷: NEIGHBORING PROPERTY; ❸: NEIGHBORING PROPERTY'S BUILDABLE AREA (*GREEN LINED AREA*); ❹: REAR PROPERTY LINE/TAKELINE; ❺: VIEW CLEAR ZONE (*LINED AREA*); ❻: LEASE AREA SIDE YARD SETBACK; ❼: VIEW PRESERVATION ANGLE; ❽: THE INTERSECTION OF THE 435.5 ELEVATION LINE AND THE LEASE AREA'S SIDE YARD; ❾: SHORELINE FRONTAGE LINE (*ESTABLISHED BY CONNECTING THE TWO [2] ❽ POINTS IN A STRAIGHT LINE*); ❿: 30-FOOT ; ⓫: SHORELINE; ⓬: CENTER POINT AT THE QUARTER DISTANCE LINE; ⓭: A LOT WITH A SHORELINE FRONTAGE LESS THAN 100-FEET; ⓮: A LOT WITH A SHORELINE FRONTAGE 100-FEET OR MORE; ⓯: 30-FOOT POINT ON THE QUARTER DISTANCE LINE; ⓰: 25% OF THE TAKELINE AREA; ⓱: QUARTER DISTANCE LINE.

FIGURE 35 EXAMPLES OF VISUAL MEASUREMENTS FOR VIEW CORRIDORS AND STRUCTURE PLACEMENT



❶: QUARTER DISTANCE LINE; ❷: BUILDABLE AREA; ❸: 30-FEET; ❹: A LOT WITH A SHORELINE FRONTAGE LINE 100-FEET OR MORE; ❺: A LOT WITH A SHORELINE FRONTAGE LINE LESS THAN 100-FEET; ❻: LEASE AREA'S PROJECTED SIDE YARD; ❼: STRUCTURE BUILT IN THE 438.0 ELEVATION ZONE; ❽: LEASE AREA'S SIDE YARD; ❾: 40-FOOT BUILDING LINE; ❿: REAR PROPERTY LINE/TAKELINE ; ⓫: EXISTING BOATHOUSE; ⓬: BOATHOUSE LOCATION APPROVED ADMINISTRATIVELY BECAUSE OF DRAINAGE EASEMENT AND CLUSTERED WITH AN EXISTING BOATHOUSE; ⓭: DRAINAGE EASEMENT; ⓮: BOATHOUSE AND STRUCTURE IN THE 435.5 ELEVATION ZONE GENERALLY CENTERED IN THE LEASE AREA BEHIND THE PRIMARY STRUCTURE.

(F) *General Requirements*. The following general requirements shall apply for all property in the takeline area.

(1) *Number of Permitted Structures*. The following is the maximum number of structures that shall be permitted in each elevation zone (*NOTE: in this case a structure is defined as any of the permitted uses specified in Subsection (K), Specifications for Permitted Land Uses that exceeds six [6] feet in height*):

(a) *438.0 Elevation Zone*: Two (2) structures shall be permitted in the *438.0 Elevation Zone*.

(b) *435.5 Elevation Zone*. One (1) structure shall be permitted in the *435.5 Elevation Zone*.

(2) *General Location of Permitted Structures*. The following requirements relate to where structures should be generally located in each elevation zone (*NOTE: in this case a structure is defined as any of the permitted uses specified in Subsection (K), Specifications for Permitted Land Uses that exceeds six [6] feet in height*):

PRIOR TO CE 05.2024

(a) *438.0 Elevation Zone*: Structures in the *438.0 Elevation Zone* should be located outside of the view clear zones unless specifically permitted to be in the view clear zone by Subsection (K), *Specifications for Permitted Land Uses*.

(b) *435.5 Elevation Zone*: Structures in the *435.5 Elevation Zone* should be generally centered in the lease area -- *equal distance from both leased side yard boundary lines* -- behind the primary structure on the leasing property and outside of the view clear zones unless specifically permitted to be in the view clear zone by Subsection (K), *Specifications for Permitted Land Uses*.

(c) *425.5 Elevation Zone*: Structures located in the *425.5 Elevation Zone* should be generally centered along the shoreline -- *equal distance from both the leased side yard boundary lines* -- behind the primary structure of the leasing property.

(d) *Administrative Exception for the 435.5 & 425.5 Elevation Zone*. In cases where it is [*1*] not feasible to construct a structure in the center of the lease area or along the shoreline, [*2*] will increase the view corridor or benefit the surrounding properties by not centering a structure in the lease area, or [*3*] where centering the structure will create an undue hardship to the property owner leasing the lease area, the Director of Planning and Zoning or his/her designee may approve an administrative exception to allow an alternate location that is not generally centered in the lease area as long as the location for the proposed structure is outside of the view clear zone. In approving these requests, the Director of Planning and Zoning or his/her designee shall consider the impact of the proposed structure on the adjacent property owners.

(3) *Building Materials*. The permitted building materials shall be as stipulated in Subsection (K), *Specifications for Permitted Land Uses*, and as permitted by the City Council through a Specific Use Permit (SUP); however, the use of canvas, cloth, or like materials shall be prohibited within the takeline area. In addition, loose ground materials (*e.g. sand, fill, pea gravel*) that could be used for trails, paths, play areas, active sports activities, or as exposed landscape bedding material are prohibited.

(4) *Trees*. In order to plant or remove a tree in the takeline area, a *Treescape Plan* showing the exact location, size (*i.e. trunk diameter and height*), and common name of the tree to be planted or removed will be required to be submitted to the Parks and Recreation Department. A permit to plant or remove a tree may be approved administratively by the Director of Parks and Recreation or his/her designee, or forwarded to the Parks and Recreation Board for approval. In reviewing a request to plant or remove a tree, the following criteria shall apply:

(a) *Planting Trees*. Trees are permitted to be planted within the *438.0 Elevation Zone* pending they are [*1*] not a variety specifically listed in the prohibited tree list contained in Section 03, *Tree Planting Guidelines and Requirements*, of Appendix C, *Landscaping Guidelines and Requirements*, and [*2*] they are not located within the view clear zone outlined Subsection (E), *Visual Measurements*. The Director of Parks and Recreation or his/her designee may grant an exception to allow a tree to be planted in the view clear zone where it is determined that the tree will not decrease the visibility of the lake or shoreline for the adjacent properties. In making this determination, the Director of Parks and Recreation shall consider the size of the proposed tree at maturity.

(b) *Removing Trees*. Trees are permitted to be removed only if they are determined to be damaged or diseased, or if they create a hazardous or dangerous condition that could endanger the public health, safety or welfare of the general public.

(5) *Temporary Structures on Lease 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(K)(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.

(G) *Residential Sublease Agreement*. A *Residential Sublease Agreement* is an agreement between a property owner and the City of Rockwall that grants the property owner certain rights to the exclusive use of the takeline area. A *Residential Sublease Agreement* shall be required to build certain structures within the takeline area. The area to be leased by a single-family property owner shall be directly contiguous to the boundaries of the property and are only permitted in the areas depicted in *GREEN* on Figure 32, *Lake Ray Hubbard Takeline (TL OV) District Map*. It shall be a violation of the zoning code to build or maintain a structure in the takeline area without a valid *Residential Sublease Agreement*. An owner in violation of this section shall be subject to the requirements of Section 01, *Penalties*, of Article 12, *Enforcement*, of the Unified Development Code (UDC). The following shall be the costs associated with a *Residential Sublease Agreement*:

Lease	Fees
New Lease (*i.e. New Never Leased by Current Owner*) [2]	$200.00
Annual Renewal of a Lease	$100.00
Change of Ownership of a Valid Lease	$50.00
Reinstatement of an Expired Lease (*i.e. Same Property Owner*) [3]	$500.00

NOTES:

[1]: To be subject to these new fees, a lease entered into after *January 1, 2021* will be required (*i.e. the effective date of the amendment adopting these fees*).

[2]: A lease is considered to be new under the following circumstances: [*1*] the property has never had a valid lease agreement, or [*2*] the property had a valid lease under different ownership but that lease agreement expired prior to the current owner taking possession of the property.

DRAFT ORDINANCE 05-14-2024

[3]: A lease is considered to be a reinstatement when it lapses or expires under the current ownership, and then the same owner requests a new lease.

(H) *Homeowner's Association (HOA) Sublease Agreement*. A *Homeowner's Association (HOA) Sublease Agreement* is an agreement between a Homeowner's Association (HOA) and the City of Rockwall that grants the HOA certain rights to the exclusive use of the takeline area for their members. The area to be leased by the Homeowner's Association (HOA) shall be directly contiguous to the boundaries of the HOA and are only permitted in the areas depicted in ORANGE on Figure 32, *Lake Ray Hubbard Takeline [TL OV] District Map*. It shall be a violation of the zoning code to build or maintain a structure in the takeline area without a valid *Homeowner's Association (HOA) Sublease Agreement*. A Homeowner's Association (HOA) in violation of this section shall be subject to the requirements of Section 01, *Penalties*, of Article 12, *Enforcement*, of the Unified Development Code (UDC). The requirements for a *Homeowner's Association (HOA) Sublease Agreement* are as follows:

(1) *Site Plan*. Prior to the execution of a *Homeowner's Association (HOA) Sublease Agreement*, the Homeowner's Association (HOA) shall submit a *Site Plan* to the Director of Planning and Zoning in accordance with the procedures outlined in Subsection 01.02, *Submission of an Application*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). The *Site Plan* shall show all of the *Activity Areas* [*see Subsection (H)(2) below*], the proposed improvements for these areas, the required seawalls, fixed piers and/or dock decks, private walkways, and any landscaping for the leased area. The Planning and Zoning Commission shall review the *Site Plan* in accordance with the procedures contained in Section 03, *Site Plans*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Upon approval of a *Site Plan*, the approved *Site Plan* shall be incorporated into the *Homeowner's Association (HOA) Sublease Agreement*. Should the Homeowner's Association (HOA) choose to amend the *Site Plan*, the *Site Plan* shall be amended in accordance with the procedures of Subsection 03.06, *Amended Site Plan*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Upon approval of an amendment to the *Site Plan*, a new *Homeowner's Association (HOA) Sublease Agreement* shall be drafted containing the *Amended Site Plan* and superseding the original *Homeowner's Association (HOA) Sublease Agreement*.

(2) *Activity Areas*. In lieu of the requirements of Subsections (F)(1), *Number of Permitted Structures*, and (F)(2), *General Location of Permitted Structures*, -- *and as part of the required Site Plan outlined in Subsection (H)(1) above* -- the Homeowner's Association (HOA) shall identify *Activity Areas* where improvements can/will be made within the leased area. Improvements outside of the *Activity Areas* -- *with the exception of landscaping and private walkways* -- shall be prohibited for the purpose of preserving the view corridors of the existing residential properties. The *Activity Areas* shall generally adhere to the following requirements:

(a) *Size*. *Activity Areas* should not be larger than 50-feet by 50-feet, unless otherwise approved by the Planning and Zoning Commission. In reviewing the *Activity Areas*, the Planning and Zoning Commission shall consider how the proposed size affects the view corridors of the adjacent residential properties.

(b) *Location*. *Activity Areas* shall be spaced so that they are a minimum of 200-feet apart, and be setback a minimum of 25-feet from the rear or side yard property line of any residential property. In addition, the *Activity Areas* shall be located in a manner that will create the least amount of impact to the adjacent property owners and their view corridors.

(c) *Seawalls*. Prior to the construction of an *Activity Area*, a seawall, conforming to Subsection (K), *Specifications for Permitted Land Uses*, and extending 100-feet on either side of the *Activity Area*, shall be required to be constructed.

(3) *Fixed Piers and Dock Decks*. Fixed piers and dock decks, conforming to Subsection (K), *Specifications for Permitted Land Uses* and spaced a minimum of 200-feet apart, are permitted along the leased area; however, a seawall, conforming to Subsection (K), *Specifications for Permitted Land Uses* and extending 100-feet on either side of the fixed pier or dock deck, shall be required with the proposed improvements.

(4) *Prohibited Land Uses*. Boathouses, as defined in Subsection (K), *Specifications for Permitted Land Uses*, shall be prohibited in the leased area associated with any *Homeowner's Association (HOA) Sublease Agreement*; however, in the event a boathouse existed in the leased area prior to the execution of the *Homeowner's Association (HOA) Sublease Agreement*, the HOA shall assume responsibility for the existing improvement in accordance with Subsection (H)(5) below.

(5) *Existing Improvements*. As part of the *Homeowner's Association (HOA) Sublease Agreement*, the HOA shall be required to assume responsibility for any existing improvements and the maintenance of these improvements in the leased area.

(6) *Fees*. The following shall be the costs associated with a *Homeowner's Association (HOA) Sublease Agreement:*

Lease	Fees
New Lease (*i.e. New Never Leased by HOA*) [1]	$200.00
Annual Renewal of a Lease	$100.00
Reinstatement of an Expired Lease (*i.e. Same HOA*) [2]	$500.00

NOTES:

[1]: A lease is considered to be new if the property has never had a valid lease agreement or if a site plan has been amended in accordance with the procedures of Subsection (H)(1).

[2]: A lease is considered to be a reinstatement when it lapses or expires, and then the Homeowner's Association (HOA) requests a new lease.

(I) *Permitted Uses*. All of the uses permitted within the *Lake Ray Hubbard Takeline Overlay (TL OV) District* shall adhere to all other

DRAFT 05.14.2024

applicable codes and the permitting requirements of the City of Rockwall. For a list of permitted land uses see Subsection (L), *Specifications for Permitted Land Uses*, or Subsection 07.05, *Lake Ray Hubbard Takeline Overlay (TL OV) District Development Standards*.

(J) *Specific Use Permits (SUPs)*. A Specific Use Permit (SUP) may be requested for: [*1*] any use that is not listed in Subsection (K), *Specifications for Permitted Land Uses* or [*2*] any structure that does not adhere to the requirements stipulated for that use or structure as required by Subsection (K), *Specifications for Permitted Land Uses*; however, a request for a Specific Use Permit (SUP) cannot be requested if a dimensional, material, size, or location standard stipulated in Subsection (K), *Specifications for Permitted Land Uses*, or Subsection (F), *General Requirements*, is expressly prohibited. In addition, no requests can be made that violate the view corridor requirements stipulated in Subsection (E), *Visual Measurements*. A Specific Use Permit (SUP) may be requested for water related land uses that are not specifically addressed in Subsection (K), *Specifications for Permitted Land Uses*. (*e.g. jet ski lift*) pending the applicant provides a letter of consent from the City of Dallas prior to making the application. In considering a Specific Use Permit (SUP) request, the City Council shall consider how the proposed request [*1*] impacts adjacent properties, and [*2*] adheres to the intent of the Lake Ray Hubbard Takeline Overlay (TL OV) District.

(K) *Specifications for Permitted Land Uses*. See Subsection 07.05, *Lake Ray Hubbard Takeline Overlay (TL OV) District Development Standards*, for a summary of the development standards for each of the following conditional uses.

(1) *Barbecue Pit*.

(a) *Definition*. A *barbecue pit* is a permanent fireplace structure over which meat, poultry and other foods are roasted (*for Fire Pit see Subsection 06.15(K)(9)*).

(b) *Prerequisites*. A *barbecue pit* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *barbecue pit* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *barbecue pit* can only be fueled by charcoal and wood products, and shall not be fueled by any permanently buried gas products (*i.e. natural gas or propane*).

(e) *Construction Standards*.

(1) *Building Materials*. A *barbecue pit* must be constructed utilizing a combination of natural stone, brick, concrete, and/or iron grating.

(2) *Height*. A *barbecue pit* shall not exceed a maximum of six (6) feet in height.

(3) *Size*. A *barbecue pit* shall not be smaller than a minimum size of three (3) feet in length by three (3) feet in width; however, a *barbecue pit* should not exceed a maximum size of eight (8) feet in length by three (3) feet in width.

(f) *Setback Requirements*. A *barbecue pit* must adhere to the following setbacks:

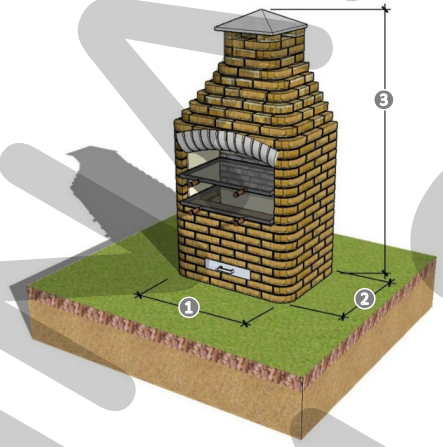
(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *barbecue pit* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *barbecue pit* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.



❶: A MINIMUM AND MAXIMUM OF THREE (3) FEET IN LENGTH; ❷: A MINIMUM OF THREE (3) FEET AND A MAXIMUM OF EIGHT (8) FEET IN WIDTH; ❸: A MAXIMUM OF SIX (6) FEET;

(2) *Boathouse*.

(a) *Definition*. A *boathouse* is a roofed structure affixed to the end of an adjoining *fixed pier*, with a main waterside opening, containing an operating boatlift, and which is built to house and protect a watercraft and boat related equipment.

(b) *Prerequisites*. A *boathouse* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall, has constructed a *seawall* along the entire length of the shoreline within the leased area, and has constructed a *fixed pier*.

(c) *Conditional Use Standards*. *Boathouses* are used for storing boats that have a fuel efficiency rating greater than 95%; however, boathouses may also be used to store

DRAFT ORDINANCE 05-14-2024

sailboats. *Boathouses* will not be used for storing any other type of items except boats and boat-related equipment. In addition, *Boathouses* shall not be used as a habitable dwelling structure, or shelter for domestic or wild animals. All *boathouses* shall be designed to discourage swimming, be durable, and have a base foundation construction of approved piling piers placed to a depth decided by a structural engineer; however, a *boathouse* shall not be designed to prevent public access to an area of water. Accessories placed on the flat surface of a *boathouse* or catwalk must be placed in an orderly manner that allows for the safe movement of people.

(d) *Elevation Zone*. A *boathouse* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

(e) *Construction Standards*.

(1) *Building Materials*. All *boathouse* constructed below the 437.0-foot mean sea level contour shall use only pilings and materials approved by the City of Rockwall and the City of Dallas. *Boathouses* shall be constructed utilizing composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with high-tech plastic materials*) -- *products equivalent to Trex brand are preferred* -- for decking, galvanized metal/iron/steel or aluminum (*with a minimum color rating of AAMA 2604*) for the support posts, all aforementioned materials and cedar or iron wood for the roof beams, and standing seam metal for the roof with a pre-finished color. Support posts may be wrapped in composite material. Water repellant sealants shall not be used to treat any cedar or ironwood used for roof beams. All fasteners binding materials together must be made out of stainless steel.

(2) *Height*. A *boathouse* shall be a minimum of 16-feet and a maximum of 21-feet in height as measured from the top of the fixed pier's catwalk to the vertex of the *boathouse's* cupola; however, in no case should a *boathouse* exceed one (1) story in height.

(3) *Size*. The footprint of the exterior sides of a *boathouse* will measure a minimum of eight (8) feet in width by 30-feet in length and a maximum of 12-feet in width and 30-feet in length. *Boathouses* shall not extend more that 40-linear feet into the water as measured from the normal pool elevation of the shoreline (*i.e. 435.5*).

(4) *Roof*. A *boathouse* will have a hip roof with either: [*1*] one (1) cupola with a hip roof centered at the top of the main hip roof, or [2] two (2) cupolas each with hip roofs at either end of the top of the main hip roof. Cupolas will be designed to allow updraft air and winds to vent outward, and shall measure three (3) feet by four (4) feet. All *boathouse* roofs shall be built with a minimum of a 2:1 roof pitch and will not have an overhang greater than 18-inches. *Boathouses* shall not incorporate a deck or platform.

(5) *Lighting*. Interior lighting for a *boathouse* will be directed downward from the ceiling of the structure and at the stored watercraft. Exterior lighting for a *boathouse* will be directed downwards toward the fixed pier with light fixtures incorporated either into the roof's overhang or the structure's columns. Lighting shall not hinder an adjacent property owner's lake views, negatively impact surrounding residents with unwanted brightness or glare, or interfere with the safety of the traveling public.

(6) *Additional Construction Standards*.

(a) *Deck Ladder*. A deck ladder is permitted to be constructed inside a *boathouse*.

(b) *Storage Unit*. A *boathouse* can incorporate one (1) storage unit measuring 72-inches in length by 20-inches in depth by 20-inches in height. Storage units shall be placed on the outer dockside, and shall only be used for storing boat-related equipment. The storage of fossil fuels and/or hazardous materials is prohibited.

(c) *Boat or Watercraft Lift(s)*. A *boathouse* must incorporate either one (1) regular boat lift or two (2) personal watercraft boat lifts. All boat or watercraft lifts must be able to hoist a watercraft above the 438.0-foot mean sea level contour, and be maintained in good operating condition. All watercrafts must be stored under the roof of the *boathouse*.

(d) *Pilings*. The approved pilings used to support a boathouse must be built up to at least 17-inches above the normal pool elevation of 435.5-feet mean sea level. Vertical rub rails are required on all concrete piers and pilings.

(e) *Catwalks*. The flat floor surface or catwalk for all structures must be no more and no less than 18-inches above the normal pool elevation of 435.5-feet mean sea level.

(f) *Safety Reflectors*. All structures shall be designed with safety reflectors to be clearly visible on three (3) sides on the main waterside of the end of the structure. Safety reflectors are required on either side of the main waterside end and the two (2) sides at a minimum increment of ten (10) feet starting at the structure's main waterside end and working back to the shoreline. Safety reflectors will be white, blue, or red and no less than three (3) inches in diameter or square in size, kept clean, firmly attached to the structure, and maintained in good condition.

DRAFT ORDINANCE 05.04.2024

(7) *Location*. All *boathouses* are required to be located in the water of the *Lake*. View corridor restrictions do not apply to *boathouses*; however, a boathouse should generally be located in line with the primary structure on the leasing property (*i.e. generally centered on the lot*). *Boathouses* shall not be designed to prevent or restrict public access to any portion of water within the *Lake*.

(f) *Setback Requirements*. A *boathouse* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-feet
(2) *Leased Side Yard Setback*: 10-feet
(3) *Maximum Distance from Seawall*: 40-feet

(g) *Additional Requirements*.

(1) *Dredging*. Dredging of the lake area is allowed for the berthing of a motorized boat into a *boathouse* provided that the dredging does not exacerbate shoreline erosion, lake siltation, water quality degradation, wetlands instability, or the integrity of any built structure, and the dredged channel is maintained for boating maneuverability to a depth of 425.0-feet mean sea level and a width area allowable for safe boating maneuverability. Property authorization to dredge must be obtained from the City of Rockwall, City of Dallas, US Army Corps of Engineers, and the Texas Parks and Wildlife Department. Disposal of dredging materials must be handled by a licensed establishment, properly treated and disposed of at an offsite location or disposed onsite only as part of land reclamation working under the City of Dallas guidelines and supervision.

(2) *Compliance with Applicable Codes*. A *boathouse* must comply with all other applicable City of Rockwall codes.

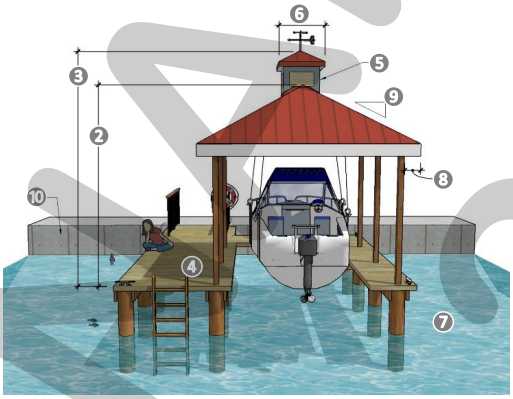
(3) *Address*. All *boathouses* shall have a residential street address sign with six (6) inch black letters on a white background displayed outwards towards the main body of the *Lake* to be recognizable for waterside public safety and emergency personnel.

(4) *Easement Protection*. No *boathouse* shall encroach into an existing or identified future easement, right-of-way, access road, or path.

(h) *Visual Representation*.

Continued on Right Side of Page …

❶: 40-FOOT MAXIMUM



❶: 40-FOOT MAXIMUM; ❷: 13-FOOT MINIMUM TO 18-FOOT MAXIMUM; ❸: 16-FOOT MINIMUM TO 21-FOOT MAXIMUM; ❹: CATWALK (UNDERSTRUCTURE TO BE ABOVE THE 437.0-FOOT ELEVATION); ❺: CUPOLA; ❻: THREE (3) FEET BY FOUR (4) FEET; ❼: 435.5-FOOT NORMAL POOL ELEVATION; ❽: 1.5-FOOT MAXIMUM OVERHANG; ❾: 2:1 ROOF PITCH (HIP ROOF ONLY); ❿: SEAWALL

(3) *Covered Patio*.

(a) *Definition*. A *covered patio* is a standalone structure that provides shade and/or rain coverage for a patio or deck. Covered patios have a solid roof.

(b) *Prerequisites*. A *covered patio* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *covered patio* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

DRAFT ORDINANCE 05.04.2024

(d) *Conditional Use Standards*. A *covered patio* shall not be used as a habitable dwelling structure, storage facility, or shelter for domestic or wild animals.

(e) *Construction Standards*.

(1) *Building Materials*. A *covered patio* must be constructed utilizing cedar, redwood, ironwood, composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. The roof of the structure should generally match the color of the roof on the primary structure, and be constructed using clay tiles, standing seam metal, slate shingles, concrete shingles, or ceramic shingles. Canvas, cloth, or mesh attachments to the structure shall be prohibited.

(2) *Height*. A *covered patio* shall not exceed a maximum height of 15-feet or one (1) story, and the roof shall not be used as a deck or lookout. The height shall be measured from grade to the mid-point of the pitched roof.

(3) *Size*. A *covered patio* shall not exceed a maximum size of 12-feet by 20-feet or 240 SF.

(4) *Roof*. A *covered patio* will have a hip or gable roof with either: [*1*] one (1) cupola with a hip roof centered at the top of the main hip roof, or [*2*] a clerestory built into the center of the main hip roof. Cupolas and clerestories will be designed to allow updraft air and winds to vent outward, and shall be proportional to the main roof. All *covered patios* should be built with a minimum of a 4:1 roof pitch. The roof shall not have an overhang greater than 18-inches.

(5) *Location*. A *covered patio* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Covered patios* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *covered patio* must adhere to the following setbacks:

(1) *Takeline Setback*: 6-Feet (*from the Concrete Cap of the Seawall*)
(2) *Leased Side Yard Setback*: 20-Feet

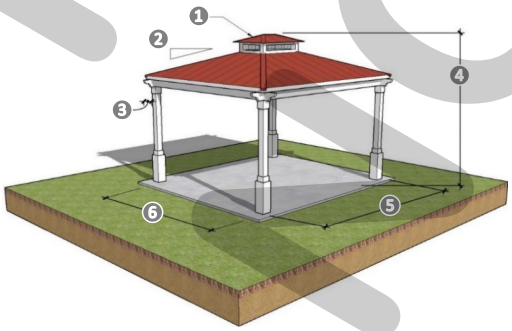
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *covered patio* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *covered patio* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *covered patio* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: CUPOLA OR CLERESTORY; ❷: 4:1 MINIMUM ROOF PITCH; ❸: 18-INCHES MAXIMUM OVERHANG; ❹: 15-FEET MAXIMUM HEIGHT; ❺: 20-FEET MAXIMUM; ❻: 12-FEET MAXIMUM;

(4) *Deck*.

(a) *Definition*. A *deck* is a roofless structure anchored to the ground that consists of planks running in a horizontal pattern and creating a flat surface area.

(b) *Prerequisites*. A *deck* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *deck* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted (*see Dock Deck in Subsection 06.15(K)(5)*).

(d) *Conditional Use Standards*. A *deck* shall not incorporate walls or other none transparent structures to function as handrails or counter space.

(e) *Construction Standards*.

(1) *Building Materials*. A *deck* must be constructed of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*). Handrails incorporated into a *deck* in the *438.0 Elevation Zone* shall be made of wrought iron or decorative metal. Handrails are *not* permitted in the *435.5 Elevation Zone*.

(2) *Height*. A *deck* shall not exceed a maximum height of 24-inches above grade.

(3) *Size*. A *deck* shall not exceed a maximum area of 1,000 SF.

DRAFT ORDINANCE 05.4.2024

(4) *Location*. A *deck* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Decks* shall not be placed in the view clear zone of a neighbor's view corridor.

(5) *Foundation*. A *deck* shall be anchored into the ground using concrete posts and footings as a foundation appropriate for the load and size of the proposed *deck*.

(f) *Setback Requirements*. A *deck* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

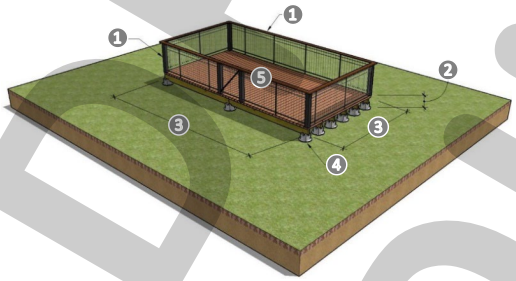
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *deck* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *deck* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *deck* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: WROUGHT IRON OR DECORATIVE METAL; ❷: MAXIMUM OF 24-INCHES OR TWO (2) FEET ABOVE GRADE; ❸: (L) X (W) SHALL NOT BE GREATER THAN 1,000 SF; ❹: CONCRETE POSTS AND FOOTINGS FOR FOUNDATION; ❺: COMPOSITE DECKING MATERIALS.

(5) *Dock Deck*.

(a) *Definition*. A *dock deck* is a flat floor surface area built over the water adjoining the end of a *fixed pier*.

(b) *Prerequisites*. A *dock deck* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall, has constructed a *seawall* along the entire length of the shoreline within the leased area, and has constructed *fixed pier*.

(c) *Elevation Zone*. A *dock deck* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

(d) *Conditional Use Standards*. Items that can be securely attached to the edge of a *dock deck* include the following: [*1*] a personal watercraft swing lift, [*2*] benches, [*3*] dock deck lighting that is either embedded in or on a pole, [*4*] locker box, and/or [*5*] power source station. A table may also be placed on the edge or in the center of a *dock deck*. A watercraft is only allowed to moor at any portion of a *dock deck* for no more that 156-consecutive hours during any given week. All *dock decks* shall be designed to discourage swimming, be durable, and have a base foundation construction of approved piling piers placed to a depth decided by a structural engineer; however, a *dock deck* shall not be designed to prevent public access to an area of water. *Dock decks* shall also be designed to be clearly visible during all seasons of the year and fluctuations in pool elevation of the *Lake*. Accessories placed on the flat surface of a *dock deck* or catwalk must be placed in an orderly manner that allows for the safe movement of people.

(e) *Construction Standards*.

(1) *Building Materials*. The catwalk and/or *dock deck* and any benches built on these structures shall utilize only composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*). Any railings built on a dock deck shall be constructed of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*) or steel tubing railings. *Dock decks* above 437.0 feet mean sea level are required to be constructed of metal pilings, concrete pilings, or plastic PVC pilings. *Dock decks* constructed below 437.0 feet mean sea level must use only pilings and materials approved by the City of Dallas as specified in the City of Dallas' *Construction Permit Application Lake Structures Lake Ray Hubbard*. All pilings shall be engineered and approved to handle the pressures, stresses, and loads applicable to lakefront conditions. The exterior color of all *dock decks* shall be a neutral or earth tone color and be subject to approval by the Planning and Zoning Department at the time of building permit. All fasteners binding materials together must be made of stainless steel. Water repellant sealants shall *not* be used.

(2) *Height*. No pole structures incorporated into a *dock deck* shall be higher than eight (8) feet above the flat floor surface with no more than four (4) pole structures allowed.

(3) *Size*. The footprint of the exterior sides of a *dock deck* adjoining a fixed pier shall be a minimum of eight (8) feet by ten (10) feet (*i.e. 80 SF*) and a maximum of 12-feet by 30-feet (*i.e. 360 SF*). *Dock decks* shall not extend more that 40-linear feet into

DRAFT ORDINANCE 05-2024

the water as measured from the normal pool elevation of the shoreline (*i.e. 435.5*).

(4) *Lighting*. Lighting shall not hinder an adjacent property owner's lake views, negatively impact surrounding residents with unwanted brightness or glare, or interfere with the safety of the traveling public. Safety lighting may be placed onto the interior edges of the flat floor surface of a *dock deck* at ten (10) foot increments, with the cover housing the lighting source no higher than six (6) inches. Two (2) light post structures with a maximum height of eight (8) feet can be placed along the periphery of a *dock deck*.

(5) *Additional Construction Standards*.

(a) *Pilings*. The approved pilings used to support a boathouse must be built up to at least 17-inches above the normal pool elevation of 435.5-feet mean sea level. Vertical rub rails are required on all concrete piers and pilings.

(b) *Catwalks*. The flat floor surface or catwalk for all structures must be no more and no less than 18-inches above the normal pool elevation of 435.5-feet mean sea level.

(c) *Safety Reflectors*. All structures shall be designed with safety reflectors to be clearly visible on three (3) sides on the main waterside of the end of the structure. Safety reflectors are required on either side of the main waterside end and the two (2) sides at a minimum increment of ten (10) feet starting at the structure's main waterside end and working back to the shoreline. Safety reflectors will be white, blue, or red and no less than three (3) inches in diameter or square in size, kept clean, firmly attached to the structure, and maintained in good condition.

(6) *Location*. View corridor restrictions do not apply to *dock decks*. *Dock decks* shall not be allowed on land.

(f) *Setback Requirements*. A *dock deck* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-feet
(2) *Leased Side Yard Setback*: 10-feet
(3) *Maximum Distance from Seawall*: 40-feet

(g) *Additional Requirements*.

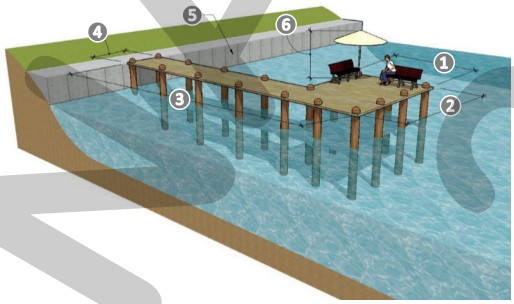
(1) *Dredging*. Dredging of the lake area is allowed for the berthing of a motorized boat into a *dock deck* provided that the dredging does not exacerbate shoreline erosion, lake siltation, water quality degradation, wetlands instability, or the integrity of any built structure, and the dredged channel is maintained for boating maneuverability to a depth of 425.0-feet mean sea level and a width area allowable for safe boating maneuverability. Property authorization to dredge must be obtained from the City of Rockwall, City of Dallas, US Army Corps of Engineers, and the Texas Parks and Wildlife Department. Disposal of dredging materials must be handled by a licensed establishment, properly treated and disposed of at an offsite location or disposed onsite only as part of land reclamation working under the City of Dallas guidelines and supervision.

(2) *Compliance with Applicable Codes*. A *dock deck* must comply with all other applicable City of Rockwall codes.

(3) *Address*. All *dock decks* shall have a residential street address sign with six (6) inch black letters on a white background displayed outwards towards the main body of the *Lake* to be recognizable for waterside public safety and emergency personnel.

(4) *Easement Protection*. No *dock deck* shall encroach into an existing or identified future easement, right-of-way, access road, or path.

(h) *Visual Representation*.



❶: MINIMUM OF TEN (10) FEET AND A MAXIMUM OF 30-FEET; ❷: MINIMUM OF EIGHT (8) FEET AND A MAXIMUM OF 12-FEET; ❸: 40-FOOT MAXIMUM; ❹: SIX (6) FOOT MAXIMUM; ❺: SEAWALL; ❻: EIGHT (8) FOOT MAXIMUM;

(6) *Fence*.

(a) *Definition*. A *fence* is a barrier, railing, or other upright structure, enclosing a specific area to mark a boundary or control access.

(b) *Prerequisites*. A *fence* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

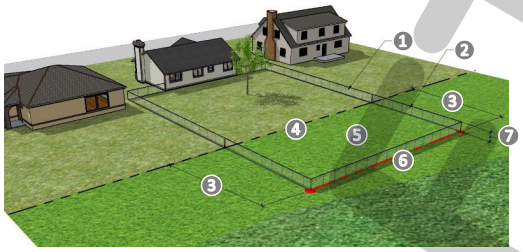
(c) *Elevation Zone*. A *fence* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *fence* shall only be allowed to enclose an area beginning at the *Takeline* corners (*i.e. the rear property line corners of the property leasing the take area*), extending 45-feet along the lease line, and

DRAFT ORDINANCE 05-14-2024

connecting the two (2) points in a straight line (*see example below*).



❶: EXISTING RESIDENTIAL FENCE ON THE LEASING PROPERTY; ❷: WROUGHT IRON OR BLACK TUBLAR STEEL FENCE; ❸: MAXIMUM OF 45-FEET ALONG THE LEASE LINE OF THE TAKELINE; ❹: REAR PROPERTY LINE/BEGINNING OF THE TAKELINE; ❺: 438.0 ELEVATION ZONE; ❻: THE STRAIGHT-LINE CONNECTION BETWEEN THE TWO (2), 45-FOOT POINTS; ❼: MAXIMUM OF 48-INCHES OR FOUR (4) FEET.

(e) *Construction Standards*.

(1) *Building Materials*. A *fence* shall *only* be constructed of wrought iron or black tubular steel.

(2) *Height*. A *fence* shall not exceed a maximum height of 48-inches from grade.

(3) *Location*. A *fence* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *fence* must adhere to the following setbacks:

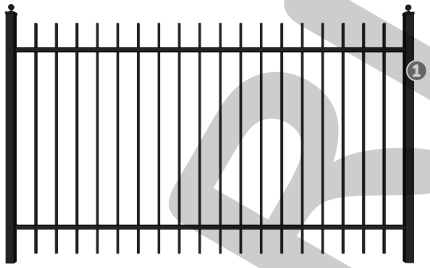
(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *fence* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *fence* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.



❶: FOUR (4) FOOT WROUGHT IRON FENCE

(7) *Flagpole*.

(a) *Definition*. A *flagpole* is an upright pole or staff, constructed at a 90-degree angle to the finished grade, which is used to raise a flag.

(b) *Prerequisites*. A *flagpole* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *flagpole* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A maximum of two (2) *flagpoles*, with one (1) flag on each pole shall be permitted within a lease area. The United States of America and State of Texas flags measuring a maximum of six (6) feet by four (4) feet will be the only flags permitted to be flown along the takeline. Lighting in association with a flagpole shall be prohibited.

(e) *Construction Standards*.

(1) *Building Materials*. A *flagpole* shall *only* be constructed of either stainless steel or aluminum.

(2) *Height*. A *flagpole* shall not exceed a maximum height of 20-feet from grade.

(3) *Size*. At the ground base a *flagpole* shall measure a minimum size of five (5) inches and a maximum size of eight (8) inches.

(4) *Location*. A *flagpole* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Flagpoles* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *flagpole* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

(g) *Additional Requirements*.

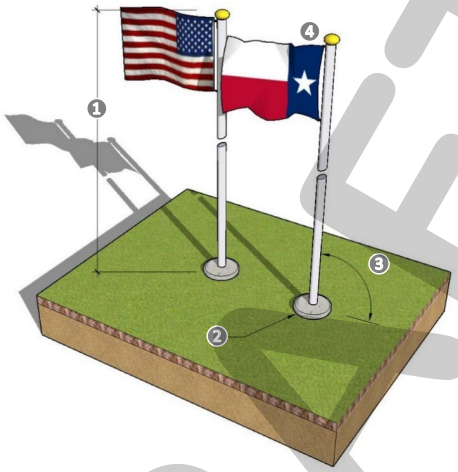
(1) *Earth Work*. Earth work required for the construction of a *flagpole* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *flagpole* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *flagpole* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

DRAFT ORDINANCE 05.04.2024

(h) *Visual Representation*.



❶: MAXIMUM OF 20-FEET FROM GRADE; ❷: AT THE BASE THE FLAGPOLE CAN BE A MINIMUM OF FIVE (5) INCEHS AND A MAXIMUM OF EIGHT (8) INCHES; ❸: MAINTAINED TO BE 90-DEGREES FROM GRADE; ❹: FLAGPOLES ARE PERMITTED ONE (1) FLAG A MAXIMUM OF FOUR (4) FEET BY SIX (6) FEET;

(8) *Fixed Pier*.

(a) *Definition*. A *fixed pier* is a structure with a catwalk that extends from the shoreline out into the body of water with the structure being used to moor and land watercraft.

(b) *Prerequisites*. A *fixed pier* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall, and has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *fixed pier* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

(d) *Conditional Use Standards*. Each eligible property adjacent to the takeline will be permitted one (1) fixed pier with an adjoining dock deck and/or boathouse. *Fixed piers* can be designed to be in an 'I', 'T', 'L' or 'U' shape (*see* Subsection 06.15(K)(8)(h)). Items that can be securely attached to the edge of a *dock deck* include the following: [*1*] a personal watercraft swing lift, [*2*] benches, [*3*] cleats, [*4*] dock lighting, [*5*] locker box, and/or [*6*] power source station. A watercraft is only allowed to moor at any portion of a *fixed pier* for no more that 156-consecutive hours during any given week. All *fixed pier* shall be designed to discourage swimming, be durable, and have a base foundation construction of approved piling piers placed to a depth decided by a structural engineer; however, a *fixed pier* shall not be designed to prevent public access to an area of water. *Fixed piers* shall also be designed to be clearly visible during all seasons of the year and fluctuations in pool elevation of the *Lake*. Accessories placed on the flat surface of a catwalk of a *fixed pier* must be placed in an orderly manner that allows for the safe movement of people.

(e) *Construction Standards*.

(1) *Building Materials*. The catwalk and any benches built on these structures shall utilize only composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*). Any railings built on a *fixed pier* shall be constructed of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*) or steel tubing railings. *Fixed piers* above 437.0 feet mean sea level are required to be constructed of metal pilings, concrete pilings, or plastic PVC pilings. *Fixed piers* constructed below 437.0 feet mean sea level must use only pilings and materials approved by the City of Dallas as specified in the City of Dallas' *Construction Permit Application Lake Structures Lake Ray Hubbard*. All pilings shall be engineered and approved to handle the pressures, stresses, and loads applicable to lakefront conditions. The exterior color of all *fixed piers* shall be a neutral or earth tone color and be subject to approval by the Planning and Zoning Department at the time of building permit. All fasteners binding materials together must be made of stainless steel. Water repellant sealants shall not be used.

(2) *Height*. No pole structures incorporated into a *fixed pier* shall be higher than eight (8) feet above the flat floor surface with no more than two (2) pole structures allowed.

(3) *Size*. The catwalk of a *fixed pier* will be a maximum of six (6) feet in width, as measured at a 90-degree angle to the main *fixed pier's* length, and will not enclose any portion of the water to allow the free movement of water underneath. *Fixed piers* shall not extend more than 40-linear feet into the water as measured from the normal pool elevation of the shoreline (*i.e. 435.5*).

(4) *Lighting*. Lighting shall not hinder an adjacent property owner's lake views, negatively impact surrounding residents with unwanted brightness or glare, or interfere with the safety of the traveling public. Safety lighting may be placed onto the interior edges of the flat floor surface of the catwalk of a *fixed pier* at ten (10) foot increments, with the cover housing the lighting source no higher than six (6) inches. Two (2) light post structures with a maximum height of eight (8) feet can be placed at the end of a *fixed pier*.

(5) *Additional Construction Standards*.

DRAFT 05.2024

(a) *Pilings*. The approved pilings used to support a boathouse must be built up to at least 17-inches above the normal pool elevation of 435.5-feet mean sea level. Vertical rub rails are required on all concrete piers and pilings.

(b) *Catwalks*. The catwalk of a *fixed pier* will be allowed within nine (9) feet of the normal pool elevation of 435.5-feet mean sea level. The flat floor surface or catwalk for all structures must be no more and no less than 18-inches above the normal pool elevation of 435.5-feet mean sea level.

(c) *Safety Reflectors*. All structures shall be designed with safety reflectors to be clearly visible on three (3) sides on the main waterside end of the end of the structure. Safety reflectors are required on either side of the main waterside end and the two (2) sides at a minimum increment of ten (10) feet starting at the structure's main waterside end and working back to the shoreline. Safety reflectors will be white, blue, or red and no less than three (3) inches in diameter or square in size, kept clean, firmly attached to the structure, and maintained in good condition.

(6) *Location*. View corridor restrictions do not apply to *fixed piers*.

(f) *Setback Requirements*. A *fixed pier* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-feet
(2) *Leased Side Yard Setback*: 10-feet
(3) *Maximum Distance from Seawall*: 40-feet

(g) *Additional Requirements*.

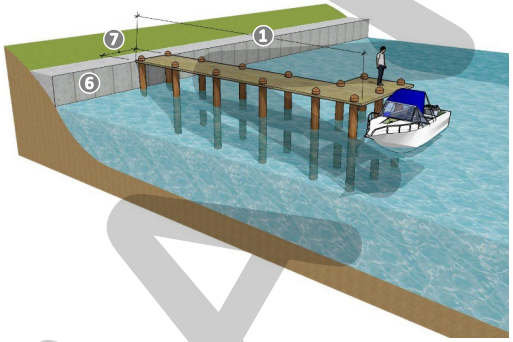
(1) *Dredging*. Dredging of the lake area is allowed for the berthing of a motorized boat into a *fixed pier* provided that the dredging does not exacerbate shoreline erosion, lake siltation, water quality degradation, wetlands instability, or the integrity of any built structure, and the dredged channel is maintained for boating maneuverability to a depth of 425.0-feet mean sea level and a width area allowable for safe boating maneuverability. Property authorization to dredge must be obtained from the City of Rockwall, City of Dallas, US Army Corps of Engineers, and the Texas Parks and Wildlife Department. Disposal of dredging materials must be handled by a licensed establishment, properly treated and disposed of at an offsite location or disposed onsite only as part of land reclamation working under the City of Dallas guidelines and supervision.

(2) *Compliance with Applicable Codes*. A *fixed pier* must comply with all other applicable City of Rockwall codes.

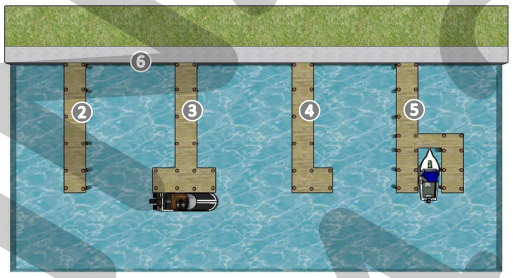
(3) *Address*. All *fixed pier* shall have a residential street address sign with six (6) inch black letters on a white background displayed outwards towards the main body of the *Lake* to be recognizable for waterside public safety and emergency personnel.

(4) *Easement Protection*. No *fixed pier* shall encroach into an existing or identified future easement, right-of-way, access road, or path.

(h) *Visual Representation*.



❶: 40-FOOT MAXIMUM; ❷: PIER IN AN 'I' SHAPE; ❸: PIER IN 'T' SHAPE; ❹: PIER IN A 'L' SHAPE; ❺: PIER IN A 'U' SHAPE; ❻: SEAWALL; ❼: SIX (6) FOOT MAXIMUM



(9) *Fire Pit*.

(a) *Definition*. A *fire pit* is a permanent fireplace that is dug into the ground or is in a freestanding structure in which a contained fire is made.

(b) *Prerequisites*. A *fire pit* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *fire pit* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *fire pit* can only be fueled by charcoal and wood products, and shall not be fueled

DRAFT 05.14.2024

by any permanently buried gas products (*i.e. natural gas or propane*).

(e) *Construction Standards*.

(1) *Building Materials*. The surround (*i.e. the area used to contain the fire*) for a *fire pit* must be constructed utilizing a combination of natural stone, brick, and/or concrete.

(2) *Height*. A *fire pit* shall not exceed a maximum of 36-inches in height.

(3) *Size*. A *fire pit* shall not be smaller than a minimum size of three (3) feet in length by three (3) feet in width; however, a *fire pit* should not exceed a maximum size of five (5) feet in length by five (5) feet in width.

(f) *Setback Requirements*. A *fire pit* must adhere to the following setbacks:

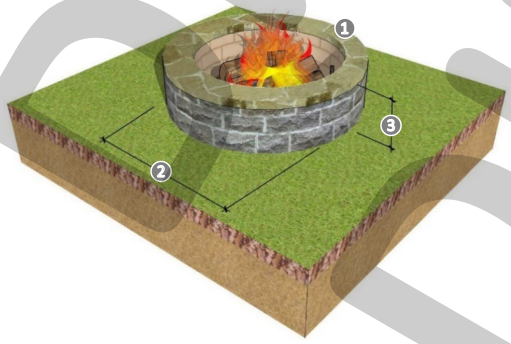
(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *fire pit* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *fire pit* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.



❶: NATURAL STONE, BRICK, AND/OR CONCRETE; ❷: MINIMUM SIZE OF THREE (3) FEET BY THREE (3) FEET AND A MAXIMUM SIZE OF FIVE (5) FEET BY FIVE (5) FEET; ❸: MAXIMUM HIEGHT OF 36-INCHES OR THREE (3) FEET.

(10) *Gazebo*.

(a) *Definition*. A *gazebo* is a permanent stand-alone structure with a roof and trellis structure open on all sides with places for sitting.

(b) *Prerequisites*. A *gazebo* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *gazebo* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *gazebo* shall not be used as a habitable dwelling structure, storage facility, deck, or shelter for domestic or wild animals.

(e) *Construction Standards*.

(1) *Building Materials*. A *gazebo* built in the *438.0 Elevation Zone* must be constructed utilizing cedar, redwood, ironwood, composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. The side trellis of the *gazebo* may be built using wood; however, canvas, cloth, or mesh attachments to the structure shall be prohibited. A *gazebo* built in the *435.5 Elevation Zone* shall only be built out of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. A *gazebo* will be constructed using steel reinforced concrete piers.

(2) *Height*. A *gazebo* shall not exceed a maximum height of 15-feet without a clerestory and 18-feet with a clerestory/cupola. The height of the *gazebo* shall be measured from grade to the vertex of the *gazebo's* main roof or clerestory/cupola roof. In either case a *gazebo* shall not be larger than one (1) story or incorporate a balcony.

(3) *Size*. A *gazebo* shall not exceed a maximum size of 12-feet by 12-feet or 144 SF.

(4) *Roof*. The roof of the *gazebo* shall be a hipped roof, gable roof, or hip and/or gable roof with or without a clerestory/cupola, and have a slope of 2:1. The roof shall not have an overhang greater than 18-inches. In addition, the roof of the *gazebo* can match the roof of the primary structure on the leasing property; otherwise, the roof shall be built out of a prefinished standing seam galvanized metal roof. If a clerestory/cupola is incorporated it shall be centered at the top of the main hip roof.

(5) *Location*. A *gazebo* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Gazebos* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *gazebo* must adhere to the following setbacks:

DRAFT ORDINANCE 05.21.2024

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

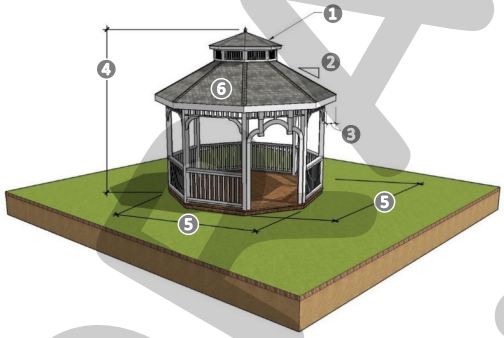
(g) *Additional Requirements.*

(1) *Earth Work*. Earth work required for the construction of a *gazebo* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *gazebo* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *gazebo* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation.*



❶: CUPOLA OR CLERESTORY; ❷: 2:1 MINIMUM ROOF PITCH; ❸: 1.5-FOOT MAXIMUM OVERHANG; ❹: 18-FEET MAXIMUM HEIGHT WITH A CUPOLA OR CLERESTORY AND 15-FEET WITHOUT A CUPOLA OR CLERESTORY; ❺: 12-FEET MAXIMUM; ❻: ROOF CAN MATCH THE PRIMARY STRUCTURE OTHERWISE THE ROOF SHALL BE STANDING SEAM METAL.

(11) *Landing and Stairs*.

(a) *Definition*. A *landing* is the area of a floor near the top or bottom step of a stair. A *stair* is a set of steps leading from one floor of an area to another.

(b) *Prerequisites*. A *landing and stairs* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 or 425.5 Elevation Zones* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *landing and stairs* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Permitted (*if a Seawall has been constructed*).

NOTE: A *landing and stairs* located in the *425.5 Elevation Zone* is permitted beside the lake but not upon or over the lake.

(d) *Conditional Use Standards*. A *landing and stairs* shall be allowed to be constructed in conjunction with a retaining wall if the retaining wall exceeds three (3) feet in height measured from the adjacent grade to the top of the wall.

(e) *Construction Standards*.

(1) *Building Materials*. A *landing and stairs* shall be constructed of wrought iron or black tubular steel, natural stone, brick, and/or concrete.

(2) *Height*. A *landing and stairs* shall not exceed the height of the adjacent retaining wall.

(3) *Size*. A *landing and stairs* shall be limited to eight (8) feet by eight (8) feet measured at the top of the adjacent retaining wall and the staircase shall be parallel to the retaining wall with a maximum width of a six (6) foot projection from the wall.

(4) *Location*. A *landing and stairs* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *landing and stairs* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 5-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *landing and stairs* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *landing and stairs* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.

PERSPECTIVE VIEW:

DRAFT
05.01.2024

TOP VIEW.

❶: MINIMUM OF EIGHT (8) FOOT BY EIGHT (8) FOOT LANDING; ❷: VARIABLE LENGTH STAIRCASE; ❸: WROUGHT IRON OR BLACK TUBLAR STEEL; ❹: NATURAL STONE, BRICK, OR CONCRETE MATCHING THE RETAINING WALL; ❺: VARIABLE HEIGHT BUT A MINIMUM OF THREE (3) FEET; ❻: MAXIMUM OF SIX (6) FEET.

(12) *Landscaping and Retaining Walls*.

(a) *Definition*. *Landscaping* is the minor modification or altering of the surrounding takeline area terrain and shoreline with trees, shrubs, ground cover, and native stone or interlocking retaining walls.

(b) *Prerequisites*. *Landscaping and retaining walls* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. *Landscaping and retaining walls* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

NOTE: Remedial *landscaping* in the *425.5 Zone* is permitted when the intent is to maintain the integrity of the shoreline. This will require the approval of the Director of Parks and Recreation.

(d) *Conditional Use Standards*. *Landscaping and retaining walls* shall compliment and be integrated into the existing woodlands, wetlands, and general aesthetic of the takeline area. *Landscaping* shall not consist of hedge or shrub rows, or any plantings that may restrict views or lead to the siltation and/or erosion of the shoreline. The use of pesticides, herbicides, fungicides, or preservatives is *strictly prohibited*. All landscaping must comply with the requirements of Article 08, *Landscaping and Fence Standards*, of the Unified Development Code (UDC). For information regarding planting or removing trees see Subsection (F)(4) above.

(e) *Construction Standards*.

(1) *Building Materials*. *Retaining walls* shall be finished in native stone and will only be allowed in the *438.0 Elevation Zone* and the *435.5 Elevation Zone*. The use of mulch is prohibited in all zones with the exception of the *438.0 Elevation Zone*. The use of railroad ties, treated wood, pea gravel -- *with the exception of using it as a base* --, and brick shall be prohibited.

(2) *Height*. *Retaining walls* as part of landscaping will be limited to less than three (3) feet.

(3) *Location*. *Landscaping and retaining walls* shall not hinder the view clear zone of an adjacent neighbor's view corridor. *Landscaping* shall not exceed six (6) feet in height in the view clear zone.

(f) *Setback Requirements*. *Retaining walls* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *landscaping and retaining walls* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. *Landscaping and retaining walls* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. *Landscaping and retaining walls* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(13) *Municipal Utilities*.

(a) *Definition*. *Municipal utilities* represent all local utilities that consist of cable lines, pipelines, and wiring already existing and planned running through the take area used by both the local community and the region's communities to facilitate the distribution and collection of communications, water, electricity, natural gas, and waste byproducts.

(b) *Elevation Zone*. *Municipal utilities* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Permitted.

(c) *Conditional Use Standards*. All *municipal utilities'* infrastructure is permitted within the take area. *Municipal utilities* shall be placed underground.

(d) *Setback Requirements*. *Municipal utilities* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(e) *Additional Requirements*.

(1) *Compliance with Applicable Codes*. *Municipal utilities* must comply with all other applicable City of Rockwall codes.

DRAFT ORDINANCE 05-14-2024

(14) *Outdoor Lighting*.

(a) *Definition*. *Outdoor lighting* is a structure or system of structures, fixtures, and/or devices used to provide artificial nighttime lighting over a defined broad area, on buildings and monuments, on docks for safety, and to emphasize landscaping but not directed to the detriment of the traveling public or surrounding residents in the light's path.

(b) *Prerequisites*. *Outdoor lighting* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. *Outdoor lighting* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

NOTE: Catwalk lighting in the *425.5 Elevation Zone* is the only permitted *outdoor lighting* allowed below the *438.0 Elevation Zone*.

(d) *Conditional Use Standards*. Systems and structures associated with *outdoor lighting* include artificial landscape lighting, dock lighting, monument lighting, and flood lights. Cobra and florescent light fixtures are *not* allowed on poled structures. All lights are to have shields which deflect light downward. The operation of search or spot lighting shall be prohibited.

(e) *Photometric Plan*. A photometric plan describing compliance with the provisions of Article 07, *Performance Standards*, of the Unified Development Code (UDC) shall be submitted to the Director of Planning and Zoning or his/her designee prior to the issuance of a building permit for *outdoor lighting*. This plan shall be prepared by an appropriate lighting professional (*e.g. lighting engineer, architect, or other qualified lighting designer*). Upon installation of the lighting, the lighting professional shall provide a letter certifying that the lighting is installed in accordance with the approved photometric plan. The Director of Planning and Zoning, or his/her designee, shall have the authority to interpret and determine compliance with the photometric plan and the Unified Development Code (UDC). The Planning and Zoning Commission may grant an exception to the provisions of the Unified Development Code (UDC) when strict compliance with the requirements of this section will result in substantial financial hardship or inequity, so long as such exception is without harm to the public. Decisions of the Planning and Zoning Commission may be appealed to the City Council in accordance with the procedures outline in Section 09, *Exceptions and Variances*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC).

(f) *Construction Standards*.

(1) *Building Materials*. *Outdoor lighting* poles must be constructed of aluminum or steel. Wood and/or concrete poles are prohibited.

(2) *Height*. The height of *outdoor lighting* shall range from light fixtures embedded into a catwalk periphery to a 12-foot maximum for post structures on land for broader illumination. Poled outdoor light fixtures within the *438.0 Elevation Zone* should be no taller than one-third (*1/3*) the distance to a neighboring property and should not exceed 12-feet.

(3) *Location*. *Outdoor lighting* fixtures shall not be placed in the view clear zone of a neighbor's view corridor; however, view corridor restrictions do not apply for *outdoor lighting* associated with boathouses, dock decks, or fixed piers except as described for each use due to brightness and glare to surrounding neighbors and the traveling public.

(g) *Setback Requirements*. *Outdoor lighting* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(h) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *outdoor lighting* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. *Outdoor lighting* must comply with all other applicable City of Rockwall codes.

(3) *Municipal or Government Installed Lighting*. *Outdoor lighting* installed by and/or for a governmental agency for a public benefit that is used for activities for the public benefit (*e.g. rights-of-way, ball fields, airports, and/or parks*) shall be exempted from the requirements of this section; however, parking lot lighting for these activities shall meet the requirements of the Unified Development Code (UDC).

(15) *Patio*.

(a) *Definition*. A *patio* is a paved, tiled, or rocked outdoor area that is generally used for dining or recreation.

(b) *Prerequisites*. A *patio* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *patio* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *patio* shall not incorporate walls or other none transparent structures to function as handrails or counter space.

(e) *Construction Standards*.

DRAFT ONLY 05.14.2024

(1) *Building Materials*. A *patio* must be constructed with natural stone. Handrails incorporated into a *patio* in the *438.0 Elevation Zone* shall be made of wrought iron or decorative metal. Handrails are *not* permitted in the *435.5 Elevation Zone*.

(2) *Height*. A *patio* shall not exceed a maximum height of 12-inches above grade.

(3) *Size*. A *patio* shall not exceed a maximum area of 1,000 SF.

(4) *Location*. *Patios* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *patio* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

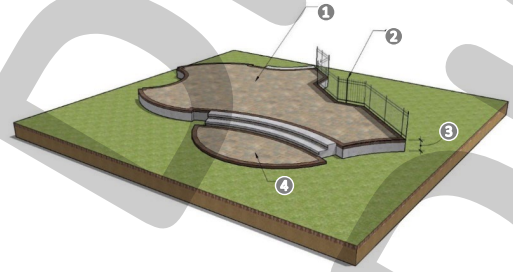
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *patio* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *patio* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *patio* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: NATURAL STONE; ❷: WROUGHT IRON OR BLACK TUBLAR STEEL; ❸: MAXIMUM OF 12-INCHES OR ONE (1) FOOT; ❹: PATIO AREA SHALL NOT BE GREATER THAN 1,000 SF

(16) *Pergola*.

(a) *Definition*. A *pergola* is a stand along structure consisting of parallel columns supporting an open roof of girders and cross rafters.

(b) *Prerequisites*. A *pergola* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *pergola* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *pergola* shall not be used as a habitable dwelling structure, storage facility, or shelter for domestic or wild animals.

(e) *Construction Standards*.

(1) *Building Materials*. A *pergola* constructed within the *438.0 Elevation Zone* must be constructed utilizing cedar, redwood, ironwood, composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. A *pergola* constructed within the 435.5 Elevation Zone must be constructed using composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*) or metal. Canvas, cloth, or mesh attachments to the structure shall be prohibited.

(2) *Height*. A *pergola* shall not exceed a maximum height of 12-feet or one (1) story, and the roof shall not be used as a deck or lookout. The height shall be measured from grade to the highest point of the structure.

(3) *Size*. A *pergola* shall not exceed a maximum size of 12-feet by 20-feet or 240 SF.

(4) *Roof*. The roof of the *pergola* shall not have an overhang greater than 18-inches.

(5) *Location*. A *pergola* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Pergolas* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A pergola must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(g) *Additional Requirements.*

(1) *Earth Work*. Earth work required for the construction of a *pergola* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

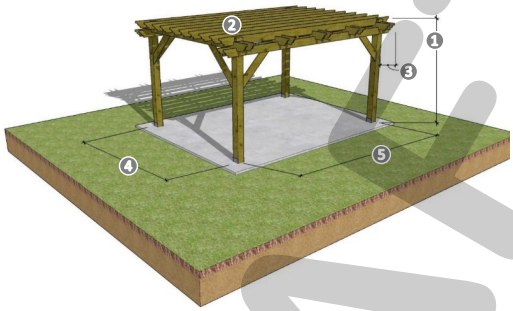
(2) *Compliance with Applicable Codes*. A *pergola* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *pergola* shall not be located in an area where it would block public safety

DRAFT ORDINANCE 05-14-2024

personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation.*



❶: 12-FOOT MAXIMUM HEIGHT; ❷: OPEN ROOF OF GIRDERS OR RAFTERS; ❸: 1.5-FOOT MAXIMUM OVERHANG; ❹: 12-FOOT MAXIMUM; ❺: 20-FOOT MAXIMUM; ❻: ROOF CAN MATCH THE PRIMARY STRUCTURE OTHERWISE THE ROOF SHALL BE STANDING SEAM METAL.

(17) *Picnic Table*.

(a) *Definition*. A *picnic table* is a permanent outdoor structure used for outdoor dining.

(b) *Prerequisites*. A *picnic table* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *picnic table* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *picnic table* must be a minimum of 12-feet from a *barbecue pit* or *fire pit*, and shall be open to the air (*i.e. no roof covering*) unless combined with a covered patio or pergola. A *picnic table* shall be built on level terrain.

(e) *Construction Standards*.

(1) *Building Materials*. The surface area of the *picnic table* shall be constructed out of concrete, brick, or native stone. *Picnic tables* constructed with wood shall be prohibited.

(2) *Height*. A *picnic table* shall not exceed a maximum of 36-inches in height.

(3) *Size*. A *picnic table* shall not exceed a maximum size of ten (10) feet in length by eight (8) feet in width.

(4) *Location*. A *picnic table* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Picnic tables* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *picnic table* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

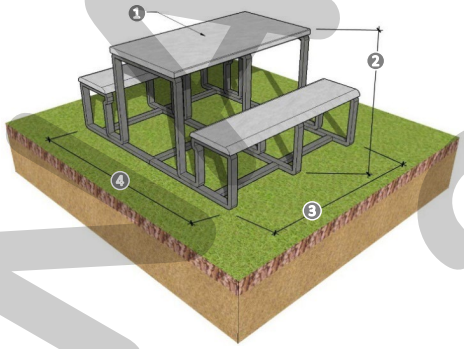
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *picnic table* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *picnic table* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *picnic table* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: SURFACE OF THE PICNIC TABLE SHALL BE CONCRETE, BRICK, OR NATIVE STONE; ❷: NOT TO EXCEED 36-INCHES OR THREE (3) FEET; ❸: EIGHT (8) FOOT MAXIMUM; ❹: TEN (10) FOOT MAXIMUM.

(18) *Private Play Structure*.

(a) *Definition*. A *private play structure* is a permanent outdoor structure used by children for play, which is installed by the private property owner.

(b) *Prerequisites*. A *private play structure* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *private play structure* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *private play structure* can consist of arched ladders, vertical ladders, horizontal ladders, clatter bridge, timber structures, slides, fort and slide playset, climbers, play walls, play climbers, play

DRAFT ORDINANCE 05-14-2024

pods, moon houses, jungle gyms, see-saws, merry-go-rounds, domes, rocket riders, tire swings, buoy balls, monkey bars, drums, chin-up bars, trampoline and rock walls; however, sandboxes and/or sand play areas shall *not* be permitted.

(e) *Construction Standards*.

(1) *Building Materials*. A *private play structure* shall be built out of aluminum, galvanized steel, rubber, and/or water-resistant wood; however, railroad ties and treated lumber are prohibited. The exterior color of a *private play structure* should blend and incorporate the same hues and tones of the surrounding landscaping.

(2) *Height*. A *private play structure* shall not exceed a maximum of eight (8) feet in height.

(3) *Size*. All *private play structures* will be situated in a collected area that is a maximum of 1,000 SF in area.

(4) *Location*. *Private play structures* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *private play structures* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(g) *Additional Requirements*.

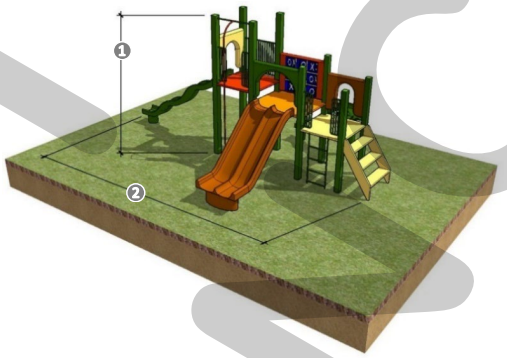
(1) *Earth Work*. Earth work required for the construction of a *private play structures* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *private play structure* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *private play structure* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.

Continued on Right Side of Page …



❶: MAXIMUM OF EIGHT (8) FEET IN HEIGHT; ❷: TOTAL SQUARE FOOTAGE SHALL NOT EXCEED A MAXIMUM OF 1,000 SF; ❸: EXTERIOR COLOR SHOULD BLEND WITH THE SURROUNDING LANDSCAPING.

(19) *Private Utilities*.

(a) *Definition*. *Private utilities* are a system of underground cable line, pipelines, and wiring installed by the leasing property owner to maintain and operate improvements in the take area.

(b) *Prerequisites*. *Private utilities* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. *Private utilities* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. *Private utilities* are required to be buried in accordance with Chapter 38, *Subdivisions*, of the City of Rockwall's Municipal Code of Ordinances. *No* overhead private utility lines are permitted in the lease area. *Private utilities* containing natural gas, propane, gasoline, oil, diesel, or similar types of compounds shall not be permitted within the lease area. No part of any *On-Site Sanitary Sewer System* (OSSF) or any other private wastewater system or appurtenances shall be permitted within the lease area.

(e) *Construction Standards*.

(1) *Building Materials*. *Private utilities* shall *only* be constructed out of materials permitted by the City's Engineering Department.

(2) *Location*. *Private utilities* within 20-feet of the normal pool elevation shoreline (*i.e. 435.5*) shall be built to handle load factors associated with emergency and service vehicles. *Private utilities* containing electricity and communication lines built into structures over the water shall not be allowed below the 436.5-foot mean sea level elevation.

DRAFT ORDINANCE 05-2024

(f) *Setback Requirements*. *Private utilities* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *private utilities* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *private utility* must comply with all other applicable City of Rockwall codes.

(3) *Damage to the System*. Any damage or destruction to any *private utility* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

(20) *Private Walkways*.

(a) *Definition*. *Private walkways* can be a single path or a network of paths installed by the leasing property owner in the takeline area.

(b) *Prerequisites*. *Private walkways* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. *Private walkways* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. *Private walkways* with steps are permitted (*see Landing and Stairs in Subsection 06.15(J)(11)*).

(e) *Construction Standards*.

(1) *Building Materials*. *Private walkways* shall be constructed using native stone, brick, concrete and/or rectangle pavers; however, *private walks* shall not consist of loose stone, gravel, sand, or asphalt.

(2) *Height*. *Private walkways* shall be flush with the surrounding grade, or work within the gradient present of the surrounding grade.

(3) *Size*. *Private walkways* shall be no greater than 48-inches in width.

(4) *Location*. *Private walkways* may encroach into an existing easement or right-of-way, encroach into an identified future easement or right-of-way, or encroach into an identified or set aside access path, provided that the property owner or sublease is responsible for repair and/or replacement of the walks in the event they are damaged or removed by the City or other public entity as a result of the necessary use of, or work within or around, said easements. An existing and future easement running through a lease property will be allowed to substitute for the 12-foot wide primary access right-of-way path provided it is 12-feet wide, suitable for access, and will connect to adjacent access paths.

(f) *Setback Requirements*. *Private walkways* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 10-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *private walkways* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *private walkway* must comply with all other applicable City of Rockwall codes.

(3) *Damage to the System*. Any damage or destruction to any *private walkway* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

(21) *Seawall*.

(a) *Definition*. A *seawall* is an engineered concrete or steel structure at the water's edge that is typically designed to curb shoreline erosion where it is installed.

(b) *Prerequisites*. A *seawall* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *seawall* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

NOTE: Seawalls are *only* permitted along the shoreline.

(d) *Construction Standards*.

(1) *Concrete Cap*. A six (6) foot wide concrete cap must be constructed along the entire length of the erosion control structure. In order to allow the backfill material to properly settle, the construction of the concrete cap may be delayed for several weeks/months after the construction of the erosion control structure; however, in no case should the construction of the concrete cap be delayed for a time period exceeding one (1) year from the date of construction of the erosion control structure.

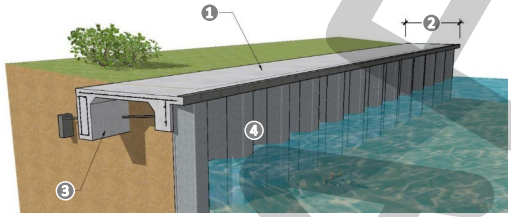
(e) *Additional Requirements*.

DRAFT ORDINANCE 05.04.2024

(1) *Earth Work*. Earth work required for the construction of a *seawalls* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *seawall* must comply with all other applicable City of Rockwall codes.

(f) *Visual Representation*.



❶: CONCRETE WALKWAY; ❷: SIX (6) FOOT MINIMUM; ❸: 24-INCH BY TEN (10) INCH BEAM WITH #3 REBAR ON 18-INCH CENTERS; ❹: RETAINING WALL.

(22) *Sprinkler/Irrigation System*.

(a) *Definition*. A *sprinkler/irrigation system* is an underground irrigation network used to water and maintain trees, shrubs, grounds, and the foundations of improvements.

(b) *Prerequisites*. A *sprinkler/irrigation system* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *sprinkler/irrigation system* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

Note: The prohibition of sprinkler/irrigation systems in the 425.5 Elevation Zone does not include the pumps or lines necessary to pump raw water, when a property owner has been granted permission to do so from the City of Dallas.

(d) *Conditional Use Standards*. A *sprinkler/irrigation system* must be connected to the leasing property owner's existing water supply source with approved backflow prevention devices.

(e) *Construction Standards*.

(1) *Building Materials*. A *sprinkler/irrigation system* shall *only* be constructed utilizing *Schedule 40 PVC* pipe.

(2) *Height*. The heads of a *sprinkler/irrigation system* used for shrubs shall extend no higher than three (3) feet from the average base of the surrounding terrain within a three (3) foot radius of the head.

(3) *Location*. A *sprinkler/irrigation system* shall be allowed up to one (1) foot of the normal pool elevation shoreline (*i.e. 435.5*) provided no part of the system could potentially result in lake siltation erosion.

(f) *Setback Requirements*. A *sprinkler/irrigation system* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *sprinkler/irrigation system* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *sprinkler/irrigation system* must comply with all other applicable City of Rockwall codes.

(3) *Damage to the System*. Any damage or destruction to any part of a *sprinkler/irrigation system* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

SUBSECTION 06.16: VARIANCES TO THE GENERAL OVERLAY DISTRICT STANDARDS

See Subsection 09.02, *Variances to the General Overlay Districts Standards*, of Article 11, *Development Applications and Review Procedures*.

SECTION 07 | DISTRICT DEVELOPMENT STANDARDS

See next page.

DRAFT ORDINANCE 05.14.2024

SUBSECTION 07.01: 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) [12]		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 & 9]		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 REQUIRED TO BE ON A PUBLIC STREET AS MEASURED AT THE BUILDING SETBACK LINE *OR* AT THE PROPERTY LINE, WHICHEVER IS CONFORMS.
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 06, *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 UNIT IN AN AGRICULTURAL (AG) DISTRICT.
12. THIS SHALL BE CONDITIONED SPACE. FOR PASSIVE HOUSING, THE SF CALCULATION SHALL BE CALCULATED USING ALL ENCLOSED HOUSING AREAS EXCLUDING THE GARAGE.

Formatted: Font color: Dark Red

DRAFT ORDINANCE 05-XX 2024

SUBSECTION 07.02: MULTI-FAMILY DISTRICT DEVELOPMENT STANDARDS

DEVELOPMENT STANDARDS ↓ / ZONING DISTRICTS →		MULTI-FAMILY 14 (MF-14) DISTRICT [1]
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 06, *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-FEET 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 08, *LANDSCAPE AND FENCE STANDARDS*.

DRAFT ORDINANCE 05.14.2024

SUBSECTION 07.03: NON-RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

*: FOR DEVELOPMENT IN THE DOWNTOWN (DT) DISTRICT SEE THE STANDARDS IN SECTION 04.08, *DOWNTOWN (DT) DISTRICT*.

DEVELOPMENT STANDARDS ↓ / ZONING DISTRICTS →		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+1/2*H*>36 [7] 50 [4]
	REAR (FEET)	30	20 W/O FRW & *OR* ALLEY	10 W/O FRW *OR* & ALLEY	10 W/O FRW *OR* & ALLEY	20 W/O FRW *OR* & ALLEY	10 W/O FRW [7]	20 + 1/2*H*>36 W/O FRW [7]
			0 W/ FRW & ALLEY	0 W/ FRW & ALLEY	0 W/ FRW & ALLEY	1/2*H*>36 W/ FRW & ALLEY	1/2*H*>36 W/ FRW & ALLEY [7]	8 + 1/2*H*>36 W/ FRW & ALLEY [7]
	REAR ADJACENT RESIDENTIAL (FEET) [6]	*N/A*	20	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	50 + 1/2*H*>36 [7]
	SIDE (FEET)	10	5 W/O FRW	10 W/O FRW	10 W/O FRW	15 + 1/2*H*>36 W/O FRW [7]	15 + 1/2*H*>36 W/O FRW [7]	15 + 1/2*H*>36 W/O FRW [7]
			0 W/ FRW	0 W/ FRW	0 W/ FRW	1/2*H*>36 W/ FRW [7]	1/2*H*>36 W/ FRW [7]	8 + 1/2*H*>36 W/ FRW [7]
	SIDE ADJACENT RESIDENTIAL (FEET) [6]	20	20	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	50
BETWEEN BUILDINGS (FEET)		15-20 W/O FRW 0 W/ FRW	15-20 W/O FRW 0 W/ FRW	15-20 W/O FRW 0 W/ FRW	15-20 W/O FRW 0 W/ FRW	15-20 + 1/2*H*>36 W/O FRW [7]	15-20 + 1/2*H*>36 W/O FRW [7]	25 + 1/2*H*>36 W/O FRW [7]
						1/2*H*>36 W/ FRW [7]	1/2*H*>36 W/ FRW [7]	16 + 1/2*H*>136 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 08, *LANDSCAPE AND FENCE STANDARDS*						

KEY: BLUE: WHEN ADJACENT TO INTERSTATE 30; *H*: BUILDING HEIGHT; 1/2*H*>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 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 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 08, *LANDSCAPE AND FENCE 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 SUP BY THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL.
9. BUILDING HEIGHT MAY BE INCREASED UP TO 240-FEET IF APPROVED THROUGH A 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.

Formatted: Left, Right: -0.07"
Formatted: Font: Italic, Underline
Formatted: Left, Right: -0.07"
Formatted: Left, Right: -0.07"
Formatted: Left, Right: -0.07"
Formatted: Left, Right: -0.07"

DRAFT 05.14.2024

SUBSECTION 07.04: ACCESSORY STRUCTURE DEVELOPMENT STANDARDS

ZONING DISTRICTS OR ACCESSORY STRUCTURE TYPE → / DEVELOPMENT STANDARDS ↓		ACCESSORY BUILDINGS [1, 3, 5, 8 & 12]							ACCESSORY STRUCTURES [1, 3, 5 & 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 AND ZERO LOT LINE (ZL-5) DISTRICT	PORTABLE ACCESSORY BUILDING 0 SF – 120 SF	DETACHED GARAGE [9]	CARPORTS [7]	ATTACHED AND DETACHED COVERED PORCHES	PERGOLAS
NUMBER OF ACCESSORY STRUCTURES OR NUMBER OF SPECIFIC ACCESSORY STRUCTURE PERMITTED		2 [2]	2 [2]	2 [2]	2 [6]	1	1	1	1	1	N/A [11]
MAXIMUM SF OF ACCESSORY STRUCTURE		1,000 [2]	1,000 [2]	1,250 [2]	144 [6]	100	120	625	500	500 [10]	500 [10]
MINIMUM SETBACKS	REAR (FEET)	10	10	10	3	3	3	10	10	3 [10]	3 [10]
	REAR W/ ALLEYWAY (FEET)	20 [4]	20 [4]	20 [4]	3	3	3	20 [4]	20	3 [10]	3 [10]
	SIDE (FEET)	SEE ZONING DISTRICT	SEE ZONING DISTRICT	SEE ZONING DISTRICT	SEE ZONING DISTRICT	3	3	SEE ZONING DISTRICT	SEE ZONING DISTRICT [10]	SEE ZONING DISTRICT [10]	3 [10]
BETWEEN BUILDINGS (FEET)		10	10	10	6	6	6	10	10	6	6
BUILDING HEIGHT (FEET) [8]		15	15	15	15	10	10	15	15	15	12

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/COVERED PORCHES/PERGOLAS THAT ARE INTEGRATED INTO THE MAIN ACCESSORY STRUCTURE AND WHICH ARE INCLUDED IN THE SQUARE FOOTAGE OF THE OVERALL 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 (EXCLUDING PORTABLE BUILDINGS) NOT MEETING THE SIZE OR HEIGHT REQUIREMENTS STIPULATED BY THIS SECTION SHALL REQUIRE A SPECIFIC USE PERMIT (SUP). IN REVIEWING A SPECIFIC USE PERMIT (SUP), THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL SHALL CONSIDER: [*1*] IF THE STRUCTURE WAS CONSTRUCTED WITHOUT A PERMIT OR UNDER FALSE PRETENSES, [2] THE SIZE OF THE PROPOSED ACCESSORY STRUCTURE COMPARED TO THE SIZE OF OTHER ACCESSORY STURCTURES IN THE AREA/NEIGHBORHOOD/SUBDIVISION, AND [*3*] THE SIZE, ARCHITECTURE AND BUILDING MATERIALS PROPOSED FOR THE STRUCTURE COMPARED TO THOSE OF THE PRIMARY STRUCTURE.

6: EACH PROPERTY SHALL BE PERMITTED ONE (1) DETACHED GARAGE UP TO 625 SF AND ONE (1) ACCESSORY BUILDING UP TO 144 SF OR TWO (2) ACCESSORY BUILDINGS UP TO 144 SF EACH. IF A PROPERTY HAS AN EXISTING ACCESSORY BUILDING GREATER THAN 144 SF, NO ADDITIONAL ACCESSORY BUILDINGS OR DETACHED GARAGES SHALL BE PERMITTED.

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 AND PARK A STANDARD SIZE MOTOR VEHICLE (*I.E. A VEHICLE THAT IS A MINIMUM OF NINE [9] FEET BY 18-FEET*) INSIDE THE STRUCTURE. IN ADDITION, A DETACHED GARAGE MUST BE ACCESSIBLE FROM THE FRONT, REAR OR SIDE YARD BY A STANDARD WIDTH, CONCRETE DRIVEWAY THAT HAS MINIMUM LENGTH OF 20-FEET OF DRIVEWAY PAVEMENT. DETACHED GARAGES ACCESSIBLE FROM THE FRONT SHALL BE A MINIMUM OF 20-FEET BEHIND THE FRONT FAÇADE OF THE PRIMARY STRUCTURE.

10: COVERED PORCHES AND PERGOLAS THAT ARE ATTACHED OR CONTIGOUS WITH THE PRIMARY STRUCTURE SHALL BE EXEMPTED FROM THE SIZE RESTRICTIONS BUT SHALL BE REQUIRED TO MEET THE SAME SETBACKS AS THE PRIMARY STRUCTURE.

11: PERGOLAS ARE NOT SUBJECT TO THE *NUMBER OF ACCESSORY STRUCTURE REQUIREMENTS*, BUT *DO* COUNT AGAINST THE RESIDENTIAL LOT COVERAGE REQUIREMENTS FOR THE ZONING DISTRICT.

12: PORTABLE ACCESSORY BUILDINGS ARE DEFINED AS AN ACCESSORY BUILDING THAT DOES NOT HAVE A PERMENANT FOUNDATION. ALL ACCESSORY BUILDINGS THAT ARE NOT PORTABLE ACCESSORY BUILDINGS REQUIRE A PERMANENT CONCRETE FOUNDATION; HOWEVER, GREENHOUSES SHALL BE EXEMPT FROM HAVING A PERMANENT CONCRETE FOUNDATION.

DRAFT ORDINANCE 05-XX: 2024

SUBSECTION 07.05: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT DEVELOPMENT STANDARDS

LAND USE [1]	CONDITIONAL USE REFERENCE SEE SUBSECTION 06.15(J)	PRE-REQUISITES L: SUBLEASE; S: SEAWALL; FP: FIXED PIER	ELEVATION ZONES P: PERMITTED X: NOT PERMITTED 438.0	435.5	425.5	MINIMUM SIZE (FEET OR SQUARE FEET)	MAXIMUM SIZE (FEET, INCHES, OR SQUARE FEET)	MINIMUM HEIGHT (FEET OR INCHES)	MAXIMUM HEIGHT (FEET)	SIDE YARD SETBACK (FEET)	BUILDING MATERIALS NS: NATURAL STONE B: BRICK C: CONCRETE CM: COMPOSITE MATERIALS GM: GALVANIZED METAL IR: IRON SS: STAINLESS STEEL S: STEEL M: METAL A: ALUMINUM CW: CEDAR RW: REDWOOD IW: IRONWOOD SSM: STANDING SEAM METAL WR: WROUGHT IRON R: RUBBER
BARBECUE PIT	(1)	L	P	X	X	3' x 3'	8' x 3'	0'	6'	6'	NS, B, C, AND IR
BOAT HOUSE [2, 4, 5, & 15]	(2)	L, S, & FP	X	X	P	8' x 30'	12' x 30'	16'	21'	10'	CM FOR CATWALK AND DECKING; GM, IR, S, OR A FOR THE SUPPORTS [3]; CM, GM, IR, S, A, CW, IW, OR RW FOR ROOF BEAMS; AND SSM FOR THE ROOF
COVERED PATIO [5 & 15]	(3)	L & S [16]	P	P	X	0'	12' x 20'	0'	15' [6 & 7]	20'	CW, IW, & RW IN THE 438.0 ELEVATION ZONE; CM OR M IN THE 435.5 ELEVATION ZONE; SSM FOR THE ROOF
DECK [5 & 18]	(4)	L & S [16]	P	P	X	0'	1,000 SF	2' OR 24"	1'	20'	CM FOR THE DECKING, C FOOTINGS FOR FOUNDATION, AND WR FOR FENCING/RAILING
DOCK DECK [2 & 5]	(5)	L, S, & FP	X	X	P	8' x 10'	12' x 30'	0'	8' [8]	10'	CM
FENCE	(6)	L	P	X	X	0'	45'	4'	4'	0'	WR
FLAGPOLE [5 & 9]	(7)	L & S [16]	P	P	X	5" BASE	8" BASE	0'	20'	6'	SS OR A
FIXED PIER [2 & 5]	(8)	L & S	X	X	P	0'	6' x 40'	0'	8' [10]	10'	CM FOR CATWALK AND DECKING; CM OR S FOR RAILINGS
FIRE PIT	(9)	L & S [16]	P	X	X	3' x 3'	5' x 5'	0'	3'	6'	NS, B, AND C
GAZEBO [5 & 15]	(10)	L & S [16]	P	P	X	0'	12' x 12'	0'	15'/18' [7 & 11]	20'	CW, RW, IW, CM, OR M IN THE 438.0 ELEVATION ZONE; AND CM OR M IN THE 435.5 ELEVATION ZONE
LANDING AND STAIRS	(11)	L & S [17]	P	P	P	0'	8' x 8' x 6'	3'	SAME AS RETAINING WALL	5'	NS, B, AND C FOR THE STAIRS; WR OR BLACK S FOR THE RAILINGS AND/OR FENCE
PATIO [5 & 18]	(15)	L	P	P	X	0'	1,000 SF	0'	1'	20'	NS FOR THE DECK AREA AND WR FOR RAILINGS
PERGOLA [5]	(16)	L & S [16]	P	P	X	0'	12' x 20'	0'	12' [7]	20'	CW, RW, IW, OR CM IN THE 438.0 ELEVATION ZONE; CM OR M IN THE 435.5 ELEVATION ZONE
PICNIC TABLE	(17)	L	P	P	X	0'	8' x 10'	0'	3' OR 36"	6'	NS, B, AND C
PRIVATE PLAY STRUCTURE	(18)	L	P	X	X	0 SF	1,000 SF	0'	8'	20'	A, GM, R, CW, RW, AND IW
PRIVATE WALKWAYS	(20)	L & S [16]	P	P	X	0'	48" WIDE	0'	FLUSH WITH GRADE	10'	NS, B, C, AND RECTANGULAR PAVERS
LANDSCAPING AND RETAINING WALLS [12 & 13]	(12)	L	P	P	X						
MUNICIPAL UTILITIES	(13)	*NONE*	P	P	P						
OUTDOOR LIGHTING	(14)	L	P	X	X						
PRIVATE UTILITIES	(19)	L	P	P	X						
SEAWALL	(21)	L	X	X	P						
SPRINKLER/ IRRIGATION SYSTEM [14]	(22)	L	P	P	X						

NOTES:

1: FOR ALL LAND USES CHECK SECTION 06.15, *LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT* FOR ADDITIONAL REQUIREMENTS AND RESTRICTIONS.

2: BOATHOUSES, FIXED PIERS, DOCK DECKS, OR ANY COMBINATION OF THESE STRUCTURES MAY NOT EXTEND MORE THAN 40-FEET INTO THE WATER FROM THE 435.5 ELEVATION CONTOUR.

3: REQUIRES A HIP ROOF, A MINIMUM OF 2:1 ROOF PITCH, WITH ONE (1) CUPOLA (3' x 4') IN THE MIDDLE OF THE ROOF OR TWO (2) CUPOLAS (3' x 4') AT EACH END OF THE ROOF.

4: SUPPORT POSTS MAY BE WRAPPED IN A COMPOSITE MATERIAL.

5: THE STRUCTURE SHALL BE GENERALLY CENTERED IN THE LEASE AREA BEHIND THE PRIMARY STRUCTURE ON THE LEASING PROEPRTY IF LOCATED IN THE *435.5* OR *425.5 ELEVATION ZONES* (*IF PERMITTED IN THE ZONE*).

6: REQUIRES A HIP OR GABLE ROOF WITH A CUPOLA OR CLERESTORY AND A MINIMUM ROOF PITCH OF 4:1.

7: SHALL NOT EXCEED ONE (1) STORY OR BE USED AS A ROOF TOP DECK.

8: EIGHT (8) FEET ABOVE THE SURFACE AREA OF THE FLAT FLOOR SURFACE WITH NO MORE THAN FOUR (4) POLE STRUCTURES ALLOWED.

9: A MAXIMUM OF TWO (2) FLAG POLES ARE PERMITTED AND ONLY THE UNITED STATES OF AMERICA AND TEXAS FLAGS ARE TO BE FLOWN.

10: EIGHT (8) FEET ABOVE THE SURFACE AREA OF THE FLAT FLOOR SURFACE WITH NO MORE THAN TWO (2) POLE STRUCTURES ALLOWED.

11: REQUIRES A HIP OR GABEL ROOF OR A HIP AND/OR GABEL ROOF, WITH A MINIMUM ROOF PITCH OF 2:1, AND THAT IS A MAXIMUM OF 15-FEET WITHOUT A CLERESTORY OR CUPOLA OR 18-FEET WITH A CLERESTORY OR CUPOLA.

12: REMEDIAL LANDSCAPING ALLOWED IN THE 425.5 ELEVATION ZONE WITH THE INTENT TO MAINTAIN THE INTEGRITY OF THE SHORELINE.

13: RETAINING WALLS THAT ARE A PART OF LANDSCAPING ARE LIMITED TO LESS THAN THREE (3) FEET IN HEIGHT.

14: HEADS SHOULD EXTEND NO HIGHER THAN THREE (3) FEET FROM THE AVREAGE BASE OF THE SURROUNDING TERRIAN WITHIN A THREE (3) FOOT RADIUS.

15: ROOF OVERHANGS SHALL NOT EXCEED 18-INCHES.

16: A SEAWALL IS *ONLY* REQUIRED FOR CONSTRUCTION IN THE *435.5 ELEVATION ZONE*.

17: A SEAWALL IS *ONLY* REQUIRED FOR CONSTRUCTION IN THE *435.5 OR 425.5 ELEVATION ZONES*.

18: HANDRAILS ARE PROBITED IN THE *435.5 ELEVATION ZONE*.

DRAFT 05.14.2024

Continued on Next Page …

DRAFT
ORDINANCE
05.14.2024

SECTION 01 | PURPOSE

SUBSECTION 01.01: PARKING

The purpose of this Article is to regulate the number of required off-street vehicular parking spaces so as:

- To provide for the needs of occupants, customers, visitors or others involved in the use or occupancy of any building, structural improvement or place of assembly;
- To eliminate undue use of the street system for parking purposes;
- To avoid the occurrence of nonresident on-street parking in adjoining neighborhoods;
- To protect the environment by promoting trip reduction and efficient land use through an analytic process in which the amount of parking may be limited to what is realistically needed for the uses on the site, thus reducing concrete/asphalt areas, heat islands and air pollution;
- To promote and protect the public health, safety, comfort, convenience and general welfare; and
- To grant and define the administrative powers and duties necessary to enforce this Article.

SUBSECTION 01.02: LOADING

It is also the purpose of this Article to require allocation of sufficient off-street/on-site loading facilities by businesses and industry to ensure that the loading and unloading of vehicles will not interfere with traffic flow or block roadways or fire lanes.

SECTION 02 | APPLICABILITY

SUBSECTION 02.01: CONSTRUCTION OR CREATION OF USE

Any building, improvement, or use of land approved or erected shall include the necessary off-street parking spaces, and require off-street/on-site loading facilities subject to the standards established in this Article.

SUBSECTION 02.02: CHANGE OF USE

Whenever any building, improvement, or use of land is proposed to be changed to a new use, the provision of off-street parking and loading shall be required for the new use in accordance with this Article.

SUBSECTION 02.03: EXPANSION OF AN EXISTING USE

If any building, improvement, or use of land is expanded, the provisions for parking and loading shall be provided for the portion of land use and/or building that has been added.

SUBSECTION 02.04: RENOVATION OR REDEVELOPMENT

Notwithstanding Subsection 02.02 above, if any building, improvement, or use of land is repaired, renovated, altered, expanded or redeveloped, and the cost of such changes exceed 50.00% of the fair market value of the building improvement prior to the subject improvements, the parking and loading facilities set forth in this Article shall be made conforming, unless a specific use permit has been approved for such reduction in the provision of parking or loading.

SECTION 03 | GENERAL PROVISIONS

SUBSECTION 03.01: CALCULATION OF SPACES

(A) *Fractional Number of Spaces*. In determining the required number of parking spaces, fractional spaces shall be ~~counted to the nearest~~rounded up to the nearest whole space. Parking spaces located in buildings used for repair garages or auto laundries shall not be counted as meeting the required minimum parking.

(B) *Parking Structures Excluded*. Floor area of structures devoted to off-street parking of vehicles shall be excluded in computing the floor area for off-street parking requirements.

(C) *Requirements for Uses Not Listed*. The off-street parking requirements for a use not specifically listed in the schedule below shall be the same as required for a use of a similar nature as determined by the Director of Planning and Zoning.

SUBSECTION 03.02: PAVING MATERIALS

All required parking and loading areas, public and private drives, and fire lanes shall be constructed of concrete, but may have a surface treatment of brick, stone or other similar material; ~~. H~~ however, cast interlocking concrete, brick, or stone pavers installed on a prepared base may be used in parking areas and on public and private drives where approved by the City Engineer.

SUBSECTION 03.03: LOCATION OF COMMERCIAL PARKING AND LOADING SPACES

The required off-street parking and loading spaces shall be located on the same lot as the building or use served; except, off-street parking may also be located as follows:

(A) *Parking May Be Located Off-Site*.

(1) When an increase in the number of off-street parking spaces is required by a change or enlargement of use, or where off-street parking spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required off-street parking spaces may be located at a distance not to exceed 400-feet from the building being served; provided, however, that a written agreement thereto is properly executed and filed as provided below.

(2) The distance from the land use requiring parking to the off-site parking site shall be measured along the shortest legal pedestrian path between one site and the other.

(3) All off-site parking must first be approved by City Council.

(B) *Joint Use of Parking*. Parking adjustments may be allowed according to the following percentages by time of day:

DRAFT ORDINANCE 05.13.2024

TABLE 1: JOINT USE OF PARKING CALCULATIONS

TIME OF DAY	OFFICE	RETAIL	RESTAURANT	THEATER	HOTEL
6:00 AM - 12:00 PM	1.00	0.97	0.50	0.30	1.00
12:00 PM - 1:00PM	0.90	1.00	0.70	0.70	0.30
1:00 PM - 4:00 PM	0.97	0.97	0.60	0.70	0.45
4:00 PM - 6:00 PM	0.47	0.82	0.90	0.80	0.70
6:00 PM - 8:00 PM	0.07	0.89	1.00	1.00	1.00
8:00 PM - 12:00 AM	0.03	0.61	1.00	1.00	1.00

EXAMPLE 1: JOINT USE OF PARKING CALCULATIONS

An example of a mixed-use development comprised of the below land uses would be as follows:

Step 1: Development Square Footages

- *Office*: 50,000 SF
- *Retail*: 20,000 SF
- *Restaurant*: 8,000 SF

Step 2: Individual Parking Requirements

LAND USE	SF	PARKING REQUIREMENT	REQUIRED PARKING
OFFICE	50,000	1/300 SF	167
RETAIL	20,000	1/250 SF	80
RESTAURANT	8,000	1/100 SF	80
		TOTAL:	327

Step 3: Shared Parking Requirements

TIME OF DAY	OFFICE	RETAIL	RESTAURANT	TOTAL
6:00 AM - 12:00 PM	1.00x167=167	0.97x80=78	0.50x80=40	285
12:00 PM - 1:00PM	0.90x167=150	1.00x80=80	0.70x80=56	286
1:00 PM - 4:00 PM	0.97x167=162	0.97x80=78	0.60x80=48	288
4:00 PM - 6:00 PM	0.47x167=78	0.82x80=66	0.90x80=72	216
6:00 PM - 8:00 PM	0.07x167=12	0.89x80=71	1.00x80=80	163
8:00 PM - 12:00 AM	0.03x167=5	0.61x80=49	1.00x80=80	134

Step 4: The parking required is 288 parking spaces. This is a reduction of 39 parking spaces or 11.9% over the individual parking requirements.

(C) *Off-Site Parking Agreement*.

(1) When the required off-street parking spaces are not located on the same lot with the building or use served, or when the required off-street parking spaces are provided collectively or used jointly by two (2) or more establishments, a written agreement which ensures the retention of such spaces for this purpose, and for a period of not less than two (2) years, shall be drawn and executed by the parties concerned, approved as to form by the City Attorney, and filed with the application for a building permit or Certificate of Occupancy (CO) if a change in use is involved.

(2) If the off-site parking is terminated for any reason, then alternative parking meeting the standards of this Article, shall be required, or the property shall lose its Certificate of Occupancy (CO).

(D) *Parking in Front Yards of Residential and Agriculture*. No required off-street parking space shall be located in the required front yard in any residential or agricultural district.

(E) *Parking in Front Yards of Non-Residential*. In any nonresidential district, the required off-street parking space may be located in the required front yard provided that it meets landscaping and screening requirements in Article 08, *Landscape Standards*.

SUBSECTION 03.04: LIGHTING OF PARKING AND LOADING AREAS

(A) *Spill-Over Lighting*. All lighting facilities shall be so arranged as to reflect the illumination away from any adjacent property. Such lighting facilities shall provide illumination within parking areas not to exceed a maintained average of 1½ footcandles at ground level, and shall distribute not more than 0.2 of one (1) footcandle of light upon any adjacent residential property. (*also see Section 03, Outdoor Lighting for Non-Residential Properties, of Article 07, Environmental Standards*).

(B) *Lighting as a Nuisance or Safety Hazard*. All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not intrude on residential property or create a hazard to motorists on any street, alley or other public way.

SUBSECTION 03.05: PAY PARKING LOTS

No charge may be made for at-grade visitor parking spaces, unless approved by City Council as part of a specific Use Permit.

SUBSECTION 03.06: SHARED PARKING/CROSS ACCESS

In master planned retail centers, cross access and shared parking agreements are required for final platting.

SECTION 04 | RESIDENTIAL PARKING

SUBSECTION 04.01: LOTS LESS THAN FIVE (5) ACRES

(A) *Location*. All required residential parking shall be located onsite except in the Downtown District.

(B) *Garages*. In single-family or duplex districts, parking garages must be located at least 20-feet behind the front building facade for front entry garages, unless it is a *J-Swing* garage where the garage door is perpendicular to the street.

(C) *Carports*. In single-family or duplex districts, carports must be located at least 20-feet behind the front building facade and be architecturally integrated with the main residential structure.

SECTION 05 | OFF-STREET PARKING REQUIREMENTS

SUBSECTION 05.01: OFF-STREET PARKING REQUIREMENTS

The schedule of off-street parking requirements in Table 5 establishes parking requirements for all zoning districts.

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

DRAFT ORDINANCE 05.14.2024

SUBSECTION 05.02: CONVENTIONS USED IN PARKING REQUIREMENT SCHEDULE

(A) *Square Feet*. The term *SF* means gross square feet of building, unless otherwise noted.

(B) *Site Area Parking Requirements*. The parking requirement for a use of site area is based on the net site area exclusive of parking and buildings.

(C) *Land Uses*. Land uses listed under *Permitted Uses* in the accompanying schedule does not mean that this use is permitted within the City. Please refer to Article 04, *Permissible Uses*.

SUBSECTION 05.03: OFF-STREET PARKING STANDARDS

(A) *Head-In Parking*. An off-street parking space shall not be located on a public street. Head-in parking adjacent to a public street wherein the maneuvering of the vehicle in parking or leaving a parking space is done directly onto a public street, shall not be allowed in nonresidential zoning districts nor shall it be allowed in conjunction with multi-family residential land uses unless specifically approved as part of a special district zoning ordinance such as for the downtown.

(B) *Parking Spaces and Aisle Surfaces*. All parking spaces, aisles and maneuvering areas shall have an all-weather surface, whether enclosed or unenclosed, and shall be connected by an all-weather surfaced driveway to a street or alley.

(C) *Parking Space and Aisle Dimensions*. All parking spaces and aisle dimensions shall conform to the off-street parking requirements contained in the City's Standards of Design and Construction manual, as amended, unless otherwise approved by the Planning and Zoning Commission and City Council.

(D) *Site Access for Vehicles*. Access to a lot or tract shall conform to the access control guidelines in the driveway ordinance. A driveway conforming to City driveway standards shall be constructed for each approved access point. A permit much be obtained from the City to construct a driveway within the City.

SUBSECTION 05.04: HANDICAPPED PARKING

In each parking facility, a portion of the total number of parking spaces shall be specifically designated as handicapped accessible parking spaces and reserved for vehicles licensed by the state for use by the handicapped. The following parking and passenger loading standards shall apply to any new construction within the City.

Continued on Right Side of Page …

(A) *Space Required*.

TABLE 2: HANDICAPPED PARKING SPACE REQUIREMENT

TOTAL REQUIRED PARKING IN LOT	REQUIRED NUMBER OF HANDICAPPED SPACES
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% OF TOTAL
1,001+	20 + 1/100 OVER 1,000

(B) *Construction Standards*. Parking spaces and facilities intended for use by the handicapped shall be designed and constructed in accordance with the standards established by state law, City ordinances and the Americans with Disabilities Act (ADA).

(C) *Size of Spaces*. Accessible parking spaces shall be at least 108-inches wide and shall be served by a pedestrian maneuvering access aisle at least 60-inches wide. The access aisle shall be part of an accessible route to the building or facility entrance. Two (2) accessible parking spaces may share a common access aisle. Accessible parking spaces and access aisles shall be level with surface slopes not exceeding ~~2%~~two (2) percent in any direction.

(D) *Van Accessible Spaces*. One (1) in every eight (8) accessible spaces, but not less than one (1), shall be served by an access aisle not less than 108-inches wide and provide a minimum vertical clearance of 98-inches at the parking space and along at least one (1) vehicle access route to such parking space from site entrance and exit. All such spaces shall be designated "van accessible" and may be grouped on one (1) level of a parking structure.

(E) *Sign Handicapped Accessible Spaces*. Accessible spaces shall be designated as reserved by a sign showing a symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

(F) *Accessible Routes to the Building or Facility*. At least one (1) accessible route within the boundary of a site shall be provided from public transportation stops (*if available*), accessible parking and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public.

(G) *Accessible Routes On-Site*. At least one (1) accessible route shall connect accessible buildings, facilities, elements and spaces that are on the same site.

(H) *Accessible Route Design Standards*. An accessible route shall have a minimum clear width of 36-inches and provide adequate space for a wheel chair turn around. If an accessible route has less than 60-inches clear width, then passing spaces of at least 60-inches by 60-inches shall be located at reasonable intervals, not to exceed 200-feet. A 'T' intersection of two (2) corridors or walks is an acceptable passing place.

DRAFT ORDINANCE 05-24 2024

SECTION 06 | OFF-STREET LOADING REQUIREMENTS

SUBSECTION 06.01: APPLICABILITY

All non-residential structures which contain a gross floor area of 10,000 square feet or more shall provide and maintain off-street loading facilities on the same lot. Such off-street loading facilities shall be located adjacent to a public way or private service drive, in accordance with the following requirements:

(A) Unless an alternative is supported by design standards and approved as part of the detailed site plan, no area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

(B) Any loading dock or loading area must provide a maneuvering area located entirely on private property, and shall not utilize any public right-of-way, and shall not block any drive, aisle or fire lane.

(C) Loading docks that are within 400-feet of a residential district shall be equipped with noise attenuation devices and screened from view of adjacent residential lots.

SUBSECTION 06.02: LIGHTING OF LOADING AREAS

All lighting facilities shall be so arranged as to reflect the illumination away from any adjacent property. Such lighting facilities shall provide illumination within loading areas not to exceed 1.5 Foot Candles (FC) at ground level, and shall distribute not more than 0.2 of one (1) FC of light upon any adjacent property.

All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not intrude on residential property or create a hazard to motorists on any street alley or other public way.

SUBSECTION 06.03: DUMPSTER TRASH RECEPTACLES

All driveways to trash receptacles shall be designed to accommodate the weight of a 56,000 gross vehicular weight (GVW) sanitation truck. Lifting aprons shall be provided in front of each trash receptacle location to accommodate the front wheels of the sanitation truck. Access to the trash receptacle and lift apron shall be in a *straight in* manner, or other manner as approved by the City Engineer. Trash receptacles shall not be located beneath any overhead utility line.

SUBSECTION 06.04: SIZE

Loading spaces shall be a minimum of 12-feet in width, 65-feet in length, and 14-feet in height except as may otherwise be approved by the City Engineer.

SUBSECTION 06.05: OFF-STREET LOADING REQUIREMENTS

Any use that receives or distributes material, supplies or merchandise by motor vehicle shall provide off-street loading space in accordance with the following requirements~~.~~:

(A) *Retail, Commercial, and Industrial Land Uses.*

TABLE 3: COMMERCIAL OFF-STREET LOADING REQUIREMENTS

GROSS FLOOR AREA (SF)	MINIMUM REQUIRED LOADING SPACES
0 – 10,000	0
10,001 – 40,000	1
40,001 – 100,000	2
100,001 – 160,000	3
160,001 – 240,000	4
240,001 – 320,000	5
320,001 – 400,000	6
400,001+	PARKING STUDY REQUIRED

(B) *Auditoriums, Exhibition Halls, Hotels and Sports Arenas.*

TABLE 4: RESTAURANTS AND PUBLIC FACILITIES LOADING REQUIREMENTS

GROSS FLOOR AREA (SF)	MINIMUM REQUIRED LOADING SPACES
0 – 10,000	0
10,001 – 150,000	2
150,001 – 300,000	4
300,001 – 600,000	5
600,000+	PARKING STUDY REQUIRED

DRAFT ORDINANCE 05.14.2024

TABLE 5: PARKING REQUIREMENT SCHEDULE

AGRICULTURAL LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Agricultural Uses on Un-Platted Land (25-Acre+)	N/A
Animal Hospital or Clinic	1/500 SF
Animal Production	1/200 SF
Crop Production	N/A
Commercial Corral or Stable	1/2 Horse Stalls
Private Horse Corral or Stable	1/2 Horse Stalls
Wholesale Nursery (Growing Only)	N/A

RESIDENTIAL

LAND USE	MINIMUM PARKING REQUIRED
Boarding or Rooming House	1/75 SF (Sleeping Area Only)
Duplex	2/Dwelling Unit
Guest Quarters/Domestic or Security Unit	1.5/Unit
Multi-Family Unit with One (1) Bedroom	1.5/Unit
Multi-Family Unit with Two (2) Bedroom	2.0/Unit
Multi-Family Unit with Three (3) Bedroom	2.5/Unit
~~Servants~~/Caretakers Quarters	1/Bedroom
Single-Family Attached	2/Dwelling Unit
Single-Family Detached	2/Dwelling Unit
Single-Family Townhome	2/Dwelling Unit
Single-Family Zero Lot Line	2/Dwelling Unit

INSTITUTIONAL AND COMMUNITY SERVICE LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Auditorium or Assembly Hall	1/3 Seats or 1/100 SF[1]
Church/House of Worship	1/4 Seats
College, University, or Seminary	1/4 Students
Community Center	1/200 SF
Convalescent Care Facility	1/Bed & 1/Employee on Shift[3]
Nursing Home	1/6 Beds & 1/Employee on Shift[3]
Daycare with Seven (7) or More Children	1/300 SF & 4 Cueing Pickup/Drop-Off
Emergency Ambulance Service	1/300 SF & 1/750 SF of Site Area
Government Facility	1/300 SF
Hospice	1/6 Beds & 1/Employee on Shift[3]
Hospital	1/Bed[2]
Library, Art Gallery, or Museum	1/350 SF
Post Office	1/300 SF Customer Service Area
Retirement Home	1/Bedroom
Residential Care Facility	1/6 Beds & 1/Employee on Shift[3]
Vocational School	1/Student
Public or Private Primary School	1/25 Students
Public or Private Secondary School	1/5 Students

OFFICE AND PROFESSIONAL LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Financial Institution with or without Drive-Through	1/300 SF
Medical Office	1/200 SF
Office Building	1/300 SF

RECREATION, ENTERTAINMENT, AND AMUSEMENT LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Billiard Parlor or Pool Hall	1/100 SF or 1/4 Seats[1]
Indoor Commercial Amusement/Recreation	1/3 Occupancy
Public or Private Community or Recreation Club	3/Game Court or Bowling Alley, 1/250 SF of Assembly Area, & 25% Permitted on Pervious Surface
Public or Private Golf Course	5/Golf Green
Park or Playground	1/1,000 SF of Site Area
Recreation Facility, Health Club, or Gym	3/Game Court & 1/200 SF
Sports Arena, Stadium, and/or Track	1/3 Seats
Private Club	1/100 SF or 1/4 Seats[1]
Theater	1/3 Seats

RECREATION, ENTERTAINMENT, AND AMUSEMENT LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Antique/Collectable	1/250 SF
Auto/Truck Parts and Accessories	1/250 SF
Hair Salon, Manicurist, or Barbershop	1/250 SF
Hotel	1/Unit & 50% of Accessory Uses
Motel	1/Unit & 50% of Accessory Uses
Laundry/Dry Cleaning	1/250 SF
Mailing Service	1/300 SF
Full Service Restaurant	1/100 SF or 1/4 Seats[1]
Limited Service Restaurant	1/250 SF
Retail Store with Gasoline Sales	1/250 SF
General Retail Store	1/250 SF
Art, Photography, or Music Studio	1/250 SF
Veterinarian (*i.e. Not a Hospital or Clinic*)	1/300 SF

COMMERCIAL AND BUSINESS SERVICES LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Building and Landscape Materials	1/250 SF with a Minimum of 5
Commercial Other than Listed	As Determined by the Director
Exhibit Hall	1/100 SF
Medical or Scientific Research Laboratory	As Determined by the Director
Mortuary or Funeral Home	1/300 SF & 1/100 SF for Chapel
Research and Technology	1/500 SF or 1/Employee[1]
Shoe and Boot Repair and Sales	1/250 SF
Trade School	1/20 SF of Classroom Area

AUTO AND MARINE LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Auto Body Repair	2/Service Bay
Auto Mechanical Repair	2/Service Bay
Quick Lube/Oil Change	2/Service Bay
Truck Stop with Fuel and Accessory Services	1/200 SF for Retail/Restaurant, 2/Service Bay, & Mix of Truck and Car Stalls to be Determined by the Director
Truck/Trailer Rental	1/200 SF with a Minimum of 5

INDUSTRIAL AND MANUFACTURING LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Apparel Manufacturing	1/200 SF
Asphalt or Concrete Batch Plant	As Determined by the Director
Industrial and Manufacturing Other Than Listed	As Determined by the Director
Light Assembly and Fabrication	1/500 SF or 0.75/Employee[1&3]
Heavy Manufacturing	1/500 SF or 0.75/Employee[1&3]
Printing, Engraving, and Related Businesses	1/300 SF or 1/Employee[1]
Welding Repair	1/500 SF or 1/2 Employees[1]

INDUSTRIAL AND MANUFACTURING LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Distribution of Books or Other Printed Materials	1/1,000 or 1/2 Employees[1]
Gas/Chemical Bulk Storage	1/2,000 SF of Site Area
Mini-Warehouse	3 Parking Spaces & 1/100 Units
Packaging and/or Distribution	1/2,000 SF of Site Area or 1/2 Employees[1]
Recycling Collection Center and/or Storage	1/1,000 SF or 1/Employee[1]
Warehouse with Inside Storage	1/1,000
Outside Storage	As Determined by the Director
Warehouse Distribution Center	As Determined by the Director

UTILITIES, TRANSPORTATION, AND COMMUNICATION LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Commercial Antenna	1 Parking Space
Commercial Drone Delivery	1/300 SF of Drone Staging Area[4]
Telephone Switching Station	1 Parking Space
Electrical Substation	1 Parking Space
Utility Shop and Storage	1/2,000 SF of Site Area
Airport, Heliport, or Landing Field	As Determined by the Director
Helistop	5 Spaces for Commercial and 3 Spaces for Non-Commercial

Notes:
[1]: Whichever is greater.
[2]: As determined by the Director of Planning and Zoning.
[3]: Number of employees.
[4]: Plus any additional accessory land uses (*e.g. office, storage, etc.*).

Formatted Table

Formatted: Font: Bold, Font color: Dark Red, Superscript

DRAFT 05.14.2024

Continued on Next Page …

DRAFT
ORDINANCE
05.14.2024

SECTION 01 | PURPOSE

The purpose of this Article is to set forth regulations which protect the public from the potential negative effects of industrial and intense commercial development by regulating smoke and particulate matter, odorous matter, fire or explosive materials, toxic and noxious matter, vibration, open storage, glare and fuel supply in the vicinity of such sites.

SECTION 02 | APPLICABILITY

The following performance standards shall apply to all zoning districts in the City of Rockwall.

SECTION 03 | OUTDOOR LIGHTING FOR NON-RESIDENTIAL PROPERTIES

SUBSECTION 03.01: DEFINITIONS

(1) *Candela*. A measurement quantified in unit(s) of luminous intensity in any given direction. It is also commonly referred to as candlepower(s).

(2) *Floodlight*. An artificial illumination in broad beam, ~~above 15 watts~~ with a light source that extends more than two (2) inches below the horizontal plane of the laminar.

(3) *Footcandle (FC)*. ~~means t~~The amount of illumination provided by one lumen uniformly distributed on one (1) square foot of surface.

(4) *Full Cut-Off*. A light source that does not extend below the horizontal plan of the luminaire.

(5) *Light Source*. The device which produces visible energy, such as a bulb.

(6) *Lumen*. The quantity of luminous flux intercepted by a surface of one square foot, all points of which are one foot from a uniform source of one candela. A one-candela source provides 12.57 lumens.

(7) *Luminaire*. A complete lighting unit including a light source and all necessary mechanical, electrical, reflective, and decorative parts.

(8) *Partial Cut-Off*. A light source that extends no more than one inch below the horizontal plan of luminaire.

(9) *Standard*. The light pole and base.

(10) *Temporary Holiday Lighting*. The type of lighting typically used during the holiday periods.

SUBSECTION 03.02: PROHIBITED LIGHTING

It shall be unlawful to display or operate the following:

(A) An unshielded light source, including bare bulbs, ~~above 15 watts,~~ except for temporary holiday lighting, decorative lighting (*e.g. string lights*), and lights intended to illuminate a State or National flag on a flag pole.

(B) The operation of search lighting is prohibited except it shall be permitted for a period not to exceed 14 days from grand openings and promotional events with permission of the building official.

SUBSECTION 03.03: MINIMUM REQUIREMENTS

(A) *Glare*. In order to preserve the night sky and to reduce glare on roadways, pedestrian areas and adjacent development, light sources (*e.g. light bulbs*) shall be oriented down and toward the center of the site or shielded so as to not be visible from the property line. This applies to refractory lenses which extend beyond the lighting fixture and are designed to redirect the lighting source horizontally. This does not apply to neon or internally lit signs, or to decorative lighting ~~with 15 watts or less per bulb~~ (*e.g. string lights*).

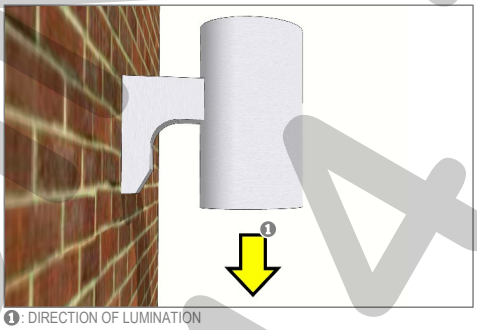
(B) *Light at Residential Property Line*. The allowable maximum light intensity measured at the property line of a residentially zoned lot shall be 0.2 of one footcandle.

(C) *Light at Non-Residential Property Line*. The allowable maximum light intensity measured at the property line of any non-residentially zoned lot shall be 0.2 of one (1) footcandle or 0.2 FC. For planned shopping centers or other commercial developments that contain more than one lot, the Planning and Zoning Commission may consider lighting plans that are intended to increase lighting efficiency and reduce the number of overall light fixtures, but result in light spillover across common lot lines within the same development; ~~.~~ Hhowever, in no case shall light levels exceed 0.2 FC at the property lines adjacent to the street and/or along the perimeter of the development.

(D) *Height*. No light pole, base or combination thereof shall exceed 30 feet, unless further restricted within an Overlay District as specified in Article 05, *District Development Standards*, of the Unified Development Code (UDC).

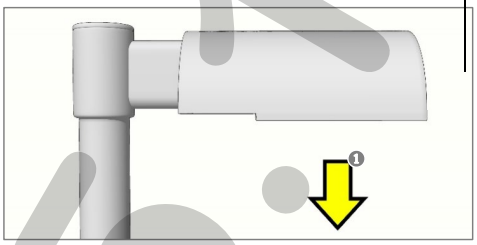
(E) *Building and Pole Mounted Lighting*. All building and pole mounted luminaries ~~exceeding 15 watts~~ shall be directed down with either a partial cut-off or full cut-off at the source. ~~(~~*See Figures 1-4 below*).

FIGURE 1: EXAMPLE OF FULL CUT-OFF BUILDING MOUNTED FIXTURE



1: DIRECTION OF LUMINATION

FIGURE 2: EXAMPLE OF FULL CUT-OFF POLE MOUNTED FIXTURE



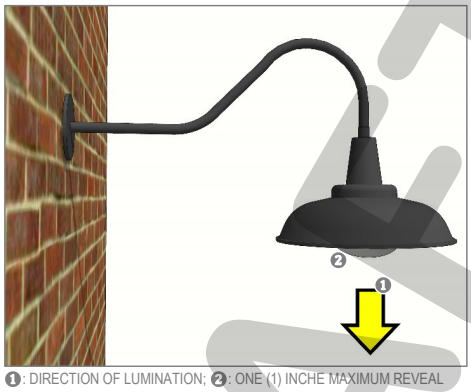
Formatted: Font: Italic

Formatted: Font: Italic

DRAFT ORDINANCE 05.14.2024

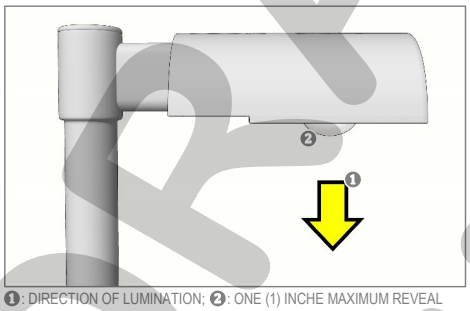
❶: DIRECTION OF LUMINATION

FIGURE 3: EXAMPLE OF PARTIAL CUT-OFF BUILDING MOUNTED FIXTURE



❶: DIRECTION OF LUMINATION; ❷: ONE (1) INCHE MAXIMUM REVEAL

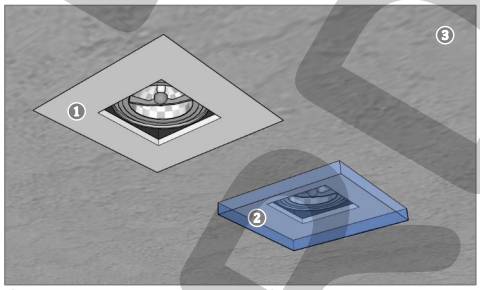
FIGURE 4: EXAMPLE OF PARTIAL CUT-OFF POLE MOUNTED FIXTURE



❶: DIRECTION OF LUMINATION; ❷: ONE (1) INCHE MAXIMUM REVEAL

(F) *Under-Canopy Lighting*. All under-canopy lighting, including, but not limited to, those fixtures utilized at fueling stations, drive-through lanes, and covered parking structures, shall be fully recessed into the canopy (~~*See see*~~ *Figure 5*).

FIGURE 5: EXAMPLES OF UNDER-CANOPY LIGHTING



❶: FLUSH LENS (*I.E. FULLY RECESSED*); ❷: PROJECTING LENDS (*I.E. NOT FULLY RECESSED*); ❸: CEILING

(G) *Illumination*. The maximum outdoor maintained, computed and measured illumination level within any nonresidential development shall not exceed 20 FC outdoors at any point on the site, with the following exceptions:

(1) Under-canopy lighting (*e.g., fuel stations, drive-through lanes and covered parking structures*) shall not exceed 35 FC. The remainder of the property shall comply with the 20-FC maximum.

(2) Lighting for motor vehicle dealerships shall not exceed 30 FC within the front yard(s) of the development. The remainder of the property shall comply with the 20-FC maximum.

(H) *Exemptions*. Historic or antique-style pedestrian light fixtures approved by the Planning and Zoning Commission are excluded from these standards.

SUBSECTION 03.04: PLAN REQUIRED

A photometric plan describing compliance with the provisions of this section shall be submitted to the Director of Planning and Zoning prior to the issuance of any building permit or Certificate of Occupancy (CO) that proposes additional lighting. This plan shall be prepared by an appropriate lighting designer such as a lighting engineer, architect or other qualified lighting designer. Upon installation of the lighting, the designer shall provide a letter certifying that the lighting is installed in accordance with the approved design and this section. The Director of Planning and Zoning shall have the authority to interpret and determine compliance with this section. The Planning and Zoning Commission may grant exemptions to the provisions of this Article if compliance will result in substantial financial hardship or inequity, so long as said exemption is without harm to the public. Decisions of the Planning and Zoning Commission may be appealed to the City Council.

SUBSECTION 03.05: NON-CONFORMING LIGHTING

Luminaries installed prior to the adoption of this Unified Development Code (UDC) shall be exempt from the requirements herein.

SUBSECTION 03.06: EXEMPTIONS

Lighting installed by or for a governmental agency for the public benefit that is used for activities for the public benefit such as right of way, ball fields, airports and parks;~~.~~ ~~H~~however, parking lot lighting for these activities shall be meet the requirements of the section.

SECTION 04 | NOISE

SUBSECTION 04.01: IN GENERAL

Refer to Article IV, *Noise*, of Chapter 16, *Environment*, of the Municipal Code of Ordinances for noise regulations.

SECTION 05 | SMOKE AND PARTICULATE MATTER

SUBSECTION 05.01: STANDARDS

No industrial operation or use shall cause, create, or allow the emission for more than three minutes in any one hour, of air contaminants which at the emission point or within the bounds of the property are:

(A) In violation of the standards specified by the Texas Natural Resource Conservation commission, or subsequent agency; or

DRAFT ORDINANCE 05.14.2024

(B) Of such capacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in *Subsection A* above except that, when the presence of steam is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the outside atmosphere, performance shall be considered to comply with this section.

SUBSECTION 05.02: COMBINED STANDARDS

The emission of particulate matter from all sources in a district subject to this Article shall not exceed the level specified by the Texas Natural Resource Conservation Commission, or subsequent agency.

SUBSECTION 05.03: STANDARDS MEASURED AT THE PROPERTY LINE

Open storage and open processing operations, including on-site transportation movements which are the source of wind or airborne dust or other particulate matter; or which involve dust or other particulate air contaminant generating equipment including, but not limited to, paint spraying, grain handling, sand or gravel processing or storage or sand blasting shall be so conducted such that dust and other particulate matter so generated are not transported across the boundary property line or the tract on which the use is located in concentrations exceeding standards set by the Texas Natural Resource Conservation Commission.

SECTION 06 | ODOROUS~~E~~ MATTER

SUBSECTION 06.01: APPLICABILITY

No use shall be operated in any zoning district in such a manner that the emission of odorous matter occurs in such quantity or volume as to produce a nuisance, source of discomfort or hazard beyond the bounding property lines of such use.

SUBSECTION 06.02: DETERMINATION

The odor threshold as herein referred to shall be determined by observation by a person or persons designated by the City Council. In any case, where the operator of an odor-emitting use may disagree with the enforcing officer where specific measurement of odor concentration is required, the method and procedures specified by the American Society for *Testing Materials ASTMD 1391-57* entitled Standard Method for Measuring Odors in Atmosphere shall be used.

SECTION 07 | TOXIC AND NOXIOUS MATTER

No industrial operation or other use shall emit toxic or noxious matter in any concentration across the bounding property line of the tract on which operation or use is located. The requirements of the Texas Air Control Board shall be met.

SECTION 08 | VIBRATION

Any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent property line, earthborn vibrations in excess of the limits set forth in ~~column~~ *Column I* (~~below~~*in Table 1: Vibrations Standards*) are prohibited. In addition, any industrial operation or activity which shall cause at any time and at any point along a zone boundary line, earthborn vibrations in excess of the limits set forth in column II are prohibited. Vibrations shall be expressed as resultant displacement in inches.

TABLE 1: VIBRATION STANDARDS

FREQUENCY (CYCLES PER SECOND)	DIPLACEMENT I (INCHES)	DISPLACEMENT II (INCHES)
0 – 10	0.0008	0.0004
10 – 20	0.0005	0.0002
20 – 30	0.0002	0.0001
30 – 40	0.0002	0.0001
40+	0.0001	0.0001

This tabulation is for steady state vibration~~s~~, which is defined as continuous vibration in contrast to discrete pulses. Impact vibration, that is, discrete pulses which do not exceed 100 pulses per minute, shall not produce in excess of twice (*i.e. two [2] times*) the displacement stipulated above.

SECTION 09 | FIRE OR EXPLOSIVE HAZARD MATERIAL

SUBSECTION 09.01: EXPLOSIVE AND/OR FLAMMABLE MATERIAL

The storage, manufacture and/or use of all explosive and/or flammable liquids, solids or gases shall be permitted only when such storage, manufacture or use conforms to the standards and regulations established in Chapter 18, *Fire Prevention and Protection*, of the Municipal Code of Ordinances, as well as all other applicable city codes.

SECTION 10 | WATER AND WASTE POLLUTION

SUBSECTION 10.01: WATER POLLUTION

No operation or activity shall discharge or cause to be discharged, liquid or solid waste into public waters unless in conformance with the provisions of the Texas Water Quality Board.

SUBSECTION 10.02: LIQUID OR SOLID WASTE

No discharge at any point will be allowed into any public sewer, private sewer disposal system, or stream or into the ground, except in accordance with standards approved by the state health department or standards equivalent to those approved by such department, for similar uses, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements. All discharges shall comply with all applicable city ordinances.

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

ORDINANCE 05.14.2024

Continued on Next Page …

DRAFT
ORDINANCE
05.14.2024

SECTION 01 | PURPOSE

The purpose of Article 08, *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.

SECTION 02 | APPLICATION OF ARTICLE

SUBSECTION 02.01: 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 02.01(A)(2).

(b) The expansion of a non-residential building or structure that increases the existing floor area by 30.00% 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 30.00% or that adds 2,000 SF of impervious coverage.

(2) Unless otherwise indicated in this *Article*, ~~T~~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 02.01(A) or Article 11, *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 06, *Non-Conforming Uses, Structures, and Sites*, of Article 04, *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 existing single-family and/or duplex land uses.

(d) Properties zoned Downtown (DT) District, as defined by Subsection 04.07, *Downtown (DT) District*, of Article 05, *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 02.01(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 06.02, *General Overlay District Standards*, of Article 05, *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 02.02: 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~~ Landscaping ~~plan~~ 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 09.01, *Exceptions to the General Standards*, of Article 11, *Development Applications and Review Procedures*.

Formatted: Font: Italic

Formatted: Font: Italic

SUBSECTION 02.03: EXCEPTIONS TO THE FENCE STANDARDS

All exceptions to the fence standards contained in this *Article* will be subject to the requirements of Section 08, *Fence Standards*.

Formatted: Font: Italic

SECTION 03 | LANDSCAPE PLAN

SUBSECTION 03.01: 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 03, *Site Plans*, of Article 11, *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), or a Horticulturist with a Bachelor's Degree unless otherwise permitted by the Director of Planning and Zoning.

DRAFT ORDINANCE 05-24.2024

SUBSECTION 03.02: 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 03, *Site Plans*, of Article 11, *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 03, *Site Plans*, of Article 11, *Development Applications and Review Procedures*.

SECTION 04 | ~~APPROVED~~ LANDSCAPE 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 C, *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.

(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 4½ ~~four (4)~~ feet above grade.

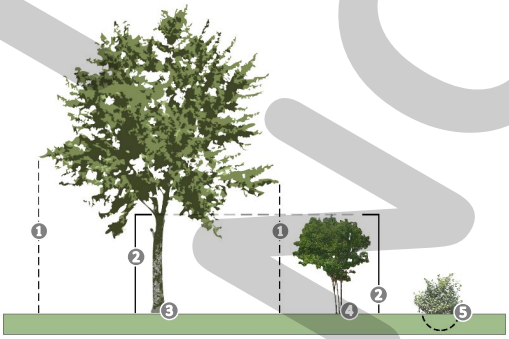
(5) The City of Rockwall encourages developments to incorporate ~~xeriscaping~~*Xeriscaping*/~~smartscaping~~ *Smartscaping* to promote reduced water usage through the use of drought tolerant plants. The City's *Xeriscaping/Smartscaping Standards and Guidelines* are outlined in Section 05.05, *Xeriscaping and Smartscaping Standards*.

(B) *Prohibited Planting Materials*.

(1) *Artificial or Synthetic Plant Materials*.

(a) *Non-Residential Property*. Artificial or synthetic plant materials (*e.g. artificial grass, turf, trees, and/or shrubs*) shall be prohibited on all non-residentially zoned or used property in the City of Rockwall; however, the Planning and Zoning Commission can grant an *Exception* in accordance with the procedures contained in Subsection 09.01, *Exceptions to the General Standards*, of Article 11, *Development Applications and Review Procedures*, of this Unified Development Code (UDC) where it is found that the artificial plant materials are integral to the operations of the proposed non-residential land use or where it will serve as an on-site amenity to the non-residential land use.

FIGURE 1: APPROVED PLANTING MATERIALS AND SIZE



❶: DRIP LINE; ❷: FOUR (4) FEET; ❸: CANOPY TREE; ❹: ACCENT TREE; ❺: ~~THREE~~ FIVE (~~3~~5) GALLON SHRUB

(b) *Residential Property*. Artificial or synthetic plant materials (*e.g. artificial grass, turf, trees, and/or shrubs*) shall be prohibited on all residentially zoned or used property in: [*1*] the required front yard (*i.e. the area that extends from the front property line to the front façade of the primary structure*); [*2*] in areas of the required side or rear yard that are visible from public right-of-way, open space, or public parkland; [*3*] in public rights-of-way; and [*4*] in easements; however, a maximum of 400 square feet of non-PFAS (*i.e. Perfluorinated Alkylated Substances*) artificial grass or turf shall be permitted in the rear yard of all residentially zoned or used property regardless of visibility or screening.

~~(1)~~

SECTION 05 | LANDSCAPE STANDARDS

SUBSECTION 05.01: LANDSCAPE BUFFERS

The minimum requirements for landscape buffers shall be as follows:

(A) *Residential Landscape Buffers in Subdivisions*. (see *Figure 2: Residential Landscape Buffers Example*)

(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

Formatted: Font:
Formatted: Font: Italic
Formatted: Font:
Formatted: Font:
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Font:
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font:
Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: Italic
Formatted: Font: 5 pt

DRAFT ORDINANCE 05.14.2024

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.

(B) *Non-Residential Landscape Buffers*. (see *Figure 3: Commercial Landscape Buffers Example*)

(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 05.02(B), *Screening from Residential*.

(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 05.02: 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 01.05, *Screening Standards*, of Article 05, *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:

FIGURE 2: RESIDENTIAL LANDSCAPE BUFFERS EXAMPLE

❶: RESIDENTIAL PROPERTY; ❷: BUILD LINE; ❸: COLLECTOR STREET; ❹: TEN (10) FOOT LANDSCAPE BUFFER; ❺: PERIMETER COLLECTOR OR ARTERIALS ROADWAY

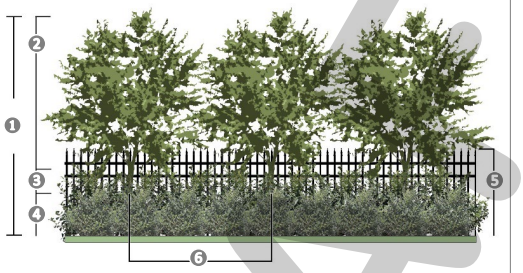
FIGURE 3: COMMERCIAL LANDSCAPE BUFFERS EXAMPLE

❶: STREET; ❷: RESIDENTIALLY ZONED OR USED PROPERTY; ❸: INDUSTRIAL OR COMMERCIAL ZONING/USE; ❹: ALLEYWAY; ❺: TEN (10) FOOT LANDSCAPE BUFFER WITH ACCENT AND CANOPY TREES; ❻: 20-FOOT LANDSCAPE BUFFER WITH THREE (3) TIERED SCREENING

DRAFT ORDINANCE 05-04: 2024

(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.

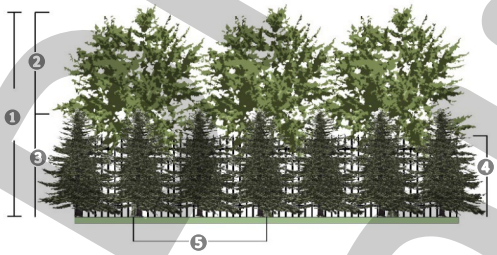
FIGURE 4: ALTERNATIVE #1



❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: ACCENT TREE OR LARGE SHRUB; ❹: SMALL SHRUB; ❺: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE; ❻: CANOPY TREES 20-FOOT ON CENTER

~~(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.

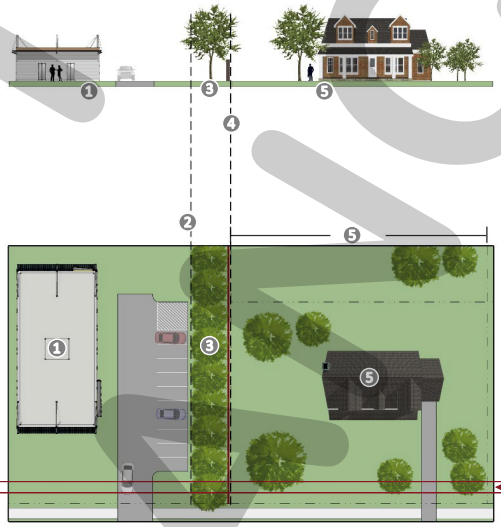
FIGURE 5: ALTERNATIVE #2



❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: TWO (2) ROWS OF EVERGREEN ACCENT TREES 20-FOOT OFFSET; ❹: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE; ❺: CANOPY TREES 20-FOOT ON CENTER

(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



❶: COMMERCIAL PROPERTY; ❷: 20-FOOT LANDSCAPE BUFFER; ❸: CANOPY TREES 20-FOOT ON CENTER; ❹: MINIMUM SIX (6) FOOT MASONRY WALL ON PROPERTY LINE; ❺: RESIDENTIAL PROPERTY;

FIGURE 7: MASONRY FENCE WITH CANOPY TREES IN PERSPECTIVE VIEW

❶: CANOPY TREES 20-FOOT ON CENTER; ❷: MINIMUM SIX (6) FOOT MASONRY WALL;

~~(C)~~ *Continued on Next Page …*

Formatted: No underline

Formatted: Font: 5 pt, Not Italic, No underline

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: 5 pt

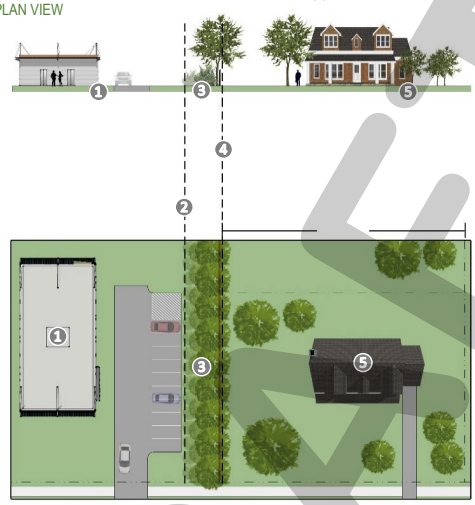
Formatted: Indent: Left: 0"

Formatted: Centered, No bullets or numbering

Formatted: Font: Italic

DRAFT 05.14.2024

FIGURE 8: WROUGHT IRON FENCE WITH THREE (3) TIERED SCREENING IN PLAN VIEW



❶: COMMERCIAL PROPERTY; ❷: 20-FOOT LANDSCAPE BUFFER; ❸: THREE (3) TIERED SCEENING; ❹: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE ON PROPERTY LINE; ❺: RESIDENTIAL PROPERTY

FIGURE 9: ALTERNATIVE #1 [WROUGHT IRON FENCE WITH THREE (3) TIERED SCREENING IN PERSPECTIVE VIEW]

❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: LARGE SHRUB/ACCENT TREE; ❹: SMALL SHRUB; ❺: SIX (6) FOOT WROUGHT IRON FENCE; ❻: CANOPY TREES 20-FOOT ON CENTER

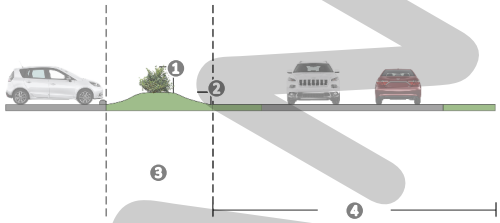
FIGURE 10: ALTERNATIVE #2 [WROUGHT IRON FENCE WITH TIERED SCREENING IN PERSPECTIVE VIEW]

❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: TWO (2) ROWS OF EVERGREEN ACCENT TREES 20-FOOT OFFSET; ❹: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE; ❺: CANOPY TREES 20-FOOT ON CENTER

~~(D)~~(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.

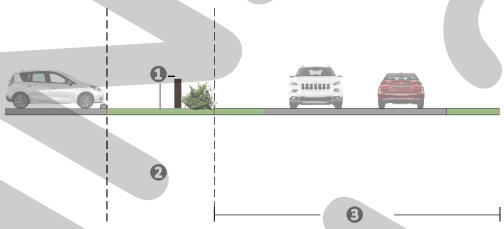
FIGURE 11: ALTERNATIVE #1 [HEADLIGHT SCREENING USING LANDSCAPING AND A BERM]



❶: MINIMUM THREE (3) FOOT SHRUB; ❷: MINIMUM TWO (2) FOOT BERM; ❸: 20-FOOT LANDCSAPE BUFFER; ❹: STREET OR ALLEYWAY

(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]



❶: MINIMUM THREE (3) FOOT MASONRY WALL; ❷: 20-FOOT LANDCSAPE BUFFER; ❸: STREET OR ALLEYWAY

~~(E)~~(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

DRAFT
05.14.2024

be installed and verified by the Director of Planning and Zoning or his/her designee.

SUBSECTION 05.03: LANDSCAPE REQUIREMENTS

(A) *Amount of Landscaping*. The following landscaping percentages shall be required and shall apply to the total site area to be developed:

TABLE 1: REQUIRED LANDSCAPING BY ZONING DISTRICT

ZONING DISTRICT	REQUIRED LANDSCAPING	REQUIRED WITH MAXIMUM CREDIT
Multi-Family 14 (MF-14) District	35%	22½%
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%
Downtown (DT) District	See Subsection 04.07; Article 05	

(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 per 1,500 SF 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.

FIGURE 13: LANDSCAPE REQUIREMENTS

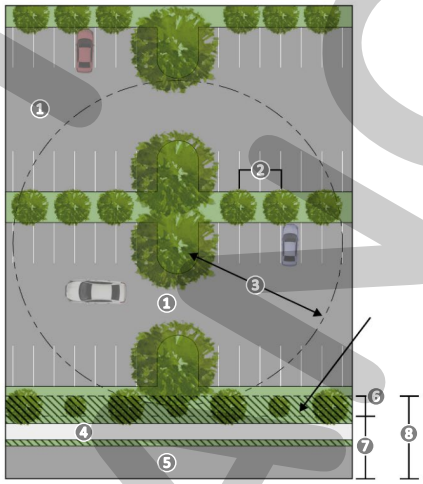
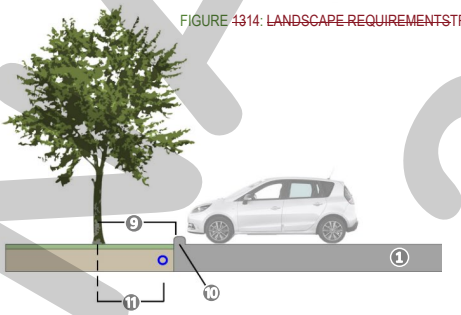


FIGURE ~~13~~14: ~~LANDSCAPE REQUIREMENTS~~TREE PLANTING REQUIREMENTS



❶: PARKING LOT; ❷: 20-FOOT SEPERATION; ❸: 80-FOOT BUFFER; ❹: SIDEWALK; ❺: STREET; ❻: TEN (10) FOOT LANDSCAPE BUFFER; ❼: RIGHT-OF-WAY; ❽: AREA REQUIRED TO BE IMPROVED WITH SOD (*I.E. HYDOMULCH IS PROHIBITED*); ❾: TREE MUST BE A MINIMUM OF FIVE (5) FEET FROM THE EDGE OF PAVEMENT; ❿: VEHICLE PROTECTION; ⓫: TREE MUST BE A MINIMUM OF FIVE (5) FEET OFF THE WATER/SEWER LINE

(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

DRAFT ORDINANCE 05.14.2024

approved by the Building Inspections Department prior to installation and acceptance of the project.

SUBSECTION 05.04: 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.

SUBSECTION 05.05: XERISCAPING/SMARTSCAPING STANDARDS

(A) *Purpose*. The purpose of this section is to promote the establishment of water conscious landscaping through the implementation of xeriscaping/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 C, *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/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.

DRAFT ORDINANCE 05.24.2024

(7) *Appropriate Maintenance*. Proper pruning, weeding and fertilization as required with all landscape plans shall be required. Typically, xeriscape/smartscaping 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 Subsection 05.03(D) (*i.e. one [1] tree per every 750 SF and one [1] accent tree per 1,500 SF of detention area*). Instead, a four (4) shrubs or ornamental grasses per every 750 SF of ~~dry~~ detention ~~land~~ area shall be required to be planted on the site or around the detention area.

(3) A maximum of 30.00% 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.

SECTION 06 | LANDSCAPE CREDITS

Credits to the landscape requirements may be achieved as follows:

SUBSECTION 06.01: 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 05, *District Development Standards*.

SUBSECTION 06.02: 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 06.03: 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 05.05, *Xeriscaping/Smartscaping Standards*, of this Article have been satisfied.

SECTION 07 | COMPLETION OF LANDSCAPING

SUBSECTION 07.01: IN ACCORDANCE WITH APPROVED PLANS

Except as otherwise provided in Subsection 07.02, 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 07.02) 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.

SUBSECTION 07.02: 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 07.03: FORFEITURE OF ESCROW

If a temporary Certificate of Occupancy (CO) is issued under Subsection 07.02 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.

DRAFT ORDINANCE 05.21.2024

FIGURE 15: CORNER LOTS

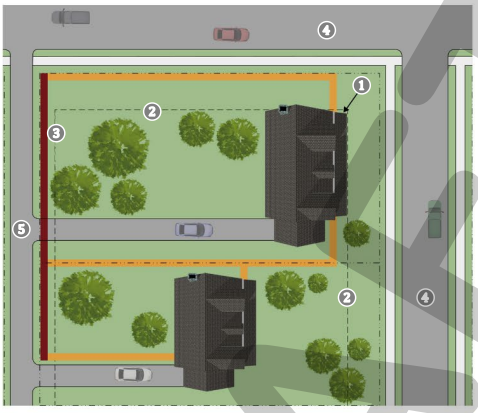


FIGURE 16: FENCES BACK TO A STREET

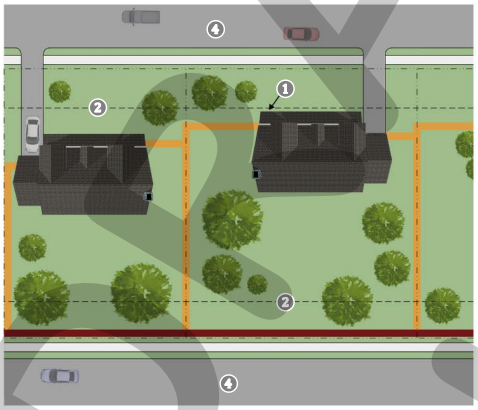
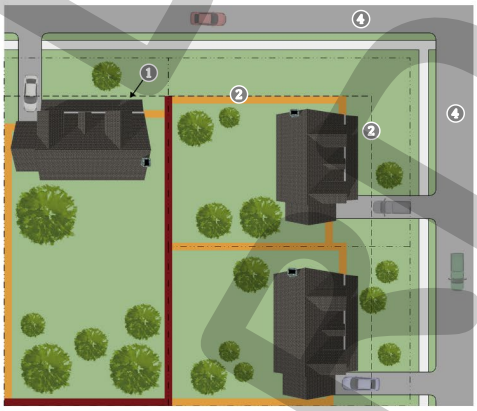


FIGURE 17: FENCES BACKING TO A SIDE YARD



❶: PORCH; ❷: 20-FOOT BUILD LINE; ❸: TEN (10) FOOT BUILD LINE; ❹: STREET; ❺: ALLEYWAY; **REAR YARD FENCE**; SIDE YARD FENCE

Formatted: Normal

SECTION 08 | FENCE STANDARDS

SUBSECTION 08.01: 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 08.02: 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 08, *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 08.03(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.

DRAFT 05.03.2024

(6) PVC mesh (*i.e. tennis court mesh/windscreen*) or other materials or appurtenances (*e.g. slats, bamboo, mesh netting, fake or artificial plants or patterned material, signage, banners, etc.*) intended to provide screening that are affixed to wrought iron, decorative metal, chain-link or semi-transparent fencing shall be prohibited.

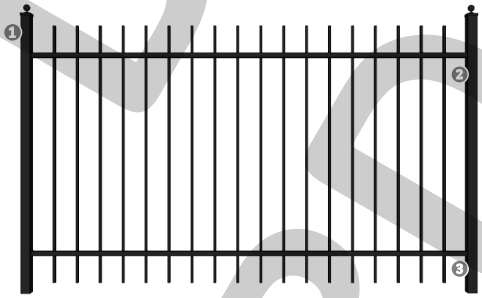
~~(6)~~(7) Solid wood fencing exceeding 48-inches in height shall be constructed using metal posts set in concrete, or brick, stone or a combination of brick and stone columns.

(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*.

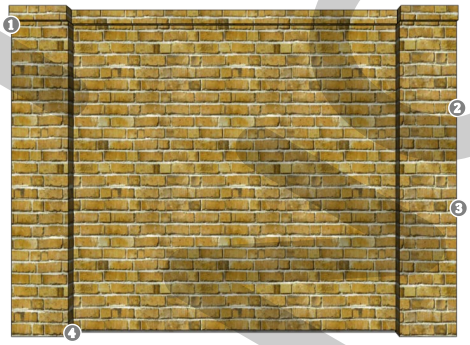
❶: Top Rail; ❷: Galvanized or Stainless-Steel Post (*Recommended Minimum of* 2.375"); ❸: Stinger Board (Recommended Minimum of 2" x 3"); ❹: Minimum ½" Wood Screen.

(2) *Wrought Iron Fence*.



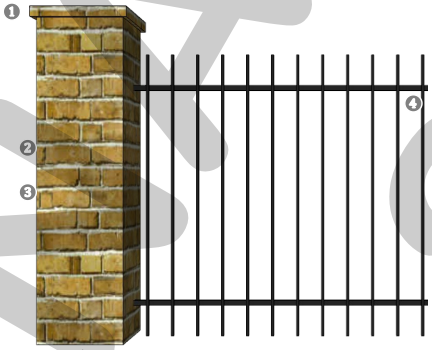
❶: Painted or Powder Coated with a Decay Resistant Paint; ❷: Top Rail; ❸: Bottom Rail.

(3) *Masonry Wall*.



❶: Rowlock Cap; ❷: Running Bond; ❸: 3/8" Tooled Joints (*Typical*); ❹: Concrete Footing/Mow Strip.

(4) *Fences with Masonry Columns*.

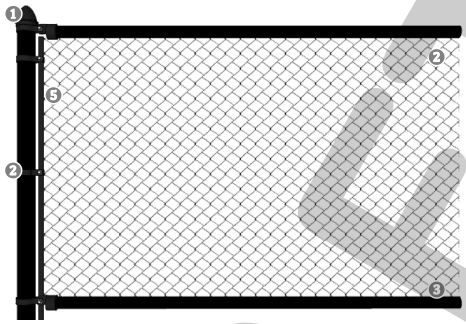


❶: Rowlock Cap; ❷: Running Bond; ❸: 3/8" Tooled Joints (*Typical*); ❹: Wrought Iron or *Board-On-Board* Wood Fence.

Formatted: List Paragraph, Add space between paragraphs of the same style, No bullets or numbering

DRAFT ORDINANCE 05.17.2024

(5) *Vinyl Coated Chain-Link Fence*.



❶: Post Cap; ❷: Top Rail; ❸: Bottom Rail; ❹: Tension Band; ❺: 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 08.03: 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-feet 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 08.02(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 *not* be subject to the approval criteria and voting requirements stipulated by Section 09.01, *Exceptions to the General Standards*, of Article 11, *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 and all posts and/or framing shall be placed on the private side when adjacent to a public street (*excluding alleyway*), open space, public park, and/or neighboring properties. Painting a fence with oil or latex based paint shall be prohibited.

(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.

DRAFT ORDINANCE 05-24

(b) *Chain-Link Fences*.

(I) *New Chain-Link Fences*. New chain-link fences shall be prohibited.

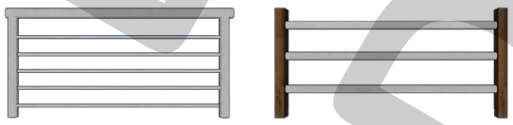
(II) *Replacement of an Existing Chain-Link Fence*. Existing chain-link fences maybe replaced with a new vinyl coated, chain-link fence that is a minimum of four (4) feet in height and a maximum of six (6) feet in height. Replacement chain-link fences may only be placed in the location of the existing 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*) and/or alternative fence standards on a *case-by-case* basis. These exceptions will *not* be subject to the approval criteria and voting requirements stipulated by Section 09.01, *Exceptions to the General Standards*, of Article 11, *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 08.03(A) & 08.03(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.

FIGURE 14: EXAMPLES OF 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*).

FIGURE 18: THROUGH LOTS

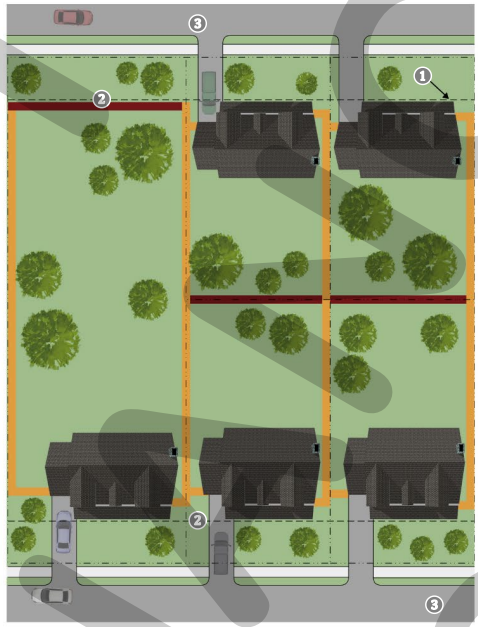
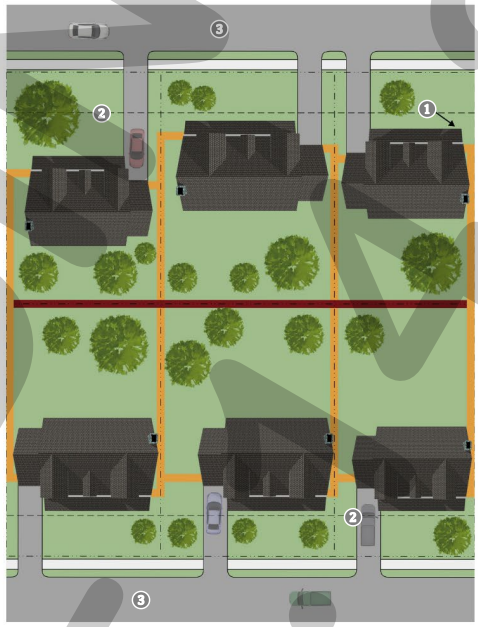


FIGURE 19: FENCES WITH COMMON REAR YARDS



❶: PORCH; ❷: 20-FOOT BUILD LINE; ❸: STREET; **REAR YARD FENCE**; **SIDE YARD FENCE**

DRAFT 03.04.2024

(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*).

(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 08.03(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.

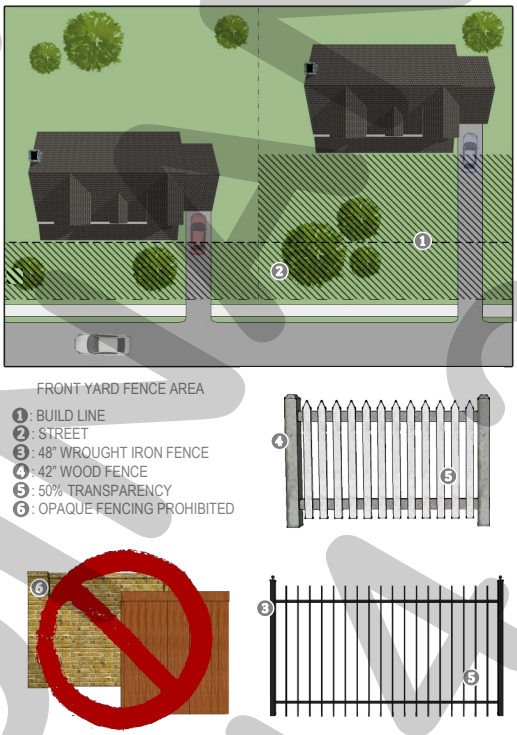
In considering a front yard fence, the Planning and Zoning Commission may require applicants to provide additional information, plans, drawings, and/or other information concerning the proposed front yard fence. In addition, the Planning and Zoning Commission may establish additional conditions of construction for any fence.

(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 08.03(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.

FIGURE 20: RESIDENTIAL FRONT YARD FENCES



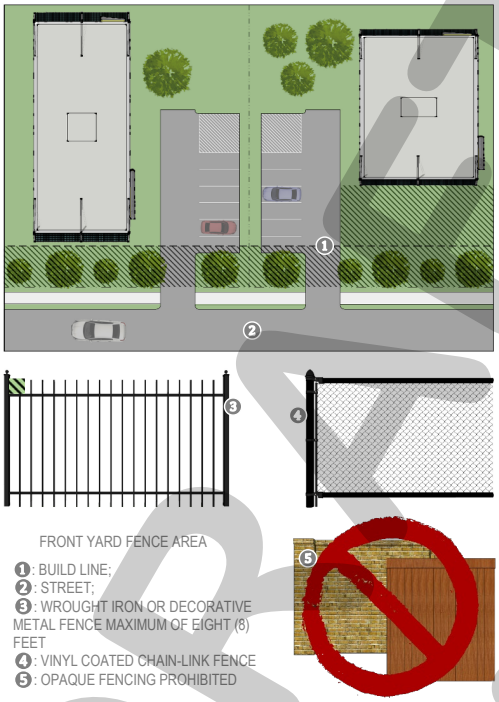
SUBSECTION 08.04: NON-RESIDENTIAL FENCES

(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

DRAFT ORDINANCE 05.21.2024

FIGURE 21: NON-RESIDENTIAL FRONT YARD FENCES



FRONT YARD FENCE AREA

❶: BUILD LINE;
❷: STREET;
❸: WROUGHT IRON OR DECORATIVE METAL FENCE MAXIMUM OF EIGHT (8) FEET
❹: VINYL COATED CHAIN-LINK FENCE
❺: OPAQUE FENCING PROHIBITED

specified in Subsection 04.07, *Downtown (DT) District*, of Article 05, *District Development Standards*, wood fences proposed in a Residential Office (RO) District or Downtown (DT) District -- *in conformance with the requirements of Subsection 08.03(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.

SECTION 09 | GENERAL MAINTENANCE

SUBSECTION 09.01: 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 09.02: 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 09.03: 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.

DRAFT ORDINANCE 05-24-2024

Continued on Next Page …

DRAFT
ORDINANCE
05.14.2024

SECTION 01 | PURPOSE, APPLICABILITY, AND EXEMPTIONS

SUBSECTION 01.01: PURPOSE

The purpose of this *Article* is to secure the preservation of mature, healthy trees and natural areas, and to ensure the consideration of protected trees during the planning and design process for development and/or redevelopment within the City. In addition, this Article is intended to layout procedures for the protection of trees during the construction process, and outline the requirements for the replacement and replanting of trees that have been removed. This Article also provides protection for the indiscriminate clearing of any property within the City.

SUBSECTION 01.02: APPLICABILITY

The terms and provisions of this Article shall apply to all real property within the City's corporate limits that meets one of the following criteria:

(A) The establishment of a new subdivision of land.

(B) The replatting of undeveloped land for the purpose of combining and/or subdividing real property.

(C) The development of a residential tract of land that is greater than or equal to three (3) acres.

(D) The development and/or removal of trees on a non-residential tract of land that is greater than or equal to one acre.

(E) A submission of a site plan and/or plat for the purpose of developing, subdividing or combing non-residential land.

SUBSECTION 01.03: EXEMPTIONS

The terms and provisions of this Article shall not apply if the following conditions exist:

(A) *Agricultural Property*. Property zoned Agricultural (AG) District and being actively used for agricultural purposes shall be exempt from the requirements specified by this *Article*; however, clear-cutting of land on property zoned Agricultural (AG) District that is not being actively used for agricultural purposes is prohibited.

(B) *Damaged/Diseased Trees*. If a certified arborist establishes that the tree is dead, diseased, damaged beyond the point of recovery, or in danger of falling the tree maybe removed.

(C) *Residential Property*. The owner of a property with an existing single-family home shall be exempt from the tree protection and replacement requirements specified by this Article as it pertains to that property on which the home is located.

(D) *Public Safety*. If the City determines that a tree or trees create unsafe vision clearance or conflicts with other ordinances or regulations, or the tree or trees are determined to be in a diseased, dead, hazardous or dangerous condition so as to endanger the public health, safety or welfare of the general public, the City or property owner may remove the tree or trees without being required to follow the terms and provisions of this ordinance.

(E) *Utility Service Interruption*. The tree has disrupted a public utility service due to tornado, flood or another act of God. Removal shall be limited to the part of the tree that is found necessary to be removed to reestablish and maintain the utility service.

(F) *Utility Companies, Utility Service and or Distribution/Transmission Lines*. Utility companies shall not be subject to the tree protection or replacement requirements in this Article when establishing distribution and transmission lines. When establishing new utility service, services should be routed between the service pole or transmission and distribution lines and the building being served in a manner that does not require the removal of a protected of feature tree. All right-of-way, easements or similar types of public property maintained by utility companies shall not be subject to the tree protection or replacement requirements of this Article.

(G) *Public Property*. All right-of-way, easements or similar types of public property maintained by the City shall not be subject to the terms and provisions of this *Article*.

(H) *Trees Clearance Pruned by a Utility*. At the discretion of the City Arborist or the Director of the Parks and Recreation Department, trees that are located under existing powerlines or within an ONCOR easement that have clearance pruned by a utility (*i.e. that have been walled or 'V-cut'*) may be exempted from the mitigation requirements stipulated by this *Article*.

SECTION 02 | DEFINITIONS

(1) *Cedar Tree*. A *Cedar Tree* referenced in this *Article* shall mean Eastern Red Cedar.

(2) *Critical Root Zone (CRZ)*. The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line but not less than a one-foot radius for each one-inch DBH.

(3) *Clear-Cutting*. The removal of all trees or a significant majority of the trees within an area.

(4) *Diameter at Breast Height (DBH)*. The diameter in inches of a tree as measured through the main trunk at a point 4½-feet above the natural ground level.

(5) *Drip Line*. A vertical line running through the outermost portion of the crown of a tree and extending down to the ground.

(6) *Feature Tree*. Any tree ~~-- *excluding non-protected trees* --~~ that has a DBH of greater than 25-inches. Feature trees may not be removed without approval of the Planning and Zoning Commission.

(7) *Limits of Construction*. A delineation on the treescape plan that shows the boundary of the area within which all construction activity will occur.

(8) *Non-Protected Tree*. All Bois d'Arc, Willow, Cottonwood, Honey Locust, Chinaberry, and Hackberry trees regardless of size, and cedar trees less than eight (8) feet in height shall be considered non-protected trees and do not require mitigation to be removed.

(9) *Primary Protected Tree*. Any tree -- *excluding non-protected trees and hackberry and cedar trees* -- that ~~have~~ has a DBH of four (4) inches or greater. The removal of any protected tree shall require the approval of the Planning and Zoning Commission. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk at DBH to one-half (½) the diameter of each additional trunk.

DRAFT ORDINANCE 05.21.2024

(10) *Protective/Temporary Fencing.* Snow fencing, chain-link fencing, orange vinyl construction fencing or similar fencing with a four-foot approximate height. The Director of Planning and Zoning and zoning or his/her designee, shall determine the appropriate type of fencing for any particular property or portion thereof.

(11) *Replacement Tree.* A tree from the reclamation/tree preservation list contained in *Table 1.1: Required Trees by District* contained in Appendix C, *Landscape Guidelines and Requirements*, of the Unified Development Code (UDC) with a minimum caliper size of four (4) inches and height of seven (7) feet. For the purpose of determining size, replacement trees should be measured at DBH.

(12) *Secondary Protected Tree.* Any cedar tree that is eight (8) feet in height or greater. The removal of any protected tree shall require the approval of the Planning and Zoning Commission. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk at DBH to one-half the diameter of each additional trunk.

(13) *Tree.* Any self-supported woody perennial plant that will attain a trunk diameter of three (3) inches DBH and normally attains an overall height of at least 15-feet at maturity; usually with one main stem or trunk and many branches.

SECTION 03 | TREESCAPE PLAN

SUBSECTION 03.01: TREESCAPE

A treescape plan is a plan showing the exact location, size (*i.e. trunk diameter and height*), and common name of all trees, four (4) inches and greater and indicating the trees that are proposed to be removed, transplanted or replaced. A treescape plan shall be prepared by a landscape architect or design professional, be drawn to the largest scale practical, and incorporate the following elements:

(A) The location of all existing and/or proposed structures, or building pads as shown on the grading plan and all improvements properly dimensioned and referenced to the property lines.

(B) The building setbacks.

(C) All existing and proposed site elevations, grades, major contour lines and the limits of construction.

(D) The location of all existing or proposed utilities and easements.

(E) The location of all protected and feature trees.

(F) The location of all trees to be removed from the site and the location of all replacement trees.

(G) A spreadsheet indicating all trees by species, the *Locational ID* or tree tag number as shown on the treescape plan, the DBH/caliper inch, the health of the tree, if the tree has a disease or an insect infestation, if it is structurally sound, and the mitigation necessary if the tree is to be removed. Each column with numeric values shall be totaled (*see Table 2: Example of Treescape Plan Spreadsheet below*).

(H) A title block stating street address, lot and block, subdivision name, date and project number.

(I) The name, address, and phone number of the person preparing the plan and the developer/property owner.

(J) Tree survey shall be performed by an arborist, horticulturalist, or landscape architect with a preference for an arborist certified by the International Society of Arboriculture (ISA).

SUBSECTION 03.02: TREESCAPE PLAN REQUIRED

No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any tree situated on a property regulated by this Article without first submitting and receiving approval of a treescape plan unless otherwise allowed by this Article.

For properties that have no protected or feature trees or where the development of the property will not require the removal of any protected or feature trees, the developer or property owner may submit a letter certifying that no protected or feature trees will be affected as a result of the proposed development. This letter will be submitted with the understanding that if it is determined that there are protected or feature trees on the property any violation of the provisions of this Article shall be subject to the violation provisions and fines stipulated in Section 10, *Violations*.

Staff may administratively approve any treescape plan or letter that does not involve the removal of any protected or feature trees.

SUBSECTION 03.03: TREESCAPE APPLICATION

All applications for treescape plans shall be submitted to the Director of Planning and Zoning or his/her designee. In addition to the application, an applicant shall also submit [*1*] a treescape plan conforming to the requirements of this Article and [*2*] a letter from the applicant or property owner indicating the reason for the removal of any protected or feature trees. A treescape plan may also be required with an application for a site plan and/or a preliminary plat, replat, or final plat.

SUBSECTION 03.04: TREESCAPE PLAN REVIEW PROCESS

The Director of Planning and Zoning, or his/her designee, shall review the treescape plan and approve the plan per the requirements of this Article, or forward any recommendations to the Planning and Zoning Commission. As part of the treescape plan review process, the City has the right to request changes or adjustments in the layout and design of a development to save trees. The Planning and Zoning Commission will review and approve or disapprove the treescape plan. The decision of

TABLE 2: EXAMPLE OF TREESCAPE PLAN SPREADSHEET

#	SPECIES	CALIPER	PROTECT OR REMOVE	TREE HEALTH (1-5)	DISEASE (Y/N)	INSECT (Y/N)	STRUCTURAL (Y/N)	MITIGATION REQUIRED
1	Live Oak	4" Caliper	Remove	2	Y	Y	Y	0
2	Cedar	10' Tall	Remove	4	N	N	N	4"
3	Red Oak	26" Caliper	Remove	3	N	N	N	52"
							TOTAL:	56"

TREE HEALTH: 1: DEAD; 2: DISEASE/STRUCTURAL ISSUES; 3: VIABLE TREE WITH CARE; 4: GOOD HEALTH; 5: EXCELLENT HEALTH
TREE GRADES: 1-2: NOT PROTECTED; 3-5: PROTECTED

DRAFT ORDINANCE 05.14.2024

the Planning and Zoning Commission may be appealed to the City Council.

SUBSECTION 03.05: TREESCAPE PLAN EXPIRATION

A treescape plan shall be valid for two years from the approval date. A treescape plan that is approved in conjunction with a preliminary plat, final plat, site plan, and/or building permit shall be valid for the same amount of time as the corresponding plan and/or permit.

SUBSECTION 03.06: BUILDER/CONTRACTOR RESPONSIBILITY

It shall be the responsibility of the builder/contractor to verify that a parcel of land has an approved treescape plan prior to commencing work on a property. In addition, the builder/contractor shall be responsible for ensuring that all construction activities meet the requirements of this *Article*.

SECTION 04 | TREE REMOVAL PERMIT

Once a treescape plan has been approved for a property, a tree removal permit will be required to remove any tree(s). Tree removal permits may be approved administratively by the Director of Planning and Zoning or his/her designee, or forwarded on to the Planning and Zoning Commission for approval. Feature trees may not be removed without the approval of the Planning and Zoning Commission. All trees removed through this process will require mitigation in accordance with the sections contained in this Article.

SECTION 05 | TREE MITIGATION REQUIREMENTS

The tree mitigation requirements shall apply for all properties that do not fall under the exemptions listed in Section 01.03, *Exemptions*, of this *Article*. In addition, if a treescape plan or tree removal permit allows for the removal of a protected or feature tree(s), the applicant and/or property owner shall account for the number of inches of tree being removed using the following criteria:

(A) *Primary Protected Trees*. Primary protected trees measuring four inches through 25-inches DBH shall be replaced on an inch-for-inch basis (*i.e. the total number of caliper inches of tree being replaced shall equal the total number of caliper inches being removed*).

(B) *Secondary Protected Trees*. *Cedar Trees* measuring eight (8) feet or greater in height shall be replaced with a single, four (4) inch caliper tree

(C) *Featured Trees*. Featured trees (*i.e. all trees greater than 25-inches*) shall be replaced with twice the number of inches being removed (*i.e. the total number of caliper inches of tree being replaced shall be twice the number of caliper inches being removed*).

(D) *Non-Protected Tree*. No mitigation will be required for the removal of any tree that is less than four (4) inches DBH or a *Cedar Tree* less than eight (8) feet in height. In addition, no mitigation shall be required for the removal of Bois d'Arc, Willow, Cottonwood, Honey Locust, Chinaberry, and Hackberry trees.

TABLE 2: SUMMARY OF MITIGATION REQUIREMENTS

Type of Tree	Mitigation Value	Mitigation Requirement	Example of Mitigation Requirements
Primary Protected Trees	4" – 25"	1":1"	A 20-inch tree would require 20-inches of mitigation.
Secondary Protect Trees	8' or Greater	1 x 4" Caliper Tree	An eight (8) foot tree would require one (1), four (4) inch caliper tree.
Featured Trees	Greater Than 25"	1":2"	A 30-inch tree would require 60-inches of mitigation.

(E) *Tree Preservation Credits*. For each saved oak, pecan or elm tree(s) 25-inches DBH or greater the mitigation balance can be reduced on an inch-for-inch basis for up to 20.00% of the total mitigation balance (*i.e. total mitigation balance × 20.00% = total eligible tree preservation credit*).

(F) *Mitigation Balance*. The total mitigation balance (*i.e. mitigation balance − tree preservation credits = total mitigation balance*) may be satisfied through one or a combination of the following:

(1) The developer/property owner can provide the required number of trees -- *four (4) inch caliper DBH minimum* -- on the subject property to offset the total mitigation balance (*e.g. if the total mitigation balance is 12-inches then three (3), four (4) inch caliper trees could be planted on-site to satisfy the mitigation requirements*).

(2) The developer/property owner may petition the parks and recreation department to accept the required number of trees -- *four (4) inch caliper DBH minimum* -- to offset the total mitigation balance (*e.g. if the total mitigation balance is 12-inches then three ~~([3),-]~~, four ~~([4)-]~~ inch caliper trees could be submitted to the parks and recreation department to satisfy the mitigation requirements*). Depending on the number of trees being submitted the Director of Parks and Recreation or his/her designee could require a facilities agreement be approved prior to accepting the trees.

(3) Tree preservation credits may be purchased at a rate of $200.00 per inch for up to 20.00% of the total replacement inches. For example, if total mitigation required was 100-inches the developer/property owner could pay a total of $4,000.00 [*i.e. (20% × 100) × $200.00 = $4,000.00*] into the City's tree fund; however, the developer/property owner would still be required to satisfy a remaining tree mitigation balance of 80-inches. In addition, if the developer/property owner plants a tree on [*1*] the property for which the tree preservation credit was assessed or [*2*] a location that is mutually agreed upon by the City and the developer/property owner, the developer/property owner shall be eligible for a reduction in the cost of tree preservation credits of up to 50.00%. These funds will be deposited in the City's tree mitigation fund and will be used for planting trees in the City's parks, medians, street rights-of-way, or other similar areas as determined by the parks and recreation department.

(4) Trees required by Article 08, *Landscape Standards*, of the Unified Development Code (UDC) shall be permitted to be subtracted from the total mitigation balance if provided on site as part of the required landscaping.

Formatted: Font: Italic

DRAFT ORDINANCE 05-24

(G) *~~Alternative tree Tree mitigation Mitigation settlement Settlement agreements~~Agreements*. In certain cases, the City Council -- *upon recommendation from the Planning and Zoning Commission* -- may consider an *~~alternative Alternative tree Tree mitigation Mitigation settlement Settlement agreement Agreement~~* where, due to hardship, the applicant is unable to meet the requirements of this *Article* or where it is determined that adherence to the tree mitigation requirements will create a hardship for an applicant. These funds will be deposited in the City's tree mitigation fund and will be used for planting trees in the City's parks, medians, street rights-of-way, or other similar areas as determined by the parks and recreation department.

SECTION 06 | TREE PLANTING AND TRANSPLANTING REQUIREMENTS

SUBSECTION 06.01: REPLACEMENT TREES

All replacement trees shall be subject to the following planting requirements:

(A) All replacement trees must be maintained in a healthy growing condition for a minimum of two (2) years from the date of planting.

(B) Replacement trees shall not be planted within an area such that the mature root zone will interfere with underground public utility lines, and/or where the mature canopy of the tree will interfere with overhead utility lines. In addition, no tree shall be planted within five (5) feet of an existing fire hydrant, water line or sewer line.

(C) Replacement trees shall be selected from the reclamation/tree preservation section of *Table 1.1: Required Trees by District* contained in Appendix C, *Landscape Guidelines and Requirements*, of the Unified Development Code (UDC).

(D) All replacement trees shall be a minimum of ~~four (4)~~three (3) caliper inches DBH.

REFERENCE: AMERICAN STANDARD FOR NURSERY STOCK; ANSI Z60.1-2014 STANDARDS

SUBSECTION 06.02: TRANSPLANTING TREES

All trees conforming to the species permitted in the reclamation/tree preservation section of *Table 1.1: Required Trees by District* contained in Appendix C, *Landscape Guidelines and Requirements*, of the Unified Development Code (UDC) can be transplanted to meet the replacement requirements and shall be subject to the following planting requirements:

(A) All trees three (3) caliper inches DBH through six (6) caliper inches DBH are eligible for transplanting.

REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS

(B) All transplanted trees must survive and be maintained in a healthy condition for a minimum of two (2) years from the date of transplanting. The developer/property owner who received the transplanting credit must replace trees that do not meet these criteria.

(C) Transplanted protected trees will be listed in the tree survey with the notation that they are being transplanted.

SECTION 07 | TREE PROTECTION DURING CONSTRUCTION

SUBSECTION 07.01: TREE PROTECTION

(A) Prior to any construction or land development, the developer shall clearly mark all protected and feature trees with an aluminum tag -- *indicating the trees relationship to the treescape plan* -- and flag *(i.e. bright fluorescent red vinyl tape)*. The red tape should be wrapped around the main trunk of the protected and/or feature tree at a height of approximately five (5) feet so that the tape is clearly visible during construction. In those instances where a protected tree is so close to the construction area that construction equipment could possibly damage the tree, a protective fence shall be required. The protective fence must be maintained during all construction phases until the project is finished.

(B) The developer or property owner shall be responsible for preserving all protected and feature trees during construction. This includes hiring an arborist, if necessary.

SUBSECTION 07.02: MATERIAL AND EQUIPMENT STORAGE

The developer or contractor shall not store any material or equipment under the canopy of any protected or featured tree. During the construction stage of the development no cleaning or storage of equipment or material shall be allowed within the drip line of any tree scheduled to be preserved on an approved treescape plan. Those materials include, but are not limited to, oils, solvents, mortar, asphalt and concrete.

SUBSECTION 07.03: SIGNS

No signs, wire or other attachments shall be affixed to any tree scheduled to be preserved on an approve treescape plan.

SUBSECTION 07.04: TRAFFIC

No vehicular traffic, construction equipment traffic or parking shall take place within the drip line of any tree unless on existing street pavement. This restriction does not apply to single incident access for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine mowing operations.

SUBSECTION 07.05: GRADE

No grade change in excess of two (2) inches shall be allowed within the drip line of any protected or featured tree unless adequate construction methods are approved beforehand. If approved, major grade changes (*i.e. two [2] inches or greater*) within the critical root zone of a protected or featured tree will require additional measures to maintain proper oxygen and water exchange with the roots. Root pruning will be required when disturbance will result in root exposure.

SUBSECTION 07.06: TREE FLAGGING

At the time of submittal of a treescape plan all protected trees or feature trees should be marked with an aluminum tag, which indicates its relationship to the treescape plan, and clearly flagged with bright fluorescent red vinyl tape. The red tape should be wrapped around the

Formatted: Underline
Formatted: Underline
Formatted: Underline
Formatted: Underline
Formatted: Underline
Formatted: Font: Italic
Formatted: Font: Italic

DRAFT ORDINANCE 05-24-2024

main trunk of the protected tree at a height of approximately four (4) feet so that the tape is clearly visible.

SUBSECTION 07.07: BORING

Boring of utilities under protected or feature trees shall be required in those circumstances where it is not possible to trench around the critical root zone of a protected or feature tree. When required, the length of the bore shall be the width of the critical root zone plus two (2) feet on either side of the critical root zone and shall be at a minimum depth of 48-inches.

SUBSECTION 07.08: DAMAGE

Any physical damage to a tree being preserved for a tree credit that is considered to place the survival of the tree in doubt shall be eliminated as a credited tree and will require additional trees to planted in its place at the required ratio. A certified arborist shall be consulted to determine whether physical damage to a tree places the survival of the tree in doubt.

SECTION 08 | TREE PRUNING

SUBSECTION 08.01: GENERAL

No protected or featured tree shall be pruned in a manner that would significantly disfigure the tree, or in a manner that would lead to the death of the tree.

REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS

SUBSECTION 08.02: PRUNING BY UTILITY COMPANIES

Utility companies may prune trees as necessary to reestablish disrupted service or maintain existing service without obtaining a permit.

REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS

SUBSECTION 08.03: ALLOWED PRUINING

A protected or featured tree may be pruned in cases where it is necessary to remove branches broken during the course of construction, or where protected or featured trees must be pruned to allow construction of a structure. Pruning should be done in manner that does not significantly disfigure the tree or lead to the death of the tree.

SECTION 09 | TREE FUND

SUBSECTION 09.01: ADMINISTRATION OF THE TREE FUND

The City shall administer the tree fund. The funds shall be used to purchase plant material as permitted by this ordinance, install (*including the equipment or labor necessary to install the plant materials*) and maintain trees on public property including the necessary irrigation equipment, to acquire wooded property that remains in a naturalistic state in perpetuity, to perform and maintain a city-wide tree inventory and to educate citizens and developers on the benefits and value of trees. The City Council shall have the ability to adopt alternative methods of creating tree credits and methods of distribution of trees and/or funds for purchasing trees.

Funds collected as a result of the mitigation of trees may be used to purchase trees, both deciduous and coniferous, any woody type plant or any perennial appropriate for the climatic conditions of the north Texas region.

SUBSECTION 09.02: COLLECTION OF MONEY FOR THE TREE FUND

Money contributed to the tree fund shall be paid prior to the issuance of a building permit and/or prior to the filing of a final plat.

SECTION 10 | VIOLATIONS

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this Article shall be fined $500.00 for each offense. The unlawful damage, destruction or removal of each tree shall be considered a separate incident and each offence subjects the violator to the maximum penalty of $500.00 for the first tree with each subsequent tree increasing by $500.00 increments.

No acceptance of public improvements shall be authorized and no Certificates of Occupancy (CO) shall be issued until all fines for violations of this Article have been paid to the City.

DRAFT ORDINANCE 05.14.2024

Continued on Next Page …

DRAFT ORDINANCE 05.14.2024

SECTION 01 | GENERAL

SUBSECTION 01.01: 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 01.02: 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 04.03, *Jurisdiction*, of Article 02, *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 01.03: 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 01.04: 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.

Alternatively, should an applicant fail to address staff's comments before the resubmittal deadline prior to the Planning and Zoning Commission meeting, the application shall be considered to be admiratively denied. If an application is denied in this manner it shall be considered to be denied without prejudice, and there shall be no restrictions on when a new application can be resubmitted; however, new applications will be required to be submitted in accordance with the City's procedures for submitting development applications.

SUBSECTION 01.05: 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,

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Font: Italic

Formatted: Font: 5 pt

DRAFT ONLY 05.14.2024

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 02 | ZONING

SUBSECTION 02.01: 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 (UDC)*. 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 02.02: 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 04, *Permissible Uses*, of this Unified Development Code (UDC). 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 (SUP) 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.

(E) *Expiration*. Unless otherwise specified in a Specific Use Permit (SUP) ordinance, ~~A~~a Specific Use Permit (SUP) shall automatically expire due to inactivity if:

(1) 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

DRAFT ORDINANCE 03.2024

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

(2) A building permit or Certificate of Occupancy (CO) expires, is terminated or revoked under the requirements of the Codes of the City of Rockwall.

(F) *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).

(G) *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 and Zoning 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.

(H) *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 02.02(E).

SUBSECTION 02.03: 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 02.03(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

Formatted: Font: 5 pt

DRAFT 05.31.2024

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 table/postpone or 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 20.00% 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 02.04: 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.

DRAFT ORDINANCE 05.14.2024

(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 02.05: 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 02.05(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.

Formatted: Font: Italic

SECTION 03 | SITE PLANS

SUBSECTION 03.01: 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.

SUBSECTION 03.02: 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:

(1) 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.

(2) 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.

Formatted: Font: Italic

SUBSECTION 03.03: 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.

DRAFT 05.14.2024

SUBSECTION 03.04: 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 03.04: 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 03.05: 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.

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

(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 03.06: 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 01.02, *Submission of an Application*. In the event the Director of Planning and Zoning determines that the

DRAFT ORDINANCE 03.04.2024

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 04 | PLATS

SUBSECTION 04.01: 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 05 | MISCELLANEOUS CASES

(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 06 | CERTIFICATE OF APPROPRIATENESS (COA)

SUBSECTION 06.01: 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 06.03, *Historic Overlay District*, of Article 05, *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 that is visible until a Certificate of Appropriateness (COA) has been approved by the Historic Preservation Advisory Board (HPAB).

SUBSECTION 06.02: SUBMITTAL REQUIREMENTS

The procedures and requirements for a Certificate of Appropriateness (COA) are outlined in Subsection 06.03, *Historic Overlay District*, of Article 05, *District Development Standards*.

SECTION 07 | BUILDING PERMIT FEE WAIVER

SUBSECTION 07.01: 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 07.02: 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 50.00% 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 50.00% 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 50.00% 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 07.03: 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

Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic, Underline, Font color: Accent 5
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic

DRAFT ORDINANCE 05-14-2024

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 08 | SMALL MATCHING GRANTS

SUBSECTION 08.01: 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 08.02: 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 08.03: 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 08.04: CERTIFICATION AND VERIFICATION PROCESS

Applications for the Small Neighborhood Matching Grants pursuant to Subsection 08.03 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 09 | EXCEPTIONS AND VARIANCES

SUBSECTION 09.01: 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 20.00% natural or cultured stone.

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

DRAFT ORDINANCE 05.14.2024

(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 06, *Overlay Districts*, of Article 05, *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 09.02: 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 06.02, *General Overlay Districts Standards*, of Article 05, *District Development 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 90.00% masonry (*i.e. brick, stone, or cultured stone*).

(G) The inclusion of 20.00% 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 09.03: 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.

DRAFT ORDINANCE 05-14-2024

(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 (PD)	$200.00 + $15.00/Acre
(4) MISCELLANEOUS	
(a) Variance/Special Exception*	$100.00
(b) Tree Removal	$75.00
(c) Other Miscellaneous Requests	$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

NOTES:
*: See Section (D) below.

(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-acres x $15.00/Acres = $78.75 + $200.00 [*Base Fee*] = $278.75 [*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.

(D) *Non-Compliant Structure Fees*. Fees associated with requests for a Site Plan, Specific Use Permit (SUP) or a Variance/Special Exception that deal with structures that were [*1*] constructed without a building permit, or [*2*] that were *not* constructed in conformance with an approved building permit shall be increased by $1,000.00. For example, a 5.25-acre property that is requesting approval under this section would be calculated as follows:

5.25-acres x $15.00/Acres = $78.75 + $200.00 [*Base Fee*] = $278.75 [*Typical Application Fee*] + $1,000.00 [*Forgiveness Fee*] = $1,278.75 [*Fee Due*]

DRAFT ORDINANCE 05.14.2024

Continued on Next Page …

DRAFT
ORDINANCE
05.14.2024

SECTION 01 | GENERAL

SUBSECTION 01.01: 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 02 | WORDS, TERMS, AND LAND USES DEFINED

SUBSECTION 02.01: 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 of the City of Rockwall.

(2) *Agriculture*. ~~The planting, cultivating, harvesting and storage of grains, hay or plants, or vineyards, commonly grown in Rockwall County~~The practice of cultivating soil, producing crops, and raising livestock for food, fiber, fuel, and other products. 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 (3) 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 right-of-way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street; it is also a public space ~~or way~~, that is 20-feet or less in width, and 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 self-contained housing unit that is part of a larger building or complex ~~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 that contains numerous individual housing units~~arranged, intended or designed for more than two families~~ (*see Dwelling Unit, Multiple*).

(7) *Associated Recreation*. Leisure activities and amenities that are linked or connected to an area of ~~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 individual or entity who has been given legal authority to act on behalf of another person, organization, or entity. ~~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 floor or level of a building that is partially or entirely below ground level~~story having more than one-half of its height below the average level of the adjoining ground.~~ A *Basement* or ~~cellar~~ *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~~Director of Planning and Zoning shall determine the outline of the block.

(12) *Boardinghouse or Lodging House*. A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five (5) 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 ~~"~~*~~bBuildable areaArea~~*~~"~~ refers to the portion of a parcel or tract of land that is suitable and legally permitted for the construction of buildings or structures, while complying with ~~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~~ the requirements of the~~is~~ Unified Development Code (UDC).

(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. In addition,~~,~~ ~~except that~~ two (2) buildings connected by a breeze way shall not be deemed as one (1) 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, parking structures, and accessory buildings.

(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 ~~c~~City charged with implementation, inspection, and enforcement of the building codes.

~~(20) *Building, Primaryincipal*. A principal primary building refers to the main or principal structure on a property that serves as the primary residential, commercial, or industrial space. It is the main building that is intended for the primary use or occupancy on the site.is one~~

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic, Underline

DRAFT ORDINANCE 05.14.2024

~~in which a main use of the lot on which it is located is conducted.~~

~~(21)~~(20) *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 ~~within~~ the building line ~~within~~ in 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.

(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).

(b) *Side Building Setback Line (Defining a Side Yard)*. A line parallel to an adjacent lot which the building sides up to.

(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.

~~(22)~~(21) *Caliper*. The diameter of the trunk measured ~~six (6) 4½ feetinches~~ above ground level ~~up. to and including four (4) 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)~~(22) *Canopy or Shade Tree*. A large, typically deciduous or evergreen tree that forms the uppermost layer or canopy. These trees have a tall and broad crown that provides shade and shelter ~~species of tree which normally bears crown foliage no lower than six feet above ground level upon maturity~~.

~~(24)~~(23) *Carport*. A structure which is open on at least two (2) sides, covered with a roof and constructed specifically for the storage of one or more automobiles.

~~(25)~~(24) *Certificate of Occupancy*. An official document issued by the City of Rockwall to certify that a building or land use complies with applicable City requirements, and is safe for occupancy. ~~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 (UDC).~~

~~(26)~~(25) *City*. The City of Rockwall, Texas.

~~(27)~~(26) *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)~~(27) *Cluster Development*. A development strategy that concentrates buildings and infrastructure in specific areas while preserving open space and natural resources in surrounding areas. Cluster development encourages the grouping of buildings into compact clusters, leaving larger portions of the land vacant or minimally disturbed ~~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)~~(28) *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)~~(29) *Commission*. The Planning and Zoning Commission of the City of Rockwall, Texas.

~~(31)~~(30) *Comprehensive Plan*. ~~The~~ A long-term policy document that serves as a guide for future growth, development, and land use within the ~~comprehensive plan of the~~ City. It outlines a vision for the community's future and establishes goals, policies, and strategies to achieve desired outcomes.~~of Rockwall and includes any unit or a part of such unit separately adopted and any amendment to such plan or parts thereof.~~

~~(32)~~(31) *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.~~

(32)

~~(34)~~(33) *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 (UDC).

~~(35)~~(34) *Density*. The ratio of dwelling units per gross acre of platted area being developed.

~~(36)~~(35) *District*. A zone or geographic area ~~established by the comprehensive plan within the municipality within~~ which certain zoning or development regulations apply.

~~(37)~~(36) *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 (1) family is living independently of another is based on one or more of the following criteria:

(1) Separate sanitary facilities.

(2) Separate kitchen facilities.

Formatted: Indent: Left: 0", Hanging: 0.31", Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.25", No widow/orphan control

DRAFT 05.14.2024

(3) Separate entrances.

(4) Separate utilities.

~~(38)~~(37) *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.

~~(39)~~(38) *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)~~(39) *Evergreen Tree or Shrub*. A tree or shrub ~~of a~~ species which normally retains its leaves throughout the year.

~~(41)~~(40) *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 (5) people~~(excluding servants)~~ living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a nonprofit, cost-sharing basis.

~~(42)~~(41) *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)~~(42) *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)~~(43) *Frontage*. The width of a property or parcel of land along the front boundary that is adjacent to or faces the street or public right-of-way. It represents the distance between the side boundaries of the lot, measured along the front property line.~~All the property abutting on one side of a street between two intersecting streets, measured along the street line.~~

~~(45)~~(44) *Garage Apartment*. A dwelling unit attached to a private garage.

~~(46)~~(45) *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)~~(46) *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)~~(47) *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)~~(48) *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)~~(49) *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)~~(50) *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)~~(51) *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)~~(52) *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)~~(53) *Kindergarten*. A school for more than five (5) children of preschool age, in which constructive endeavors, object lessons or educational games are prominent features of the curriculum.

~~(55)~~(54) *Landscape Architect*. A person licensed to practice or teach landscape architecture in the State of Texas pursuant to state law.

~~(56)~~(55) *Landscape Buffer*. A strip of land:

(a) Which serves a buffer function on the perimeter of a building site adjacent to another building site, residentially zoned or used property, or to a public or private street or alley; and

(b) At least 80% of which is covered by natural grass, ground cover, or other natural plant materials (*excluding screening*).

~~(b)~~(c) Which is exclusive of any easements or right-of-way.

~~(57)~~(56) *Landscaping*. Trees, shrubs, ground cover, earthen berms, vines, grass, water, decorative features such as fountains, or other material approved by the City Council.

~~(58)~~(57) *Large Shrub*. A shrub which normally reaches a height of six (6) feet or more upon maturity.

~~(59)~~(58) *Large Tree*. A tree of a species which normally reaches a height of 30 feet or more upon maturity.

~~(60)~~(59) *Legislative or Governing Body*. The City Council of the City of Rockwall, Texas.

~~(61)~~(60) *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.

~~(62)~~(61) *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.

Formatted: Font: Italic

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", Don't add space between paragraphs of the same style, No bullets or numbering, Widow/Orphan control

DRAFT ORDINANCE 05-2024

~~(63)~~(62) *Lot Area, Minimum*. The smallest allowable size of a parcel of land as specified by the zoning district. ~~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)~~(63) *Lot, Corner*. A lot abutting upon two (2) 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, and has a front yard setback adjacent to each street. ~~.~~

~~(65)~~(64) *Lot Depth*. The length of a line connecting the midpoints of the front and rear lot lines.

~~(66)~~(65) *Lot, Double Frontage, or Through Lot*. A lot abutting on two (2) nonintersecting public streets as distinguished from a corner lot. These lots have a front yard setback adjacent to each street.

~~(67)~~(66) *Lot, Frontage*. The length of street frontage between property lines.

~~(68)~~(67) *Lot, Interior*. A lot whose side lot lines do not abut upon any public street.

~~(69)~~(68) *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)~~(69) *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.

(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.

~~(71)~~(70) *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)~~(71) *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)~~(72) *Lot Width*. The horizontal distance between side property lines, which cannot be less than the minimum lot width ~~—~~ *per the zoning district* ~~—~~ at any point on the lots, ~~measured at the front setback line~~.

~~(74)~~(73) *Lots in Separate Ownership at the Time of the Passage of this Unified Development Code (UDC)*. 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 (UDC) was derived.

~~(75)~~(74) *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)~~(75) *Manufactured Home or HUD-Code Manufactured Home*. A dwelling structure meeting the definitions and requirements specified in ~~chapter~~ Chapter 1201, Manufactured Housing, of the ~~State of~~ Texas Occupational Code.

~~(77)~~(76) *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.

~~*Modular*~~*Masonry Materials*.

- Brick.
- Natural or ~~quarried~~ Quarried ~~stone~~Stone.
- Cast or ~~cultured~~ Cultured ~~stone~~Stone (*Outside of Overlay Districts ONLY*).
- Glass ~~block~~ Block or ~~glass~~Glass.
- Tile.
- Custom ~~concrete~~ Concrete ~~masonry~~ Masonry ~~units~~ Units (*CMU; Normal ~~Or~~ or Heavy Weight Blocks ~~With~~ with ~~An~~ an Integral Color ~~That~~ that ~~Is~~ is Sandblasted, Burnished ~~Or~~ or ~~Has~~ has ~~A~~ a Split Face*).

~~(78)~~(77) *Mobile Home*. A dwelling structure meeting the definitions and requirements specified in Chapter 1201, *Manufactured Housing*, of the Texas Occupational Code~~chapter 1201 of the State of Texas Occupational Code~~.

~~(79)~~(78) *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.

~~(80)~~(79) *Municipal Uses*. Facilities owned or controlled by the City of Rockwall, including, but not limited to, office buildings, maintenance shops, treatment plants; community centers.

~~(81)~~(80) *Non-Conforming 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 non-conforming use if established prior to the passage of this Unified Development Code (UDC).

~~(82)~~(81) *Non-Permeable Coverage*. Coverage with ~~a~~ non-permeable ~~pavement~~surface.

~~(83)~~(82) *Parking Area*. ~~Space~~ Land used exclusively for the parking of vehicles, ~~and~~ where no other business is conducted, and is paved to city specifications.

Formatted: Hyperlink

Formatted: Hyperlink, Font: Not Italic

Formatted: Hyperlink

Formatted: Font: Italic

Formatted: Font: Italic, Underline

Formatted: Font: Italic

DRAFT ORDINANCE 05.04.2024

~~(84)~~(83) *Parking Space*. A designated area within a parking ~~facility~~garage, parking lot or on a street where a motor vehicle can be parked legally and safely~~., 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.

~~(85)~~(84) *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.

~~(86)~~(85) *Paving*. Material which provides an all-weather surface for the maneuvering, parking, and storage of vehicles and/or equipment. All required paving shall meet the standards specified by applicable city specifications.

~~(87)~~(86) *Permitted Use*. A use specifically allowed in one (1) or more of the various districts without the necessity of obtaining a use permit.

~~(88)~~(87) *Person*. Any individual, association, firm, corporation, governmental agency or political subdivision.

~~(89)~~(88) *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.

~~(90)~~(89) *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.

~~(91)~~(90) *Planning 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.

~~(92)~~(91) *Planning Consultant*. A private practitioner in planning, who is a member of the American Institute of Certified Planners (AICP).

~~(93)~~(92) *Plat*. A map of a subdivision or site plan that represents a tract of land, showing the boundaries and location of individual properties, easements, and streets.

(93) *Primary Building or Principal Building*. A primary building or principal building refers to the main or principal structure on a property that serves as the primary residential, commercial, or industrial space. It is the main building that is intended for the primary use or occupancy on the site.

(94) *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)~~(b) Designed to be self-propelled or permanently towable by a light duty truck; and

~~(d)~~(c) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(95) *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*).

(96) *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 without employee table service, taken out, or delivered to customers' location. Drive-through "pickup/order" window permitted provided that there is no public address system or speakers.

(97) *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.

(98) *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).

(99) *Right-of-way line*. A dividing line between a lot, tract, or parcel of land and the public right-of-way.

(100) *Screening*. Screening that complies with the construction and maintenance regulations in Section 05.02, *Landscape Screening*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).

(101) *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.

(102) *Setback*. See Building setback line.

(103) *Sign*. A name, identification, image, description, display or illustration which is affixed to, painted, or represented directly or indirectly upon a building, window, 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.

(104) *Site*. A single lot or combination of continuous lots that may or may not be owned separately, that will be developed under one (1) unified plan, as if it were a single parcel of land.

(105) *Site Plan*. The development plan for one (1) 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,

DRAFT ORDINANCE 05-24-2024

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.

(106) *Small Tree*. A tree of a species which normally reaches a height of less than 30 feet.

(107) *Soil*. A medium that plants will grow in.

(108) *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.

(109) *Storage*. The housing of physical products, materials, or inventory in a designated location internal to a non-residential land use, until they are needed for use or sale directly to a consumer. Storage shall not be considered warehousing and is not associated with wholesale operations. ~~accumulation, stocking, or depositing of materials or items.~~ In addition, this~~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.

(110) *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 50.00% 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.

(111) *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.

(112) *Street Line*. The dividing line between the street right-of-way and the abutting property.

(113) *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.

(114) *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.~~

(115) *Subdivision*. The division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for sale, development or lease.

(116) *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.

(117) *Variance/Exception*. 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.

(118) *Visibility Triangle*. The term *visibility triangle* as defined in Section 01.08, *Public Right-of-Way Visibility*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC).

(119) *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.

~~(119)~~(120) *Warehousing*. The storage of physical products or materials in a designated facility or warehouse ~~unit~~until they are needed for distribution or sale. Warehousing is generally associated with industrial or wholesale land uses.

~~(120)~~(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.

~~(121)~~(122) *Xeriscaping~~/Smartscaping~~*. 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 02.02: 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~~housing, raising, or training more than three (3) dogs, ~~or three (3)~~ cats, or ~~three (3) of~~ any other domesticated animal over the age of three (3) months old as a ~~-- *not including livestock or farm animals* -- are housed, boarded, raised or trained as a~~ commercial enterprise, excluding livestock or farm animals. This definition ~~does not include~~excludes 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 that is larger than an *Animal Clinic for Small Animals* ~~for~~that providinges veterinary and surgical care to pets and animals. Services include -- *but are not limited to* -- medical consultations, surgery, diagnostics, and emergency care. ~~the diagnosis, treatment, or hospitalization of animals.~~

(4)

Formatted: Font: 5 pt

Formatted: Normal, No bullets or numbering

Formatted: Font: Not Italic, No underline

Formatted: Font: Italic, Underline

Formatted: Font: Italic

Formatted: Indent: First line: 0"

DRAFT ONLY 05.14.2024

(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 biproducts 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 S~~supplementary structure or building on a residential property that is secondary to the primary dwelling and serves a supportive or complementary function. These structures are typically used for purposes such as storage, recreation, or housing equipment and are ancillary to the primary residential use of the property. ~~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 residential property where lodging accommodations are provided for short-term guests, typically on a nightly basis, in a manner that is ancillary to the primary residential use of the property. Bed and Breakfast establishments offer overnight accommodations and breakfast services to travelers, often in a more personalized setting compared to larger hotels or *Short-Term Rentals (STRs)*. Typically, Bed and Breakfast establishments are operated by the property owner who ~~may~~shall reside on-site.~~single-family owner-occupied house offering rooms with breakfast on a nightly basis for a fee.~~

(3) *Caretakers Quarters/Domestic or Security Unit*. A ~~residen~~residential unit or structure located on a property primarily for the accommodation of individuals responsible for overseeing and maintaining the property, providing domestic services, or ensuring security. These quarters typically serve as residences for caretakers, groundskeepers, domestic staff, or security personnel employed by the property owner. The primary function of these quarters/units are intended to support the operation and maintenance of the property rather than serve as a primary residence for the property owner.~~ce 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 utilized for religious or spiritual practices, typically associated with a specific faith or belief system. Monasteries or temples are often characterized by their communal living arrangements, places of worship, meditation spaces, and facilities for religious instruction and rituals. These establishments may also include amenities such as gardens, libraries, dining halls, and guest accommodations for visitors or pilgrims. Monasteries are commonly associated with religious orders or communities of monks or nuns, while temples may serve as places of worship for congregations or followers of a specific faith.~~ occupied by a community of monks, nuns, priests, or similar sects living under religious vows.~~

(5) *Duplex*. A residential building containing two (2) separate housing units, each with its own entrance and typically sharing a common wall or floor/ceiling. Duplexes are designed to accommodate two (2) households within a single structure, providing independent living spaces~~ on one (1) lot or parcel of land~~. Each unit in a duplex typically includes a kitchen, bathroom, bedrooms, and living areas, offering occupants a level of privacy similar to that of a single-family dwelling. Duplexes may be arranged side-by-side ~~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

DRAFT ORDINANCE 05.07.2024

vehicles are kept for remuneration, hire, or sale and where a retail service station may be maintained as a secondary use. Commercial garages typically accommodate a variety of vehicles including cars, trucks, buses, or motorcycles, and may offer storage services. These facilities may range in size from small to large operations and serve commercial fleets or specialize in specific types of vehicles.

(7) *Residential Garage*. A ~~residential~~ structure or part of a residential property designed and used primarily for ~~accessory building used for~~ the storage motor vehicles belonging to the property owner and occupants of the main residential structure and are intended to provide shelter and security for vehicles from the elements and potential theft or vandalism. In addition, to vehicle storage, residential garages may also serve as workshops, storage spaces for tools and equipment, or multi-purpose areas for recreational activities. ~~.~~ These structures are typically attached to the primary structure; however, they may also be a detached structure.

(8) *Guest Quarters/Secondary Living Unit*. A self-contained ~~a~~ accessory building that is ancillary to the primary dwelling. Guest Quarters or Secondary Living Units are designed to provide separate temporary accommodations for ~~for the temporary occupancy of~~ guests, or family members of the primary owners or occupants. These units may include amenities such as a bedroom, bathroom, and living area; ~~.~~ ~~H~~However, a ~~full~~ kitchen facilities ~~are~~is not permitted. These dwellings are not to be rented or otherwise used as a separate domicile.

~~(9)~~ *Home Occupation*. A business or commercial activity ~~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, and 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.~~ Home occupations allow individuals to run small-scale businesses from their homes while maintaining the residential character of the neighborhood. These businesses are secondary to the primary residential use of the property and are intended to be compatible with surrounding residential properties.

~~(10)~~(9)

~~(11)~~(10) *Limited-Service Hotel*. A type of lodging establishment that offers basic accommodation services to guests without the extensive amenities typically found in full-service hotels. Limited service hotels provide essential amenities such as guest rooms, limited food and beverage options (*if any*), and minimal on-site facilities or services. These hotels are often characterized by their lower operating costs, streamlined operations, and competitive room rates. Limited service hotels may cater to budget-conscious travelers, business ~~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.~~

~~(12)~~(11) *Full-Service Hotel*. A type of lodging establishment that offers a comprehensive range of amenities and services to guests, typically including accommodations, dining options, meeting and event spaces, recreational facilities, and various guest services such as concierge assistance and room service. ~~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.~~

~~(13)~~(12) *Residence Hotel*. A hybrid lodging establishment that combines the elements of traditional hotels with long-term residential accommodations. Residence hotels typically offer full furnished, apartment style units equipped with kitchens or kitchenettes, living areas, and separate bedrooms, providing guests with a home-like environment during their stay. These establishments cater to both short-term and extended-stay guests, offering flexible accommodations for travelers, corporate clients, and individuals in need of temporary housing solutions. Residence hotels often provide additional amenities such as housekeeping services, on-site laundry facilities, fitness centers, business centers, and communal spaces to enhance the guest experience. ~~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.~~

~~(14)~~(13) *Motel*. A lodging establishment designed primarily to provide short-term accommodations for travelers, typically accessible directly from the exterior of the building. Motels are characterized by their layout of individual guest rooms or units arranged around a central parking area, allowing guests to park their vehicles near their rooms for convenient access. Motel rooms often feature basic amenities such as beds, bathrooms, and limited furnishings catering to travelers seeking affordable and convenient overnight stays. Motels may offer additional facilities and services such as swimming pools, continental breakfasts, and guest laundry facilities. ~~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.~~

Formatted: Font: Italic

DRAFT ORDINANCE 05.06.2024

~~(15)~~(14) *Multi-Family Development or Structure~~ or Development~~*. A residential property or 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. These developments may include ~~Examples of a *Multi-Family Development* include~~ Triplexes, Quad or Fourplexes, apartments, condominiums, or other types of multi-unit residential buildings. Multi-family developments typically offer amenities such as common areas, recreational facilities, parking, and landscaping, enhancing the quality of life for residents.~~and etcetera.~~

~~(16)~~ *Portable Building*. A temporary ~~buildin~~building, typically ~~a~~ pre-made off-site, and that doesn't have a permeant foundation (*i.e. the building can be moved*). They can be used ~~temporarily~~ for storage, offices, classrooms, or retail spaces.~~that may or may not have a foundation and is transportable.~~

(15)

~~(17)~~

~~(18)~~(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.

~~(19)~~(17) *Short-Term Rental*. A *Short-Term Rental* is a residential dwelling unit, apartment, condominium, or *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* in which the entire structure or a portion thereof is offered for rent for a period exceeding 12-hours, but less than 30 consecutive days, to a particular occupant. In practice, a *Short-Term Rental* is considered to be a residential land use, and is *not* considered to be a *Limited-Service Hotel*, *Full-Service Hotel*, *Residence Hotel*, *Motel*, or *Bed and Breakfast* as defined in this Unified Development Code (UDC). *Short-Term Rentals* can be further defined based on the following three (3) categories:

(a) *Short-Term Rental (Owner-Occupied Single-Family Home, Townhome, or Duplex)*. A single-family home, townhome, or duplex -- *or portion thereof* -- in which the property owner or operator, as reflected in a valid lease agreement, is a resident (*i.e. occupies the primary structure*) and is present during the rental. This includes when a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* is detached from the primary structure and either the primary or secondary structure is rented, but the owner or operator resides on the property.

(b) *Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex)*. A single-family home, townhome, or duplex -- *or a portion thereof* -- in which the property owner or operator does *not* occupy the dwelling unit during the rental, or that the owner or property owner does *not* occupy another dwelling unit -- *or portion thereof* -- on the same property (*i.e. the property owner or operator is not on-site as an occupant during the rental of the property*).

(c) *Short-Term Rental (Apartment or Condominium)*. An *Apartment* or *Condominium* (*or similar multi-family structure, excluding duplexes, but including triplexes or quadplexes, as defined in this Unified Development Code [UDC]*) -- *or a portion thereof* -- in which the property owner or operator may or may not be an occupant of the dwelling unit during the rental.

~~(20)~~(18) *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*).

~~(21)~~(19) *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*).

~~(22)~~ *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)

~~(23)~~ *Private Swimming Pool*. Aquatic facilities within residential or ~~commercial~~ properties that provide recreational, fitness, or therapeutic activities for individuals or groups. In residential settings, private swimming pools are owned and maintained by homeowners or communities, offering exclusive aquatic spaces for residents and their guests. ~~In commercial settings, pools are found in establishments like hotels, resorts, fitness centers, spas, and clubs, catering to paying patrons, members, or guests.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.~~

~~(24)~~(22) *Private Sports Court with Standalone or Dedicated Lighting*. A designated area within a residential or commercial property, that is independent of the primary structure, and is intended for sports and recreational activities. These courts are typically owned and maintained by individual homeowners, residential communities, or commercial establishments. They provide space for activities such as basketball, tennis, volleyball, or other sports, offering residents, guests, members, or patrons a convenient and private location to engage in physical exercise and leisure pursuits.

~~(25)~~ *Townhouse*. A single-family residential ~~structure~~ unit that is occupied by one (1) family and shares a common wall or walls with another single-family residential ~~unitstructure, but~~ that is on an individual lot and can be conveyed individually (*i.e. one [1] dwelling unit per lot*). Townhouses often feature multiple floors and compact footprint designs, providing private outdoor spaces such as yards or patios, and may be part of a larger planned development with shared amenities and common areas.~~These units are typically constructed in a series or group of units.~~

(23)

Formatted: Left

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: Italic

Formatted: Font: 5 pt, Italic

Formatted: Font: 5 pt, Underline

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: 5 pt, Bold, Italic

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: Italic

Formatted: Normal, No bullets or numbering, Widow/Orphan control, Tab stops: Not at 0.38"

Formatted: Font: 10 pt

Formatted: Font: 5 pt

Formatted: Normal, Don't add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: Not at 0.38"

Formatted: Font: 5 pt

Formatted: Font: 5 pt

Formatted: Normal, No bullets or numbering, Widow/Orphan control, Tab stops: Not at 0.38"

Formatted: Indent: Left: 0", First line: 0", Add space between paragraphs of the same style, Tab stops: Not at 0.38"

Formatted: Font: Italic, Underline

Formatted: List Paragraph, Add space between paragraphs of the same style, Tab stops: Not at 0.38"

DRAFT OFFICE 05.13.2024

~~(26)~~

~~(1)~~(24) *Urban Residential*. A development situated within the City's Downtown (DT) District -- *which is also referred to as the urban core*, -- that allows for single-family, single-family attached, townhomes, and lofts (*i.e. one [1] story of residential above commercial only*). This type of structure typically contains a mix of office, retail, and residential land uses.

(C) *Institutional and Community Service Land Uses.*

Assisted Living Facility. A facility that is licensed under Chapter 247, *Assisted Living Facilities*, of the Texas Health and Safety Code and offers housing and personal care services to elderly or disabled individuals who need support but not intensive medical care. It includes communal living units, dining services, and recreational activities. ~~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.~~

(1)

~~(1)~~ *Blood or Plasma Donation Center*. A ~~facility~~ commercial facility where individuals can donate blood or plasma for medical purposes. Staffed by trained professionals, it ensures a safe environment for donation and proper handling of donations for transfusions, treatments, or research.~~that allows for a person or persons to donate or sell blood or plasma for use in medical or other products.~~

(2)

(3) *Cemetery/Mausoleum*. A designated area for burying or entombing deceased individuals including animals. It includes grave plots, crypts, or niches, along with pathways and landscaping. These facilities provide a respectful resting place and space for remembrance.~~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 primarily used for religious gatherings, ceremonies, and worship services. It typically includes a sanctuary or worship hall, administrative offices, classrooms for religious education, and often ancillary facilities such as a fellowship hall, kitchen, and parking lot. These facilities serve as places for spiritual practice, community gatherings, and religious observance for adherents of a particular faith or denomination. ~~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.~~

(4)

~~(5)~~ *College, University, or Seminary*. An educational institution ~~established for educational purposes~~ offering ~~courses for study~~higher learning in academic or religious studies beyond that ~~of the~~ the secondary education level. These institutions provide a comprehensive environment for academic pursuits and personal development. This land use shall exclude *Trade Schools*.

(5)

~~(6)~~ *Convalescent Care Facility/Nursing Home*. A facility ~~providing primarily inpatient health care, personal care, or rehabilitative services on a 24-hour basis~~that provides long-term care, medical services, and assistance with activities of daily living for individuals who require ongoing support due to illness, injury, or advanced age. These facilities typically offer 24-hour nursing care, medication management, rehabilitation services, and assistance with personal care tasks such as bathing, dressing, and eating~~over a long period of time to persons chronically ill, aged, or disabled who need ongoing health supervision~~, but not hospitalization.

(6)

~~(7)~~

~~(8)~~(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.

~~(9)~~(8) *Crematorium*. A facility licensed, or qualified to be licensed, by the State of Texas for the cremation of human or animal remains.

~~(10)~~(9) *Daycare with Seven (7) or More Children*. A state licensed facility ~~-- *other than a public, parochial, or private school* --~~ excluding public ~~, parochial,~~ or private schools, dedicated to caring for~~providing care for~~ seven (7) or more children under the age of 14 years old. This care is provided for less than 24-hours per day, ~~(typically daytime hours only)~~during daytime hours, and is situated at a non-residential location ~~other than a residence~~.

~~(11)~~(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.

~~(12)~~(11) *Group or Community Home*. A facility that is licensed under Chapter 247, *Assisted Living Facilities*, of the Texas Health and Safety Code, and serves as 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.

~~(13)~~(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,

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: Not Italic, No underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Underline

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: 5 pt

Formatted: Font: 5 pt, No underline

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: Not Italic

Formatted: Font: Italic

Formatted: Font: Italic, Underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

DRAFT ORDINANCE 05-24-2024

employment offices, police and fire stations, and/or motor vehicle licensing and registration services.

~~(14)~~(13) *Halfway House*. A facility where persons are aided in readjusting to society following a period of imprisonment, hospitalization, homelessness, or institutionalized treatment.

~~(15)~~(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.

~~(16)~~(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.

~~(17)~~(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.

~~(18)~~(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.

~~(19)~~(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.

~~(20)~~(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.

~~(21)~~(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.

~~(22)~~(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.

~~(23)~~(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) *Trade School*. An educational institution specializing in vocational training for specific trades or professions. It provides hands-on instruction in areas like automotive repair, construction, and healthcare, preparing students for entry into their chosen field.

(25) *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.

(26) *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 01, *Land Use Schedule*, of Article 04, *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 or Medical Office Building*. An *office building* is a facility that ~~facility that~~ provides executive, management, administrative, or professional services not specifically listed elsewhere in Section 01, *Land Use Schedule*, of Article 04, *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. A *medical office building* is a facility designed to support a range of healthcare services, including diagnostics, treatments, and administrative functions. These services encompass procedures requiring medical devices or the expertise of a qualified medical professional. Examples include but are not limited to medical doctor offices, physical therapy, massage therapy, chiropractic care, Botox treatments, and sonograms.

(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

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

DRAFT
05.13.2024

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.*

(a) ~~(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.

~~(4)~~*(b)* ~~(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.*

(a) ~~(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.

~~(10)~~(b) ~~(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) *Alcoholic Beverage Package Sales*. The act of selling beer, wine, and/or liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- in accordance with the requirements of this Unified Development Code (UDC) by a person, establishment, or place of business.

(2) *Alcoholic Beverage Store*. A standalone retail establishment that engages in the sale of beer, wine, *and* liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- to the general public for off-premise personal or household consumption.

(3) *Antique/Collectible Store*. A retail establishment that engages in the selling of works of art, furniture or other artifacts of an earlier period.

(4) *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.

(5) *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

Formatted: Font: Not Italic, No underline

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

Formatted: List Paragraph, Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Font: Italic, Underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: List Paragraph, Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

DRAFT OF 05.14.2024

dancing, dining, and other entertainment activities that customarily occur in association with banquets, weddings, or receptions.

(6) *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.

(7) *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.

(8) *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.

(9) *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.

(10) *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.

(11) *Copy Center.* An establishment that reproduces, in printed form, individual orders from a business, profession, service, industry, or government organization.

(12) *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.

(13) *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.

(14) *Food Trucks/Trailers.* 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.

(15) *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.

(16) *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.

(17) *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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(18) *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.

(19) *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.

(20) *Self-Service Laundromat.* A facility where patrons wash, dry or dry clean clothing and other fabrics in machines operated by the patron.

(21) *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.

(22) *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.

(23) *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*.

DRAFT
05.13.2024

(24) *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.

(25) *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.

(26) *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.

(27) *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.

(28) *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.

(29) *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.

(30) *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.

(31) *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.

(32) *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.

(33) *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.

(34) *Tailor, Clothing, and/or Apparel Shop.* An establishment engaged in custom making, altering, or the repair of clothing.

(35) *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.

(36) *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 Bond Services*. 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 or~~,~~ 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.

DRAFT ORDINANCE 05.14.2024

(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.

~~(16)~~

~~(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)~~(17) *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) *New and/or Used 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

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

DRAFT
05.14.2024

~~tuneupstune-ups~~, 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.

(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 ~~for~~ 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 Plating or~~/E~~ Electro ~~-p~~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 of ~~(~~Sand, Gravel, Oil and Other Materials~~)~~*. 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.

DRAFT ORDINANCE 05.04.2024

(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/or Machine Shop.* A workshop were 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.

~~Accessory Antenna~~Antenna for a Residential Property. A structure or device mounted on a residential property intended for the transmission or reception of electromagnetic signals, including but not limited to television, radio, satellite, or internet communications. Antennas may include satellite dishes, television antennas, radio antennas, or similar devices, and may be freestanding, mounted on buildings, or attached to existing structures. ~~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.~~

Formatted: Not Highlight

~~(2) *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.~~

~~(3)~~(2) *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.

~~(4)~~(3) *Antenna Dish.* An antenna that is parabolic or bowl-shaped and that receives and/or transmits signals in a specific directional pattern

~~(5)~~(4) ~~*Commercial*~~ *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure).* 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.

~~(6)~~(5) *Mounted or Attached Commercial Antenna.* Any exterior transmitting or receiving device mounted on or within

DRAFT ORDINANCE 05.06.2024

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.

(6) *Bus Charter and Service Facility*. A facility for the loading and discharging of train or bus passengers.

(7) *Commercial Drone Delivery Hub*. A dedicated facility used primarily for the distribution and management of unmanned aerial vehicles (UAVs), commonly known as drones, for the delivery of goods and services. This land use may also be incorporated as an accessory land use to retail, restaurant, or other permitted businesses in certain areas of the City.

(8) *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.

(9) *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.

(10) *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.

(11) *Private Streets.* A private vehicular access way shared by and serving two (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.

(12) *Radio Broadcasting.* A land use that broadcasts amplitude modulation or frequency modulation audio signals for general public reception.

(13) *Railroad Yard or Shop.* A facility used for the storage of railway cars, boxcars and engines and related equipment.

(14) *Recording Studio.* A facility that provides an environment for the purposes of writing, collaborating, preforming, instruction, preparing, or completing audio recordings.

(15) *Satellite Dish.* An oval or round, parabolic apparatus capable of receiving television communications.

(16) *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.

(17) *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.

(18) *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.

(19) *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.

(20) *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.

(21) *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.

(22) *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.

~~*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 unconceal~~

DRAFT ORDINANCE 05.15.2024

Continued on Next Page …

DRAFT ORDINANCE 05.14.2024

SECTION 01 | INTRODUCTION

These guidelines were drafted by the citizens and local experts for the purpose of outlining the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC), and to provide guidelines for plantings that are appropriate within the City of Rockwall.

SECTION 02 | PURPOSE

The purpose of the following appendix is to provide a general reference guide for meeting the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC). This appendix is not intended to be a comprehensive list of all plant materials that can be utilized for development within the City of Rockwall. The Director of Planning and Zoning or his/her designee can approve a landscape plan that includes tree, shrub, and grass varieties not indicated in this appendix upon a finding that the proposed planting is appropriate for the development.

SECTION 03 | TREE PLANTING GUIDELINES AND REQUIREMENTS

The following table and guidelines are a summary of the required tree planting requirements stipulated by Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).

TABLE 1: REQUIRED TREES BY DISTRICT

		OVERLAY DISTRICTS												
		IH-30	SH-205	SOV	SH-66	205-BY	N-205	E-66	FM-549	SH-276	DT	NON	XERI	REC
CANOPY TREES	AFGHAN PINE	X	X	X	X	X	X	X	X	X		X	X	X
	BALD CYPRESS	X				X			X	X	X	X		X
	BURR OAK	X	X	X	X	X	X	X	X	X	X	X	X	X
	CADDO MAPLE		X	X			X	X	X			X		X
	CEDAR ELM	X	X	X	X	X	X	X	X	X	X	X		X
	CHINQUAPIN OAK										X	X	X	X
	EASTERN RED CEDAR	X				X				X	X	X		X
	HOMESTEAD ELM	X				X				X	X	X		X
	LACEBARK ELM	X	X	X	X	X	X	X	X	X	X	X		X
	LEYLAND CYPRESS		X	X			X	X	X			X		X
	LITTLE GEM MAGNOLIA	X	X	X	X	X	X	X	X	X	X	X		X
	LIVE OAK	X	X	X	X	X	X	X	X	X	X	X		X
	OCTOBER GLORY MAPLE	X	X	X	X	X	X	X	X	X	X	X		X
	PECAN										X	X		X
	TEXAS ASH	X			X	X			X	X		X		X
	TEXAS RED OAK	X			X	X			X	X	X	X		X
ACCENT TREES	DESERT WILLOW	X	X	X	X	X	X	X	X	X	X	X	X	X
	DOWNY HAWTHORN										X	X		X
	EASTERN REDBUD	X	X	X	X	X	X	X	X	X	X	X		X
	EVES NECKLACE	X	X	X	X	X	X	X	X	X	X	X	X	X
	MEXICAN BUCKEYE	X	X	X	X	X	X	X	X	X	X	X		X
	POSSUMHAW HOLLY	X	X	X	X	X	X	X	X	X	X	X	X	X
	SHANTUNG MAPLE	X	X	X	X	X	X	X	X	X	X	X		X
	FLAME LEAF SUMAC	X	X	X	X	X	X	X	X	X	X	X		X
	YAUPON HOLLY	X	X	X	X	X	X	X	X	X	X	X		X

NOTES: NON: NON-OVERLAY DISTRICTS; XERI: XERISCAPE; REC: RECLAMATION/TREE PRESERVATION

PROHIBITED TREE LIST: [*1*] CATALPA (CATALPA SP.); [*2*] HACKBERRY; [*3*] SUGARBERRY (CELTIS SP.); [*4*] HONEYLOCUST (GLEDITSIA TRIACANTHOS) ; [*5*] TULIP TREE (LIRIODENDRON TULIPIFERA); [*6*] CHINABERRY (MELIA AZEDARACH); [7] SYCAMORE (PLATANUS OCCIDENTALIS); [*8*] COTTONWOOD, POPLAR (POPULUS SP.); [*9*] WILLOWS (SALIX SP.); ~~[*10*] AMERICAN ELM (ULMUS AMERICANA); [*11*] SIBERIAN ELM (ULMUS PUMILIA);~~ [*1210*] JERUSALEM THORN/PETUMA (PARKINSONIA ACULEATA); [*1311*] BOIS D'ARC (MACLURA POMIFERA); [*1412*] FLOWERING CRABAPPLE VARIETIES (MALUS SP.); ~~[*15*] GINKO TREE (GINKO BILOBA);~~ [*1613*] PEACH/PLUM VARIETIES; ~~[*1716*]~~ MULBERRY VARIETIES (MORUS SP.); ~~[*18*] TEXAS MOUNTAIN LAUREL (SOPHORA SECUNDIFLORA) ; [*19*] LILAC CHASTE TREE (VITEX AGNUSCASTUS)~~; [*2017*] PINE TREE VARIETIES (PINUS SO.); ~~[*2118*]~~ SILVER MAPLE (ACER SACCHARINUM); [*2219*] BOX ELDER (ACER NEGUNDO) ; [*23*] MIMOSA (ALBIZIA JULIBRISSIN) ; [*24*] CATALPA (CATALPA SP.).

DRAFT
05.14.2024

SECTION 04 | RECOMMENDED TREE VARIETIES (CANOPY AND ACCENT TREES)

The following information concerning the City's recommended trees was obtained from the Texas A&M Forest Service, Texas *Tree Planting Guide* and all illustrations were provided courtesy of Texas A&M Forest Service *Copyright by Robert O'Brien.*

AFGHAN PINE

LATIN NAME: PINUS ELDARICA
SECONDARY NAMES: ELDARICA PINE, MONDEL PINE

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *35' TO 50'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: RAPID
- *NATIVE*: AFGHANISTAN AND CENTRAL ASIA
- *SOIL NEEDS*: REQUIRES WELL DRAINED, DRY SOILS
- *TOLERANCES*: SALTY SOIL, DROUGHT, ALKALINE SOILS [*PH > 7.5*]
- *FEATURES*: SOFT, GREEN NEEDLES FORM A DENSE CANOPY
- *USES*: SCREENING AND WINDBREAKS
- *FIREWISE*: NO
- *ISSUES*: THE PINE TIP MOTH CAN KILL NEW SHOOTS AND RUIN THE SHAPE OF THE TREE. THE TREE IS NOT TOLERANT OF WET SITES.
- *SIMILAR SPECIES*: ALEPPO PINE (*PINUS HALAPENSIS*)

BALD CYPRESS

LATIN NAME: TAXODIUM DISTICHUM
SECONDARY NAMES: BALDCYPRESS

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 70'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: WILL GROW IN A VARIETY OF SOILS
- *TOLERANCES*: DROUGHT AND POORLY DRAINED SITES
- *FEATURES*: DECIDUOUS CONIFER WITH FEATHER-LIKE LEAVES, ROUND SEED BALLS, AND FIBROUS BARK
- *USES*: DETENTION AREAS AND POORLY DRAINED AREAS
- *FIREWISE*: YES
- *ISSUES*: WOODY 'KNEES' AND BAGWORMS
- *SIMILAR SPECIES*: MONTEZUMA BALCYPRESS (*TAXODIUM MUCRONATUM*)

BUR OAK

LATIN NAME: QUERCUS MACROCARPA
SECONDARY NAMES: MOSSY CUP OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 60'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE TO RAPID
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, PREFERS DEEPER SOIL
- *TOLERANCES*: SALTY SOIL, DROUGHT, ALKALINE SOILS [*PH > 7.5*]
- *FEATURES*: UNIQUE LEAF SHAPE, LARGEST ACORN OF ANY OAK
- *USES*: DROUGHT TOLERANT TREE
- *FIREWISE*: YES
- *ISSUES*: ACORNS AND LEAVES CAN CREATE SIGNIFICANT CLEAN-UP.
- *SIMILAR SPECIES*: WHITE OAK (QUERCUS ALBA)

DRAFT ORDINANCE 05.14.2024

CADDO MAPLE

LATIN NAME: ACER SACCHARUM 'CADDO'
SECONDARY NAMES: ELDARICA PINE, MONDEL PINE

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 60'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: SLOW TO MEDIUM
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: ROCKY & ALKALINE SOILS AND DROUGHT TOLERANT
- *FEATURES*: MEDIUM TREE WITH A ROUNDED APPEARANCE, DARK GREEN FOLIAGE THAT CHANGES TO A GOLDEN COLOR IN THE FALL.
- *FIREWISE*: YES
- *ISSUES*: AVAILABILITY
- *SIMILAR SPECIES*: SUGAR MAPLE (A. SACCHARUM)

CEDAR ELM

LATIN NAME: ULMUS CRASSIFOLIA
SECONDARY NAMES: TEXAS ELM

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *70' TO 90'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ALKALINE ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: LUSTROUS DARK GREEN LEAVES THAT ARE STIFF AND ROUGH TO THE TOUCH
- *USES*: LANDSCAPE TREE, PARKING LOT/STREET TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS, MINOR LEAF BEETLE & DUTCH ELM DISEASE
- *SIMILAR SPECIES*: WINGED ELM (*ULMUS ALATA*)

CHINQUAPIN OAK

LATIN NAME: QUERCUS MUEHLENBERGII
SECONDARY NAMES: CHINKAPIN OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: SLOW TO MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, ALKALINE SOILS
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: YELLOW-GREEN LEAVES W/ SMALL ACORNS (~3/4" LONG)
- *USES*: SHADE TREE
- *FIREWISE*: YES
- *ISSUES*: SENSITIVE ROOT SYSTEM; AS LITTLE AS ONE (1) INCH OF FILL DIRT CAN HURT THE TREE.
- *SIMILAR SPECIES*: SWAMP CHESTNUT OAK (QUERCUS MICHAUXII)

DRAFT ORDINANCE 05.14.2024

EASTERN RED CEDAR

LATIN NAME: JUNIPERUS VIRGINIANA VAR. VIRGINIANA
SECONDARY NAMES: PENCIL CEDAR

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *30' TO 50'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: MEDIUM
- *NATIVE*: EASTERN NORTH AMERICA
- *SOIL NEEDS*: ACIDIC, ALKALINE, LOAMY, WELL-DRAINED AND CLAY
- *TOLERANCES*: DROUGHT, EROSION, DRY SOIL, SHALLOW ROCKY AREAS
- *FEATURES*: SCALE-LIKE EVERGREEN LEAVES COMPACTED TO FORM ROUNDED FOUR (4) SIDED BRANCLETS.
- *USES*: WINDBREAKS AND FENCE ROWS, SCREENING TREE
- *FIREWISE*: NO
- *ISSUES*: CEDAR APPLE RUST AND BAGWORMS.
- *SIMILAR SPECIES*: SOUTHERN REDCEDAR (JUNIPERUS VIRGINIANA VAR. SILICICOLA) AND ROCKY MOUNTAIN JUNIPER (J. SCOPULORUM)

HOMESTEAD ELM

LATIN NAME: ULMUS 'HOMESTEAD'

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 60'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: DARK GREEN LEAVES THAT TURN BLEACH YELLOW IN THE FALL AND GREENISH TINY MULTI FLOWERED PENDULOUS RACEMES IN SPRING.
- *USES*: SHADE TREE
- *FIREWISE*: YES
- *ISSUES*: RESISTANT TO DUTCH ELM DISEASE BUT SUSCEPTIBLE TO ELM LEAF BEATLE.
- *SIMILAR SPECIES*: N/A. THE HOMESTEAD ELM IS A HYBRID.

LACEBARK ELM

LATIN NAME: ULMUS PARVIFOLIA

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *35' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: CHINA, JAPAN AND KOREA
- *SOIL NEEDS*: ADAPTABLE, PREFERS WELL DRAINED SOILS
- *TOLERANCES*: DROUGHT, ALKALINE SOILS [*PH > 7.5*]
- *FEATURES*: VARIABLE FALL COLOR; INTERESTING BARK TEXTURE.
- *FIREWISE*: YES
- *ISSUES*: REQUIRES PRUNING TO DEVELOP A STRONG BRANCH STRUCTURE.
- *SIMILAR SPECIES*: SIBERIAN ELM (*ULMUS PUMILA*) AND JAPANESE ZELKOVA (*ZELKOVA SERRATA*)

DRAFT ORDINANCE 05.14.2024

LEYLAND CYPRESS

LATIN NAME: X CUPRESSOCYPARIS LEYLANDII
SECONDARY NAMES: CYPRESS

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *60' TO 70'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: RAPID
- *NATIVE*: ENGLAND AND EUROPE
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: DROUGHT AND POOR SOIL
- *FEATURES*: DECIDUOUS CONIFER WITH FEATHER-LIKE LEAVES, ROUND SEED BALLS, AND FIBROUS BARK
- *USES*: SCREENING, WINDBREAKS, AND NON-RESIDENTIAL LANDSCAPING
- *FIREWISE*: NO
- *ISSUES*: BAGWORMS AND SPIDER MITES
- *SIMILAR SPECIES*: MONTEZUMA BALDCYPRESS (TAXODIUM MUCRONATUM)

LITTLE GEM MAGNOLIA

LATIN NAME: MAGNOLIA GRANDIFLORA 'LITTLE GEM'
SECONDARY NAMES: LARGE-FLOWERED MAGNOLIA

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *15' TO 20'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: MODERATE
- *NATIVE*: SOUTHEAST UNITED STATES
- *SOIL NEEDS*: WELL DRAINED SOIL
- *TOLERANCES*: MODERATE DROUGHT, SALT AND SOIL VARIATION
- *FEATURES*: LARGE LEATHERY, DARK GREEN AND GLOSSY LEAVES WITH CUP SHAPED, WHITE FLOWERS AND OVAL AGGREGATION OF SEED PODS 3"-4" LONG.
- *USES*: SHADE AND LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: NO MAJOR PROBLEMS
- *SIMILAR SPECIES*: SWEETBAY MAGNOLIA (MAGNOLIA VIRGINIANA)

LIVE OAK

LATIN NAME: QUERCUS VIRGINIANA
SECONDARY NAMES: COAST LIVE OAK, SOUTHERN LIVE OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 50'*
- *LEAF TYPE*: *EVERGREEN/SEMI EVERGREEN*
- *GROWTH RATE*: MODERATELY FAST
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, ACIDIC, ALKALINE, CLAY, LOAMY AND WELL DRAINED
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: GREEN TO DARK GREEN LEAVES WITH SMALL ACORNS ABOUT ¾-INCH LONG AND BORNE SINGLY OR IN CLUSTERS UP TO FIVE.
- *FIREWISE*: YES
- *ISSUES*: LEAF BLISTER AND FUNGAL GALL
- *SIMILAR SPECIES*: TEXAS LIVE OAK (QUERCUS FUSIFORMIS)

DRAFT ORDINANCE 05.14.2024

OCTOBER GLORY MAPLE

LATIN NAME: ACER RUBRUM 'OCTOBER GLORY'

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE TO RAPID
- *NATIVE*: NORTH AMERICA
- *SOIL NEEDS*: ADAPTABLE; PREFERS SLIGHTLY ACIDIC SOIL
- *TOLERANCES*: MODERATE DROUGHT TOLERANCE
- *FEATURES*: SOFT, GREEN NEEDLES FORM A DENSE CANOPY
- *USES*: SHADE TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS AND LEAF SCORCH
- *SIMILAR SPECIES*: CHALK MAPLE (ACER LEUCODERME)

PECAN

LATIN NAME: CARYA ILLINOINENSIS
SECONDARY NAMES: PECAN HICKORY

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 70'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, PREFERS DEEP MOIST SOIL
- *TOLERANCES*: DROUGHT, SALTY SOIL, POORLY DRAINED SOIL, ALKALINE SOILS [PH>7.5]
- *FEATURES*: NUTS ARE IN IMPORTANT WILDLIFE FOOD; MATURE CROWN IS OPEN AND AIRY.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS, BRITTLE WOOD; SUSCEPTIBLE TO INSECTS
- *SIMILAR SPECIES*: WATER HICKORY (CARYA AQUATICA) & BLACK WALNUT (JUGLANS NIGRA)

RED OAK

LATIN NAME: QUERCUS FALCATA
SECONDARY NAMES: SOUTHERN RED OAK

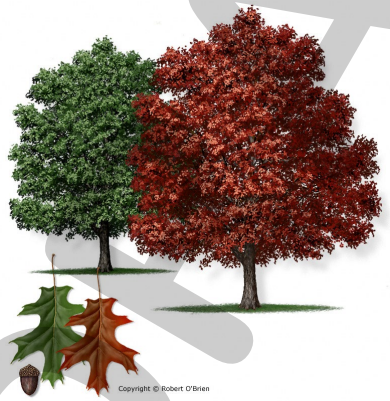
- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *30' TO 55'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: TEXAS
- *SOIL NEEDS*: AVOID PH>7.5; ANY TEXTURE; PREFERS GOOD DRAINAGE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: YOUNG TREES HAVE 'CANDLEABRA' SHAPE; FALL COLOR IS ORGANGE TO DEEP RED
- *FIREWISE*: YES
- *ISSUES*: OAK WILT
- *SIMILAR SPECIES*: BLACK OAK (QUERCUS VELUTINA)

DRAFT ORDINANCE 05.14.2024

TEXAS ASH

LATIN NAME: FRAXINUS TEXENSIS
SECONDARY NAMES: MOUNTAIN ASH

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *35' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID (BUT VARIABLE)
- *NATIVE*: EAST AND CENTRAL TEXAS
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: MEDIUM SIZED TREE WITH GREEN OR PURPLE FLOWERS AND SMALL WOODY WINGED SAMARA IN LONG PANICLES.
- *FIREWISE*: YES
- *ISSUES*: POOR DRAINAGE LEADS TO ROOT DISEASES
- *SIMILAR SPECIES*: CAROLINA ASH (FRAXINUS CAROLINIANA) AND GREGG ASH (F. GREGGII)



TEXAS RED OAK

LATIN NAME: QUERCUS BUCKLEYI
SECONDARY NAMES: BUCKLEY OAK, TEXAS RED OAK, SPANISH OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *30' TO 55'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: CENTRAL TEXAS
- *SOIL NEEDS*: ALKALINE ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: MEDIUM TREE WITH REDDISH-BROWN CATKINS/ACORNS AND SLENDER, DARK GREEN LEAVES THAT TURN RED IN THE FALL.
- *FIREWISE*: YES
- *ISSUES*: OAK WILT
- *SIMILAR SPECIES*: SHUMARD OAK (QUERCUS SHUMARDII)

DESERT WILLIOW

LATIN NAME: CHILOPSIS LINEARIS
SECONDARY NAMES: DESERT-WILLOW

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *15' TO 20'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MEDIUM
- *NATIVE*: WEST TEXAS
- *SOIL NEEDS*: ADAPTABLE, ACIDIC, LOAMY AND WELL DRAINED SOIL
- TOLERANCES: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: MULTI-TRUNKED, WELL BRANCHED AND THICK GROWTH
- *USES*: PRIMARILY A LANDSCAPE TREE; XERISCAPING
- *FIREWISE*: YES
- *ISSUES*: SUSCEPTIBLE TO ALTERNERIA LEAF SPOT
- *SIMILAR SPECIES*: FLOWERING WILLOW, WILLOWLEAF CATALPA, DESERT CATALPA, FLOR DE MIMBRE, MIMBRE, BOW WILLOW

DRAFT ORDINANCE 05.14.2024

DOWNY HAWTHORN

LATIN NAME: CRATAEGUS MOLLIS
SECONDARY NAMES: A VARIETY OF COMMON NAMES OFTEN ENDING IN "HAW" – ARE USED FOR THE INDIVIDUAL HAWTHORN SPECIES

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *20' TO 30'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: SLOW
- *NATIVE*: EASTERN AND CENTRAL UNITED STATES AND CANADA
- *SOIL NEEDS*: REQUIRES WELL DRAINED, DRY SOILS
- *TOLERANCES*: DRY SOIL AND DROUGHT
- *FEATURES*: SMALL TREE WITH CLUSTERS OF WHITE FLOWERS AND BRIGHT RED BERRY FRUIT.
- *USES*: LANDSCAPING
- *FIREWISE*: YES
- *ISSUES*: SUSCEPTIBLE TO SEVERAL LEAF DISEASES
- *SIMILAR SPECIES*: RIVER BIRCH (BETULA NIGRA) & GUM BULLY (SIDEROXYLON LANUGINOSUM)

EASTERN REDBUD

LATIN NAME: CERCIS CANADENSIS VAR. CANADENSIS
SECONDARY NAMES: JUDAS-TREE

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *20' TO 30'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MEDIUM
- *NATIVE*: EAST TEXAS
- *SOIL NEEDS*: ALKALINE, ACIDIC, LOAMY, SANDY AND WELL DRAINED
- *TOLERANCES*: CLAY SOILS AND VERY HIGH HEAT
- *FEATURES*: SMALL TREE WITH PINK AND PURPLE, ROSE-PURPLE OR WHITE BLOOMS AND SMALL FLATTENED PODS WITH BROWN SEEDS.
- *USES*: WILDLIFE AND LANDSCAPING
- *FIREWISE*: YES
- *ISSUES*: LEAF SPOTS, DIEBACK/CANKER, AND VERTICILLIUM WILT
- *SIMILAR SPECIES*: REDBUD

EVE'S NECKLACE

LATIN NAME: SOPHORA AFFINIS
SECONDARY NAMES: TEXAS SOPHORA, EVE'S-NECKLACEPOD

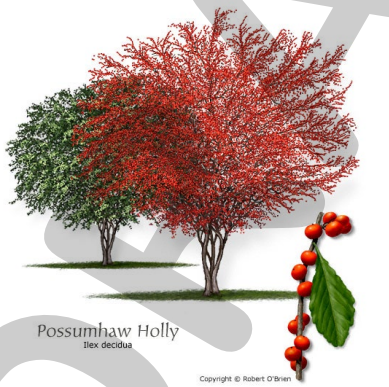
- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *15' TO 35'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: FAST (*GENERALLY SLOWS AT 15'*)
- *NATIVE*: CENTRAL TEXAS
- *SOIL NEEDS*: ALKALINE ADAPTABLE
- *TOLERANCES*: VERY HIGH HEAT
- *FEATURES*: SMALL TREE WITH PALE TO ROSY PINK FLOWERS THAT BLOOM IN THE SPRING AND LONG BLACK SEGMENTED SEEDPODS.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: NO PROBLEMS REPORTED
- *SIMILAR SPECIES*: BLACK LOCUST (ROBINIA PSEUDOACACIA)

DRAFT ORDINANCE 05.14.2024

MEXICAN BUCKEYE

LATIN NAME: UNGNADIA SPECIOSA

- CITY TREE CLASSIFICATION: ACCENTTREE
- MATURE HEIGHT: 15' TO 30'
- LEAF TYPE: DECIDUOUS
- GROWTH RATE: MODERATE
- NATIVE: TEXAS
- SOIL NEEDS: NEUTRAL ALKALINE
- TOLERANCES: DROUGHT, ALKALINE SOILS [PH > 7.5]
- FEATURES: PINK FLOWERS APPEAR WITH NEW LEAVES; BROWN FRUIT HUSKS REMAIN THROUGH WINTER.
- USES: LANDSCAPE OR SPECIMEN TREE
- FIREWISE: YES
- ISSUES: REQUIRES PRUNING TO DEVELOP ONE OR MORE TRUNKS.
- SIMILAR SPECIES: MONILLO, MONA, TEXAS BUCKEYE, SPANISH BUCKEYE, FALSE BUCKEYE, CANYON BUCKEYE



POSSUMHAW HOLLY

LATIN NAME: ILEX DECIDUA
SECONDARY NAMES: POSSUMHAW (DECIDUOUS HOLLY)

- CITY TREE CLASSIFICATION: ACCENT TREE
- MATURE HEIGHT: 8' TO 10' (OCCASIONALLY 20')
- LEAF TYPE: DECIDUOUS
- GROWTH RATE: SLOW
- NATIVE: TEXAS
- SOIL NEEDS: ADAPTABLE
- TOLERANCES: DROUGHT, POORLY DRAINED SITES, ALKALINE SOILS [PH>7.5]
- FEATURES: ORANGE OR RED BERRIES ON GRAY BRANCHES.
- USES: LANDSCAPE TREE AND DETENTION TREE
- FIREWISE: YES
- ISSUES: THIN BARK SUSCEPTIBLE TO INJURY
- SIMILAR SPECIES: BEARBERRY, MEADOW HOLLY, PRAIRIE HOLLY, SWAMP HOLLY, WELK HOLLY, WINTERBERRY

SHANTUNG MAPLE

LATIN NAME: ACER TRUNCATUM
SECONDARY NAMES: SHANDONG MAPLE, PURPLEBLOW MAPLE

- CITY TREE CLASSIFICATION: ACCENT TREE
- MATURE HEIGHT: 25' TO 35'
- LEAF TYPE: DECIDUOUS
- GROWTH RATE: RAPID
- NATIVE: NORTHERN CHINA
- SOIL NEEDS: LOAM, SANDY AND CLAY (ADAPTABLE)
- TOLERANCES: MODERATE DROUGHT
- FEATURES: MEDIUM SIZED TREE WITH DARK GREEN, GLOSSY LEAVES THAT CHANGE TO YELLOW ORANGE/BRIGHT RED IN THE FALL.
- FIREWISE: NO
- ISSUES: LEAF SPOT AND LEAF SCORCH
- SIMILAR SPECIES: JAPANESE MAPLES

DRAFT ORDINANCE 05.14.2024

FLAMELEAF SUMAC

LATIN NAME: RHUS LANCEOLATA
SECONDARY NAMES: PRAIRIE SUMAC, PRAIRIE FLAMELEAF SUMAC

- *CITY TREE CLASSIFICATION: ACCENT TREE*
- *MATURE HEIGHT: 40' TO 50'*
- *LEAF TYPE: DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: NEUTRAL ALKALINE
- *TOLERANCES*: DROUGHT, ALKALINE SOILS [*PH* > 7.5]
- *FEATURES*: COMPOUND LEAVES TURN BRIGHT RED IN FALL; WHITE FLOWER SPIKES BEAR RED CLUSTERS OF BERRIES.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: REQURIES PRUNING TO DEVELOP ONE OR MORE TRUNKS.
- *SIMILAR SPECIES*: TEXAS SUMAC, LANCE-LEAVED SUMAC, LIMESTONE SUMAC AND PRAIRIE SHINING SUMAC

YAPON HOLLY

LATIN NAME: ILEX VOMITORIA
SECONDARY NAMES: YAUPON, CASSINA

- *CITY TREE CLASSIFICATION: ACCENT TREE*
- *MATURE HEIGHT: 10' TO 20'*
- *LEAF TYPE: EVERGREEN*
- *GROWTH RATE*: SLOW
- *NATIVE*: SOUTHEAST UNITED STATES (TEXAS)
- *SOIL NEEDS*: WELL DRAINED, SANDY, LOAMY, CLAY AND LIMESTONE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: SMALL TREE WITH INCONSPICUOUS LIGHT GREEN BLOOMS AND RED BERRY LIKE DRUPE.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS, MINOR LEAF BEETLE & DUTCH ELM DISEASE
- *SIMILAR SPECIES*: EVERGREEN CASSENA, EMETIC HOLLY, INDIAN BLACK DRINK

DRAFT ORDINANCE 05.14.2024

SECTION 05 | RECOMMENDED SHRUB VARIETIES

The following are the City of Rockwall's recommended shrub varieties.

	SHRUB	SCIENTIFIC NAME	SCR	XERI	
3	BARBERRY	BERBERIS THUMBERGII 'CRIMSON PYGMY'			SMALL SHRUBS
8	DWARF YAUPON HOLLY	ILEX VOMITORIA 'NANA'			
10	YUCCA	YUCCA SP.		X	
16	JUNIPER	JUNIPERUS SP.			
17	JAPANESE BOXWOOD	BUXUS JAPONICA			
20	MEXICAN OREGANO	POLIOMENTHA LONGIFLORA			
24	RED YUCCA	HESPERALOE PARVIFOLIA		X	
25	ROCK ROSE	PAVONIA LASIOPETALA		X	
1	AGARITA	MAHONIA TRIFOLIOLATA		X	MEDIUM SHRUBS
2	BARBERRY	BERBERIS ATROPURPUREA 'ROSE GLOW'			
5	CENIZO (TEXAS SAGE)	LEUCOPHYLLUM SP.	X	X	
7	DWARF BURFORD HOLLY	ILEX CORNUTA 'BURFORDII NANA'	X		
14	HOGPLUM	COLUBRINA TEXENSIS			
15	INDIAN HAWTHORN	RAPHIOLEPIS INDICA			
19	JAPANESE QUINCE	CHAENOMELES JAPONICA			
23	PEARL BUSH	EXOCHORDA GIRALDII WILSONII			
27	ROSEMARY	ROSMARINUS OFFICINALIS		X	
28	VIRGINIA SWEETSPIRE	ITEA VIRGINICA			LARGE SHRUBS
4	BRIDAL WREATH SPIREA	SPIRAEA CANTONIENSIS	X	X	
6	CHINESE FRINGE	LOROPETALUM CHINENSE	X		
9	ELAEGNUS	ELAEAGNUS X EBBINGEI	X		
11	EVERGREEN SUMAC	RHUS VIRENS			
12	FORSYTHIA	FORSYTHIA INTERMEDIA 'SPECTABILIS'			
13	GLOSSY ABELIA	ABELIA X GRADIFLORA			
18	JAPANESE CLEYERA	CLEYERA TERNSTROEMIA GYMNANTHERA			
21	NELLIE STEVENS HOLLY	ILEX 'NELLIE R. STEVENS'	X		
22	OLEANDER	NERIUM OLEDANDER	X		
26	ROSE OF SHARON	HIBISCUS SYRIACUS	X		

NOTES: XERI: XERISCAPE; SCR: SCREENING

DRAFT
05.2024

SECTION 06 | RECOMMENDED GRASSES

The following are the City of Rockwall's recommended grass varieties.

	GRASS	SCIENTIFIC NAME	XERI
1	BERMUDA GRASS	CYNODON DACTYLON	
2	BIG BLUESTEM	ANDROPOGON GERARDII	X
3	BUFFALO GRASS	BUCHLOE DACTYLOIDES	X
4	DEER MUHLY	MUHLENBERGIA RIGENS	
5	EASTERN GAMAGRASS	TRIPSACUM DACTYLOIDES	X
6	FOUNTAIN GRASS	PENNISETUM ALOPERCUROIDES 'HAMELIN'	
7	FEATHER REED GRASS	CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER'	
8	INLAND SEAOATS	CHASMANTHIUM LATIFOLIUM	X
9	JAPANSES BLOOD GRASS	IMPERATA CYLINDRICA 'RED BARON'	
10	LITTLE BLUESTEM	SCHIXACHYRIUM SCOPARIUM	X
11	MAIDEN GRASS	ADAGIO, CABARET, GRACILLIMUS, MORINING LIGHT, VARIGATUS, ZEBRA GRASS	X
12	MEXICAN FEATHER GRASS	STIPA TENUISSIMA 'PONY TAILS'	X
13	MUHLY GRASS	MUEHELENBERGIA LINDHEIMERI	X
14	PRAIRIE MIX	N/A	X
15	PRAIRIE DROPSEED	SPOROBOLUS HETEROLEPSIS	
16	ST. AUGUSTINE GRASS	STENOTAPHRUM SECUNDATUM	X
17	SWITCH GRASS	PANICUM VIRGATUM	X
18	WEEPING LOVE GRASS	ERAGROSTIS CURVULA	X

SECTION 07 | ALTERNATIVE PLANTING LIST

The following list shows all alternative plant types permitted by the City of Rockwall since the adoption of this Appendix C, *Landscape Guidelines*, of the Unified Development Code (UDC).

Trees.

Shrubs.

Grasses.

Bermudagrass: Tif Tuf, Tahoma 31, Celebration and Tifway 419

Zoysia Grass: Zeon, Jamur, Emerald, and Palisades

Formatted: Font: Italic, Underline

DRAFT ORDINANCE 05.14.2024

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:	Mary Smith, *City Manager* Joey Boyd, *Assistant City Manager*
FROM:	Ryan Miller, *Director of Planning and Zoning*
DATE:	May 20, 2024
SUBJECT:	Z2024-017; *Amendment to the Unified Development Code (UDC)*

The current version of the Unified Development Code (UDC) was adopted on February 3, 2020 by *Ordinance No. 20-02* (*i.e. Case No. Z2019-028*). Since its adoption, there have been 17 amendments to the Unified Development Code (UDC) intended to address various single item issues (*e.g. Short-Term Rentals, Credit Access Businesses, Alcoholic Beverage Stores, etc.*); however, staff has not performed a review of the entire document over the last four (4) years. The importance of reviewing the entire document -- *beyond simply addressing sentence structure and grammatical errors* -- is to: [*1*] ensure that the incorporation of new requirements and language into the document have not created conflicting references, [*2*] adjust the language and requirements to ensure the intent of each prerequisite is clearly conveyed, and [*3*] address any deficiencies identified by staff in administering the criterion contained within the document. The need to constantly improve and change the Unified Development Code (UDC) is one of the main reasons that a zoning code is referred to as a *Living Document*. Based on this need -- *and in accordance with Subsection 02.01(C)(3) of Article 11, Development Review Procedures, of the Unified Development Code (UDC)* --, staff has prepared a comprehensive review of the Unified Development Code (UDC), and is proposing several changes. The following is a summary of all of the changes being proposed by staff for each section of the Unified Development Code (UDC). Where applicable, staff has also included an explanation of why each change has been identified and the potential significance or impacts of the change.

ARTICLE 03. ZONING DISTRICT AND MAPS

(1) *Official Zoning Map*. Changed the reference from *Office Zoning Map* to *Official Zoning Map* as this is the term used to describe the zoning map in other planning related documents.

(2) *Zoning Upon Annexation*. Staff amended Section 06, *Zoning Upon Annexation*, to remove the reference stating that the Planning and Zoning Commission initiates zoning after a property is annexed. This section was not reflective of the process the City uses to annex property. Under the City's current process for annexation, a property is annexed and zoned Agricultural (AG) District, which is an interim zoning classification. The property is then permitted to remain in the Agricultural (AG) District until a conforming zoning case is brought forward by the property owner.

ARTICLE 04. PERMISSIBLE USES

(1) *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit*. The *Operational Conditions* for the *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* land use were amended to clarify that these types of structures cannot contain kitchens or food preparation facilities (*i.e. they cannot contain all the qualifications of a dwelling unit*). This is already the practice of the City to ensure that multiple dwelling units are not established on a single-family residential lot.

(2) *Private Sports Court with Standalone or Dedicated Lighting*. Staff changed the *Private Tennis Court* land use to a *Private Sports Court with Standalone or Dedicated Lighting* land use. In making this change, several *Operational Conditions* were also added to the land use, including: [*1*] a clarification that this land use excludes basketball courts or similar sports facilities that are attached to the primary structure or that make use of an existing residential driveway; [*2*] the standalone court needs to be behind the primary structure, outside of any easements, and be setback a minimum of ten (10) feet from each property line; and [*3*] any dedicated lighting associated with the court shall be a maximum of 14-feet in height, and be fully shielded and directed downward towards the court. Staff also changed where this land use was permitted in both residential and commercial zoning districts. Specifically, the proposed amendment allows the land use *by-right* in all Single-Family

Estate (SFE) Districts and the Multi-Family 14 (MF-14) District, leaving the Specific Use Permit (SUP) requirement in all other Single-Family (SF) Districts and the Residential Office (RO) District. In commercial zoning districts, the amendment adds a *by-right* allowance for the General Retail (GR) District, Commercial (C) District, Heavy Commercial (HC) District, and Light Industrial (LI) District.

The purpose of the proposed changes is to address multiple issues staff has identified in the current code requirements. First, there have recently been two (2) cases of pickleball courts being constructed on residential properties in association with *Short-Term Rentals*. Under the current code requirements, a property owner was able to put in a standalone basketball court with dedicated lighting *by-right*, but required a Specific Use Permit (SUP) when installing a tennis court or pickleball court with dedicated lighting. This was required despite each of these land uses having similar impacts to the adjacent properties. Second, the code required the Specific Use Permit (SUP) indiscriminately across the single-family zoning districts without accounting for the size of the property. As with many land uses, a larger Single-Family Estate (SFE) District property is better suited to accommodate additional land uses without causing negative extraneities to adjacent properties; whereas, smaller Single-Family (SF) District properties have less land area to diminish the negative aspects of the land use. Finally, there has recently been an increasing number of non-residential properties proposing to install pickleball courts or other outdoor sports amenities for their employees. Under the current code, there is no easy mechanism to facilitate these requests. The proposed code amendment seeks to remedy these issues.

(3) *Daycare with Seven (7) or More Children*. In response to a recent case concerning a variance request to the materials for a fence for a daycare facility, the Planning and Zoning Commission raised questions about the zoning code not having requirements for the screening of the playground and splashpad areas associated with these land uses. To address this, staff is proposing to add an *Operational Condition* to the *Daycare with Seven (7) or More Children* land use that will require mature evergreen shrubs be incorporated around these areas to provide screening.

(4) *Retail Store with Gasoline Sales*. Under the current code there is no *Operational Conditions* for the *Retail Store with Gasoline Sales* land use. One (1) of the design related items that staff requests on all new gas stations is that the fuel vents associated with the fuel storage tanks be located within the gas canopy as opposed to being vented in the front of the facility, which is common of older gas station design. These vents are typically hard to screen and can be unsightly when located in the landscape buffer or parking areas. Based on this staff added an *Operational Condition* that would require these vents to be incorporated into the gas canopy of any new gas station facilities.

(5) *Commercial Antennas and Wireless Communication Towers*. Under the City's current Unified Development Code (UDC), the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, have multiple land uses that deal with wireless communication towers. Specifically, these land uses are *Antenna as an Accessory*, *Commercial Antenna*, *Commercial Freestanding Antenna*, *Mounted Commercial Antenna*, and *Wireless Communication Tower*. Looking under the definitions for these land uses contained in Article 13, *Definitions*, of the Unified Development Code (UDC), there appears to be overlap with regard to what each of these land uses are intended to be. In addition, there does not appear to be any continuity between which zoning districts these land uses are permitted (*i.e. some of these land uses are allowed by-right in certain zoning districts, while other land uses require a Specific Use Permit [SUP] or prohibit the land use in the same zoning district*). To correct these issues staff is proposing to change the *Permissible Use Charts* to [*1*] remove the *Commercial Antenna* and *Wireless Communication Tower* land uses; [*2*] change the *Antenna as an Accessory* land use to *Antenna for Residential Properties*, allow it as an accessory land use in all single-family zoning districts, and prohibit it in all non-residential zoning districts; [*3*] change the *Commercial Freestanding Antenna* land use to *Freestanding Commercial Antenna (i.e. Monopole or a Similar Structure)*; and [*4*] change the *Mounted Commercial Antenna* land use to *Mounted or Attached Commercial Antenna*. In addition, staff consolidated the *Operational Conditions* for all of the removed and redefined land uses. This also involved removing the Subsection 03.06, *Antennas*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) -- *which was previously used as a catch all section and did not pertain to any single land use* --, and consolidated these standards into the *Operational Conditions* for each land use. Finally, staff created a carveout for establishing the *Freestanding Commercial Antenna (i.e. Monopole or a Similar Structure)* land use on public property or public parkland regardless of zoning designation. The purpose of this carveout is to acknowledge that these types of facilities are typically done through contracts/agreements that are approved by the City Council or the School Board for the Rockwall Independent School District. Through the proposed changes staff is confident that the consolidated set of standards provides clearer direction for these types of facilities.

(6) *Commercial Drone Delivery Hub*. In response to recent requests from certain businesses in the City, staff has added a *Commercial Drone Deliver Hub* land use. This land use will allow for *Drone Delivery Hubs* to be added as an accessory land use to existing commercial/industrial businesses in the Commercial (C), Heavy Commercial (HC), and Light Industrial (LI) Districts, and as a standalone land use in the Heavy Commercial (HC) and Light Industrial (LI) Districts; however, it can only be established through a Specific Use Permit (SUP) in these districts. In addition, staff has established *Operational Conditions* that address the size, location and screening requirements for the *Drone Staging Area*, and that stipulate these areas are required to be delineated on an approved site plan. For a *Commercial Drone Delivery Hub* as an *Accessory Land Use*, staff also granted a provision that would allow for a reduction in the parking requirements of up to ten (10) percent. This was done to allow these types of facilities to be incorporated into the parking areas of existing commercial/industrial buildings.

ARTICLE 05. DISTRICT DEVELOPMENT STANDARDS

(1) *Determining Lot Width and Depth for an Irregularly Shaped Lot*. Staff added an exhibit better explaining how lot width and depth are calculated on an irregular shaped lot, and how the buildable area for an irregular shaped lot is calculated. This is being done as a further clarification of the City's requirements, and to prevent future inconsistent development.

(2) *Monument Signage in the Downtown (DT) and Residential-Office (RO) Districts*. Staff clarified the signage requirements in the Downtown (DT) and Residential-Office (RO) Districts stipulating that they shall conform to the requirements of the North Goliad Corridor Overlay (NGC OV) District. This change is being made to create continuity between these districts, which are generally adjacent to each other.

(3) *Landscape Buffers in the General Overlay District Standards*. Staff clarified the definition of *Primary Roadways* for landscape buffers to include any roadway that is depicted on the City's Master Thoroughfare Plan as contained in the OURHometown Vision 2040 Comprehensive Plan. The purpose of this clarification is tied to discussions between staff and applicants of cases in the City's Overlay Districts that are proposing development or redevelopment on property that have frontages on more than one (1) roadway.

(4) *Clarifications to the Residential District Development Standards*. Staff amended the table in Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) to: [*1*] define where and how lot width is to be measured, [*2*] better define the lot size required to construct a single-family home on a property zoned Agricultural (AG) District, and [*3*] add a note specifically stating that the minimum square footage for a dwelling unit is defined as conditioned space only. Per comments from the Planning and Zoning Commission at the April 30, 2024 Planning and Zoning Commission Work Session Meeting, staff has also clarified the minimum square footage requirements for passive housing.

(5) *Required Distance Between Buildings for Non-Residential Zoning Districts*. Staff included changes that increased the distance between buildings from 15-feet to 20-feet in all of the City's non-residential zoning districts (*with the exception of the Heavy Industrial (HI) District, which already requires 25-feet*). The purpose of incorporating this change was to ensure that the Unified Development Code (UDC) was not less restrictive than the International Fire Code (IFC) and International Building Code (IBC), which both currently require 20-feet in most circumstances.

(6) *Greenhouses*. Staff amended the table in Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) to exempt greenhouses from being required to construct a permeant concrete foundation.

ARTICLE 06. PARKING AND LOADING

(1) *Calculation of Parking Spaces*. Changed the calculation of parking spaces from being counted to the *nearest* whole space to being *rounded up* to the nearest whole space. This change was made to provide clarity in how the City's parking calculations are tabulated after this question was raised by an applicant during the site plan review process.

ARTICLE 07. ENVIRONMENTAL PERFORMANCE

(1) *Lighting Exemptions*. The current zoning code uses lights with a light source of 15 watts or more as a standard way of exempting decorative lighting from certain requirements associated with shielding and glare; however, with the wider use

of LED lighting many light standards that shouldn't be exempted from the standards are using light sources that have blubs that use less than 15 watts. Based on this staff removed the reference to 15 watts.

ARTICLE 08. LANDSCAPE AND FENCE STANDARDS

(1) *Application of Article*. Staff clarified the applicability section of the *Article*. Specifically, staff added the word *existing* to the exemption for single-family and/or duplex land uses to show that the exemption only applies to existing single-family and duplex properties. Staff also added a statement of "(u)nless otherwise indicated in this *Article* …" as there are sections of the code that are applicable to existing single-family and duplex properties.

(2) *Artificial or Synthetic Plant Materials*. Recently, the Neighborhood Improvement Services (NIS) Division has been dealing with the unpermitted installations of artificial turf. In addition, the Planning and Zoning Commission has ruled on three (3) requests for exceptions associated with the application of artificial turf on residential properties. Under the City's current codes, there are two (2) references to the application of artificial turf: [*1*] the Unified Development Code (UDC) specifically prohibits the use of artificial or synthetic plant materials (*Subsection 04(B), Prohibited Planting Materials, of Article 08, Landscape and Fence Standards*), and [*2*] the City's *Engineering Standards of Design and Construction* state that all rights-of-way and easements shall be sodded in natural grass and that no artificial grass is permitted (*Subsection 3.06.05, Lot Development, and Subsection 4.02, Coverage*). Beyond the aesthetic issues of allowing artificial turf in the front yards of residential properties, it would be expensive for the City to allow artificial turf in easements and rights-of-way. The reason for this is that after the City disturbs a right-of-way or easement to service a utility line, the cost associated with returning the turfed area back to its original condition is exponentially higher than to simply reestablish natural grass. In addition, there are environmental impacts that need to be considered when establishing requirements for artificial turf. Specifically, artificial turf increases the speeds that stormwater runs off of a property in the same way an impervious surface does, which can cause flooding issues in the City's existing detention ponds; artificial turf has a higher surface temperature than natural grass or bare soil (*i.e. natural grass has a maximum daytime surface temperature of 88° whereas artificial turf has a maximum daytime surface temperature of 158°*) [*per a study by College Station, TX*]; and, certain artificial turf products have been shown to contain materials that have Polyfluoroalkyl Substances (PFAS) [*which is better understood as a 'forever chemical'*], which have been found in creeks and water supplies around the installation of these products. Based on this, staff is proposing to clarify the current requirements of the Unified Development Code (UDC) to prohibit artificial or synthetic plant materials on all residentially zoned or used properties; however, since artificial turf can be an effective amenity around swimming pools, as a recreational amenity (*i.e. putting greens*), and in areas where grass cannot be established, staff is proposing to allow it in areas that are not visible from public rights-of-way or public parks/open spaces, and is not located within a public easement. In addition, staff has included a provision that would also allow any residential property -- *regardless of visibility* -- the ability to establish 400 SF of artificial turf in the rear yard regardless of visibility or screening. For commercially zoned or used properties, artificial or synthetic plant materials would be prohibited except where it was requested as an exception from the Planning and Zoning Commission, and the Planning and Zoning Commission is able to determine that the installation is integral to the businesses operations or where it will serve as an on-site amenity. Finally, staff should note that all installations of artificial turf will require a miscellaneous building permit from the City to: [*1*] ensure compliance to the requirements established in the Unified Development Code (UDC), and [*2*] to review any impacts to the existing grade of the property.

(3) *Fence Materials*. Recently, the City's Neighborhood Improvement Services (NIS) have had a number of reactive and proactive code enforcement cases that deal with property owners affixing PVC mesh (*i.e. tennis court mesh/windscreen*) or other similar materials to wrought iron fences for the purposes of screening portions of their property. These cases have involved both residential and non-residential properties. Under the City's current zoning code, this material is *not* a permitted material; however, some property owners have struggled to understand that this is not acceptable because the code does not specifically state that this is a prohibited material. To remedy this staff has added a requirement under Subsection 08.02(B), *Material Requirements*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC) specifically prohibiting PVC mesh or other materials or appurtenances from being affixed to wrought iron or decorative metal, chain-link or semi-transparent fencing.

ARTICLE 09. TREE PRESERVATION

(1) *Replacement Trees*. After conferring with the Director of Parks and Recreation/City Arborist, staff changed the replacement tree requirements from a minimum of four (4) inches to a minimum of three (3) inches. This change will allow more trees

to be planted on site or in the City's public parks and open space, and the Director of Parks and Recreation/City Arborist is certain that a three (3) inch caliper tree will have a similar survival and establishment rate as a four (4) inch caliper tree.

ARTICLE 11. DEVELOPMENT APPLICATION AND REVIEW PROCEDURES

(1) *Denial of Application*. Recently, staff has had issues with applicants of development cases submitting cases prematurely or being unable to address staff's comments within the time periods required by the City's processes. This becomes important considering the *Shot Clocks* established by the State of Texas that either make it difficult on staff's part to conditionally approve site plan and subdivision plat cases or that prohibit staff from requesting that an applicant table or postpone a case. To try and curb some of these issues, staff has included language in Subsection 01.04, *Denial of an Application*, of Article 11, *Development Application and Review Procedures*, of the Unified Development Code (UDC) that allow staff to administratively deny an applicant in the event that the applicant fails to address staff's comments within the stated time periods of the development process.

(2) *Non-Compliant Structure Fee*. Staff added site plans to the *Non-Compliant Structure Fee*, which is a fee that was established to increase the application fees on property owners that begin projects without seeking prior approvals (*i.e. that commence work without building permits or other approvals, and then seek forgiveness through the City's processes*). The reason that staff is adding the requirement for site plans is because in certain circumstances a *Non-Compliant Structure* may only need site plan approval as opposed to needing a variance/exception or Specific Use Permit (SUP). This expands the requirement to cover all possible cases where forgiveness can be requested.

ARTICLE 13. DEFINITIONS

(1) *Definitions*. Staff made clarifications and revisions to multiple definitions in Article 13, *Definitions*, of the Unified Development Code (UDC) relating to land uses and general standards. In addition, staff added new definitions for all the amended and newly created land uses detailed in the changes proposed for Article 04, *Permissible Uses*, of the Unified Development Code (UDC).

APPENDIX C. LANDSCAPING GUIDELINES AND REQUIREMENTS

(1) *Changes to the Prohibited Tree List*. At the direction of the Director of Parks and Recreation/City Arborist, staff has removed several trees from the list of prohibited trees.

Staff has included an up to date redlined copy of the proposed changes along with a draft ordinance in the attached packet. In accordance with Subsection 02.01(C)(3) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), the Director of Planning and Zoning brought the proposed changes to the Planning and Zoning Commission for a recommendation to the City Council, and -- *on May 14, 2024* -- the Planning and Zoning Commission approved a motion to recommend approval of the text amendment by a vote of 6-0 (*with Commissioner Deckard absent*). In addition, 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 concerning this text amendment staff will be available at the meeting on *May 20, 2024*.

ARTICLE 03 | ZONING DISTRICTS AND MAPS

SECTION 01 | ZONING MAP
SECTION 02 | RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES
SECTION 03 | REGULATIONS APPLICABLE TO ALL DISTRICTS
SECTION 04 | LISTING OF APPROVED PLANNED DEVELOPMENT (PD) DISTRICTS
SECTION 05 | LISTING OF APPROVED SPECIFIC USE PERMITS (SUP)
SECTION 06 | ZONING UPON ANNEXATION

SECTION 01 | ZONING MAP

(A) The City of Rockwall is hereby divided into zones, or districts, as shown on the ~~Officiale~~ *Zoning Map* which, together with all explanatory matter thereon, is hereby adopted by reference and declared a part of this Unified Development Code (UDC). The zones, or districts, hereby established are and shall be known and cited as:

RESIDENTIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
05.02.01	Agricultural (AG) District	AG
05.03.02	Single Family Estate 1.5 (SFE-1.5) District	SFE-1.5
05.03.03	Single Family Estate 2.0 (SFE-2.0) District	SFE-2.0
05.03.04	Single Family Estate 4.0 (SFE-4.0) District	SFE-4.0
05.03.05	Single Family 1 (SF-1) District	SF-1
05.03.06	Single Family 16 (SF-16) District	SF-16
05.03.07	Single Family 10 (SF-10) District	SF-10
05.03.08	Single Family 8.4 (SF-8.4) District	SF-8.4
05.03.09	Single Family 7 (SF-7) District	SF-7
05.03.10	Zero Lot Line (ZL-5) District	ZL-5
05.03.11	Two-Family (2F) District	2F
05.03.12	Multi-Family 14 (MF-14) District	MF-14

COMMERCIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
05.04.02	Residential-Office (RO) District	RO
05.04.03	Neighborhood Services (NS) District	NS
05.04.04	General Retail (GR) District	GR
05.04.05	Commercial (C) District	C
05.04.06	Heavy Commercial (HC) District	HC
05.04.07	Downtown (DT) District	DT

INDUSTRIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
05.05.02	Light Industrial (LI) District	LI
05.05.03	Heavy Industrial (HI) District	HI

OVERLAY & SPECIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
10.01	Planned Development (PD) District	PD
05.06.03	Historic Overlay (HOV) District	HOV
05.06.04	North Goliad Street Overlay (NG OV) District	NG OV
05.06.05	Southside Residential Overlay (SRO) District	SRO
05.06.06	IH-30 Overlay (IH OV) District	IH-30 OV
05.06.07	SH-205 Overlay (SH-205 OV) District	SH-205 OV
05.06.08	Scenic Overlay (SOV) District	SOV
05.06.09	SH-66 Overlay (SH-66 OV) District	SH-66 OV
05.06.10	SH-205 By-Pass Overlay (SH-205 BY-OV) District	SH-205 BY-OV
05.06.11	North SH-205 Overlay (N. SH-205 OV) District	N. SH-205 OV
05.06.12	East SH-66 Overlay (E. SH-66 OV) District	SH-66 OV
05.06.13	FM-549 Overlay (FM-549 OV) District	FM-549 OV
05.06.14	SH-276 Overlay (SH-276 OV) District	SH-276 OV
05.06.15	Lake Ray Hubbard Takeline Overlay (TL OV) District	TL OV

(B) The ~~Office~~ *Official Zoning Map* shall be identified by the signature of the Mayor attested by the City Secretary, under the following words:

This is to certify that this is the Office Zoning Map referred to in Article 03 of the Unified Development Code (UDC) of the City of Rockwall, Texas.

(C) When changes are made in district boundaries or other matters portrayed on the ~~Officiale~~ *Zoning Map*, such changes shall be entered on the ~~Officiale~~ *Zoning Map* by the City ~~Secretary~~ of Rockwall's Geographic Information Systems (GIS) Division promptly after the amendment has been approved by City Council, and the change shall note the ordinance number and date that the change was approved.

(D) No changes of any nature shall be made in the ~~Office~~ *Official Zoning Map* or matter shown thereon except in conformity with the procedures set forth in this Unified Development Code (UDC). Any unauthorized change of whatever kind by any person shall be considered a violation of this Unified Development Code (UDC).

(E) The original reproducible tracing of the ~~Office~~ *Official Zoning Map* shall be located in the office of the Director of Planning and Zoning in city hall and shall be the final authority as to the current zoning status of land and water areas, building and other structures in the City of Rockwall.

(F) City Council may, by resolution, adopt a new ~~Office~~ *Official Zoning Map* should the original reproducible tracing of the ~~Office~~ *Official Zoning Map* be damaged, destroyed, lost or become ambiguous because of the nature or number of changes and additions. The new ~~Office~~ *Official Zoning Map* may correct drafting or other errors or omissions in the prior ~~Office~~ *Official Zoning Map*, but no other correction shall have the effect of amending the original ~~Office~~ *Official Zoning Map* or any subsequent amendment thereof. The new ~~Office~~ *Official Zoning Map* shall be identified by the signature of the ~~mayor~~ Mayor attested by the ~~city~~ City ~~secretary~~Secretary, under the following words:

This is to certify that this Office Zoning Map supersedes and replaces the Office Zoning Map adopted (date of adoption of Map being replaced) as a part of the Unified Development Code (UDC) of the City of Rockwall, Texas.

(G) Unless the prior ~~Office~~ *Official Zoning Map* has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 02 | RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

SUBSECTION 02.01: BOUNDARIES

Where uncertainty exists as to the boundaries of zoning districts as shown on the ~~Office~~ *Official Zoning Map*, the following rules shall apply:

(A) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow center lines;

(B) Boundaries indicated as approximately following platted lot lines shall be construed as following lot lines;

(C) Boundaries indicated as following City Limit lines shall be construed as following such City Limits;

(D) Boundaries indicated as parallel to or extensions of features indicated in *Subsections A, B, & C* above shall be so construed. Distances not specifically indicated on the ~~Office~~ *Official Zoning Map* shall be determined by the scale of the map;

(E) Where physical or cultural features existing on the ground are at variance with those shown on the ~~Office~~ *Official Zoning Map*, or in

Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic

other circumstances not covered by *Subsections A & B* above, the City Council shall interpret the district boundaries.

SECTION 03 | REGULATIONS APPLICABLE TO ALL DISTRICTS

SUBSECTION 03.01: GENERAL REGULATIONS

The following regulations shall apply to all zoning districts listed in this Article and further defined in Article 04, *Permissible Uses*, and Article 05, *District Development Standards*, of the Unified Development Code (UDC).

(A) No land or building shall be used or intended for any use other than those permitted in the district wherein such land or building is located.

(B) No building shall be erected, reconstructed, enlarged, structurally altered, or moved in such manner as to evade conformity with height, bulk, yard, lot area, use, and other regulations for the district wherein such building is located.

(C) No yard provided adjacent to a building for the purpose of complying with provisions of this Unified Development Code (UDC) shall be considered as providing any part of a yard for another building on the same lot or on an adjacent lot.

(D) No street or walkway shall serve as any part of a required yard or minimum lot area although street ~~rights~~ rights-of-way and open space may be used in determining allowable units per acre in residential subdivisions.

(E) Every building hereafter erected or altered shall be located on a lot as defined in Article 13, *Definitions*, of the Unified Development Code (UDC).

SECTION 04 | LISTING OF APPROVED PLANNED DEVELOPMENT (PD) DISTRICTS

Planned Development (PD) Districts that have been approved and appear on the zoning maps are referenced by a Planned Development (PD) number (PD-#) and the zoning district classification and/or uses authorized by the particular zoning case. The listing of approved Planned Development (PD) Districts will be documented in Appendix A, *Planned Development (PD) Districts*, of the Unified Development Code (UDC).

SECTION 05 | LISTING OF APPROVED SPECIFIC USE PERMITS (SUP)

Specific Use Permits (SUPs) that have been approved shall be referenced by a Specific Use Permit number (S-#) and the type of use authorized by those permits. The listing of approved Specific Use Permits (SUPs) will be documented in Appendix B, *Specific Use Permits (SUPs)*, of the Unified Development Code (UDC).

SECTION 06 | ZONING UPON ANNEXATION

All territory hereinafter annexed to the City of Rockwall shall assume an interim classification of Agricultural (AG) District, pending determination of the property's initial permanent zoning in accordance with the provisions of state law and this chapter unless application for permanent zoning is submitted by the property owner at the time of annexation. ~~The Planning and Zoning Commission shall, as soon as practical after annexation of any territory to the City, institute proceedings on its own motion, to give the newly annexed territory a permanent zoning, following the same procedure as is provided by law for the adoption of original zoning procedures.~~ The interim zoning prior to the permanent zoning shall not be considered a rezoning for legal purposes. The procedure for establishing initial zoning other than Agricultural (AG) District on annexed territory shall conform to the procedure established by law for the adoption of normal zoning classifications and regulations as defined in Section 02, *Zoning*, of Article 11, *Development Review Procedures*, of the Unified Development Code (UDC).

In an area classified Agricultural (AG) District, no person shall erect, excavate, construct, or proceed or continue with the erection or construction of any building or structure or add to, enlarge, move, improve, alter, repair, convert, or extend or demolish any building or structure or cause the same to be done in any newly annexed territory to the City without first applying for and obtaining a building permit therefore from the Chief Building Official as may be required in applicable City ordinances.

Formatted: Underline, Font color: Accent 5

ARTICLE 04 | PERMISSIBLE USES

SECTION 01 | LAND USE SCHEDULE
SECTION 02 | CONDITIONAL LAND USE STANDARDS AND DEFINITIONS
SECTION 03 | OTHER SPECIAL USE STANDARDS
SECTION 04 | FLOODPLAIN AREAS
SECTION 05 | TEMPORARY USES AND STRUCTURES
SECTION 06 | NON-CONFORMING USES, STRUCTURES, AND SITES

SECTION 01 | LAND USE SCHEDULE

SUBSECTION 01.01: USE OF LAND AND BUILDINGS

Buildings, structures, and land uses shall be in conformance with the permitted uses depicted in Land Use Schedule and in compliance with Subsection 02.03, *Conditional Land Use Standards*. The following is the legend for the Land Use Schedule:

	Land Use *NOT* Permitted *OR* for Overlay Districts Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 01.02: LAND USE SCHEDULE

See the Land Use Schedule at the end of this Article.

SECTION 02 | CONDITIONAL LAND USE STANDARDS AND DEFINITIONS

SUBSECTION 02.01: DETERMINATION OF LAND USES

Land uses shall be permitted in a zoning district as indicated in *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 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 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 02.02: LAND USE DEFINITIONS

For land use definitions see Section 02.02, *Land Use Definitions*, of Article 13, *Definitions*.

SUBSECTION 02.03: 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) The property shall be a minimum of ten (10) acres of more in size.

(b) 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).

(c) 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 03.01, *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.

Formatted: Font: 8.5 pt

Formatted Table

Formatted: Font: 9 pt

Formatted: Font: 9 pt

Formatted: Font: 9 pt

Formatted: Font: 9 pt

Formatted: Font: 9 pt

Formatted: Font: Italic

(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 an 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~~Urban Farm, [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~~Urban Farm shall be reviewed as part of the Specific Use Permit (SUP), including the size and intended use.

(4) The applicant shall provide an 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~~Urban Farm, [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 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*.

(2) *Bed and Breakfast.*

(a) A *Bed and Breakfast* may only be established on an owner-occupied, single-family lot.

(b) In addition to the single-family parking requirements, one (1) parking space per bedroom shall be provided.

(c) 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).

Formatted: Font: Italic

Formatted: Font: Italic

(d) *Bed and Breakfast* shall be required to meet all applicable City Fire Codes, including providing a smoke alarm system.

(e) A *Bed and Breakfast* shall be subject to an annual inspection by the Fire Department.

(f) All applicable hotel/motel taxes shall be paid.

(g) The maximum length of a guests stay is shall be limited to 14 consecutive days in any 30-day period.

(h) 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 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(4) *Attached Garage.*

(a) See Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*.

(5) *Detached Garage.*

(a) See Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*.

(6) *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit.*

(a) *Guest Quarters or Secondary Living Units/Accessory Dwelling Unit* may be allowed on a property in a residential zoning district provided that it is ancillary to an existing single-family home.

(b) The area of ~~such quarters~~the *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* shall not exceed 30.00% of the area of the main structure.

(c) The *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* shall not incorporate kitchen facilities (*e.g. a stove or oven, food preparation area, etc.*); however, they may incorporate all other elements of a dwelling unit as outline in the definition of a *Dwelling Unit* contain in Article 13, *Definitions*.

~~(c)~~(d) ~~No such use~~A *Guest Quarters/Secondary Living Unit/Accessory Dwelling* may *not* be sold or conveyed separately without meeting the density and dimensional requirements of the zoning district as outlined in the Unified Development Code (UDC) and ~~the~~ Chapter 38, *Subdivisions*, of the Municipal Code of Ordinance~~subdivision ordinance~~.

~~(d)~~(e) *Guest Quarters/ or Secondary Living Units/Accessory Dwelling 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 07.02, *Multi-Family District Development Standards*, of Article 05, *District Development Standards*.

~~(10) *Portable Building.*~~

~~(a) See Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *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

Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Underline, Font color: Accent 5
Formatted: Font: Italic

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) *Short-Term Rental (Owner-Occupied Single-Family Home, Townhome, or Duplex).*

(a) The *Short-Term Rental* shall not incorporate accessory land uses that are not permitted within the underlying zoning district (*e.g. Banquet Facility/Event Hall which includes meeting halls and wedding venues*) as stipulated by the *Permissible Use Charts* contained within this *Article*.

(b) In order to establish and operate a *Short-Term Rental (Owner Occupied Single-Family Home, Townhome, or Duplex)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, *Short-Term Rentals*, of Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances.

(13) *Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex).*

(a) *Short-Term Rentals* that are *Non-Owner-Occupied* shall not be located within 1,000-feet of another *Short-Term Rental* that is *Non-Owner Occupied*; however, *Short-Term Rentals* that were in existence prior to April 1, 2024 that [*1*] meet the criteria established in Subsection 06.05, *Non-Conforming Short-Term Rentals*, of this *Article*, and [*2*] received a valid permit and registration -- *in accordance with Article 2, Short-Term Rentals, of Chapter 13, Rental Housing, of the Municipal Code of Ordinances* -- prior to July 1, 2024 shall be exempted from the proximity requirements.

(b) *Short-Term Rentals* that are *Non-Owner-Occupied* that do not meet proximity requirements may be considered on a *case-by-case* basis by the Planning and Zoning Commission and City Council through a Specific Use Permit (SUP). In considering a Specific Use Permit (SUP) for a *Short-Term Rental* that is *Non-Owner-Occupied* the Planning and Zoning Commission and City Council shall consider the size, location, and impact of the proposed and existing *Short-Term Rentals* on the adjacent residential properties and their occupants.

(c) The *Short-Term Rental* shall not incorporate accessory land uses that are not permitted within the underlying zoning district (*e.g. Banquet Facility/Event Hall which includes meeting halls and wedding venues*) as stipulated by the *Permissible Use Charts* contained within this *Article*.

(d) In order to establish and operate a *Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, *Short-Term Rentals*, of Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances.

(14) *Short-Term Rental (Apartment or Condominium).*

(a) The number of *Short-Term Rentals* permitted within an *Apartment Complex, Condominium Building*, or any other multi-family structure -- *as defined by this land use in Article 13, Definitions, of this Unified Development Code (UDC)* -- shall be limited to a total of five (5) percent of the total units situated on a single parcel of land. For example, if a *Condominium Building* consisted of 100-units on a single parcel of land, a total of five (5) of the units could be established as *Short-Term Rentals*. In cases where there is a remainder in the number of units, the number of units shall round up (*e.g. 25-Units x 5.00% = 1.25-Units or 2-Units*).

(b) In order to establish and operate a *Short-Term Rental (Apartment or Condominium)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, *Short-Term Rentals*, of Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances.

(15) *Single-Family Attached Structure.*

(a) See Section 03, *Residential Districts*, of Article 05, *District Development Standards*.

(b) See Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(16) *Single-Family Detached Structure.*

(a) See Section 03, *Residential Districts*, of Article 05, *District Development Standards*.

(b) See Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(17) *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 03, *Residential Districts*, of Article 05, *District Development Standards*.

(c) See Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(18) *Private Sports Court with Standalone or Dedicated Lighting.*

(A) A *Private Sports Court* includes any *Sports Court* that is separated from the primary structure or an existing residential driveway that is intended to be used for sports such as -- *but not limited to* – tennis, pickleball, basketball, volleyball, or similar activities for the property owner and/or their guests. A *Private Sports Court* does *not* include basketball courts or similar sports facilities that are

Formatted: Font: Italic, Underline

Formatted: No underline

Formatted: Font: Italic

Formatted: No underline

Formatted: Underline

Formatted: No underline

Formatted: No underline

attached to the primary structure or that make use of the existing residential driveway.

(B) A *Private Sports Court* shall be situated behind the primary structure, not situated within any easements, and be setback a minimum of ten (10) feet from all property lines.

(C) All dedicated lighting associated with a *Private Sports Court* on a residential property shall be on a standalone light pole a maximum of 14-feet in height with lighting standards that are fully cutoff and shielded and directed downward towards the surface of the court. In addition, light standards should be oriented in such a manner as to minimize light spillage and glare that could affect adjacent properties.

(D) All dedicated lighting associated with a *Private Sports Court* on a non-residential property shall adhere to the requirements of Section 03, *Outdoor Lighting for Non-Residential Properties*, of Article 07, *Environmental Performance*, of the Unified Development Code (UDC).

~~(18)~~(19) *Townhouse.*

(a) See Section 03, *Residential Districts*, of Article 05, *District Development Standards*.

(b) See the standards for the Two-Family (2F) District Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

~~(19)~~(20) *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 02.03(C)(5).

(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.

~~(a)~~(b) Playgrounds and splash pads shall be screened from all adjacent properties and public rights-of-way using mature evergreen shrubs.

(5) *Group or Community Home.*

(a) The facility must be an operated by:

(1) The Texas Department of ~~Mental Health and Mental Retardation (MHMR)~~Aging and Disability Services;

(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 02.03(C)(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 (2) 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

Formatted: No underline
Formatted: No underline
Formatted: Font: 5 pt, No underline
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: No underline
Formatted: No underline
Formatted: No underline
Formatted: Font: 5 pt, No underline
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: No underline
Formatted: No underline
Formatted: No underline
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"
Formatted: Underline, Font color: Accent 5
Formatted: Font: Not Italic, No underline
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic

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 02.03(C)(9)(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.

(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.*

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

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

(6) *Private Club, Lodge or Fraternal Organization.*

(a) *Private Club.*

(1) *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.

(2) *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*).

(3) *Alcoholic Sales Revenue.* Revenues from the sale of alcoholic beverages shall not exceed 40.00% 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 exceed the maximum allowed percentage.

(4) *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 (1) party.

(5) *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.

(6) *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.*

(1) *Alcoholic Beverage Package Sales.*

(a) The package sales of liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- shall *only* be permitted in conjunction with an *Alcoholic Beverage Store*, and shall not be permitted as an accessory use to any other land use contained within this Unified Development Code (UDC).

(b) The package sales of beer and wine shall be permitted *by-right* as an *accessory* land use to a *General Retail Store*, *Retail Store with Gasoline Sales*, *Brew Pub*, *Craft/Micro Brewery and/or Winery*, *Brewery*, and *Winery*.

(2) *Alcoholic Beverage Store.*

(a) An *Alcoholic Beverage Store* shall include the sale of beer, wine, *and* liquor or distilled spirits as defined by the Texas Alcoholic Beverage Code.

(b) An *Alcoholic Beverage Store* shall be prohibited from locating within 1,000-feet of a lot, parcel, or tract of land with another *Alcoholic Beverage Store* situated on it as measured in a straight line between the nearest points of one (1) of the lots, parcels, or tracts of land to the other lot, parcel, or tract of land.

(3) *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 off 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.

Formatted: Font: Italic

(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.

(4) *Temporary Christmas Tree Sales Lot and Similar Uses.*

(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.

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

(a) The total building area of a Craft/Micro Brewery, Distillery, and/or Winery shall be less than 12,000 SF.

(b) A maximum of 40.00% 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.

(6) *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 30.00% 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 (1) foot taller than the materials being displayed, whichever is greater.

(2) Include a minimum of 20.00% 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 (1) 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 (~~15~~) 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.

(7) *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

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic, Underline, Font color: Accent 5

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

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 (8) square feet 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).

(8) *General Personal Service.*

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

(9) *Permanent Cosmetics.*

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

(b) Accessory use to a *General Personal Service*.

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

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

(11) *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 from the point of order.

(12) *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 from the point of order.

(13) *Retail Store with Gasoline Sales*.

(a) All fuel vents associated with the fuel storage tanks at any *Retail Store with Gasoline Sales* shall be located within the gas canopy, and shall be fully screened and not visible from adjacent properties and/or rights-of-way.

(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 04, *Permissible Uses*, and Article 08, *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 building area is defined as the entirely enclosed air-conditioned portion of the primary building*).

(c) Outdoor sales and display may occupy up to 30.00% 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 20.00% solid screening matching the material of the primary building. The remainder may be solid evergreen planting, or wrought iron or decorative metal fence.

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

(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 04, *Permissible Uses*, and Article 08, *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) *Rental, Sales, and Service of Heavy Machinery.*

(a) In the Commercial (C) District, the Rental, Sales, and Service of Heavy Machinery 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).

(b) All outside storage of equipment and machinery shall be visibly screened from all adjacent properties utilizing one of the screening alternatives outlined in Subsection 05.02(A), *Loading Docks and Outside Storage Areas*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).

(c) The storage area for equipment and machinery shall not occupy any required parking spaces. Excess parking spaces may be used if all other requirements are met.

(d) The storage and/or display of equipment and machinery shall be in a stowed position so as to not extend any part of the equipment or machinery in an upward or outward manner.

(e) The conditions above shall not be construed to permit the outside storage of equipment and machinery for outside display, and does not permit additional outside storage of other materials that are not associated with the Rental, Sales, and Service of Heavy Machinery land use.

(f) Maintenance or service of any equipment and machinery shall not be performed on-site.

(6) *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.

(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 04, *Permissible Uses*, and Article 08, *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 30.00% 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 04, *Permissible Uses*, and Article 08, *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).*

Formatted: Font: Italic

(a) The area to be used for outside storage and display shall not exceed 50.00% 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, etcetera shall be performed outside the building*).

(d) Accessory uses may be allowed in compliance with *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 25.00% 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, 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.

(l) *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

Formatted: Font: Italic

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.

(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. 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 Planning and Zoning Commission 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 05.02, *Landscape Screening*, of Article 08, *Landscape and Fence Standards*. See-through fencing should be wrought iron, or similar. Chain-link 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 01.05, *Screening Standards*, of Article 05, *District Development Standards*.

(b) No outside storage shall be allowed in any zoning district adjacent to IH-30; ~~. H~~ 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 *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.

Formatted: Font: Italic

(c) Incidental Display, as defined in Subsection 02.02(F)(4), shall not be considered Outside Storage and/or Outside Display, and shall be subject to the requirements of Subsection 02.02(F)(4).

(K) *Utilities, Communications and Transportation Land Uses*

(1) *Antenna ~~as an Accessory~~for a Residential Property.*

(a) The antenna installation shall comply with the height and ~~area regulations~~setback requirements of the applicable zoning district.

~~(a)~~(b) For an *Antenna for an Amateur Radio* see Subsection 02.03(K)(2).

~~(b) Administrative approval of the antenna installation shall be required.~~

~~(c) The antenna will meet all applicable requirements of Subsection 03.06, *Antennas*.~~

(2) *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~~. H;~~ 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 03.06, *Antennas*.~~

(3) *Antenna Dish.*

(a) Dish antennas shall not be located within front or side yards, and shall be fully screened from view from ~~streets~~ rights-of-way and public or ~~common~~ private 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; ~~. H~~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 03.06, *Antennas*.~~

(4) *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure).*

(a) *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure)* on private property:

(1) One (1) *Freestanding Commercial Antenna* shall be permitted on a non-residential lot as allowed by the applicable zoning district.

(2) The height of the *Freestanding Commercial Antenna* shall adhere to the height and building setbacks of the applicable zoning district; however, the City Council may grant a Specific Use Permit (SUP) for a *Freestanding Commercial Antenna* that exceeds the height of the zoning district.

(3) All equipment, buildings, and/or structures shall be a material allowed by the applicable zoning district or overlay district (*whichever is more restrictive*), and be similar in color and character to the primary building on the site (*if a primary building exists*).

(4) No more than three (3) separate equipment buildings shall be located on a single lot.

(5) All equipment and buildings shall be enclosed by a wrought iron or decorative metal fence with screening shrubs a minimum of six (6) feet in height or a masonry screening wall that is a minimum of eight (8) feet in height and that is compatible in colors and materials as the primary building (*if a primary building exists*). All fences shall be as defined by Article 08, *Landscape and Fencing Standards*, of the Unified Development Code (UDC).

(6) A minimum of one (1) paved parking space providing access to the *Freestanding Commercial Antenna* shall be required. The parking space shall be reserved exclusively for use in conjunction with the *Freestanding Commercial Antenna*, and -- *where applicable* -- may be one (1) of the parking spaces provided for the primary structure on the subject property if additional parking (*above and beyond the required parking*) exists.

(7) All development associated with a *Freestanding Commercial Antenna* shall adhere to the Engineering Department's *Standards of Design and Construction Manual*.

Formatted: Font: 5 pt
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Underline, Font color: Accent 5
Formatted: Underline, Font color: Accent 5
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Font: 5 pt
Formatted: Indent: Left: 1", No bullets or numbering
Formatted: Font: 5 pt
Formatted: Normal, No bullets or numbering
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: Italic
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: Italic, Underline, Font color: Accent 5
Formatted: Font: 5 pt

(b) *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure)* on public property or public parkland:

(1) *Freestanding Commercial Antennas* shall be permitted *by-right* on all public property or public parkland regardless of zoning designation.

(2) The height of the *Freestanding Commercial Antenna* shall adhere to the height and building setbacks of the applicable zoning district unless otherwise approved through agreement or Specific Use Permit (SUP) by the City Council.

(3) All buildings and/or structures shall be of a material allowed by the applicable zoning district or overlay district (*whichever is more restrictive*), and be of a similar color and character to the primary building on the site (*if a primary building exists*) unless otherwise approved by the City Council through agreement or Specific Use Permit (SUP).

(4) No more than three (3) separate equipment buildings shall be located on a single lot unless otherwise approved by the City Council through agreement or Specific Use Permit (SUP).

(5) All equipment and buildings shall be enclosed by a wrought iron or decorative metal fence with screening shrubs a minimum of six (6) feet in height or a masonry screening wall that is a minimum of eight (8) feet in height and that is compatible in colors and materials as the primary building (*if a primary building exists*) unless otherwise approved by the City Council through agreement or Specific Use Permit (SUP). All fences shall be as defined by Article 08, *Landscape and Fencing Standards*, of the Unified Development Code (UDC).

(6) A minimum of one (1) paved parking space providing access to the *Freestanding Commercial Antenna* shall be required. The parking space shall be reserved exclusively for use in conjunction with the *Freestanding Commercial Antenna*, and -- *where applicable* -- may be one (1) of the parking spaces provided for the primary structure on the subject property if additional parking (*above and beyond the required parking*) exists.

(7) All development associated with a *Freestanding Commercial Antenna* shall adhere to the Engineering Department's *Standards of Design and Construction Manual*.

~~(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 (1) 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 03.06, *Antennas*.~~

(5) ~~*Commercial Freestanding*~~*Mounted or Attached Commercial Antenna.*

(a) The height of the *Mounted or Attached Commercial Antenna* shall adhere to the height and building setbacks of the applicable zoning district; however, a *Mounted or Attached Commercial Antenna* shall be permitted to extend a maximum of ten (10) feet above the maximum height of the support structure, and shall maintain a 15-foot clearance from the ground to the lowest element of the antenna if attached to a utility installation or light pole.

(b) If the *Mounted or Attached Commercial Antenna* has ground mounted equipment or buildings associated with the installation, these structures shall be of a material allowed by the applicable zoning district or overlay district (*whichever is more restrictive*), and be of a similar color and character to the building in which the *Commercial Antenna* is attached or mounted. In addition, all equipment and buildings shall be enclosed by a wrought iron or decorative metal fence with screening shrubs a minimum of six (6) feet in height or a masonry screening wall that is a minimum of eight (8) feet in height and that is compatible in colors and materials as the building in which the *Commercial Antenna* is attached or mounted. All fences shall be as defined by Article 08, *Landscape and Fencing Standards*, of the Unified Development Code (UDC).

(c) If the *Commercial Antenna* is mounted or attached to a building and there is equipment associated with the installation, all ancillary equipment shall be screened so that it is not visible from adjacent properties, public or private open space/parkland, or rights-of-way. The proposed screening shall be approved by the Director of Planning and Zoning or his/her designee.

(d) If the *Commercial Antenna* is positioned in a way that it will be visible and standard screening methods are not possible, the antenna should utilize effective stealth techniques to camouflage or conceal it from view. Such

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Font: Italic, Underline

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Not Highlight

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Font: Italic

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Indent: Left: 0.5", Numbered + Level: 2 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 1.25" + Indent at: 1.5"

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

stealth techniques must be approved by the City Council through agreement or Specific Use Permit (SUP).

(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 (1) 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 03.06, *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 03.06, *Antennas*.

(c) Replacement of an Existing Freestanding Antenna that has 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

Formatted: Font: 5 pt

Formatted: Normal, No bullets or numbering

Formatted: Font: Italic

~~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 (1) of the spaces required for the principal use on the property.~~

~~(8) The antenna will meet all applicable requirements of Subsection 03.06, *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 (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) The antenna will meet all applicable requirements of Subsection 03.06, *Antennas*.~~

(6) *Commercial Drone Delivery Hub*.

(a) *General Requirements*. All *Commercial Drone Delivery Hubs -- regardless of if the land use is a primary or accessory land use* -- shall be at a minimum 150-feet from any residentially zoned or used property, and public parks or open space. This proximity requirement shall be measured from the property line of the proposed *Commercial Drone Delivery Hub* to the property line of the nearest residentially zoned or used property, or the property line of the public park or open space.

(b) *Definitions*. For the purposes of this section a *Drone Staging Area* shall be a designated area in which a drone or unmanned aerial vehicle (UAV) initiates take-offs and landings. The *Drone Staging Area* shall include the launch pad and any appurtenances and outside storage necessary for operations in this area.

(c) *Accessory Land Use*. A *Commercial Drone Delivery Hub* shall only be permitted as an *Accessory Land Use* to a land use permitted within the Commercial (C), Heavy Commercial (HC), and Light Industrial (LI) Districts, and shall be subject to the following requirements:

(1) *Site Plan*. The *Drone Staging Area* for a *Commercial Drone Delivery Hub* shall be designated on the approved *Site Plan* for the subject property.

(2) *Drone Staging Area*. The *Drone Staging Area* for a *Commercial Drone Delivery Hub* as an *Accessory Land Use* to a permitted land use in the Commercial (C) District shall be limited to ten (10) percent of the total site area or 1,000 SF (*whichever is greater*). A *Drone Staging Area* that is fully located within an enclosed building or that is situated on the roof of the building containing the primary land use shall be exempt from this limitation; however, any mechanical equipment associated with the proposed land use shall adhere to the screening requirements for utility equipment as stipulated by Subsection 01.05, *Screening Standards*, of Article 05, *District Development Standards*.

(3) *Location Requirements for Drone Staging Areas*. *Drone Staging Areas* shall *not* be located or situated within any building setbacks or required landscape buffers, fire lanes, easements, loading/unloading areas, or required parking spaces. In addition, the *Drone Staging Area* shall not obstruct visibility for pedestrians or vehicular traffic circulation on the subject property.

(4) *Screening of Drone Staging Areas*. All *Drone Staging Areas* shall be screened in accordance with the requirements for *Outside Storage* as stipulated by Subsection 01.05, *Screening Standards*, of Article 05, *District Development Standards*.

(5) *Buildings for Commercial Drone Delivery Hub*. Where a detached building is proposed as an

accessory building for a *Commercial Drone Delivery Hub* as an accessory land use, the maximum square footage of the building shall be limited to ten (10) percent of the total floor area of the primary building on the subject property.

(6) *Reduction of Existing Parking*. Where it is deemed appropriate by the City Council, upon a recommendation by the Planning and Zoning Commission, a ten (10) percent reduction in the required number of parking spaces may be granted to accommodate a *Drone Staging Area*; however, no additional parking shall be required for the establishment of a *Commercial drone Delivery Hub* as an accessory land use. Should the *Drone Staging Area* be removed from the property the parking reduction will be revoked and the parking areas shall be reestablished as they were prior to the establishment of the *Drone Staging Area*.

(d) *Primary Land Use*. A *Commercial Drone Delivery Hub* shall only be permitted as a primary land use in the Heavy Commercial (HC) and Light Industrial (LI) Districts, and shall be subject to the following requirements:

(1) *Site Plan*. The *Drone Staging Area* for a *Commercial Drone Delivery Hub* shall be designated on the approved *Site Plan* for the subject property.

(2) *Drone Staging Areas*. A *Drone Staging Area* that is situated on the roof of the building shall be subject to the screening requirements for utility equipment as stipulated by Subsection 01.05, *Screening Standards*, of Article 05, *District Development Standards*. In addition, the proposed facility shall adhere to the height restrictions of the zoning district, but a single mast for a windsock may extend above the parapet of the building in accordance with the requirements of Subsection 04.01(B) or Subsection 05.01(B) of Article 05, *District Development Standards* (*whichever may be applicable*).

(3) *Location Requirements for Drone Staging Areas*. *Drone Staging Areas* shall *not* be located or situated within any building setbacks or required landscape buffers, fire lanes, easements, loading/unloading areas, or required parking spaces. In addition, the *Drone Staging Area* shall not obstruct visibility for pedestrians or vehicular traffic circulation on the subject property.

(4) *Screening of Drone Staging Areas*. All *Drone Staging Areas* shall be screened in accordance with the requirements for *Outside Storage* as stipulated by Subsection 01.05, *Screening Standards*, of Article 05, *District Development Standards*.

(7) *Solar Energy Collector Panels and System.*

(a) *Residential*. *Solar Energy Collector Panels and Systems* installed on a residential structure shall be required to meet the requirement of the International Building Code (IBC), and be required to apply for and receive a building permit from the Building Inspections Department.

(b) *Small Commercial*. *Solar Energy Collector Panels and Systems* installed on a *Small Commercial* structure shall be required to meet the requirement of the International Building Code (IBC), and be required to apply for and receive a building permit from the Building Inspections Department. *Small Commercial* shall mean a *Small Commercial Customer* as defined by Section 202, *Price to Beat*, of Chapter 39, *Restructuring of Electrical Utility Industry*, of the Texas Utilities Code. It shall be the burden of a property owner to show that a particular property meets the definition of a *Small Commercial Customer*.

(c) *Commercial*. *Solar Energy Collector Panels and Systems* installed on a *Commercial* structure shall be required to meet the following:

(1) *Solar Energy Collector Panels on a Pitched Roof*. *Solar Energy Collector Panels* installed on a pitched roof shall be of a flat configuration and shall be subject to the following requirements:

(A) *Solar Energy Collector Panels* shall not extend beyond the roofline or eave lines of a roof.

(B) *Solar Energy Collector Panels* shall not exceed more than 45.00% of the total roof area.

(C) Configuration of *Solar Energy Collector Panels* on a pitched roof shall be a regular quadrangular shape, flat to the roof or integrated with the roof, and aligned with the natural roof edges.

(D) The surface of the *Solar Energy Collector Panel* shall not be more than six (6) inches above the surface of the pitched roof.

(2) *Solar Shingle on a Pitched Roof*. *Solar Shingles* may be installed on a pitched roof; however, *Solar Shingles* are subject to the following requirements:

(A) *Solar Shingles* shall be installed on 100.00% of the total roof area -- *excluding accent roof materials (e.g. metal roofs over gabled windows, porches, entryways, and etcetera)* --, and shall not be installed alongside another roof mounted *Solar Energy Collector System*.

(3) *Solar Energy Collector Panels on a Flat Roof*. *Solar Energy Collector Panels* installed on a flat roof, whether rack-mounted or flat-mounted, shall be screened from public view, and meet the following requirements:

(A) The height of such screening, at the minimum, shall be the height of the *Solar Energy Collector Panel*.

(B) The screening may be by a parapet or screening wall replicating the materials of the building.

(4) Reflective glare of *Solar Energy Collector Panels* shall be minimized by the positioning of the *Solar Collector Panels* or by the use of non-glare glazing.

(5) 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.

(6) 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 of Rockwall.

(7) The maximum overall height of ground mounted or pole mounted *Solar Energy Collector Panels* shall not exceed eight (8) feet.

(8) 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 03 | OTHER SPECIAL USE STANDARDS

SUBSECTION 03.01: 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~~SF 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~~SF per animal.

(B) *Other Animals.* An SUP is required for other farm animals, including fowls, chickens and swine (*except for "potbellied pigs" as defined in Section 6-1, Definitions, of Chapter 6, Animals, of the Municipal Code of Ordinances*), and for a reduction in the land area required for grazing farm animals. The city shall not grant a 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, *Definitions*, of Chapter 6, *Animals*, of the Municipal 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 6-1, *Definitions*, of Chapter 6, *Animals*, of the Municipal Code of Ordinances.

SUBSECTION 03.02: TEMPORARY ACCOMODATION FOR EMPLOYEES, CUSTORMERS 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 (5) percent of the building area is utilized for this ancillary use.

SUBSECTION 03.03: 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 03.04: FLAG POLES

Flag poles are permitted in all districts, but must meet the building height and setback requirements for each district. (See Article 05, *District Development Standards*, of the Unified Development Code).

SUBSECTION 03.05: 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~~ 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~~ 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

Formatted: Font: Italic

Formatted: Font: Italic

property line to the base of the floor on which the permit or license holder is located.

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 *or* Alcoholic Beverage Stores 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 or Alcoholic Beverage Stores 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 *or* Alcoholic Beverage Stores engaged in the selling of beer, wine, and distilled spirits or liquor 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 or Alcoholic Beverage Store 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.

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 *or* Alcoholic Beverage Stores engaged in the selling of beer, wine, and distilled spirits or liquor 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, *Signs*, of the Municipal Code of Ordinances, pertaining to signs.

Formatted: Underline, Font color: Accent 5

(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.

~~SUBSECTION 03.06: 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 and Zoning. 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 04 | FLOODPLAIN AREAS

SUBSECTION 04.01: PERMITTED USES

The following land 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, *Floods*, of the Municipal Code of Ordinances, and the Engineering Department's *Standards of Design and Construction Manual*:

(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 04.02: DUMPING, EXCAVATING OR FILLING IN A FLOODPLAIN

Any dumping, excavation, storage or filling operation on any property within any district having a floodplain designation or that is within a creek or drain way shall require a permit from the City Engineer prior to the commencement of such activity; however, no construction, buildings, or structures shall be permitted within a floodplain. Fences maybe permitted through approval by the City Engineer in accordance with the requirements of the Engineering Department's *Standards of Design and Construction Manual*.

SUBSECTION 04.03: 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 (UDC) shall not be so interpreted.

SECTION 05 | TEMPORARY USES AND STRUCTURES

SUBSECTION 05.01: 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 05.02: TEMPORARY USES

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 06 | NON-CONFORMING USES, STRUCTURES, AND SITES

SUBSECTION 06.01: INTENT

Within the zoning districts established by this Unified Development Code (UDC), 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 (UDC). 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 non-conforming lots, buildings, or uses shall not be enlarged upon, expanded or extended, except as otherwise specifically provided, and that such non-conforming 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, non-conforming uses are declared to be incompatible with permitted uses in the same zoning districts.

SUBSECTION 06.02: APPLICABILITY

The provisions of this section shall apply to lots, uses and buildings which become non-conforming by reason of the adoption of, or an amendment to, the ordinance from which this Unified Development Code (UDC) is derived, as of the effective date of such amendment.

SUBSECTION 06.03: NON-CONFORMING 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 (UDC) 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 (UDC) for the district in which it is located.

(2) The right to continue non-conforming uses shall be subject to regulations prohibiting the creation of a nuisance and regulations reasonably protecting adjacent property.

(B) *Cessation of Non-~~conforming~~ Conforming 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 Non-~~conforming~~ Conforming Use*. No existing building or premises devoted to a use that is not permitted by this Unified Development Code (UDC) 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 non-conforming use of a building may be changed to another non-conforming 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 non-conforming use has been changed to a conforming use, the use shall not thereafter be changed to a non-conforming use.

(3) When authorized by the board of adjustment, enlargement or completion of a building devoted to a non-conforming 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% of its original area of nonconformity.

(4) When authorized by the board of adjustment, a non-conforming 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 non-conforming, if no structural alterations except those required by law, are made.

SUBSECTION 06.04: NON-CONFORMING 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 non-conforming 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 (UDC). (For land use nonconformity, see Subsection 06.03, *Non-Conforming Uses*, of Article 04, *Permissible Uses*).

(B) *Use of Non-~~conforming~~ Conforming Buildings, Structures or Land*.

(1) No building or structure which was originally designed for or used as a non-conforming use shall again be put to a non-conforming use, where such use has ceased for 180-days or more during any three (3) 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 (UDC) shall be discontinued within six months from the enactment of this Unified Development Code (UDC). The non-conforming use of land and/or buildings involving individual structures with a replacement cost of $1,000.00 or less, which becomes non-conforming by reason of subsequent amendments to this Unified Development Code (UDC) shall be discontinued within six months from the date of such amendment.

(C) *Construction Approved prior to Unified Development Code (UDC)*. Nothing in this Unified Development Code (UDC) 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 (UDC), 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 non-conforming structure which is damaged more than 75.00% 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 75.00% 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 (UDC) 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 50.00% of the replacement cost of the building. If the repairs exceed 50.00%, 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 non-conforming structure or portion of a structure containing a non-conforming 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 (10) percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be.

(2) If 50% or more of a non-conforming structure containing a non-conforming 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 Non-~~conforming~~ Conforming Building or Structure*. No non-conforming 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) *Non-~~conforming~~ Conforming Lot Sizes*. All lots used for storage that do not require a building and the use of such lot is made non-conforming by this Unified Development Code (UDC) 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 (UDC) is derived, or amendments [*thereto*].

SUBSECTION 06.05: NON-CONFORMING SHORT-TERM RENTALS

Short-Term Rentals, as defined in Article 13, *Definitions*, of this Unified Development Code (UDC), shall be considered to be legally in existence for the purpose of establishing vested or non-conforming rights regarding the zoning requirements if all of the following criteria is met by the owner of a *Short-Term Rental*:

(A) The owner of a property provides a property deed or proof of ownership showing that the property was purchased prior to April 1, 2024.

(B) The owner of the property can provide proof that the property was used as a *Short-Term Rental* (*i.e. a listing, proof of rental, etc.*) *OR* proof of payment of hotel occupancy tax to the City of Rockwall.

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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 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	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									
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	A			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL 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	MIXED USE DISTRICTS: Downtown (DT) District	Residential Office (RO) District	NON-RESIDENTIAL DISTRICTS: Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	OVERLAY DISTRICTS: Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
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											
Home Occupation	(9)	(7)	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
Limited-Service Hotel	(10)														S			S	S		S				
Full-Service Hotel	(11)	(8)													S			S	S		S				
Residence Hotel	(12)														S			S	S		S				
Motel	(13)														S			S	S		S				
Multi-Family Development or Structure	(14)	(9)												P											
Portable Building	(15)	(10)		P	P	P	P	P	P	P	P	P	P												
Residential Infill in an Established Subdivision	(16)	(11)	S	S	S	S	S	S	S	S	S	S	S	S	S	S									
Short-Term Rental (*Owner-Occupied, Single-Family Home, Townhome, or Duplex*)	(17)	(12)		P	P	P	P	P	P	P	P	P	P	P	S	S									
Short-Term Rental (*Non-Owner-Occupied, Single-Family Home, Townhome, or Duplex*)	(17)	(13)		P	P	P	P	P	P	P	P	P	P	P	S	S									
Short-Term Rental (*Apartment or Condominium*)	(17)	(14)		P	P	P	P	P	P	P	P	P	P	P	S	S									
Single-Family Attached Structure	(18)	(15)										P	P	P											
Single-Family Detached Structure	(19)	(16)	P	P	P	P	P	P	P	P	P	P	P	P		P									
Single-Family Zero Lot Line Structure	(20)	(17)										P	P	P		P									
Private Swimming Pool	(21)		A	A	A	A	A	A	A	A	A	A	A	A	A	A									
Private ~~Tennis~~ Sports Court with Standalone or Dedicated Lighting	(22)	(18)	A	~~SP~~	~~SP~~	~~SP~~	S	S	S	S	S	S	S	~~SP~~		S		P	P	P	P				
Townhouse	(23)	(~~18~~19)												P		P									
Urban Residential	(24)	(~~19~~20)												S	S										
INSTITUTIONAL AND COMMUNITY SERVICE LAND USES	2.02(C)	2.03(C)																							
Assisted Living Facility	(1)	(1)												P	S	S	S	S	S		S				
Blood Plasma Donor Center	(2)																	P	P	P	P	P			
Cemetery/Mausoleum	(3)		S														P	P	P	P	P	P			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
Church/House of Worship	(4)	(2)	S	S	S	S	S	S	S	S	S	S	S	P	S		P	S	S	P	S	P			
College, University, or Seminary	(5)														P				S	P	P	P			
Convalescent Care Facility/Nursing Home	(6)													S	S	P	P	P	P	P	S				
Congregate Care Facility/Elderly Housing	(7)	(3)												P	S	S	S	S	S		S				
Crematorium	(8)																				S	P			
Daycare with Seven (7) or More Children	(9)	(4)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S			
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	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	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	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	S					
Trade School	(24)														S			S	P	P	P	P			
Rescue Mission or Shelter for the Homeless	(254)																			S	P	P			
Social Service Provider (*Except Rescue Mission or Homeless Shelter*)	(265)																	S		P	P	P			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Highlight

Formatted: Font: Bold, Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted Table

Formatted: Font: Italic

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
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 or Medical Office Building less than 5,000 SF	(2) & (3)															P	P	P	P	P	P	P	P			
Office or Medical Office Building 5,000 SF or Greater	(2) & (3)															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	(2)	(2)														S			S	P	P	P	P			
Outdoor Commercial Amusement/Recreation	(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	P	P	P	P	P			
Private Country Club	(5)		S	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	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																		P		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	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	S	P	P	P			
Theater	(15)															P			S	P	P	P	P			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: No underline, Font color: Background 1

Formatted Table

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
RETAIL AND PERSONAL SERVICES LAND USES	2.02(F)	2.03(F)																							
Alcoholic Beverage Package Sales	~~(1)~~	(1)													P		S	P	P	P	S				
Alcoholic Beverage Store	~~(2)~~	(2)													S				S	P					
Antique/Collectible Store	~~(23)~~														S		S	P	P	P					
Astrologer, Hypnotist, or Psychic	~~(34)~~														S	P	P	P	P	P					
Banquet Facility/Event Hall	~~(45)~~														S			P	P	P					
Portable Beverage Service Facility	~~(56)~~	(3)													S	S		S	S	S	S	P			
Brew~~p~~-~~P~~ub	~~(67)~~														P		P	P	P	P	P	P			
Business School	~~(78)~~														P			P	P	P	P				
Catering Service	~~(89)~~														A		S	P	P	P	P				
Temporary Christmas Tree Sales Lot and/or Similar Uses	~~(910)~~	(4)													S		S	P	P	P	P	P			
Copy Center	~~(1011)~~														P		P	P	P	P	P	P			
Craft/Micro Brewery, Distillery and/or Winery	~~(1112)~~	(5)													S			S	S		P	P			
Incidental Display	~~(1213)~~	(6)													P		P	P	P	P	P				
Food Trucks/Trailers	~~(1314)~~	(7)													P	S	S	P	P	P	P	P			
Garden Supply/Plant Nursery	~~(1415)~~																S	P	P	P	P				
General Personal Service	~~(1516)~~	(8)													P		P	P	P	P	S				
General Retail Store	~~(1617)~~														P	S	P	P	P	P	S	S			
Hair Salon and/or Manicurist	~~(1718)~~														P	S	P	P	P	P	S				
Laundromat with Dropoff/Pickup Services	~~(1819)~~														P		P	P	P	P	P	P			
Self-~~-~~Service Laundromat	~~(1920)~~														P		P	P	P	P	P	P			
Massage Therapist	~~(2021)~~														P	P	P	P	P	P					
Private Museum or Art Gallery	~~(2122)~~														P	P	S	P	P		P				
Night Club, Discotheque, or Dance Hall	~~(2223)~~														S			S	P	P	S	S			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Font color: Accent 5

Formatted: Font color: Accent 5

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL 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	MIXED USE DISTRICTS: Downtown (DT) District	Residential Office (RO) District	NON-RESIDENTIAL DISTRICTS: Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	OVERLAY DISTRICTS: Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
Pawn Shop	~~(2324)~~																		S	S	P	P			
Permanent Cosmetics	~~(2425)~~	(9)													A	A	A	A	A	A	A				
Pet Shop	~~(2526)~~																P	P	P	P					
Temporary Real Estate Sales Office	~~(2627)~~		P	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	~~(2728)~~	(10)																S	P	P	P	P			
Restaurant with less than 2,000 SF with Drive-Through or Drive-In	~~(2829)~~	(11)															S	S	S	S	S	S			
Restaurant with less than 2,000 SF without Drive-Through or Drive-In	~~(2930)~~														P	S	P	P	P	P	P	P			
Restaurant with 2,000 SF or more with Drive-Through or Drive-In	~~(2829)~~	(12)															S	S	P	P	P	P			
Restaurant with 2,000 SF or more without Drive-Through or Drive-In	~~(2930)~~														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*)	~~(3031)~~	(13)															S	P	P	P	P	P	S	S	
Retail Store with Gasoline Sales that has more than Two (2) Dispensers	~~(3032)~~	(13)																S	P	P	P	P	S	S	
Secondhand Dealer	~~(3133)~~														S			P	P	P	P	P			
Art, Photography, or Music Studio	~~(3233)~~														P	P	P	P	P	P	P				
Tailor, Clothing, and/or Apparel Shop	~~(3334)~~														P		P	P	P	P					
Tattoo and/or Body Piercing	~~(3435)~~																			P					
Taxidermist Shop	~~(3536)~~																			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			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted Table

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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	
Custom and Craft Work	(5)																				P	P	P				
Electrical, Watch, Clock, Jewelry and/or Similar Repair	(6)															P		S	P	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 Rental, Sales, and Service	(10)	(5)																		S	P	S	P				
Locksmith	(11)															P			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				
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)	(6)	P	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 Automotive 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				

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Not Strikethrough

Formatted: Not Strikethrough

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
Commercial Parking Lot	(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	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	(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			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Not Strikethrough

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL 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	MIXED USE DISTRICTS: Downtown (DT) District	Residential Office (RO) District	NON-RESIDENTIAL DISTRICTS: Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	OVERLAY DISTRICTS: Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
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			
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~~for a Residential Property	(2)	(1)	~~PA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~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	~~(43)~~	~~(32)~~	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Antenna Dish	~~(54)~~	~~(43)~~	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Freestanding Commercial ~~Freestanding~~ Antenna (*i.e. Monopole or a Similar Structure*)	~~(65)~~	~~(54)~~	S											S		S	S	~~SP~~	~~SP~~	~~SP~~	P	P	S		S
Mounted or Attached Commercial Antenna	~~(76)~~	~~(65)~~	S											P	S	S	S	~~SP~~	~~SP~~	~~SP~~	P	P			
Bus Charter Service and Service Facility	~~(87)~~																			P	P	P			
Commercial Drone Delivery Hub	(8)	(6)																	S	S	S				
Helipad	(9)																	S	S	S	S	S			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted Table

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
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 (*Includes Utilities with a Franchise Utility Agreement with the City of Rockwall*)	(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	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	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	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	A			
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	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~~			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Font: Italic

ARTICLE 05 | DISTRICT DEVELOPMENT STANDARDS

SECTION 01 | GENERAL STANDARDS
SECTION 02 | AGRICULTURAL DISTRICTS
SECTION 03 | RESIDENTIAL DISTRICTS
SECTION 04 | COMMERCIAL DISTRICTS
SECTION 05 | INDUSTRIAL DISTRICTS
SECTION 06 | OVERLAY DISTRICTS
SECTION 07 | DISTRICT DEVELOPMENT STANDARDS

SECTION 01 | GENERAL STANDARDS

SUBSECTION 01.01: OPEN SPACE

The purpose of this Article is to set forth regulations which protect the public from the potential negative effects of industrial and intense commercial development by regulating smoke and particulate matter, odorous matter, fire or explosive materials, toxic and noxious matter, vibration, open storage, glare and fuel supply in the vicinity of such sites.

(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 03.01, *General Residential District Standards*

(b) *Commercial*. Subsection (D), *Open Space Guidelines*, of Section 04.01, *General Commercial District Standards*

(c) *Industrial*. Subsection (D), *Open Space Guidelines*, of Section 05.01, *General Industrial District Standards*

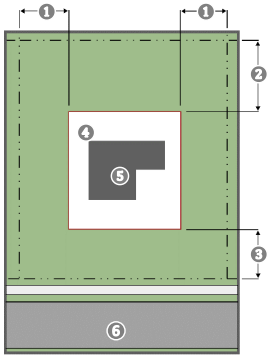
SUBSECTION 01.02: SITE PLANS

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 11, *Development Applications and Review Procedures*.

SUBSECTION 01.03: LOT CONFIGURATIONS

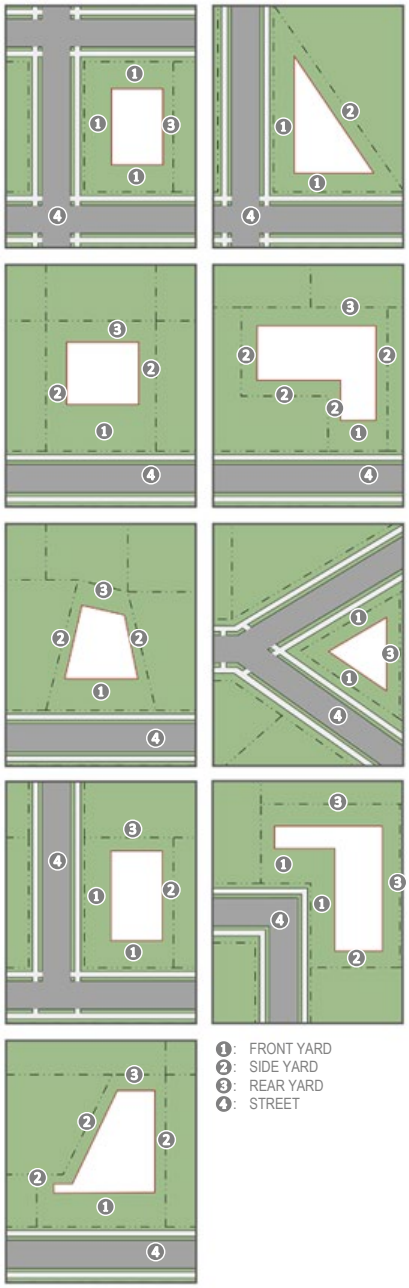
(A) *Lots with a Single Street Frontage*. Where lots have a single street frontage, the required setbacks should generally adhere to the following diagram:

FIGURE 1: LOT WITH A SINGLE STREET FRONTAGE



1: REQUIRED SIDE YARD SETBACK
2: REQUIRED REAR YARD SETBACK
3: REQUIRED FRONT YARD SETBACK
4: BUILDABLE AREA
5: BUILDING COVERAGE
6: STREET

FIGURE 2: LOT WITH MULTIPLE STREET FRONTAGE

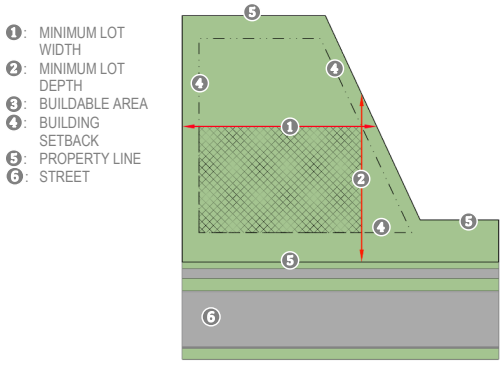


1: FRONT YARD
2: SIDE YARD
3: REAR YARD
4: STREET

(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:~~ *Figure 2*.

~~(B)~~(C) *Determining Lot Width and Depth for an Irregularly Shaped Lot*. To determine the minimum lot width and depth of an irregularly shaped lot or where a portion of the lot does not adhere to the required minimum lot width or depth, the follow method of calculation shall be use:

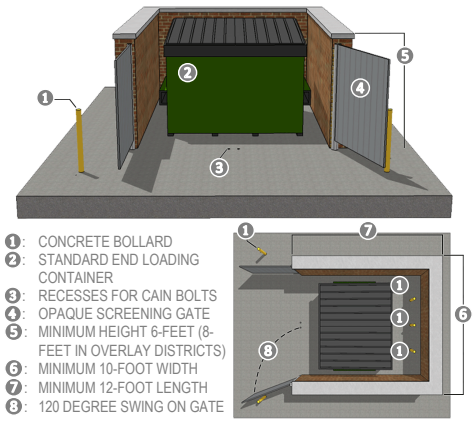
FIGURE 3: IRREGULARLY SHAPED LOT



SUBSECTION 01.04: 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.

FIGURE 3: STANDARD DUMPSTER ENCLOSURE



SUBSECTION 01.05: SCREENING STANDARDS

All development shall adhere to the following screening standards:

(A) *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 05.02, *Landscape Screening Standards*, of Article 08, *Landscape Standards*.

(B) *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.

(C) *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 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.

(D) *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.

(E) *Outside Storage*. Outside storage of materials or vehicles shall be screened from all public ~~streets~~rights-of-way, any adjacent properties, ~~any residential zoning district or residentially used property,~~ and parks and open space that abut~~s~~ or ~~is~~are 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

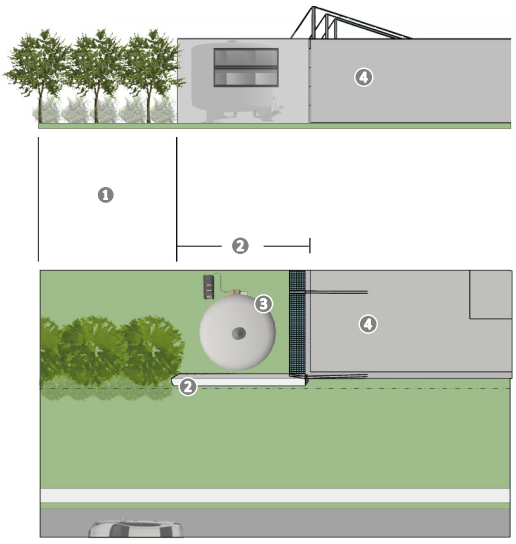
Formatted: Indent: Left: 0.25", No bullets or numbering

Formatted: Normal

Formatted: Font: Italic

accordance with Subsection 05.02, *Landscape Screening Standards*, of Article 08, *Landscape Standards*.

FIGURE 4: ABOVE GROUND STORAGE TANKS



1: SECONDARY SCREENING CANOPY TREES (SPACED 20-FOOT ON CENTER) AND SHRUBS
2: SCREENING WALL
3: ABOVE GROUND STORAGE TANK
4: INDUSTRIAL BUILDING

SUBSECTION 01.06: RESIDENTIAL ADJACENCY STANDARDS

(A) *Purpose*. The general objectives of residential adjacency standards are to preserve and protect the integrity, enjoyment and property values of residential neighborhoods within the City of Rockwall, through the establishment of standards for certain nonresidential uses that may impact surrounding residential land uses. These standards are in addition to the development regulations applicable to the underlying zoning district. When any requirements in this section are in conflict with any other requirements for the underlying zoning district, the more restrictive requirements shall apply.

(B) *Definitions*.

Residential Adjacency. Any nonresidential building, use, or associated activity that when located in proximity to a residential district may result in detrimental impact to a residential property. Residential adjacency shall include the lot on which the nonresidential building, use, or associated activity is located. In cases where multiple uses are contained on the same lot, residential adjacency shall apply to the area within that lot which encompasses the building, use, or associated activity and all accessory buildings, uses, or areas necessary to support them.

Vehicular Service Bays. Any partially or fully enclosed space used for "major" or "minor" automobile repair, or truck and bus repair, or similar activities.

Individual Service Speakers. Speakers used to conduct business with individual customers outdoors or in a partially enclosed structure, including, but not limited to:

- Drive-through payment windows;
- Drive-through restaurant ordering boards;
- Service station pump islands; and
- Car washes.

Public Address/Paging Systems. Loud speaker or amplified paging systems intended to contact or provide information to person(s) on the exterior of a building such as those commonly used by businesses with large outdoor facilities/operations, including, but not limited to:

- New and used car dealers;
- Building material sales;
- Garden centers; and
- Car washes.

Small Engine Repair Shop. Shop for repair of lawnmowers, chain saws, lawn equipment, and other machines with one-cylinder engines.

Motorcycle. A usually two (2) wheeled self-propelled vehicle having one (1) or two (2) saddles or seats, and which may have a sidecar attached. For purposes of the Unified Development Code (UDC), motorbikes, motor scooters, mopeds, and similar vehicles are classified as motorcycles.

Motorcycle Sales and Service. The display, sale and servicing, including repair work of motorcycles.

(C) *Applicability*.

(1) The residential adjacency standards shall apply when a use is proposed for a nonresidential building or site that is adjacent to a residential district, and both of the following conditions apply:

(a) An existing or proposed building, structure, or device on the lot is within 150 feet of a residential district boundary, except if the activity proposes the use of public address/paging systems, in which case 500 feet shall be the effective distance; and

(b) One or more of the following uses are proposed:

(1) Planned shopping centers and neighborhood convenience centers.

(2) Restaurants, including accessory outdoor seating, with drive-in or drive-through facilities.

(3) Retail outlets where gasoline products are sold as an accessory use.

(4) Automotive repair, as an accessory to a retail use, provided all work is conducted wholly within a completely enclosed building.

(5) Gasoline service stations.

(6) Car wash.

(7) Drive-in businesses.

(8) New car dealership.

(9) Nursery, greenhouse, or garden center.

(10) Minor automotive repair.

(11) New boat dealership.

(12) Automotive vehicle sales and service.

(13) Automotive repair and other repair services, excluding wrecking yards.

(14) Lumberyards or contractor yards, general warehousing and storage, farm equipment or other heavy equipment sales and service, farm products, warehousing and storage, including mini-warehouses for storage purposes only.

(15) Small engine repair service.

(16) Motorcycle sales and service.

(2) Review of proposals for compliance with the residential adjacency standards will be carried out in conjunction with site plan review, depending on whether or not the actual use of the site is known.

(D) *Standards*.

(1) *Noise*.

(a) Any use containing individual service speakers shall not be permitted within 150 feet of any residential district unless the speaker is appropriately screened and shall meet the standards established in Article IV, *Noise*, of Chapter 16, *Environment*, of the Municipal Code of Ordinances. The Planning and Zoning Commission may require wing walls, landscape screens, changes in building orientation, and/or other design elements to screen and minimize the impact of individual service speakers.

(b) Any use containing public address/paging systems shall not be permitted within 500 feet of any residential district unless separated by an MD4 or larger thoroughfare.

(2) *Loading Spaces*.

(a) Where adjacent to residential districts, off-street loading areas shall be fully screened from view of the residential district.

(b) The director may require wing walls, landscape screens, changes in building orientation, and/or other architectural elements to minimize the impact of uses containing loading docks within 150 feet of any residential district.

(3) *Vehicular Service Bays*.

(a) All vehicular service bays within 150 feet of a residential district shall face away from adjacent residential districts unless separated by a building or permanent architectural feature of minimum height matching the height of the service bays.

(b) Walls separating service bays from a residential district shall be of masonry or reinforced concrete with no openings.

(c) The director may require wing walls, landscape screens, changes in building orientation, and/or other design elements to minimize the impact of service bays within 150 feet of a residential district.

(d) No use including outdoor vehicular repair, servicing or testing shall be permitted within 150 feet of a residential district.

(4) *Small Engine Repair Shops*. Small engine repair shops shall not be permitted within 150 feet of a residential district unless all repair, service, and testing activities are done in a fully enclosed building.

(5) *Motorcycle Sales/Service*. Motorcycle sales/service facilities shall not be permitted within 150 feet of a residential district unless all repair, service, and testing activities are done in a fully enclosed building.

(6) *Car Wash and Fuel Dispensing Facilities*.

(a) Car wash and fuel dispensing facilities shall not be permitted within 150 feet of a residential district.

(b) Where car wash and fuel dispensing facilities are within 300 feet but greater than 150 feet of a residential district, the Planning and Zoning Commission may require wing walls, landscape screens, and/or other design elements to screen and minimize the impact of such facilities.

(7) *Combination Gas Station, Fast Food Restaurant, and/or Convenience Store*.

(a) Combination gas station, fast food restaurant, convenience store shall not be permitted within 150 feet of a residential district.

(b) Where combination gas station, fast food restaurant, convenience stores are within 300 feet but greater than 150 feet of a residential district, the Planning and Zoning Commission may require wing walls, landscape screens, and/or other design elements to screen and minimize the impact of such facilities.

(8) *Signs*.

(a) No more than one (1) monument sign per street frontage with a maximum height of five (5) feet and a maximum area of 60 square feet shall be allowed.

(b) A business shall be allowed any number of attached walls, projection or marquee signs so long as the total face area of the building or store front does not exceed ten (10) percent of the front face area of the building or store front as established in approved plans submitted to the City, or 60 square feet, whichever is greater, or exceed six feet in height as per the sign ordinance.

(E) *Review*. The following information shall be submitted in order to facilitate the review:

(1) All information and procedures as required by site plan review in Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC).

(2) Location and description of existing and proposed exterior speaker systems to include information about the height, octave and decibel band ranges of each fixture.

(3) Information indicating the location and orientation of all off-street loading spaces.

(4) Information indicating the location and orientation of all vehicular service bays.

(5) Information indicating the location and description of existing and proposed screening between the proposed nonresidential use and the residential district.

SUBSECTION 01.07: 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.

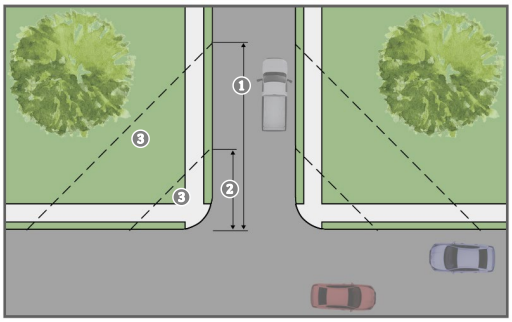
An open fire escape may project into a required yard by not more than half the width of the setback, but not more than four (4) feet from the building. Fire escapes, solid floored balconies and enclosed outside stairways may project into a rear yard by a maximum of four (4) feet.

(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.

SUBSECTION 01.08: 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.

FIGURE 5: SITE DISTANCE REQUIREMENTS



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

NOTES:

(1) THE TRIANGLE SHOULD BE MEASURED FROM THE EDGE OF THE STREET, AND PROJECTED AT A 45-DEGREE ANGLE TO THE ADJOINING STREET.

(2) THE UNOBSTRUCTED VERTICAL FIELD OF VISION SHOULD BE BETWEEN TWO (2) FEET AND NINE (9) FEET IN HEIGHT.

(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) curb lines 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.

SECTION 02 | AGRICULTURAL DISTRICTS

SUBSECTION 02.01: 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 01.01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within an Agricultural (AG) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SECTION 03 | RESIDENTIAL DISTRICTS

SUBSECTION 03.01: 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.

FIGURE 6: ANTI-MONOTONY 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 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 Figure 6 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 08, *Fence Standards*, of Article 08, *Landscape and Fence Standards*.

SUBSECTION 03.02: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family Estate 1.5 (SFE-1.5) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.03: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family Estate 2.0 (SFE-2.0) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.04: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family Estate 4.0 (SFE-4.0) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.05: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 1 (SF-1) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.06: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 16 (SF-16) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.07: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 10 (SF-10) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.08: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 8.4 (SF-8.4) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.09: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 7 (SF-7) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.10: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Zero Lot Line (ZL-5) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.11: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Two-Family (2F) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.12: 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 01, *Land Use Schedule*, of Article 04, *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 04 | COMMERCIAL DISTRICTS

SUBSECTION 04.01: 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 07.03, *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 standards for articulation on primary building façades as depicted in *Figure 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 standards for articulation on secondary building façades as depicted in *Figure 7*.

(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 criterion 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 08, *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.

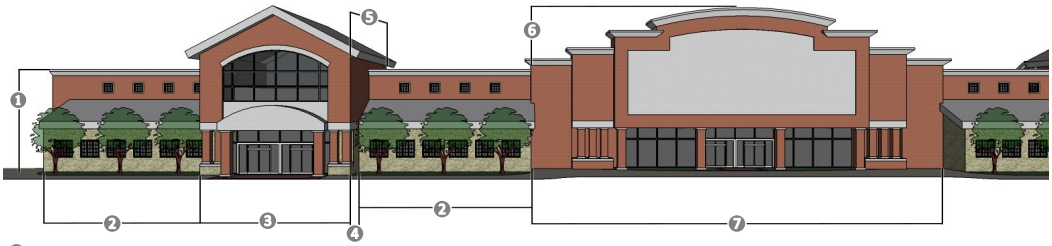
(b) Buildings should be placed in a manner that screens the drive-through lane and creates pedestrian pathways and spaces.

(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.

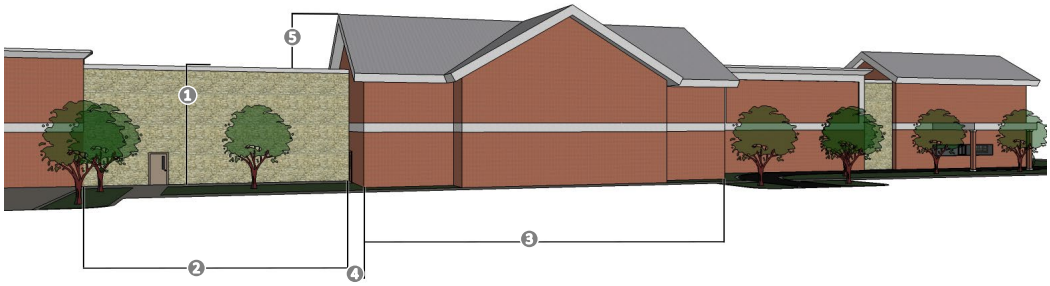
(4) *Residential Adjacency Standards*. Where the property immediately abuts a residential zoning district or residentially used property -- unless separated by an M4D (major collector, four [4] lane, divided roadway) or larger thoroughfare -- a minimum 25-foot wide landscaped buffer must be installed 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*, of Article 08, *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*, of Article 08, *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

FIGURE 7: COMMERCIAL BUILDING ARTICULATION STANDARDS



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 THREE (3) TIMES THE WALL HEIGHT (I.E. 3 x ❶≥❷).
❸: *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% x ❷≤❸).
❹: *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% x ❶≤❹).
❺: *PRIMARY AND/OR SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL WIDTH OF THE PRIMARY AND/OR SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL EXTEND TWICE THE REQUIRED WALL PROJECTION (I.E. 2 x ❹≥❺).
❻: *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% x ❶≤❻).
❼: *PRIMARY ENTRYWAY/ARCHITECTURAL ELEMENT LENGTH*. THE PRIMARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL MEET ALL OF THE SAME PROJECTIONS AS THE SECONDARY ENTRYWAYS/ARCHITECTURAL ELEMENT, BUT SHALL EXTEND A MINIMUM OF TWICE THE LENGTH OF THE SECONDARY ELEMENT (I.E..2 x ❸≥❼).



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 THREE (3) TIMES THE WALL HEIGHT (I.E. 3 x ❶≥❷).
❸: *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% x ❷≤❸).
❹: *SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL PROJECTION FOR A SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 15% OF THE WALL HIEGHT (I.E. 15% x ❶≤❹).
❺: 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% x ❶≤❺).

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.

(F) *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 11, *Development Applications and Review Procedures*.

SUBSECTION 04.02: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Residential-Office (RO) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *Non-Residential District Development Standards*.

~~(C)~~(D) *Signage*. All signage permitted within the Residential-Office (RO) District shall conform to the requirements for signage as outline in Subsection 06.04, *North Goliad Corridor Overlay (NGC OV) District*.

SUBSECTION 04.03: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Neighborhood Services (NS) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *Non-Residential District Development Standards*.

SUBSECTION 04.04: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a General Retail (GR) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *Non-Residential District Development Standards*.

SUBSECTION 04.05: 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

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font color: Accent 5

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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Commercial (C) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *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 01, *Land Use Schedule*, of Article 04, *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 04.06: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Commercial (C) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *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 01.05, *Screening Standards*.

SUBSECTION 04.07: DOWNTOWN (DT) DISTRICT

(A) *Purpose, Goals and Intent*.

(1) *Purpose*. The purpose of the Downtown District is to implement the adopted recommendations of the comprehensive plan and Downtown Plan by encouraging new development and redevelopment in the Downtown area.

The goals of this zoning district are:

(a) To make the downtown area a sustainable "Great Place" within the region that will attract high quality investment and reinvestment over time.

(b) To capitalize on the existing historic character of the downtown and provide Rockwall with a thriving downtown center.

(c) To provide development and land use flexibility within the framework of a form-based development zoning district.

(d) To provide a mix of residential, retail and office uses in a pedestrian-friendly environment.

The intent of this zoning district is:

(a) To provide a comfortable and attractive environment for pedestrians which include such things as buildings framing public space, street trees, lighting and awnings that will attract pedestrians.

(b) To construct continuous building frontage along block faces except where it is desirable to provide for pedestrian and auto pass-throughs to parking at mid-block.

(c) To provide shared and consolidated parking both on-street and in the center of blocks that will benefit the entire district.

(d) To contribute to the definition and use of public sidewalks, parks and plazas.

(e) To design and build an infrastructure of buildings to accommodate a range of uses over time without the need to destroy older buildings and rebuild them for each successive use.

(f) To design streets and buildings which will contribute to creating a safe environment.

(B) *Definitions*.

(1) *Purpose.* For the purposes of this section, the following definitions shall apply.

(a) *Primary Building Facade*. Any facade that faces a public street or open space.

(b) *Downtown District Engineering and Landscape Standards*. Any approved city standards which govern such items as street, streetscape, drainage, signage and other public improvements in the Downtown (DT) District.

(c) *Primary Entry*. The main entry to a building on a block face. There must be at least one (1) main building entry for each ground floor use, tenant or lobby on each block face which contains the use or tenant. Any additional building entries may be considered a secondary entry.

(d) *Feature Buildings*. Buildings which are located on axis with a terminating street or open space, or at the intersection of streets. Such buildings shall incorporate architectural features which address height and articulation that emphasize the importance of such a location.

(e) *Historic Core*. See the regulating plan for historic core boundaries which is on file in the City secretary's office.

(f) *Long-Term Parking*. Customer or tenant parking which is intended for the primary use of vehicles parked for a duration of more than two hours and neither priced nor managed to encourage turnover.

(g) *Reserved Parking*. Parking which is assigned or reserved for tenants or visitors of a building or business.

(h) *Shared Parking*. Parking which is shared by tenants, visitors and the public. Hours of availability may be further defined in cooperation with the City.

(i) *Short-Term Parking*. Customer or tenant parking which is intended to serve commercial businesses or residential uses that has a regular turnover of two hours or less.

(j) *Regulating Plan*. The plan approved by the City which applies the Downtown District and which identifies certain subdistricts and the location of required retail at grade, among other items.

(k) *Stoop*. A structure that is located approximately at the level of the first floor of the structure and intended to provide access to a residential unit.

(l) *Story*. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above the floor of such story. This includes any mezzanine or loft which may comprise only a portion of a full floor plate.

(m) *Major Waiver to Design Standards*. A significant change to both the standards and intent of this zoning district, and involves Planning and Zoning Commission and City Council approval.

(n) *Minor Waiver to Design Standards*. A minor change to the standards, but not the intent, of this zoning district and involves staff approval.

(C) *General District Standards*.

(1) *Regulating Plan.*

(a) *Authority.* A regulating plan is the coding key for application of this district's provisions to properties, and shall be considered part of this zoning district. It may establish such things as:

(1) Major street types within the district;

(a) Sub-district areas;

(b) Required at-grade retail construction;

(c) Public open space and plazas; and

(d) Regional hike and bike corridors.

(b) *Zoning of Property*.

(1) *Downtown Development Plan Required.* An approved downtown development plan which is consistent with this Unified Development Code (UDC) and the regulating plan shall be required prior to issuance of any building permit.

(2) *Nonconformity.* Uses which are legal and conforming at the time of rezoning to the Downtown District shall continue as legal conforming uses under their current standards until those uses are deemed abandoned. For example:

(a) They have been replaced with a conforming use;

(b) Such building or structure is or hereafter becomes vacant and remains unoccupied or out of use for a continuous period of six months, or the special equipment and furnishings peculiar to the non-conforming use have been removed from the premises and have not been replaced within such six-month period; or

(c) The intention of the owner to permanently discontinue the use is apparent.

(2) *Waivers of Design Standards.* In order to provide flexibility and create high quality projects, standards in the Downtown District may receive a waiver from City staff, the Planning and Zoning Commission, and/or the City Council. (*See subsection VIII.B, Waivers, below, for applicability, processes and procedures.*)

(a) Minor waivers are limited to the following:

(1) Depth or height of required retail space.

(2) Requirement to line a parking garage with buildings.

(3) Requirement for continuous building frontage.

(4) Establishment of build-to line.

(5) Encroachment into the build-to line.

(6) Residential landscape requirement.

(7) Increased building height for "feature" buildings.

(8) Design of buildings without tri-partite architecture.

(9) Required frequency of building entries along a street edge.

(10) Window detailing.

(11) Exterior building materials.

(12) Exterior building color.

(13) Retail at grade design standards.

(14) Balcony and patio railing.

(15) Landscape standards.

(16) Location of bicycle parking.

(b) Major waivers may include, but are not limited to, the following:

(1) Required retail construction.

(2) Building height for non-feature buildings.

(3) Exceeding the maximum leasable retail area.

(4) Required setback of the fourth floor and above.

(5) Residential at grade design standards.

(6) Parking requirements.

(7) Parking garage design standards.

(3) *Function/Land Use.*

(a) *Land Use*.

(1) Retail, personal service, residential and office uses shall be allowed throughout the district. For a specific list of permitted uses, see Article 04, *Permissible Uses*, of the Unified Development Code (UDC).

(2) Where *Required Retail Construction* is designated on the regulating plan, the ground floor adjacent to the street shall be constructed to retail building standards for a depth of at least 50-feet, however, a smaller depth may be allowed if the retail is serving as a *liner* use which is masking a parking garage by minor waiver.

(3) All access drives shall require a minor waiver.

(4) *Block Face.* It is intended that building walls should be continuous along block faces to create a strong edge to the street and contribute to creating an attractive and active pedestrian environment. Contributing to that goal, however, is to allow some limited variation and opportunities for outside dining, pocket parks and special building entry features.

(a) *Block Length*. The length of new blocks should not be less than 200-feet, nor more than 600-feet.

(b) *Block Faces*. Block faces shall contain continuous building frontage with the exception of a mid-block access to parking which is no greater than 34-feet in width and 16-feet in height.

(c) *Continuous Building Frontage* will be considered to be met if the primary building facade is located within five feet of the build-to line requirement. However, administrative approval of a minor waiver will permit up to 15% of the building frontage to be up to 15 feet behind the build-to line provided that it results in an attractive outdoor dining area, building entry feature or other amenity which contributes to the streetscape. A greater increase shall require approval of a major waiver.

(d) *Façades*. Façades shall generally be built parallel to the street frontage, except at street intersections, where a corner facade containing a primary building entrance may be curved or angled toward an intersection.

FIGURE 8: EXAMPLE OF A BUILD-TO-LINE

❶: BACK OF CURB
❷: PEDESTRIAN WAY/SIDEWALK
❸: BUILD-TO-LINE

(e) *Build-To-Lines (i.e. Setbacks)*.

(1) Build-to lines shall be measured from the planned street back-of-curb, as established on the approved regulating plan for the district and the standards in the Unified Development Code (UDC) [*see Table 1, 2 & 3 for Downtown District Standards below*], or the City's approved Master Thoroughfare Plan. The entire area between the back-of-curb and the primary building facade shall be dedicated as public right-of-way or have a public easement placed upon it.

(2) Awnings may encroach above the public sidewalk without limit, provided they leave a minimum

clearance of 7.5-feet above the sidewalk, and are set back a minimum of 18-inches from the back of curb and will not impede street tree growth.

(5) *Streetscape and Landscape*.

(a) Streetscape standards shall be established by the City for sidewalk paving, street trees, tree grates, lighting fixtures, trash receptacles and benches for both residential and nonresidential ground-level frontages.

(b) Non-residential ground floor frontages shall not be required to provide additional landscaping beyond that required in the Downtown District engineering and landscape standards.

(c) Residential ground floor frontages shall be required to landscape a minimum of five feet between the edge of sidewalk and the primary building facade, excluding access to sidewalks, stairs, stoops, porches and patios. This area may be landscaped with ground cover, low shrubs, ornamental trees and street trees. In addition, street tree wells may also be landscaped. Landscaping for tree wells is limited to ground cover and low shrubs.

TABLE 1: DOWNTOWN DISTRICT STANDARDS FOR BUILDING HEIGHT

BUILDING HEIGHT [1] & [3]	BLOCKS FACING THE SQUARE	BLOCKS FACING SINGLE-FAMILY ZONING	ALL OTHER BLOCKS
MAXIMUM # OF STORIES	4	2 [1]	4
MINIMUM # OF STORIES	2	2	2

TABLE 2: DOWNTOWN DISTRICT STANDARDS FOR BUILD-TO-LINE

BUILD-TO LINE [2]	BLOCKS FACING THE SQUARE	BLOCKS FACING SINGLE-FAMILY ZONING	ALL OTHER BLOCKS
GOLIAD STREET AND ALAMO STREET [4]	20-Feet	20-Feet	18-Feet
RUSK, WASHINGTON AND DENNISON [5]	20-Feet	20-Feet	24-Feet
ALL OTHER ROADS	18-Feet	18-Feet	18-Feet

TABLE 3: DOWNTOWN DISTRICT STANDARDS FOR PEDESTRIAN ACCESS

PEDESTRIAN WALKWAY WIDTH	BLOCKS FACING THE SQUARE	BLOCKS FACING SINGLE-FAMILY ZONING	ALL OTHER BLOCKS
NON-RESIDENTIAL	10-Feet	10-Feet	10-Feet [5]
RESIDENTIAL [6]	6-Feet	6-Feet	6-Feet

NOTES:

[1]: MAXIMUM OF TWO (2) STORIES WHEN THE BUILDING IS WITHIN 200-FEET OF SINGLE-FAMILY ZONED PROPERTY.

[2]: BUILD-TO-LINES ARE MEASURED FROM THE *BACK OF CURB* OF THE PLANNED STREET AS SET OUT IN THE APPROVED REGULATING PLAN FOR THE DISTRICT. THE SETBACK RANGE IS ESTABLISHED FOR THE BLOCK FACE. [SEE SUBSECTION 04.07(C)(4), *BLOCK FACE*].

[3]: INCREASED HEIGHT FOR FEATURE BUILDINGS MAY BE APPROVED AS PART OF SITE PLAN APPROVAL BY MINOR WAIVER. ADDITIONAL HEIGHT FOR OTHER BUILDINGS SHALL BE CONSIDERED A MAJOR WAIVER.

[4]: EXCEPT ALONG GOLIAD STREET BETWEEN WASHINGTON STREET AND KAUFMAN STREET, WHERE EXISTING BUILDING LINES WILL BE ENFORCED.

[5]: SIDEWALK TABLES MAY BE ALLOWED BY THE CITY IN RETAIL AREAS.

[6]: EXCEPT RUSK STREET BETWEEN ST. AUGUSTINE STREET AND ALAMO STREET WHERE EXISTING HISTORIC BUILDING LINES WILL BE ENFORCED.

(D) *Buildings.*

(1) *Intent*. It is the intent of this zoning district to create an attractive and active village style district and the size, disposition, function, and design of buildings, play an important role in achieving that goal.

(a) Buildings should directly contribute to the attractiveness, safety and function of the street and other public areas.

(b) Buildings that accommodate retail at grade should feature the retail activity over the building's architecture.

(c) Buildings should be constructed in a manner, and with materials, that are highly durable and will continue to endure and be attractive over a long time, especially adjacent to public and pedestrian areas.

(d) It is intended by this zoning district to encourage a variety of building and design solutions in response to the standards and regulations outlined herein.

(2) *Building Standards.*

(a) *Building Form.*

(1) The maximum retail area allowed for a single user shall be 40,000 square feet. Any lease which exceeds this size shall require approval of a major waiver.

(2) All buildings shall be designed and constructed in tri-partite architecture so that they have a distinct base, middle and top.

(3) Buildings which are located on axis with a terminating street or at the intersection of streets shall be considered a feature building. Such buildings shall be designed with features which take advantage of that location, such as an accentuated entry and a unique building articulation which is off-set from the front wall planes and goes above the main building eave or parapet line.

(b) *Architectural Features.*

(1) Buildings which are greater than three (3) stories in height must be set back at the fourth floor at least eight feet behind the building face of the first three floors along street frontages. Any change to this standard shall be considered a major waiver.

(2) Windows shall have at least a four (4) inch reveal and except for retail at grade, shall be vertical in proportion.

(3) No glass curtain wall shall be permitted except by approval of major waiver.

(4) Each building and separate lease space at grade along the street edge shall have a functioning primary entry from the sidewalk. Such entries must be inset from the front building plane by at least five

feet. Secondary entries may be set back as little as three (3) feet. Functioning entries must be located no greater than 30-feet apart. Corner entries may count as a primary entry for both intersecting street frontages.

(5) Architectural elements of the primary building facade may encroach beyond the build-to line by up to five feet provided that pedestrian flow will not be significantly impeded, with a minor waiver. These elements may include stoops, porches, bay windows, eaves, planters and light wells for a below grade floor. Balconies, canopies and awnings are not limited in their encroachment, provided that they do not substantially interfere with pedestrian movement and street tree growth. This does not apply to the historic core.

FIGURE 9: EXAMPLE OF TRI-PARTITE ARCHITECTURE

❶: TOP; ❷: MIDDLE; ❸: BASE

FIGURE 10: 4TH FLOOR SETBACK REQUIREMENT

(c) *External Facade Materials*. The following shall apply to all exterior walls of buildings and parking structures which are clearly visible from a public street, walkway or open space:

(1) Ground floor exterior walls, excluding windows, doors, and other openings, shall be constructed of 100% brick, natural or cast stone on the exterior facade.

(2) Overall, a minimum of 85% of exterior walls which face on a street right-of-way, plaza or open space, excluding windows, doors, and other openings, shall be constructed of brick, natural or cast stone. Where such a wall turns a corner, the surface materials shall continue around the corner a minimum of eight feet.

(3) The remainder may be constructed of noncombustible materials including exterior stucco and class PB exterior insulating and finishing systems (EIFS). Stucco and EIFS shall be used only for walls, architectural features, and embellishments not subject to pedestrian contact. On wholly residential structures, cementitious fiberboard may be used for up to ten (10) percent of the facade provided it is above the ground floor.

(4) Unpainted metal, or metal subject to ordinary rusting shall not be used as a building material. Factory finished metal elements as well as metals that develop an attractive oxidized finish, such as copper, galvanized metal, stainless steel or weathering steel, may be used as architectural accents by minor waiver approval.

(5) Windows and glazing shall be a minimum of 30% up to a maximum of 70% of each building elevation. [*See Subsection (D)(2)(f), Non-Residential at Grade, below for special requirements for retail at grade*].

(6) A variation of up to 15% of the standards above, and the material type may be approved by administrative approval of a minor waiver, provided that the change will result in an improved architectural design without degrading the quality of public areas or increasing the need for maintenance.

(d) *Color.*

(1) The dominant color of all buildings (including above grade parking structures shall be muted shades of warm gray, red, green, beige and/or brown. Black, gold and stark white shall not be used except as an accent color. There are no restrictions on accent colors which comprise less than one (1) percent of the building face, except that florescent colors are prohibited.

(2) Roof colors shall be a shade of cool gray, warm gray, brown or red.

(e) *Residential at Grade.*

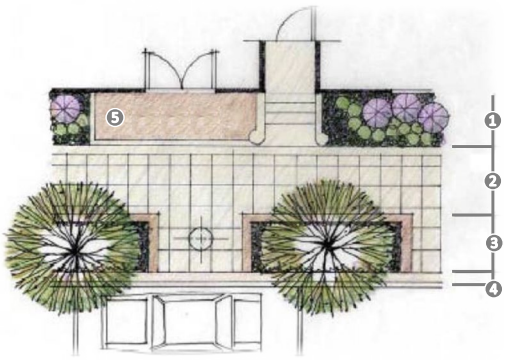
(1) All buildings which are constructed for residential units at grade shall include a primary front door

entrance into the unit which may be accessed from the sidewalk. Any change to this standard shall be considered a major waiver.

(2) The entry shall be located a minimum of two (2) feet above the sidewalk elevation and include a minimum 24-square-foot stoop. Any change to this standard shall be considered a major waiver.

(3) Units must also include windows which provide residents a view of the street and sidewalk area. Any change to this standard shall be considered a major waiver.

FIGURE 11: EXAMPLE OF RESIDENTIAL AT GRADE



❶: RESIDENTIAL LANDSCAPE/PATIO SETBACK;
❷: CLEAR SIDEWALK
❸: TREE, LIGHTING AND BIKE RACK ZONE
❹: ONE (1) FOOT DISMOUNT STRIP
❺: ELEVATED PRIVATE PATIO

(4) Lobbies to upper stories may be located at grade level.

(5) Balcony and patio railings and fences shall be constructed of wrought iron or metal. Wood fences and railings and chain-link fencing are prohibited. Masonry columns may be used on patios provided that they are used as accents.

(f) *Non-Residential at Grade.*

(1) The ground floor entry must be located at the approximate elevation of the adjacent sidewalk.

(2) Retail uses adjacent to the sidewalk at grade shall:

(a) Be constructed to meet fire code separation from any other uses constructed above;

(b) Have a minimum clear height of 16-feet between finished floor and the bottom of the structure above. Mezzanines within the retail space shall be allowed per building code;

(c) Have a canopy which extends at least six feet over the sidewalk for at least 75% of the frontage on any portion of a building located on the north, east or west side of a street and public sidewalk; and

(d) Have clear glass windows for at least 60%, but no greater than 80%, of the ground floor facade.

(e) No outdoor storage is permitted. Outdoor retail display or sales shall require a permit from the City.

FIGURE 12: EXAMPLE OF NON-RESIDENTIAL AT GRADE

❶: SIDEWALK WITH POSSIBLE OUTDOOR SEATING AND DINING
❷: TREE, LIGHTING AND BIKE RACK ZONE
❸: ONE (1) FOOT DISMOUNT STRIP

~~(D)~~(E) *Parking.*

(1) *Automobile Parking.*

(a) *Intent*. The following is the intent of the City's parking policies and the Downtown Zoning District:

(1) Support the creation of shared parking in order to enable visitors to park once at a convenient location and to access a variety of commercial enterprises in a pedestrian-friendly environment.

(2) Manage parking so that it is convenient and efficient, and supports an active and vibrant retail environment.

(3) Ensure visibility and ease of access to parking.

(4) Maximize on-street parking.

(5) Provide flexibility for changes in land uses which have different parking requirements within the district.

(6) Provide flexibility for the redevelopment of small sites.

(7) Design parking structures so that they do not dominate the public environment by lining the edge of structures with residential or commercial uses.

(8) Avoid diffused, inefficient single-purpose reserved parking.

(9) Avoid adverse parking impacts on residential neighborhoods.

(b) *Parking Requirements*. Off-street and on-street facilities shall be provided as required in Article 06, *Parking and Loading*, of the Unified Development Code (UDC).

(1) *Parking Reductions*.

(a) Properties in the historic core shall receive a credit for the number of parking spaces which would normally be required for retail use on the ground floor of any existing or new structure. To achieve this credit, however, retail or restaurant use must be located on the ground floor.

(b) In the remainder of the district, on-street parking which is directly in front of the development site may be counted toward the parking requirement for the development.

(2) *Achieving Automobile Parking*.

(a) Parking requirements may be met on-site, curb-side, by lease from the City or its designated authority or by payment of cash-in-lieu of parking to the City or its designated authority.

(b) Due to the limited land area within the historic core and the need to provide off-site parking, development shall be eligible to receive a reduction in the cost for the payment to the City for the required cash fee or the lease payments. The amount and the terms of the reduction shall be determined by the City manager or his designee by individual agreements.

(c) The City manager or designee shall annually establish the following:

(1) The leasing rates for city-provided parking spaces as a result of the need to provide such spaces for new development; and

(2) The cost of construction of a parking space in a parking structure for the purposes of establishing cash-in-lieu payments.

(3) *Parking Location*. All off-street parking shall be located behind buildings which face on a street or public open space. Any change to this standard shall be considered a major waiver.

(4) *At-Grade Parking*. Any at-grade parking lots fronting roadways which may be approved shall be set back not less than ten feet from the right-of-way line of such roadways, and screened from view as outlined in Subsection (F), *Landscaping Requirements*.

(5) *Parking Garages*. Parking garages that have frontage on public streets shall comply with all setback and build-to standards as established in *Tables 1, 2 & 3, Downtown District Standards*, and Subsection (D)(2)(c), *External Facade Materials*. However:

(a) Parking garages which are adjacent to a street shall be set back a minimum of 50-feet and lined with buildings containing any permitted use but parking.

(b) All parking garages shall be constructed with flat parking decks for ease in re-use of all or portions of the structure when parking demand wanes, unless otherwise approved by major waiver.

(c) Off-street below grade parking is permitted to the lot lines, but must be designed to allow for utilities and planting of landscape as defined in Subsection (F), *Landscaping Requirements*.

(6) Shared Parking.

(a) Uses may join in establishing shared parking areas if it can be demonstrated that the parking for two (2) or more specific uses occurs at alternating time periods. Required parking shall be determined based on parking demand for the peak parking period, as determined by a parking analysis study approved by the Director of Planning and Zoning.

(b) Shared parking shall be clearly designated with signs and markings.

(2) *Bicycle Parking*.

(a) *Goals*. Bicycle parking is required in order to encourage the use of bicycles by providing safe and convenient places to park bicycles.

(b) Required bicycle parking. Bicycle parking shall be provided based on at least one (1) space for each ten automobile parking spaces required as part of the base parking requirements above.

(c) *Bicycle Parking Standards*.

(1) *Location*.

(a) Required bicycle parking must be located within 50 feet of an entrance to the building. With approval of a minor waiver, bicycle parking may be located in the public right-of-way.

(b) Bicycle parking may be provided within a building, but the location must be easily accessible to bicycles.

(2) *Covered Spaces*. If covered spaces for motor vehicles are provided on-site, then 50% of the bicycle parking shall also be covered, unless otherwise approved by minor waiver.

(3) *Signs*.

(a) All monument signs in the Downtown (DT) District shall conform to the signage requirements stipulated by Subsection 06.04, *North Goliad Corridor Overlay (NGC OV) District*. All other signage shall conform to Chapter 32, *Signs*, of the Municipal Code of Ordinances.

Formatted: Font: 5 pt

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Underline, Font color: Accent 5

Formatted: Underline, Font color: Accent 5

Formatted: Font: 5 pt

Formatted: Indent: Left: 1.25", No bullets or numbering

~~(3)~~(b) If the bicycle parking is not visible from the street, then a sign must be posted indicating the location of the bicycle parking facilities.

(4) *Rack Types and Required Areas*. Bicycle racks and the area required for parking and maneuvering must meet the Downtown District engineering and landscape standards or be approved by minor waiver (see below). Bicycle lockers may also be allowed as part of meeting the bicycle parking requirement, but must be approved as to type and location.

(d) *Standards for Bicycle Rack Types and Dimensions*.

(1) *Rack Type*.

(a) Bicycle rack types and standards shall be approved by the City.

(b) *Parking Space Dimensions*.

(1) Bicycle parking spaces must be at least six feet long and two feet wide, and in covered situations, the overhead clearance must be at least seven feet.

(2) An aisle for bicycle maneuvering must be provided and maintained beside or between each row of bicycle parking. This aisle must be at least five feet wide.

(3) Each required bicycle parking space must be accessible without moving another bicycle.

(4) Areas set aside for bicycle parking must be clearly marked and reserved for bicycle parking only.

~~(E)~~(F) *Streetscape, Lighting and Mechanical*.

(1) *Intent*.

(a) It is the intent of this zoning district to provide a level and consistency of lighting that supports pedestrian activity and promotes safety.

(b) The entire district shall utilize the basic fixtures and furnishings in the public areas as may be approved by the City for this district.

(c) Mechanical equipment shall not be clearly visible from the street or other public area.

(2) *Standards*.

(a) For streetscape and lighting specifications, see the Subsection (H), *Downtown District Engineering and Landscape Standards*.

(b) Lighting elements shall be incandescent, metal Halide, or halogen only. No HID or fluorescent lights (*except fluorescent bulbs that screw into standard socket fixtures*) may be used on the exterior of buildings.

(c) All lighting shall be focused downward or narrowly focused on its intended target such as signing, parking and pedestrian walkways. No lighting source from a commercial activity shall be visible by a residential unit.

(d) Mechanical and electrical equipment, transformers, meters, garbage containers and loading areas shall be located and screened so that they are not visible from the street or other public area.

(1) Mechanical equipment shall be screened from view from all public roadways and located to minimize noise intrusion to adjacent properties. The required screening must be composed of the same exterior materials as the buildings on the lot, or through the use of masonry walls, ornamental fence (80% opaque), evergreen landscape material, or combination thereof.

(2) All roof-mounted mechanical elements must be screened from view from the public right-of-way and neighboring properties. Screening must be architecturally compatible with the building design.

(3) Loading, service and trash storage areas shall be screened from all public roadways. Refuse containers must be placed on a designed, reinforced concrete pad and approach. The required screening must be composed of the same exterior materials as the buildings on the lot, or through the use of masonry walls, ornamental fence (80% opaque), evergreen landscape material, or combination thereof.

(e) Any bicycle parking in the public right-of-way shall be located within the band created by street trees and pedestrian street lights; however, it must be placed in a manner that avoids conflicts with pedestrian and vehicular paths.

~~(F)~~(G) *Landscape Requirements*. Landscaping within the Downtown District shall comply with the provisions in this subsection, the City's streetscape standards and the standards contained in Article 08, *Landscaping and Fence Standards*, of this Unified Development Code (UDC). Where conflicts exist between this district and Article 08, *Landscaping and Fence Standards*, of this Unified Development Code (UDC), the requirements in this district shall be applied.

(1) *Street Trees*. Street trees shall be large shade tree species having a minimum caliper of four inches, selected in accordance with the City's landscape standards. Street trees shall be planted at least 20-feet on center.

(2) *Plant Material*. Front yards shall be landscaped adjacent to residential at grade per the diagram in Subsection (D)(2)(e), *Residential at Grade*, above. Plant materials shall consist of shade trees, ornamental trees, shrubs, evergreen ground covers, vines, and seasonal color.

(3) *Paving Material*.

(a) Paving material shall be warm toned, natural materials such as brick, stone and concrete. Asphalt may be approved as part of a minor waiver.

(b) Gravel as a paving material is prohibited.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Font: 5 pt

Formatted: Font: Italic, Underline

(4) *Parking Lot Landscape.*

(a) Landscaping of the internal surface parking area shall not be required unless it is planned to serve as long-term parking. In which case, such long-term surface parking areas shall meet the requirements of Subsection (F), *Landscaping Requirements*. For the purpose of this subsection, long-term parking shall be determined by the Director of Planning and Zoning, and may include parking which has a likelihood of being in place for a period of ten years or more.

(b) Surface parking lots shall be screened from all adjacent public streets and neighboring sites. The screen must extend along all edges of the parking lot and must be three feet in height, 80% opaque, and may be accomplished through the use of masonry walls, ornamental metal, evergreen plant materials, or a combination thereof. Planting beds for screen planting shall be a minimum of three feet in width.

(c) Interior parking lot landscape shall be consistent with Article 08, *Landscape Standards*, of the Unified Development Code (UDC).

(d) Parking spaces shall not exceed ten spaces in a row without being interrupted by a landscaped island (nine [9] foot minimum). Islands shall be planted with a minimum of one (1) shade tree for every ten (10) cars.

~~(G)~~(H) *Administration*.

(1) *Intent*. It is the intent that a developer or builder who wishes to develop under this zoning district will be processed in an expedited manner with administrative approvals, and may in fact qualify for incentives under other separate city programs. However, if there are substantial major waivers requested, additional approvals shall be required which may delay development progress.

(2) *Waivers of Design Standards*.

(a) For the purposes of this district, there shall be two types of waivers of design standards: minor and major. Requests for waivers shall not be subject to review or decision by the zoning board of adjustment. A waiver request may only be made in conjunction with an application for a downtown development plan.

(b) *Minor Waivers* are those changes to design standards in the Downtown District identified in Subsection (C)(2), Waivers of Design Standards, may be approved administratively by the Director of Planning and Zoning or his designee in conjunction with a decision on an application for approval of a downtown development plan. All minor waivers must meet the full intent of this zoning district as stated in section I. Appeals to decisions concerning minor waivers may be made to the Planning and Zoning Commission.

(c) *Major Waivers* are major changes to the design standards in the Downtown District. Major waivers may only be approved by the City Council, following a recommendation by the Planning and Zoning Commission, in conjunction with a decision on an application for approval of a downtown development plan. Examples of major waivers are listed in Subsection III.B above; however, the City Council reserves the right to grant a major waiver to any standard not specifically designated as a minor waiver contained in this Article pending the City Council finds that the waiver:

(1) Meets the general intent of this district in which the property is located;

(2) Will result in an improved project which will be an attractive contribution to the district; and

(3) Will not prevent the realization of the intent of this district.

(d) The City may impose conditions on granting any waiver to mitigate negative impacts neighboring properties or public streets or open space.

(3) *Downtown Development Plan Approval.*

(a) Prior to obtaining a building permit, a downtown development plan must be approved by the Director of Planning and Zoning or his designee, to certify that it meets the purpose, intent and standards contained in this zoning district.

(b) Downtown development plans must include the following information:

- Site Plan
- Building Elevations and Sections
- Building Function/Proposed Use
- Parking Standards Being Met
- Landscape Plan
- Any Waivers being Requested

(c) Applications for downtown development plan approval shall be reviewed within 30-days of being formally accepted by the City. At such time, the approval, approval with conditions or denial shall be forwarded to the applicant. However, applications including a request for a major waiver shall be scheduled for Planning and Zoning Commission and City Council action.

(d) Denial of a downtown development plan may be appealed to the Planning and Zoning Commission and City Council within 30-days of notification of such denial

(4) *Lapse of Approval*. If a building permit has not been obtained within two years following approval of the downtown development plan, such plan shall lapse unless the property owner requests an extension prior to the expiration of the two-year period. The request for an extension shall be considered by the planning director, or he may at his discretion refer the decision to the Planning and Zoning Commission and City Council in the same manner as for approval of the downtown development plan. The Director of Planning and Zoning (or the City Council, upon recommendation by the commission) may grant an extension of the time for expiration of the downtown development plan for a period not to exceed one (1) year from the date of initial approval of the application. Every request for

an extension shall include a statement of the reasons why the expiration date should be extended. The decision-maker may grant a request for extension upon demonstration that circumstances beyond the control of the applicant have resulted in the applicant's inability to perform the tasks necessary to prevent the downtown development plan from expiring before the lapse date. The commission or the City Council also may terminate the downtown development plan or may attach additional conditions to the extension of the plan.

(5) *Platting in the Downtown District*. Plats in the Downtown District shall ensure public access easements over sidewalk areas and shared drive access.

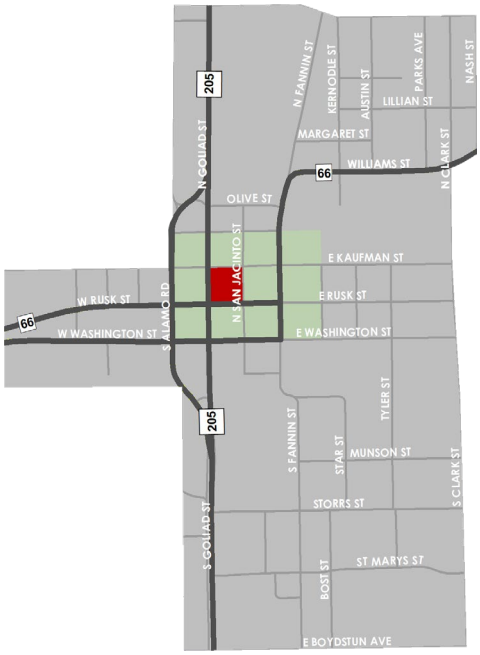
~~(H)~~(I) *Downtown District Engineering and Landscape Standards*.

(1) *Downtown Plan*. The Downtown District Engineering and Landscape Standards shall be in accordance with the approved Rockwall Downtown Plan.

(2) *Street Trees*.

(a) Trees which may be planted adjacent to sidewalks, alleys and streets are limited to the trees depicted in the tables

MAP 1: DOWNTOWN (DT) DISTRICT



GREEN: DOWNTOWN CORE; *GRAY*: PERIMETER ZONE; ***RED***: DOWNTOWN SQUARE; ***DARK GREY LINE***: MAJOR THOROUGHFARES.

contained in Appendix C, *Landscaping Guidelines and Requirements*, of this Unified Development Code (UDC).

(b) Shade trees shall be used for all formal street tree planting unless prohibited by the Texas Department of Transportation, in which case smaller ornamental trees may be used.

(c) Each street shall be planted with a focus on one (1) species to reinforce street character

(3) *Street Furniture*.

(a) The Downtown District shall utilize the following *street furniture* in accordance with *Map 1: Downtown District*:

~~(I)~~(J) *Streetscape Elements*. All streetscape elements described here within, are not intended to be the final product specification. The electrical engineer, architect, landscape architect or other professional designer should verify the product color, material and style number, prior to placing the final streetscape element order with manufacturer and supplier. Lighting fixture and traffic signal electrical voltage supply, circuiting, photometrics and final fixture location needs to be specified by a registered electrical engineer, with all fixture footings checked by a registered structural engineer, prior to installation.

(1) *Downtown Square and Downtown Core Streets.*

(a) *Light Standard: A1*. All commercial streets in the *Downtown Core*.

(1) *Catalog Number*. AAL/2-PRMN H3 or H5/150 to 175-watt MH lamp (voltage)/2-TRA5U arms/DB6 base with 4" round 15' ht. pole/PN A50596-1

(2) *Description*. Architectural Area Lighting (AAL); Promenade Series, Fixture: 2-PRMS Double Pedestrian Light Standard with a H3 or H5 horizontal lamp reflector, 150-watt to 175-watt metal halide lamp, medium base socket for use with E17 lamps; (voltage); CHM glass chimney, with brass holder, and DBZ dark bronze color. Arm: # 2-TRA5U period arm, one-piece cast aluminum, and DBZ dark bronze color. Pole, base and pole cap: DB6 4R16-125, 4" OD round straight aluminum, 15' tall (special) with a DB6 base, 36" ht. × 15" base diameter; P/N A50596-1, Small cast final at pole top, DBZ dark bronze color.

(b) *Light Standard: A2*. Limited to the *Downtown Square* and San Jacinto Street pedestrian ways.

(1) *Description*. Same as A1 above except with the optional BPS fixture struts are finished in a brass colored powder coating.

(c) *Traffic Signal: D1*. All commercial streets of the *Downtown Core*, if needed.

(1) *Description*. Valmont traffic structures. Pole/base/pole sphere final: Tapered, round standard galvanized steel pole, with an aluminum ball final on the pole top (Ball Top FCA-BL Series # FCA/BL/A/ (Estimate a 10" diameter ball, verify final size with top diameter range at top of pole/DB, dark bronze); pole base has an ornamental cast nut cover, color of complete traffic structure is a galvanized + powder coated finish, color = dark bronze to match Historic District street sign blades. Arm: Tapered, round standard arm, with an aluminum ball final on the end of the arm (ball top FCA-BL Series # FCA/BL/A/(estimate a 5" diameter ball, verify final size with top diameter range at the end of the arm after arm length is specified)/DBZ, dark bronze color. Signals: TXDOT standard signal, black color with black silhouettes, mount tightly to signal arm with black connections, so as to eliminate any visible gaps between silhouette and arm. Street Sign: Sign blade to match Historic District colors, font and sign format.

(d) *Traffic Signal with Light Standard: D2*. All commercial streets of the *Downtown Core*, if needed.

(1) *Description*. Same as D1 traffic signal, except pole is typical "standard combination structure" with AAL (B2 type) light; arm is a (modified) WMA 12 "shepherd's crook" contemporary arm modified to accept the Valmont pole, DBZ, dark bronze color.

(e) *Light Standard Banner Brackets*. At selected streets.

(1) *Description*. Architectural area lighting (AAL). Breakaway banner arm 2-BBD4-18, clamps onto a 4" O.D. pole and adjustable to desired position. Banner size should not exceed five (5) SF - maximum 70 mph wind. Verify banner bracket locations and mounting height; DBZ, dark bronze color, polyester powder finish.

(f) *Benches*. All commercial streets in the *Downtown Core*.

(1) *Catalog Number*. Du Mor Bench # 140 - 60 and # 140-80

(2) *Description*. Du Mor Site Furnishings. Bench 140 – in six (6) feet and eight (8) feet lengths, All welded seat assembly, Seating Surface: 1/4" × 1 1/2" HR steel bar 2-3/8" O.D. Sch 40 steel pipe, cast iron supports, bracing 1 1/16" O.D. steel pipe, stainless steel fasteners, dark bronze color polyester powder finish.

(g) *Trash Receptacles*. All commercial streets in the *Downtown Core*.

(1) *Catalog Number*. Du Mor Receptacle 84-22DM

(2) *Description*. Du Mor Site Furnishings. Trash receptacle 84-22, 22-gallon all steel receptacle, 150 lbs., top edge: 5/8 " diameter steel bar; vertical straps: 1/4; " × 3" steel bar with a 22-gallon plastic liner, cover; spun 14-gauge steel with vinyl coated cable; and a dome top, dark bronze color in a polyester powder finish.

(h) *Street Sign Blades*.

(1) *Description*. Match Historic District street sign blades (*dark bronze color with white lettering*).

(i) *Street Sign Brackets*. At non-signalized intersections. Street signs can be mounted to light standard poles.

(1) *Description*. Architectural area lighting (AAL). (Special) Each bracket is bolted to pole, dark bronze color to match fixture in polyester powder finish. (Verify bracket size with sign blade used as well as sign mounting height).

(j) *Street Regulatory Sign and Poles*.

(1) *Description*. Paint the backs of all sign blades and all poles, dark bronze color to match the Historic District street sign blades.

(k) *Bollards*. Limited to the *Downtown Square*.

(1) *Catalog Number*. Sternberg Vintage Lighting, ornamental bollard #4501

(2) *Description*. Sternberg Vintage Lighting. Ornamental steel bollard #4501, 5¼" diameter straight tubing (no fluting), 30" high, 8" dia. base, no internal light, DBZ, dark bronze color to match the Historic District street sign blades.

(2) *Downtown Perimeter Zone Streets.*

(a) *Light Standard: B1*. All neighborhood residential streets.

(1) *Description*. Same as A1 above except as a single headed fixture.

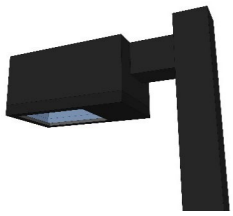
(b) *Light Standard: B2*. Limited to north and south sections of Goliad Street inside the *Downtown Zone* and at the intersections of Clark Street, Washington Street and Denison Streets inside the *Downtown Zone.*

(1) *Catalog Number*. AAL/PRM2 (H2, H3, H4, H5)/250 watt MH horizontal lamp (Voltage)/ARM: (modified) SLA 4 arm to accept the 5" dia. post/tendon/5" O.D. smooth round aluminum pole/DB 10 base/P/N A50575 large cast finial.

(2) *Description*. Architectural area lighting (AAL). Promenade Series, fixture: PRM2 (H2, H3, H4 and H5), 250-watt metal halide horizontal lamp, (voltage), DBZ dark bronze color, arm: (modified) SLA 4 arm (shepherd's crook) to accept the 5" dia. post/tendon, DBZ, dark bronze color, polyester power finish. Pole, base and pole cap: 5" O.D. diameter, smooth round aluminum pole, with a DB 10 ornamental base that is 48" high with an 18" base diameter, large cast finial #P/N A50575 20" high × 5½" O.D. that fits on top of pole, DBZ dark bronze color, polyester powder finish.

(c) *Light Standard: C*. Current standards. All thoroughfares (*i.e. SH-66, Goliad Street, Washington Street, and Denison Street*) inside the *Downtown Perimeter Zone* (*existing and new routed thoroughfares*).

(1) *Description*. Existing *Shoe Box* style light standard.



(d) *Light Standard Banner Brackets*. At selected streets.

(1) *Catalog Number*. AAL—Banner arm 2-BBD4-18

(2) *Description*. Architectural area lighting (AAL). Breakaway banner arm 2-BBD4-18, clamps onto a 4" O.D. pole and adjustable to desired position. Banner size should not exceed 5 SF - Maximum 70 mph wind. Verify banner bracket locations and mounting height. DBZ dark bronze color.

(e) *Street Sign Blades*.

(1) *Description*. Match Historic District street sign blades (*dark bronze color with white lettering*).

(f) *Street Sign Brackets*. At non-signalized intersections. Street signs can be mounted to light standard poles.

(1) *Description*. Architectural area lighting (AAL). (Special) Each bracket is bolted to pole, dark bronze color to match fixture in polyester powder finish. Verify bracket size with sign blade used as well as sign mounting height.

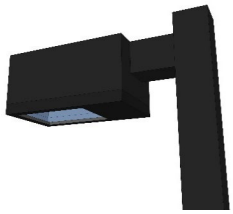
(g) *Street Regulatory Signs and Poles*.

(1) *Description*. Paint the backs of all sign blades and all poles, dark bronze to match the Historic District street sign blades.

(3) *Major Thoroughfares and Parkways.*

(a) *Light Standard: C*. Current standards.

(1) *Description*. Existing "shoe box" style light standard painted dark bronze.



(b) *Street Signs*.

(1) *Description*. Paint the backs of all sign blades and all poles, dark bronze to match the Historic District street sign blades.

SECTION 05 | INDUSTRIAL DISTRICTS

SUBSECTION 05.01: 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 and Zoning 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.

(b) *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.

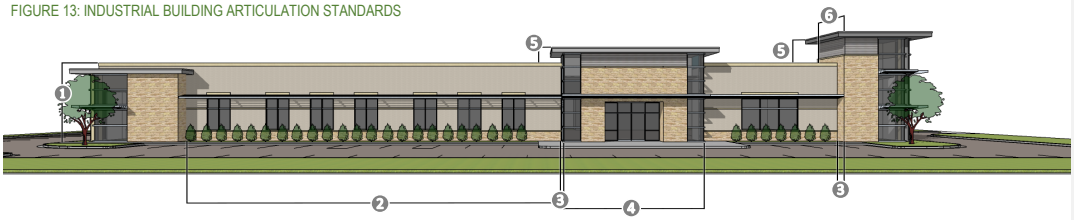
(c) *Secondary Materials.* Secondary Materials are any material that is not deemed to be a Primary Material as defined above. This includes materials like aluminum composite materials, metal panels, acrylic products (i.e. EIFS products) cast stone, or other materials identified by the Director of Planning 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.

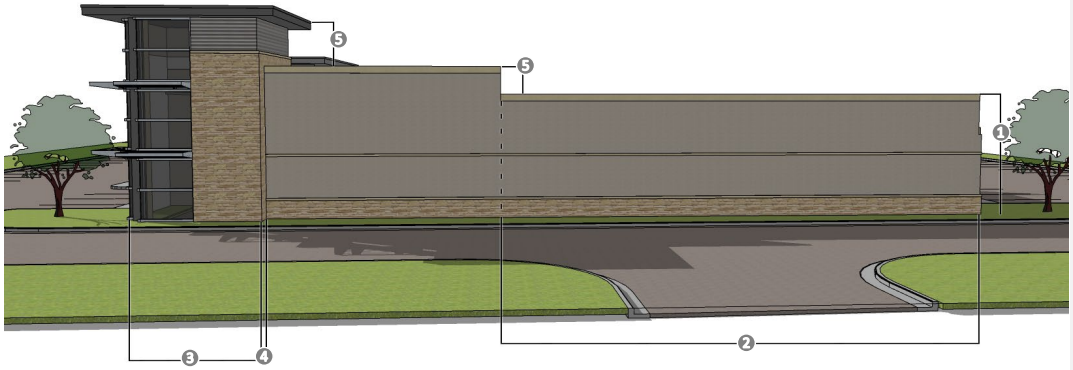
(B) *Maximum Building Height.*

(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

FIGURE 13: INDUSTRIAL BUILDING ARTICULATION STANDARDS



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 x ❶≥❷).
❸: *WALL PROJECTION*. THE MINIMUM WALL PROJECTION FOR AN ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 25% OF THE WALL HEIGHT (I.E. 25% x ❶≤❸).
❹: *ENTRYWAY/ARCHITECTURAL ELEMENT LENGTH*. THE MINIMUM LENGTH OF AN ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 33% OF THE WALL HEIGHT (I.E. 33% x ❷≤❹).
❺: *PROJECTION HEIGHT*. THE ENTRYWAYS/ARCHITECTURAL ELEMENT SHALL EXTEND A MINIMUM OF 25% OF THE WALL HEIGHT ABOVE THE TOP OF THE WALL (I.E. 25% x ❶≤❺).
❻: *ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL WIDTH OF THE ENTRYWAY/ARCHITECTURAL ELEMENT SHALL EXTEND TWICE THE REQUIRED WALL PROJECTION (I.E. 2 x ❹≥❺).



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 THREE (3) TIMES THE WALL HEIGHT (I.E. 3 x ❶≥❷).
❸: *SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT LENGTH*. THE MINIMUM LENGTH OF THE SECONDARY ENTRYWAY OR PROJECTTING ARCHITECTURAL ELEMENT SHALL BE 15% OF THE WALL LENGTH (I.E. 15% x ❷≤❸).
❹: *SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL PROJECTION FOR A SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 15% OF THE WALL HIEHGT (I.E. 15% x ❶≤❹).
❺: 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% x ❶≤❺).

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 standards for articulation on primary building façades as depicted in *Figure 8*.

(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 standards for articulation on secondary building façades as depicted in *Figure 8*.

(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 09.01, *Exceptions to the General Standards*, Article 11, *Development Applications and Review Procedures*.

SUBSECTION 05.02: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements.* All development within a Light Industrial (LI) District shall conform to Subsection 05.01, *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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

SUBSECTION 05.03: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Heavy Industrial (HI) District shall conform to Subsection 05.01, *General Industrial District Standards*, and the related standards listed within Subsection 7.03, *Non-Residential District Development Standards*.

SECTION 06 | OVERLAY DISTRICTS

SUBSECTION 06.01: 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 06.02: 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 04, 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:

(1) Retail Store with Gasoline Sales (*Any Number of Dispensers or Vehicles*)

(2) Car Wash (*Any Type*)

(3) 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 and Zoning 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.

(a) *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 09.02, *Variances to the General Overlay District Standards*, of Article 11, *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:

(a) Scenic Overlay (SOV) District: 15-feet
(b) SH-66 Overlay (SH-66 OV) District: 15-feet
(c) IH-30 Overlay (IH-30 OV) District: 25-feet
(d) SH-205 Overlay (SH-205 OV) District: 25-feet
(e) North SH-205 Overlay (N. SH-205 OV) District: 25-feet
(f) SH-205 By-Pass Overlay (SH-205 BY OV) District:

- Residential Land Uses: See Section 06.10, *SH-205 By-Pass Overlay (SH-205 BY OV) District*
- Retail/Commercial Land Uses: 15-feet
- Industrial/Office/Technology Land Uses: 50-feet

(g) 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

(h) 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

(i) 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 or any roadway that is depicted on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan*) [*outside of and beyond any required right-of-way dedication*] shall be as follows:

(a) Scenic Overlay (SOV) District: 20-feet
(b) SH-66 Overlay (SH-66 OV) District: 20-feet
(c) IH-30 Overlay (IH-30 OV) District: 20-feet
(d) SH-205 Overlay (SH-205 OV) District: 20-feet
(e) North SH-205 Overlay (N. SH-205 OV) District: 20-feet
(f) 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

(g) 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

(h) 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

(i) 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 shrubbery or a combination thereof along the entire length of the frontage. Berms and shrubbery shall each 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 C, *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 06.03: HISTORIC OVERLAY (HO) DISTRICT

(A) *Purpose*. The protection, enhancement and perpetuation of districts and landmarks of historical and cultural importance and significance are necessary to promote the economic, cultural, educational and general welfare of the public. It is recognized that within the City numerous areas, sites and structures represent the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural and cultural resources that constitute their heritage, and therefore this overlay district is intended to:

(1) Protect and enhance the district and landmarks which represent distinctive elements of the City's historic, architectural and cultural heritage;

(2) Foster civic pride in the accomplishments of the past;

(3) Protect and enhance the City's attractiveness to visitors and the support and stimulus to the economy thereby provided;

(4) Ensure the harmonious, orderly and efficient growth and development of the City;

(5) Promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the City;

(6) Stabilize and improve values of such properties;

(7) Promote education of significance and importance of historical preservation including the exploration of tax incentives (federal, state or local) that may apply to individual property owners or properties within the historic district as a whole; and8.Provide guidance to property owners restoring and/or rehabilitating historic significant in an effort to maintain the historical integrity of the area.

(B) *Terms and Definitions*. The following terms and definitions are used in the historic district ordinance and the historic guidelines.

(1) *Applicable Property or Applicable Structure*. The term used for properties that meet the following criteria, and are subject to the provisions of Unified Development Code:

(a) Either be a designated historical landmark or be wholly or partially located within a designated historic district, and

(b) Either be a contributing structure or property as defined in this section or be located within 200-feet of a contributing structure or property.

(2) *Board*. The Rockwall Historic Preservation Advisory Board (HPAB).

(3) *Certificate of Appropriateness (COA)*. A document approved by the board certifying that the proposed actions meet the intent of the ordinance and guidelines, or that a waiver has been granted.

(4) *Contributing Structure or Property*. A building, site, structure or object which adds to the historical architectural qualities, historical associations or archaeological value for which a property or district is significant because:

(a) It was present during the period of significance and possesses historical integrity reflecting its character at that time or is capable of yielding important information about the period, or

(b) It independently meets the National Register criteria. The level by which a property is "contributing" (high-, medium- and low-contributing property) was originally determined by a historic survey of the properties within the (HO) Historic Overlay District implemented by the City community development department through the spring and summer of 2000. This survey may be amended from time to time.

(5) *District*. A designated area within the preservation district or elsewhere in the City subject to the requirements and standards of the historic district ordinance. An identifying name will precede the word "district".

(6) *Guidelines*. The adopted historic district design guidelines as stated in Appendix D, *Historic Preservation Guidelines*, of the Unified Development Code (UDC).

(7) *Landmark Property*. A property or structure(s), not contiguous to or part of an existing historic district that is deemed worthy of preserving.

(8) *Non-Contributing Structure or Property*. A building, site, structure, or object which does not add to the historical architectural qualities, historical associations, or archaeological value for which a property or district is significant because

(a) It was not present during the period of significance, or

(b) Due to alterations, disturbances, additions, or other changes it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period, or3.It does not independently meet the National Register criteria.

(9) *Preservation District*. The area designated as having structures which may be suitable for inclusion in a historic district or districts.

(C) *Historic Preservation Officer*. The Historic Preservation Officer (HPO) shall administer this section and advise the Historic Preservation Advisory Board on matters submitted to it.

(D) *Designation Criteria*. The board may recommend to the commission and the City Council that certain properties be "landmark districts" and that specific areas be designated as "historic districts" as provided for in this Unified Development Code (UDC). Any such designation must comply with all limitations expressed Subsections (E)(5) and (E)(6) below. Such a property or district shall bear the word "landmark" or "historic" in their zoning designation.

Properties that are listed as a Recorded Texas Historic Landmark (RTHL), State Archeological Landmark (SAL) or listed on the National Register of Historic Places (NR) shall be designated as recognized local landmarks.

(E) *Designation Procedures.*

(1) The City Council may designate by zoning ordinance certain areas as landmark or historic districts, providing they meet the criteria in Subsections (E)(5) and (E)(6). When so designated, the area shall bear the word "historic" or "landmark" in their zoning designation.

(2) The following steps shall be followed at every level in the recommendation and approval process:

(a) Public hearings shall be held and notices of same shall be posted, advertised, and notices sent in the manner prescribed under Subsection (G)(6), *Public Hearing*, and other procedures specifically provided in the City's Unified Development Code.

(b) Property owners and other interested parties may present testimony or documentary evidence that will become part of a record regarding the historic, architectural, or cultural importance of the proposed district. The record also may contain staff reports, public comments, or other evidence offered outside of the hearing and entered into the record.

(3) The board shall make its recommendation to the Planning and Zoning Commission within a reasonable time period, allowing for deliberations and strict adherence to timeframes required for public hearings. The Planning and Zoning Commission shall schedule a public hearing to be held within 45-days of receiving the board's recommendation.

(4) Upon designation of an area as a landmark or historic district, the designation should be recorded in the tax records of the City, and the City official zoning maps. All zoning maps should indicate the designated districts by an appropriate mark.

(5) A historic landmark property may be a single property or structure not contiguous to or part of an existing historic district, but is deemed worth of preserving. A landmark district may be designated if the property meets one of the following:

(a) Possesses significance in history, architecture, archeology, and/or culture;

(b) Is associated with events that made a significant contribution to the broad patterns of local, regional, state and/or national history;

(c) Is associated with the lives of persons significant in the City's past;

(d) Embodies the distinctive characteristics of a type, period, and/or method of construction;

(e) Represents the work of a master designer, builder, and/or craftsman; or

(f) Represents an established and familiar visual historical feature of the City.

(6) The board may recommend a historic district to the City Council to be designated if it:

(a) Contains a significant number of properties which meet one or more of the criteria for designation of a landmark as outlined in Subsection (E)(5) above, or

(b) Constitutes a distinct historical section of the City.

(7) The boundaries of each designated historic district shall be specified in written detail and shall be filed in the City secretary's office for public inspection.

(F) *Certificate of Appropriateness (COA) for Alteration or New Construction.*

(1) *Applicability of Ordinance.*

(a) *Included Properties*. The provisions of this ordinance shall apply only to those properties, hereinafter referred to as "applicable properties", which meet the following criteria:

(1) Either be a designated historical landmark or be wholly or partially located within a designated historic district, and

(2) Either be a contributing property as defined in subsection B or be located within 200-feet of a contributing property.

(b) *Excluded Properties*. Properties owned by a religious institution or used for religious purposes shall not be considered eligible for designation as a contributing property (*and shall not be affected by adjacent contributing properties*) unless they derive primary significance from either architectural distinction or historical importance

(2) *COA Does Not Replace Other Codes*. The Certificate of Appropriateness (COA) is in addition to and does not replace any other city permits or codes that must be followed.

(3) *Examples*. These are examples of situations that require a Certificate of Appropriateness (COA) for work performed on an applicable property. Additional information is located in the design guidelines contained in Appendix D, *Historic Preservation Guidelines*, of the Unified Development Code (UDC).

(a) Construction of a new building.

(b) Demolition or removal of an existing structure.

(c) Alterations to the façade, including additions and removals that will be visible from a public street.

(d) New improvements that would substantially obstruct the view of the main or front elevation as seen from a public street.

(e) Painting of a masonry surface not previously painted. For other painting, see design guidelines, residential properties.

Any addition or deletion of landscape materials or landscape design elements need not receive a Certificate of Appropriateness (COA) from the Historic Preservation Advisory Board (HPAB). It is recommended, however, that all proposed landscaping used in the district be extracted from the "recommended plant list" as provided in the landscape ordinance of the City. City staff shall maintain a list of plant material that is appropriate for all designated historic areas.

Any person wishing to paint a structure within a historic district may do so without receiving a Certificate of Appropriateness (COA) from the board. City staff and/or the board shall provide review and comment as requested by the property owner about color selection and design. Such review and comment, however, shall not be binding.

The board may recommend guidelines to enable the Historic Preservation Officer (HPO) to issue a Certificate of Appropriateness (COA) for exterior restorations and renovations requiring a building permit.

(G) *Application Procedure.*

(1) *Application Form*. Prior to the commencement of any work requiring a COA the owner shall file with the Historic Preservation Officer (HPO) an application for such a certificate. The application shall contain:

(a) Name, address, telephone number of applicant(s), detailed description of proposed work.

(b) Location of the proposed work (street address) and photographs of the property and adjacent properties. (Historical photographs also may be helpful.)

(c) Elevation drawings of the proposed changes, if available, and preferably in color.

(d) Samples of materials to be used, if requested by the board.

(e) If applicable, a scale drawing of any signs showing the type of lettering to be used, all dimensions and colors, a description of materials be used, method of illumination (if any), and a plan showing the sign's location on the property.

(f) Site plan in accordance with the Unified Development Code, if applicable.

(g) Any other information which the board may deem necessary in order to visualize the proposed work, and any additional material the applicant wishes to submit.

(2) *Building Permit*. A COA issued by the board is required before a building permit will be issued for any work.

(3) *Time Frame for Actions*. The board shall deny, approve, or approve the COA with modifications within 60 days from receipt of the completed application and supporting documentation. The board shall hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views.

Should the board not act within the 60-day period, the COA shall be automatically referred to the City Council for their approval or denial, following a public hearing.

(4) *Written Decisions*. All decisions of the board shall be in writing. An approved Certificate of Appropriateness (COA) shall be sent to the applicant and a copy filed with the City secretary's office for public inspection. The board's decision shall state the reasons for denying or modifying any application.

(5) *Standards for Approval*. The Historic Preservation Advisory Board must approve the application for a Certificate of Appropriateness (COA) if it determines that:

(a) For contributing structures, the application will not adversely affect the character of the site; and the proposed work is consistent with the regulations contained in this section and proposed preservation criteria; or

(b) For non-contributing structures, the proposed work is compatible with the historic district.

(6) *Public Hearing*. A public hearing before the board is required as defined in subsection E.6 before a decision can be made on a zoning recommendation forwarded to the Planning and Zoning Commission.

(a) The board shall hold a public hearing on all actions considered and appeals made to it. Said public hearing shall be held, when necessary, on the third Thursday of the month. In cases where this "regularly scheduled" meeting date is not appropriate (*e.g., in cases as set forth under section I, emergency procedure*) an alternative meeting date will be set.

(b) Written notice of the public hearing shall be sent to the applicant, all persons who are owners of real property lying within 200 feet of the subject property and to all other persons deemed by the board to be affected.

(c) Written notice shall be given not less than ten days before the date set for the public hearing to all such owners of record as the ownership appears on the current on-line tax roll. The notice may be served by deposition of the same, properly addressed and postage paid, in the U.S. Post Office.

(H) *Actions After Board Decision*.

(1) *Appeal Process*. If the Certificate of Appropriateness (COA) is denied, the applicant may appeal to the City Council by filing a written notice with the Historic Preservation Officer (HPO) within ten business days after the decision of the board. In considering an appeal, the sole issue before the City Council shall be whether the board erred in its decision. The City Council shall consider the same standards and evidence that was considered in making the decision. Appeal to the City Council constitutes the final administrative remedy.

If the Certificate of Appropriateness (COA) is approved, any property owner within the subject historic district aggrieved by any decision of the board may appeal to the City Council. Said appeals may be made by filing a written notice with the Historic Preservation Officer (HPO) within ten business days after the decision of board.

(2) *Reapplication*. If an appeal is denied by both the board and the City Council, no further applications may be considered for the subject matter of the denied Certificate of Appropriateness (COA) for one (1) year from the date of the final decision unless:

(a) The Certificate of Appropriateness (COA) has been denied without prejudice; or

(b) The board waives the time limitation because it that there are changes or circumstances sufficient to warrant a new hearing. A simple majority vote by the board is required to grant the request for the waiver of the time limitation.

(3) *Suspension of Work*. After the work authorized by the Certificate of Appropriateness (COA) is commenced, the applicant must make continuous progress towards completion of the work, and shall not suspend or abandon the work for a period of more than 180 days. The Historic Preservation Officer (HPO) and/or building official may, in writing, authorize a suspension of work for a period greater than 180 days upon written request by the applicant showing circumstances beyond his control.

(I) *Emergency Procedure*. If any applicable structure is damaged and the building official determines that it is a public safety hazard or will suffer additional damage without immediate repair, the building official may allow the property owner to temporarily protect the structure whether or not the materials used conform to the guidelines. However, in such a case, the property owner must then apply for a Certificate of Appropriateness (COA) for the restoration, rebuilding, remodeling, demolition or removal of the structure within ten days of the occurrence that caused the damage. The temporary protection authorized under this subsection must not permanently alter the architectural features of the structure.

(J) *Demolition*.

(1) *Requires a Certificate of Appropriateness (COA)*. A Certificate of Appropriateness (COA) is required prior to receiving a permit for demolition of a property within a historic district, including secondary buildings. An application for demolition of a contributing structure on the grounds of hardship may be filed. The applicant must establish the following elements to prove hardship:

(a) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible; and

(b) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and

(c) Efforts to find a purchaser interested in acquiring the property and preserving it have failed; and/or

(d) The structure or property is in such condition as to be irreparably damaged and as such poses a nuisance to the surrounding area and is a "threat" to the health, safety and general welfare of the community.

(2) *Demolition Delay*. The Historic Preservation Officer (HPO) upon receipt of an application for a demolition permit of a subject property designation as a historic landmark or located within a designated historic district shall forward on the application for demolition to the Historic Preservation Advisory Board (HPAB) for consideration at their next regularly scheduled meeting.

(a) The issuing of a demolition permit shall be delayed for minimum of 60-days from the date of approval of an application by the Historic Preservation Advisory Board (HPAB).

(b) During this 60-day delay, the Historic Preservation Officer (HPO) shall work with the Historic Preservation Advisory Board to notify all potentially interested parties of the pending demolition in order to allow such parties to take whatever steps they deem appropriate to accomplish the preservation of the subject property.

(c) If it is determined by the Director of Planning and Zoning in consultation with the Historic Preservation Officer (HPO) that a property poses an immediate threat to the public health and safety, this determination shall be reported to the City manager who may instruct the building official to issue a demolition permit without delay.

(3) *Expiration*. A Certificate of Appropriateness (COA) for the demolition or removal expires if the work authorized by the certificate for demolition or removal is not commenced within 180 days from that date of the issuance of the certificate for demolition.

(K) *Enforcement*. All work performed pursuant to a Certificate of Appropriateness (COA) issued under this Unified Development Code (UDC) shall conform to all requirements included therein. It shall be the duty of the building inspection department to periodically inspect any such work to assure compliance. In the event work is found that is not being performed in accordance with the Certificate of Appropriateness (COA), the building inspection department may suspend the Certificate of Appropriateness (COA), issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. A Certificate of Appropriateness (COA) may be reinstated, any stop work order lifted, and work may resume upon assurance that compliance will henceforth exist.

(L) *Ordinary Maintenance*. Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district that does not involve a change in design or material. In-kind replacement or repair is included in this definition of ordinary maintenance.

(M) *Preservation Incentives*. To promote the goal of stabilizing and improving values of properties within the district, and encourage the rehabilitation and stabilization of structures, the City Council by resolution may offer tax incentives.

(N) *Minimum Maintenance Standards*. No owner or person with an interest in real property designated as a landmark or a property located within a district shall permit the property to fall into a serious state of disrepair so as to result in the significant deterioration of any exterior architectural feature which would, in the judgment of the HPAB, create a detrimental effect upon the historic character of the landmark or district.

(1) Serious disrepair and significant deterioration examples. Examples of serious disrepair or significant deterioration include:

(a) Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.

(b) Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling

(c) Deterioration or crumbling of exterior plaster finishes, surfaces or mortars.

(d) Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.

(e) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.

(f) Rotting, holes, and other forms of material decay.

(g) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.

(h) Deterioration that has a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the contributing structure.

(i) Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

(O) *Procedure to Mitigate Demolition by Neglect*. Demolition by neglect refers to the gradual deterioration of a property when routine or minimum maintenance is not performed. The HPO and the development services department staff shall work together in an effort to reduce demolition by neglect involving landmarks or properties located within districts within the City. A demolition by neglect citation as determined by the HPAB may be issued against the owner of the property for failure to comply with the minimum maintenance standards by permitting the subject property to exhibit serious disrepair or significant deterioration as outlined in section N herein.

(1) Due to the time-consuming nature of pursuing enforcement under this section, no more than one (1) property will be under consideration during each of the following quarters (January-March, April-June, July-September, and October- December).

(2) While the HPO will act as the point of contact, the development services department staff shall, when needed, assist with inspections. If there is a dispute between the HPO and development services department staff, the City manager may be consulted as a mitigating party.

(3) *Citation Procedures*. The procedure for citing a property for Demolition by Neglect shall be as follows:

(a) Initial identification is made by visual inspection of the area by the HPO or an HPAB member or by referral from someone in the area. All referrals shall be made in writing and shall be submitted to the HPO.

(b) Once the initial identification is made, followed by a preliminary determination by the HPO, the property owner shall be notified by US mail of the defects of the building and informed of various incentive programs that may be available for repair. The owner is given 30 days in which to respond to the preliminary determination by submitting a stabilization proposal to HPO. The stabilization proposal will be presented to the HPAB at the next available meeting. If the HPAB approves the proposal, a Certificate of Appropriateness (COA), if necessary, may be issued administratively by the HPO. The approval will detail the specific work which is necessary to correct the demolition

by neglect conditions, as well as a time period to begin and complete the work. The HPO shall update the HPAB on the status of the property every 30 days once work begins on the property.

(c) If the property owner receives the letter regarding the preliminary determination, but fails to respond, a second notice shall be sent in the same manner as described above.

(d) If the property owner fails to receive and/or respond to the letter regarding the preliminary determination after two attempts, the matter returns to the HPAB for a citation hearing. The HPO shall send a third notice via certified mail informing the owner of the hearing, the property is posted with a notice of the violation in accordance with the provisions of this Article, and a public hearing on the citation is scheduled.

(e) At the public hearing the owner is invited to address the HPAB's concerns and to show cause why a citation should not be issued. The HPAB may act to approve any proposed work, defer the matter to give the owner more time either to correct the deficiencies or make a proposal for stabilization, or issue a citation to the owner of the property for failure to correct the demolition by neglect conditions.

(f) If the owner is cited for the condition of demolition by neglect of the property, he is given 14 days to submit a stabilization proposal to the HPO, and at the discretion of the HPAB, up to one (1) year to correct the defects. The HPO shall update the HPAB on the status of the property every 30 days once work begins on the property.

(g) If the owner does respond with a stabilization proposal, the matter is turned over to the City Attorney in which case the citation will be taken forward to the municipal court where the City Attorney shall request the court allow the property owner the time prescribed by the HPAB to correct the defects as described in section F.

SUBSECTION 06.04: NORTH GOLIAD CORRIDOR OVERLAY (NGC OV) DISTRICT

(A) *Purpose*. The North Goliad Corridor Overlay District is a specialized zoning district overlay along North Goliad Street beginning north of the Downtown District and terminating at Live Oak Street. This Corridor has been identified as one of the important entry points into the City of Rockwall. The district has been established to protect scenic and historic qualities through the use of additional development criteria. The district establishes design standards to guide the new construction and rehabilitation of buildings, streetscapes and architectural styles consistent with the existing historic residential homes and businesses located along the corridor.

(B) *Application and Boundaries*. The boundaries of the North Goliad Corridor Overlay District are as established in the official zoning map of the City of Rockwall. The boundary generally extends from Olive Street north to Live Oak and being more particularly described herein as Exhibit "A" [Ord. No. 07-30, Exhibit A which is on file in the City secretary's office]. use or change of use within the North Goliad Corridor Overlay District.

All property developed within the Overlay District must meet both the terms and requirements of the underlying zoning classification applicable to the property and the provisions set forth in the Overlay District. The most restrictive requirement applicable to the property shall apply.

(C) *Architectural Standards*. Most of the historic architecture of the district does not follow one specific style, but is influenced by many. The development along the corridor is an eclectic mix of buildings, but there is a similar vocabulary in the building design and construction materials. The development for the residential and commercial buildings shall generally fit within one or more of the following architectural styles.

FIGURE 14: BUNGALOW

(1) *Bungalow*. The bungalow style is a unique house type that borrows from other cultures, but is a truly American design. Developed on the west coast, the bungalow reduces the distinction between inside and outside space, reflecting open practical living. It is generally a low, small house that used natural materials and relief on simplified design. The roof structure is most often broad gables, often with a separate lower gable covering the porch, although hipped roof structures are also common. There is little ornamentation, and what is found is of simplified design. The first bungalow development period was from 1895 to 1915.

FIGURE 15: COTTAGE

(2) *Cottage*. A cottage is basically a small frame single-family home that does not use any particular architectural style or ornamentation pattern. Roof styles vary, but most often use gable, hip or a combination of the two. This is a style that often borrows elements from classic styles, but does not incorporate other elements that make the style unique.

FIGURE 16: CRAFTSMAN

(3) *Craftsman*. An extension of the early bungalow, the craftsman design included a low-pitched gabled roof with a wide, unenclosed eave overhang. Roof rafters are usually exposed and decorative beams or braces are commonly added under gables. Porches are either full or partial-width, with a roof often supported by tapered square columns. The most distinctive features of this are the junctions where the roof joins the wall, where the most ornamentation occurs. This was the dominant style for smaller homes from 1905 to early 1920s. The popularity of the style faded quickly, however, and few were built after 1930.

FIGURE 17: FOLK VICTORIAN

(4) *Folk Victorian*. The folk Victorian style uses a simple, folk type house style that is often one (1) story and has a roof that is gabled or hipped (pyramidal). It lacks the intricate, irregular roof structure of the Queen Anne style, but includes ornamentation common to Victorian-style detailing, especially spindle work. Facades are generally symmetrical.

~~(4)~~

FIGURE 18: QUEEN ANNE

(5) *Queen Anne*. The Queen Anne architectural style was common from about 1880 to 1910. Identifying features include a steeply pitched, irregular shaped roof, often with a dominant front-facing gable, patterned shingles, cutaway bay windows, and other features to avoid a smooth walled appearance. The decorative detailing is usually of two types:

(a) Spindle work includes turned posts and may also include decorative gables and ornamentation under the wall overhangs.

(b) Free classic detailing uses classical columns, instead of delicate turned posts, and other ornamentation is less

Formatted: Indent: Left: 0.5", No bullets or

"lacy" and delicate than that found in spindle work. This style became common after 1890.

(D) *Building Design*. The height of new buildings shall not exceed this Unified Development Code standards: generally, one (1) and two (2) stories are allowed (36 feet maximum). New building additions and alterations should be compatible with the adjoining area and not exceed height, lot coverage and floor area ratio requirements as specified in this Unified Development Code.

- The use of consistent architectural styles from the years 1870 to 1940 is strongly encouraged rather than additions or alterations from more recent or different design styles (see architectural styles in subsection C of this section for examples).
- New construction should include elements such as cladding, roofing material, roof structure and ornamentation common to the district.
- The existing pattern of building facades generally respecting pedestrian or human scale design should be incorporated into new development projects. Roof types generally associated with residential buildings such as gable, hip or gambrel are also appropriate for structure within the North Goliad Corridor Overlay District.
- All decorative fixtures, including awnings, signs and lighting, shall be integrated with other design elements of the structures.
- Building elevations shall be submitted as part of the development application for review by the Historic Preservation Advisory Board who shall make its recommendations to Planning and Zoning Commission. Perspectives, accurate sections or a model of the project may be required to depict the height, mass and scale of the proposed project with respect to its setting and adjacent development.

(E) *Parking Area Restrictions*. Any surface parking shall be provided in well-screened parking lots at the rear or behind the main facade of the building. All parking structures shall adhere to the standards of this Unified Development Code and any additional requirements of the underlying zoning district.

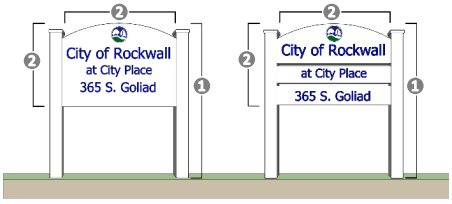
(F) *Cross Access*. Cross access easements may be required by the planning commission and/or City Council at the time of site plan approval or platting to ensure access between adjoining properties and to reduce the number of needed curb cuts.

(G) *Accessory Buildings*. New accessory or outbuildings, including garages and enclosures for service areas, trash or recycle containers, or storage structures should be compatible with materials, textures, colors and architectural styles of the principle buildings.

(H) *Landscaping Standards*. Existing trees should be retained where possible. Street trees and other sidewalk area landscaping shall be incorporated if pedestrian circulation will not be obstructed. Front yards should be landscaped compatible with the majority of neighboring properties. All sites shall, as a minimum, meet the requirements of Article 08, *Landscape Standards*.

(I) *Signs*. All signs shall comply with Chapter 32, *Signs*, of the Municipal Code of Ordinances and the underlying zoning district that applies to the North Goliad Corridor Overlay District and to the following additional standards. Signs shall be freestanding with two support standards. The maximum size shall be 16 square feet and shall not impede pedestrian or motor vehicle traffic. Monument signs are not allowed. All lighted signs shall be indirectly light no direct or internally light sign shall be allowed. All lighting elements such as wires, junction boxes, transformers, switches and panel boxes shall be concealed from view.

FIGURE 19: SIGNAGE REQUIREMENTS



1: EIGHT (8) FOOT
2: FOUR (4) FOOT

(J) *Lighting Standards*. In addition to the requirements of the outdoor lighting requirements no light pole, pole base or combination thereof shall exceed 20 feet in the North Goliad Corridor Overlay District. All lighting fixtures shall focus light downward and be contained on the site. Lighting elements shall be incandescent, metal Halide, or halogen only. No HID or fluorescent lights (except fluorescent bulbs that screw into standard socket fixtures) may be used on the exterior of buildings. All street lighting shall meet the specifications for a *B1* & *B2* contained in Subsection (I), *Streetscape Elements*, of Section 04.07, *Downtown (DT) District*, of the Unified Development Code (UDC).

(K) *Variance*. The City Council may, upon request from the applicant, grant a variance to any provision of this section where unique or extraordinary conditions exist or where strict adherence to the provisions of this section would create a hardship. Approval of any variance to any provision of this section shall require City Council approval by a three-quarter majority vote of those City Council members present with a minimum of four affirmative votes.

SUBSECTION 06.05: SOUTHSIDE RESIDENTIAL NEIGHBORHOOD OVERLAY (SRO) DISTRICT

(A) *Purpose*. The purpose of the overlay district is to provide the flexibility necessary for allowing infill and redevelopment of the Southside Neighborhood, while maintaining and protecting the character and integrity of the existing neighborhood.

(B) *Other Requirements*. Any requirements not specifically stated in this section shall comply with the Single-Family 7 (SF-7) District requirements.

(C) *Area Requirements*.

(1) Minimum lot area: 5,000 square feet.

(2) Maximum number of single-family detached dwellings units per lot: One.

(3) Minimum square footage per dwelling unit: 900 square feet.

(4) Minimum lot frontage on a public street: 50 feet.

(5) Minimum lot depth: 100 feet.

(6) Minimum depth of front yard setback: 20 feet.

(7) Minimum depth of rear yard setback: 10 feet.

(8) Minimum width of side yard setback:

(a) Internal lot: 6 feet.

(b) Abutting street: 15 feet.

(c) Abutting an arterial: 20 feet.

(9) Minimum distance between separate buildings on the same lot or parcel of land: ten feet.

(10) Minimum length of driveway pavement from the public right-of-way for rear or side yards: 20 feet.

(11) Maximum building coverage as a percentage of lot area: 40%.

(12) Maximum building height: 32 feet.

(13) Minimum number of paved off-street parking spaces required for:

(a) One single-family dwelling unit: Two (2) Parking Spaces. An enclosed garage shall not be considered in meeting the off-street parking requirements.

(b) All other uses: see Article 06, *Parking and Loading*, of the Unified Development Code (UDC).

(D) *Consideration of Special Request in Furtherance of Neighborhood Preservation*. The City Council may consider special requests in furtherance of neighborhood preservation and enhancement within the established neighborhood preservation overlay district. Such requests may include, but not necessarily be limited to neighborhood signage plans, the use of alternate building materials reductions in the building setbacks, or other requests submitted for consideration to the planning and zoning department.

Upon receipt of such requests, the Planning and Zoning Commission shall review the case and forward a recommendation to the City Council for consideration. The City Council may approve special request. Any such approval shall preempt any other underlying zoning restrictions in the Unified Development Code (UDC). Such special requests may be denied by the City Council by the passage of a motion to deny.

Special requests shall not include any request to change the land use of a property.

SUBSECTION 06.06: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.07: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.08: SCENIC OVERLAY (SOV) 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.09: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.10: 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 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 06.02, *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.

(c) *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.

(d) *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.*

Continued on Next Page ...

Formatted: Centered

Formatted: Font: Italic

FIGURE 20: DESIGN ALTERNATIVE #1; INCREASED BUFFER

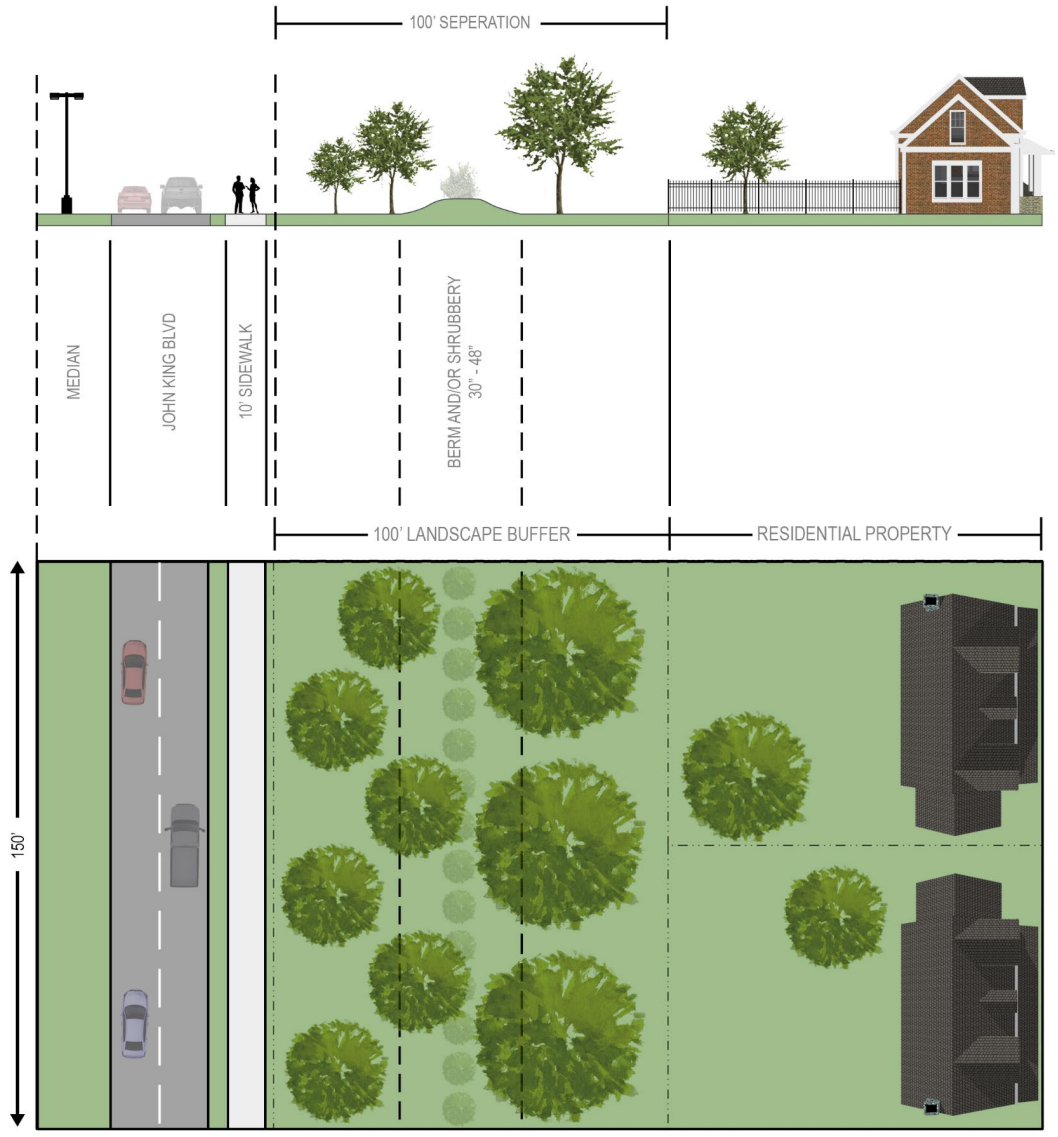


FIGURE 21: DESIGN ALTERNATIVE #2; INCREASED BUFFER

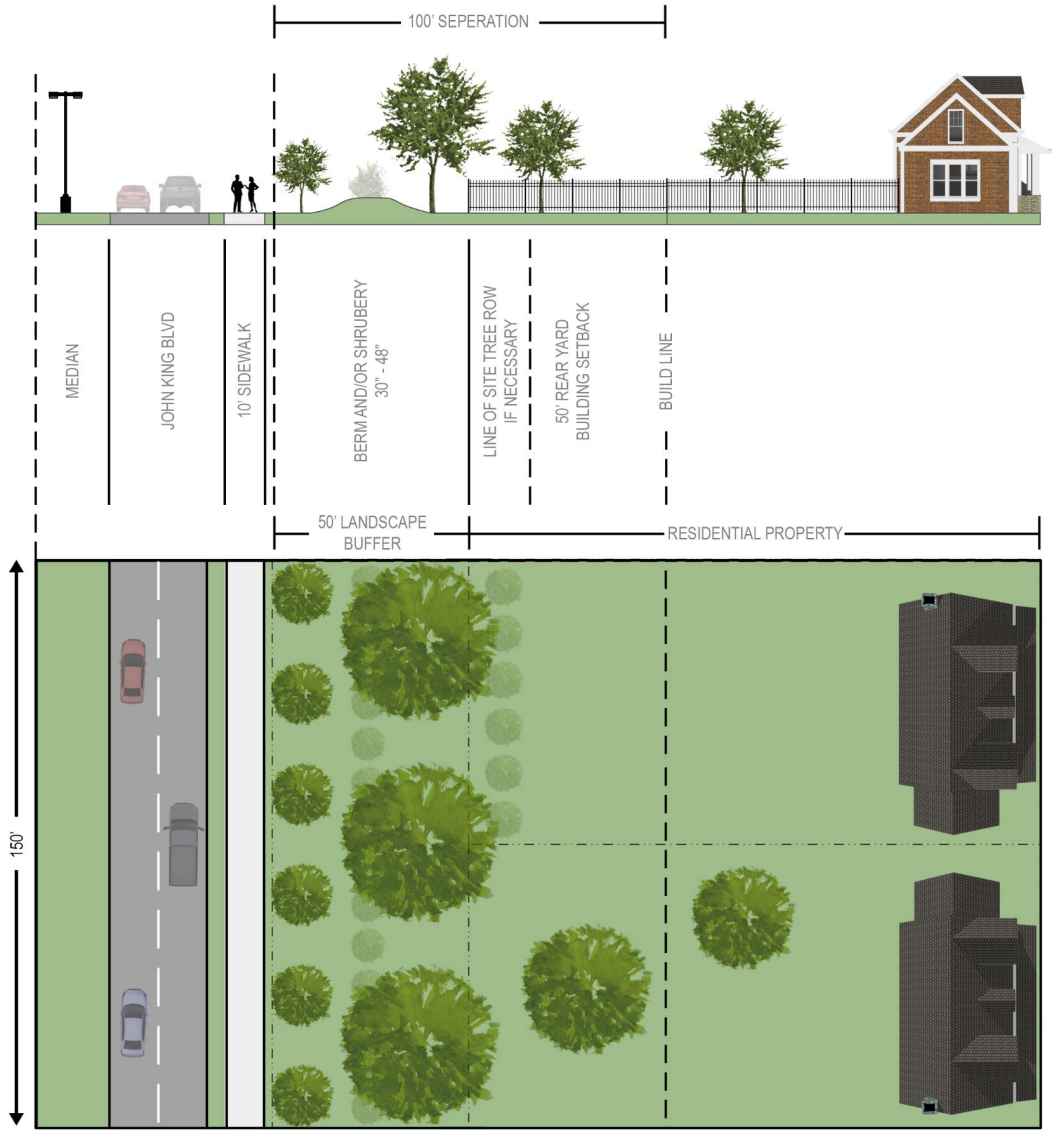


FIGURE 22: DESIGN ALTERNATIVE #3; SLIP STREET

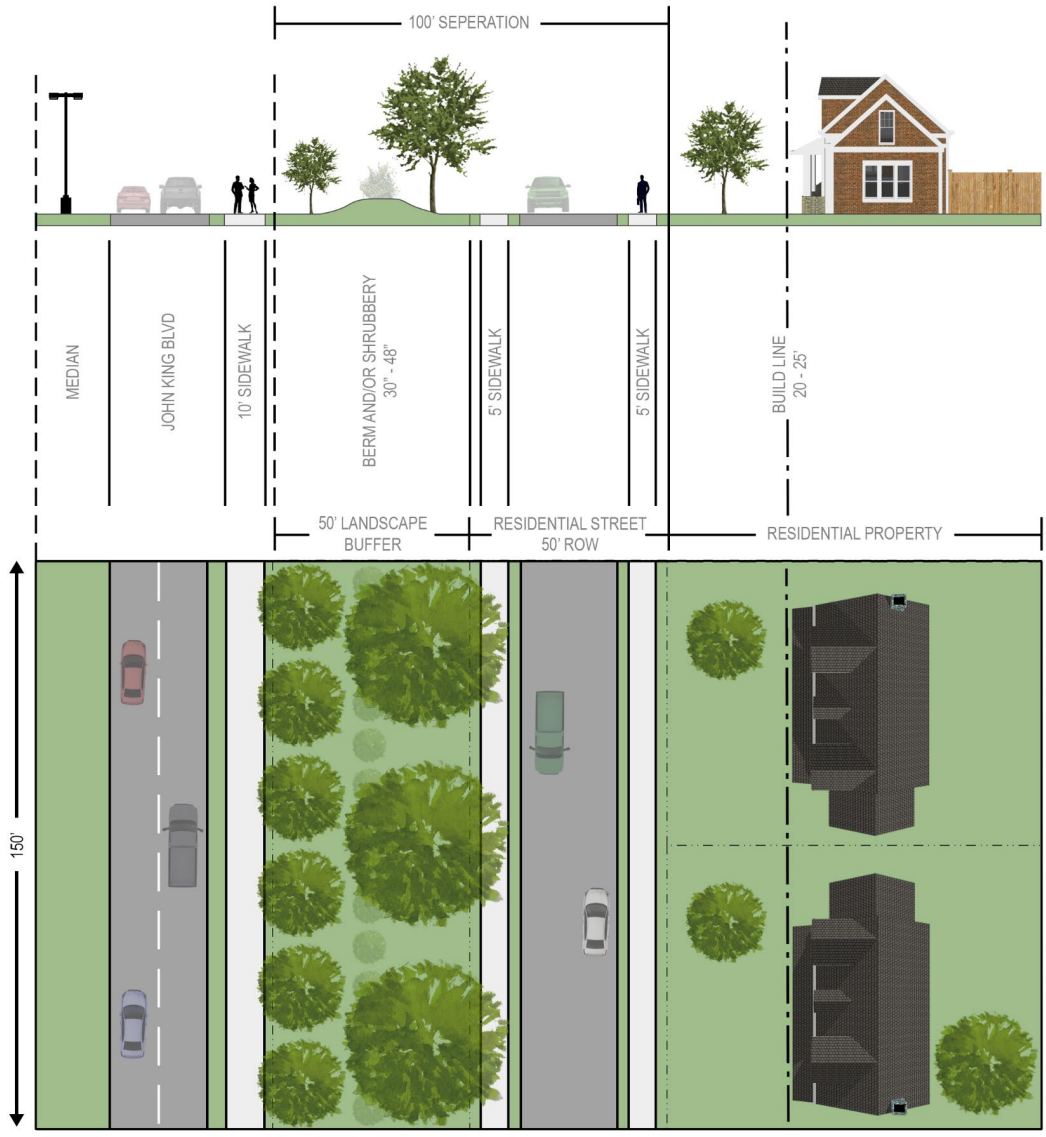
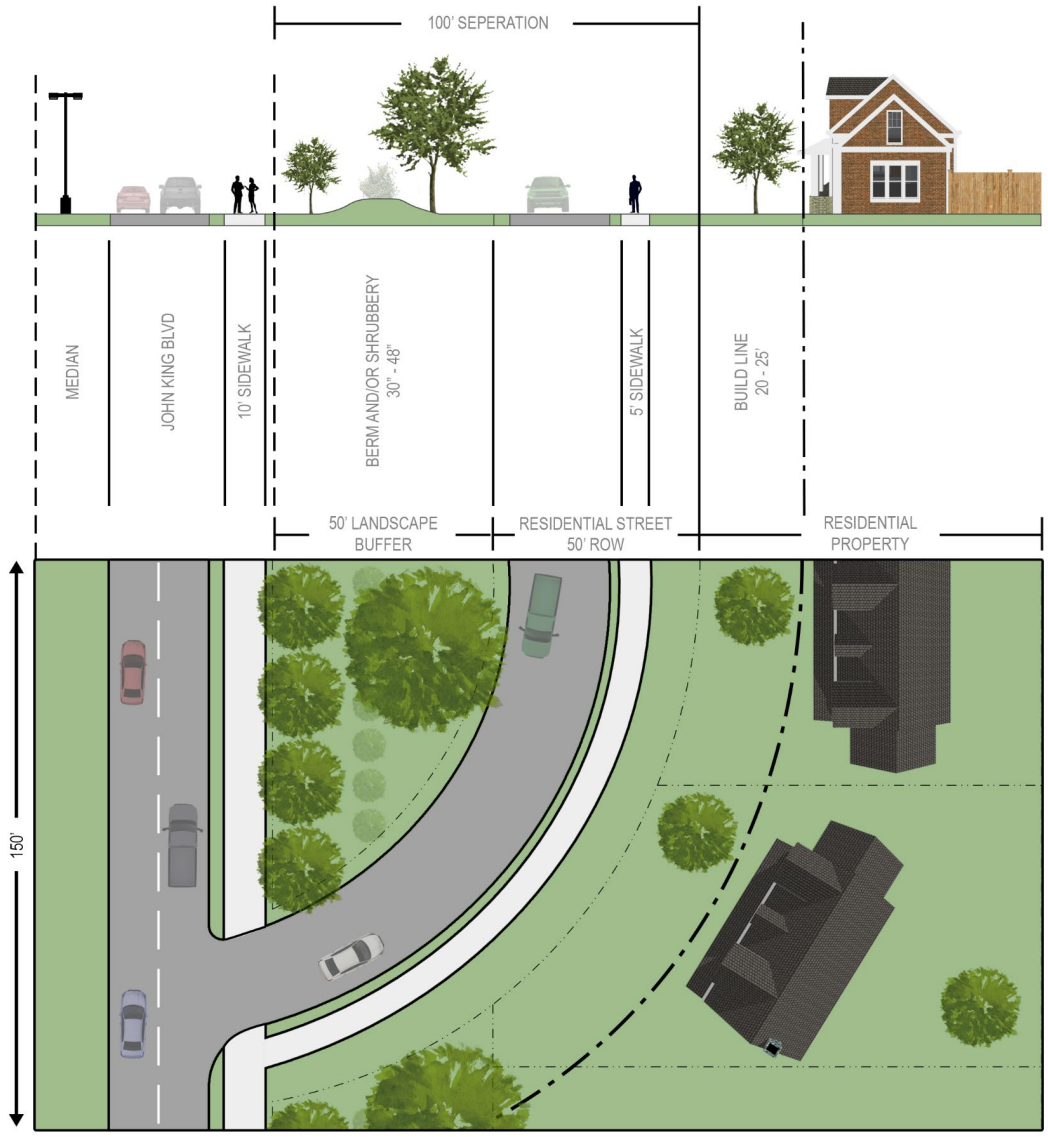


FIGURE 23: DESIGN ALTERNATIVE #4; SLIP STREET

FIGURE 24: DESIGN ALTERNATIVE #5; EYEBROW STREET



(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.

FIGURE 25: LINE-OF-SITE REQUIREMENTS

❶: REPRESENTS THE LINE OF SIGHT AT SIX (6) FEET FROM GRADE.
❷: THE SOLID *RED LINE* SHOWS THAT THE VISIBILITY IS IMPAIRED FROM JOHN KING BOULEVARD BY EITHER [1] A ROW OF TREES OR [2] A BERM AND ROW OF SHRUBBERY.

SUBSECTION 06.11: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.12: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.13: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.14: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.15: AIRPORT OVERLAY (AP OV) DISTRICT

Note: This document was prepared using FAA guidelines as of March 17, 2020 and using AC150/5300-14D.

(A) *Purpose*. The purpose of this district is to provide both airspace protection and land use compatibility with airport operations at the Ralph M. Hall/Rockwall Municipal Airport. This district, through establishment of airport zones and corresponding regulations, provides for independent review of development proposals in order to promote the public interest in safety, health and general welfare of the City of Rockwall. Therefore, the City of Rockwall deems it necessary to regulate uses of land located within or near the traffic patterns of the airport through regulation of height of structures and objects of natural growth, and through the regulation of land uses within the Airport Overlay (AP OV) District, and other FAA regulated areas associated with the airport (*i.e. areas relating to RSA/ROFA/ROFZ which extend off the airport property*).

(B) *District Boundaries*. This *Airport Overlay (AP OV) District* is hereby established as the land area owned by the City of Rockwall and held as Ralph M. Hall/Rockwall Municipal Airport, the Airport Runway Protection Zone (RPZs), and a buffer area extending 500-feet from all property lines of the Ralph M. Hall/Rockwall Municipal Airport (*see Figure 29: Airport Overlay District Boundaries*).

(C) *Definitions*. Unless otherwise stated in this section, the following words shall have the definitions prescribed to them below:

(1) *Administrative Agency*. The appropriate person or office of the municipality that is responsible for the administration and enforcement of the regulations prescribed in this section of the Unified Development Code (UDC).

(2) *Airport*. The current and future boundaries of the Ralph Hall Municipal Airport located within the City of Rockwall, Texas.

(3) *Airport Hazard*. A structure or object of natural growth that obstructs the air space required for the taking off, landing, and flight of aircraft or that interferes with visual, radar, radio, or other systems for tracking, acquiring data relating to, monitoring, or controlling aircraft.

(4) *Airport Hazard Area*. An area of land or water on which an airport hazard could exist.

(5) *Applicant*. The person or persons making a request to the administrative agency.

(6) *Centerline*. The runway centerline identifies the center of the runway and provides alignment guidance during takeoff and landings. The centerline consists of a line of uniformly spaced stripes and gaps.

(7) *Non-Conforming Land Use or Non-Conforming Use*. Any land use of which is inconsistent with the provisions of these regulations and which is existing as of the effective date of the Airport Overlay (AP OV) District.

(8) *Person*. An individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

(9) *Runway*. A defined area on the airport prepared for the landing and taking off of aircraft along its length. The current length of the Rockwall Municipal Airport is 3,373-feet by 45-feet and the zoned dimensions are 3,373-feet by 60-feet.

(10) *Runway Safety Area (RSA)*. The surface surrounding the runway prepared or suitable for reducing the risk of damage to airplanes in the event of an undershoot, overshoot, or excursion from the runway.

(11) *Structure*. An object constructed or installed by one (1) or more persons and includes but is not limited to a building, tower, smokestack, and overhead transmission line.

(D) *Airport Zones*. In order to implement the intent of this ordinance, the Airport Overlay (AP OV) District hereby includes the following three (3) exhibits that depict the zones within the controlled area and shown on the official zoning map as depicted in *Figure 29: Airport Overlay District Boundaries*:

- Airport Overlay (AP OV) District Boundaries (*see Figure 29: Airport Overlay District Boundaries*)
- Development Zones within the Airport Overlay (AP OV) District (*see Figure 30: Development Zones within the Airport Overlay (AP OV) District*)
- Airport Airspace Zones Boundaries (*see Figure 31: Airspace Zone Boundaries*)

(E) *Permitted Uses*. All uses otherwise permitted by existing zoning ordinances within the boundaries of the AP OV District are permitted within the district, except where there is a conflict between the AP OV District and the existing zoning ordinances. Where the

provisions of the AP OV District are more restrictive, the provisions of the AP OV District shall govern.

(F) *Controlled Area*. The area within which airport land use compatibility controls may be instituted, as defined by *Section 241, Municipal and County Zoning Authority Around Airports,* of the *V.T.C.A., Texas Local Government Code,* shall be defined as the controlled area. The controlled area is located outside the Airport boundaries and within an area measured no farther than one and one-half (1½) statute miles from the centerline of the Ralph M. Hall/Rockwall Municipal Airport runway and lies no farther than five (5) statute miles from each end of the paved surface of the runway.

(G) *Airspace Zones*. *Airspace Zones* consist of all of the land area lying beneath the surfaces referenced in Section H, *Height Limitations*, below and in Title 14, Part 77.19. The following *Airspace Zones* are hereby established and set forth (*see Figures 26: Airspace Zones [right] & Figure 31: Airspace Zone Boundaries [below]; reference Title 14, Part 77, FAR*):

(1) *Primary Surface.* The *Primary Surface* is a surface that is longitudinally centered on the runway. It extends 200-feet beyond the end of each runway and 250-feet on either side of the centerline of the runway for a total width of 500-feet (*i.e. a 250-foot side buffer of the runway centerline*).

(2) *Approach Zone.* The *Approach Zone* is a fan shaped zone that is established at both ends of the runway for the purpose of landings and take-offs. The *Approach Zone* commences at the end of the *Primary Surface* (*i.e. 200-feet beyond the end of the runway*) and has a beginning width of 500-feet. It then extends uniformly along the continuation of the centerline of the runway to a width of 3,500-feet at a distance of 10,000-feet from the point of commencement, and a slope of 34:1 or one (1) foot in height for each 34-feet in horizontal distance *[this is the land area that exists underneath the Approach Surface]*.

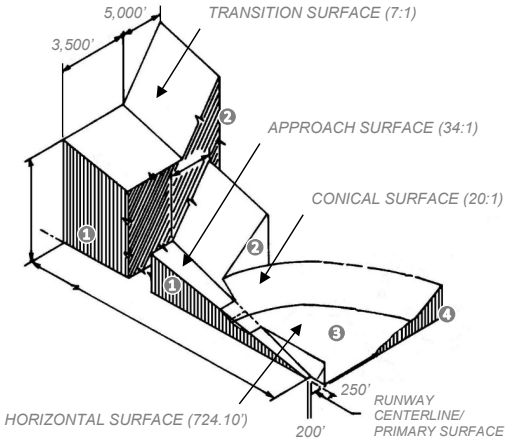
(3) *Transitional Zones.* The *Transitional Zones* are symmetrically located on either side of runway, and have variable widths. The *Transitional Zones* extend outward and upward commencing from the edge of the *Primary Surface* (*i.e. 250-feet on either side of the centerline of the runway*), and *Approach Surfaces*. The *Transitional Zones* extend upward and outward at slope of 7:1 or one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the *Horizontal Zone*. The *Transitional Zones* are established adjacent to the *Approach Zones* and extend their entire length. The *Transitional Zones* flare symmetrically with either side of the runway *Approach Zone* from the base of said zones and slope upward and outward at the rate of 7:1 or one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surface of the *Horizontal Zone* and the *Conical Zone [this is the land area that exists underneath the Transitional Surface]*.

(4) *Horizontal Zone.* The *Horizontal Zone* consists of the land area within the perimeter of which is constructed by swinging arcs of 10,000-feet from the center of each *Primary Surface*, 200-feet beyond the centerline of each runway and connecting the adjacent arcs by lines of tangent to those arcs. The *Horizontal Zone* does not include the *Approach Zone* and/or the *Transition Zone [this is the land area that exists underneath the Horizontal Surface]*.

(5) *Conical Zone.* The *Conical Zone* consists of the land area that commences at the periphery of the *Horizontal Zone* and extends outward for a distance of 4,000-feet, at a 20:1 slope or one (1) foot in height for each 20-feet of horizontal distance. The *Conical Zone* does not include the *Approach Zone* and/or the *Transition Zone [this is the land area that exists underneath the Conical Surface]*.

FIGURE 26: AIRSPACE ZONES

❶: APPROACH ZONE; ❷: TRANSITION ZONE; ❸: HORIZONTAL ZONE; ❹: CONICAL ZONE



(H) *Height Limitations*. Except as otherwise provided in this ordinance, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created above to a height in excess of the limits established herein for each of the imaginary surfaces created by the airspace zones (*Title 14 CFR, Section 77.19, Civil Airport Imaginary Surfaces)*, which are defined as follows:

(1) *Approach Surface.* The *Approach Surface* is the surface that is created by the *Approach Zone*, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending into the area required for an aircraft's navigable airspace. The *Approach Surface* is the same starting width as the *Primary Surface* (*i.e. 500-feet*), and has a slope of 34:1 or one (1) foot in height for each 34-feet in horizontal distance commencing at the *Primary Surface* and extending to a point 10,000-feet from the point of beginning and widening to a width of 3,500-feet.

(2) *Transitional Surface.* The *Transitional Surface* is the surface that is created by the *Transitional Zone*, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending in the area required for an aircraft's navigable airspace. The *Transitional Surface* is the surface that extends outward and upward, at right angles to the runway centerline (*at any point 250-feet normal to and at the elevation*

of the centerline) and extended runway centerline (*i.e. 200-feet beyond the end of the runway*), from the sides of the *Primary Surface* and the *Approach Surfaces* to a point of 150-feet above the airport elevation (*i.e. 724.10-feet*) [*the airport elevation is 574.10-feet above mean sea level*]. The *Transitional Surface* has a slope of 7:1 or one (1) foot in height for each seven (7) feet in horizontal distance.

(3) *Horizontal Surface.* The *Horizontal Surface* is the surface that is created by the *Horizontal* Zone, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending into the area required for an aircraft's navigable airspace. The *Horizontal Surface* is the horizontal plane created by swinging arcs with a 10,000-foot radius centered on the extended runway centerline where it crosses the *Primary Surface*, and is situated 150-feet above the established airport elevation (*i.e. 724-feet) [the airport elevation is 574-feet above mean sea level],* which coincides with the extent of the *Horizontal Zone*.

(4) *Conical Surface.* The *Conical Surface* is the surface that is created by the *Conical Zone*, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending into the area required for an aircraft's navigable airspace. The *Conical Surface* extends upward and outward from the outer limits or the periphery of the *Horizontal Surface* at a slope of 20:1 or one (1) foot in height for each 20-feet of horizontal distance for a horizontal distance of 4,000-feet. The *Conical Surface* extends to a height of 350-feet above the airport's elevation (*i.e. 924-feet*) [*the airport elevation is 574-feet above mean sea level*].

[Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail. Nothing in this ordinance shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 45-feet above the surface of the land, except in the Approach Zones.]

(I) *Airport Hazard Area*. The *Airport Hazard Area* is an area of land or water on which an airport hazard could exist. An *airport hazard* is defined as a structure or object of natural growth that obstructs the airspace required for the taking off, landing, and flight of aircraft or that interferes with visual, radar, radio, or other systems for tracking, acquiring data relating to, monitoring, or controlling aircraft. For the purposes of this ordinance, the *Airport Hazard Area* is defined as the entirety of all the imaginary surfaces stated in Section H, *Height Limitations*, of this ordinance (*see Figure 31: Airspace Zone Boundaries*).

(J) *Land Use Compatibility*.

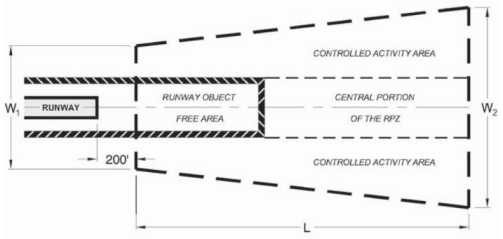
(1) *Intent*. The Airport Overlay (AP OV) District is intended to overlay any other zoning district's regulations comprising or pertaining to areas to which it is applicable, to prevent undue negative interaction between aviation activities associated with the airport and the surrounding community. It is intended to protect the lives and property of the users of the airport and of the occupants of the land in its general vicinity by restricting places of public assembly within this Airport Overlay (AP OV) District. The overlay is intended to preserve the utility of the airport and the public investment therein.

(2) *Development Zones*. The *Development Zones* are hereby established within the Airport Overlay (AP OV) District. These zones are depicted in *Figure 30: Development Zones within the Airport Overlay (AP OV) District* of this ordinance. The *Development Zones* are defined and described as follows:

(a) *Airport Runway Protection Zones (RPZs).* The *Airport Runway Protection Zones* are hereby established as the trapezoidal areas centered about the extended runway centerline. The *RPZ* dimensions for a particular runway end are a function of the type of aircraft and approach/departure visibility minimum associated with the runway end. The *RPZs* for the Ralph M. Hall/Rockwall Municipal Airport commence 200-feet from the edge of pavement at the end of each runway, beginning with a base of 500-feet (*i.e. inner width or 'W_1'*), extending 1,000-feet along the runway centerline (*i.e. length or 'L'*), and terminating at the outboard corners of a 700-foot line segment (*i.e. outer width or 'W_2'*) [*see Figure 27: Airport Runway Protection Zone (RPZ)*], creating a 13.770-acre trapezoidal area, which is intended to service *Aircraft Approach/Departure Categories 'A' & 'B'* (*i.e. small single and multi-engine planes*). Contained within the two (2) trapezoidal areas that make up the *RPZs* are the *Controlled Activity Area* and a portion of the *ROFA (Object Free Area)*. These areas are defined as follows:

(1) *The Runway Object Free Area (ROFA).* The *Runway Object Free Area (ROFA)* is centered on the runway centerline. The *ROFA* clearing standard requires clearing the *ROFA* of above ground objects protruding above the runway safety area edge elevation. Except where precluded by other clearing standards, it is acceptable to place objects that need to be located in the *ROFA* for air navigation or aircraft ground maneuvering purposes to protrude above the nearest point of the runway safety area, and to taxi and hold aircraft in the *ROFA*. To the extent practicable, objects in the *ROFA* should meet the same frangibility requirements as the runway safety area. Objects non-essential for air navigation or aircraft ground maneuvering purposes are not permitted to be placed in the *ROFA*. This includes parked airplanes and agricultural operations.

FIGURE 27: AIRPORT RUNWAY PROTECTION ZONE (RPZ)



(2) *The Controlled Activity Area.* The *Controlled Activity Area* is the portion of the *RPZ* beyond the boundaries of the *ROFA*.

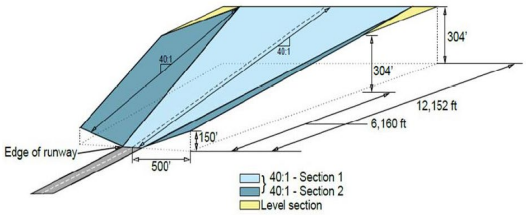
(b) *Municipal Airport Zone.* The *Municipal Airport Zone* is hereby established as the real property boundaries of the Ralph M. Hall/Rockwall Municipal Airport. This zone contains the majority of all airport related land uses and structures.

(c) *Airport Influence Zone.* The *Airport Influence Zone* contains all areas within the 500-foot buffer excluding the *Municipal Airport Zone* and the *RPZ*.

(d) *Height Restriction Zone.* The *Height Restriction Zone* extends to the edge of the *Conical Zone* and is subject only to the requirements stipulated in Section H, *Height Limitations*, of this ordinance (*see Figure 29: Airport Overlay District Boundaries*).

(e) *Departure Surface*. The *Departure Surface* starts at the end of the runway end elevation and matches the width of the usable runway. From the edge of the usable runway, the surface rises upward to 150-feet above the runway end elevation at a point 500-feet on either side of the runway centerline. The new surface rises upward along the extended centerline at a slope of 40:1 or one (1) foot in height for each 40-feet in horizontal distance until reaching 304-feet above the runway end elevation (*i.e. 6,160-feet across at its outer width at the runway end elevation*). Upon reaching the 304-foot marker, the surface levels out until the end of the departure surface at 12,152-feet. The area splays outward at a rate of 15-degrees relative to the extended runway centerline (*see Figure 28: Departure Surface*).

FIGURE 28: DEPARTURE SURFACE



(3) *Land Use Restrictions*.

(a) *Runway Object Free Area (ROFA) and Controlled Activity Area*. No uses are permitted within the *Runway Object Free Area (ROFA)* or the *Controlled Activity Area* unless deemed essential to air navigation or aircraft ground maneuvering purposes by the Federal Aviation Administration (FAA) with the following exceptions:

(1) *Permitted Uses*. See the current *FAA Standard*.

(2) *Specific Use Permit (SUP)*.

(a) Roadways, Automobile Parking Areas, and Railroads that Adhere to the Height Restrictions

(b) *Municipal Airport Zone*.

(1) *Permitted Uses.*

(a) Aircraft Runways, Taxiways, Taxi Lanes, Ramps, Parking Areas and Fuel Storage Facilities

(b) Aircraft Operational Facilities (*including but not limited to Instrument Landing Systems, Visual Navigational Aids, and Related Equipment; Communication Facilities; Weather Service Offices and Equipment*)

(c) Hangars (*includes all buildings which may be used for the Storage or Maintenance of Aircraft, Airport Snow Removal, Sweeping and Other Maintenance Equipment, and/or Other Aviation-Related or Ancillary Activities*)

(d) Terminal Buildings (*which may contain Offices or Airline Companies, and Other Businesses and Concessionaires*)

(e) Offices and Facilities for Airport Management, Air Charter, Air Taxi, Crop Spraying, Aircraft Sales or Rentals, and Air Cargo Processing Facilities

(f) Agriculture (*other than Forestry or Livestock*), Tourism Information Centers and Museums

(g) Flight Schools, Flying Clubs, and Other Schools or Training Facilities (*relating to Aviation or Air-Related Transportation*)

(h) Offices and Facilities for the Operation and Maintenance of Air Rescue, Emergency and Firefighting Services

(i) Aircraft Maintenance, Manufacturing, and Testing Facilities

(j) Offices and Facilities of Federal, State and Local Government Entities that Incorporate an Aeronautical Land Use (*Unless the Property has been Designated for Non-Aeronautical Land Uses*)

(2) *Prohibited Uses*.

(a) No uses other than those uses explicitly permitted above.

(c) *Airport Influence Zone*. All uses permitted within the underlying zoning depicted on the official zoning map of the City of Rockwall, with the following additional uses and exceptions:

(1) *Specific Use Permits (SUP)*.

(a) Residential Airpark or Aviation Homes

(b) Driving Test Track

(2) *Prohibited Uses*.

(a) Residential Uses (*e.g. Single Family, Multi Family, etc.*)

(b) Educational Centers (*including all types of Primary and Secondary Schools, Pre-Schools, and Child Care Facilities*)

(c) Hospitals, Medical Inpatient Treatment Facilities, Nursing Homes and/or Convalescent Home Facilities

(d) Places of Worship

(e) Places of Public Assembly (*Not Previously Listed*)

(f) Fuel Handling and Storage Facilities (*Does Not Include Gas Station*)

(d) *Height Restriction Zone*. Properties within the *Height Restriction Zone*, outside of the Airport Overlay (AP OV District), are subject to the use requirements stipulated by the underlying zoning depicted on the official zoning map of the City of Rockwall (*see Figure 29: Airport Overlay District Boundaries*).

(4) *Additional Use Restrictions*.

(a) Notwithstanding any other provision of this ordinance, no use may be made of land within any zone established by this ordinance in such a manner as to (*1*) create electrical interference with radio communication between the Airport and aircraft, (*2*) make it difficult for flyers to distinguish between airport lights and others, (*3*) result in glare in the eyes of flyers using the Airport, (*4*) impair visibility in the vicinity of the Airport or otherwise endanger the landing, taking-off, or maneuvering of aircraft.

(5) *Legal Non-Conforming Land Uses*.

(a) *Regulations Not Retroactive*. The regulations prescribed by this ordinance shall not be construed to require the removal, lowering, changes and/or alteration of any structure (*e.g. building*) or object of natural growth (*e.g. tree*) not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of any legal non-conforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure or property, for which the construction or alteration of said structure or property was commenced prior to the effective date of this ordinance.

(b) *Hazard Marking and Lighting*. Notwithstanding the preceding provision of this section, the owner of any non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the City Manager or his designee to indicate to the operators of aircraft in the vicinity of the Airport, the presence of such airport hazards. Markers and lighting necessary for existing non-conforming structures or trees shall be operated and maintained at the expense of the property owner. Markers and lighting necessary for future non-conforming structures or trees, approved per the requirements of this ordinance, shall be installed, operated, and maintained at the expense of the property owner.

(K) *Development Standards.*

(1) *Architectural Standards*.

(a) All buildings within the *Municipal Airport Zone* shall be designed by a licensed, professional architect and all drawings submitted for approval and/or permits shall bear the architect's seal of the State of Texas.

(b) All buildings intended for airport related use such as hangars, maintenance facilities, offices and facilities for airport management, terminal buildings and other similar types of uses with exterior walls visible from a public right-of-way shall consist of 90% masonry materials, excluding doors and windows as defined in Article 13, *Definitions*, of the Unified Development Code (UDC) [*i.e. "Masonry"*]. Building exterior walls not visible from the public rights-of-way may be earth-tone colored, pre-finished aluminum, steel or masonry. Materials that are unfinished are prohibited.

[All other buildings not related to airport uses within the Airport Overlay (AP OV) District shall conform to building materials requirements as stipulated within the Unified Development Code (UDC).]

In addition, all buildings intended for airport related uses shall adhere to the following standards:

(1) A *Material Sample Board* indicating all exterior materials and colors must be submitted to the Planning and Zoning Commission, upon a recommendation by the Architecture Review Board (ARB), for approval prior to the commencement of construction. All sides of the exterior building shall be architecturally integrated and similar in nature with respect to the design and aesthetic.

(2) All roofs shall be metal. If galvanized metal is being proposed, it shall be limited to a roofing material only.

(3) Building glazing or reflectors shall not be incorporated into a building if it will cause a glare or reflection that could interfere with airport operations or ground circulation.

(4) All windows or large glass elements shall be oriented and/or treated to avoid reflections that could cause a distraction to air traffic that is landing or taking off.

(5) All new construction shall be of a high quality and utilize materials and finishes that will maintain their appearance with relatively low maintenance.

(6) All steel used for roofing or siding shall be a minimum of 28-gauge steel, with a factory finish in a color that has been approved by the Planning and Zoning Commission, and which has been warranted by the manufacturer for a minimum of 20 years with regards to the durability and color fastness.

(7) All floors must be constructed of a minimum of four (4) inches thick concrete and reinforced with steel to a standard approved by the Engineering and Building Inspections Departments.

(8) All hangars facing a taxiway (*i.e. a path connecting runways with ramps, hangars, terminals, etc.*) shall have a hangar door that has a minimum opening of 55-feet in width by 16-feet in height (*i.e. 55' [w] x 16' [h]*). Buildings facing a taxilane (*i.e. a path connecting the taxiways to aircraft parking positions*) shall have a hangar door that has a minimum opening of 41-feet, 6-inches in width by 12-feet in height (*i.e. 41'-6" [w] x 12' [h]*). Approved swing out, overhead or sliding doors may also be used. All pedestrian doors must be of a pre-finished metal construction positioned in metal doorjambs. No wood doorjambs will be permitted on exterior doors.

(9) Mechanical equipment shall be screened so as not to be visible from the public and private rights-of-way. All screens, whether situated on the ground or on the building, shall be constructed to be aesthetically integrated into the design of the building. The rooftops of all buildings shall be free of any mechanical equipment unless completely screened from all points of view along all public rights-of-way by an architectural parapet. All screening materials shall be compatible with the material used on the building.

(2) *Landscaping*.

(a) The requirements contained within Article 05, *District Development Standards*, and Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC), whichever would be applicable to the subject property independent of the AP OV District, shall apply to a property located within the overlay (*i.e. the landscaping percentage of the underlying zoning district would apply*); however, landscaping plans in the AP OV District should be designed with the consideration of aircraft movement and should not be designed using trees and/or plants that have the propensity to attract hazardous wildlife. In cases where aircraft requirements would conflict with certain landscaping elements, the Planning and Zoning Commission may approve requirements that deviate from those stipulated by the Unified Development Code (UDC) if, in its opinion, such alternate requirements provide for a safer and more efficient use of the property. In addition, the Planning and Zoning Commission may request that a qualified Airport Wildlife Biologist review landscaping plans in sensitive areas and provide recommendations for planting placement and alternatives.

(3) *Variances*. The City Council may, upon request from the applicant, grant a variance to the any of the provisions contained within Section K.6, *Architectural Standards*, and Section K.7, *Landscaping*, of this ordinance where unique or extraordinary conditions exist or where strict adherence to the provisions of this ordinance would create a hardship. Approval of any variance to any provision of this section shall require City Council approval by a three-quarter (¾) majority vote of the City Council members present with a minimum of four (4) affirmative votes.

(L) *Administrative Procedures and Permits.*

(1) *Notice of Proposed Construction or Alteration (i.e. FAA Form 7460-1)*. Any tree or structure (*new or alteration of an existing structure*) proposed within the AP OV District or 20,000-feet of the runway shall require an applicant to file a *Notice of Proposed Construction or Alteration* form (*i.e. FAA Form 7460-1*) with the Federal Aviation Administration (FAA) to determine if the tree or structure creates a hazard to air navigation or will result in an inefficient use of airspace.

(2) *Future Use*. Except as specifically provided herein, no change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(a) In the area lying within the limits of the *Horizontal Zone* and *Conical Zone*, no permit -- *except as required by Section (L)(1) above* -- shall be required for any tree or structure less than 75-feet of vertical height above the ground as measured at grade, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.

(b) In the areas lying within the limits of the *Approach Zones* but at the horizontal distance of not less than 4,000-feet from each end of the runways, no permit -- *except as required by Section (L)(1) above* -- shall be required for any tree or structure less than 75-feet of vertical height above the ground as measured at grade, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limit prescribed for the *Approach Zone*.

(c) In the areas lying within the limits of the *Transitional Zones* ending at the perimeter of the *Horizontal Zone*, no permit -- *except as required by Section (L)(1) above* -- shall be required for any tree or structure less than 75-feet of vertical height above the ground as measured at grade, except when such tree or structure because of terrain, land-contour or topographic features would extend above the height limit prescribed for such *Transitional Zones*.

(3) *Exceptions/Variances/Non-Conforming Uses*. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this Ordinance except as set forth in Section H, *Height Limitations*.

(a) *Existing Uses*. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this Ordinance or any amendments thereto or than it is when

the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(b) *Non-Conforming Uses Abandoned or Destroyed*. Whenever the Board of Adjustment (BOA) determines that a non-conforming structure or use has been abandoned for a period of six (6) months, or more than eighty (80%) percent of a non-conforming structure or tree has been torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(c) *Variances*. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use of their property, not in accordance with the regulations prescribed in this ordinance, may apply to the Board of Adjustment (BOA) for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulation would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice to be in accordance with the spirit and intent of this Ordinance.

(d) *Hazard Marking and Lighting*. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the owners at their own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

(M) *Enforcement*. It shall be the duty of the City Manager or his designee to administer and enforce the regulations prescribed herein. Application of permits shall be made to the City Manager or his designee upon a form published for that purpose. Applications required by this ordinance to be submitted to the City Manager or his designee shall be promptly considered and granted or denied. Applications for variances shall be made to the Board of Adjustment (BOA) by first filing said application for variance with the City Manager or his designee who shall forthwith transmit said application to the Board of Adjustment for determination.

(N) *Appeals*. Requests for appeals to administrative decisions by the City Manager or his designee concerning the enforcement of this ordinance shall be directed to the Board of Adjustment (BOA) in compliance with Section 04, Board of Adjustments, of Article 02, Authority and Administrative Procedures, of the Unified Development Code (UDC).

Continued on Next Page …

FIGURE 29: AIRPORT OVERLAY (AP OV) DISTRICT BOUNDARIES

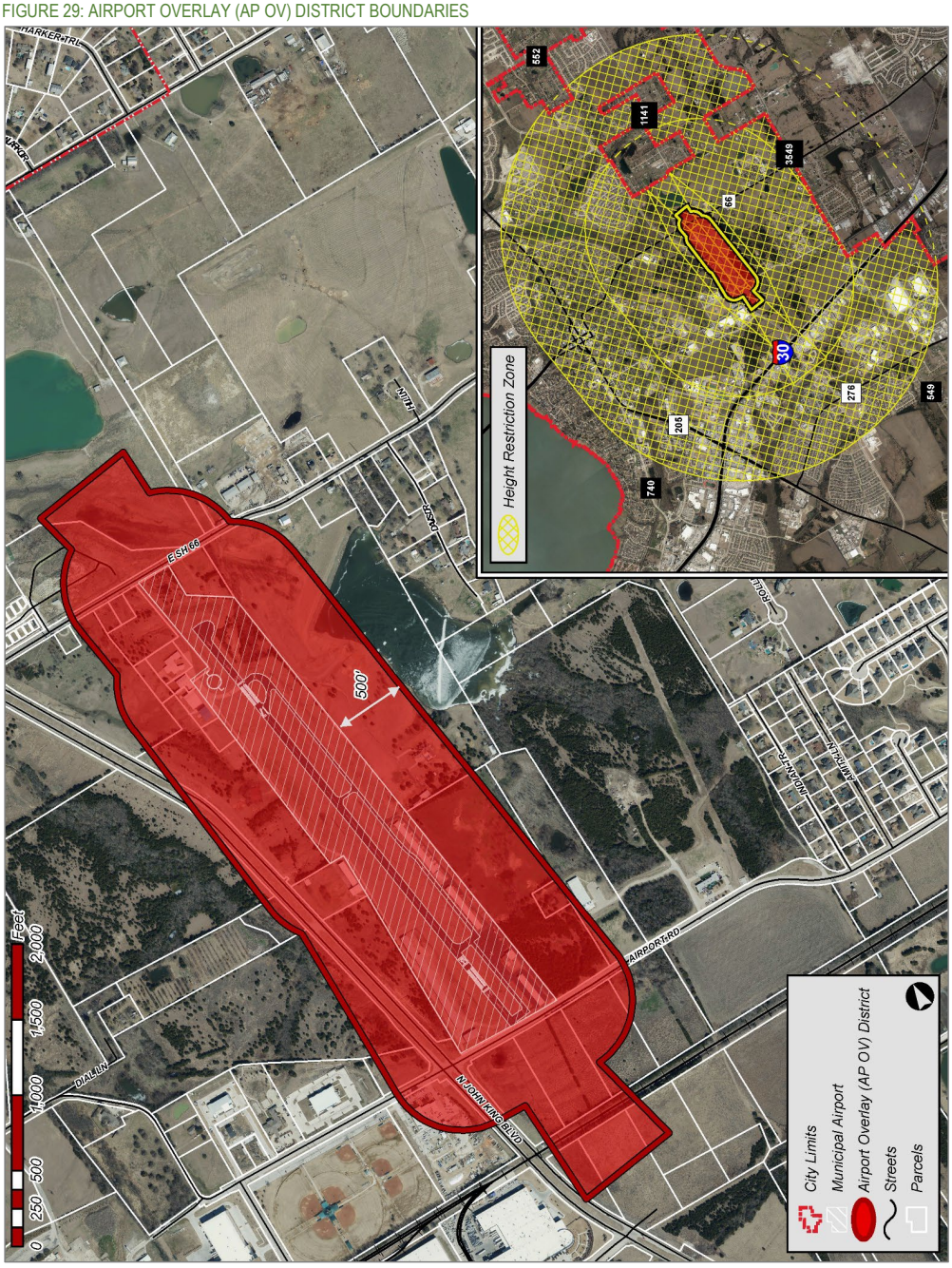


FIGURE 30: DEVELOPMENT ZONES WITHIN THE AIRPORT OVERLAY (AP OV) DISTRICT

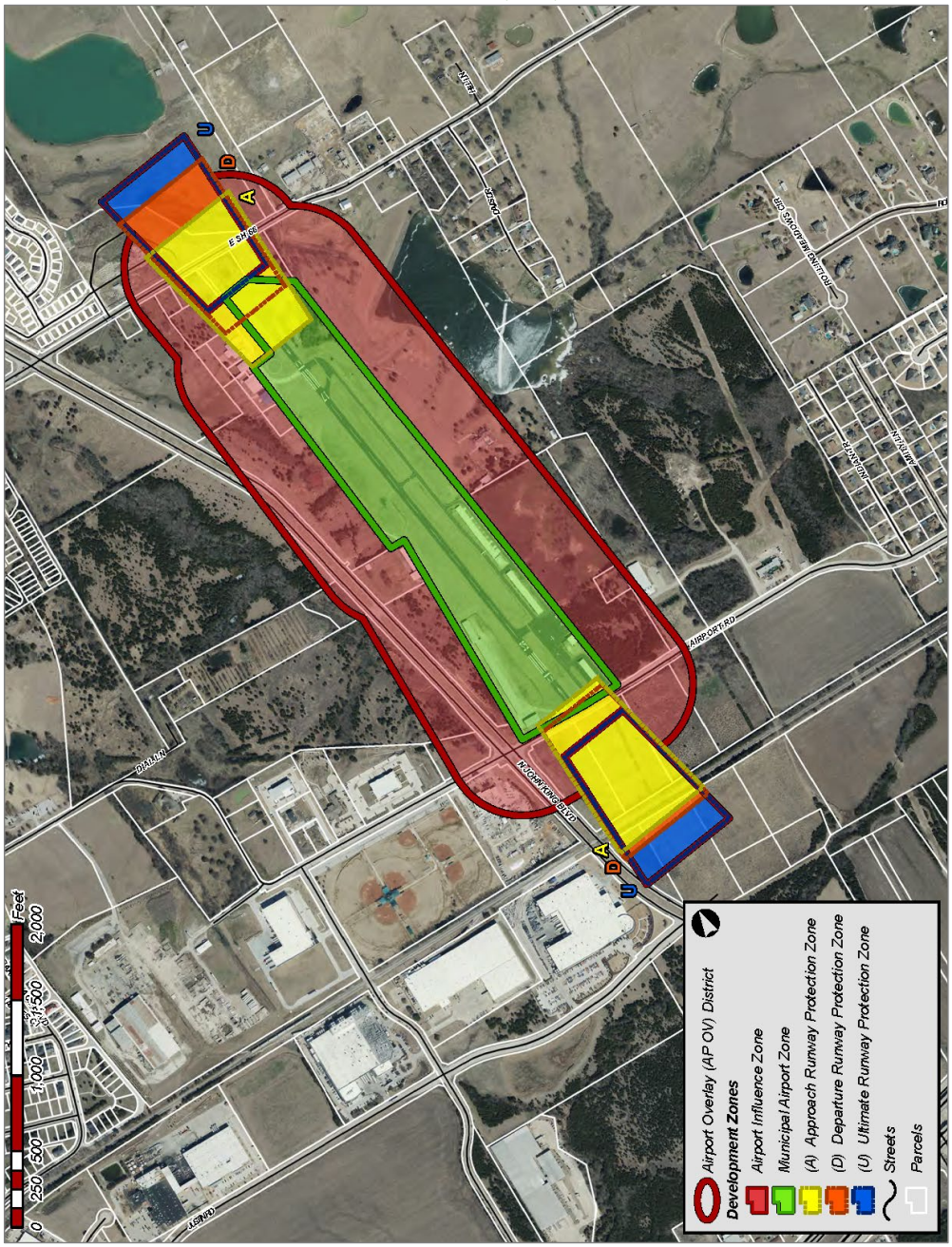


FIGURE 31: AIRSPACE ZONE BOUNDARIES

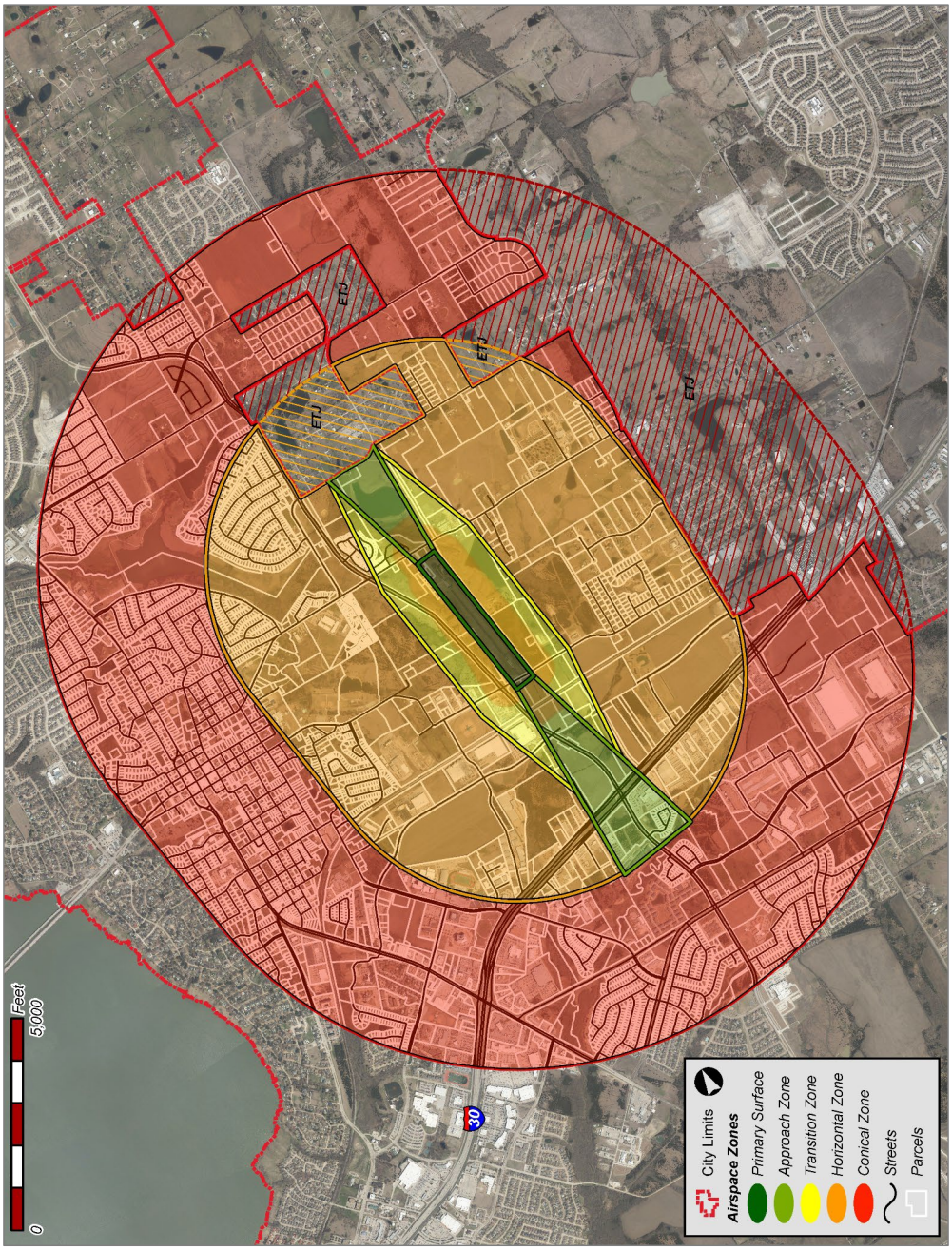
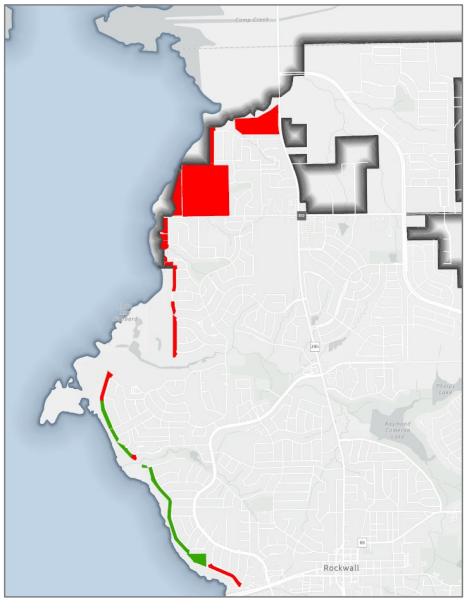
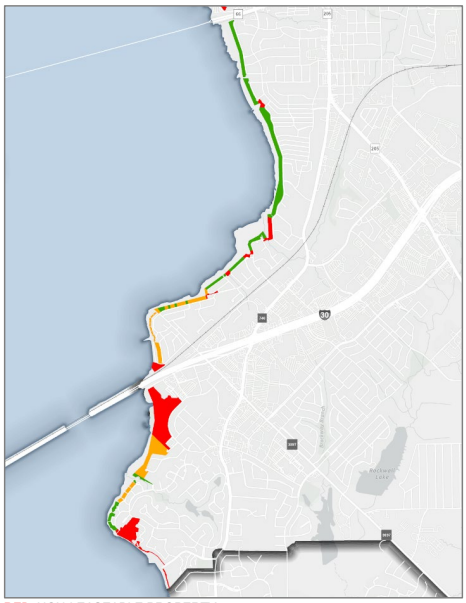


FIGURE 32: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT MAP





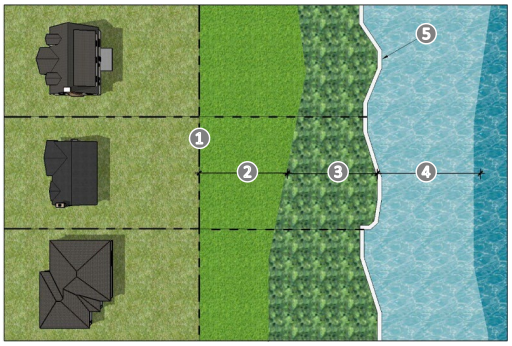
RED: NON-LEASEABLE PROPERTY
GREEN: LEASABLE PROPERTY
ORANGE: HOA LEASABLE AREA

SUBSECTION 06.16: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT

(A) *Purpose*. The purpose of the *Lake Ray Hubbard Takeline Overlay (TL OV) District* is to permit the development of property along the shoreline of Lake Ray Hubbard under certain regulatory conditions governing permitted uses and development standards, setting forth the procedures for the development of said property, and establishing an appeal process for the development standards of the district. This zoning district has its basis in and is intended to serve as an implementation tool for the Lake Ray Hubbard Master Plan (*adopted by the City of Dallas*), the Lake Ray Hubbard Interlocal Agreement as approved by those municipalities comprising the *Lake Cities Coalition* (*i.e. Garland, Rockwall, and Rowlett*) and the City of Dallas, and the OURHometown Vision 2040 Comprehensive Plan. The adoption of this zoning district is intended to provide a means for the protection of water quality.

(B) *Boundaries*. The Lake Ray Hubbard Takeline (TL OV) District includes all property that is located between the City of Dallas *Takeline* as shown on the boundary map for Lake Ray Hubbard (*i.e. File 612D-1 on file in the City of Dallas Records Vault and depicted below in Figure 32, Lake Ray Hubbard Takeline [TL OV] District Map*) and the meandering of the contour line 435.5-feet sea level elevation. In addition, *Figure 33*: *Elevation Contours*, shows the elevation zones used to delineate where certain land uses are permitted.

FIGURE 33: ELEVATION CONTOUR ZONES



❶: REAR PROPERTY LINE/TAKE LINE; ❷: 438.0 ELEVATION ZONE; ❸: 435.5 ELEVATION ZONE; ❹: 425.5 ELEVATION ZONE; ❺: SEAWALL;

(C) *Applicability*.

(1) *Applicable Lots*. The standards set forth within Subsection 06.16, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, shall apply only to those lots within the takeline that are zoned and used for detached, single-family residential land uses, and that either have a minimum lot width of 45-feet when measured at the front building line or a minimum width of 35-feet at the front building line when located on a curved street or cul-de-sac or Homeowner's Association (HOA) that are eligible to lease. The properties and Homeowner's Associations (HOA's) that are eligible to lease the takeline area are depicted in *Figure*

32: Lake Ray Hubbard Takeline Overlay (TL OV) District Map above.

(2) *Exceptions for Lots Not Meeting the Applicability Standards*. The City Council shall have the authority to consider special exceptions to the eligibility standards set forth within this section that apply to those lots within the Lake Ray Hubbard Takeline Overlay (TL OV) District that are zoned and used for detached, attached, or zero-lot-line single-family residential land uses and meet the minimum lot width requirements as prescribed in Subsection 06.15(C)(1) above.

(D) *Definitions*. The terms used in this section shall be as defined in this Unified Development Code (UDC), the Lake Ray Hubbard Interlocal Agreement, and the sublease agreements prepared by the City of Rockwall. For specific land use definitions refer to Subsection (K), *Specifications for Permitted Land Uses*. In addition, the following terms shall be defined as follows:

(1) *Catwalk*. The narrow walkway of a dock providing people access to moored watercraft.

(2) *Centerline*. An established line that is equidistant from the surface or sides of something (*e.g. parcel boundaries*).

(3) *Cleat*. A metal fitting with two (2) projecting pieces used to wrap a rope around to secure a watercraft in position.

(4) *Dredging*. The process of deepening a waterway for the sale and efficient movement of watercraft by the removal of dirt either by digging or by suction.

(5) *Habitable Structure*. A structure fit for human habitation usually containing amenities (*e.g. fireplace, furniture, plumbing, bathing facilities, and cooking facilities*). Structures allowed by this section shall *not* be habitable structures and may not contain such amenities.

(6) *Lake*. Refers to Lake Ray Hubbard.

(7) *Lake Area*. The City of Dallas property, known as Lake Ray Hubbard, that is normally submerged by the lake at a normal lake pool elevation (*i.e. property at or below an elevation of 435.5-feet mean sea level*).

(8) *Leased Area*. Means the take area that is within the corporate limits of the City of Rockwall, or where the takeline is directly adjacent to the corporate limits of the City of Rockwall.

(9) *Lift*. A temporary means of elevating a watercraft out of the water by use of a hoist.

(10) *Locker Box*. A secured chest fixed onto a dock used for storage of watercraft equipment.

(11) *Moor*. Securing a watercraft to a fixed object such as a fixed cleat on a seawall while the watercraft is still in the water.

(12) *Mooring*. A place where a watercraft can be tied up and secured while in the water (*e.g. a slip*) for not more than 156-consecutive hours.

(13) *Power Source Station*. Used as a power supply for lighting a dock just below watercraft level.

(14) *Shoreline*. Refers to the line along the shore of the lake, established by the normal lake pool elevations (*i.e. 435.5-feet mean sea level*).

(15) *Slip*. A watercraft's berth between two (2) piers or between finger piers.

(16) *Take or Takeline Area*. Refers to the land owned by Dallas between the takeline and the normal lake pool elevations (*i.e. 435.5-feet mean sea level*).

(17) *Treated Wood*. Wood treated by the impregnation or application of chemical solutions or chemical mixtures for the purpose of retarding or preventing deterioration or destruction cause by insects, fungi, bacteria, or other wood destroying organisms.

(18) *View Clear Zone*. The area within the view preservation angle where no new structures or plantings shall exceed six (6) feet above the existing grade to maintain neighboring views.

(19) *View Corridor*. A sight passage recognized as holding an intangible asset for a property owner and for a community due to the unique visual qualities of distant terrain, woodlands, wetlands, grasslands, skylines, and manmade lakes expressed through a view preservation angle from either a generally recognized center point or various center points along a road corridor or public view area (*see Figure 28: Visual Measurements for View Corridors of Subsection (E)*).

(20) *View Preservation Angle*. The angle determined as the line extending from the center point -- *or 30-foot point depending on lot size* -- along the quarter distance line of the leased area extending back toward the opposite corner where the takeline area crosses the lease area's side yard (*see Figure 28: Visual Measurements for View Corridors*).

(21) *Watercraft (or Boat)*. A craft for water transport. Examples of watercrafts are as follows:

(a) *Motorized Boat*. A boat propelled by an internal combustion engine.

(b) *Sail Boat*. A boat with a mast and sail propelled by the wind.

(E) *Visual Measurements for View Corridors*.

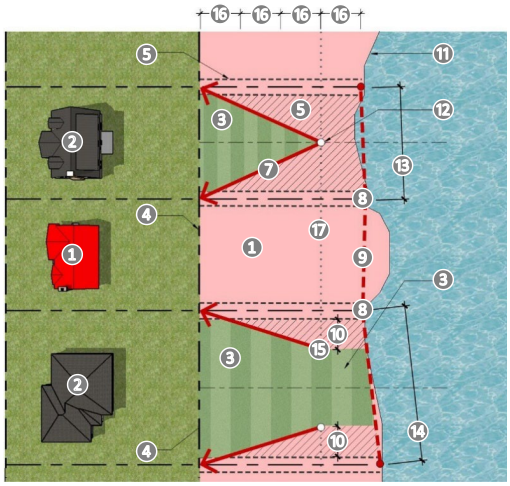
(1) *View Corridors*. View clear zones are established to protect a property owner's views of the lake and to maintain the aesthetic value of the lake's shoreline. The view clear zones for the takeline areas are established by the shoreline frontage of the takeline lease area. This measurement is determined by projecting the lease areas side yards to the normal pool elevation (*i.e. 435.5-feet mean sea level*), and connecting these two (2) points in a straight line (*see Figure 34: Visual Measurements for View Corridors*). Based on this linear measurement, the view clear zones are determined by the following:

(a) *Lots That Have Less Than 100-Feet of Shoreline Frontage*. The view corridor for lots that have less than 100-feet of shoreline frontage is defined by the view preservation angle determined as the quarter distance (*i.e. 25%*) center point from the shoreline frontage line

along the centerline of the leasing property owner's side yard with the angle running from the quarter distance center point to the opposite corners where the takeline area crosses the lease area's side yard. Those areas that fall inside of the view clear zones will be restricted from any type of new improvements or plantings exceeding six (6) feet in height with the exception of boat-related uses, which will be allowed by an administrative exception in accordance with Subsection (F)(2)(d).

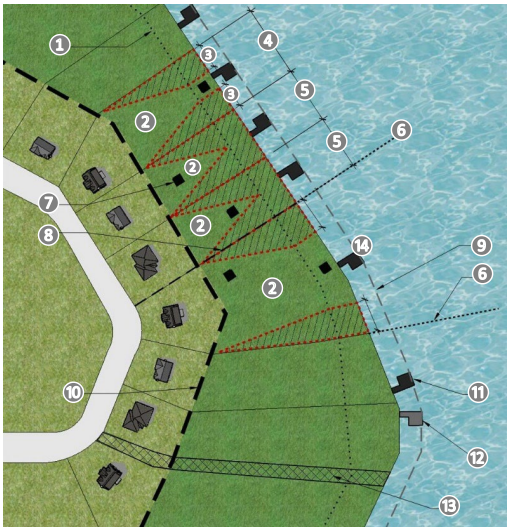
(b) *Lots That Have More 100-Feet or More Shoreline Frontage*. The view corridor for lots that have 100-feet or more shoreline frontage are defined by the view preservation angle determined as the quarter distance (*i.e. 25%*) line projected from the shoreline frontage line extending from the leasing property owner's side yard 30-feet along the quarter distance line and running from this point to the opposite corners where the takeline area crosses the lease area's side yard, and in a straight line from the 30-foot point on the quarter distance line to the shoreline frontage line. Those areas that fall inside of the view clear zones will be restricted from any type of new improvements or plantings exceeding six (6) feet in height with the exception of boat-related uses, which will be allowed by an administrative exception in accordance with Subsection (F)(2)(d).

FIGURE 34: VISUAL MEASUREMENTS FOR VIEW CORRIDORS



❶: SUBJECT PROPERTY'S AND ITS VIEW CORRIDOR (*PINK AREA*); ❷: NEIGHBORING PROPERTY; ❸: NEIGHBORING PROPERTY'S BUILDABLE AREA (*GREEN LINED AREA*); ❹: REAR PROPERTY LINE/TAKELINE; ❺: VIEW CLEAR ZONE (*LINED AREA*); ❻: LEASE AREA SIDE YARD SETBACK; ❼: VIEW PRESERVATION ANGLE; ❽: THE INTERSECTION OF THE 435.5 ELEVATION LINE AND THE LEASE AREA'S SIDE YARD; ❾: SHORELINE FRONTAGE LINE (*ESTABLISHED BY CONNECTING THE TWO [2] ❽ POINTS IN A STRAIGHT LINE*); ❿: 30-FOOT ; ⓫: SHORELINE; ⓬: CENTER POINT AT THE QUARTER DISTANCE LINE; ⓭: A LOT WITH A SHORELINE FRONTAGE LESS THAN 100-FEET; ⓮: A LOT WITH A SHORELINE FRONTAGE 100-FEET OR MORE; ⓯: 30-FOOT POINT ON THE QUARTER DISTANCE LINE; ⓰: 25% OF THE TAKELINE AREA; ⓱: QUARTER DISTANCE LINE.

FIGURE 35 EXAMPLES OF VISUAL MEASUREMENTS FOR VIEW CORRIDORS AND STRUCTURE PLACEMENT



❶: QUARTER DISTANCE LINE; ❷: BUILDABLE AREA; ❸: 30-FEET; ❹: A LOT WITH A SHORELINE FRONTAGE LINE 100-FEET OR MORE; ❺: A LOT WITH A SHORELINE FRONTAGE LINE LESS THAN 100-FEET; ❻: LEASE AREA'S PROJECTED SIDE YARD; ❼: STRUCTURE BUILT IN THE 438.0 ELEVATION ZONE; ❽: LEASE AREA'S SIDE YARD; ❾: 40-FOOT BUILDING LINE; ❿: REAR PROPERTY LINE/TAKELINE ; ⓫: EXISTING BOATHOUSE; ⓬: BOATHOUSE LOCATION APPROVED ADMINISTRATIVELY BECAUSE OF DRAINAGE EASEMENT AND CLUSTERED WITH AN EXISTING BOATHOUSE; ⓭: DRAINAGE EASEMENT; ⓮: BOATHOUSE AND STRUCTURE IN THE 435.5 ELEVATION ZONE GENERALLY CENTERED IN THE LEASE AREA BEHIND THE PRIMARY STRUCTURE.

(F) *General Requirements*. The following general requirements shall apply for all property in the takeline area.

(1) *Number of Permitted Structures*. The following is the maximum number of structures that shall be permitted in each elevation zone (*NOTE: in this case a structure is defined as any of the permitted uses specified in Subsection (K), Specifications for Permitted Land Uses that exceeds six [6] feet in height*):

(a) *438.0 Elevation Zone*: Two (2) structures shall be permitted in the *438.0 Elevation Zone*.

(b) *435.5 Elevation Zone*. One (1) structure shall be permitted in the *435.5 Elevation Zone*.

(2) *General Location of Permitted Structures*. The following requirements relate to where structures should be generally located in each elevation zone (*NOTE: in this case a structure is defined as any of the permitted uses specified in Subsection (K), Specifications for Permitted Land Uses that exceeds six [6] feet in height*):

(a) *438.0 Elevation Zone*: Structures in the *438.0 Elevation Zone* should be located outside of the view clear zones unless specifically permitted to be in the view clear zone by Subsection (K), *Specifications for Permitted Land Uses*.

(b) *435.5 Elevation Zone*: Structures in the *435.5 Elevation Zone* should be generally centered in the lease area -- *equal distance from both leased side yard boundary lines* -- behind the primary structure on the leasing property and outside of the view clear zones unless specifically permitted to be in the view clear zone by Subsection (K), *Specifications for Permitted Land Uses*.

(c) *425.5 Elevation Zone*: Structures located in the *425.5 Elevation Zone* should be generally centered along the shoreline -- *equal distance from both the leased side yard boundary lines* -- behind the primary structure of the leasing property.

(d) *Administrative Exception for the 435.5 & 425.5 Elevation Zone*. In cases where it is [*1*] not feasible to construct a structure in the center of the lease area or along the shoreline, [*2*] will increase the view corridor or benefit the surrounding properties by not centering a structure in the lease area, or [*3*] where centering the structure will create an undue hardship to the property owner leasing the lease area, the Director of Planning and Zoning or his/her designee may approve an administrative exception to allow an alternate location that is not generally centered in the lease area as long as the location for the proposed structure is outside of the view clear zone. In approving these requests, the Director of Planning and Zoning or his/her designee shall consider the impact of the proposed structure on the adjacent property owners.

(3) *Building Materials*. The permitted building materials shall be as stipulated in Subsection (K), *Specifications for Permitted Land Uses*, and as permitted by the City Council through a Specific Use Permit (SUP); however, the use of canvas, cloth, or like materials shall be prohibited within the takeline area. In addition, loose ground materials (*e.g. sand, fill, pea gravel*) that could be used for trails, paths, play areas, active sports activities, or as exposed landscape bedding material are prohibited.

(4) *Trees*. In order to plant or remove a tree in the takeline area, a *Treescape Plan* showing the exact location, size (*i.e. trunk diameter and height*), and common name of the tree to be planted or removed will be required to be submitted to the Parks and Recreation Department. A permit to plant or remove a tree may be approved administratively by the Director of Parks and Recreation or his/her designee, or forwarded to the Parks and Recreation Board for approval. In reviewing a request to plant or remove a tree, the following criteria shall apply:

(a) *Planting Trees*. Trees are permitted to be planted within the *438.0 Elevation Zone* pending they are [*1*] not a variety specifically listed in the prohibited tree list contained in Section 03, *Tree Planting Guidelines and Requirements*, of Appendix C, *Landscaping Guidelines and Requirements*, and [*2*] they are not located within the view clear zone outlined Subsection (E), *Visual Measurements*. The Director of Parks and Recreation or his/her designee may grant an exception to allow a tree to be planted in the view clear zone where it is determined that the tree will not decrease the visibility of the lake or shoreline for the adjacent properties. In making this determination, the Director of Parks and Recreation shall consider the size of the proposed tree at maturity.

(b) *Removing Trees*. Trees are permitted to be removed only if they are determined to be damaged or diseased, or if they create a hazardous or dangerous condition that could endanger the public health, safety or welfare of the general public.

(5) *Temporary Structures on Lease 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(K)(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.

(G) *Residential Sublease Agreement*. A *Residential Sublease Agreement* is an agreement between a property owner and the City of Rockwall that grants the property owner certain rights to the exclusive use of the takeline area. A *Residential Sublease Agreement* shall be required to build certain structures within the takeline area. The area to be leased by a single-family property owner shall be directly contiguous to the boundaries of the property and are only permitted in the areas depicted in *GREEN* on Figure 32, *Lake Ray Hubbard Takeline (TL OV) District Map*. It shall be a violation of the zoning code to build or maintain a structure in the takeline area without a valid *Residential Sublease Agreement*. An owner in violation of this section shall be subject to the requirements of Section 01, *Penalties*, of Article 12, *Enforcement*, of the Unified Development Code (UDC). The following shall be the costs associated with a *Residential Sublease Agreement*:

Lease	Fees
New Lease (*i.e. New Never Leased by Current Owner*) [2]	$200.00
Annual Renewal of a Lease	$100.00
Change of Ownership of a Valid Lease	$50.00
Reinstatement of an Expired Lease (*i.e. Same Property Owner*) [3]	$500.00

NOTES:

[1]: To be subject to these new fees, a lease entered into after *January 1, 2021* will be required (*i.e. the effective date of the amendment adopting these fees*).

[2]: A lease is considered to be new under the following circumstances: [*1*] the property has never had a valid lease agreement, or [*2*] the property had a valid lease under different ownership but that lease agreement expired prior to the current owner taking possession of the property.

[3]: A lease is considered to be a reinstatement when it lapses or expires under the current ownership, and then the same owner requests a new lease.

(H) *Homeowner's Association (HOA) Sublease Agreement*. A *Homeowner's Association (HOA) Sublease Agreement* is an agreement between a Homeowner's Association (HOA) and the City of Rockwall that grants the HOA certain rights to the exclusive use of the takeline area for their members. The area to be leased by the Homeowner's Association (HOA) shall be directly contiguous to the boundaries of the HOA and are only permitted in the areas depicted in ORANGE on Figure 32, *Lake Ray Hubbard Takeline [TL OV] District Map*. It shall be a violation of the zoning code to build or maintain a structure in the takeline area without a valid *Homeowner's Association (HOA) Sublease Agreement*. A Homeowner's Association (HOA) in violation of this section shall be subject to the requirements of Section 01, *Penalties*, of Article 12, *Enforcement*, of the Unified Development Code (UDC). The requirements for a *Homeowner's Association (HOA) Sublease Agreement* are as follows:

(1) *Site Plan*. Prior to the execution of a *Homeowner's Association (HOA) Sublease Agreement*, the Homeowner's Association (HOA) shall submit a *Site Plan* to the Director of Planning and Zoning in accordance with the procedures outlined in Subsection 01.02, *Submission of an Application*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). The *Site Plan* shall show all of the *Activity Areas* [*see Subsection (H)(2) below*], the proposed improvements for these areas, the required seawalls, fixed piers and/or dock decks, private walkways, and any landscaping for the leased area. The Planning and Zoning Commission shall review the *Site Plan* in accordance with the procedures contained in Section 03, *Site Plans*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Upon approval of a *Site Plan*, the approved *Site Plan* shall be incorporated into the *Homeowner's Association (HOA) Sublease Agreement*. Should the Homeowner's Association (HOA) choose to amend the *Site Plan*, the *Site Plan* shall be amended in accordance with the procedures of Subsection 03.06, *Amended Site Plan*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Upon approval of an amendment to the *Site Plan*, a new *Homeowner's Association (HOA) Sublease Agreement* shall be drafted containing the *Amended Site Plan* and superseding the original *Homeowner's Association (HOA) Sublease Agreement*.

(2) *Activity Areas*. In lieu of the requirements of Subsections (F)(1), *Number of Permitted Structures*, and (F)(2), *General Location of Permitted Structures*, -- *and as part of the required Site Plan outlined in Subsection (H)(1) above* -- the Homeowner's Association (HOA) shall identify *Activity Areas* where improvements can/will be made within the leased area. Improvements outside of the *Activity Areas* -- *with the exception of landscaping and private walkways* -- shall be prohibited for the purpose of preserving the view corridors of the existing residential properties. The *Activity Areas* shall generally adhere to the following requirements:

(a) *Size*. *Activity Areas* should not be larger than 50-feet by 50-feet, unless otherwise approved by the Planning and Zoning Commission. In reviewing the *Activity Areas*, the Planning and Zoning Commission shall consider how the proposed size affects the view corridors of the adjacent residential properties.

(b) *Location*. *Activity Areas* shall be spaced so that they are a minimum of 200-feet apart, and be setback a minimum of 25-feet from the rear or side yard property line of any residential property. In addition, the *Activity Areas* shall be located in a manner that will create the least amount of impact to the adjacent property owners and their view corridors.

(c) *Seawalls*. Prior to the construction of an *Activity Area*, a seawall, conforming to Subsection (K), *Specifications for Permitted Land Uses*, and extending 100-feet on either side of the *Activity Area*, shall be required to be constructed.

(3) *Fixed Piers and Dock Decks*. Fixed piers and dock decks, conforming to Subsection (K), *Specifications for Permitted Land Uses* and spaced a minimum of 200-feet apart, are permitted along the leased area; however, a seawall, conforming to Subsection (K), *Specifications for Permitted Land Uses* and extending 100-feet on either side of the fixed pier or dock deck, shall be required with the proposed improvements.

(4) *Prohibited Land Uses*. Boathouses, as defined in Subsection (K), *Specifications for Permitted Land Uses*, shall be prohibited in the leased area associated with any *Homeowner's Association (HOA) Sublease Agreement*; however, in the event a boathouse existed in the leased area prior to the execution of the *Homeowner's Association (HOA) Sublease Agreement*, the HOA shall assume responsibility for the existing improvement in accordance with Subsection (H)(5) below.

(5) *Existing Improvements*. As part of the *Homeowner's Association (HOA) Sublease Agreement*, the HOA shall be required to assume responsibility for any existing improvements and the maintenance of these improvements in the leased area.

(6) *Fees*. The following shall be the costs associated with a *Homeowner's Association (HOA) Sublease Agreement*:

Lease	Fees
New Lease (*i.e. New Never Leased by HOA*) [1]	$200.00
Annual Renewal of a Lease	$100.00
Reinstatement of an Expired Lease (*i.e. Same HOA*) [2]	$500.00

NOTES:

[1]: A lease is considered to be new if the property has never had a valid lease agreement or if a site plan has been amended in accordance with the procedures of Subsection (H)(1).

[2]: A lease is considered to be a reinstatement when it lapses or expires, and then the Homeowner's Association (HOA) requests a new lease.

(I) *Permitted Uses*. All of the uses permitted within the *Lake Ray Hubbard Takeline Overlay (TL OV) District* shall adhere to all other

applicable codes and the permitting requirements of the City of Rockwall. For a list of permitted land uses see Subsection (L), *Specifications for Permitted Land Uses*, or Subsection 07.05, *Lake Ray Hubbard Takeline Overlay (TL OV) District Development Standards*.

(J) *Specific Use Permits (SUPs)*. A Specific Use Permit (SUP) may be requested for: [*1*] any use that is not listed in Subsection (K), *Specifications for Permitted Land Uses* or [*2*] any structure that does not adhere to the requirements stipulated for that use or structure as required by Subsection (K), *Specifications for Permitted Land Uses*; however, a request for a Specific Use Permit (SUP) cannot be requested if a dimensional, material, size, or location standard stipulated in Subsection (K), *Specifications for Permitted Land Uses*, or Subsection (F), *General Requirements*, is expressly prohibited. In addition, no requests can be made that violate the view corridor requirements stipulated in Subsection (E), *Visual Measurements*. A Specific Use Permit (SUP) may be requested for water related land uses that are not specifically addressed in Subsection (K), *Specifications for Permitted Land Uses*, (*e.g. jet ski lift*) pending the applicant provides a letter of consent from the City of Dallas prior to making the application. In considering a Specific Use Permit (SUP) request, the City Council shall consider how the proposed request [*1*] impacts adjacent properties, and [*2*] adheres to the intent of the Lake Ray Hubbard Takeline Overlay (TL OV) District.

(K) *Specifications for Permitted Land Uses*. See Subsection 07.05, *Lake Ray Hubbard Takeline Overlay (TL OV) District Development Standards*, for a summary of the development standards for each of the following conditional uses.

(1) *Barbecue Pit*.

(a) *Definition*. A *barbecue pit* is a permanent fireplace structure over which meat, poultry and other foods are roasted (*for Fire Pit see Subsection 06.15(K)(9)*).

(b) *Prerequisites*. A *barbecue pit* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *barbecue pit* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *barbecue pit* can only be fueled by charcoal and wood products, and shall not be fueled by any permanently buried gas products (*i.e. natural gas or propane*).

(e) *Construction Standards*.

(1) *Building Materials*. A *barbecue pit* must be constructed utilizing a combination of natural stone, brick, concrete, and/or iron grating.

(2) *Height*. A *barbecue pit* shall not exceed a maximum of six (6) feet in height.

(3) *Size*. A *barbecue pit* shall not be smaller than a minimum size of three (3) feet in length by three (3) feet in width; however, a *barbecue pit* should not exceed a maximum size of eight (8) feet in length by three (3) feet in width.

(f) *Setback Requirements*. A *barbecue pit* must adhere to the following setbacks:

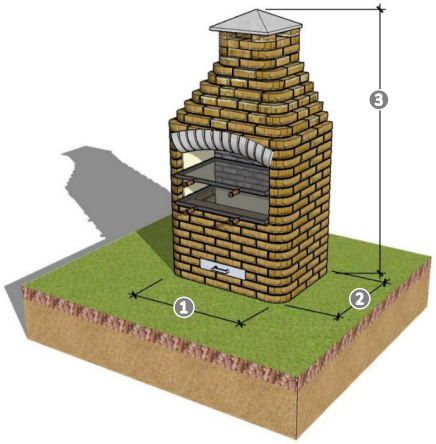
(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *barbecue pit* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *barbecue pit* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.



❶: A MINIMUM AND MAXIMUM OF THREE (3) FEET IN LENGTH; ❷: A MINIMUM OF THREE (3) FEET AND A MAXIMUM OF EIGHT (8) FEET IN WIDTH; ❸: A MAXIMUM OF SIX (6) FEET;

(2) *Boathouse*.

(a) *Definition*. A *boathouse* is a roofed structure affixed to the end of an adjoining *fixed pier*, with a main waterside opening, containing an operating boatlift, and which is built to house and protect a watercraft and boat related equipment.

(b) *Prerequisites*. A *boathouse* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall, has constructed a *seawall* along the entire length of the shoreline within the leased area, and has constructed a *fixed pier*.

(c) *Conditional Use Standards*. *Boathouses* are used for storing boats that have a fuel efficiency rating greater than 95%; however, boathouses may also be used to store

sailboats. *Boathouses* will not be used for storing any other type of items except boats and boat-related equipment. In addition, *Boathouses* shall not be used as a habitable dwelling structure, or shelter for domestic or wild animals. All *boathouses* shall be designed to discourage swimming, be durable, and have a base foundation construction of approved piling piers placed to a depth decided by a structural engineer; however, a *boathouse* shall not be designed to prevent public access to an area of water. Accessories placed on the flat surface of a *boathouse* or catwalk must be placed in an orderly manner that allows for the safe movement of people.

(d) *Elevation Zone*. A *boathouse* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

(e) *Construction Standards*.

(1) *Building Materials*. All *boathouse* constructed below the 437.0-foot mean sea level contour shall use only pilings and materials approved by the City of Rockwall and the City of Dallas. *Boathouses* shall be constructed utilizing composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with high-tech plastic materials*) -- *products equivalent to Trex brand are preferred* -- for decking, galvanized metal/iron/steel or aluminum (*with a minimum color rating of AAMA 2604*) for the support posts, all aforementioned materials and cedar or iron wood for the roof beams, and standing seam metal for the roof with a pre-finished color. Support posts may be wrapped in composite material. Water repellant sealants shall not be used to treat any cedar or ironwood used for roof beams. All fasteners binding materials together must be made out of stainless steel.

(2) *Height*. A *boathouse* shall be a minimum of 16-feet and a maximum of 21-feet in height as measured from the top of the fixed pier's catwalk to the vertex of the *boathouse's* cupola; however, in no case should a *boathouse* exceed one (1) story in height.

(3) *Size*. The footprint of the exterior sides of a *boathouse* will measure a minimum of eight (8) feet in width by 30-feet in length and a maximum of 12-feet in width and 30-feet in length. *Boathouses* shall not extend more that 40-linear feet into the water as measured from the normal pool elevation of the shoreline (*i.e. 435.5*).

(4) *Roof*. A *boathouse* will have a hip roof with either: [*1*] one (1) cupola with a hip roof centered at the top of the main hip roof, or [*2*] two (2) cupolas each with hip roofs at either end of the top of the main hip roof. Cupolas will be designed to allow updraft air and winds to vent outward, and shall measure three (3) feet by four (4) feet. All *boathouse* roofs shall be built with a minimum of a 2:1 roof pitch and will not have an overhang greater than 18-inches. *Boathouses* shall not incorporate a deck or platform.

(5) *Lighting*. Interior lighting for a *boathouse* will be directed downward from the ceiling of the structure and at the stored watercraft. Exterior lighting for a *boathouse* will be directed downwards toward the fixed pier with light fixtures incorporated either into the roof's overhang or the structure's columns. Lighting shall not hinder an adjacent property owner's lake views, negatively impact surrounding residents with unwanted brightness or glare, or interfere with the safety of the traveling public.

(6) *Additional Construction Standards*.

(a) *Deck Ladder*. A deck ladder is permitted to be constructed inside a *boathouse*.

(b) *Storage Unit*. A *boathouse* can incorporate one (1) storage unit measuring 72-inches in length by 20-inches in depth by 20-inches in height. Storage units shall be placed on the outer dockside, and shall only be used for storing boat-related equipment. The storage of fossil fuels and/or hazardous materials is prohibited.

(c) *Boat or Watercraft Lift(s)*. A *boathouse* must incorporate either one (1) regular boat lift or two (2) personal watercraft boat lifts. All boat or watercraft lifts must be able to hoist a watercraft above the 438.0-foot mean sea level contour, and be maintained in good operating condition. All watercrafts must be stored under the roof of the *boathouse*.

(d) *Pilings*. The approved pilings used to support a boathouse must be built up to at least 17-inches above the normal pool elevation of 435.5-feet mean sea level. Vertical rub rails are required on all concrete piers and pilings.

(e) *Catwalks*. The flat floor surface or catwalk for all structures must be no more and no less than 18-inches above the normal pool elevation of 435.5-feet mean sea level.

(f) *Safety Reflectors*. All structures shall be designed with safety reflectors to be clearly visible on three (3) sides on the main waterside of the end of the structure. Safety reflectors are required on either side of the main waterside end and the two (2) sides at a minimum increment of ten (10) feet starting at the structure's main waterside end and working back to the shoreline. Safety reflectors will be white, blue, or red and no less than three (3) inches in diameter or square in size, kept clean, firmly attached to the structure, and maintained in good condition.

(7) *Location*. All *boathouses* are required to be located in the water of the *Lake*. View corridor restrictions do not apply to *boathouses*; however, a boathouse should generally be located in line with the primary structure on the leasing property (*i.e. generally centered on the lot*). *Boathouses* shall not be designed to prevent or restrict public access to any portion of water within the *Lake*.

(f) *Setback Requirements*. A *boathouse* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-feet
(2) *Leased Side Yard Setback*: 10-feet
(3) *Maximum Distance from Seawall*: 40-feet

(g) *Additional Requirements*.

(1) *Dredging*. Dredging of the lake area is allowed for the berthing of a motorized boat into a *boathouse* provided that the dredging does not exacerbate shoreline erosion, lake siltation, water quality degradation, wetlands instability, or the integrity of any built structure, and the dredged channel is maintained for boating maneuverability to a depth of 425.0-feet mean sea level and a width area allowable for safe boating maneuverability. Property authorization to dredge must be obtained from the City of Rockwall, City of Dallas, US Army Corps of Engineers, and the Texas Parks and Wildlife Department. Disposal of dredging materials must be handled by a licensed establishment, properly treated and disposed of at an offsite location or disposed onsite only as part of land reclamation working under the City of Dallas guidelines and supervision.

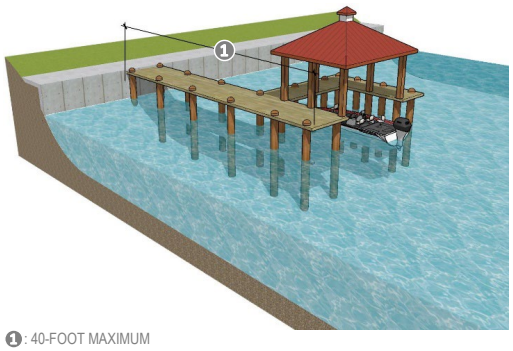
(2) *Compliance with Applicable Codes*. A *boathouse* must comply with all other applicable City of Rockwall codes.

(3) *Address*. All *boathouses* shall have a residential street address sign with six (6) inch black letters on a white background displayed outwards towards the main body of the *Lake* to be recognizable for waterside public safety and emergency personnel.

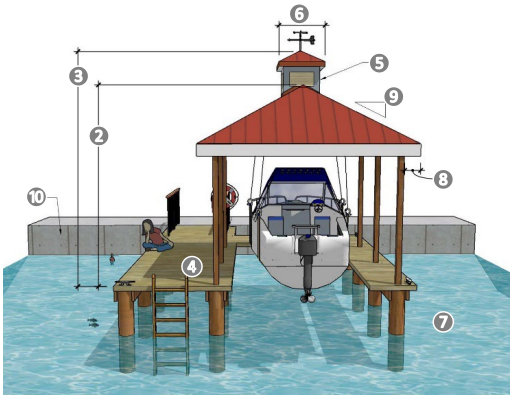
(4) *Easement Protection*. No *boathouse* shall encroach into an existing or identified future easement, right-of-way, access road, or path.

(h) *Visual Representation*.

Continued on Right Side of Page …



❶: 40-FOOT MAXIMUM



❶: 40-FOOT MAXIMUM; ❷: 13-FOOT MINIMUM TO 18-FOOT MAXIMUM; ❸: 16-FOOT MINIMUM TO 21-FOOT MAXIMUM; ❹: CATWALK (UNDERSTRUCTURE TO BE ABOVE THE 437.0-FOOT ELEVATION); ❺: CUPOLA; ❻: THREE (3) FEET BY FOUR (4) FEET; ❼: 435.5-FOOT NORMAL POOL ELEVATION; ❽: 1.5-FOOT MAXIMUM OVERHANG; ❾: 2:1 ROOF PITCH (HIP ROOF ONLY); ❿: SEAWALL

(3) *Covered Patio*.

(a) *Definition*. A *covered patio* is a standalone structure that provides shade and/or rain coverage for a patio or deck. Covered patios have a solid roof.

(b) *Prerequisites*. A *covered patio* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *covered patio* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *covered patio* shall not be used as a habitable dwelling structure, storage facility, or shelter for domestic or wild animals.

(e) *Construction Standards*.

(1) *Building Materials*. A *covered patio* must be constructed utilizing cedar, redwood, ironwood, composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. The roof of the structure should generally match the color of the roof on the primary structure, and be constructed using clay tiles, standing seam metal, slate shingles, concrete shingles, or ceramic shingles. Canvas, cloth, or mesh attachments to the structure shall be prohibited.

(2) *Height*. A *covered patio* shall not exceed a maximum height of 15-feet or one (1) story, and the roof shall not be used as a deck or lookout. The height shall be measured from grade to the mid-point of the pitched roof.

(3) *Size*. A *covered patio* shall not exceed a maximum size of 12-feet by 20-feet or 240 SF.

(4) *Roof*. A *covered patio* will have a hip or gable roof with either: [*1*] one (1) cupola with a hip roof centered at the top of the main hip roof, or [*2*] a clerestory built into the center of the main hip roof. Cupolas and clerestories will be designed to allow updraft air and winds to vent outward, and shall be proportional to the main roof. All *covered patios* should be built with a minimum of a 4:1 roof pitch. The roof shall not have an overhang greater than 18-inches.

(5) *Location*. A *covered patio* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Covered patios* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *covered patio* must adhere to the following setbacks:

(1) *Takeline Setback*: 6-Feet (*from the Concrete Cap of the Seawall*)
(2) *Leased Side Yard Setback*: 20-Feet

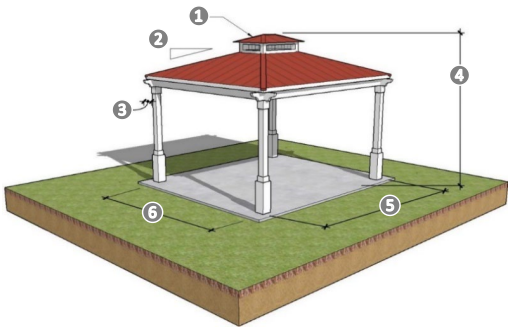
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *covered patio* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *covered patio* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *covered patio* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: CUPOLA OR CLERESTORY; ❷: 4:1 MINIMUM ROOF PITCH; ❸: 18-INCHES MAXIMUM OVERHANG; ❹: 15-FEET MAXIMUM HEIGHT; ❺: 20-FEET MAXIMUM; ❻: 12-FEET MAXIMUM;

(4) *Deck*.

(a) *Definition*. A *deck* is a roofless structure anchored to the ground that consists of planks running in a horizontal pattern and creating a flat surface area.

(b) *Prerequisites*. A *deck* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *deck* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted (*see Dock Deck in Subsection 06.15(K)(5)*).

(d) *Conditional Use Standards*. A *deck* shall not incorporate walls or other none transparent structures to function as handrails or counter space.

(e) *Construction Standards*.

(1) *Building Materials*. A *deck* must be constructed of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*). Handrails incorporated into a *deck* in the *438.0 Elevation Zone* shall be made of wrought iron or decorative metal. Handrails are *not* permitted in the *435.5 Elevation Zone*.

(2) *Height*. A *deck* shall not exceed a maximum height of 24-inches above grade.

(3) *Size*. A *deck* shall not exceed a maximum area of 1,000 SF.

(4) *Location*. A *deck* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Decks* shall not be placed in the view clear zone of a neighbor's view corridor.

(5) *Foundation*. A *deck* shall be anchored into the ground using concrete posts and footings as a foundation appropriate for the load and size of the proposed *deck*.

(f) *Setback Requirements*. A *deck* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

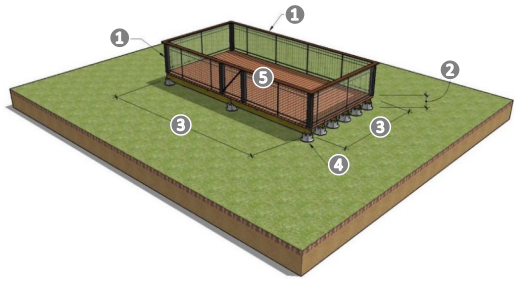
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *deck* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *deck* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *deck* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: WROUGHT IRON OR DECORATIVE METAL; ❷: MAXIMUM OF 24-INCHES OR TWO (2) FEET ABOVE GRADE; ❸: (L) X (W) SHALL NOT BE GREATER THAN 1,000 SF; ❹: CONCRETE POSTS AND FOOTINGS FOR FOUNDATION; ❺: COMPOSITE DECKING MATERIALS.

(5) *Dock Deck*.

(a) *Definition*. A *dock deck* is a flat floor surface area built over the water adjoining the end of a *fixed pier*.

(b) *Prerequisites*. A *dock deck* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall, has constructed a *seawall* along the entire length of the shoreline within the leased area, and has constructed *fixed pier*.

(c) *Elevation Zone*. A *dock deck* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

(d) *Conditional Use Standards*. Items that can be securely attached to the edge of a *dock deck* include the following: [*1*] a personal watercraft swing lift, [*2*] benches, [*3*] dock deck lighting that is either embedded in or on a pole, [*4*] locker box, and/or [*5*] power source station. A table may also be placed on the edge or in the center of a *dock deck*. A watercraft is only allowed to moor at any portion of a *dock deck* for no more that 156-consecutive hours during any given week. All *dock decks* shall be designed to discourage swimming, be durable, and have a base foundation construction of approved piling piers placed to a depth decided by a structural engineer; however, a *dock deck* shall not be designed to prevent public access to an area of water. *Dock decks* shall also be designed to be clearly visible during all seasons of the year and fluctuations in pool elevation of the *Lake*. Accessories placed on the flat surface of a *dock deck* or catwalk must be placed in an orderly manner that allows for the safe movement of people.

(e) *Construction Standards*.

(1) *Building Materials*. The catwalk and/or *dock deck* and any benches built on these structures shall utilize only composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*). Any railings built on a dock deck shall be constructed of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*) or steel tubing railings. *Dock decks* above 437.0 feet mean sea level are required to be constructed of metal pilings, concrete pilings, or plastic PVC pilings. *Dock decks* constructed below 437.0 feet mean sea level must use only pilings and materials approved by the City of Dallas as specified in the City of Dallas' *Construction Permit Application Lake Structures Lake Ray Hubbard*. All pilings shall be engineered and approved to handle the pressures, stresses, and loads applicable to lakefront conditions. The exterior color of all *dock decks* shall be a neutral or earth tone color and be subject to approval by the Planning and Zoning Department at the time of building permit. All fasteners binding materials together must be made of stainless steel. Water repellant sealants shall *not* be used.

(2) *Height*. No pole structures incorporated into a *dock deck* shall be higher than eight (8) feet above the flat floor surface with no more than four (4) pole structures allowed.

(3) *Size*. The footprint of the exterior sides of a *dock deck* adjoining a fixed pier shall be a minimum of eight (8) feet by ten (10) feet (*i.e. 80 SF*) and a maximum of 12-feet by 30-feet (*i.e. 360 SF*). *Dock decks* shall not extend more that 40-linear feet into

the water as measured from the normal pool elevation of the shoreline (*i.e. 435.5*).

(4) *Lighting*. Lighting shall not hinder an adjacent property owner's lake views, negatively impact surrounding residents with unwanted brightness or glare, or interfere with the safety of the traveling public. Safety lighting may be placed onto the interior edges of the flat floor surface of a *dock deck* at ten (10) foot increments, with the cover housing the lighting source no higher than six (6) inches. Two (2) light post structures with a maximum height of eight (8) feet can be placed along the periphery of a *dock deck*.

(5) *Additional Construction Standards*.

(a) *Pilings*. The approved pilings used to support a boathouse must be built up to at least 17-inches above the normal pool elevation of 435.5-feet mean sea level. Vertical rub rails are required on all concrete piers and pilings.

(b) *Catwalks*. The flat floor surface or catwalk for all structures must be no more and no less than 18-inches above the normal pool elevation of 435.5-feet mean sea level.

(c) *Safety Reflectors*. All structures shall be designed with safety reflectors to be clearly visible on three (3) sides on the main waterside of the end of the structure. Safety reflectors are required on either side of the main waterside end and the two (2) sides at a minimum increment of ten (10) feet starting at the structure's main waterside end and working back to the shoreline. Safety reflectors will be white, blue, or red and no less than three (3) inches in diameter or square in size, kept clean, firmly attached to the structure, and maintained in good condition.

(6) *Location*. View corridor restrictions do not apply to *dock decks*. *Dock decks* shall not be allowed on land.

(f) *Setback Requirements*. A *dock deck* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-feet
(2) *Leased Side Yard Setback*: 10-feet
(3) *Maximum Distance from Seawall*: 40-feet

(g) *Additional Requirements*.

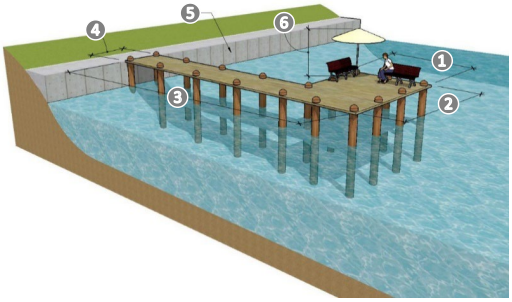
(1) *Dredging*. Dredging of the lake area is allowed for the berthing of a motorized boat into a *dock deck* provided that the dredging does not exacerbate shoreline erosion, lake siltation, water quality degradation, wetlands instability, or the integrity of any built structure, and the dredged channel is maintained for boating maneuverability to a depth of 425.0-feet mean sea level and a width area allowable for safe boating maneuverability. Property authorization to dredge must be obtained from the City of Rockwall, City of Dallas, US Army Corps of Engineers, and the Texas Parks and Wildlife Department. Disposal of dredging materials must be handled by a licensed establishment, properly treated and disposed of at an offsite location or disposed onsite only as part of land reclamation working under the City of Dallas guidelines and supervision.

(2) *Compliance with Applicable Codes*. A *dock deck* must comply with all other applicable City of Rockwall codes.

(3) *Address*. All *dock decks* shall have a residential street address sign with six (6) inch black letters on a white background displayed outwards towards the main body of the *Lake* to be recognizable for waterside public safety and emergency personnel.

(4) *Easement Protection*. No *dock deck* shall encroach into an existing or identified future easement, right-of-way, access road, or path.

(h) *Visual Representation*.



❶: MINIMUM OF TEN (10) FEET AND A MAXIMUM OF 30-FEET; ❷: MINIMUM OF EIGHT (8) FEET AND A MAXIMUM OF 12-FEET; ❸: 40-FOOT MAXIMUM; ❹: SIX (6) FOOT MAXIMUM; ❺: SEAWALL; ❻: EIGHT (8) FOOT MAXIMUM;

(6) *Fence*.

(a) *Definition*. A *fence* is a barrier, railing, or other upright structure, enclosing a specific area to mark a boundary or control access.

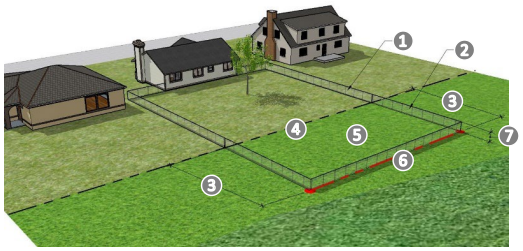
(b) *Prerequisites*. A *fence* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *fence* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *fence* shall only be allowed to enclose an area beginning at the *Takeline* corners (*i.e. the rear property line corners of the property leasing the take area*), extending 45-feet along the lease line, and

connecting the two (2) points in a straight line (*see example below*).



❶: EXISTING RESIDENTIAL FENCE ON THE LEASING PROPERTY; ❷: WROUGHT IRON OR BLACK TUBLAR STEEL FENCE; ❸: MAXIMUM OF 45-FEET ALONG THE LEASE LINE OF THE TAKELINE; ❹: REAR PROPERTY LINE/BEGINNING OF THE TAKELINE; ❺: 438.0 ELEVATION ZONE; ❻: THE STRAIGHT-LINE CONNECTION BETWEEN THE TWO (2), 45-FOOT POINTS; ❼: MAXIMUM OF 48-INCHES OR FOUR (4) FEET.

(e) *Construction Standards*.

(1) *Building Materials*. A *fence* shall *only* be constructed of wrought iron or black tubular steel.

(2) *Height*. A *fence* shall not exceed a maximum height of 48-inches from grade.

(3) *Location*. A *fence* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *fence* must adhere to the following setbacks:

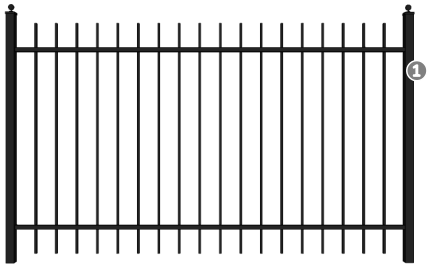
(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *fence* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *fence* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.



❶: FOUR (4) FOOT WROUGHT IRON FENCE

(7) *Flagpole*.

(a) *Definition*. A *flagpole* is an upright pole or staff, constructed at a 90-degree angle to the finished grade, which is used to raise a flag.

(b) *Prerequisites*. A *flagpole* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *flagpole* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A maximum of two (2) *flagpoles*, with one (1) flag on each pole shall be permitted within a lease area. The United States of America and State of Texas flags measuring a maximum of six (6) feet by four (4) feet will be the only flags permitted to be flown along the takeline. Lighting in association with a flagpole shall be prohibited.

(e) *Construction Standards*.

(1) *Building Materials*. A *flagpole* shall *only* be constructed of either stainless steel or aluminum.

(2) *Height*. A *flagpole* shall not exceed a maximum height of 20-feet from grade.

(3) *Size*. At the ground base a *flagpole* shall measure a minimum size of five (5) inches and a maximum size of eight (8) inches.

(4) *Location*. A *flagpole* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Flagpoles* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *flagpole* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

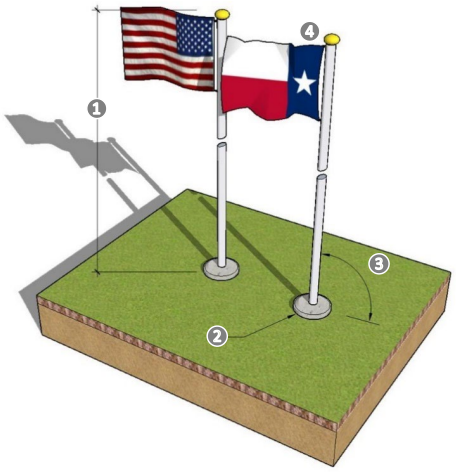
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *flagpole* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *flagpole* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *flagpole* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: MAXIMUM OF 20-FEET FROM GRADE; ❷: AT THE BASE THE FLAGPOLE CAN BE A MINIMUM OF FIVE (5) INCEHS AND A MAXIMUM OF EIGHT (8) INCHES; ❸: MAINTAINED TO BE 90-DEGREES FROM GRADE; ❹: FLAGPOLES ARE PERMITTED ONE (1) FLAG A MAXIMUM OF FOUR (4) FEET BY SIX (6) FEET;

(8) *Fixed Pier*.

(a) *Definition*. A *fixed pier* is a structure with a catwalk that extends from the shoreline out into the body of water with the structure being used to moor and land watercraft.

(b) *Prerequisites*. A *fixed pier* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall, and has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *fixed pier* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

(d) *Conditional Use Standards*. Each eligible property adjacent to the takeline will be permitted one (1) fixed pier with an adjoining dock deck and/or boathouse. *Fixed piers* can be designed to be in an 'I', 'T', 'L' or 'U' shape (*see* *Subsection 06.15(K)(8)(h)*). Items that can be securely attached to the edge of a *dock deck* include the following: [*1*] a personal watercraft swing lift, [*2*] benches, [*3*] cleats, [*4*] dock lighting, [*5*] locker box, and/or [*6*] power source station. A watercraft is only allowed to moor at any portion of a *fixed pier* for no more that 156-consecutive hours during any given week. All *fixed pier* shall be designed to discourage swimming, be durable, and have a base foundation construction of approved piling piers placed to a depth decided by a structural engineer; however, a *fixed pier* shall not be designed to prevent public access to an area of water. *Fixed piers* shall also be designed to be clearly visible during all seasons of the year and fluctuations in pool elevation of the *Lake*. Accessories placed on the flat surface of a catwalk of a *fixed pier* must be placed in an orderly manner that allows for the safe movement of people.

(e) *Construction Standards*.

(1) *Building Materials*. The catwalk and any benches built on these structures shall utilize only composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*). Any railings built on a *fixed pier* shall be constructed of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*) or steel tubing railings. *Fixed piers* above 437.0 feet mean sea level are required to be constructed of metal pilings, concrete pilings, or plastic PVC pilings. *Fixed piers* constructed below 437.0 feet mean sea level must use only pilings and materials approved by the City of Dallas as specified in the City of Dallas' *Construction Permit Application Lake Structures Lake Ray Hubbard*. All pilings shall be engineered and approved to handle the pressures, stresses, and loads applicable to lakefront conditions. The exterior color of all *fixed piers* shall be a neutral or earth tone color and be subject to approval by the Planning and Zoning Department at the time of building permit. All fasteners binding materials together must be made of stainless steel. Water repellant sealants shall not be used.

(2) *Height*. No pole structures incorporated into a *fixed pier* shall be higher than eight (8) feet above the flat floor surface with no more than two (2) pole structures allowed.

(3) *Size*. The catwalk of a *fixed pier* will be a maximum of six (6) feet in width, as measured at a 90-degree angle to the main *fixed pier's* length, and will not enclose any portion of the water to allow the free movement of water underneath. *Fixed piers* shall not extend more than 40-linear feet into the water as measured from the normal pool elevation of the shoreline (*i.e. 435.5*).

(4) *Lighting*. Lighting shall not hinder an adjacent property owner's lake views, negatively impact surrounding residents with unwanted brightness or glare, or interfere with the safety of the traveling public. Safety lighting may be placed onto the interior edges of the flat floor surface of the catwalk of a *fixed pier* at ten (10) foot increments, with the cover housing the lighting source no higher than six (6) inches. Two (2) light post structures with a maximum height of eight (8) feet can be placed at the end of a *fixed pier*.

(5) *Additional Construction Standards*.

(a) *Pilings*. The approved pilings used to support a boathouse must be built up to at least 17-inches above the normal pool elevation of 435.5-feet mean sea level. Vertical rub rails are required on all concrete piers and pilings.

(b) *Catwalks*. The catwalk of a *fixed pier* will be allowed within nine (9) feet of the normal pool elevation of 435.5-feet mean sea level. The flat floor surface or catwalk for all structures must be no more and no less than 18-inches above the normal pool elevation of 435.5-feet mean sea level.

(c) *Safety Reflectors*. All structures shall be designed with safety reflectors to be clearly visible on three (3) sides on the main waterside end of the end of the structure. Safety reflectors are required on either side of the main waterside end and the two (2) sides at a minimum increment of ten (10) feet starting at the structure's main waterside end and working back to the shoreline. Safety reflectors will be white, blue, or red and no less than three (3) inches in diameter or square in size, kept clean, firmly attached to the structure, and maintained in good condition.

(6) *Location*. View corridor restrictions do not apply to *fixed piers*.

(f) *Setback Requirements*. A *fixed pier* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-feet
(2) *Leased Side Yard Setback*: 10-feet
(3) *Maximum Distance from Seawall*: 40-feet

(g) *Additional Requirements*.

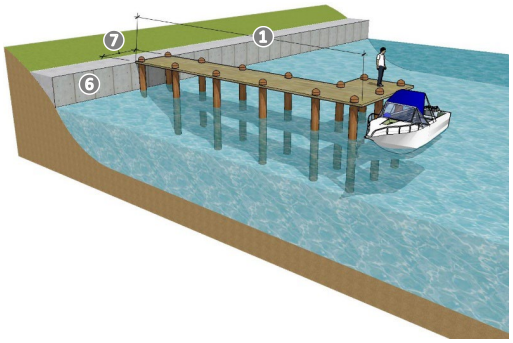
(1) *Dredging*. Dredging of the lake area is allowed for the berthing of a motorized boat into a *fixed pier* provided that the dredging does not exacerbate shoreline erosion, lake siltation, water quality degradation, wetlands instability, or the integrity of any built structure, and the dredged channel is maintained for boating maneuverability to a depth of 425.0-feet mean sea level and a width area allowable for safe boating maneuverability. Property authorization to dredge must be obtained from the City of Rockwall, City of Dallas, US Army Corps of Engineers, and the Texas Parks and Wildlife Department. Disposal of dredging materials must be handled by a licensed establishment, properly treated and disposed of at an offsite location or disposed onsite only as part of land reclamation working under the City of Dallas guidelines and supervision.

(2) *Compliance with Applicable Codes*. A *fixed pier* must comply with all other applicable City of Rockwall codes.

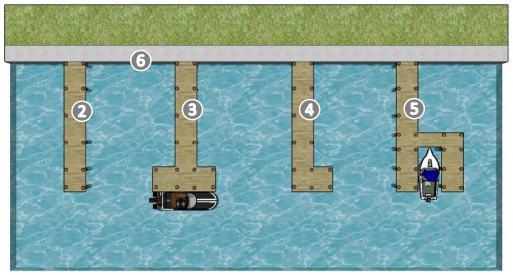
(3) *Address*. All *fixed pier* shall have a residential street address sign with six (6) inch black letters on a white background displayed outwards towards the main body of the *Lake* to be recognizable for waterside public safety and emergency personnel.

(4) *Easement Protection*. No *fixed pier* shall encroach into an existing or identified future easement, right-of-way, access road, or path.

(h) *Visual Representation*.



❶: 40-FOOT MAXIMUM; ❷: PIER IN AN 'I' SHAPE; ❸: PIER IN 'T' SHAPE; ❹: PIER IN A 'L' SHAPE; ❺: PIER IN A 'U' SHAPE; ❻: SEAWALL; ❼: SIX (6) FOOT MAXIMUM



(9) *Fire Pit*.

(a) *Definition*. A *fire pit* is a permanent fireplace that is dug into the ground or is in a freestanding structure in which a contained fire is made.

(b) *Prerequisites*. A *fire pit* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *fire pit* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *fire pit* can only be fueled by charcoal and wood products, and shall not be fueled

by any permanently buried gas products (*i.e. natural gas or propane*).

(e) *Construction Standards*.

(1) *Building Materials*. The surround (*i.e. the area used to contain the fire*) for a *fire pit* must be constructed utilizing a combination of natural stone, brick, and/or concrete.

(2) *Height*. A *fire pit* shall not exceed a maximum of 36-inches in height.

(3) *Size*. A *fire pit* shall not be smaller than a minimum size of three (3) feet in length by three (3) feet in width; however, a *fire pit* should not exceed a maximum size of five (5) feet in length by five (5) feet in width.

(f) *Setback Requirements*. A *fire pit* must adhere to the following setbacks:

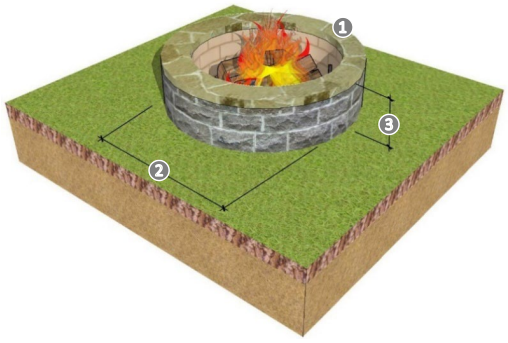
(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *fire pit* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *fire pit* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.



❶: NATURAL STONE, BRICK, AND/OR CONCRETE; ❷: MINIMUM SIZE OF THREE (3) FEET BY THREE (3) FEET AND A MAXIMUM SIZE OF FIVE (5) FEET BY FIVE (5) FEET; ❸: MAXIMUM HIEGHT OF 36-INCHES OR THREE (3) FEET.

(10) *Gazebo*.

(a) *Definition*. A *gazebo* is a permanent stand-alone structure with a roof and trellis structure open on all sides with places for sitting.

(b) *Prerequisites*. A *gazebo* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *gazebo* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *gazebo* shall not be used as a habitable dwelling structure, storage facility, deck, or shelter for domestic or wild animals.

(e) *Construction Standards*.

(1) *Building Materials*. A *gazebo* built in the *438.0 Elevation Zone* must be constructed utilizing cedar, redwood, ironwood, composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. The side trellis of the *gazebo* may be built using wood; however, canvas, cloth, or mesh attachments to the structure shall be prohibited. A *gazebo* built in the *435.5 Elevation Zone* shall only be built out of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. A *gazebo* will be constructed using steel reinforced concrete piers.

(2) *Height*. A *gazebo* shall not exceed a maximum height of 15-feet without a clerestory and 18-feet with a clerestory/cupola. The height of the *gazebo* shall be measured from grade to the vertex of the *gazebo's* main roof or clerestory/cupola roof. In either case a *gazebo* shall not be larger than one (1) story or incorporate a balcony.

(3) *Size*. A *gazebo* shall not exceed a maximum size of 12-feet by 12-feet or 144 SF.

(4) *Roof*. The roof of the *gazebo* shall be a hipped roof, gable roof, or hip and/or gable roof with or without a clerestory/cupola, and have a slope of 2:1. The roof shall not have an overhang greater than 18-inches. In addition, the roof of the *gazebo* can match the roof of the primary structure on the leasing property; otherwise, the roof shall be built out of a prefinished standing seam galvanized metal roof. If a clerestory/cupola is incorporated it shall be centered at the top of the main hip roof.

(5) *Location*. A *gazebo* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Gazebos* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *gazebo* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(g) *Additional Requirements.*

(1) *Earth Work*. Earth work required for the construction of a *gazebo* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *gazebo* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *gazebo* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation.*

❶: CUPOLA OR CLERESTORY; ❷: 2:1 MINIMUM ROOF PITCH; ❸: 1.5-FOOT MAXIMUM OVERHANG; ❹: 18-FEET MAXIMUM HEIGHT WITH A CUPOLA OR CLERESTORY AND 15-FEET WITHOUT A CUPOLA OR CLERESTORY; ❺: 12-FEET MAXIMUM; ❻: ROOF CAN MATCH THE PRIMARY STRUCTURE OTHERWISE THE ROOF SHALL BE STANDING SEAM METAL.

(11) *Landing and Stairs*.

(a) *Definition*. A *landing* is the area of a floor near the top or bottom step of a stair. A *stair* is a set of steps leading from one floor of an area to another.

(b) *Prerequisites*. A *landing and stairs* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 or 425.5 Elevation Zones* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *landing and stairs* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Permitted (*if a Seawall has been constructed*).

NOTE: A *landing and stairs* located in the *425.5 Elevation Zone* is permitted beside the lake but not upon or over the lake.

(d) *Conditional Use Standards*. A *landing and stairs* shall be allowed to be constructed in conjunction with a retaining wall if the retaining wall exceeds three (3) feet in height measured from the adjacent grade to the top of the wall.

(e) *Construction Standards*.

(1) *Building Materials*. A *landing and stairs* shall be constructed of wrought iron or black tubular steel, natural stone, brick, and/or concrete.

(2) *Height*. A *landing and stairs* shall not exceed the height of the adjacent retaining wall.

(3) *Size*. A *landing and stairs* shall be limited to eight (8) feet by eight (8) feet measured at the top of the adjacent retaining wall and the staircase shall be parallel to the retaining wall with a maximum width of a six (6) foot projection from the wall.

(4) *Location*. A *landing and stairs* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *landing and stairs* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 5-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *landing and stairs* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *landing and stairs* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.

PERSPECTIVE VIEW.

TOP VIEW.

❶: MINIMUM OF EIGHT (8) FOOT BY EIGHT (8) FOOT LANDING; ❷: VARIABLE LENGTH STAIRCASE; ❸: WROUGHT IRON OR BLACK TUBLAR STEEL; ❹: NATURAL STONE, BRICK, OR CONCRETE MATCHING THE RETAINING WALL; ❺: VARIABLE HEIGHT BUT A MINIMUM OF THREE (3) FEET; ❻: MAXIMUM OF SIX (6) FEET.

(12) *Landscaping and Retaining Walls*.

(a) *Definition*. *Landscaping* is the minor modification or altering of the surrounding takeline area terrain and shoreline with trees, shrubs, ground cover, and native stone or interlocking retaining walls.

(b) *Prerequisites*. *Landscaping and retaining walls* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. *Landscaping and retaining walls* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

NOTE: Remedial *landscaping* in the *425.5 Zone* is permitted when the intent is to maintain the integrity of the shoreline. This will require the approval of the Director of Parks and Recreation.

(d) *Conditional Use Standards*. *Landscaping and retaining walls* shall compliment and be integrated into the existing woodlands, wetlands, and general aesthetic of the takeline area. *Landscaping* shall not consist of hedge or shrub rows, or any plantings that may restrict views or lead to the siltation and/or erosion of the shoreline. The use of pesticides, herbicides, fungicides, or preservatives is *strictly prohibited*. All landscaping must comply with the requirements of Article 08, *Landscaping and Fence Standards*, of the Unified Development Code (UDC). For information regarding planting or removing trees see Subsection (F)(4) above.

(e) *Construction Standards*.

(1) *Building Materials*. *Retaining walls* shall be finished in native stone and will only be allowed in the *438.0 Elevation Zone* and the *435.5 Elevation Zone*. The use of mulch is prohibited in all zones with the exception of the *438.0 Elevation Zone*. The use of railroad ties, treated wood, pea gravel -- *with the exception of using it as a base* --, and brick shall be prohibited.

(2) *Height*. *Retaining walls* as part of landscaping will be limited to less than three (3) feet.

(3) *Location*. *Landscaping and retaining walls* shall not hinder the view clear zone of an adjacent neighbor's view corridor. *Landscaping* shall not exceed six (6) feet in height in the view clear zone.

(f) *Setback Requirements*. *Retaining walls* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *landscaping and retaining walls* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. *Landscaping and retaining walls* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. *Landscaping and retaining walls* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(13) *Municipal Utilities*.

(a) *Definition*. *Municipal utilities* represent all local utilities that consist of cable lines, pipelines, and wiring already existing and planned running through the take area used by both the local community and the region's communities to facilitate the distribution and collection of communications, water, electricity, natural gas, and waste byproducts.

(b) *Elevation Zone*. *Municipal utilities* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Permitted.

(c) *Conditional Use Standards*. All *municipal utilities'* infrastructure is permitted within the take area. *Municipal utilities* shall be placed underground.

(d) *Setback Requirements*. *Municipal utilities* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(e) *Additional Requirements*.

(1) *Compliance with Applicable Codes*. *Municipal utilities* must comply with all other applicable City of Rockwall codes.

(14) *Outdoor Lighting*.

(a) *Definition*. *Outdoor lighting* is a structure or system of structures, fixtures, and/or devices used to provide artificial nighttime lighting over a defined broad area, on buildings and monuments, on docks for safety, and to emphasize landscaping but not directed to the detriment of the traveling public or surrounding residents in the light's path.

(b) *Prerequisites*. *Outdoor lighting* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. *Outdoor lighting* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

NOTE: Catwalk lighting in the *425.5 Elevation Zone* is the only permitted *outdoor lighting* allowed below the *438.0 Elevation Zone*.

(d) *Conditional Use Standards*. Systems and structures associated with *outdoor lighting* include artificial landscape lighting, dock lighting, monument lighting, and flood lights. Cobra and florescent light fixtures are *not* allowed on poled structures. All lights are to have shields which deflect light downward. The operation of search or spot lighting shall be prohibited.

(e) *Photometric Plan*. A photometric plan describing compliance with the provisions of Article 07, *Performance Standards*, of the Unified Development Code (UDC) shall be submitted to the Director of Planning and Zoning or his/her designee prior to the issuance of a building permit for *outdoor lighting*. This plan shall be prepared by an appropriate lighting professional (*e.g. lighting engineer, architect, or other qualified lighting designer*). Upon installation of the lighting, the lighting professional shall provide a letter certifying that the lighting is installed in accordance with the approved photometric plan. The Director of Planning and Zoning, or his/her designee, shall have the authority to interpret and determine compliance with the photometric plan and the Unified Development Code (UDC). The Planning and Zoning Commission may grant an exception to the provisions of the Unified Development Code (UDC) when strict compliance with the requirements of this section will result in substantial financial hardship or inequity, so long as such exception is without harm to the public. Decisions of the Planning and Zoning Commission may be appealed to the City Council in accordance with the procedures outline in Section 09, *Exceptions and Variances*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC).

(f) *Construction Standards*.

(1) *Building Materials*. *Outdoor lighting* poles must be constructed of aluminum or steel. Wood and/or concrete poles are prohibited.

(2) *Height*. The height of *outdoor lighting* shall range from light fixtures embedded into a catwalk periphery to a 12-foot maximum for post structures on land for broader illumination. Poled outdoor light fixtures within the *438.0 Elevation Zone* should be no taller than one-third (*1/3*) the distance to a neighboring property and should not exceed 12-feet.

(3) *Location*. *Outdoor lighting* fixtures shall not be placed in the view clear zone of a neighbor's view corridor; however, view corridor restrictions do not apply for *outdoor lighting* associated with boathouses, dock decks, or fixed piers except as described for each use due to brightness and glare to surrounding neighbors and the traveling public.

(g) *Setback Requirements*. *Outdoor lighting* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(h) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *outdoor lighting* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. *Outdoor lighting* must comply with all other applicable City of Rockwall codes.

(3) *Municipal or Government Installed Lighting*. *Outdoor lighting* installed by and/or for a governmental agency for a public benefit that is used for activities for the public benefit (*e.g. rights-of-way, ball fields, airports, and/or parks*) shall be exempted from the requirements of this section; however, parking lot lighting for these activities shall meet the requirements of the Unified Development Code (UDC).

(15) *Patio*.

(a) *Definition*. A *patio* is a paved, tiled, or rocked outdoor area that is generally used for dining or recreation.

(b) *Prerequisites*. A *patio* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *patio* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *patio* shall not incorporate walls or other none transparent structures to function as handrails or counter space.

(e) *Construction Standards*.

(1) *Building Materials*. A *patio* must be constructed with natural stone. Handrails incorporated into a *patio* in the *438.0 Elevation Zone* shall be made of wrought iron or decorative metal. Handrails are *not* permitted in the *435.5 Elevation Zone*.

(2) *Height*. A *patio* shall not exceed a maximum height of 12-inches above grade.

(3) *Size*. A *patio* shall not exceed a maximum area of 1,000 SF.

(4) *Location*. *Patios* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *patio* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

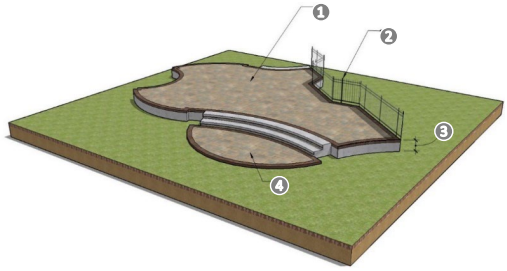
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *patio* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *patio* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *patio* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: NATURAL STONE; ❷: WROUGHT IRON OR BLACK TUBLAR STEEL; ❸: MAXIMUM OF 12-INCHES OR ONE (1) FOOT; ❹: PATIO AREA SHALL NOT BE GREATER THAN 1,000 SF

(16) *Pergola*.

(a) *Definition*. A *pergola* is a stand along structure consisting of parallel columns supporting an open roof of girders and cross rafters.

(b) *Prerequisites*. A *pergola* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *pergola* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *pergola* shall not be used as a habitable dwelling structure, storage facility, or shelter for domestic or wild animals.

(e) *Construction Standards*.

(1) *Building Materials*. A *pergola* constructed within the *438.0 Elevation Zone* must be constructed utilizing cedar, redwood, ironwood, composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. A *pergola* constructed within the 435.5 Elevation Zone must be constructed using composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*) or metal. Canvas, cloth, or mesh attachments to the structure shall be prohibited.

(2) *Height*. A *pergola* shall not exceed a maximum height of 12-feet or one (1) story, and the roof shall not be used as a deck or lookout. The height shall be measured from grade to the highest point of the structure.

(3) *Size*. A *pergola* shall not exceed a maximum size of 12-feet by 20-feet or 240 SF.

(4) *Roof*. The roof of the *pergola* shall not have an overhang greater than 18-inches.

(5) *Location*. A *pergola* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Pergolas* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A pergola must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(g) *Additional Requirements.*

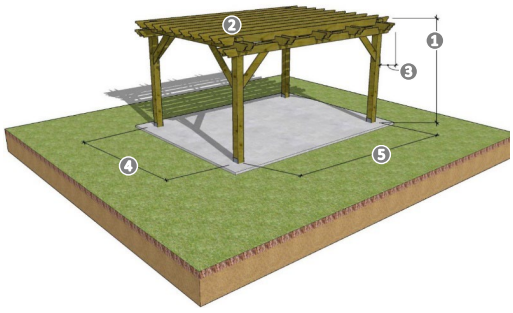
(1) *Earth Work*. Earth work required for the construction of a *pergola* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *pergola* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *pergola* shall not be located in an area where it would block public safety

personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation.*



❶: 12-FOOT MAXIMUM HEIGHT; ❷: OPEN ROOF OF GIRDERS OR RAFTERS; ❸: 1.5-FOOT MAXIMUM OVERHANG; ❹: 12-FOOT MAXIMUM; ❺: 20-FOOT MAXIMUM; ❻: ROOF CAN MATCH THE PRIMARY STRUCTURE OTHERWISE THE ROOF SHALL BE STANDING SEAM METAL.

(17) *Picnic Table*.

(a) *Definition*. A *picnic table* is a permanent outdoor structure used for outdoor dining.

(b) *Prerequisites*. A *picnic table* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *picnic table* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *picnic table* must be a minimum of 12-feet from a *barbecue pit* or *fire pit*, and shall be open to the air (*i.e. no roof covering*) unless combined with a covered patio or pergola. A *picnic table* shall be built on level terrain.

(e) *Construction Standards*.

(1) *Building Materials*. The surface area of the *picnic table* shall be constructed out of concrete, brick, or native stone. *Picnic tables* constructed with wood shall be prohibited.

(2) *Height*. A *picnic table* shall not exceed a maximum of 36-inches in height.

(3) *Size*. A *picnic table* shall not exceed a maximum size of ten (10) feet in length by eight (8) feet in width.

(4) *Location*. A *picnic table* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Picnic tables* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *picnic table* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

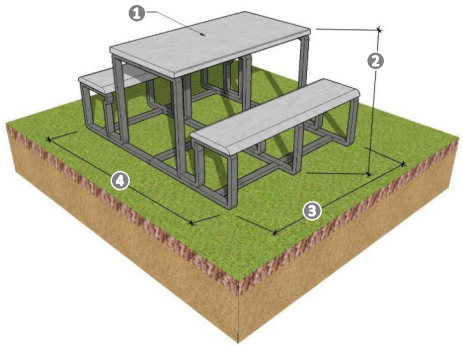
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *picnic table* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *picnic table* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *picnic table* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: SURFACE OF THE PICNIC TABLE SHALL BE CONCRETE, BRICK, OR NATIVE STONE; ❷: NOT TO EXCEED 36-INCHES OR THREE (3) FEET; ❸: EIGHT (8) FOOT MAXIMUM; ❹: TEN (10) FOOT MAXIMUM.

(18) *Private Play Structure*.

(a) *Definition*. A *private play structure* is a permanent outdoor structure used by children for play, which is installed by the private property owner.

(b) *Prerequisites*. A *private play structure* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *private play structure* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *private play structure* can consist of arched ladders, vertical ladders, horizontal ladders, clatter bridge, timber structures, slides, fort and slide playset, climbers, play walls, play climbers, play

pods, moon houses, jungle gyms, see-saws, merry-go-rounds, domes, rocket riders, tire swings, buoy balls, monkey bars, drums, chin-up bars, trampoline and rock walls; however, sandboxes and/or sand play areas shall *not* be permitted.

(e) *Construction Standards*.

(1) *Building Materials*. A *private play structure* shall be built out of aluminum, galvanized steel, rubber, and/or water-resistant wood; however, railroad ties and treated lumber are prohibited. The exterior color of a *private play structure* should blend and incorporate the same hues and tones of the surrounding landscaping.

(2) *Height*. A *private play structure* shall not exceed a maximum of eight (8) feet in height.

(3) *Size*. All *private play structures* will be situated in a collected area that is a maximum of 1,000 SF in area.

(4) *Location*. *Private play structures* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *private play structures* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(g) *Additional Requirements*.

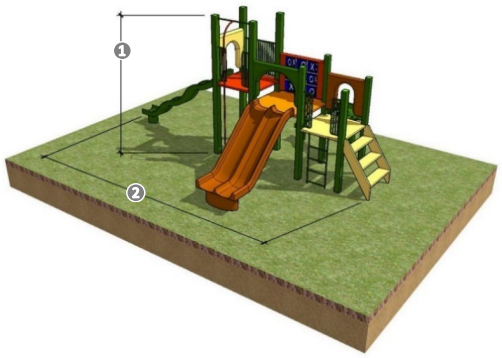
(1) *Earth Work*. Earth work required for the construction of a *private play structures* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *private play structure* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *private play structure* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.

Continued on Right Side of Page …



❶: MAXIMUM OF EIGHT (8) FEET IN HEIGHT; ❷: TOTAL SQUARE FOOTAGE SHALL NOT EXCEED A MAXIMUM OF 1,000 SF; ❸: EXTERIOR COLOR SHOULD BLEND WITH THE SURROUNDING LANDSCAPING.

(19) *Private Utilities*.

(a) *Definition*. *Private utilities* are a system of underground cable line, pipelines, and wiring installed by the leasing property owner to maintain and operate improvements in the take area.

(b) *Prerequisites*. *Private utilities* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. *Private utilities* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. *Private utilities* are required to be buried in accordance with Chapter 38, *Subdivisions*, of the City of Rockwall's Municipal Code of Ordinances. *No* overhead private utility lines are permitted in the lease area. *Private utilities* containing natural gas, propane, gasoline, oil, diesel, or similar types of compounds shall not be permitted within the lease area. No part of any *On-Site Sanitary Sewer System* (OSSF) or any other private wastewater system or appurtenances shall be permitted within the lease area.

(e) *Construction Standards*.

(1) *Building Materials*. *Private utilities* shall *only* be constructed out of materials permitted by the City's Engineering Department.

(2) *Location*. *Private utilities* within 20-feet of the normal pool elevation shoreline (*i.e. 435.5*) shall be built to handle load factors associated with emergency and service vehicles. *Private utilities* containing electricity and communication lines built into structures over the water shall not be allowed below the 436.5-foot mean sea level elevation.

(f) *Setback Requirements*. *Private utilities* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *private utilities* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *private utility* must comply with all other applicable City of Rockwall codes.

(3) *Damage to the System*. Any damage or destruction to any *private utility* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

(20) *Private Walkways*.

(a) *Definition*. *Private walkways* can be a single path or a network of paths installed by the leasing property owner in the takeline area.

(b) *Prerequisites*. *Private walkways* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. *Private walkways* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. *Private walkways* with steps are permitted (*see Landing and Stairs in Subsection 06.15(J)(11)*).

(e) *Construction Standards*.

(1) *Building Materials*. *Private walkways* shall be constructed using native stone, brick, concrete and/or rectangle pavers; however, *private walks* shall not consist of loose stone, gravel, sand, or asphalt.

(2) *Height*. *Private walkways* shall be flush with the surrounding grade, or work within the gradient present of the surrounding grade.

(3) *Size*. *Private walkways* shall be no greater than 48-inches in width.

(4) *Location*. *Private walkways* may encroach into an existing easement or right-of-way, encroach into an identified future easement or right-of-way, or encroach into an identified or set aside access path, provided that the property owner or sublease is responsible for repair and/or replacement of the walks in the event they are damaged or removed by the City or other public entity as a result of the necessary use of, or work within or around, said easements. An existing and future easement running through a lease property will be allowed to substitute for the 12-foot wide primary access right-of-way path provided it is 12-feet wide, suitable for access, and will connect to adjacent access paths.

(f) *Setback Requirements*. *Private walkways* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 10-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *private walkways* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *private walkway* must comply with all other applicable City of Rockwall codes.

(3) *Damage to the System*. Any damage or destruction to any *private walkway* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

(21) *Seawall*.

(a) *Definition*. A *seawall* is an engineered concrete or steel structure at the water's edge that is typically designed to curb shoreline erosion where it is installed.

(b) *Prerequisites*. A *seawall* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *seawall* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

NOTE: Seawalls are *only* permitted along the shoreline.

(d) *Construction Standards*.

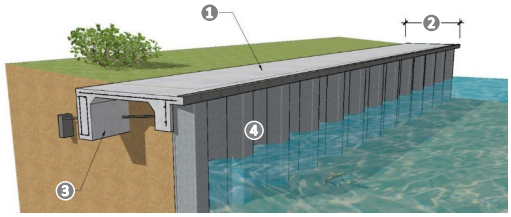
(1) *Concrete Cap*. A six (6) foot wide concrete cap must be constructed along the entire length of the erosion control structure. In order to allow the backfill material to properly settle, the construction of the concrete cap may be delayed for several weeks/months after the construction of the erosion control structure; however, in no case should the construction of the concrete cap be delayed for a time period exceeding one (1) year from the date of construction of the erosion control structure.

(e) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *seawalls* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *seawall* must comply with all other applicable City of Rockwall codes.

(f) *Visual Representation*.



❶: CONCRETE WALKWAY; ❷: SIX (6) FOOT MINIMUM; ❸: 24-INCH BY TEN (10) INCH BEAM WITH #3 REBAR ON 18-INCH CENTERS; ❹: RETAINING WALL.

(22) *Sprinkler/Irrigation System*.

(a) *Definition*. A *sprinkler/irrigation system* is an underground irrigation network used to water and maintain trees, shrubs, grounds, and the foundations of improvements.

(b) *Prerequisites*. A *sprinkler/irrigation system* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *sprinkler/irrigation system* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

Note: The prohibition of sprinkler/irrigation systems in the 425.5 Elevation Zone does not include the pumps or lines necessary to pump raw water, when a property owner has been granted permission to do so from the City of Dallas.

(d) *Conditional Use Standards*. A *sprinkler/irrigation system* must be connected to the leasing property owner's existing water supply source with approved backflow prevention devices.

(e) *Construction Standards*.

(1) *Building Materials*. A *sprinkler/irrigation system* shall *only* be constructed utilizing *Schedule 40 PVC* pipe.

(2) *Height*. The heads of a *sprinkler/irrigation system* used for shrubs shall extend no higher than three (3) feet from the average base of the surrounding terrain within a three (3) foot radius of the head.

(3) *Location*. A *sprinkler/irrigation system* shall be allowed up to one (1) foot of the normal pool elevation shoreline (*i.e. 435.5*) provided no part of the system could potentially result in lake siltation erosion.

(f) *Setback Requirements*. A *sprinkler/irrigation system* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *sprinkler/irrigation system* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *sprinkler/irrigation system* must comply with all other applicable City of Rockwall codes.

(3) *Damage to the System*. Any damage or destruction to any part of a *sprinkler/irrigation system* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

SUBSECTION 06.16: VARIANCES TO THE GENERAL OVERLAY DISTRICT STANDARDS

See Subsection 09.02, *Variances to the General Overlay Districts Standards*, of Article 11, *Development Applications and Review Procedures*.

SECTION 07 | DISTRICT DEVELOPMENT STANDARDS

See next page.

SUBSECTION 07.01: 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) [12]		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 & 9]		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 REQUIRED TO BE ON A PUBLIC STREET AS MEASURED AT THE BUILDING SETBACK LINE *OR* AT THE PROPERTY LINE, WHICHEVER IS CONFORMS.

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 06, *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 UNIT IN AN AGRICULTURAL (AG) DISTRICT.

12: THIS SHALL BE CONDITIONED SPACE. FOR PASSIVE HOUSING, THE SF CALCULATION SHALL BE CALCULATED USING ALL ENCLOSED HOUSING AREAS EXCLUDING THE GARAGE.

Formatted: Font color: Dark Red

SUBSECTION 07.02: MULTI-FAMILY DISTRICT DEVELOPMENT STANDARDS

ZONING DISTRICTS → / DEVELOPMENT STANDARDS ↓		MULTI-FAMILY 14 (MF-14) DISTRICT [1]
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 06, *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-FEET 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 08, *LANDSCAPE AND FENCE STANDARDS*.

SUBSECTION 07.03: NON-RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

*: FOR DEVELOPMENT IN THE DOWNTOWN (DT) DISTRICT SEE THE STANDARDS IN SECTION 04.08, *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+1/2*H*>36 [7] 50 [4]
	REAR (FEET)	30	20 W/O FRW ~~&~~ *OR* ALLEY	10 W/O FRW *OR* ~~&~~ ALLEY	10 W/O FRW *OR* ~~&~~ ALLEY	20 W/O FRW *OR* ~~&~~ ALLEY	10 W/O FRW [7]	20 + 1/2*H*>36 W/O FRW [7]
			0 W/ FRW ~~& ALLEY~~	0 W/ FRW ~~& ALLEY~~	0 W/ FRW ~~& ALLEY~~	1/2*H*>36 W/ FRW & ALLEY	1/2*H*>36 W/ FRW ~~& ALLEY~~ [7]	8 + 1/2*H*>36 W/ FRW ~~& ALLEY~~ [7]
	REAR ADJACENT RESIDENTIAL (FEET) [6]	*N/A*	20	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	50 + 1/2*H*>36 [7]
	SIDE (FEET)	10	5 W/O FRW	10 W/O FRW	10 W/O FRW	15 + 1/2*H*>36 W/O FRW [7]	15 + 1/2*H*>36 W/O FRW [7]	15 + 1/2*H*>36 W/O FRW [7]
			0 W/ FRW	0 W/ FRW	0 W/ FRW	1/2*H*>36 W/ FRW [7]	1/2*H*>36 W/ FRW [7]	8 + 1/2*H*>36 W/ FRW [7]
	SIDE ADJACENT RESIDENTIAL (FEET) [6]	20	20	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	50
BETWEEN BUILDINGS (FEET)		~~15~~ 20 W/O FRW 0 W/ FRW	~~15~~ 20 W/O FRW 0 W/ FRW	~~15~~ 20 W/O FRW 0 W/ FRW	~~15~~ 20 W/O FRW 0 W/ FRW	~~15~~ 20 + 1/2*H*>36 W/O FRW [7]	~~15~~ 20 + 1/2*H*>36 W/O FRW [7]	25 + 1/2*H*>36 W/O FRW [7]
						1/2*H*>36 W/ FRW [7]	1/2*H*>36 W/ FRW [7]	16 + 1/2*H*>136 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 08, *LANDSCAPE AND FENCE STANDARDS*						

KEY: BLUE: WHEN ADJACENT TO INTERSTATE 30; *H*: BUILDING HEIGHT; 1/2*H*>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 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 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 08, *LANDSCAPE AND FENCE 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 SUP BY THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL.
9. BUILDING HEIGHT MAY BE INCREASED UP TO 240-FEET IF APPROVED THROUGH A 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.

Formatted: Left, Right: -0.07"

Formatted: Font: Italic, Underline

Formatted: Left, Right: -0.07"

Formatted: Left, Right: -0.07"

Formatted: Left, Right: -0.07"

Formatted: Left, Right: -0.07"

SUBSECTION 07.04: ACCESSORY STRUCTURE DEVELOPMENT STANDARDS

ZONING DISTRICTS OR ACCESSORY STRUCTURE TYPE → / DEVELOPMENT STANDARDS ↓		ACCESSORY BUILDINGS [1, 3, 5, 8 & 12]							ACCESSORY STRUCTURES [1, 3, 5 & 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 AND ZERO LOT LINE (ZL-5) DISTRICT	PORTABLE ACCESSORY BUILDING 0 SF – 120 SF	DETACHED GARAGE [9]	CARPORTS [7]	ATTACHED AND DETACHED COVERED PORCHES	PERGOLAS
NUMBER OF ACCESSORY STRUCTURES OR NUMBER OF SPECIFIC ACCESSORY STRUCTURE PERMITTED		2 [2]	2 [2]	2 [2]	2 [6]	1	1	1	1	1	N/A [11]
MAXIMUM SF OF ACCESSORY STRUCTURE		1,000 [2]	1,000 [2]	1,250 [2]	144 [6]	100	120	625	500	500 [10]	500 [10]
MINIMUM SETBACKS	REAR (FEET)	10	10	10	3	3	3	10	10	3 [10]	3 [10]
	REAR W/ ALLEYWAY (FEET)	20 [4]	20 [4]	20 [4]	3	3	3	20 [4]	20	3 [10]	3 [10]
	SIDE (FEET)	SEE ZONING DISTRICT	SEE ZONING DISTRICT	SEE ZONING DISTRICT	SEE ZONING DISTRICT	3	3	SEE ZONING DISTRICT	SEE ZONING DISTRICT [10]	SEE ZONING DISTRICT [10]	3 [10]
BETWEEN BUILDINGS (FEET)		10	10	10	6	6	6	10	10	6	6
BUILDING HEIGHT (FEET) [8]		15	15	15	15	10	10	15	15	15	12

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/COVERED PORCHES/PERGOLAS THAT ARE INTEGRATED INTO THE MAIN ACCESSORY STRUCTURE AND WHICH ARE INCLUDED IN THE SQUARE FOOTAGE OF THE OVERALL 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 (EXCLUDING PORTABLE BUILDINGS) NOT MEETING THE SIZE OR HEIGHT REQUIREMENTS STIPULATED BY THIS SECTION SHALL REQUIRE A SPECIFIC USE PERMIT (SUP). IN REVIEWING A SPECIFIC USE PERMIT (SUP), THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL SHALL CONSIDER: [*1*] IF THE STRUCTURE WAS CONSTRUCTED WITHOUT A PERMIT OR UNDER FALSE PRETENSES, [*2*] THE SIZE OF THE PROPOSED ACCESSORY STRUCTURE COMPARED TO THE SIZE OF OTHER ACCESSORY STURCTURES IN THE AREA/NEIGHBORHOOD/SUBDIVISION, AND [*3*] THE SIZE, ARCHITECTURE AND BUILDING MATERIALS PROPOSED FOR THE STRUCTURE COMPARED TO THOSE OF THE PRIMARY STRUCTURE.

[6]: EACH PROPERTY SHALL BE PERMITTED ONE (1) DETACHED GARAGE UP TO 625 SF AND ONE (1) ACCESSORY BUILDING UP TO 144 SF OR TWO (2) ACCESSORY BUILDINGS UP TO 144 SF EACH. IF A PROPERTY HAS AN EXISTING ACCESSORY BUILDING GREATER THAN 144 SF, NO ADDITIONAL ACCESSORY BUILDINGS OR DETACHED GARAGES SHALL BE PERMITTED.

[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 AND PARK A STANDARD SIZE MOTOR VEHICLE (*I.E. A VEHICLE THAT IS A MINIMUM OF NINE [9] FEET BY 18-FEET*) INSIDE THE STRUCTURE. IN ADDITION, A DETACHED GARAGE MUST BE ACCESSIBLE FROM THE FRONT, REAR OR SIDE YARD BY A STANDARD WIDTH, CONCRETE DRIVEWAY THAT HAS MINIMUM LENGTH OF 20-FEET OF DRIVEWAY PAVEMENT. DETACHED GARAGES ACCESSIBLE FROM THE FRONT SHALL BE A MINIMUM OF 20-FEET BEHIND THE FRONT FAÇADE OF THE PRIMARY STRUCTURE.

[10]: COVERED PORCHES AND PERGOLAS THAT ARE ATTACHED OR CONTIGOUS WITH THE PRIMARY STRUCTURE SHALL BE EXEMPTED FROM THE SIZE RESTRICTIONS BUT SHALL BE REQUIRED TO MEET THE SAME SETBACKS AS THE PRIMARY STRUCTURE.

[11]: PERGOLAS ARE NOT SUBJECT TO THE *NUMBER OF ACCESSORY STRUCTURE REQUIREMENTS*, BUT DO COUNT AGAINST THE RESIDENTIAL LOT COVERAGE REQUIREMENTS FOR THE ZONING DISTRICT.

[12]: PORTABLE ACCESSORY BUILDINGS ARE DEFINED AS AN ACCESSORY BUILDING THAT DOES NOT HAVE A PERMENANT FOUNDATION. ALL ACCESSORY BUILDINGS THAT ARE NOT PORTABLE ACCESSORY BUILDINGS REQUIRE A PERMANENT CONCRETE FOUNDATION; HOWEVER, GREENHOUSES SHALL BE EXEMPT FROM HAVING A PERMANENT CONCRETE FOUNDATION.

SUBSECTION 07.05: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT DEVELOPMENT STANDARDS

LAND USE [1]	CONDITIONAL USE REFERENCE SEE SUBSECTION 06.15(J)	PRE-REQUISITES L: SUBLEASE; S: SEAWALL; FP: FIXED PIER	ELEVATION ZONES P: PERMITTED X: NOT PERMITTED 438.0	435.5	425.5	MINIMUM SIZE (FEET OR SQUARE FEET)	MAXIMUM SIZE (FEET, INCHES, OR SQUARE FEET)	MINIMUM HEIGHT (FEET OR INCHES)	MAXIMUM HEIGHT (FEET)	SIDE YARD SETBACK (FEET)	BUILDING MATERIALS NS: NATURAL STONE B: BRICK C: CONCRETE CM: COMPOSITE MATERIALS GM: GALVANIZED METAL IR: IRON SS: STAINLESS STEEL S: STEEL M: METAL A: ALUMINUM CW: CEDAR RW: REDWOOD IW: IRONWOOD SSM: STANDING SEAM METAL WR: WROUGHT IRON R: RUBBER
BARBECUE PIT	(1)	L	P	X	X	3' x 3'	8' x 3'	0'	6'	6'	NS, B, C, AND IR
BOAT HOUSE [2, 4, 5, & 15]	(2)	L, S, & FP	X	X	P	8' x 30'	12' x 30'	16'	21'	10'	CM FOR CATWALK AND DECKING; GM, IR, S, OR A FOR THE SUPPORTS [3]; CM, GM, IR, S, A, CW, IW, OR RW FOR ROOF BEAMS; AND SSM FOR THE ROOF
COVERED PATIO [5 & 15]	(3)	L & S [16]	P	P	X	0'	12' x 20'	0'	15' [6 & 7]	20'	CW, IW, & RW IN THE 438.0 ELEVATION ZONE; CM OR M IN THE 435.5 ELEVATION ZONE; SSM FOR THE ROOF
DECK [5 & 18]	(4)	L & S [16]	P	P	X	0'	1,000 SF	2' OR 24"	1'	20'	CM FOR THE DECKING, C FOOTINGS FOR FOUNDATION, AND WR FOR FENCING/RAILING
DOCK DECK [2 & 5]	(5)	L, S, & FP	X	X	P	8' x 10'	12' x 30'	0'	8' [8]	10'	CM
FENCE	(6)	L	P	X	X	0'	45'	4'	4'	0'	WR
FLAGPOLE [5 & 9]	(7)	L & S [16]	P	P	X	5" BASE	8" BASE	0'	20'	6'	SS OR A
FIXED PIER [2 & 5]	(8)	L & S	X	X	P	0'	6' x 40'	0'	8' [10]	10'	CM FOR CATWALK AND DECKING; CM OR S FOR RAILINGS
FIRE PIT	(9)	L & S [16]	P	X	X	3' x 3'	5' x 5'	0'	3'	6'	NS, B, AND C
GAZEBO [5 & 15]	(10)	L & S [16]	P	P	X	0'	12' x 12'	0'	15'/18' [7 & 11]	20'	CW, RW, IW, CM, OR M IN THE 438.0 ELEVATION ZONE; AND CM OR M IN THE 435.5 ELEVATION ZONE
LANDING AND STAIRS	(11)	L & S [17]	P	P	P	0'	8' x 8' x 6'	3'	SAME AS RETAINING WALL	5'	NS, B, AND C FOR THE STAIRS; WR OR BLACK S FOR THE RAILINGS AND/OR FENCE
PATIO [5 & 18]	(15)	L	P	P	X	0'	1,000 SF	0'	1'	20'	NS FOR THE DECK AREA AND WR FOR RAILINGS
PERGOLA [5]	(16)	L & S [16]	P	P	X	0'	12' x 20'	0'	12' [7]	20'	CW, RW, IW, OR CM IN THE 438.0 ELEVATION ZONE; CM OR M IN THE 435.5 ELEVATION ZONE
PICNIC TABLE	(17)	L	P	P	X	0'	8' x 10'	0'	3' OR 36"	6'	NS, B, AND C
PRIVATE PLAY STRUCTURE	(18)	L	P	X	X	0 SF	1,000 SF	0'	8'	20'	A, GM, R, CW, RW, AND IW
PRIVATE WALKWAYS	(20)	L & S [16]	P	P	X	0'	48" WIDE	0'	FLUSH WITH GRADE	10'	NS, B, C, AND RECTANGULAR PAVERS
LANDSCAPING AND RETAINING WALLS [12 & 13]	(12)	L	P	P	X						
MUNICIPAL UTILITIES	(13)	*NONE*	P	P	P						
OUTDOOR LIGHTING	(14)	L	P	X	X						
PRIVATE UTILITIES	(19)	L	P	P	X						
SEAWALL	(21)	L	X	X	P						
SPRINKLER/ IRRIGATION SYSTEM [14]	(22)	L	P	P	X						

NOTES:

1: FOR ALL LAND USES CHECK SECTION 06.15, *LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT* FOR ADDITIONAL REQUIREMENTS AND RESTRICTIONS.

2: BOATHOUSES, FIXED PIERS, DOCK DECKS, OR ANY COMBINATION OF THESE STRUCTURES MAY NOT EXTEND MORE THAN 40-FEET INTO THE WATER FROM THE 435.5 ELEVATION CONTOUR.

3: REQUIRES A HIP ROOF, A MINIMUM OF 2:1 ROOF PITCH, WITH ONE (1) CUPOLA (3' x 4') IN THE MIDDLE OF THE ROOF OR TWO (2) CUPOLAS (3' x 4') AT EACH END OF THE ROOF.

4: SUPPORT POSTS MAY BE WRAPPED IN A COMPOSITE MATERIAL.

5: THE STRUCTURE SHALL BE GENERALLY CENTERED IN THE LEASE AREA BEHIND THE PRIMARY STRUCTURE ON THE LEASING PROEPRTY IF LOCATED IN THE *435.5* OR *425.5 ELEVATION ZONES* (*IF PERMITTED IN THE ZONE*).

6: REQUIRES A HIP OR GABLE ROOF WITH A CUPOLA OR CLERESTORY AND A MINIMUM ROOF PITCH OF 4:1.

7: SHALL NOT EXCEED ONE (1) STORY OR BE USED AS A ROOF TOP DECK.

8: EIGHT (8) FEET ABOVE THE SURFACE AREA OF THE FLAT FLOOR SURFACE WITH NO MORE THAN FOUR (4) POLE STRUCTURES ALLOWED.

9: A MAXIMUM OF TWO (2) FLAG POLES ARE PERMITTED AND ONLY THE UNITED STATES OF AMERICA AND TEXAS FLAGS ARE TO BE FLOWN.

10: EIGHT (8) FEET ABOVE THE SURFACE AREA OF THE FLAT FLOOR SURFACE WITH NO MORE THAN TWO (2) POLE STRUCTURES ALLOWED.

11: REQUIRES A HIP OR GABEL ROOF OR A HIP AND/OR GABEL ROOF, WITH A MINIMUM ROOF PITCH OF 2:1, AND THAT IS A MAXIMUM OF 15-FEET WITHOUT A CLERESTORY OR CUPOLA OR 18-FEET WITH A CLERESTORY OR CUPOLA.

12: REMEDIAL LANDSCAPING ALLOWED IN THE 425.5 ELEVATION ZONE WITH THE INTENT TO MAINTAIN THE INTEGRITY OF THE SHORELINE.

13: RETAINING WALLS THAT ARE A PART OF LANDSCAPING ARE LIMITED TO LESS THAN THREE (3) FEET IN HEIGHT.

14: HEADS SHOULD EXTEND NO HIGHER THAN THREE (3) FEET FROM THE AVREAGE BASE OF THE SURROUNDING TERRIAN WITHIN A THREE (3) FOOT RADIUS.

15: ROOF OVERHANGS SHALL NOT EXCEED 18-INCHES.

16: A SEAWALL IS *ONLY* REQUIRED FOR CONSTRUCTION IN THE *435.5 ELEVATION ZONE*.

17: A SEAWALL IS *ONLY* REQUIRED FOR CONSTRUCTION IN THE *435.5 OR 425.5 ELEVATION ZONES*.

18: HANDRAILS ARE PROBITED IN THE *435.5 ELEVATION ZONE*.

ARTICLE 06 | PARKING AND LOADING

SECTION 01 | PURPOSE
SECTION 02 | APPLICABILITY
SECTION 03 | GENERAL PROVISIONS
SECTION 04 | RESIDENTIAL PARKING
SECTION 05 | OFF-STREET PARKING REQUIREMENTS
SECTION 06 | OFF-STREET LOADING REQUIREMENTS

SECTION 01 | PURPOSE

SUBSECTION 01.01: PARKING

The purpose of this Article is to regulate the number of required off-street vehicular parking spaces so as:

- To provide for the needs of occupants, customers, visitors or others involved in the use or occupancy of any building, structural improvement or place of assembly;
- To eliminate undue use of the street system for parking purposes;
- To avoid the occurrence of nonresident on-street parking in adjoining neighborhoods;
- To protect the environment by promoting trip reduction and efficient land use through an analytic process in which the amount of parking may be limited to what is realistically needed for the uses on the site, thus reducing concrete/asphalt areas, heat islands and air pollution;
- To promote and protect the public health, safety, comfort, convenience and general welfare; and
- To grant and define the administrative powers and duties necessary to enforce this Article.

SUBSECTION 01.02: LOADING

It is also the purpose of this Article to require allocation of sufficient off-street/on-site loading facilities by businesses and industry to ensure that the loading and unloading of vehicles will not interfere with traffic flow or block roadways or fire lanes.

SECTION 02 | APPLICABILITY

SUBSECTION 02.01: CONSTRUCTION OR CREATION OF USE

Any building, improvement, or use of land approved or erected shall include the necessary off-street parking spaces, and require off-street/on-site loading facilities subject to the standards established in this Article.

SUBSECTION 02.02: CHANGE OF USE

Whenever any building, improvement, or use of land is proposed to be changed to a new use, the provision of off-street parking and loading shall be required for the new use in accordance with this Article.

SUBSECTION 02.03: EXPANSION OF AN EXISTING USE

If any building, improvement, or use of land is expanded, the provisions for parking and loading shall be provided for the portion of land use and/or building that has been added.

SUBSECTION 02.04: RENOVATION OR REDEVELOPMENT

Notwithstanding Subsection 02.02 above, if any building, improvement, or use of land is repaired, renovated, altered, expanded or redeveloped, and the cost of such changes exceed 50.00% of the fair market value of the building improvement prior to the subject improvements, the parking and loading facilities set forth in this Article shall be made conforming, unless a specific use permit has been approved for such reduction in the provision of parking or loading.

SECTION 03 | GENERAL PROVISIONS

SUBSECTION 03.01: CALCULATION OF SPACES

(A) *Fractional Number of Spaces*. In determining the required number of parking spaces, fractional spaces shall be ~~counted to the nearest~~rounded up to the nearest whole space. Parking spaces located in buildings used for repair garages or auto laundries shall not be counted as meeting the required minimum parking.

(B) *Parking Structures Excluded*. Floor area of structures devoted to off-street parking of vehicles shall be excluded in computing the floor area for off-street parking requirements.

(C) *Requirements for Uses Not Listed*. The off-street parking requirements for a use not specifically listed in the schedule below shall be the same as required for a use of a similar nature as determined by the Director of Planning and Zoning.

SUBSECTION 03.02: PAVING MATERIALS

All required parking and loading areas, public and private drives, and fire lanes shall be constructed of concrete, but may have a surface treatment of brick, stone or other similar material; ~~. H~~ however, cast interlocking concrete, brick, or stone pavers installed on a prepared base may be used in parking areas and on public and private drives where approved by the City Engineer.

SUBSECTION 03.03: LOCATION OF COMMERCIAL PARKING AND LOADING SPACES

The required off-street parking and loading spaces shall be located on the same lot as the building or use served; except, off-street parking may also be located as follows:

(A) *Parking May Be Located Off-Site*.

(1) When an increase in the number of off-street parking spaces is required by a change or enlargement of use, or where off-street parking spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required off-street parking spaces may be located at a distance not to exceed 400-feet from the building being served; provided, however, that a written agreement thereto is properly executed and filed as provided below.

(2) The distance from the land use requiring parking to the off-site parking site shall be measured along the shortest legal pedestrian path between one site and the other.

(3) All off-site parking must first be approved by City Council.

(B) *Joint Use of Parking*. Parking adjustments may be allowed according to the following percentages by time of day:

TABLE 1: JOINT USE OF PARKING CALCULATIONS

TIME OF DAY	OFFICE	RETAIL	RESTAURANT	THEATER	HOTEL
6:00 AM - 12:00 PM	1.00	0.97	0.50	0.30	1.00
12:00 PM - 1:00PM	0.90	1.00	0.70	0.70	0.30
1:00 PM - 4:00 PM	0.97	0.97	0.60	0.70	0.45
4:00 PM - 6:00 PM	0.47	0.82	0.90	0.80	0.70
6:00 PM - 8:00 PM	0.07	0.89	1.00	1.00	1.00
8:00 PM - 12:00 AM	0.03	0.61	1.00	1.00	1.00

EXAMPLE 1: JOINT USE OF PARKING CALCULATIONS

An example of a mixed-use development comprised of the below land uses would be as follows:

Step 1: Development Square Footages

- *Office*: 50,000 SF
- *Retail*: 20,000 SF
- *Restaurant*: 8,000 SF

Step 2: Individual Parking Requirements

LAND USE	SF	PARKING REQUIREMENT	REQUIRED PARKING
OFFICE	50,000	1/300 SF	167
RETAIL	20,000	1/250 SF	80
RESTAURANT	8,000	1/100 SF	80
		TOTAL:	327

Step 3: Shared Parking Requirements

TIME OF DAY	OFFICE	RETAIL	RESTAURANT	TOTAL
6:00 AM - 12:00 PM	1.00x167=167	0.97x80=78	0.50x80=40	285
12:00 PM - 1:00PM	0.90x167=150	1.00x80=80	0.70x80=56	286
1:00 PM - 4:00 PM	0.97x167=162	0.97x80=78	0.60x80=48	288
4:00 PM - 6:00 PM	0.47x167=78	0.82x80=66	0.90x80=72	216
6:00 PM - 8:00 PM	0.07x167=12	0.89x80=71	1.00x80=80	163
8:00 PM - 12:00 AM	0.03x167=5	0.61x80=49	1.00x80=80	134

Step 4: The parking required is 288 parking spaces. This is a reduction of 39 parking spaces or 11.9% over the individual parking requirements.

(C) *Off-Site Parking Agreement*.

(1) When the required off-street parking spaces are not located on the same lot with the building or use served, or when the required off-street parking spaces are provided collectively or used jointly by two (2) or more establishments, a written agreement which ensures the retention of such spaces for this purpose, and for a period of not less than two (2) years, shall be drawn and executed by the parties concerned, approved as to form by the City Attorney, and filed with the application for a building permit or Certificate of Occupancy (CO) if a change in use is involved.

(2) If the off-site parking is terminated for any reason, then alternative parking meeting the standards of this Article, shall be required, or the property shall lose its Certificate of Occupancy (CO).

(D) *Parking in Front Yards of Residential and Agriculture*. No required off-street parking space shall be located in the required front yard in any residential or agricultural district.

(E) *Parking in Front Yards of Non-Residential*. In any nonresidential district, the required off-street parking space may be located in the required front yard provided that it meets landscaping and screening requirements in Article 08, *Landscape Standards*.

SUBSECTION 03.04: LIGHTING OF PARKING AND LOADING AREAS

(A) *Spill-Over Lighting*. All lighting facilities shall be so arranged as to reflect the illumination away from any adjacent property. Such lighting facilities shall provide illumination within parking areas not to exceed a maintained average of 1½ footcandles at ground level, and shall distribute not more than 0.2 of one (1) footcandle of light upon any adjacent residential property. (*also see Section 03, Outdoor Lighting for Non-Residential Properties, of Article 07, Environmental Standards*).

(B) *Lighting as a Nuisance or Safety Hazard*. All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not intrude on residential property or create a hazard to motorists on any street, alley or other public way.

SUBSECTION 03.05: PAY PARKING LOTS

No charge may be made for at-grade visitor parking spaces, unless approved by City Council as part of a specific Use Permit.

SUBSECTION 03.06: SHARED PARKING/CROSS ACCESS

In master planned retail centers, cross access and shared parking agreements are required for final platting.

SECTION 04 | RESIDENTIAL PARKING

SUBSECTION 04.01: LOTS LESS THAN FIVE (5) ACRES

(A) *Location*. All required residential parking shall be located onsite except in the Downtown District.

(B) *Garages*. In single-family or duplex districts, parking garages must be located at least 20-feet behind the front building facade for front entry garages, unless it is a *J-Swing* garage where the garage door is perpendicular to the street.

(C) *Carports*. In single-family or duplex districts, carports must be located at least 20-feet behind the front building facade and be architecturally integrated with the main residential structure.

SECTION 05 | OFF-STREET PARKING REQUIREMENTS

SUBSECTION 05.01: OFF-STREET PARKING REQUIREMENTS

The schedule of off-street parking requirements in Table 5 establishes parking requirements for all zoning districts.

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

SUBSECTION 05.02: CONVENTIONS USED IN PARKING REQUIREMENT SCHEDULE

(A) *Square Feet*. The term *SF* means gross square feet of building, unless otherwise noted.

(B) *Site Area Parking Requirements*. The parking requirement for a use of site area is based on the net site area exclusive of parking and buildings.

(C) *Land Uses*. Land uses listed under *Permitted Uses* in the accompanying schedule does not mean that this use is permitted within the City. Please refer to Article 04, *Permissible Uses*.

SUBSECTION 05.03: OFF-STREET PARKING STANDARDS

(A) *Head-In Parking*. An off-street parking space shall not be located on a public street. Head-in parking adjacent to a public street wherein the maneuvering of the vehicle in parking or leaving a parking space is done directly onto a public street, shall not be allowed in nonresidential zoning districts nor shall it be allowed in conjunction with multi-family residential land uses unless specifically approved as part of a special district zoning ordinance such as for the downtown.

(B) *Parking Spaces and Aisle Surfaces*. All parking spaces, aisles and maneuvering areas shall have an all-weather surface, whether enclosed or unenclosed, and shall be connected by an all-weather surfaced driveway to a street or alley.

(C) *Parking Space and Aisle Dimensions*. All parking spaces and aisle dimensions shall conform to the off-street parking requirements contained in the City's Standards of Design and Construction manual, as amended, unless otherwise approved by the Planning and Zoning Commission and City Council.

(D) *Site Access for Vehicles*. Access to a lot or tract shall conform to the access control guidelines in the driveway ordinance. A driveway conforming to City driveway standards shall be constructed for each approved access point. A permit much be obtained from the City to construct a driveway within the City.

SUBSECTION 05.04: HANDICAPPED PARKING

In each parking facility, a portion of the total number of parking spaces shall be specifically designated as handicapped accessible parking spaces and reserved for vehicles licensed by the state for use by the handicapped. The following parking and passenger loading standards shall apply to any new construction within the City.

Continued on Right Side of Page …

(A) *Space Required*.

TABLE 2: HANDICAPPED PARKING SPACE REQUIREMENT

TOTAL REQUIRED PARKING IN LOT	REQUIRED NUMBER OF HANDICAPPED SPACES
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% OF TOTAL
1,001+	20 + 1/100 OVER 1,000

(B) *Construction Standards*. Parking spaces and facilities intended for use by the handicapped shall be designed and constructed in accordance with the standards established by state law, City ordinances and the Americans with Disabilities Act (ADA).

(C) *Size of Spaces*. Accessible parking spaces shall be at least 108-inches wide and shall be served by a pedestrian maneuvering access aisle at least 60-inches wide. The access aisle shall be part of an accessible route to the building or facility entrance. Two (2) accessible parking spaces may share a common access aisle. Accessible parking spaces and access aisles shall be level with surface slopes not exceeding ~~2%~~two (2) percent in any direction.

(D) *Van Accessible Spaces*. One (1) in every eight (8) accessible spaces, but not less than one (1), shall be served by an access aisle not less than 108-inches wide and provide a minimum vertical clearance of 98-inches at the parking space and along at least one (1) vehicle access route to such parking space from site entrance and exit. All such spaces shall be designated "van accessible" and may be grouped on one (1) level of a parking structure.

(E) *Sign Handicapped Accessible Spaces*. Accessible spaces shall be designated as reserved by a sign showing a symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

(F) *Accessible Routes to the Building or Facility*. At least one (1) accessible route within the boundary of a site shall be provided from public transportation stops (*if available*), accessible parking and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public.

(G) *Accessible Routes On-Site*. At least one (1) accessible route shall connect accessible buildings, facilities, elements and spaces that are on the same site.

(H) *Accessible Route Design Standards*. An accessible route shall have a minimum clear width of 36-inches and provide adequate space for a wheel chair turn around. If an accessible route has less than 60-inches clear width, then passing spaces of at least 60-inches by 60-inches shall be located at reasonable intervals, not to exceed 200-feet. A 'T' intersection of two (2) corridors or walks is an acceptable passing place.

SECTION 06 | OFF-STREET LOADING REQUIREMENTS

SUBSECTION 06.01: APPLICABILITY

All non-residential structures which contain a gross floor area of 10,000 square feet or more shall provide and maintain off-street loading facilities on the same lot. Such off-street loading facilities shall be located adjacent to a public way or private service drive, in accordance with the following requirements:

(A) Unless an alternative is supported by design standards and approved as part of the detailed site plan, no area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

(B) Any loading dock or loading area must provide a maneuvering area located entirely on private property, and shall not utilize any public right-of-way, and shall not block any drive, aisle or fire lane.

(C) Loading docks that are within 400-feet of a residential district shall be equipped with noise attenuation devices and screened from view of adjacent residential lots.

SUBSECTION 06.02: LIGHTING OF LOADING AREAS

All lighting facilities shall be so arranged as to reflect the illumination away from any adjacent property. Such lighting facilities shall provide illumination within loading areas not to exceed 1.5 Foot Candles (FC) at ground level, and shall distribute not more than 0.2 of one (1) FC of light upon any adjacent property.

All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not intrude on residential property or create a hazard to motorists on any street alley or other public way.

SUBSECTION 06.03: DUMPSTER TRASH RECEPTACLES

All driveways to trash receptacles shall be designed to accommodate the weight of a 56,000 gross vehicular weight (GVW) sanitation truck. Lifting aprons shall be provided in front of each trash receptacle location to accommodate the front wheels of the sanitation truck. Access to the trash receptacle and lift apron shall be in a *straight in* manner, or other manner as approved by the City Engineer. Trash receptacles shall not be located beneath any overhead utility line.

SUBSECTION 06.04: SIZE

Loading spaces shall be a minimum of 12-feet in width, 65-feet in length, and 14-feet in height except as may otherwise be approved by the City Engineer.

SUBSECTION 06.05: OFF-STREET LOADING REQUIREMENTS

Any use that receives or distributes material, supplies or merchandise by motor vehicle shall provide off-street loading space in accordance with the following requirements~~.~~:

(A) *Retail, Commercial, and Industrial Land Uses*.

TABLE 3: COMMERCIAL OFF-STREET LOADING REQUIREMENTS

GROSS FLOOR AREA (SF)	MINIMUM REQUIRED LOADING SPACES
0 – 10,000	0
10,001 – 40,000	1
40,001 – 100,000	2
100,001 – 160,000	3
160,001 – 240,000	4
240,001 – 320,000	5
320,001 – 400,000	6
400,001+	PARKING STUDY REQUIRED

(B) *Auditoriums, Exhibition Halls, Hotels and Sports Arenas*.

TABLE 4: RESTAURANTS AND PUBLIC FACILITIES LOADING REQUIREMENTS

GROSS FLOOR AREA (SF)	MINIMUM REQUIRED LOADING SPACES
0 – 10,000	0
10,001 – 150,000	2
150,001 – 300,000	4
300,001 – 600,000	5
600,000+	PARKING STUDY REQUIRED

TABLE 5: PARKING REQUIREMENT SCHEDULE

AGRICULTURAL LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Agricultural Uses on Un-Platted Land (25-Acre+)	N/A
Animal Hospital or Clinic	1/500 SF
Animal Production	1/200 SF
Crop Production	N/A
Commercial Corral or Stable	1/2 Horse Stalls
Private Horse Corral or Stable	1/2 Horse Stalls
Wholesale Nursery (Growing Only)	N/A

RESIDENTIAL

LAND USE	MINIMUM PARKING REQUIRED
Boarding or Rooming House	1/75 SF (Sleeping Area Only)
Duplex	2/Dwelling Unit
Guest Quarters/Domestic or Security Unit	1.5/Unit
Multi-Family Unit with One (1) Bedroom	1.5/Unit
Multi-Family Unit with Two (2) Bedroom	2.0/Unit
Multi-Family Unit with Three (3) Bedroom	2.5/Unit
~~Servants~~/Caretakers Quarters	1/Bedroom
Single-Family Attached	2/Dwelling Unit
Single-Family Detached	2/Dwelling Unit
Single-Family Townhome	2/Dwelling Unit
Single-Family Zero Lot Line	2/Dwelling Unit

INSTITUTIONAL AND COMMUNITY SERVICE LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Auditorium or Assembly Hall	1/3 Seats or 1/100 SF[1]
Church/House of Worship	1/4 Seats
College, University, or Seminary	1/4 Students
Community Center	1/200 SF
Convalescent Care Facility	1/Bed & 1/Employee on Shift[3]
Nursing Home	1/6 Beds & 1/Employee on Shift[3]
Daycare with Seven (7) of More Children	1/300 SF & 4 Cueing Pickup/Drop-Off
Emergency Ambulance Service	1/300 SF & 1/750 SF of Site Area
Government Facility	1/300 SF
Hospice	1/6 Beds & 1/Employee on Shift[3]
Hospital	1/Bed[2]
Library, Art Gallery, or Museum	1/350 SF
Post Office	1/300 SF Customer Service Area
Retirement Home	1/Bedroom
Residential Care Facility	1/6 Beds & 1/Employee on Shift[3]
Vocational School	1/Student
Public or Private Primary School	1/25 Students
Public or Private Secondary School	1/5 Students

OFFICE AND PROFESSIONAL LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Financial Institution with or without Drive-Through	1/300 SF
Medical Office	1/200 SF
Office Building	1/300 SF

RECREATION, ENTERTAINMENT, AND AMUSEMENT LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Billiard Parlor or Pool Hall	1/100 SF or 1/4 Seats[1]
Indoor Commercial Amusement/Recreation	1/3 Occupancy
Public or Private Community or Recreation Club	3/Game Court or Bowling Alley, 1/250 SF of Assembly Area, & 25% Permitted on Pervious Surface
Public or Private Golf Course	5/Golf Green
Park or Playground	1/1,000 SF of Site Area
Recreation Facility, Health Club, or Gym	3/Game Court & 1/200 SF
Sports Arena, Stadium, and/or Track	1/3 Seats
Private Club	1/100 SF or 1/4 Seats[1]
Theater	1/3 Seats

RECREATION, ENTERTAINMENT, AND AMUSEMENT LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Antique/Collectable	1/250 SF
Auto/Truck Parts and Accessories	1/250 SF
Hair Salon, Manicurist, or Barbershop	1/250 SF
Hotel	1/Unit & 50% of Accessory Uses
Motel	1/Unit & 50% of Accessory Uses
Laundry/Dry Cleaning	1/250 SF
Mailing Service	1/300 SF
Full Service Restaurant	1/100 SF or 1/4 Seats[1]
Limited Service Restaurant	1/250 SF
Retail Store with Gasoline Sales	1/250 SF
General Retail Store	1/250 SF
Art, Photography, or Music Studio	1/250 SF
Veterinarian (*i.e. Not a Hospital or Clinic*)	1/300 SF

COMMERCIAL AND BUSINESS SERVICES LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Building and Landscape Materials	1/250 SF with a Minimum of 5
Commercial Other than Listed	As Determined by the Director
Exhibit Hall	1/100 SF
Medical or Scientific Research Laboratory	As Determined by the Director
Mortuary or Funeral Home	1/300 SF & 1/100 SF for Chapel
Research and Technology	1/500 SF or 1/Employee[1]
Shoe and Boot Repair and Sales	1/250 SF
Trade School	1/20 SF of Classroom Area

AUTO AND MARINE LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Auto Body Repair	2/Service Bay
Auto Mechanical Repair	2/Service Bay
Quick Lube/Oil Change	2/Service Bay
Truck Stop with Fuel and Accessory Services	1/200 SF for Retail/Restaurant, 2/Service Bay, & Mix of Truck and Car Stalls to be Determined by the Director
Truck/Trailer Rental	1/200 SF with a Minimum of 5

INDUSTRIAL AND MANUFACTURING LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Apparel Manufacturing	1/200 SF
Asphalt or Concrete Batch Plant	As Determined by the Director
Industrial and Manufacturing Other Than Listed	As Determined by the Director
Light Assembly and Fabrication	1/500 SF or 0.75/Employee[1&3]
Heavy Manufacturing	1/500 SF or 0.75/Employee[1&3]
Printing, Engraving, and Related Businesses	1/300 SF or 1/Employee[1]
Welding Repair	1/500 SF or 1/2 Employees[1]

INDUSTRIAL AND MANUFACTURING LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Distribution of Books or Other Printed Materials	1/1,000 or 1/2 Employees[1]
Gas/Chemical Bulk Storage	1/2,000 SF of Site Area
Mini-Warehouse	3 Parking Spaces & 1/100 Units
Packaging and/or Distribution	1/2,000 SF of Site Area or 1/2 Employees[1]
Recycling Collection Center and/or Storage	1/1,000 SF or 1/Employee[1]
Warehouse with Inside Storage	1/1,000
Outside Storage	As Determined by the Director
Warehouse Distribution Center	As Determined by the Director

UTILITIES, TRANSPORTATION, AND COMMUNICATION LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Commercial Antenna	1 Parking Space
Commercial Drone Delivery	1/300 SF of Drone Staging Area[4]
Telephone Switching Station	1 Parking Space
Electrical Substation	1 Parking Space
Utility Shop and Storage	1/2,000 SF of Site Area
Airport, Heliport, or Landing Field	As Determined by the Director
Helistop	5 Spaces for Commercial and 3 Spaces for Non-Commercial

Notes:

[1]: Whichever is greater.

[2]: As determined by the Director of Planning and Zoning.

[3]: Number of employees.

[4]: Plus any additional accessory land uses (*e.g. office, storage, etc.*).

Formatted Table

Formatted: Font: Bold, Font color: Dark Red, Superscript

ARTICLE 07 | ENVIRONMENTAL PERFORMANCE

SECTION 01 | PURPOSE
SECTION 02 | APPLICABILITY
SECTION 03 | OUTDOOR LIGHTING FOR NON-RESIDENTIAL PROPERTIES
SECTION 04 | NOISE
SECTION 05 | SMOKE AND PARTICULATE MATTER
SECTION 06 | ODOROUSE MATTER
SECTION 07 | TOXIC AND NOXIOUS MATTER
SECTION 08 | VIBRATION
SECTION 09 | FIRE OR EXPLOSIVE HAZARD MATERIAL
SECTION 10 | WATER AND WASTE POLLUTION

SECTION 01 | PURPOSE

The purpose of this Article is to set forth regulations which protect the public from the potential negative effects of industrial and intense commercial development by regulating smoke and particulate matter, odorous matter, fire or explosive materials, toxic and noxious matter, vibration, open storage, glare and fuel supply in the vicinity of such sites.

SECTION 02 | APPLICABILITY

The following performance standards shall apply to all zoning districts in the City of Rockwall.

SECTION 03 | OUTDOOR LIGHTING FOR NON-RESIDENTIAL PROPERTIES

SUBSECTION 03.01: DEFINITIONS

(1) *Candela*. A measurement quantified in unit(s) of luminous intensity in any given direction. It is also commonly referred to as candlepower(s).

(2) *Floodlight*. An artificial illumination in broad beam, ~~above 15 watts~~ with a light source that extends more than two (2) inches below the horizontal plane of the laminar.

(3) *Footcandle (FC)*. ~~means t~~The amount of illumination provided by one lumen uniformly distributed on one (1) square foot of surface.

(4) *Full Cut-Off*. A light source that does not extend below the horizontal plan of the luminaire.

(5) *Light Source*. The device which produces visible energy, such as a bulb.

(6) *Lumen*. The quantity of luminous flux intercepted by a surface of one square foot, all points of which are one foot from a uniform source of one candela. A one-candela source provides 12.57 lumens.

(7) *Luminaire*. A complete lighting unit including a light source and all necessary mechanical, electrical, reflective, and decorative parts.

(8) *Partial Cut-Off*. A light source that extends no more than one inch below the horizontal plan of luminaire.

(9) *Standard*. The light pole and base.

(10) *Temporary Holiday Lighting*. The type of lighting typically used during the holiday periods.

SUBSECTION 03.02: PROHIBITED LIGHTING

It shall be unlawful to display or operate the following:

(A) An unshielded light source, including bare bulbs, ~~above 15 watts,~~ except for temporary holiday lighting, decorative lighting (*e.g. string lights*), and lights intended to illuminate a State or National flag on a flag pole.

(B) The operation of search lighting is prohibited except it shall be permitted for a period not to exceed 14 days from grand openings and promotional events with permission of the building official.

SUBSECTION 03.03: MINIMUM REQUIREMENTS

(A) *Glare*. In order to preserve the night sky and to reduce glare on roadways, pedestrian areas and adjacent development, light sources (*e.g. light bulbs*) shall be oriented down and toward the center of the site or shielded so as to not be visible from the property line. This applies to refractory lenses which extend beyond the lighting fixture and are designed to redirect the lighting source horizontally. This does not apply to neon or internally lit signs, or to decorative lighting ~~with 15 watts or less per bulb~~ (*e.g. string lights*).

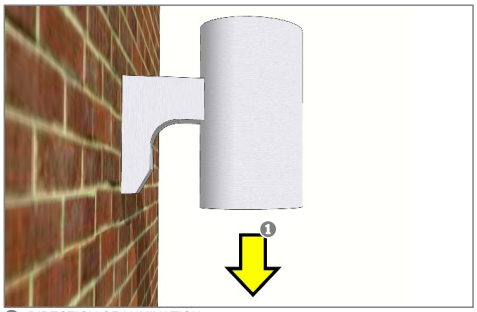
(B) *Light at Residential Property Line*. The allowable maximum light intensity measured at the property line of a residentially zoned lot shall be 0.2 of one footcandle.

(C) *Light at Non-Residential Property Line*. The allowable maximum light intensity measured at the property line of any non-residentially zoned lot shall be 0.2 of one (1) footcandle or 0.2 FC. For planned shopping centers or other commercial developments that contain more than one lot, the Planning and Zoning Commission may consider lighting plans that are intended to increase lighting efficiency and reduce the number of overall light fixtures, but result in light spillover across common lot lines within the same development; ~~. Hh~~however, in no case shall light levels exceed 0.2 FC at the property lines adjacent to the street and/or along the perimeter of the development.

(D) *Height*. No light pole, base or combination thereof shall exceed 30 feet, unless further restricted within an Overlay District as specified in Article 05, *District Development Standards*, of the Unified Development Code (UDC).

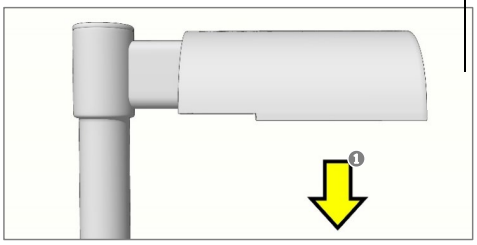
(E) *Building and Pole Mounted Lighting*. All building and pole mounted luminaries ~~exceeding 15 watts~~ shall be directed down with either a partial cut-off or full cut-off at the source. ~~(~~*See Figures 1-4 below*).

FIGURE 1: EXAMPLE OF FULL CUT-OFF BUILDING MOUNTED FIXTURE



1: DIRECTION OF LUMINATION

FIGURE 2: EXAMPLE OF FULL CUT-OFF POLE MOUNTED FIXTURE

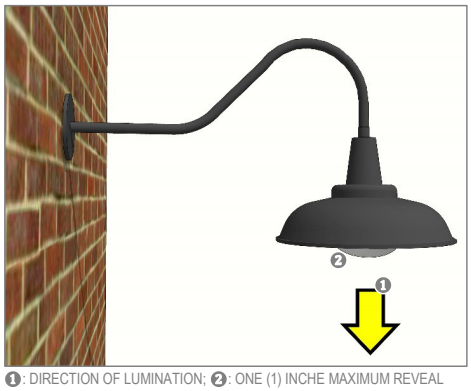


Formatted: Font: Italic

Formatted: Font: Italic

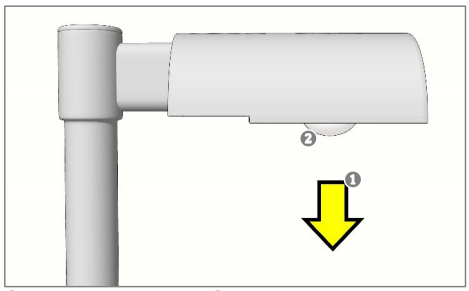
❶: DIRECTION OF LUMINATION

FIGURE 3: EXAMPLE OF PARTIAL CUT-OFF BUILDING MOUNTED FIXTURE



❶: DIRECTION OF LUMINATION; ❷: ONE (1) INCHE MAXIMUM REVEAL

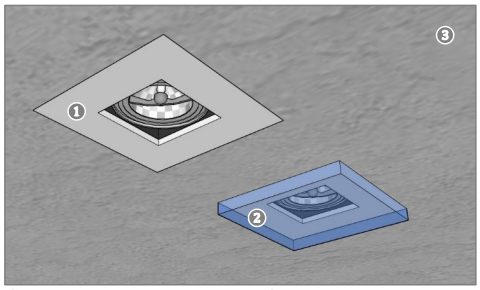
FIGURE 4: EXAMPLE OF PARTIAL CUT-OFF POLE MOUNTED FIXTURE



❶: DIRECTION OF LUMINATION; ❷: ONE (1) INCHE MAXIMUM REVEAL

(F) *Under-Canopy Lighting*. All under-canopy lighting, including, but not limited to, those fixtures utilized at fueling stations, drive-through lanes, and covered parking structures, shall be fully recessed into the canopy (~~*See see*~~ *Figure 5*).

FIGURE 5: EXAMPLES OF UNDER-CANOPY LIGHTING



❶: FLUSH LENS (*I.E. FULLY RECESSED*); ❷: PROJECTING LENDS (*I.E. NOT FULLY RECESSED*); ❸: CEILING

(G) *Illumination*. The maximum outdoor maintained, computed and measured illumination level within any nonresidential development shall not exceed 20 FC outdoors at any point on the site, with the following exceptions:

(1) Under-canopy lighting (*e.g., fuel stations, drive-through lanes and covered parking structures*) shall not exceed 35 FC. The remainder of the property shall comply with the 20-FC maximum.

(2) Lighting for motor vehicle dealerships shall not exceed 30 FC within the front yard(s) of the development. The remainder of the property shall comply with the 20-FC maximum.

(H) *Exemptions*. Historic or antique-style pedestrian light fixtures approved by the Planning and Zoning Commission are excluded from these standards.

SUBSECTION 03.04: PLAN REQUIRED

A photometric plan describing compliance with the provisions of this section shall be submitted to the Director of Planning and Zoning prior to the issuance of any building permit or Certificate of Occupancy (CO) that proposes additional lighting. This plan shall be prepared by an appropriate lighting designer such as a lighting engineer, architect or other qualified lighting designer. Upon installation of the lighting, the designer shall provide a letter certifying that the lighting is installed in accordance with the approved design and this section. The Director of Planning and Zoning shall have the authority to interpret and determine compliance with this section. The Planning and Zoning Commission may grant exemptions to the provisions of this Article if compliance will result in substantial financial hardship or inequity, so long as said exemption is without harm to the public. Decisions of the Planning and Zoning Commission may be appealed to the City Council.

SUBSECTION 03.05: NON-CONFORMING LIGHTING

Luminaries installed prior to the adoption of this Unified Development Code (UDC) shall be exempt from the requirements herein.

SUBSECTION 03.06: EXEMPTIONS

Lighting installed by or for a governmental agency for the public benefit that is used for activities for the public benefit such as right of way, ball fields, airports and parks;~~.~~ ~~H~~however, parking lot lighting for these activities shall be meet the requirements of the section.

SECTION 04 | NOISE

SUBSECTION 04.01: IN GENERAL

Refer to Article IV, *Noise*, of Chapter 16, *Environment*, of the Municipal Code of Ordinances for noise regulations.

SECTION 05 | SMOKE AND PARTICULATE MATTER

SUBSECTION 05.01: STANDARDS

No industrial operation or use shall cause, create, or allow the emission for more than three minutes in any one hour, of air contaminants which at the emission point or within the bounds of the property are:

(A) In violation of the standards specified by the Texas Natural Resource Conservation commission, or subsequent agency; or

(B) Of such capacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in *Subsection A* above except that, when the presence of steam is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the outside atmosphere, performance shall be considered to comply with this section.

SUBSECTION 05.02: COMBINED STANDARDS

The emission of particulate matter from all sources in a district subject to this Article shall not exceed the level specified by the Texas Natural Resource Conservation Commission, or subsequent agency.

SUBSECTION 05.03: STANDARDS MEASURED AT THE PROPERTY LINE

Open storage and open processing operations, including on-site transportation movements which are the source of wind or airborne dust or other particulate matter; or which involve dust or other particulate air contaminant generating equipment including, but not limited to, paint spraying, grain handling, sand or gravel processing or storage or sand blasting shall be so conducted such that dust and other particulate matter so generated are not transported across the boundary property line or the tract on which the use is located in concentrations exceeding standards set by the Texas Natural Resource Conservation Commission.

SECTION 06 | ODOROUS~~E~~ MATTER

SUBSECTION 06.01: APPLICABILITY

No use shall be operated in any zoning district in such a manner that the emission of odorous matter occurs in such quantity or volume as to produce a nuisance, source of discomfort or hazard beyond the bounding property lines of such use.

SUBSECTION 06.02: DETERMINATION

The odor threshold as herein referred to shall be determined by observation by a person or persons designated by the City Council. In any case, where the operator of an odor-emitting use may disagree with the enforcing officer where specific measurement of odor concentration is required, the method and procedures specified by the American Society for *Testing Materials ASTMD 1391-57* entitled Standard Method for Measuring Odors in Atmosphere shall be used.

SECTION 07 | TOXIC AND NOXIOUS MATTER

No industrial operation or other use shall emit toxic or noxious matter in any concentration across the bounding property line of the tract on which operation or use is located. The requirements of the Texas Air Control Board shall be met.

SECTION 08 | VIBRATION

Any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent property line, earthborn vibrations in excess of the limits set forth in ~~column~~ *Column I* (~~below~~*in Table 1: Vibrations Standards*) are prohibited. In addition, any industrial operation or activity which shall cause at any time and at any point along a zone boundary line, earthborn vibrations in excess of the limits set forth in column II are prohibited. Vibrations shall be expressed as resultant displacement in inches.

TABLE 1: VIBRATION STANDARDS

FREQUENCY (CYCLES PER SECOND)	DIPLACEMENT I (INCHES)	DISPLACEMENT II (INCHES)
0 – 10	0.0008	0.0004
10 – 20	0.0005	0.0002
20 – 30	0.0002	0.0001
30 – 40	0.0002	0.0001
40+	0.0001	0.0001

This tabulation is for steady state vibration~~;~~ ~~–~~, which is defined as continuous vibration in contrast to discrete pulses. Impact vibration, that is, discrete pulses which do not exceed 100 pulses per minute, shall not produce in excess of twice (*i.e. two [2] times*) the displacement stipulated above.

SECTION 09 | FIRE OR EXPLOSIVE HAZARD MATERIAL

SUBSECTION 09.01: EXPLOSIVE AND/OR FLAMMABLE MATERIAL

The storage, manufacture and/or use of all explosive and/or flammable liquids, solids or gases shall be permitted only when such storage, manufacture or use conforms to the standards and regulations established in Chapter 18, *Fire Prevention and Protection*, of the Municipal Code of Ordinances, as well as all other applicable city codes.

SECTION 10 | WATER AND WASTE POLLUTION

SUBSECTION 10.01: WATER POLLUTION

No operation or activity shall discharge or cause to be discharged, liquid or solid waste into public waters unless in conformance with the provisions of the Texas Water Quality Board.

SUBSECTION 10.02: LIQUID OR SOLID WASTE

No discharge at any point will be allowed into any public sewer, private sewer disposal system, or stream or into the ground, except in accordance with standards approved by the state health department or standards equivalent to those approved by such department, for similar uses, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements. All discharges shall comply with all applicable city ordinances.

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

ARTICLE 08 | LANDSCAPE AND FENCE STANDARDS

SECTION 01 | PURPOSE
SECTION 02 | APPLICATION OF ARTICLE
SECTION 03 | LANDSCAPE PLAN
SECTION 04 | APPROVED LANDSCAPE MATERIALS
SECTION 05 | LANDSCAPE STANDARDS
SECTION 06 | LANDSCAPE CREDITS
SECTION 07 | COMPLETION OF LANDSCAPING
SECTION 08 | FENCE STANDARDS
SECTION 09 | GENERAL MAINTENANCE

SECTION 01 | PURPOSE

The purpose of Article 08, *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.

SECTION 02 | APPLICATION OF ARTICLE

SUBSECTION 02.01: 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 02.01(A)(2).

(b) The expansion of a non-residential building or structure that increases the existing floor area by 30.00% 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 30.00% or that adds 2,000 SF of impervious coverage.

(2) Unless otherwise indicated in this *Article*, ~~T~~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 02.01(A) or Article 11, *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 06, *Non-Conforming Uses, Structures, and Sites*, of Article 04, *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 existing single-family and/or duplex land uses.

(d) Properties zoned Downtown (DT) District, as defined by Subsection 04.07, *Downtown (DT) District*, of Article 05, *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 02.01(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 06.02, *General Overlay District Standards*, of Article 05, *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 02.02: 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~~ Landscaping ~~plan~~ 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 09.01, *Exceptions to the General Standards*, of Article 11, *Development Applications and Review Procedures*.

SUBSECTION 02.03: EXCEPTIONS TO THE FENCE STANDARDS

All exceptions to the fence standards contained in this *Article* will be subject to the requirements of Section 08, *Fence Standards*.

SECTION 03 | LANDSCAPE PLAN

SUBSECTION 03.01: 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 03, *Site Plans*, of Article 11, *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), or a Horticulturist with a Bachelor's Degree unless otherwise permitted by the Director of Planning and Zoning.

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

SUBSECTION 03.02: 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 03, *Site Plans*, of Article 11, *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 03, *Site Plans*, of Article 11, *Development Applications and Review Procedures*.

SECTION 04 | ~~APPROVED~~ LANDSCAPE 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 C, *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.

(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 4½ ~~four (4)~~ feet above grade.

(5) The City of Rockwall encourages developments to incorporate ~~*xeriscaping*~~*Xeriscaping/smartscaping 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 05.05, *Xeriscaping and Smartscaping Standards*.

(B) *Prohibited Planting Materials*.

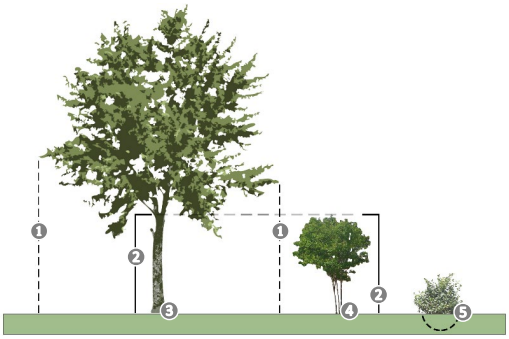
(1) *Artificial or Synthetic Plant Materials*.

(a) *Non-Residential Property*. Artificial or synthetic plant materials (*e.g. artificial grass, turf, trees, and/or shrubs*) shall be prohibited on all non-residentially zoned or used property in the City of Rockwall; however, the Planning and Zoning Commission can grant an *Exception* in accordance with the procedures contained in Subsection 09.01, *Exceptions to the General Standards*, of Article 11, *Development Applications and Review Procedures*, of this Unified Development Code (UDC) where it is found that the artificial plant materials are integral to the operations of the proposed non-residential land use or where it will serve as an on-site amenity to the non-residential land use.

(b) *Residential Property*. Artificial or synthetic plant materials (*e.g. artificial grass, turf, trees, and/or shrubs*) shall be prohibited on all residentially zoned or used property in: [*1*] the required front yard (*i.e. the area that extends from the front property line to the front façade of the primary structure*); [*2*] in areas of the required side or rear yard that are visible from public right-of-way, open space, or public parkland; [*3*] in public rights-of-way; and [*4*] in easements; however, a maximum of 400 square feet of non-PFAS (*i.e. Perfluorinated Alkylated Substances*) artificial grass or turf shall be permitted in the rear yard of all residentially zoned or used property regardless of visibility or screening.

~~(1)~~

FIGURE 1: APPROVED PLANTING MATERIALS AND SIZE



❶: DRIP LINE; ❷: FOUR (4) FEET; ❸: CANOPY TREE; ❹: ACCENT TREE; ❺: ~~THREE~~ FIVE (~~3~~5) GALLON SHRUB

SECTION 05 | LANDSCAPE STANDARDS

SUBSECTION 05.01: LANDSCAPE BUFFERS

The minimum requirements for landscape buffers shall be as follows:

(A) *Residential Landscape Buffers in Subdivisions*. (see *Figure 2: Residential Landscape Buffers Example*)

(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

Formatted: Font:
Formatted: Font: Italic
Formatted: Font:
Formatted: Font:
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Font:
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font:
Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: Italic
Formatted: Font: 5 pt

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.

(B) *Non-Residential Landscape Buffers*. (see *Figure 3: Commercial Landscape Buffers Example*)

(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 05.02(B), *Screening from Residential*.

(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 05.02: 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 01.05, *Screening Standards*, of Article 05, *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:

FIGURE 2: RESIDENTIAL LANDSCAPE BUFFERS EXAMPLE

❶: RESIDENTIAL PROPERTY; ❷: BUILD LINE; ❸: COLLECTOR STREET; ❹: TEN (10) FOOT LANDSCAPE BUFFER; ❺: PERIMETER COLLECTOR OR ARTERIALS ROADWAY

FIGURE 3: COMMERCIAL LANDSCAPE BUFFERS EXAMPLE

❶: STREET; ❷: RESIDENTIALLY ZONED OR USED PROPERTY; ❸: INDUSTRIAL OR COMMERCIAL ZONING/USE; ❹: ALLEYWAY; ❺: TEN (10) FOOT LANDSCAPE BUFFER WITH ACCENT AND CANOPY TREES; ❻: 20-FOOT LANDSCAPE BUFFER WITH THREE (3) TIERED SCREENING

(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

❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: ACCENT TREE OR LARGE SHRUB; ❹: SMALL SHRUB; ❺: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE; ❻: CANOPY TREES 20-FOOT ON CENTER

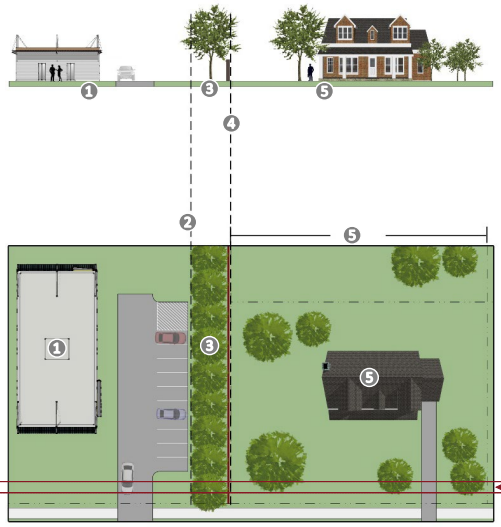
~~(1)~~(2) *Alternative #2*. A wrought iron fence with a mix of two (2) rows of staggered mature evergreen trees and one (1) row of deciduous canopy trees (*a minimum six [6] caliper inches*) along the entire length of the adjacency. All trees will be planted on 20-foot centers.

FIGURE 5: ALTERNATIVE #2

❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: TWO (2) ROWS OF EVERGREEN ACCENT TREES 20-FOOT OFFSET; ❹: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE; ❺: CANOPY TREES 20-FOOT ON CENTER

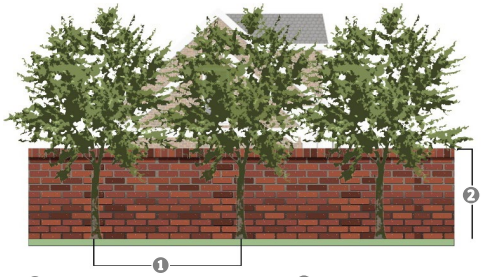
(B) *Screening from Residential*. Any non-residential or multi-family land use or parking area that has a side or rear contiguous to any residentially zoned or used property shall be screened with a masonry fence a minimum of six (6) feet in height with canopy trees planted on 20-foot centers (*as depicted 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



❶: COMMERCIAL PROPERTY; ❷: 20-FOOT LANDSCAPE BUFFER; ❸: CANOPY TREES 20-FOOT ON CENTER; ❹: MINIMUM SIX (6) FOOT MASONRY WALL ON PROPERTY LINE; ❺: RESIDENTIAL PROPERTY;

FIGURE 7: MASONRY FENCE WITH CANOPY TREES IN PERSPECTIVE VIEW



❶: CANOPY TREES 20-FOOT ON CENTER; ❷: MINIMUM SIX (6) FOOT MASONRY WALL;

~~(C)~~ *Continued on Next Page …*

Formatted: No underline

Formatted: Font: 5 pt, Not Italic, No underline

Formatted: Indent: Left: 0.5", No bullets or

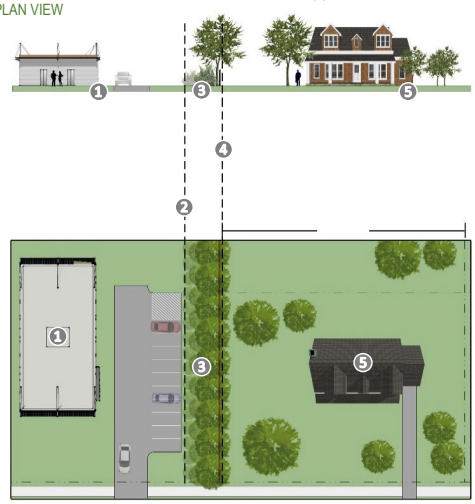
Formatted: Font: 5 pt

Formatted: Indent: Left: 0"

Formatted: Centered, No bullets or numbering

Formatted: Font: Italic

FIGURE 8: WROUGHT IRON FENCE WITH THREE (3) TIERED SCREENING IN PLAN VIEW



❶: COMMERCIAL PROPERTY; ❷: 20-FOOT LANDSCAPE BUFFER; ❸: THREE (3) TIERED SCEENING; ❹: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE ON PROPERTY LINE; ❺: RESIDENTIAL PROPERTY

FIGURE 9: ALTERNATIVE #1 [WROUGHT IRON FENCE WITH THREE (3) TIERED SCREENING IN PERSPECTIVE VIEW]

❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: LARGE SHRUB/ACCENT TREE; ❹: SMALL SHRUB; ❺: SIX (6) FOOT WROUGHT IRON FENCE; ❻: CANOPY TREES 20-FOOT ON CENTER

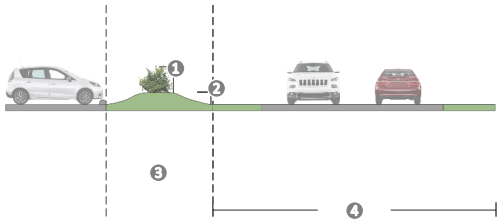
FIGURE 10: ALTERNATIVE #2 [WROUGHT IRON FENCE WITH TIERED SCREENING IN PERSPECTIVE VIEW]

❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: TWO (2) ROWS OF EVERGREEN ACCENT TREES 20-FOOT OFFSET; ❹: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE; ❺: CANOPY TREES 20-FOOT ON CENTER

~~(D)~~(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.

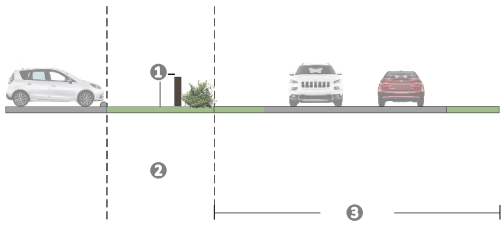
FIGURE 11: ALTERNATIVE #1 [HEADLIGHT SCREENING USING LANDSCAPING AND A BERM]



❶: MINIMUM THREE (3) FOOT SHRUB; ❷: MINIMUM TWO (2) FOOT BERM; ❸: 20-FOOT LANDCSAPE BUFFER; ❹: STREET OR ALLEYWAY

(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]



❶: MINIMUM THREE (3) FOOT MASONRY WALL; ❷: 20-FOOT LANDCSAPE BUFFER; ❸: STREET OR ALLEYWAY

~~(E)~~(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 05.03: LANDSCAPE REQUIREMENTS

(A) *Amount of Landscaping*. The following landscaping percentages shall be required and shall apply to the total site area to be developed:

TABLE 1: REQUIRED LANDSCAPING BY ZONING DISTRICT

ZONING DISTRICT	REQUIRED LANDSCAPING	REQUIRED WITH MAXIMUM CREDIT
Multi-Family 14 (MF-14) District	35%	22½%
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%
Downtown (DT) District	See Subsection 04.07: Article 05	

(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 per 1,500 SF 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.

FIGURE 13: LANDSCAPE REQUIREMENTS

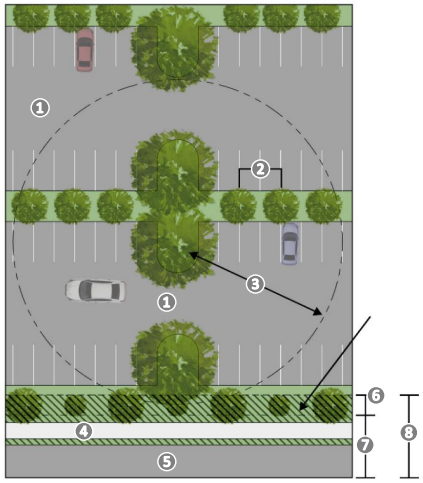
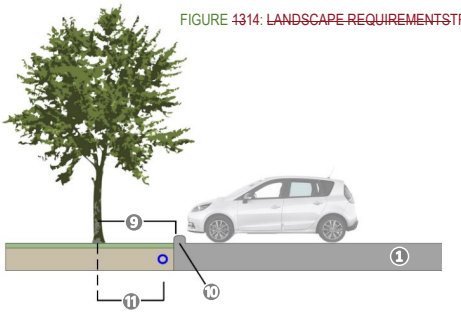


FIGURE ~~13~~14: ~~LANDSCAPE REQUIREMENTS~~TREE PLANTING REQUIREMENTS



❶: PARKING LOT; ❷: 20-FOOT SEPERATION; ❸: 80-FOOT BUFFER; ❹: SIDEWALK; ❺: STREET; ❻: TEN (10) FOOT LANDSCAPE BUFFER; ❼: RIGHT-OF-WAY; ❽: AREA REQUIRED TO BE IMPROVED WITH SOD (*I.E. HYDOMULCH IS PROHIBITED*); ❾: TREE MUST BE A MINIMUM OF FIVE (5) FEET FROM THE EDGE OF PAVEMENT; ❿: VEHICLE PROTECTION; ⓫: TREE MUST BE A MINIMUM OF FIVE (5) FEET OFF THE WATER/SEWER LINE

(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.

SUBSECTION 05.04: 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.

SUBSECTION 05.05: XERISCAPING/SMARTSCAPING STANDARDS

(A) *Purpose*. The purpose of this section is to promote the establishment of water conscious landscaping through the implementation of xeriscaping/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 C, *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/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/smartscaping 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 Subsection 05.03(D) (*i.e. one [1] tree per every 750 SF and one [1] accent tree per 1,500 SF of detention area*). Instead, a four (4) shrub**s** or ornamental grass**es** per every 750 SF of ~~dry~~ detention ~~land~~ area shall be required to be planted on the site or around the detention area.

(3) A maximum of 30.00% 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.

SECTION 06 | LANDSCAPE CREDITS

Credits to the landscape requirements may be achieved as follows:

SUBSECTION 06.01: 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 05, *District Development Standards*.

SUBSECTION 06.02: 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 06.03: 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 05.05, *Xeriscaping/Smartscaping Standards*, of this Article have been satisfied.

SECTION 07 | COMPLETION OF LANDSCAPING

SUBSECTION 07.01: IN ACCORDANCE WITH APPROVED PLANS

Except as otherwise provided in Subsection 07.02, 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 07.02) 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.

SUBSECTION 07.02: 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 07.03: FORFEITURE OF ESCROW

If a temporary Certificate of Occupancy (CO) is issued under Subsection 07.02 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.

FIGURE 15: CORNER LOTS

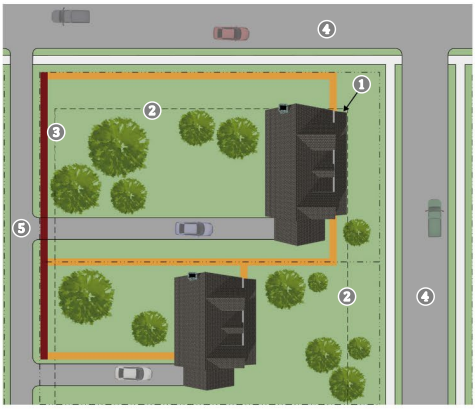


FIGURE 16: FENCES BACK TO A STREET

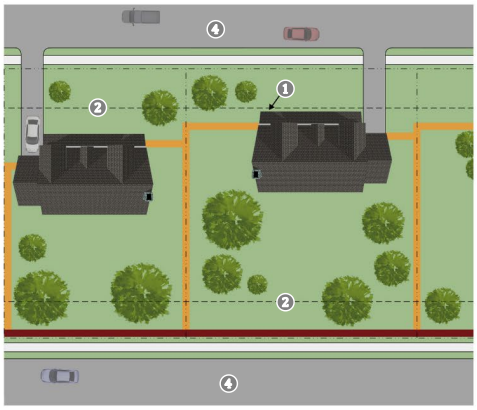
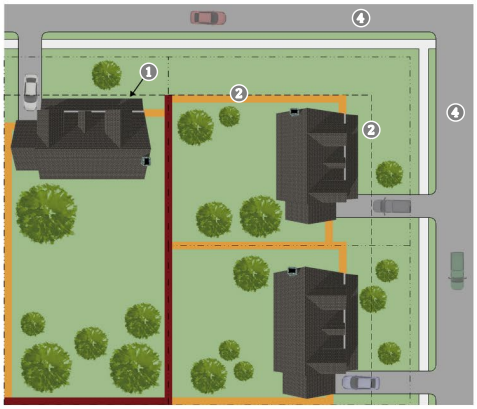


FIGURE 17: FENCES BACKING TO A SIDE YARD



❶: PORCH; ❷: 20-FOOT BUILD LINE; ❸: TEN (10) FOOT BUILD LINE; ❹: STREET; ❺: ALLEYWAY; **REAR YARD FENCE**; **SIDE YARD FENCE**

Formatted: Normal

SECTION 08 | FENCE STANDARDS

SUBSECTION 08.01: 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 08.02: 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 08, *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 08.03(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) PVC mesh (*i.e. tennis court mesh/windscreen*) or other materials or appurtenances (*e.g. slats, bamboo, mesh netting, fake or artificial plants or patterned material, signage, banners, etc.*) intended to provide screening that are affixed to wrought iron, decorative metal, chain-link or semi-transparent fencing shall be prohibited.

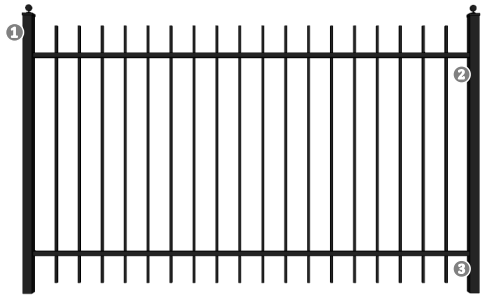
~~(6)~~(7) Solid wood fencing exceeding 48-inches in height shall be constructed using metal posts set in concrete, or brick, stone or a combination of brick and stone columns.

(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*.

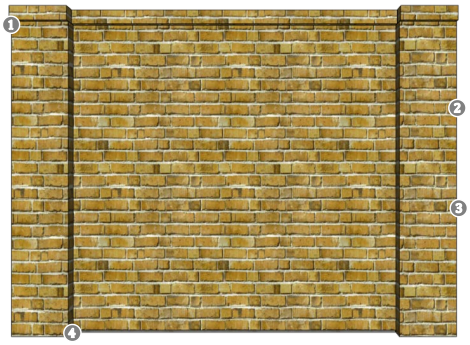
❶: Top Rail; ❷: Galvanized or Stainless-Steel Post (*Recommended Minimum of* 2.375"); ❸: Stinger Board (Recommended Minimum of 2" x 3"); ❹: Minimum ½" Wood Screen.

(2) *Wrought Iron Fence*.



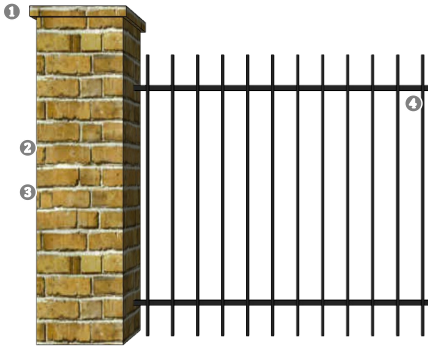
❶: Painted or Powder Coated with a Decay Resistant Paint; ❷: Top Rail; ❸: Bottom Rail.

(3) *Masonry Wall*.



❶: Rowlock Cap; ❷: Running Bond; ❸: 3/8" Tooled Joints (*Typical*); ❹: Concrete Footing/Mow Strip.

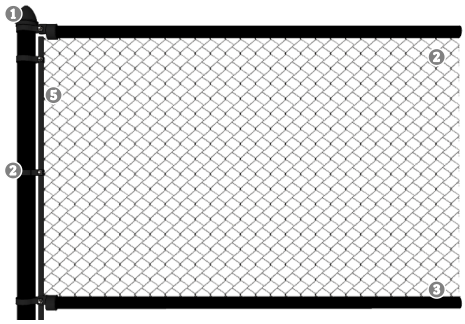
(4) *Fences with Masonry Columns*.



❶: Rowlock Cap; ❷: Running Bond; ❸: 3/8" Tooled Joints (*Typical*); ❹: Wrought Iron or *Board-On-Board* Wood Fence.

Formatted: List Paragraph, Add space between paragraphs of the same style, No bullets or numbering

(5) *Vinyl Coated Chain-Link Fence*.



❶: Post Cap; ❷: Top Rail; ❸: Bottom Rail; ❹: Tension Band; ❺: 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 08.03: 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 (s*pruce 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-feet 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 08.02(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 *not* be subject to the approval criteria and voting requirements stipulated by Section 09.01, *Exceptions to the General Standards*, of Article 11, *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 and all posts and/or framing shall be placed on the private side when adjacent to a public street (*excluding alleyway*), open space, public park, and/or neighboring properties. Painting a fence with oil or latex based paint shall be prohibited.

(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.

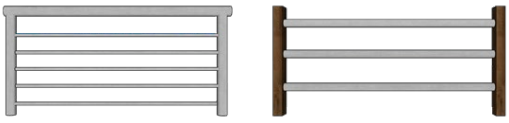
(II) *Replacement of an Existing Chain-Link Fence*. Existing chain-link fences maybe replaced with a new vinyl coated, chain-link fence that is a minimum of four (4) feet in height and a maximum of six (6) feet in height. Replacement chain-link fences may only be placed in the location of the existing 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*) and/or alternative fence standards on a *case-by-case* basis. These exceptions will *not* be subject to the approval criteria and voting requirements stipulated by Section 09.01, *Exceptions to the General Standards*, of Article 11, *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 08.03(A) & 08.03(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.

FIGURE 14: EXAMPLES OF SPLIT-RAIL AND/OR PIPE FENCING



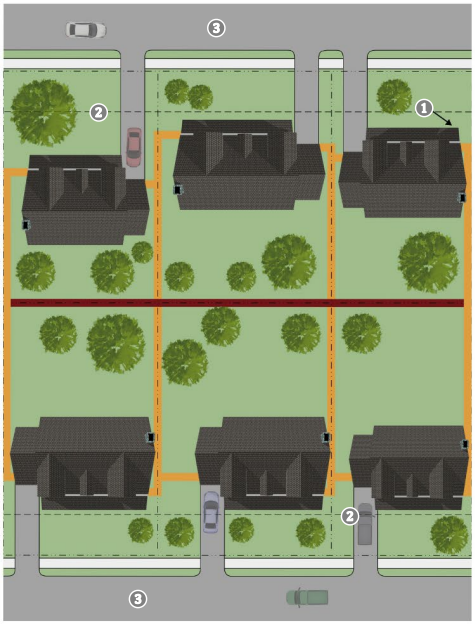
(D) *Fence Placement*.

(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*).

FIGURE 18: THROUGH LOTS

FIGURE 19: FENCES WITH COMMON REAR YARDS



❶: PORCH; ❷: 20-FOOT BUILD LINE; ❸: STREET; **REAR YARD FENCE**; **SIDE YARD FENCE**

(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*).

(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 08.03(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.

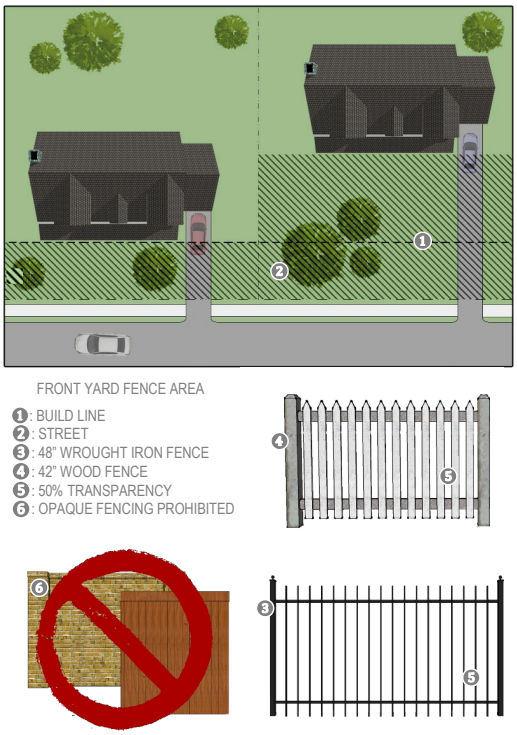
In considering a front yard fence, the Planning and Zoning Commission may require applicants to provide additional information, plans, drawings, and/or other information concerning the proposed front yard fence. In addition, the Planning and Zoning Commission may establish additional conditions of construction for any fence.

(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 08.03(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.

FIGURE 20: RESIDENTIAL FRONT YARD FENCES



FRONT YARD FENCE AREA

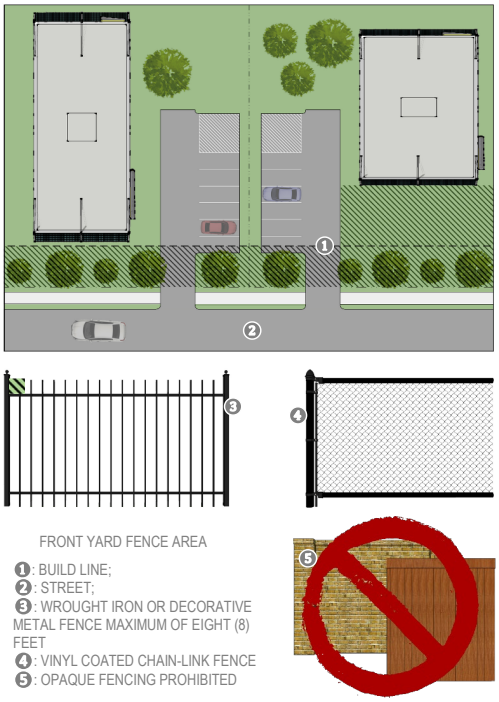
❶: BUILD LINE
❷: STREET
❸: 48" WROUGHT IRON FENCE
❹: 42" WOOD FENCE
❺: 50% TRANSPARENCY
❻: OPAQUE FENCING PROHIBITED

SUBSECTION 08.04: 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

FIGURE 21: NON-RESIDENTIAL FRONT YARD FENCES



specified in Subsection 04.07, *Downtown (DT) District*, of Article 05, *District Development Standards*, wood fences proposed in a Residential Office (RO) District or Downtown (DT) District -- *in conformance with the requirements of Subsection 08.03(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.

SECTION 09 | GENERAL MAINTENANCE

SUBSECTION 09.01: 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 09.02: 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 09.03: 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 09 | TREE PRESERVATION

SECTION 01 | PURPOSE, APPLICABILITY, AND EXEMPTIONS
SECTION 02 | DEFINITIONS
SECTION 03 | TREESCAPE PLAN
SECTION 04 | TREE REMOVAL PERMIT
SECTION 05 | TREE MITIGATION REQUIREMENTS
SECTION 06 | TREE PLANTING AND TRANSPLANTING REQUIREMENTS
SECTION 07 | TREE PROTECTION DURING CONSTRUCTION
SECTION 08 | TREE PRUNING
SECTION 09 | TREE FUND
SECTION 10 | VIOLATIONS

SECTION 01 | PURPOSE, APPLICABILITY, AND EXEMPTIONS

SUBSECTION 01.01: PURPOSE

The purpose of this *Article* is to secure the preservation of mature, healthy trees and natural areas, and to ensure the consideration of protected trees during the planning and design process for development and/or redevelopment within the City. In addition, this Article is intended to layout procedures for the protection of trees during the construction process, and outline the requirements for the replacement and replanting of trees that have been removed. This Article also provides protection for the indiscriminate clearing of any property within the City.

SUBSECTION 01.02: APPLICABILITY

The terms and provisions of this Article shall apply to all real property within the City's corporate limits that meets one of the following criteria:

(A) The establishment of a new subdivision of land.

(B) The replatting of undeveloped land for the purpose of combining and/or subdividing real property.

(C) The development of a residential tract of land that is greater than or equal to three (3) acres.

(D) The development and/or removal of trees on a non-residential tract of land that is greater than or equal to one acre.

(E) A submission of a site plan and/or plat for the purpose of developing, subdividing or combing non-residential land.

SUBSECTION 01.03: EXEMPTIONS

The terms and provisions of this Article shall not apply if the following conditions exist:

(A) *Agricultural Property*. Property zoned Agricultural (AG) District and being actively used for agricultural purposes shall be exempt from the requirements specified by this *Article*; however, clear-cutting of land on property zoned Agricultural (AG) District that is not being actively used for agricultural purposes is prohibited.

(B) *Damaged/Diseased Trees*. If a certified arborist establishes that the tree is dead, diseased, damaged beyond the point of recovery, or in danger of falling the tree maybe removed.

(C) *Residential Property*. The owner of a property with an existing single-family home shall be exempt from the tree protection and replacement requirements specified by this Article as it pertains to that property on which the home is located.

(D) *Public Safety*. If the City determines that a tree or trees create unsafe vision clearance or conflicts with other ordinances or regulations, or the tree or trees are determined to be in a diseased, dead, hazardous or dangerous condition so as to endanger the public health, safety or welfare of the general public, the City or property owner may remove the tree or trees without being required to follow the terms and provisions of this ordinance.

(E) *Utility Service Interruption*. The tree has disrupted a public utility service due to tornado, flood or another act of God. Removal shall be limited to the part of the tree that is found necessary to be removed to reestablish and maintain the utility service.

(F) *Utility Companies, Utility Service and or Distribution/Transmission Lines*. Utility companies shall not be subject to the tree protection or replacement requirements in this Article when establishing distribution and transmission lines. When establishing new utility service, services should be routed between the service pole or transmission and distribution lines and the building being served in a manner that does not require the removal of a protected of feature tree. All right-of-way, easements or similar types of public property maintained by utility companies shall not be subject to the tree protection or replacement requirements of this Article.

(G) *Public Property*. All right-of-way, easements or similar types of public property maintained by the City shall not be subject to the terms and provisions of this *Article*.

(H) *Trees Clearance Pruned by a Utility*. At the discretion of the City Arborist or the Director of the Parks and Recreation Department, trees that are located under existing powerlines or within an ONCOR easement that have clearance pruned by a utility (*i.e. that have been walled or 'V-cut'*) may be exempted from the mitigation requirements stipulated by this *Article*.

SECTION 02 | DEFINITIONS

(1) *Cedar Tree*. A *Cedar Tree* referenced in this *Article* shall mean Eastern Red Cedar.

(2) *Critical Root Zone (CRZ)*. The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line but not less than a one-foot radius for each one-inch DBH.

(3) *Clear-Cutting*. The removal of all trees or a significant majority of the trees within an area.

(4) *Diameter at Breast Height (DBH)*. The diameter in inches of a tree as measured through the main trunk at a point 4½-feet above the natural ground level.

(5) *Drip Line.* A vertical line running through the outermost portion of the crown of a tree and extending down to the ground.

(6) *Feature Tree.* Any tree ~~*-- excluding non-protected trees --*~~ that has a DBH of greater than 25-inches. Feature trees may not be removed without approval of the Planning and Zoning Commission.

(7) *Limits of Construction.* A delineation on the treescape plan that shows the boundary of the area within which all construction activity will occur.

(8) *Non-Protected Tree.* All Bois d'Arc, Willow, Cottonwood, Honey Locust, Chinaberry, and Hackberry trees regardless of size, and cedar trees less than eight (8) feet in height shall be considered non-protected trees and do not require mitigation to be removed.

(9) *Primary Protected Tree.* Any tree -- *excluding non-protected trees and hackberry and cedar trees* -- that ~~have~~ has a DBH of four (4) inches or greater. The removal of any protected tree shall require the approval of the Planning and Zoning Commission. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk at DBH to one-half (½) the diameter of each additional trunk.

(10) *Protective/Temporary Fencing.* Snow fencing, chain-link fencing, orange vinyl construction fencing or similar fencing with a four-foot approximate height. The Director of Planning and Zoning and zoning or his/her designee, shall determine the appropriate type of fencing for any particular property or portion thereof.

(11) *Replacement Tree.* A tree from the reclamation/tree preservation list contained in *Table 1.1: Required Trees by District* contained in Appendix C, *Landscape Guidelines and Requirements*, of the Unified Development Code (UDC) with a minimum caliper size of four (4) inches and height of seven (7) feet. For the purpose of determining size, replacement trees should be measured at DBH.

(12) *Secondary Protected Tree.* Any cedar tree that is eight (8) feet in height or greater. The removal of any protected tree shall require the approval of the Planning and Zoning Commission. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk at DBH to one-half the diameter of each additional trunk.

(13) *Tree.* Any self-supported woody perennial plant that will attain a trunk diameter of three (3) inches DBH and normally attains an overall height of at least 15-feet at maturity; usually with one main stem or trunk and many branches.

SECTION 03 | TREESCAPE PLAN

SUBSECTION 03.01: TREESCAPE

A treescape plan is a plan showing the exact location, size (*i.e. trunk diameter and height*), and common name of all trees, four (4) inches and greater and indicating the trees that are proposed to be removed, transplanted or replaced. A treescape plan shall be prepared by a landscape architect or design professional, be drawn to the largest scale practical, and incorporate the following elements:

(A) The location of all existing and/or proposed structures, or building pads as shown on the grading plan and all improvements properly dimensioned and referenced to the property lines.

(B) The building setbacks.

(C) All existing and proposed site elevations, grades, major contour lines and the limits of construction.

(D) The location of all existing or proposed utilities and easements.

(E) The location of all protected and feature trees.

(F) The location of all trees to be removed from the site and the location of all replacement trees.

(G) A spreadsheet indicating all trees by species, the *Locational ID* or tree tag number as shown on the treescape plan, the DBH/caliper inch, the health of the tree, if the tree has a disease or an insect infestation, if it is structurally sound, and the mitigation necessary if the tree is to be removed. Each column with numeric values shall be totaled (*see Table 2: Example of Treescape Plan Spreadsheet below).*

(H) A title block stating street address, lot and block, subdivision name, date and project number.

(I) The name, address, and phone number of the person preparing the plan and the developer/property owner.

(J) Tree survey shall be performed by an arborist, horticulturalist, or landscape architect with a preference for an arborist certified by the International Society of Arboriculture (ISA).

SUBSECTION 03.02: TREESCAPE PLAN REQUIRED

No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any tree situated on a property regulated by this Article without first submitting and receiving approval of a treescape plan unless otherwise allowed by this Article.

For properties that have no protected or feature trees or where the development of the property will not require the removal of any protected or feature trees, the developer or property owner may submit a letter certifying that no protected or feature trees will be affected as a result of the proposed development. This letter will be submitted with the understanding that if it is determined that there are protected or feature trees on the property any violation of the provisions of this Article shall be subject to the violation provisions and fines stipulated in Section 10, *Violations*.

Staff may administratively approve any treescape plan or letter that does not involve the removal of any protected or feature trees.

SUBSECTION 03.03: TREESCAPE APPLICATION

All applications for treescape plans shall be submitted to the Director of Planning and Zoning or his/her designee. In addition to the application, an applicant shall also submit [*1*] a treescape plan conforming to the requirements of this Article and [*2*] a letter from the applicant or property owner indicating the reason for the removal of any protected or feature trees. A treescape plan may also be required with an application for a site plan and/or a preliminary plat, replat, or final plat.

SUBSECTION 03.04: TREESCAPE PLAN REVIEW PROCESS

The Director of Planning and Zoning, or his/her designee, shall review the treescape plan and approve the plan per the requirements of this Article, or forward any recommendations to the Planning and Zoning Commission. As part of the treescape plan review process, the City has the right to request changes or adjustments in the layout and design of a development to save trees. The Planning and Zoning Commission will review and approve or disapprove the treescape plan. The decision of

TABLE 2: EXAMPLE OF TREESCAPE PLAN SPREADSHEET

#	SPECIES	CALIPER	PROTECT OR REMOVE	TREE HEALTH (1-5)	DISEASE (Y/N)	INSECT (Y/N)	STRUCTURAL (Y/N)	MITIGATION REQUIRED
1	Live Oak	4" Caliper	Remove	2	Y	Y	Y	0
2	Cedar	10' Tall	Remove	4	N	N	N	4"
3	Red Oak	26" Caliper	Remove	3	N	N	N	52"
							TOTAL:	56"

TREE HEALTH: 1: DEAD; 2: DISEASE/STRUCTURAL ISSUES; 3: VIABLE TREE WITH CARE; 4: GOOD HEALTH; 5: EXCELLENT HEALTH
TREE GRADES: 1-2: NOT PROTECTED; 3-5: PROTECTED

the Planning and Zoning Commission may be appealed to the City Council.

SUBSECTION 03.05: TREESCAPE PLAN EXPIRATION

A treescape plan shall be valid for two years from the approval date. A treescape plan that is approved in conjunction with a preliminary plat, final plat, site plan, and/or building permit shall be valid for the same amount of time as the corresponding plan and/or permit.

SUBSECTION 03.06: BUILDER/CONTRACTOR RESPONSIBILITY

It shall be the responsibility of the builder/contractor to verify that a parcel of land has an approved treescape plan prior to commencing work on a property. In addition, the builder/contractor shall be responsible for ensuring that all construction activities meet the requirements of this *Article*.

SECTION 04 | TREE REMOVAL PERMIT

Once a treescape plan has been approved for a property, a tree removal permit will be required to remove any tree(s). Tree removal permits may be approved administratively by the Director of Planning and Zoning or his/her designee, or forwarded on to the Planning and Zoning Commission for approval. Feature trees may not be removed without the approval of the Planning and Zoning Commission. All trees removed through this process will require mitigation in accordance with the sections contained in this Article.

SECTION 05 | TREE MITIGATION REQUIREMENTS

The tree mitigation requirements shall apply for all properties that do not fall under the exemptions listed in Section 01.03, *Exemptions*, of this *Article*. In addition, if a treescape plan or tree removal permit allows for the removal of a protected or feature tree(s), the applicant and/or property owner shall account for the number of inches of tree being removed using the following criteria:

(A) *Primary Protected Trees*. Primary protected trees measuring four inches through 25-inches DBH shall be replaced on an inch-for-inch basis *(i.e. the total number of caliper inches of tree being replaced shall equal the total number of caliper inches being removed*).

(B) *Secondary Protected Trees*. *Cedar Trees* measuring eight (8) feet or greater in height shall be replaced with a single, four (4) inch caliper tree

(C) *Featured Trees*. Featured trees (*i.e. all trees greater than 25-inches*) shall be replaced with twice the number of inches being removed (*i.e. the total number of caliper inches of tree being replaced shall be twice the number of caliper inches being removed*).

(D) *Non-Protected Tree*. No mitigation will be required for the removal of any tree that is less than four (4) inches DBH or a *Cedar Tree* less than eight (8) feet in height. In addition, no mitigation shall be required for the removal of Bois d'Arc, Willow, Cottonwood, Honey Locust, Chinaberry, and Hackberry trees.

TABLE 2: SUMMARY OF MITIGATION REQUIREMENTS

Type of Tree	Mitigation Value	Mitigation Requirement	Example of Mitigation Requirements
Primary Protected Trees	4" – 25"	1":1"	A 20-inch tree would require 20-inches of mitigation.
Secondary Protect Trees	8' or Greater	1 x 4" Caliper Tree	An eight (8) foot tree would require one (1), four (4) inch caliper tree.
Featured Trees	Greater Than 25"	1":2"	A 30-inch tree would require 60-inches of mitigation.

(E) *Tree Preservation Credits*. For each saved oak, pecan or elm tree(s) 25-inches DBH or greater the mitigation balance can be reduced on an inch-for-inch basis for up to 20.00% of the total mitigation balance (*i.e. total mitigation balance × 20.00% = total eligible tree preservation credit*).

(F) *Mitigation Balance*. The total mitigation balance (*i.e. mitigation balance − tree preservation credits = total mitigation balance*) may be satisfied through one or a combination of the following:

(1) The developer/property owner can provide the required number of trees -- *four (4) inch caliper DBH minimum* -- on the subject property to offset the total mitigation balance (*e.g. if the total mitigation balance is 12-inches then three (3), four (4) inch caliper trees could be planted on-site to satisfy the mitigation requirements*).

(2) The developer/property owner may petition the parks and recreation department to accept the required number of trees -- *four (4) inch caliper DBH minimum* -- to offset the total mitigation balance (*e.g. if the total mitigation balance is 12-inches then three ~~([3),-]~~, four ~~([4)-]~~ inch caliper trees could be submitted to the parks and recreation department to satisfy the mitigation requirements*). Depending on the number of trees being submitted the Director of Parks and Recreation or his/her designee could require a facilities agreement be approved prior to accepting the trees.

(3) Tree preservation credits may be purchased at a rate of $200.00 per inch for up to 20.00% of the total replacement inches. For example, if total mitigation required was 100-inches the developer/property owner could pay a total of $4,000.00 [*i.e. (20% × 100) × $200.00 = $4,000.00*] into the City's tree fund; however, the developer/property owner would still be required to satisfy a remaining tree mitigation balance of 80-inches. In addition, if the developer/property owner plants a tree on [*1*] the property for which the tree preservation credit was assessed or [*2*] a location that is mutually agreed upon by the City and the developer/property owner, the developer/property owner shall be eligible for a reduction in the cost of tree preservation credits of up to 50.00%. These funds will be deposited in the City's tree mitigation fund and will be used for planting trees in the City's parks, medians, street rights-of-way, or other similar areas as determined by the parks and recreation department.

(4) Trees required by Article 08, *Landscape Standards*, of the Unified Development Code (UDC) shall be permitted to be subtracted from the total mitigation balance if provided on site as part of the required landscaping.

Formatted: Font: Italic

(G) *Alternative ~~tree~~ Tree ~~mitigation~~ Mitigation ~~settlement~~ Settlement ~~agreements~~Agreements*. In certain cases, the City Council -- *upon recommendation from the Planning and Zoning Commission* -- may consider an *~~alternative~~ Alternative ~~tree~~ Tree ~~mitigation~~ Mitigation ~~settlement~~ Settlement ~~agreement~~ Agreement* where, due to hardship, the applicant is unable to meet the requirements of this *Article* or where it is determined that adherence to the tree mitigation requirements will create a hardship for an applicant. These funds will be deposited in the City's tree mitigation fund and will be used for planting trees in the City's parks, medians, street rights-of-way, or other similar areas as determined by the parks and recreation department.

SECTION 06 | TREE PLANTING AND TRANSPLANTING REQUIREMENTS

SUBSECTION 06.01: REPLACEMENT TREES

All replacement trees shall be subject to the following planting requirements:

(A) All replacement trees must be maintained in a healthy growing condition for a minimum of two (2) years from the date of planting.

(B) Replacement trees shall not be planted within an area such that the mature root zone will interfere with underground public utility lines, and/or where the mature canopy of the tree will interfere with overhead utility lines. In addition, no tree shall be planted within five (5) feet of an existing fire hydrant, water line or sewer line.

(C) Replacement trees shall be selected from the reclamation/tree preservation section of *Table 1.1: Required Trees by District* contained in Appendix C, *Landscape Guidelines and Requirements*, of the Unified Development Code (UDC).

(D) All replacement trees shall be a minimum of ~~four (4)~~three (3) caliper inches DBH.

REFERENCE: AMERICAN STANDARD FOR NURSERY STOCK; ANSI Z60.1-2014 STANDARDS

SUBSECTION 06.02: TRANSPLANTING TREES

All trees conforming to the species permitted in the reclamation/tree preservation section of *Table 1.1: Required Trees by District* contained in Appendix C, *Landscape Guidelines and Requirements*, of the Unified Development Code (UDC) can be transplanted to meet the replacement requirements and shall be subject to the following planting requirements:

(A) All trees three (3) caliper inches DBH through six (6) caliper inches DBH are eligible for transplanting.

REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS

(B) All transplanted trees must survive and be maintained in a healthy condition for a minimum of two (2) years from the date of transplanting. The developer/property owner who received the transplanting credit must replace trees that do not meet these criteria.

(C) Transplanted protected trees will be listed in the tree survey with the notation that they are being transplanted.

SECTION 07 | TREE PROTECTION DURING CONSTRUCTION

SUBSECTION 07.01: TREE PROTECTION

(A) Prior to any construction or land development, the developer shall clearly mark all protected and feature trees with an aluminum tag -- *indicating the trees relationship to the treescape plan* -- and flag (*i.e. bright fluorescent red vinyl tape*). The red tape should be wrapped around the main trunk of the protected and/or feature tree at a height of approximately five (5) feet so that the tape is clearly visible during construction. In those instances where a protected tree is so close to the construction area that construction equipment could possibly damage the tree, a protective fence shall be required. The protective fence must be maintained during all construction phases until the project is finished.

(B) The developer or property owner shall be responsible for preserving all protected and feature trees during construction. This includes hiring an arborist, if necessary.

SUBSECTION 07.02: MATERIAL AND EQUIPMENT STORAGE

The developer or contractor shall not store any material or equipment under the canopy of any protected or featured tree. During the construction stage of the development no cleaning or storage of equipment or material shall be allowed within the drip line of any tree scheduled to be preserved on an approved treescape plan. Those materials include, but are not limited to, oils, solvents, mortar, asphalt and concrete.

SUBSECTION 07.03: SIGNS

No signs, wire or other attachments shall be affixed to any tree scheduled to be preserved on an approve treescape plan.

SUBSECTION 07.04: TRAFFIC

No vehicular traffic, construction equipment traffic or parking shall take place within the drip line of any tree unless on existing street pavement. This restriction does not apply to single incident access for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine mowing operations.

SUBSECTION 07.05: GRADE

No grade change in excess of two (2) inches shall be allowed within the drip line of any protected or featured tree unless adequate construction methods are approved beforehand. If approved, major grade changes (*i.e. two [2] inches or greater*) within the critical root zone of a protected or featured tree will require additional measures to maintain proper oxygen and water exchange with the roots. Root pruning will be required when disturbance will result in root exposure.

SUBSECTION 07.06: TREE FLAGGING

At the time of submittal of a treescape plan all protected trees or feature trees should be marked with an aluminum tag, which indicates its relationship to the treescape plan, and clearly flagged with bright fluorescent red vinyl tape. The red tape should be wrapped around the

Formatted: Underline
Formatted: Underline
Formatted: Underline
Formatted: Underline
Formatted: Underline
Formatted: Font: Italic
Formatted: Font: Italic

main trunk of the protected tree at a height of approximately four (4) feet so that the tape is clearly visible.

SUBSECTION 07.07: BORING

Boring of utilities under protected or feature trees shall be required in those circumstances where it is not possible to trench around the critical root zone of a protected or feature tree. When required, the length of the bore shall be the width of the critical root zone plus two (2) feet on either side of the critical root zone and shall be at a minimum depth of 48-inches.

SUBSECTION 07.08: DAMAGE

Any physical damage to a tree being preserved for a tree credit that is considered to place the survival of the tree in doubt shall be eliminated as a credited tree and will require additional trees to planted in its place at the required ratio. A certified arborist shall be consulted to determine whether physical damage to a tree places the survival of the tree in doubt.

SECTION 08 | TREE PRUNING

SUBSECTION 08.01: GENERAL

No protected or featured tree shall be pruned in a manner that would significantly disfigure the tree, or in a manner that would lead to the death of the tree.

REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS

SUBSECTION 08.02: PRUNING BY UTILITY COMPANIES

Utility companies may prune trees as necessary to reestablish disrupted service or maintain existing service without obtaining a permit.

REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS

SUBSECTION 08.03: ALLOWED PRUINING

A protected or featured tree may be pruned in cases where it is necessary to remove branches broken during the course of construction, or where protected or featured trees must be pruned to allow construction of a structure. Pruning should be done in manner that does not significantly disfigure the tree or lead to the death of the tree.

SECTION 09 | TREE FUND

SUBSECTION 09.01: ADMINISTRATION OF THE TREE FUND

The City shall administer the tree fund. The funds shall be used to purchase plant material as permitted by this ordinance, install (*including the equipment or labor necessary to install the plant materials*) and maintain trees on public property including the necessary irrigation equipment, to acquire wooded property that remains in a naturalistic state in perpetuity, to perform and maintain a city-wide tree inventory and to educate citizens and developers on the benefits and value of trees. The City Council shall have the ability to adopt alternative methods of creating tree credits and methods of distribution of trees and/or funds for purchasing trees.

Funds collected as a result of the mitigation of trees may be used to purchase trees, both deciduous and coniferous, any woody type plant or any perennial appropriate for the climatic conditions of the north Texas region.

SUBSECTION 09.02: COLLECTION OF MONEY FOR THE TREE FUND

Money contributed to the tree fund shall be paid prior to the issuance of a building permit and/or prior to the filing of a final plat.

SECTION 10 | VIOLATIONS

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this Article shall be fined $500.00 for each offense. The unlawful damage, destruction or removal of each tree shall be considered a separate incident and each offence subjects the violator to the maximum penalty of $500.00 for the first tree with each subsequent tree increasing by $500.00 increments.

No acceptance of public improvements shall be authorized and no Certificates of Occupancy (CO) shall be issued until all fines for violations of this Article have been paid to the City.

ARTICLE 11 | DEVELOPMENT APPLICATIONS AND REVIEW PROCEDURES

SECTION 01 | GENERAL
SECTION 02 | ZONING
SECTION 03 | SITE PLANS
SECTION 04 | PLATS
SECTION 05 | MISCELLANEOUS CASES
SECTION 06 | CERTIFICATE OF APPROPRIATENESS (COA)
SECTION 07 | BUILDING PERMIT FEE WAIVER
SECTION 08 | SMALL MATCHING GRANTS
SECTION 09 | EXCEPTIONS AND VARIANCES
SECTION 10 | FEE SCHEDULE

SECTION 01 | GENERAL

SUBSECTION 01.01: 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 01.02: 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 04.03, *Jurisdiction*, of Article 02, *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 01.03: 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 01.04: 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.

Alternatively, should an applicant fail to address staff's comments before the resubmittal deadline prior to the Planning and Zoning Commission meeting, the application shall be considered to be admiratively denied. If an application is denied in this manner it shall be considered to be denied without prejudice, and there shall be no restrictions on when a new application can be resubmitted; however, new applications will be required to be submitted in accordance with the City's procedures for submitting development applications.

SUBSECTION 01.05: 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,

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Font: Italic

Formatted: Font: 5 pt

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 02 | ZONING

SUBSECTION 02.01: 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 (UDC). 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 02.02: 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 04, *Permissible Uses*, of this Unified Development Code (UDC). 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 (SUP) 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.

(E) *Expiration*. Unless otherwise specified in a Specific Use Permit (SUP) ordinance, ~~A~~a Specific Use Permit (SUP) shall automatically expire due to inactivity if:

(1) 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

(2) A building permit or Certificate of Occupancy (CO) expires, is terminated or revoked under the requirements of the Codes of the City of Rockwall.

(F) *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).

(G) *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 and Zoning 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.

(H) *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 02.02(E).

SUBSECTION 02.03: 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 02.03(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

Formatted: Font: 5 pt

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 table/postpone or 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 20.00% 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 02.04: 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 02.05: 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 02.05(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.

Formatted: Font: Italic

SECTION 03 | SITE PLANS

SUBSECTION 03.01: 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.

SUBSECTION 03.02: 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:

(1) 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.

(2) 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.

Formatted: Font: Italic

SUBSECTION 03.03: 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 03.04: 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 03.04: 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 03.05: 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 03.06: 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 01.02, *Submission of an Application*. In the event the Director of Planning and Zoning determines that the

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

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 04 | PLATS

SUBSECTION 04.01: 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 05 | MISCELLANEOUS CASES

(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 06 | CERTIFICATE OF APPROPRIATENESS (COA)

SUBSECTION 06.01: 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 06.03, *Historic Overlay District*, of Article 05, *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 that is visible until a Certificate of Appropriateness (COA) has been approved by the Historic Preservation Advisory Board (HPAB).

SUBSECTION 06.02: SUBMITTAL REQUIREMENTS

The procedures and requirements for a Certificate of Appropriateness (COA) are outlined in Subsection 06.03, *Historic Overlay District*, of Article 05, *District Development Standards*.

SECTION 07 | BUILDING PERMIT FEE WAIVER

SUBSECTION 07.01: 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 07.02: 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 50.00% 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 50.00% 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 50.00% 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 07.03: 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

Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic, Underline, Font color: Accent 5
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic

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 08 | SMALL MATCHING GRANTS

SUBSECTION 08.01: 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 08.02: 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 08.03: 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 08.04: CERTIFICATION AND VERIFICATION PROCESS

Applications for the Small Neighborhood Matching Grants pursuant to Subsection 08.03 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 09 | EXCEPTIONS AND VARIANCES

SUBSECTION 09.01: 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 20.00% natural or cultured stone.

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

(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 06, *Overlay Districts*, of Article 05, *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 09.02: 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 06.02, *General Overlay Districts Standards*, of Article 05, *District Development 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 90.00% masonry (*i.e. brick, stone, or cultured stone*).

(G) The inclusion of 20.00% 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 09.03: 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 (PD)	$200.00 + $15.00/Acre
(4) MISCELLANEOUS	
(a) Variance/Special Exception*	$100.00
(b) Tree Removal	$75.00
(c) Other Miscellaneous Requests	$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

NOTES:
*: See Section (D) below.

(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-acres x $15.00/Acres = $78.75 + $200.00 [*Base Fee*] = $278.75 [*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.

(D) *Non-Compliant Structure Fees*. Fees associated with requests for a Site Plan, Specific Use Permit (SUP) or a Variance/Special Exception that deal with structures that were [*1*] constructed without a building permit, or [*2*] that were *not* constructed in conformance with an approved building permit shall be increased by $1,000.00. For example, a 5.25-acre property that is requesting approval under this section would be calculated as follows:

5.25-acres x $15.00/Acres = $78.75 + $200.00 [*Base Fee*] = $278.75 [*Typical Application Fee*] + $1,000.00 [*Forgiveness Fee*] = $1,278.75 [*Fee Due*]

ARTICLE 13 | DEFINITIONS

SECTION 01 | GENERAL
SECTION 02 | WORDS, TERMS, AND LAND USES DEFINED

SECTION 01 | GENERAL

SUBSECTION 01.01: 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 02 | WORDS, TERMS, AND LAND USES DEFINED

SUBSECTION 02.01: 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 of the City of Rockwall.

(2) *Agriculture*. ~~The planting, cultivating, harvesting and storage of grains, hay or plants, or vineyards, commonly grown in Rockwall County~~The practice of cultivating soil, producing crops, and raising livestock for food, fiber, fuel, and other products. 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 (3) 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 right-of-way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street; it is also a public space ~~or way~~, that is 20-feet or less in width, and 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 self-contained housing unit that is part of a larger building or complex ~~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 (s*ee Dwelling Unit*).

(6) *Apartment House or Building*. A building that contains numerous individual housing units~~arranged, intended or designed for more than two families~~ (*see Dwelling Unit, Multiple*).

(7) *Associated Recreation*. Leisure activities and amenities that are linked or connected to an area of ~~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 individual or entity who has been given legal authority to act on behalf of another person, organization, or entity. ~~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 floor or level of a building that is partially or entirely below ground level~~story having more than one-half of its height below the average level of the adjoining ground.~~ A *Basement* or ~~cellar~~ *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~~Director of Planning and Zoning shall determine the outline of the block.

(12) *Boardinghouse or Lodging House*. A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five (5) 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 "~~*bBuildable area*~~*Area*" refers to the portion of a parcel or tract of land that is suitable and legally permitted for the construction of buildings or structures, while complying with ~~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~~ the requirements of the~~is~~ Unified Development Code (UDC).

(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. In addition, ~~, except that~~ two (2) buildings connected by a breeze way shall not be deemed as one (1) 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, parking structures, and accessory buildings.

(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 ~~c~~City charged with implementation, inspection, and enforcement of the building codes.

~~(20) *Building, Primaryincipal*. A principal primary building refers to the main or principal structure on a property that serves as the primary residential, commercial, or industrial space. It is the main building that is intended for the primary use or occupancy on the site.is one~~

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic, Underline

~~in which a main use of the lot on which it is located is conducted.~~

~~(21)~~(20) *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 ~~within~~ the building line ~~within~~ in 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.

(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).

(b) *Side Building Setback Line (Defining a Side Yard)*. A line parallel to an adjacent lot which the building sides up to.

(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.

~~(22)~~(21) *Caliper*. The diameter of the trunk measured ~~six (6) 4½ feetinches~~ above ground level ~~up. to and including four (4) 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)~~(22) *Canopy or Shade Tree*. A large, typically deciduous or evergreen tree that forms the uppermost layer or canopy. These trees have a tall and broad crown that provides shade and shelter ~~species of tree which normally bears crown foliage no lower than six feet above ground level upon maturity~~.

~~(24)~~(23) *Carport*. A structure which is open on at least two (2) sides, covered with a roof and constructed specifically for the storage of one or more automobiles.

~~(25)~~(24) *Certificate of Occupancy*. An official document issued by the City of Rockwall to certify that a building or land use complies with applicable City requirements, and is safe for occupancy. ~~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 (UDC).~~

~~(26)~~(25) *City*. The City of Rockwall, Texas.

~~(27)~~(26) *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)~~(27) *Cluster Development*. A development strategy that concentrates buildings and infrastructure in specific areas while preserving open space and natural resources in surrounding areas. Cluster development encourages the grouping of buildings into compact clusters, leaving larger portions of the land vacant or minimally disturbed ~~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)~~(28) *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)~~(29) *Commission*. The Planning and Zoning Commission of the City of Rockwall, Texas.

~~(31)~~(30) *Comprehensive Plan*. ~~The~~ A long-term policy document that serves as a guide for future growth, development, and land use within the ~~comprehensive plan of the~~ City. It outlines a vision for the community's future and establishes goals, policies, and strategies to achieve desired outcomes. ~~of Rockwall and includes any unit or a part of such unit separately adopted and any amendment to such plan or parts thereof.~~

~~(32)~~(31) *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.~~

(32)

~~(34)~~(33) *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 (UDC).

~~(35)~~(34) *Density*. The ratio of dwelling units per gross acre of platted area being developed.

~~(36)~~(35) *District*. A zone or geographic area established by the comprehensive plan ~~within the municipality within~~ which certain zoning or development regulations apply.

~~(37)~~(36) *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 (1) family is living independently of another is based on one or more of the following criteria:

(1) Separate sanitary facilities.

(2) Separate kitchen facilities.

Formatted: Indent: Left: 0", Hanging: 0.31", Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.25", No widow/orphan control

(3) Separate entrances.

(4) Separate utilities.

~~(38)~~(37) *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.

~~(39)~~(38) *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)~~(39) *Evergreen Tree or Shrub*. A tree or shrub ~~of a~~ species which normally retains its leaves throughout the year.

~~(41)~~(40) *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 (5) people~~(excluding servants)~~ living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a nonprofit, cost-sharing basis.

~~(42)~~(41) *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)~~(42) *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)~~(43) *Frontage*. The width of a property or parcel of land along the front boundary that is adjacent to or faces the street or public right-of-way. It represents the distance between the side boundaries of the lot, measured along the front property line.~~All the property abutting on one side of a street between two intersecting streets, measured along the street line.~~

~~(45)~~(44) *Garage Apartment*. A dwelling unit attached to a private garage.

~~(46)~~(45) *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)~~(46) *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)~~(47) *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)~~(48) *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)~~(49) *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)~~(50) *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)~~(51) *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)~~(52) *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)~~(53) *Kindergarten*. A school for more than five (5) children of preschool age, in which constructive endeavors, object lessons or educational games are prominent features of the curriculum.

~~(55)~~(54) *Landscape Architect*. A person licensed to practice or teach landscape architecture in the State of Texas pursuant to state law.

~~(56)~~(55) *Landscape Buffer*. A strip of land:

(a) Which serves a buffer function on the perimeter of a building site adjacent to another building site, residentially zoned or used property, or to a public or private street or alley; and

(b) At least 80% of which is covered by natural grass, ground cover, or other natural plant materials (*excluding screening*).

~~(b)~~(c) Which is exclusive of any easements or right-of-way.

~~(57)~~(56) *Landscaping*. Trees, shrubs, ground cover, earthen berms, vines, grass, water, decorative features such as fountains, or other material approved by the City Council.

~~(58)~~(57) *Large Shrub*. A shrub which normally reaches a height of six (6) feet or more upon maturity.

~~(59)~~(58) *Large Tree*. A tree of a species which normally reaches a height of 30 feet or more upon maturity.

~~(60)~~(59) *Legislative or Governing Body*. The City Council of the City of Rockwall, Texas.

~~(61)~~(60) *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.

~~(62)~~(61) *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.

Formatted: Font: Italic

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", Don't add space between paragraphs of the same style, No bullets or numbering, Widow/Orphan control

~~(63)~~(62) *Lot Area, Minimum*. The smallest allowable size of a parcel of land as specified by the zoning district. ~~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)~~(63) *Lot, Corner*. A lot abutting upon two (2) 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, and has a front yard setback adjacent to each street. ~~.~~

~~(65)~~(64) *Lot Depth*. The length of a line connecting the midpoints of the front and rear lot lines.

~~(66)~~(65) *Lot, Double Frontage, or Through Lot*. A lot abutting on two (2) nonintersecting public streets as distinguished from a corner lot. These lots have a front yard setback adjacent to each street.

~~(67)~~(66) *Lot, Frontage*. The length of street frontage between property lines.

~~(68)~~(67) *Lot, Interior*. A lot whose side lot lines do not abut upon any public street.

~~(69)~~(68) *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)~~(69) *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.

(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.

~~(71)~~(70) *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)~~(71) *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)~~(72) *Lot Width*. The horizontal distance between side property line~~s~~, which cannot be less than the minimum lot width ~~---~~ *per the zoning district* ~~---~~ at any point on the lot~~s, measured at the front setback line~~.

~~(74)~~(73) *Lots in Separate Ownership at the Time of the Passage of this Unified Development Code (UDC)*. 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 (UDC) was derived.

~~(75)~~(74) *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)~~(75) *Manufactured Home or HUD-Code Manufactured Home*. A dwelling structure meeting the definitions and requirements specified in ~~chapter~~ Chapter 1201, Manufactured Housing, of the ~~State of~~ Texas Occupational Code.

~~(77)~~(76) *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.

~~*Modular*~~*Masonry Materials*.

- Brick.
- Natural or ~~quarried~~ Quarried ~~stone~~Stone.
- Cast or ~~cultured~~ Cultured ~~stone~~Stone (*Outside of Overlay Districts ONLY*).
- Glass ~~block~~ Block or ~~glass~~Glass.
- Tile.
- Custom ~~concrete~~ Concrete ~~masonry~~ Masonry ~~units~~ Units (*CMU; Normal ~~Or~~ or Heavy Weight Blocks ~~With~~ with ~~An~~ an Integral Color ~~That~~ that ~~Is~~ is Sandblasted, Burnished ~~Or~~ or ~~Has~~ has ~~A~~ a Split Face*).

~~(78)~~(77) *Mobile Home*. A dwelling structure meeting the definitions and requirements specified in Chapter 1201, *Manufactured Housing*, of the Texas Occupational Code~~chapter 1201 of the State of Texas Occupational Code~~.

~~(79)~~(78) *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.

~~(80)~~(79) *Municipal Uses*. Facilities owned or controlled by the City of Rockwall, including, but not limited to, office buildings, maintenance shops, treatment plants; community centers.

~~(81)~~(80) *Non-Conforming 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 non-conforming use if established prior to the passage of this Unified Development Code (UDC).

~~(82)~~(81) *Non-Permeable Coverage*. Coverage with ~~a~~ non-permeable ~~pavement~~surface.

~~(83)~~(82) *Parking Area*. ~~Space~~ Land used exclusively for the parking of vehicles, ~~and~~ where no other business is conducted, and is paved to city specifications.

Formatted: Hyperlink

Formatted: Hyperlink, Font: Not Italic

Formatted: Hyperlink

Formatted: Font: Italic

Formatted: Font: Italic, Underline

Formatted: Font: Italic

~~(84)~~(83) *Parking Space*. A designated area within a parking ~~facility~~garage, parking lot or on a street where a motor vehicle can be parked legally and safely~~., 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.

~~(85)~~(84) *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.

~~(86)~~(85) *Paving*. Material which provides an all-weather surface for the maneuvering, parking, and storage of vehicles and/or equipment. All required paving shall meet the standards specified by applicable city specifications.

~~(87)~~(86) *Permitted Use*. A use specifically allowed in one (1) or more of the various districts without the necessity of obtaining a use permit.

~~(88)~~(87) *Person*. Any individual, association, firm, corporation, governmental agency or political subdivision.

~~(89)~~(88) *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.

~~(90)~~(89) *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.

~~(91)~~(90) *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.

~~(92)~~(91) *Planning Consultant*. A private practitioner in planning, who is a member of the American Institute of Certified Planners (AICP).

~~(93)~~(92) *Plat*. A map of a subdivision or site plan that represents a tract of land, showing the boundaries and location of individual properties, easements, and streets.

(93) *Primary Building or Principal Building*. A primary building or principal building refers to the main or principal structure on a property that serves as the primary residential, commercial, or industrial space. It is the main building that is intended for the primary use or occupancy on the site.

(94) *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)~~(b) Designed to be self-propelled or permanently towable by a light duty truck; and

~~(d)~~(c) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(95) *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*).

(96) *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 without employee table service, taken out, or delivered to customers' location. Drive-through "pickup/order" window permitted provided that there is no public address system or speakers.

(97) *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.

(98) *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).

(99) *Right-of-way line*. A dividing line between a lot, tract, or parcel of land and the public right-of-way.

(100) *Screening*. Screening that complies with the construction and maintenance regulations in Section 05.02, *Landscape Screening*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).

(101) *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.

(102) *Setback*. See Building setback line.

(103) *Sign*. A name, identification, image, description, display or illustration which is affixed to, painted, or represented directly or indirectly upon a building, window, 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.

(104) *Site*. A single lot or combination of continuous lots that may or may not be owned separately, that will be developed under one (1) unified plan, as if it were a single parcel of land.

(105) *Site Plan*. The development plan for one (1) 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.

(106) *Small Tree*. A tree of a species which normally reaches a height of less than 30 feet.

(107) *Soil*. A medium that plants will grow in.

(108) *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.

(109) *Storage*. The housing of physical products, materials, or inventory in a designated location internal to a non-residential land use, until they are needed for use or sale directly to a consumer. Storage shall not be considered warehousing and is not associated with wholesale operations. ~~accumulation, stocking, or depositing of materials or items.~~ In addition, this~~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.

(110) *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 50.00% 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.

(111) *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.

(112) *Street Line*. The dividing line between the street right-of-way and the abutting property.

(113) *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.

(114) *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.~~

(115) *Subdivision*. The division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for sale, development or lease.

(116) *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.

(117) *Variance/Exception*. 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.

(118) *Visibility Triangle*. The term *visibility triangle* as defined in Section 01.08, *Public Right-of-Way Visibility*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC).

(119) *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.

~~(119)~~(120) *Warehousing*. The storage of physical products or materials in a designated facility or warehouse ~~unitl~~until they are needed for distribution or sale. Warehousing is generally associated with industrial or wholesale land uses.

~~(120)~~(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.

~~(121)~~(122) *Xeriscaping~~/Smartscaping~~*. 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 02.02: 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~~housing, raising, or training more than three (3) dogs, ~~or three (3)~~ cats, or ~~three (3) of~~ any other domesticated animal over the age of three (3) months old as a~~-- *not including livestock or farm animals* -- are housed, boarded, raised or trained as a~~ commercial enterprise, excluding livestock or farm animals. This definition ~~does not include~~excludes 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 that is larger than an *Animal Clinic for Small Animals* ~~for~~that provid~~inges~~ veterinary and surgical care to pets and animals. Services include -- *but are not limited to* -- medical consultations, surgery, diagnostics, and emergency care. ~~the diagnosis, treatment, or hospitalization of animals.~~

(4)

Formatted: Font: 5 pt

Formatted: Normal, No bullets or numbering

Formatted: Font: Not Italic, No underline

Formatted: Font: Italic, Underline

Formatted: Font: Italic

Formatted: Indent: First line: 0"

(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 biproducts 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 S~~supplementary structure or building on a residential property that is secondary to the primary dwelling and serves a supportive or complementary function. These structures are typically used for purposes such as storage, recreation, or housing equipment and are ancillary to the primary residential use of the property. ~~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 residential property where lodging accommodations are provided for short-term guests, typically on a nightly basis, in a manner that is ancillary to the primary residential use of the property. Bed and Breakfast establishments offer overnight accommodations and breakfast services to travelers, often in a more personalized setting compared to larger hotels or *Short-Term Rentals (STRs)*. Typically, Bed and Breakfast establishments are operated by the property owner who ~~may~~shall reside on-site.~~single-family owner-occupied house offering rooms with breakfast on a nightly basis for a fee.~~

(3) *Caretakers Quarters/Domestic or Security Unit*. A ~~residen~~residential unit or structure located on a property primarily for the accommodation of individuals responsible for overseeing and maintaining the property, providing domestic services, or ensuring security. These quarters typically serve as residences for caretakers, groundskeepers, domestic staff, or security personnel employed by the property owner. The primary function of these quarters/units are intended to support the operation and maintenance of the property rather than serve as a primary residence for the property owner.~~ce 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 utilized for religious or spiritual practices, typically associated with a specific faith or belief system. Monasteries or temples are often characterized by their communal living arrangements, places of worship, meditation spaces, and facilities for religious instruction and rituals. These establishments may also include amenities such as gardens, libraries, dining halls, and guest accommodations for visitors or pilgrims. Monasteries are commonly associated with religious orders or communities of monks or nuns, while temples may serve as places of worship for congregations or followers of a specific faith.~~ occupied by a community of monks, nuns, priests, or similar sects living under religious vows.~~

(5) *Duplex*. A residential building containing two (2) separate housing units, each with its own entrance and typically sharing a common wall or floor/ceiling. Duplexes are designed to accommodate two (2) households within a single structure, providing independent living spaces~~ on one (1) lot or parcel of land~~. Each unit in a duplex typically includes a kitchen, bathroom, bedrooms, and living areas, offering occupants a level of privacy similar to that of a single-family dwelling. Duplexes may be arranged side-by-side ~~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. Commercial garages typically accommodate a variety of vehicles including cars, trucks, buses, or motorcycles, and may offer storage services. These facilities may range in size from small to large operations and serve commercial fleets or specialize in specific types of vehicles.

(7) *Residential Garage*. A ~~residential~~ structure or part of a residential property designed and used primarily for ~~accessory building used for~~ the storage motor vehicles belonging to the property owner and occupants of the main residential structure and are intended to provide shelter and security for vehicles from the elements and potential theft or vandalism. In addition, to vehicle storage, residential garages may also serve as workshops, storage spaces for tools and equipment, or multi-purpose areas for recreational activities. ~~.~~ These structures are typically attached to the primary structure; however, they may also be a detached structure.

(8) *Guest Quarters/Secondary Living Unit*. A self-contained ~~n~~ accessory building that is ancillary to the primary dwelling. Guest Quarters or Secondary Living Units are designed to provide separate temporary accommodations for ~~for the temporary occupancy of~~ guests, or family members of the primary owners or occupants. These units may include amenities such as a bedroom, bathroom, and living area~~;~~. ~~H~~However, a ~~full~~ kitchen facilities ~~are~~is not permitted. These dwellings are not to be rented or otherwise used as a separate domicile.

~~(9)~~ *Home Occupation*. A business or commercial activity ~~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, and 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.~~ Home occupations allow individuals to run small-scale businesses from their homes while maintaining the residential character of the neighborhood. These businesses are secondary to the primary residential use of the property and are intended to be compatible with surrounding residential properties.

~~(10)~~(9)

~~(11)~~(10) *Limited-Service Hotel*. A type of lodging establishment that offers basic accommodation services to guests without the extensive amenities typically found in full-service hotels. Limited service hotels provide essential amenities such as guest rooms, limited food and beverage options (*if any*), and minimal on-site facilities or services. These hotels are often characterized by their lower operating costs, streamlined operations, and competitive room rates. Limited service hotels may cater to budget-conscious travelers, business ~~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.~~

~~(12)~~(11) *Full-Service Hotel*. A type of lodging establishment that offers a comprehensive range of amenities and services to guests, typically including accommodations, dining options, meeting and event spaces, recreational facilities, and various guest services such as concierge assistance and room service. ~~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.~~

~~(13)~~(12) *Residence Hotel*. A hybrid lodging establishment that combines the elements of traditional hotels with long-term residential accommodations. Residence hotels typically offer full furnished, apartment style units equipped with kitchens or kitchenettes, living areas, and separate bedrooms, providing guests with a home-like environment during their stay. These establishments cater to both short-term and extended-stay guests, offering flexible accommodations for travelers, corporate clients, and individuals in need of temporary housing solutions. Residence hotels often provide additional amenities such as housekeeping services, on-site laundry facilities, fitness centers, business centers, and communal spaces to enhance the guest experience. ~~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.~~

~~(14)~~(13) *Motel*. A lodging establishment designed primarily to provide short-term accommodations for travelers, typically accessible directly from the exterior of the building. Motels are characterized by their layout of individual guest rooms or units arranged around a central parking area, allowing guests to park their vehicles near their rooms for convenient access. Motel rooms often feature basic amenities such as beds, bathrooms, and limited furnishings catering to travelers seeking affordable and convenient overnight stays. Motels may offer additional facilities and services such as swimming pools, continental breakfasts, and guest laundry facilities. ~~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.~~

Formatted: Font: Italic

~~(15)~~(14) *Multi-Family Development or Structure~~ or Development~~*. A residential property or 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. These developments may include~~ Examples of a *Multi-Family Development* include~~ Triplexes, Quad or Fourplexes, apartments, condominiums, or other types of multi-unit residential buildings. Multi-family developments typically offer amenities such as common areas, recreational facilities, parking, and landscaping, enhancing the quality of life for residents.~~and etcetera.~~

~~(16)~~ *Portable Building*. A temporary ~~buildin~~building, typically ~~a~~ pre-made off-site, and that doesn't have a permeant foundation (*i.e. the building can be moved*). They can be used ~~temporarily~~ for storage, offices, classrooms, or retail spaces.~~that may or may not have a foundation and is transportable.~~

(15)

~~(17)~~

~~(18)~~(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.

~~(19)~~(17) *Short-Term Rental*. A *Short-Term Rental* is a residential dwelling unit, apartment, condominium, or *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* in which the entire structure or a portion thereof is offered for rent for a period exceeding 12-hours, but less than 30 consecutive days, to a particular occupant. In practice, a *Short-Term Rental* is considered to be a residential land use, and is *not* considered to be a *Limited-Service Hotel*, *Full-Service Hotel*, *Residence Hotel*, *Motel*, or *Bed and Breakfast* as defined in this Unified Development Code (UDC). *Short-Term Rentals* can be further defined based on the following three (3) categories:

(a) *Short-Term Rental (Owner-Occupied Single-Family Home, Townhome, or Duplex)*. A single-family home, townhome, or duplex -- *or portion thereof* -- in which the property owner or operator, as reflected in a valid lease agreement, is a resident (*i.e. occupies the primary structure*) and is present during the rental. This includes when a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* is detached from the primary structure and either the primary or secondary structure is rented, but the owner or operator resides on the property.

(b) *Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex)*. A single-family home, townhome, or duplex -- *or a portion thereof* -- in which the property owner or operator does *not* occupy the dwelling unit during the rental, or that the owner or property owner does *not* occupy another dwelling unit -- *or portion thereof* -- on the same property (*i.e. the property owner or operator is not on-site as an occupant during the rental of the property*).

(c) *Short-Term Rental (Apartment or Condominium)*. An *Apartment* or *Condominium* (*or similar multi-family structure, excluding duplexes, but including triplexes or quadplexes, as defined in this Unified Development Code [UDC]*) -- *or a portion thereof* -- in which the property owner or operator may or may not be an occupant of the dwelling unit during the rental.

~~(20)~~(18) *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*).

~~(21)~~(19) *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*).

~~(22)~~ *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)

~~(23)~~ *Private Swimming Pool*. Aquatic facilities within residential or ~~commercial~~ properties that provide recreational, fitness, or therapeutic activities for individuals or groups. In residential settings, private swimming pools are owned and maintained by homeowners or communities, offering exclusive aquatic spaces for residents and their guests. ~~In commercial settings, pools are found in establishments like hotels, resorts, fitness centers, spas, and clubs, catering to paying patrons, members, or guests.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.~~

~~(24)~~(22) *Private Sports Court with Standalone or Dedicated Lighting*. A designated area within a residential or commercial property, that is independent of the primary structure, and is intended for sports and recreational activities. These courts are typically owned and maintained by individual homeowners, residential communities, or commercial establishments. They provide space for activities such as basketball, tennis, volleyball, or other sports, offering residents, guests, members, or patrons a convenient and private location to engage in physical exercise and leisure pursuits.

~~(25)~~ *Townhouse*. A single-family residential ~~structure~~ unit that is occupied by one (1) family and shares a common wall or walls with another single-family residential ~~unitstructure, but~~ that is on an individual lot and can be conveyed individually (*i.e. one [1] dwelling unit per lot*). Townhouses often feature multiple floors and compact footprint designs, providing private outdoor spaces such as yards or patios, and may be part of a larger planned development with shared amenities and common areas.~~These units are typically constructed in a series or group of units.~~

(23)

Formatted: Left

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: Italic

Formatted: Font: 5 pt, Italic

Formatted: Font: 5 pt, Underline

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: 5 pt, Bold, Italic

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: Italic

Formatted: Normal, No bullets or numbering, Widow/Orphan control, Tab stops: Not at 0.38"

Formatted: Font: 10 pt

Formatted: Font: 5 pt

Formatted: Normal, Don't add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: Not at 0.38"

Formatted: Font: 5 pt

Formatted: Font: 5 pt

Formatted: Normal, No bullets or numbering, Widow/Orphan control, Tab stops: Not at 0.38"

Formatted: Indent: Left: 0", First line: 0", Add space between paragraphs of the same style, Tab stops: Not at 0.38"

Formatted: Font: Italic, Underline

Formatted: List Paragraph, Add space between paragraphs of the same style, Tab stops: Not at 0.38"

~~(26)~~

~~(1)~~(24) *Urban Residential*. A development situated within the City's Downtown (DT) District -- *which is also referred to as the urban core*, -- that allows for single-family, single-family attached, townhomes, and lofts (*i.e. one [1] story of residential above commercial only*). This type of structure typically contains a mix of office, retail, and residential land uses.

(C) *Institutional and Community Service Land Uses.*

Assisted Living Facility. A facility that is licensed under Chapter 247, *Assisted Living Facilities*, of the Texas Health and Safety Code and offers housing and personal care services to elderly or disabled individuals who need support but not intensive medical care. It includes communal living units, dining services, and recreational activities. ~~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.~~

(1)

~~(1)~~ *Blood or Plasma Donation Center*. A ~~facility~~ commercial facility where individuals can donate blood or plasma for medical purposes. Staffed by trained professionals, it ensures a safe environment for donation and proper handling of donations for transfusions, treatments, or research.~~that allows for a person or persons to donate or sell blood or plasma for use in medical or other products.~~

(2)

(3) *Cemetery/Mausoleum*. A designated area for burying or entombing deceased individuals including animals. It includes grave plots, crypts, or niches, along with pathways and landscaping. These facilities provide a respectful resting place and space for remembrance.~~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 primarily used for religious gatherings, ceremonies, and worship services. It typically includes a sanctuary or worship hall, administrative offices, classrooms for religious education, and often ancillary facilities such as a fellowship hall, kitchen, and parking lot. These facilities serve as places for spiritual practice, community gatherings, and religious observance for adherents of a particular faith or denomination. ~~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.~~

(4)

~~(5)~~ *College, University, or Seminary*. An educational institution ~~established for educational purposes~~ offering ~~courses for study~~higher learning in academic or religious studies beyond that ~~of the~~ the secondary education level. These institutions provide a comprehensive environment for academic pursuits and personal development. This land use shall exclude *Trade Schools*.

(5)

~~(6)~~ *Convalescent Care Facility/Nursing Home*. A facility ~~providing primarily inpatient health care, personal care, or rehabilitative services on a 24-hour basis~~that provides long-term care, medical services, and assistance with activities of daily living for individuals who require ongoing support due to illness, injury, or advanced age. These facilities typically offer 24-hour nursing care, medication management, rehabilitation services, and assistance with personal care tasks such as bathing, dressing, and eating~~over a long period of time to persons chronically ill, aged, or disabled who need ongoing health supervision~~, but not hospitalization.

(6)

~~(7)~~

~~(8)~~(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.

~~(9)~~(8) *Crematorium*. A facility licensed, or qualified to be licensed, by the State of Texas for the cremation of human or animal remains.

~~(10)~~(9) *Daycare with Seven (7) or More Children*. A state licensed facility ~~-- *other than a public, parochial, or private school* --~~ excluding public ~~, parochial,~~ or private schools, dedicated to caring for~~providing care for~~ seven (7) or more children under the age of 14 years old. This care is provided for less than 24-hours per day, ~~(typically daytime hours only)~~during daytime hours, and is situated at a non-residential location ~~other than a residence~~.

~~(11)~~(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.

~~(12)~~(11) *Group or Community Home*. A facility that is licensed under Chapter 247, *Assisted Living Facilities*, of the Texas Health and Safety Code, and serves as 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.

~~(13)~~(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,

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: Not Italic, No underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Underline

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: 5 pt

Formatted: Font: 5 pt, No underline

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: Not Italic

Formatted: Font: Italic

Formatted: Font: Italic, Underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

employment offices, police and fire stations, and/or motor vehicle licensing and registration services.

~~(14)~~(13) *Halfway House*. A facility where persons are aided in readjusting to society following a period of imprisonment, hospitalization, homelessness, or institutionalized treatment.

~~(15)~~(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.

~~(16)~~(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.

~~(17)~~(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.

~~(18)~~(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.

~~(19)~~(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.

~~(20)~~(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.

~~(21)~~(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.

~~(22)~~(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.

~~(23)~~(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) *Trade School*. An educational institution specializing in vocational training for specific trades or professions. It provides hands-on instruction in areas like automotive repair, construction, and healthcare, preparing students for entry into their chosen field.

(25) *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.

(26) *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 01, *Land Use Schedule*, of Article 04, *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 or Medical Office Building*. An *office building* is a facility that ~~facility that~~ provides executive, management, administrative, or professional services not specifically listed elsewhere in Section 01, *Land Use Schedule*, of Article 04, *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. A *medical office building* is a facility designed to support a range of healthcare services, including diagnostics, treatments, and administrative functions. These services encompass procedures requiring medical devices or the expertise of a qualified medical professional. Examples include but are not limited to medical doctor offices, physical therapy, massage therapy, chiropractic care, Botox treatments, and sonograms.

(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

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

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.*

(a) ~~(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.

~~(4)~~*(b)* ~~(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.*

(a) ~~(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.

~~(10)~~(b) ~~(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) *Alcoholic Beverage Package Sales*. The act of selling beer, wine, and/or liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- in accordance with the requirements of this Unified Development Code (UDC) by a person, establishment, or place of business.

(2) *Alcoholic Beverage Store*. A standalone retail establishment that engages in the sale of beer, wine, *and* liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- to the general public for off-premise personal or household consumption.

(3) *Antique/Collectible Store*. A retail establishment that engages in the selling of works of art, furniture or other artifacts of an earlier period.

(4) *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.

(5) *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

Formatted: Font: Not Italic, No underline

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

Formatted: List Paragraph, Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Font: Italic, Underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: List Paragraph, Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

dancing, dining, and other entertainment activities that customarily occur in association with banquets, weddings, or receptions.

(6) *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.

(7) *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.

(8) *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.

(9) *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.

(10) *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.

(11) *Copy Center.* An establishment that reproduces, in printed form, individual orders from a business, profession, service, industry, or government organization.

(12) *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.

(13) *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.

(14) *Food Trucks/Trailers.* 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.

(15) *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.

(16) *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.

(17) *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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(18) *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.

(19) *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.

(20) *Self-Service Laundromat.* A facility where patrons wash, dry or dry clean clothing and other fabrics in machines operated by the patron.

(21) *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.

(22) *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.

(23) *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*.

(24) *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.

(25) *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.

(26) *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.

(27) *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.

(28) *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.

(29) *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.

(30) *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.

(31) *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.

(32) *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.

(33) *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.

(34) *Tailor, Clothing, and/or Apparel Shop.* An establishment engaged in custom making, altering, or the repair of clothing.

(35) *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.

(36) *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 Bond Services~~s~~*. 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 ~~or~~, 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.

~~(16)~~
~~(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)~~(17) *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) *New and/or Used 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

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

~~tuneups~~tune-ups, 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.

(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 for~~,~~ 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 Plating or~~/~~E Electro-~~p~~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 of ~~(~~Sand, Gravel, Oil and Other Materials~~)~~*. 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/or Machine Shop*. A workshop were 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.

~~Accessory Antenna~~Antenna for a Residential Property. A structure or device mounted on a residential property intended for the transmission or reception of electromagnetic signals, including but not limited to television, radio, satellite, or internet communications. Antennas may include satellite dishes, television antennas, radio antennas, or similar devices, and may be freestanding, mounted on buildings, or attached to existing structures. ~~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.~~

Formatted: Not Highlight

~~(2) *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.~~

~~(3)~~(2) *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.

~~(4)~~(3) *Antenna Dish.* An antenna that is parabolic or bowl-shaped and that receives and/or transmits signals in a specific directional pattern

~~(5)~~(4) ~~*Commercial*~~ *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure).* 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.

~~(6)~~(5) *Mounted or Attached 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.

(6) *Bus Charter and Service Facility*. A facility for the loading and discharging of train or bus passengers.

(7) *Commercial Drone Delivery Hub*. A dedicated facility used primarily for the distribution and management of unmanned aerial vehicles (UAVs), commonly known as drones, for the delivery of goods and services. This land use may also be incorporated as an accessory land use to retail, restaurant, or other permitted businesses in certain areas of the City.

(8) *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.

(9) *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.

(10) *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.

(11) *Private Streets.* A private vehicular access way shared by and serving two (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.

(12) *Radio Broadcasting.* A land use that broadcasts amplitude modulation or frequency modulation audio signals for general public reception.

(13) *Railroad Yard or Shop.* A facility used for the storage of railway cars, boxcars and engines and related equipment.

(14) *Recording Studio.* A facility that provides an environment for the purposes of writing, collaborating, preforming, instruction, preparing, or completing audio recordings.

(15) *Satellite Dish.* An oval or round, parabolic apparatus capable of receiving television communications.

(16) *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.

(17) *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.

(18) *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.

(19) *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.

(20) *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.

(21) *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.

(22) *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.

~~*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 unconceal~~

APPENDIX C | LANDSCAPING GUIDELINES AND REQUIREMENTS

SECTION 01 | INTRODUCTION
SECTION 02 | PURPOSE
SECTION 03 | DISTRICT LANDSCAPING REQUIREMENTS
SECTION 04 | TREE PLANTING GUIDELINES AND REQUIREMENTS
SECTION 05 | EFFECTIVE DATE AND APPLICABILITY
SECTION 06 | RECOMMENDED SHRUB VARIETIES
SECTION 07 | RECOMMENDED GRASSES
SECTION 08 | ALTERNATIVE PLANTING LIST

SECTION 01 | INTRODUCTION

These guidelines were drafted by the citizens and local experts for the purpose of outlining the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC), and to provide guidelines for plantings that are appropriate within the City of Rockwall.

SECTION 02 | PURPOSE

The purpose of the following appendix is to provide a general reference guide for meeting the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC). This appendix is not intended to be a comprehensive list of all plant materials that can be utilized for development within the City of Rockwall. The Director of Planning and Zoning or his/her designee can approve a landscape plan that includes tree, shrub, and grass varieties not indicated in this appendix upon a finding that the proposed planting is appropriate for the development.

SECTION 03 | TREE PLANTING GUIDELINES AND REQUIREMENTS

The following table and guidelines are a summary of the required tree planting requirements stipulated by Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).

TABLE 1: REQUIRED TREES BY DISTRICT

		OVERLAY DISTRICTS												
		IH-30	SH-205	SOV	SH-66	205-BY	N-205	E-66	FM-549	SH-276	DT	NON	XERI	REC
CANOPY TREES	AFGHAN PINE	X	X	X	X	X	X	X	X	X		X	X	X
	BALD CYPRESS	X				X			X	X	X	X		X
	BURR OAK	X	X	X	X	X	X	X	X	X	X	X	X	X
	CADDO MAPLE		X	X			X	X	X			X		X
	CEDAR ELM	X	X	X	X	X	X	X	X	X	X	X		X
	CHINQUAPIN OAK										X	X	X	X
	EASTERN RED CEDAR	X				X				X	X	X		X
	HOMESTEAD ELM	X				X				X	X	X		X
	LACEBARK ELM	X	X	X	X	X	X	X	X	X	X	X		X
	LEYLAND CYPRESS		X	X			X	X	X			X		X
	LITTLE GEM MAGNOLIA	X	X	X	X	X	X	X	X	X	X	X		X
	LIVE OAK	X	X	X	X	X	X	X	X	X	X	X		X
	OCTOBER GLORY MAPLE	X	X	X	X	X	X	X	X	X	X	X		X
	PECAN										X	X		X
	TEXAS ASH	X			X	X			X	X		X		X
	TEXAS RED OAK	X			X	X			X	X	X	X		X
ACCENT TREES	DESERT WILLOW	X	X	X	X	X	X	X	X	X	X	X	X	X
	DOWNY HAWTHORN										X	X		X
	EASTERN REDBUD	X	X	X	X	X	X	X	X	X	X	X		X
	EVES NECKLACE	X	X	X	X	X	X	X	X	X	X	X	X	X
	MEXICAN BUCKEYE	X	X	X	X	X	X	X	X	X	X	X		X
	POSSUMHAW HOLLY	X	X	X	X	X	X	X	X	X	X	X	X	X
	SHANTUNG MAPLE	X	X	X	X	X	X	X	X	X	X	X		X
	FLAME LEAF SUMAC	X	X	X	X	X	X	X	X	X	X	X		X
	YAUPON HOLLY	X	X	X	X	X	X	X	X	X	X	X		X

NOTES: NON: NON-OVERLAY DISTRICTS; XERI: XERISCAPE; REC: RECLAMATION/TREE PRESERVATION

PROHIBITED TREE LIST: [*1*] CATALPA (CATALPA SP.); [*2*] HACKBERRY; [*3*] SUGARBERRY (CELTIS SP.); [*4*] HONEYLOCUST (GLEDITSIA TRIACANTHOS) ; [*5*] TULIP TREE (LIRIODENDRON TULIPIFERA); [*6*] CHINABERRY (MELIA AZEDARACH); [7] SYCAMORE (PLATANUS OCCIDENTALIS); [*8*] COTTONWOOD, POPLAR (POPULUS SP.); [*9*] WILLOWS (SALIX SP.); ~~[*10*] AMERICAN ELM (ULMUS AMERICANA); [*11*] SIBERIAN ELM (ULMUS PUMILIA);~~ [*1210*] JERUSALEM THORN/PETUMA (PARKINSONIA ACULEATA); [*1311*] BOIS D'ARC (MACLURA POMIFERA); [*1412*] FLOWERING CRABAPPLE VARIETIES (MALUS SP.); ~~[*15*] GINKO TREE (GINKO BILOBA);~~ [*1613*] PEACH/PLUM VARIETIES; [*1716*] MULBERRY VARIETIES (MORUS SP.); ~~[*18*] TEXAS MOUNTAIN LAUREL (SOPHORA SECUNDIFLORA) ; [*19*] LILAC CHASTE TREE (VITEX AGNUSCASTUS)~~; [*2017*] PINE TREE VARIETIES (PINUS SO.)~~,~~ [*2118*] SILVER MAPLE (ACER SACCHARINUM)~~,~~ [*2219*] BOX ELDER (ACER NEGUNDO) ; [*23*] MIMOSA (ALBIZIA JULIBRISSIN) ; [*24*] CATALPA (CATALPA SP.).

SECTION 04 | RECOMMENDED TREE VARIETIES (CANOPY AND ACCENT TREES)

The following information concerning the City's recommended trees was obtained from the Texas A&M Forest Service, Texas *Tree Planting Guide* and all illustrations were provided courtesy of Texas A&M Forest Service *Copyright by Robert O'Brien*.

AFGHAN PINE

LATIN NAME: PINUS ELDARICA
SECONDARY NAMES: ELDARICA PINE, MONDEL PINE

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *35' TO 50'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: RAPID
- *NATIVE*: AFGHANISTAN AND CENTRAL ASIA
- *SOIL NEEDS*: REQUIRES WELL DRAINED, DRY SOILS
- *TOLERANCES*: SALTY SOIL, DROUGHT, ALKALINE SOILS [*PH > 7.5*]
- *FEATURES*: SOFT, GREEN NEEDLES FORM A DENSE CANOPY
- *USES*: SCREENING AND WINDBREAKS
- *FIREWISE*: NO
- *ISSUES*: THE PINE TIP MOTH CAN KILL NEW SHOOTS AND RUIN THE SHAPE OF THE TREE. THE TREE IS NOT TOLERANT OF WET SITES.
- *SIMILAR SPECIES*: ALEPPO PINE (*PINUS HALAPENSIS*)

BALD CYPRESS

LATIN NAME: TAXODIUM DISTICHUM
SECONDARY NAMES: BALDCYPRESS

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 70'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: WILL GROW IN A VARIETY OF SOILS
- *TOLERANCES*: DROUGHT AND POORLY DRAINED SITES
- *FEATURES*: DECIDUOUS CONIFER WITH FEATHER-LIKE LEAVES, ROUND SEED BALLS, AND FIBROUS BARK
- *USES*: DETENTION AREAS AND POORLY DRAINED AREAS
- *FIREWISE*: YES
- *ISSUES*: WOODY 'KNEES' AND BAGWORMS
- *SIMILAR SPECIES*: MONTEZUMA BALCYPRESS (*TAXODIUM MUCRONATUM*)

BUR OAK

LATIN NAME: QUERCUS MACROCARPA
SECONDARY NAMES: MOSSY CUP OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 60'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE TO RAPID
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, PREFERS DEEPER SOIL
- *TOLERANCES*: SALTY SOIL, DROUGHT, ALKALINE SOILS [*PH > 7.5*]
- *FEATURES*: UNIQUE LEAF SHAPE, LARGEST ACORN OF ANY OAK
- *USES*: DROUGHT TOLERANT TREE
- *FIREWISE*: YES
- *ISSUES*: ACORNS AND LEAVES CAN CREATE SIGNIFICANT CLEAN-UP.
- *SIMILAR SPECIES*: WHITE OAK (QUERCUS ALBA)

CADDO MAPLE

LATIN NAME: ACER SACCHARUM 'CADDO'
SECONDARY NAMES: ELDARICA PINE, MONDEL PINE

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 60'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: SLOW TO MEDIUM
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: ROCKY & ALKALINE SOILS AND DROUGHT TOLERANT
- *FEATURES*: MEDIUM TREE WITH A ROUNDED APPEARANCE, DARK GREEN FOLIAGE THAT CHANGES TO A GOLDEN COLOR IN THE FALL.
- *FIREWISE*: YES
- *ISSUES*: AVAILABILITY
- *SIMILAR SPECIES*: SUGAR MAPLE (A. SACCHARUM)

CEDAR ELM

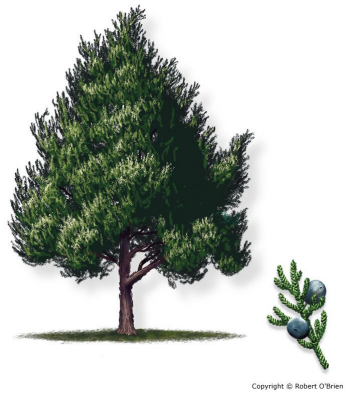
LATIN NAME: ULMUS CRASSIFOLIA
SECONDARY NAMES: TEXAS ELM

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *70' TO 90'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ALKALINE ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: LUSTROUS DARK GREEN LEAVES THAT ARE STIFF AND ROUGH TO THE TOUCH
- *USES*: LANDSCAPE TREE, PARKING LOT/STREET TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS, MINOR LEAF BEETLE & DUTCH ELM DISEASE
- *SIMILAR SPECIES*: WINGED ELM (*ULMUS ALATA*)

CHINQUAPIN OAK

LATIN NAME: QUERCUS MUEHLENBERGII
SECONDARY NAMES: CHINKAPIN OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: SLOW TO MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, ALKALINE SOILS
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: YELLOW-GREEN LEAVES W/ SMALL ACORNS (~3/4" LONG)
- *USES*: SHADE TREE
- *FIREWISE*: YES
- *ISSUES*: SENSITIVE ROOT SYSTEM; AS LITTLE AS ONE (1) INCH OF FILL DIRT CAN HURT THE TREE.
- *SIMILAR SPECIES*: SWAMP CHESTNUT OAK (QUERCUS MICHAUXII)



EASTERN RED CEDAR

LATIN NAME: JUNIPERUS VIRGINIANA VAR. VIRGINIANA
SECONDARY NAMES: PENCIL CEDAR

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *30' TO 50'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: MEDIUM
- *NATIVE*: EASTERN NORTH AMERICA
- *SOIL NEEDS*: ACIDIC, ALKALINE, LOAMY, WELL-DRAINED AND CLAY
- *TOLERANCES*: DROUGHT, EROSION, DRY SOIL, SHALLOW ROCKY AREAS
- *FEATURES*: SCALE-LIKE EVERGREEN LEAVES COMPACTED TO FORM ROUNDED FOUR (4) SIDED BRANCLETS.
- *USES*: WINDBREAKS AND FENCE ROWS, SCREENING TREE
- *FIREWISE*: NO
- *ISSUES*: CEDAR APPLE RUST AND BAGWORMS.
- *SIMILAR SPECIES*: SOUTHERN REDCEDAR (JUNIPERUS VIRGINIANA VAR. SILICICOLA) AND ROCKY MOUNTAIN JUNIPER (J. SCOPULORUM)

HOMESTEAD ELM

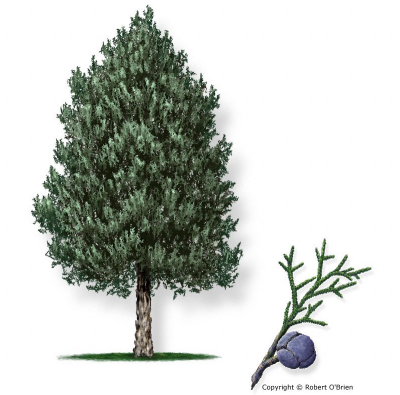
LATIN NAME: ULMUS 'HOMESTEAD'

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 60'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: DARK GREEN LEAVES THAT TURN BLEACH YELLOW IN THE FALL AND GREENISH TINY MULTI FLOWERED PENDULOUS RACEMES IN SPRING.
- *USES*: SHADE TREE
- *FIREWISE*: YES
- *ISSUES*: RESISTANT TO DUTCH ELM DISEASE BUT SUSCEPTIBLE TO ELM LEAF BEATLE.
- *SIMILAR SPECIES*: N/A. THE HOMESTEAD ELM IS A HYBRID.

LACEBARK ELM

LATIN NAME: ULMUS PARVIFOLIA

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *35' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: CHINA, JAPAN AND KOREA
- *SOIL NEEDS*: ADAPTABLE, PREFERS WELL DRAINED SOILS
- *TOLERANCES*: DROUGHT, ALKALINE SOILS [*PH > 7.5*]
- *FEATURES*: VARIABLE FALL COLOR; INTERESTING BARK TEXTURE.
- *FIREWISE*: YES
- *ISSUES*: REQUIRES PRUNING TO DEVELOP A STRONG BRANCH STRUCTURE.
- *SIMILAR SPECIES*: SIBERIAN ELM (*ULMUS PUMILA*) AND JAPANESE ZELKOVA (*ZELKOVA SERRATA*)



LEYLAND CYPRESS

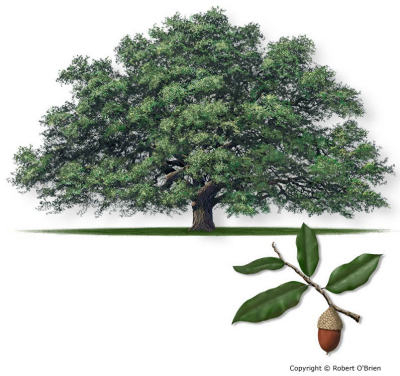
LATIN NAME: X CUPRESSOCYPARIS LEYLANDII
SECONDARY NAMES: CYPRESS

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *60' TO 70'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: RAPID
- *NATIVE*: ENGLAND AND EUROPE
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: DROUGHT AND POOR SOIL
- *FEATURES*: DECIDUOUS CONIFER WITH FEATHER-LIKE LEAVES, ROUND SEED BALLS, AND FIBROUS BARK
- *USES*: SCREENING, WINDBREAKS, AND NON-RESIDENTIAL LANDSCAPING
- *FIREWISE*: NO
- *ISSUES*: BAGWORMS AND SPIDER MITES
- *SIMILAR SPECIES*: MONTEZUMA BALDCYPRESS (TAXODIUM MUCRONATUM)

LITTLE GEM MAGNOLIA

LATIN NAME: MAGNOLIA GRANDIFLORA 'LITTLE GEM'
SECONDARY NAMES: LARGE-FLOWERED MAGNOLIA

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *15' TO 20'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: MODERATE
- *NATIVE*: SOUTHEAST UNITED STATES
- *SOIL NEEDS*: WELL DRAINED SOIL
- *TOLERANCES*: MODERATE DROUGHT, SALT AND SOIL VARIATION
- *FEATURES*: LARGE LEATHERY, DARK GREEN AND GLOSSY LEAVES WITH CUP SHAPED, WHITE FLOWERS AND OVAL AGGREGATION OF SEED PODS 3"-4" LONG.
- *USES*: SHADE AND LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: NO MAJOR PROBLEMS
- *SIMILAR SPECIES*: SWEETBAY MAGNOLIA (MAGNOLIA VIRGINIANA)



LIVE OAK

LATIN NAME: QUERCUS VIRGINIANA
SECONDARY NAMES: COAST LIVE OAK, SOUTHERN LIVE OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 50'*
- *LEAF TYPE*: *EVERGREEN/SEMI EVERGREEN*
- *GROWTH RATE*: MODERATELY FAST
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, ACIDIC, ALKALINE, CLAY, LOAMY AND WELL DRAINED
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: GREEN TO DARK GREEN LEAVES WITH SMALL ACORNS ABOUT ¾-INCH LONG AND BORNE SINGLY OR IN CLUSTERS UP TO FIVE.
- *FIREWISE*: YES
- *ISSUES*: LEAF BLISTER AND FUNGAL GALL
- *SIMILAR SPECIES*: TEXAS LIVE OAK (QUERCUS FUSIFORMIS)

OCTOBER GLORY MAPLE

LATIN NAME: ACER RUBRUM 'OCTOBER GLORY'

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE TO RAPID
- *NATIVE*: NORTH AMERICA
- *SOIL NEEDS*: ADAPTABLE; PREFERS SLIGHTLY ACIDIC SOIL
- *TOLERANCES*: MODERATE DROUGHT TOLERANCE
- *FEATURES*: SOFT, GREEN NEEDLES FORM A DENSE CANOPY
- *USES*: SHADE TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS AND LEAF SCORCH
- *SIMILAR SPECIES*: CHALK MAPLE (ACER LEUCODERME)

PECAN

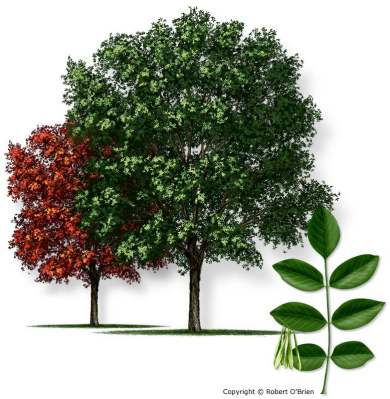
LATIN NAME: CARYA ILLINOINENSIS
SECONDARY NAMES: PECAN HICKORY

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 70'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, PREFERS DEEP MOIST SOIL
- *TOLERANCES*: DROUGHT, SALTY SOIL, POORLY DRAINED SOIL, ALKALINE SOILS [*PH>7.5*]
- *FEATURES*: NUTS ARE IN IMPORTANT WILDLIFE FOOD; MATURE CROWN IS OPEN AND AIRY.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS, BRITTLE WOOD; SUSCEPTIBLE TO INSECTS
- *SIMILAR SPECIES*: WATER HICKORY (CARYA AQUATICA) & BLACK WALNUT (JUGLANS NIGRA)

RED OAK

LATIN NAME: QUERCUS FALCATA
SECONDARY NAMES: SOUTHERN RED OAK

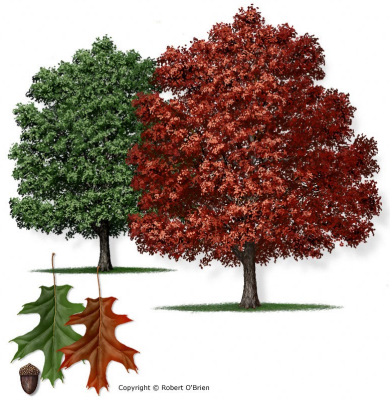
- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *30' TO 55'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: TEXAS
- *SOIL NEEDS*: AVOID PH>7.5; ANY TEXTURE; PREFERS GOOD DRAINAGE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: YOUNG TREES HAVE 'CANDLEABRA' SHAPE; FALL COLOR IS ORGANGE TO DEEP RED
- *FIREWISE*: YES
- *ISSUES*: OAK WILT
- *SIMILAR SPECIES*: BLACK OAK (QUERCUS VELUTINA)



TEXAS ASH

LATIN NAME: FRAXINUS TEXENSIS
SECONDARY NAMES: MOUNTAIN ASH

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *35' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID (BUT VARIABLE)
- *NATIVE*: EAST AND CENTRAL TEXAS
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: MEDIUM SIZED TREE WITH GREEN OR PURPLE FLOWERS AND SMALL WOODY WINGED SAMARA IN LONG PANICLES.
- *FIREWISE*: YES
- *ISSUES*: POOR DRAINAGE LEADS TO ROOT DISEASES
- *SIMILAR SPECIES*: CAROLINA ASH (FRAXINUS CAROLINIANA) AND GREGG ASH (F. GREGGII)



TEXAS RED OAK

LATIN NAME: QUERCUS BUCKLEYI
SECONDARY NAMES: BUCKLEY OAK, TEXAS RED OAK, SPANISH OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *30' TO 55'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: CENTRAL TEXAS
- *SOIL NEEDS*: ALKALINE ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: MEDIUM TREE WITH REDDISH-BROWN CATKINS/ACORNS AND SLENDER, DARK GREEN LEAVES THAT TURN RED IN THE FALL.
- *FIREWISE*: YES
- *ISSUES*: OAK WILT
- *SIMILAR SPECIES*: SHUMARD OAK (QUERCUS SHUMARDII)

DESERT WILLIOW

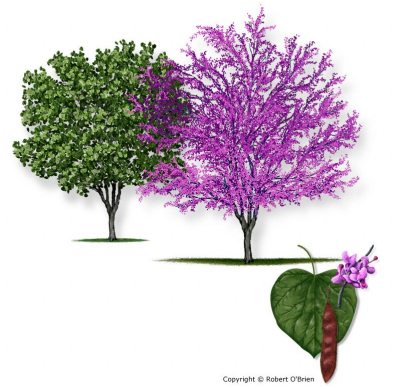
LATIN NAME: CHILOPSIS LINEARIS
SECONDARY NAMES: DESERT-WILLOW

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *15' TO 20'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MEDIUM
- *NATIVE*: WEST TEXAS
- *SOIL NEEDS*: ADAPTABLE, ACIDIC, LOAMY AND WELL DRAINED SOIL
- TOLERANCES: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: MULTI-TRUNKED, WELL BRANCHED AND THICK GROWTH
- *USES*: PRIMARILY A LANDSCAPE TREE; XERISCAPING
- *FIREWISE*: YES
- *ISSUES*: SUSCEPTIBLE TO ALTERNERIA LEAF SPOT
- *SIMILAR SPECIES*: FLOWERING WILLOW, WILLOWLEAF CATALPA, DESERT CATALPA, FLOR DE MIMBRE, MIMBRE, BOW WILLOW

DOWNY HAWTHORN

LATIN NAME: CRATAEGUS MOLLIS
SECONDARY NAMES: A VARIETY OF COMMON NAMES OFTEN ENDING IN "HAW" – ARE USED FOR THE INDIVIDUAL HAWTHORN SPECIES

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *20' TO 30'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: SLOW
- *NATIVE*: EASTERN AND CENTRAL UNITED STATES AND CANADA
- *SOIL NEEDS*: REQUIRES WELL DRAINED, DRY SOILS
- *TOLERANCES*: DRY SOIL AND DROUGHT
- *FEATURES*: SMALL TREE WITH CLUSTERS OF WHITE FLOWERS AND BRIGHT RED BERRY FRUIT.
- *USES*: LANDSCAPING
- *FIREWISE*: YES
- *ISSUES*: SUSCEPTIBLE TO SEVERAL LEAF DISEASES
- *SIMILAR SPECIES*: RIVER BIRCH (BETULA NIGRA) & GUM BULLY (SIDEROXYLON LANUGINOSUM)



EASTERN REDBUD

LATIN NAME: CERCIS CANADENSIS VAR. CANADENSIS
SECONDARY NAMES: JUDAS-TREE

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *20' TO 30'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MEDIUM
- *NATIVE*: EAST TEXAS
- *SOIL NEEDS*: ALKALINE, ACIDIC, LOAMY, SANDY AND WELL DRAINED
- *TOLERANCES*: CLAY SOILS AND VERY HIGH HEAT
- *FEATURES*: SMALL TREE WITH PINK AND PURPLE, ROSE-PURPLE OR WHITE BLOOMS AND SMALL FLATTENED PODS WITH BROWN SEEDS.
- *USES*: WILDLIFE AND LANDSCAPING
- *FIREWISE*: YES
- *ISSUES*: LEAF SPOTS, DIEBACK/CANKER, AND VERTICILLIUM WILT
- *SIMILAR SPECIES*: REDBUD

EVE'S NECKLACE

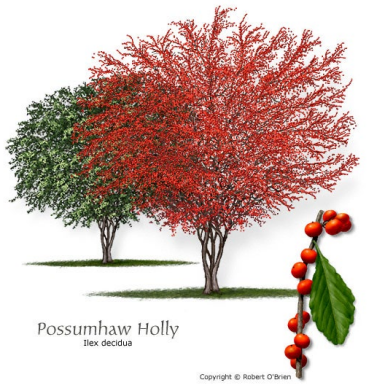
LATIN NAME: SOPHORA AFFINIS
SECONDARY NAMES: TEXAS SOPHORA, EVE'S-NECKLACEPOD

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *15' TO 35'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: FAST (*GENERALLY SLOWS AT 15'*)
- *NATIVE*: CENTRAL TEXAS
- *SOIL NEEDS*: ALKALINE ADAPTABLE
- *TOLERANCES*: VERY HIGH HEAT
- *FEATURES*: SMALL TREE WITH PALE TO ROSY PINK FLOWERS THAT BLOOM IN THE SPRING AND LONG BLACK SEGMENTED SEEDPODS.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: NO PROBLEMS REPORTED
- *SIMILAR SPECIES*: BLACK LOCUST (ROBINIA PSEUDOACACIA)

MEXICAN BUCKEYE

LATIN NAME: UNGNADIA SPECIOSA

- *CITY TREE CLASSIFICATION*: *ACCENTTREE*
- *MATURE HEIGHT*: *15' TO 30'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: NEUTRAL ALKALINE
- *TOLERANCES*: DROUGHT, ALKALINE SOILS [*PH > 7.5*]
- *FEATURES*: PINK FLOWERS APPEAR WITH NEW LEAVES; BROWN FRUIT HUSKS REMAIN THROUGH WINTER.
- *USES*: LANDSCAPE OR SPECIMEN TREE
- *FIREWISE*: YES
- *ISSUES*: REQUIRES PRUNING TO DEVELOP ONE OR MORE TRUNKS.
- *SIMILAR SPECIES*: MONILLO, MONA, TEXAS BUCKEYE, SPANISH BUCKEYE, FALSE BUCKEYE, CANYON BUCKEYE



POSSUMHAW HOLLY

LATIN NAME: ILEX DECIDUA
SECONDARY NAMES: POSSUMHAW (DECIDUOUS HOLLY)

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *8' TO 10' (OCCASIONALLY 20')*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: SLOW
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: DROUGHT, POORLY DRAINED SITES, ALKALINE SOILS [*PH>7.5*]
- *FEATURES*: ORANGE OR RED BERRIES ON GRAY BRANCHES.
- *USES*: LANDSCAPE TREE AND DETENTION TREE
- *FIREWISE*: YES
- *ISSUES*: THIN BARK SUSCEPTIBLE TO INJURY
- *SIMILAR SPECIES*: BEARBERRY, MEADOW HOLLY, PRAIRIE HOLLY, SWAMP HOLLY, WELK HOLLY, WINTERBERRY

SHANTUNG MAPLE

LATIN NAME: ACER TRUNCATUM
SECONDARY NAMES: SHANDONG MAPLE, PURPLEBLOW MAPLE

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *25' TO 35'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: NORTHERN CHINA
- *SOIL NEEDS*: LOAM, SANDY AND CLAY (ADAPTABLE)
- *TOLERANCES*: MODERATE DROUGHT
- *FEATURES*: MEDIUM SIZED TREE WITH DARK GREEN, GLOSSY LEAVES THAT CHANGE TO YELLOW ORANGE/BRIGHT RED IN THE FALL.
- *FIREWISE*: NO
- *ISSUES*: LEAF SPOT AND LEAF SCORCH
- *SIMILAR SPECIES*: JAPANESE MAPLES

FLAMELEAF SUMAC

LATIN NAME: RHUS LANCEOLATA
SECONDARY NAMES: PRAIRIE SUMAC, PRAIRIE FLAMELEAF SUMAC

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *40' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: NEUTRAL ALKALINE
- *TOLERANCES*: DROUGHT, ALKALINE SOILS [*PH* > 7.5]
- *FEATURES*: COMPOUND LEAVES TURN BRIGHT RED IN FALL; WHITE FLOWER SPIKES BEAR RED CLUSTERS OF BERRIES.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: REQURIES PRUNING TO DEVELOP ONE OR MORE TRUNKS.
- *SIMILAR SPECIES*: TEXAS SUMAC, LANCE-LEAVED SUMAC, LIMESTONE SUMAC AND PRAIRIE SHINING SUMAC

YAPON HOLLY

LATIN NAME: ILEX VOMITORIA
SECONDARY NAMES: YAUPON, CASSINA

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *10' TO 20'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: SLOW
- *NATIVE*: SOUTHEAST UNITED STATES (TEXAS)
- *SOIL NEEDS*: WELL DRAINED, SANDY, LOAMY, CLAY AND LIMESTONE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: SMALL TREE WITH INCONSPICUOUS LIGHT GREEN BLOOMS AND RED BERRY LIKE DRUPE.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS, MINOR LEAF BEETLE & DUTCH ELM DISEASE
- *SIMILAR SPECIES*: EVERGREEN CASSENA, EMETIC HOLLY, INDIAN BLACK DRINK

SECTION 05 | RECOMMENDED SHRUB VARIETIES

The following are the City of Rockwall's recommended shrub varieties.

	SHRUB	SCIENTIFIC NAME	SCR	XERI	
3	BARBERRY	BERBERIS THUMBERGII 'CRIMSON PYGMY'			SMALL SHRUBS
8	DWARF YAUPON HOLLY	ILEX VOMITORIA 'NANA'			
10	YUCCA	YUCCA SP.		X	
16	JUNIPER	JUNIPERUS SP.			
17	JAPANESE BOXWOOD	BUXUS JAPONICA			
20	MEXICAN OREGANO	POLIOMENTHA LONGIFLORA			
24	RED YUCCA	HESPERALOE PARVIFOLIA		X	
25	ROCK ROSE	PAVONIA LASIOPETALA		X	
1	AGARITA	MAHONIA TRIFOLIOLATA		X	MEDIUM SHRUBS
2	BARBERRY	BERBERIS ATROPURPUREA 'ROSE GLOW'			
5	CENIZO (TEXAS SAGE)	LEUCOPHYLLUM SP.	X	X	
7	DWARF BURFORD HOLLY	ILEX CORNUTA 'BURFORDII NANA'	X		
14	HOGPLUM	COLUBRINA TEXENSIS			
15	INDIAN HAWTHORN	RAPHIOLEPIS INDICA			
19	JAPANESE QUINCE	CHAENOMELES JAPONICA			
23	PEARL BUSH	EXOCHORDA GIRALDII WILSONII			
27	ROSEMARY	ROSMARINUS OFFICINALIS		X	
28	VIRGINIA SWEETSPIRE	ITEA VIRGINICA			LARGE SHRUBS
4	BRIDAL WREATH SPIREA	SPIRAEA CANTONIENSIS	X	X	
6	CHINESE FRINGE	LOROPETALUM CHINENSE	X		
9	ELAEGNUS	ELAEAGNUS X EBBINGEI	X		
11	EVERGREEN SUMAC	RHUS VIRENS			
12	FORSYTHIA	FORSYTHIA INTERMEDIA 'SPECTABILIS'			
13	GLOSSY ABELIA	ABELIA X GRADIFLORA			
18	JAPANESE CLEYERA	CLEYERA TERNSTROEMIA GYMNANTHERA			
21	NELLIE STEVENS HOLLY	ILEX 'NELLIE R. STEVENS'	X		
22	OLEANDER	NERIUM OLEDANDER	X		
26	ROSE OF SHARON	HIBISCUS SYRIACUS	X		

NOTES: XERI: XERISCAPE; SCR: SCREENING

SECTION 06 | RECOMMENDED GRASSES

The following are the City of Rockwall's recommended grass varieties.

	GRASS	SCIENTIFIC NAME	XERI
1	BERMUDA GRASS	CYNODON DACTYLON	
2	BIG BLUESTEM	ANDROPOGON GERARDII	X
3	BUFFALO GRASS	BUCHLOE DACTYLOIDES	X
4	DEER MUHLY	MUHLENBERGIA RIGENS	
5	EASTERN GAMAGRASS	TRIPSACUM DACTYLOIDES	X
6	FOUNTAIN GRASS	PENNISETUM ALOPERCUROIDES 'HAMELIN'	
7	FEATHER REED GRASS	CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER'	
8	INLAND SEAOATS	CHASMANTHIUM LATIFOLIUM	X
9	JAPANSES BLOOD GRASS	IMPERATA CYLINDRICA 'RED BARON'	
10	LITTLE BLUESTEM	SCHIXACHYRIUM SCOPARIUM	X
11	MAIDEN GRASS	ADAGIO, CABARET, GRACILLIMUS, MORINING LIGHT, VARIGATUS, ZEBRA GRASS	X
12	MEXICAN FEATHER GRASS	STIPA TENUISSIMA 'PONY TAILS'	X
13	MUHLY GRASS	MUEHELENBERGIA LINDHEIMERI	X
14	PRAIRIE MIX	N/A	X
15	PRAIRIE DROPSEED	SPOROBOLUS HETEROLEPSIS	
16	ST. AUGUSTINE GRASS	STENOTAPHRUM SECUNDATUM	X
17	SWITCH GRASS	PANICUM VIRGATUM	X
18	WEEPING LOVE GRASS	ERAGROSTIS CURVULA	X

SECTION 07 | ALTERNATIVE PLANTING LIST

The following list shows all alternative plant types permitted by the City of Rockwall since the adoption of this Appendix C, *Landscape Guidelines*, of the Unified Development Code (UDC).

Trees.

Shrubs.

Grasses.

Bermudagrass: Tif Tuf, Tahoma 31, Celebration and Tifway 419

Zoysia Grass: Zeon, Jamur, Emerald, and Palisades

Formatted: Font: Italic, Underline

CITY OF ROCKWALL

ORDINANCE NO. 24-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 VARIOUS ARTICLES AS DEPCITED IN *EXHIBITS 'A' THROUGH 'J'* 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 Director of Planning and Zoning in accordance with 02.01(C)(3) of Article 11, *Development Review Procedures*, of the Unified Development Code (UDC) to make various changes for the purpose of: [*1*] ensuring that the incorporation of new requirements and language into the document have not created conflicting references, [*2*] adjusting the language and requirements to ensure that the intent of each prerequisite is clearly conveyed, and [*3*] addressing any deficiencies identified by City staff in administering the criterion contain within the document; 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 Article 03, *Zoning Districts and Maps*, 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 Article 04, *Permissible Uses*, 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 'B'* of this ordinance;

SECTION 3. That 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 'C'* of this ordinance;

SECTION 4. That Article 06, *Parking and Loading*, 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 'D'* of this ordinance;

SECTION 5. That Article 07, *Environmental Performance*, 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 'E'* of this ordinance;

SECTION 6. That Article 08, *Landscape and Fence 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 'F'* of this ordinance;

SECTION 7. That Article 09, *Tree Preservation*, of the Unified Development Code [*Ordinance No. 20-*

DRAFT ORDINANCE 05.20.2024

02] 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 11, *Development Applications and Review*, 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 'H'* of this ordinance;

SECTION 9. That Article 13, *Definitions*, 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 'I'* of this ordinance;

SECTION 10. That Appendix C, *Landscape Guidelines and Requirements*, 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 'J'* of this ordinance;

SECTION 11. 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 12. 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. 20-02*], 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 13. 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 JUNE, 2024.

_____

Trace Johannesen, *Mayor*

ATTEST:

_____

Kristy Teague, *City Secretary*

APPROVED AS TO FORM:

_____

Frank J. Garza, *City Attorney*

1st Reading: *May 20, 2024*

2nd Reading: *June 3, 2024*

DRAFT ORDINANCE 05.20.2024

Continued on Next Page …

DRAFT
ORDINANCE
05.20.2024

SECTION 01 | ZONING MAP

(A) The City of Rockwall is hereby divided into zones, or districts, as shown on the ~~Officiale~~ *Zoning Map* which, together with all explanatory matter thereon, is hereby adopted by reference and declared a part of this Unified Development Code (UDC). The zones, or districts, hereby established are and shall be known and cited as:

RESIDENTIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
05.02.01	Agricultural (AG) District	AG
05.03.02	Single Family Estate 1.5 (SFE-1.5) District	SFE-1.5
05.03.03	Single Family Estate 2.0 (SFE-2.0) District	SFE-2.0
05.03.04	Single Family Estate 4.0 (SFE-4.0) District	SFE-4.0
05.03.05	Single Family 1 (SF-1) District	SF-1
05.03.06	Single Family 16 (SF-16) District	SF-16
05.03.07	Single Family 10 (SF-10) District	SF-10
05.03.08	Single Family 8.4 (SF-8.4) District	SF-8.4
05.03.09	Single Family 7 (SF-7) District	SF-7
05.03.10	Zero Lot Line (ZL-5) District	ZL-5
05.03.11	Two-Family (2F) District	2F
05.03.12	Multi-Family 14 (MF-14) District	MF-14

COMMERCIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
05.04.02	Residential-Office (RO) District	RO
05.04.03	Neighborhood Services (NS) District	NS
05.04.04	General Retail (GR) District	GR
05.04.05	Commercial (C) District	C
05.04.06	Heavy Commercial (HC) District	HC
05.04.07	Downtown (DT) District	DT

INDUSTRIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
05.05.02	Light Industrial (LI) District	LI
05.05.03	Heavy Industrial (HI) District	HI

OVERLAY & SPECIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
10.01	Planned Development (PD) District	PD
05.06.03	Historic Overlay (HOV) District	HOV
05.06.04	North Goliad Street Overlay (NG OV) District	NG OV
05.06.05	Southside Residential Overlay (SRO) District	SRO
05.06.06	IH-30 Overlay (IH OV) District	IH-30 OV
05.06.07	SH-205 Overlay (SH-205 OV) District	SH-205 OV
05.06.08	Scenic Overlay (SOV) District	SOV
05.06.09	SH-66 Overlay (SH-66 OV) District	SH-66 OV
05.06.10	SH-205 By-Pass Overlay (SH-205 BY-OV) District	SH-205 BY-OV
05.06.11	North SH-205 Overlay (N. SH-205 OV) District	N. SH-205 OV
05.06.12	East SH-66 Overlay (E. SH-66 OV) District	SH-66 OV
05.06.13	FM-549 Overlay (FM-549 OV) District	FM-549 OV
05.06.14	SH-276 Overlay (SH-276 OV) District	SH-276 OV
05.06.15	Lake Ray Hubbard Takeline Overlay (TL OV) District	TL OV

(B) The ~~Office~~ *Official Zoning Map* shall be identified by the signature of the Mayor attested by the City Secretary, under the following words:

This is to certify that this is the Office Zoning Map referred to in Article 03 of the Unified Development Code (UDC) of the City of Rockwall, Texas.

(C) When changes are made in district boundaries or other matters portrayed on the ~~Officiale~~ *Zoning Map*, such changes shall be entered on the ~~Officiale~~ *Zoning Map* by the City ~~Secretary of~~ Rockwall's Geographic Information Systems (GIS) Division promptly after the amendment has been approved by City Council, and the change shall note the ordinance number and date that the change was approved.

(D) No changes of any nature shall be made in the ~~Office~~ *Official Zoning Map* or matter shown thereon except in conformity with the procedures set forth in this Unified Development Code (UDC). Any unauthorized change of whatever kind by any person shall be considered a violation of this Unified Development Code (UDC).

(E) The original reproducible tracing of the ~~Office~~ *Official Zoning Map* shall be located in the office of the Director of Planning and Zoning in city hall and shall be the final authority as to the current zoning status of land and water areas, building and other structures in the City of Rockwall.

(F) City Council may, by resolution, adopt a new ~~Office~~ *Official Zoning Map* should the original reproducible tracing of the ~~Office~~ *Official Zoning Map* be damaged, destroyed, lost or become ambiguous because of the nature or number of changes and additions. The new ~~Office~~ *Official Zoning Map* may correct drafting or other errors or omissions in the prior ~~Office~~ *Official Zoning Map*, but no other correction shall have the effect of amending the original ~~Office~~ *Official Zoning Map* or any subsequent amendment thereof. The new ~~Office~~ *Official Zoning Map* shall be identified by the signature of the ~~mayor~~ Mayor attested by the ~~city~~ City ~~secretary~~Secretary, under the following words:

This is to certify that this Office Zoning Map supersedes and replaces the Office Zoning Map adopted (date of adoption of Map being replaced) as a part of the Unified Development Code (UDC) of the City of Rockwall, Texas.

(G) Unless the prior ~~Office~~ *Official Zoning Map* has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 02 | RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

SUBSECTION 02.01: BOUNDARIES

Where uncertainty exists as to the boundaries of zoning districts as shown on the ~~Office~~ *Official Zoning Map*, the following rules shall apply:

(A) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow center lines;

(B) Boundaries indicated as approximately following platted lot lines shall be construed as following lot lines;

(C) Boundaries indicated as following City Limit lines shall be construed as following such City Limits;

(D) Boundaries indicated as parallel to or extensions of features indicated in *Subsections A, B, & C* above shall be so construed. Distances not specifically indicated on the ~~Office~~ *Official Zoning Map* shall be determined by the scale of the map;

(E) Where physical or cultural features existing on the ground are at variance with those shown on the ~~Office~~ *Official Zoning Map*, or in

Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic

DRAFT 05.20.2024

other circumstances not covered by *Subsections A & B* above, the City Council shall interpret the district boundaries.

SECTION 03 | REGULATIONS APPLICABLE TO ALL DISTRICTS

SUBSECTION 03.01: GENERAL REGULATIONS

The following regulations shall apply to all zoning districts listed in this Article and further defined in Article 04, *Permissible Uses*, and Article 05, *District Development Standards*, of the Unified Development Code (UDC).

(A) No land or building shall be used or intended for any use other than those permitted in the district wherein such land or building is located.

(B) No building shall be erected, reconstructed, enlarged, structurally altered, or moved in such manner as to evade conformity with height, bulk, yard, lot area, use, and other regulations for the district wherein such building is located.

(C) No yard provided adjacent to a building for the purpose of complying with provisions of this Unified Development Code (UDC) shall be considered as providing any part of a yard for another building on the same lot or on an adjacent lot.

(D) No street or walkway shall serve as any part of a required yard or minimum lot area although street ~~rights~~ rights ~~of~~ of-way and open space may be used in determining allowable units per acre in residential subdivisions.

(E) Every building hereafter erected or altered shall be located on a lot as defined in Article 13, *Definitions*, of the Unified Development Code (UDC).

SECTION 04 | LISTING OF APPROVED PLANNED DEVELOPMENT (PD) DISTRICTS

Planned Development (PD) Districts that have been approved and appear on the zoning maps are referenced by a Planned Development (PD) number (PD-#) and the zoning district classification and/or uses authorized by the particular zoning case. The listing of approved Planned Development (PD) Districts will be documented in Appendix A, *Planned Development (PD) Districts*, of the Unified Development Code (UDC).

SECTION 05 | LISTING OF APPROVED SPECIFIC USE PERMITS (SUP)

Specific Use Permits (SUPs) that have been approved shall be referenced by a Specific Use Permit number (S-#) and the type of use authorized by those permits. The listing of approved Specific Use Permits (SUPs) will be documented in Appendix B, *Specific Use Permits (SUPs)*, of the Unified Development Code (UDC).

SECTION 06 | ZONING UPON ANNEXATION

All territory hereinafter annexed to the City of Rockwall shall assume an interim classification of Agricultural (AG) District, pending determination of the property's initial permanent zoning in accordance with the provisions of state law and this chapter unless application for permanent zoning is submitted by the property owner at the time of annexation. ~~The Planning and Zoning Commission shall, as soon as practical after annexation of any territory to the City, institute proceedings on its own motion, to give the newly annexed territory a permanent zoning, following the same procedure as is provided by law for the adoption of original zoning procedures.~~ The interim zoning prior to the permanent zoning shall not be considered a rezoning for legal purposes. The procedure for establishing initial zoning other than Agricultural (AG) District on annexed territory shall conform to the procedure established by law for the adoption of normal zoning classifications and regulations as defined in Section 02, *Zoning*, of Article 11, *Development Review Procedures*, of the Unified Development Code (UDC).

In an area classified Agricultural (AG) District, no person shall erect, excavate, construct, or proceed or continue with the erection or construction of any building or structure or add to, enlarge, move, improve, alter, repair, convert, or extend or demolish any building or structure or cause the same to be done in any newly annexed territory to the City without first applying for and obtaining a building permit therefore from the Chief Building Official as may be required in applicable City ordinances.

Formatted: Underline, Font color: Accent 5

DRAFT ORDINANCE 05.20.2024

Continued on Next Page …

DRAFT
ORDINANCE
05.20.2024

SECTION 01 | LAND USE SCHEDULE

SUBSECTION 01.01: USE OF LAND AND BUILDINGS

Buildings, structures, and land uses shall be in conformance with the permitted uses depicted in Land Use Schedule and in compliance with Subsection 02.03, *Conditional Land Use Standards*. The following is the legend for the Land Use Schedule:

	Land Use *NOT* Permitted *OR* for Overlay Districts Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 01.02: LAND USE SCHEDULE

See the Land Use Schedule at the end of this Article.

SECTION 02 | CONDITIONAL LAND USE STANDARDS AND DEFINITIONS

SUBSECTION 02.01: DETERMINATION OF LAND USES

Land uses shall be permitted in a zoning district as indicated in *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 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 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 02.02: LAND USE DEFINITIONS

For land use definitions see Section 02.02, *Land Use Definitions*, of Article 13, *Definitions*.

SUBSECTION 02.03: 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) The property shall be a minimum of ten (10) acres of more in size.

(b) 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).

(c) 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 03.01, *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.

Formatted: Font: 8.5 pt
Formatted Table
Formatted: Font: 9 pt
Formatted: Font: 9 pt
Formatted: Font: 9 pt
Formatted: Font: 9 pt
Formatted: Font: 9 pt
Formatted: Font: Italic

DRAFT ORDINANCE 05.20.2024

(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 an 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~~Urban Farm, [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~~Urban Farm shall be reviewed as part of the Specific Use Permit (SUP), including the size and intended use.

(4) The applicant shall provide an 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~~Urban Farm, [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 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*.

(2) *Bed and Breakfast.*

(a) A *Bed and Breakfast* may only be established on an owner-occupied, single-family lot.

(b) In addition to the single-family parking requirements, one (1) parking space per bedroom shall be provided.

(c) 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).

Formatted: Font: Italic

Formatted: Font: Italic

DRAFT ORDINANCE 05.20.2024

(d) *Bed and Breakfast* shall be required to meet all applicable City Fire Codes, including providing a smoke alarm system.

(e) A *Bed and Breakfast* shall be subject to an annual inspection by the Fire Department.

(f) All applicable hotel/motel taxes shall be paid.

(g) The maximum length of a guests stay is shall be limited to 14 consecutive days in any 30-day period.

(h) 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 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(4) *Attached Garage.*

(a) See Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*.

(5) *Detached Garage.*

(a) See Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*.

(6) *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit.*

(a) *Guest Quarters or /Secondary Living Units/Accessory Dwelling Unit* may be allowed on a property in a residential zoning district provided that it is ancillary to an existing single-family home.

(b) The area of ~~such quarters~~the *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* shall not exceed 30.00% of the area of the main structure.

(c) The *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* shall not incorporate kitchen facilities (*e.g. a stove or oven, food preparation area, etc.*); however, they may incorporate all other elements of a dwelling unit as outline in the definition of a *Dwelling Unit* contain in Article 13, *Definitions*.

~~(c)~~(d) ~~No such use~~A *Guest Quarters/Secondary Living Unit/Accessory Dwelling* may *not* be sold or conveyed separately without meeting the density and dimensional requirements of the zoning district as outlined in the Unified Development Code (UDC) and ~~the~~ Chapter 38, *Subdivisions*, of the Municipal Code of Ordinances~~subdivision ordinance~~.

~~(d)~~(e) *Guest Quarters/ or Secondary Living Units/Accessory Dwelling 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 07.02, *Multi-Family District Development Standards*, of Article 05, *District Development Standards*.

(10) *Portable Building.*

(a) See Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *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

Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Underline, Font color: Accent 5
Formatted: Font: Italic

DRAFT
ORDINANCE
05-20-2024

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) *Short-Term Rental (Owner-Occupied Single-Family Home, Townhome, or Duplex).*

(a) The *Short-Term Rental* shall not incorporate accessory land uses that are not permitted within the underlying zoning district (*e.g. Banquet Facility/Event Hall which includes meeting halls and wedding venues*) as stipulated by the *Permissible Use Charts* contained within this *Article*.

(b) In order to establish and operate a *Short-Term Rental (Owner Occupied Single-Family Home, Townhome, or Duplex)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, *Short-Term Rentals*, of Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances.

(13) *Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex).*

(a) *Short-Term Rentals* that are *Non-Owner-Occupied* shall not be located within 1,000-feet of another *Short-Term Rental* that is *Non-Owner Occupied*; however, *Short-Term Rentals* that were in existence prior to April 1, 2024 that [*1*] meet the criteria established in Subsection 06.05, *Non-Conforming Short-Term Rentals*, of this *Article*, and [*2*] received a valid permit and registration -- *in accordance with Article 2, Short-Term Rentals, of Chapter 13, Rental Housing, of the Municipal Code of Ordinances* -- prior to July 1, 2024 shall be exempted from the proximity requirements.

(b) *Short-Term Rentals* that are *Non-Owner-Occupied* that do not meet proximity requirements may be considered on a *case-by-case* basis by the Planning and Zoning Commission and City Council through a Specific Use Permit (SUP). In considering a Specific Use Permit (SUP) for a *Short-Term Rental* that is *Non-Owner-Occupied* the Planning and Zoning Commission and City Council shall consider the size, location, and impact of the proposed and existing *Short-Term Rentals* on the adjacent residential properties and their occupants.

(c) The *Short-Term Rental* shall not incorporate accessory land uses that are not permitted within the underlying zoning district (*e.g. Banquet Facility/Event Hall which includes meeting halls and wedding venues*) as stipulated by the *Permissible Use Charts* contained within this *Article*.

(d) In order to establish and operate a *Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, *Short-Term Rentals*, of Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances.

(14) *Short-Term Rental (Apartment or Condominium).*

(a) The number of *Short-Term Rentals* permitted within an *Apartment Complex, Condominium Building*, or any other multi-family structure -- *as defined by this land use in Article 13, Definitions, of this Unified Development Code (UDC)* -- shall be limited to a total of five (5) percent of the total units situated on a single parcel of land. For example, if a *Condominium Building* consisted of 100-units on a single parcel of land, a total of five (5) of the units could be established as *Short-Term Rentals*. In cases where there is a remainder in the number of units, the number of units shall round up (*e.g. 25-Units x 5.00% = 1.25-Units or 2-Units*).

(b) In order to establish and operate a *Short-Term Rental (Apartment or Condominium)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, *Short-Term Rentals*, of Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances.

(15) *Single-Family Attached Structure.*

(a) See Section 03, *Residential Districts*, of Article 05, *District Development Standards*.

(b) See Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(16) *Single-Family Detached Structure.*

(a) See Section 03, *Residential Districts*, of Article 05, *District Development Standards*.

(b) See Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(17) *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 03, *Residential Districts*, of Article 05, *District Development Standards*.

(c) See Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(18) *Private Sports Court with Standalone or Dedicated Lighting.*

(A) A *Private Sports Court* includes any *Sports Court* that is separated from the primary structure or an existing residential driveway that is intended to be used for sports such as -- *but not limited to* – tennis, pickleball, basketball, volleyball, or similar activities for the property owner and/or their guests. A *Private Sports Court* does *not* include basketball courts or similar sports facilities that are

Formatted: Font: Italic, Underline

Formatted: No underline

Formatted: Font: Italic

Formatted: No underline

Formatted: Underline

Formatted: No underline

Formatted: No underline

DRAFT ORDINANCE 05.20.2024

attached to the primary structure or that make use of the existing residential driveway.

(B) A *Private Sports Court* shall be situated behind the primary structure, not situated within any easements, and be setback a minimum of ten (10) feet from all property lines.

(C) All dedicated lighting associated with a *Private Sports Court* on a residential property shall be on a standalone light pole a maximum of 14-feet in height with lighting standards that are fully cutoff and shielded and directed downward towards the surface of the court. In addition, light standards should be oriented in such a manner as to minimize light spillage and glare that could affect adjacent properties.

(D) All dedicated lighting associated with a *Private Sports Court* on a non-residential property shall adhere to the requirements of Section 03, *Outdoor Lighting for Non-Residential Properties*, of Article 07, *Environmental Performance*, of the Unified Development Code (UDC).

~~(18)~~(19) *Townhouse.*

(a) See Section 03, *Residential Districts*, of Article 05, *District Development Standards*.

(b) See the standards for the Two-Family (2F) District Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

~~(19)~~(20) *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 02.03(C)(5).

(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.

~~(a)~~(b) Playgrounds and splash pads shall be screened from all adjacent properties and public rights-of-way using mature evergreen shrubs.

(5) *Group or Community Home.*

(a) The facility must be an operated by:

(1) The Texas Department of ~~Mental Health and Mental Retardation (MHMR)~~Aging and Disability Services;

(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 02.03(C)(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 (2) 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

Formatted: No underline
Formatted: No underline
Formatted: Font: 5 pt, No underline
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: No underline
Formatted: No underline
Formatted: No underline
Formatted: Font: 5 pt, No underline
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: No underline
Formatted: No underline
Formatted: No underline
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"
Formatted: Underline, Font color: Accent 5
Formatted: Font: Not Italic, No underline
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic

DRAFT ORDINANCE 05-24

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 02.03(C)(9)(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.

(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.*

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

DRAFT ORDINANCE 05.21.2024

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

(6) *Private Club, Lodge or Fraternal Organization.*

(a) *Private Club.*

(1) *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.

(2) *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*).

(3) *Alcoholic Sales Revenue.* Revenues from the sale of alcoholic beverages shall not exceed 40.00% 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 exceed the maximum allowed percentage.

(4) *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 (1) party.

(5) *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.

(6) *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.*

(1) *Alcoholic Beverage Package Sales.*

(a) The package sales of liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- shall *only* be permitted in conjunction with an *Alcoholic Beverage Store*, and shall not be permitted as an accessory use to any other land use contained within this Unified Development Code (UDC).

(b) The package sales of beer and wine shall be permitted *by-right* as an *accessory* land use to a *General Retail Store*, *Retail Store with Gasoline Sales*, *Brew Pub*, *Craft/Micro Brewery and/or Winery*, *Brewery*, and *Winery*.

(2) *Alcoholic Beverage Store.*

(a) An *Alcoholic Beverage Store* shall include the sale of beer, wine, *and* liquor or distilled spirits as defined by the Texas Alcoholic Beverage Code.

(b) An *Alcoholic Beverage Store* shall be prohibited from locating within 1,000-feet of a lot, parcel, or tract of land with another *Alcoholic Beverage Store* situated on it as measured in a straight line between the nearest points of one (1) of the lots, parcels, or tracts of land to the other lot, parcel, or tract of land.

(3) *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 off 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.

Formatted: Font: Italic

DRAFT ORDINANCE 05.20.2024

(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.

(4) *Temporary Christmas Tree Sales Lot and Similar Uses.*

(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.

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

(a) The total building area of a Craft/Micro Brewery, Distillery, and/or Winery shall be less than 12,000 SF.

(b) A maximum of 40.00% 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.

(6) *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 30.00% 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 (1) foot taller than the materials being displayed, whichever is greater.

(2) Include a minimum of 20.00% 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 (1) 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 (45) 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.

(7) *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

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic, Underline, Font color: Accent 5

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

DRAFT
05.20.2024

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 (8) square feet 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).

(8) *General Personal Service.*

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

(9) *Permanent Cosmetics.*

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

(b) Accessory use to a *General Personal Service*.

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

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

(11) *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 from the point of order.

(12) *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 from the point of order.

(13) *Retail Store with Gasoline Sales.*

(a) All fuel vents associated with the fuel storage tanks at any *Retail Store with Gasoline Sales* shall be located within the gas canopy, and shall be fully screened and not visible from adjacent properties and/or rights-of-way.

(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 04, *Permissible Uses*, and Article 08, *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~~ building area is defined as the entirely enclosed air-conditioned portion of the primary building*).

(c) Outdoor sales and display may occupy up to 30.00% 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 20.00% solid screening matching the material of the primary building. The remainder may be solid evergreen planting, or wrought iron or decorative metal fence.

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

DRAFT ORDINANCE 05-20-2024

(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 04, *Permissible Uses*, and Article 08, *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) *Rental, Sales, and Service of Heavy Machinery.*

(a) In the Commercial (C) District, the Rental, Sales, and Service of Heavy Machinery 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).

(b) All outside storage of equipment and machinery shall be visibly screened from all adjacent properties utilizing one of the screening alternatives outlined in Subsection 05.02(A), *Loading Docks and Outside Storage Areas*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).

(c) The storage area for equipment and machinery shall not occupy any required parking spaces. Excess parking spaces may be used if all other requirements are met.

(d) The storage and/or display of equipment and machinery shall be in a stowed position so as to not extend any part of the equipment or machinery in an upward or outward manner.

(e) The conditions above shall not be construed to permit the outside storage of equipment and machinery for outside display, and does not permit additional outside storage of other materials that are not associated with the Rental, Sales, and Service of Heavy Machinery land use.

(f) Maintenance or service of any equipment and machinery shall not be performed on-site.

(6) *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.

(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 04, *Permissible Uses*, and Article 08, *Landscape and Fence Standards*.

(2) *Minor Auto Repair Garage.*

Formatted: Font: Italic

(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 30.00% 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 04, *Permissible Uses*, and Article 08, *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).*

DRAFT ORDINANCE 05.20.2024

(a) The area to be used for outside storage and display shall not exceed 50.00% 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, etcetera shall be performed outside the building*).

(d) Accessory uses may be allowed in compliance with *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 25.00% 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, 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.

(l) *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*).

Formatted: Font: Italic

(4) *Environmentally Hazardous Materials.*

(a) Any land use which involves environmentally hazardous materials shall meet environmental standards established

DRAFT ORDINANCE 05.20.2024

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.

(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. 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 Planning and Zoning Commission 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 05.02, *Landscape Screening*, of Article 08, *Landscape and Fence Standards*. See-through fencing should be wrought iron, or similar. Chain-link 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 01.05, *Screening Standards*, of Article 05, *District Development Standards*.

(b) No outside storage shall be allowed in any zoning district adjacent to IH-30~~. H~~ 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 *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.

Formatted: Font: Italic

DRAFT ORDINANCE 05.20.2024

(c) Incidental Display, as defined in Subsection 02.02(F)(4), shall not be considered Outside Storage and/or Outside Display, and shall be subject to the requirements of Subsection 02.02(F)(4).

(K) *Utilities, Communications and Transportation Land Uses*

(1) *Antenna ~~as an Accessory~~for a Residential Property*.

(a) The antenna installation shall comply with the height and ~~area regulations~~setback requirements of the applicable zoning district.

~~(a)~~(b) For an *Antenna for an Amateur Radio* see Subsection 02.03(K)(2).

~~(b) Administrative approval of the antenna installation shall be required.~~

~~(c) The antenna will meet all applicable requirements of Subsection 03.06, *Antennas*.~~

(2) *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. ~~H;~~ 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 03.06, *Antennas*.~~

(3) *Antenna Dish.*

(a) Dish antennas shall not be located within front or side yards, and shall be fully screened from view from ~~streets~~ rights-of-way and public or ~~common~~ private 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; ~~. Hh~~owever, 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 03.06, *Antennas*.~~

(4) *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure)*.

(a) *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure)* on private property:

(1) One (1) *Freestanding Commercial Antenna* shall be permitted on a non-residential lot as allowed by the applicable zoning district.

(2) The height of the *Freestanding Commercial Antenna* shall adhere to the height and building setbacks of the applicable zoning district; however, the City Council may grant a Specific Use Permit (SUP) for a *Freestanding Commercial Antenna* that exceeds the height of the zoning district.

(3) All equipment, buildings, and/or structures shall be a material allowed by the applicable zoning district or overlay district (*whichever is more restrictive*), and be similar in color and character to the primary building on the site (*if a primary building exists*).

(4) No more than three (3) separate equipment buildings shall be located on a single lot.

(5) All equipment and buildings shall be enclosed by a wrought iron or decorative metal fence with screening shrubs a minimum of six (6) feet in height or a masonry screening wall that is a minimum of eight (8) feet in height and that is compatible in colors and materials as the primary building (*if a primary building exists*). All fences shall be as defined by Article 08, *Landscape and Fencing Standards*, of the Unified Development Code (UDC).

(6) A minimum of one (1) paved parking space providing access to the *Freestanding Commercial Antenna* shall be required. The parking space shall be reserved exclusively for use in conjunction with the *Freestanding Commercial Antenna*, and -- *where applicable* -- may be one (1) of the parking spaces provided for the primary structure on the subject property if additional parking (*above and beyond the required parking*) exists.

(7) All development associated with a *Freestanding Commercial Antenna* shall adhere to the Engineering Department's *Standards of Design and Construction Manual*.

Formatted: Font: 5 pt
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Underline, Font color: Accent 5
Formatted: Underline, Font color: Accent 5
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Font: 5 pt
Formatted: Indent: Left: 1", No bullets or numbering
Formatted: Font: 5 pt
Formatted: Normal, No bullets or numbering
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: Italic
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: Italic, Underline, Font color: Accent 5
Formatted: Font: 5 pt

DRAFT
ORDINANCE
05-2024

(b) *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure)* on public property or public parkland:

(1) *Freestanding Commercial Antennas* shall be permitted *by-right* on all public property or public parkland regardless of zoning designation.

(2) The height of the *Freestanding Commercial Antenna* shall adhere to the height and building setbacks of the applicable zoning district unless otherwise approved through agreement or Specific Use Permit (SUP) by the City Council.

(3) All buildings and/or structures shall be of a material allowed by the applicable zoning district or overlay district (*whichever is more restrictive*), and be of a similar color and character to the primary building on the site (*if a primary building exists*) unless otherwise approved by the City Council through agreement or Specific Use Permit (SUP).

(4) No more than three (3) separate equipment buildings shall be located on a single lot unless otherwise approved by the City Council through agreement or Specific Use Permit (SUP).

(5) All equipment and buildings shall be enclosed by a wrought iron or decorative metal fence with screening shrubs a minimum of six (6) feet in height or a masonry screening wall that is a minimum of eight (8) feet in height and that is compatible in colors and materials as the primary building (*if a primary building exists*) unless otherwise approved by the City Council through agreement or Specific Use Permit (SUP). All fences shall be as defined by Article 08, *Landscape and Fencing Standards*, of the Unified Development Code (UDC).

(6) A minimum of one (1) paved parking space providing access to the *Freestanding Commercial Antenna* shall be required. The parking space shall be reserved exclusively for use in conjunction with the *Freestanding Commercial Antenna*, and -- *where applicable* -- may be one (1) of the parking spaces provided for the primary structure on the subject property if additional parking (*above and beyond the required parking*) exists.

(7) All development associated with a *Freestanding Commercial Antenna* shall adhere to the Engineering Department's *Standards of Design and Construction Manual*.

~~(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 (1) 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 03.06, *Antennas*.~~

(5) ~~*Commercial Freestanding*~~*Mounted or Attached Commercial Antenna*.

(a) The height of the *Mounted or Attached Commercial Antenna* shall adhere to the height and building setbacks of the applicable zoning district; however, a *Mounted or Attached Commercial Antenna* shall be permitted to extend a maximum of ten (10) feet above the maximum height of the support structure, and shall maintain a 15-foot clearance from the ground to the lowest element of the antenna if attached to a utility installation or light pole.

(b) If the *Mounted or Attached Commercial Antenna* has ground mounted equipment or buildings associated with the installation, these structures shall be of a material allowed by the applicable zoning district or overlay district (*whichever is more restrictive*), and be of a similar color and character to the building in which the *Commercial Antenna* is attached or mounted. In addition, all equipment and buildings shall be enclosed by a wrought iron or decorative metal fence with screening shrubs a minimum of six (6) feet in height or a masonry screening wall that is a minimum of eight (8) feet in height and that is compatible in colors and materials as the building in which the *Commercial Antenna* is attached or mounted. All fences shall be as defined by Article 08, *Landscape and Fencing Standards*, of the Unified Development Code (UDC).

(c) If the *Commercial Antenna* is mounted or attached to a building and there is equipment associated with the installation, all ancillary equipment shall be screened so that it is not visible from adjacent properties, public or private open space/parkland, or rights-of-way. The proposed screening shall be approved by the Director of Planning and Zoning or his/her designee.

(d) If the *Commercial Antenna* is positioned in a way that it will be visible and standard screening methods are not possible, the antenna should utilize effective stealth techniques to camouflage or conceal it from view. Such

Formatted: Font: 5 pt
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: Italic, Underline
Formatted: Font: 5 pt
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: 5 pt
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: 5 pt
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Not Highlight
Formatted: Font: 5 pt
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Font: 5 pt
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: Italic
Formatted: Font: 5 pt
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Indent: Left: 0.5", Numbered + Level: 2 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 1.25" + Indent at: 1.5"
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or

DRAFT ORDINANCE 05-2024

stealth techniques must be approved by the City Council through agreement or Specific Use Permit (SUP).

(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 (1) 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 03.06, *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 03.06, *Antennas*.

(c) Replacement of an Existing Freestanding Antenna that has 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

Formatted: Font: 5 pt

Formatted: Normal, No bullets or numbering

Formatted: Font: Italic

DRAFT ORDINANCE 05.20.2024

~~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 (1) of the spaces required for the principal use on the property.~~

~~(8) The antenna will meet all applicable requirements of Subsection 03.06, *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 (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) The antenna will meet all applicable requirements of Subsection 03.06, *Antennas*.~~

(6) *Commercial Drone Delivery Hub*.

(a) *General Requirements*. All *Commercial Drone Delivery Hubs -- regardless of if the land use is a primary or accessory land use* -- shall be at a minimum 150-feet from any residentially zoned or used property, and public parks or open space. This proximity requirement shall be measured from the property line of the proposed *Commercial Drone Delivery Hub* to the property line of the nearest residentially zoned or used property, or the property line of the public park or open space.

(b) *Definitions*. For the purposes of this section a *Drone Staging Area* shall be a designated area in which a drone or unmanned aerial vehicle (UAV) initiates take-offs and landings. The *Drone Staging Area* shall include the launch pad and any appurtenances and outside storage necessary for operations in this area.

(c) *Accessory Land Use*. A *Commercial Drone Delivery Hub* shall only be permitted as an *Accessory Land Use* to a land use permitted within the Commercial (C), Heavy Commercial (HC), and Light Industrial (LI) Districts, and shall be subject to the following requirements:

(1) *Site Plan*. The *Drone Staging Area* for a *Commercial Drone Delivery Hub* shall be designated on the approved *Site Plan* for the subject property.

(2) *Drone Staging Area*. The *Drone Staging Area* for a *Commercial Drone Delivery Hub* as an *Accessory Land Use* to a permitted land use in the Commercial (C) District shall be limited to ten (10) percent of the total site area or 1,000 SF (*whichever is greater*). A *Drone Staging Area* that is fully located within an enclosed building or that is situated on the roof of the building containing the primary land use shall be exempt from this limitation; however, any mechanical equipment associated with the proposed land use shall adhere to the screening requirements for utility equipment as stipulated by Subsection 01.05, *Screening Standards*, of Article 05, *District Development Standards*.

(3) *Location Requirements for Drone Staging Areas*. *Drone Staging Areas* shall *not* be located or situated within any building setbacks or required landscape buffers, fire lanes, easements, loading/unloading areas, or required parking spaces. In addition, the *Drone Staging Area* shall not obstruct visibility for pedestrians or vehicular traffic circulation on the subject property.

(4) *Screening of Drone Staging Areas*. All *Drone Staging Areas* shall be screened in accordance with the requirements for *Outside Storage* as stipulated by Subsection 01.05, *Screening Standards*, of Article 05, *District Development Standards*.

(5) *Buildings for Commercial Drone Delivery Hub*. Where a detached building is proposed as an

DRAFT ORDINANCE 05-24

accessory building for a *Commercial Drone Delivery Hub* as an accessory land use, the maximum square footage of the building shall be limited to ten (10) percent of the total floor area of the primary building on the subject property.

(6) *Reduction of Existing Parking*. Where it is deemed appropriate by the City Council, upon a recommendation by the Planning and Zoning Commission, a ten (10) percent reduction in the required number of parking spaces may be granted to accommodate a *Drone Staging Area*; however, no additional parking shall be required for the establishment of a *Commercial drone Delivery Hub* as an accessory land use. Should the *Drone Staging Area* be removed from the property the parking reduction will be revoked and the parking areas shall be reestablished as they were prior to the establishment of the *Drone Staging Area*.

(d) *Primary Land Use*. A *Commercial Drone Delivery Hub* shall only be permitted as a primary land use in the Heavy Commercial (HC) and Light Industrial (LI) Districts, and shall be subject to the following requirements:

(1) *Site Plan*. The *Drone Staging Area* for a *Commercial Drone Delivery Hub* shall be designated on the approved *Site Plan* for the subject property.

(2) *Drone Staging Areas*. A *Drone Staging Area* that is situated on the roof of the building shall be subject to the screening requirements for utility equipment as stipulated by Subsection 01.05, *Screening Standards*, of Article 05, *District Development Standards*. In addition, the proposed facility shall adhere to the height restrictions of the zoning district, but a single mast for a windsock may extend above the parapet of the building in accordance with the requirements of Subsection 04.01(B) or Subsection 05.01(B) of Article 05, *District Development Standards* (*whichever may be applicable*).

(3) *Location Requirements for Drone Staging Areas*. *Drone Staging Areas* shall *not* be located or situated within any building setbacks or required landscape buffers, fire lanes, easements, loading/unloading areas, or required parking spaces. In addition, the *Drone Staging Area* shall not obstruct visibility for pedestrians or vehicular traffic circulation on the subject property.

(4) *Screening of Drone Staging Areas*. All *Drone Staging Areas* shall be screened in accordance with the requirements for *Outside Storage* as stipulated by Subsection 01.05, *Screening Standards*, of Article 05, *District Development Standards*.

(7) *Solar Energy Collector Panels and System*.

(a) *Residential*. *Solar Energy Collector Panels and Systems* installed on a residential structure shall be required to meet the requirement of the International Building Code (IBC), and be required to apply for and receive a building permit from the Building Inspections Department.

(b) *Small Commercial*. *Solar Energy Collector Panels and Systems* installed on a *Small Commercial* structure shall be required to meet the requirement of the International Building Code (IBC), and be required to apply for and receive a building permit from the Building Inspections Department. *Small Commercial* shall mean a *Small Commercial Customer* as defined by Section 202, *Price to Beat*, of Chapter 39, *Restructuring of Electrical Utility Industry*, of the Texas Utilities Code. It shall be the burden of a property owner to show that a particular property meets the definition of a *Small Commercial Customer*.

(c) *Commercial*. *Solar Energy Collector Panels and Systems* installed on a *Commercial* structure shall be required to meet the following:

(1) *Solar Energy Collector Panels on a Pitched Roof*. *Solar Energy Collector Panels* installed on a pitched roof shall be of a flat configuration and shall be subject to the following requirements:

(A) *Solar Energy Collector Panels* shall not extend beyond the roofline or eave lines of a roof.

(B) *Solar Energy Collector Panels* shall not exceed more than 45.00% of the total roof area.

(C) Configuration of *Solar Energy Collector Panels* on a pitched roof shall be a regular quadrangular shape, flat to the roof or integrated with the roof, and aligned with the natural roof edges.

(D) The surface of the *Solar Energy Collector Panel* shall not be more than six (6) inches above the surface of the pitched roof.

(2) *Solar Shingle on a Pitched Roof*. *Solar Shingles* may be installed on a pitched roof; however, *Solar Shingles* are subject to the following requirements:

(A) *Solar Shingles* shall be installed on 100.00% of the total roof area -- *excluding accent roof materials (e.g. metal roofs over gabled windows, porches, entryways, and etcetera)* --, and shall not be installed alongside another roof mounted *Solar Energy Collector System*.

(3) *Solar Energy Collector Panels on a Flat Roof*. *Solar Energy Collector Panels* installed on a flat roof, whether rack-mounted or flat-mounted, shall be screened from public view, and meet the following requirements:

(A) The height of such screening, at the minimum, shall be the height of the *Solar Energy Collector Panel*.

(B) The screening may be by a parapet or screening wall replicating the materials of the building.

DRAFT
ORDINANCE
05-24
2024

(4) Reflective glare of *Solar Energy Collector Panels* shall be minimized by the positioning of the *Solar Collector Panels* or by the use of non-glare glazing.

(5) 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.

(6) 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 of Rockwall.

(7) The maximum overall height of ground mounted or pole mounted *Solar Energy Collector Panels* shall not exceed eight (8) feet.

(8) 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 03 | OTHER SPECIAL USE STANDARDS

SUBSECTION 03.01: 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~~SF 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~~SF per animal.

(B) *Other Animals.* An SUP is required for other farm animals, including fowls, chickens and swine (*except for "potbellied pigs" as defined in Section 6-1, Definitions, of Chapter 6, Animals, of the Municipal Code of Ordinances*), and for a reduction in the land area required for grazing farm animals. The city shall not grant a 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, *Definitions*, of Chapter 6, *Animals*, of the Municipal 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 6-1, *Definitions*, of Chapter 6, *Animals*, of the Municipal Code of Ordinances.

SUBSECTION 03.02: TEMPORARY ACCOMODATION FOR EMPLOYEES, CUSTORMERS 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 (5) percent of the building area is utilized for this ancillary use.

SUBSECTION 03.03: 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 03.04: FLAG POLES

Flag poles are permitted in all districts, but must meet the building height and setback requirements for each district. (See Article 05, *District Development Standards*, of the Unified Development Code).

SUBSECTION 03.05: 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~~ 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~~ 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

Formatted: Font: Italic

Formatted: Font: Italic

DRAFT ORDINANCE 05-13-2024

property line to the base of the floor on which the permit or license holder is located.

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 *or* Alcoholic Beverage Stores 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 or Alcoholic Beverage Stores 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 *or* Alcoholic Beverage Stores engaged in the selling of beer, wine, and distilled spirits or liquor 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 or Alcoholic Beverage Store 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.

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 *or* Alcoholic Beverage Stores engaged in the selling of beer, wine, and distilled spirits or liquor 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, *Signs*, of the Municipal Code of Ordinances, pertaining to signs.

Formatted: Underline, Font color: Accent 5

(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.

~~SUBSECTION 03.06: 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~~

DRAFT ORDINANCE 05.20.2024

~~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 and Zoning. 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 04 | FLOODPLAIN AREAS

SUBSECTION 04.01: PERMITTED USES

The following land 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, *Floods*, of the Municipal Code of Ordinances, and the Engineering Department's *Standards of Design and Construction Manual*:

(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 04.02: DUMPING, EXCAVATING OR FILLING IN A FLOODPLAIN

Any dumping, excavation, storage or filling operation on any property within any district having a floodplain designation or that is within a creek or drain way shall require a permit from the City Engineer prior to the commencement of such activity; however, no construction, buildings, or structures shall be permitted within a floodplain. Fences maybe permitted through approval by the City Engineer in accordance with the requirements of the Engineering Department's *Standards of Design and Construction Manual*.

SUBSECTION 04.03: 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 (UDC) shall not be so interpreted.

SECTION 05 | TEMPORARY USES AND STRUCTURES

SUBSECTION 05.01: 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 05.02: TEMPORARY USES

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 06 | NON-CONFORMING USES, STRUCTURES, AND SITES

SUBSECTION 06.01: INTENT

Within the zoning districts established by this Unified Development Code (UDC), 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 (UDC). 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 non-conforming lots, buildings, or uses shall not be enlarged upon, expanded or extended, except as otherwise specifically provided, and that such non-conforming 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, non-conforming uses are declared to be incompatible with permitted uses in the same zoning districts.

SUBSECTION 06.02: APPLICABILITY

DRAFT ORDINANCE 05.20.2024

The provisions of this section shall apply to lots, uses and buildings which become non-conforming by reason of the adoption of, or an amendment to, the ordinance from which this Unified Development Code (UDC) is derived, as of the effective date of such amendment.

SUBSECTION 06.03: NON-CONFORMING 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 (UDC) 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 (UDC) for the district in which it is located.

(2) The right to continue non-conforming uses shall be subject to regulations prohibiting the creation of a nuisance and regulations reasonably protecting adjacent property.

(B) *Cessation of Non-~~conforming~~ Conforming 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 Non-~~conforming~~ Conforming Use*. No existing building or premises devoted to a use that is not permitted by this Unified Development Code (UDC) 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 non-conforming use of a building may be changed to another non-conforming 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 non-conforming use has been changed to a conforming use, the use shall not thereafter be changed to a non-conforming use.

(3) When authorized by the board of adjustment, enlargement or completion of a building devoted to a non-conforming 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% of its original area of nonconformity.

(4) When authorized by the board of adjustment, a non-conforming 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 non-conforming, if no structural alterations except those required by law, are made.

SUBSECTION 06.04: NON-CONFORMING 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 non-conforming 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 (UDC). (For land use nonconformity, see Subsection 06.03, *Non-Conforming Uses*, of Article 04, *Permissible Uses*).

(B) *Use of Non-~~conforming~~ Conforming Buildings, Structures or Land*.

(1) No building or structure which was originally designed for or used as a non-conforming use shall again be put to a non-conforming use, where such use has ceased for 180-days or more during any three (3) 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 (UDC) shall be discontinued within six months from the enactment of this Unified Development Code (UDC). The non-conforming use of land and/or buildings involving individual structures with a replacement cost of $1,000.00 or less, which becomes non-conforming by reason of subsequent amendments to this Unified Development Code (UDC) shall be discontinued within six months from the date of such amendment.

(C) *Construction Approved prior to Unified Development Code (UDC)*. Nothing in this Unified Development Code (UDC) 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 (UDC), 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 non-conforming structure which is damaged more than 75.00% 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 75.00% 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 (UDC) 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 50.00% of the replacement cost of the building. If the repairs exceed 50.00%, the building shall be brought into conformity with all requirements of the zoning district in which it is located.

(F) *General Repairs and Maintenance*.

DRAFT ORDINANCE 05-2024

(1) On any non-conforming structure or portion of a structure containing a non-conforming 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 (10) percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be.

(2) If 50% or more of a non-conforming structure containing a non-conforming 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 Non-~~conforming~~ Conforming Building or Structure*. No non-conforming 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) *Non-~~conforming~~ Conforming Lot Sizes*. All lots used for storage that do not require a building and the use of such lot is made non-conforming by this Unified Development Code (UDC) 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 (UDC) is derived, or amendments [*thereto*].

SUBSECTION 06.05: NON-CONFORMING SHORT-TERM RENTALS

Short-Term Rentals, as defined in Article 13, *Definitions*, of this Unified Development Code (UDC), shall be considered to be legally in existence for the purpose of establishing vested or non-conforming rights regarding the zoning requirements if all of the following criteria is met by the owner of a *Short-Term Rental*:

(A) The owner of a property provides a property deed or proof of ownership showing that the property was purchased prior to April 1, 2024.

(B) The owner of the property can provide proof that the property was used as a *Short-Term Rental* (*i.e. a listing, proof of rental, etc.*) *OR* proof of payment of hotel occupancy tax to the City of Rockwall.

DRAFT ORDINANCE 05.20.2024

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference *Article 04, Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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 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	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										
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	A				

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

DRAFT NOT FOR SERVICE 05.2024

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
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											
Home Occupation	(9)	(7)	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
Limited-Service Hotel	(10)													S				S	S		S				
Full-Service Hotel	(11)	(8)												S				S	S		S				
Residence Hotel	(12)													S				S	S		S				
Motel	(13)													S				S	S		S				
Multi-Family Development or Structure	(14)	(9)												P											
Portable Building	(15)	(10)		P	P	P	P	P	P	P	P	P	P												
Residential Infill in an Established Subdivision	(16)	(11)	S	S	S	S	S	S	S	S	S	S	S	S	S	S									
Short-Term Rental (*Owner-Occupied, Single-Family Home, Townhome, or Duplex*)	(17)	(12)		P	P	P	P	P	P	P	P	P	P	P	S	S									
Short-Term Rental (*Non-Owner-Occupied, Single-Family Home, Townhome, or Duplex*)	(17)	(13)		P	P	P	P	P	P	P	P	P	P	P	S	S									
Short-Term Rental (*Apartment or Condominium*)	(17)	(14)		P	P	P	P	P	P	P	P	P	P	P	S	S									
Single-Family Attached Structure	(18)	(15)										P	P	P											
Single-Family Detached Structure	(19)	(16)	P	P	P	P	P	P	P	P	P	P	P	P		P									
Single-Family Zero Lot Line Structure	(20)	(17)										P	P	P		P									
Private Swimming Pool	(21)		A	A	A	A	A	A	A	A	A	A	A	A	A	A									
Private ~~Tennis~~ Sports Court with Standalone or Dedicated Lighting	(22)	(18)	A	~~SP~~	~~SP~~	~~SP~~	S	S	S	S	S	S	S	~~SP~~		S		P	P	P	P				
Townhouse	(23)	(~~18~~19)												P		P									
Urban Residential	(24)	(~~19~~20)												S	S										
INSTITUTIONAL AND COMMUNITY SERVICE LAND USES	2.02(C)	2.03(C)																							
Assisted Living Facility	(1)	(1)												P	S	S	S	S	S		S				
Blood Plasma Donor Center	(2)																	P	P	P	P	P			
Cemetery/Mausoleum	(3)		S														P	P	P	P	P	P			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

DRAFT NOT FOR CONSTRUCTION 05.2024

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
Church/House of Worship	(4)	(2)	S	S	S	S	S	S	S	S	S	S	S	P	S		P	S	S	P	S	P			
College, University, or Seminary	(5)														P				S	P	P	P			
Convalescent Care Facility/Nursing Home	(6)													S	S	P	P	P	P	P	S				
Congregate Care Facility/Elderly Housing	(7)	(3)												P	S	S	S	S	S		S				
Crematorium	(8)																				S	P			
Daycare with Seven (7) or More Children	(9)	(4)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S			
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	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	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	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	S					
Trade School	(24)														S			S	P	P	P	P			
Rescue Mission or Shelter for the Homeless	(254)																			S	P	P			
Social Service Provider (*Except Rescue Mission or Homeless Shelter*)	(265)																	S		P	P	P			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Highlight

Formatted: Font: Bold, Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted Table

Formatted: Font: Italic

DRAFT ORDINANCE 05.20.2024

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
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 or Medical Office Building less than 5,000 SF	(2) & (3)														P	P	P	P	P	P	P	P			
Office or Medical Office Building 5,000 SF or Greater	(2) & (3)														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	(2)	(2)													S			S	P	P	P	P			
Outdoor Commercial Amusement/Recreation	(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	P	P	P	P	P			
Private Country Club	(5)		S	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																	P		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	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	S	P	P	P			
Theater	(15)														P			S	P	P	P	P			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: No underline, Font color: Background 1

Formatted Table

DRAFT ORDINANCE 05.2024

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
RETAIL AND PERSONAL SERVICES LAND USES	2.02(F)	2.03(F)																								
Alcoholic Beverage Package Sales	~~(1)~~	(1)														P		S	P	P	P	S				
Alcoholic Beverage Store	~~(2)~~	(2)														S				S	P					
Antique/Collectible Store	~~(23)~~															S		S	P	P	P					
Astrologer, Hypnotist, or Psychic	~~(34)~~															S	P	P	P	P	P					
Banquet Facility/Event Hall	~~(45)~~															S			P	P	P					
Portable Beverage Service Facility	~~(56)~~	(3)														S	S		S	S	S	S	P			
Brew~~p~~-P~~p~~ub	~~(67)~~															P		P	P	P	P	P	P			
Business School	~~(78)~~															P			P	P	P	P				
Catering Service	~~(89)~~															A		S	P	P	P	P				
Temporary Christmas Tree Sales Lot and/or Similar Uses	~~(910)~~	(4)														S		S	P	P	P	P	P			
Copy Center	~~(1011)~~															P		P	P	P	P	P	P			
Craft/Micro Brewery, Distillery and/or Winery	~~(1112)~~	(5)														S			S	S		P	P			
Incidental Display	~~(1213)~~	(6)														P		P	P	P	P	P				
Food Trucks/Trailers	~~(1314)~~	(7)														P	S	S	P	P	P	P	P			
Garden Supply/Plant Nursery	~~(1415)~~																	S	P	P	P	P				
General Personal Service	~~(1516)~~	(8)														P		P	P	P	P	S				
General Retail Store	~~(1617)~~															P	S	P	P	P	P	S	S			
Hair Salon and/or Manicurist	~~(1718)~~															P	S	P	P	P	P	S				
Laundromat with Dropoff/Pickup Services	~~(1819)~~															P		P	P	P	P	P	P			
Self-~~-~~Service Laundromat	~~(1920)~~															P		P	P	P	P	P	P			
Massage Therapist	~~(2021)~~															P	P	P	P	P	P					
Private Museum or Art Gallery	~~(2122)~~															P	P	S	P	P		P				
Night Club, Discotheque, or Dance Hall	~~(2223)~~															S			S	P	P	S	S			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Font color: Accent 5

Formatted: Font color: Accent 5

DRAFT
DRAFT
05.2024

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL 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	MIXED USE DISTRICTS: Downtown (DT) District	Residential Office (RO) District	NON-RESIDENTIAL DISTRICTS: Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	OVERLAY DISTRICTS: Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
Pawn Shop	~~(2324)~~																		S	S	P	P			
Permanent Cosmetics	~~(2425)~~	(9)													A	A	A	A	A	A	A				
Pet Shop	~~(2526)~~																P	P	P	P					
Temporary Real Estate Sales Office	~~(2627)~~		P	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	~~(2728)~~	(10)																S	P	P	P	P			
Restaurant with less than 2,000 SF with Drive-Through or Drive-In	~~(2829)~~	(11)															S	S	S	S	S	S			
Restaurant with less than 2,000 SF without Drive-Through or Drive-In	~~(2930)~~														P	S	P	P	P	P	P	P			
Restaurant with 2,000 SF or more with Drive-Through or Drive-In	~~(2829)~~	(12)															S	S	P	P	P	P			
Restaurant with 2,000 SF or more without Drive-Through or Drive-In	~~(2930)~~														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*)	~~(3031)~~	(13)															S	P	P	P	P	P	S	S	
Retail Store with Gasoline Sales that has more than Two (2) Dispensers	~~(3032)~~	(13)																S	P	P	P	P	S	S	
Secondhand Dealer	~~(3133)~~														S			P	P	P	P	P			
Art, Photography, or Music Studio	~~(3233)~~														P	P	P	P	P	P	P				
Tailor, Clothing, and/or Apparel Shop	~~(3334)~~														P		P	P	P	P					
Tattoo and/or Body Piercing	~~(3435)~~																			P					
Taxidermist Shop	~~(3536)~~																			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			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted Table

DRAFT NOT FOR CONSTRUCTION 05.2024

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE [Reference Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
Custom and Craft Work	(5)																			P	P	P			
Electrical, Watch, Clock, Jewelry and/or Similar Repair	(6)														P		S	P	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 Rental, Sales, and Service	(10)	(5)																	S	P	S	P			
Locksmith	(11)														P			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			
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)	(6)	P	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 Automotive 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			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Not Strikethrough

Formatted: Not Strikethrough

DRAFT
NOT FOR CONSTRUCTION
05.2024

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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

			RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						OVERLAY DISTRICTS		
LAND USES	LAND USE DEFINITION REFERENCE [Reference Article 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	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
Commercial Parking Lot	(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	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	(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			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Not Strikethrough

DRAFT ORDINANCE 05.20.2024

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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

			RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						OVERLAY DISTRICTS		
LAND USES	LAND USE DEFINITION REFERENCE [Reference Article 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	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
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			
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~~for a Residential Property	(2)	(1)	~~PA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~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)	(~~3~~2)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Antenna Dish	(~~5~~4)	(~~4~~3)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Freestanding Commercial ~~Freestanding~~ Antenna (*i.e. Monopole or a Similar Structure*)	(~~6~~5)	(~~5~~4)	S											S		S	S	~~SP~~	~~SP~~	~~SP~~	P	P	S		S
Mounted or Attached Commercial Antenna	(~~7~~6)	(~~6~~5)	S											P	S	S	S	~~SP~~	~~SP~~	~~SP~~	P	P			
Bus Charter Service and Service Facility	(~~8~~7)																			P	P	P			
Commercial Drone Delivery Hub	(8)	(6)																	S	S	S				
Helipad	(9)																	S	S	S	S	S			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted Table

DRAFT ORDINANCE 05.20.2024

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE [Reference Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
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 (*Includes Utilities with a Franchise Utility Agreement with the City of Rockwall*)	(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	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	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	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	A		
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	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~~		

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Font: Italic

DRAFT
ORDINANCE
05.2024

Continued on Next Page …

DRAFT
ORDINANCE
05.20.2024

SECTION 01 | GENERAL STANDARDS

SUBSECTION 01.01: OPEN SPACE

The purpose of this Article is to set forth regulations which protect the public from the potential negative effects of industrial and intense commercial development by regulating smoke and particulate matter, odorous matter, fire or explosive materials, toxic and noxious matter, vibration, open storage, glare and fuel supply in the vicinity of such sites.

(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 03.01, *General Residential District Standards*

(b) *Commercial*. Subsection (D), *Open Space Guidelines*, of Section 04.01, *General Commercial District Standards*

(c) *Industrial*. Subsection (D), *Open Space Guidelines*, of Section 05.01, *General Industrial District Standards*

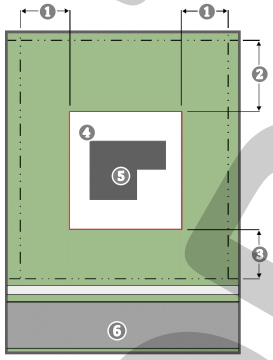
SUBSECTION 01.02: SITE PLANS

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 11, *Development Applications and Review Procedures*.

SUBSECTION 01.03: LOT CONFIGURATIONS

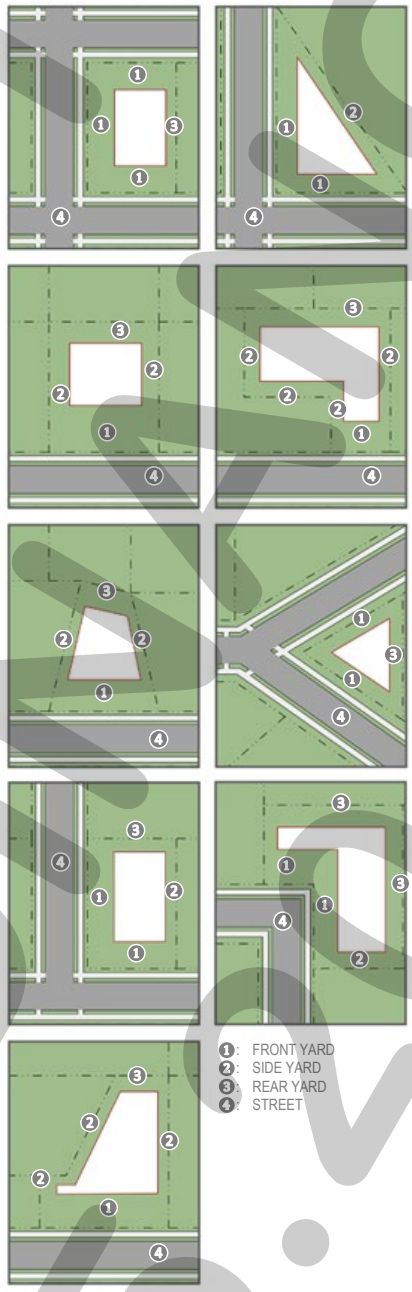
(A) *Lots with a Single Street Frontage*. Where lots have a single street frontage, the required setbacks should generally adhere to the following diagram:

FIGURE 1: LOT WITH A SINGLE STREET FRONTAGE



1: REQUIRED SIDE YARD SETBACK
2: REQUIRED REAR YARD SETBACK
3: REQUIRED FRONT YARD SETBACK
4: BUILDABLE AREA
5: BUILDING COVERAGE
6: STREET

FIGURE 2: LOT WITH MULTIPLE STREET FRONTAGE



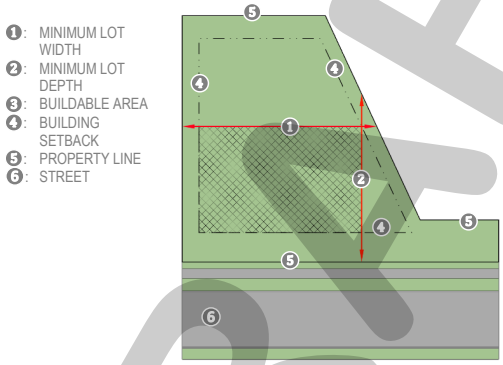
1: FRONT YARD
2: SIDE YARD
3: REAR YARD
4: STREET

DRAFT ORDINANCE 05.20.2024

(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:~~ *Figure 2*.

~~(B)~~(C) *Determining Lot Width and Depth for an Irregularly Shaped Lot*. To determine the minimum lot width and depth of an irregularly shaped lot or where a portion of the lot does not adhere to the required minimum lot width or depth, the follow method of calculation shall be use:

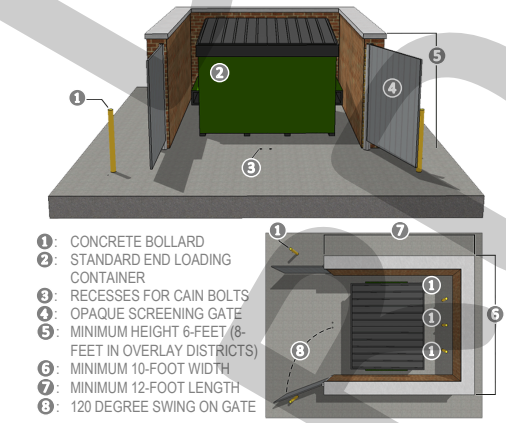
FIGURE 3: IRREGULARLY SHAPED LOT



SUBSECTION 01.04: 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.

FIGURE 3: STANDARD DUMPSTER ENCLOSURE



SUBSECTION 01.05: SCREENING STANDARDS

All development shall adhere to the following screening standards:

(A) *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 05.02, *Landscape Screening Standards*, of Article 08, *Landscape Standards*.

(B) *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.

(C) *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 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.

(D) *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.

(E) *Outside Storage*. Outside storage of materials or vehicles shall be screened from all public ~~streets~~rights-of-way, any adjacent properties, ~~any residential zoning district or residentially used property,~~ and parks and open space that abuts or ~~is~~are 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

Formatted: Indent: Left: 0.25", No bullets or numbering

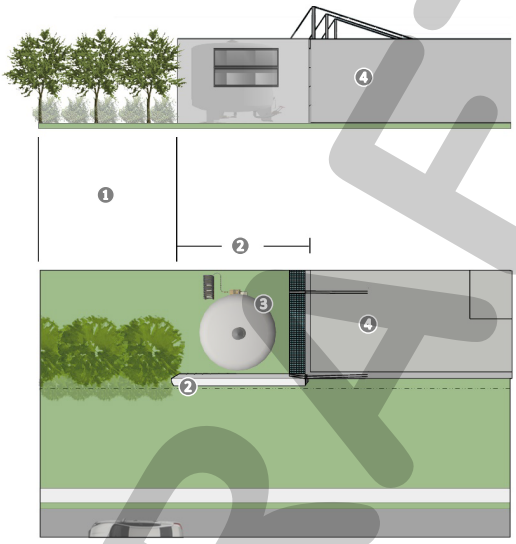
Formatted: Normal

Formatted: Font: Italic

DRAFT 05.2024

accordance with Subsection 05.02, *Landscape Screening Standards*, of Article 08, *Landscape Standards*.

FIGURE 4: ABOVE GROUND STORAGE TANKS



1: SECONDARY SCREENING CANOPY TREES (SPACED 20-FOOT ON CENTER) AND SHRUBS
2: SCREENING WALL
3: ABOVE GROUND STORAGE TANK
4: INDUSTRIAL BUILDING

SUBSECTION 01.06: RESIDENTIAL ADJACENCY STANDARDS

(A) *Purpose*. The general objectives of residential adjacency standards are to preserve and protect the integrity, enjoyment and property values of residential neighborhoods within the City of Rockwall, through the establishment of standards for certain nonresidential uses that may impact surrounding residential land uses. These standards are in addition to the development regulations applicable to the underlying zoning district. When any requirements in this section are in conflict with any other requirements for the underlying zoning district, the more restrictive requirements shall apply.

(B) *Definitions*.

Residential Adjacency. Any nonresidential building, use, or associated activity that when located in proximity to a residential district may result in detrimental impact to a residential property. Residential adjacency shall include the lot on which the nonresidential building, use, or associated activity is located. In cases where multiple uses are contained on the same lot, residential adjacency shall apply to the area within that lot which encompasses the building, use, or associated activity and all accessory buildings, uses, or areas necessary to support them.

Vehicular Service Bays. Any partially or fully enclosed space used for "major" or "minor" automobile repair, or truck and bus repair, or similar activities.

Individual Service Speakers. Speakers used to conduct business with individual customers outdoors or in a partially enclosed structure, including, but not limited to:

- Drive-through payment windows;
- Drive-through restaurant ordering boards;
- Service station pump islands; and
- Car washes.

Public Address/Paging Systems. Loud speaker or amplified paging systems intended to contact or provide information to person(s) on the exterior of a building such as those commonly used by businesses with large outdoor facilities/operations, including, but not limited to:

- New and used car dealers;
- Building material sales;
- Garden centers; and
- Car washes.

Small Engine Repair Shop. Shop for repair of lawnmowers, chain saws, lawn equipment, and other machines with one-cylinder engines.

Motorcycle. A usually two (2) wheeled self-propelled vehicle having one (1) or two (2) saddles or seats, and which may have a sidecar attached. For purposes of the Unified Development Code (UDC), motorbikes, motor scooters, mopeds, and similar vehicles are classified as motorcycles.

Motorcycle Sales and Service. The display, sale and servicing, including repair work of motorcycles.

(C) *Applicability*.

(1) The residential adjacency standards shall apply when a use is proposed for a nonresidential building or site that is adjacent to a residential district, and both of the following conditions apply:

(a) An existing or proposed building, structure, or device on the lot is within 150 feet of a residential district boundary, except if the activity proposes the use of public address/paging systems, in which case 500 feet shall be the effective distance; and

(b) One or more of the following uses are proposed:

(1) Planned shopping centers and neighborhood convenience centers.

(2) Restaurants, including accessory outdoor seating, with drive-in or drive-through facilities.

(3) Retail outlets where gasoline products are sold as an accessory use.

(4) Automotive repair, as an accessory to a retail use, provided all work is conducted wholly within a completely enclosed building.

(5) Gasoline service stations.

DRAFT ORDINANCE 05.20.2024

(6) Car wash.

(7) Drive-in businesses.

(8) New car dealership.

(9) Nursery, greenhouse, or garden center.

(10) Minor automotive repair.

(11) New boat dealership.

(12) Automotive vehicle sales and service.

(13) Automotive repair and other repair services, excluding wrecking yards.

(14) Lumberyards or contractor yards, general warehousing and storage, farm equipment or other heavy equipment sales and service, farm products, warehousing and storage, including mini-warehouses for storage purposes only.

(15) Small engine repair service.

(16) Motorcycle sales and service.

(2) Review of proposals for compliance with the residential adjacency standards will be carried out in conjunction with site plan review, depending on whether or not the actual use of the site is known.

(D) *Standards*.

(1) *Noise*.

(a) Any use containing individual service speakers shall not be permitted within 150 feet of any residential district unless the speaker is appropriately screened and shall meet the standards established in Article IV, *Noise*, of Chapter 16, *Environment*, of the Municipal Code of Ordinances. The Planning and Zoning Commission may require wing walls, landscape screens, changes in building orientation, and/or other design elements to screen and minimize the impact of individual service speakers.

(b) Any use containing public address/paging systems shall not be permitted within 500 feet of any residential district unless separated by an MD4 or larger thoroughfare.

(2) *Loading Spaces*.

(a) Where adjacent to residential districts, off-street loading areas shall be fully screened from view of the residential district.

(b) The director may require wing walls, landscape screens, changes in building orientation, and/or other architectural elements to minimize the impact of uses containing loading docks within 150 feet of any residential district.

(3) *Vehicular Service Bays*.

(a) All vehicular service bays within 150 feet of a residential district shall face away from adjacent residential districts unless separated by a building or permanent architectural feature of minimum height matching the height of the service bays.

(b) Walls separating service bays from a residential district shall be of masonry or reinforced concrete with no openings.

(c) The director may require wing walls, landscape screens, changes in building orientation, and/or other design elements to minimize the impact of service bays within 150 feet of a residential district.

(d) No use including outdoor vehicular repair, servicing or testing shall be permitted within 150 feet of a residential district.

(4) *Small Engine Repair Shops*. Small engine repair shops shall not be permitted within 150 feet of a residential district unless all repair, service, and testing activities are done in a fully enclosed building.

(5) *Motorcycle Sales/Service*. Motorcycle sales/service facilities shall not be permitted within 150 feet of a residential district unless all repair, service, and testing activities are done in a fully enclosed building.

(6) *Car Wash and Fuel Dispensing Facilities*.

(a) Car wash and fuel dispensing facilities shall not be permitted within 150 feet of a residential district.

(b) Where car wash and fuel dispensing facilities are within 300 feet but greater than 150 feet of a residential district, the Planning and Zoning Commission may require wing walls, landscape screens, and/or other design elements to screen and minimize the impact of such facilities.

(7) *Combination Gas Station, Fast Food Restaurant, and/or Convenience Store*.

(a) Combination gas station, fast food restaurant, convenience store shall not be permitted within 150 feet of a residential district.

(b) Where combination gas station, fast food restaurant, convenience stores are within 300 feet but greater than 150 feet of a residential district, the Planning and Zoning Commission may require wing walls, landscape screens, and/or other design elements to screen and minimize the impact of such facilities.

(8) *Signs*.

(a) No more than one (1) monument sign per street frontage with a maximum height of five (5) feet and a maximum area of 60 square feet shall be allowed.

(b) A business shall be allowed any number of attached walls, projection or marquee signs so long as the total face area of the building or store front does not exceed ten (10) percent of the front face area of the building or store front as established in approved plans submitted to the City, or 60 square feet, whichever is greater, or exceed six feet in height as per the sign ordinance.

DRAFT ORDINANCE 05.2024

(E) *Review*. The following information shall be submitted in order to facilitate the review:

(1) All information and procedures as required by site plan review in Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC).

(2) Location and description of existing and proposed exterior speaker systems to include information about the height, octave and decibel band ranges of each fixture.

(3) Information indicating the location and orientation of all off-street loading spaces.

(4) Information indicating the location and orientation of all vehicular service bays.

(5) Information indicating the location and description of existing and proposed screening between the proposed nonresidential use and the residential district.

SUBSECTION 01.07: 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.

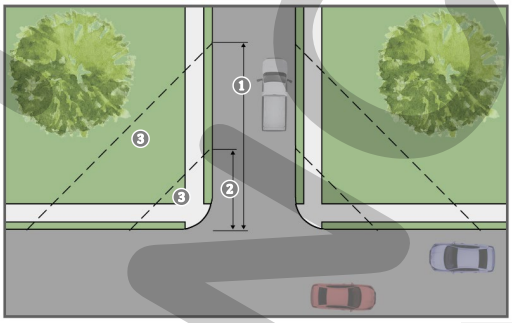
An open fire escape may project into a required yard by not more than half the width of the setback, but not more than four (4) feet from the building. Fire escapes, solid floored balconies and enclosed outside stairways may project into a rear yard by a maximum of four (4) feet.

(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.

SUBSECTION 01.08: 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.

FIGURE 5: SITE DISTANCE REQUIREMENTS



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

NOTES:
(1) THE TRIANGLE SHOULD BE MEASURED FROM THE EDGE OF THE STREET, AND PROJECTED AT A 45-DEGREE ANGLE TO THE ADJOINING STREET.
(2) THE UNOBSTRUCTED VERTICAL FIELD OF VISION SHOULD BE BETWEEN TWO (2) FEET AND NINE (9) FEET IN HEIGHT.

(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) curb lines 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

DRAFT
05.2024

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.

SECTION 02 | AGRICULTURAL DISTRICTS

SUBSECTION 02.01: 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 01.01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within an Agricultural (AG) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SECTION 03 | RESIDENTIAL DISTRICTS

SUBSECTION 03.01: GENERAL RESIDENTIAL DISTRICT STANDARDS

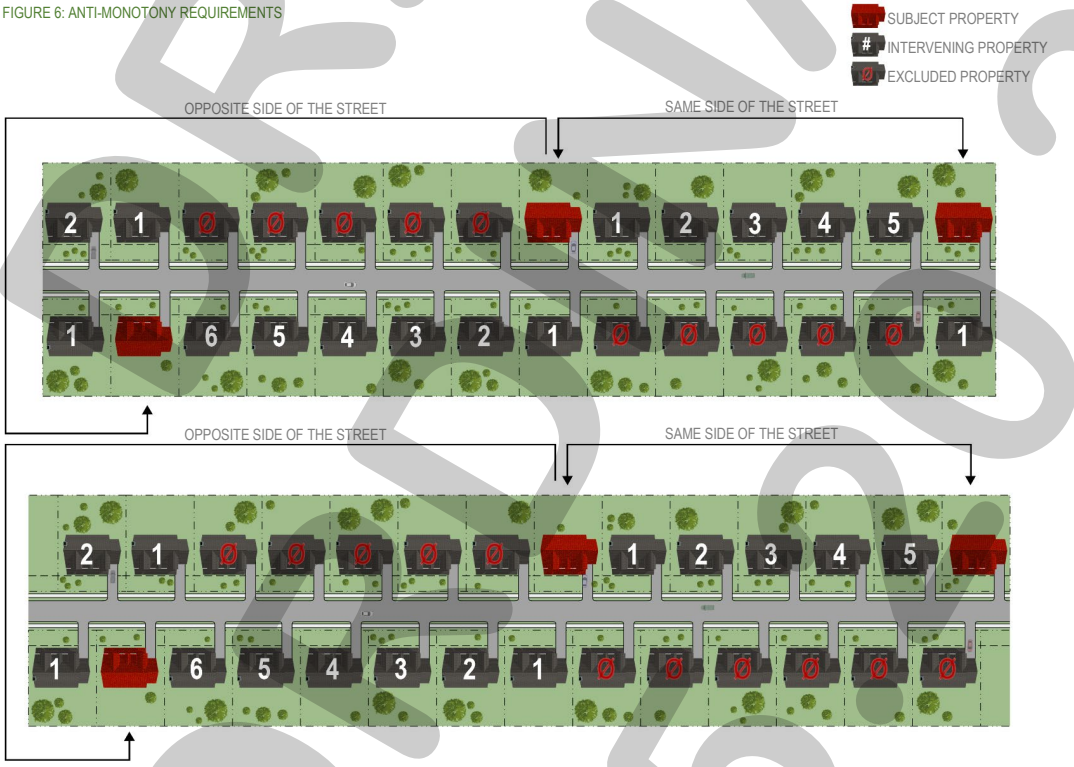
All residential development shall conform to the following standards:

(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.

FIGURE 6: ANTI-MONOTONY REQUIREMENTS



DRAFT
05.20.2024

(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 Figure 6 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 08, *Fence Standards*, of Article 08, *Landscape and Fence Standards*.

SUBSECTION 03.02: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family Estate 1.5 (SFE-1.5) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.03: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family Estate 2.0 (SFE-2.0) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.04: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family Estate 4.0 (SFE-4.0) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.05: 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

DRAFT ORDINANCE 05.2024

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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 1 (SF-1) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.06: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 16 (SF-16) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.07: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 10 (SF-10) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.08: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 8.4 (SF-8.4) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.09: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 7 (SF-7) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.10: 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

DRAFT OFFICE 05.30.2024

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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Zero Lot Line (ZL-5) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.11: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Two-Family (2F) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.12: 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 01, *Land Use Schedule*, of Article 04, *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 04 | COMMERCIAL DISTRICTS

SUBSECTION 04.01: 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 07.03, *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 standards for articulation on primary building façades as depicted in *Figure 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 standards for articulation on secondary building façades as depicted in *Figure 7*.

(D) *Open Space Guidelines*. Commercial land uses should be designed to be integrated with adjacent land uses, as opposed to separating

DRAFT OFFICE 05.03.2024

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 criterion 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 08, *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.

DRAFT ORDINANCE 05.20.2024

(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.

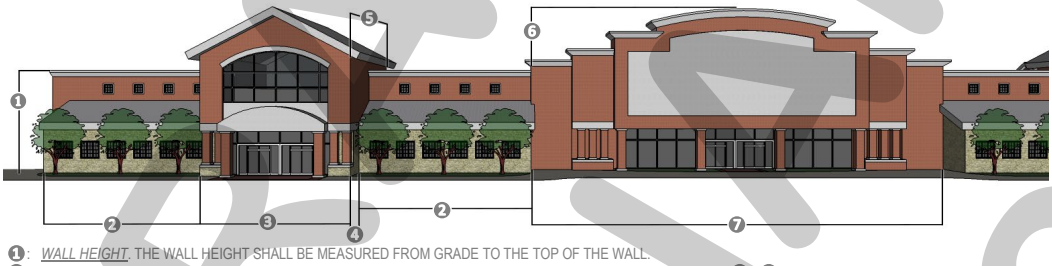
(b) Buildings should be placed in a manner that screens the drive-through lane and creates pedestrian pathways and spaces.

(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.

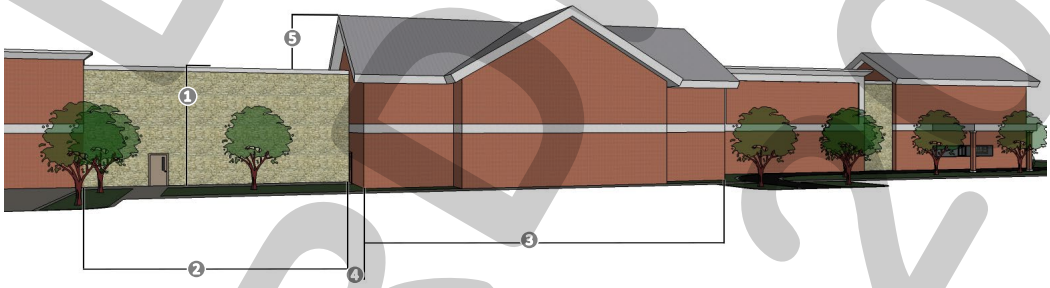
(4) *Residential Adjacency Standards*. Where the property immediately abuts a residential zoning district or residentially used property -- unless separated by an M4D (major collector, four [4] lane, divided roadway) or larger thoroughfare -- a minimum 25-foot wide landscaped buffer must be installed 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*, of Article 08, *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*, of Article 08, *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

FIGURE 7: COMMERCIAL BUILDING ARTICULATION STANDARDS



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 THREE (3) TIMES THE WALL HEIGHT (I.E. 3 x ❶≥❷).
❸: *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% x ❷≤❸).
❹: *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% x ❶≤❹).
❺: *PRIMARY AND/OR SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL WIDTH OF THE PRIMARY AND/OR SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL EXTEND TWICE THE REQUIRED WALL PROJECTION (I.E. 2 x ❹≥❺).
❻: *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% x ❶≤❻).
❼: *PRIMARY ENTRYWAY/ARCHITECTURAL ELEMENT LENGTH*. THE PRIMARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL MEET ALL OF THE SAME PROJECTIONS AS THE SECONDARY ENTRYWAYS/ARCHITECTURAL ELEMENT, BUT SHALL EXTEND A MINIMUM OF TWICE THE LENGTH OF THE SECONDARY ELEMENT (I.E..2 x ❸≥❼).



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 THREE (3) TIMES THE WALL HEIGHT (I.E. 3 x ❶≥❷).
❸: *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% x ❷≤❸).
❹: *SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL PROJECTION FOR A SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 15% OF THE WALL HIEGHT (I.E. 15% x ❶≤❹).
❺: 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% x ❶≤❺).

DRAFT 05.20.2024

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.

(F) *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 11, *Development Applications and Review Procedures*.

SUBSECTION 04.02: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Residential-Office (RO) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *Non-Residential District Development Standards*.

~~(C)~~(D) *Signage*. All signage permitted within the Residential-Office (RO) District shall conform to the requirements for signage as outline in Subsection 06.04, *North Goliad Corridor Overlay (NGC OV) District*.

SUBSECTION 04.03: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Neighborhood Services (NS) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *Non-Residential District Development Standards*.

SUBSECTION 04.04: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a General Retail (GR) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *Non-Residential District Development Standards*.

SUBSECTION 04.05: 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

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font color: Accent 5

DRAFT 05.20.2024

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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Commercial (C) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *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 01, *Land Use Schedule*, of Article 04, *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 04.06: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Commercial (C) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *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 01.05, *Screening Standards*.

SUBSECTION 04.07: DOWNTOWN (DT) DISTRICT

(A) *Purpose, Goals and Intent*.

(1) *Purpose*. The purpose of the Downtown District is to implement the adopted recommendations of the comprehensive plan and Downtown Plan by encouraging new development and redevelopment in the Downtown area.

The goals of this zoning district are:

(a) To make the downtown area a sustainable "Great Place" within the region that will attract high quality investment and reinvestment over time.

(b) To capitalize on the existing historic character of the downtown and provide Rockwall with a thriving downtown center.

(c) To provide development and land use flexibility within the framework of a form-based development zoning district.

(d) To provide a mix of residential, retail and office uses in a pedestrian-friendly environment.

The intent of this zoning district is:

(a) To provide a comfortable and attractive environment for pedestrians which include such things as buildings framing public space, street trees, lighting and awnings that will attract pedestrians.

(b) To construct continuous building frontage along block faces except where it is desirable to provide for pedestrian and auto pass-throughs to parking at mid-block.

(c) To provide shared and consolidated parking both on-street and in the center of blocks that will benefit the entire district.

(d) To contribute to the definition and use of public sidewalks, parks and plazas.

DRAFT ORDINANCE 05.20.2024

(e) To design and build an infrastructure of buildings to accommodate a range of uses over time without the need to destroy older buildings and rebuild them for each successive use.

(f) To design streets and buildings which will contribute to creating a safe environment.

(B) *Definitions*.

(1) *Purpose.* For the purposes of this section, the following definitions shall apply.

(a) *Primary Building Facade*. Any facade that faces a public street or open space.

(b) *Downtown District Engineering and Landscape Standards*. Any approved city standards which govern such items as street, streetscape, drainage, signage and other public improvements in the Downtown (DT) District.

(c) *Primary Entry*. The main entry to a building on a block face. There must be at least one (1) main building entry for each ground floor use, tenant or lobby on each block face which contains the use or tenant. Any additional building entries may be considered a secondary entry.

(d) *Feature Buildings*. Buildings which are located on axis with a terminating street or open space, or at the intersection of streets. Such buildings shall incorporate architectural features which address height and articulation that emphasize the importance of such a location.

(e) *Historic Core*. See the regulating plan for historic core boundaries which is on file in the City secretary's office.

(f) *Long-Term Parking*. Customer or tenant parking which is intended for the primary use of vehicles parked for a duration of more than two hours and neither priced nor managed to encourage turnover.

(g) *Reserved Parking*. Parking which is assigned or reserved for tenants or visitors of a building or business.

(h) *Shared Parking*. Parking which is shared by tenants, visitors and the public. Hours of availability may be further defined in cooperation with the City.

(i) *Short-Term Parking*. Customer or tenant parking which is intended to serve commercial businesses or residential uses that has a regular turnover of two hours or less.

(j) *Regulating Plan*. The plan approved by the City which applies the Downtown District and which identifies certain subdistricts and the location of required retail at grade, among other items.

(k) *Stoop*. A structure that is located approximately at the level of the first floor of the structure and intended to provide access to a residential unit.

(l) *Story*. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above the floor of such story. This includes any mezzanine or loft which may comprise only a portion of a full floor plate.

(m) *Major Waiver to Design Standards*. A significant change to both the standards and intent of this zoning district, and involves Planning and Zoning Commission and City Council approval.

(n) *Minor Waiver to Design Standards*. A minor change to the standards, but not the intent, of this zoning district and involves staff approval.

(C) *General District Standards*.

(1) *Regulating Plan.*

(a) *Authority.* A regulating plan is the coding key for application of this district's provisions to properties, and shall be considered part of this zoning district. It may establish such things as:

(1) Major street types within the district;

(a) Sub-district areas;

(b) Required at-grade retail construction;

(c) Public open space and plazas; and

(d) Regional hike and bike corridors.

(b) *Zoning of Property.*

(1) *Downtown Development Plan Required.* An approved downtown development plan which is consistent with this Unified Development Code (UDC) and the regulating plan shall be required prior to issuance of any building permit.

(2) *Nonconformity.* Uses which are legal and conforming at the time of rezoning to the Downtown District shall continue as legal conforming uses under their current standards until those uses are deemed abandoned. For example:

(a) They have been replaced with a conforming use;

(b) Such building or structure is or hereafter becomes vacant and remains unoccupied or out of use for a continuous period of six months, or the special equipment and furnishings peculiar to the non-conforming use have been removed from the premises and have not been replaced within such six-month period; or

(c) The intention of the owner to permanently discontinue the use is apparent.

(2) *Waivers of Design Standards.* In order to provide flexibility and create high quality projects, standards in the Downtown District may receive a waiver from City staff, the Planning and Zoning Commission, and/or the City Council. (*See subsection VIII.B, Waivers, below, for applicability, processes and procedures.*)

(a) Minor waivers are limited to the following:

(1) Depth or height of required retail space.

DRAFT ORDINANCE 05.20.2024

(2) Requirement to line a parking garage with buildings.

(3) Requirement for continuous building frontage.

(4) Establishment of build-to line.

(5) Encroachment into the build-to line.

(6) Residential landscape requirement.

(7) Increased building height for "feature" buildings.

(8) Design of buildings without tri-partite architecture.

(9) Required frequency of building entries along a street edge.

(10) Window detailing.

(11) Exterior building materials.

(12) Exterior building color.

(13) Retail at grade design standards.

(14) Balcony and patio railing.

(15) Landscape standards.

(16) Location of bicycle parking.

(b) Major waivers may include, but are not limited to, the following:

(1) Required retail construction.

(2) Building height for non-feature buildings.

(3) Exceeding the maximum leasable retail area.

(4) Required setback of the fourth floor and above.

(5) Residential at grade design standards.

(6) Parking requirements.

(7) Parking garage design standards.

(3) *Function/Land Use.*

(a) *Land Use*.

(1) Retail, personal service, residential and office uses shall be allowed throughout the district. For a specific list of permitted uses, see Article 04, *Permissible Uses*, of the Unified Development Code (UDC).

(2) Where *Required Retail Construction* is designated on the regulating plan, the ground floor adjacent to the street shall be constructed to retail building standards for a depth of at least 50-feet, however, a smaller depth may be allowed if the retail is serving as a *liner* use which is masking a parking garage by minor waiver.

(3) All access drives shall require a minor waiver.

(4) *Block Face.* It is intended that building walls should be continuous along block faces to create a strong edge to the street and contribute to creating an attractive and active pedestrian environment. Contributing to that goal, however, is to allow some limited variation and opportunities for outside dining, pocket parks and special building entry features.

(a) *Block Length*. The length of new blocks should not be less than 200-feet, nor more than 600-feet.

(b) *Block Faces*. Block faces shall contain continuous building frontage with the exception of a mid-block access to parking which is no greater than 34-feet in width and 16-feet in height.

(c) *Continuous Building Frontage* will be considered to be met if the primary building facade is located within five feet of the build-to line requirement. However, administrative approval of a minor waiver will permit up to 15% of the building frontage to be up to 15 feet behind the build-to line provided that it results in an attractive outdoor dining area, building entry feature or other amenity which contributes to the streetscape. A greater increase shall require approval of a major waiver.

(d) *Façades*. Façades shall generally be built parallel to the street frontage, except at street intersections, where a corner facade containing a primary building entrance may be curved or angled toward an intersection.

FIGURE 8: EXAMPLE OF A BUILD-TO-LINE

❶: BACK OF CURB
❷: PEDESTRIAN WAY/SIDEWALK
❸: BUILD-TO-LINE

(e) *Build-To-Lines (i.e. Setbacks)*.

(1) Build-to lines shall be measured from the planned street back-of-curb, as established on the approved regulating plan for the district and the standards in the Unified Development Code (UDC) [*see Table 1, 2 & 3 for Downtown District Standards below*], or the City's approved Master Thoroughfare Plan. The entire area between the back-of-curb and the primary building facade shall be dedicated as public right-of-way or have a public easement placed upon it.

(2) Awnings may encroach above the public sidewalk without limit, provided they leave a minimum

DRAFT ORDINANCE 05.06.2024

clearance of 7.5-feet above the sidewalk, and are set back a minimum of 18-inches from the back of curb and will not impede street tree growth.

(5) *Streetscape and Landscape*.

(a) Streetscape standards shall be established by the City for sidewalk paving, street trees, tree grates, lighting fixtures, trash receptacles and benches for both residential and nonresidential ground-level frontages.

(b) Non-residential ground floor frontages shall not be required to provide additional landscaping beyond that required in the Downtown District engineering and landscape standards.

(c) Residential ground floor frontages shall be required to landscape a minimum of five feet between the edge of sidewalk and the primary building facade, excluding access to sidewalks, stairs, stoops, porches and patios. This area may be landscaped with ground cover, low shrubs, ornamental trees and street trees. In addition, street tree wells may also be landscaped. Landscaping for tree wells is limited to ground cover and low shrubs.

TABLE 1: DOWNTOWN DISTRICT STANDARDS FOR BUILDING HEIGHT

BUILDING HEIGHT [(1) & (3)]	BLOCKS FACING THE SQUARE	BLOCKS FACING SINGLE-FAMILY ZONING	ALL OTHER BLOCKS
MAXIMUM # OF STORIES	4	2 [(1)]	4
MINIMUM # OF STORIES	2	2	2

TABLE 2: DOWNTOWN DISTRICT STANDARDS FOR BUILD-TO-LINE

BUILD-TO LINE [(2)]	BLOCKS FACING THE SQUARE	BLOCKS FACING SINGLE-FAMILY ZONING	ALL OTHER BLOCKS
GOLIAD STREET AND ALAMO STREET [(4)]	20-Feet	20-Feet	18-Feet
RUSK, WASHINGTON AND DENNISON [(5)]	20-Feet	20-Feet	24-Feet
ALL OTHER ROADS	18-Feet	18-Feet	18-Feet

TABLE 3: DOWNTOWN DISTRICT STANDARDS FOR PEDESTRIAN ACCESS

PEDESTRIAN WALKWAY WIDTH	BLOCKS FACING THE SQUARE	BLOCKS FACING SINGLE-FAMILY ZONING	ALL OTHER BLOCKS
NON-RESIDENTIAL	10-Feet	10-Feet	10-Feet [(5)]
RESIDENTIAL [(6)]	6-Feet	6-Feet	6-Feet

NOTES:

(1): MAXIMUM OF TWO (2) STORIES WHEN THE BUILDING IS WITHIN 200-FEET OF SINGLE-FAMILY ZONED PROPERTY.

(2): BUILD-TO-LINES ARE MEASURED FROM THE *BACK OF CURB* OF THE PLANNED STREET AS SET OUT IN THE APPROVED REGULATING PLAN FOR THE DISTRICT. THE SETBACK RANGE IS ESTABLISHED FOR THE BLOCK FACE. [SEE SUBSECTION 04.07(C)(4), *BLOCK FACE*].

(3): INCREASED HEIGHT FOR FEATURE BUILDINGS MAY BE APPROVED AS PART OF SITE PLAN APPROVAL BY MINOR WAIVER. ADDITIONAL HEIGHT FOR OTHER BUILDINGS SHALL BE CONSIDERED A MAJOR WAIVER.

(4): EXCEPT ALONG GOLIAD STREET BETWEEN WASHINGTON STREET AND KAUFMAN STREET, WHERE EXISTING BUILDING LINES WILL BE ENFORCED.

(5): SIDEWALK TABLES MAY BE ALLOWED BY THE CITY IN RETAIL AREAS.

(6): EXCEPT RUSK STREET BETWEEN ST. AUGUSTINE STREET AND ALAMO STREET WHERE EXISTING HISTORIC BUILDING LINES WILL BE ENFORCED.

(D) *Buildings.*

(1) *Intent*. It is the intent of this zoning district to create an attractive and active village style district and the size, disposition, function, and design of buildings, play an important role in achieving that goal.

(a) Buildings should directly contribute to the attractiveness, safety and function of the street and other public areas.

(b) Buildings that accommodate retail at grade should feature the retail activity over the building's architecture.

(c) Buildings should be constructed in a manner, and with materials, that are highly durable and will continue to endure and be attractive over a long time, especially adjacent to public and pedestrian areas.

(d) It is intended by this zoning district to encourage a variety of building and design solutions in response to the standards and regulations outlined herein.

(2) *Building Standards.*

(a) *Building Form.*

(1) The maximum retail area allowed for a single user shall be 40,000 square feet. Any lease which exceeds this size shall require approval of a major waiver.

(2) All buildings shall be designed and constructed in tri-partite architecture so that they have a distinct base, middle and top.

(3) Buildings which are located on axis with a terminating street or at the intersection of streets shall be considered a feature building. Such buildings shall be designed with features which take advantage of that location, such as an accentuated entry and a unique building articulation which is off-set from the front wall planes and goes above the main building eave or parapet line.

(b) *Architectural Features.*

(1) Buildings which are greater than three (3) stories in height must be set back at the fourth floor at least eight feet behind the building face of the first three floors along street frontages. Any change to this standard shall be considered a major waiver.

(2) Windows shall have at least a four (4) inch reveal and except for retail at grade, shall be vertical in proportion.

(3) No glass curtain wall shall be permitted except by approval of major waiver.

(4) Each building and separate lease space at grade along the street edge shall have a functioning primary entry from the sidewalk. Such entries must be inset from the front building plane by at least five

DRAFT ORDINANCE 05-20-2024

feet. Secondary entries may be set back as little as three (3) feet. Functioning entries must be located no greater than 30-feet apart. Corner entries may count as a primary entry for both intersecting street frontages.

(5) Architectural elements of the primary building facade may encroach beyond the build-to line by up to five feet provided that pedestrian flow will not be significantly impeded, with a minor waiver. These elements may include stoops, porches, bay windows, eaves, planters and light wells for a below grade floor. Balconies, canopies and awnings are not limited in their encroachment, provided that they do not substantially interfere with pedestrian movement and street tree growth. This does not apply to the historic core.

FIGURE 9: EXAMPLE OF TRI-PARTITE ARCHITECTURE

❶: TOP; ❷: MIDDLE; ❸: BASE

FIGURE 10: 4TH FLOOR SETBACK REQUIREMENT

(c) *External Facade Materials*. The following shall apply to all exterior walls of buildings and parking structures which are clearly visible from a public street, walkway or open space:

(1) Ground floor exterior walls, excluding windows, doors, and other openings, shall be constructed of 100% brick, natural or cast stone on the exterior facade.

(2) Overall, a minimum of 85% of exterior walls which face on a street right-of-way, plaza or open space, excluding windows, doors, and other openings, shall be constructed of brick, natural or cast stone. Where such a wall turns a corner, the surface materials shall continue around the corner a minimum of eight feet.

(3) The remainder may be constructed of noncombustible materials including exterior stucco and class PB exterior insulating and finishing systems (EIFS). Stucco and EIFS shall be used only for walls, architectural features, and embellishments not subject to pedestrian contact. On wholly residential structures, cementitious fiberboard may be used for up to ten (10) percent of the facade provided it is above the ground floor.

(4) Unpainted metal, or metal subject to ordinary rusting shall not be used as a building material. Factory finished metal elements as well as metals that develop an attractive oxidized finish, such as copper, galvanized metal, stainless steel or weathering steel, may be used as architectural accents by minor waiver approval.

(5) Windows and glazing shall be a minimum of 30% up to a maximum of 70% of each building elevation. [*See Subsection (D)(2)(f), Non-Residential at Grade, below for special requirements for retail at grade*].

(6) A variation of up to 15% of the standards above, and the material type may be approved by administrative approval of a minor waiver, provided that the change will result in an improved architectural design without degrading the quality of public areas or increasing the need for maintenance.

(d) *Color.*

(1) The dominant color of all buildings (including above grade parking structures shall be muted shades of warm gray, red, green, beige and/or brown. Black, gold and stark white shall not be used except as an accent color. There are no restrictions on accent colors which comprise less than one (1) percent of the building face, except that florescent colors are prohibited.

(2) Roof colors shall be a shade of cool gray, warm gray, brown or red.

(e) *Residential at Grade.*

(1) All buildings which are constructed for residential units at grade shall include a primary front door

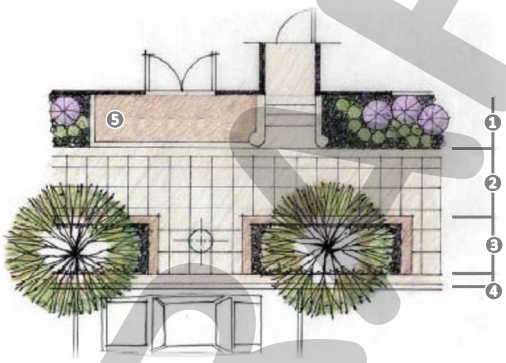
DRAFT ORDINANCE 05.20.2024

entrance into the unit which may be accessed from the sidewalk. Any change to this standard shall be considered a major waiver.

(2) The entry shall be located a minimum of two (2) feet above the sidewalk elevation and include a minimum 24-square-foot stoop. Any change to this standard shall be considered a major waiver.

(3) Units must also include windows which provide residents a view of the street and sidewalk area. Any change to this standard shall be considered a major waiver.

FIGURE 11: EXAMPLE OF RESIDENTIAL AT GRADE



1: RESIDENTIAL LANDSCAPE/PATIO SETBACK;
2: CLEAR SIDEWALK
3: TREE, LIGHTING AND BIKE RACK ZONE
4: ONE (1) FOOT DISMOUNT STRIP
5: ELEVATED PRIVATE PATIO

(4) Lobbies to upper stories may be located at grade level.

(5) Balcony and patio railings and fences shall be constructed of wrought iron or metal. Wood fences and railings and chain-link fencing are prohibited. Masonry columns may be used on patios provided that they are used as accents.

(f) *Non-Residential at Grade.*

(1) The ground floor entry must be located at the approximate elevation of the adjacent sidewalk.

(2) Retail uses adjacent to the sidewalk at grade shall:

(a) Be constructed to meet fire code separation from any other uses constructed above;

(b) Have a minimum clear height of 16-feet between finished floor and the bottom of the structure above. Mezzanines within the retail space shall be allowed per building code;

(c) Have a canopy which extends at least six feet over the sidewalk for at least 75% of the frontage on any portion of a building located on the north, east or west side of a street and public sidewalk; and

(d) Have clear glass windows for at least 60%, but no greater than 80%, of the ground floor facade.

(e) No outdoor storage is permitted. Outdoor retail display or sales shall require a permit from the City.

FIGURE 12: EXAMPLE OF NON-RESIDENTIAL AT GRADE

1: SIDEWALK WITH POSSIBLE OUTDOOR SEATING AND DINING
2: TREE, LIGHTING AND BIKE RACK ZONE
3: ONE (1) FOOT DISMOUNT STRIP

~~(D)~~(E) *Parking.*

(1) *Automobile Parking.*

(a) *Intent*. The following is the intent of the City's parking policies and the Downtown Zoning District:

(1) Support the creation of shared parking in order to enable visitors to park once at a convenient location and to access a variety of commercial enterprises in a pedestrian-friendly environment.

(2) Manage parking so that it is convenient and efficient, and supports an active and vibrant retail environment.

(3) Ensure visibility and ease of access to parking.

(4) Maximize on-street parking.

(5) Provide flexibility for changes in land uses which have different parking requirements within the district.

(6) Provide flexibility for the redevelopment of small sites.

(7) Design parking structures so that they do not dominate the public environment by lining the edge of structures with residential or commercial uses.

(8) Avoid diffused, inefficient single-purpose reserved parking.

(9) Avoid adverse parking impacts on residential neighborhoods.

DRAFT ORDINANCE 05.20.2024

(b) *Parking Requirements*. Off-street and on-street facilities shall be provided as required in Article 06, *Parking and Loading*, of the Unified Development Code (UDC).

(1) *Parking Reductions*.

(a) Properties in the historic core shall receive a credit for the number of parking spaces which would normally be required for retail use on the ground floor of any existing or new structure. To achieve this credit, however, retail or restaurant use must be located on the ground floor.

(b) In the remainder of the district, on-street parking which is directly in front of the development site may be counted toward the parking requirement for the development.

(2) *Achieving Automobile Parking*.

(a) Parking requirements may be met on-site, curb-side, by lease from the City or its designated authority or by payment of cash-in-lieu of parking to the City or its designated authority.

(b) Due to the limited land area within the historic core and the need to provide off-site parking, development shall be eligible to receive a reduction in the cost for the payment to the City for the required cash fee or the lease payments. The amount and the terms of the reduction shall be determined by the City manager or his designee by individual agreements.

(c) The City manager or designee shall annually establish the following:

(1) The leasing rates for city-provided parking spaces as a result of the need to provide such spaces for new development; and

(2) The cost of construction of a parking space in a parking structure for the purposes of establishing cash-in-lieu payments.

(3) *Parking Location*. All off-street parking shall be located behind buildings which face on a street or public open space. Any change to this standard shall be considered a major waiver.

(4) *At-Grade Parking*. Any at-grade parking lots fronting roadways which may be approved shall be set back not less than ten feet from the right-of-way line of such roadways, and screened from view as outlined in Subsection (F), *Landscaping Requirements*.

(5) *Parking Garages*. Parking garages that have frontage on public streets shall comply with all setback and build-to standards as established in *Tables 1, 2 & 3, Downtown District Standards*, and Subsection (D)(2)(c), *External Facade Materials*. However:

(a) Parking garages which are adjacent to a street shall be set back a minimum of 50-feet and lined with buildings containing any permitted use but parking.

(b) All parking garages shall be constructed with flat parking decks for ease in re-use of all or portions of the structure when parking demand wanes, unless otherwise approved by major waiver.

(c) Off-street below grade parking is permitted to the lot lines, but must be designed to allow for utilities and planting of landscape as defined in Subsection (F), *Landscaping Requirements*.

(6) Shared Parking.

(a) Uses may join in establishing shared parking areas if it can be demonstrated that the parking for two (2) or more specific uses occurs at alternating time periods. Required parking shall be determined based on parking demand for the peak parking period, as determined by a parking analysis study approved by the Director of Planning and Zoning.

(b) Shared parking shall be clearly designated with signs and markings.

(2) *Bicycle Parking*.

(a) *Goals*. Bicycle parking is required in order to encourage the use of bicycles by providing safe and convenient places to park bicycles.

(b) Required bicycle parking. Bicycle parking shall be provided based on at least one (1) space for each ten automobile parking spaces required as part of the base parking requirements above.

(c) *Bicycle Parking Standards*.

(1) *Location*.

(a) Required bicycle parking must be located within 50 feet of an entrance to the building. With approval of a minor waiver, bicycle parking may be located in the public right-of-way.

(b) Bicycle parking may be provided within a building, but the location must be easily accessible to bicycles.

(2) *Covered Spaces*. If covered spaces for motor vehicles are provided on-site, then 50% of the bicycle parking shall also be covered, unless otherwise approved by minor waiver.

(3) *Signs*.

(a) All monument signs in the Downtown (DT) District shall conform to the signage requirements stipulated by Subsection 06.04, *North Goliad Corridor Overlay (NGC OV) District*. All other signage shall conform to Chapter 32, *Signs*, of the Municipal Code of Ordinances.

Formatted: Font: 5 pt

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Underline, Font color: Accent 5

Formatted: Underline, Font color: Accent 5

Formatted: Font: 5 pt

Formatted: Indent: Left: 1.25", No bullets or numbering

DRAFT
05.20.2024

~~(3)~~(b) If the bicycle parking is not visible from the street, then a sign must be posted indicating the location of the bicycle parking facilities.

(4) *Rack Types and Required Areas*. Bicycle racks and the area required for parking and maneuvering must meet the Downtown District engineering and landscape standards or be approved by minor waiver (see below). Bicycle lockers may also be allowed as part of meeting the bicycle parking requirement, but must be approved as to type and location.

(d) *Standards for Bicycle Rack Types and Dimensions*.

(1) *Rack Type*.

(a) Bicycle rack types and standards shall be approved by the City.

(b) *Parking Space Dimensions*.

(1) Bicycle parking spaces must be at least six feet long and two feet wide, and in covered situations, the overhead clearance must be at least seven feet.

(2) An aisle for bicycle maneuvering must be provided and maintained beside or between each row of bicycle parking. This aisle must be at least five feet wide.

(3) Each required bicycle parking space must be accessible without moving another bicycle.

(4) Areas set aside for bicycle parking must be clearly marked and reserved for bicycle parking only.

~~(E)~~(F) *Streetscape, Lighting and Mechanical*.

(1) *Intent*.

(a) It is the intent of this zoning district to provide a level and consistency of lighting that supports pedestrian activity and promotes safety.

(b) The entire district shall utilize the basic fixtures and furnishings in the public areas as may be approved by the City for this district.

(c) Mechanical equipment shall not be clearly visible from the street or other public area.

(2) *Standards*.

(a) For streetscape and lighting specifications, see the Subsection (H), *Downtown District Engineering and Landscape Standards*.

(b) Lighting elements shall be incandescent, metal Halide, or halogen only. No HID or fluorescent lights (*except fluorescent bulbs that screw into standard socket fixtures*) may be used on the exterior of buildings.

(c) All lighting shall be focused downward or narrowly focused on its intended target such as signing, parking and pedestrian walkways. No lighting source from a commercial activity shall be visible by a residential unit.

(d) Mechanical and electrical equipment, transformers, meters, garbage containers and loading areas shall be located and screened so that they are not visible from the street or other public area.

(1) Mechanical equipment shall be screened from view from all public roadways and located to minimize noise intrusion to adjacent properties. The required screening must be composed of the same exterior materials as the buildings on the lot, or through the use of masonry walls, ornamental fence (80% opaque), evergreen landscape material, or combination thereof.

(2) All roof-mounted mechanical elements must be screened from view from the public right-of-way and neighboring properties. Screening must be architecturally compatible with the building design.

(3) Loading, service and trash storage areas shall be screened from all public roadways. Refuse containers must be placed on a designed, reinforced concrete pad and approach. The required screening must be composed of the same exterior materials as the buildings on the lot, or through the use of masonry walls, ornamental fence (80% opaque), evergreen landscape material, or combination thereof.

(e) Any bicycle parking in the public right-of-way shall be located within the band created by street trees and pedestrian street lights; however, it must be placed in a manner that avoids conflicts with pedestrian and vehicular paths.

~~(F)~~(G) *Landscape Requirements*. Landscaping within the Downtown District shall comply with the provisions in this subsection, the City's streetscape standards and the standards contained in Article 08, *Landscaping and Fence Standards*, of this Unified Development Code (UDC). Where conflicts exist between this district and Article 08, *Landscaping and Fence Standards*, of this Unified Development Code (UDC), the requirements in this district shall be applied.

(1) *Street Trees*. Street trees shall be large shade tree species having a minimum caliper of four inches, selected in accordance with the City's landscape standards. Street trees shall be planted at least 20-feet on center.

(2) *Plant Material*. Front yards shall be landscaped adjacent to residential at grade per the diagram in Subsection (D)(2)(e), *Residential at Grade*, above. Plant materials shall consist of shade trees, ornamental trees, shrubs, evergreen ground covers, vines, and seasonal color.

(3) *Paving Material*.

(a) Paving material shall be warm toned, natural materials such as brick, stone and concrete. Asphalt may be approved as part of a minor waiver.

(b) Gravel as a paving material is prohibited.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Font: 5 pt

Formatted: Font: Italic, Underline

DRAFT ORDINANCE 05.20.2024

(4) *Parking Lot Landscape.*

(a) Landscaping of the internal surface parking area shall not be required unless it is planned to serve as long-term parking. In which case, such long-term surface parking areas shall meet the requirements of Subsection (F), *Landscaping Requirements*. For the purpose of this subsection, long-term parking shall be determined by the Director of Planning and Zoning, and may include parking which has a likelihood of being in place for a period of ten years or more.

(b) Surface parking lots shall be screened from all adjacent public streets and neighboring sites. The screen must extend along all edges of the parking lot and must be three feet in height, 80% opaque, and may be accomplished through the use of masonry walls, ornamental metal, evergreen plant materials, or a combination thereof. Planting beds for screen planting shall be a minimum of three feet in width.

(c) Interior parking lot landscape shall be consistent with Article 08, *Landscape Standards*, of the Unified Development Code (UDC).

(d) Parking spaces shall not exceed ten spaces in a row without being interrupted by a landscaped island (nine [9] foot minimum). Islands shall be planted with a minimum of one (1) shade tree for every ten (10) cars.

~~(G)~~(H) *Administration*.

(1) *Intent*. It is the intent that a developer or builder who wishes to develop under this zoning district will be processed in an expedited manner with administrative approvals, and may in fact qualify for incentives under other separate city programs. However, if there are substantial major waivers requested, additional approvals shall be required which may delay development progress.

(2) *Waivers of Design Standards*.

(a) For the purposes of this district, there shall be two types of waivers of design standards: minor and major. Requests for waivers shall not be subject to review or decision by the zoning board of adjustment. A waiver request may only be made in conjunction with an application for a downtown development plan.

(b) *Minor Waivers* are those changes to design standards in the Downtown District identified in Subsection (C)(2), Waivers of Design Standards, may be approved administratively by the Director of Planning and Zoning or his designee in conjunction with a decision on an application for approval of a downtown development plan. All minor waivers must meet the full intent of this zoning district as stated in section I. Appeals to decisions concerning minor waivers may be made to the Planning and Zoning Commission.

(c) *Major Waivers* are major changes to the design standards in the Downtown District. Major waivers may only be approved by the City Council, following a recommendation by the Planning and Zoning Commission, in conjunction with a decision on an application for approval of a downtown development plan. Examples of major waivers are listed in Subsection III.B above; however, the City Council reserves the right to grant a major waiver to any standard not specifically designated as a minor waiver contained in this Article pending the City Council finds that the waiver:

(1) Meets the general intent of this district in which the property is located;

(2) Will result in an improved project which will be an attractive contribution to the district; and

(3) Will not prevent the realization of the intent of this district.

(d) The City may impose conditions on granting any waiver to mitigate negative impacts neighboring properties or public streets or open space.

(3) *Downtown Development Plan Approval.*

(a) Prior to obtaining a building permit, a downtown development plan must be approved by the Director of Planning and Zoning or his designee, to certify that it meets the purpose, intent and standards contained in this zoning district.

(b) Downtown development plans must include the following information:

- Site Plan
- Building Elevations and Sections
- Building Function/Proposed Use
- Parking Standards Being Met
- Landscape Plan
- Any Waivers being Requested

(c) Applications for downtown development plan approval shall be reviewed within 30-days of being formally accepted by the City. At such time, the approval, approval with conditions or denial shall be forwarded to the applicant. However, applications including a request for a major waiver shall be scheduled for Planning and Zoning Commission and City Council action.

(d) Denial of a downtown development plan may be appealed to the Planning and Zoning Commission and City Council within 30-days of notification of such denial

(4) *Lapse of Approval*. If a building permit has not been obtained within two years following approval of the downtown development plan, such plan shall lapse unless the property owner requests an extension prior to the expiration of the two-year period. The request for an extension shall be considered by the planning director, or he may at his discretion refer the decision to the Planning and Zoning Commission and City Council in the same manner as for approval of the downtown development plan. The Director of Planning and Zoning (or the City Council, upon recommendation by the commission) may grant an extension of the time for expiration of the downtown development plan for a period not to exceed one (1) year from the date of initial approval of the application. Every request for

DRAFT ORDINANCE 05-30-2024

an extension shall include a statement of the reasons why the expiration date should be extended. The decision-maker may grant a request for extension upon demonstration that circumstances beyond the control of the applicant have resulted in the applicant's inability to perform the tasks necessary to prevent the downtown development plan from expiring before the lapse date. The commission or the City Council also may terminate the downtown development plan or may attach additional conditions to the extension of the plan.

(5) *Platting in the Downtown District*. Plats in the Downtown District shall ensure public access easements over sidewalk areas and shared drive access.

~~(H)~~(I) *Downtown District Engineering and Landscape Standards*.

(1) *Downtown Plan*. The Downtown District Engineering and Landscape Standards shall be in accordance with the approved Rockwall Downtown Plan.

(2) *Street Trees*.

(a) Trees which may be planted adjacent to sidewalks, alleys and streets are limited to the trees depicted in the tables contained in Appendix C, *Landscaping Guidelines and Requirements*, of this Unified Development Code (UDC).

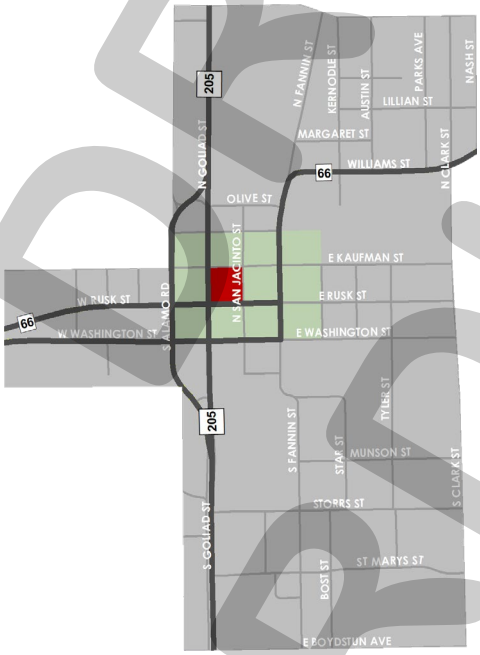
(b) Shade trees shall be used for all formal street tree planting unless prohibited by the Texas Department of Transportation, in which case smaller ornamental trees may be used.

(c) Each street shall be planted with a focus on one (1) species to reinforce street character

(3) *Street Furniture*.

(a) The Downtown District shall utilize the following *street furniture* in accordance with *Map 1: Downtown District*:

MAP 1: DOWNTOWN (DT) DISTRICT



GREEN: DOWNTOWN CORE; GRAY: PERIMETER ZONE; RED: DOWNTOWN SQUARE; DARK GREY LINE: MAJOR THOROUGHFARES.

~~(I)~~(J) *Streetscape Elements*. All streetscape elements described here within, are not intended to be the final product specification. The electrical engineer, architect, landscape architect or other professional designer should verify the product color, material and style number, prior to placing the final streetscape element order with manufacturer and supplier. Lighting fixture and traffic signal electrical voltage supply, circuiting, photometrics and final fixture location needs to be specified by a registered electrical engineer, with all fixture footings checked by a registered structural engineer, prior to installation.

(1) *Downtown Square and Downtown Core Streets.*

(a) *Light Standard: A1*. All commercial streets in the *Downtown Core*.

(1) *Catalog Number*. AAL/2-PRMN H3 or H5/150 to 175-watt MH lamp (voltage)/2-TRA5U arms/DB6 base with 4" round 15' ht. pole/PN A50596-1

(2) *Description*. Architectural Area Lighting (AAL); Promenade Series, Fixture: 2-PRMS Double Pedestrian Light Standard with a H3 or H5 horizontal lamp reflector, 150-watt to 175-watt metal halide lamp, medium base socket for use with E17 lamps; (voltage); CHM glass chimney, with brass holder, and DBZ dark bronze color. Arm: # 2-TRA5U period arm, one-piece cast aluminum, and DBZ dark bronze color. Pole, base and pole cap: DB6 4R16-125, 4" OD round straight aluminum, 15' tall (special) with a DB6 base, 36" ht. × 15" base diameter; P/N A50596-1, Small cast final at pole top, DBZ dark bronze color.

(b) *Light Standard: A2*. Limited to the *Downtown Square* and San Jacinto Street pedestrian ways.

DRAFT ORDINANCE 05-2024

(1) *Description*. Same as A1 above except with the optional BPS fixture struts are finished in a brass colored powder coating.

(c) *Traffic Signal: D1*. All commercial streets of the *Downtown Core*, if needed.

(1) *Description*. Valmont traffic structures. Pole/base/pole sphere final: Tapered, round standard galvanized steel pole, with an aluminum ball final on the pole top (Ball Top FCA-BL Series # FCA/BL/A/ (Estimate a 10" diameter ball, verify final size with top diameter range at top of pole/DB, dark bronze); pole base has an ornamental cast nut cover, color of complete traffic structure is a galvanized + powder coated finish, color = dark bronze to match Historic District street sign blades. Arm: Tapered, round standard arm, with an aluminum ball final on the end of the arm (ball top FCA-BL Series # FCA/BL/A/(estimate a 5" diameter ball, verify final size with top diameter range at the end of the arm after arm length is specified)/DBZ, dark bronze color. Signals: TXDOT standard signal, black color with black silhouettes, mount tightly to signal arm with black connections, so as to eliminate any visible gaps between silhouette and arm. Street Sign: Sign blade to match Historic District colors, font and sign format.

(d) *Traffic Signal with Light Standard: D2*. All commercial streets of the *Downtown Core*, if needed.

(1) *Description*. Same as D1 traffic signal, except pole is typical "standard combination structure" with AAL (B2 type) light; arm is a (modified) WMA 12 "shepherd's crook" contemporary arm modified to accept the Valmont pole, DBZ, dark bronze color.

(e) *Light Standard Banner Brackets*. At selected streets.

(1) *Description*. Architectural area lighting (AAL). Breakaway banner arm 2-BBD4-18, clamps onto a 4" O.D. pole and adjustable to desired position. Banner size should not exceed five (5) SF - maximum 70 mph wind. Verify banner bracket locations and mounting height; DBZ, dark bronze color, polyester powder finish.

(f) *Benches*. All commercial streets in the *Downtown Core*.

(1) *Catalog Number*. Du Mor Bench # 140 - 60 and # 140-80

(2) *Description*. Du Mor Site Furnishings. Bench 140 – in six (6) feet and eight (8) feet lengths, All welded seat assembly, Seating Surface: 1/4" × 1 1/2" HR steel bar 2-3/8" O.D. Sch 40 steel pipe, cast iron supports, bracing 1 1/16" O.D. steel pipe, stainless steel fasteners, dark bronze color polyester powder finish.

(g) *Trash Receptacles*. All commercial streets in the *Downtown Core*.

(1) *Catalog Number*. Du Mor Receptacle 84-22DM

(2) *Description*. Du Mor Site Furnishings. Trash receptacle 84-22, 22-gallon all steel receptacle, 150 lbs., top edge: 5/8 " diameter steel bar; vertical straps: 1/4; " × 3" steel bar with a 22-gallon plastic liner, cover; spun 14-gauge steel with vinyl coated cable; and a dome top, dark bronze color in a polyester powder finish.

(h) *Street Sign Blades*.

(1) *Description*. Match Historic District street sign blades (*dark bronze color with white lettering*).

(i) *Street Sign Brackets*. At non-signalized intersections. Street signs can be mounted to light standard poles.

(1) *Description*. Architectural area lighting (AAL). (Special) Each bracket is bolted to pole, dark bronze color to match fixture in polyester powder finish. (Verify bracket size with sign blade used as well as sign mounting height).

(j) *Street Regulatory Sign and Poles*.

(1) *Description*. Paint the backs of all sign blades and all poles, dark bronze color to match the Historic District street sign blades.

(k) *Bollards*. Limited to the *Downtown Square*.

(1) *Catalog Number*. Sternberg Vintage Lighting, ornamental bollard #4501

(2) *Description*. Sternberg Vintage Lighting. Ornamental steel bollard #4501, 5¼" diameter straight tubing (no fluting), 30" high, 8" dia. base, no internal light, DBZ, dark bronze color to match the Historic District street sign blades.

(2) *Downtown Perimeter Zone Streets*.

(a) *Light Standard: B1*. All neighborhood residential streets.

DRAFT ORDINANCE 05.20.2024

(1) *Description*. Same as A1 above except as a single headed fixture.

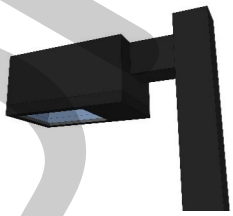
(b) *Light Standard: B2*. Limited to north and south sections of Goliad Street inside the *Downtown Zone* and at the intersections of Clark Street, Washington Street and Denison Streets inside the *Downtown Zone*.

(1) *Catalog Number*. AAL/PRM2 (H2, H3, H4, H5)/250 watt MH horizontal lamp (Voltage)/ARM: (modified) SLA 4 arm to accept the 5" dia. post/tendon/5" O.D. smooth round aluminum pole/DB 10 base/P/N A50575 large cast finial.

(2) *Description*. Architectural area lighting (AAL). Promenade Series, fixture: PRM2 (H2, H3, H4 and H5), 250-watt metal halide horizontal lamp, (voltage), DBZ dark bronze color, arm: (modified) SLA 4 arm (shepherd's crook) to accept the 5" dia. post/tendon, DBZ, dark bronze color, polyester power finish. Pole, base and pole cap: 5" O.D. diameter, smooth round aluminum pole, with a DB 10 ornamental base that is 48" high with an 18" base diameter, large cast finial #P/N A50575 20" high × 5½" O.D. that fits on top of pole, DBZ dark bronze color, polyester powder finish.

(c) *Light Standard: C*. Current standards. All thoroughfares (*i.e. SH-66, Goliad Street, Washington Street, and Denison Street*) inside the *Downtown Perimeter Zone* (*existing and new routed thoroughfares*).

(1) *Description*. Existing *Shoe Box* style light standard.



(d) *Light Standard Banner Brackets*. At selected streets.

(1) *Catalog Number*. AAL—Banner arm 2-BBD4-18

(2) *Description*. Architectural area lighting (AAL). Breakaway banner arm 2-BBD4-18, clamps onto a 4" O.D. pole and adjustable to desired position. Banner size should not exceed 5 SF - Maximum 70 mph wind. Verify banner bracket locations and mounting height. DBZ dark bronze color.

(e) *Street Sign Blades*.

(1) *Description*. Match Historic District street sign blades (*dark bronze color with white lettering*).

(f) *Street Sign Brackets*. At non-signalized intersections. Street signs can be mounted to light standard poles.

(1) *Description*. Architectural area lighting (AAL). (Special) Each bracket is bolted to pole, dark bronze color to match fixture in polyester powder finish. Verify bracket size with sign blade used as well as sign mounting height.

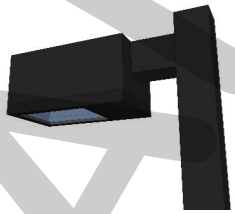
(g) *Street Regulatory Signs and Poles*.

(1) *Description*. Paint the backs of all sign blades and all poles, dark bronze to match the Historic District street sign blades.

(3) *Major Thoroughfares and Parkways.*

(a) *Light Standard: C*. Current standards.

(1) *Description*. Existing "shoe box" style light standard painted dark bronze.



(b) *Street Signs*.

(1) *Description*. Paint the backs of all sign blades and all poles, dark bronze to match the Historic District street sign blades.

SECTION 05 | INDUSTRIAL DISTRICTS

SUBSECTION 05.01: 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 and Zoning 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

DRAFT ORDINANCE 05.20.2024

(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.

(b) *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.

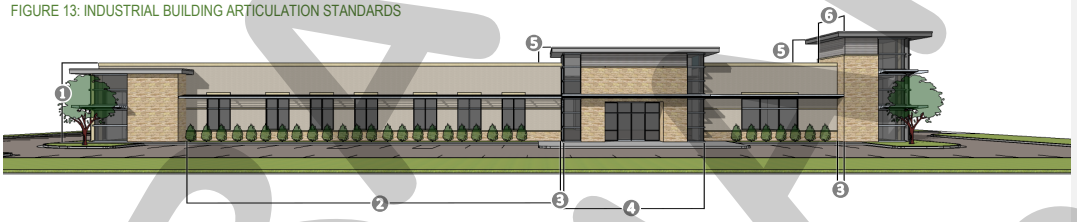
(c) *Secondary Materials.* Secondary Materials are any material that is not deemed to be a Primary Material as defined above. This includes materials like aluminum composite materials, metal panels, acrylic products (i.e. EIFS products) cast stone, or other materials identified by the Director of Planning 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.

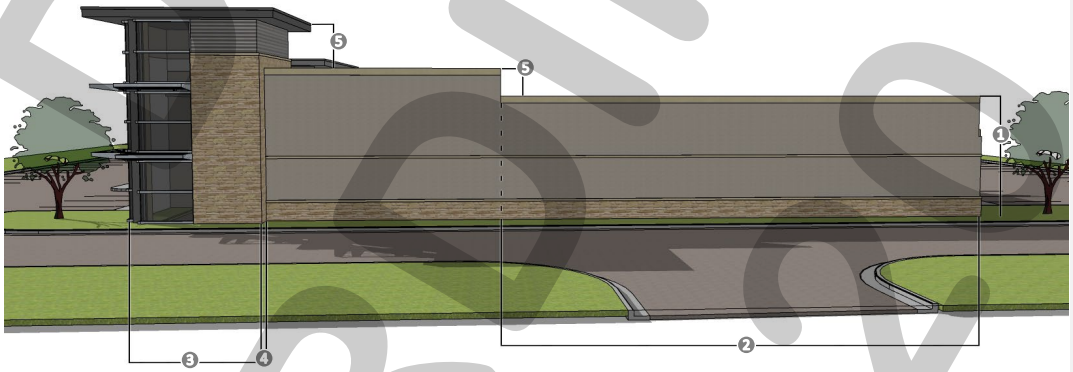
(B) *Maximum Building Height.*

(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

FIGURE 13: INDUSTRIAL BUILDING ARTICULATION STANDARDS



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 x ❶≥❷).
❸: *WALL PROJECTION*. THE MINIMUM WALL PROJECTION FOR AN ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 25% OF THE WALL HEIGHT (I.E. 25% x ❶≤❸).
❹: *ENTRYWAY/ARCHITECTURAL ELEMENT LENGTH*. THE MINIMUM LENGTH OF AN ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 33% OF THE WALL HEIGHT (I.E. 33% x ❷≤❹).
❺: *PROJECTION HEIGHT*. THE ENTRYWAYS/ARCHITECTURAL ELEMENT SHALL EXTEND A MINIMUM OF 25% OF THE WALL HEIGHT ABOVE THE TOP OF THE WALL (I.E. 25% x ❶≤❺).
❻: *ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL WIDTH OF THE ENTRYWAY/ARCHITECTURAL ELEMENT SHALL EXTEND TWICE THE REQUIRED WALL PROJECTION (I.E. 2 x ❹≥❺).



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 THREE (3) TIMES THE WALL HEIGHT (I.E. 3 x ❶≥❷).
❸: *SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT LENGTH*. THE MINIMUM LENGTH OF THE SECONDARY ENTRYWAY OR PROJECTTING ARCHITECTURAL ELEMENT SHALL BE 15% OF THE WALL LENGTH (I.E. 15% x ❷≤❸).
❹: *SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL PROJECTION FOR A SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 15% OF THE WALL HIEHGT (I.E. 15% x ❶≤❹).
❺: 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% x ❶≤❺).

DRAFT 05.20.2024

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 standards for articulation on primary building façades as depicted in *Figure 8*.

(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 standards for articulation on secondary building façades as depicted in *Figure 8*.

(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 09.01, *Exceptions to the General Standards*, Article 11, *Development Applications and Review Procedures*.

SUBSECTION 05.02: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements.* All development within a Light Industrial (LI) District shall conform to Subsection 05.01, *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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

SUBSECTION 05.03: 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.

DRAFT
05.30.2024

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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Heavy Industrial (HI) District shall conform to Subsection 05.01, *General Industrial District Standards*, and the related standards listed within Subsection 7.03, *Non-Residential District Development Standards*.

SECTION 06 | OVERLAY DISTRICTS

SUBSECTION 06.01: 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 06.02: 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 04, 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:

(1) Retail Store with Gasoline Sales (*Any Number of Dispensers or Vehicles*)

(2) Car Wash (*Any Type*)

(3) 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 and Zoning 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.

(a) *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

DRAFT ORDINANCE 05-05 | 2024

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 09.02, *Variances to the General Overlay District Standards*, of Article 11, *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:

(a) Scenic Overlay (SOV) District: 15-feet
(b) SH-66 Overlay (SH-66 OV) District: 15-feet
(c) IH-30 Overlay (IH-30 OV) District: 25-feet
(d) SH-205 Overlay (SH-205 OV) District: 25-feet
(e) North SH-205 Overlay (N. SH-205 OV) District: 25-feet
(f) SH-205 By-Pass Overlay (SH-205 BY OV) District:

- Residential Land Uses: See Section 06.10, *SH-205 By-Pass Overlay (SH-205 BY OV) District*
- Retail/Commercial Land Uses: 15-feet
- Industrial/Office/Technology Land Uses: 50-feet

(g) 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

(h) 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

(i) 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

DRAFT ORDINANCE 05.20.2024

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 or any roadway that is depicted on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan*) [*outside of and beyond any required right-of-way dedication*] shall be as follows:

(a) Scenic Overlay (SOV) District: 20-feet
(b) SH-66 Overlay (SH-66 OV) District: 20-feet
(c) IH-30 Overlay (IH-30 OV) District: 20-feet
(d) SH-205 Overlay (SH-205 OV) District: 20-feet
(e) North SH-205 Overlay (N. SH-205 OV) District: 20-feet
(f) 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

(g) 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

(h) 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

(i) 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 shrubbery or a combination thereof along the entire length of the frontage. Berms and shrubbery shall each 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

DRAFT ORDINANCE 05-20-2024

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 C, *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 06.03: HISTORIC OVERLAY (HO) DISTRICT

(A) *Purpose*. The protection, enhancement and perpetuation of districts and landmarks of historical and cultural importance and significance are necessary to promote the economic, cultural, educational and general welfare of the public. It is recognized that within the City numerous areas, sites and structures represent the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural and cultural resources that constitute their heritage, and therefore this overlay district is intended to:

(1) Protect and enhance the district and landmarks which represent distinctive elements of the City's historic, architectural and cultural heritage;

(2) Foster civic pride in the accomplishments of the past;

(3) Protect and enhance the City's attractiveness to visitors and the support and stimulus to the economy thereby provided;

(4) Ensure the harmonious, orderly and efficient growth and development of the City;

(5) Promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the City;

(6) Stabilize and improve values of such properties;

(7) Promote education of significance and importance of historical preservation including the exploration of tax incentives (federal, state or local) that may apply to individual property owners or properties within the historic district as a whole; and8.Provide guidance to property owners restoring and/or rehabilitating historic significant in an effort to maintain the historical integrity of the area.

(B) *Terms and Definitions*. The following terms and definitions are used in the historic district ordinance and the historic guidelines.

(1) *Applicable Property or Applicable Structure*. The term used for properties that meet the following criteria, and are subject to the provisions of Unified Development Code:

(a) Either be a designated historical landmark or be wholly or partially located within a designated historic district, and

(b) Either be a contributing structure or property as defined in this section or be located within 200-feet of a contributing structure or property.

(2) *Board*. The Rockwall Historic Preservation Advisory Board (HPAB).

(3) *Certificate of Appropriateness (COA)*. A document approved by the board certifying that the proposed actions meet the intent of the ordinance and guidelines, or that a waiver has been granted.

(4) *Contributing Structure or Property*. A building, site, structure or object which adds to the historical architectural qualities, historical associations or archaeological value for which a property or district is significant because:

(a) It was present during the period of significance and possesses historical integrity reflecting its character at that time or is capable of yielding important information about the period, or

DRAFT 05.20.2024

(b) It independently meets the National Register criteria. The level by which a property is "contributing" (high-, medium- and low-contributing property) was originally determined by a historic survey of the properties within the (HO) Historic Overlay District implemented by the City community development department through the spring and summer of 2000. This survey may be amended from time to time.

(5) *District*. A designated area within the preservation district or elsewhere in the City subject to the requirements and standards of the historic district ordinance. An identifying name will precede the word "district".

(6) *Guidelines*. The adopted historic district design guidelines as stated in Appendix D, *Historic Preservation Guidelines*, of the Unified Development Code (UDC).

(7) *Landmark Property*. A property or structure(s), not contiguous to or part of an existing historic district that is deemed worthy of preserving.

(8) *Non-Contributing Structure or Property*. A building, site, structure, or object which does not add to the historical architectural qualities, historical associations, or archaeological value for which a property or district is significant because

(a) It was not present during the period of significance, or

(b) Due to alterations, disturbances, additions, or other changes it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period, or3.It does not independently meet the National Register criteria.

(9) *Preservation District*. The area designated as having structures which may be suitable for inclusion in a historic district or districts.

(C) *Historic Preservation Officer*. The Historic Preservation Officer (HPO) shall administer this section and advise the Historic Preservation Advisory Board on matters submitted to it.

(D) *Designation Criteria*. The board may recommend to the commission and the City Council that certain properties be "landmark districts" and that specific areas be designated as "historic districts" as provided for in this Unified Development Code (UDC). Any such designation must comply with all limitations expressed Subsections (E)(5) and (E)(6) below. Such a property or district shall bear the word "landmark" or "historic" in their zoning designation.

Properties that are listed as a Recorded Texas Historic Landmark (RTHL), State Archeological Landmark (SAL) or listed on the National Register of Historic Places (NR) shall be designated as recognized local landmarks.

(E) *Designation Procedures.*

(1) The City Council may designate by zoning ordinance certain areas as landmark or historic districts, providing they meet the criteria in Subsections (E)(5) and (E)(6). When so designated, the area shall bear the word "historic" or "landmark" in their zoning designation.

(2) The following steps shall be followed at every level in the recommendation and approval process:

(a) Public hearings shall be held and notices of same shall be posted, advertised, and notices sent in the manner prescribed under Subsection (G)(6), *Public Hearing*, and other procedures specifically provided in the City's Unified Development Code.

(b) Property owners and other interested parties may present testimony or documentary evidence that will become part of a record regarding the historic, architectural, or cultural importance of the proposed district. The record also may contain staff reports, public comments, or other evidence offered outside of the hearing and entered into the record.

(3) The board shall make its recommendation to the Planning and Zoning Commission within a reasonable time period, allowing for deliberations and strict adherence to timeframes required for public hearings. The Planning and Zoning Commission shall schedule a public hearing to be held within 45-days of receiving the board's recommendation.

(4) Upon designation of an area as a landmark or historic district, the designation should be recorded in the tax records of the City, and the City official zoning maps. All zoning maps should indicate the designated districts by an appropriate mark.

(5) A historic landmark property may be a single property or structure not contiguous to or part of an existing historic district, but is deemed worth of preserving. A landmark district may be designated if the property meets one of the following:

(a) Possesses significance in history, architecture, archeology, and/or culture;

(b) Is associated with events that made a significant contribution to the broad patterns of local, regional, state and/or national history;

(c) Is associated with the lives of persons significant in the City's past;

(d) Embodies the distinctive characteristics of a type, period, and/or method of construction;

(e) Represents the work of a master designer, builder, and/or craftsman; or

(f) Represents an established and familiar visual historical feature of the City.

(6) The board may recommend a historic district to the City Council to be designated if it:

(a) Contains a significant number of properties which meet one or more of the criteria for designation of a landmark as outlined in Subsection (E)(5) above, or

(b) Constitutes a distinct historical section of the City.

(7) The boundaries of each designated historic district shall be specified in written detail and shall be filed in the City secretary's office for public inspection.

(F) *Certificate of Appropriateness (COA) for Alteration or New Construction.*

DRAFT ORDINANCE 05.20.2024

(1) *Applicability of Ordinance.*

(a) *Included Properties*. The provisions of this ordinance shall apply only to those properties, hereinafter referred to as "applicable properties", which meet the following criteria:

(1) Either be a designated historical landmark or be wholly or partially located within a designated historic district, and

(2) Either be a contributing property as defined in subsection B or be located within 200-feet of a contributing property.

(b) *Excluded Properties*. Properties owned by a religious institution or used for religious purposes shall not be considered eligible for designation as a contributing property (*and shall not be affected by adjacent contributing properties*) unless they derive primary significance from either architectural distinction or historical importance

(2) *COA Does Not Replace Other Codes*. The Certificate of Appropriateness (COA) is in addition to and does not replace any other city permits or codes that must be followed.

(3) *Examples*. These are examples of situations that require a Certificate of Appropriateness (COA) for work performed on an applicable property. Additional information is located in the design guidelines contained in Appendix D, *Historic Preservation Guidelines*, of the Unified Development Code (UDC).

(a) Construction of a new building.

(b) Demolition or removal of an existing structure.

(c) Alterations to the façade, including additions and removals that will be visible from a public street.

(d) New improvements that would substantially obstruct the view of the main or front elevation as seen from a public street.

(e) Painting of a masonry surface not previously painted. For other painting, see design guidelines, residential properties.

Any addition or deletion of landscape materials or landscape design elements need not receive a Certificate of Appropriateness (COA) from the Historic Preservation Advisory Board (HPAB). It is recommended, however, that all proposed landscaping used in the district be extracted from the "recommended plant list" as provided in the landscape ordinance of the City. City staff shall maintain a list of plant material that is appropriate for all designated historic areas.

Any person wishing to paint a structure within a historic district may do so without receiving a Certificate of Appropriateness (COA) from the board. City staff and/or the board shall provide review and comment as requested by the property owner about color selection and design. Such review and comment, however, shall not be binding.

The board may recommend guidelines to enable the Historic Preservation Officer (HPO) to issue a Certificate of Appropriateness (COA) for exterior restorations and renovations requiring a building permit.

(G) *Application Procedure.*

(1) *Application Form*. Prior to the commencement of any work requiring a COA the owner shall file with the Historic Preservation Officer (HPO) an application for such a certificate. The application shall contain:

(a) Name, address, telephone number of applicant(s), detailed description of proposed work.

(b) Location of the proposed work (street address) and photographs of the property and adjacent properties. (Historical photographs also may be helpful.)

(c) Elevation drawings of the proposed changes, if available, and preferably in color.

(d) Samples of materials to be used, if requested by the board.

(e) If applicable, a scale drawing of any signs showing the type of lettering to be used, all dimensions and colors, a description of materials be used, method of illumination (if any), and a plan showing the sign's location on the property.

(f) Site plan in accordance with the Unified Development Code, if applicable.

(g) Any other information which the board may deem necessary in order to visualize the proposed work, and any additional material the applicant wishes to submit.

(2) *Building Permit*. A COA issued by the board is required before a building permit will be issued for any work.

(3) *Time Frame for Actions*. The board shall deny, approve, or approve the COA with modifications within 60 days from receipt of the completed application and supporting documentation. The board shall hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views.

Should the board not act within the 60-day period, the COA shall be automatically referred to the City Council for their approval or denial, following a public hearing.

(4) *Written Decisions*. All decisions of the board shall be in writing. An approved Certificate of Appropriateness (COA) shall be sent to the applicant and a copy filed with the City secretary's office for public inspection. The board's decision shall state the reasons for denying or modifying any application.

(5) *Standards for Approval*. The Historic Preservation Advisory Board must approve the application for a Certificate of Appropriateness (COA) if it determines that:

(a) For contributing structures, the application will not adversely affect the character of the site; and the proposed work is consistent with the regulations contained in this section and proposed preservation criteria; or

DRAFT ORDINANCE 05.20.2024

(b) For non-contributing structures, the proposed work is compatible with the historic district.

(6) *Public Hearing*. A public hearing before the board is required as defined in subsection E.6 before a decision can be made on a zoning recommendation forwarded to the Planning and Zoning Commission.

(a) The board shall hold a public hearing on all actions considered and appeals made to it. Said public hearing shall be held, when necessary, on the third Thursday of the month. In cases where this "regularly scheduled" meeting date is not appropriate (*e.g., in cases as set forth under section I, emergency procedure*) an alternative meeting date will be set.

(b) Written notice of the public hearing shall be sent to the applicant, all persons who are owners of real property lying within 200 feet of the subject property and to all other persons deemed by the board to be affected.

(c) Written notice shall be given not less than ten days before the date set for the public hearing to all such owners of record as the ownership appears on the current on-line tax roll. The notice may be served by deposition of the same, properly addressed and postage paid, in the U.S. Post Office.

(H) *Actions After Board Decision*.

(1) *Appeal Process*. If the Certificate of Appropriateness (COA) is denied, the applicant may appeal to the City Council by filing a written notice with the Historic Preservation Officer (HPO) within ten business days after the decision of the board. In considering an appeal, the sole issue before the City Council shall be whether the board erred in its decision. The City Council shall consider the same standards and evidence that was considered in making the decision. Appeal to the City Council constitutes the final administrative remedy.

If the Certificate of Appropriateness (COA) is approved, any property owner within the subject historic district aggrieved by any decision of the board may appeal to the City Council. Said appeals may be made by filing a written notice with the Historic Preservation Officer (HPO) within ten business days after the decision of board.

(2) *Reapplication*. If an appeal is denied by both the board and the City Council, no further applications may be considered for the subject matter of the denied Certificate of Appropriateness (COA) for one (1) year from the date of the final decision unless:

(a) The Certificate of Appropriateness (COA) has been denied without prejudice; or

(b) The board waives the time limitation because it that there are changes or circumstances sufficient to warrant a new hearing. A simple majority vote by the board is required to grant the request for the waiver of the time limitation.

(3) *Suspension of Work*. After the work authorized by the Certificate of Appropriateness (COA) is commenced, the applicant must make continuous progress towards completion of the work, and shall not suspend or abandon the work for a period of more than 180 days. The Historic Preservation Officer (HPO) and/or building official may, in writing, authorize a suspension of work for a period greater than 180 days upon written request by the applicant showing circumstances beyond his control.

(I) *Emergency Procedure*. If any applicable structure is damaged and the building official determines that it is a public safety hazard or will suffer additional damage without immediate repair, the building official may allow the property owner to temporarily protect the structure whether or not the materials used conform to the guidelines. However, in such a case, the property owner must then apply for a Certificate of Appropriateness (COA) for the restoration, rebuilding, remodeling, demolition or removal of the structure within ten days of the occurrence that caused the damage. The temporary protection authorized under this subsection must not permanently alter the architectural features of the structure.

(J) *Demolition*.

(1) *Requires a Certificate of Appropriateness (COA)*. A Certificate of Appropriateness (COA) is required prior to receiving a permit for demolition of a property within a historic district, including secondary buildings. An application for demolition of a contributing structure on the grounds of hardship may be filed. The applicant must establish the following elements to prove hardship:

(a) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible; and

(b) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and

(c) Efforts to find a purchaser interested in acquiring the property and preserving it have failed; and/or

(d) The structure or property is in such condition as to be irreparably damaged and as such poses a nuisance to the surrounding area and is a "threat" to the health, safety and general welfare of the community.

(2) *Demolition Delay*. The Historic Preservation Officer (HPO) upon receipt of an application for a demolition permit of a subject property designation as a historic landmark or located within a designated historic district shall forward on the application for demolition to the Historic Preservation Advisory Board (HPAB) for consideration at their next regularly scheduled meeting.

(a) The issuing of a demolition permit shall be delayed for minimum of 60-days from the date of approval of an application by the Historic Preservation Advisory Board (HPAB).

(b) During this 60-day delay, the Historic Preservation Officer (HPO) shall work with the Historic Preservation Advisory Board to notify all potentially interested parties of the pending demolition in order to allow such parties to take whatever steps they deem appropriate to accomplish the preservation of the subject property.

DRAFT ORDINANCE 05.20.2024

(c) If it is determined by the Director of Planning and Zoning in consultation with the Historic Preservation Officer (HPO) that a property poses an immediate threat to the public health and safety, this determination shall be reported to the City manager who may instruct the building official to issue a demolition permit without delay.

(3) *Expiration*. A Certificate of Appropriateness (COA) for the demolition or removal expires if the work authorized by the certificate for demolition or removal is not commenced within 180 days from that date of the issuance of the certificate for demolition.

(K) *Enforcement*. All work performed pursuant to a Certificate of Appropriateness (COA) issued under this Unified Development Code (UDC) shall conform to all requirements included therein. It shall be the duty of the building inspection department to periodically inspect any such work to assure compliance. In the event work is found that is not being performed in accordance with the Certificate of Appropriateness (COA), the building inspection department may suspend the Certificate of Appropriateness (COA), issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. A Certificate of Appropriateness (COA) may be reinstated, any stop work order lifted, and work may resume upon assurance that compliance will henceforth exist.

(L) *Ordinary Maintenance*. Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district that does not involve a change in design or material. In-kind replacement or repair is included in this definition of ordinary maintenance.

(M) *Preservation Incentives*. To promote the goal of stabilizing and improving values of properties within the district, and encourage the rehabilitation and stabilization of structures, the City Council by resolution may offer tax incentives.

(N) *Minimum Maintenance Standards*. No owner or person with an interest in real property designated as a landmark or a property located within a district shall permit the property to fall into a serious state of disrepair so as to result in the significant deterioration of any exterior architectural feature which would, in the judgment of the HPAB, create a detrimental effect upon the historic character of the landmark or district.

(1) Serious disrepair and significant deterioration examples. Examples of serious disrepair or significant deterioration include:

(a) Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.

(b) Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling

(c) Deterioration or crumbling of exterior plaster finishes, surfaces or mortars.

(d) Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.

(e) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.

(f) Rotting, holes, and other forms of material decay.

(g) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.

(h) Deterioration that has a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the contributing structure.

(i) Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

(O) *Procedure to Mitigate Demolition by Neglect*. Demolition by neglect refers to the gradual deterioration of a property when routine or minimum maintenance is not performed. The HPO and the development services department staff shall work together in an effort to reduce demolition by neglect involving landmarks or properties located within districts within the City. A demolition by neglect citation as determined by the HPAB may be issued against the owner of the property for failure to comply with the minimum maintenance standards by permitting the subject property to exhibit serious disrepair or significant deterioration as outlined in section N herein.

(1) Due to the time-consuming nature of pursuing enforcement under this section, no more than one (1) property will be under consideration during each of the following quarters (January-March, April-June, July-September, and October- December).

(2) While the HPO will act as the point of contact, the development services department staff shall, when needed, assist with inspections. If there is a dispute between the HPO and development services department staff, the City manager may be consulted as a mitigating party.

(3) *Citation Procedures*. The procedure for citing a property for Demolition by Neglect shall be as follows:

(a) Initial identification is made by visual inspection of the area by the HPO or an HPAB member or by referral from someone in the area. All referrals shall be made in writing and shall be submitted to the HPO.

(b) Once the initial identification is made, followed by a preliminary determination by the HPO, the property owner shall be notified by US mail of the defects of the building and informed of various incentive programs that may be available for repair. The owner is given 30 days in which to respond to the preliminary determination by submitting a stabilization proposal to HPO. The stabilization proposal will be presented to the HPAB at the next available meeting. If the HPAB approves the proposal, a Certificate of Appropriateness (COA), if necessary, may be issued administratively by the HPO. The approval will detail the specific work which is necessary to correct the demolition

DRAFT ORDINANCE 05-2024

by neglect conditions, as well as a time period to begin and complete the work. The HPO shall update the HPAB on the status of the property every 30 days once work begins on the property.

(c) If the property owner receives the letter regarding the preliminary determination, but fails to respond, a second notice shall be sent in the same manner as described above.

(d) If the property owner fails to receive and/or respond to the letter regarding the preliminary determination after two attempts, the matter returns to the HPAB for a citation hearing. The HPO shall send a third notice via certified mail informing the owner of the hearing, the property is posted with a notice of the violation in accordance with the provisions of this Article, and a public hearing on the citation is scheduled.

(e) At the public hearing the owner is invited to address the HPAB's concerns and to show cause why a citation should not be issued. The HPAB may act to approve any proposed work, defer the matter to give the owner more time either to correct the deficiencies or make a proposal for stabilization, or issue a citation to the owner of the property for failure to correct the demolition by neglect conditions.

(f) If the owner is cited for the condition of demolition by neglect of the property, he is given 14 days to submit a stabilization proposal to the HPO, and at the discretion of the HPAB, up to one (1) year to correct the defects. The HPO shall update the HPAB on the status of the property every 30 days once work begins on the property.

(g) If the owner does respond with a stabilization proposal, the matter is turned over to the City Attorney in which case the citation will be taken forward to the municipal court where the City Attorney shall request the court allow the property owner the time prescribed by the HPAB to correct the defects as described in section F.

SUBSECTION 06.04: NORTH GOLIAD CORRIDOR OVERLAY (NGC OV) DISTRICT

(A) *Purpose*. The North Goliad Corridor Overlay District is a specialized zoning district overlay along North Goliad Street beginning north of the Downtown District and terminating at Live Oak Street. This Corridor has been identified as one of the important entry points into the City of Rockwall. The district has been established to protect scenic and historic qualities through the use of additional development criteria. The district establishes design standards to guide the new construction and rehabilitation of buildings, streetscapes and architectural styles consistent with the existing historic residential homes and businesses located along the corridor.

(B) *Application and Boundaries*. The boundaries of the North Goliad Corridor Overlay District are as established in the official zoning map of the City of Rockwall. The boundary generally extends from Olive Street north to Live Oak and being more particularly described herein as Exhibit "A" [Ord. No. 07-30, Exhibit A which is on file in the City secretary's office]. use or change of use within the North Goliad Corridor Overlay District.

All property developed within the Overlay District must meet both the terms and requirements of the underlying zoning classification applicable to the property and the provisions set forth in the Overlay District. The most restrictive requirement applicable to the property shall apply.

(C) *Architectural Standards*. Most of the historic architecture of the district does not follow one specific style, but is influenced by many. The development along the corridor is an eclectic mix of buildings, but there is a similar vocabulary in the building design and construction materials. The development for the residential and commercial buildings shall generally fit within one or more of the following architectural styles.

FIGURE 14: BUNGALOW

(1) *Bungalow*. The bungalow style is a unique house type that borrows from other cultures, but is a truly American design. Developed on the west coast, the bungalow reduces the distinction between inside and outside space, reflecting open practical living. It is generally a low, small house that used natural materials and relief on simplified design. The roof structure is most often broad gables, often with a separate lower gable covering the porch, although hipped roof structures are also common. There is little ornamentation, and what is found is of simplified design. The first bungalow development period was from 1895 to 1915.

FIGURE 15: COTTAGE

DRAFT ORDINANCE 05.07.2024

(2) *Cottage*. A cottage is basically a small frame single-family home that does not use any particular architectural style or ornamentation pattern. Roof styles vary, but most often use gable, hip or a combination of the two. This is a style that often borrows elements from classic styles, but does not incorporate other elements that make the style unique.

FIGURE 16: CRAFTSMAN

(3) *Craftsman*. An extension of the early bungalow, the craftsman design included a low-pitched gabled roof with a wide, unenclosed eave overhang. Roof rafters are usually exposed and decorative beams or braces are commonly added under gables. Porches are either full or partial-width, with a roof often supported by tapered square columns. The most distinctive features of this are the junctions where the roof joins the wall, where the most ornamentation occurs. This was the dominant style for smaller homes from 1905 to early 1920s. The popularity of the style faded quickly, however, and few were built after 1930.

FIGURE 17: FOLK VICTORIAN

(4) *Folk Victorian*. The folk Victorian style uses a simple, folk type house style that is often one (1) story and has a roof that is gabled or hipped (pyramidal). It lacks the intricate, irregular roof structure of the Queen Anne style, but includes ornamentation common to Victorian-style detailing, especially spindle work. Facades are generally symmetrical.

~~(4)~~

FIGURE 18: QUEEN ANNE

(5) *Queen Anne*. The Queen Anne architectural style was common from about 1880 to 1910. Identifying features include a steeply pitched, irregular shaped roof, often with a dominant front-facing gable, patterned shingles, cutaway bay windows, and other features to avoid a smooth walled appearance. The decorative detailing is usually of two types:

(a) Spindle work includes turned posts and may also include decorative gables and ornamentation under the wall overhangs.

(b) Free classic detailing uses classical columns, instead of delicate turned posts, and other ornamentation is less

Formatted: Indent: Left: 0.5", No bullets or

DRAFT
05.03.2024

"lacy" and delicate than that found in spindle work. This style became common after 1890.

(D) *Building Design*. The height of new buildings shall not exceed this Unified Development Code standards: generally, one (1) and two (2) stories are allowed (36 feet maximum). New building additions and alterations should be compatible with the adjoining area and not exceed height, lot coverage and floor area ratio requirements as specified in this Unified Development Code.

- The use of consistent architectural styles from the years 1870 to 1940 is strongly encouraged rather than additions or alterations from more recent or different design styles (see architectural styles in subsection C of this section for examples).
- New construction should include elements such as cladding, roofing material, roof structure and ornamentation common to the district.
- The existing pattern of building facades generally respecting pedestrian or human scale design should be incorporated into new development projects. Roof types generally associated with residential buildings such as gable, hip or gambrel are also appropriate for structure within the North Goliad Corridor Overlay District.
- All decorative fixtures, including awnings, signs and lighting, shall be integrated with other design elements of the structures.
- Building elevations shall be submitted as part of the development application for review by the Historic Preservation Advisory Board who shall make its recommendations to Planning and Zoning Commission. Perspectives, accurate sections or a model of the project may be required to depict the height, mass and scale of the proposed project with respect to its setting and adjacent development.

(E) *Parking Area Restrictions*. Any surface parking shall be provided in well-screened parking lots at the rear or behind the main facade of the building. All parking structures shall adhere to the standards of this Unified Development Code and any additional requirements of the underlying zoning district.

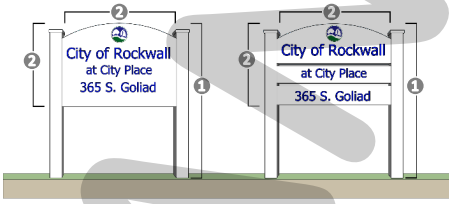
(F) *Cross Access*. Cross access easements may be required by the planning commission and/or City Council at the time of site plan approval or platting to ensure access between adjoining properties and to reduce the number of needed curb cuts.

(G) *Accessory Buildings*. New accessory or outbuildings, including garages and enclosures for service areas, trash or recycle containers, or storage structures should be compatible with materials, textures, colors and architectural styles of the principle buildings.

(H) *Landscaping Standards*. Existing trees should be retained where possible. Street trees and other sidewalk area landscaping shall be incorporated if pedestrian circulation will not be obstructed. Front yards should be landscaped compatible with the majority of neighboring properties. All sites shall, as a minimum, meet the requirements of Article 08, *Landscape Standards*.

(I) *Signs*. All signs shall comply with Chapter 32, *Signs*, of the Municipal Code of Ordinances and the underlying zoning district that applies to the North Goliad Corridor Overlay District and to the following additional standards. Signs shall be freestanding with two support standards. The maximum size shall be 16 square feet and shall not impede pedestrian or motor vehicle traffic. Monument signs are not allowed. All lighted signs shall be indirectly light no direct or internally light sign shall be allowed. All lighting elements such as wires, junction boxes, transformers, switches and panel boxes shall be concealed from view.

FIGURE 19: SIGNAGE REQUIREMENTS



❶: EIGHT (8) FOOT
❷: FOUR (4) FOOT

(J) *Lighting Standards*. In addition to the requirements of the outdoor lighting requirements no light pole, pole base or combination thereof shall exceed 20 feet in the North Goliad Corridor Overlay District. All lighting fixtures shall focus light downward and be contained on the site. Lighting elements shall be incandescent, metal Halide, or halogen only. No HID or fluorescent lights (except fluorescent bulbs that screw into standard socket fixtures) may be used on the exterior of buildings. All street lighting shall meet the specifications for a *B1* & *B2* contained in Subsection (I), *Streetscape Elements*, of Section 04.07, *Downtown (DT) District*, of the Unified Development Code (UDC).

(K) *Variance*. The City Council may, upon request from the applicant, grant a variance to any provision of this section where unique or extraordinary conditions exist or where strict adherence to the provisions of this section would create a hardship. Approval of any variance to any provision of this section shall require City Council approval by a three-quarter majority vote of those City Council members present with a minimum of four affirmative votes.

SUBSECTION 06.05: SOUTHSIDE RESIDENTIAL NEIGHBORHOOD OVERLAY (SRO) DISTRICT

(A) *Purpose*. The purpose of the overlay district is to provide the flexibility necessary for allowing infill and redevelopment of the Southside Neighborhood, while maintaining and protecting the character and integrity of the existing neighborhood.

(B) *Other Requirements*. Any requirements not specifically stated in this section shall comply with the Single-Family 7 (SF-7) District requirements.

(C) *Area Requirements*.

(1) Minimum lot area: 5,000 square feet.

DRAFT ORDINANCE 05.2024

(2) Maximum number of single-family detached dwellings units per lot: One.

(3) Minimum square footage per dwelling unit: 900 square feet.

(4) Minimum lot frontage on a public street: 50 feet.

(5) Minimum lot depth: 100 feet.

(6) Minimum depth of front yard setback: 20 feet.

(7) Minimum depth of rear yard setback: 10 feet.

(8) Minimum width of side yard setback:

(a) Internal lot: 6 feet.

(b) Abutting street: 15 feet.

(c) Abutting an arterial: 20 feet.

(9) Minimum distance between separate buildings on the same lot or parcel of land: ten feet.

(10) Minimum length of driveway pavement from the public right-of-way for rear or side yards: 20 feet.

(11) Maximum building coverage as a percentage of lot area: 40%.

(12) Maximum building height: 32 feet.

(13) Minimum number of paved off-street parking spaces required for:

(a) One single-family dwelling unit: Two (2) Parking Spaces. An enclosed garage shall not be considered in meeting the off-street parking requirements.

(b) All other uses: see Article 06, *Parking and Loading*, of the Unified Development Code (UDC).

(D) *Consideration of Special Request in Furtherance of Neighborhood Preservation*. The City Council may consider special requests in furtherance of neighborhood preservation and enhancement within the established neighborhood preservation overlay district. Such requests may include, but not necessarily be limited to neighborhood signage plans, the use of alternate building materials reductions in the building setbacks, or other requests submitted for consideration to the planning and zoning department.

Upon receipt of such requests, the Planning and Zoning Commission shall review the case and forward a recommendation to the City Council for consideration. The City Council may approve special request. Any such approval shall preempt any other underlying zoning restrictions in the Unified Development Code (UDC). Such special requests may be denied by the City Council by the passage of a motion to deny.

Special requests shall not include any request to change the land use of a property.

SUBSECTION 06.06: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.07: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.08: SCENIC OVERLAY (SOV) 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

DRAFT ORDINANCE 05.20.2024

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 06.02, *General Overlay District Standards*.

SUBSECTION 06.09: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.10: 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 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 06.02, *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:

PRELIMINARY 05.20.2024

(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.

(c) *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.

(d) *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.*

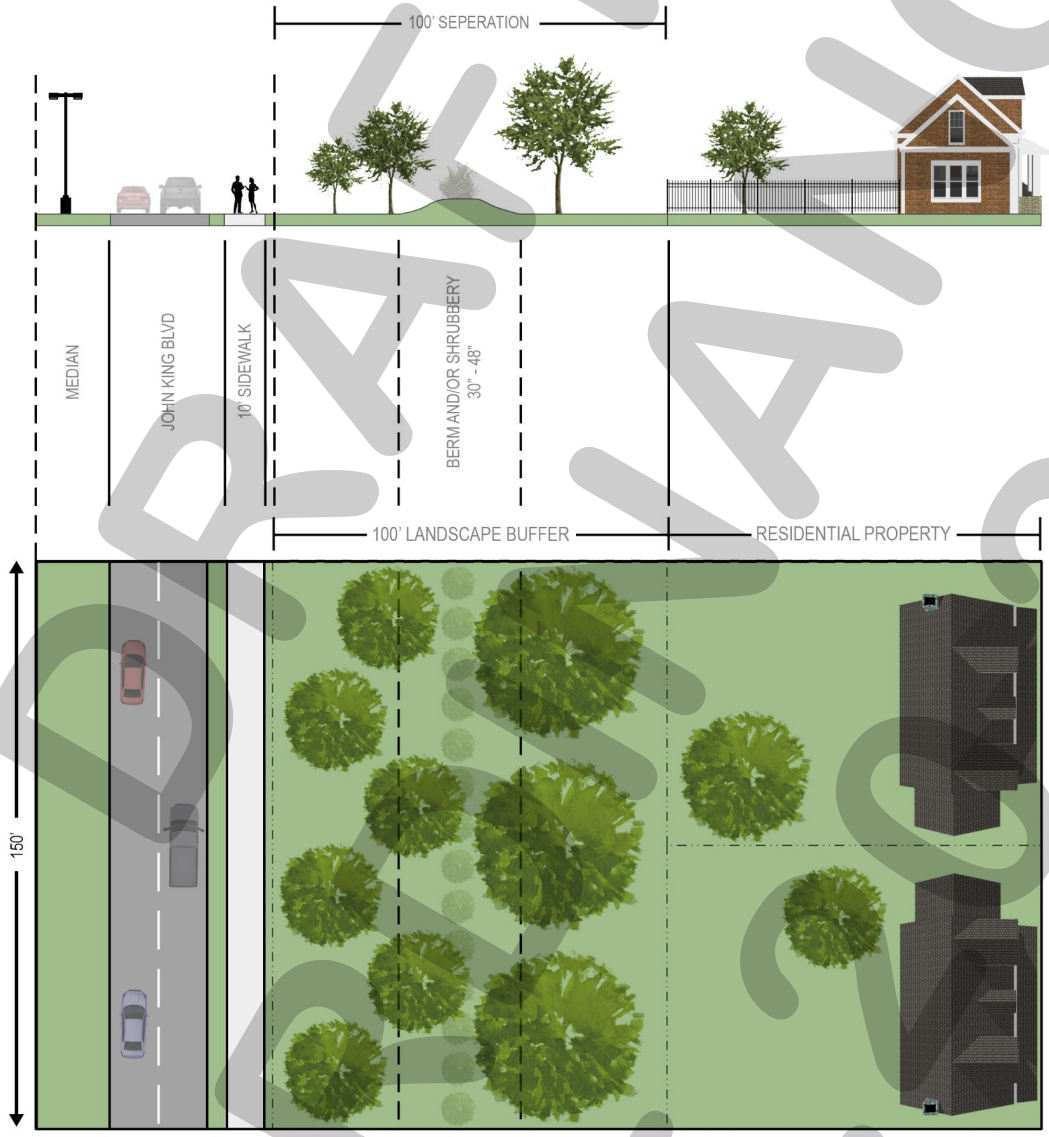
Continued on Next Page ...

Formatted: Centered

Formatted: Font: Italic

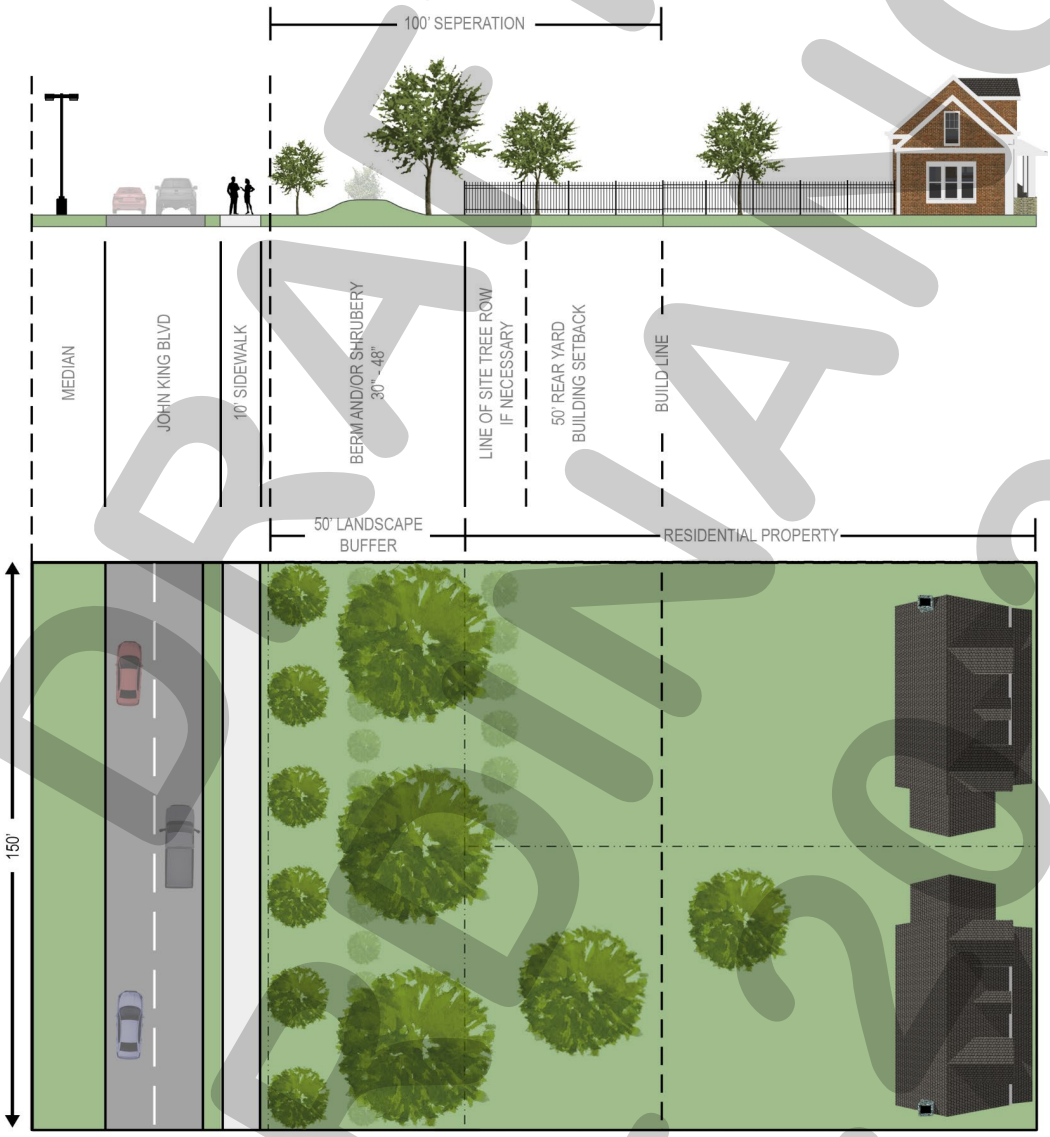
DRAFT ORDINANCE 05.20.2024

FIGURE 20: DESIGN ALTERNATIVE #1; INCREASED BUFFER



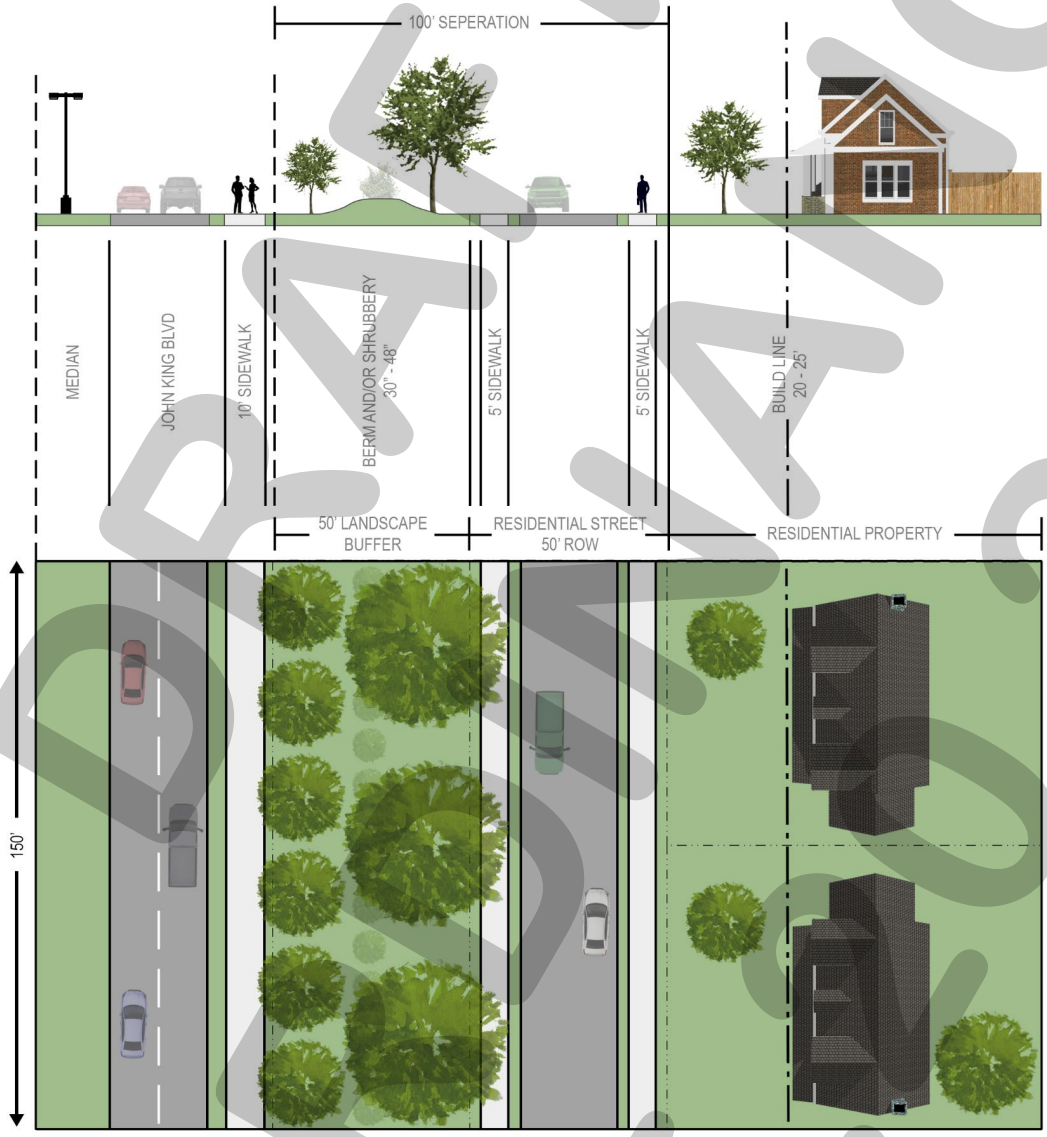
DRAFT FOR NOTICE 05.2024

FIGURE 21: DESIGN ALTERNATIVE #2; INCREASED BUFFER



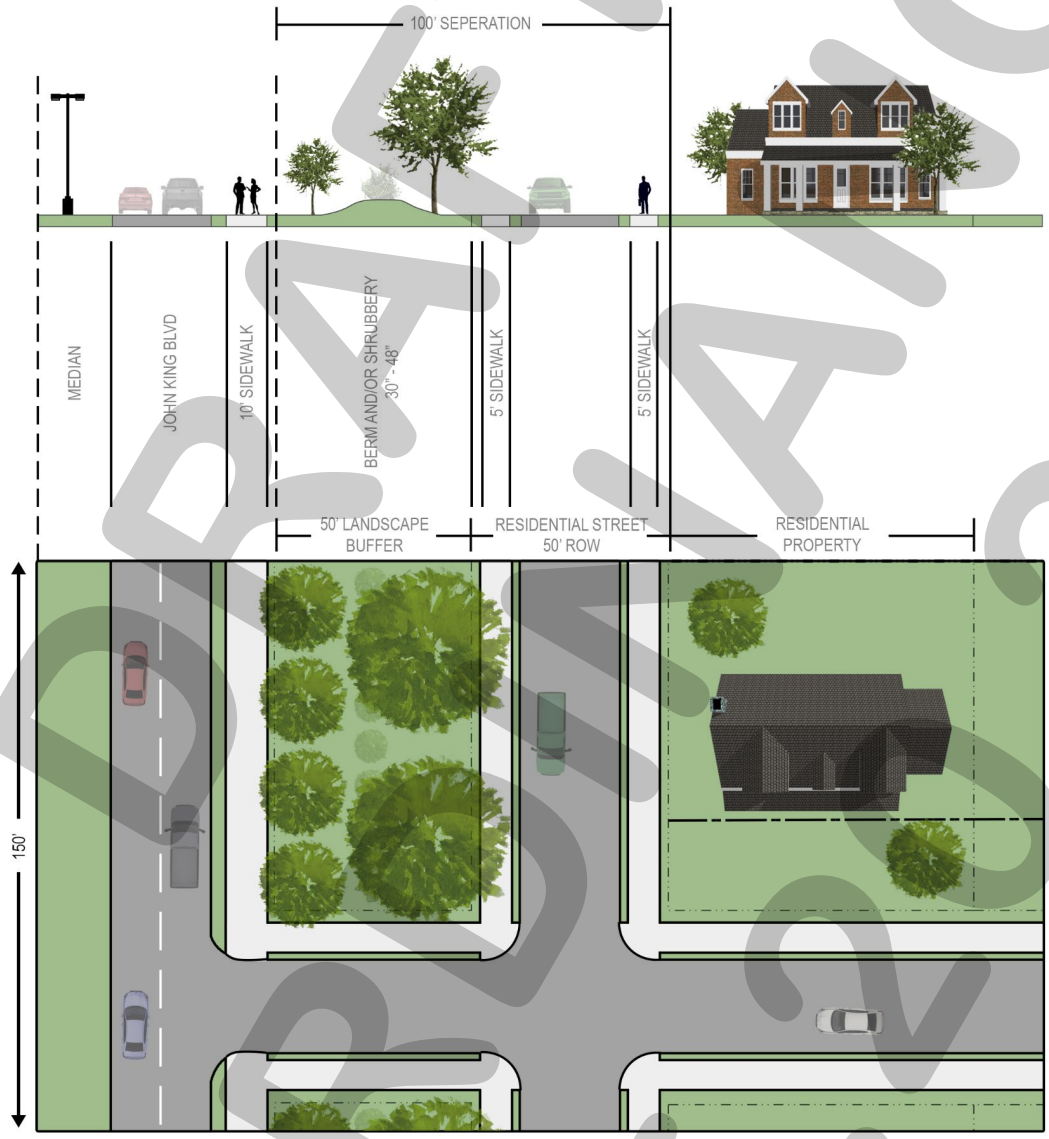
DRAFT ORDINANCE 05.2024

FIGURE 22: DESIGN ALTERNATIVE #3; SLIP STREET



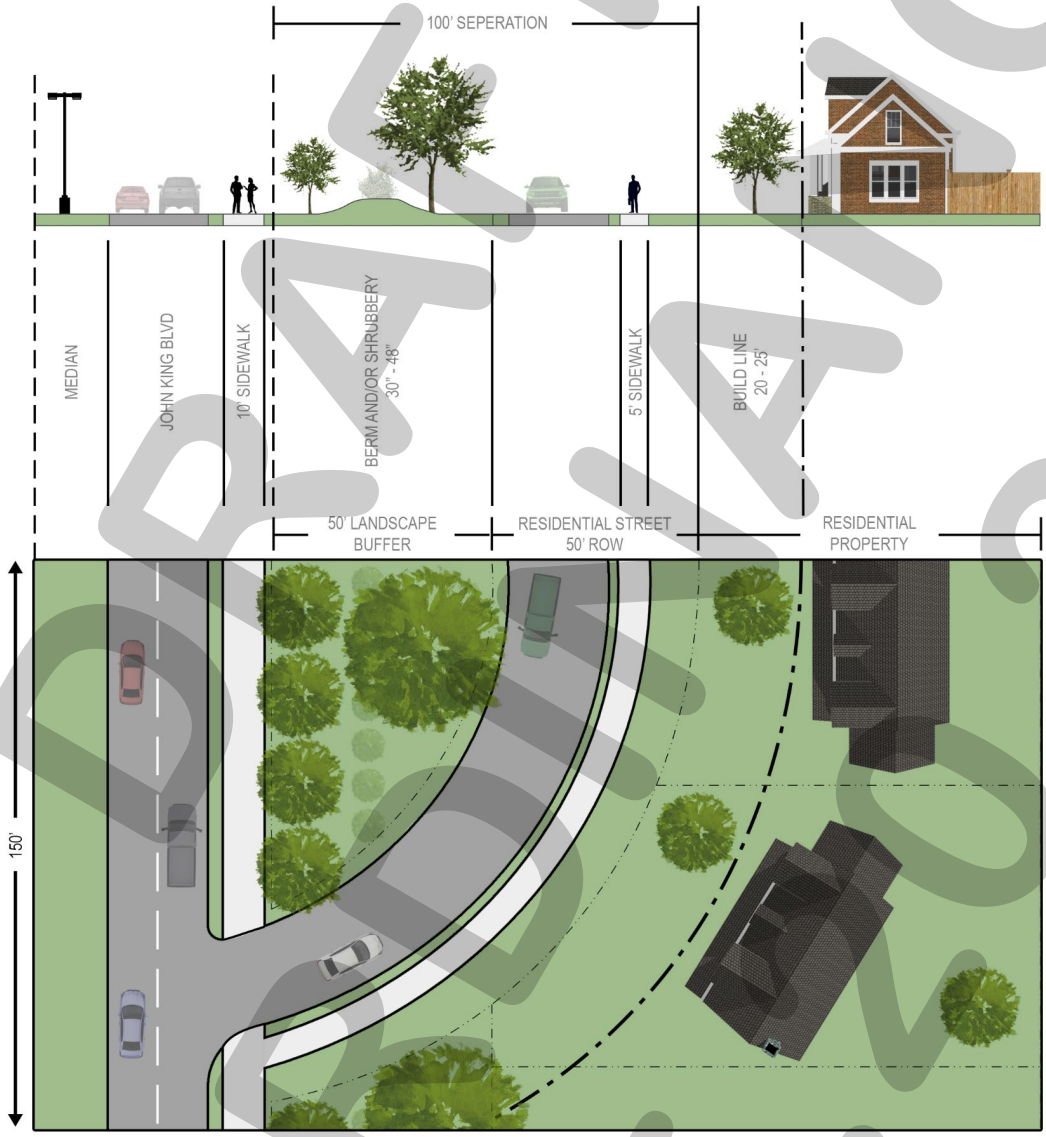
DRAFT
05.30.2024

FIGURE 23: DESIGN ALTERNATIVE #4; SLIP STREET



DRAFT ORDINANCE 05.21.2024

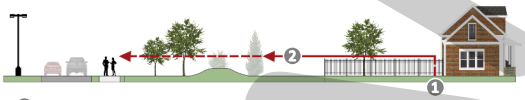
FIGURE 24: DESIGN ALTERNATIVE #5; EYEBROW STREET



DRAFT
05.20.2024

(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.

FIGURE 25: LINE-OF-SITE REQUIREMENTS



❶: REPRESENTS THE LINE OF SIGHT AT SIX (6) FEET FROM GRADE.
❷: THE SOLID *RED LINE* SHOWS THAT THE VISIBILITY IS IMPAIRED FROM JOHN KING BOULEVARD BY EITHER [1] A ROW OF TREES OR [2] A BERM AND ROW OF SHRUBBERY.

SUBSECTION 06.11: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.12: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.13: 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 06.02, *General Overlay District Standards*.

DRAFT
05.2024

SUBSECTION 06.14: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.15: AIRPORT OVERLAY (AP OV) DISTRICT

Note: This document was prepared using FAA guidelines as of March 17, 2020 and using AC150/5300-14D.

(A) *Purpose*. The purpose of this district is to provide both airspace protection and land use compatibility with airport operations at the Ralph M. Hall/Rockwall Municipal Airport. This district, through establishment of airport zones and corresponding regulations, provides for independent review of development proposals in order to promote the public interest in safety, health and general welfare of the City of Rockwall. Therefore, the City of Rockwall deems it necessary to regulate uses of land located within or near the traffic patterns of the airport through regulation of height of structures and objects of natural growth, and through the regulation of land uses within the Airport Overlay (AP OV) District, and other FAA regulated areas associated with the airport (*i.e. areas relating to RSA/ROFA/ROFZ which extend off the airport property*).

(B) *District Boundaries*. This *Airport Overlay (AP OV) District* is hereby established as the land area owned by the City of Rockwall and held as Ralph M. Hall/Rockwall Municipal Airport, the Airport Runway Protection Zone (RPZs), and a buffer area extending 500-feet from all property lines of the Ralph M. Hall/Rockwall Municipal Airport (*see Figure 29: Airport Overlay District Boundaries*).

(C) *Definitions*. Unless otherwise stated in this section, the following words shall have the definitions prescribed to them below:

(1) *Administrative Agency*. The appropriate person or office of the municipality that is responsible for the administration and enforcement of the regulations prescribed in this section of the Unified Development Code (UDC).

(2) *Airport*. The current and future boundaries of the Ralph Hall Municipal Airport located within the City of Rockwall, Texas.

(3) *Airport Hazard*. A structure or object of natural growth that obstructs the air space required for the taking off, landing, and flight of aircraft or that interferes with visual, radar, radio, or other systems for tracking, acquiring data relating to, monitoring, or controlling aircraft.

(4) *Airport Hazard Area*. An area of land or water on which an airport hazard could exist.

(5) *Applicant*. The person or persons making a request to the administrative agency.

(6) *Centerline*. The runway centerline identifies the center of the runway and provides alignment guidance during takeoff and landings. The centerline consists of a line of uniformly spaced stripes and gaps.

(7) *Non-Conforming Land Use or Non-Conforming Use*. Any land use of which is inconsistent with the provisions of these regulations and which is existing as of the effective date of the Airport Overlay (AP OV) District.

(8) *Person*. An individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

(9) *Runway*. A defined area on the airport prepared for the landing and taking off of aircraft along its length. The current length of the Rockwall Municipal Airport is 3,373-feet by 45-feet and the zoned dimensions are 3,373-feet by 60-feet.

(10) *Runway Safety Area (RSA)*. The surface surrounding the runway prepared or suitable for reducing the risk of damage to airplanes in the event of an undershoot, overshoot, or excursion from the runway.

(11) *Structure*. An object constructed or installed by one (1) or more persons and includes but is not limited to a building, tower, smokestack, and overhead transmission line.

(D) *Airport Zones*. In order to implement the intent of this ordinance, the Airport Overlay (AP OV) District hereby includes the following three (3) exhibits that depict the zones within the controlled area and shown on the official zoning map as depicted in *Figure 29: Airport Overlay District Boundaries*:

- Airport Overlay (AP OV) District Boundaries (*see Figure 29: Airport Overlay District Boundaries*)
- Development Zones within the Airport Overlay (AP OV) District (*see Figure 30: Development Zones within the Airport Overlay (AP OV) District*)
- Airport Airspace Zones Boundaries (*see Figure 31: Airspace Zone Boundaries*)

(E) *Permitted Uses*. All uses otherwise permitted by existing zoning ordinances within the boundaries of the AP OV District are permitted within the district, except where there is a conflict between the AP OV District and the existing zoning ordinances. Where the

DRAFT ORDINANCE 05-20-2024

provisions of the AP OV District are more restrictive, the provisions of the AP OV District shall govern.

(F) *Controlled Area*. The area within which airport land use compatibility controls may be instituted, as defined by *Section 241, Municipal and County Zoning Authority Around Airports,* of the *V.T.C.A., Texas Local Government Code,* shall be defined as the controlled area. The controlled area is located outside the Airport boundaries and within an area measured no farther than one and one-half (1½) statute miles from the centerline of the Ralph M. Hall/Rockwall Municipal Airport runway and lies no farther than five (5) statute miles from each end of the paved surface of the runway.

(G) *Airspace Zones*. *Airspace Zones* consist of all of the land area lying beneath the surfaces referenced in Section H, *Height Limitations*, below and in Title 14, Part 77.19. The following *Airspace Zones* are hereby established and set forth (*see Figures 26: Airspace Zones [right] & Figure 31: Airspace Zone Boundaries [below]; reference Title 14, Part 77, FAR*):

(1) *Primary Surface.* The *Primary Surface* is a surface that is longitudinally centered on the runway. It extends 200-feet beyond the end of each runway and 250-feet on either side of the centerline of the runway for a total width of 500-feet (*i.e. a 250-foot side buffer of the runway centerline*).

(2) *Approach Zone.* The *Approach Zone* is a fan shaped zone that is established at both ends of the runway for the purpose of landings and take-offs. The *Approach Zone* commences at the end of the *Primary Surface* (*i.e. 200-feet beyond the end of the runway*) and has a beginning width of 500-feet. It then extends uniformly along the continuation of the centerline of the runway to a width of 3,500-feet at a distance of 10,000-feet from the point of commencement, and a slope of 34:1 or one (1) foot in height for each 34-feet in horizontal distance *[this is the land area that exists underneath the Approach Surface]*.

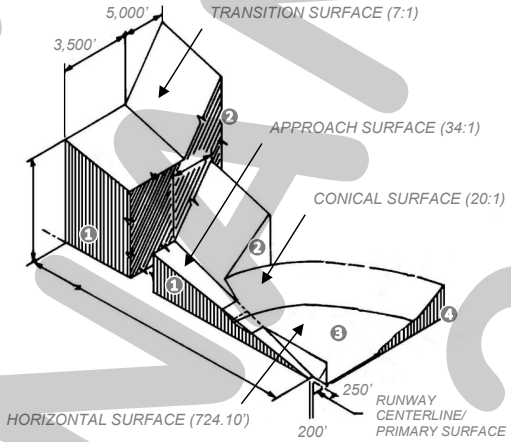
(3) *Transitional Zones.* The *Transitional Zones* are symmetrically located on either side of runway, and have variable widths. The *Transitional Zones* extend outward and upward commencing from the edge of the *Primary Surface* (*i.e. 250-feet on either side of the centerline of the runway*), and *Approach Surfaces*. The *Transitional Zones* extend upward and outward at slope of 7:1 or one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the *Horizontal Zone*. The *Transitional Zones* are established adjacent to the *Approach Zones* and extend their entire length. The *Transitional Zones* flare symmetrically with either side of the runway *Approach Zone* from the base of said zones and slope upward and outward at the rate of 7:1 or one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surface of the *Horizontal Zone* and the *Conical Zone [this is the land area that exists underneath the Transitional Surface]*.

(4) *Horizontal Zone.* The *Horizontal Zone* consists of the land area within the perimeter of which is constructed by swinging arcs of 10,000-feet from the center of each *Primary Surface*, 200-feet beyond the centerline of each runway and connecting the adjacent arcs by lines of tangent to those arcs. The *Horizontal Zone* does not include the *Approach Zone* and/or the *Transition Zone [this is the land area that exists underneath the Horizontal Surface]*.

(5) *Conical Zone.* The *Conical Zone* consists of the land area that commences at the periphery of the *Horizontal Zone* and extends outward for a distance of 4,000-feet, at a 20:1 slope or one (1) foot in height for each 20-feet of horizontal distance. The *Conical Zone* does not include the *Approach Zone* and/or the *Transition Zone [this is the land area that exists underneath the Conical Surface]*.

FIGURE 26: AIRSPACE ZONES

❶: APPROACH ZONE; ❷: TRANSITION ZONE; ❸: HORIZONTAL ZONE; ❹: CONICAL ZONE



(H) *Height Limitations*. Except as otherwise provided in this ordinance, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created above to a height in excess of the limits established herein for each of the imaginary surfaces created by the airspace zones (*Title 14 CFR, Section 77.19, Civil Airport Imaginary Surfaces)*, which are defined as follows:

(1) *Approach Surface.* The *Approach Surface* is the surface that is created by the *Approach Zone*, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending into the area required for an aircraft's navigable airspace. The *Approach Surface* is the same starting width as the *Primary Surface* (*i.e. 500-feet*), and has a slope of 34:1 or one (1) foot in height for each 34-feet in horizontal distance commencing at the *Primary Surface* and extending to a point 10,000-feet from the point of beginning and widening to a width of 3,500-feet.

(2) *Transitional Surface.* The *Transitional Surface* is the surface that is created by the *Transitional Zone*, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending in the area required for an aircraft's navigable airspace. The *Transitional Surface* is the surface that extends outward and upward, at right angles to the runway centerline (*at any point 250-feet normal to and at the elevation*

DRAFT ORDINANCE 05-24

of the centerline) and extended runway centerline (*i.e. 200-feet beyond the end of the runway*), from the sides of the *Primary Surface* and the *Approach Surfaces* to a point of 150-feet above the airport elevation (*i.e. 724.10-feet*) [*the airport elevation is 574.10-feet above mean sea level*]. The *Transitional Surface* has a slope of 7:1 or one (1) foot in height for each seven (7) feet in horizontal distance.

(3) *Horizontal Surface.* The *Horizontal Surface* is the surface that is created by the *Horizontal* Zone, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending into the area required for an aircraft's navigable airspace. The *Horizontal Surface* is the horizontal plane created by swinging arcs with a 10,000-foot radius centered on the extended runway centerline where it crosses the *Primary Surface*, and is situated 150-feet above the established airport elevation (*i.e. 724-feet) [the airport elevation is 574-feet above mean sea level]*, which coincides with the extent of the *Horizontal Zone*.

(4) *Conical Surface.* The *Conical Surface* is the surface that is created by the *Conical Zone*, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending into the area required for an aircraft's navigable airspace. The *Conical Surface* extends upward and outward from the outer limits or the periphery of the *Horizontal Surface* at a slope of 20:1 or one (1) foot in height for each 20-feet of horizontal distance for a horizontal distance of 4,000-feet. The *Conical Surface* extends to a height of 350-feet above the airport's elevation (*i.e. 924-feet*) [*the airport elevation is 574-feet above mean sea level*].

[Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail. Nothing in this ordinance shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 45-feet above the surface of the land, except in the Approach Zones.]

(I) *Airport Hazard Area.* The *Airport Hazard Area* is an area of land or water on which an airport hazard could exist. An *airport hazard* is defined as a structure or object of natural growth that obstructs the airspace required for the taking off, landing, and flight of aircraft or that interferes with visual, radar, radio, or other systems for tracking, acquiring data relating to, monitoring, or controlling aircraft. For the purposes of this ordinance, the *Airport Hazard Area* is defined as the entirety of all the imaginary surfaces stated in Section H, *Height Limitations*, of this ordinance (*see Figure 31: Airspace Zone Boundaries*).

(J) *Land Use Compatibility.*

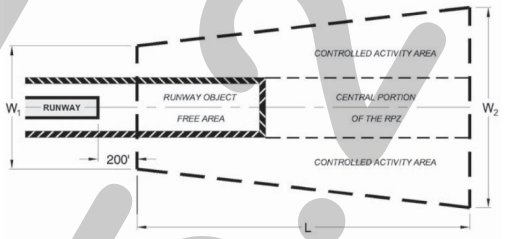
(1) *Intent.* The Airport Overlay (AP OV) District is intended to overlay any other zoning district's regulations comprising or pertaining to areas to which it is applicable, to prevent undue negative interaction between aviation activities associated with the airport and the surrounding community. It is intended to protect the lives and property of the users of the airport and of the occupants of the land in its general vicinity by restricting places of public assembly within this Airport Overlay (AP OV) District. The overlay is intended to preserve the utility of the airport and the public investment therein.

(2) *Development Zones.* The *Development Zones* are hereby established within the Airport Overlay (AP OV) District. These zones are depicted in *Figure 30: Development Zones within the Airport Overlay (AP OV) District* of this ordinance. The *Development Zones* are defined and described as follows:

(a) *Airport Runway Protection Zones (RPZs).* The *Airport Runway Protection Zones* are hereby established as the trapezoidal areas centered about the extended runway centerline. The *RPZ* dimensions for a particular runway end are a function of the type of aircraft and approach/departure visibility minimum associated with the runway end. The *RPZs* for the Ralph M. Hall/Rockwall Municipal Airport commence 200-feet from the edge of pavement at the end of each runway, beginning with a base of 500-feet (*i.e. inner width or 'W_1'*), extending 1,000-feet along the runway centerline (*i.e. length or 'L'*), and terminating at the outboard corners of a 700-foot line segment (*i.e. outer width or 'W_2'*) [*see Figure 27: Airport Runway Protection Zone (RPZ)*], creating a 13.770-acre trapezoidal area, which is intended to service *Aircraft Approach/Departure Categories 'A' & 'B'* (*i.e. small single and multi-engine planes*). Contained within the two (2) trapezoidal areas that make up the *RPZs* are the *Controlled Activity Area* and a portion of the *ROFA (Object Free Area)*. These areas are defined as follows:

(1) *The Runway Object Free Area (ROFA).* The *Runway Object Free Area (ROFA)* is centered on the runway centerline. The *ROFA* clearing standard requires clearing the *ROFA* of above ground objects protruding above the runway safety area edge elevation. Except where precluded by other clearing standards, it is acceptable to place objects that need to be located in the *ROFA* for air navigation or aircraft ground maneuvering purposes to protrude above the nearest point of the runway safety area, and to taxi and hold aircraft in the *ROFA*. To the extent practicable, objects in the *ROFA* should meet the same frangibility requirements as the runway safety area. Objects non-essential for air navigation or aircraft ground maneuvering purposes are not permitted to be placed in the *ROFA*. This includes parked airplanes and agricultural operations.

FIGURE 27: AIRPORT RUNWAY PROTECTION ZONE (RPZ)



DRAFT ORDINANCE 05.20.2024

(2) *The Controlled Activity Area.* The *Controlled Activity Area* is the portion of the *RPZ* beyond the boundaries of the *ROFA*.

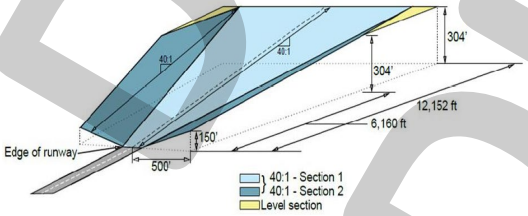
(b) *Municipal Airport Zone.* The *Municipal Airport Zone* is hereby established as the real property boundaries of the Ralph M. Hall/Rockwall Municipal Airport. This zone contains the majority of all airport related land uses and structures.

(c) *Airport Influence Zone.* The *Airport Influence Zone* contains all areas within the 500-foot buffer excluding the *Municipal Airport Zone* and the *RPZ*.

(d) *Height Restriction Zone.* The *Height Restriction Zone* extends to the edge of the *Conical Zone* and is subject only to the requirements stipulated in Section H, *Height Limitations*, of this ordinance (*see Figure 29: Airport Overlay District Boundaries*).

(e) *Departure Surface*. The *Departure Surface* starts at the end of the runway end elevation and matches the width of the usable runway. From the edge of the usable runway, the surface rises upward to 150-feet above the runway end elevation at a point 500-feet on either side of the runway centerline. The new surface rises upward along the extended centerline at a slope of 40:1 or one (1) foot in height for each 40-feet in horizontal distance until reaching 304-feet above the runway end elevation (*i.e. 6,160-feet across at its outer width at the runway end elevation*). Upon reaching the 304-foot marker, the surface levels out until the end of the departure surface at 12,152-feet. The area splays outward at a rate of 15-degrees relative to the extended runway centerline (*see Figure 28: Departure Surface*).

FIGURE 28: DEPARTURE SURFACE



(3) *Land Use Restrictions*.

(a) *Runway Object Free Area (ROFA) and Controlled Activity Area*. No uses are permitted within the *Runway Object Free Area (ROFA)* or the *Controlled Activity Area* unless deemed essential to air navigation or aircraft ground maneuvering purposes by the Federal Aviation Administration (FAA) with the following exceptions:

(1) *Permitted Uses*. See the current *FAA Standard*.

(2) *Specific Use Permit (SUP)*.

(a) Roadways, Automobile Parking Areas, and Railroads that Adhere to the Height Restrictions

(b) *Municipal Airport Zone*.

(1) *Permitted Uses.*

(a) Aircraft Runways, Taxiways, Taxi Lanes, Ramps, Parking Areas and Fuel Storage Facilities

(b) Aircraft Operational Facilities (*including but not limited to Instrument Landing Systems, Visual Navigational Aids, and Related Equipment; Communication Facilities; Weather Service Offices and Equipment*)

(c) Hangars (*includes all buildings which may be used for the Storage or Maintenance of Aircraft, Airport Snow Removal, Sweeping and Other Maintenance Equipment, and/or Other Aviation-Related or Ancillary Activities*)

(d) Terminal Buildings (*which may contain Offices or Airline Companies, and Other Businesses and Concessionaires*)

(e) Offices and Facilities for Airport Management, Air Charter, Air Taxi, Crop Spraying, Aircraft Sales or Rentals, and Air Cargo Processing Facilities

(f) Agriculture (*other than Forestry or Livestock*), Tourism Information Centers and Museums

(g) Flight Schools, Flying Clubs, and Other Schools or Training Facilities (*relating to Aviation or Air-Related Transportation*)

(h) Offices and Facilities for the Operation and Maintenance of Air Rescue, Emergency and Firefighting Services

(i) Aircraft Maintenance, Manufacturing, and Testing Facilities

(j) Offices and Facilities of Federal, State and Local Government Entities that Incorporate an Aeronautical Land Use (*Unless the Property has been Designated for Non-Aeronautical Land Uses*)

(2) *Prohibited Uses*.

(a) No uses other than those uses explicitly permitted above.

(c) *Airport Influence Zone*. All uses permitted within the underlying zoning depicted on the official zoning map of the City of Rockwall, with the following additional uses and exceptions:

(1) *Specific Use Permits (SUP)*.

(a) Residential Airpark or Aviation Homes

(b) Driving Test Track

(2) *Prohibited Uses*.

(a) Residential Uses (*e.g. Single Family, Multi Family, etc.*)

(b) Educational Centers (*including all types of Primary and Secondary Schools, Pre-Schools, and Child Care Facilities*)

DRAFT ORDINANCE 05.20.2024

(c) Hospitals, Medical Inpatient Treatment Facilities, Nursing Homes and/or Convalescent Home Facilities

(d) Places of Worship

(e) Places of Public Assembly (*Not Previously Listed*)

(f) Fuel Handling and Storage Facilities (*Does Not Include Gas Station*)

(d) *Height Restriction Zone*. Properties within the *Height Restriction Zone*, outside of the Airport Overlay (AP OV District), are subject to the use requirements stipulated by the underlying zoning depicted on the official zoning map of the City of Rockwall (*see Figure 29: Airport Overlay District Boundaries*).

(4) *Additional Use Restrictions*.

(a) Notwithstanding any other provision of this ordinance, no use may be made of land within any zone established by this ordinance in such a manner as to (*1*) create electrical interference with radio communication between the Airport and aircraft, (*2*) make it difficult for flyers to distinguish between airport lights and others, (*3*) result in glare in the eyes of flyers using the Airport, (*4*) impair visibility in the vicinity of the Airport or otherwise endanger the landing, taking-off, or maneuvering of aircraft.

(5) *Legal Non-Conforming Land Uses*.

(a) *Regulations Not Retroactive*. The regulations prescribed by this ordinance shall not be construed to require the removal, lowering, changes and/or alteration of any structure (*e.g. building*) or object of natural growth (*e.g. tree*) not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of any legal non-conforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure or property, for which the construction or alteration of said structure or property was commenced prior to the effective date of this ordinance.

(b) *Hazard Marking and Lighting*. Notwithstanding the preceding provision of this section, the owner of any non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the City Manager or his designee to indicate to the operators of aircraft in the vicinity of the Airport, the presence of such airport hazards. Markers and lighting necessary for existing non-conforming structures or trees shall be operated and maintained at the expense of the property owner. Markers and lighting necessary for future non-conforming structures or trees, approved per the requirements of this ordinance, shall be installed, operated, and maintained at the expense of the property owner.

(K) *Development Standards.*

(1) *Architectural Standards*.

(a) All buildings within the *Municipal Airport Zone* shall be designed by a licensed, professional architect and all drawings submitted for approval and/or permits shall bear the architect's seal of the State of Texas.

(b) All buildings intended for airport related use such as hangars, maintenance facilities, offices and facilities for airport management, terminal buildings and other similar types of uses with exterior walls visible from a public right-of-way shall consist of 90% masonry materials, excluding doors and windows as defined in Article 13, *Definitions*, of the Unified Development Code (UDC) [*i.e. "Masonry"*]. Building exterior walls not visible from the public rights-of-way may be earth-tone colored, pre-finished aluminum, steel or masonry. Materials that are unfinished are prohibited.

[All other buildings not related to airport uses within the Airport Overlay (AP OV) District shall conform to building materials requirements as stipulated within the Unified Development Code (UDC).]

In addition, all buildings intended for airport related uses shall adhere to the following standards:

(1) A *Material Sample Board* indicating all exterior materials and colors must be submitted to the Planning and Zoning Commission, upon a recommendation by the Architecture Review Board (ARB), for approval prior to the commencement of construction. All sides of the exterior building shall be architecturally integrated and similar in nature with respect to the design and aesthetic.

(2) All roofs shall be metal. If galvanized metal is being proposed, it shall be limited to a roofing material only.

(3) Building glazing or reflectors shall not be incorporated into a building if it will cause a glare or reflection that could interfere with airport operations or ground circulation.

(4) All windows or large glass elements shall be oriented and/or treated to avoid reflections that could cause a distraction to air traffic that is landing or taking off.

(5) All new construction shall be of a high quality and utilize materials and finishes that will maintain their appearance with relatively low maintenance.

(6) All steel used for roofing or siding shall be a minimum of 28-gauge steel, with a factory finish in a color that has been approved by the Planning and Zoning Commission, and which has been warranted by the manufacturer for a minimum of 20 years with regards to the durability and color fastness.

(7) All floors must be constructed of a minimum of four (4) inches thick concrete and reinforced with steel to a standard approved by the Engineering and Building Inspections Departments.

DRAFT ORDINANCE 05.06.2024

(8) All hangars facing a taxiway (*i.e. a path connecting runways with ramps, hangars, terminals, etc.*) shall have a hangar door that has a minimum opening of 55-feet in width by 16-feet in height (*i.e. 55' [w] x 16' [h]*). Buildings facing a taxilane (*i.e. a path connecting the taxiways to aircraft parking positions*) shall have a hangar door that has a minimum opening of 41-feet, 6-inches in width by 12-feet in height (*i.e. 41'-6" [w] x 12' [h]*). Approved swing out, overhead or sliding doors may also be used. All pedestrian doors must be of a pre-finished metal construction positioned in metal doorjambs. No wood doorjambs will be permitted on exterior doors.

(9) Mechanical equipment shall be screened so as not to be visible from the public and private rights-of-way. All screens, whether situated on the ground or on the building, shall be constructed to be aesthetically integrated into the design of the building. The rooftops of all buildings shall be free of any mechanical equipment unless completely screened from all points of view along all public rights-of-way by an architectural parapet. All screening materials shall be compatible with the material used on the building.

(2) *Landscaping*.

(a) The requirements contained within Article 05, *District Development Standards*, and Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC), whichever would be applicable to the subject property independent of the AP OV District, shall apply to a property located within the overlay (*i.e. the landscaping percentage of the underlying zoning district would apply*); however, landscaping plans in the AP OV District should be designed with the consideration of aircraft movement and should not be designed using trees and/or plants that have the propensity to attract hazardous wildlife. In cases where aircraft requirements would conflict with certain landscaping elements, the Planning and Zoning Commission may approve requirements that deviate from those stipulated by the Unified Development Code (UDC) if, in its opinion, such alternate requirements provide for a safer and more efficient use of the property. In addition, the Planning and Zoning Commission may request that a qualified Airport Wildlife Biologist review landscaping plans in sensitive areas and provide recommendations for planting placement and alternatives.

(3) *Variances*. The City Council may, upon request from the applicant, grant a variance to the any of the provisions contained within Section K.6, *Architectural Standards*, and Section K.7, *Landscaping*, of this ordinance where unique or extraordinary conditions exist or where strict adherence to the provisions of this ordinance would create a hardship. Approval of any variance to any provision of this section shall require City Council approval by a three-quarter (¾) majority vote of the City Council members present with a minimum of four (4) affirmative votes.

(L) *Administrative Procedures and Permits.*

(1) *Notice of Proposed Construction or Alteration (i.e. FAA Form 7460-1)*. Any tree or structure (*new or alteration of an existing structure*) proposed within the AP OV District or 20,000-feet of the runway shall require an applicant to file a *Notice of Proposed Construction or Alteration* form (*i.e. FAA Form 7460-1*) with the Federal Aviation Administration (FAA) to determine if the tree or structure creates a hazard to air navigation or will result in an inefficient use of airspace.

(2) *Future Use*. Except as specifically provided herein, no change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(a) In the area lying within the limits of the *Horizontal Zone* and *Conical Zone*, no permit -- *except as required by Section (L)(1) above* -- shall be required for any tree or structure less than 75-feet of vertical height above the ground as measured at grade, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.

(b) In the areas lying within the limits of the *Approach Zones* but at the horizontal distance of not less than 4,000-feet from each end of the runways, no permit -- *except as required by Section (L)(1) above* -- shall be required for any tree or structure less than 75-feet of vertical height above the ground as measured at grade, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limit prescribed for the *Approach Zone*.

(c) In the areas lying within the limits of the *Transitional Zones* ending at the perimeter of the *Horizontal Zone*, no permit -- *except as required by Section (L)(1) above* -- shall be required for any tree or structure less than 75-feet of vertical height above the ground as measured at grade, except when such tree or structure because of terrain, land-contour or topographic features would extend above the height limit prescribed for such *Transitional Zones*.

(3) *Exceptions/Variances/Non-Conforming Uses*. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this Ordinance except as set forth in Section H, *Height Limitations*.

(a) *Existing Uses*. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this Ordinance or any amendments thereto or than it is when

DRAFT ORDINANCE 05-40 | 2024

the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(b) *Non-Conforming Uses Abandoned or Destroyed*. Whenever the Board of Adjustment (BOA) determines that a non-conforming structure or use has been abandoned for a period of six (6) months, or more than eighty (80%) percent of a non-conforming structure or tree has been torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(c) *Variances*. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use of their property, not in accordance with the regulations prescribed in this ordinance, may apply to the Board of Adjustment (BOA) for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulation would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice to be in accordance with the spirit and intent of this Ordinance.

(d) *Hazard Marking and Lighting*. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the owners at their own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

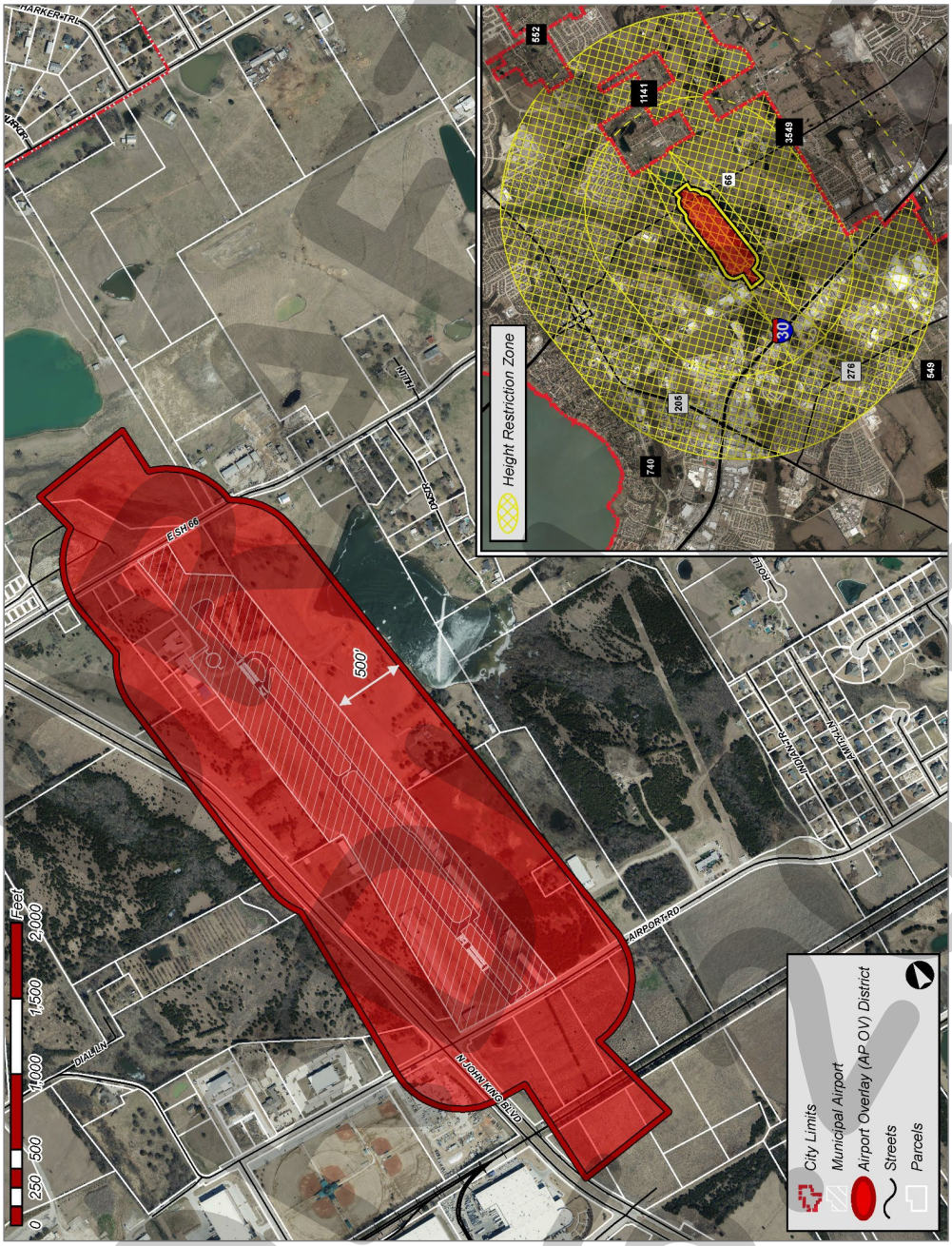
(M) *Enforcement*. It shall be the duty of the City Manager or his designee to administer and enforce the regulations prescribed herein. Application of permits shall be made to the City Manager or his designee upon a form published for that purpose. Applications required by this ordinance to be submitted to the City Manager or his designee shall be promptly considered and granted or denied. Applications for variances shall be made to the Board of Adjustment (BOA) by first filing said application for variance with the City Manager or his designee who shall forthwith transmit said application to the Board of Adjustment for determination.

(N) *Appeals*. Requests for appeals to administrative decisions by the City Manager or his designee concerning the enforcement of this ordinance shall be directed to the Board of Adjustment (BOA) in compliance with Section 04, Board of Adjustments, of Article 02, Authority and Administrative Procedures, of the Unified Development Code (UDC).

Continued on Next Page …

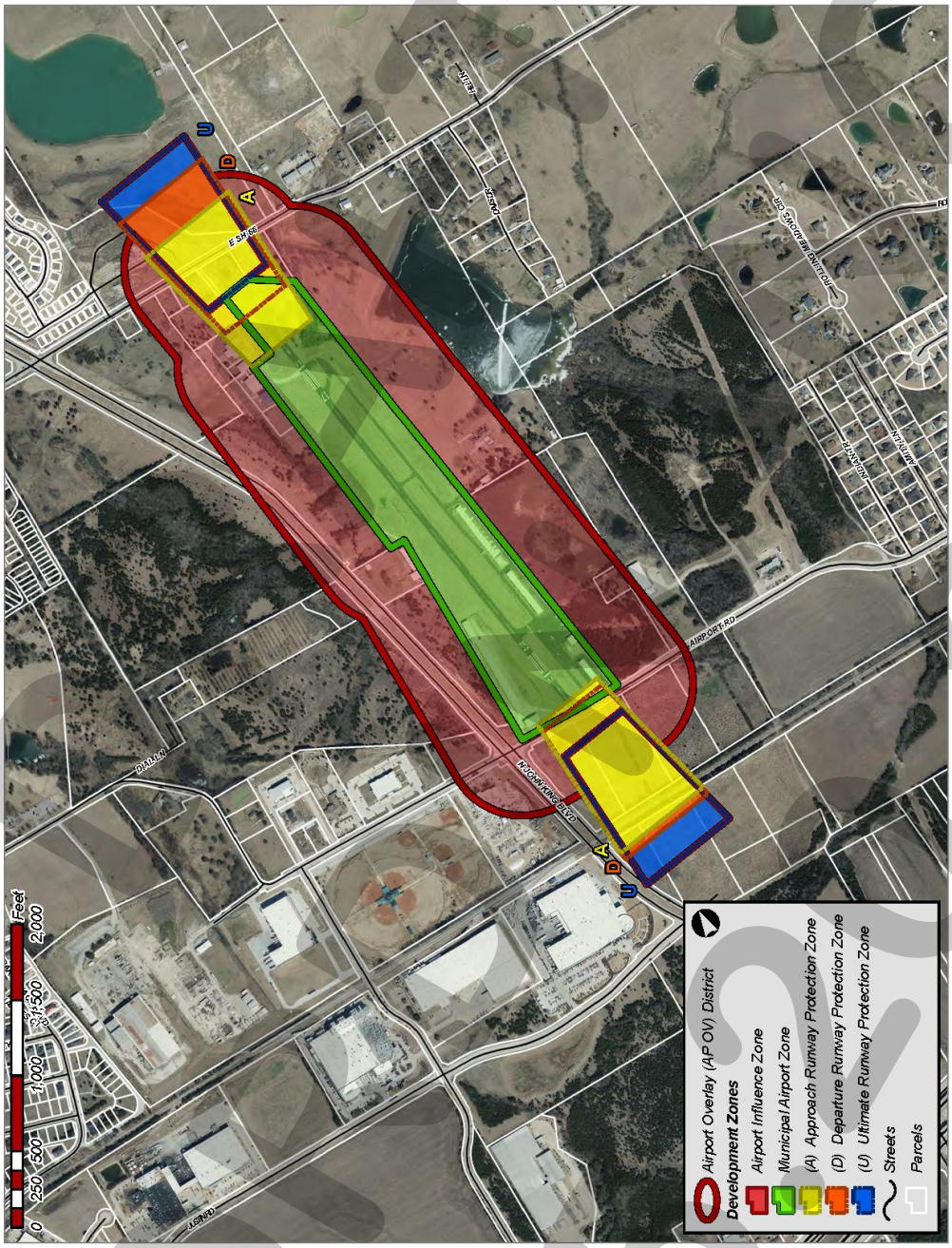
DRAFT ORDINANCE 05.20.2024

FIGURE 29: AIRPORT OVERLAY (AP OV) DISTRICT BOUNDARIES



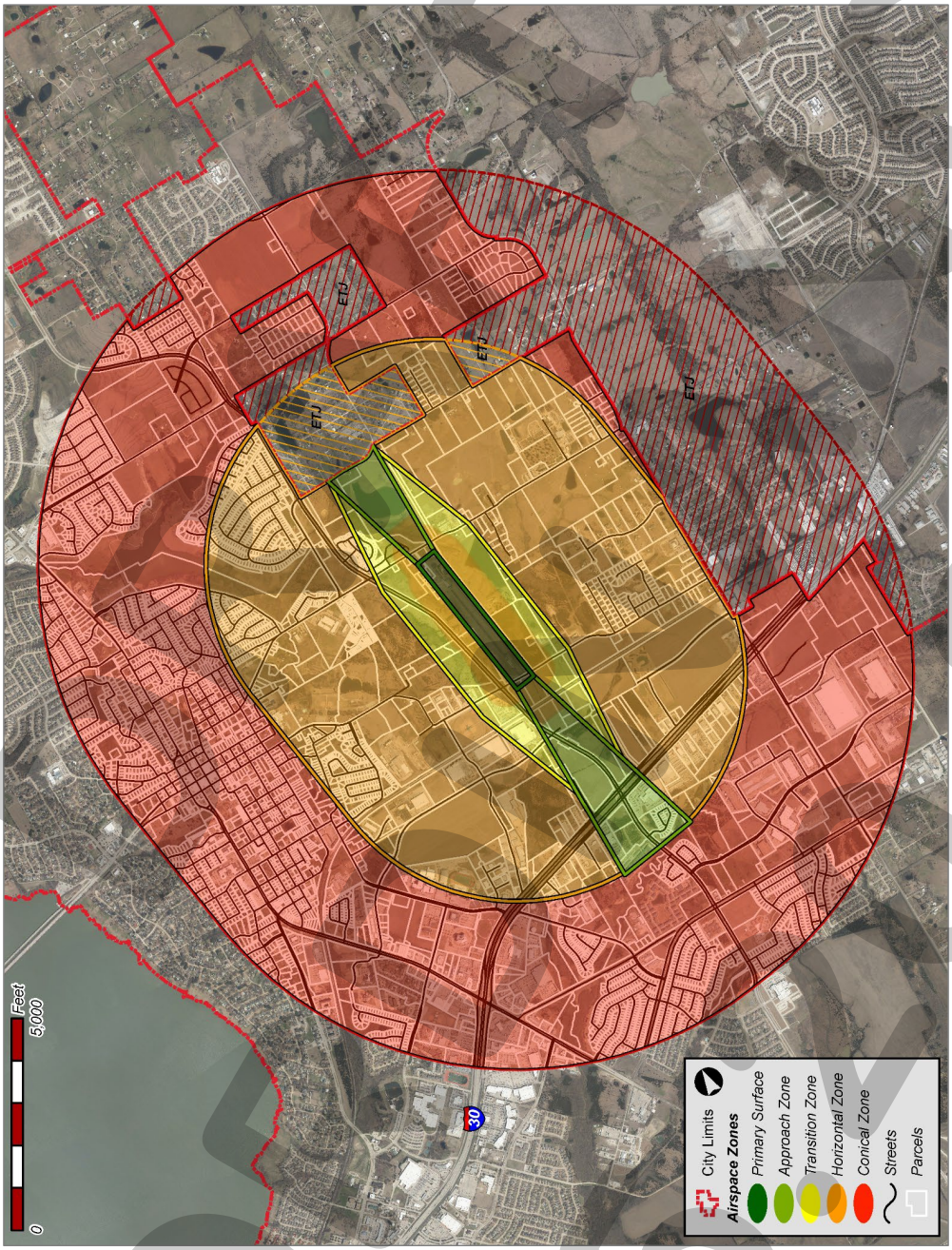
ARCHIVE 03.2024

FIGURE 30: DEVELOPMENT ZONES WITHIN THE AIRPORT OVERLAY (AP OV) DISTRICT



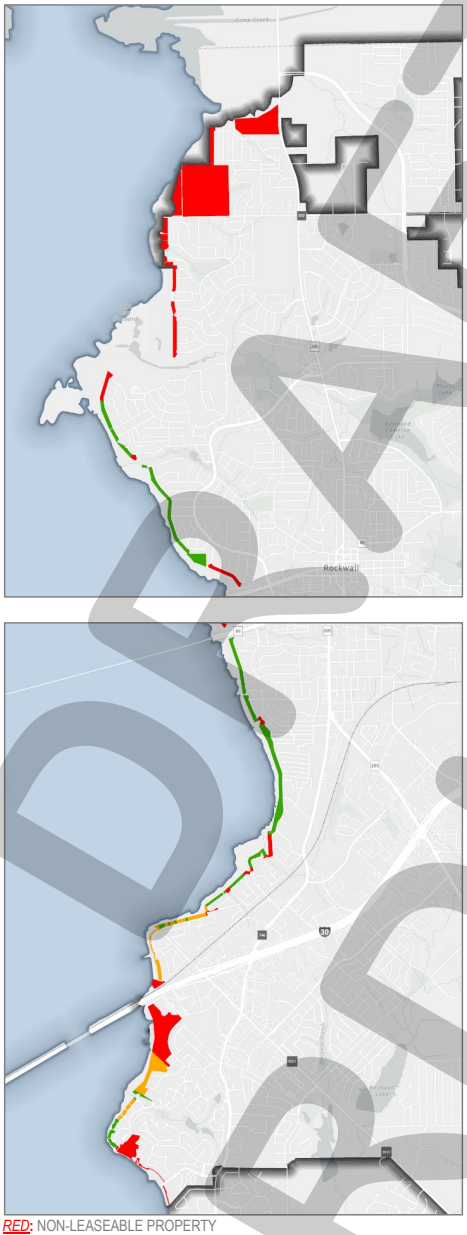
DRAFT 05.2024

FIGURE 31: AIRSPACE ZONE BOUNDARIES



03.2024

FIGURE 32: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT MAP



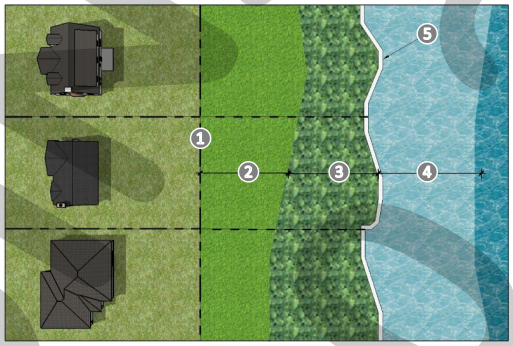
RED: NON-LEASEABLE PROPERTY
GREEN: LEASABLE PROPERTY
ORANGE: HOA LEASABLE AREA

SUBSECTION 06.16: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT

(A) *Purpose*. The purpose of the *Lake Ray Hubbard Takeline Overlay (TL OV) District* is to permit the development of property along the shoreline of Lake Ray Hubbard under certain regulatory conditions governing permitted uses and development standards, setting forth the procedures for the development of said property, and establishing an appeal process for the development standards of the district. This zoning district has its basis in and is intended to serve as an implementation tool for the Lake Ray Hubbard Master Plan (*adopted by the City of Dallas*), the Lake Ray Hubbard Interlocal Agreement as approved by those municipalities comprising the *Lake Cities Coalition* (*i.e. Garland, Rockwall, and Rowlett*) and the City of Dallas, and the OURHometown Vision 2040 Comprehensive Plan. The adoption of this zoning district is intended to provide a means for the protection of water quality.

(B) *Boundaries*. The Lake Ray Hubbard Takeline (TL OV) District includes all property that is located between the City of Dallas *Takeline* as shown on the boundary map for Lake Ray Hubbard (*i.e. File 612D-1 on file in the City of Dallas Records Vault and depicted below in Figure 32, Lake Ray Hubbard Takeline [TL OV] District Map*) and the meandering of the contour line 435.5-feet sea level elevation. In addition, *Figure 33*: *Elevation Contours*, shows the elevation zones used to delineate where certain land uses are permitted.

FIGURE 33: ELEVATION CONTOUR ZONES



❶: REAR PROPERTY LINE/TAKE LINE; ❷: 438.0 ELEVATION ZONE; ❸: 435.5 ELEVATION ZONE; ❹: 425.5 ELEVATION ZONE; ❺: SEAWALL;

(C) *Applicability*.

(1) *Applicable Lots*. The standards set forth within Subsection 06.16, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, shall apply only to those lots within the takeline that are zoned and used for detached, single-family residential land uses, and that either have a minimum lot width of 45-feet when measured at the front building line or a minimum width of 35-feet at the front building line when located on a curved street or cul-de-sac or Homeowner's Association (HOA) that are eligible to lease. The properties and Homeowner's Associations (HOA's) that are eligible to lease the takeline area are depicted in *Figure*

DRAFT ORDINANCE 05.20.2024

32: Lake Ray Hubbard Takeline Overlay (TL OV) District Map above.

(2) *Exceptions for Lots Not Meeting the Applicability Standards*. The City Council shall have the authority to consider special exceptions to the eligibility standards set forth within this section that apply to those lots within the Lake Ray Hubbard Takeline Overlay (TL OV) District that are zoned and used for detached, attached, or zero-lot-line single-family residential land uses and meet the minimum lot width requirements as prescribed in Subsection 06.15(C)(1) above.

(D) *Definitions*. The terms used in this section shall be as defined in this Unified Development Code (UDC), the Lake Ray Hubbard Interlocal Agreement, and the sublease agreements prepared by the City of Rockwall. For specific land use definitions refer to Subsection (K), *Specifications for Permitted Land Uses*. In addition, the following terms shall be defined as follows:

(1) *Catwalk*. The narrow walkway of a dock providing people access to moored watercraft.

(2) *Centerline*. An established line that is equidistant from the surface or sides of something (*e.g. parcel boundaries*).

(3) *Cleat*. A metal fitting with two (2) projecting pieces used to wrap a rope around to secure a watercraft in position.

(4) *Dredging*. The process of deepening a waterway for the sale and efficient movement of watercraft by the removal of dirt either by digging or by suction.

(5) *Habitable Structure*. A structure fit for human habitation usually containing amenities (*e.g. fireplace, furniture, plumbing, bathing facilities, and cooking facilities*). Structures allowed by this section shall *not* be habitable structures and may not contain such amenities.

(6) *Lake*. Refers to Lake Ray Hubbard.

(7) *Lake Area*. The City of Dallas property, known as Lake Ray Hubbard, that is normally submerged by the lake at a normal lake pool elevation (*i.e. property at or below an elevation of 435.5-feet mean sea level*).

(8) *Leased Area*. Means the take area that is within the corporate limits of the City of Rockwall, or where the takeline is directly adjacent to the corporate limits of the City of Rockwall.

(9) *Lift*. A temporary means of elevating a watercraft out of the water by use of a hoist.

(10) *Locker Box*. A secured chest fixed onto a dock used for storage of watercraft equipment.

(11) *Moor*. Securing a watercraft to a fixed object such as a fixed cleat on a seawall while the watercraft is still in the water.

(12) *Mooring*. A place where a watercraft can be tied up and secured while in the water (*e.g. a slip*) for not more than 156-consecutive hours.

(13) *Power Source Station*. Used as a power supply for lighting a dock just below watercraft level.

(14) *Shoreline*. Refers to the line along the shore of the lake, established by the normal lake pool elevations (*i.e. 435.5-feet mean sea level*).

(15) *Slip*. A watercraft's berth between two (2) piers or between finger piers.

(16) *Take or Takeline Area*. Refers to the land owned by Dallas between the takeline and the normal lake pool elevations (*i.e. 435.5-feet mean sea level*).

(17) *Treated Wood*. Wood treated by the impregnation or application of chemical solutions or chemical mixtures for the purpose of retarding or preventing deterioration or destruction cause by insects, fungi, bacteria, or other wood destroying organisms.

(18) *View Clear Zone*. The area within the view preservation angle where no new structures or plantings shall exceed six (6) feet above the existing grade to maintain neighboring views.

(19) *View Corridor*. A sight passage recognized as holding an intangible asset for a property owner and for a community due to the unique visual qualities of distant terrain, woodlands, wetlands, grasslands, skylines, and manmade lakes expressed through a view preservation angle from either a generally recognized center point or various center points along a road corridor or public view area (*see Figure 28: Visual Measurements for View Corridors of Subsection (E)*).

(20) *View Preservation Angle*. The angle determined as the line extending from the center point -- *or 30-foot point depending on lot size* -- along the quarter distance line of the leased area extending back toward the opposite corner where the takeline area crosses the lease area's side yard (*see Figure 28: Visual Measurements for View Corridors*).

(21) *Watercraft (or Boat)*. A craft for water transport. Examples of watercrafts are as follows:

(a) *Motorized Boat*. A boat propelled by an internal combustion engine.

(b) *Sail Boat*. A boat with a mast and sail propelled by the wind.

(E) *Visual Measurements for View Corridors*.

(1) *View Corridors*. View clear zones are established to protect a property owner's views of the lake and to maintain the aesthetic value of the lake's shoreline. The view clear zones for the takeline areas are established by the shoreline frontage of the takeline lease area. This measurement is determined by projecting the lease areas side yards to the normal pool elevation (*i.e. 435.5-feet mean sea level*), and connecting these two (2) points in a straight line (*see Figure 34: Visual Measurements for View Corridors*). Based on this linear measurement, the view clear zones are determined by the following:

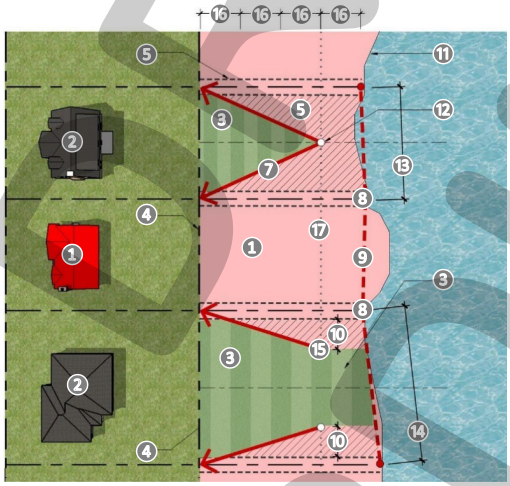
(a) *Lots That Have Less Than 100-Feet of Shoreline Frontage*. The view corridor for lots that have less than 100-feet of shoreline frontage is defined by the view preservation angle determined as the quarter distance (*i.e. 25%*) center point from the shoreline frontage line

DRAFT ORDINANCE 05.20.2024

along the centerline of the leasing property owner's side yard with the angle running from the quarter distance center point to the opposite corners where the takeline area crosses the lease area's side yard. Those areas that fall inside of the view clear zones will be restricted from any type of new improvements or plantings exceeding six (6) feet in height with the exception of boat-related uses, which will be allowed by an administrative exception in accordance with Subsection (F)(2)(d).

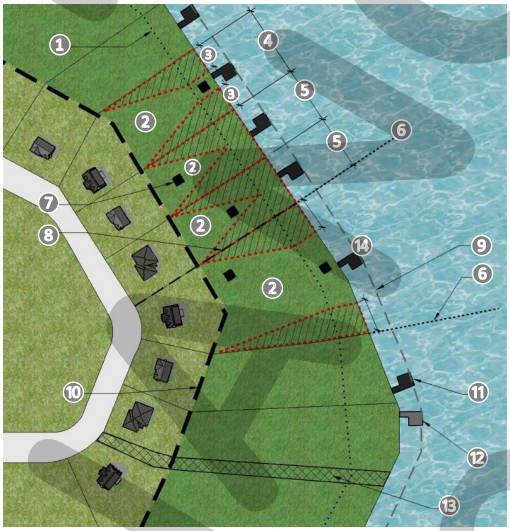
(b) *Lots That Have More 100-Feet or More Shoreline Frontage*. The view corridor for lots that have 100-feet or more shoreline frontage are defined by the view preservation angle determined as the quarter distance (*i.e. 25%*) line projected from the shoreline frontage line extending from the leasing property owner's side yard 30-feet along the quarter distance line and running from this point to the opposite corners where the takeline area crosses the lease area's side yard, and in a straight line from the 30-foot point on the quarter distance line to the shoreline frontage line. Those areas that fall inside of the view clear zones will be restricted from any type of new improvements or plantings exceeding six (6) feet in height with the exception of boat-related uses, which will be allowed by an administrative exception in accordance with Subsection (F)(2)(d).

FIGURE 34: VISUAL MEASUREMENTS FOR VIEW CORRIDORS



❶: SUBJECT PROPERTY'S AND ITS VIEW CORRIDOR (*PINK AREA*); ❷: NEIGHBORING PROPERTY; ❸: NEIGHBORING PROPERTY'S BUILDABLE AREA (*GREEN LINED AREA*); ❹: REAR PROPERTY LINE/TAKELINE; ❺: VIEW CLEAR ZONE (*LINED AREA*); ❻: LEASE AREA SIDE YARD SETBACK; ❼: VIEW PRESERVATION ANGLE; ❽: THE INTERSECTION OF THE 435.5 ELEVATION LINE AND THE LEASE AREA'S SIDE YARD; ❾: SHORELINE FRONTAGE LINE (*ESTABLISHED BY CONNECTING THE TWO [2] ❽ POINTS IN A STRAIGHT LINE*); ❿: 30-FOOT ; ⓫: SHORELINE; ⓬: CENTER POINT AT THE QUARTER DISTANCE LINE; ⓭: A LOT WITH A SHORELINE FRONTAGE LESS THAN 100-FEET; ⓮: A LOT WITH A SHORELINE FRONTAGE 100-FEET OR MORE; ⓯: 30-FOOT POINT ON THE QUARTER DISTANCE LINE; ⓰: 25% OF THE TAKELINE AREA; ⓱: QUARTER DISTANCE LINE.

FIGURE 35 EXAMPLES OF VISUAL MEASUREMENTS FOR VIEW CORRIDORS AND STRUCTURE PLACEMENT



❶: QUARTER DISTANCE LINE; ❷: BUILDABLE AREA; ❸: 30-FEET; ❹: A LOT WITH A SHORELINE FRONTAGE LINE 100-FEET OR MORE; ❺: A LOT WITH A SHORELINE FRONTAGE LINE LESS THAN 100-FEET; ❻: LEASE AREA'S PROJECTED SIDE YARD; ❼: STRUCTURE BUILT IN THE 438.0 ELEVATION ZONE; ❽: LEASE AREA'S SIDE YARD; ❾: 40-FOOT BUILDING LINE; ❿: REAR PROPERTY LINE/TAKELINE ; ⓫: EXISTING BOATHOUSE; ⓬: BOATHOUSE LOCATION APPROVED ADMINISTRATIVELY BECAUSE OF DRAINAGE EASEMENT AND CLUSTERED WITH AN EXISTING BOATHOUSE; ⓭: DRAINAGE EASEMENT; ⓮: BOATHOUSE AND STRUCTURE IN THE 435.5 ELEVATION ZONE GENERALLY CENTERED IN THE LEASE AREA BEHIND THE PRIMARY STRUCTURE.

(F) *General Requirements*. The following general requirements shall apply for all property in the takeline area.

(1) *Number of Permitted Structures*. The following is the maximum number of structures that shall be permitted in each elevation zone (*NOTE: in this case a structure is defined as any of the permitted uses specified in Subsection (K), Specifications for Permitted Land Uses that exceeds six [6] feet in height*):

(a) *438.0 Elevation Zone*: Two (2) structures shall be permitted in the *438.0 Elevation Zone*.

(b) *435.5 Elevation Zone*. One (1) structure shall be permitted in the *435.5 Elevation Zone*.

(2) *General Location of Permitted Structures*. The following requirements relate to where structures should be generally located in each elevation zone (*NOTE: in this case a structure is defined as any of the permitted uses specified in Subsection (K), Specifications for Permitted Land Uses that exceeds six [6] feet in height*):

DRAFT 05.20.2024

(a) *438.0 Elevation Zone*: Structures in the *438.0 Elevation Zone* should be located outside of the view clear zones unless specifically permitted to be in the view clear zone by Subsection (K), *Specifications for Permitted Land Uses*.

(b) *435.5 Elevation Zone*: Structures in the *435.5 Elevation Zone* should be generally centered in the lease area -- *equal distance from both leased side yard boundary lines* -- behind the primary structure on the leasing property and outside of the view clear zones unless specifically permitted to be in the view clear zone by Subsection (K), *Specifications for Permitted Land Uses*.

(c) *425.5 Elevation Zone*: Structures located in the *425.5 Elevation Zone* should be generally centered along the shoreline -- *equal distance from both the leased side yard boundary lines* -- behind the primary structure of the leasing property.

(d) *Administrative Exception for the 435.5 & 425.5 Elevation Zone*. In cases where it is [*1*] not feasible to construct a structure in the center of the lease area or along the shoreline, [*2*] will increase the view corridor or benefit the surrounding properties by not centering a structure in the lease area, or [*3*] where centering the structure will create an undue hardship to the property owner leasing the lease area, the Director of Planning and Zoning or his/her designee may approve an administrative exception to allow an alternate location that is not generally centered in the lease area as long as the location for the proposed structure is outside of the view clear zone. In approving these requests, the Director of Planning and Zoning or his/her designee shall consider the impact of the proposed structure on the adjacent property owners.

(3) *Building Materials*. The permitted building materials shall be as stipulated in Subsection (K), *Specifications for Permitted Land Uses*, and as permitted by the City Council through a Specific Use Permit (SUP); however, the use of canvas, cloth, or like materials shall be prohibited within the takeline area. In addition, loose ground materials (*e.g. sand, fill, pea gravel*) that could be used for trails, paths, play areas, active sports activities, or as exposed landscape bedding material are prohibited.

(4) *Trees*. In order to plant or remove a tree in the takeline area, a *Treescape Plan* showing the exact location, size (*i.e. trunk diameter and height*), and common name of the tree to be planted or removed will be required to be submitted to the Parks and Recreation Department. A permit to plant or remove a tree may be approved administratively by the Director of Parks and Recreation or his/her designee, or forwarded to the Parks and Recreation Board for approval. In reviewing a request to plant or remove a tree, the following criteria shall apply:

(a) *Planting Trees*. Trees are permitted to be planted within the *438.0 Elevation Zone* pending they are [*1*] not a variety specifically listed in the prohibited tree list contained in Section 03, *Tree Planting Guidelines and Requirements*, of Appendix C, *Landscaping Guidelines and Requirements*, and [*2*] they are not located within the view clear zone outlined Subsection (E), *Visual Measurements*. The Director of Parks and Recreation or his/her designee may grant an exception to allow a tree to be planted in the view clear zone where it is determined that the tree will not decrease the visibility of the lake or shoreline for the adjacent properties. In making this determination, the Director of Parks and Recreation shall consider the size of the proposed tree at maturity.

(b) *Removing Trees*. Trees are permitted to be removed only if they are determined to be damaged or diseased, or if they create a hazardous or dangerous condition that could endanger the public health, safety or welfare of the general public.

(5) *Temporary Structures on Lease 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(K)(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.

(G) *Residential Sublease Agreement*. A *Residential Sublease Agreement* is an agreement between a property owner and the City of Rockwall that grants the property owner certain rights to the exclusive use of the takeline area. A *Residential Sublease Agreement* shall be required to build certain structures within the takeline area. The area to be leased by a single-family property owner shall be directly contiguous to the boundaries of the property and are only permitted in the areas depicted in *GREEN* on Figure 32, *Lake Ray Hubbard Takeline (TL OV) District Map*. It shall be a violation of the zoning code to build or maintain a structure in the takeline area without a valid *Residential Sublease Agreement*. An owner in violation of this section shall be subject to the requirements of Section 01, *Penalties*, of Article 12, *Enforcement*, of the Unified Development Code (UDC). The following shall be the costs associated with a *Residential Sublease Agreement*:

Lease	Fees
New Lease (*i.e. New Never Leased by Current Owner*) [2]	$200.00
Annual Renewal of a Lease	$100.00
Change of Ownership of a Valid Lease	$50.00
Reinstatement of an Expired Lease (*i.e. Same Property Owner*) [3]	$500.00

NOTES:

[1]: To be subject to these new fees, a lease entered into after *January 1, 2021* will be required (*i.e. the effective date of the amendment adopting these fees*).

[2]: A lease is considered to be new under the following circumstances: [*1*] the property has never had a valid lease agreement, or [*2*] the property had a valid lease under different ownership but that lease agreement expired prior to the current owner taking possession of the property.

DRAFT ORDINANCE 05.20.2024

[3]: A lease is considered to be a reinstatement when it lapses or expires under the current ownership, and then the same owner requests a new lease.

(H) *Homeowner's Association (HOA) Sublease Agreement*. A *Homeowner's Association (HOA) Sublease Agreement* is an agreement between a Homeowner's Association (HOA) and the City of Rockwall that grants the HOA certain rights to the exclusive use of the takeline area for their members. The area to be leased by the Homeowner's Association (HOA) shall be directly contiguous to the boundaries of the HOA and are only permitted in the areas depicted in *ORANGE* on Figure 32, *Lake Ray Hubbard Takeline [TL OV] District Map*. It shall be a violation of the zoning code to build or maintain a structure in the takeline area without a valid *Homeowner's Association (HOA) Sublease Agreement*. A Homeowner's Association (HOA) in violation of this section shall be subject to the requirements of Section 01, *Penalties*, of Article 12, *Enforcement*, of the Unified Development Code (UDC). The requirements for a *Homeowner's Association (HOA) Sublease Agreement* are as follows:

(1) *Site Plan*. Prior to the execution of a *Homeowner's Association (HOA) Sublease Agreement*, the Homeowner's Association (HOA) shall submit a *Site Plan* to the Director of Planning and Zoning in accordance with the procedures outlined in Subsection 01.02, *Submission of an Application*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). The *Site Plan* shall show all of the *Activity Areas* [*see Subsection (H)(2) below*], the proposed improvements for these areas, the required seawalls, fixed piers and/or dock decks, private walkways, and any landscaping for the leased area. The Planning and Zoning Commission shall review the *Site Plan* in accordance with the procedures contained in Section 03, *Site Plans*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Upon approval of a *Site Plan*, the approved *Site Plan* shall be incorporated into the *Homeowner's Association (HOA) Sublease Agreement*. Should the Homeowner's Association (HOA) choose to amend the *Site Plan*, the *Site Plan* shall be amended in accordance with the procedures of Subsection 03.06, *Amended Site Plan*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Upon approval of an amendment to the *Site Plan*, a new *Homeowner's Association (HOA) Sublease Agreement* shall be drafted containing the *Amended Site Plan* and superseding the original *Homeowner's Association (HOA) Sublease Agreement*.

(2) *Activity Areas*. In lieu of the requirements of Subsections (F)(1), *Number of Permitted Structures*, and (F)(2), *General Location of Permitted Structures*, -- *and as part of the required Site Plan outlined in Subsection (H)(1) above* -- the Homeowner's Association (HOA) shall identify *Activity Areas* where improvements can/will be made within the leased area. Improvements outside of the *Activity Areas* -- *with the exception of landscaping and private walkways* -- shall be prohibited for the purpose of preserving the view corridors of the existing residential properties. The *Activity Areas* shall generally adhere to the following requirements:

(a) *Size*. *Activity Areas* should not be larger than 50-feet by 50-feet, unless otherwise approved by the Planning and Zoning Commission. In reviewing the *Activity Areas*, the Planning and Zoning Commission shall consider how the proposed size affects the view corridors of the adjacent residential properties.

(b) *Location*. *Activity Areas* shall be spaced so that they are a minimum of 200-feet apart, and be setback a minimum of 25-feet from the rear or side yard property line of any residential property. In addition, the *Activity Areas* shall be located in a manner that will create the least amount of impact to the adjacent property owners and their view corridors.

(c) *Seawalls*. Prior to the construction of an *Activity Area*, a seawall, conforming to Subsection (K), *Specifications for Permitted Land Uses*, and extending 100-feet on either side of the *Activity Area*, shall be required to be constructed.

(3) *Fixed Piers and Dock Decks*. Fixed piers and dock decks, conforming to Subsection (K), *Specifications for Permitted Land Uses* and spaced a minimum of 200-feet apart, are permitted along the leased area; however, a seawall, conforming to Subsection (K), *Specifications for Permitted Land Uses* and extending 100-feet on either side of the fixed pier or dock deck, shall be required with the proposed improvements.

(4) *Prohibited Land Uses*. Boathouses, as defined in Subsection (K), *Specifications for Permitted Land Uses*, shall be prohibited in the leased area associated with any *Homeowner's Association (HOA) Sublease Agreement*; however, in the event a boathouse existed in the leased area prior to the execution of the *Homeowner's Association (HOA) Sublease Agreement*, the HOA shall assume responsibility for the existing improvement in accordance with Subsection (H)(5) below.

(5) *Existing Improvements*. As part of the *Homeowner's Association (HOA) Sublease Agreement*, the HOA shall be required to assume responsibility for any existing improvements and the maintenance of these improvements in the leased area.

(6) *Fees*. The following shall be the costs associated with a *Homeowner's Association (HOA) Sublease Agreement*:

Lease	Fees
New Lease (*i.e. New Never Leased by HOA*) [1]	$200.00
Annual Renewal of a Lease	$100.00
Reinstatement of an Expired Lease (*i.e. Same HOA*) [2]	$500.00

NOTES:

[1]: A lease is considered to be new if the property has never had a valid lease agreement or if a site plan has been amended in accordance with the procedures of Subsection (H)(1).

[2]: A lease is considered to be a reinstatement when it lapses or expires, and then the Homeowner's Association (HOA) requests a new lease.

(I) *Permitted Uses*. All of the uses permitted within the *Lake Ray Hubbard Takeline Overlay (TL OV) District* shall adhere to all other

DRAFT ORDINANCE 05.20.2024

applicable codes and the permitting requirements of the City of Rockwall. For a list of permitted land uses see Subsection (L), *Specifications for Permitted Land Uses*, or Subsection 07.05, *Lake Ray Hubbard Takeline Overlay (TL OV) District Development Standards*.

(J) *Specific Use Permits (SUPs)*. A Specific Use Permit (SUP) may be requested for: [*1*] any use that is not listed in Subsection (K), *Specifications for Permitted Land Uses* or [*2*] any structure that does not adhere to the requirements stipulated for that use or structure as required by Subsection (K), *Specifications for Permitted Land Uses*; however, a request for a Specific Use Permit (SUP) cannot be requested if a dimensional, material, size, or location standard stipulated in Subsection (K), *Specifications for Permitted Land Uses*, or Subsection (F), *General Requirements*, is expressly prohibited. In addition, no requests can be made that violate the view corridor requirements stipulated in Subsection (E), *Visual Measurements*. A Specific Use Permit (SUP) may be requested for water related land uses that are not specifically addressed in Subsection (K), *Specifications for Permitted Land Uses*, (*e.g. jet ski lift*) pending the applicant provides a letter of consent from the City of Dallas prior to making the application. In considering a Specific Use Permit (SUP) request, the City Council shall consider how the proposed request [*1*] impacts adjacent properties, and [*2*] adheres to the intent of the Lake Ray Hubbard Takeline Overlay (TL OV) District.

(K) *Specifications for Permitted Land Uses*. See Subsection 07.05, *Lake Ray Hubbard Takeline Overlay (TL OV) District Development Standards*, for a summary of the development standards for each of the following conditional uses.

(1) *Barbecue Pit*.

(a) *Definition*. A *barbecue pit* is a permanent fireplace structure over which meat, poultry and other foods are roasted (*for Fire Pit see Subsection 06.15(K)(9)*).

(b) *Prerequisites*. A *barbecue pit* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *barbecue pit* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *barbecue pit* can only be fueled by charcoal and wood products, and shall not be fueled by any permanently buried gas products (*i.e. natural gas or propane*).

(e) *Construction Standards*.

(1) *Building Materials*. A *barbecue pit* must be constructed utilizing a combination of natural stone, brick, concrete, and/or iron grating.

(2) *Height*. A *barbecue pit* shall not exceed a maximum of six (6) feet in height.

(3) *Size*. A *barbecue pit* shall not be smaller than a minimum size of three (3) feet in length by three (3) feet in width; however, a *barbecue pit* should not exceed a maximum size of eight (8) feet in length by three (3) feet in width.

(f) *Setback Requirements*. A *barbecue pit* must adhere to the following setbacks:

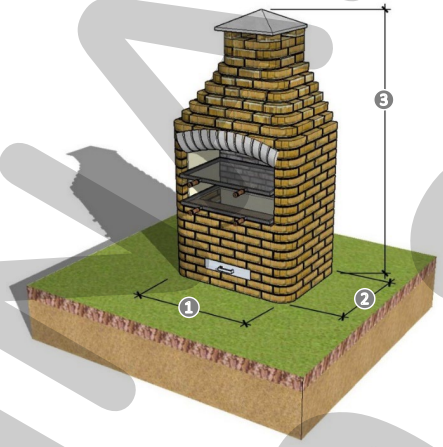
(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *barbecue pit* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *barbecue pit* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.



❶: A MINIMUM AND MAXIMUM OF THREE (3) FEET IN LENGTH; ❷: A MINIMUM OF THREE (3) FEET AND A MAXIMUM OF EIGHT (8) FEET IN WIDTH; ❸: A MAXIMUM OF SIX (6) FEET;

(2) *Boathouse*.

(a) *Definition*. A *boathouse* is a roofed structure affixed to the end of an adjoining *fixed pier*, with a main waterside opening, containing an operating boatlift, and which is built to house and protect a watercraft and boat related equipment.

(b) *Prerequisites*. A *boathouse* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall, has constructed a *seawall* along the entire length of the shoreline within the leased area, and has constructed a *fixed pier*.

(c) *Conditional Use Standards*. *Boathouses* are used for storing boats that have a fuel efficiency rating greater than 95%; however, boathouses may also be used to store

DRAFT ORDINANCE 05.20.2024

sailboats. *Boathouses* will not be used for storing any other type of items except boats and boat-related equipment. In addition, *Boathouses* shall not be used as a habitable dwelling structure, or shelter for domestic or wild animals. All *boathouses* shall be designed to discourage swimming, be durable, and have a base foundation construction of approved piling piers placed to a depth decided by a structural engineer; however, a *boathouse* shall not be designed to prevent public access to an area of water. Accessories placed on the flat surface of a *boathouse* or catwalk must be placed in an orderly manner that allows for the safe movement of people.

(d) *Elevation Zone*. A *boathouse* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

(e) *Construction Standards*.

(1) *Building Materials*. All *boathouse* constructed below the 437.0-foot mean sea level contour shall use only pilings and materials approved by the City of Rockwall and the City of Dallas. *Boathouses* shall be constructed utilizing composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with high-tech plastic materials*) -- *products equivalent to Trex brand are preferred* -- for decking, galvanized metal/iron/steel or aluminum (*with a minimum color rating of AAMA 2604*) for the support posts, all aforementioned materials and cedar or iron wood for the roof beams, and standing seam metal for the roof with a pre-finished color. Support posts may be wrapped in composite material. Water repellant sealants shall not be used to treat any cedar or ironwood used for roof beams. All fasteners binding materials together must be made out of stainless steel.

(2) *Height*. A *boathouse* shall be a minimum of 16-feet and a maximum of 21-feet in height as measured from the top of the fixed pier's catwalk to the vertex of the *boathouse's* cupola; however, in no case should a *boathouse* exceed one (1) story in height.

(3) *Size*. The footprint of the exterior sides of a *boathouse* will measure a minimum of eight (8) feet in width by 30-feet in length and a maximum of 12-feet in width and 30-feet in length. *Boathouses* shall not extend more that 40-linear feet into the water as measured from the normal pool elevation of the shoreline (*i.e. 435.5*).

(4) *Roof*. A *boathouse* will have a hip roof with either: [*1*] one (1) cupola with a hip roof centered at the top of the main hip roof, or [2] two (2) cupolas each with hip roofs at either end of the top of the main hip roof. Cupolas will be designed to allow updraft air and winds to vent outward, and shall measure three (3) feet by four (4) feet. All *boathouse* roofs shall be built with a minimum of a 2:1 roof pitch and will not have an overhang greater than 18-inches. *Boathouses* shall not incorporate a deck or platform.

(5) *Lighting*. Interior lighting for a *boathouse* will be directed downward from the ceiling of the structure and at the stored watercraft. Exterior lighting for a *boathouse* will be directed downwards toward the fixed pier with light fixtures incorporated either into the roof's overhang or the structure's columns. Lighting shall not hinder an adjacent property owner's lake views, negatively impact surrounding residents with unwanted brightness or glare, or interfere with the safety of the traveling public.

(6) *Additional Construction Standards*.

(a) *Deck Ladder*. A deck ladder is permitted to be constructed inside a *boathouse*.

(b) *Storage Unit*. A *boathouse* can incorporate one (1) storage unit measuring 72-inches in length by 20-inches in depth by 20-inches in height. Storage units shall be placed on the outer dockside, and shall only be used for storing boat-related equipment. The storage of fossil fuels and/or hazardous materials is prohibited.

(c) *Boat or Watercraft Lift(s)*. A *boathouse* must incorporate either one (1) regular boat lift or two (2) personal watercraft boat lifts. All boat or watercraft lifts must be able to hoist a watercraft above the 438.0-foot mean sea level contour, and be maintained in good operating condition. All watercrafts must be stored under the roof of the *boathouse*.

(d) *Pilings*. The approved pilings used to support a boathouse must be built up to at least 17-inches above the normal pool elevation of 435.5-feet mean sea level. Vertical rub rails are required on all concrete piers and pilings.

(e) *Catwalks*. The flat floor surface or catwalk for all structures must be no more and no less than 18-inches above the normal pool elevation of 435.5-feet mean sea level.

(f) *Safety Reflectors*. All structures shall be designed with safety reflectors to be clearly visible on three (3) sides on the main waterside of the end of the structure. Safety reflectors are required on either side of the main waterside end and the two (2) sides at a minimum increment of ten (10) feet starting at the structure's main waterside end and working back to the shoreline. Safety reflectors will be white, blue, or red and no less than three (3) inches in diameter or square in size, kept clean, firmly attached to the structure, and maintained in good condition.

DRAFT ORDINANCE 05.20.2024

(7) *Location*. All *boathouses* are required to be located in the water of the *Lake*. View corridor restrictions do not apply to *boathouses*; however, a boathouse should generally be located in line with the primary structure on the leasing property (*i.e. generally centered on the lot*). *Boathouses* shall not be designed to prevent or restrict public access to any portion of water within the *Lake*.

(f) *Setback Requirements*. A *boathouse* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-feet
(2) *Leased Side Yard Setback*: 10-feet
(3) *Maximum Distance from Seawall*: 40-feet

(g) *Additional Requirements*.

(1) *Dredging*. Dredging of the lake area is allowed for the berthing of a motorized boat into a *boathouse* provided that the dredging does not exacerbate shoreline erosion, lake siltation, water quality degradation, wetlands instability, or the integrity of any built structure, and the dredged channel is maintained for boating maneuverability to a depth of 425.0-feet mean sea level and a width area allowable for safe boating maneuverability. Property authorization to dredge must be obtained from the City of Rockwall, City of Dallas, US Army Corps of Engineers, and the Texas Parks and Wildlife Department. Disposal of dredging materials must be handled by a licensed establishment, properly treated and disposed of at an offsite location or disposed onsite only as part of land reclamation working under the City of Dallas guidelines and supervision.

(2) *Compliance with Applicable Codes*. A *boathouse* must comply with all other applicable City of Rockwall codes.

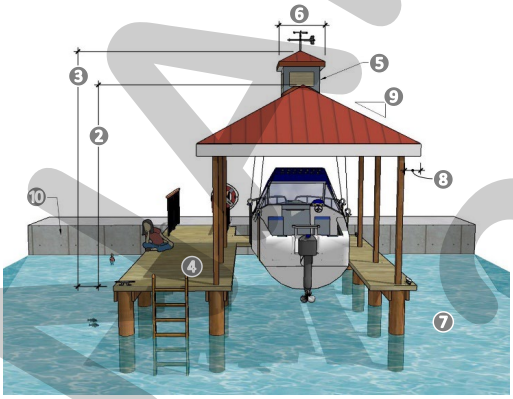
(3) *Address*. All *boathouses* shall have a residential street address sign with six (6) inch black letters on a white background displayed outwards towards the main body of the *Lake* to be recognizable for waterside public safety and emergency personnel.

(4) *Easement Protection*. No *boathouse* shall encroach into an existing or identified future easement, right-of-way, access road, or path.

(h) *Visual Representation*.

Continued on Right Side of Page …

❶: 40-FOOT MAXIMUM



❶: 40-FOOT MAXIMUM; ❷: 13-FOOT MINIMUM TO 18-FOOT MAXIMUM; ❸: 16-FOOT MINIMUM TO 21-FOOT MAXIMUM; ❹: CATWALK (UNDERSTRUCTURE TO BE ABOVE THE 437.0-FOOT ELEVATION); ❺: CUPOLA; ❻: THREE (3) FEET BY FOUR (4) FEET; ❼: 435.5-FOOT NORMAL POOL ELEVATION; ❽: 1.5-FOOT MAXIMUM OVERHANG; ❾: 2:1 ROOF PITCH (HIP ROOF ONLY); ❿: SEAWALL

(3) *Covered Patio*.

(a) *Definition*. A *covered patio* is a standalone structure that provides shade and/or rain coverage for a patio or deck. Covered patios have a solid roof.

(b) *Prerequisites*. A *covered patio* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *covered patio* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

DRAFT ORDINANCE 05.20.2024

(d) *Conditional Use Standards*. A *covered patio* shall not be used as a habitable dwelling structure, storage facility, or shelter for domestic or wild animals.

(e) *Construction Standards*.

(1) *Building Materials*. A *covered patio* must be constructed utilizing cedar, redwood, ironwood, composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. The roof of the structure should generally match the color of the roof on the primary structure, and be constructed using clay tiles, standing seam metal, slate shingles, concrete shingles, or ceramic shingles. Canvas, cloth, or mesh attachments to the structure shall be prohibited.

(2) *Height*. A *covered patio* shall not exceed a maximum height of 15-feet or one (1) story, and the roof shall not be used as a deck or lookout. The height shall be measured from grade to the mid-point of the pitched roof.

(3) *Size*. A *covered patio* shall not exceed a maximum size of 12-feet by 20-feet or 240 SF.

(4) *Roof*. A *covered patio* will have a hip or gable roof with either: [*1*] one (1) cupola with a hip roof centered at the top of the main hip roof, or [*2*] a clerestory built into the center of the main hip roof. Cupolas and clerestories will be designed to allow updraft air and winds to vent outward, and shall be proportional to the main roof. All *covered patios* should be built with a minimum of a 4:1 roof pitch. The roof shall not have an overhang greater than 18-inches.

(5) *Location*. A *covered patio* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Covered patios* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *covered patio* must adhere to the following setbacks:

(1) *Takeline Setback*: 6-Feet (*from the Concrete Cap of the Seawall*)
(2) *Leased Side Yard Setback*: 20-Feet

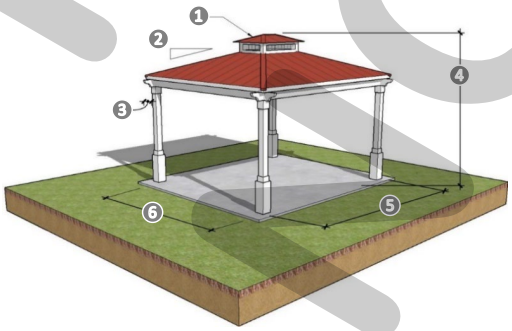
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *covered patio* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *covered patio* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *covered patio* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: CUPOLA OR CLERESTORY; ❷: 4:1 MINIMUM ROOF PITCH; ❸: 18-INCHES MAXIMUM OVERHANG; ❹: 15-FEET MAXIMUM HEIGHT; ❺: 20-FEET MAXIMUM; ❻: 12-FEET MAXIMUM;

(4) *Deck*.

(a) *Definition*. A *deck* is a roofless structure anchored to the ground that consists of planks running in a horizontal pattern and creating a flat surface area.

(b) *Prerequisites*. A *deck* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *deck* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted (*see Dock Deck in Subsection 06.15(K)(5)*).

(d) *Conditional Use Standards*. A *deck* shall not incorporate walls or other none transparent structures to function as handrails or counter space.

(e) *Construction Standards*.

(1) *Building Materials*. A *deck* must be constructed of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*). Handrails incorporated into a *deck* in the *438.0 Elevation Zone* shall be made of wrought iron or decorative metal. Handrails are *not* permitted in the *435.5 Elevation Zone*.

(2) *Height*. A *deck* shall not exceed a maximum height of 24-inches above grade.

(3) *Size*. A *deck* shall not exceed a maximum area of 1,000 SF.

DRAFT ORDINANCE 05.20.2024

(4) *Location*. A *deck* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Decks* shall not be placed in the view clear zone of a neighbor's view corridor.

(5) *Foundation*. A *deck* shall be anchored into the ground using concrete posts and footings as a foundation appropriate for the load and size of the proposed *deck*.

(f) *Setback Requirements*. A *deck* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

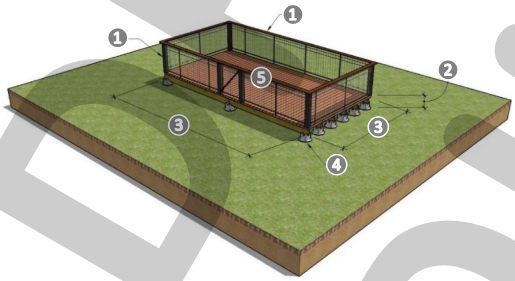
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *deck* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *deck* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *deck* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: WROUGHT IRON OR DECORATIVE METAL; ❷: MAXIMUM OF 24-INCHES OR TWO (2) FEET ABOVE GRADE; ❸: (L) X (W) SHALL NOT BE GREATER THAN 1,000 SF; ❹: CONCRETE POSTS AND FOOTINGS FOR FOUNDATION; ❺: COMPOSITE DECKING MATERIALS.

(5) *Dock Deck*.

(a) *Definition*. A *dock deck* is a flat floor surface area built over the water adjoining the end of a *fixed pier*.

(b) *Prerequisites*. A *dock deck* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall, has constructed a *seawall* along the entire length of the shoreline within the leased area, and has constructed *fixed pier*.

(c) *Elevation Zone*. A *dock deck* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

(d) *Conditional Use Standards*. Items that can be securely attached to the edge of a *dock deck* include the following: [*1*] a personal watercraft swing lift, [*2*] benches, [*3*] dock deck lighting that is either embedded in or on a pole, [*4*] locker box, and/or [*5*] power source station. A table may also be placed on the edge or in the center of a *dock deck*. A watercraft is only allowed to moor at any portion of a *dock deck* for no more that 156-consecutive hours during any given week. All *dock decks* shall be designed to discourage swimming, be durable, and have a base foundation construction of approved piling piers placed to a depth decided by a structural engineer; however, a *dock deck* shall not be designed to prevent public access to an area of water. *Dock decks* shall also be designed to be clearly visible during all seasons of the year and fluctuations in pool elevation of the *Lake*. Accessories placed on the flat surface of a *dock deck* or catwalk must be placed in an orderly manner that allows for the safe movement of people.

(e) *Construction Standards*.

(1) *Building Materials*. The catwalk and/or *dock deck* and any benches built on these structures shall utilize only composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*). Any railings built on a dock deck shall be constructed of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*) or steel tubing railings. *Dock decks* above 437.0 feet mean sea level are required to be constructed of metal pilings, concrete pilings, or plastic PVC pilings. *Dock decks* constructed below 437.0 feet mean sea level must use only pilings and materials approved by the City of Dallas as specified in the City of Dallas' *Construction Permit Application Lake Structures Lake Ray Hubbard*. All pilings shall be engineered and approved to handle the pressures, stresses, and loads applicable to lakefront conditions. The exterior color of all *dock decks* shall be a neutral or earth tone color and be subject to approval by the Planning and Zoning Department at the time of building permit. All fasteners binding materials together must be made of stainless steel. Water repellant sealants shall *not* be used.

(2) *Height*. No pole structures incorporated into a *dock deck* shall be higher than eight (8) feet above the flat floor surface with no more than four (4) pole structures allowed.

(3) *Size*. The footprint of the exterior sides of a *dock deck* adjoining a fixed pier shall be a minimum of eight (8) feet by ten (10) feet (*i.e. 80 SF*) and a maximum of 12-feet by 30-feet (*i.e. 360 SF*). *Dock decks* shall not extend more that 40-linear feet into

DRAFT ORDINANCE 05.2024

the water as measured from the normal pool elevation of the shoreline (*i.e. 435.5*).

(4) *Lighting*. Lighting shall not hinder an adjacent property owner's lake views, negatively impact surrounding residents with unwanted brightness or glare, or interfere with the safety of the traveling public. Safety lighting may be placed onto the interior edges of the flat floor surface of a *dock deck* at ten (10) foot increments, with the cover housing the lighting source no higher than six (6) inches. Two (2) light post structures with a maximum height of eight (8) feet can be placed along the periphery of a *dock deck*.

(5) *Additional Construction Standards*.

(a) *Pilings*. The approved pilings used to support a boathouse must be built up to at least 17-inches above the normal pool elevation of 435.5-feet mean sea level. Vertical rub rails are required on all concrete piers and pilings.

(b) *Catwalks*. The flat floor surface or catwalk for all structures must be no more and no less than 18-inches above the normal pool elevation of 435.5-feet mean sea level.

(c) *Safety Reflectors*. All structures shall be designed with safety reflectors to be clearly visible on three (3) sides on the main waterside of the end of the structure. Safety reflectors are required on either side of the main waterside end and the two (2) sides at a minimum increment of ten (10) feet starting at the structure's main waterside end and working back to the shoreline. Safety reflectors will be white, blue, or red and no less than three (3) inches in diameter or square in size, kept clean, firmly attached to the structure, and maintained in good condition.

(6) *Location*. View corridor restrictions do not apply to *dock decks*. *Dock decks* shall not be allowed on land.

(f) *Setback Requirements*. A *dock deck* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-feet
(2) *Leased Side Yard Setback*: 10-feet
(3) *Maximum Distance from Seawall*: 40-feet

(g) *Additional Requirements*.

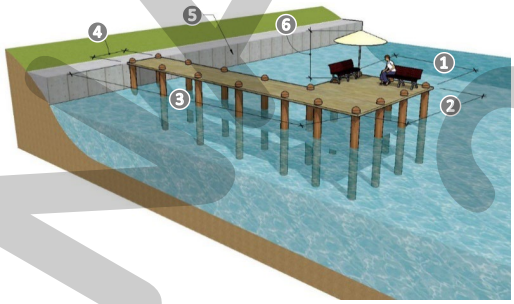
(1) *Dredging*. Dredging of the lake area is allowed for the berthing of a motorized boat into a *dock deck* provided that the dredging does not exacerbate shoreline erosion, lake siltation, water quality degradation, wetlands instability, or the integrity of any built structure, and the dredged channel is maintained for boating maneuverability to a depth of 425.0-feet mean sea level and a width area allowable for safe boating maneuverability. Property authorization to dredge must be obtained from the City of Rockwall, City of Dallas, US Army Corps of Engineers, and the Texas Parks and Wildlife Department. Disposal of dredging materials must be handled by a licensed establishment, properly treated and disposed of at an offsite location or disposed onsite only as part of land reclamation working under the City of Dallas guidelines and supervision.

(2) *Compliance with Applicable Codes*. A *dock deck* must comply with all other applicable City of Rockwall codes.

(3) *Address*. All *dock decks* shall have a residential street address sign with six (6) inch black letters on a white background displayed outwards towards the main body of the *Lake* to be recognizable for waterside public safety and emergency personnel.

(4) *Easement Protection*. No *dock deck* shall encroach into an existing or identified future easement, right-of-way, access road, or path.

(h) *Visual Representation*.



❶: MINIMUM OF TEN (10) FEET AND A MAXIMUM OF 30-FEET; ❷: MINIMUM OF EIGHT (8) FEET AND A MAXIMUM OF 12-FEET; ❸: 40-FOOT MAXIMUM; ❹: SIX (6) FOOT MAXIMUM; ❺: SEAWALL; ❻: EIGHT (8) FOOT MAXIMUM;

(6) *Fence*.

(a) *Definition*. A *fence* is a barrier, railing, or other upright structure, enclosing a specific area to mark a boundary or control access.

(b) *Prerequisites*. A *fence* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

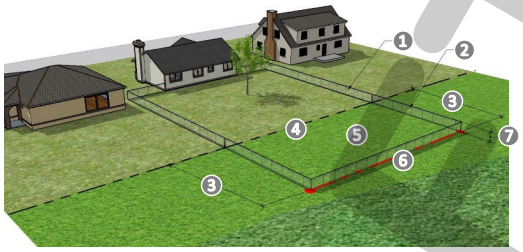
(c) *Elevation Zone*. A *fence* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *fence* shall only be allowed to enclose an area beginning at the *Takeline* corners (*i.e. the rear property line corners of the property leasing the take area*), extending 45-feet along the lease line, and

DRAFT ORDINANCE 05.20.2024

connecting the two (2) points in a straight line (*see example below*).



❶: EXISTING RESIDENTIAL FENCE ON THE LEASING PROPERTY; ❷: WROUGHT IRON OR BLACK TUBLAR STEEL FENCE; ❸: MAXIMUM OF 45-FEET ALONG THE LEASE LINE OF THE TAKELINE; ❹: REAR PROPERTY LINE/BEGINNING OF THE TAKELINE; ❺: 438.0 ELEVATION ZONE; ❻: THE STRAIGHT-LINE CONNECTION BETWEEN THE TWO (2), 45-FOOT POINTS; ❼: MAXIMUM OF 48-INCHES OR FOUR (4) FEET.

(e) *Construction Standards*.

(1) *Building Materials*. A *fence* shall *only* be constructed of wrought iron or black tubular steel.

(2) *Height*. A *fence* shall not exceed a maximum height of 48-inches from grade.

(3) *Location*. A *fence* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *fence* must adhere to the following setbacks:

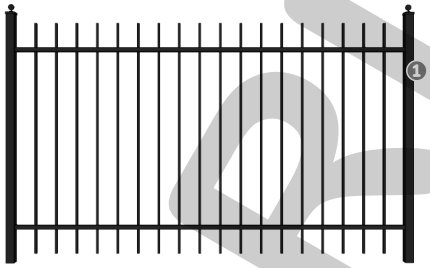
(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *fence* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *fence* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.



❶: FOUR (4) FOOT WROUGHT IRON FENCE

(7) *Flagpole*.

(a) *Definition*. A *flagpole* is an upright pole or staff, constructed at a 90-degree angle to the finished grade, which is used to raise a flag.

(b) *Prerequisites*. A *flagpole* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *flagpole* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A maximum of two (2) *flagpoles*, with one (1) flag on each pole shall be permitted within a lease area. The United States of America and State of Texas flags measuring a maximum of six (6) feet by four (4) feet will be the only flags permitted to be flown along the takeline. Lighting in association with a flagpole shall be prohibited.

(e) *Construction Standards*.

(1) *Building Materials*. A *flagpole* shall *only* be constructed of either stainless steel or aluminum.

(2) *Height*. A *flagpole* shall not exceed a maximum height of 20-feet from grade.

(3) *Size*. At the ground base a *flagpole* shall measure a minimum size of five (5) inches and a maximum size of eight (8) inches.

(4) *Location*. A *flagpole* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Flagpoles* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *flagpole* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

(g) *Additional Requirements*.

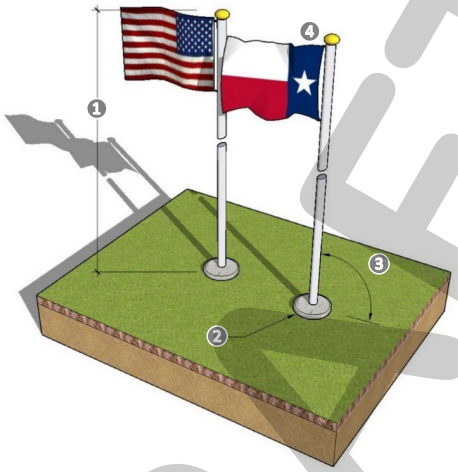
(1) *Earth Work*. Earth work required for the construction of a *flagpole* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *flagpole* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *flagpole* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

DRAFT ORDINANCE 05-20-2024

(h) *Visual Representation*.



❶: MAXIMUM OF 20-FEET FROM GRADE; ❷: AT THE BASE THE FLAGPOLE CAN BE A MINIMUM OF FIVE (5) INCEHS AND A MAXIMUM OF EIGHT (8) INCHES; ❸: MAINTAINED TO BE 90-DEGREES FROM GRADE; ❹: FLAGPOLES ARE PERMITTED ONE (1) FLAG A MAXIMUM OF FOUR (4) FEET BY SIX (6) FEET;

(8) *Fixed Pier*.

(a) *Definition*. A *fixed pier* is a structure with a catwalk that extends from the shoreline out into the body of water with the structure being used to moor and land watercraft.

(b) *Prerequisites*. A *fixed pier* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall, and has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *fixed pier* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

(d) *Conditional Use Standards*. Each eligible property adjacent to the takeline will be permitted one (1) fixed pier with an adjoining dock deck and/or boathouse. *Fixed piers* can be designed to be in an 'I', 'T', 'L' or 'U' shape (*see* Subsection 06.15(K)(8)(h)). Items that can be securely attached to the edge of a *dock deck* include the following: [*1*] a personal watercraft swing lift, [*2*] benches, [*3*] cleats, [*4*] dock lighting, [*5*] locker box, and/or [*6*] power source station. A watercraft is only allowed to moor at any portion of a *fixed pier* for no more that 156-consecutive hours during any given week. All *fixed pier* shall be designed to discourage swimming, be durable, and have a base foundation construction of approved piling piers placed to a depth decided by a structural engineer; however, a *fixed pier* shall not be designed to prevent public access to an area of water. *Fixed piers* shall also be designed to be clearly visible during all seasons of the year and fluctuations in pool elevation of the *Lake*. Accessories placed on the flat surface of a catwalk of a *fixed pier* must be placed in an orderly manner that allows for the safe movement of people.

(e) *Construction Standards*.

(1) *Building Materials*. The catwalk and any benches built on these structures shall utilize only composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*). Any railings built on a *fixed pier* shall be constructed of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*) or steel tubing railings. *Fixed piers* above 437.0 feet mean sea level are required to be constructed of metal pilings, concrete pilings, or plastic PVC pilings. *Fixed piers* constructed below 437.0 feet mean sea level must use only pilings and materials approved by the City of Dallas as specified in the City of Dallas' *Construction Permit Application Lake Structures Lake Ray Hubbard*. All pilings shall be engineered and approved to handle the pressures, stresses, and loads applicable to lakefront conditions. The exterior color of all *fixed piers* shall be a neutral or earth tone color and be subject to approval by the Planning and Zoning Department at the time of building permit. All fasteners binding materials together must be made of stainless steel. Water repellant sealants shall not be used.

(2) *Height*. No pole structures incorporated into a *fixed pier* shall be higher than eight (8) feet above the flat floor surface with no more than two (2) pole structures allowed.

(3) *Size*. The catwalk of a *fixed pier* will be a maximum of six (6) feet in width, as measured at a 90-degree angle to the main *fixed pier's* length, and will not enclose any portion of the water to allow the free movement of water underneath. *Fixed piers* shall not extend more than 40-linear feet into the water as measured from the normal pool elevation of the shoreline (*i.e. 435.5*).

(4) *Lighting*. Lighting shall not hinder an adjacent property owner's lake views, negatively impact surrounding residents with unwanted brightness or glare, or interfere with the safety of the traveling public. Safety lighting may be placed onto the interior edges of the flat floor surface of the catwalk of a *fixed pier* at ten (10) foot increments, with the cover housing the lighting source no higher than six (6) inches. Two (2) light post structures with a maximum height of eight (8) feet can be placed at the end of a *fixed pier*.

(5) *Additional Construction Standards*.

DRAFT 05.2024

(a) *Pilings*. The approved pilings used to support a boathouse must be built up to at least 17-inches above the normal pool elevation of 435.5-feet mean sea level. Vertical rub rails are required on all concrete piers and pilings.

(b) *Catwalks*. The catwalk of a *fixed pier* will be allowed within nine (9) feet of the normal pool elevation of 435.5-feet mean sea level. The flat floor surface or catwalk for all structures must be no more and no less than 18-inches above the normal pool elevation of 435.5-feet mean sea level.

(c) *Safety Reflectors*. All structures shall be designed with safety reflectors to be clearly visible on three (3) sides on the main waterside end of the end of the structure. Safety reflectors are required on either side of the main waterside end and the two (2) sides at a minimum increment of ten (10) feet starting at the structure's main waterside end and working back to the shoreline. Safety reflectors will be white, blue, or red and no less than three (3) inches in diameter or square in size, kept clean, firmly attached to the structure, and maintained in good condition.

(6) *Location*. View corridor restrictions do not apply to *fixed piers*.

(f) *Setback Requirements*. A *fixed pier* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-feet
(2) *Leased Side Yard Setback*: 10-feet
(3) *Maximum Distance from Seawall*: 40-feet

(g) *Additional Requirements*.

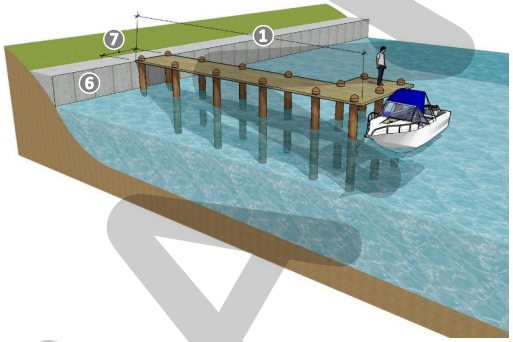
(1) *Dredging*. Dredging of the lake area is allowed for the berthing of a motorized boat into a *fixed pier* provided that the dredging does not exacerbate shoreline erosion, lake siltation, water quality degradation, wetlands instability, or the integrity of any built structure, and the dredged channel is maintained for boating maneuverability to a depth of 425.0-feet mean sea level and a width area allowable for safe boating maneuverability. Property authorization to dredge must be obtained from the City of Rockwall, City of Dallas, US Army Corps of Engineers, and the Texas Parks and Wildlife Department. Disposal of dredging materials must be handled by a licensed establishment, properly treated and disposed of at an offsite location or disposed onsite only as part of land reclamation working under the City of Dallas guidelines and supervision.

(2) *Compliance with Applicable Codes*. A *fixed pier* must comply with all other applicable City of Rockwall codes.

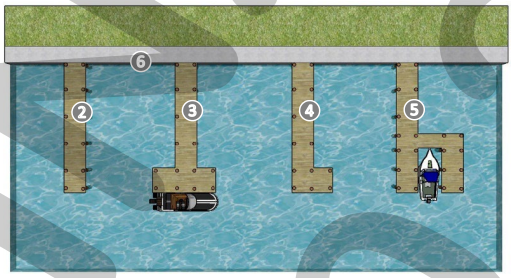
(3) *Address*. All *fixed pier* shall have a residential street address sign with six (6) inch black letters on a white background displayed outwards towards the main body of the *Lake* to be recognizable for waterside public safety and emergency personnel.

(4) *Easement Protection*. No *fixed pier* shall encroach into an existing or identified future easement, right-of-way, access road, or path.

(h) *Visual Representation*.



❶: 40-FOOT MAXIMUM; ❷: PIER IN AN 'I' SHAPE; ❸: PIER IN 'T' SHAPE; ❹: PIER IN A 'L' SHAPE; ❺: PIER IN A 'U' SHAPE; ❻: SEAWALL; ❼: SIX (6) FOOT MAXIMUM



(9) *Fire Pit*.

(a) *Definition*. A *fire pit* is a permanent fireplace that is dug into the ground or is in a freestanding structure in which a contained fire is made.

(b) *Prerequisites*. A *fire pit* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *fire pit* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *fire pit* can only be fueled by charcoal and wood products, and shall not be fueled

DRAFT 05.20.2024

by any permanently buried gas products (*i.e. natural gas or propane*).

(e) *Construction Standards*.

(1) *Building Materials*. The surround (*i.e. the area used to contain the fire*) for a *fire pit* must be constructed utilizing a combination of natural stone, brick, and/or concrete.

(2) *Height*. A *fire pit* shall not exceed a maximum of 36-inches in height.

(3) *Size*. A *fire pit* shall not be smaller than a minimum size of three (3) feet in length by three (3) feet in width; however, a *fire pit* should not exceed a maximum size of five (5) feet in length by five (5) feet in width.

(f) *Setback Requirements*. A *fire pit* must adhere to the following setbacks:

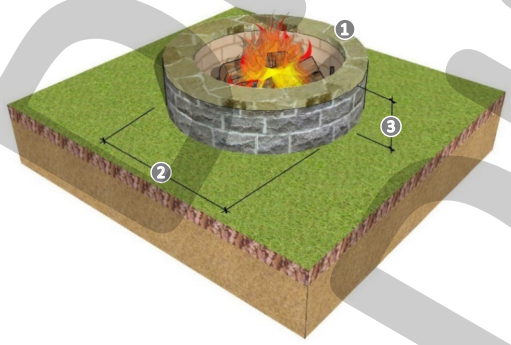
(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *fire pit* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *fire pit* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.



❶: NATURAL STONE, BRICK, AND/OR CONCRETE; ❷: MINIMUM SIZE OF THREE (3) FEET BY THREE (3) FEET AND A MAXIMUM SIZE OF FIVE (5) FEET BY FIVE (5) FEET; ❸: MAXIMUM HIEGHT OF 36-INCHES OR THREE (3) FEET.

(10) *Gazebo*.

(a) *Definition*. A *gazebo* is a permanent stand-alone structure with a roof and trellis structure open on all sides with places for sitting.

(b) *Prerequisites*. A *gazebo* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *gazebo* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *gazebo* shall not be used as a habitable dwelling structure, storage facility, deck, or shelter for domestic or wild animals.

(e) *Construction Standards*.

(1) *Building Materials*. A *gazebo* built in the *438.0 Elevation Zone* must be constructed utilizing cedar, redwood, ironwood, composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. The side trellis of the *gazebo* may be built using wood; however, canvas, cloth, or mesh attachments to the structure shall be prohibited. A *gazebo* built in the *435.5 Elevation Zone* shall only be built out of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. A *gazebo* will be constructed using steel reinforced concrete piers.

(2) *Height*. A *gazebo* shall not exceed a maximum height of 15-feet without a clerestory and 18-feet with a clerestory/cupola. The height of the *gazebo* shall be measured from grade to the vertex of the *gazebo's* main roof or clerestory/cupola roof. In either case a *gazebo* shall not be larger than one (1) story or incorporate a balcony.

(3) *Size*. A *gazebo* shall not exceed a maximum size of 12-feet by 12-feet or 144 SF.

(4) *Roof*. The roof of the *gazebo* shall be a hipped roof, gable roof, or hip and/or gable roof with or without a clerestory/cupola, and have a slope of 2:1. The roof shall not have an overhang greater than 18-inches. In addition, the roof of the *gazebo* can match the roof of the primary structure on the leasing property; otherwise, the roof shall be built out of a prefinished standing seam galvanized metal roof. If a clerestory/cupola is incorporated it shall be centered at the top of the main hip roof.

(5) *Location*. A *gazebo* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Gazebos* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *gazebo* must adhere to the following setbacks:

DRAFT ORDINANCE 05.20.2024

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

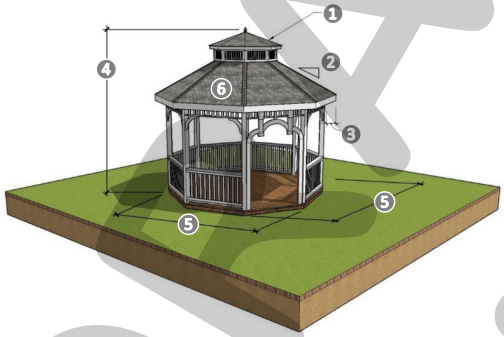
(g) *Additional Requirements.*

(1) *Earth Work*. Earth work required for the construction of a *gazebo* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *gazebo* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *gazebo* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation.*



❶: CUPOLA OR CLERESTORY; ❷: 2:1 MINIMUM ROOF PITCH; ❸: 1.5-FOOT MAXIMUM OVERHANG; ❹: 18-FEET MAXIMUM HEIGHT WITH A CUPOLA OR CLERESTORY AND 15-FEET WITHOUT A CUPOLA OR CLERESTORY; ❺: 12-FEET MAXIMUM; ❻: ROOF CAN MATCH THE PRIMARY STRUCTURE OTHERWISE THE ROOF SHALL BE STANDING SEAM METAL.

(11) *Landing and Stairs*.

(a) *Definition*. A *landing* is the area of a floor near the top or bottom step of a stair. A *stair* is a set of steps leading from one floor of an area to another.

(b) *Prerequisites*. A *landing and stairs* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 or 425.5 Elevation Zones* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *landing and stairs* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Permitted (*if a Seawall has been constructed*).

NOTE: A *landing and stairs* located in the *425.5 Elevation Zone* is permitted beside the lake but not upon or over the lake.

(d) *Conditional Use Standards*. A *landing and stairs* shall be allowed to be constructed in conjunction with a retaining wall if the retaining wall exceeds three (3) feet in height measured from the adjacent grade to the top of the wall.

(e) *Construction Standards*.

(1) *Building Materials*. A *landing and stairs* shall be constructed of wrought iron or black tubular steel, natural stone, brick, and/or concrete.

(2) *Height*. A *landing and stairs* shall not exceed the height of the adjacent retaining wall.

(3) *Size*. A *landing and stairs* shall be limited to eight (8) feet by eight (8) feet measured at the top of the adjacent retaining wall and the staircase shall be parallel to the retaining wall with a maximum width of a six (6) foot projection from the wall.

(4) *Location*. A *landing and stairs* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *landing and stairs* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 5-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *landing and stairs* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *landing and stairs* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.

PERSPECTIVE VIEW:

DRAFT ORDINANCE 05.20.2024

TOP VIEW.

❶: MINIMUM OF EIGHT (8) FOOT BY EIGHT (8) FOOT LANDING; ❷: VARIABLE LENGTH STAIRCASE; ❸: WROUGHT IRON OR BLACK TUBLAR STEEL; ❹: NATURAL STONE, BRICK, OR CONCRETE MATCHING THE RETAINING WALL; ❺: VARIABLE HEIGHT BUT A MINIMUM OF THREE (3) FEET; ❻: MAXIMUM OF SIX (6) FEET.

(12) *Landscaping and Retaining Walls*.

(a) *Definition*. *Landscaping* is the minor modification or altering of the surrounding takeline area terrain and shoreline with trees, shrubs, ground cover, and native stone or interlocking retaining walls.

(b) *Prerequisites*. *Landscaping and retaining walls* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. *Landscaping and retaining walls* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

NOTE: Remedial *landscaping* in the *425.5 Zone* is permitted when the intent is to maintain the integrity of the shoreline. This will require the approval of the Director of Parks and Recreation.

(d) *Conditional Use Standards*. *Landscaping and retaining walls* shall compliment and be integrated into the existing woodlands, wetlands, and general aesthetic of the takeline area. *Landscaping* shall not consist of hedge or shrub rows, or any plantings that may restrict views or lead to the siltation and/or erosion of the shoreline. The use of pesticides, herbicides, fungicides, or preservatives is *strictly prohibited*. All landscaping must comply with the requirements of Article 08, *Landscaping and Fence Standards*, of the Unified Development Code (UDC). For information regarding planting or removing trees see Subsection (F)(4) above.

(e) *Construction Standards*.

(1) *Building Materials*. *Retaining walls* shall be finished in native stone and will only be allowed in the *438.0 Elevation Zone* and the *435.5 Elevation Zone*. The use of mulch is prohibited in all zones with the exception of the *438.0 Elevation Zone*. The use of railroad ties, treated wood, pea gravel -- *with the exception of using it as a base* --, and brick shall be prohibited.

(2) *Height*. *Retaining walls* as part of landscaping will be limited to less than three (3) feet.

(3) *Location*. *Landscaping and retaining walls* shall not hinder the view clear zone of an adjacent neighbor's view corridor. *Landscaping* shall not exceed six (6) feet in height in the view clear zone.

(f) *Setback Requirements*. *Retaining walls* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *landscaping and retaining walls* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. *Landscaping and retaining walls* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. *Landscaping and retaining walls* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(13) *Municipal Utilities*.

(a) *Definition*. *Municipal utilities* represent all local utilities that consist of cable lines, pipelines, and wiring already existing and planned running through the take area used by both the local community and the region's communities to facilitate the distribution and collection of communications, water, electricity, natural gas, and waste byproducts.

(b) *Elevation Zone*. *Municipal utilities* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Permitted.

(c) *Conditional Use Standards*. All *municipal utilities'* infrastructure is permitted within the take area. *Municipal utilities* shall be placed underground.

(d) *Setback Requirements*. *Municipal utilities* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(e) *Additional Requirements*.

(1) *Compliance with Applicable Codes*. *Municipal utilities* must comply with all other applicable City of Rockwall codes.

DRAFT ORDINANCE 05-20-2024

(14) *Outdoor Lighting*.

(a) *Definition*. *Outdoor lighting* is a structure or system of structures, fixtures, and/or devices used to provide artificial nighttime lighting over a defined broad area, on buildings and monuments, on docks for safety, and to emphasize landscaping but not directed to the detriment of the traveling public or surrounding residents in the light's path.

(b) *Prerequisites*. *Outdoor lighting* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. *Outdoor lighting* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

NOTE: Catwalk lighting in the *425.5 Elevation Zone* is the only permitted *outdoor lighting* allowed below the *438.0 Elevation Zone*.

(d) *Conditional Use Standards*. Systems and structures associated with *outdoor lighting* include artificial landscape lighting, dock lighting, monument lighting, and flood lights. Cobra and florescent light fixtures are *not* allowed on poled structures. All lights are to have shields which deflect light downward. The operation of search or spot lighting shall be prohibited.

(e) *Photometric Plan*. A photometric plan describing compliance with the provisions of Article 07, *Performance Standards*, of the Unified Development Code (UDC) shall be submitted to the Director of Planning and Zoning or his/her designee prior to the issuance of a building permit for *outdoor lighting*. This plan shall be prepared by an appropriate lighting professional (*e.g. lighting engineer, architect, or other qualified lighting designer*). Upon installation of the lighting, the lighting professional shall provide a letter certifying that the lighting is installed in accordance with the approved photometric plan. The Director of Planning and Zoning, or his/her designee, shall have the authority to interpret and determine compliance with the photometric plan and the Unified Development Code (UDC). The Planning and Zoning Commission may grant an exception to the provisions of the Unified Development Code (UDC) when strict compliance with the requirements of this section will result in substantial financial hardship or inequity, so long as such exception is without harm to the public. Decisions of the Planning and Zoning Commission may be appealed to the City Council in accordance with the procedures outline in Section 09, *Exceptions and Variances*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC).

(f) *Construction Standards*.

(1) *Building Materials*. *Outdoor lighting* poles must be constructed of aluminum or steel. Wood and/or concrete poles are prohibited.

(2) *Height*. The height of *outdoor lighting* shall range from light fixtures embedded into a catwalk periphery to a 12-foot maximum for post structures on land for broader illumination. Poled outdoor light fixtures within the *438.0 Elevation Zone* should be no taller than one-third (*1/3*) the distance to a neighboring property and should not exceed 12-feet.

(3) *Location*. *Outdoor lighting* fixtures shall not be placed in the view clear zone of a neighbor's view corridor; however, view corridor restrictions do not apply for *outdoor lighting* associated with boathouses, dock decks, or fixed piers except as described for each use due to brightness and glare to surrounding neighbors and the traveling public.

(g) *Setback Requirements*. *Outdoor lighting* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(h) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *outdoor lighting* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. *Outdoor lighting* must comply with all other applicable City of Rockwall codes.

(3) *Municipal or Government Installed Lighting*. *Outdoor lighting* installed by and/or for a governmental agency for a public benefit that is used for activities for the public benefit (*e.g. rights-of-way, ball fields, airports, and/or parks*) shall be exempted from the requirements of this section; however, parking lot lighting for these activities shall meet the requirements of the Unified Development Code (UDC).

(15) *Patio*.

(a) *Definition*. A *patio* is a paved, tiled, or rocked outdoor area that is generally used for dining or recreation.

(b) *Prerequisites*. A *patio* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *patio* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *patio* shall not incorporate walls or other none transparent structures to function as handrails or counter space.

(e) *Construction Standards*.

DRAFT ONLY 05.20.2024

(1) *Building Materials*. A *patio* must be constructed with natural stone. Handrails incorporated into a *patio* in the *438.0 Elevation Zone* shall be made of wrought iron or decorative metal. Handrails are *not* permitted in the *435.5 Elevation Zone*.

(2) *Height*. A *patio* shall not exceed a maximum height of 12-inches above grade.

(3) *Size*. A *patio* shall not exceed a maximum area of 1,000 SF.

(4) *Location*. *Patios* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *patio* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *patio* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *patio* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *patio* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.

❶: NATURAL STONE; ❷: WROUGHT IRON OR BLACK TUBLAR STEEL; ❸: MAXIMUM OF 12-INCHES OR ONE (1) FOOT; ❹: PATIO AREA SHALL NOT BE GREATER THAN 1,000 SF

(16) *Pergola*.

(a) *Definition*. A *pergola* is a stand along structure consisting of parallel columns supporting an open roof of girders and cross rafters.

(b) *Prerequisites*. A *pergola* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *pergola* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *pergola* shall not be used as a habitable dwelling structure, storage facility, or shelter for domestic or wild animals.

(e) *Construction Standards*.

(1) *Building Materials*. A *pergola* constructed within the *438.0 Elevation Zone* must be constructed utilizing cedar, redwood, ironwood, composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. A *pergola* constructed within the 435.5 Elevation Zone must be constructed using composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*) or metal. Canvas, cloth, or mesh attachments to the structure shall be prohibited.

(2) *Height*. A *pergola* shall not exceed a maximum height of 12-feet or one (1) story, and the roof shall not be used as a deck or lookout. The height shall be measured from grade to the highest point of the structure.

(3) *Size*. A *pergola* shall not exceed a maximum size of 12-feet by 20-feet or 240 SF.

(4) *Roof*. The roof of the *pergola* shall not have an overhang greater than 18-inches.

(5) *Location*. A *pergola* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Pergolas* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A pergola must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(g) *Additional Requirements.*

(1) *Earth Work*. Earth work required for the construction of a *pergola* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

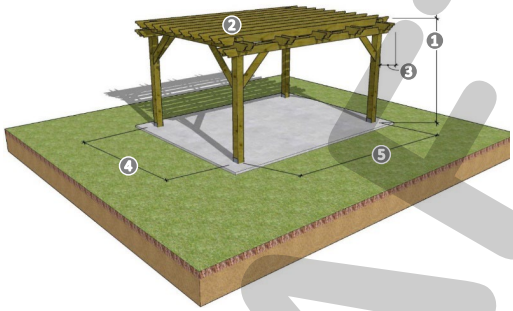
(2) *Compliance with Applicable Codes*. A *pergola* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *pergola* shall not be located in an area where it would block public safety

DRAFT ORDINANCE 05-20-2024

personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation.*



❶: 12-FOOT MAXIMUM HEIGHT; ❷: OPEN ROOF OF GIRDERS OR RAFTERS; ❸: 1.5-FOOT MAXIMUM OVERHANG; ❹: 12-FOOT MAXIMUM; ❺: 20-FOOT MAXIMUM; ❻: ROOF CAN MATCH THE PRIMARY STRUCTURE OTHERWISE THE ROOF SHALL BE STANDING SEAM METAL.

(17) *Picnic Table*.

(a) *Definition*. A *picnic table* is a permanent outdoor structure used for outdoor dining.

(b) *Prerequisites*. A *picnic table* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *picnic table* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *picnic table* must be a minimum of 12-feet from a *barbecue pit* or *fire pit*, and shall be open to the air (*i.e. no roof covering*) unless combined with a covered patio or pergola. A *picnic table* shall be built on level terrain.

(e) *Construction Standards*.

(1) *Building Materials*. The surface area of the *picnic table* shall be constructed out of concrete, brick, or native stone. *Picnic tables* constructed with wood shall be prohibited.

(2) *Height*. A *picnic table* shall not exceed a maximum of 36-inches in height.

(3) *Size*. A *picnic table* shall not exceed a maximum size of ten (10) feet in length by eight (8) feet in width.

(4) *Location*. A *picnic table* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Picnic tables* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *picnic table* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

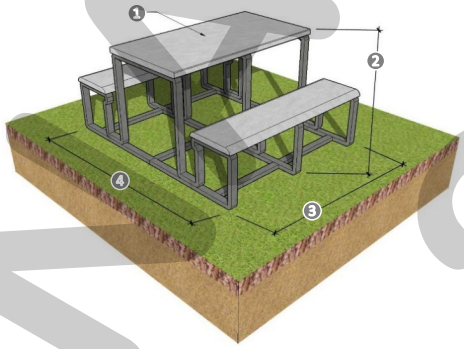
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *picnic table* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *picnic table* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *picnic table* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: SURFACE OF THE PICNIC TABLE SHALL BE CONCRETE, BRICK, OR NATIVE STONE; ❷: NOT TO EXCEED 36-INCHES OR THREE (3) FEET; ❸: EIGHT (8) FOOT MAXIMUM; ❹: TEN (10) FOOT MAXIMUM.

(18) *Private Play Structure*.

(a) *Definition*. A *private play structure* is a permanent outdoor structure used by children for play, which is installed by the private property owner.

(b) *Prerequisites*. A *private play structure* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *private play structure* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *private play structure* can consist of arched ladders, vertical ladders, horizontal ladders, clatter bridge, timber structures, slides, fort and slide playset, climbers, play walls, play climbers, play

DRAFT ORDINANCE 05-20-2024

pods, moon houses, jungle gyms, see-saws, merry-go-rounds, domes, rocket riders, tire swings, buoy balls, monkey bars, drums, chin-up bars, trampoline and rock walls; however, sandboxes and/or sand play areas shall *not* be permitted.

(e) *Construction Standards*.

(1) *Building Materials*. A *private play structure* shall be built out of aluminum, galvanized steel, rubber, and/or water-resistant wood; however, railroad ties and treated lumber are prohibited. The exterior color of a *private play structure* should blend and incorporate the same hues and tones of the surrounding landscaping.

(2) *Height*. A *private play structure* shall not exceed a maximum of eight (8) feet in height.

(3) *Size*. All *private play structures* will be situated in a collected area that is a maximum of 1,000 SF in area.

(4) *Location*. *Private play structures* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *private play structures* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(g) *Additional Requirements*.

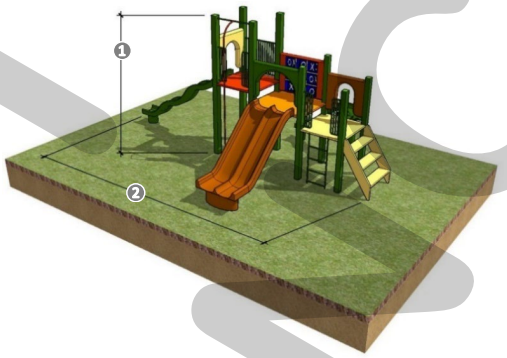
(1) *Earth Work*. Earth work required for the construction of a *private play structures* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *private play structure* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *private play structure* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.

Continued on Right Side of Page …



❶: MAXIMUM OF EIGHT (8) FEET IN HEIGHT; ❷: TOTAL SQUARE FOOTAGE SHALL NOT EXCEED A MAXIMUM OF 1,000 SF; ❸: EXTERIOR COLOR SHOULD BLEND WITH THE SURROUNDING LANDSCAPING.

(19) *Private Utilities*.

(a) *Definition*. *Private utilities* are a system of underground cable line, pipelines, and wiring installed by the leasing property owner to maintain and operate improvements in the take area.

(b) *Prerequisites*. *Private utilities* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. *Private utilities* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. *Private utilities* are required to be buried in accordance with Chapter 38, *Subdivisions*, of the City of Rockwall's Municipal Code of Ordinances. *No* overhead private utility lines are permitted in the lease area. *Private utilities* containing natural gas, propane, gasoline, oil, diesel, or similar types of compounds shall not be permitted within the lease area. No part of any *On-Site Sanitary Sewer System* (OSSF) or any other private wastewater system or appurtenances shall be permitted within the lease area.

(e) *Construction Standards*.

(1) *Building Materials*. *Private utilities* shall *only* be constructed out of materials permitted by the City's Engineering Department.

(2) *Location*. *Private utilities* within 20-feet of the normal pool elevation shoreline (*i.e. 435.5*) shall be built to handle load factors associated with emergency and service vehicles. *Private utilities* containing electricity and communication lines built into structures over the water shall not be allowed below the 436.5-foot mean sea level elevation.

DRAFT ORDINANCE 05-24-2024

(f) *Setback Requirements*. *Private utilities* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *private utilities* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *private utility* must comply with all other applicable City of Rockwall codes.

(3) *Damage to the System*. Any damage or destruction to any *private utility* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

(20) *Private Walkways*.

(a) *Definition*. *Private walkways* can be a single path or a network of paths installed by the leasing property owner in the takeline area.

(b) *Prerequisites*. *Private walkways* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. *Private walkways* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. *Private walkways* with steps are permitted (*see Landing and Stairs in Subsection 06.15(J)(11)*).

(e) *Construction Standards*.

(1) *Building Materials*. *Private walkways* shall be constructed using native stone, brick, concrete and/or rectangle pavers; however, *private walks* shall not consist of loose stone, gravel, sand, or asphalt.

(2) *Height*. *Private walkways* shall be flush with the surrounding grade, or work within the gradient present of the surrounding grade.

(3) *Size*. *Private walkways* shall be no greater than 48-inches in width.

(4) *Location*. *Private walkways* may encroach into an existing easement or right-of-way, encroach into an identified future easement or right-of-way, or encroach into an identified or set aside access path, provided that the property owner or sublease is responsible for repair and/or replacement of the walks in the event they are damaged or removed by the City or other public entity as a result of the necessary use of, or work within or around, said easements. An existing and future easement running through a lease property will be allowed to substitute for the 12-foot wide primary access right-of-way path provided it is 12-feet wide, suitable for access, and will connect to adjacent access paths.

(f) *Setback Requirements*. *Private walkways* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 10-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *private walkways* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *private walkway* must comply with all other applicable City of Rockwall codes.

(3) *Damage to the System*. Any damage or destruction to any *private walkway* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

(21) *Seawall*.

(a) *Definition*. A *seawall* is an engineered concrete or steel structure at the water's edge that is typically designed to curb shoreline erosion where it is installed.

(b) *Prerequisites*. A *seawall* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *seawall* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

NOTE: Seawalls are *only* permitted along the shoreline.

(d) *Construction Standards*.

(1) *Concrete Cap*. A six (6) foot wide concrete cap must be constructed along the entire length of the erosion control structure. In order to allow the backfill material to properly settle, the construction of the concrete cap may be delayed for several weeks/months after the construction of the erosion control structure; however, in no case should the construction of the concrete cap be delayed for a time period exceeding one (1) year from the date of construction of the erosion control structure.

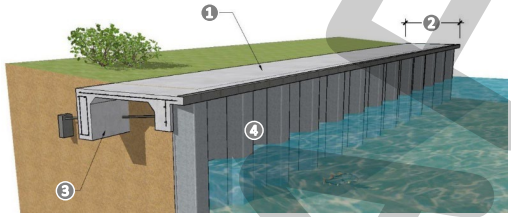
(e) *Additional Requirements*.

DRAFT ORDINANCE 05.20.2024

(1) *Earth Work*. Earth work required for the construction of a *seawalls* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *seawall* must comply with all other applicable City of Rockwall codes.

(f) *Visual Representation*.



❶: CONCRETE WALKWAY; ❷: SIX (6) FOOT MINIMUM; ❸: 24-INCH BY TEN (10) INCH BEAM WITH #3 REBAR ON 18-INCH CENTERS; ❹: RETAINING WALL.

(22) *Sprinkler/Irrigation System*.

(a) *Definition*. A *sprinkler/irrigation system* is an underground irrigation network used to water and maintain trees, shrubs, grounds, and the foundations of improvements.

(b) *Prerequisites*. A *sprinkler/irrigation system* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *sprinkler/irrigation system* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

Note: The prohibition of sprinkler/irrigation systems in the 425.5 Elevation Zone does not include the pumps or lines necessary to pump raw water, when a property owner has been granted permission to do so from the City of Dallas.

(d) *Conditional Use Standards*. A *sprinkler/irrigation system* must be connected to the leasing property owner's existing water supply source with approved backflow prevention devices.

(e) *Construction Standards*.

(1) *Building Materials*. A *sprinkler/irrigation system* shall *only* be constructed utilizing *Schedule 40 PVC* pipe.

(2) *Height*. The heads of a *sprinkler/irrigation system* used for shrubs shall extend no higher than three (3) feet from the average base of the surrounding terrain within a three (3) foot radius of the head.

(3) *Location*. A *sprinkler/irrigation system* shall be allowed up to one (1) foot of the normal pool elevation shoreline (*i.e. 435.5*) provided no part of the system could potentially result in lake siltation erosion.

(f) *Setback Requirements*. A *sprinkler/irrigation system* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *sprinkler/irrigation system* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *sprinkler/irrigation system* must comply with all other applicable City of Rockwall codes.

(3) *Damage to the System*. Any damage or destruction to any part of a *sprinkler/irrigation system* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

SUBSECTION 06.16: VARIANCES TO THE GENERAL OVERLAY DISTRICT STANDARDS

See Subsection 09.02, *Variances to the General Overlay Districts Standards*, of Article 11, *Development Applications and Review Procedures*.

SECTION 07 | DISTRICT DEVELOPMENT STANDARDS

See next page.

DRAFT ORDINANCE 05.20.2024

SUBSECTION 07.01: 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) [12]		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 & 9]		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 REQUIRED TO BE ON A PUBLIC STREET AS MEASURED AT THE BUILDING SETBACK LINE *OR* AT THE PROPERTY LINE, WHICHEVER IS CONFORMS.
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 06, *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 UNIT IN AN AGRICULTURAL (AG) DISTRICT.
12. THIS SHALL BE CONDITIONED SPACE. FOR PASSIVE HOUSING, THE SF CALCULATION SHALL BE CALCULATED USING ALL ENCLOSED HOUSING AREAS EXCLUDING THE GARAGE.

Formatted: Font color: Dark Red

DRAFT ORDINANCE 05-20-2024

SUBSECTION 07.02: MULTI-FAMILY DISTRICT DEVELOPMENT STANDARDS

DEVELOPMENT STANDARDS ↓ / ZONING DISTRICTS →		MULTI-FAMILY 14 (MF-14) DISTRICT [1]
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 06, *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-FEET 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 08, *LANDSCAPE AND FENCE STANDARDS*.

DRAFT ORDINANCE 05.20.2024

SUBSECTION 07.03: NON-RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

*: FOR DEVELOPMENT IN THE DOWNTOWN (DT) DISTRICT SEE THE STANDARDS IN SECTION 04.08, *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+1/2*H*>36 [7] 50 [4]
	REAR (FEET)	30	20 W/O FRW & *OR* ALLEY	10 W/O FRW *OR* & ALLEY	10 W/O FRW *OR* & ALLEY	20 W/O FRW *OR* & ALLEY	10 W/O FRW [7]	20 + 1/2*H*>36 W/O FRW [7]
			0 W/ FRW & ALLEY	0 W/ FRW & ALLEY	0 W/ FRW & ALLEY	1/2*H*>36 W/ FRW & ALLEY	1/2*H*>36 W/ FRW & ALLEY [7]	8 + 1/2*H*>36 W/ FRW & ALLEY [7]
	REAR ADJACENT RESIDENTIAL (FEET) [6]	*N/A*	20	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	50 + 1/2*H*>36 [7]
	SIDE (FEET)	10	5 W/O FRW	10 W/O FRW	10 W/O FRW	15 + 1/2*H*>36 W/O FRW [7]	15 + 1/2*H*>36 W/O FRW [7]	15 + 1/2*H*>36 W/O FRW [7]
			0 W/ FRW	0 W/ FRW	0 W/ FRW	1/2*H*>36 W/ FRW [7]	1/2*H*>36 W/ FRW [7]	8 + 1/2*H*>36 W/ FRW [7]
	SIDE ADJACENT RESIDENTIAL (FEET) [6]	20	20	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	50
BETWEEN BUILDINGS (FEET)		15-20 W/O FRW 0 W/ FRW	15-20 W/O FRW 0 W/ FRW	15-20 W/O FRW 0 W/ FRW	15-20 W/O FRW 0 W/ FRW	15-20 + 1/2*H*>36 W/O FRW [7]	15-20 + 1/2*H*>36 W/O FRW [7]	25 + 1/2*H*>36 W/O FRW [7]
						1/2*H*>36 W/ FRW [7]	1/2*H*>36 W/ FRW [7]	16 + 1/2*H*>136 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 08, *LANDSCAPE AND FENCE STANDARDS*						

KEY: BLUE: WHEN ADJACENT TO INTERSTATE 30; *H*: BUILDING HEIGHT; 1/2*H*>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 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 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 08, *LANDSCAPE AND FENCE 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 SUP BY THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL.
9. BUILDING HEIGHT MAY BE INCREASED UP TO 240-FEET IF APPROVED THROUGH A 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.

Formatted: Left, Right: -0.07"
Formatted: Font: Italic, Underline
Formatted: Left, Right: -0.07"
Formatted: Left, Right: -0.07"
Formatted: Left, Right: -0.07"
Formatted: Left, Right: -0.07"

DRAFT 05.20.2024

SUBSECTION 07.04: ACCESSORY STRUCTURE DEVELOPMENT STANDARDS

ZONING DISTRICTS OR ACCESSORY STRUCTURE TYPE → / DEVELOPMENT STANDARDS ↓		ACCESSORY BUILDINGS [1, 3, 5, 8 & 12]							ACCESSORY STRUCTURES [1, 3, 5 & 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 AND ZERO LOT LINE (ZL-5) DISTRICT	PORTABLE ACCESSORY BUILDING 0 SF – 120 SF	DETACHED GARAGE [9]	CARPORTS [7]	ATTACHED AND DETACHED COVERED PORCHES	PERGOLAS
NUMBER OF ACCESSORY STRUCTURES OR NUMBER OF SPECIFIC ACCESSORY STRUCTURE PERMITTED		2 [2]	2 [2]	2 [2]	2 [6]	1	1	1	1	1	N/A [11]
MAXIMUM SF OF ACCESSORY STRUCTURE		1,000 [2]	1,000 [2]	1,250 [2]	144 [6]	100	120	625	500	500 [10]	500 [10]
MINIMUM SETBACKS	REAR (FEET)	10	10	10	3	3	3	10	10	3 [10]	3 [10]
	REAR W/ ALLEYWAY (FEET)	20 [4]	20 [4]	20 [4]	3	3	3	20 [4]	20	3 [10]	3 [10]
	SIDE (FEET)	SEE ZONING DISTRICT	SEE ZONING DISTRICT	SEE ZONING DISTRICT	SEE ZONING DISTRICT	3	3	SEE ZONING DISTRICT	SEE ZONING DISTRICT [10]	SEE ZONING DISTRICT [10]	3 [10]
BETWEEN BUILDINGS (FEET)		10	10	10	6	6	6	10	10	6	6
BUILDING HEIGHT (FEET) [8]		15	15	15	15	10	10	15	15	15	12

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/COVERED PORCHES/PERGOLAS THAT ARE INTEGRATED INTO THE MAIN ACCESSORY STRUCTURE AND WHICH ARE INCLUDED IN THE SQUARE FOOTAGE OF THE OVERALL 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 (EXCLUDING PORTABLE BUILDINGS) NOT MEETING THE SIZE OR HEIGHT REQUIREMENTS STIPULATED BY THIS SECTION SHALL REQUIRE A SPECIFIC USE PERMIT (SUP). IN REVIEWING A SPECIFIC USE PERMIT (SUP), THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL SHALL CONSIDER: [*1*] IF THE STRUCTURE WAS CONSTRUCTED WITHOUT A PERMIT OR UNDER FALSE PRETENSES, [2] THE SIZE OF THE PROPOSED ACCESSORY STRUCTURE COMPARED TO THE SIZE OF OTHER ACCESSORY STURCTURES IN THE AREA/NEIGHBORHOOD/SUBDIVISION, AND [*3*] THE SIZE, ARCHITECTURE AND BUILDING MATERIALS PROPOSED FOR THE STRUCTURE COMPARED TO THOSE OF THE PRIMARY STRUCTURE.

6: EACH PROPERTY SHALL BE PERMITTED ONE (1) DETACHED GARAGE UP TO 625 SF AND ONE (1) ACCESSORY BUILDING UP TO 144 SF OR TWO (2) ACCESSORY BUILDINGS UP TO 144 SF EACH. IF A PROPERTY HAS AN EXISTING ACCESSORY BUILDING GREATER THAN 144 SF, NO ADDITIONAL ACCESSORY BUILDINGS OR DETACHED GARAGES SHALL BE PERMITTED.

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 AND PARK A STANDARD SIZE MOTOR VEHICLE (*I.E. A VEHICLE THAT IS A MINIMUM OF NINE [9] FEET BY 18-FEET*) INSIDE THE STRUCTURE. IN ADDITION, A DETACHED GARAGE MUST BE ACCESSIBLE FROM THE FRONT, REAR OR SIDE YARD BY A STANDARD WIDTH, CONCRETE DRIVEWAY THAT HAS MINIMUM LENGTH OF 20-FEET OF DRIVEWAY PAVEMENT. DETACHED GARAGES ACCESSIBLE FROM THE FRONT SHALL BE A MINIMUM OF 20-FEET BEHIND THE FRONT FAÇADE OF THE PRIMARY STRUCTURE.

10: COVERED PORCHES AND PERGOLAS THAT ARE ATTACHED OR CONTIGOUS WITH THE PRIMARY STRUCTURE SHALL BE EXEMPTED FROM THE SIZE RESTRICTIONS BUT SHALL BE REQUIRED TO MEET THE SAME SETBACKS AS THE PRIMARY STRUCTURE.

11: PERGOLAS ARE NOT SUBJECT TO THE *NUMBER OF ACCESSORY STRUCTURE REQUIREMENTS*, BUT *DO* COUNT AGAINST THE RESIDENTIAL LOT COVERAGE REQUIREMENTS FOR THE ZONING DISTRICT.

12: PORTABLE ACCESSORY BUILDINGS ARE DEFINED AS AN ACCESSORY BUILDING THAT DOES NOT HAVE A PERMENANT FOUNDATION. ALL ACCESSORY BUILDINGS THAT ARE NOT PORTABLE ACCESSORY BUILDINGS REQUIRE A PERMANENT CONCRETE FOUNDATION; HOWEVER, GREENHOUSES SHALL BE EXEMPT FROM HAVING A PERMANENT CONCRETE FOUNDATION.

DRAFT 05.2024

SUBSECTION 07.05: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT DEVELOPMENT STANDARDS

LAND USE [1]	CONDITIONAL USE REFERENCE SEE SUBSECTION 06.15(J)	PRE-REQUISITES L: SUBLEASE; S: SEAWALL; FP: FIXED PIER	ELEVATION ZONES P: PERMITTED X: NOT PERMITTED 438.0	435.5	425.5	MINIMUM SIZE (FEET OR SQUARE FEET)	MAXIMUM SIZE (FEET, INCHES, OR SQUARE FEET)	MINIMUM HEIGHT (FEET OR INCHES)	MAXIMUM HEIGHT (FEET)	SIDE YARD SETBACK (FEET)	BUILDING MATERIALS NS: NATURAL STONE B: BRICK C: CONCRETE CM: COMPOSITE MATERIALS GM: GALVANIZED METAL IR: IRON SS: STAINLESS STEEL S: STEEL M: METAL A: ALUMINUM CW: CEDAR RW: REDWOOD IW: IRONWOOD SSM: STANDING SEAM METAL WR: WROUGHT IRON R: RUBBER
BARBECUE PIT	(1)	L	P	X	X	3' x 3'	8' x 3'	0'	6'	6'	NS, B, C, AND IR
BOAT HOUSE [2, 4, 5, & 15]	(2)	L, S, & FP	X	X	P	8' x 30'	12' x 30'	16'	21'	10'	CM FOR CATWALK AND DECKING; GM, IR, S, OR A FOR THE SUPPORTS [3]; CM, GM, IR, S, A, CW, IW, OR RW FOR ROOF BEAMS; AND SSM FOR THE ROOF
COVERED PATIO [5 & 15]	(3)	L & S [16]	P	P	X	0'	12' x 20'	0'	15' [6 & 7]	20'	CW, IW, & RW IN THE 438.0 ELEVATION ZONE; CM OR M IN THE 435.5 ELEVATION ZONE; SSM FOR THE ROOF
DECK [5 & 18]	(4)	L & S [16]	P	P	X	0'	1,000 SF	2' OR 24"	1'	20'	CM FOR THE DECKING, C FOOTINGS FOR FOUNDATION, AND WR FOR FENCING/RAILING
DOCK DECK [2 & 5]	(5)	L, S, & FP	X	X	P	8' x 10'	12' x 30'	0'	8' [8]	10'	CM
FENCE	(6)	L	P	X	X	0'	45'	4'	4'	0'	WR
FLAGPOLE [5 & 9]	(7)	L & S [16]	P	P	X	5" BASE	8" BASE	0'	20'	6'	SS OR A
FIXED PIER [2 & 5]	(8)	L & S	X	X	P	0'	6' x 40'	0'	8' [10]	10'	CM FOR CATWALK AND DECKING; CM OR S FOR RAILINGS
FIRE PIT	(9)	L & S [16]	P	X	X	3' x 3'	5' x 5'	0'	3'	6'	NS, B, AND C
GAZEBO [5 & 15]	(10)	L & S [16]	P	P	X	0'	12' x 12'	0'	15'/18' [7 & 11]	20'	CW, RW, IW, CM, OR M IN THE 438.0 ELEVATION ZONE; AND CM OR M IN THE 435.5 ELEVATION ZONE
LANDING AND STAIRS	(11)	L & S [17]	P	P	P	0'	8' x 8' x 6'	3'	SAME AS RETAINING WALL	5'	NS, B, AND C FOR THE STAIRS; WR OR BLACK S FOR THE RAILINGS AND/OR FENCE
PATIO [5 & 18]	(15)	L	P	P	X	0'	1,000 SF	0'	1'	20'	NS FOR THE DECK AREA AND WR FOR RAILINGS
PERGOLA [5]	(16)	L & S [16]	P	P	X	0'	12' x 20'	0'	12' [7]	20'	CW, RW, IW, OR CM IN THE 438.0 ELEVATION ZONE; CM OR M IN THE 435.5 ELEVATION ZONE
PICNIC TABLE	(17)	L	P	P	X	0'	8' x 10'	0'	3' OR 36"	6'	NS, B, AND C
PRIVATE PLAY STRUCTURE	(18)	L	P	X	X	0 SF	1,000 SF	0'	8'	20'	A, GM, R, CW, RW, AND IW
PRIVATE WALKWAYS	(20)	L & S [16]	P	P	X	0'	48" WIDE	0'	FLUSH WITH GRADE	10'	NS, B, C, AND RECTANGULAR PAVERS
LANDSCAPING AND RETAINING WALLS [12 & 13]	(12)	L	P	P	X						
MUNICIPAL UTILITIES	(13)	*NONE*	P	P	P						
OUTDOOR LIGHTING	(14)	L	P	X	X						
PRIVATE UTILITIES	(19)	L	P	P	X						
SEAWALL	(21)	L	X	X	P						
SPRINKLER/ IRRIGATION SYSTEM [14]	(22)	L	P	P	X						

NOTES:

1: FOR ALL LAND USES CHECK SECTION 06.15, *LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT* FOR ADDITIONAL REQUIREMENTS AND RESTRICTIONS.

2: BOATHOUSES, FIXED PIERS, DOCK DECKS, OR ANY COMBINATION OF THESE STRUCTURES MAY NOT EXTEND MORE THAN 40-FEET INTO THE WATER FROM THE 435.5 ELEVATION CONTOUR.

3: REQUIRES A HIP ROOF, A MINIMUM OF 2:1 ROOF PITCH, WITH ONE (1) CUPOLA (3' x 4') IN THE MIDDLE OF THE ROOF OR TWO (2) CUPOLAS (3' x 4') AT EACH END OF THE ROOF.

4: SUPPORT POSTS MAY BE WRAPPED IN A COMPOSITE MATERIAL.

5: THE STRUCTURE SHALL BE GENERALLY CENTERED IN THE LEASE AREA BEHIND THE PRIMARY STRUCTURE ON THE LEASING PROEPRTY IF LOCATED IN THE *435.5* OR *425.5 ELEVATION ZONES* (*IF PERMITTED IN THE ZONE*).

6: REQUIRES A HIP OR GABLE ROOF WITH A CUPOLA OR CLERESTORY AND A MINIMUM ROOF PITCH OF 4:1.

7: SHALL NOT EXCEED ONE (1) STORY OR BE USED AS A ROOF TOP DECK.

8: EIGHT (8) FEET ABOVE THE SURFACE AREA OF THE FLAT FLOOR SURFACE WITH NO MORE THAN FOUR (4) POLE STRUCTURES ALLOWED.

9: A MAXIMUM OF TWO (2) FLAG POLES ARE PERMITTED AND ONLY THE UNITED STATES OF AMERICA AND TEXAS FLAGS ARE TO BE FLOWN.

10: EIGHT (8) FEET ABOVE THE SURFACE AREA OF THE FLAT FLOOR SURFACE WITH NO MORE THAN TWO (2) POLE STRUCTURES ALLOWED.

11: REQUIRES A HIP OR GABEL ROOF OR A HIP AND/OR GABEL ROOF, WITH A MINIMUM ROOF PITCH OF 2:1, AND THAT IS A MAXIMUM OF 15-FEET WITHOUT A CLERESTORY OR CUPOLA OR 18-FEET WITH A CLERESTORY OR CUPOLA.

12: REMEDIAL LANDSCAPING ALLOWED IN THE 425.5 ELEVATION ZONE WITH THE INTENT TO MAINTAIN THE INTEGRITY OF THE SHORELINE.

13: RETAINING WALLS THAT ARE A PART OF LANDSCAPING ARE LIMITED TO LESS THAN THREE (3) FEET IN HEIGHT.

14: HEADS SHOULD EXTEND NO HIGHER THAN THREE (3) FEET FROM THE AVREAGE BASE OF THE SURROUNDING TERRIAN WITHIN A THREE (3) FOOT RADIUS.

15: ROOF OVERHANGS SHALL NOT EXCEED 18-INCHES.

16: A SEAWALL IS *ONLY* REQUIRED FOR CONSTRUCTION IN THE *435.5 ELEVATION ZONE*.

17: A SEAWALL IS *ONLY* REQUIRED FOR CONSTRUCTION IN THE *435.5 OR 425.5 ELEVATION ZONES*.

18: HANDRAILS ARE PROBITED IN THE *435.5 ELEVATION ZONE*.

DRAFT 05.20.2024

Continued on Next Page …

DRAFT
ORDINANCE
05.20.2024

SECTION 01 | PURPOSE

SUBSECTION 01.01: PARKING

The purpose of this Article is to regulate the number of required off-street vehicular parking spaces so as:

- To provide for the needs of occupants, customers, visitors or others involved in the use or occupancy of any building, structural improvement or place of assembly;
- To eliminate undue use of the street system for parking purposes;
- To avoid the occurrence of nonresident on-street parking in adjoining neighborhoods;
- To protect the environment by promoting trip reduction and efficient land use through an analytic process in which the amount of parking may be limited to what is realistically needed for the uses on the site, thus reducing concrete/asphalt areas, heat islands and air pollution;
- To promote and protect the public health, safety, comfort, convenience and general welfare; and
- To grant and define the administrative powers and duties necessary to enforce this Article.

SUBSECTION 01.02: LOADING

It is also the purpose of this Article to require allocation of sufficient off-street/on-site loading facilities by businesses and industry to ensure that the loading and unloading of vehicles will not interfere with traffic flow or block roadways or fire lanes.

SECTION 02 | APPLICABILITY

SUBSECTION 02.01: CONSTRUCTION OR CREATION OF USE

Any building, improvement, or use of land approved or erected shall include the necessary off-street parking spaces, and require off-street/on-site loading facilities subject to the standards established in this Article.

SUBSECTION 02.02: CHANGE OF USE

Whenever any building, improvement, or use of land is proposed to be changed to a new use, the provision of off-street parking and loading shall be required for the new use in accordance with this Article.

SUBSECTION 02.03: EXPANSION OF AN EXISTING USE

If any building, improvement, or use of land is expanded, the provisions for parking and loading shall be provided for the portion of land use and/or building that has been added.

SUBSECTION 02.04: RENOVATION OR REDEVELOPMENT

Notwithstanding Subsection 02.02 above, if any building, improvement, or use of land is repaired, renovated, altered, expanded or redeveloped, and the cost of such changes exceed 50.00% of the fair market value of the building improvement prior to the subject improvements, the parking and loading facilities set forth in this Article shall be made conforming, unless a specific use permit has been approved for such reduction in the provision of parking or loading.

SECTION 03 | GENERAL PROVISIONS

SUBSECTION 03.01: CALCULATION OF SPACES

(A) *Fractional Number of Spaces*. In determining the required number of parking spaces, fractional spaces shall be ~~counted to the nearest~~rounded up to the nearest whole space. Parking spaces located in buildings used for repair garages or auto laundries shall not be counted as meeting the required minimum parking.

(B) *Parking Structures Excluded*. Floor area of structures devoted to off-street parking of vehicles shall be excluded in computing the floor area for off-street parking requirements.

(C) *Requirements for Uses Not Listed*. The off-street parking requirements for a use not specifically listed in the schedule below shall be the same as required for a use of a similar nature as determined by the Director of Planning and Zoning.

SUBSECTION 03.02: PAVING MATERIALS

All required parking and loading areas, public and private drives, and fire lanes shall be constructed of concrete, but may have a surface treatment of brick, stone or other similar material; ~~. H~~ however, cast interlocking concrete, brick, or stone pavers installed on a prepared base may be used in parking areas and on public and private drives where approved by the City Engineer.

SUBSECTION 03.03: LOCATION OF COMMERCIAL PARKING AND LOADING SPACES

The required off-street parking and loading spaces shall be located on the same lot as the building or use served; except, off-street parking may also be located as follows:

(A) *Parking May Be Located Off-Site*.

(1) When an increase in the number of off-street parking spaces is required by a change or enlargement of use, or where off-street parking spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required off-street parking spaces may be located at a distance not to exceed 400-feet from the building being served; provided, however, that a written agreement thereto is properly executed and filed as provided below.

(2) The distance from the land use requiring parking to the off-site parking site shall be measured along the shortest legal pedestrian path between one site and the other.

(3) All off-site parking must first be approved by City Council.

(B) *Joint Use of Parking*. Parking adjustments may be allowed according to the following percentages by time of day:

DRAFT ORDINANCE 05.2024

TABLE 1: JOINT USE OF PARKING CALCULATIONS

TIME OF DAY	OFFICE	RETAIL	RESTAURANT	THEATER	HOTEL
6:00 AM - 12:00 PM	1.00	0.97	0.50	0.30	1.00
12:00 PM - 1:00PM	0.90	1.00	0.70	0.70	0.30
1:00 PM - 4:00 PM	0.97	0.97	0.60	0.70	0.45
4:00 PM - 6:00 PM	0.47	0.82	0.90	0.80	0.70
6:00 PM - 8:00 PM	0.07	0.89	1.00	1.00	1.00
8:00 PM - 12:00 AM	0.03	0.61	1.00	1.00	1.00

EXAMPLE 1: JOINT USE OF PARKING CALCULATIONS

An example of a mixed-use development comprised of the below land uses would be as follows:

Step 1: Development Square Footages

- *Office*: 50,000 SF
- *Retail*: 20,000 SF
- *Restaurant*: 8,000 SF

Step 2: Individual Parking Requirements

LAND USE	SF	PARKING REQUIREMENT	REQUIRED PARKING
OFFICE	50,000	1/300 SF	167
RETAIL	20,000	1/250 SF	80
RESTAURANT	8,000	1/100 SF	80
		TOTAL:	327

Step 3: Shared Parking Requirements

TIME OF DAY	OFFICE	RETAIL	RESTAURANT	TOTAL
6:00 AM - 12:00 PM	1.00x167=167	0.97x80=78	0.50x80=40	285
12:00 PM - 1:00PM	0.90x167=150	1.00x80=80	0.70x80=56	286
1:00 PM - 4:00 PM	0.97x167=162	0.97x80=78	0.60x80=48	288
4:00 PM - 6:00 PM	0.47x167=78	0.82x80=66	0.90x80=72	216
6:00 PM - 8:00 PM	0.07x167=12	0.89x80=71	1.00x80=80	163
8:00 PM - 12:00 AM	0.03x167=5	0.61x80=49	1.00x80=80	134

Step 4: The parking required is 288 parking spaces. This is a reduction of 39 parking spaces or 11.9% over the individual parking requirements.

(C) *Off-Site Parking Agreement*.

(1) When the required off-street parking spaces are not located on the same lot with the building or use served, or when the required off-street parking spaces are provided collectively or used jointly by two (2) or more establishments, a written agreement which ensures the retention of such spaces for this purpose, and for a period of not less than two (2) years, shall be drawn and executed by the parties concerned, approved as to form by the City Attorney, and filed with the application for a building permit or Certificate of Occupancy (CO) if a change in use is involved.

(2) If the off-site parking is terminated for any reason, then alternative parking meeting the standards of this Article, shall be required, or the property shall lose its Certificate of Occupancy (CO).

(D) *Parking in Front Yards of Residential and Agriculture*. No required off-street parking space shall be located in the required front yard in any residential or agricultural district.

(E) *Parking in Front Yards of Non-Residential*. In any nonresidential district, the required off-street parking space may be located in the required front yard provided that it meets landscaping and screening requirements in Article 08, *Landscape Standards*.

SUBSECTION 03.04: LIGHTING OF PARKING AND LOADING AREAS

(A) *Spill-Over Lighting*. All lighting facilities shall be so arranged as to reflect the illumination away from any adjacent property. Such lighting facilities shall provide illumination within parking areas not to exceed a maintained average of 1½ footcandles at ground level, and shall distribute not more than 0.2 of one (1) footcandle of light upon any adjacent residential property. (*also see Section 03, Outdoor Lighting for Non-Residential Properties, of Article 07, Environmental Standards*).

(B) *Lighting as a Nuisance or Safety Hazard*. All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not intrude on residential property or create a hazard to motorists on any street, alley or other public way.

SUBSECTION 03.05: PAY PARKING LOTS

No charge may be made for at-grade visitor parking spaces, unless approved by City Council as part of a specific Use Permit.

SUBSECTION 03.06: SHARED PARKING/CROSS ACCESS

In master planned retail centers, cross access and shared parking agreements are required for final platting.

SECTION 04 | RESIDENTIAL PARKING

SUBSECTION 04.01: LOTS LESS THAN FIVE (5) ACRES

(A) *Location*. All required residential parking shall be located onsite except in the Downtown District.

(B) *Garages*. In single-family or duplex districts, parking garages must be located at least 20-feet behind the front building facade for front entry garages, unless it is a *J-Swing* garage where the garage door is perpendicular to the street.

(C) *Carports*. In single-family or duplex districts, carports must be located at least 20-feet behind the front building facade and be architecturally integrated with the main residential structure.

SECTION 05 | OFF-STREET PARKING REQUIREMENTS

SUBSECTION 05.01: OFF-STREET PARKING REQUIREMENTS

The schedule of off-street parking requirements in Table 5 establishes parking requirements for all zoning districts.

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

DRAFT ORDINANCE 05.20.2024

SUBSECTION 05.02: CONVENTIONS USED IN PARKING REQUIREMENT SCHEDULE

(A) *Square Feet*. The term *SF* means gross square feet of building, unless otherwise noted.

(B) *Site Area Parking Requirements*. The parking requirement for a use of site area is based on the net site area exclusive of parking and buildings.

(C) *Land Uses*. Land uses listed under *Permitted Uses* in the accompanying schedule does not mean that this use is permitted within the City. Please refer to Article 04, *Permissible Uses*.

SUBSECTION 05.03: OFF-STREET PARKING STANDARDS

(A) *Head-In Parking*. An off-street parking space shall not be located on a public street. Head-in parking adjacent to a public street wherein the maneuvering of the vehicle in parking or leaving a parking space is done directly onto a public street, shall not be allowed in nonresidential zoning districts nor shall it be allowed in conjunction with multi-family residential land uses unless specifically approved as part of a special district zoning ordinance such as for the downtown.

(B) *Parking Spaces and Aisle Surfaces*. All parking spaces, aisles and maneuvering areas shall have an all-weather surface, whether enclosed or unenclosed, and shall be connected by an all-weather surfaced driveway to a street or alley.

(C) *Parking Space and Aisle Dimensions*. All parking spaces and aisle dimensions shall conform to the off-street parking requirements contained in the City's Standards of Design and Construction manual, as amended, unless otherwise approved by the Planning and Zoning Commission and City Council.

(D) *Site Access for Vehicles*. Access to a lot or tract shall conform to the access control guidelines in the driveway ordinance. A driveway conforming to City driveway standards shall be constructed for each approved access point. A permit much be obtained from the City to construct a driveway within the City.

SUBSECTION 05.04: HANDICAPPED PARKING

In each parking facility, a portion of the total number of parking spaces shall be specifically designated as handicapped accessible parking spaces and reserved for vehicles licensed by the state for use by the handicapped. The following parking and passenger loading standards shall apply to any new construction within the City.

Continued on Right Side of Page …

(A) *Space Required*.

TABLE 2: HANDICAPPED PARKING SPACE REQUIREMENT

TOTAL REQUIRED PARKING IN LOT	REQUIRED NUMBER OF HANDICAPPED SPACES
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% OF TOTAL
1,001+	20 + 1/100 OVER 1,000

(B) *Construction Standards*. Parking spaces and facilities intended for use by the handicapped shall be designed and constructed in accordance with the standards established by state law, City ordinances and the Americans with Disabilities Act (ADA).

(C) *Size of Spaces*. Accessible parking spaces shall be at least 108-inches wide and shall be served by a pedestrian maneuvering access aisle at least 60-inches wide. The access aisle shall be part of an accessible route to the building or facility entrance. Two (2) accessible parking spaces may share a common access aisle. Accessible parking spaces and access aisles shall be level with surface slopes not exceeding ~~2%~~two (2) percent in any direction.

(D) *Van Accessible Spaces*. One (1) in every eight (8) accessible spaces, but not less than one (1), shall be served by an access aisle not less than 108-inches wide and provide a minimum vertical clearance of 98-inches at the parking space and along at least one (1) vehicle access route to such parking space from site entrance and exit. All such spaces shall be designated "van accessible" and may be grouped on one (1) level of a parking structure.

(E) *Sign Handicapped Accessible Spaces*. Accessible spaces shall be designated as reserved by a sign showing a symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

(F) *Accessible Routes to the Building or Facility*. At least one (1) accessible route within the boundary of a site shall be provided from public transportation stops (*if available*), accessible parking and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public.

(G) *Accessible Routes On-Site*. At least one (1) accessible route shall connect accessible buildings, facilities, elements and spaces that are on the same site.

(H) *Accessible Route Design Standards*. An accessible route shall have a minimum clear width of 36-inches and provide adequate space for a wheel chair turn around. If an accessible route has less than 60-inches clear width, then passing spaces of at least 60-inches by 60-inches shall be located at reasonable intervals, not to exceed 200-feet. A 'T' intersection of two (2) corridors or walks is an acceptable passing place.

DRAFT ORDINANCE 05-20-2024

SECTION 06 | OFF-STREET LOADING REQUIREMENTS

SUBSECTION 06.01: APPLICABILITY

All non-residential structures which contain a gross floor area of 10,000 square feet or more shall provide and maintain off-street loading facilities on the same lot. Such off-street loading facilities shall be located adjacent to a public way or private service drive, in accordance with the following requirements:

(A) Unless an alternative is supported by design standards and approved as part of the detailed site plan, no area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

(B) Any loading dock or loading area must provide a maneuvering area located entirely on private property, and shall not utilize any public right-of-way, and shall not block any drive, aisle or fire lane.

(C) Loading docks that are within 400-feet of a residential district shall be equipped with noise attenuation devices and screened from view of adjacent residential lots.

SUBSECTION 06.02: LIGHTING OF LOADING AREAS

All lighting facilities shall be so arranged as to reflect the illumination away from any adjacent property. Such lighting facilities shall provide illumination within loading areas not to exceed 1.5 Foot Candles (FC) at ground level, and shall distribute not more than 0.2 of one (1) FC of light upon any adjacent property.

All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not intrude on residential property or create a hazard to motorists on any street alley or other public way.

SUBSECTION 06.03: DUMPSTER TRASH RECEPTACLES

All driveways to trash receptacles shall be designed to accommodate the weight of a 56,000 gross vehicular weight (GVW) sanitation truck. Lifting aprons shall be provided in front of each trash receptacle location to accommodate the front wheels of the sanitation truck. Access to the trash receptacle and lift apron shall be in a *straight in* manner, or other manner as approved by the City Engineer. Trash receptacles shall not be located beneath any overhead utility line.

SUBSECTION 06.04: SIZE

Loading spaces shall be a minimum of 12-feet in width, 65-feet in length, and 14-feet in height except as may otherwise be approved by the City Engineer.

SUBSECTION 06.05: OFF-STREET LOADING REQUIREMENTS

Any use that receives or distributes material, supplies or merchandise by motor vehicle shall provide off-street loading space in accordance with the following requirements~~.~~:

(A) *Retail, Commercial, and Industrial Land Uses.*

TABLE 3: COMMERCIAL OFF-STREET LOADING REQUIREMENTS

GROSS FLOOR AREA (SF)	MINIMUM REQUIRED LOADING SPACES
0 – 10,000	0
10,001 – 40,000	1
40,001 – 100,000	2
100,001 – 160,000	3
160,001 – 240,000	4
240,001 – 320,000	5
320,001 – 400,000	6
400,001+	PARKING STUDY REQUIRED

(B) *Auditoriums, Exhibition Halls, Hotels and Sports Arenas.*

TABLE 4: RESTAURANTS AND PUBLIC FACILITIES LOADING REQUIREMENTS

GROSS FLOOR AREA (SF)	MINIMUM REQUIRED LOADING SPACES
0 – 10,000	0
10,001 – 150,000	2
150,001 – 300,000	4
300,001 – 600,000	5
600,000+	PARKING STUDY REQUIRED

DRAFT ORDINANCE 05.20.2024

TABLE 5: PARKING REQUIREMENT SCHEDULE

AGRICULTURAL LAND USES	
LAND USE	MINIMUM PARKING REQUIRED
Agricultural Uses on Un-Platted Land (25-Acre+)	N/A
Animal Hospital or Clinic	1/500 SF
Animal Production	1/200 SF
Crop Production	N/A
Commercial Corral or Stable	1/2 Horse Stalls
Private Horse Corral or Stable	1/2 Horse Stalls
Wholesale Nursery (Growing Only)	N/A

RESIDENTIAL	
LAND USE	MINIMUM PARKING REQUIRED
Boarding or Rooming House	1/75 SF (Sleeping Area Only)
Duplex	2/Dwelling Unit
Guest Quarters/Domestic or Security Unit	1.5/Unit
Multi-Family Unit with One (1) Bedroom	1.5/Unit
Multi-Family Unit with Two (2) Bedroom	2.0/Unit
Multi-Family Unit with Three (3) Bedroom	2.5/Unit
~~Servants~~/Caretakers Quarters	1/Bedroom
Single-Family Attached	2/Dwelling Unit
Single-Family Detached	2/Dwelling Unit
Single-Family Townhome	2/Dwelling Unit
Single-Family Zero Lot Line	2/Dwelling Unit

INSTITUTIONAL AND COMMUNITY SERVICE LAND USES	
LAND USE	MINIMUM PARKING REQUIRED
Auditorium or Assembly Hall	1/3 Seats or 1/100 SF[1]
Church/House of Worship	1/4 Seats
College, University, or Seminary	1/4 Students
Community Center	1/200 SF
Convalescent Care Facility	1/Bed & 1/Employee on Shift[3]
Nursing Home	1/6 Beds & 1/Employee on Shift[3]
Daycare with Seven (7) or More Children	1/300 SF & 4 Cueing Pickup/Drop-Off
Emergency Ambulance Service	1/300 SF & 1/750 SF of Site Area
Government Facility	1/300 SF
Hospice	1/6 Beds & 1/Employee on Shift[3]
Hospital	1/Bed[2]
Library, Art Gallery, or Museum	1/350 SF
Post Office	1/300 SF Customer Service Area
Retirement Home	1/Bedroom
Residential Care Facility	1/6 Beds & 1/Employee on Shift[3]
Vocational School	1/Student
Public or Private Primary School	1/25 Students
Public or Private Secondary School	1/5 Students

OFFICE AND PROFESSIONAL LAND USES	
LAND USE	MINIMUM PARKING REQUIRED
Financial Institution with or without Drive-Through	1/300 SF
Medical Office	1/200 SF
Office Building	1/300 SF

RECREATION, ENTERTAINMENT, AND AMUSEMENT LAND USES	
LAND USE	MINIMUM PARKING REQUIRED
Billiard Parlor or Pool Hall	1/100 SF or 1/4 Seats[1]
Indoor Commercial Amusement/Recreation	1/3 Occupancy
Public or Private Community or Recreation Club	3/Game Court or Bowling Alley, 1/250 SF of Assembly Area, & 25% Permitted on Pervious Surface
Public or Private Golf Course	5/Golf Green
Park or Playground	1/1,000 SF of Site Area
Recreation Facility, Health Club, or Gym	3/Game Court & 1/200 SF
Sports Arena, Stadium, and/or Track	1/3 Seats
Private Club	1/100 SF or 1/4 Seats[1]
Theater	1/3 Seats

RECREATION, ENTERTAINMENT, AND AMUSEMENT LAND USES	
LAND USE	MINIMUM PARKING REQUIRED
Antique/Collectable	1/250 SF
Auto/Truck Parts and Accessories	1/250 SF
Hair Salon, Manicurist, or Barbershop	1/250 SF
Hotel	1/Unit & 50% of Accessory Uses
Motel	1/Unit & 50% of Accessory Uses
Laundry/Dry Cleaning	1/250 SF
Mailing Service	1/300 SF
Full Service Restaurant	1/100 SF or 1/4 Seats[1]
Limited Service Restaurant	1/250 SF
Retail Store with Gasoline Sales	1/250 SF
General Retail Store	1/250 SF
Art, Photography, or Music Studio	1/250 SF
Veterinarian (*i.e. Not a Hospital or Clinic*)	1/300 SF

COMMERCIAL AND BUSINESS SERVICES LAND USES	
LAND USE	MINIMUM PARKING REQUIRED
Building and Landscape Materials	1/250 SF with a Minimum of 5
Commercial Other than Listed	As Determined by the Director
Exhibit Hall	1/100 SF
Medical or Scientific Research Laboratory	As Determined by the Director
Mortuary or Funeral Home	1/300 SF & 1/100 SF for Chapel
Research and Technology	1/500 SF or 1/Employee[1]
Shoe and Boot Repair and Sales	1/250 SF
Trade School	1/20 SF of Classroom Area

AUTO AND MARINE LAND USES	
LAND USE	MINIMUM PARKING REQUIRED
Auto Body Repair	2/Service Bay
Auto Mechanical Repair	2/Service Bay
Quick Lube/Oil Change	2/Service Bay
Truck Stop with Fuel and Accessory Services	1/200 SF for Retail/Restaurant, 2/Service Bay, & Mix of Truck and Car Stalls to be Determined by the Director
Truck/Trailer Rental	1/200 SF with a Minimum of 5

INDUSTRIAL AND MANUFACTURING LAND USES	
LAND USE	MINIMUM PARKING REQUIRED
Apparel Manufacturing	1/200 SF
Asphalt or Concrete Batch Plant	As Determined by the Director
Industrial and Manufacturing Other Than Listed	As Determined by the Director
Light Assembly and Fabrication	1/500 SF or 0.75/Employee[1&3]
Heavy Manufacturing	1/500 SF or 0.75/Employee[1&3]
Printing, Engraving, and Related Businesses	1/300 SF or 1/Employee[1]
Welding Repair	1/500 SF or 1/2 Employees[1]

INDUSTRIAL AND MANUFACTURING LAND USES	
LAND USE	MINIMUM PARKING REQUIRED
Distribution of Books or Other Printed Materials	1/1,000 or 1/2 Employees[1]
Gas/Chemical Bulk Storage	1/2,000 SF of Site Area
Mini-Warehouse	3 Parking Spaces & 1/100 Units
Packaging and/or Distribution	1/2,000 SF of Site Area or 1/2 Employees[1]
Recycling Collection Center and/or Storage	1/1,000 SF or 1/Employee[1]
Warehouse with Inside Storage	1/1,000
Outside Storage	As Determined by the Director
Warehouse Distribution Center	As Determined by the Director

UTILITIES, TRANSPORTATION, AND COMMUNICATION LAND USES	
LAND USE	MINIMUM PARKING REQUIRED
Commercial Antenna	1 Parking Space
Commercial Drone Delivery	1/300 SF of Drone Staging Area[4]
Telephone Switching Station	1 Parking Space
Electrical Substation	1 Parking Space
Utility Shop and Storage	1/2,000 SF of Site Area
Airport, Heliport, or Landing Field	As Determined by the Director
Helistop	5 Spaces for Commercial and 3 Spaces for Non-Commercial

Notes:
[1]: Whichever is greater.
[2]: As determined by the Director of Planning and Zoning.
[3]: Number of employees.
[4]: Plus any additional accessory land uses (*e.g. office, storage, etc.*).

Formatted Table

Formatted: Font: Bold, Font color: Dark Red, Superscript

DRAFT 05.2024

DRAFT
ORDINANCE
05.20.2024

Continued on Next Page …

SECTION 01 | PURPOSE

The purpose of this Article is to set forth regulations which protect the public from the potential negative effects of industrial and intense commercial development by regulating smoke and particulate matter, odorous matter, fire or explosive materials, toxic and noxious matter, vibration, open storage, glare and fuel supply in the vicinity of such sites.

SECTION 02 | APPLICABILITY

The following performance standards shall apply to all zoning districts in the City of Rockwall.

SECTION 03 | OUTDOOR LIGHTING FOR NON-RESIDENTIAL PROPERTIES

SUBSECTION 03.01: DEFINITIONS

(1) *Candela*. A measurement quantified in unit(s) of luminous intensity in any given direction. It is also commonly referred to as candlepower(s).

(2) *Floodlight*. An artificial illumination in broad beam, ~~above 15 watts~~ with a light source that extends more than two (2) inches below the horizontal plane of the laminar.

(3) *Footcandle (FC)*. ~~means t~~The amount of illumination provided by one lumen uniformly distributed on one (1) square foot of surface.

(4) *Full Cut-Off*. A light source that does not extend below the horizontal plan of the luminaire.

(5) *Light Source*. The device which produces visible energy, such as a bulb.

(6) *Lumen*. The quantity of luminous flux intercepted by a surface of one square foot, all points of which are one foot from a uniform source of one candela. A one-candela source provides 12.57 lumens.

(7) *Luminaire*. A complete lighting unit including a light source and all necessary mechanical, electrical, reflective, and decorative parts.

(8) *Partial Cut-Off*. A light source that extends no more than one inch below the horizontal plan of luminaire.

(9) *Standard*. The light pole and base.

(10) *Temporary Holiday Lighting*. The type of lighting typically used during the holiday periods.

SUBSECTION 03.02: PROHIBITED LIGHTING

It shall be unlawful to display or operate the following:

(A) An unshielded light source, including bare bulbs, ~~above 15 watts,~~ except for temporary holiday lighting, decorative lighting (*e.g. string lights*), and lights intended to illuminate a State or National flag on a flag pole.

(B) The operation of search lighting is prohibited except it shall be permitted for a period not to exceed 14 days from grand openings and promotional events with permission of the building official.

SUBSECTION 03.03: MINIMUM REQUIREMENTS

(A) *Glare*. In order to preserve the night sky and to reduce glare on roadways, pedestrian areas and adjacent development, light sources (*e.g. light bulbs*) shall be oriented down and toward the center of the site or shielded so as to not be visible from the property line. This applies to refractory lenses which extend beyond the lighting fixture and are designed to redirect the lighting source horizontally. This does not apply to neon or internally lit signs, or to decorative lighting ~~with 15 watts or less per bulb~~ (*e.g. string lights*).

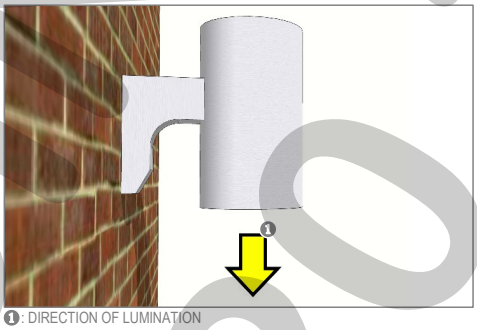
(B) *Light at Residential Property Line*. The allowable maximum light intensity measured at the property line of a residentially zoned lot shall be 0.2 of one footcandle.

(C) *Light at Non-Residential Property Line*. The allowable maximum light intensity measured at the property line of any non-residentially zoned lot shall be 0.2 of one (1) footcandle or 0.2 FC. For planned shopping centers or other commercial developments that contain more than one lot, the Planning and Zoning Commission may consider lighting plans that are intended to increase lighting efficiency and reduce the number of overall light fixtures, but result in light spillover across common lot lines within the same development; ~~.~~ Hhowever, in no case shall light levels exceed 0.2 FC at the property lines adjacent to the street and/or along the perimeter of the development.

(D) *Height*. No light pole, base or combination thereof shall exceed 30 feet, unless further restricted within an Overlay District as specified in Article 05, *District Development Standards*, of the Unified Development Code (UDC).

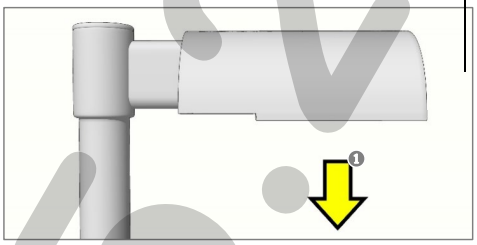
(E) *Building and Pole Mounted Lighting*. All building and pole mounted luminaries ~~exceeding 15 watts~~ shall be directed down with either a partial cut-off or full cut-off at the source. ~~(~~*See Figures 1-4 below*).

FIGURE 1: EXAMPLE OF FULL CUT-OFF BUILDING MOUNTED FIXTURE



1: DIRECTION OF LUMINATION

FIGURE 2: EXAMPLE OF FULL CUT-OFF POLE MOUNTED FIXTURE



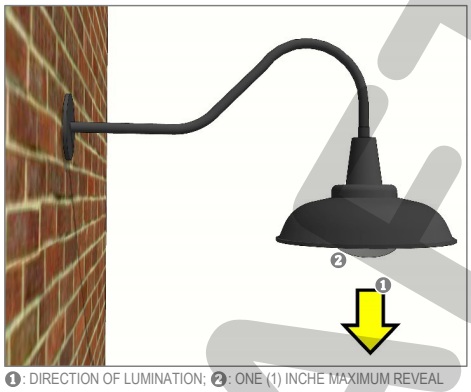
Formatted: Font: Italic

Formatted: Font: Italic

DRAFT ORDINANCE 05.20.2024

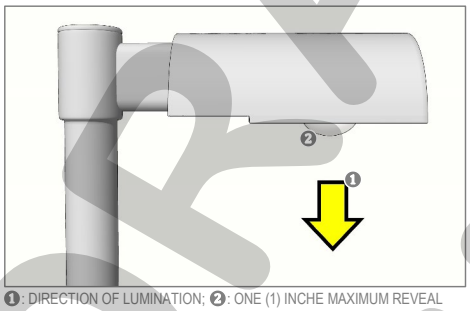
❶: DIRECTION OF LUMINATION

FIGURE 3: EXAMPLE OF PARTIAL CUT-OFF BUILDING MOUNTED FIXTURE



❶: DIRECTION OF LUMINATION; ❷: ONE (1) INCHE MAXIMUM REVEAL

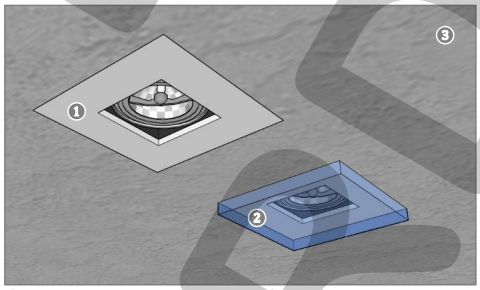
FIGURE 4: EXAMPLE OF PARTIAL CUT-OFF POLE MOUNTED FIXTURE



❶: DIRECTION OF LUMINATION; ❷: ONE (1) INCHE MAXIMUM REVEAL

(F) *Under-Canopy Lighting*. All under-canopy lighting, including, but not limited to, those fixtures utilized at fueling stations, drive-through lanes, and covered parking structures, shall be fully recessed into the canopy (~~*See see*~~ *Figure 5*).

FIGURE 5: EXAMPLES OF UNDER-CANOPY LIGHTING



❶: FLUSH LENS (*I.E. FULLY RECESSED*); ❷: PROJECTING LENDS (*I.E. NOT FULLY RECESSED*); ❸: CEILING

(G) *Illumination*. The maximum outdoor maintained, computed and measured illumination level within any nonresidential development shall not exceed 20 FC outdoors at any point on the site, with the following exceptions:

(1) Under-canopy lighting (*e.g., fuel stations, drive-through lanes and covered parking structures*) shall not exceed 35 FC. The remainder of the property shall comply with the 20-FC maximum.

(2) Lighting for motor vehicle dealerships shall not exceed 30 FC within the front yard(s) of the development. The remainder of the property shall comply with the 20-FC maximum.

(H) *Exemptions*. Historic or antique-style pedestrian light fixtures approved by the Planning and Zoning Commission are excluded from these standards.

SUBSECTION 03.04: PLAN REQUIRED

A photometric plan describing compliance with the provisions of this section shall be submitted to the Director of Planning and Zoning prior to the issuance of any building permit or Certificate of Occupancy (CO) that proposes additional lighting. This plan shall be prepared by an appropriate lighting designer such as a lighting engineer, architect or other qualified lighting designer. Upon installation of the lighting, the designer shall provide a letter certifying that the lighting is installed in accordance with the approved design and this section. The Director of Planning and Zoning shall have the authority to interpret and determine compliance with this section. The Planning and Zoning Commission may grant exemptions to the provisions of this Article if compliance will result in substantial financial hardship or inequity, so long as said exemption is without harm to the public. Decisions of the Planning and Zoning Commission may be appealed to the City Council.

SUBSECTION 03.05: NON-CONFORMING LIGHTING

Luminaries installed prior to the adoption of this Unified Development Code (UDC) shall be exempt from the requirements herein.

SUBSECTION 03.06: EXEMPTIONS

Lighting installed by or for a governmental agency for the public benefit that is used for activities for the public benefit such as right of way, ball fields, airports and parks;~~.~~ ~~H~~however, parking lot lighting for these activities shall be meet the requirements of the section.

SECTION 04 | NOISE

SUBSECTION 04.01: IN GENERAL

Refer to Article IV, *Noise*, of Chapter 16, *Environment*, of the Municipal Code of Ordinances for noise regulations.

SECTION 05 | SMOKE AND PARTICULATE MATTER

SUBSECTION 05.01: STANDARDS

No industrial operation or use shall cause, create, or allow the emission for more than three minutes in any one hour, of air contaminants which at the emission point or within the bounds of the property are:

(A) In violation of the standards specified by the Texas Natural Resource Conservation commission, or subsequent agency; or

DRAFT ORDINANCE 05.20.2024

(B) Of such capacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in *Subsection A* above except that, when the presence of steam is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the outside atmosphere, performance shall be considered to comply with this section.

SUBSECTION 05.02: COMBINED STANDARDS

The emission of particulate matter from all sources in a district subject to this Article shall not exceed the level specified by the Texas Natural Resource Conservation Commission, or subsequent agency.

SUBSECTION 05.03: STANDARDS MEASURED AT THE PROPERTY LINE

Open storage and open processing operations, including on-site transportation movements which are the source of wind or airborne dust or other particulate matter; or which involve dust or other particulate air contaminant generating equipment including, but not limited to, paint spraying, grain handling, sand or gravel processing or storage or sand blasting shall be so conducted such that dust and other particulate matter so generated are not transported across the boundary property line or the tract on which the use is located in concentrations exceeding standards set by the Texas Natural Resource Conservation Commission.

SECTION 06 | ODOROUS~~E~~ MATTER

SUBSECTION 06.01: APPLICABILITY

No use shall be operated in any zoning district in such a manner that the emission of odorous matter occurs in such quantity or volume as to produce a nuisance, source of discomfort or hazard beyond the bounding property lines of such use.

SUBSECTION 06.02: DETERMINATION

The odor threshold as herein referred to shall be determined by observation by a person or persons designated by the City Council. In any case, where the operator of an odor-emitting use may disagree with the enforcing officer where specific measurement of odor concentration is required, the method and procedures specified by the American Society for *Testing Materials ASTMD 1391-57* entitled Standard Method for Measuring Odors in Atmosphere shall be used.

SECTION 07 | TOXIC AND NOXIOUS MATTER

No industrial operation or other use shall emit toxic or noxious matter in any concentration across the bounding property line of the tract on which operation or use is located. The requirements of the Texas Air Control Board shall be met.

SECTION 08 | VIBRATION

Any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent property line, earthborn vibrations in excess of the limits set forth in ~~column~~ *Column I* (~~below~~*in Table 1: Vibrations Standards*) are prohibited. In addition, any industrial operation or activity which shall cause at any time and at any point along a zone boundary line, earthborn vibrations in excess of the limits set forth in column II are prohibited. Vibrations shall be expressed as resultant displacement in inches.

TABLE 1: VIBRATION STANDARDS

FREQUENCY (CYCLES PER SECOND)	DIPLACEMENT I (INCHES)	DISPLACEMENT II (INCHES)
0 – 10	0.0008	0.0004
10 – 20	0.0005	0.0002
20 – 30	0.0002	0.0001
30 – 40	0.0002	0.0001
40+	0.0001	0.0001

This tabulation is for steady state vibration~~s~~, which is defined as continuous vibration in contrast to discrete pulses. Impact vibration, that is, discrete pulses which do not exceed 100 pulses per minute, shall not produce in excess of twice (*i.e. two [2] times*) the displacement stipulated above.

SECTION 09 | FIRE OR EXPLOSIVE HAZARD MATERIAL

SUBSECTION 09.01: EXPLOSIVE AND/OR FLAMMABLE MATERIAL

The storage, manufacture and/or use of all explosive and/or flammable liquids, solids or gases shall be permitted only when such storage, manufacture or use conforms to the standards and regulations established in Chapter 18, *Fire Prevention and Protection*, of the Municipal Code of Ordinances, as well as all other applicable city codes.

SECTION 10 | WATER AND WASTE POLLUTION

SUBSECTION 10.01: WATER POLLUTION

No operation or activity shall discharge or cause to be discharged, liquid or solid waste into public waters unless in conformance with the provisions of the Texas Water Quality Board.

SUBSECTION 10.02: LIQUID OR SOLID WASTE

No discharge at any point will be allowed into any public sewer, private sewer disposal system, or stream or into the ground, except in accordance with standards approved by the state health department or standards equivalent to those approved by such department, for similar uses, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements. All discharges shall comply with all applicable city ordinances.

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

DRAFT ORDINANCE 05.2024

Continued on Next Page …

DRAFT
ORDINANCE
05.20.2024

SECTION 01 | PURPOSE

The purpose of Article 08, *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.

SECTION 02 | APPLICATION OF ARTICLE

SUBSECTION 02.01: 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 02.01(A)(2).

(b) The expansion of a non-residential building or structure that increases the existing floor area by 30.00% 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 30.00% or that adds 2,000 SF of impervious coverage.

(2) Unless otherwise indicated in this *Article*, ~~T~~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 02.01(A) or Article 11, *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 06, *Non-Conforming Uses, Structures, and Sites*, of Article 04, *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 existing single-family and/or duplex land uses.

(d) Properties zoned Downtown (DT) District, as defined by Subsection 04.07, *Downtown (DT) District*, of Article 05, *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 02.01(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 06.02, *General Overlay District Standards*, of Article 05, *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 02.02: 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~~ Landscaping ~~plan~~ 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 09.01, *Exceptions to the General Standards*, of Article 11, *Development Applications and Review Procedures*.

Formatted: Font: Italic

Formatted: Font: Italic

SUBSECTION 02.03: EXCEPTIONS TO THE FENCE STANDARDS

All exceptions to the fence standards contained in this *Article* will be subject to the requirements of Section 08, *Fence Standards*.

Formatted: Font: Italic

SECTION 03 | LANDSCAPE PLAN

SUBSECTION 03.01: 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 03, *Site Plans*, of Article 11, *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), or a Horticulturist with a Bachelor's Degree unless otherwise permitted by the Director of Planning and Zoning.

DRAFT ORDINANCE 05.07.2024

SUBSECTION 03.02: 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 03, *Site Plans*, of Article 11, *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 03, *Site Plans*, of Article 11, *Development Applications and Review Procedures*.

SECTION 04 | ~~APPROVED~~ LANDSCAPE 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 C, *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.

(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.

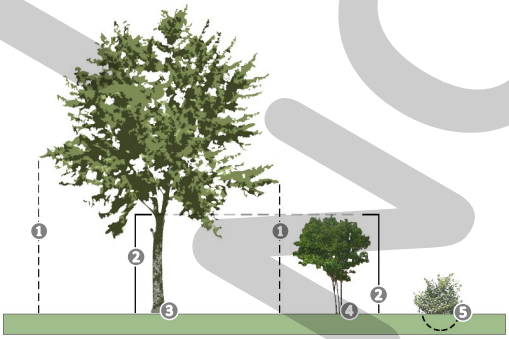
(4) DBH or *Diameter at Breast Height* is the standard dendrometric measurement for trees, and is measured at a height of ~~4½ four (4)~~ feet above grade.

(5) The City of Rockwall encourages developments to incorporate ~~*xeriscaping*~~*Xeriscaping/smartscaping 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 05.05, *Xeriscaping and Smartscaping Standards*.

(B) *Prohibited Planting Materials*.

(1) *Artificial or Synthetic Plant Materials*.

FIGURE 1: APPROVED PLANTING MATERIALS AND SIZE



❶: DRIP LINE; ❷: FOUR (4) FEET; ❸: CANOPY TREE; ❹: ACCENT TREE; ❺: ~~THREE~~ FIVE (~~35~~) GALLON SHRUB

(a) *Non-Residential Property*. Artificial or synthetic plant materials (*e.g. artificial grass, turf, trees, and/or shrubs*) shall be prohibited on all non-residentially zoned or used property in the City of Rockwall; however, the Planning and Zoning Commission can grant an *Exception* in accordance with the procedures contained in Subsection 09.01, *Exceptions to the General Standards*, of Article 11, *Development Applications and Review Procedures*, of this Unified Development Code (UDC) where it is found that the artificial plant materials are integral to the operations of the proposed non-residential land use or where it will serve as an on-site amenity to the non-residential land use.

(b) *Residential Property*. Artificial or synthetic plant materials (*e.g. artificial grass, turf, trees, and/or shrubs*) shall be prohibited on all residentially zoned or used property in: [*1*] the required front yard (*i.e. the area that extends from the front property line to the front façade of the primary structure*); [*2*] in areas of the required side or rear yard that are visible from public right-of-way, open space, or public parkland; [*3*] in public rights-of-way; and [*4*] in easements; however, a maximum of 400 square feet of non-PFAS (*i.e. Perfluorinated Alkylated Substances*) artificial grass or turf shall be permitted in the rear yard of all residentially zoned or used property regardless of visibility or screening.

~~(1)~~

SECTION 05 | LANDSCAPE STANDARDS

SUBSECTION 05.01: LANDSCAPE BUFFERS

The minimum requirements for landscape buffers shall be as follows:

(A) *Residential Landscape Buffers in Subdivisions*. (see *Figure 2: Residential Landscape Buffers Example*)

(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

Formatted: Font:
Formatted: Font: Italic
Formatted: Font:
Formatted: Font:
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Font:
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font:
Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: Italic
Formatted: Font: 5 pt

DRAFT FOR PUBLIC REVIEW 05.20.2024

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.

(B) *Non-Residential Landscape Buffers*. (see *Figure 3: Commercial Landscape Buffers Example*)

(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 05.02(B), *Screening from Residential*.

(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 05.02: 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 01.05, *Screening Standards*, of Article 05, *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:

FIGURE 2: RESIDENTIAL LANDSCAPE BUFFERS EXAMPLE

1: RESIDENTIAL PROPERTY; 2: BUILD LINE; 3: COLLECTOR STREET; 4: TEN (10) FOOT LANDSCAPE BUFFER; 5: PERIMETER COLLECTOR OR ARTERIALS ROADWAY

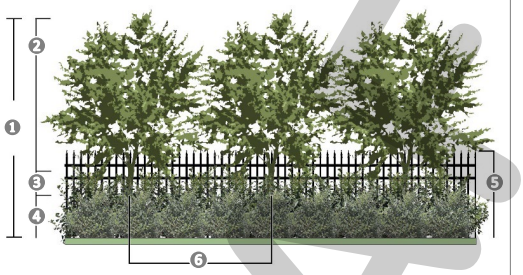
FIGURE 3: COMMERCIAL LANDSCAPE BUFFERS EXAMPLE

1: STREET; 2: RESIDENTIALLY ZONED OR USED PROPERTY; 3: INDUSTRIAL OR COMMERCIAL ZONING/USE; 4: ALLEYWAY; 5: TEN (10) FOOT LANDSCAPE BUFFER WITH ACCENT AND CANOPY TREES; 6: 20-FOOT LANDSCAPE BUFFER WITH THREE (3) TIERED SCREENING

DRAFT
05.09.2024

(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.

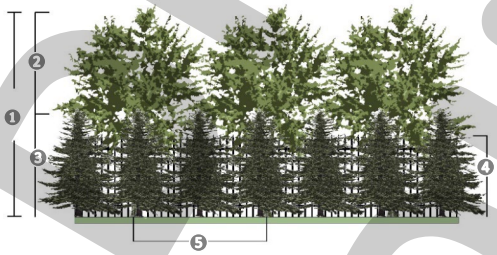
FIGURE 4: ALTERNATIVE #1



❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: ACCENT TREE OR LARGE SHRUB; ❹: SMALL SHRUB; ❺: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE; ❻: CANOPY TREES 20-FOOT ON CENTER

~~(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.

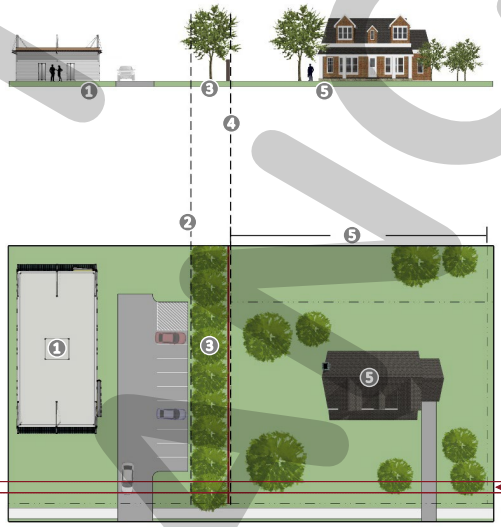
FIGURE 5: ALTERNATIVE #2



❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: TWO (2) ROWS OF EVERGREEN ACCENT TREES 20-FOOT OFFSET; ❹: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE; ❺: CANOPY TREES 20-FOOT ON CENTER

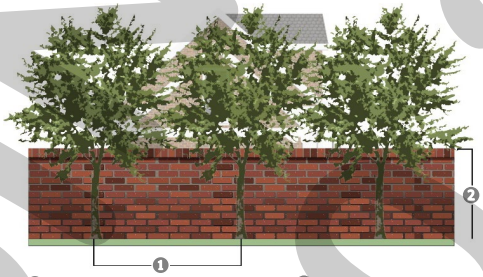
(B) *Screening from Residential*. Any non-residential or multi-family land use or parking area that has a side or rear contiguous to any residentially zoned or used property shall be screened with a masonry fence a minimum of six (6) feet in height with canopy trees planted on 20-foot centers (*as depicted 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



❶: COMMERCIAL PROPERTY; ❷: 20-FOOT LANDSCAPE BUFFER; ❸: CANOPY TREES 20-FOOT ON CENTER; ❹: MINIMUM SIX (6) FOOT MASONRY WALL ON PROPERTY LINE; ❺: RESIDENTIAL PROPERTY;

FIGURE 7: MASONRY FENCE WITH CANOPY TREES IN PERSPECTIVE VIEW



❶: CANOPY TREES 20-FOOT ON CENTER; ❷: MINIMUM SIX (6) FOOT MASONRY WALL;

~~(C)~~ *Continued on Next Page ...*

Formatted: No underline

Formatted: Font: 5 pt, Not Italic, No underline

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: 5 pt

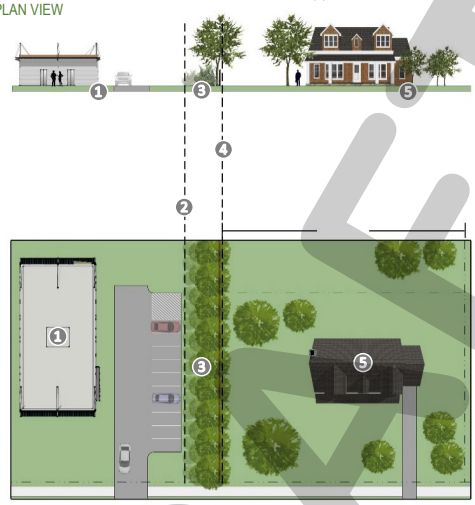
Formatted: Indent: Left: 0"

Formatted: Centered, No bullets or numbering

Formatted: Font: Italic

DRAFT 05.20.2024

FIGURE 8: WROUGHT IRON FENCE WITH THREE (3) TIERED SCREENING IN PLAN VIEW



❶: COMMERCIAL PROPERTY; ❷: 20-FOOT LANDSCAPE BUFFER; ❸: THREE (3) TIERED SCEENING; ❹: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE ON PROPERTY LINE; ❺: RESIDENTIAL PROPERTY

FIGURE 9: ALTERNATIVE #1 [WROUGHT IRON FENCE WITH THREE (3) TIERED SCREENING IN PERSPECTIVE VIEW]

❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: LARGE SHRUB/ACCENT TREE; ❹: SMALL SHRUB; ❺: SIX (6) FOOT WROUGHT IRON FENCE; ❻: CANOPY TREES 20-FOOT ON CENTER

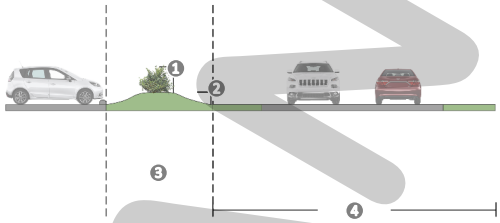
FIGURE 10: ALTERNATIVE #2 [WROUGHT IRON FENCE WITH TIERED SCREENING IN PERSPECTIVE VIEW]

❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: TWO (2) ROWS OF EVERGREEN ACCENT TREES 20-FOOT OFFSET; ❹: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE; ❺: CANOPY TREES 20-FOOT ON CENTER

~~(D)~~(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.

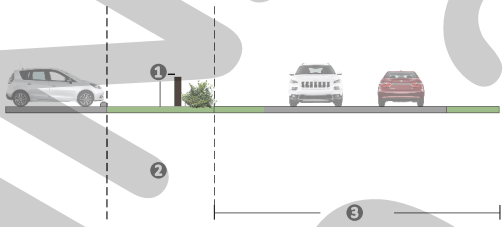
FIGURE 11: ALTERNATIVE #1 [HEADLIGHT SCREENING USING LANDSCAPING AND A BERM]



❶: MINIMUM THREE (3) FOOT SHRUB; ❷: MINIMUM TWO (2) FOOT BERM; ❸: 20-FOOT LANDCSAPE BUFFER; ❹: STREET OR ALLEYWAY

(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]



❶: MINIMUM THREE (3) FOOT MASONRY WALL; ❷: 20-FOOT LANDCSAPE BUFFER; ❸: STREET OR ALLEYWAY

~~(E)~~(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

DRAFT ORDINANCE 05-20-2024

be installed and verified by the Director of Planning and Zoning or his/her designee.

SUBSECTION 05.03: LANDSCAPE REQUIREMENTS

(A) *Amount of Landscaping*. The following landscaping percentages shall be required and shall apply to the total site area to be developed:

TABLE 1: REQUIRED LANDSCAPING BY ZONING DISTRICT

ZONING DISTRICT	REQUIRED LANDSCAPING	REQUIRED WITH MAXIMUM CREDIT
Multi-Family 14 (MF-14) District	35%	22½%
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%
Downtown (DT) District	See Subsection 04.07; Article 05	

(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 per 1,500 SF 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.

FIGURE 13: LANDSCAPE REQUIREMENTS

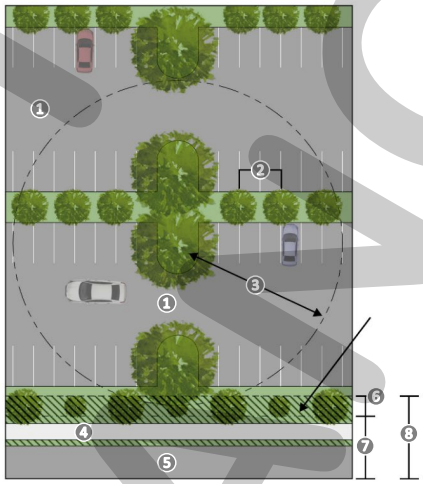
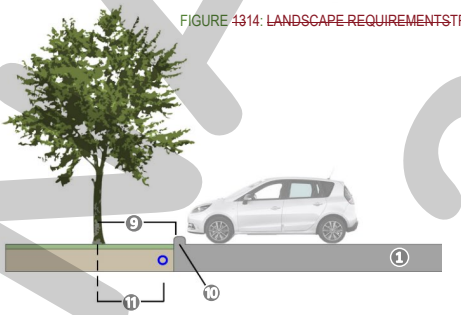


FIGURE ~~13~~14: ~~LANDSCAPE REQUIREMENTS~~TREE PLANTING REQUIREMENTS



❶: PARKING LOT; ❷: 20-FOOT SEPERATION; ❸: 80-FOOT BUFFER; ❹: SIDEWALK; ❺: STREET; ❻: TEN (10) FOOT LANDSCAPE BUFFER; ❼: RIGHT-OF-WAY; ❽: AREA REQUIRED TO BE IMPROVED WITH SOD (*I.E. HYDOMULCH IS PROHIBITED*); ❾: TREE MUST BE A MINIMUM OF FIVE (5) FEET FROM THE EDGE OF PAVEMENT; ❿: VEHICLE PROTECTION; ⓫: TREE MUST BE A MINIMUM OF FIVE (5) FEET OFF THE WATER/SEWER LINE

(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

DRAFT ONLY 05.01.2024

approved by the Building Inspections Department prior to installation and acceptance of the project.

SUBSECTION 05.04: 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.

SUBSECTION 05.05: XERISCAPING/SMARTSCAPING STANDARDS

(A) *Purpose*. The purpose of this section is to promote the establishment of water conscious landscaping through the implementation of xeriscaping/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 C, *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/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.

DRAFT ORDINANCE 05.2024

(7) *Appropriate Maintenance*. Proper pruning, weeding and fertilization as required with all landscape plans shall be required. Typically, xeriscape/smartscaping 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 Subsection 05.03(D) (*i.e. one [1] tree per every 750 SF and one [1] accent tree per 1,500 SF of detention area*). Instead, a four (4) shrubs or ornamental grasses per every 750 SF of ~~dry~~ detention ~~land~~ area shall be required to be planted on the site or around the detention area.

(3) A maximum of 30.00% 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.

SECTION 06 | LANDSCAPE CREDITS

Credits to the landscape requirements may be achieved as follows:

SUBSECTION 06.01: 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 05, *District Development Standards*.

SUBSECTION 06.02: 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 06.03: 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 05.05, *Xeriscaping/Smartscaping Standards*, of this Article have been satisfied.

SECTION 07 | COMPLETION OF LANDSCAPING

SUBSECTION 07.01: IN ACCORDANCE WITH APPROVED PLANS

Except as otherwise provided in Subsection 07.02, 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 07.02) 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.

SUBSECTION 07.02: 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 07.03: FORFEITURE OF ESCROW

If a temporary Certificate of Occupancy (CO) is issued under Subsection 07.02 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.

DRAFT ORDINANCE 05.20.2024

FIGURE 15: CORNER LOTS

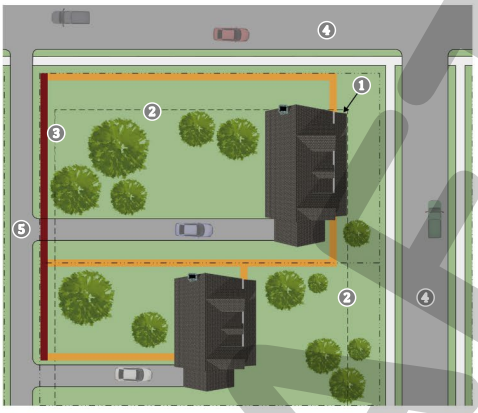


FIGURE 16: FENCES BACK TO A STREET

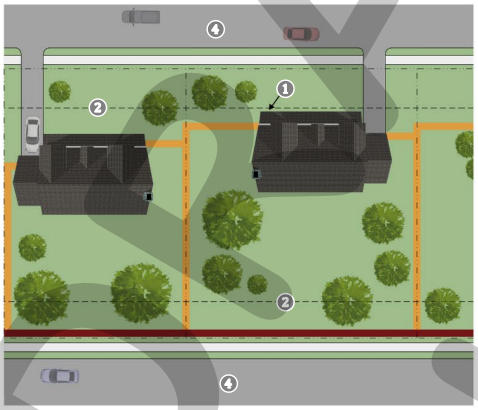
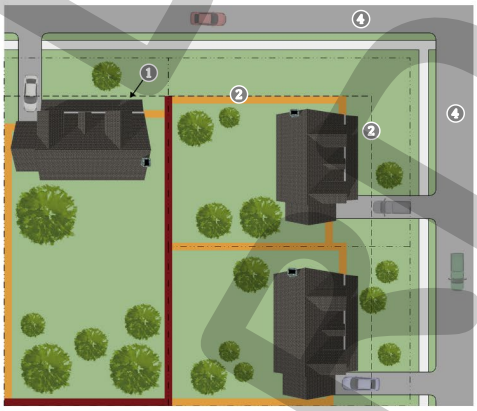


FIGURE 17: FENCES BACKING TO A SIDE YARD



❶: PORCH; ❷: 20-FOOT BUILD LINE; ❸: TEN (10) FOOT BUILD LINE; ❹: STREET; ❺: ALLEYWAY; **REAR YARD FENCE**; SIDE YARD FENCE

Formatted: Normal

SECTION 08 | FENCE STANDARDS

SUBSECTION 08.01: 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 08.02: 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 08, *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 08.03(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.

DRAFT 05.21.2024

(6) PVC mesh (*i.e. tennis court mesh/windscreen*) or other materials or appurtenances (*e.g. slats, bamboo, mesh netting, fake or artificial plants or patterned material, signage, banners, etc.*) intended to provide screening that are affixed to wrought iron, decorative metal, chain-link or semi-transparent fencing shall be prohibited.

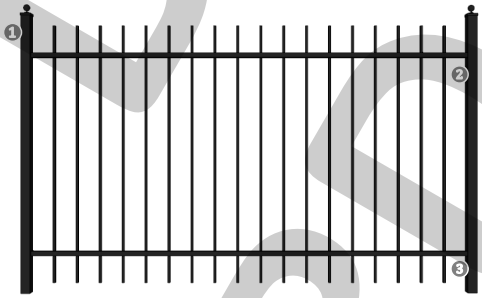
~~(6)~~(7) Solid wood fencing exceeding 48-inches in height shall be constructed using metal posts set in concrete, or brick, stone or a combination of brick and stone columns.

(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*.

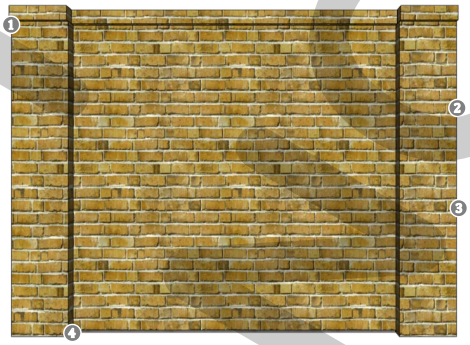
❶: Top Rail; ❷: Galvanized or Stainless-Steel Post (*Recommended Minimum of* 2.375"); ❸: Stinger Board (Recommended Minimum of 2" x 3"); ❹: Minimum ½" Wood Screen.

(2) *Wrought Iron Fence*.



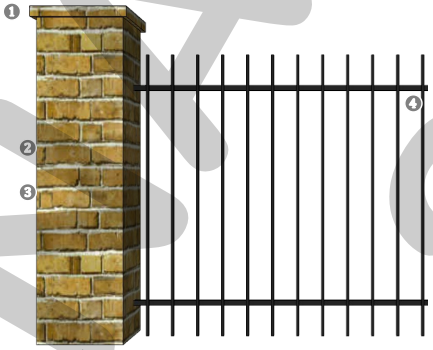
❶: Painted or Powder Coated with a Decay Resistant Paint; ❷: Top Rail; ❸: Bottom Rail.

(3) *Masonry Wall*.



❶: Rowlock Cap; ❷: Running Bond; ❸: 3/8" Tooled Joints (*Typical*); ❹: Concrete Footing/Mow Strip.

(4) *Fences with Masonry Columns*.

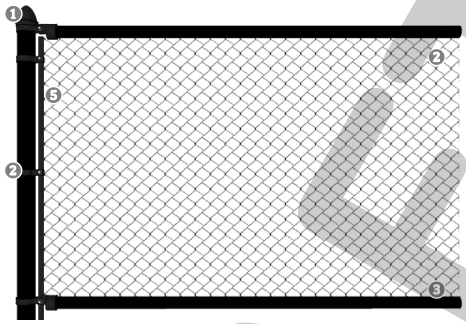


❶: Rowlock Cap; ❷: Running Bond; ❸: 3/8" Tooled Joints (*Typical*); ❹: Wrought Iron or *Board-On-Board* Wood Fence.

Formatted: List Paragraph, Add space between paragraphs of the same style, No bullets or numbering

DRAFT ORDINANCE 05.07.2024

(5) *Vinyl Coated Chain-Link Fence*.



❶: Post Cap; ❷: Top Rail; ❸: Bottom Rail; ❹: Tension Band; ❺: 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 08.03: 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-feet 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 08.02(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 *not* be subject to the approval criteria and voting requirements stipulated by Section 09.01, *Exceptions to the General Standards*, of Article 11, *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 and all posts and/or framing shall be placed on the private side when adjacent to a public street (*excluding alleyway*), open space, public park, and/or neighboring properties. Painting a fence with oil or latex based paint shall be prohibited.

(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.

DRAFT ORDINANCE 05.20.2024

(b) *Chain-Link Fences*.

(I) *New Chain-Link Fences*. New chain-link fences shall be prohibited.

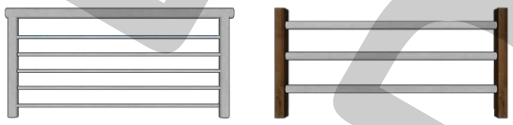
(II) *Replacement of an Existing Chain-Link Fence*. Existing chain-link fences maybe replaced with a new vinyl coated, chain-link fence that is a minimum of four (4) feet in height and a maximum of six (6) feet in height. Replacement chain-link fences may only be placed in the location of the existing 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*) and/or alternative fence standards on a *case-by-case* basis. These exceptions will *not* be subject to the approval criteria and voting requirements stipulated by Section 09.01, *Exceptions to the General Standards*, of Article 11, *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 08.03(A) & 08.03(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.

FIGURE 14: EXAMPLES OF 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*).

FIGURE 18: THROUGH LOTS

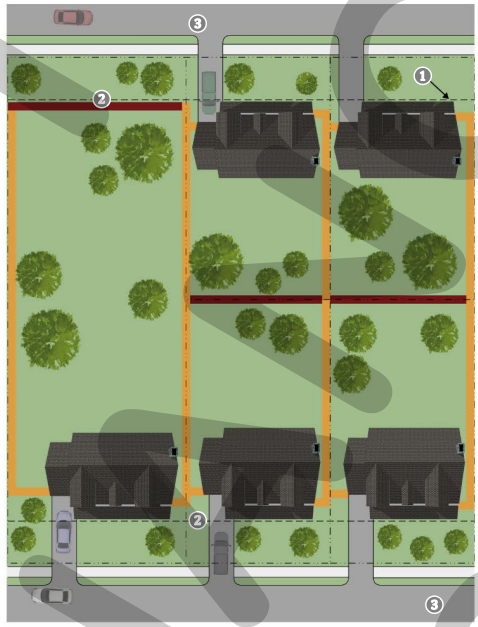
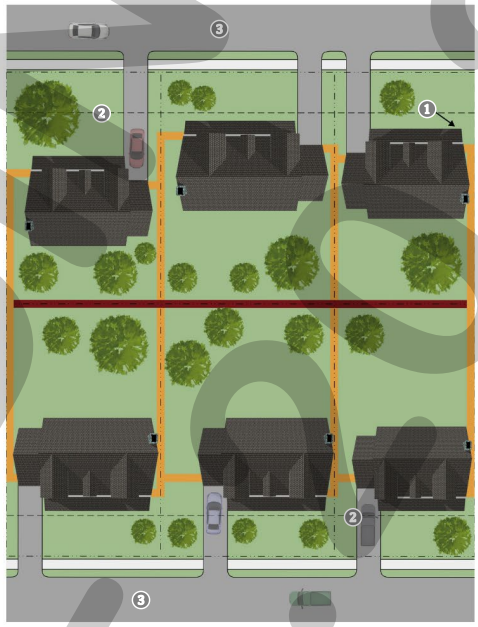


FIGURE 19: FENCES WITH COMMON REAR YARDS



❶: PORCH; ❷: 20-FOOT BUILD LINE; ❸: STREET; **REAR YARD FENCE**; **SIDE YARD FENCE**

DRAFT 05.03.2024

(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*).

(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 08.03(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.

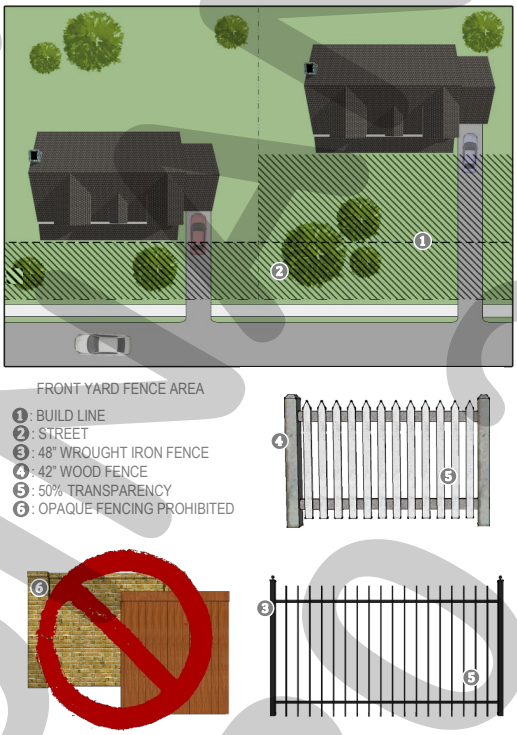
In considering a front yard fence, the Planning and Zoning Commission may require applicants to provide additional information, plans, drawings, and/or other information concerning the proposed front yard fence. In addition, the Planning and Zoning Commission may establish additional conditions of construction for any fence.

(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 08.03(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.

FIGURE 20: RESIDENTIAL FRONT YARD FENCES



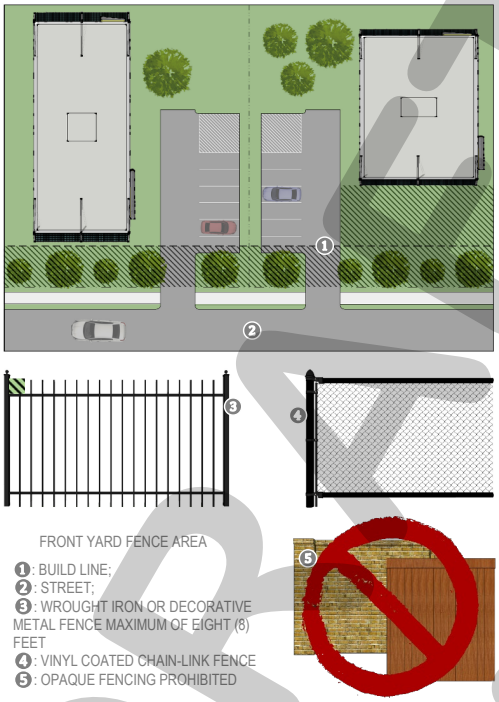
SUBSECTION 08.04: NON-RESIDENTIAL FENCES

(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

DRAFT ORDINANCE 05.20.2024

FIGURE 21: NON-RESIDENTIAL FRONT YARD FENCES



FRONT YARD FENCE AREA

❶: BUILD LINE;
❷: STREET;
❸: WROUGHT IRON OR DECORATIVE METAL FENCE MAXIMUM OF EIGHT (8) FEET
❹: VINYL COATED CHAIN-LINK FENCE
❺: OPAQUE FENCING PROHIBITED

specified in Subsection 04.07, *Downtown (DT) District*, of Article 05, *District Development Standards*, wood fences proposed in a Residential Office (RO) District or Downtown (DT) District -- *in conformance with the requirements of Subsection 08.03(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.

SECTION 09 | GENERAL MAINTENANCE

SUBSECTION 09.01: 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 09.02: 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 09.03: 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.

DRAFT ORDINANCE 05.20.2024

Continued on Next Page …

DRAFT
ORDINANCE
05.20.2024

SECTION 01 | PURPOSE, APPLICABILITY, AND EXEMPTIONS

SUBSECTION 01.01: PURPOSE

The purpose of this *Article* is to secure the preservation of mature, healthy trees and natural areas, and to ensure the consideration of protected trees during the planning and design process for development and/or redevelopment within the City. In addition, this Article is intended to layout procedures for the protection of trees during the construction process, and outline the requirements for the replacement and replanting of trees that have been removed. This Article also provides protection for the indiscriminate clearing of any property within the City.

SUBSECTION 01.02: APPLICABILITY

The terms and provisions of this Article shall apply to all real property within the City's corporate limits that meets one of the following criteria:

(A) The establishment of a new subdivision of land.

(B) The replatting of undeveloped land for the purpose of combining and/or subdividing real property.

(C) The development of a residential tract of land that is greater than or equal to three (3) acres.

(D) The development and/or removal of trees on a non-residential tract of land that is greater than or equal to one acre.

(E) A submission of a site plan and/or plat for the purpose of developing, subdividing or combing non-residential land.

SUBSECTION 01.03: EXEMPTIONS

The terms and provisions of this Article shall not apply if the following conditions exist:

(A) *Agricultural Property*. Property zoned Agricultural (AG) District and being actively used for agricultural purposes shall be exempt from the requirements specified by this *Article*; however, clear-cutting of land on property zoned Agricultural (AG) District that is not being actively used for agricultural purposes is prohibited.

(B) *Damaged/Diseased Trees*. If a certified arborist establishes that the tree is dead, diseased, damaged beyond the point of recovery, or in danger of falling the tree maybe removed.

(C) *Residential Property*. The owner of a property with an existing single-family home shall be exempt from the tree protection and replacement requirements specified by this Article as it pertains to that property on which the home is located.

(D) *Public Safety*. If the City determines that a tree or trees create unsafe vision clearance or conflicts with other ordinances or regulations, or the tree or trees are determined to be in a diseased, dead, hazardous or dangerous condition so as to endanger the public health, safety or welfare of the general public, the City or property owner may remove the tree or trees without being required to follow the terms and provisions of this ordinance.

(E) *Utility Service Interruption*. The tree has disrupted a public utility service due to tornado, flood or another act of God. Removal shall be limited to the part of the tree that is found necessary to be removed to reestablish and maintain the utility service.

(F) *Utility Companies, Utility Service and or Distribution/Transmission Lines*. Utility companies shall not be subject to the tree protection or replacement requirements in this Article when establishing distribution and transmission lines. When establishing new utility service, services should be routed between the service pole or transmission and distribution lines and the building being served in a manner that does not require the removal of a protected of feature tree. All right-of-way, easements or similar types of public property maintained by utility companies shall not be subject to the tree protection or replacement requirements of this Article.

(G) *Public Property*. All right-of-way, easements or similar types of public property maintained by the City shall not be subject to the terms and provisions of this *Article*.

(H) *Trees Clearance Pruned by a Utility*. At the discretion of the City Arborist or the Director of the Parks and Recreation Department, trees that are located under existing powerlines or within an ONCOR easement that have clearance pruned by a utility (*i.e. that have been walled or 'V-cut'*) may be exempted from the mitigation requirements stipulated by this *Article*.

SECTION 02 | DEFINITIONS

(1) *Cedar Tree*. A *Cedar Tree* referenced in this *Article* shall mean Eastern Red Cedar.

(2) *Critical Root Zone (CRZ)*. The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line but not less than a one-foot radius for each one-inch DBH.

(3) *Clear-Cutting*. The removal of all trees or a significant majority of the trees within an area.

(4) *Diameter at Breast Height (DBH)*. The diameter in inches of a tree as measured through the main trunk at a point 4½-feet above the natural ground level.

(5) *Drip Line*. A vertical line running through the outermost portion of the crown of a tree and extending down to the ground.

(6) *Feature Tree*. Any tree ~~-- *excluding non-protected trees* --~~ that has a DBH of greater than 25-inches. Feature trees may not be removed without approval of the Planning and Zoning Commission.

(7) *Limits of Construction*. A delineation on the treescape plan that shows the boundary of the area within which all construction activity will occur.

(8) *Non-Protected Tree*. All Bois d'Arc, Willow, Cottonwood, Honey Locust, Chinaberry, and Hackberry trees regardless of size, and cedar trees less than eight (8) feet in height shall be considered non-protected trees and do not require mitigation to be removed.

(9) *Primary Protected Tree*. Any tree -- *excluding non-protected trees and hackberry and cedar trees* -- that ~~have~~ has a DBH of four (4) inches or greater. The removal of any protected tree shall require the approval of the Planning and Zoning Commission. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk at DBH to one-half (½) the diameter of each additional trunk.

DRAFT ORDINANCE 05.2024

(10) *Protective/Temporary Fencing.* Snow fencing, chain-link fencing, orange vinyl construction fencing or similar fencing with a four-foot approximate height. The Director of Planning and Zoning and zoning or his/her designee, shall determine the appropriate type of fencing for any particular property or portion thereof.

(11) *Replacement Tree.* A tree from the reclamation/tree preservation list contained in *Table 1.1: Required Trees by District* contained in Appendix C, *Landscape Guidelines and Requirements*, of the Unified Development Code (UDC) with a minimum caliper size of four (4) inches and height of seven (7) feet. For the purpose of determining size, replacement trees should be measured at DBH.

(12) *Secondary Protected Tree.* Any cedar tree that is eight (8) feet in height or greater. The removal of any protected tree shall require the approval of the Planning and Zoning Commission. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk at DBH to one-half the diameter of each additional trunk.

(13) *Tree.* Any self-supported woody perennial plant that will attain a trunk diameter of three (3) inches DBH and normally attains an overall height of at least 15-feet at maturity; usually with one main stem or trunk and many branches.

SECTION 03 | TREESCAPE PLAN

SUBSECTION 03.01: TREESCAPE

A treescape plan is a plan showing the exact location, size (*i.e. trunk diameter and height*), and common name of all trees, four (4) inches and greater and indicating the trees that are proposed to be removed, transplanted or replaced. A treescape plan shall be prepared by a landscape architect or design professional, be drawn to the largest scale practical, and incorporate the following elements:

(A) The location of all existing and/or proposed structures, or building pads as shown on the grading plan and all improvements properly dimensioned and referenced to the property lines.

(B) The building setbacks.

(C) All existing and proposed site elevations, grades, major contour lines and the limits of construction.

(D) The location of all existing or proposed utilities and easements.

(E) The location of all protected and feature trees.

(F) The location of all trees to be removed from the site and the location of all replacement trees.

(G) A spreadsheet indicating all trees by species, the *Locational ID* or tree tag number as shown on the treescape plan, the DBH/caliper inch, the health of the tree, if the tree has a disease or an insect infestation, if it is structurally sound, and the mitigation necessary if the tree is to be removed. Each column with numeric values shall be totaled (*see Table 2: Example of Treescape Plan Spreadsheet below).*

(H) A title block stating street address, lot and block, subdivision name, date and project number.

(I) The name, address, and phone number of the person preparing the plan and the developer/property owner.

(J) Tree survey shall be performed by an arborist, horticulturalist, or landscape architect with a preference for an arborist certified by the International Society of Arboriculture (ISA).

SUBSECTION 03.02: TREESCAPE PLAN REQUIRED

No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any tree situated on a property regulated by this Article without first submitting and receiving approval of a treescape plan unless otherwise allowed by this Article.

For properties that have no protected or feature trees or where the development of the property will not require the removal of any protected or feature trees, the developer or property owner may submit a letter certifying that no protected or feature trees will be affected as a result of the proposed development. This letter will be submitted with the understanding that if it is determined that there are protected or feature trees on the property any violation of the provisions of this Article shall be subject to the violation provisions and fines stipulated in Section 10, *Violations*.

Staff may administratively approve any treescape plan or letter that does not involve the removal of any protected or feature trees.

SUBSECTION 03.03: TREESCAPE APPLICATION

All applications for treescape plans shall be submitted to the Director of Planning and Zoning or his/her designee. In addition to the application, an applicant shall also submit [*1*] a treescape plan conforming to the requirements of this Article and [*2*] a letter from the applicant or property owner indicating the reason for the removal of any protected or feature trees. A treescape plan may also be required with an application for a site plan and/or a preliminary plat, replat, or final plat.

SUBSECTION 03.04: TREESCAPE PLAN REVIEW PROCESS

The Director of Planning and Zoning, or his/her designee, shall review the treescape plan and approve the plan per the requirements of this Article, or forward any recommendations to the Planning and Zoning Commission. As part of the treescape plan review process, the City has the right to request changes or adjustments in the layout and design of a development to save trees. The Planning and Zoning Commission will review and approve or disapprove the treescape plan. The decision of

TABLE 2: EXAMPLE OF TREESCAPE PLAN SPREADSHEET

#	SPECIES	CALIPER	PROTECT OR REMOVE	TREE HEALTH (1-5)	DISEASE (Y/N)	INSECT (Y/N)	STRUCTURAL (Y/N)	MITIGATION REQUIRED
1	Live Oak	4" Caliper	Remove	2	Y	Y	Y	0
2	Cedar	10' Tall	Remove	4	N	N	N	4"
3	Red Oak	26" Caliper	Remove	3	N	N	N	52"
							TOTAL:	56"

TREE HEALTH: 1: DEAD; 2: DISEASE/STRUCTURAL ISSUES; 3: VIABLE TREE WITH CARE; 4: GOOD HEALTH; 5: EXCELLENT HEALTH
TREE GRADES: 1-2: NOT PROTECTED; 3-5: PROTECTED

DRAFT ORDINANCE 05.20.2024

the Planning and Zoning Commission may be appealed to the City Council.

SUBSECTION 03.05: TREESCAPE PLAN EXPIRATION

A treescape plan shall be valid for two years from the approval date. A treescape plan that is approved in conjunction with a preliminary plat, final plat, site plan, and/or building permit shall be valid for the same amount of time as the corresponding plan and/or permit.

SUBSECTION 03.06: BUILDER/CONTRACTOR RESPONSIBILITY

It shall be the responsibility of the builder/contractor to verify that a parcel of land has an approved treescape plan prior to commencing work on a property. In addition, the builder/contractor shall be responsible for ensuring that all construction activities meet the requirements of this *Article*.

SECTION 04 | TREE REMOVAL PERMIT

Once a treescape plan has been approved for a property, a tree removal permit will be required to remove any tree(s). Tree removal permits may be approved administratively by the Director of Planning and Zoning or his/her designee, or forwarded on to the Planning and Zoning Commission for approval. Feature trees may not be removed without the approval of the Planning and Zoning Commission. All trees removed through this process will require mitigation in accordance with the sections contained in this Article.

SECTION 05 | TREE MITIGATION REQUIREMENTS

The tree mitigation requirements shall apply for all properties that do not fall under the exemptions listed in Section 01.03, *Exemptions*, of this *Article*. In addition, if a treescape plan or tree removal permit allows for the removal of a protected or feature tree(s), the applicant and/or property owner shall account for the number of inches of tree being removed using the following criteria:

(A) *Primary Protected Trees*. Primary protected trees measuring four inches through 25-inches DBH shall be replaced on an inch-for-inch basis (*i.e. the total number of caliper inches of tree being replaced shall equal the total number of caliper inches being removed*).

(B) *Secondary Protected Trees*. *Cedar Trees* measuring eight (8) feet or greater in height shall be replaced with a single, four (4) inch caliper tree

(C) *Featured Trees*. Featured trees (*i.e. all trees greater than 25-inches*) shall be replaced with twice the number of inches being removed (*i.e. the total number of caliper inches of tree being replaced shall be twice the number of caliper inches being removed*).

(D) *Non-Protected Tree*. No mitigation will be required for the removal of any tree that is less than four (4) inches DBH or a *Cedar Tree* less than eight (8) feet in height. In addition, no mitigation shall be required for the removal of Bois d'Arc, Willow, Cottonwood, Honey Locust, Chinaberry, and Hackberry trees.

TABLE 2: SUMMARY OF MITIGATION REQUIREMENTS

Type of Tree	Mitigation Value	Mitigation Requirement	Example of Mitigation Requirements
Primary Protected Trees	4" – 25"	1":1"	A 20-inch tree would require 20-inches of mitigation.
Secondary Protect Trees	8' or Greater	1 x 4" Caliper Tree	An eight (8) foot tree would require one (1), four (4) inch caliper tree.
Featured Trees	Greater Than 25"	1":2"	A 30-inch tree would require 60-inches of mitigation.

(E) *Tree Preservation Credits*. For each saved oak, pecan or elm tree(s) 25-inches DBH or greater the mitigation balance can be reduced on an inch-for-inch basis for up to 20.00% of the total mitigation balance (*i.e. total mitigation balance × 20.00% = total eligible tree preservation credit*).

(F) *Mitigation Balance*. The total mitigation balance (*i.e. mitigation balance − tree preservation credits = total mitigation balance*) may be satisfied through one or a combination of the following:

(1) The developer/property owner can provide the required number of trees -- *four (4) inch caliper DBH minimum* -- on the subject property to offset the total mitigation balance (*e.g. if the total mitigation balance is 12-inches then three (3), four (4) inch caliper trees could be planted on-site to satisfy the mitigation requirements*).

(2) The developer/property owner may petition the parks and recreation department to accept the required number of trees -- *four (4) inch caliper DBH minimum* -- to offset the total mitigation balance (*e.g. if the total mitigation balance is 12-inches then three ~~([3)-]~~, four ~~([4)-]~~ inch caliper trees could be submitted to the parks and recreation department to satisfy the mitigation requirements*). Depending on the number of trees being submitted the Director of Parks and Recreation or his/her designee could require a facilities agreement be approved prior to accepting the trees.

(3) Tree preservation credits may be purchased at a rate of $200.00 per inch for up to 20.00% of the total replacement inches. For example, if total mitigation required was 100-inches the developer/property owner could pay a total of $4,000.00 [*i.e. (20% × 100) × $200.00 = $4,000.00*] into the City's tree fund; however, the developer/property owner would still be required to satisfy a remaining tree mitigation balance of 80-inches. In addition, if the developer/property owner plants a tree on [*1*] the property for which the tree preservation credit was assessed or [*2*] a location that is mutually agreed upon by the City and the developer/property owner, the developer/property owner shall be eligible for a reduction in the cost of tree preservation credits of up to 50.00%. These funds will be deposited in the City's tree mitigation fund and will be used for planting trees in the City's parks, medians, street rights-of-way, or other similar areas as determined by the parks and recreation department.

(4) Trees required by Article 08, *Landscape Standards*, of the Unified Development Code (UDC) shall be permitted to be subtracted from the total mitigation balance if provided on site as part of the required landscaping.

Formatted: Font: Italic

DRAFT ORDINANCE 05.06.2024

(G) *Alternative ~~tree~~ Tree ~~mitigation~~ Mitigation ~~settlement~~ Settlement ~~agreements~~Agreements*. In certain cases, the City Council -- *upon recommendation from the Planning and Zoning Commission* -- may consider an *~~alternative~~ Alternative ~~tree~~ Tree ~~mitigation~~ Mitigation ~~settlement~~ Settlement ~~agreement~~ Agreement* where, due to hardship, the applicant is unable to meet the requirements of this *Article* or where it is determined that adherence to the tree mitigation requirements will create a hardship for an applicant. These funds will be deposited in the City's tree mitigation fund and will be used for planting trees in the City's parks, medians, street rights-of-way, or other similar areas as determined by the parks and recreation department.

SECTION 06 | TREE PLANTING AND TRANSPLANTING REQUIREMENTS

SUBSECTION 06.01: REPLACEMENT TREES

All replacement trees shall be subject to the following planting requirements:

(A) All replacement trees must be maintained in a healthy growing condition for a minimum of two (2) years from the date of planting.

(B) Replacement trees shall not be planted within an area such that the mature root zone will interfere with underground public utility lines, and/or where the mature canopy of the tree will interfere with overhead utility lines. In addition, no tree shall be planted within five (5) feet of an existing fire hydrant, water line or sewer line.

(C) Replacement trees shall be selected from the reclamation/tree preservation section of *Table 1.1: Required Trees by District* contained in Appendix C, *Landscape Guidelines and Requirements*, of the Unified Development Code (UDC).

(D) All replacement trees shall be a minimum of ~~four (4)~~three (3) caliper inches DBH.

REFERENCE: AMERICAN STANDARD FOR NURSERY STOCK; ANSI Z60.1-2014 STANDARDS

SUBSECTION 06.02: TRANSPLANTING TREES

All trees conforming to the species permitted in the reclamation/tree preservation section of *Table 1.1: Required Trees by District* contained in Appendix C, *Landscape Guidelines and Requirements*, of the Unified Development Code (UDC) can be transplanted to meet the replacement requirements and shall be subject to the following planting requirements:

(A) All trees three (3) caliper inches DBH through six (6) caliper inches DBH are eligible for transplanting.

REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS

(B) All transplanted trees must survive and be maintained in a healthy condition for a minimum of two (2) years from the date of transplanting. The developer/property owner who received the transplanting credit must replace trees that do not meet these criteria.

(C) Transplanted protected trees will be listed in the tree survey with the notation that they are being transplanted.

SECTION 07 | TREE PROTECTION DURING CONSTRUCTION

SUBSECTION 07.01: TREE PROTECTION

(A) Prior to any construction or land development, the developer shall clearly mark all protected and feature trees with an aluminum tag -- *indicating the trees relationship to the treescape plan* -- and flag *(i.e. bright fluorescent red vinyl tape)*. The red tape should be wrapped around the main trunk of the protected and/or feature tree at a height of approximately five (5) feet so that the tape is clearly visible during construction. In those instances where a protected tree is so close to the construction area that construction equipment could possibly damage the tree, a protective fence shall be required. The protective fence must be maintained during all construction phases until the project is finished.

(B) The developer or property owner shall be responsible for preserving all protected and feature trees during construction. This includes hiring an arborist, if necessary.

SUBSECTION 07.02: MATERIAL AND EQUIPMENT STORAGE

The developer or contractor shall not store any material or equipment under the canopy of any protected or featured tree. During the construction stage of the development no cleaning or storage of equipment or material shall be allowed within the drip line of any tree scheduled to be preserved on an approved treescape plan. Those materials include, but are not limited to, oils, solvents, mortar, asphalt and concrete.

SUBSECTION 07.03: SIGNS

No signs, wire or other attachments shall be affixed to any tree scheduled to be preserved on an approve treescape plan.

SUBSECTION 07.04: TRAFFIC

No vehicular traffic, construction equipment traffic or parking shall take place within the drip line of any tree unless on existing street pavement. This restriction does not apply to single incident access for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine mowing operations.

SUBSECTION 07.05: GRADE

No grade change in excess of two (2) inches shall be allowed within the drip line of any protected or featured tree unless adequate construction methods are approved beforehand. If approved, major grade changes (*i.e. two [2] inches or greater*) within the critical root zone of a protected or featured tree will require additional measures to maintain proper oxygen and water exchange with the roots. Root pruning will be required when disturbance will result in root exposure.

SUBSECTION 07.06: TREE FLAGGING

At the time of submittal of a treescape plan all protected trees or feature trees should be marked with an aluminum tag, which indicates its relationship to the treescape plan, and clearly flagged with bright fluorescent red vinyl tape. The red tape should be wrapped around the

Formatted: Underline
Formatted: Underline
Formatted: Underline
Formatted: Underline
Formatted: Underline
Formatted: Font: Italic
Formatted: Font: Italic

DRAFT ORDINANCE 05.20.2024

main trunk of the protected tree at a height of approximately four (4) feet so that the tape is clearly visible.

SUBSECTION 07.07: BORING

Boring of utilities under protected or feature trees shall be required in those circumstances where it is not possible to trench around the critical root zone of a protected or feature tree. When required, the length of the bore shall be the width of the critical root zone plus two (2) feet on either side of the critical root zone and shall be at a minimum depth of 48-inches.

SUBSECTION 07.08: DAMAGE

Any physical damage to a tree being preserved for a tree credit that is considered to place the survival of the tree in doubt shall be eliminated as a credited tree and will require additional trees to planted in its place at the required ratio. A certified arborist shall be consulted to determine whether physical damage to a tree places the survival of the tree in doubt.

SECTION 08 | TREE PRUNING

SUBSECTION 08.01: GENERAL

No protected or featured tree shall be pruned in a manner that would significantly disfigure the tree, or in a manner that would lead to the death of the tree.

REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS

SUBSECTION 08.02: PRUNING BY UTILITY COMPANIES

Utility companies may prune trees as necessary to reestablish disrupted service or maintain existing service without obtaining a permit.

REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS

SUBSECTION 08.03: ALLOWED PRUINING

A protected or featured tree may be pruned in cases where it is necessary to remove branches broken during the course of construction, or where protected or featured trees must be pruned to allow construction of a structure. Pruning should be done in manner that does not significantly disfigure the tree or lead to the death of the tree.

SECTION 09 | TREE FUND

SUBSECTION 09.01: ADMINISTRATION OF THE TREE FUND

The City shall administer the tree fund. The funds shall be used to purchase plant material as permitted by this ordinance, install (*including the equipment or labor necessary to install the plant materials*) and maintain trees on public property including the necessary irrigation equipment, to acquire wooded property that remains in a naturalistic state in perpetuity, to perform and maintain a city-wide tree inventory and to educate citizens and developers on the benefits and value of trees. The City Council shall have the ability to adopt alternative methods of creating tree credits and methods of distribution of trees and/or funds for purchasing trees.

Funds collected as a result of the mitigation of trees may be used to purchase trees, both deciduous and coniferous, any woody type plant or any perennial appropriate for the climatic conditions of the north Texas region.

SUBSECTION 09.02: COLLECTION OF MONEY FOR THE TREE FUND

Money contributed to the tree fund shall be paid prior to the issuance of a building permit and/or prior to the filing of a final plat.

SECTION 10 | VIOLATIONS

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this Article shall be fined $500.00 for each offense. The unlawful damage, destruction or removal of each tree shall be considered a separate incident and each offence subjects the violator to the maximum penalty of $500.00 for the first tree with each subsequent tree increasing by $500.00 increments.

No acceptance of public improvements shall be authorized and no Certificates of Occupancy (CO) shall be issued until all fines for violations of this Article have been paid to the City.

DRAFT ORDINANCE 05.20.2024

Continued on Next Page …

DRAFT
ORDINANCE
05.20.2024

SECTION 01 | GENERAL

SUBSECTION 01.01: 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 01.02: 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 04.03, *Jurisdiction*, of Article 02, *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 01.03: 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 01.04: 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.

Alternatively, should an applicant fail to address staff's comments before the resubmittal deadline prior to the Planning and Zoning Commission meeting, the application shall be considered to be admiratively denied. If an application is denied in this manner it shall be considered to be denied without prejudice, and there shall be no restrictions on when a new application can be resubmitted; however, new applications will be required to be submitted in accordance with the City's procedures for submitting development applications.

SUBSECTION 01.05: 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,

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Font: Italic

Formatted: Font: 5 pt

DRAFT ONLY 05.20.2024

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 02 | ZONING

SUBSECTION 02.01: 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 (UDC)*. 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 02.02: 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 04, *Permissible Uses*, of this Unified Development Code (UDC). 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 (SUP) 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.

(E) *Expiration*. Unless otherwise specified in a Specific Use Permit (SUP) ordinance, ~~A~~a Specific Use Permit (SUP) shall automatically expire due to inactivity if:

(1) 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

DRAFT ONLY 03.20.2024

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

(2) A building permit or Certificate of Occupancy (CO) expires, is terminated or revoked under the requirements of the Codes of the City of Rockwall.

(F) *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).

(G) *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 and Zoning 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.

(H) *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 02.02(E).

SUBSECTION 02.03: 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 02.03(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

Formatted: Font: 5 pt

DRAFT 05.22.2024

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 table/postpone or 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 20.00% 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 02.04: 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.

DRAFT ORDINANCE 05.20.2024

(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 02.05: 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 02.05(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.

Formatted: Font: Italic

SECTION 03 | SITE PLANS

SUBSECTION 03.01: 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.

SUBSECTION 03.02: 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:

(1) 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.

(2) 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.

Formatted: Font: Italic

SUBSECTION 03.03: 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.

DRAFT ONLY 05.20.2024

SUBSECTION 03.04: 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 03.04: 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 03.05: 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.

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

(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 03.06: 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 01.02, *Submission of an Application*. In the event the Director of Planning and Zoning determines that the

DRAFT ORDINANCE 05.20.2024

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 04 | PLATS

SUBSECTION 04.01: 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 05 | MISCELLANEOUS CASES

(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 06 | CERTIFICATE OF APPROPRIATENESS (COA)

SUBSECTION 06.01: 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 06.03, *Historic Overlay District*, of Article 05, *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 that is visible until a Certificate of Appropriateness (COA) has been approved by the Historic Preservation Advisory Board (HPAB).

SUBSECTION 06.02: SUBMITTAL REQUIREMENTS

The procedures and requirements for a Certificate of Appropriateness (COA) are outlined in Subsection 06.03, *Historic Overlay District*, of Article 05, *District Development Standards*.

SECTION 07 | BUILDING PERMIT FEE WAIVER

SUBSECTION 07.01: 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 07.02: 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 50.00% 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 50.00% 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 50.00% 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 07.03: 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

Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic, Underline, Font color: Accent 5
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic

DRAFT ORDINANCE 05-20-2024

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 08 | SMALL MATCHING GRANTS

SUBSECTION 08.01: 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 08.02: 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 08.03: 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 08.04: CERTIFICATION AND VERIFICATION PROCESS

Applications for the Small Neighborhood Matching Grants pursuant to Subsection 08.03 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 09 | EXCEPTIONS AND VARIANCES

SUBSECTION 09.01: 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 20.00% natural or cultured stone.

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

DRAFT ORDINANCE 05.20.2024

(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 06, *Overlay Districts*, of Article 05, *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 09.02: 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 06.02, *General Overlay Districts Standards*, of Article 05, *District Development 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 90.00% masonry (*i.e. brick, stone, or cultured stone*).

(G) The inclusion of 20.00% 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 09.03: 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.

DRAFT ORDINANCE 05-20-2024

(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 (PD)	$200.00 + $15.00/Acre
(4) MISCELLANEOUS	
(a) Variance/Special Exception*	$100.00
(b) Tree Removal	$75.00
(c) Other Miscellaneous Requests	$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

NOTES:
*: See Section (D) below.

(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-acres x $15.00/Acres = $78.75 + $200.00 [*Base Fee*] = $278.75 [*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.

(D) *Non-Compliant Structure Fees*. Fees associated with requests for a Site Plan, Specific Use Permit (SUP) or a Variance/Special Exception that deal with structures that were [*1*] constructed without a building permit, or [*2*] that were *not* constructed in conformance with an approved building permit shall be increased by $1,000.00. For example, a 5.25-acre property that is requesting approval under this section would be calculated as follows:

5.25-acres x $15.00/Acres = $78.75 + $200.00 [*Base Fee*] = $278.75 [*Typical Application Fee*] + $1,000.00 [*Forgiveness Fee*] = $1,278.75 [*Fee Due*]

DRAFT ORDINANCE 05.20.2024

Continued on Next Page …

DRAFT
ORDINANCE
05.20.2024

SECTION 01 | GENERAL

SUBSECTION 01.01: 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 02 | WORDS, TERMS, AND LAND USES DEFINED

SUBSECTION 02.01: 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 of the City of Rockwall.

(2) *Agriculture*. ~~The planting, cultivating, harvesting and storage of grains, hay or plants, or vineyards, commonly grown in Rockwall County~~The practice of cultivating soil, producing crops, and raising livestock for food, fiber, fuel, and other products. 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 (3) 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 right-of-way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street; it is also a public space ~~or way~~, that is 20-feet or less in width, and 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 self-contained housing unit that is part of a larger building or complex ~~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 that contains numerous individual housing units~~arranged, intended or designed for more than two families~~ (*see Dwelling Unit, Multiple*).

(7) *Associated Recreation*. Leisure activities and amenities that are linked or connected to an area of ~~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 individual or entity who has been given legal authority to act on behalf of another person, organization, or entity. ~~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 floor or level of a building that is partially or entirely below ground level~~story having more than one-half of its height below the average level of the adjoining ground.~~ A *Basement* or ~~cellar~~ *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~~Director of Planning and Zoning shall determine the outline of the block.

(12) *Boardinghouse or Lodging House*. A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five (5) 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 ~~"~~*~~bBuildable areaArea~~*~~"~~ refers to the portion of a parcel or tract of land that is suitable and legally permitted for the construction of buildings or structures, while complying with ~~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~~ the requirements of the~~is~~ Unified Development Code (UDC).

(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. In addition,~~,~~ ~~except that~~ two (2) buildings connected by a breeze way shall not be deemed as one (1) 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, parking structures, and accessory buildings.

(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 ~~c~~City charged with implementation, inspection, and enforcement of the building codes.

~~(20) *Building, Primaryincipal*. A principal primary building refers to the main or principal structure on a property that serves as the primary residential, commercial, or industrial space. It is the main building that is intended for the primary use or occupancy on the site.is one~~

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic, Underline

DRAFT ORDINANCE 05-40-2024

~~in which a main use of the lot on which it is located is conducted.~~

~~(21)~~(20) *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 ~~within~~ the building line ~~within~~ in 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.

(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).

(b) *Side Building Setback Line (Defining a Side Yard)*. A line parallel to an adjacent lot which the building sides up to.

(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.

~~(22)~~(21) *Caliper*. The diameter of the trunk measured ~~six (6) 4½ feetinches~~ above ground level ~~up. to and including four (4) 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)~~(22) *Canopy or Shade Tree*. A large, typically deciduous or evergreen tree that forms the uppermost layer or canopy. These trees have a tall and broad crown that provides shade and shelter ~~species of tree which normally bears crown foliage no lower than six feet above ground level upon maturity~~.

~~(24)~~(23) *Carport*. A structure which is open on at least two (2) sides, covered with a roof and constructed specifically for the storage of one or more automobiles.

~~(25)~~(24) *Certificate of Occupancy*. An official document issued by the City of Rockwall to certify that a building or land use complies with applicable City requirements, and is safe for occupancy. ~~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 (UDC).~~

~~(26)~~(25) *City*. The City of Rockwall, Texas.

~~(27)~~(26) *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)~~(27) *Cluster Development*. A development strategy that concentrates buildings and infrastructure in specific areas while preserving open space and natural resources in surrounding areas. Cluster development encourages the grouping of buildings into compact clusters, leaving larger portions of the land vacant or minimally disturbed ~~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)~~(28) *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)~~(29) *Commission*. The Planning and Zoning Commission of the City of Rockwall, Texas.

~~(31)~~(30) *Comprehensive Plan*. ~~The~~ A long-term policy document that serves as a guide for future growth, development, and land use within the ~~comprehensive plan of the~~ City. It outlines a vision for the community's future and establishes goals, policies, and strategies to achieve desired outcomes.~~of Rockwall and includes any unit or a part of such unit separately adopted and any amendment to such plan or parts thereof.~~

~~(32)~~(31) *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.~~

(32)

~~(34)~~(33) *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 (UDC).

~~(35)~~(34) *Density*. The ratio of dwelling units per gross acre of platted area being developed.

~~(36)~~(35) *District*. A zone or geographic area ~~established by the comprehensive plan within the municipality within~~ which certain zoning or development regulations apply.

~~(37)~~(36) *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 (1) family is living independently of another is based on one or more of the following criteria:

(1) Separate sanitary facilities.

(2) Separate kitchen facilities.

Formatted: Indent: Left: 0", Hanging: 0.31", Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.25", No widow/orphan control

DRAFT 05.20.2024

(3) Separate entrances.

(4) Separate utilities.

~~(38)~~(37) *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.

~~(39)~~(38) *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)~~(39) *Evergreen Tree or Shrub*. A tree or shrub ~~of a~~ species which normally retains its leaves throughout the year.

~~(41)~~(40) *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 (5) people~~(excluding servants)~~ living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a nonprofit, cost-sharing basis.

~~(42)~~(41) *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)~~(42) *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)~~(43) *Frontage*. The width of a property or parcel of land along the front boundary that is adjacent to or faces the street or public right-of-way. It represents the distance between the side boundaries of the lot, measured along the front property line.~~All the property abutting on one side of a street between two intersecting streets, measured along the street line.~~

~~(45)~~(44) *Garage Apartment*. A dwelling unit attached to a private garage.

~~(46)~~(45) *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)~~(46) *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)~~(47) *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)~~(48) *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)~~(49) *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)~~(50) *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)~~(51) *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)~~(52) *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)~~(53) *Kindergarten*. A school for more than five (5) children of preschool age, in which constructive endeavors, object lessons or educational games are prominent features of the curriculum.

~~(55)~~(54) *Landscape Architect*. A person licensed to practice or teach landscape architecture in the State of Texas pursuant to state law.

~~(56)~~(55) *Landscape Buffer*. A strip of land:

(a) Which serves a buffer function on the perimeter of a building site adjacent to another building site, residentially zoned or used property, or to a public or private street or alley; and

(b) At least 80% of which is covered by natural grass, ground cover, or other natural plant materials (*excluding screening*).

~~(b)~~(c) Which is exclusive of any easements or right-of-way.

~~(57)~~(56) *Landscaping*. Trees, shrubs, ground cover, earthen berms, vines, grass, water, decorative features such as fountains, or other material approved by the City Council.

~~(58)~~(57) *Large Shrub*. A shrub which normally reaches a height of six (6) feet or more upon maturity.

~~(59)~~(58) *Large Tree*. A tree of a species which normally reaches a height of 30 feet or more upon maturity.

~~(60)~~(59) *Legislative or Governing Body*. The City Council of the City of Rockwall, Texas.

~~(61)~~(60) *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.

~~(62)~~(61) *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.

Formatted: Font: Italic

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", Don't add space between paragraphs of the same style, No bullets or numbering, Widow/Orphan control

DRAFT ORDINANCE 05-20-2024

~~(63)~~(62) *Lot Area, Minimum*. The smallest allowable size of a parcel of land as specified by the zoning district.~~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)~~(63) *Lot, Corner*. A lot abutting upon two (2) 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, and has a front yard setback adjacent to each street.~~.~~

~~(65)~~(64) *Lot Depth*. The length of a line connecting the midpoints of the front and rear lot lines.

~~(66)~~(65) *Lot, Double Frontage, or Through Lot*. A lot abutting on two (2) nonintersecting public streets as distinguished from a corner lot. These lots have a front yard setback adjacent to each street.

~~(67)~~(66) *Lot, Frontage*. The length of street frontage between property lines.

~~(68)~~(67) *Lot, Interior*. A lot whose side lot lines do not abut upon any public street.

~~(69)~~(68) *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)~~(69) *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.

(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.

~~(71)~~(70) *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)~~(71) *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)~~(72) *Lot Width*. The horizontal distance between side property lines, which cannot be less than the minimum lot width ~~---~~ *per the zoning district* ~~---~~ at any point on the lots~~, measured at the front setback line~~.

~~(74)~~(73) *Lots in Separate Ownership at the Time of the Passage of this Unified Development Code (UDC)*. 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 (UDC) was derived.

~~(75)~~(74) *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)~~(75) *Manufactured Home or HUD-Code Manufactured Home*. A dwelling structure meeting the definitions and requirements specified in ~~chapter~~ Chapter 1201, Manufactured Housing, of the ~~State of~~ Texas Occupational Code.

~~(77)~~(76) *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.

~~*Modular*~~*Masonry Materials*.

- Brick.
- Natural or ~~quarried~~ Quarried ~~stone~~Stone.
- Cast or ~~cultured~~ Cultured ~~stone~~Stone (*Outside of Overlay Districts ONLY*).
- Glass ~~block~~ Block or ~~glass~~Glass.
- Tile.
- Custom ~~concrete~~ Concrete ~~masonry~~ Masonry ~~units~~ Units (*CMU; Normal ~~Or~~ or Heavy Weight Blocks ~~With~~ with ~~An~~ an Integral Color ~~That~~ that ~~Is~~ is Sandblasted, Burnished ~~Or~~ or ~~Has~~ has ~~A~~ a Split Face*).

~~(78)~~(77) *Mobile Home*. A dwelling structure meeting the definitions and requirements specified in Chapter 1201, *Manufactured Housing*, of the Texas Occupational Code~~chapter 1201 of the State of Texas Occupational Code~~.

~~(79)~~(78) *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.

~~(80)~~(79) *Municipal Uses*. Facilities owned or controlled by the City of Rockwall, including, but not limited to, office buildings, maintenance shops, treatment plants; community centers.

~~(81)~~(80) *Non-Conforming 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 non-conforming use if established prior to the passage of this Unified Development Code (UDC).

~~(82)~~(81) *Non-Permeable Coverage*. Coverage with ~~a~~ non-permeable ~~pavement~~surface.

~~(83)~~(82) *Parking Area*. ~~Space~~ Land used exclusively for the parking of vehicles, ~~and~~ where no other business is conducted, and is paved to city specifications.

Formatted: Hyperlink

Formatted: Hyperlink, Font: Not Italic

Formatted: Hyperlink

Formatted: Font: Italic

Formatted: Font: Italic, Underline

Formatted: Font: Italic

DRAFT ORDINANCE 05.20.2024

~~(84)~~(83) *Parking Space*. A designated area within a parking ~~facility~~garage, parking lot or on a street where a motor vehicle can be parked legally and safely~~., 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.

~~(85)~~(84) *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.

~~(86)~~(85) *Paving*. Material which provides an all-weather surface for the maneuvering, parking, and storage of vehicles and/or equipment. All required paving shall meet the standards specified by applicable city specifications.

~~(87)~~(86) *Permitted Use*. A use specifically allowed in one (1) or more of the various districts without the necessity of obtaining a use permit.

~~(88)~~(87) *Person*. Any individual, association, firm, corporation, governmental agency or political subdivision.

~~(89)~~(88) *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.

~~(90)~~(89) *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.

~~(91)~~(90) *Planning 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.

~~(92)~~(91) *Planning Consultant*. A private practitioner in planning, who is a member of the American Institute of Certified Planners (AICP).

~~(93)~~(92) *Plat*. A map of a subdivision or site plan that represents a tract of land, showing the boundaries and location of individual properties, easements, and streets.

(93) *Primary Building or Principal Building*. A primary building or principal building refers to the main or principal structure on a property that serves as the primary residential, commercial, or industrial space. It is the main building that is intended for the primary use or occupancy on the site.

(94) *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)~~(b) Designed to be self-propelled or permanently towable by a light duty truck; and

~~(d)~~(c) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(95) *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*).

(96) *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 without employee table service, taken out, or delivered to customers' location. Drive-through "pickup/order" window permitted provided that there is no public address system or speakers.

(97) *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.

(98) *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).

(99) *Right-of-way line*. A dividing line between a lot, tract, or parcel of land and the public right-of-way.

(100) *Screening*. Screening that complies with the construction and maintenance regulations in Section 05.02, *Landscape Screening*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).

(101) *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.

(102) *Setback*. See Building setback line.

(103) *Sign*. A name, identification, image, description, display or illustration which is affixed to, painted, or represented directly or indirectly upon a building, window, 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.

(104) *Site*. A single lot or combination of continuous lots that may or may not be owned separately, that will be developed under one (1) unified plan, as if it were a single parcel of land.

(105) *Site Plan*. The development plan for one (1) 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,

DRAFT ORDINANCE 05-20-2024

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.

(106) *Small Tree*. A tree of a species which normally reaches a height of less than 30 feet.

(107) *Soil*. A medium that plants will grow in.

(108) *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.

(109) *Storage*. The housing of physical products, materials, or inventory in a designated location internal to a non-residential land use, until they are needed for use or sale directly to a consumer. Storage shall not be considered warehousing and is not associated with wholesale operations. ~~accumulation, stocking, or depositing of materials or items.~~ In addition, this~~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.

(110) *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 50.00% 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.

(111) *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.

(112) *Street Line*. The dividing line between the street right-of-way and the abutting property.

(113) *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.

(114) *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.~~

(115) *Subdivision*. The division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for sale, development or lease.

(116) *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.

(117) *Variance/Exception*. 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.

(118) *Visibility Triangle*. The term *visibility triangle* as defined in Section 01.08, *Public Right-of-Way Visibility*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC).

(119) *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.

~~(119)~~(120) *Warehousing*. The storage of physical products or materials in a designated facility or warehouse ~~unit~~until they are needed for distribution or sale. Warehousing is generally associated with industrial or wholesale land uses.

~~(120)~~(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.

~~(121)~~(122) *Xeriscaping~~/Smartscaping~~*. 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 02.02: 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~~housing, raising, or training more than three (3) dogs, ~~or three (3)~~ cats, or ~~three (3) of~~ any other domesticated animal over the age of three (3) months old as a~~-- *not including livestock or farm animals* -- are housed, boarded, raised or trained as a~~ commercial enterprise, excluding livestock or farm animals. This definition ~~does not include~~excludes 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 that is larger than an *Animal Clinic for Small Animals* ~~for~~that provid~~inges~~ veterinary and surgical care to pets and animals. Services include -- *but are not limited to* -- medical consultations, surgery, diagnostics, and emergency care. ~~the diagnosis, treatment, or hospitalization of animals.~~

(4)

Formatted: Font: 5 pt

Formatted: Normal, No bullets or numbering

Formatted: Font: Not Italic, No underline

Formatted: Font: Italic, Underline

Formatted: Font: Italic

Formatted: Indent: First line: 0"

DRAFT
05.2024

(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 biproducts 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 S~~supplementary structure or building on a residential property that is secondary to the primary dwelling and serves a supportive or complementary function. These structures are typically used for purposes such as storage, recreation, or housing equipment and are ancillary to the primary residential use of the property. ~~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 residential property where lodging accommodations are provided for short-term guests, typically on a nightly basis, in a manner that is ancillary to the primary residential use of the property. Bed and Breakfast establishments offer overnight accommodations and breakfast services to travelers, often in a more personalized setting compared to larger hotels or *Short-Term Rentals (STRs)*. Typically, Bed and Breakfast establishments are operated by the property owner who ~~may~~shall reside on-site.~~single-family owner-occupied house offering rooms with breakfast on a nightly basis for a fee.~~

(3) *Caretakers Quarters/Domestic or Security Unit*. A ~~residen~~residential unit or structure located on a property primarily for the accommodation of individuals responsible for overseeing and maintaining the property, providing domestic services, or ensuring security. These quarters typically serve as residences for caretakers, groundskeepers, domestic staff, or security personnel employed by the property owner. The primary function of these quarters/units are intended to support the operation and maintenance of the property rather than serve as a primary residence for the property owner.~~ce 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 utilized for religious or spiritual practices, typically associated with a specific faith or belief system. Monasteries or temples are often characterized by their communal living arrangements, places of worship, meditation spaces, and facilities for religious instruction and rituals. These establishments may also include amenities such as gardens, libraries, dining halls, and guest accommodations for visitors or pilgrims. Monasteries are commonly associated with religious orders or communities of monks or nuns, while temples may serve as places of worship for congregations or followers of a specific faith.~~ occupied by a community of monks, nuns, priests, or similar sects living under religious vows.~~

(5) *Duplex*. A residential building containing two (2) separate housing units, each with its own entrance and typically sharing a common wall or floor/ceiling. Duplexes are designed to accommodate two (2) households within a single structure, providing independent living spaces~~ on one (1) lot or parcel of land~~. Each unit in a duplex typically includes a kitchen, bathroom, bedrooms, and living areas, offering occupants a level of privacy similar to that of a single-family dwelling. Duplexes may be arranged side-by-side ~~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

DRAFT 05.13.2024

vehicles are kept for remuneration, hire, or sale and where a retail service station may be maintained as a secondary use. Commercial garages typically accommodate a variety of vehicles including cars, trucks, buses, or motorcycles, and may offer storage services. These facilities may range in size from small to large operations and serve commercial fleets or specialize in specific types of vehicles.

(7) *Residential Garage*. A ~~residential~~ structure or part of a residential property designed and used primarily for ~~accessory building used for~~ the storage motor vehicles belonging to the property owner and occupants of the main residential structure and are intended to provide shelter and security for vehicles from the elements and potential theft or vandalism. In addition, to vehicle storage, residential garages may also serve as workshops, storage spaces for tools and equipment, or multi-purpose areas for recreational activities. ~~.~~ These structures are typically attached to the primary structure; however, they may also be a detached structure.

(8) *Guest Quarters/Secondary Living Unit*. A self-contained ~~a~~ accessory building that is ancillary to the primary dwelling. Guest Quarters or Secondary Living Units are designed to provide separate temporary accommodations for ~~for the temporary occupancy of~~ guests, or family members of the primary owners or occupants. These units may include amenities such as a bedroom, bathroom, and living area; ~~.~~ ~~H~~However, a ~~full~~ kitchen facilities ~~are~~is not permitted. These dwellings are not to be rented or otherwise used as a separate domicile.

~~(9)~~ *Home Occupation*. A business or commercial activity ~~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, and 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.~~ Home occupations allow individuals to run small-scale businesses from their homes while maintaining the residential character of the neighborhood. These businesses are secondary to the primary residential use of the property and are intended to be compatible with surrounding residential properties.

~~(10)~~(9)

~~(11)~~(10) *Limited-Service Hotel*. A type of lodging establishment that offers basic accommodation services to guests without the extensive amenities typically found in full-service hotels. Limited service hotels provide essential amenities such as guest rooms, limited food and beverage options (*if any*), and minimal on-site facilities or services. These hotels are often characterized by their lower operating costs, streamlined operations, and competitive room rates. Limited service hotels may cater to budget-conscious travelers, business ~~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.~~

~~(12)~~(11) *Full-Service Hotel*. A type of lodging establishment that offers a comprehensive range of amenities and services to guests, typically including accommodations, dining options, meeting and event spaces, recreational facilities, and various guest services such as concierge assistance and room service. ~~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.~~

~~(13)~~(12) *Residence Hotel*. A hybrid lodging establishment that combines the elements of traditional hotels with long-term residential accommodations. Residence hotels typically offer full furnished, apartment style units equipped with kitchens or kitchenettes, living areas, and separate bedrooms, providing guests with a home-like environment during their stay. These establishments cater to both short-term and extended-stay guests, offering flexible accommodations for travelers, corporate clients, and individuals in need of temporary housing solutions. Residence hotels often provide additional amenities such as housekeeping services, on-site laundry facilities, fitness centers, business centers, and communal spaces to enhance the guest experience. ~~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.~~

~~(14)~~(13) *Motel*. A lodging establishment designed primarily to provide short-term accommodations for travelers, typically accessible directly from the exterior of the building. Motels are characterized by their layout of individual guest rooms or units arranged around a central parking area, allowing guests to park their vehicles near their rooms for convenient access. Motel rooms often feature basic amenities such as beds, bathrooms, and limited furnishings catering to travelers seeking affordable and convenient overnight stays. Motels may offer additional facilities and services such as swimming pools, continental breakfasts, and guest laundry facilities. ~~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.~~

Formatted: Font: Italic

DRAFT ORDINANCE 05.07.2024

~~(15)~~(14) *Multi-Family Development or Structure~~ or Development~~*. A residential property or 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. These developments may include ~~Examples of a *Multi-Family Development* include~~ Triplexes, Quad or Fourplexes, apartments, condominiums, or other types of multi-unit residential buildings. Multi-family developments typically offer amenities such as common areas, recreational facilities, parking, and landscaping, enhancing the quality of life for residents.~~and etcetera.~~

~~(16)~~ *Portable Building*. A temporary ~~buildin~~building, typically ~~a~~ pre-made off-site, and that doesn't have a permeant foundation (*i.e. the building can be moved*). They can be used ~~temporarily~~ for storage, offices, classrooms, or retail spaces.~~that may or may not have a foundation and is transportable.~~

(15)

~~(17)~~

~~(18)~~(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.

~~(19)~~(17) *Short-Term Rental*. A *Short-Term Rental* is a residential dwelling unit, apartment, condominium, or *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* in which the entire structure or a portion thereof is offered for rent for a period exceeding 12-hours, but less than 30 consecutive days, to a particular occupant. In practice, a *Short-Term Rental* is considered to be a residential land use, and is *not* considered to be a *Limited-Service Hotel*, *Full-Service Hotel*, *Residence Hotel*, *Motel*, or *Bed and Breakfast* as defined in this Unified Development Code (UDC). *Short-Term Rentals* can be further defined based on the following three (3) categories:

(a) *Short-Term Rental (Owner-Occupied Single-Family Home, Townhome, or Duplex)*. A single-family home, townhome, or duplex -- *or portion thereof* -- in which the property owner or operator, as reflected in a valid lease agreement, is a resident (*i.e. occupies the primary structure*) and is present during the rental. This includes when a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* is detached from the primary structure and either the primary or secondary structure is rented, but the owner or operator resides on the property.

(b) *Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex)*. A single-family home, townhome, or duplex -- *or a portion thereof* -- in which the property owner or operator does *not* occupy the dwelling unit during the rental, or that the owner or property owner does *not* occupy another dwelling unit -- *or portion thereof* -- on the same property (*i.e. the property owner or operator is not on-site as an occupant during the rental of the property*).

(c) *Short-Term Rental (Apartment or Condominium)*. An *Apartment* or *Condominium* (*or similar multi-family structure, excluding duplexes, but including triplexes or quadplexes, as defined in this Unified Development Code [UDC]*) -- *or a portion thereof* -- in which the property owner or operator may or may not be an occupant of the dwelling unit during the rental.

~~(20)~~(18) *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*).

~~(21)~~(19) *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*).

~~(22)~~ *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)

~~(23)~~ *Private Swimming Pool*. Aquatic facilities within residential or ~~commercial~~ properties that provide recreational, fitness, or therapeutic activities for individuals or groups. In residential settings, private swimming pools are owned and maintained by homeowners or communities, offering exclusive aquatic spaces for residents and their guests. ~~In commercial settings, pools are found in establishments like hotels, resorts, fitness centers, spas, and clubs, catering to paying patrons, members, or guests.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.~~

~~(24)~~(22) *Private Sports Court with Standalone or Dedicated Lighting*. A designated area within a residential or commercial property, that is independent of the primary structure, and is intended for sports and recreational activities. These courts are typically owned and maintained by individual homeowners, residential communities, or commercial establishments. They provide space for activities such as basketball, tennis, volleyball, or other sports, offering residents, guests, members, or patrons a convenient and private location to engage in physical exercise and leisure pursuits.

~~(25)~~ *Townhouse*. A single-family residential ~~structure unit~~ that is occupied by one (1) family and shares a common wall or walls with another single-family residential ~~unitstructure, but~~ that is on an individual lot and can be conveyed individually (*i.e. one [1] dwelling unit per lot*). Townhouses often feature multiple floors and compact footprint designs, providing private outdoor spaces such as yards or patios, and may be part of a larger planned development with shared amenities and common areas.~~These units are typically constructed in a series or group of units.~~

(23)

Formatted: Left

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: Italic

Formatted: Font: 5 pt, Italic

Formatted: Font: 5 pt, Underline

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: 5 pt, Bold, Italic

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: Italic

Formatted: Normal, No bullets or numbering, Widow/Orphan control, Tab stops: Not at 0.38"

Formatted: Font: 10 pt

Formatted: Font: 5 pt

Formatted: Normal, Don't add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: Not at 0.38"

Formatted: Font: 5 pt

Formatted: Font: 5 pt

Formatted: Normal, No bullets or numbering, Widow/Orphan control, Tab stops: Not at 0.38"

Formatted: Indent: Left: 0", First line: 0", Add space between paragraphs of the same style, Tab stops: Not at 0.38"

Formatted: Font: Italic, Underline

Formatted: List Paragraph, Add space between paragraphs of the same style, Tab stops: Not at 0.38"

DRAFT
05.13.2024

~~(26)~~

~~(1)~~(24) *Urban Residential*. A development situated within the City's Downtown (DT) District -- *which is also referred to as the urban core*, -- that allows for single-family, single-family attached, townhomes, and lofts (*i.e. one [1] story of residential above commercial only*). This type of structure typically contains a mix of office, retail, and residential land uses.

(C) *Institutional and Community Service Land Uses.*

Assisted Living Facility. A facility that is licensed under Chapter 247, *Assisted Living Facilities*, of the Texas Health and Safety Code and offers housing and personal care services to elderly or disabled individuals who need support but not intensive medical care. It includes communal living units, dining services, and recreational activities. ~~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.~~

(1)

~~(1)~~ *Blood or Plasma Donation Center*. A ~~facility~~ commercial facility where individuals can donate blood or plasma for medical purposes. Staffed by trained professionals, it ensures a safe environment for donation and proper handling of donations for transfusions, treatments, or research.~~that allows for a person or persons to donate or sell blood or plasma for use in medical or other products.~~

(2)

(3) *Cemetery/Mausoleum*. A designated area for burying or entombing deceased individuals including animals. It includes grave plots, crypts, or niches, along with pathways and landscaping. These facilities provide a respectful resting place and space for remembrance.~~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 primarily used for religious gatherings, ceremonies, and worship services. It typically includes a sanctuary or worship hall, administrative offices, classrooms for religious education, and often ancillary facilities such as a fellowship hall, kitchen, and parking lot. These facilities serve as places for spiritual practice, community gatherings, and religious observance for adherents of a particular faith or denomination. ~~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.~~

(4)

~~(5)~~ *College, University, or Seminary*. An educational institution ~~established for educational purposes~~ offering ~~courses for study~~higher learning in academic or religious studies beyond that ~~of the~~ the secondary education level. These institutions provide a comprehensive environment for academic pursuits and personal development. This land use shall exclude *Trade Schools*.

(5)

~~(6)~~ *Convalescent Care Facility/Nursing Home*. A facility ~~providing primarily inpatient health care, personal care, or rehabilitative services on a 24-hour basis~~that provides long-term care, medical services, and assistance with activities of daily living for individuals who require ongoing support due to illness, injury, or advanced age. These facilities typically offer 24-hour nursing care, medication management, rehabilitation services, and assistance with personal care tasks such as bathing, dressing, and eating~~over a long period of time to persons chronically ill, aged, or disabled who need ongoing health supervision~~, but not hospitalization.

(6)

~~(7)~~

~~(8)~~(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.

~~(9)~~(8) *Crematorium*. A facility licensed, or qualified to be licensed, by the State of Texas for the cremation of human or animal remains.

~~(10)~~(9) *Daycare with Seven (7) or More Children*. A state licensed facility ~~-- *other than a public, parochial, or private school* --~~ excluding public ~~, parochial,~~ or private schools, dedicated to caring for~~providing care for~~ seven (7) or more children under the age of 14 years old. This care is provided for less than 24-hours per day, ~~(typically daytime hours only)~~during daytime hours, and is situated at a non-residential location ~~other than a residence~~.

~~(11)~~(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.

~~(12)~~(11) *Group or Community Home*. A facility that is licensed under Chapter 247, *Assisted Living Facilities*, of the Texas Health and Safety Code, and serves as 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.

~~(13)~~(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,

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: Not Italic, No underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Underline

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: 5 pt

Formatted: Font: 5 pt, No underline

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: Not Italic

Formatted: Font: Italic

Formatted: Font: Italic, Underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

DRAFT ORDINANCE 05-13-2024

employment offices, police and fire stations, and/or motor vehicle licensing and registration services.

~~(14)~~(13) *Halfway House*. A facility where persons are aided in readjusting to society following a period of imprisonment, hospitalization, homelessness, or institutionalized treatment.

~~(15)~~(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.

~~(16)~~(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.

~~(17)~~(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.

~~(18)~~(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.

~~(19)~~(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.

~~(20)~~(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.

~~(21)~~(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.

~~(22)~~(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.

~~(23)~~(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) *Trade School*. An educational institution specializing in vocational training for specific trades or professions. It provides hands-on instruction in areas like automotive repair, construction, and healthcare, preparing students for entry into their chosen field.

(25) *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.

(26) *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 01, *Land Use Schedule*, of Article 04, *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 or Medical Office Building*. An *office building* is a facility that ~~facility that~~ provides executive, management, administrative, or professional services not specifically listed elsewhere in Section 01, *Land Use Schedule*, of Article 04, *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. A *medical office building* is a facility designed to support a range of healthcare services, including diagnostics, treatments, and administrative functions. These services encompass procedures requiring medical devices or the expertise of a qualified medical professional. Examples include but are not limited to medical doctor offices, physical therapy, massage therapy, chiropractic care, Botox treatments, and sonograms.

(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

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

DRAFT 05.03.2024

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.*

(a) ~~(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.

~~(4)~~*(b)* ~~(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.*

(a) ~~(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.

~~(10)~~(b) ~~(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) *Alcoholic Beverage Package Sales*. The act of selling beer, wine, and/or liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- in accordance with the requirements of this Unified Development Code (UDC) by a person, establishment, or place of business.

(2) *Alcoholic Beverage Store*. A standalone retail establishment that engages in the sale of beer, wine, *and* liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- to the general public for off-premise personal or household consumption.

(3) *Antique/Collectible Store*. A retail establishment that engages in the selling of works of art, furniture or other artifacts of an earlier period.

(4) *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.

(5) *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

Formatted: Font: Not Italic, No underline

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

Formatted: List Paragraph, Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Font: Italic, Underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: List Paragraph, Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

DRAFT
05.20.2024

dancing, dining, and other entertainment activities that customarily occur in association with banquets, weddings, or receptions.

(6) *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.

(7) *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.

(8) *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.

(9) *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.

(10) *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.

(11) *Copy Center.* An establishment that reproduces, in printed form, individual orders from a business, profession, service, industry, or government organization.

(12) *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.

(13) *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.

(14) *Food Trucks/Trailers.* 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.

(15) *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.

(16) *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.

(17) *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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(18) *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.

(19) *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.

(20) *Self-Service Laundromat.* A facility where patrons wash, dry or dry clean clothing and other fabrics in machines operated by the patron.

(21) *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.

(22) *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.

(23) *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*.

DRAFT ORDINANCE 05.06.2024

(24) *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.

(25) *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.

(26) *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.

(27) *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.

(28) *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.

(29) *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.

(30) *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.

(31) *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.

(32) *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.

(33) *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.

(34) *Tailor, Clothing, and/or Apparel Shop.* An establishment engaged in custom making, altering, or the repair of clothing.

(35) *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.

(36) *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 Bond Services*. 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 ~~or~~, 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.

PENDING ORDINANCE 05-20-2024

(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.

~~(16)~~

~~(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)~~(17) *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) *New and/or Used 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

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

DRAFT
05-20-2024

~~tuneupstune-ups~~, 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.

(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 ~~for~~ 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 Plating or ~~E~~ Electro ~~p~~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 of ~~(~~Sand, Gravel, Oil and Other Materials~~)~~*. 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.

DRAFT 05.01.2024

(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/or Machine Shop.* A workshop were 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.

~~Accessory Antenna~~Antenna for a Residential Property. A structure or device mounted on a residential property intended for the transmission or reception of electromagnetic signals, including but not limited to television, radio, satellite, or internet communications. Antennas may include satellite dishes, television antennas, radio antennas, or similar devices, and may be freestanding, mounted on buildings, or attached to existing structures. ~~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.~~

Formatted: Not Highlight

~~(2) *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.~~

~~(3)~~(2) *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.

~~(4)~~(3) *Antenna Dish.* An antenna that is parabolic or bowl-shaped and that receives and/or transmits signals in a specific directional pattern

~~(5)~~(4) ~~*Commercial*~~ *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure).* 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.

~~(6)~~(5) *Mounted or Attached Commercial Antenna.* Any exterior transmitting or receiving device mounted on or within

DRAFT ORDINANCE 05.20.2024

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.

(6) *Bus Charter and Service Facility*. A facility for the loading and discharging of train or bus passengers.

(7) *Commercial Drone Delivery Hub*. A dedicated facility used primarily for the distribution and management of unmanned aerial vehicles (UAVs), commonly known as drones, for the delivery of goods and services. This land use may also be incorporated as an accessory land use to retail, restaurant, or other permitted businesses in certain areas of the City.

(8) *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.

(9) *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.

(10) *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.

(11) *Private Streets.* A private vehicular access way shared by and serving two (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.

(12) *Radio Broadcasting.* A land use that broadcasts amplitude modulation or frequency modulation audio signals for general public reception.

(13) *Railroad Yard or Shop.* A facility used for the storage of railway cars, boxcars and engines and related equipment.

(14) *Recording Studio.* A facility that provides an environment for the purposes of writing, collaborating, preforming, instruction, preparing, or completing audio recordings.

(15) *Satellite Dish.* An oval or round, parabolic apparatus capable of receiving television communications.

(16) *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.

(17) *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.

(18) *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.

(19) *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.

(20) *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.

(21) *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.

(22) *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.

~~*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 unconceal~~

DRAFT ORDINANCE 05.2024

Continued on Next Page …

DRAFT
ORDINANCE
05.20.2024

SECTION 01 | INTRODUCTION

These guidelines were drafted by the citizens and local experts for the purpose of outlining the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC), and to provide guidelines for plantings that are appropriate within the City of Rockwall.

SECTION 02 | PURPOSE

The purpose of the following appendix is to provide a general reference guide for meeting the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC). This appendix is not intended to be a comprehensive list of all plant materials that can be utilized for development within the City of Rockwall. The Director of Planning and Zoning or his/her designee can approve a landscape plan that includes tree, shrub, and grass varieties not indicated in this appendix upon a finding that the proposed planting is appropriate for the development.

SECTION 03 | TREE PLANTING GUIDELINES AND REQUIREMENTS

The following table and guidelines are a summary of the required tree planting requirements stipulated by Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).

TABLE 1: REQUIRED TREES BY DISTRICT

		OVERLAY DISTRICTS												
		IH-30	SH-205	SOV	SH-66	205-BY	N-205	E-66	FM-549	SH-276	DT	NON	XERI	REC
CANOPY TREES	AFGHAN PINE	X	X	X	X	X	X	X	X	X		X	X	X
	BALD CYPRESS	X				X			X	X	X	X		X
	BURR OAK	X	X	X	X	X	X	X	X	X	X	X	X	X
	CADDO MAPLE		X	X			X	X	X			X		X
	CEDAR ELM	X	X	X	X	X	X	X	X	X	X	X		X
	CHINQUAPIN OAK										X	X	X	X
	EASTERN RED CEDAR	X				X				X	X	X		X
	HOMESTEAD ELM	X				X				X	X	X		X
	LACEBARK ELM	X	X	X	X	X	X	X	X	X	X	X		X
	LEYLAND CYPRESS		X	X			X	X	X			X		X
	LITTLE GEM MAGNOLIA	X	X	X	X	X	X	X	X	X	X	X		X
	LIVE OAK	X	X	X	X	X	X	X	X	X	X	X		X
	OCTOBER GLORY MAPLE	X	X	X	X	X	X	X	X	X	X	X		X
	PECAN										X	X		X
	TEXAS ASH	X			X	X			X	X		X		X
	TEXAS RED OAK	X			X	X			X	X	X	X		X
ACCENT TREES	DESERT WILLOW	X	X	X	X	X	X	X	X	X	X	X	X	X
	DOWNY HAWTHORN										X	X		X
	EASTERN REDBUD	X	X	X	X	X	X	X	X	X	X	X		X
	EVES NECKLACE	X	X	X	X	X	X	X	X	X	X	X	X	X
	MEXICAN BUCKEYE	X	X	X	X	X	X	X	X	X	X	X		X
	POSSUMHAW HOLLY	X	X	X	X	X	X	X	X	X	X	X	X	X
	SHANTUNG MAPLE	X	X	X	X	X	X	X	X	X	X	X		X
	FLAME LEAF SUMAC	X	X	X	X	X	X	X	X	X	X	X		X
	YAUPON HOLLY	X	X	X	X	X	X	X	X	X	X	X		X

NOTES: NON: NON-OVERLAY DISTRICTS; XERI: XERISCAPE; REC: RECLAMATION/TREE PRESERVATION

PROHIBITED TREE LIST: [*1*] CATALPA (CATALPA SP.); [*2*] HACKBERRY; [*3*] SUGARBERRY (CELTIS SP.); [*4*] HONEYLOCUST (GLEDITSIA TRIACANTHOS) ; [*5*] TULIP TREE (LIRIODENDRON TULIPIFERA); [*6*] CHINABERRY (MELIA AZEDARACH); [7] SYCAMORE (PLATANUS OCCIDENTALIS); [*8*] COTTONWOOD, POPLAR (POPULUS SP.); [*9*] WILLOWS (SALIX SP.); ~~[*10*] AMERICAN ELM (ULMUS AMERICANA); [*11*] SIBERIAN ELM (ULMUS PUMILIA);~~ [*1210*] JERUSALEM THORN/PETUMA (PARKINSONIA ACULEATA); [*1311*] BOIS D'ARC (MACLURA POMIFERA); [*1412*] FLOWERING CRABAPPLE VARIETIES (MALUS SP.); ~~[*15*] GINKO TREE (GINKO BILOBA);~~ [*1613*] PEACH/PLUM VARIETIES; [*1716*] MULBERRY VARIETIES (MORUS SP.); ~~[*18*] TEXAS MOUNTAIN LAUREL (SOPHORA SECUNDIFLORA) ; [*19*] LILAC CHASTE TREE (VITEX AGNUSCASTUS)~~; [*2017*] PINE TREE VARIETIES (PINUS SO.); ~~[*2118*]~~ SILVER MAPLE (ACER SACCHARINUM); [*2219*] BOX ELDER (ACER NEGUNDO) ; [*23*] MIMOSA (ALBIZIA JULIBRISSIN) ; [*24*] CATALPA (CATALPA SP.).

DRAFT
05.2024

SECTION 04 | RECOMMENDED TREE VARIETIES (CANOPY AND ACCENT TREES)

The following information concerning the City's recommended trees was obtained from the Texas A&M Forest Service, Texas *Tree Planting Guide* and all illustrations were provided courtesy of Texas A&M Forest Service *Copyright by Robert O'Brien.*

AFGHAN PINE

LATIN NAME: PINUS ELDARICA
SECONDARY NAMES: ELDARICA PINE, MONDEL PINE

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *35' TO 50'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: RAPID
- *NATIVE*: AFGHANISTAN AND CENTRAL ASIA
- *SOIL NEEDS*: REQUIRES WELL DRAINED, DRY SOILS
- *TOLERANCES*: SALTY SOIL, DROUGHT, ALKALINE SOILS [*PH > 7.5*]
- *FEATURES*: SOFT, GREEN NEEDLES FORM A DENSE CANOPY
- *USES*: SCREENING AND WINDBREAKS
- *FIREWISE*: NO
- *ISSUES*: THE PINE TIP MOTH CAN KILL NEW SHOOTS AND RUIN THE SHAPE OF THE TREE. THE TREE IS NOT TOLERANT OF WET SITES.
- *SIMILAR SPECIES*: ALEPPO PINE (*PINUS HALAPENSIS*)

BALD CYPRESS

LATIN NAME: TAXODIUM DISTICHUM
SECONDARY NAMES: BALDCYPRESS

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 70'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: WILL GROW IN A VARIETY OF SOILS
- *TOLERANCES*: DROUGHT AND POORLY DRAINED SITES
- *FEATURES*: DECIDUOUS CONIFER WITH FEATHER-LIKE LEAVES, ROUND SEED BALLS, AND FIBROUS BARK
- *USES*: DETENTION AREAS AND POORLY DRAINED AREAS
- *FIREWISE*: YES
- *ISSUES*: WOODY 'KNEES' AND BAGWORMS
- *SIMILAR SPECIES*: MONTEZUMA BALCYPRESS (*TAXODIUM MUCRONATUM*)

BUR OAK

LATIN NAME: QUERCUS MACROCARPA
SECONDARY NAMES: MOSSY CUP OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 60'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE TO RAPID
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, PREFERS DEEPER SOIL
- *TOLERANCES*: SALTY SOIL, DROUGHT, ALKALINE SOILS [*PH > 7.5*]
- *FEATURES*: UNIQUE LEAF SHAPE, LARGEST ACORN OF ANY OAK
- *USES*: DROUGHT TOLERANT TREE
- *FIREWISE*: YES
- *ISSUES*: ACORNS AND LEAVES CAN CREATE SIGNIFICANT CLEAN-UP.
- *SIMILAR SPECIES*: WHITE OAK (QUERCUS ALBA)

DRAFT ORDINANCE 05.20.2024

CADDO MAPLE

LATIN NAME: ACER SACCHARUM 'CADDO'
SECONDARY NAMES: ELDARICA PINE, MONDEL PINE

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 60'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: SLOW TO MEDIUM
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: ROCKY & ALKALINE SOILS AND DROUGHT TOLERANT
- *FEATURES*: MEDIUM TREE WITH A ROUNDED APPEARANCE, DARK GREEN FOLIAGE THAT CHANGES TO A GOLDEN COLOR IN THE FALL.
- *FIREWISE*: YES
- *ISSUES*: AVAILABILITY
- *SIMILAR SPECIES*: SUGAR MAPLE (A. SACCHARUM)

CEDAR ELM

LATIN NAME: ULMUS CRASSIFOLIA
SECONDARY NAMES: TEXAS ELM

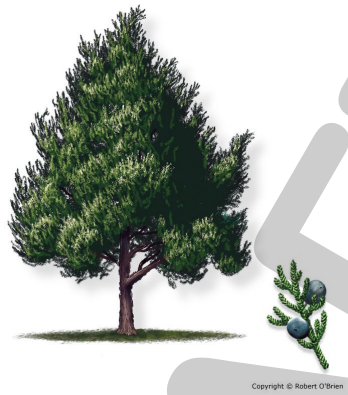
- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *70' TO 90'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ALKALINE ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: LUSTROUS DARK GREEN LEAVES THAT ARE STIFF AND ROUGH TO THE TOUCH
- *USES*: LANDSCAPE TREE, PARKING LOT/STREET TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS, MINOR LEAF BEETLE & DUTCH ELM DISEASE
- *SIMILAR SPECIES*: WINGED ELM (*ULMUS ALATA*)

CHINQUAPIN OAK

LATIN NAME: QUERCUS MUEHLENBERGII
SECONDARY NAMES: CHINKAPIN OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: SLOW TO MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, ALKALINE SOILS
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: YELLOW-GREEN LEAVES W/ SMALL ACORNS (~3/4" LONG)
- *USES*: SHADE TREE
- *FIREWISE*: YES
- *ISSUES*: SENSITIVE ROOT SYSTEM; AS LITTLE AS ONE (1) INCH OF FILL DIRT CAN HURT THE TREE.
- *SIMILAR SPECIES*: SWAMP CHESTNUT OAK (QUERCUS MICHAUXII)

DRAFT ORDINANCE 05.20.2024



EASTERN RED CEDAR

LATIN NAME: JUNIPERUS VIRGINIANA VAR. VIRGINIANA
SECONDARY NAMES: PENCIL CEDAR

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *30' TO 50'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: MEDIUM
- *NATIVE*: EASTERN NORTH AMERICA
- *SOIL NEEDS*: ACIDIC, ALKALINE, LOAMY, WELL-DRAINED AND CLAY
- *TOLERANCES*: DROUGHT, EROSION, DRY SOIL, SHALLOW ROCKY AREAS
- *FEATURES*: SCALE-LIKE EVERGREEN LEAVES COMPACTED TO FORM ROUNDED FOUR (4) SIDED BRANCLETS.
- *USES*: WINDBREAKS AND FENCE ROWS, SCREENING TREE
- *FIREWISE*: NO
- *ISSUES*: CEDAR APPLE RUST AND BAGWORMS.
- *SIMILAR SPECIES*: SOUTHERN REDCEDAR (JUNIPERUS VIRGINIANA VAR. SILICICOLA) AND ROCKY MOUNTAIN JUNIPER (J. SCOPULORUM)

HOMESTEAD ELM

LATIN NAME: ULMUS 'HOMESTEAD'

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 60'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: DARK GREEN LEAVES THAT TURN BLEACH YELLOW IN THE FALL AND GREENISH TINY MULTI FLOWERED PENDULOUS RACEMES IN SPRING.
- *USES*: SHADE TREE
- *FIREWISE*: YES
- *ISSUES*: RESISTANT TO DUTCH ELM DISEASE BUT SUSCEPTIBLE TO ELM LEAF BEATLE.
- *SIMILAR SPECIES*: N/A. THE HOMESTEAD ELM IS A HYBRID.

LACEBARK ELM

LATIN NAME: ULMUS PARVIFOLIA

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *35' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: CHINA, JAPAN AND KOREA
- *SOIL NEEDS*: ADAPTABLE, PREFERS WELL DRAINED SOILS
- *TOLERANCES*: DROUGHT, ALKALINE SOILS [*PH > 7.5*]
- *FEATURES*: VARIABLE FALL COLOR; INTERESTING BARK TEXTURE.
- *FIREWISE*: YES
- *ISSUES*: REQUIRES PRUNING TO DEVELOP A STRONG BRANCH STRUCTURE.
- *SIMILAR SPECIES*: SIBERIAN ELM (*ULMUS PUMILA*) AND JAPANESE ZELKOVA (*ZELKOVA SERRATA*)

DRAFT ORDINANCE 05.20.2024

LEYLAND CYPRESS

LATIN NAME: X CUPRESSOCYPARIS LEYLANDII
SECONDARY NAMES: CYPRESS

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *60' TO 70'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: RAPID
- *NATIVE*: ENGLAND AND EUROPE
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: DROUGHT AND POOR SOIL
- *FEATURES*: DECIDUOUS CONIFER WITH FEATHER-LIKE LEAVES, ROUND SEED BALLS, AND FIBROUS BARK
- *USES*: SCREENING, WINDBREAKS, AND NON-RESIDENTIAL LANDSCAPING
- *FIREWISE*: NO
- *ISSUES*: BAGWORMS AND SPIDER MITES
- *SIMILAR SPECIES*: MONTEZUMA BALDCYPRESS (TAXODIUM MUCRONATUM)

LITTLE GEM MAGNOLIA

LATIN NAME: MAGNOLIA GRANDIFLORA 'LITTLE GEM'
SECONDARY NAMES: LARGE-FLOWERED MAGNOLIA

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *15' TO 20'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: MODERATE
- *NATIVE*: SOUTHEAST UNITED STATES
- *SOIL NEEDS*: WELL DRAINED SOIL
- *TOLERANCES*: MODERATE DROUGHT, SALT AND SOIL VARIATION
- *FEATURES*: LARGE LEATHERY, DARK GREEN AND GLOSSY LEAVES WITH CUP SHAPED, WHITE FLOWERS AND OVAL AGGREGATION OF SEED PODS 3"-4" LONG.
- *USES*: SHADE AND LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: NO MAJOR PROBLEMS
- *SIMILAR SPECIES*: SWEETBAY MAGNOLIA (MAGNOLIA VIRGINIANA)

LIVE OAK

LATIN NAME: QUERCUS VIRGINIANA
SECONDARY NAMES: COAST LIVE OAK, SOUTHERN LIVE OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 50'*
- *LEAF TYPE*: *EVERGREEN/SEMI EVERGREEN*
- *GROWTH RATE*: MODERATELY FAST
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, ACIDIC, ALKALINE, CLAY, LOAMY AND WELL DRAINED
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: GREEN TO DARK GREEN LEAVES WITH SMALL ACORNS ABOUT ¾-INCH LONG AND BORNE SINGLY OR IN CLUSTERS UP TO FIVE.
- *FIREWISE*: YES
- *ISSUES*: LEAF BLISTER AND FUNGAL GALL
- *SIMILAR SPECIES*: TEXAS LIVE OAK (QUERCUS FUSIFORMIS)

DRAFT
ORDINANCE
05.20.2024

OCTOBER GLORY MAPLE

LATIN NAME: ACER RUBRUM 'OCTOBER GLORY'

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE TO RAPID
- *NATIVE*: NORTH AMERICA
- *SOIL NEEDS*: ADAPTABLE; PREFERS SLIGHTLY ACIDIC SOIL
- *TOLERANCES*: MODERATE DROUGHT TOLERANCE
- *FEATURES*: SOFT, GREEN NEEDLES FORM A DENSE CANOPY
- *USES*: SHADE TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS AND LEAF SCORCH
- *SIMILAR SPECIES*: CHALK MAPLE (ACER LEUCODERME)

PECAN

LATIN NAME: CARYA ILLINOINENSIS
SECONDARY NAMES: PECAN HICKORY

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 70'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, PREFERS DEEP MOIST SOIL
- *TOLERANCES*: DROUGHT, SALTY SOIL, POORLY DRAINED SOIL, ALKALINE SOILS [*PH>7.5*]
- *FEATURES*: NUTS ARE IN IMPORTANT WILDLIFE FOOD; MATURE CROWN IS OPEN AND AIRY.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS, BRITTLE WOOD; SUSCEPTIBLE TO INSECTS
- *SIMILAR SPECIES*: WATER HICKORY (CARYA AQUATICA) & BLACK WALNUT (JUGLANS NIGRA)

RED OAK

LATIN NAME: QUERCUS FALCATA
SECONDARY NAMES: SOUTHERN RED OAK

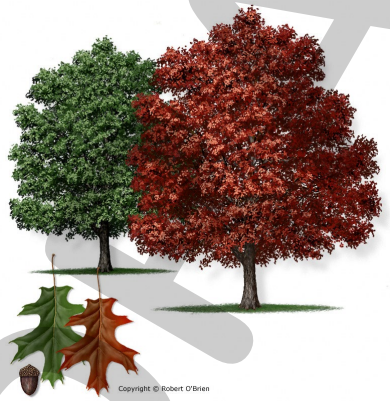
- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *30' TO 55'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: TEXAS
- *SOIL NEEDS*: AVOID PH>7.5; ANY TEXTURE; PREFERS GOOD DRAINAGE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: YOUNG TREES HAVE 'CANDLEABRA' SHAPE; FALL COLOR IS ORGANGE TO DEEP RED
- *FIREWISE*: YES
- *ISSUES*: OAK WILT
- *SIMILAR SPECIES*: BLACK OAK (QUERCUS VELUTINA)

DRAFT ORDINANCE 05.20.2024

TEXAS ASH

LATIN NAME: FRAXINUS TEXENSIS
SECONDARY NAMES: MOUNTAIN ASH

- *CITY TREE CLASSIFICATION: CANOPY TREE*
- *MATURE HEIGHT: 35' TO 50'*
- *LEAF TYPE: DECIDUOUS*
- *GROWTH RATE*: RAPID (BUT VARIABLE)
- *NATIVE*: EAST AND CENTRAL TEXAS
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: MEDIUM SIZED TREE WITH GREEN OR PURPLE FLOWERS AND SMALL WOODY WINGED SAMARA IN LONG PANICLES.
- *FIREWISE*: YES
- *ISSUES*: POOR DRAINAGE LEADS TO ROOT DISEASES
- *SIMILAR SPECIES*: CAROLINA ASH (FRAXINUS CAROLINIANA) AND GREGG ASH (F. GREGGII)



TEXAS RED OAK

LATIN NAME: QUERCUS BUCKLEYI
SECONDARY NAMES: BUCKLEY OAK, TEXAS RED OAK, SPANISH OAK

- *CITY TREE CLASSIFICATION: CANOPY TREE*
- *MATURE HEIGHT: 30' TO 55'*
- *LEAF TYPE: DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: CENTRAL TEXAS
- *SOIL NEEDS*: ALKALINE ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: MEDIUM TREE WITH REDDISH-BROWN CATKINS/ACORNS AND SLENDER, DARK GREEN LEAVES THAT TURN RED IN THE FALL.
- *FIREWISE*: YES
- *ISSUES*: OAK WILT
- *SIMILAR SPECIES*: SHUMARD OAK (QUERCUS SHUMARDII)

DESERT WILLIOW

LATIN NAME: CHILOPSIS LINEARIS
SECONDARY NAMES: DESERT-WILLOW

- *CITY TREE CLASSIFICATION: ACCENT TREE*
- *MATURE HEIGHT: 15' TO 20'*
- *LEAF TYPE: DECIDUOUS*
- *GROWTH RATE*: MEDIUM
- *NATIVE*: WEST TEXAS
- *SOIL NEEDS*: ADAPTABLE, ACIDIC, LOAMY AND WELL DRAINED SOIL
- TOLERANCES: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: MULTI-TRUNKED, WELL BRANCHED AND THICK GROWTH
- *USES*: PRIMARILY A LANDSCAPE TREE; XERISCAPING
- *FIREWISE*: YES
- *ISSUES*: SUSCEPTIBLE TO ALTERNERIA LEAF SPOT
- *SIMILAR SPECIES*: FLOWERING WILLOW, WILLOWLEAF CATALPA, DESERT CATALPA, FLOR DE MIMBRE, MIMBRE, BOW WILLOW

DRAFT ORDINANCE 05.20.2024

DOWNY HAWTHORN

LATIN NAME: CRATAEGUS MOLLIS
SECONDARY NAMES: A VARIETY OF COMMON NAMES OFTEN ENDING IN "HAW" – ARE USED FOR THE INDIVIDUAL HAWTHORN SPECIES

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *20' TO 30'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: SLOW
- *NATIVE*: EASTERN AND CENTRAL UNITED STATES AND CANADA
- *SOIL NEEDS*: REQUIRES WELL DRAINED, DRY SOILS
- *TOLERANCES*: DRY SOIL AND DROUGHT
- *FEATURES*: SMALL TREE WITH CLUSTERS OF WHITE FLOWERS AND BRIGHT RED BERRY FRUIT.
- *USES*: LANDSCAPING
- *FIREWISE*: YES
- *ISSUES*: SUSCEPTIBLE TO SEVERAL LEAF DISEASES
- *SIMILAR SPECIES*: RIVER BIRCH (BETULA NIGRA) & GUM BULLY (SIDEROXYLON LANUGINOSUM)

EASTERN REDBUD

LATIN NAME: CERCIS CANADENSIS VAR. CANADENSIS
SECONDARY NAMES: JUDAS-TREE

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *20' TO 30'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MEDIUM
- *NATIVE*: EAST TEXAS
- *SOIL NEEDS*: ALKALINE, ACIDIC, LOAMY, SANDY AND WELL DRAINED
- *TOLERANCES*: CLAY SOILS AND VERY HIGH HEAT
- *FEATURES*: SMALL TREE WITH PINK AND PURPLE, ROSE-PURPLE OR WHITE BLOOMS AND SMALL FLATTENED PODS WITH BROWN SEEDS.
- *USES*: WILDLIFE AND LANDSCAPING
- *FIREWISE*: YES
- *ISSUES*: LEAF SPOTS, DIEBACK/CANKER, AND VERTICILLIUM WILT
- *SIMILAR SPECIES*: REDBUD

EVE'S NECKLACE

LATIN NAME: SOPHORA AFFINIS
SECONDARY NAMES: TEXAS SOPHORA, EVE'S-NECKLACEPOD

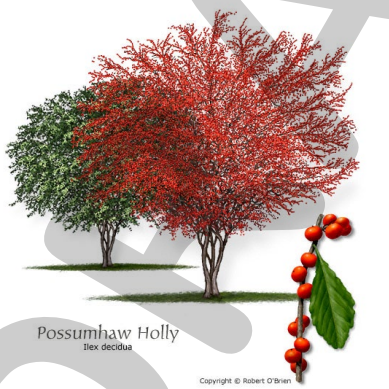
- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *15' TO 35'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: FAST (*GENERALLY SLOWS AT 15'*)
- *NATIVE*: CENTRAL TEXAS
- *SOIL NEEDS*: ALKALINE ADAPTABLE
- *TOLERANCES*: VERY HIGH HEAT
- *FEATURES*: SMALL TREE WITH PALE TO ROSY PINK FLOWERS THAT BLOOM IN THE SPRING AND LONG BLACK SEGMENTED SEEDPODS.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: NO PROBLEMS REPORTED
- *SIMILAR SPECIES*: BLACK LOCUST (ROBINIA PSEUDOACACIA)

DRAFT ORDINANCE 05.20.2024

MEXICAN BUCKEYE

LATIN NAME: UNGNADIA SPECIOSA

- CITY TREE CLASSIFICATION: ACCENTTREE
- MATURE HEIGHT: 15' TO 30'
- LEAF TYPE: DECIDUOUS
- GROWTH RATE: MODERATE
- NATIVE: TEXAS
- SOIL NEEDS: NEUTRAL ALKALINE
- TOLERANCES: DROUGHT, ALKALINE SOILS [PH > 7.5]
- FEATURES: PINK FLOWERS APPEAR WITH NEW LEAVES; BROWN FRUIT HUSKS REMAIN THROUGH WINTER.
- USES: LANDSCAPE OR SPECIMEN TREE
- FIREWISE: YES
- ISSUES: REQUIRES PRUNING TO DEVELOP ONE OR MORE TRUNKS.
- SIMILAR SPECIES: MONILLO, MONA, TEXAS BUCKEYE, SPANISH BUCKEYE, FALSE BUCKEYE, CANYON BUCKEYE



POSSUMHAW HOLLY

LATIN NAME: ILEX DECIDUA
SECONDARY NAMES: POSSUMHAW (DECIDUOUS HOLLY)

- CITY TREE CLASSIFICATION: ACCENT TREE
- MATURE HEIGHT: 8' TO 10' (OCCASIONALLY 20')
- LEAF TYPE: DECIDUOUS
- GROWTH RATE: SLOW
- NATIVE: TEXAS
- SOIL NEEDS: ADAPTABLE
- TOLERANCES: DROUGHT, POORLY DRAINED SITES, ALKALINE SOILS [PH>7.5]
- FEATURES: ORANGE OR RED BERRIES ON GRAY BRANCHES.
- USES: LANDSCAPE TREE AND DETENTION TREE
- FIREWISE: YES
- ISSUES: THIN BARK SUSCEPTIBLE TO INJURY
- SIMILAR SPECIES: BEARBERRY, MEADOW HOLLY, PRAIRIE HOLLY, SWAMP HOLLY, WELK HOLLY, WINTERBERRY

SHANTUNG MAPLE

LATIN NAME: ACER TRUNCATUM
SECONDARY NAMES: SHANDONG MAPLE, PURPLEBLOW MAPLE

- CITY TREE CLASSIFICATION: ACCENT TREE
- MATURE HEIGHT: 25' TO 35'
- LEAF TYPE: DECIDUOUS
- GROWTH RATE: RAPID
- NATIVE: NORTHERN CHINA
- SOIL NEEDS: LOAM, SANDY AND CLAY (ADAPTABLE)
- TOLERANCES: MODERATE DROUGHT
- FEATURES: MEDIUM SIZED TREE WITH DARK GREEN, GLOSSY LEAVES THAT CHANGE TO YELLOW ORANGE/BRIGHT RED IN THE FALL.
- FIREWISE: NO
- ISSUES: LEAF SPOT AND LEAF SCORCH
- SIMILAR SPECIES: JAPANESE MAPLES

DRAFT ORDINANCE 05.20.2024

FLAMELEAF SUMAC

LATIN NAME: RHUS LANCEOLATA
SECONDARY NAMES: PRAIRIE SUMAC, PRAIRIE FLAMELEAF SUMAC

- *CITY TREE CLASSIFICATION: ACCENT TREE*
- *MATURE HEIGHT: 40' TO 50'*
- *LEAF TYPE: DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: NEUTRAL ALKALINE
- *TOLERANCES*: DROUGHT, ALKALINE SOILS [*PH* > 7.5]
- *FEATURES*: COMPOUND LEAVES TURN BRIGHT RED IN FALL; WHITE FLOWER SPIKES BEAR RED CLUSTERS OF BERRIES.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: REQURIES PRUNING TO DEVELOP ONE OR MORE TRUNKS.
- *SIMILAR SPECIES*: TEXAS SUMAC, LANCE-LEAVED SUMAC, LIMESTONE SUMAC AND PRAIRIE SHINING SUMAC

YAPON HOLLY

LATIN NAME: ILEX VOMITORIA
SECONDARY NAMES: YAUPON, CASSINA

- *CITY TREE CLASSIFICATION: ACCENT TREE*
- *MATURE HEIGHT: 10' TO 20'*
- *LEAF TYPE: EVERGREEN*
- *GROWTH RATE*: SLOW
- *NATIVE*: SOUTHEAST UNITED STATES (TEXAS)
- *SOIL NEEDS*: WELL DRAINED, SANDY, LOAMY, CLAY AND LIMESTONE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: SMALL TREE WITH INCONSPICUOUS LIGHT GREEN BLOOMS AND RED BERRY LIKE DRUPE.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS, MINOR LEAF BEETLE & DUTCH ELM DISEASE
- *SIMILAR SPECIES*: EVERGREEN CASSENA, EMETIC HOLLY, INDIAN BLACK DRINK

DRAFT ORDINANCE 05.20.2024

SECTION 05 | RECOMMENDED SHRUB VARIETIES

The following are the City of Rockwall's recommended shrub varieties.

	SHRUB	SCIENTIFIC NAME	SCR	XERI	
3	BARBERRY	BERBERIS THUMBERGII 'CRIMSON PYGMY'			SMALL SHRUBS
8	DWARF YAUPON HOLLY	ILEX VOMITORIA 'NANA'			
10	YUCCA	YUCCA SP.		X	
16	JUNIPER	JUNIPERUS SP.			
17	JAPANESE BOXWOOD	BUXUS JAPONICA			
20	MEXICAN OREGANO	POLIOMENTHA LONGIFLORA			
24	RED YUCCA	HESPERALOE PARVIFOLIA		X	
25	ROCK ROSE	PAVONIA LASIOPETALA		X	
1	AGARITA	MAHONIA TRIFOLIOLATA		X	MEDIUM SHRUBS
2	BARBERRY	BERBERIS ATROPURPUREA 'ROSE GLOW'			
5	CENIZO (TEXAS SAGE)	LEUCOPHYLLUM SP.	X	X	
7	DWARF BURFORD HOLLY	ILEX CORNUTA 'BURFORDII NANA'	X		
14	HOGPLUM	COLUBRINA TEXENSIS			
15	INDIAN HAWTHORN	RAPHIOLEPIS INDICA			
19	JAPANESE QUINCE	CHAENOMELES JAPONICA			
23	PEARL BUSH	EXOCHORDA GIRALDII WILSONII			
27	ROSEMARY	ROSMARINUS OFFICINALIS		X	
28	VIRGINIA SWEETSPIRE	ITEA VIRGINICA			LARGE SHRUBS
4	BRIDAL WREATH SPIREA	SPIRAEA CANTONIENSIS	X	X	
6	CHINESE FRINGE	LOROPETALUM CHINENSE	X		
9	ELAEGNUS	ELAEAGNUS X EBBINGEI	X		
11	EVERGREEN SUMAC	RHUS VIRENS			
12	FORSYTHIA	FORSYTHIA INTERMEDIA 'SPECTABILIS'			
13	GLOSSY ABELIA	ABELIA X GRADIFLORA			
18	JAPANESE CLEYERA	CLEYERA TERNSTROEMIA GYMNANTHERA			
21	NELLIE STEVENS HOLLY	ILEX 'NELLIE R. STEVENS'	X		
22	OLEANDER	NERIUM OLEDANDER	X		
26	ROSE OF SHARON	HIBISCUS SYRIACUS	X		

NOTES: XERI: XERISCAPE; SCR: SCREENING

DRAFT
05.2024

SECTION 06 | RECOMMENDED GRASSES

The following are the City of Rockwall's recommended grass varieties.

	GRASS	SCIENTIFIC NAME	XERI
1	BERMUDA GRASS	CYNODON DACTYLON	
2	BIG BLUESTEM	ANDROPOGON GERARDII	X
3	BUFFALO GRASS	BUCHLOE DACTYLOIDES	X
4	DEER MUHLY	MUHLENBERGIA RIGENS	
5	EASTERN GAMAGRASS	TRIPSACUM DACTYLOIDES	X
6	FOUNTAIN GRASS	PENNISETUM ALOPERCUROIDES 'HAMELIN'	
7	FEATHER REED GRASS	CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER'	
8	INLAND SEAOATS	CHASMANTHIUM LATIFOLIUM	X
9	JAPANSES BLOOD GRASS	IMPERATA CYLINDRICA 'RED BARON'	
10	LITTLE BLUESTEM	SCHIXACHYRIUM SCOPARIUM	X
11	MAIDEN GRASS	ADAGIO, CABARET, GRACILLIMUS, MORINING LIGHT, VARIGATUS, ZEBRA GRASS	X
12	MEXICAN FEATHER GRASS	STIPA TENUISSIMA 'PONY TAILS'	X
13	MUHLY GRASS	MUEHELENBERGIA LINDHEIMERI	X
14	PRAIRIE MIX	N/A	X
15	PRAIRIE DROPSEED	SPOROBOLUS HETEROLEPSIS	
16	ST. AUGUSTINE GRASS	STENOTAPHRUM SECUNDATUM	X
17	SWITCH GRASS	PANICUM VIRGATUM	X
18	WEEPING LOVE GRASS	ERAGROSTIS CURVULA	X

SECTION 07 | ALTERNATIVE PLANTING LIST

The following list shows all alternative plant types permitted by the City of Rockwall since the adoption of this Appendix C, *Landscape Guidelines*, of the Unified Development Code (UDC).

Trees.

Shrubs.

Grasses.

Bermudagrass: Tif Tuf, Tahoma 31, Celebration and Tifway 419

Zoysia Grass: Zeon, Jamur, Emerald, and Palisades

Formatted: Font: Italic, Underline

DRAFT ORDINANCE 05.20.2024

CITY OF ROCKWALL

ORDINANCE NO. 24-21

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 VARIOUS ARTICLES AS DEPCITED IN *EXHIBITS 'A' THROUGH 'J'* 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 Director of Planning and Zoning in accordance with 02.01(C)(3) of Article 11, *Development Review Procedures*, of the Unified Development Code (UDC) to make various changes for the purpose of: [*1*] ensuring that the incorporation of new requirements and language into the document have not created conflicting references, [*2*] adjusting the language and requirements to ensure that the intent of each prerequisite is clearly conveyed, and [*3*] addressing any deficiencies identified by City staff in administering the criterion contain within the document; 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 Article 03, *Zoning Districts and Maps*, 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 Article 04, *Permissible Uses*, 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 'B'* of this ordinance;

SECTION 3. That 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 'C'* of this ordinance;

SECTION 4. That Article 06, *Parking and Loading*, 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 'D'* of this ordinance;

SECTION 5. That Article 07, *Environmental Performance*, 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 'E'* of this ordinance;

SECTION 6. That Article 08, *Landscape and Fence 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 'F'* of this ordinance;

SECTION 7. That Article 09, *Tree Preservation*, 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 'G'* of this ordinance;

SECTION 8. That Article 11, *Development Applications and Review*, 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 'H'* of this ordinance;

SECTION 9. That Article 13, *Definitions*, 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 'I'* of this ordinance;

SECTION 10. That Appendix C, *Landscape Guidelines and Requirements*, 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 'J'* of this ordinance;

SECTION 11. 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 12. 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. 20-02*], 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 13. 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 JUNE, 2024.

Trace Johannesen, Mayor

ATTEST:

Kristy Teague, City Secretary

CITY OF ROCKWALL TEXAS

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: May 20, 2024

2nd Reading: June 3, 2024

Continued on Next Page …

ARTICLE 03 | ZONING DISTRICTS AND MAPS

SECTION 01 | ZONING MAP
SECTION 02 | RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES
SECTION 03 | REGULATIONS APPLICABLE TO ALL DISTRICTS
SECTION 04 | LISTING OF APPROVED PLANNED DEVELOPMENT (PD) DISTRICTS
SECTION 05 | LISTING OF APPROVED SPECIFIC USE PERMITS (SUP)
SECTION 06 | ZONING UPON ANNEXATION

SECTION 01 | ZONING MAP

(A) The City of Rockwall is hereby divided into zones, or districts, as shown on the *Officiale Zoning Map* which, together with all explanatory matter thereon, is hereby adopted by reference and declared a part of this Unified Development Code (UDC). The zones, or districts, hereby established are and shall be known and cited as:

RESIDENTIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
05.02.01	Agricultural (AG) District	AG
05.03.02	Single Family Estate 1.5 (SFE-1.5) District	SFE-1.5
05.03.03	Single Family Estate 2.0 (SFE-2.0) District	SFE-2.0
05.03.04	Single Family Estate 4.0 (SFE-4.0) District	SFE-4.0
05.03.05	Single Family 1 (SF-1) District	SF-1
05.03.06	Single Family 16 (SF-16) District	SF-16
05.03.07	Single Family 10 (SF-10) District	SF-10
05.03.08	Single Family 8.4 (SF-8.4) District	SF-8.4
05.03.09	Single Family 7 (SF-7) District	SF-7
05.03.10	Zero Lot Line (ZL-5) District	ZL-5
05.03.11	Two-Family (2F) District	2F
05.03.12	Multi-Family 14 (MF-14) District	MF-14

COMMERCIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
05.04.02	Residential-Office (RO) District	RO
05.04.03	Neighborhood Services (NS) District	NS
05.04.04	General Retail (GR) District	GR
05.04.05	Commercial (C) District	C
05.04.06	Heavy Commercial (HC) District	HC
05.04.07	Downtown (DT) District	DT

INDUSTRIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
05.05.02	Light Industrial (LI) District	LI
05.05.03	Heavy Industrial (HI) District	HI

OVERLAY & SPECIAL ZONING DISTRICTS

SECTION	DISTRICT REFERENCE	ABB.
10.01	Planned Development (PD) District	PD
05.06.03	Historic Overlay (HOV) District	HOV
05.06.04	North Goliad Street Overlay (NG OV) District	NG OV
05.06.05	Southside Residential Overlay (SRO) District	SRO
05.06.06	IH-30 Overlay (IH OV) District	IH-30 OV
05.06.07	SH-205 Overlay (SH-205 OV) District	SH-205 OV
05.06.08	Scenic Overlay (SOV) District	SOV
05.06.09	SH-66 Overlay (SH-66 OV) District	SH-66 OV
05.06.10	SH-205 By-Pass Overlay (SH-205 BY-OV) District	SH-205 BY-OV
05.06.11	North SH-205 Overlay (N. SH-205 OV) District	N. SH-205 OV
05.06.12	East SH-66 Overlay (E. SH-66 OV) District	SH-66 OV
05.06.13	FM-549 Overlay (FM-549 OV) District	FM-549 OV
05.06.14	SH-276 Overlay (SH-276 OV) District	SH-276 OV
05.06.15	Lake Ray Hubbard Takeline Overlay (TL OV) District	TL OV

(B) The *~~Office~~ Official Zoning Map* shall be identified by the signature of the Mayor attested by the City Secretary, under the following words:

This is to certify that this is the Office Zoning Map referred to in Article 03 of the Unified Development Code (UDC) of the City of Rockwall, Texas.

(C) When changes are made in district boundaries or other matters portrayed on the *Officiale Zoning Map*, such changes shall be entered on the *Officiale Zoning Map* by the City ~~Secretary of~~ Rockwall's Geographic Information Systems (GIS) Division promptly after the amendment has been approved by City Council, and the change shall note the ordinance number and date that the change was approved.

(D) No changes of any nature shall be made in the *~~Office~~ Official Zoning Map* or matter shown thereon except in conformity with the procedures set forth in this Unified Development Code (UDC). Any unauthorized change of whatever kind by any person shall be considered a violation of this Unified Development Code (UDC).

(E) The original reproducible tracing of the *~~Office~~ Official Zoning Map* shall be located in the office of the Director of Planning and Zoning in city hall and shall be the final authority as to the current zoning status of land and water areas, building and other structures in the City of Rockwall.

(F) City Council may, by resolution, adopt a new *~~Office~~ Official Zoning Map* should the original reproducible tracing of the *~~Office~~ Official Zoning Map* be damaged, destroyed, lost or become ambiguous because of the nature or number of changes and additions. The new *~~Office~~ Official Zoning Map* may correct drafting or other errors or omissions in the prior *~~Office~~ Official Zoning Map*, but no other correction shall have the effect of amending the original *~~Office~~ Official Zoning Map* or any subsequent amendment thereof. The new *~~Office~~ Official Zoning Map* shall be identified by the signature of the ~~mayor~~ Mayor attested by the ~~city~~ City ~~secretary~~Secretary, under the following words:

This is to certify that this Office Zoning Map supersedes and replaces the Office Zoning Map adopted (date of adoption of Map being replaced) as a part of the Unified Development Code (UDC) of the City of Rockwall, Texas.

(G) Unless the prior *~~Office~~ Official Zoning Map* has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 02 | RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

SUBSECTION 02.01: BOUNDARIES

Where uncertainty exists as to the boundaries of zoning districts as shown on the *~~Office~~ Official Zoning Map*, the following rules shall apply:

(A) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow center lines;

(B) Boundaries indicated as approximately following platted lot lines shall be construed as following lot lines;

(C) Boundaries indicated as following City Limit lines shall be construed as following such City Limits;

(D) Boundaries indicated as parallel to or extensions of features indicated in *Subsections A, B, & C* above shall be so construed. Distances not specifically indicated on the *~~Office~~ Official Zoning Map* shall be determined by the scale of the map;

(E) Where physical or cultural features existing on the ground are at variance with those shown on the *~~Office~~ Official Zoning Map*, or in

Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic

other circumstances not covered by *Subsections A & B* above, the City Council shall interpret the district boundaries.

SECTION 03 | REGULATIONS APPLICABLE TO ALL DISTRICTS

SUBSECTION 03.01: GENERAL REGULATIONS

The following regulations shall apply to all zoning districts listed in this Article and further defined in Article 04, *Permissible Uses*, and Article 05, *District Development Standards*, of the Unified Development Code (UDC).

(A) No land or building shall be used or intended for any use other than those permitted in the district wherein such land or building is located.

(B) No building shall be erected, reconstructed, enlarged, structurally altered, or moved in such manner as to evade conformity with height, bulk, yard, lot area, use, and other regulations for the district wherein such building is located.

(C) No yard provided adjacent to a building for the purpose of complying with provisions of this Unified Development Code (UDC) shall be considered as providing any part of a yard for another building on the same lot or on an adjacent lot.

(D) No street or walkway shall serve as any part of a required yard or minimum lot area although street ~~rights~~ rights-of-~~of~~-way and open space may be used in determining allowable units per acre in residential subdivisions.

(E) Every building hereafter erected or altered shall be located on a lot as defined in Article 13, *Definitions*, of the Unified Development Code (UDC).

SECTION 04 | LISTING OF APPROVED PLANNED DEVELOPMENT (PD) DISTRICTS

Planned Development (PD) Districts that have been approved and appear on the zoning maps are referenced by a Planned Development (PD) number (PD-#) and the zoning district classification and/or uses authorized by the particular zoning case. The listing of approved Planned Development (PD) Districts will be documented in Appendix A, *Planned Development (PD) Districts*, of the Unified Development Code (UDC).

SECTION 05 | LISTING OF APPROVED SPECIFIC USE PERMITS (SUP)

Specific Use Permits (SUPs) that have been approved shall be referenced by a Specific Use Permit number (S-#) and the type of use authorized by those permits. The listing of approved Specific Use Permits (SUPs) will be documented in Appendix B, *Specific Use Permits (SUPs)*, of the Unified Development Code (UDC).

SECTION 06 | ZONING UPON ANNEXATION

All territory hereinafter annexed to the City of Rockwall shall assume an interim classification of Agricultural (AG) District, pending determination of the property's initial permanent zoning in accordance with the provisions of state law and this chapter unless application for permanent zoning is submitted by the property owner at the time of annexation. ~~The Planning and Zoning Commission shall, as soon as practical after annexation of any territory to the City, institute proceedings on its own motion, to give the newly annexed territory a permanent zoning, following the same procedure as is provided by law for the adoption of original zoning procedures.~~ The interim zoning prior to the permanent zoning shall not be considered a rezoning for legal purposes. The procedure for establishing initial zoning other than Agricultural (AG) District on annexed territory shall conform to the procedure established by law for the adoption of normal zoning classifications and regulations as defined in Section 02, *Zoning*, of Article 11, *Development Review Procedures*, of the Unified Development Code (UDC).

In an area classified Agricultural (AG) District, no person shall erect, excavate, construct, or proceed or continue with the erection or construction of any building or structure or add to, enlarge, move, improve, alter, repair, convert, or extend or demolish any building or structure or cause the same to be done in any newly annexed territory to the City without first applying for and obtaining a building permit therefore from the Chief Building Official as may be required in applicable City ordinances.

Formatted: Underline, Font color: Accent 5

Continued on Next Page …

ARTICLE 04 | PERMISSIBLE USES

SECTION 01 | LAND USE SCHEDULE
SECTION 02 | CONDITIONAL LAND USE STANDARDS AND DEFINITIONS
SECTION 03 | OTHER SPECIAL USE STANDARDS
SECTION 04 | FLOODPLAIN AREAS
SECTION 05 | TEMPORARY USES AND STRUCTURES
SECTION 06 | NON-CONFORMING USES, STRUCTURES, AND SITES

SECTION 01 | LAND USE SCHEDULE

SUBSECTION 01.01: USE OF LAND AND BUILDINGS

Buildings, structures, and land uses shall be in conformance with the permitted uses depicted in Land Use Schedule and in compliance with Subsection 02.03, *Conditional Land Use Standards*. The following is the legend for the Land Use Schedule:

▲	Land Use *NOT* Permitted *OR* for Overlay Districts Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 01.02: LAND USE SCHEDULE

See the Land Use Schedule at the end of this Article.

SECTION 02 | CONDITIONAL LAND USE STANDARDS AND DEFINITIONS

SUBSECTION 02.01: DETERMINATION OF LAND USES

Land uses shall be permitted in a zoning district as indicated in *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 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 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 02.02: LAND USE DEFINITIONS

For land use definitions see Section 02.02, *Land Use Definitions*, of Article 13, *Definitions*.

SUBSECTION 02.03: 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) The property shall be a minimum of ten (10) acres of more in size.

(b) 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).

(c) 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 03.01, *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.

Formatted: Font: 8.5 pt
Formatted Table
Formatted: Font: 9 pt
Formatted: Font: 9 pt
Formatted: Font: 9 pt
Formatted: Font: 9 pt
Formatted: Font: 9 pt
Formatted: Font: Italic

(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 an 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~~Urban Farm, [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~~Urban Farm shall be reviewed as part of the Specific Use Permit (SUP), including the size and intended use.

(4) The applicant shall provide an 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~~Urban Farm, [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 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*.

(2) *Bed and Breakfast.*

(a) A *Bed and Breakfast* may only be established on an owner-occupied, single-family lot.

(b) In addition to the single-family parking requirements, one (1) parking space per bedroom shall be provided.

(c) 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).

Formatted: Font: Italic

Formatted: Font: Italic

(d) *Bed and Breakfast* shall be required to meet all applicable City Fire Codes, including providing a smoke alarm system.

(e) A *Bed and Breakfast* shall be subject to an annual inspection by the Fire Department.

(f) All applicable hotel/motel taxes shall be paid.

(g) The maximum length of a guests stay is shall be limited to 14 consecutive days in any 30-day period.

(h) 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 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(4) *Attached Garage.*

(a) See Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*.

(5) *Detached Garage.*

(a) See Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*.

(6) *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit.*

(a) *Guest Quarters ~~or~~ /Secondary Living Units/Accessory Dwelling Unit* may be allowed on a property in a residential zoning district provided that it is ancillary to an existing single-family home.

(b) The area of ~~such quarters~~the *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* shall not exceed 30.00% of the area of the main structure.

(c) The *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* shall not incorporate kitchen facilities (*e.g. a stove or oven, food preparation area, etc.*); however, they may incorporate all other elements of a dwelling unit as outline in the definition of a *Dwelling Unit* contain in Article 13, *Definitions*.

~~(c)~~(d) ~~No such use~~A *Guest Quarters/Secondary Living Unit/Accessory Dwelling* may *not* be sold or conveyed separately without meeting the density and dimensional requirements of the zoning district as outlined in the Unified Development Code (UDC) and ~~the~~ *Chapter 38, Subdivisions*, of the Municipal Code of Ordinance~~subdivision ordinance~~.

~~(d)~~(e) *Guest Quarters/~~or~~Secondary Living Units/Accessory Dwelling 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 07.02, *Multi-Family District Development Standards*, of Article 05, *District Development Standards*.

(10) *Portable Building.*

(a) See Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *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

Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Underline, Font color: Accent 5
Formatted: Font: Italic

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) *Short-Term Rental (Owner-Occupied Single-Family Home, Townhome, or Duplex).*

(a) The *Short-Term Rental* shall not incorporate accessory land uses that are not permitted within the underlying zoning district (*e.g. Banquet Facility/Event Hall which includes meeting halls and wedding venues*) as stipulated by the *Permissible Use Charts* contained within this *Article*.

(b) In order to establish and operate a *Short-Term Rental (Owner Occupied Single-Family Home, Townhome, or Duplex)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, *Short-Term Rentals*, of Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances.

(13) *Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex).*

(a) *Short-Term Rentals* that are *Non-Owner-Occupied* shall not be located within 1,000-feet of another *Short-Term Rental* that is *Non-Owner Occupied*; however, *Short-Term Rentals* that were in existence prior to April 1, 2024 that [*1*] meet the criteria established in Subsection 06.05, *Non-Conforming Short-Term Rentals*, of this *Article*, and [*2*] received a valid permit and registration -- *in accordance with Article 2, Short-Term Rentals, of Chapter 13, Rental Housing, of the Municipal Code of Ordinances* -- prior to July 1, 2024 shall be exempted from the proximity requirements.

(b) *Short-Term Rentals* that are *Non-Owner-Occupied* that do not meet proximity requirements may be considered on a *case-by-case* basis by the Planning and Zoning Commission and City Council through a Specific Use Permit (SUP). In considering a Specific Use Permit (SUP) for a *Short-Term Rental* that is *Non-Owner-Occupied* the Planning and Zoning Commission and City Council shall consider the size, location, and impact of the proposed and existing *Short-Term Rentals* on the adjacent residential properties and their occupants.

(c) The *Short-Term Rental* shall not incorporate accessory land uses that are not permitted within the underlying zoning district (*e.g. Banquet Facility/Event Hall which includes meeting halls and wedding venues*) as stipulated by the *Permissible Use Charts* contained within this *Article*.

(d) In order to establish and operate a *Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, *Short-Term Rentals*, of Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances.

(14) *Short-Term Rental (Apartment or Condominium).*

(a) The number of *Short-Term Rentals* permitted within an *Apartment Complex, Condominium Building*, or any other multi-family structure -- *as defined by this land use in Article 13, Definitions, of this Unified Development Code (UDC)* -- shall be limited to a total of five (5) percent of the total units situated on a single parcel of land. For example, if a *Condominium Building* consisted of 100-units on a single parcel of land, a total of five (5) of the units could be established as *Short-Term Rentals*. In cases where there is a remainder in the number of units, the number of units shall round up (*e.g. 25-Units x 5.00% = 1.25-Units or 2-Units*).

(b) In order to establish and operate a *Short-Term Rental (Apartment or Condominium)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, *Short-Term Rentals*, of Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances.

(15) *Single-Family Attached Structure.*

(a) See Section 03, *Residential Districts*, of Article 05, *District Development Standards*.

(b) See Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(16) *Single-Family Detached Structure.*

(a) See Section 03, *Residential Districts*, of Article 05, *District Development Standards*.

(b) See Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(17) *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 03, *Residential Districts*, of Article 05, *District Development Standards*.

(c) See Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

(18) *Private Sports Court with Standalone or Dedicated Lighting.*

(A) A *Private Sports Court* includes any *Sports Court* that is separated from the primary structure or an existing residential driveway that is intended to be used for sports such as -- *but not limited to* – tennis, pickleball, basketball, volleyball, or similar activities for the property owner and/or their guests. A *Private Sports Court* does *not* include basketball courts or similar sports facilities that are

Formatted: Font: Italic, Underline

Formatted: No underline

Formatted: Font: Italic

Formatted: No underline

Formatted: Underline

Formatted: No underline

Formatted: No underline

attached to the primary structure or that make use of the existing residential driveway.

(B) A *Private Sports Court* shall be situated behind the primary structure, not situated within any easements, and be setback a minimum of ten (10) feet from all property lines.

(C) All dedicated lighting associated with a *Private Sports Court* on a residential property shall be on a standalone light pole a maximum of 14-feet in height with lighting standards that are fully cutoff and shielded and directed downward towards the surface of the court. In addition, light standards should be oriented in such a manner as to minimize light spillage and glare that could affect adjacent properties.

(D) All dedicated lighting associated with a *Private Sports Court* on a non-residential property shall adhere to the requirements of Section 03, *Outdoor Lighting for Non-Residential Properties*, of Article 07, *Environmental Performance*, of the Unified Development Code (UDC).

~~(18)~~(19) *Townhouse.*

(a) See Section 03, *Residential Districts*, of Article 05, *District Development Standards*.

(b) See the standards for the Two-Family (2F) District Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*.

~~(19)~~(20) *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 02.03(C)(5).

(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.

~~(a)~~(b) Playgrounds and splash pads shall be screened from all adjacent properties and public rights-of-way using mature evergreen shrubs.

(5) *Group or Community Home.*

(a) The facility must be an operated by:

(1) The Texas Department of ~~Mental Health and Metal Retardation (MHMR)~~Aging and Disability Services;

(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 02.03(C)(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 (2) 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

Formatted: No underline
Formatted: No underline
Formatted: Font: 5 pt, No underline
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: No underline
Formatted: No underline
Formatted: No underline
Formatted: Font: 5 pt, No underline
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: No underline
Formatted: No underline
Formatted: No underline
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"
Formatted: Underline, Font color: Accent 5
Formatted: Font: Not Italic, No underline
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic

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 02.03(C)(9)(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.

(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.*

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

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

(6) *Private Club, Lodge or Fraternal Organization.*

(a) *Private Club.*

(1) *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.

(2) *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*).

(3) *Alcoholic Sales Revenue.* Revenues from the sale of alcoholic beverages shall not exceed 40.00% 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 exceed the maximum allowed percentage.

(4) *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 (1) party.

(5) *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.

(6) *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.*

(1) *Alcoholic Beverage Package Sales.*

(a) The package sales of liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- shall *only* be permitted in conjunction with an *Alcoholic Beverage Store*, and shall not be permitted as an accessory use to any other land use contained within this Unified Development Code (UDC).

(b) The package sales of beer and wine shall be permitted *by-right* as an *accessory* land use to a *General Retail Store*, *Retail Store with Gasoline Sales*, *Brew Pub*, *Craft/Micro Brewery and/or Winery*, *Brewery*, and *Winery*.

(2) *Alcoholic Beverage Store.*

(a) An *Alcoholic Beverage Store* shall include the sale of beer, wine, *and* liquor or distilled spirits as defined by the Texas Alcoholic Beverage Code.

(b) An *Alcoholic Beverage Store* shall be prohibited from locating within 1,000-feet of a lot, parcel, or tract of land with another *Alcoholic Beverage Store* situated on it as measured in a straight line between the nearest points of one (1) of the lots, parcels, or tracts of land to the other lot, parcel, or tract of land.

(3) *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 off 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.

Formatted: Font: Italic

(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.

(4) *Temporary Christmas Tree Sales Lot and Similar Uses.*

(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.

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

(a) The total building area of a Craft/Micro Brewery, Distillery, and/or Winery shall be less than 12,000 SF.

(b) A maximum of 40.00% 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.

(6) *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 30.00% 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 (1) foot taller than the materials being displayed, whichever is greater.

(2) Include a minimum of 20.00% 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 (1) 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 (~~15~~) 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.

(7) *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

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic, Underline, Font color: Accent 5

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

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 (8) square feet 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).

(8) *General Personal Service.*

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

(9) *Permanent Cosmetics.*

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

(b) Accessory use to a *General Personal Service*.

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

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

(11) *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 from the point of order.

(12) *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 from the point of order.

(13) *Retail Store with Gasoline Sales*.

(a) All fuel vents associated with the fuel storage tanks at any *Retail Store with Gasoline Sales* shall be located within the gas canopy, and shall be fully screened and not visible from adjacent properties and/or rights-of-way.

(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 04, *Permissible Uses*, and Article 08, *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 building area is defined as the entirely enclosed air-conditioned portion of the primary building*~~).

(c) Outdoor sales and display may occupy up to 30.00% 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 20.00% solid screening matching the material of the primary building. The remainder may be solid evergreen planting, or wrought iron or decorative metal fence.

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

(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 04, *Permissible Uses*, and Article 08, *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) *Rental, Sales, and Service of Heavy Machinery.*

(a) In the Commercial (C) District, the Rental, Sales, and Service of Heavy Machinery 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).

(b) All outside storage of equipment and machinery shall be visibly screened from all adjacent properties utilizing one of the screening alternatives outlined in Subsection 05.02(A), *Loading Docks and Outside Storage Areas*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).

(c) The storage area for equipment and machinery shall not occupy any required parking spaces. Excess parking spaces may be used if all other requirements are met.

(d) The storage and/or display of equipment and machinery shall be in a stowed position so as to not extend any part of the equipment or machinery in an upward or outward manner.

(e) The conditions above shall not be construed to permit the outside storage of equipment and machinery for outside display, and does not permit additional outside storage of other materials that are not associated with the Rental, Sales, and Service of Heavy Machinery land use.

(f) Maintenance or service of any equipment and machinery shall not be performed on-site.

(6) *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.

(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 04, *Permissible Uses*, and Article 08, *Landscape and Fence Standards*.

(2) *Minor Auto Repair Garage.*

Formatted: Font: Italic

(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 30.00% 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 04, *Permissible Uses*, and Article 08, *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 50.00% 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, etcetera shall be performed outside the building*).

(d) Accessory uses may be allowed in compliance with *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 25.00% 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, 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.

(l) *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

Formatted: Font: Italic

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.

(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. 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 Planning and Zoning Commission 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 05.02, *Landscape Screening*, of Article 08, *Landscape and Fence Standards*. See-through fencing should be wrought iron, or similar. Chain-link 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 01.05, *Screening Standards*, of Article 05, *District Development Standards*.

(b) No outside storage shall be allowed in any zoning district adjacent to IH-30;~~. H~~ 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 *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.

Formatted: Font: Italic

(c) Incidental Display, as defined in Subsection 02.02(F)(4), shall not be considered Outside Storage and/or Outside Display, and shall be subject to the requirements of Subsection 02.02(F)(4).

(K) *Utilities, Communications and Transportation Land Uses*

(1) *Antenna ~~as an Accessory~~for a Residential Property.*

(a) The antenna installation shall comply with the height and ~~area regulations~~setback requirements of the applicable zoning district.

~~(a)~~(b) For an *Antenna for an Amateur Radio* see Subsection 02.03(K)(2).

~~(b) Administrative approval of the antenna installation shall be required.~~

~~(c) The antenna will meet all applicable requirements of Subsection 03.06, *Antennas*.~~

(2) *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. ~~H~~; 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 03.06, *Antennas*.~~

(3) *Antenna Dish.*

(a) Dish antennas shall not be located within front or side yards, and shall be fully screened from view from ~~streets~~ rights-of-way and public or ~~common~~ private 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; ~~.~~ ~~H~~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 03.06, *Antennas*.~~

(4) *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure).*

(a) *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure)* on private property:

(1) One (1) *Freestanding Commercial Antenna* shall be permitted on a non-residential lot as allowed by the applicable zoning district.

(2) The height of the *Freestanding Commercial Antenna* shall adhere to the height and building setbacks of the applicable zoning district; however, the City Council may grant a Specific Use Permit (SUP) for a *Freestanding Commercial Antenna* that exceeds the height of the zoning district.

(3) All equipment, buildings, and/or structures shall be a material allowed by the applicable zoning district or overlay district (*whichever is more restrictive*), and be similar in color and character to the primary building on the site (*if a primary building exists*).

(4) No more than three (3) separate equipment buildings shall be located on a single lot.

(5) All equipment and buildings shall be enclosed by a wrought iron or decorative metal fence with screening shrubs a minimum of six (6) feet in height or a masonry screening wall that is a minimum of eight (8) feet in height and that is compatible in colors and materials as the primary building (*if a primary building exists*). All fences shall be as defined by Article 08, *Landscape and Fencing Standards*, of the Unified Development Code (UDC),

(6) A minimum of one (1) paved parking space providing access to the *Freestanding Commercial Antenna* shall be required. The parking space shall be reserved exclusively for use in conjunction with the *Freestanding Commercial Antenna*, and -- *where applicable* -- may be one (1) of the parking spaces provided for the primary structure on the subject property if additional parking (*above and beyond the required parking*) exists.

(7) All development associated with a *Freestanding Commercial Antenna* shall adhere to the Engineering Department's *Standards of Design and Construction Manual*.

Formatted: Font: 5 pt
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Underline, Font color: Accent 5
Formatted: Underline, Font color: Accent 5
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Font: 5 pt
Formatted: Indent: Left: 1", No bullets or numbering
Formatted: Font: 5 pt
Formatted: Normal, No bullets or numbering
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Font: Italic
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.5", No bullets or
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: Italic, Underline, Font color: Accent 5
Formatted: Font: 5 pt

(b) *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure)* on public property or public parkland:

(1) *Freestanding Commercial Antennas* shall be permitted *by-right* on all public property or public parkland regardless of zoning designation.

(2) The height of the *Freestanding Commercial Antenna* shall adhere to the height and building setbacks of the applicable zoning district unless otherwise approved through agreement or Specific Use Permit (SUP) by the City Council.

(3) All buildings and/or structures shall be of a material allowed by the applicable zoning district or overlay district (*whichever is more restrictive*), and be of a similar color and character to the primary building on the site (*if a primary building exists*) unless otherwise approved by the City Council through agreement or Specific Use Permit (SUP).

(4) No more than three (3) separate equipment buildings shall be located on a single lot unless otherwise approved by the City Council through agreement or Specific Use Permit (SUP).

(5) All equipment and buildings shall be enclosed by a wrought iron or decorative metal fence with screening shrubs a minimum of six (6) feet in height or a masonry screening wall that is a minimum of eight (8) feet in height and that is compatible in colors and materials as the primary building (*if a primary building exists*) unless otherwise approved by the City Council through agreement or Specific Use Permit (SUP). All fences shall be as defined by Article 08, *Landscape and Fencing Standards*, of the Unified Development Code (UDC),

(6) A minimum of one (1) paved parking space providing access to the *Freestanding Commercial Antenna* shall be required. The parking space shall be reserved exclusively for use in conjunction with the *Freestanding Commercial Antenna*, and -- *where applicable* -- may be one (1) of the parking spaces provided for the primary structure on the subject property if additional parking (*above and beyond the required parking*) exists.

(7) All development associated with a *Freestanding Commercial Antenna* shall adhere to the Engineering Department's *Standards of Design and Construction Manual*.

~~(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 (1) 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 03.06, *Antennas*.~~

(5) ~~*Commercial Freestanding*~~*Mounted or Attached Commercial Antenna.*

(a) The height of the *Mounted or Attached Commercial Antenna* shall adhere to the height and building setbacks of the applicable zoning district; however, a *Mounted or Attached Commercial Antenna* shall be permitted to extend a maximum of ten (10) feet above the maximum height of the support structure, and shall maintain a 15-foot clearance from the ground to the lowest element of the antenna if attached to a utility installation or light pole.

(b) If the *Mounted or Attached Commercial Antenna* has ground mounted equipment or buildings associated with the installation, these structures shall be of a material allowed by the applicable zoning district or overlay district (*whichever is more restrictive*), and be of a similar color and character to the building in which the *Commercial Antenna* is attached or mounted. In addition, all equipment and buildings shall be enclosed by a wrought iron or decorative metal fence with screening shrubs a minimum of six (6) feet in height or a masonry screening wall that is a minimum of eight (8) feet in height and that is compatible in colors and materials as the building in which the *Commercial Antenna* is attached or mounted. All fences shall be as defined by Article 08, *Landscape and Fencing Standards*, of the Unified Development Code (UDC),

(c) If the *Commercial Antenna* is mounted or attached to a building and there is equipment associated with the installation, all ancillary equipment shall be screened so that it is not visible from adjacent properties, public or private open space/parkland, or rights-of-way. The proposed screening shall be approved by the Director of Planning and Zoning or his/her designee.

(d) If the *Commercial Antenna* is positioned in a way that it will be visible and standard screening methods are not possible, the antenna should utilize effective stealth techniques to camouflage or conceal it from view. Such

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Font: Italic, Underline

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Not Highlight

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Font: Italic

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Indent: Left: 0.5", Numbered + Level: 2 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 1.25" + Indent at: 1.5"

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

stealth techniques must be approved by the City Council through agreement or Specific Use Permit (SUP).

(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 (1) 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 03.06, *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 03.06, *Antennas*.

(c) Replacement of an Existing Freestanding Antenna that has 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

Formatted: Font: 5 pt

Formatted: Normal, No bullets or numbering

Formatted: Font: Italic

~~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 (1) of the spaces required for the principal use on the property.~~

~~(8) The antenna will meet all applicable requirements of Subsection 03.06, *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 (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) The antenna will meet all applicable requirements of Subsection 03.06, *Antennas*.~~

(6) *Commercial Drone Delivery Hub*.

(a) *General Requirements*. All *Commercial Drone Delivery Hubs -- regardless of if the land use is a primary or accessory land use* -- shall be at a minimum 150-feet from any residentially zoned or used property, and public parks or open space. This proximity requirement shall be measured from the property line of the proposed *Commercial Drone Delivery Hub* to the property line of the nearest residentially zoned or used property, or the property line of the public park or open space.

(b) *Definitions*. For the purposes of this section a *Drone Staging Area* shall be a designated area in which a drone or unmanned aerial vehicle (UAV) initiates take-offs and landings. The *Drone Staging Area* shall include the launch pad and any appurtenances and outside storage necessary for operations in this area.

(c) *Accessory Land Use*. A *Commercial Drone Delivery Hub* shall only be permitted as an *Accessory Land Use* to a land use permitted within the Commercial (C), Heavy Commercial (HC), and Light Industrial (LI) Districts, and shall be subject to the following requirements:

(1) *Site Plan*. The *Drone Staging Area* for a *Commercial Drone Delivery Hub* shall be designated on the approved *Site Plan* for the subject property.

(2) *Drone Staging Area*. The *Drone Staging Area* for a *Commercial Drone Delivery Hub* as an *Accessory Land Use* to a permitted land use in the Commercial (C) District shall be limited to ten (10) percent of the total site area or 1,000 SF (*whichever is greater*). A *Drone Staging Area* that is fully located within an enclosed building or that is situated on the roof of the building containing the primary land use shall be exempt from this limitation; however, any mechanical equipment associated with the proposed land use shall adhere to the screening requirements for utility equipment as stipulated by Subsection 01.05, *Screening Standards*, of Article 05, *District Development Standards*.

(3) *Location Requirements for Drone Staging Areas*. *Drone Staging Areas* shall *not* be located or situated within any building setbacks or required landscape buffers, fire lanes, easements, loading/unloading areas, or required parking spaces. In addition, the *Drone Staging Area* shall not obstruct visibility for pedestrians or vehicular traffic circulation on the subject property.

(4) *Screening of Drone Staging Areas*. All *Drone Staging Areas* shall be screened in accordance with the requirements for *Outside Storage* as stipulated by Subsection 01.05, *Screening Standards*, of Article 05, *District Development Standards*.

(5) *Buildings for Commercial Drone Delivery Hub*. Where a detached building is proposed as an

accessory building for a *Commercial Drone Delivery Hub* as an accessory land use, the maximum square footage of the building shall be limited to ten (10) percent of the total floor area of the primary building on the subject property.

(6) *Reduction of Existing Parking*. Where it is deemed appropriate by the City Council, upon a recommendation by the Planning and Zoning Commission, a ten (10) percent reduction in the required number of parking spaces may be granted to accommodate a *Drone Staging Area*; however, no additional parking shall be required for the establishment of a *Commercial drone Delivery Hub* as an accessory land use. Should the *Drone Staging Area* be removed from the property the parking reduction will be revoked and the parking areas shall be reestablished as they were prior to the establishment of the *Drone Staging Area*.

(d) *Primary Land Use*. A *Commercial Drone Delivery Hub* shall only be permitted as a primary land use in the Heavy Commercial (HC) and Light Industrial (LI) Districts, and shall be subject to the following requirements:

(1) *Site Plan*. The *Drone Staging Area* for a *Commercial Drone Delivery Hub* shall be designated on the approved *Site Plan* for the subject property.

(2) *Drone Staging Areas*. A *Drone Staging Area* that is situated on the roof of the building shall be subject to the screening requirements for utility equipment as stipulated by Subsection 01.05, *Screening Standards*, of Article 05, *District Development Standards*. In addition, the proposed facility shall adhere to the height restrictions of the zoning district, but a single mast for a windsock may extend above the parapet of the building in accordance with the requirements of Subsection 04.01(B) or Subsection 05.01(B) of Article 05, *District Development Standards* (*whichever may be applicable*).

(3) *Location Requirements for Drone Staging Areas*. *Drone Staging Areas* shall *not* be located or situated within any building setbacks or required landscape buffers, fire lanes, easements, loading/unloading areas, or required parking spaces. In addition, the *Drone Staging Area* shall not obstruct visibility for pedestrians or vehicular traffic circulation on the subject property.

(4) *Screening of Drone Staging Areas*. All *Drone Staging Areas* shall be screened in accordance with the requirements for *Outside Storage* as stipulated by Subsection 01.05, *Screening Standards*, of Article 05, *District Development Standards*.

(7) *Solar Energy Collector Panels and System.*

(a) *Residential*. *Solar Energy Collector Panels and Systems* installed on a residential structure shall be required to meet the requirement of the International Building Code (IBC), and be required to apply for and receive a building permit from the Building Inspections Department.

(b) *Small Commercial*. *Solar Energy Collector Panels and Systems* installed on a *Small Commercial* structure shall be required to meet the requirement of the International Building Code (IBC), and be required to apply for and receive a building permit from the Building Inspections Department. *Small Commercial* shall mean a *Small Commercial Customer* as defined by Section 202, *Price to Beat*, of Chapter 39, *Restructuring of Electrical Utility Industry*, of the Texas Utilities Code. It shall be the burden of a property owner to show that a particular property meets the definition of a *Small Commercial Customer*.

(c) *Commercial*. *Solar Energy Collector Panels and Systems* installed on a *Commercial* structure shall be required to meet the following:

(1) *Solar Energy Collector Panels on a Pitched Roof*. *Solar Energy Collector Panels* installed on a pitched roof shall be of a flat configuration and shall be subject to the following requirements:

(A) *Solar Energy Collector Panels* shall not extend beyond the roofline or eave lines of a roof.

(B) *Solar Energy Collector Panels* shall not exceed more than 45.00% of the total roof area.

(C) Configuration of *Solar Energy Collector Panels* on a pitched roof shall be a regular quadrangular shape, flat to the roof or integrated with the roof, and aligned with the natural roof edges.

(D) The surface of the *Solar Energy Collector Panel* shall not be more than six (6) inches above the surface of the pitched roof.

(2) *Solar Shingle on a Pitched Roof*. *Solar Shingles* may be installed on a pitched roof; however, *Solar Shingles* are subject to the following requirements:

(A) *Solar Shingles* shall be installed on 100.00% of the total roof area -- *excluding accent roof materials (e.g. metal roofs over gabled windows, porches, entryways, and etcetera)* --, and shall not be installed alongside another roof mounted *Solar Energy Collector System*.

(3) *Solar Energy Collector Panels on a Flat Roof*. *Solar Energy Collector Panels* installed on a flat roof, whether rack-mounted or flat-mounted, shall be screened from public view, and meet the following requirements:

(A) The height of such screening, at the minimum, shall be the height of the *Solar Energy Collector Panel*.

(B) The screening may be by a parapet or screening wall replicating the materials of the building.

(4) Reflective glare of *Solar Energy Collector Panels* shall be minimized by the positioning of the *Solar Collector Panels* or by the use of non-glare glazing.

(5) 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.

(6) 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 of Rockwall.

(7) The maximum overall height of ground mounted or pole mounted *Solar Energy Collector Panels* shall not exceed eight (8) feet.

(8) 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 03 | OTHER SPECIAL USE STANDARDS

SUBSECTION 03.01: 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~~SF 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~~SF per animal.

(B) *Other Animals.* An SUP is required for other farm animals, including fowls, chickens and swine (*except for "potbellied pigs" as defined in Section 6-1, Definitions, of Chapter 6, Animals, of the Municipal Code of Ordinances*), and for a reduction in the land area required for grazing farm animals. The city shall not grant a 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, *Definitions*, of Chapter 6, *Animals*, of the Municipal 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 6-1, *Definitions*, of Chapter 6, *Animals*, of the Municipal Code of Ordinances.

SUBSECTION 03.02: TEMPORARY ACCOMODATION FOR EMPLOYEES, CUSTORMERS 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 (5) percent of the building area is utilized for this ancillary use.

SUBSECTION 03.03: 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 03.04: FLAG POLES

Flag poles are permitted in all districts, but must meet the building height and setback requirements for each district. (See Article 05, *District Development Standards*, of the Unified Development Code).

SUBSECTION 03.05: 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~~ 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~~ 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

Formatted: Font: Italic

Formatted: Font: Italic

property line to the base of the floor on which the permit or license holder is located.

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 *or* Alcoholic Beverage Stores 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 or Alcoholic Beverage Stores 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 *or* Alcoholic Beverage Stores engaged in the selling of beer, wine, and distilled spirits or liquor 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 or Alcoholic Beverage Store 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.

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 *or* Alcoholic Beverage Stores engaged in the selling of beer, wine, and distilled spirits or liquor 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, *Signs*, of the Municipal Code of Ordinances, pertaining to signs.

Formatted: Underline, Font color: Accent 5

(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.

~~SUBSECTION 03.06: 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 and Zoning. 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 04 | FLOODPLAIN AREAS

SUBSECTION 04.01: PERMITTED USES

The following land 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, *Floods*, of the Municipal Code of Ordinances, and the Engineering Department's *Standards of Design and Construction Manual*:

(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 04.02: DUMPING, EXCAVATING OR FILLING IN A FLOODPLAIN

Any dumping, excavation, storage or filling operation on any property within any district having a floodplain designation or that is within a creek or drain way shall require a permit from the City Engineer prior to the commencement of such activity; however, no construction, buildings, or structures shall be permitted within a floodplain. Fences maybe permitted through approval by the City Engineer in accordance with the requirements of the Engineering Department's *Standards of Design and Construction Manual*.

SUBSECTION 04.03: 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 (UDC) shall not be so interpreted.

SECTION 05 | TEMPORARY USES AND STRUCTURES

SUBSECTION 05.01: 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 05.02: TEMPORARY USES

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 06 | NON-CONFORMING USES, STRUCTURES, AND SITES

SUBSECTION 06.01: INTENT

Within the zoning districts established by this Unified Development Code (UDC), 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 (UDC). 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 non-conforming lots, buildings, or uses shall not be enlarged upon, expanded or extended, except as otherwise specifically provided, and that such non-conforming 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, non-conforming uses are declared to be incompatible with permitted uses in the same zoning districts.

SUBSECTION 06.02: APPLICABILITY

The provisions of this section shall apply to lots, uses and buildings which become non-conforming by reason of the adoption of, or an amendment to, the ordinance from which this Unified Development Code (UDC) is derived, as of the effective date of such amendment.

SUBSECTION 06.03: NON-CONFORMING 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 (UDC) 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 (UDC) for the district in which it is located.

(2) The right to continue non-conforming uses shall be subject to regulations prohibiting the creation of a nuisance and regulations reasonably protecting adjacent property.

(B) *Cessation of Non-~~conforming~~ Conforming 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 Non-~~conforming~~ Conforming Use*. No existing building or premises devoted to a use that is not permitted by this Unified Development Code (UDC) 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 non-conforming use of a building may be changed to another non-conforming 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 non-conforming use has been changed to a conforming use, the use shall not thereafter be changed to a non-conforming use.

(3) When authorized by the board of adjustment, enlargement or completion of a building devoted to a non-conforming 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% of its original area of nonconformity.

(4) When authorized by the board of adjustment, a non-conforming 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 non-conforming, if no structural alterations except those required by law, are made.

SUBSECTION 06.04: NON-CONFORMING 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 non-conforming 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 (UDC). (For land use nonconformity, see Subsection 06.03, *Non-Conforming Uses*, of Article 04, *Permissible Uses*).

(B) *Use of Non-~~conforming~~ Conforming Buildings, Structures or Land*.

(1) No building or structure which was originally designed for or used as a non-conforming use shall again be put to a non-conforming use, where such use has ceased for 180-days or more during any three (3) 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 (UDC) shall be discontinued within six months from the enactment of this Unified Development Code (UDC). The non-conforming use of land and/or buildings involving individual structures with a replacement cost of $1,000.00 or less, which becomes non-conforming by reason of subsequent amendments to this Unified Development Code (UDC) shall be discontinued within six months from the date of such amendment.

(C) *Construction Approved prior to Unified Development Code (UDC)*. Nothing in this Unified Development Code (UDC) 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 (UDC), 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 non-conforming structure which is damaged more than 75.00% 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 75.00% 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 (UDC) 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 50.00% of the replacement cost of the building. If the repairs exceed 50.00%, 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 non-conforming structure or portion of a structure containing a non-conforming 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 (10) percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be.

(2) If 50% or more of a non-conforming structure containing a non-conforming 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 Non-~~conforming~~ Conforming Building or Structure*. No non-conforming 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) *Non-~~conforming~~ Conforming Lot Sizes*. All lots used for storage that do not require a building and the use of such lot is made non-conforming by this Unified Development Code (UDC) 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 (UDC) is derived, or amendments [*thereto*].

SUBSECTION 06.05: NON-CONFORMING SHORT-TERM RENTALS

Short-Term Rentals, as defined in Article 13, *Definitions*, of this Unified Development Code (UDC), shall be considered to be legally in existence for the purpose of establishing vested or non-conforming rights regarding the zoning requirements if all of the following criteria is met by the owner of a *Short-Term Rental*:

(A) The owner of a property provides a property deed or proof of ownership showing that the property was purchased prior to April 1, 2024.

(B) The owner of the property can provide proof that the property was used as a *Short-Term Rental* (*i.e. a listing, proof of rental, etc.*) *OR* proof of payment of hotel occupancy tax to the City of Rockwall.

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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 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	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	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	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									
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	A			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS							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
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													
Home Occupation	(9)	(7)	P	P	P	P	P	P	P	P	P	P	P	P	P	P											
Limited-Service Hotel	(10)														S			S	S		S						
Full-Service Hotel	(11)	(8)													S			S	S		S						
Residence Hotel	(12)														S			S	S		S						
Motel	(13)														S			S	S		S						
Multi-Family Development or Structure	(14)	(9)												P													
Portable Building	(15)	(10)		P	P	P	P	P	P	P	P	P	P														
Residential Infill in an Established Subdivision	(16)	(11)	S	S	S	S	S	S	S	S	S	S	S	S	S	S											
Short-Term Rental (*Owner-Occupied, Single-Family Home, Townhome, or Duplex*)	(17)	(12)		P	P	P	P	P	P	P	P	P	P	P	S	S											
Short-Term Rental (*Non-Owner-Occupied, Single-Family Home, Townhome, or Duplex*)	(17)	(13)		P	P	P	P	P	P	P	P	P	P	P	S	S											
Short-Term Rental (*Apartment or Condominium*)	(17)	(14)		P	P	P	P	P	P	P	P	P	P	P	S	S											
Single-Family Attached Structure	(18)	(15)										P	P	P													
Single-Family Detached Structure	(19)	(16)	P	P	P	P	P	P	P	P	P	P	P	P		P											
Single-Family Zero Lot Line Structure	(20)	(17)										P	P	P		P											
Private Swimming Pool	(21)		A	A	A	A	A	A	A	A	A	A	A	A	A	A											
Private ~~Tennis~~ Sports Court with Standalone or Dedicated Lighting	(22)	(18)	A	~~SP~~	~~SP~~	~~SP~~	S	S	S	S	S	S	S	~~SP~~		S		P	P	P	P					
Townhouse	(23)	(~~18~~19)												P		P											
Urban Residential	(24)	(~~19~~20)												S	S												
INSTITUTIONAL AND COMMUNITY SERVICE LAND USES	2.02(C)	2.03(C)																									
Assisted Living Facility	(1)	(1)												P	S	S	S	S	S		S						
Blood Plasma Donor Center	(2)																	P	P	P	P	P					
Cemetery/Mausoleum	(3)		S														P	P	P	P	P	P					

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
Church/House of Worship	(4)	(2)	S	S	S	S	S	S	S	S	S	S	S	P	S		P	S	S	P	S	P			
College, University, or Seminary	(5)														P				S	P	P	P			
Convalescent Care Facility/Nursing Home	(6)													S	S	P	P	P	P	P	S				
Congregate Care Facility/Elderly Housing	(7)	(3)												P	S	S	S	S	S		S				
Crematorium	(8)																				S	P			
Daycare with Seven (7) or More Children	(9)	(4)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S			
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	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	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	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	S					
Trade School	(24)														S			S	P	P	P	P			
Rescue Mission or Shelter for the Homeless	(254)																			S	P	P			
Social Service Provider (*Except Rescue Mission or Homeless Shelter*)	(265)																	S		P	P	P			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Highlight

Formatted: Font: Bold, Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted Table

Formatted: Font: Italic

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
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 or Medical Office Building less than 5,000 SF	(2) & (3)														P	P	P	P	P	P	P	P			
Office or Medical Office Building 5,000 SF or Greater	(2) & (3)														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	(2)	(2)													S			S	P	P	P	P			
Outdoor Commercial Amusement/Recreation	(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	P	P	P	P	P			
Private Country Club	(5)		S	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																	P		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	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	S	P	P	P			
Theater	(15)														P			S	P	P	P	P			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: No underline, Font color: Background 1

Formatted Table

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
RETAIL AND PERSONAL SERVICES LAND USES	2.02(F)	2.03(F)																							
Alcoholic Beverage Package Sales	~~(1)~~	(1)													P		S	P	P	P	S				
Alcoholic Beverage Store	~~(2)~~	(2)													S				S	P					
Antique/Collectible Store	~~(23)~~														S		S	P	P	P					
Astrologer, Hypnotist, or Psychic	~~(34)~~														S	P	P	P	P	P					
Banquet Facility/Event Hall	~~(45)~~														S			P	P	P					
Portable Beverage Service Facility	~~(56)~~	(3)													S	S		S	S	S	S	P			
Brew~~p~~-~~P~~ub	~~(67)~~														P		P	P	P	P	P	P			
Business School	~~(78)~~														P			P	P	P	P				
Catering Service	~~(89)~~														A		S	P	P	P	P				
Temporary Christmas Tree Sales Lot and/or Similar Uses	~~(910)~~	(4)													S		S	P	P	P	P	P			
Copy Center	~~(1011)~~														P		P	P	P	P	P	P			
Craft/Micro Brewery, Distillery and/or Winery	~~(1112)~~	(5)													S			S	S		P	P			
Incidental Display	~~(1213)~~	(6)													P		P	P	P	P	P				
Food Trucks/Trailers	~~(1314)~~	(7)													P	S	S	P	P	P	P	P			
Garden Supply/Plant Nursery	~~(1415)~~																S	P	P	P	P				
General Personal Service	~~(1516)~~	(8)													P		P	P	P	P	S				
General Retail Store	~~(1617)~~														P	S	P	P	P	P	S	S			
Hair Salon and/or Manicurist	~~(1718)~~														P	S	P	P	P	P	S				
Laundromat with Dropoff/Pickup Services	~~(1819)~~														P		P	P	P	P	P	P			
Self-~~-~~Service Laundromat	~~(1920)~~														P		P	P	P	P	P	P			
Massage Therapist	~~(2021)~~														P	P	P	P	P	P					
Private Museum or Art Gallery	~~(2122)~~														P	P	S	P	P		P				
Night Club, Discotheque, or Dance Hall	~~(2223)~~														S			S	P	P	S	S			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Font color: Accent 5

Formatted: Font color: Accent 5

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
Pawn Shop	~~(2324)~~																			S	S	P	P			
Permanent Cosmetics	~~(2425)~~	(9)														A	A	A	A	A	A	A				
Pet Shop	~~(2526)~~																	P	P	P	P					
Temporary Real Estate Sales Office	~~(2627)~~		P	P	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	~~(2728)~~	(10)																	S	P	P	P	P			
Restaurant with less than 2,000 SF with Drive-Through or Drive-In	~~(2829)~~	(11)																S	S	S	S	S	S			
Restaurant with less than 2,000 SF without Drive-Through or Drive-In	~~(2930)~~															P	S	P	P	P	P	P	P			
Restaurant with 2,000 SF or more with Drive-Through or Drive-In	~~(2829)~~	(12)																S	S	P	P	P	P			
Restaurant with 2,000 SF or more without Drive-Through or Drive-In	~~(2930)~~															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*)	~~(3031)~~	(13)																S	P	P	P	P	P	S	S	
Retail Store with Gasoline Sales that has more than Two (2) Dispensers	~~(3032)~~	(13)																	S	P	P	P	P	S	S	
Secondhand Dealer	~~(3133)~~															S			P	P	P	P	P			
Art, Photography, or Music Studio	~~(3233)~~															P	P	P	P	P	P	P				
Tailor, Clothing, and/or Apparel Shop	~~(3334)~~															P		P	P	P	P					
Tattoo and/or Body Piercing	~~(3435)~~																				P					
Taxidermist Shop	~~(3536)~~																				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			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted Table

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
Custom and Craft Work	(5)																			P	P	P				
Electrical, Watch, Clock, Jewelry and/or Similar Repair	(6)														P		S	P	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 Rental, Sales and Service	(10)	(5)																	S	P	S	P				
Locksmith	(11)														P			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				
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)	(6)	P	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 Automotive 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				

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Not Strikethrough

Formatted: Not Strikethrough

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
Commercial Parking Lot	(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	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	(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			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Not Strikethrough

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
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			
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~~for a Residential Property	(2)	(1)	~~PA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~P~~		~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~				
~~Commercial Antenna~~	~~(3)~~	~~(2)~~													~~S~~	~~S~~		~~S~~	~~S~~	~~S~~	~~S~~	~~P~~			
Antenna for an Amateur Radio	(43)	(32)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Antenna Dish	(54)	(43)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Freestanding Commercial ~~Freestanding~~ Antenna (*i.e. Monopole or a Similar Structure*)	(65)	(54)	S											S		S	S	~~SP~~	~~SP~~	~~SP~~	P	P	S		S
Mounted or Attached Commercial Antenna	~~(76)~~	(65)	S											P	S	S	S	~~SP~~	~~SP~~	~~SP~~	P	P			
Bus Charter Service and Service Facility	~~(87)~~																			P	P	P			
Commercial Drone Delivery Hub	(8)	(6)																	S	S	S				
Helipad	(9)																	S	S	S	S	S			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted Table

LAND USE SCHEDULE

LEGEND:

	Land Use *NOT* Permitted *OR* for *Overlay Districts* Refer to Base Zoning District
P	Land Use Permitted *By-Right*
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 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [*Article 04, Permissible Uses*]	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						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
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 (*Includes Utilities with a Franchise Utility Agreement with the City of Rockwall*)	(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	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	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	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	A			
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	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~~			

Formatted Table

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: 6.5 pt

Formatted: Font: 5 pt

Formatted: Font: Italic

Continued on Next Page …

ARTICLE 05 | DISTRICT DEVELOPMENT STANDARDS

SECTION 01 | GENERAL STANDARDS
SECTION 02 | AGRICULTURAL DISTRICTS
SECTION 03 | RESIDENTIAL DISTRICTS
SECTION 04 | COMMERCIAL DISTRICTS
SECTION 05 | INDUSTRIAL DISTRICTS
SECTION 06 | OVERLAY DISTRICTS
SECTION 07 | DISTRICT DEVELOPMENT STANDARDS

SECTION 01 | GENERAL STANDARDS

SUBSECTION 01.01: OPEN SPACE

The purpose of this Article is to set forth regulations which protect the public from the potential negative effects of industrial and intense commercial development by regulating smoke and particulate matter, odorous matter, fire or explosive materials, toxic and noxious matter, vibration, open storage, glare and fuel supply in the vicinity of such sites.

(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 03.01, *General Residential District Standards*

(b) *Commercial*. Subsection (D), *Open Space Guidelines*, of Section 04.01, *General Commercial District Standards*

(c) *Industrial*. Subsection (D), *Open Space Guidelines*, of Section 05.01, *General Industrial District Standards*

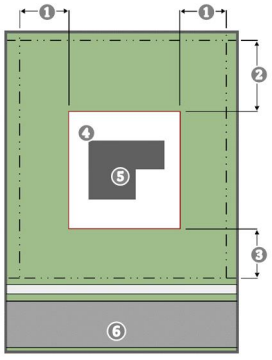
SUBSECTION 01.02: SITE PLANS

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 11, *Development Applications and Review Procedures*.

SUBSECTION 01.03: LOT CONFIGURATIONS

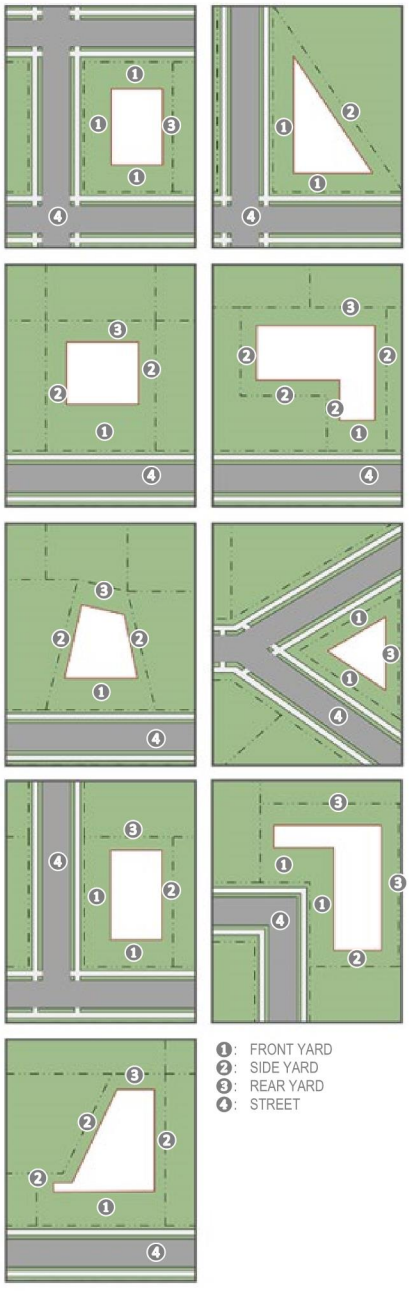
(A) *Lots with a Single Street Frontage*. Where lots have a single street frontage, the required setbacks should generally adhere to the following diagram:

FIGURE 1: LOT WITH A SINGLE STREET FRONTAGE



1: REQUIRED SIDE YARD SETBACK
2: REQUIRED REAR YARD SETBACK
3: REQUIRED FRONT YARD SETBACK
4: BUILDABLE AREA
5: BUILDING COVERAGE
6: STREET

FIGURE 2: LOT WITH MULTIPLE STREET FRONTAGE



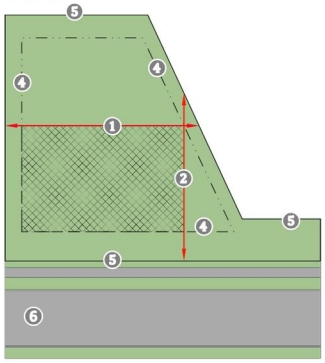
1: FRONT YARD
2: SIDE YARD
3: REAR YARD
4: STREET

(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:~~ *Figure 2*.

~~(B)~~(C) *Determining Lot Width and Depth for an Irregularly Shaped Lot*. To determine the minimum lot width and depth of an irregularly shaped lot or where a portion of the lot does not adhere to the required minimum lot width or depth, the follow method of calculation shall be use:

FIGURE 3: IRREGULARLY SHAPED LOT

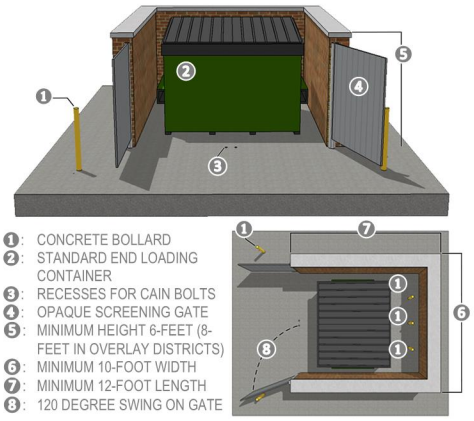
1: MINIMUM LOT WIDTH
2: MINIMUM LOT DEPTH
3: BUILDABLE AREA
4: BUILDING SETBACK
5: PROPERTY LINE
6: STREET



SUBSECTION 01.04: 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.

FIGURE 3: STANDARD DUMPSTER ENCLOSURE



1: CONCRETE BOLLARD
2: STANDARD END LOADING CONTAINER
3: RECESSES FOR CAIN BOLTS
4: OPAQUE SCREENING GATE
5: MINIMUM HEIGHT 6-FEET (8-FEET IN OVERLAY DISTRICTS)
6: MINIMUM 10-FOOT WIDTH
7: MINIMUM 12-FOOT LENGTH
8: 120 DEGREE SWING ON GATE

SUBSECTION 01.05: SCREENING STANDARDS

All development shall adhere to the following screening standards:

(A) *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 05.02, *Landscape Screening Standards*, of Article 08, *Landscape Standards*.

(B) *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.

(C) *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 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.

(D) *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.

(E) *Outside Storage*. Outside storage of materials or vehicles shall be screened from all public ~~streets~~rights-of-way, any adjacent properties, ~~any residential zoning district or residentially used property,~~ and parks and open space that abut~~s~~ or ~~is~~are 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

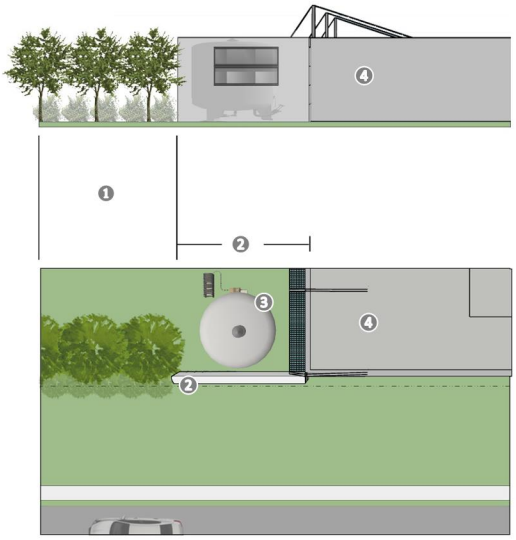
Formatted: Indent: Left: 0.25", No bullets or numbering

Formatted: Normal

Formatted: Font: Italic

accordance with Subsection 05.02, *Landscape Screening Standards*, of Article 08, *Landscape Standards*.

FIGURE 4: ABOVE GROUND STORAGE TANKS



1: SECONDARY SCREENING CANOPY TREES (SPACED 20-FOOT ON CENTER) AND SHRUBS
2: SCREENING WALL
3: ABOVE GROUND STORAGE TANK
4: INDUSTRIAL BUILDING

SUBSECTION 01.06: RESIDENTIAL ADJACENCY STANDARDS

(A) *Purpose*. The general objectives of residential adjacency standards are to preserve and protect the integrity, enjoyment and property values of residential neighborhoods within the City of Rockwall, through the establishment of standards for certain nonresidential uses that may impact surrounding residential land uses. These standards are in addition to the development regulations applicable to the underlying zoning district. When any requirements in this section are in conflict with any other requirements for the underlying zoning district, the more restrictive requirements shall apply.

(B) *Definitions*.

Residential Adjacency. Any nonresidential building, use, or associated activity that when located in proximity to a residential district may result in detrimental impact to a residential property. Residential adjacency shall include the lot on which the nonresidential building, use, or associated activity is located. In cases where multiple uses are contained on the same lot, residential adjacency shall apply to the area within that lot which encompasses the building, use, or associated activity and all accessory buildings, uses, or areas necessary to support them.

Vehicular Service Bays. Any partially or fully enclosed space used for "major" or "minor" automobile repair, or truck and bus repair, or similar activities.

Individual Service Speakers. Speakers used to conduct business with individual customers outdoors or in a partially enclosed structure, including, but not limited to:

- Drive-through payment windows;
- Drive-through restaurant ordering boards;
- Service station pump islands; and
- Car washes.

Public Address/Paging Systems. Loud speaker or amplified paging systems intended to contact or provide information to person(s) on the exterior of a building such as those commonly used by businesses with large outdoor facilities/operations, including, but not limited to:

- New and used car dealers;
- Building material sales;
- Garden centers; and
- Car washes.

Small Engine Repair Shop. Shop for repair of lawnmowers, chain saws, lawn equipment, and other machines with one-cylinder engines.

Motorcycle. A usually two (2) wheeled self-propelled vehicle having one (1) or two (2) saddles or seats, and which may have a sidecar attached. For purposes of the Unified Development Code (UDC), motorbikes, motor scooters, mopeds, and similar vehicles are classified as motorcycles.

Motorcycle Sales and Service. The display, sale and servicing, including repair work of motorcycles.

(C) *Applicability*.

(1) The residential adjacency standards shall apply when a use is proposed for a nonresidential building or site that is adjacent to a residential district, and both of the following conditions apply:

(a) An existing or proposed building, structure, or device on the lot is within 150 feet of a residential district boundary, except if the activity proposes the use of public address/paging systems, in which case 500 feet shall be the effective distance; and

(b) One or more of the following uses are proposed:

(1) Planned shopping centers and neighborhood convenience centers.

(2) Restaurants, including accessory outdoor seating, with drive-in or drive-through facilities.

(3) Retail outlets where gasoline products are sold as an accessory use.

(4) Automotive repair, as an accessory to a retail use, provided all work is conducted wholly within a completely enclosed building.

(5) Gasoline service stations.

(6) Car wash.

(7) Drive-in businesses.

(8) New car dealership.

(9) Nursery, greenhouse, or garden center.

(10) Minor automotive repair.

(11) New boat dealership.

(12) Automotive vehicle sales and service.

(13) Automotive repair and other repair services, excluding wrecking yards.

(14) Lumberyards or contractor yards, general warehousing and storage, farm equipment or other heavy equipment sales and service, farm products, warehousing and storage, including mini-warehouses for storage purposes only.

(15) Small engine repair service.

(16) Motorcycle sales and service.

(2) Review of proposals for compliance with the residential adjacency standards will be carried out in conjunction with site plan review, depending on whether or not the actual use of the site is known.

(D) *Standards*.

(1) *Noise*.

(a) Any use containing individual service speakers shall not be permitted within 150 feet of any residential district unless the speaker is appropriately screened and shall meet the standards established in Article IV, *Noise*, of Chapter 16, *Environment*, of the Municipal Code of Ordinances. The Planning and Zoning Commission may require wing walls, landscape screens, changes in building orientation, and/or other design elements to screen and minimize the impact of individual service speakers.

(b) Any use containing public address/paging systems shall not be permitted within 500 feet of any residential district unless separated by an MD4 or larger thoroughfare.

(2) *Loading Spaces*.

(a) Where adjacent to residential districts, off-street loading areas shall be fully screened from view of the residential district.

(b) The director may require wing walls, landscape screens, changes in building orientation, and/or other architectural elements to minimize the impact of uses containing loading docks within 150 feet of any residential district.

(3) *Vehicular Service Bays*.

(a) All vehicular service bays within 150 feet of a residential district shall face away from adjacent residential districts unless separated by a building or permanent architectural feature of minimum height matching the height of the service bays.

(b) Walls separating service bays from a residential district shall be of masonry or reinforced concrete with no openings.

(c) The director may require wing walls, landscape screens, changes in building orientation, and/or other design elements to minimize the impact of service bays within 150 feet of a residential district.

(d) No use including outdoor vehicular repair, servicing or testing shall be permitted within 150 feet of a residential district.

(4) *Small Engine Repair Shops*. Small engine repair shops shall not be permitted within 150 feet of a residential district unless all repair, service, and testing activities are done in a fully enclosed building.

(5) *Motorcycle Sales/Service*. Motorcycle sales/service facilities shall not be permitted within 150 feet of a residential district unless all repair, service, and testing activities are done in a fully enclosed building.

(6) *Car Wash and Fuel Dispensing Facilities*.

(a) Car wash and fuel dispensing facilities shall not be permitted within 150 feet of a residential district.

(b) Where car wash and fuel dispensing facilities are within 300 feet but greater than 150 feet of a residential district, the Planning and Zoning Commission may require wing walls, landscape screens, and/or other design elements to screen and minimize the impact of such facilities.

(7) *Combination Gas Station, Fast Food Restaurant, and/or Convenience Store*.

(a) Combination gas station, fast food restaurant, convenience store shall not be permitted within 150 feet of a residential district.

(b) Where combination gas station, fast food restaurant, convenience stores are within 300 feet but greater than 150 feet of a residential district, the Planning and Zoning Commission may require wing walls, landscape screens, and/or other design elements to screen and minimize the impact of such facilities.

(8) *Signs*.

(a) No more than one (1) monument sign per street frontage with a maximum height of five (5) feet and a maximum area of 60 square feet shall be allowed.

(b) A business shall be allowed any number of attached walls, projection or marquee signs so long as the total face area of the building or store front does not exceed ten (10) percent of the front face area of the building or store front as established in approved plans submitted to the City, or 60 square feet, whichever is greater, or exceed six feet in height as per the sign ordinance.

(E) *Review*. The following information shall be submitted in order to facilitate the review:

(1) All information and procedures as required by site plan review in Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC).

(2) Location and description of existing and proposed exterior speaker systems to include information about the height, octave and decibel band ranges of each fixture.

(3) Information indicating the location and orientation of all off-street loading spaces.

(4) Information indicating the location and orientation of all vehicular service bays.

(5) Information indicating the location and description of existing and proposed screening between the proposed nonresidential use and the residential district.

SUBSECTION 01.07: 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.

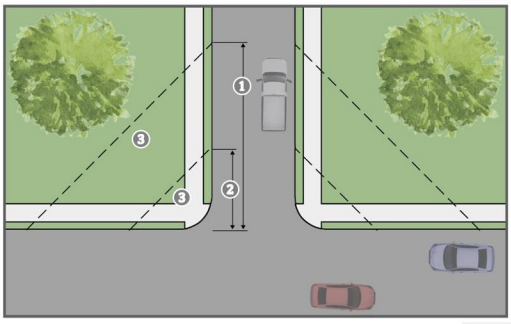
An open fire escape may project into a required yard by not more than half the width of the setback, but not more than four (4) feet from the building. Fire escapes, solid floored balconies and enclosed outside stairways may project into a rear yard by a maximum of four (4) feet.

(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.

SUBSECTION 01.08: 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.

FIGURE 5: SITE DISTANCE REQUIREMENTS



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

NOTES:

(1) THE TRIANGLE SHOULD BE MEASURED FROM THE EDGE OF THE STREET, AND PROJECTED AT A 45-DEGREE ANGLE TO THE ADJOINING STREET.

(2) THE UNOBSTRUCTED VERTICAL FIELD OF VISION SHOULD BE BETWEEN TWO (2) FEET AND NINE (9) FEET IN HEIGHT.

(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) curb lines 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.

SECTION 02 | AGRICULTURAL DISTRICTS

SUBSECTION 02.01: 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 01.01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within an Agricultural (AG) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SECTION 03 | RESIDENTIAL DISTRICTS

SUBSECTION 03.01: 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.

FIGURE 6: ANTI-MONOTONY REQUIREMENTS

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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 1 (SF-1) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.06: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 16 (SF-16) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.07: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 10 (SF-10) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.08: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 8.4 (SF-8.4) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.09: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Single-Family 7 (SF-7) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.10: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Zero Lot Line (ZL-5) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.11: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Two-Family (2F) District shall conform to Subsection 03.01, *General Residential District Standards*, and the related standards listed within Subsection 07.01, *Residential District Development Standards*.

SUBSECTION 03.12: 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 01, *Land Use Schedule*, of Article 04, *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 04 | COMMERCIAL DISTRICTS

SUBSECTION 04.01: 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 07.03, *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 standards for articulation on primary building façades as depicted in *Figure 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 standards for articulation on secondary building façades as depicted in *Figure 7*.

(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 criterion 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 08, *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.

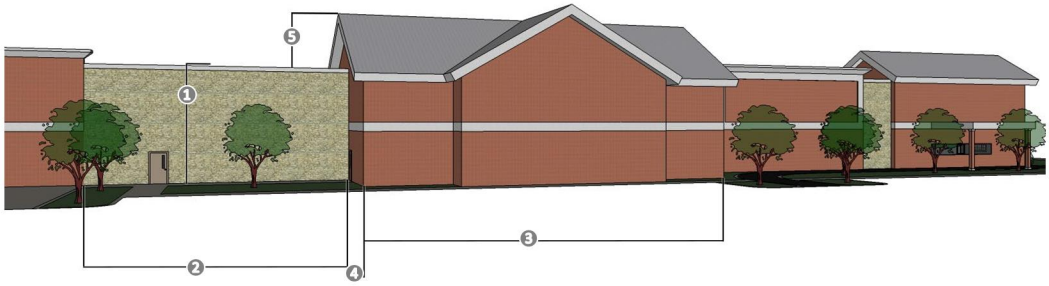
(c) In order to maintain on-site circulation, each drive-through lane is to be separate from pump islands and from routes necessary for entering and exiting the property.

(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*, of Article 08, *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*, of Article 08, *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

FIGURE 7: COMMERCIAL BUILDING ARTICULATION STANDARDS

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 THREE (3) TIMES THE WALL HEIGHT (I.E. 3 x ❶≥❷).
❸: *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% x ❷≤❸).
❹: *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% x ❶≤❹).
❺: *PRIMARY AND/OR SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL WIDTH OF THE PRIMARY AND/OR SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL EXTEND TWICE THE REQUIRED WALL PROJECTION (I.E. 2 x ❹≥❺).
❻: *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% x ❶≤❻).
❼: *PRIMARY ENTRYWAY/ARCHITECTURAL ELEMENT LENGTH*. THE PRIMARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL MEET ALL OF THE SAME PROJECTIONS AS THE SECONDARY ENTRYWAYS/ARCHITECTURAL ELEMENT, BUT SHALL EXTEND A MINIMUM OF TWICE THE LENGTH OF THE SECONDARY ELEMENT (I.E..2 x ❸≥❼).



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 THREE (3) TIMES THE WALL HEIGHT (I.E. 3 x ❶≥❷).
❸: *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% x ❷≤❸).
❹: *SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL PROJECTION FOR A SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 15% OF THE WALL HIEGHT (I.E. 15% x ❶≤❹).
❺: 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% x ❶≤❺).

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.

(F) *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 11, *Development Applications and Review Procedures*.

SUBSECTION 04.02: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Residential-Office (RO) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *Non-Residential District Development Standards*.

~~(C)~~(D) *Signage*. All signage permitted within the Residential-Office (RO) District shall conform to the requirements for signage as outline in Subsection 06.04, *North Goliad Corridor Overlay (NGC OV) District*.

SUBSECTION 04.03: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Neighborhood Services (NS) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *Non-Residential District Development Standards*.

SUBSECTION 04.04: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a General Retail (GR) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *Non-Residential District Development Standards*.

SUBSECTION 04.05: 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

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font color: Accent 5

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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Commercial (C) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *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 01, *Land Use Schedule*, of Article 04, *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 04.06: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Commercial (C) District shall conform to Subsection 04.01, *General Commercial District Standards*, and the related standards listed within Subsection 07.03, *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 01.05, *Screening Standards*.

SUBSECTION 04.07: DOWNTOWN (DT) DISTRICT

(A) *Purpose, Goals and Intent*.

(1) *Purpose*. The purpose of the Downtown District is to implement the adopted recommendations of the comprehensive plan and Downtown Plan by encouraging new development and redevelopment in the Downtown area.

The goals of this zoning district are:

(a) To make the downtown area a sustainable "Great Place" within the region that will attract high quality investment and reinvestment over time.

(b) To capitalize on the existing historic character of the downtown and provide Rockwall with a thriving downtown center.

(c) To provide development and land use flexibility within the framework of a form-based development zoning district.

(d) To provide a mix of residential, retail and office uses in a pedestrian-friendly environment.

The intent of this zoning district is:

(a) To provide a comfortable and attractive environment for pedestrians which include such things as buildings framing public space, street trees, lighting and awnings that will attract pedestrians.

(b) To construct continuous building frontage along block faces except where it is desirable to provide for pedestrian and auto pass-throughs to parking at mid-block.

(c) To provide shared and consolidated parking both on-street and in the center of blocks that will benefit the entire district.

(d) To contribute to the definition and use of public sidewalks, parks and plazas.

(e) To design and build an infrastructure of buildings to accommodate a range of uses over time without the need to destroy older buildings and rebuild them for each successive use.

(f) To design streets and buildings which will contribute to creating a safe environment.

(B) *Definitions*.

(1) *Purpose.* For the purposes of this section, the following definitions shall apply.

(a) *Primary Building Facade*. Any facade that faces a public street or open space.

(b) *Downtown District Engineering and Landscape Standards*. Any approved city standards which govern such items as street, streetscape, drainage, signage and other public improvements in the Downtown (DT) District.

(c) *Primary Entry*. The main entry to a building on a block face. There must be at least one (1) main building entry for each ground floor use, tenant or lobby on each block face which contains the use or tenant. Any additional building entries may be considered a secondary entry.

(d) *Feature Buildings*. Buildings which are located on axis with a terminating street or open space, or at the intersection of streets. Such buildings shall incorporate architectural features which address height and articulation that emphasize the importance of such a location.

(e) *Historic Core*. See the regulating plan for historic core boundaries which is on file in the City secretary's office.

(f) *Long-Term Parking*. Customer or tenant parking which is intended for the primary use of vehicles parked for a duration of more than two hours and neither priced nor managed to encourage turnover.

(g) *Reserved Parking*. Parking which is assigned or reserved for tenants or visitors of a building or business.

(h) *Shared Parking*. Parking which is shared by tenants, visitors and the public. Hours of availability may be further defined in cooperation with the City.

(i) *Short-Term Parking*. Customer or tenant parking which is intended to serve commercial businesses or residential uses that has a regular turnover of two hours or less.

(j) *Regulating Plan*. The plan approved by the City which applies the Downtown District and which identifies certain subdistricts and the location of required retail at grade, among other items.

(k) *Stoop*. A structure that is located approximately at the level of the first floor of the structure and intended to provide access to a residential unit.

(l) *Story*. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above the floor of such story. This includes any mezzanine or loft which may comprise only a portion of a full floor plate.

(m) *Major Waiver to Design Standards*. A significant change to both the standards and intent of this zoning district, and involves Planning and Zoning Commission and City Council approval.

(n) *Minor Waiver to Design Standards*. A minor change to the standards, but not the intent, of this zoning district and involves staff approval.

(C) *General District Standards*.

(1) *Regulating Plan.*

(a) *Authority.* A regulating plan is the coding key for application of this district's provisions to properties, and shall be considered part of this zoning district. It may establish such things as:

(1) Major street types within the district;

(a) Sub-district areas;

(b) Required at-grade retail construction;

(c) Public open space and plazas; and

(d) Regional hike and bike corridors.

(b) *Zoning of Property*.

(1) *Downtown Development Plan Required.* An approved downtown development plan which is consistent with this Unified Development Code (UDC) and the regulating plan shall be required prior to issuance of any building permit.

(2) *Nonconformity.* Uses which are legal and conforming at the time of rezoning to the Downtown District shall continue as legal conforming uses under their current standards until those uses are deemed abandoned. For example:

(a) They have been replaced with a conforming use;

(b) Such building or structure is or hereafter becomes vacant and remains unoccupied or out of use for a continuous period of six months, or the special equipment and furnishings peculiar to the non-conforming use have been removed from the premises and have not been replaced within such six-month period; or

(c) The intention of the owner to permanently discontinue the use is apparent.

(2) *Waivers of Design Standards.* In order to provide flexibility and create high quality projects, standards in the Downtown District may receive a waiver from City staff, the Planning and Zoning Commission, and/or the City Council. (*See subsection VIII.B, Waivers, below, for applicability, processes and procedures.*)

(a) Minor waivers are limited to the following:

(1) Depth or height of required retail space.

(2) Requirement to line a parking garage with buildings.

(3) Requirement for continuous building frontage.

(4) Establishment of build-to line.

(5) Encroachment into the build-to line.

(6) Residential landscape requirement.

(7) Increased building height for "feature" buildings.

(8) Design of buildings without tri-partite architecture.

(9) Required frequency of building entries along a street edge.

(10) Window detailing.

(11) Exterior building materials.

(12) Exterior building color.

(13) Retail at grade design standards.

(14) Balcony and patio railing.

(15) Landscape standards.

(16) Location of bicycle parking.

(b) Major waivers may include, but are not limited to, the following:

(1) Required retail construction.

(2) Building height for non-feature buildings.

(3) Exceeding the maximum leasable retail area.

(4) Required setback of the fourth floor and above.

(5) Residential at grade design standards.

(6) Parking requirements.

(7) Parking garage design standards.

(3) *Function/Land Use.*

(a) *Land Use*.

(1) Retail, personal service, residential and office uses shall be allowed throughout the district. For a specific list of permitted uses, see Article 04, *Permissible Uses*, of the Unified Development Code (UDC).

(2) Where *Required Retail Construction* is designated on the regulating plan, the ground floor adjacent to the street shall be constructed to retail building standards for a depth of at least 50-feet, however, a smaller depth may be allowed if the retail is serving as a *liner* use which is masking a parking garage by minor waiver.

(3) All access drives shall require a minor waiver.

(4) *Block Face.* It is intended that building walls should be continuous along block faces to create a strong edge to the street and contribute to creating an attractive and active pedestrian environment. Contributing to that goal, however, is to allow some limited variation and opportunities for outside dining, pocket parks and special building entry features.

(a) *Block Length*. The length of new blocks should not be less than 200-feet, nor more than 600-feet.

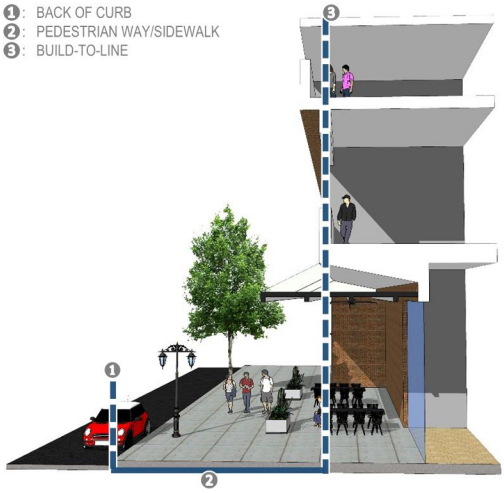
(b) *Block Faces*. Block faces shall contain continuous building frontage with the exception of a mid-block access to parking which is no greater than 34-feet in width and 16-feet in height.

(c) *Continuous Building Frontage* will be considered to be met if the primary building facade is located within five feet of the build-to line requirement. However, administrative approval of a minor waiver will permit up to 15% of the building frontage to be up to 15 feet behind the build-to line provided that it results in an attractive outdoor dining area, building entry feature or other amenity which contributes to the streetscape. A greater increase shall require approval of a major waiver.

(d) *Façades*. Façades shall generally be built parallel to the street frontage, except at street intersections, where a corner facade containing a primary building entrance may be curved or angled toward an intersection.

FIGURE 8: EXAMPLE OF A BUILD-TO-LINE

❶: BACK OF CURB
❷: PEDESTRIAN WAY/SIDEWALK
❸: BUILD-TO-LINE



(e) *Build-To-Lines (i.e. Setbacks)*.

(1) Build-to lines shall be measured from the planned street back-of-curb, as established on the approved regulating plan for the district and the standards in the Unified Development Code (UDC) [*see Table 1, 2 & 3 for Downtown District Standards below*], or the City's approved Master Thoroughfare Plan. The entire area between the back-of-curb and the primary building facade shall be dedicated as public right-of-way or have a public easement placed upon it.

(2) Awnings may encroach above the public sidewalk without limit, provided they leave a minimum

clearance of 7.5-feet above the sidewalk, and are set back a minimum of 18-inches from the back of curb and will not impede street tree growth.

(5) *Streetscape and Landscape*.

(a) Streetscape standards shall be established by the City for sidewalk paving, street trees, tree grates, lighting fixtures, trash receptacles and benches for both residential and nonresidential ground-level frontages.

(b) Non-residential ground floor frontages shall not be required to provide additional landscaping beyond that required in the Downtown District engineering and landscape standards.

(c) Residential ground floor frontages shall be required to landscape a minimum of five feet between the edge of sidewalk and the primary building facade, excluding access to sidewalks, stairs, stoops, porches and patios. This area may be landscaped with ground cover, low shrubs, ornamental trees and street trees. In addition, street tree wells may also be landscaped. Landscaping for tree wells is limited to ground cover and low shrubs.

TABLE 1: DOWNTOWN DISTRICT STANDARDS FOR BUILDING HEIGHT

BUILDING HEIGHT [1] & [3]	BLOCKS FACING THE SQUARE	BLOCKS FACING SINGLE-FAMILY ZONING	ALL OTHER BLOCKS
MAXIMUM # OF STORIES	4	2 [1]	4
MINIMUM # OF STORIES	2	2	2

TABLE 2: DOWNTOWN DISTRICT STANDARDS FOR BUILD-TO-LINE

BUILD-TO LINE [2]	BLOCKS FACING THE SQUARE	BLOCKS FACING SINGLE-FAMILY ZONING	ALL OTHER BLOCKS
GOLIAD STREET AND ALAMO STREET [4]	20-Feet	20-Feet	18-Feet
RUSK, WASHINGTON AND DENNISON [5]	20-Feet	20-Feet	24-Feet
ALL OTHER ROADS	18-Feet	18-Feet	18-Feet

TABLE 3: DOWNTOWN DISTRICT STANDARDS FOR PEDESTRIAN ACCESS

PEDESTRIAN WALKWAY WIDTH	BLOCKS FACING THE SQUARE	BLOCKS FACING SINGLE-FAMILY ZONING	ALL OTHER BLOCKS
NON-RESIDENTIAL	10-Feet	10-Feet	10-Feet [5]
RESIDENTIAL [6]	6-Feet	6-Feet	6-Feet

NOTES:

[1]: MAXIMUM OF TWO (2) STORIES WHEN THE BUILDING IS WITHIN 200-FEET OF SINGLE-FAMILY ZONED PROPERTY.

[2]: BUILD-TO-LINES ARE MEASURED FROM THE *BACK OF CURB* OF THE PLANNED STREET AS SET OUT IN THE APPROVED REGULATING PLAN FOR THE DISTRICT. THE SETBACK RANGE IS ESTABLISHED FOR THE BLOCK FACE. [SEE SUBSECTION 04.07(C)(4), *BLOCK FACE*].

[3]: INCREASED HEIGHT FOR FEATURE BUILDINGS MAY BE APPROVED AS PART OF SITE PLAN APPROVAL BY MINOR WAIVER. ADDITIONAL HEIGHT FOR OTHER BUILDINGS SHALL BE CONSIDERED A MAJOR WAIVER.

[4]: EXCEPT ALONG GOLIAD STREET BETWEEN WASHINGTON STREET AND KAUFMAN STREET, WHERE EXISTING BUILDING LINES WILL BE ENFORCED.

[5]: SIDEWALK TABLES MAY BE ALLOWED BY THE CITY IN RETAIL AREAS.

[6]: EXCEPT RUSK STREET BETWEEN ST. AUGUSTINE STREET AND ALAMO STREET WHERE EXISTING HISTORIC BUILDING LINES WILL BE ENFORCED.

(D) *Buildings.*

(1) *Intent*. It is the intent of this zoning district to create an attractive and active village style district and the size, disposition, function, and design of buildings, play an important role in achieving that goal.

(a) Buildings should directly contribute to the attractiveness, safety and function of the street and other public areas.

(b) Buildings that accommodate retail at grade should feature the retail activity over the building's architecture.

(c) Buildings should be constructed in a manner, and with materials, that are highly durable and will continue to endure and be attractive over a long time, especially adjacent to public and pedestrian areas.

(d) It is intended by this zoning district to encourage a variety of building and design solutions in response to the standards and regulations outlined herein.

(2) *Building Standards.*

(a) *Building Form.*

(1) The maximum retail area allowed for a single user shall be 40,000 square feet. Any lease which exceeds this size shall require approval of a major waiver.

(2) All buildings shall be designed and constructed in tri-partite architecture so that they have a distinct base, middle and top.

(3) Buildings which are located on axis with a terminating street or at the intersection of streets shall be considered a feature building. Such buildings shall be designed with features which take advantage of that location, such as an accentuated entry and a unique building articulation which is off-set from the front wall planes and goes above the main building eave or parapet line.

(b) *Architectural Features.*

(1) Buildings which are greater than three (3) stories in height must be set back at the fourth floor at least eight feet behind the building face of the first three floors along street frontages. Any change to this standard shall be considered a major waiver.

(2) Windows shall have at least a four (4) inch reveal and except for retail at grade, shall be vertical in proportion.

(3) No glass curtain wall shall be permitted except by approval of major waiver.

(4) Each building and separate lease space at grade along the street edge shall have a functioning primary entry from the sidewalk. Such entries must be inset from the front building plane by at least five

feet. Secondary entries may be set back as little as three (3) feet. Functioning entries must be located no greater than 30-feet apart. Corner entries may count as a primary entry for both intersecting street frontages.

(5) Architectural elements of the primary building facade may encroach beyond the build-to line by up to five feet provided that pedestrian flow will not be significantly impeded, with a minor waiver. These elements may include stoops, porches, bay windows, eaves, planters and light wells for a below grade floor. Balconies, canopies and awnings are not limited in their encroachment, provided that they do not substantially interfere with pedestrian movement and street tree growth. This does not apply to the historic core.

FIGURE 9: EXAMPLE OF TRI-PARTITE ARCHITECTURE

1: TOP; 2: MIDDLE; 3: BASE

FIGURE 10: 4TH FLOOR SETBACK REQUIREMENT

(c) *External Facade Materials*. The following shall apply to all exterior walls of buildings and parking structures which are clearly visible from a public street, walkway or open space:

(1) Ground floor exterior walls, excluding windows, doors, and other openings, shall be constructed of 100% brick, natural or cast stone on the exterior facade.

(2) Overall, a minimum of 85% of exterior walls which face on a street right-of-way, plaza or open space, excluding windows, doors, and other openings, shall be constructed of brick, natural or cast stone. Where such a wall turns a corner, the surface materials shall continue around the corner a minimum of eight feet.

(3) The remainder may be constructed of noncombustible materials including exterior stucco and class PB exterior insulating and finishing systems (EIFS). Stucco and EIFS shall be used only for walls, architectural features, and embellishments not subject to pedestrian contact. On wholly residential structures, cementitious fiberboard may be used for up to ten (10) percent of the facade provided it is above the ground floor.

(4) Unpainted metal, or metal subject to ordinary rusting shall not be used as a building material. Factory finished metal elements as well as metals that develop an attractive oxidized finish, such as copper, galvanized metal, stainless steel or weathering steel, may be used as architectural accents by minor waiver approval.

(5) Windows and glazing shall be a minimum of 30% up to a maximum of 70% of each building elevation. [*See Subsection (D)(2)(f), Non-Residential at Grade, below for special requirements for retail at grade*].

(6) A variation of up to 15% of the standards above, and the material type may be approved by administrative approval of a minor waiver, provided that the change will result in an improved architectural design without degrading the quality of public areas or increasing the need for maintenance.

(d) *Color.*

(1) The dominant color of all buildings (including above grade parking structures shall be muted shades of warm gray, red, green, beige and/or brown. Black, gold and stark white shall not be used except as an accent color. There are no restrictions on accent colors which comprise less than one (1) percent of the building face, except that florescent colors are prohibited.

(2) Roof colors shall be a shade of cool gray, warm gray, brown or red.

(e) *Residential at Grade.*

(1) All buildings which are constructed for residential units at grade shall include a primary front door

entrance into the unit which may be accessed from the sidewalk. Any change to this standard shall be considered a major waiver.

(2) The entry shall be located a minimum of two (2) feet above the sidewalk elevation and include a minimum 24-square-foot stoop. Any change to this standard shall be considered a major waiver.

(3) Units must also include windows which provide residents a view of the street and sidewalk area. Any change to this standard shall be considered a major waiver.

FIGURE 11: EXAMPLE OF RESIDENTIAL AT GRADE

❶: RESIDENTIAL LANDSCAPE/PATIO SETBACK;
❷: CLEAR SIDEWALK
❸: TREE, LIGHTING AND BIKE RACK ZONE
❹: ONE (1) FOOT DISMOUNT STRIP
❺: ELEVATED PRIVATE PATIO

(4) Lobbies to upper stories may be located at grade level.

(5) Balcony and patio railings and fences shall be constructed of wrought iron or metal. Wood fences and railings and chain-link fencing are prohibited. Masonry columns may be used on patios provided that they are used as accents.

(f) *Non-Residential at Grade.*

(1) The ground floor entry must be located at the approximate elevation of the adjacent sidewalk.

(2) Retail uses adjacent to the sidewalk at grade shall:

(a) Be constructed to meet fire code separation from any other uses constructed above;

(b) Have a minimum clear height of 16-feet between finished floor and the bottom of the structure above. Mezzanines within the retail space shall be allowed per building code;

(c) Have a canopy which extends at least six feet over the sidewalk for at least 75% of the frontage on any portion of a building located on the north, east or west side of a street and public sidewalk; and

(d) Have clear glass windows for at least 60%, but no greater than 80%, of the ground floor facade.

(e) No outdoor storage is permitted. Outdoor retail display or sales shall require a permit from the City.

FIGURE 12: EXAMPLE OF NON-RESIDENTIAL AT GRADE

❶: SIDEWALK WITH POSSIBLE OUTDOOR SEATING AND DINING
❷: TREE, LIGHTING AND BIKE RACK ZONE
❸: ONE (1) FOOT DISMOUNT STRIP

~~(D)~~(E) *Parking.*

(1) *Automobile Parking.*

(a) *Intent*. The following is the intent of the City's parking policies and the Downtown Zoning District:

(1) Support the creation of shared parking in order to enable visitors to park once at a convenient location and to access a variety of commercial enterprises in a pedestrian-friendly environment.

(2) Manage parking so that it is convenient and efficient, and supports an active and vibrant retail environment.

(3) Ensure visibility and ease of access to parking.

(4) Maximize on-street parking.

(5) Provide flexibility for changes in land uses which have different parking requirements within the district.

(6) Provide flexibility for the redevelopment of small sites.

(7) Design parking structures so that they do not dominate the public environment by lining the edge of structures with residential or commercial uses.

(8) Avoid diffused, inefficient single-purpose reserved parking.

(9) Avoid adverse parking impacts on residential neighborhoods.

(b) *Parking Requirements*. Off-street and on-street facilities shall be provided as required in Article 06, *Parking and Loading*, of the Unified Development Code (UDC).

(1) *Parking Reductions*.

(a) Properties in the historic core shall receive a credit for the number of parking spaces which would normally be required for retail use on the ground floor of any existing or new structure. To achieve this credit, however, retail or restaurant use must be located on the ground floor.

(b) In the remainder of the district, on-street parking which is directly in front of the development site may be counted toward the parking requirement for the development.

(2) *Achieving Automobile Parking*.

(a) Parking requirements may be met on-site, curb-side, by lease from the City or its designated authority or by payment of cash-in-lieu of parking to the City or its designated authority.

(b) Due to the limited land area within the historic core and the need to provide off-site parking, development shall be eligible to receive a reduction in the cost for the payment to the City for the required cash fee or the lease payments. The amount and the terms of the reduction shall be determined by the City manager or his designee by individual agreements.

(c) The City manager or designee shall annually establish the following:

(1) The leasing rates for city-provided parking spaces as a result of the need to provide such spaces for new development; and

(2) The cost of construction of a parking space in a parking structure for the purposes of establishing cash-in-lieu payments.

(3) *Parking Location*. All off-street parking shall be located behind buildings which face on a street or public open space. Any change to this standard shall be considered a major waiver.

(4) *At-Grade Parking*. Any at-grade parking lots fronting roadways which may be approved shall be set back not less than ten feet from the right-of-way line of such roadways, and screened from view as outlined in Subsection (F), *Landscaping Requirements*.

(5) *Parking Garages*. Parking garages that have frontage on public streets shall comply with all setback and build-to standards as established in *Tables 1, 2 & 3, Downtown District Standards*, and Subsection (D)(2)(c), *External Facade Materials*. However:

(a) Parking garages which are adjacent to a street shall be set back a minimum of 50-feet and lined with buildings containing any permitted use but parking.

(b) All parking garages shall be constructed with flat parking decks for ease in re-use of all or portions of the structure when parking demand wanes, unless otherwise approved by major waiver.

(c) Off-street below grade parking is permitted to the lot lines, but must be designed to allow for utilities and planting of landscape as defined in Subsection (F), *Landscaping Requirements*.

(6) Shared Parking.

(a) Uses may join in establishing shared parking areas if it can be demonstrated that the parking for two (2) or more specific uses occurs at alternating time periods. Required parking shall be determined based on parking demand for the peak parking period, as determined by a parking analysis study approved by the Director of Planning and Zoning.

(b) Shared parking shall be clearly designated with signs and markings.

(2) *Bicycle Parking*.

(a) *Goals*. Bicycle parking is required in order to encourage the use of bicycles by providing safe and convenient places to park bicycles.

(b) Required bicycle parking. Bicycle parking shall be provided based on at least one (1) space for each ten automobile parking spaces required as part of the base parking requirements above.

(c) *Bicycle Parking Standards*.

(1) *Location*.

(a) Required bicycle parking must be located within 50 feet of an entrance to the building. With approval of a minor waiver, bicycle parking may be located in the public right-of-way.

(b) Bicycle parking may be provided within a building, but the location must be easily accessible to bicycles.

(2) *Covered Spaces*. If covered spaces for motor vehicles are provided on-site, then 50% of the bicycle parking shall also be covered, unless otherwise approved by minor waiver.

(3) *Signs*.

(a) All monument signs in the Downtown (DT) District shall conform to the signage requirements stipulated by Subsection 06.04, *North Goliad Corridor Overlay (NGC OV) District*. All other signage shall conform to Chapter 32, *Signs*, of the Municipal Code of Ordinances.

Formatted: Font: 5 pt

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Underline, Font color: Accent 5

Formatted: Underline, Font color: Accent 5

Formatted: Font: 5 pt

Formatted: Indent: Left: 1.25", No bullets or numbering

~~(3)~~(b) If the bicycle parking is not visible from the street, then a sign must be posted indicating the location of the bicycle parking facilities.

(4) *Rack Types and Required Areas*. Bicycle racks and the area required for parking and maneuvering must meet the Downtown District engineering and landscape standards or be approved by minor waiver (see below). Bicycle lockers may also be allowed as part of meeting the bicycle parking requirement, but must be approved as to type and location.

(d) *Standards for Bicycle Rack Types and Dimensions*.

(1) *Rack Type*.

(a) Bicycle rack types and standards shall be approved by the City.

(b) *Parking Space Dimensions*.

(1) Bicycle parking spaces must be at least six feet long and two feet wide, and in covered situations, the overhead clearance must be at least seven feet.

(2) An aisle for bicycle maneuvering must be provided and maintained beside or between each row of bicycle parking. This aisle must be at least five feet wide.

(3) Each required bicycle parking space must be accessible without moving another bicycle.

(4) Areas set aside for bicycle parking must be clearly marked and reserved for bicycle parking only.

~~(E)~~(F) *Streetscape, Lighting and Mechanical*.

(1) *Intent*.

(a) It is the intent of this zoning district to provide a level and consistency of lighting that supports pedestrian activity and promotes safety.

(b) The entire district shall utilize the basic fixtures and furnishings in the public areas as may be approved by the City for this district.

(c) Mechanical equipment shall not be clearly visible from the street or other public area.

(2) *Standards*.

(a) For streetscape and lighting specifications, see the Subsection (H), *Downtown District Engineering and Landscape Standards*.

(b) Lighting elements shall be incandescent, metal Halide, or halogen only. No HID or fluorescent lights (*except fluorescent bulbs that screw into standard socket fixtures*) may be used on the exterior of buildings.

(c) All lighting shall be focused downward or narrowly focused on its intended target such as signing, parking and pedestrian walkways. No lighting source from a commercial activity shall be visible by a residential unit.

(d) Mechanical and electrical equipment, transformers, meters, garbage containers and loading areas shall be located and screened so that they are not visible from the street or other public area.

(1) Mechanical equipment shall be screened from view from all public roadways and located to minimize noise intrusion to adjacent properties. The required screening must be composed of the same exterior materials as the buildings on the lot, or through the use of masonry walls, ornamental fence (80% opaque), evergreen landscape material, or combination thereof.

(2) All roof-mounted mechanical elements must be screened from view from the public right-of-way and neighboring properties. Screening must be architecturally compatible with the building design.

(3) Loading, service and trash storage areas shall be screened from all public roadways. Refuse containers must be placed on a designed, reinforced concrete pad and approach. The required screening must be composed of the same exterior materials as the buildings on the lot, or through the use of masonry walls, ornamental fence (80% opaque), evergreen landscape material, or combination thereof.

(e) Any bicycle parking in the public right-of-way shall be located within the band created by street trees and pedestrian street lights; however, it must be placed in a manner that avoids conflicts with pedestrian and vehicular paths.

~~(F)~~(G) *Landscape Requirements*. Landscaping within the Downtown District shall comply with the provisions in this subsection, the City's streetscape standards and the standards contained in Article 08, *Landscaping and Fence Standards*, of this Unified Development Code (UDC). Where conflicts exist between this district and Article 08, *Landscaping and Fence Standards*, of this Unified Development Code (UDC), the requirements in this district shall be applied.

(1) *Street Trees*. Street trees shall be large shade tree species having a minimum caliper of four inches, selected in accordance with the City's landscape standards. Street trees shall be planted at least 20-feet on center.

(2) *Plant Material*. Front yards shall be landscaped adjacent to residential at grade per the diagram in Subsection (D)(2)(e), *Residential at Grade*, above. Plant materials shall consist of shade trees, ornamental trees, shrubs, evergreen ground covers, vines, and seasonal color.

(3) *Paving Material*.

(a) Paving material shall be warm toned, natural materials such as brick, stone and concrete. Asphalt may be approved as part of a minor waiver.

(b) Gravel as a paving material is prohibited.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Font: 5 pt

Formatted: Font: Italic, Underline

(4) *Parking Lot Landscape.*

(a) Landscaping of the internal surface parking area shall not be required unless it is planned to serve as long-term parking. In which case, such long-term surface parking areas shall meet the requirements of Subsection (F), *Landscaping Requirements*. For the purpose of this subsection, long-term parking shall be determined by the Director of Planning and Zoning, and may include parking which has a likelihood of being in place for a period of ten years or more.

(b) Surface parking lots shall be screened from all adjacent public streets and neighboring sites. The screen must extend along all edges of the parking lot and must be three feet in height, 80% opaque, and may be accomplished through the use of masonry walls, ornamental metal, evergreen plant materials, or a combination thereof. Planting beds for screen planting shall be a minimum of three feet in width.

(c) Interior parking lot landscape shall be consistent with Article 08, *Landscape Standards*, of the Unified Development Code (UDC).

(d) Parking spaces shall not exceed ten spaces in a row without being interrupted by a landscaped island (nine [9] foot minimum). Islands shall be planted with a minimum of one (1) shade tree for every ten (10) cars.

~~(G)~~(H) *Administration*.

(1) *Intent*. It is the intent that a developer or builder who wishes to develop under this zoning district will be processed in an expedited manner with administrative approvals, and may in fact qualify for incentives under other separate city programs. However, if there are substantial major waivers requested, additional approvals shall be required which may delay development progress.

(2) *Waivers of Design Standards*.

(a) For the purposes of this district, there shall be two types of waivers of design standards: minor and major. Requests for waivers shall not be subject to review or decision by the zoning board of adjustment. A waiver request may only be made in conjunction with an application for a downtown development plan.

(b) *Minor Waivers* are those changes to design standards in the Downtown District identified in Subsection (C)(2), Waivers of Design Standards, may be approved administratively by the Director of Planning and Zoning or his designee in conjunction with a decision on an application for approval of a downtown development plan. All minor waivers must meet the full intent of this zoning district as stated in section I. Appeals to decisions concerning minor waivers may be made to the Planning and Zoning Commission.

(c) *Major Waivers* are major changes to the design standards in the Downtown District. Major waivers may only be approved by the City Council, following a recommendation by the Planning and Zoning Commission, in conjunction with a decision on an application for approval of a downtown development plan. Examples of major waivers are listed in Subsection III.B above; however, the City Council reserves the right to grant a major waiver to any standard not specifically designated as a minor waiver contained in this Article pending the City Council finds that the waiver:

(1) Meets the general intent of this district in which the property is located;

(2) Will result in an improved project which will be an attractive contribution to the district; and

(3) Will not prevent the realization of the intent of this district.

(d) The City may impose conditions on granting any waiver to mitigate negative impacts neighboring properties or public streets or open space.

(3) *Downtown Development Plan Approval.*

(a) Prior to obtaining a building permit, a downtown development plan must be approved by the Director of Planning and Zoning or his designee, to certify that it meets the purpose, intent and standards contained in this zoning district.

(b) Downtown development plans must include the following information:

- Site Plan
- Building Elevations and Sections
- Building Function/Proposed Use
- Parking Standards Being Met
- Landscape Plan
- Any Waivers being Requested

(c) Applications for downtown development plan approval shall be reviewed within 30-days of being formally accepted by the City. At such time, the approval, approval with conditions or denial shall be forwarded to the applicant. However, applications including a request for a major waiver shall be scheduled for Planning and Zoning Commission and City Council action.

(d) Denial of a downtown development plan may be appealed to the Planning and Zoning Commission and City Council within 30-days of notification of such denial

(4) *Lapse of Approval*. If a building permit has not been obtained within two years following approval of the downtown development plan, such plan shall lapse unless the property owner requests an extension prior to the expiration of the two-year period. The request for an extension shall be considered by the planning director, or he may at his discretion refer the decision to the Planning and Zoning Commission and City Council in the same manner as for approval of the downtown development plan. The Director of Planning and Zoning (or the City Council, upon recommendation by the commission) may grant an extension of the time for expiration of the downtown development plan for a period not to exceed one (1) year from the date of initial approval of the application. Every request for

an extension shall include a statement of the reasons why the expiration date should be extended. The decision-maker may grant a request for extension upon demonstration that circumstances beyond the control of the applicant have resulted in the applicant's inability to perform the tasks necessary to prevent the downtown development plan from expiring before the lapse date. The commission or the City Council also may terminate the downtown development plan or may attach additional conditions to the extension of the plan.

(5) *Platting in the Downtown District*. Plats in the Downtown District shall ensure public access easements over sidewalk areas and shared drive access.

~~(H)~~(I) *Downtown District Engineering and Landscape Standards*.

(1) *Downtown Plan*. The Downtown District Engineering and Landscape Standards shall be in accordance with the approved Rockwall Downtown Plan.

(2) *Street Trees*.

(a) Trees which may be planted adjacent to sidewalks, alleys and streets are limited to the trees depicted in the tables contained in Appendix C, *Landscaping Guidelines and Requirements*, of this Unified Development Code (UDC).

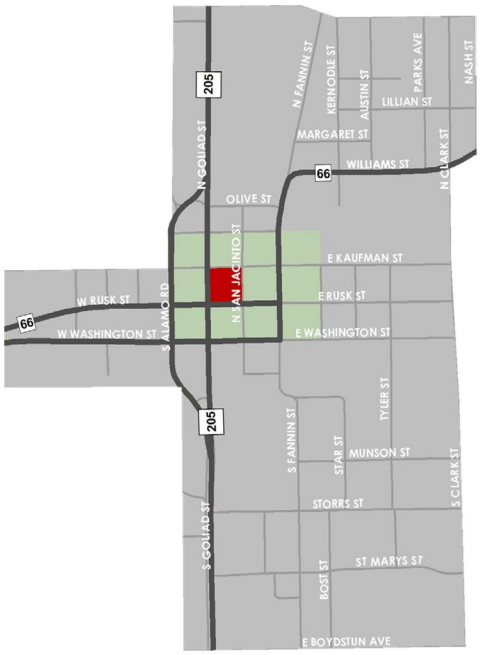
(b) Shade trees shall be used for all formal street tree planting unless prohibited by the Texas Department of Transportation, in which case smaller ornamental trees may be used.

(c) Each street shall be planted with a focus on one (1) species to reinforce street character

(3) *Street Furniture*.

(a) The Downtown District shall utilize the following *street furniture* in accordance with *Map 1: Downtown District*:

MAP 1: DOWNTOWN (DT) DISTRICT



GREEN: DOWNTOWN CORE; GRAY: PERIMETER ZONE; RED: DOWNTOWN SQUARE; DARK GREY LINE: MAJOR THOROUGHFARES.

~~(I)~~(J) *Streetscape Elements*. All streetscape elements described here within, are not intended to be the final product specification. The electrical engineer, architect, landscape architect or other professional designer should verify the product color, material and style number, prior to placing the final streetscape element order with manufacturer and supplier. Lighting fixture and traffic signal electrical voltage supply, circuiting, photometrics and final fixture location needs to be specified by a registered electrical engineer, with all fixture footings checked by a registered structural engineer, prior to installation.

(1) *Downtown Square and Downtown Core Streets.*

(a) *Light Standard: A1*. All commercial streets in the *Downtown Core*.

(1) *Catalog Number*. AAL/2-PRMN H3 or H5/150 to 175-watt MH lamp (voltage)/2-TRA5U arms/DB6 base with 4" round 15' ht. pole/PN A50596-1

(2) *Description*. Architectural Area Lighting (AAL); Promenade Series, Fixture: 2-PRMS Double Pedestrian Light Standard with a H3 or H5 horizontal lamp reflector, 150-watt to 175-watt metal halide lamp, medium base socket for use with E17 lamps; (voltage); CHM glass chimney, with brass holder, and DBZ dark bronze color. Arm: # 2-TRA5U period arm, one-piece cast aluminum, and DBZ dark bronze color. Pole, base and pole cap: DB6 4R16-125, 4" OD round straight aluminum, 15' tall (special) with a DB6 base, 36" ht. × 15" base diameter; P/N A50596-1, Small cast final at pole top, DBZ dark bronze color.

(b) *Light Standard: A2*. Limited to the *Downtown Square* and San Jacinto Street pedestrian ways.

(1) *Description*. Same as A1 above except with the optional BPS fixture struts are finished in a brass colored powder coating.

(c) *Traffic Signal: D1*. All commercial streets of the *Downtown Core*, if needed.

(1) *Description*. Valmont traffic structures. Pole/base/pole sphere final: Tapered, round standard galvanized steel pole, with an aluminum ball final on the pole top (Ball Top FCA-BL Series # FCA/BL/A/ (Estimate a 10" diameter ball, verify final size with top diameter range at top of pole/DB, dark bronze); pole base has an ornamental cast nut cover, color of complete traffic structure is a galvanized + powder coated finish, color = dark bronze to match Historic District street sign blades. Arm: Tapered, round standard arm, with an aluminum ball final on the end of the arm (ball top FCA-BL Series # FCA/BL/A/(estimate a 5" diameter ball, verify final size with top diameter range at the end of the arm after arm length is specified)/DBZ, dark bronze color. Signals: TXDOT standard signal, black color with black silhouettes, mount tightly to signal arm with black connections, so as to eliminate any visible gaps between silhouette and arm. Street Sign: Sign blade to match Historic District colors, font and sign format.

(d) *Traffic Signal with Light Standard: D2*. All commercial streets of the *Downtown Core*, if needed.

(1) *Description*. Same as D1 traffic signal, except pole is typical "standard combination structure" with AAL (B2 type) light; arm is a (modified) WMA 12 "shepherd's crook" contemporary arm modified to accept the Valmont pole, DBZ, dark bronze color.

(e) *Light Standard Banner Brackets*. At selected streets.

(1) *Description*. Architectural area lighting (AAL). Breakaway banner arm 2-BBD4-18, clamps onto a 4" O.D. pole and adjustable to desired position. Banner size should not exceed five (5) SF - maximum 70 mph wind. Verify banner bracket locations and mounting height; DBZ, dark bronze color, polyester powder finish.

(f) *Benches*. All commercial streets in the *Downtown Core*.

(1) *Catalog Number*. Du Mor Bench # 140 - 60 and # 140-80

(2) *Description*. Du Mor Site Furnishings. Bench 140 – in six (6) feet and eight (8) feet lengths, All welded seat assembly, Seating Surface: 1/4" × 1 1/2" HR steel bar 2-3/8" O.D. Sch 40 steel pipe, cast iron supports, bracing 1 1/16" O.D. steel pipe, stainless steel fasteners, dark bronze color polyester powder finish.

(g) *Trash Receptacles*. All commercial streets in the *Downtown Core*.

(1) *Catalog Number*. Du Mor Receptacle 84-22DM

(2) *Description*. Du Mor Site Furnishings. Trash receptacle 84-22, 22-gallon all steel receptacle, 150 lbs., top edge: 5/8 " diameter steel bar; vertical straps: 1/4; " × 3" steel bar with a 22-gallon plastic liner, cover; spun 14-gauge steel with vinyl coated cable; and a dome top, dark bronze color in a polyester powder finish.

(h) *Street Sign Blades*.

(1) *Description*. Match Historic District street sign blades (*dark bronze color with white lettering*).

(i) *Street Sign Brackets*. At non-signalized intersections. Street signs can be mounted to light standard poles.

(1) *Description*. Architectural area lighting (AAL). (Special) Each bracket is bolted to pole, dark bronze color to match fixture in polyester powder finish. (Verify bracket size with sign blade used as well as sign mounting height).

(j) *Street Regulatory Sign and Poles*.

(1) *Description*. Paint the backs of all sign blades and all poles, dark bronze color to match the Historic District street sign blades.

(k) *Bollards*. Limited to the *Downtown Square*.

(1) *Catalog Number*. Sternberg Vintage Lighting, ornamental bollard #4501

(2) *Description*. Sternberg Vintage Lighting. Ornamental steel bollard #4501, 5¼" diameter straight tubing (no fluting), 30" high, 8" dia. base, no internal light, DBZ, dark bronze color to match the Historic District street sign blades.

(2) *Downtown Perimeter Zone Streets.*

(a) *Light Standard: B1*. All neighborhood residential streets.

(1) *Description*. Same as A1 above except as a single headed fixture.

(b) *Light Standard: B2*. Limited to north and south sections of Goliad Street inside the *Downtown Zone* and at the intersections of Clark Street, Washington Street and Denison Streets inside the *Downtown Zone.*

(1) *Catalog Number*. AAL/PRM2 (H2, H3, H4, H5)/250 watt MH horizontal lamp (Voltage)/ARM: (modified) SLA 4 arm to accept the 5" dia. post/tendon/5" O.D. smooth round aluminum pole/DB 10 base/P/N A50575 large cast finial.

(2) *Description*. Architectural area lighting (AAL). Promenade Series, fixture: PRM2 (H2, H3, H4 and H5), 250-watt metal halide horizontal lamp, (voltage), DBZ dark bronze color, arm: (modified) SLA 4 arm (shepherd's crook) to accept the 5" dia. post/tendon, DBZ, dark bronze color, polyester power finish. Pole, base and pole cap: 5" O.D. diameter, smooth round aluminum pole, with a DB 10 ornamental base that is 48" high with an 18" base diameter, large cast finial #P/N A50575 20" high × 5½" O.D. that fits on top of pole, DBZ dark bronze color, polyester powder finish.

(c) *Light Standard: C*. Current standards. All thoroughfares (*i.e. SH-66, Goliad Street, Washington Street, and Denison Street*) inside the *Downtown Perimeter Zone* (*existing and new routed thoroughfares*).

(1) *Description*. Existing *Shoe Box* style light standard.

(d) *Light Standard Banner Brackets*. At selected streets.

(1) *Catalog Number*. AAL—Banner arm 2-BBD4-18

(2) *Description*. Architectural area lighting (AAL). Breakaway banner arm 2-BBD4-18, clamps onto a 4" O.D. pole and adjustable to desired position. Banner size should not exceed 5 SF - Maximum 70 mph wind. Verify banner bracket locations and mounting height. DBZ dark bronze color.

(e) *Street Sign Blades*.

(1) *Description*. Match Historic District street sign blades (*dark bronze color with white lettering*).

(f) *Street Sign Brackets*. At non-signalized intersections. Street signs can be mounted to light standard poles.

(1) *Description*. Architectural area lighting (AAL). (Special) Each bracket is bolted to pole, dark bronze color to match fixture in polyester powder finish. Verify bracket size with sign blade used as well as sign mounting height.

(g) *Street Regulatory Signs and Poles*.

(1) *Description*. Paint the backs of all sign blades and all poles, dark bronze to match the Historic District street sign blades.

(3) *Major Thoroughfares and Parkways.*

(a) *Light Standard: C*. Current standards.

(1) *Description*. Existing "shoe box" style light standard painted dark bronze.

(b) *Street Signs*.

(1) *Description*. Paint the backs of all sign blades and all poles, dark bronze to match the Historic District street sign blades.

SECTION 05 | INDUSTRIAL DISTRICTS

SUBSECTION 05.01: 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 and Zoning 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.

(b) *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.

(c) *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.

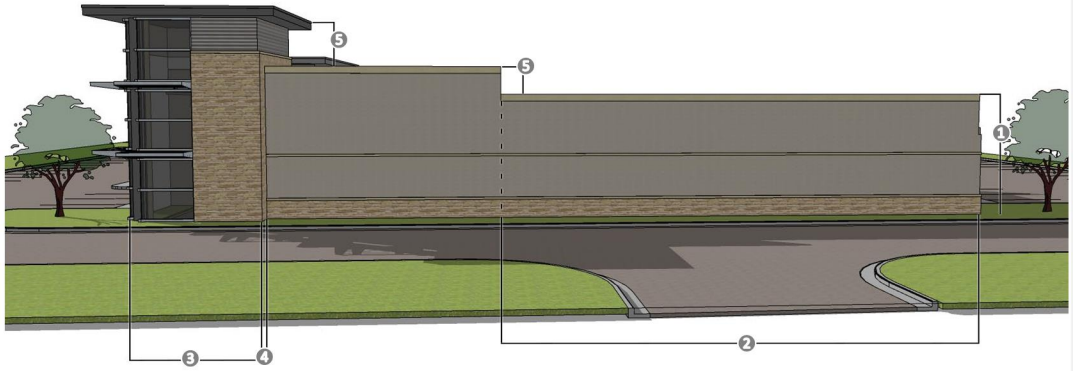
(2) *Roof Design Standards.* All structures shall have the option of being constructed with either a pitched (minimum of a 6:12 roof pitch), parapet, or mansard roof system as long as the roof system is enclosed on all sides. Metal roofs with lapped seam construction, bituminous built-up roofs, and/or 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

FIGURE 13: INDUSTRIAL BUILDING ARTICULATION STANDARDS

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 x ❶≥❷).
❸: *WALL PROJECTION*. THE MINIMUM WALL PROJECTION FOR AN ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 25% OF THE WALL HEIGHT (I.E. 25% x ❶≤❸).
❹: *ENTRYWAY/ARCHITECTURAL ELEMENT LENGTH*. THE MINIMUM LENGTH OF AN ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 33% OF THE WALL HEIGHT (I.E. 33% x ❷≤❹).
❺: *PROJECTION HEIGHT*. THE ENTRYWAYS/ARCHITECTURAL ELEMENT SHALL EXTEND A MINIMUM OF 25% OF THE WALL HEIGHT ABOVE THE TOP OF THE WALL (I.E. 25% x ❶≤❺).
❻: *ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL WIDTH OF THE ENTRYWAY/ARCHITECTURAL ELEMENT SHALL EXTEND TWICE THE REQUIRED WALL PROJECTION (I.E. 2 x ❹≥❺).



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 THREE (3) TIMES THE WALL HEIGHT (I.E. 3 x ❶≥❷).
❸: *SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT LENGTH*. THE MINIMUM LENGTH OF THE SECONDARY ENTRYWAY OR PROJECTTING ARCHITECTURAL ELEMENT SHALL BE 15% OF THE WALL LENGTH (I.E. 15% x ❷≤❸).
❹: *SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT WIDTH*. THE MINIMUM WALL PROJECTION FOR A SECONDARY ENTRYWAY/ARCHITECTURAL ELEMENT SHALL BE 15% OF THE WALL HIEHGT (I.E. 15% x ❶≤❹).
❺: 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% x ❶≤❺).

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 standards for articulation on primary building façades as depicted in *Figure 8*.

(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 standards for articulation on secondary building façades as depicted in *Figure 8*.

(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 09.01, *Exceptions to the General Standards*, Article 11, *Development Applications and Review Procedures*.

SUBSECTION 05.02: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements.* All development within a Light Industrial (LI) District shall conform to Subsection 05.01, *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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

SUBSECTION 05.03: 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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(C) *Area Requirements*. All development within a Heavy Industrial (HI) District shall conform to Subsection 05.01, *General Industrial District Standards*, and the related standards listed within Subsection 7.03, *Non-Residential District Development Standards*.

SECTION 06 | OVERLAY DISTRICTS

SUBSECTION 06.01: 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 06.02: 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 04, 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:

(1) Retail Store with Gasoline Sales (*Any Number of Dispensers or Vehicles*)

(2) Car Wash (*Any Type*)

(3) 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 and Zoning 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.

(a) *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 09.02, *Variances to the General Overlay District Standards*, of Article 11, *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:

(a) Scenic Overlay (SOV) District: 15-feet
(b) SH-66 Overlay (SH-66 OV) District: 15-feet
(c) IH-30 Overlay (IH-30 OV) District: 25-feet
(d) SH-205 Overlay (SH-205 OV) District: 25-feet
(e) North SH-205 Overlay (N. SH-205 OV) District: 25-feet
(f) SH-205 By-Pass Overlay (SH-205 BY OV) District:

- Residential Land Uses: See Section 06.10, *SH-205 By-Pass Overlay (SH-205 BY OV) District*
- Retail/Commercial Land Uses: 15-feet
- Industrial/Office/Technology Land Uses: 50-feet

(g) 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

(h) 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

(i) 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 or any roadway that is depicted on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan*) [*outside of and beyond any required right-of-way dedication*] shall be as follows:

(a) Scenic Overlay (SOV) District: 20-feet
(b) SH-66 Overlay (SH-66 OV) District: 20-feet
(c) IH-30 Overlay (IH-30 OV) District: 20-feet
(d) SH-205 Overlay (SH-205 OV) District: 20-feet
(e) North SH-205 Overlay (N. SH-205 OV) District: 20-feet
(f) 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

(g) 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

(h) 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

(i) 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 shrubbery or a combination thereof along the entire length of the frontage. Berms and shrubbery shall each 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 C, *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 06.03: HISTORIC OVERLAY (HO) DISTRICT

(A) *Purpose*. The protection, enhancement and perpetuation of districts and landmarks of historical and cultural importance and significance are necessary to promote the economic, cultural, educational and general welfare of the public. It is recognized that within the City numerous areas, sites and structures represent the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural and cultural resources that constitute their heritage, and therefore this overlay district is intended to:

(1) Protect and enhance the district and landmarks which represent distinctive elements of the City's historic, architectural and cultural heritage;

(2) Foster civic pride in the accomplishments of the past;

(3) Protect and enhance the City's attractiveness to visitors and the support and stimulus to the economy thereby provided;

(4) Ensure the harmonious, orderly and efficient growth and development of the City;

(5) Promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the City;

(6) Stabilize and improve values of such properties;

(7) Promote education of significance and importance of historical preservation including the exploration of tax incentives (federal, state or local) that may apply to individual property owners or properties within the historic district as a whole; and8.Provide guidance to property owners restoring and/or rehabilitating historic significant in an effort to maintain the historical integrity of the area.

(B) *Terms and Definitions*. The following terms and definitions are used in the historic district ordinance and the historic guidelines.

(1) *Applicable Property or Applicable Structure*. The term used for properties that meet the following criteria, and are subject to the provisions of Unified Development Code:

(a) Either be a designated historical landmark or be wholly or partially located within a designated historic district, and

(b) Either be a contributing structure or property as defined in this section or be located within 200-feet of a contributing structure or property.

(2) *Board*. The Rockwall Historic Preservation Advisory Board (HPAB).

(3) *Certificate of Appropriateness (COA)*. A document approved by the board certifying that the proposed actions meet the intent of the ordinance and guidelines, or that a waiver has been granted.

(4) *Contributing Structure or Property*. A building, site, structure or object which adds to the historical architectural qualities, historical associations or archaeological value for which a property or district is significant because:

(a) It was present during the period of significance and possesses historical integrity reflecting its character at that time or is capable of yielding important information about the period, or

(b) It independently meets the National Register criteria. The level by which a property is "contributing" (high-, medium- and low-contributing property) was originally determined by a historic survey of the properties within the (HO) Historic Overlay District implemented by the City community development department through the spring and summer of 2000. This survey may be amended from time to time.

(5) *District*. A designated area within the preservation district or elsewhere in the City subject to the requirements and standards of the historic district ordinance. An identifying name will precede the word "district".

(6) *Guidelines*. The adopted historic district design guidelines as stated in Appendix D, *Historic Preservation Guidelines*, of the Unified Development Code (UDC).

(7) *Landmark Property*. A property or structure(s), not contiguous to or part of an existing historic district that is deemed worthy of preserving.

(8) *Non-Contributing Structure or Property*. A building, site, structure, or object which does not add to the historical architectural qualities, historical associations, or archaeological value for which a property or district is significant because

(a) It was not present during the period of significance, or

(b) Due to alterations, disturbances, additions, or other changes it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period, or3.It does not independently meet the National Register criteria.

(9) *Preservation District*. The area designated as having structures which may be suitable for inclusion in a historic district or districts.

(C) *Historic Preservation Officer*. The Historic Preservation Officer (HPO) shall administer this section and advise the Historic Preservation Advisory Board on matters submitted to it.

(D) *Designation Criteria*. The board may recommend to the commission and the City Council that certain properties be "landmark districts" and that specific areas be designated as "historic districts" as provided for in this Unified Development Code (UDC). Any such designation must comply with all limitations expressed Subsections (E)(5) and (E)(6) below. Such a property or district shall bear the word "landmark" or "historic" in their zoning designation.

Properties that are listed as a Recorded Texas Historic Landmark (RTHL), State Archeological Landmark (SAL) or listed on the National Register of Historic Places (NR) shall be designated as recognized local landmarks.

(E) *Designation Procedures.*

(1) The City Council may designate by zoning ordinance certain areas as landmark or historic districts, providing they meet the criteria in Subsections (E)(5) and (E)(6). When so designated, the area shall bear the word "historic" or "landmark" in their zoning designation.

(2) The following steps shall be followed at every level in the recommendation and approval process:

(a) Public hearings shall be held and notices of same shall be posted, advertised, and notices sent in the manner prescribed under Subsection (G)(6), *Public Hearing*, and other procedures specifically provided in the City's Unified Development Code.

(b) Property owners and other interested parties may present testimony or documentary evidence that will become part of a record regarding the historic, architectural, or cultural importance of the proposed district. The record also may contain staff reports, public comments, or other evidence offered outside of the hearing and entered into the record.

(3) The board shall make its recommendation to the Planning and Zoning Commission within a reasonable time period, allowing for deliberations and strict adherence to timeframes required for public hearings. The Planning and Zoning Commission shall schedule a public hearing to be held within 45-days of receiving the board's recommendation.

(4) Upon designation of an area as a landmark or historic district, the designation should be recorded in the tax records of the City, and the City official zoning maps. All zoning maps should indicate the designated districts by an appropriate mark.

(5) A historic landmark property may be a single property or structure not contiguous to or part of an existing historic district, but is deemed worth of preserving. A landmark district may be designated if the property meets one of the following:

(a) Possesses significance in history, architecture, archeology, and/or culture;

(b) Is associated with events that made a significant contribution to the broad patterns of local, regional, state and/or national history;

(c) Is associated with the lives of persons significant in the City's past;

(d) Embodies the distinctive characteristics of a type, period, and/or method of construction;

(e) Represents the work of a master designer, builder, and/or craftsman; or

(f) Represents an established and familiar visual historical feature of the City.

(6) The board may recommend a historic district to the City Council to be designated if it:

(a) Contains a significant number of properties which meet one or more of the criteria for designation of a landmark as outlined in Subsection (E)(5) above, or

(b) Constitutes a distinct historical section of the City.

(7) The boundaries of each designated historic district shall be specified in written detail and shall be filed in the City secretary's office for public inspection.

(F) *Certificate of Appropriateness (COA) for Alteration or New Construction.*

(1) *Applicability of Ordinance.*

(a) *Included Properties*. The provisions of this ordinance shall apply only to those properties, hereinafter referred to as "applicable properties", which meet the following criteria:

(1) Either be a designated historical landmark or be wholly or partially located within a designated historic district, and

(2) Either be a contributing property as defined in subsection B or be located within 200-feet of a contributing property.

(b) *Excluded Properties*. Properties owned by a religious institution or used for religious purposes shall not be considered eligible for designation as a contributing property (*and shall not be affected by adjacent contributing properties*) unless they derive primary significance from either architectural distinction or historical importance

(2) *COA Does Not Replace Other Codes*. The Certificate of Appropriateness (COA) is in addition to and does not replace any other city permits or codes that must be followed.

(3) *Examples*. These are examples of situations that require a Certificate of Appropriateness (COA) for work performed on an applicable property. Additional information is located in the design guidelines contained in Appendix D, *Historic Preservation Guidelines*, of the Unified Development Code (UDC).

(a) Construction of a new building.

(b) Demolition or removal of an existing structure.

(c) Alterations to the façade, including additions and removals that will be visible from a public street.

(d) New improvements that would substantially obstruct the view of the main or front elevation as seen from a public street.

(e) Painting of a masonry surface not previously painted. For other painting, see design guidelines, residential properties.

Any addition or deletion of landscape materials or landscape design elements need not receive a Certificate of Appropriateness (COA) from the Historic Preservation Advisory Board (HPAB). It is recommended, however, that all proposed landscaping used in the district be extracted from the "recommended plant list" as provided in the landscape ordinance of the City. City staff shall maintain a list of plant material that is appropriate for all designated historic areas.

Any person wishing to paint a structure within a historic district may do so without receiving a Certificate of Appropriateness (COA) from the board. City staff and/or the board shall provide review and comment as requested by the property owner about color selection and design. Such review and comment, however, shall not be binding.

The board may recommend guidelines to enable the Historic Preservation Officer (HPO) to issue a Certificate of Appropriateness (COA) for exterior restorations and renovations requiring a building permit.

(G) *Application Procedure.*

(1) *Application Form*. Prior to the commencement of any work requiring a COA the owner shall file with the Historic Preservation Officer (HPO) an application for such a certificate. The application shall contain:

(a) Name, address, telephone number of applicant(s), detailed description of proposed work.

(b) Location of the proposed work (street address) and photographs of the property and adjacent properties. (Historical photographs also may be helpful.)

(c) Elevation drawings of the proposed changes, if available, and preferably in color.

(d) Samples of materials to be used, if requested by the board.

(e) If applicable, a scale drawing of any signs showing the type of lettering to be used, all dimensions and colors, a description of materials be used, method of illumination (if any), and a plan showing the sign's location on the property.

(f) Site plan in accordance with the Unified Development Code, if applicable.

(g) Any other information which the board may deem necessary in order to visualize the proposed work, and any additional material the applicant wishes to submit.

(2) *Building Permit*. A COA issued by the board is required before a building permit will be issued for any work.

(3) *Time Frame for Actions*. The board shall deny, approve, or approve the COA with modifications within 60 days from receipt of the completed application and supporting documentation. The board shall hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views.

Should the board not act within the 60-day period, the COA shall be automatically referred to the City Council for their approval or denial, following a public hearing.

(4) *Written Decisions*. All decisions of the board shall be in writing. An approved Certificate of Appropriateness (COA) shall be sent to the applicant and a copy filed with the City secretary's office for public inspection. The board's decision shall state the reasons for denying or modifying any application.

(5) *Standards for Approval*. The Historic Preservation Advisory Board must approve the application for a Certificate of Appropriateness (COA) if it determines that:

(a) For contributing structures, the application will not adversely affect the character of the site; and the proposed work is consistent with the regulations contained in this section and proposed preservation criteria; or

(b) For non-contributing structures, the proposed work is compatible with the historic district.

(6) *Public Hearing*. A public hearing before the board is required as defined in subsection E.6 before a decision can be made on a zoning recommendation forwarded to the Planning and Zoning Commission.

(a) The board shall hold a public hearing on all actions considered and appeals made to it. Said public hearing shall be held, when necessary, on the third Thursday of the month. In cases where this "regularly scheduled" meeting date is not appropriate (*e.g., in cases as set forth under section I, emergency procedure*) an alternative meeting date will be set.

(b) Written notice of the public hearing shall be sent to the applicant, all persons who are owners of real property lying within 200 feet of the subject property and to all other persons deemed by the board to be affected.

(c) Written notice shall be given not less than ten days before the date set for the public hearing to all such owners of record as the ownership appears on the current on-line tax roll. The notice may be served by deposition of the same, properly addressed and postage paid, in the U.S. Post Office.

(H) *Actions After Board Decision*.

(1) *Appeal Process*. If the Certificate of Appropriateness (COA) is denied, the applicant may appeal to the City Council by filing a written notice with the Historic Preservation Officer (HPO) within ten business days after the decision of the board. In considering an appeal, the sole issue before the City Council shall be whether the board erred in its decision. The City Council shall consider the same standards and evidence that was considered in making the decision. Appeal to the City Council constitutes the final administrative remedy.

If the Certificate of Appropriateness (COA) is approved, any property owner within the subject historic district aggrieved by any decision of the board may appeal to the City Council. Said appeals may be made by filing a written notice with the Historic Preservation Officer (HPO) within ten business days after the decision of board.

(2) *Reapplication*. If an appeal is denied by both the board and the City Council, no further applications may be considered for the subject matter of the denied Certificate of Appropriateness (COA) for one (1) year from the date of the final decision unless:

(a) The Certificate of Appropriateness (COA) has been denied without prejudice; or

(b) The board waives the time limitation because it that there are changes or circumstances sufficient to warrant a new hearing. A simple majority vote by the board is required to grant the request for the waiver of the time limitation.

(3) *Suspension of Work*. After the work authorized by the Certificate of Appropriateness (COA) is commenced, the applicant must make continuous progress towards completion of the work, and shall not suspend or abandon the work for a period of more than 180 days. The Historic Preservation Officer (HPO) and/or building official may, in writing, authorize a suspension of work for a period greater than 180 days upon written request by the applicant showing circumstances beyond his control.

(I) *Emergency Procedure*. If any applicable structure is damaged and the building official determines that it is a public safety hazard or will suffer additional damage without immediate repair, the building official may allow the property owner to temporarily protect the structure whether or not the materials used conform to the guidelines. However, in such a case, the property owner must then apply for a Certificate of Appropriateness (COA) for the restoration, rebuilding, remodeling, demolition or removal of the structure within ten days of the occurrence that caused the damage. The temporary protection authorized under this subsection must not permanently alter the architectural features of the structure.

(J) *Demolition*.

(1) *Requires a Certificate of Appropriateness (COA)*. A Certificate of Appropriateness (COA) is required prior to receiving a permit for demolition of a property within a historic district, including secondary buildings. An application for demolition of a contributing structure on the grounds of hardship may be filed. The applicant must establish the following elements to prove hardship:

(a) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible; and

(b) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and

(c) Efforts to find a purchaser interested in acquiring the property and preserving it have failed; and/or

(d) The structure or property is in such condition as to be irreparably damaged and as such poses a nuisance to the surrounding area and is a "threat" to the health, safety and general welfare of the community.

(2) *Demolition Delay*. The Historic Preservation Officer (HPO) upon receipt of an application for a demolition permit of a subject property designation as a historic landmark or located within a designated historic district shall forward on the application for demolition to the Historic Preservation Advisory Board (HPAB) for consideration at their next regularly scheduled meeting.

(a) The issuing of a demolition permit shall be delayed for minimum of 60-days from the date of approval of an application by the Historic Preservation Advisory Board (HPAB).

(b) During this 60-day delay, the Historic Preservation Officer (HPO) shall work with the Historic Preservation Advisory Board to notify all potentially interested parties of the pending demolition in order to allow such parties to take whatever steps they deem appropriate to accomplish the preservation of the subject property.

(c) If it is determined by the Director of Planning and Zoning in consultation with the Historic Preservation Officer (HPO) that a property poses an immediate threat to the public health and safety, this determination shall be reported to the City manager who may instruct the building official to issue a demolition permit without delay.

(3) *Expiration*. A Certificate of Appropriateness (COA) for the demolition or removal expires if the work authorized by the certificate for demolition or removal is not commenced within 180 days from that date of the issuance of the certificate for demolition.

(K) *Enforcement*. All work performed pursuant to a Certificate of Appropriateness (COA) issued under this Unified Development Code (UDC) shall conform to all requirements included therein. It shall be the duty of the building inspection department to periodically inspect any such work to assure compliance. In the event work is found that is not being performed in accordance with the Certificate of Appropriateness (COA), the building inspection department may suspend the Certificate of Appropriateness (COA), issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. A Certificate of Appropriateness (COA) may be reinstated, any stop work order lifted, and work may resume upon assurance that compliance will henceforth exist.

(L) *Ordinary Maintenance*. Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district that does not involve a change in design or material. In-kind replacement or repair is included in this definition of ordinary maintenance.

(M) *Preservation Incentives*. To promote the goal of stabilizing and improving values of properties within the district, and encourage the rehabilitation and stabilization of structures, the City Council by resolution may offer tax incentives.

(N) *Minimum Maintenance Standards*. No owner or person with an interest in real property designated as a landmark or a property located within a district shall permit the property to fall into a serious state of disrepair so as to result in the significant deterioration of any exterior architectural feature which would, in the judgment of the HPAB, create a detrimental effect upon the historic character of the landmark or district.

(1) Serious disrepair and significant deterioration examples. Examples of serious disrepair or significant deterioration include:

(a) Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.

(b) Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling

(c) Deterioration or crumbling of exterior plaster finishes, surfaces or mortars.

(d) Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.

(e) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.

(f) Rotting, holes, and other forms of material decay.

(g) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.

(h) Deterioration that has a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the contributing structure.

(i) Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

(O) *Procedure to Mitigate Demolition by Neglect*. Demolition by neglect refers to the gradual deterioration of a property when routine or minimum maintenance is not performed. The HPO and the development services department staff shall work together in an effort to reduce demolition by neglect involving landmarks or properties located within districts within the City. A demolition by neglect citation as determined by the HPAB may be issued against the owner of the property for failure to comply with the minimum maintenance standards by permitting the subject property to exhibit serious disrepair or significant deterioration as outlined in section N herein.

(1) Due to the time-consuming nature of pursuing enforcement under this section, no more than one (1) property will be under consideration during each of the following quarters (January-March, April-June, July-September, and October- December).

(2) While the HPO will act as the point of contact, the development services department staff shall, when needed, assist with inspections. If there is a dispute between the HPO and development services department staff, the City manager may be consulted as a mitigating party.

(3) *Citation Procedures*. The procedure for citing a property for Demolition by Neglect shall be as follows:

(a) Initial identification is made by visual inspection of the area by the HPO or an HPAB member or by referral from someone in the area. All referrals shall be made in writing and shall be submitted to the HPO.

(b) Once the initial identification is made, followed by a preliminary determination by the HPO, the property owner shall be notified by US mail of the defects of the building and informed of various incentive programs that may be available for repair. The owner is given 30 days in which to respond to the preliminary determination by submitting a stabilization proposal to HPO. The stabilization proposal will be presented to the HPAB at the next available meeting. If the HPAB approves the proposal, a Certificate of Appropriateness (COA), if necessary, may be issued administratively by the HPO. The approval will detail the specific work which is necessary to correct the demolition

by neglect conditions, as well as a time period to begin and complete the work. The HPO shall update the HPAB on the status of the property every 30 days once work begins on the property.

(c) If the property owner receives the letter regarding the preliminary determination, but fails to respond, a second notice shall be sent in the same manner as described above.

(d) If the property owner fails to receive and/or respond to the letter regarding the preliminary determination after two attempts, the matter returns to the HPAB for a citation hearing. The HPO shall send a third notice via certified mail informing the owner of the hearing, the property is posted with a notice of the violation in accordance with the provisions of this Article, and a public hearing on the citation is scheduled.

(e) At the public hearing the owner is invited to address the HPAB's concerns and to show cause why a citation should not be issued. The HPAB may act to approve any proposed work, defer the matter to give the owner more time either to correct the deficiencies or make a proposal for stabilization, or issue a citation to the owner of the property for failure to correct the demolition by neglect conditions.

(f) If the owner is cited for the condition of demolition by neglect of the property, he is given 14 days to submit a stabilization proposal to the HPO, and at the discretion of the HPAB, up to one (1) year to correct the defects. The HPO shall update the HPAB on the status of the property every 30 days once work begins on the property.

(g) If the owner does respond with a stabilization proposal, the matter is turned over to the City Attorney in which case the citation will be taken forward to the municipal court where the City Attorney shall request the court allow the property owner the time prescribed by the HPAB to correct the defects as described in section F.

SUBSECTION 06.04: NORTH GOLIAD CORRIDOR OVERLAY (NGC OV) DISTRICT

(A) *Purpose*. The North Goliad Corridor Overlay District is a specialized zoning district overlay along North Goliad Street beginning north of the Downtown District and terminating at Live Oak Street. This Corridor has been identified as one of the important entry points into the City of Rockwall. The district has been established to protect scenic and historic qualities through the use of additional development criteria. The district establishes design standards to guide the new construction and rehabilitation of buildings, streetscapes and architectural styles consistent with the existing historic residential homes and businesses located along the corridor.

(B) *Application and Boundaries*. The boundaries of the North Goliad Corridor Overlay District are as established in the official zoning map of the City of Rockwall. The boundary generally extends from Olive Street north to Live Oak and being more particularly described herein as Exhibit "A" [Ord. No. 07-30, Exhibit A which is on file in the City secretary's office]. use or change of use within the North Goliad Corridor Overlay District.

All property developed within the Overlay District must meet both the terms and requirements of the underlying zoning classification applicable to the property and the provisions set forth in the Overlay District. The most restrictive requirement applicable to the property shall apply.

(C) *Architectural Standards*. Most of the historic architecture of the district does not follow one specific style, but is influenced by many. The development along the corridor is an eclectic mix of buildings, but there is a similar vocabulary in the building design and construction materials. The development for the residential and commercial buildings shall generally fit within one or more of the following architectural styles.

FIGURE 14: BUNGALOW

(1) *Bungalow*. The bungalow style is a unique house type that borrows from other cultures, but is a truly American design. Developed on the west coast, the bungalow reduces the distinction between inside and outside space, reflecting open practical living. It is generally a low, small house that used natural materials and relief on simplified design. The roof structure is most often broad gables, often with a separate lower gable covering the porch, although hipped roof structures are also common. There is little ornamentation, and what is found is of simplified design. The first bungalow development period was from 1895 to 1915.

FIGURE 15: COTTAGE

(2) *Cottage*. A cottage is basically a small frame single-family home that does not use any particular architectural style or ornamentation pattern. Roof styles vary, but most often use gable, hip or a combination of the two. This is a style that often borrows elements from classic styles, but does not incorporate other elements that make the style unique.

FIGURE 16: CRAFTSMAN

(3) *Craftsman*. An extension of the early bungalow, the craftsman design included a low-pitched gabled roof with a wide, unenclosed eave overhang. Roof rafters are usually exposed and decorative beams or braces are commonly added under gables. Porches are either full or partial-width, with a roof often supported by tapered square columns. The most distinctive features of this are the junctions where the roof joins the wall, where the most ornamentation occurs. This was the dominant style for smaller homes from 1905 to early 1920s. The popularity of the style faded quickly, however, and few were built after 1930.

FIGURE 17: FOLK VICTORIAN

(4) *Folk Victorian*. The folk Victorian style uses a simple, folk type house style that is often one (1) story and has a roof that is gabled or hipped (pyramidal). It lacks the intricate, irregular roof structure of the Queen Anne style, but includes ornamentation common to Victorian-style detailing, especially spindle work. Facades are generally symmetrical.

~~(4)~~

FIGURE 18: QUEEN ANNE

(5) *Queen Anne*. The Queen Anne architectural style was common from about 1880 to 1910. Identifying features include a steeply pitched, irregular shaped roof, often with a dominant front-facing gable, patterned shingles, cutaway bay windows, and other features to avoid a smooth walled appearance. The decorative detailing is usually of two types:

(a) Spindle work includes turned posts and may also include decorative gables and ornamentation under the wall overhangs.

(b) Free classic detailing uses classical columns, instead of delicate turned posts, and other ornamentation is less

Formatted: Indent: Left: 0.5", No bullets or

"lacy" and delicate than that found in spindle work. This style became common after 1890.

(D) *Building Design*. The height of new buildings shall not exceed this Unified Development Code standards: generally, one (1) and two (2) stories are allowed (36 feet maximum). New building additions and alterations should be compatible with the adjoining area and not exceed height, lot coverage and floor area ratio requirements as specified in this Unified Development Code.

- The use of consistent architectural styles from the years 1870 to 1940 is strongly encouraged rather than additions or alterations from more recent or different design styles (see architectural styles in subsection C of this section for examples).
- New construction should include elements such as cladding, roofing material, roof structure and ornamentation common to the district.
- The existing pattern of building facades generally respecting pedestrian or human scale design should be incorporated into new development projects. Roof types generally associated with residential buildings such as gable, hip or gambrel are also appropriate for structure within the North Goliad Corridor Overlay District.
- All decorative fixtures, including awnings, signs and lighting, shall be integrated with other design elements of the structures.
- Building elevations shall be submitted as part of the development application for review by the Historic Preservation Advisory Board who shall make its recommendations to Planning and Zoning Commission. Perspectives, accurate sections or a model of the project may be required to depict the height, mass and scale of the proposed project with respect to its setting and adjacent development.

(E) *Parking Area Restrictions*. Any surface parking shall be provided in well-screened parking lots at the rear or behind the main facade of the building. All parking structures shall adhere to the standards of this Unified Development Code and any additional requirements of the underlying zoning district.

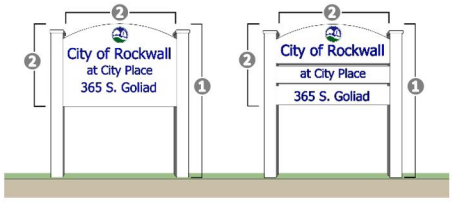
(F) *Cross Access*. Cross access easements may be required by the planning commission and/or City Council at the time of site plan approval or platting to ensure access between adjoining properties and to reduce the number of needed curb cuts.

(G) *Accessory Buildings*. New accessory or outbuildings, including garages and enclosures for service areas, trash or recycle containers, or storage structures should be compatible with materials, textures, colors and architectural styles of the principle buildings.

(H) *Landscaping Standards*. Existing trees should be retained where possible. Street trees and other sidewalk area landscaping shall be incorporated if pedestrian circulation will not be obstructed. Front yards should be landscaped compatible with the majority of neighboring properties. All sites shall, as a minimum, meet the requirements of Article 08, *Landscape Standards*.

(I) *Signs*. All signs shall comply with Chapter 32, *Signs*, of the Municipal Code of Ordinances and the underlying zoning district that applies to the North Goliad Corridor Overlay District and to the following additional standards. Signs shall be freestanding with two support standards. The maximum size shall be 16 square feet and shall not impede pedestrian or motor vehicle traffic. Monument signs are not allowed. All lighted signs shall be indirectly light no direct or internally light sign shall be allowed. All lighting elements such as wires, junction boxes, transformers, switches and panel boxes shall be concealed from view.

FIGURE 19: SIGNAGE REQUIREMENTS



1: EIGHT (8) FOOT
2: FOUR (4) FOOT

(J) *Lighting Standards*. In addition to the requirements of the outdoor lighting requirements no light pole, pole base or combination thereof shall exceed 20 feet in the North Goliad Corridor Overlay District. All lighting fixtures shall focus light downward and be contained on the site. Lighting elements shall be incandescent, metal Halide, or halogen only. No HID or fluorescent lights (except fluorescent bulbs that screw into standard socket fixtures) may be used on the exterior of buildings. All street lighting shall meet the specifications for a *B1* & *B2* contained in Subsection (I), *Streetscape Elements*, of Section 04.07, *Downtown (DT) District*, of the Unified Development Code (UDC).

(K) *Variance*. The City Council may, upon request from the applicant, grant a variance to any provision of this section where unique or extraordinary conditions exist or where strict adherence to the provisions of this section would create a hardship. Approval of any variance to any provision of this section shall require City Council approval by a three-quarter majority vote of those City Council members present with a minimum of four affirmative votes.

SUBSECTION 06.05: SOUTHSIDE RESIDENTIAL NEIGHBORHOOD OVERLAY (SRO) DISTRICT

(A) *Purpose*. The purpose of the overlay district is to provide the flexibility necessary for allowing infill and redevelopment of the Southside Neighborhood, while maintaining and protecting the character and integrity of the existing neighborhood.

(B) *Other Requirements*. Any requirements not specifically stated in this section shall comply with the Single-Family 7 (SF-7) District requirements.

(C) *Area Requirements*.

(1) Minimum lot area: 5,000 square feet.

(2) Maximum number of single-family detached dwellings units per lot: One.

(3) Minimum square footage per dwelling unit: 900 square feet.

(4) Minimum lot frontage on a public street: 50 feet.

(5) Minimum lot depth: 100 feet.

(6) Minimum depth of front yard setback: 20 feet.

(7) Minimum depth of rear yard setback: 10 feet.

(8) Minimum width of side yard setback:

(a) Internal lot: 6 feet.

(b) Abutting street: 15 feet.

(c) Abutting an arterial: 20 feet.

(9) Minimum distance between separate buildings on the same lot or parcel of land: ten feet.

(10) Minimum length of driveway pavement from the public right-of-way for rear or side yards: 20 feet.

(11) Maximum building coverage as a percentage of lot area: 40%.

(12) Maximum building height: 32 feet.

(13) Minimum number of paved off-street parking spaces required for:

(a) One single-family dwelling unit: Two (2) Parking Spaces. An enclosed garage shall not be considered in meeting the off-street parking requirements.

(b) All other uses: see Article 06, *Parking and Loading*, of the Unified Development Code (UDC).

(D) *Consideration of Special Request in Furtherance of Neighborhood Preservation*. The City Council may consider special requests in furtherance of neighborhood preservation and enhancement within the established neighborhood preservation overlay district. Such requests may include, but not necessarily be limited to neighborhood signage plans, the use of alternate building materials reductions in the building setbacks, or other requests submitted for consideration to the planning and zoning department.

Upon receipt of such requests, the Planning and Zoning Commission shall review the case and forward a recommendation to the City Council for consideration. The City Council may approve special request. Any such approval shall preempt any other underlying zoning restrictions in the Unified Development Code (UDC). Such special requests may be denied by the City Council by the passage of a motion to deny.

Special requests shall not include any request to change the land use of a property.

SUBSECTION 06.06: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.07: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.08: SCENIC OVERLAY (SOV) 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.09: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.10: 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 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 06.02, *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.

(c) *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.

(d) *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.*

Continued on Next Page ...

Formatted: Centered

Formatted: Font: Italic

FIGURE 20: DESIGN ALTERNATIVE #1; INCREASED BUFFER

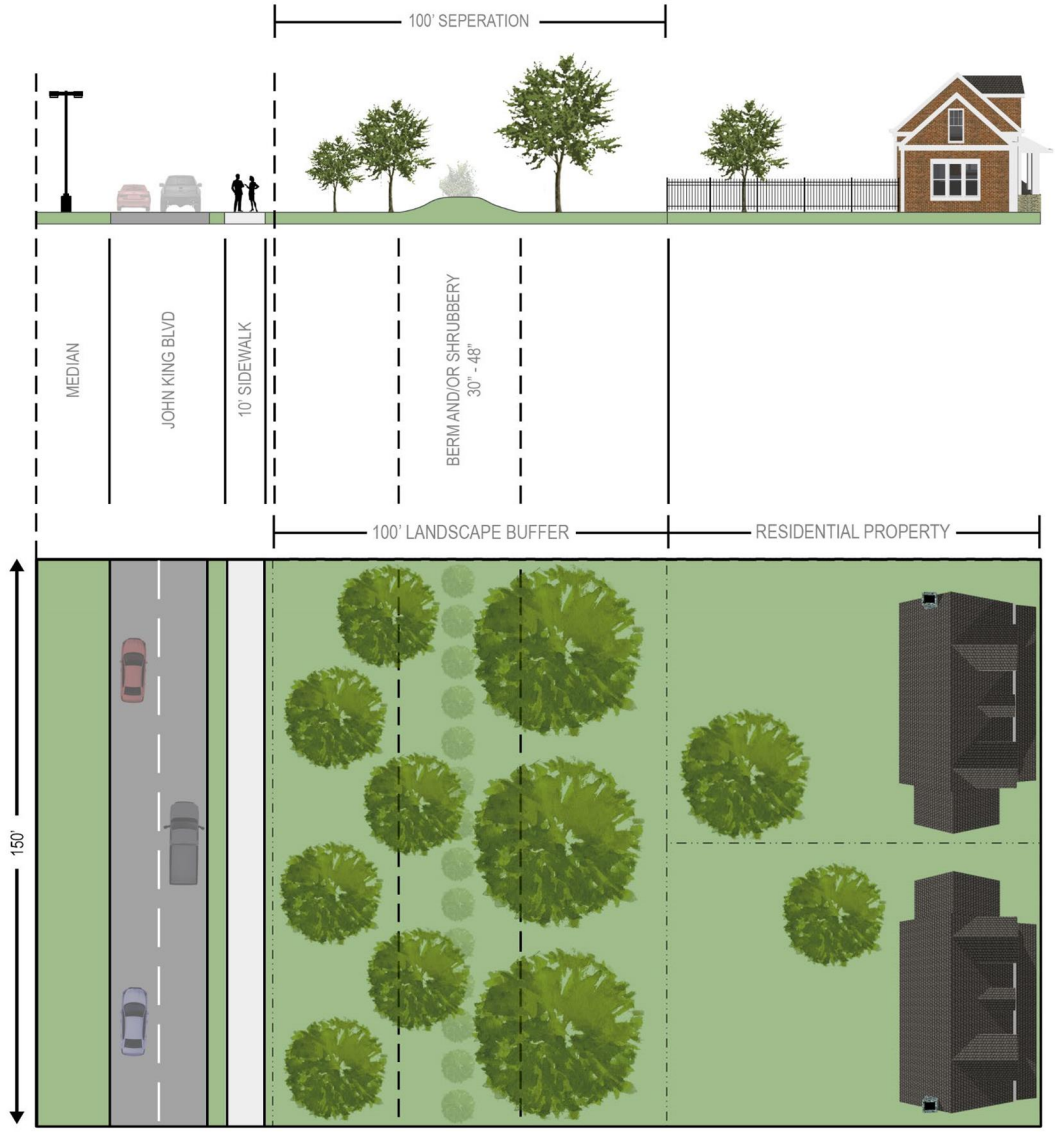


FIGURE 21: DESIGN ALTERNATIVE #2; INCREASED BUFFER

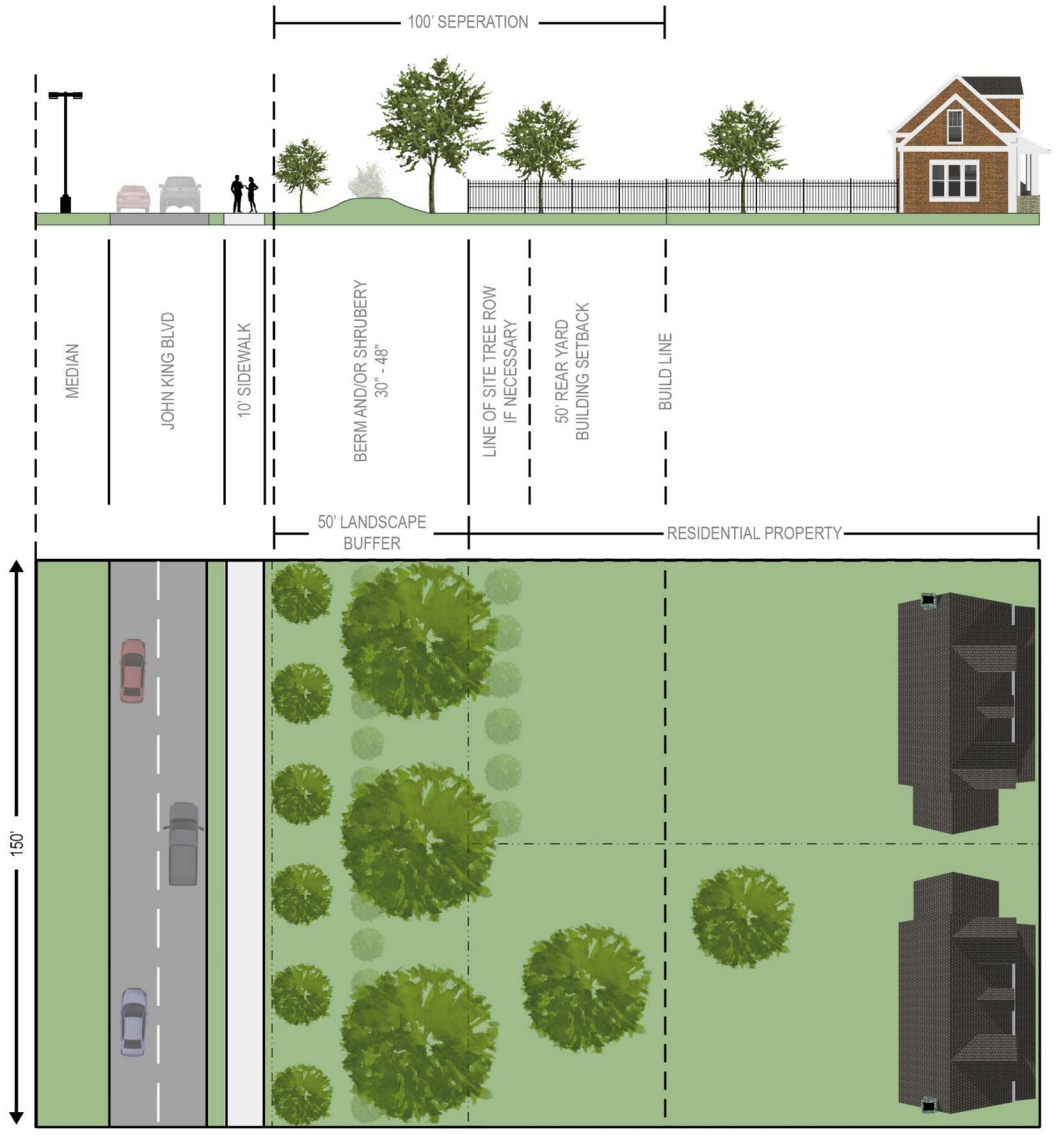


FIGURE 22: DESIGN ALTERNATIVE #3; SLIP STREET

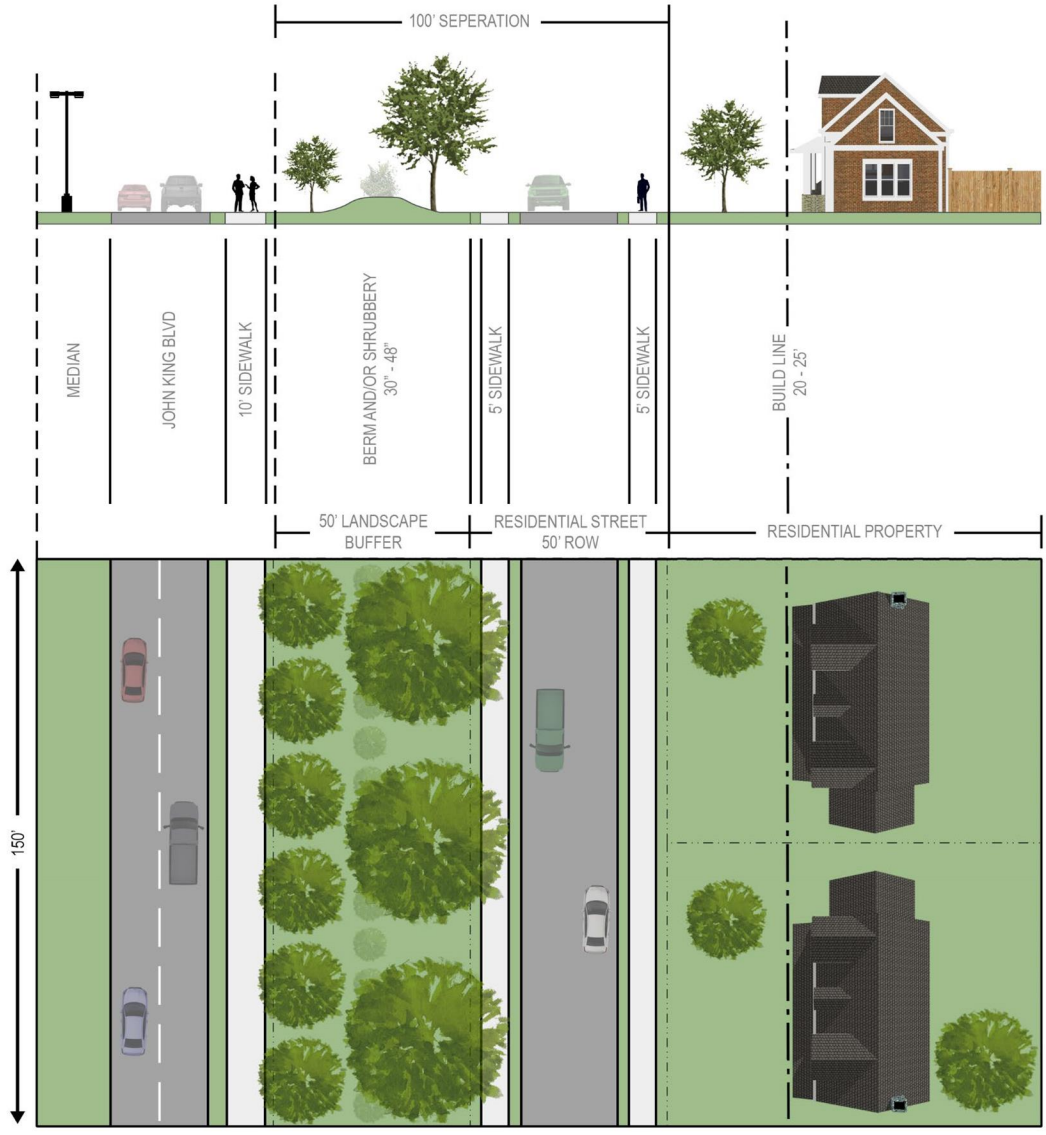


FIGURE 23: DESIGN ALTERNATIVE #4; SLIP STREET

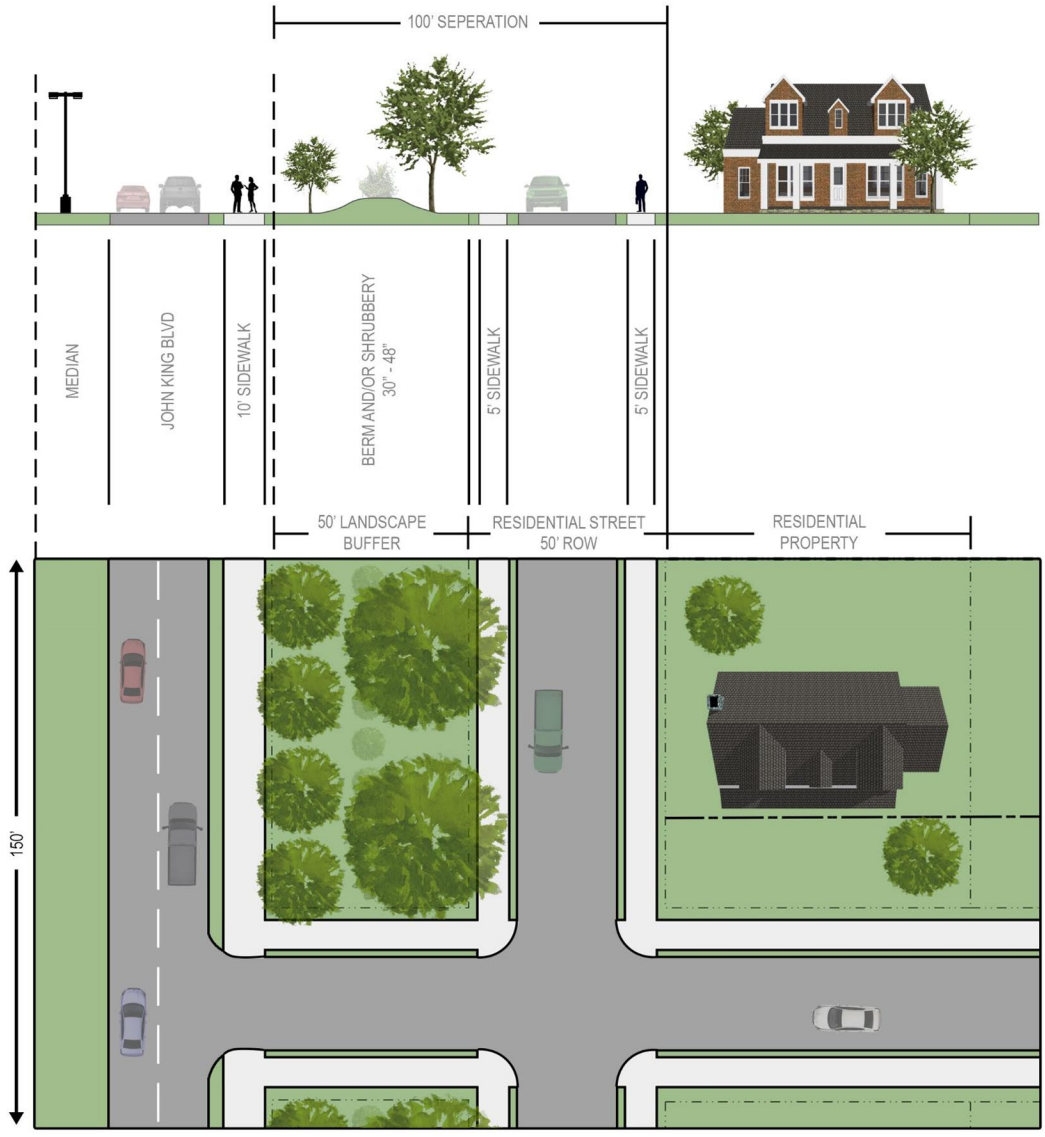
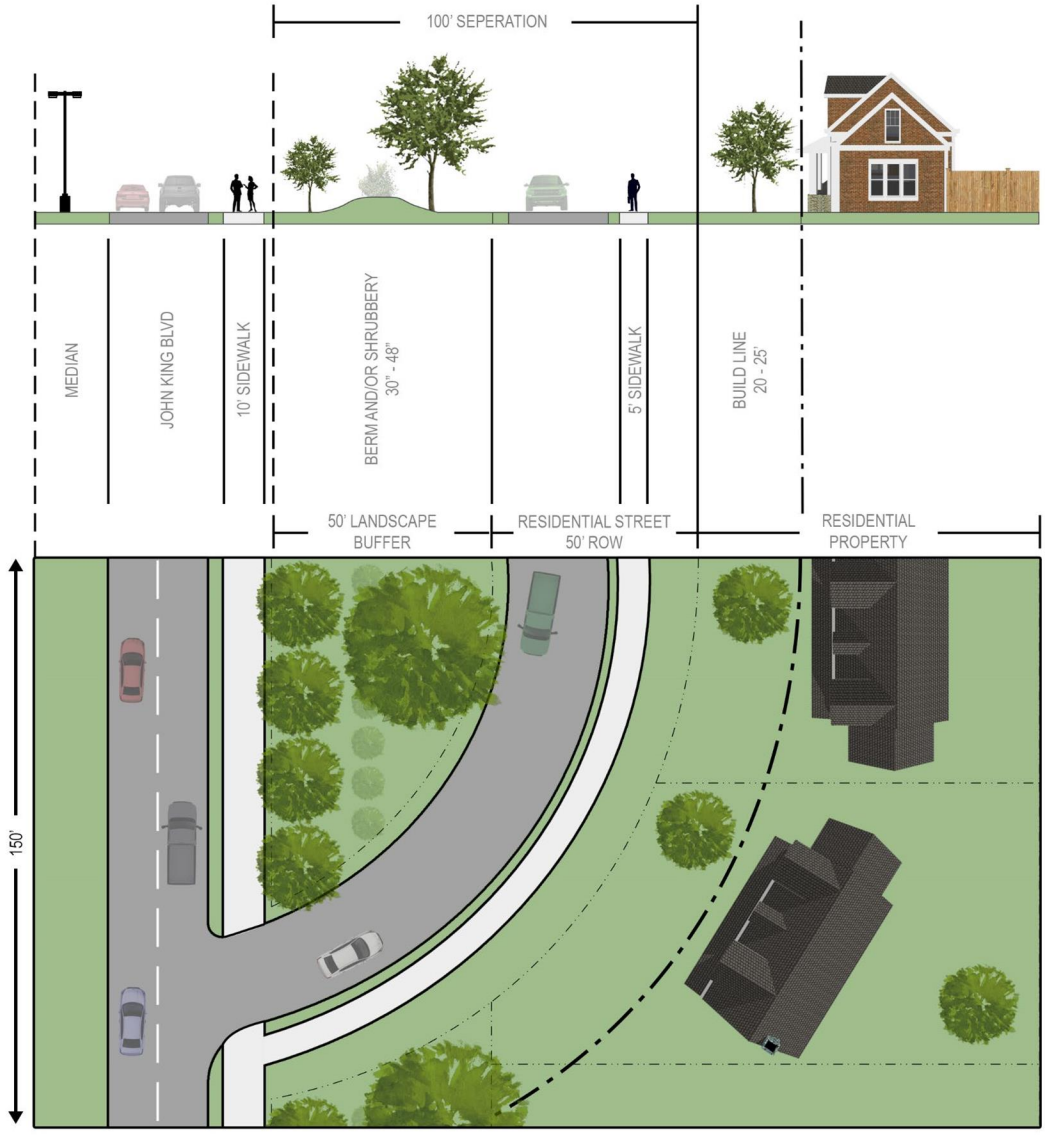
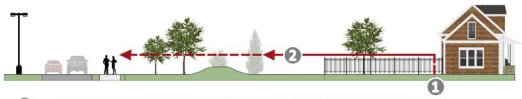


FIGURE 24: DESIGN ALTERNATIVE #5; EYEBROW STREET



(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.

FIGURE 25: LINE-OF-SITE REQUIREMENTS



❶: REPRESENTS THE LINE OF SIGHT AT SIX (6) FEET FROM GRADE.
❷: THE SOLID *RED LINE* SHOWS THAT THE VISIBILITY IS IMPAIRED FROM JOHN KING BOULEVARD BY EITHER [1] A ROW OF TREES OR [2] A BERM AND ROW OF SHRUBBERY.

SUBSECTION 06.11: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.12: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.13: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.14: 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 06.02, *General Overlay District Standards*.

SUBSECTION 06.15: AIRPORT OVERLAY (AP OV) DISTRICT

Note: This document was prepared using FAA guidelines as of March 17, 2020 and using AC150/5300-14D.

(A) *Purpose*. The purpose of this district is to provide both airspace protection and land use compatibility with airport operations at the Ralph M. Hall/Rockwall Municipal Airport. This district, through establishment of airport zones and corresponding regulations, provides for independent review of development proposals in order to promote the public interest in safety, health and general welfare of the City of Rockwall. Therefore, the City of Rockwall deems it necessary to regulate uses of land located within or near the traffic patterns of the airport through regulation of height of structures and objects of natural growth, and through the regulation of land uses within the Airport Overlay (AP OV) District, and other FAA regulated areas associated with the airport (*i.e. areas relating to RSA/ROFA/ROFZ which extend off the airport property*).

(B) *District Boundaries*. This *Airport Overlay (AP OV) District* is hereby established as the land area owned by the City of Rockwall and held as Ralph M. Hall/Rockwall Municipal Airport, the Airport Runway Protection Zone (RPZs), and a buffer area extending 500-feet from all property lines of the Ralph M. Hall/Rockwall Municipal Airport (*see Figure 29: Airport Overlay District Boundaries*).

(C) *Definitions*. Unless otherwise stated in this section, the following words shall have the definitions prescribed to them below:

(1) *Administrative Agency*. The appropriate person or office of the municipality that is responsible for the administration and enforcement of the regulations prescribed in this section of the Unified Development Code (UDC).

(2) *Airport*. The current and future boundaries of the Ralph Hall Municipal Airport located within the City of Rockwall, Texas.

(3) *Airport Hazard*. A structure or object of natural growth that obstructs the air space required for the taking off, landing, and flight of aircraft or that interferes with visual, radar, radio, or other systems for tracking, acquiring data relating to, monitoring, or controlling aircraft.

(4) *Airport Hazard Area*. An area of land or water on which an airport hazard could exist.

(5) *Applicant*. The person or persons making a request to the administrative agency.

(6) *Centerline*. The runway centerline identifies the center of the runway and provides alignment guidance during takeoff and landings. The centerline consists of a line of uniformly spaced stripes and gaps.

(7) *Non-Conforming Land Use or Non-Conforming Use*. Any land use of which is inconsistent with the provisions of these regulations and which is existing as of the effective date of the Airport Overlay (AP OV) District.

(8) *Person*. An individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

(9) *Runway*. A defined area on the airport prepared for the landing and taking off of aircraft along its length. The current length of the Rockwall Municipal Airport is 3,373-feet by 45-feet and the zoned dimensions are 3,373-feet by 60-feet.

(10) *Runway Safety Area (RSA)*. The surface surrounding the runway prepared or suitable for reducing the risk of damage to airplanes in the event of an undershoot, overshoot, or excursion from the runway.

(11) *Structure*. An object constructed or installed by one (1) or more persons and includes but is not limited to a building, tower, smokestack, and overhead transmission line.

(D) *Airport Zones*. In order to implement the intent of this ordinance, the Airport Overlay (AP OV) District hereby includes the following three (3) exhibits that depict the zones within the controlled area and shown on the official zoning map as depicted in *Figure 29: Airport Overlay District Boundaries*:

- Airport Overlay (AP OV) District Boundaries (*see Figure 29: Airport Overlay District Boundaries*)
- Development Zones within the Airport Overlay (AP OV) District (*see Figure 30: Development Zones within the Airport Overlay (AP OV) District*)
- Airport Airspace Zones Boundaries (*see Figure 31: Airspace Zone Boundaries*)

(E) *Permitted Uses*. All uses otherwise permitted by existing zoning ordinances within the boundaries of the AP OV District are permitted within the district, except where there is a conflict between the AP OV District and the existing zoning ordinances. Where the

provisions of the AP OV District are more restrictive, the provisions of the AP OV District shall govern.

(F) *Controlled Area*. The area within which airport land use compatibility controls may be instituted, as defined by *Section 241, Municipal and County Zoning Authority Around Airports,* of the *V.T.C.A., Texas Local Government Code,* shall be defined as the controlled area. The controlled area is located outside the Airport boundaries and within an area measured no farther than one and one-half (1½) statute miles from the centerline of the Ralph M. Hall/Rockwall Municipal Airport runway and lies no farther than five (5) statute miles from each end of the paved surface of the runway.

(G) *Airspace Zones*. *Airspace Zones* consist of all of the land area lying beneath the surfaces referenced in Section H, *Height Limitations*, below and in Title 14, Part 77.19. The following *Airspace Zones* are hereby established and set forth (*see Figures 26: Airspace Zones [right] & Figure 31: Airspace Zone Boundaries [below]; reference Title 14, Part 77, FAR*):

(1) *Primary Surface.* The *Primary Surface* is a surface that is longitudinally centered on the runway. It extends 200-feet beyond the end of each runway and 250-feet on either side of the centerline of the runway for a total width of 500-feet (*i.e. a 250-foot side buffer of the runway centerline*).

(2) Approach Zone. The *Approach Zone* is a fan shaped zone that is established at both ends of the runway for the purpose of landings and take-offs. The *Approach Zone* commences at the end of the *Primary Surface* (*i.e. 200-feet beyond the end of the runway*) and has a beginning width of 500-feet. It then extends uniformly along the continuation of the centerline of the runway to a width of 3,500-feet at a distance of 10,000-feet from the point of commencement, and a slope of 34:1 or one (1) foot in height for each 34-feet in horizontal distance *[this is the land area that exists underneath the Approach Surface]*.

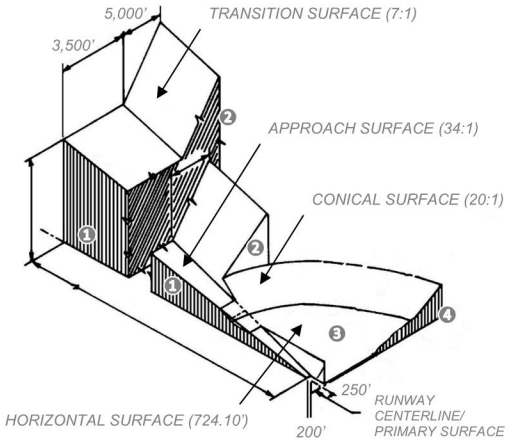
(3) *Transitional Zones.* The *Transitional Zones* are symmetrically located on either side of runway, and have variable widths. The *Transitional Zones* extend outward and upward commencing from the edge of the *Primary Surface* (*i.e. 250-feet on either side of the centerline of the runway*), and *Approach Surfaces*. The *Transitional Zones* extend upward and outward at slope of 7:1 or one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the *Horizontal Zone*. The *Transitional Zones* are established adjacent to the *Approach Zones* and extend their entire length. The *Transitional Zones* flare symmetrically with either side of the runway *Approach Zone* from the base of said zones and slope upward and outward at the rate of 7:1 or one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surface of the *Horizontal Zone* and the *Conical Zone [this is the land area that exists underneath the Transitional Surface]*.

(4) *Horizontal Zone.* The *Horizontal Zone* consists of the land area within the perimeter of which is constructed by swinging arcs of 10,000-feet from the center of each *Primary Surface*, 200-feet beyond the centerline of each runway and connecting the adjacent arcs by lines of tangent to those arcs. The *Horizontal Zone* does not include the *Approach Zone* and/or the *Transition Zone [this is the land area that exists underneath the Horizontal Surface]*.

(5) *Conical Zone.* The *Conical Zone* consists of the land area that commences at the periphery of the *Horizontal Zone* and extends outward for a distance of 4,000-feet, at a 20:1 slope or one (1) foot in height for each 20-feet of horizontal distance. The *Conical Zone* does not include the *Approach Zone* and/or the *Transition Zone [this is the land area that exists underneath the Conical Surface]*.

FIGURE 26: AIRSPACE ZONES

❶: APPROACH ZONE; ❷: TRANSITION ZONE; ❸: HORIZONTAL ZONE; ❹: CONICAL ZONE



(H) *Height Limitations*. Except as otherwise provided in this ordinance, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created above to a height in excess of the limits established herein for each of the imaginary surfaces created by the airspace zones (*Title 14 CFR, Section 77.19, Civil Airport Imaginary Surfaces)*, which are defined as follows:

(1) *Approach Surface.* The *Approach Surface* is the surface that is created by the *Approach Zone*, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending into the area required for an aircraft's navigable airspace. The *Approach Surface* is the same starting width as the *Primary Surface* (*i.e. 500-feet*), and has a slope of 34:1 or one (1) foot in height for each 34-feet in horizontal distance commencing at the *Primary Surface* and extending to a point 10,000-feet from the point of beginning and widening to a width of 3,500-feet.

(2) *Transitional Surface.* The *Transitional Surface* is the surface that is created by the *Transitional Zone*, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending in the area required for an aircraft's navigable airspace. The *Transitional Surface* is the surface that extends outward and upward, at right angles to the runway centerline (*at any point 250-feet normal to and at the elevation*

of the centerline) and extended runway centerline (*i.e. 200-feet beyond the end of the runway*), from the sides of the *Primary Surface* and the *Approach Surfaces* to a point of 150-feet above the airport elevation (*i.e. 724.10-feet*) [*the airport elevation is 574.10-feet above mean sea level*]. The *Transitional Surface* has a slope of 7:1 or one (1) foot in height for each seven (7) feet in horizontal distance.

(3) *Horizontal Surface.* The *Horizontal Surface* is the surface that is created by the *Horizontal* Zone, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending into the area required for an aircraft's navigable airspace. The *Horizontal Surface* is the horizontal plane created by swinging arcs with a 10,000-foot radius centered on the extended runway centerline where it crosses the *Primary Surface*, and is situated 150-feet above the established airport elevation (*i.e. 724-feet) [the airport elevation is 574-feet above mean sea level],* which coincides with the extent of the *Horizontal Zone*.

(4) *Conical Surface.* The *Conical Surface* is the surface that is created by the *Conical Zone*, and is required to prevent existing or proposed objects, objects of natural growth or terrain from extending into the area required for an aircraft's navigable airspace. The *Conical Surface* extends upward and outward from the outer limits or the periphery of the *Horizontal Surface* at a slope of 20:1 or one (1) foot in height for each 20-feet of horizontal distance for a horizontal distance of 4,000-feet. The *Conical Surface* extends to a height of 350-feet above the airport's elevation (*i.e. 924-feet*) [*the airport elevation is 574-feet above mean sea level*].

[Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail. Nothing in this ordinance shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 45-feet above the surface of the land, except in the Approach Zones.]

(I) *Airport Hazard Area*. The *Airport Hazard Area* is an area of land or water on which an airport hazard could exist. An *airport hazard* is defined as a structure or object of natural growth that obstructs the airspace required for the taking off, landing, and flight of aircraft or that interferes with visual, radar, radio, or other systems for tracking, acquiring data relating to, monitoring, or controlling aircraft. For the purposes of this ordinance, the *Airport Hazard Area* is defined as the entirety of all the imaginary surfaces stated in Section H, *Height Limitations*, of this ordinance (*see Figure 31: Airspace Zone Boundaries*).

(J) *Land Use Compatibility*.

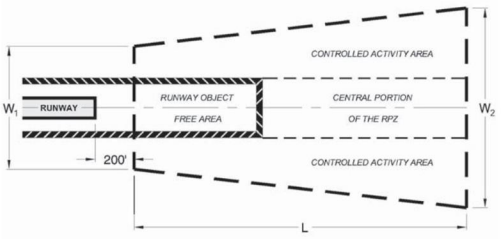
(1) *Intent*. The Airport Overlay (AP OV) District is intended to overlay any other zoning district's regulations comprising or pertaining to areas to which it is applicable, to prevent undue negative interaction between aviation activities associated with the airport and the surrounding community. It is intended to protect the lives and property of the users of the airport and of the occupants of the land in its general vicinity by restricting places of public assembly within this Airport Overlay (AP OV) District. The overlay is intended to preserve the utility of the airport and the public investment therein.

(2) *Development Zones*. The *Development Zones* are hereby established within the Airport Overlay (AP OV) District. These zones are depicted in *Figure 30: Development Zones within the Airport Overlay (AP OV) District* of this ordinance. The *Development Zones* are defined and described as follows:

(a) *Airport Runway Protection Zones (RPZs).* The *Airport Runway Protection Zones* are hereby established as the trapezoidal areas centered about the extended runway centerline. The *RPZ* dimensions for a particular runway end are a function of the type of aircraft and approach/departure visibility minimum associated with the runway end. The *RPZs* for the Ralph M. Hall/Rockwall Municipal Airport commence 200-feet from the edge of pavement at the end of each runway, beginning with a base of 500-feet (*i.e. inner width or 'W_1'*), extending 1,000-feet along the runway centerline (*i.e. length or 'L'*), and terminating at the outboard corners of a 700-foot line segment (*i.e. outer width or 'W_2'*) [*see Figure 27: Airport Runway Protection Zone (RPZ)*], creating a 13.770-acre trapezoidal area, which is intended to service *Aircraft Approach/Departure Categories 'A' & 'B'* (*i.e. small single and multi-engine planes*). Contained within the two (2) trapezoidal areas that make up the *RPZs* are the *Controlled Activity Area* and a portion of the *ROFA (Object Free Area)*. These areas are defined as follows:

(1) *The Runway Object Free Area (ROFA).* The *Runway Object Free Area (ROFA)* is centered on the runway centerline. The *ROFA* clearing standard requires clearing the *ROFA* of above ground objects protruding above the runway safety area edge elevation. Except where precluded by other clearing standards, it is acceptable to place objects that need to be located in the *ROFA* for air navigation or aircraft ground maneuvering purposes to protrude above the nearest point of the runway safety area, and to taxi and hold aircraft in the *ROFA*. To the extent practicable, objects in the *ROFA* should meet the same frangibility requirements as the runway safety area. Objects non-essential for air navigation or aircraft ground maneuvering purposes are not permitted to be placed in the *ROFA*. This includes parked airplanes and agricultural operations.

FIGURE 27: AIRPORT RUNWAY PROTECTION ZONE (RPZ)



(2) *The Controlled Activity Area.* The *Controlled Activity Area* is the portion of the *RPZ* beyond the boundaries of the *ROFA*.

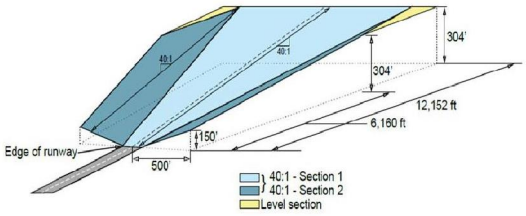
(b) *Municipal Airport Zone.* The *Municipal Airport Zone* is hereby established as the real property boundaries of the Ralph M. Hall/Rockwall Municipal Airport. This zone contains the majority of all airport related land uses and structures.

(c) *Airport Influence Zone.* The *Airport Influence Zone* contains all areas within the 500-foot buffer excluding the *Municipal Airport Zone* and the *RPZ*.

(d) *Height Restriction Zone.* The *Height Restriction Zone* extends to the edge of the *Conical Zone* and is subject only to the requirements stipulated in Section H, *Height Limitations*, of this ordinance (*see Figure 29: Airport Overlay District Boundaries*).

(e) *Departure Surface*. The *Departure Surface* starts at the end of the runway end elevation and matches the width of the usable runway. From the edge of the usable runway, the surface rises upward to 150-feet above the runway end elevation at a point 500-feet on either side of the runway centerline. The new surface rises upward along the extended centerline at a slope of 40:1 or one (1) foot in height for each 40-feet in horizontal distance until reaching 304-feet above the runway end elevation (*i.e. 6,160-feet across at its outer width at the runway end elevation*). Upon reaching the 304-foot marker, the surface levels out until the end of the departure surface at 12,152-feet. The area splays outward at a rate of 15-degrees relative to the extended runway centerline (*see Figure 28: Departure Surface*).

FIGURE 28: DEPARTURE SURFACE



(3) *Land Use Restrictions*.

(a) *Runway Object Free Area (ROFA) and Controlled Activity Area*. No uses are permitted within the *Runway Object Free Area (ROFA)* or the *Controlled Activity Area* unless deemed essential to air navigation or aircraft ground maneuvering purposes by the Federal Aviation Administration (FAA) with the following exceptions:

(1) *Permitted Uses*. See the current *FAA Standard*.

(2) *Specific Use Permit (SUP)*.

(a) Roadways, Automobile Parking Areas, and Railroads that Adhere to the Height Restrictions

(b) *Municipal Airport Zone*.

(1) *Permitted Uses.*

(a) Aircraft Runways, Taxiways, Taxi Lanes, Ramps, Parking Areas and Fuel Storage Facilities

(b) Aircraft Operational Facilities (*including but not limited to Instrument Landing Systems, Visual Navigational Aids, and Related Equipment; Communication Facilities; Weather Service Offices and Equipment*)

(c) Hangars (*includes all buildings which may be used for the Storage or Maintenance of Aircraft, Airport Snow Removal, Sweeping and Other Maintenance Equipment, and/or Other Aviation-Related or Ancillary Activities*)

(d) Terminal Buildings (*which may contain Offices or Airline Companies, and Other Businesses and Concessionaires*)

(e) Offices and Facilities for Airport Management, Air Charter, Air Taxi, Crop Spraying, Aircraft Sales or Rentals, and Air Cargo Processing Facilities

(f) Agriculture (*other than Forestry or Livestock*), Tourism Information Centers and Museums

(g) Flight Schools, Flying Clubs, and Other Schools or Training Facilities (*relating to Aviation or Air-Related Transportation*)

(h) Offices and Facilities for the Operation and Maintenance of Air Rescue, Emergency and Firefighting Services

(i) Aircraft Maintenance, Manufacturing, and Testing Facilities

(j) Offices and Facilities of Federal, State and Local Government Entities that Incorporate an Aeronautical Land Use (*Unless the Property has been Designated for Non-Aeronautical Land Uses*)

(2) *Prohibited Uses*.

(a) No uses other than those uses explicitly permitted above.

(c) *Airport Influence Zone*. All uses permitted within the underlying zoning depicted on the official zoning map of the City of Rockwall, with the following additional uses and exceptions:

(1) *Specific Use Permits (SUP)*.

(a) Residential Airpark or Aviation Homes

(b) Driving Test Track

(2) *Prohibited Uses*.

(a) Residential Uses (*e.g. Single Family, Multi Family, etc.*)

(b) Educational Centers (*including all types of Primary and Secondary Schools, Pre-Schools, and Child Care Facilities*)

(c) Hospitals, Medical Inpatient Treatment Facilities, Nursing Homes and/or Convalescent Home Facilities

(d) Places of Worship

(e) Places of Public Assembly (*Not Previously Listed*)

(f) Fuel Handling and Storage Facilities (*Does Not Include Gas Station*)

(d) *Height Restriction Zone*. Properties within the *Height Restriction Zone*, outside of the Airport Overlay (AP OV District), are subject to the use requirements stipulated by the underlying zoning depicted on the official zoning map of the City of Rockwall (*see Figure 29: Airport Overlay District Boundaries*).

(4) *Additional Use Restrictions*.

(a) Notwithstanding any other provision of this ordinance, no use may be made of land within any zone established by this ordinance in such a manner as to (*1*) create electrical interference with radio communication between the Airport and aircraft, (*2*) make it difficult for flyers to distinguish between airport lights and others, (*3*) result in glare in the eyes of flyers using the Airport, (*4*) impair visibility in the vicinity of the Airport or otherwise endanger the landing, taking-off, or maneuvering of aircraft.

(5) *Legal Non-Conforming Land Uses*.

(a) *Regulations Not Retroactive*. The regulations prescribed by this ordinance shall not be construed to require the removal, lowering, changes and/or alteration of any structure (*e.g. building*) or object of natural growth (*e.g. tree*) not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of any legal non-conforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure or property, for which the construction or alteration of said structure or property was commenced prior to the effective date of this ordinance.

(b) *Hazard Marking and Lighting*. Notwithstanding the preceding provision of this section, the owner of any non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the City Manager or his designee to indicate to the operators of aircraft in the vicinity of the Airport, the presence of such airport hazards. Markers and lighting necessary for existing non-conforming structures or trees shall be operated and maintained at the expense of the property owner. Markers and lighting necessary for future non-conforming structures or trees, approved per the requirements of this ordinance, shall be installed, operated, and maintained at the expense of the property owner.

(K) *Development Standards.*

(1) *Architectural Standards*.

(a) All buildings within the *Municipal Airport Zone* shall be designed by a licensed, professional architect and all drawings submitted for approval and/or permits shall bear the architect's seal of the State of Texas.

(b) All buildings intended for airport related use such as hangars, maintenance facilities, offices and facilities for airport management, terminal buildings and other similar types of uses with exterior walls visible from a public right-of-way shall consist of 90% masonry materials, excluding doors and windows as defined in Article 13, *Definitions*, of the Unified Development Code (UDC) [*i.e. "Masonry"*]. Building exterior walls not visible from the public rights-of-way may be earth-tone colored, pre-finished aluminum, steel or masonry. Materials that are unfinished are prohibited.

[All other buildings not related to airport uses within the Airport Overlay (AP OV) District shall conform to building materials requirements as stipulated within the Unified Development Code (UDC).]

In addition, all buildings intended for airport related uses shall adhere to the following standards:

(1) A *Material Sample Board* indicating all exterior materials and colors must be submitted to the Planning and Zoning Commission, upon a recommendation by the Architecture Review Board (ARB), for approval prior to the commencement of construction. All sides of the exterior building shall be architecturally integrated and similar in nature with respect to the design and aesthetic.

(2) All roofs shall be metal. If galvanized metal is being proposed, it shall be limited to a roofing material only.

(3) Building glazing or reflectors shall not be incorporated into a building if it will cause a glare or reflection that could interfere with airport operations or ground circulation.

(4) All windows or large glass elements shall be oriented and/or treated to avoid reflections that could cause a distraction to air traffic that is landing or taking off.

(5) All new construction shall be of a high quality and utilize materials and finishes that will maintain their appearance with relatively low maintenance.

(6) All steel used for roofing or siding shall be a minimum of 28-gauge steel, with a factory finish in a color that has been approved by the Planning and Zoning Commission, and which has been warranted by the manufacturer for a minimum of 20 years with regards to the durability and color fastness.

(7) All floors must be constructed of a minimum of four (4) inches thick concrete and reinforced with steel to a standard approved by the Engineering and Building Inspections Departments.

(8) All hangars facing a taxiway (*i.e. a path connecting runways with ramps, hangars, terminals, etc.*) shall have a hangar door that has a minimum opening of 55-feet in width by 16-feet in height (*i.e. 55' [w] x 16' [h]*). Buildings facing a taxilane (*i.e. a path connecting the taxiways to aircraft parking positions*) shall have a hangar door that has a minimum opening of 41-feet, 6-inches in width by 12-feet in height (*i.e. 41'-6" [w] x 12' [h]*). Approved swing out, overhead or sliding doors may also be used. All pedestrian doors must be of a pre-finished metal construction positioned in metal doorjambs. No wood doorjambs will be permitted on exterior doors.

(9) Mechanical equipment shall be screened so as not to be visible from the public and private rights-of-way. All screens, whether situated on the ground or on the building, shall be constructed to be aesthetically integrated into the design of the building. The rooftops of all buildings shall be free of any mechanical equipment unless completely screened from all points of view along all public rights-of-way by an architectural parapet. All screening materials shall be compatible with the material used on the building.

(2) *Landscaping*.

(a) The requirements contained within Article 05, *District Development Standards*, and Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC), whichever would be applicable to the subject property independent of the AP OV District, shall apply to a property located within the overlay (*i.e. the landscaping percentage of the underlying zoning district would apply*); however, landscaping plans in the AP OV District should be designed with the consideration of aircraft movement and should not be designed using trees and/or plants that have the propensity to attract hazardous wildlife. In cases where aircraft requirements would conflict with certain landscaping elements, the Planning and Zoning Commission may approve requirements that deviate from those stipulated by the Unified Development Code (UDC) if, in its opinion, such alternate requirements provide for a safer and more efficient use of the property. In addition, the Planning and Zoning Commission may request that a qualified Airport Wildlife Biologist review landscaping plans in sensitive areas and provide recommendations for planting placement and alternatives.

(3) *Variances*. The City Council may, upon request from the applicant, grant a variance to the any of the provisions contained within Section K.6, *Architectural Standards*, and Section K.7, *Landscaping*, of this ordinance where unique or extraordinary conditions exist or where strict adherence to the provisions of this ordinance would create a hardship. Approval of any variance to any provision of this section shall require City Council approval by a three-quarter (¾) majority vote of the City Council members present with a minimum of four (4) affirmative votes.

(L) *Administrative Procedures and Permits.*

(1) *Notice of Proposed Construction or Alteration (i.e. FAA Form 7460-1)*. Any tree or structure (*new or alteration of an existing structure*) proposed within the AP OV District or 20,000-feet of the runway shall require an applicant to file a *Notice of Proposed Construction or Alteration* form (*i.e. FAA Form 7460-1*) with the Federal Aviation Administration (FAA) to determine if the tree or structure creates a hazard to air navigation or will result in an inefficient use of airspace.

(2) *Future Use*. Except as specifically provided herein, no change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(a) In the area lying within the limits of the *Horizontal Zone* and *Conical Zone*, no permit -- *except as required by Section (L)(1) above* -- shall be required for any tree or structure less than 75-feet of vertical height above the ground as measured at grade, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.

(b) In the areas lying within the limits of the *Approach Zones* but at the horizontal distance of not less than 4,000-feet from each end of the runways, no permit -- *except as required by Section (L)(1) above* -- shall be required for any tree or structure less than 75-feet of vertical height above the ground as measured at grade, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limit prescribed for the *Approach Zone*.

(c) In the areas lying within the limits of the *Transitional Zones* ending at the perimeter of the *Horizontal Zone*, no permit -- *except as required by Section (L)(1) above* -- shall be required for any tree or structure less than 75-feet of vertical height above the ground as measured at grade, except when such tree or structure because of terrain, land-contour or topographic features would extend above the height limit prescribed for such *Transitional Zones*.

(3) *Exceptions/Variances/Non-Conforming Uses*. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this Ordinance except as set forth in Section H, *Height Limitations*.

(a) *Existing Uses*. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this Ordinance or any amendments thereto or than it is when

the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(b) *Non-Conforming Uses Abandoned or Destroyed*. Whenever the Board of Adjustment (BOA) determines that a non-conforming structure or use has been abandoned for a period of six (6) months, or more than eighty (80%) percent of a non-conforming structure or tree has been torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(c) *Variances*. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use of their property, not in accordance with the regulations prescribed in this ordinance, may apply to the Board of Adjustment (BOA) for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulation would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice to be in accordance with the spirit and intent of this Ordinance.

(d) *Hazard Marking and Lighting*. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the owners at their own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

(M) *Enforcement*. It shall be the duty of the City Manager or his designee to administer and enforce the regulations prescribed herein. Application of permits shall be made to the City Manager or his designee upon a form published for that purpose. Applications required by this ordinance to be submitted to the City Manager or his designee shall be promptly considered and granted or denied. Applications for variances shall be made to the Board of Adjustment (BOA) by first filing said application for variance with the City Manager or his designee who shall forthwith transmit said application to the Board of Adjustment for determination.

(N) *Appeals*. Requests for appeals to administrative decisions by the City Manager or his designee concerning the enforcement of this ordinance shall be directed to the Board of Adjustment (BOA) in compliance with Section 04, Board of Adjustments, of Article 02, Authority and Administrative Procedures, of the Unified Development Code (UDC).

Continued on Next Page …

FIGURE 29: AIRPORT OVERLAY (AP OV) DISTRICT BOUNDARIES

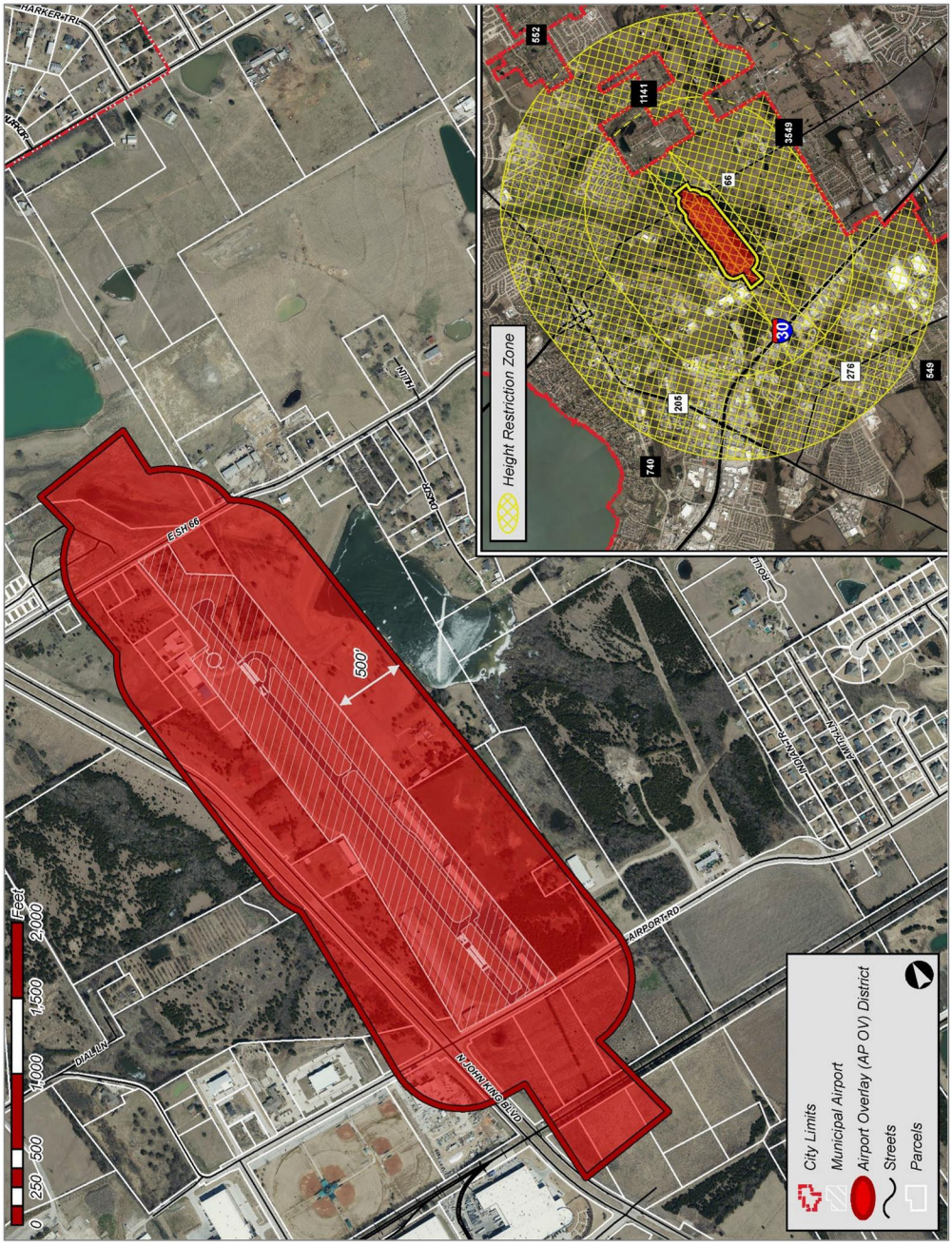


FIGURE 30: DEVELOPMENT ZONES WITHIN THE AIRPORT OVERLAY (AP OV) DISTRICT

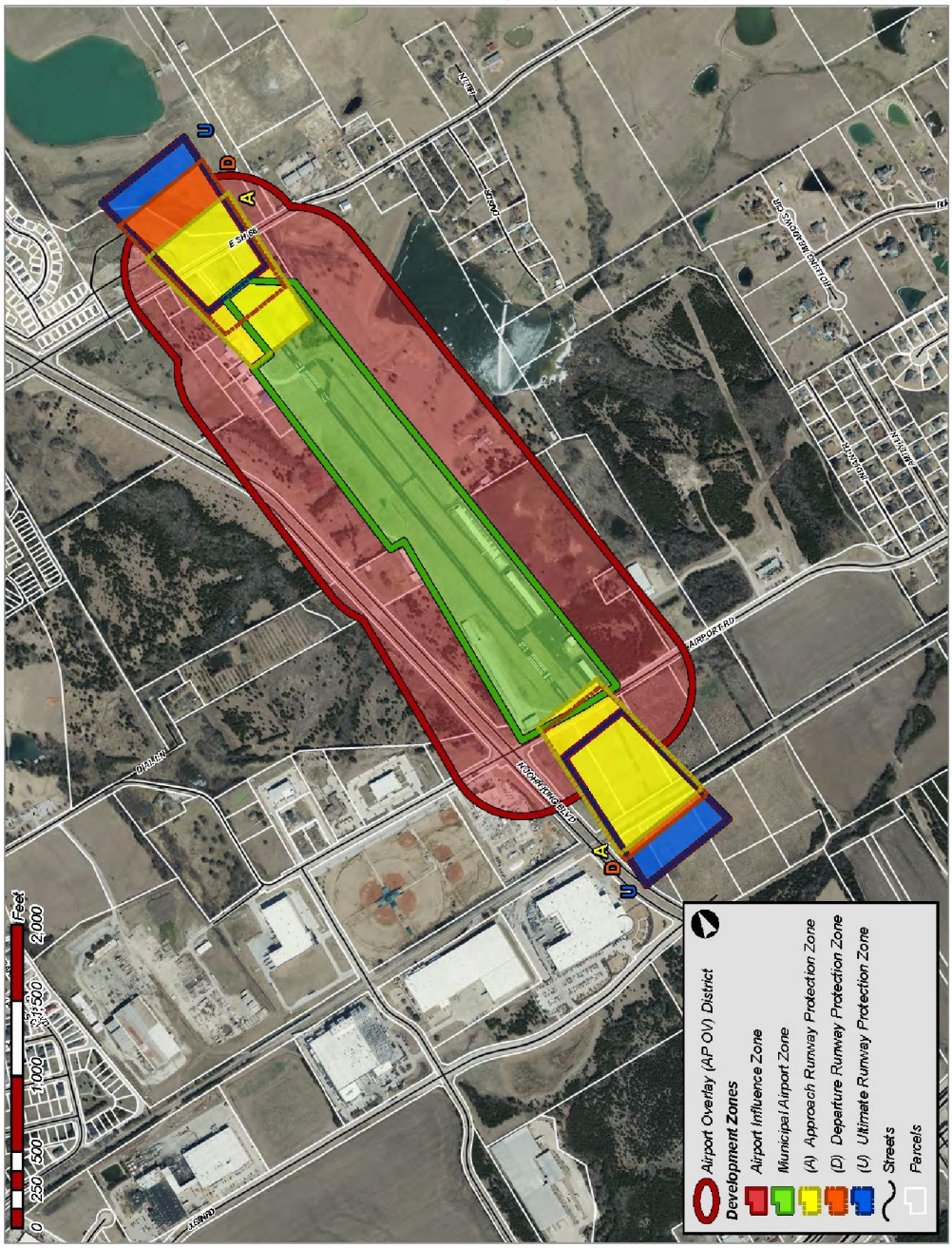


FIGURE 31: AIRSPACE ZONE BOUNDARIES

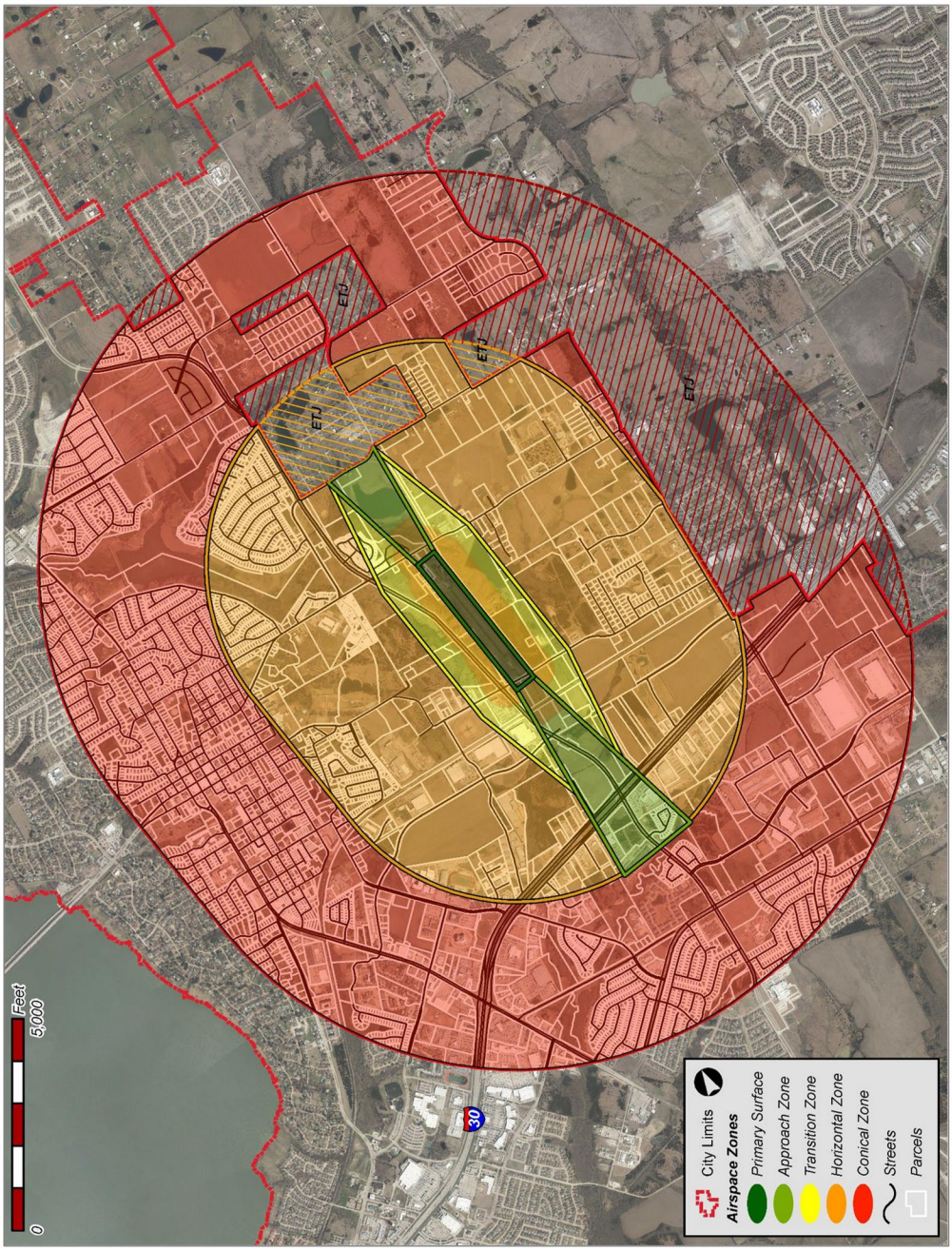
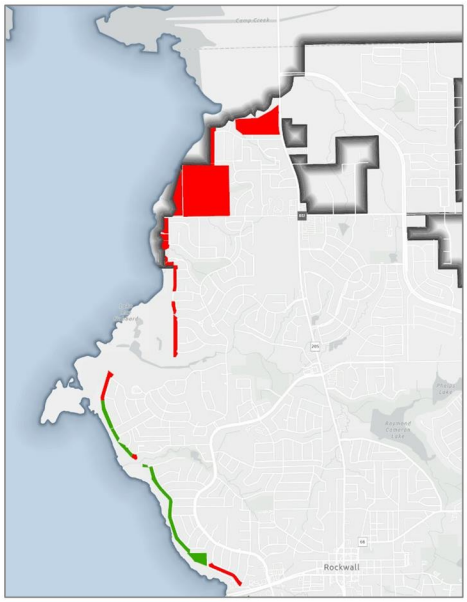
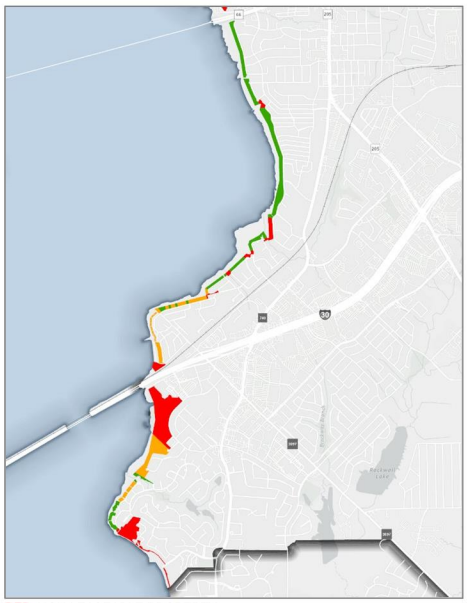


FIGURE 32: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT MAP





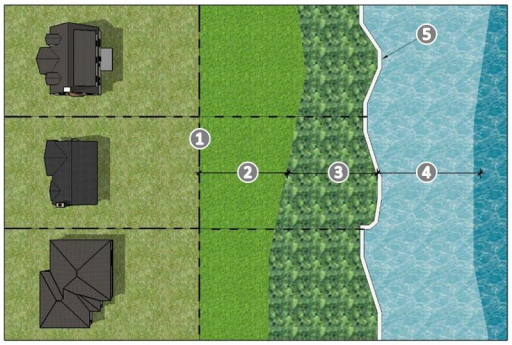
RED: NON-LEASEABLE PROPERTY
GREEN: LEASABLE PROPERTY
ORANGE: HOA LEASABLE AREA

SUBSECTION 06.16: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT

(A) *Purpose*. The purpose of the *Lake Ray Hubbard Takeline Overlay (TL OV) District* is to permit the development of property along the shoreline of Lake Ray Hubbard under certain regulatory conditions governing permitted uses and development standards, setting forth the procedures for the development of said property, and establishing an appeal process for the development standards of the district. This zoning district has its basis in and is intended to serve as an implementation tool for the Lake Ray Hubbard Master Plan (*adopted by the City of Dallas*), the Lake Ray Hubbard Interlocal Agreement as approved by those municipalities comprising the *Lake Cities Coalition* (*i.e. Garland, Rockwall, and Rowlett*) and the City of Dallas, and the OURHometown Vision 2040 Comprehensive Plan. The adoption of this zoning district is intended to provide a means for the protection of water quality.

(B) *Boundaries*. The Lake Ray Hubbard Takeline (TL OV) District includes all property that is located between the City of Dallas *Takeline* as shown on the boundary map for Lake Ray Hubbard (*i.e. File 612D-1 on file in the City of Dallas Records Vault and depicted below in Figure 32, Lake Ray Hubbard Takeline [TL OV] District Map*) and the meandering of the contour line 435.5-feet sea level elevation. In addition, *Figure 33*: *Elevation Contours*, shows the elevation zones used to delineate where certain land uses are permitted.

FIGURE 33: ELEVATION CONTOUR ZONES



❶: REAR PROPERTY LINE/TAKE LINE; ❷: 438.0 ELEVATION ZONE; ❸: 435.5 ELEVATION ZONE; ❹: 425.5 ELEVATION ZONE; ❺: SEAWALL;

(C) *Applicability*.

(1) *Applicable Lots*. The standards set forth within Subsection 06.16, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, shall apply only to those lots within the takeline that are zoned and used for detached, single-family residential land uses, and that either have a minimum lot width of 45-feet when measured at the front building line or a minimum width of 35-feet at the front building line when located on a curved street or cul-de-sac or Homeowner's Association (HOA) that are eligible to lease. The properties and Homeowner's Associations (HOA's) that are eligible to lease the takeline area are depicted in *Figure*

32: Lake Ray Hubbard Takeline Overlay (TL OV) District Map above.

(2) *Exceptions for Lots Not Meeting the Applicability Standards*. The City Council shall have the authority to consider special exceptions to the eligibility standards set forth within this section that apply to those lots within the Lake Ray Hubbard Takeline Overlay (TL OV) District that are zoned and used for detached, attached, or zero-lot-line single-family residential land uses and meet the minimum lot width requirements as prescribed in Subsection 06.15(C)(1) above.

(D) *Definitions*. The terms used in this section shall be as defined in this Unified Development Code (UDC), the Lake Ray Hubbard Interlocal Agreement, and the sublease agreements prepared by the City of Rockwall. For specific land use definitions refer to Subsection (K), *Specifications for Permitted Land Uses*. In addition, the following terms shall be defined as follows:

(1) *Catwalk*. The narrow walkway of a dock providing people access to moored watercraft.

(2) *Centerline*. An established line that is equidistant from the surface or sides of something (*e.g. parcel boundaries*).

(3) *Cleat*. A metal fitting with two (2) projecting pieces used to wrap a rope around to secure a watercraft in position.

(4) *Dredging*. The process of deepening a waterway for the sale and efficient movement of watercraft by the removal of dirt either by digging or by suction.

(5) *Habitable Structure*. A structure fit for human habitation usually containing amenities (*e.g. fireplace, furniture, plumbing, bathing facilities, and cooking facilities*). Structures allowed by this section shall *not* be habitable structures and may not contain such amenities.

(6) *Lake*. Refers to Lake Ray Hubbard.

(7) *Lake Area*. The City of Dallas property, known as Lake Ray Hubbard, that is normally submerged by the lake at a normal lake pool elevation (*i.e. property at or below an elevation of 435.5-feet mean sea level*).

(8) *Leased Area*. Means the take area that is within the corporate limits of the City of Rockwall, or where the takeline is directly adjacent to the corporate limits of the City of Rockwall.

(9) *Lift*. A temporary means of elevating a watercraft out of the water by use of a hoist.

(10) *Locker Box*. A secured chest fixed onto a dock used for storage of watercraft equipment.

(11) *Moor*. Securing a watercraft to a fixed object such as a fixed cleat on a seawall while the watercraft is still in the water.

(12) *Mooring*. A place where a watercraft can be tied up and secured while in the water (*e.g. a slip*) for not more than 156-consecutive hours.

(13) *Power Source Station*. Used as a power supply for lighting a dock just below watercraft level.

(14) *Shoreline*. Refers to the line along the shore of the lake, established by the normal lake pool elevations (*i.e. 435.5-feet mean sea level*).

(15) *Slip*. A watercraft's berth between two (2) piers or between finger piers.

(16) *Take or Takeline Area*. Refers to the land owned by Dallas between the takeline and the normal lake pool elevations (*i.e. 435.5-feet mean sea level*).

(17) *Treated Wood*. Wood treated by the impregnation or application of chemical solutions or chemical mixtures for the purpose of retarding or preventing deterioration or destruction cause by insects, fungi, bacteria, or other wood destroying organisms.

(18) *View Clear Zone*. The area within the view preservation angle where no new structures or plantings shall exceed six (6) feet above the existing grade to maintain neighboring views.

(19) *View Corridor*. A sight passage recognized as holding an intangible asset for a property owner and for a community due to the unique visual qualities of distant terrain, woodlands, wetlands, grasslands, skylines, and manmade lakes expressed through a view preservation angle from either a generally recognized center point or various center points along a road corridor or public view area (*see Figure 28: Visual Measurements for View Corridors of Subsection (E)*).

(20) *View Preservation Angle*. The angle determined as the line extending from the center point -- *or 30-foot point depending on lot size* -- along the quarter distance line of the leased area extending back toward the opposite corner where the takeline area crosses the lease area's side yard (*see Figure 28: Visual Measurements for View Corridors*).

(21) *Watercraft (or Boat)*. A craft for water transport. Examples of watercrafts are as follows:

(a) *Motorized Boat*. A boat propelled by an internal combustion engine.

(b) *Sail Boat*. A boat with a mast and sail propelled by the wind.

(E) *Visual Measurements for View Corridors*.

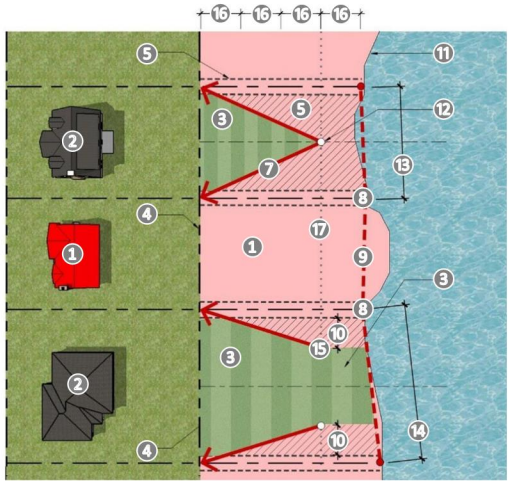
(1) *View Corridors*. View clear zones are established to protect a property owner's views of the lake and to maintain the aesthetic value of the lake's shoreline. The view clear zones for the takeline areas are established by the shoreline frontage of the takeline lease area. This measurement is determined by projecting the lease areas side yards to the normal pool elevation (*i.e. 435.5-feet mean sea level*), and connecting these two (2) points in a straight line (*see Figure 34: Visual Measurements for View Corridors*). Based on this linear measurement, the view clear zones are determined by the following:

(a) *Lots That Have Less Than 100-Feet of Shoreline Frontage*. The view corridor for lots that have less than 100-feet of shoreline frontage is defined by the view preservation angle determined as the quarter distance (*i.e. 25%*) center point from the shoreline frontage line

along the centerline of the leasing property owner's side yard with the angle running from the quarter distance center point to the opposite corners where the takeline area crosses the lease area's side yard. Those areas that fall inside of the view clear zones will be restricted from any type of new improvements or plantings exceeding six (6) feet in height with the exception of boat-related uses, which will be allowed by an administrative exception in accordance with Subsection (F)(2)(d).

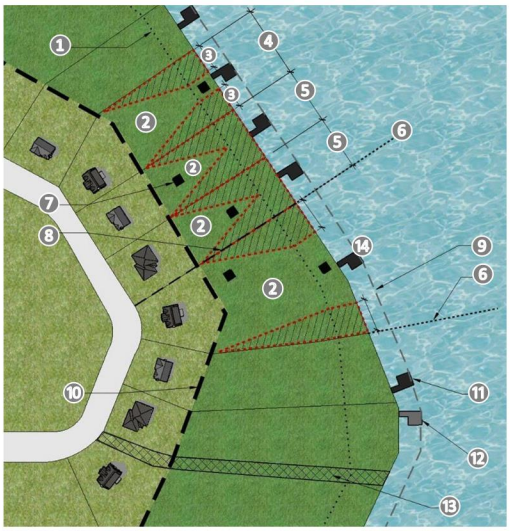
(b) *Lots That Have More 100-Feet or More Shoreline Frontage*. The view corridor for lots that have 100-feet or more shoreline frontage are defined by the view preservation angle determined as the quarter distance (*i.e. 25%*) line projected from the shoreline frontage line extending from the leasing property owner's side yard 30-feet along the quarter distance line and running from this point to the opposite corners where the takeline area crosses the lease area's side yard, and in a straight line from the 30-foot point on the quarter distance line to the shoreline frontage line. Those areas that fall inside of the view clear zones will be restricted from any type of new improvements or plantings exceeding six (6) feet in height with the exception of boat-related uses, which will be allowed by an administrative exception in accordance with Subsection (F)(2)(d).

FIGURE 34: VISUAL MEASUREMENTS FOR VIEW CORRIDORS



❶: SUBJECT PROPERTY'S AND ITS VIEW CORRIDOR (*PINK AREA*); ❷: NEIGHBORING PROPERTY; ❸: NEIGHBORING PROPERTY'S BUILDABLE AREA (*GREEN LINED AREA*); ❹: REAR PROPERTY LINE/TAKELINE; ❺: VIEW CLEAR ZONE (*LINED AREA*); ❻: LEASE AREA SIDE YARD SETBACK; ❼: VIEW PRESERVATION ANGLE; ❽: THE INTERSECTION OF THE 435.5 ELEVATION LINE AND THE LEASE AREA'S SIDE YARD; ❾: SHORELINE FRONTAGE LINE (*ESTABLISHED BY CONNECTING THE TWO [2] ❽ POINTS IN A STRAIGHT LINE*); ❿: 30-FOOT ; ⓫: SHORELINE; ⓬: CENTER POINT AT THE QUARTER DISTANCE LINE; ⓭: A LOT WITH A SHORELINE FRONTAGE LESS THAN 100-FEET; ⓮: A LOT WITH A SHORELINE FRONTAGE 100-FEET OR MORE; ⓯: 30-FOOT POINT ON THE QUARTER DISTANCE LINE; ⓰: 25% OF THE TAKELINE AREA; ⓱: QUARTER DISTANCE LINE.

FIGURE 35 EXAMPLES OF VISUAL MEASUREMENTS FOR VIEW CORRIDORS AND STRUCTURE PLACEMENT



❶: QUARTER DISTANCE LINE; ❷: BUILDABLE AREA; ❸: 30-FEET; ❹: A LOT WITH A SHORELINE FRONTAGE LINE 100-FEET OR MORE; ❺: A LOT WITH A SHORELINE FRONTAGE LINE LESS THAN 100-FEET; ❻: LEASE AREA'S PROJECTED SIDE YARD; ❼: STRUCTURE BUILT IN THE 438.0 ELEVATION ZONE; ❽: LEASE AREA'S SIDE YARD; ❾: 40-FOOT BUILDING LINE; ❿: REAR PROPERTY LINE/TAKELINE ; ⓫: EXISTING BOATHOUSE; ⓬: BOATHOUSE LOCATION APPROVED ADMINISTRATIVELY BECAUSE OF DRAINAGE EASEMENT AND CLUSTERED WITH AN EXISTING BOATHOUSE; ⓭: DRAINAGE EASEMENT; ⓮: BOATHOUSE AND STRUCTURE IN THE 435.5 ELEVATION ZONE GENERALLY CENTERED IN THE LEASE AREA BEHIND THE PRIMARY STRUCTURE.

(F) *General Requirements*. The following general requirements shall apply for all property in the takeline area.

(1) *Number of Permitted Structures*. The following is the maximum number of structures that shall be permitted in each elevation zone (*NOTE: in this case a structure is defined as any of the permitted uses specified in Subsection (K), Specifications for Permitted Land Uses that exceeds six [6] feet in height*):

(a) *438.0 Elevation Zone*: Two (2) structures shall be permitted in the *438.0 Elevation Zone*.

(b) *435.5 Elevation Zone*. One (1) structure shall be permitted in the *435.5 Elevation Zone*.

(2) *General Location of Permitted Structures*. The following requirements relate to where structures should be generally located in each elevation zone (*NOTE: in this case a structure is defined as any of the permitted uses specified in Subsection (K), Specifications for Permitted Land Uses that exceeds six [6] feet in height*):

(a) *438.0 Elevation Zone*: Structures in the *438.0 Elevation Zone* should be located outside of the view clear zones unless specifically permitted to be in the view clear zone by Subsection (K), *Specifications for Permitted Land Uses*.

(b) *435.5 Elevation Zone*: Structures in the *435.5 Elevation Zone* should be generally centered in the lease area -- *equal distance from both leased side yard boundary lines* -- behind the primary structure on the leasing property and outside of the view clear zones unless specifically permitted to be in the view clear zone by Subsection (K), *Specifications for Permitted Land Uses*.

(c) *425.5 Elevation Zone*: Structures located in the *425.5 Elevation Zone* should be generally centered along the shoreline -- *equal distance from both the leased side yard boundary lines* -- behind the primary structure of the leasing property.

(d) *Administrative Exception for the 435.5 & 425.5 Elevation Zone*. In cases where it is [*1*] not feasible to construct a structure in the center of the lease area or along the shoreline, [*2*] will increase the view corridor or benefit the surrounding properties by not centering a structure in the lease area, or [*3*] where centering the structure will create an undue hardship to the property owner leasing the lease area, the Director of Planning and Zoning or his/her designee may approve an administrative exception to allow an alternate location that is not generally centered in the lease area as long as the location for the proposed structure is outside of the view clear zone. In approving these requests, the Director of Planning and Zoning or his/her designee shall consider the impact of the proposed structure on the adjacent property owners.

(3) *Building Materials*. The permitted building materials shall be as stipulated in Subsection (K), *Specifications for Permitted Land Uses*, and as permitted by the City Council through a Specific Use Permit (SUP); however, the use of canvas, cloth, or like materials shall be prohibited within the takeline area. In addition, loose ground materials (*e.g. sand, fill, pea gravel*) that could be used for trails, paths, play areas, active sports activities, or as exposed landscape bedding material are prohibited.

(4) *Trees*. In order to plant or remove a tree in the takeline area, a *Treescape Plan* showing the exact location, size (*i.e. trunk diameter and height*), and common name of the tree to be planted or removed will be required to be submitted to the Parks and Recreation Department. A permit to plant or remove a tree may be approved administratively by the Director of Parks and Recreation or his/her designee, or forwarded to the Parks and Recreation Board for approval. In reviewing a request to plant or remove a tree, the following criteria shall apply:

(a) *Planting Trees*. Trees are permitted to be planted within the *438.0 Elevation Zone* pending they are [*1*] not a variety specifically listed in the prohibited tree list contained in Section 03, *Tree Planting Guidelines and Requirements*, of Appendix C, *Landscaping Guidelines and Requirements*, and [*2*] they are not located within the view clear zone outlined Subsection (E), *Visual Measurements*. The Director of Parks and Recreation or his/her designee may grant an exception to allow a tree to be planted in the view clear zone where it is determined that the tree will not decrease the visibility of the lake or shoreline for the adjacent properties. In making this determination, the Director of Parks and Recreation shall consider the size of the proposed tree at maturity.

(b) *Removing Trees*. Trees are permitted to be removed only if they are determined to be damaged or diseased, or if they create a hazardous or dangerous condition that could endanger the public health, safety or welfare of the general public.

(5) *Temporary Structures on Lease 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(K)(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.

(G) *Residential Sublease Agreement*. A *Residential Sublease Agreement* is an agreement between a property owner and the City of Rockwall that grants the property owner certain rights to the exclusive use of the takeline area. A *Residential Sublease Agreement* shall be required to build certain structures within the takeline area. The area to be leased by a single-family property owner shall be directly contiguous to the boundaries of the property and are only permitted in the areas depicted in ***GREEN*** on Figure 32, *Lake Ray Hubbard Takeline (TL OV) District Map*. It shall be a violation of the zoning code to build or maintain a structure in the takeline area without a valid *Residential Sublease Agreement*. An owner in violation of this section shall be subject to the requirements of Section 01, *Penalties*, of Article 12, *Enforcement*, of the Unified Development Code (UDC). The following shall be the costs associated with a *Residential Sublease Agreement*:

Lease	Fees
New Lease (*i.e. New Never Leased by Current Owner*) [2]	$200.00
Annual Renewal of a Lease	$100.00
Change of Ownership of a Valid Lease	$50.00
Reinstatement of an Expired Lease (*i.e. Same Property Owner*) [3]	$500.00

NOTES:

[1]: To be subject to these new fees, a lease entered into after *January 1, 2021* will be required (*i.e. the effective date of the amendment adopting these fees*).

[2]: A lease is considered to be new under the following circumstances: [*1*] the property has never had a valid lease agreement, or [*2*] the property had a valid lease under different ownership but that lease agreement expired prior to the current owner taking possession of the property.

[3]: A lease is considered to be a reinstatement when it lapses or expires under the current ownership, and then the same owner requests a new lease.

(H) *Homeowner's Association (HOA) Sublease Agreement*. A *Homeowner's Association (HOA) Sublease Agreement* is an agreement between a Homeowner's Association (HOA) and the City of Rockwall that grants the HOA certain rights to the exclusive use of the takeline area for their members. The area to be leased by the Homeowner's Association (HOA) shall be directly contiguous to the boundaries of the HOA and are only permitted in the areas depicted in ORANGE on Figure 32, *Lake Ray Hubbard Takeline [TL OV] District Map*. It shall be a violation of the zoning code to build or maintain a structure in the takeline area without a valid *Homeowner's Association (HOA) Sublease Agreement*. A Homeowner's Association (HOA) in violation of this section shall be subject to the requirements of Section 01, *Penalties*, of Article 12, *Enforcement*, of the Unified Development Code (UDC). The requirements for a *Homeowner's Association (HOA) Sublease Agreement* are as follows:

(1) *Site Plan*. Prior to the execution of a *Homeowner's Association (HOA) Sublease Agreement*, the Homeowner's Association (HOA) shall submit a *Site Plan* to the Director of Planning and Zoning in accordance with the procedures outlined in Subsection 01.02, *Submission of an Application*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). The *Site Plan* shall show all of the *Activity Areas* [*see Subsection (H)(2) below*], the proposed improvements for these areas, the required seawalls, fixed piers and/or dock decks, private walkways, and any landscaping for the leased area. The Planning and Zoning Commission shall review the *Site Plan* in accordance with the procedures contained in Section 03, *Site Plans*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Upon approval of a *Site Plan*, the approved *Site Plan* shall be incorporated into the *Homeowner's Association (HOA) Sublease Agreement*. Should the Homeowner's Association (HOA) choose to amend the *Site Plan*, the *Site Plan* shall be amended in accordance with the procedures of Subsection 03.06, *Amended Site Plan*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Upon approval of an amendment to the *Site Plan*, a new *Homeowner's Association (HOA) Sublease Agreement* shall be drafted containing the *Amended Site Plan* and superseding the original *Homeowner's Association (HOA) Sublease Agreement*.

(2) *Activity Areas*. In lieu of the requirements of Subsections (F)(1), *Number of Permitted Structures*, and (F)(2), *General Location of Permitted Structures*, -- *and as part of the required Site Plan outlined in Subsection (H)(1) above* -- the Homeowner's Association (HOA) shall identify *Activity Areas* where improvements can/will be made within the leased area. Improvements outside of the *Activity Areas* -- *with the exception of landscaping and private walkways* -- shall be prohibited for the purpose of preserving the view corridors of the existing residential properties. The *Activity Areas* shall generally adhere to the following requirements:

(a) *Size*. *Activity Areas* should not be larger than 50-feet by 50-feet, unless otherwise approved by the Planning and Zoning Commission. In reviewing the *Activity Areas*, the Planning and Zoning Commission shall consider how the proposed size affects the view corridors of the adjacent residential properties.

(b) *Location*. *Activity Areas* shall be spaced so that they are a minimum of 200-feet apart, and be setback a minimum of 25-feet from the rear or side yard property line of any residential property. In addition, the *Activity Areas* shall be located in a manner that will create the least amount of impact to the adjacent property owners and their view corridors.

(c) *Seawalls*. Prior to the construction of an *Activity Area*, a seawall, conforming to Subsection (K), *Specifications for Permitted Land Uses*, and extending 100-feet on either side of the *Activity Area*, shall be required to be constructed.

(3) *Fixed Piers and Dock Decks*. Fixed piers and dock decks, conforming to Subsection (K), *Specifications for Permitted Land Uses* and spaced a minimum of 200-feet apart, are permitted along the leased area; however, a seawall, conforming to Subsection (K), *Specifications for Permitted Land Uses* and extending 100-feet on either side of the fixed pier or dock deck, shall be required with the proposed improvements.

(4) *Prohibited Land Uses*. Boathouses, as defined in Subsection (K), *Specifications for Permitted Land Uses*, shall be prohibited in the leased area associated with any *Homeowner's Association (HOA) Sublease Agreement*; however, in the event a boathouse existed in the leased area prior to the execution of the *Homeowner's Association (HOA) Sublease Agreement*, the HOA shall assume responsibility for the existing improvement in accordance with Subsection (H)(5) below.

(5) *Existing Improvements*. As part of the *Homeowner's Association (HOA) Sublease Agreement*, the HOA shall be required to assume responsibility for any existing improvements and the maintenance of these improvements in the leased area.

(6) *Fees*. The following shall be the costs associated with a *Homeowner's Association (HOA) Sublease Agreement*:

Lease	Fees
New Lease (*i.e. New Never Leased by HOA*) [1]	$200.00
Annual Renewal of a Lease	$100.00
Reinstatement of an Expired Lease (*i.e. Same HOA*) [2]	$500.00

NOTES:

[1]: A lease is considered to be new if the property has never had a valid lease agreement or if a site plan has been amended in accordance with the procedures of Subsection (H)(1).

[2]: A lease is considered to be a reinstatement when it lapses or expires, and then the Homeowner's Association (HOA) requests a new lease.

(I) *Permitted Uses*. All of the uses permitted within the *Lake Ray Hubbard Takeline Overlay (TL OV) District* shall adhere to all other

applicable codes and the permitting requirements of the City of Rockwall. For a list of permitted land uses see Subsection (L), *Specifications for Permitted Land Uses*, or Subsection 07.05, *Lake Ray Hubbard Takeline Overlay (TL OV) District Development Standards*.

(J) *Specific Use Permits (SUPs)*. A Specific Use Permit (SUP) may be requested for: [*1*] any use that is not listed in Subsection (K), *Specifications for Permitted Land Uses* or [*2*] any structure that does not adhere to the requirements stipulated for that use or structure as required by Subsection (K), *Specifications for Permitted Land Uses*; however, a request for a Specific Use Permit (SUP) cannot be requested if a dimensional, material, size, or location standard stipulated in Subsection (K), *Specifications for Permitted Land Uses*, or Subsection (F), *General Requirements*, is expressly prohibited. In addition, no requests can be made that violate the view corridor requirements stipulated in Subsection (E), *Visual Measurements*. A Specific Use Permit (SUP) may be requested for water related land uses that are not specifically addressed in Subsection (K), *Specifications for Permitted Land Uses*, (*e.g. jet ski lift*) pending the applicant provides a letter of consent from the City of Dallas prior to making the application. In considering a Specific Use Permit (SUP) request, the City Council shall consider how the proposed request [*1*] impacts adjacent properties, and [*2*] adheres to the intent of the Lake Ray Hubbard Takeline Overlay (TL OV) District.

(K) *Specifications for Permitted Land Uses*. See Subsection 07.05, *Lake Ray Hubbard Takeline Overlay (TL OV) District Development Standards*, for a summary of the development standards for each of the following conditional uses.

(1) *Barbecue Pit*.

(a) *Definition*. A *barbecue pit* is a permanent fireplace structure over which meat, poultry and other foods are roasted (*for Fire Pit see Subsection 06.15(K)(9)*).

(b) *Prerequisites*. A *barbecue pit* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *barbecue pit* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *barbecue pit* can only be fueled by charcoal and wood products, and shall not be fueled by any permanently buried gas products (*i.e. natural gas or propane*).

(e) *Construction Standards*.

(1) *Building Materials*. A *barbecue pit* must be constructed utilizing a combination of natural stone, brick, concrete, and/or iron grating.

(2) *Height*. A *barbecue pit* shall not exceed a maximum of six (6) feet in height.

(3) *Size*. A *barbecue pit* shall not be smaller than a minimum size of three (3) feet in length by three (3) feet in width; however, a *barbecue pit* should not exceed a maximum size of eight (8) feet in length by three (3) feet in width.

(f) *Setback Requirements*. A *barbecue pit* must adhere to the following setbacks:

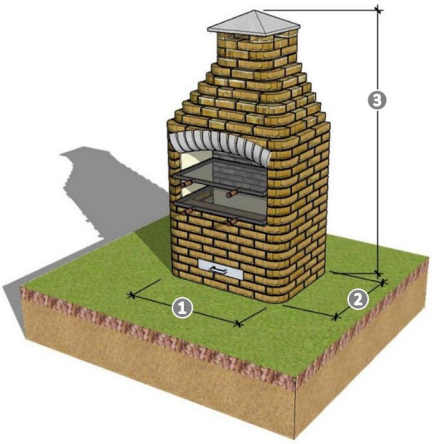
(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *barbecue pit* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *barbecue pit* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.



❶: A MINIMUM AND MAXIMUM OF THREE (3) FEET IN LENGTH; ❷: A MINIMUM OF THREE (3) FEET AND A MAXIMUM OF EIGHT (8) FEET IN WIDTH; ❸: A MAXIMUM OF SIX (6) FEET;

(2) *Boathouse*.

(a) *Definition*. A *boathouse* is a roofed structure affixed to the end of an adjoining *fixed pier*, with a main waterside opening, containing an operating boatlift, and which is built to house and protect a watercraft and boat related equipment.

(b) *Prerequisites*. A *boathouse* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall, has constructed a *seawall* along the entire length of the shoreline within the leased area, and has constructed a *fixed pier*.

(c) *Conditional Use Standards*. *Boathouses* are used for storing boats that have a fuel efficiency rating greater than 95%; however, boathouses may also be used to store

sailboats. *Boathouses* will not be used for storing any other type of items except boats and boat-related equipment. In addition, *Boathouses* shall not be used as a habitable dwelling structure, or shelter for domestic or wild animals. All *boathouses* shall be designed to discourage swimming, be durable, and have a base foundation construction of approved piling piers placed to a depth decided by a structural engineer; however, a *boathouse* shall not be designed to prevent public access to an area of water. Accessories placed on the flat surface of a *boathouse* or catwalk must be placed in an orderly manner that allows for the safe movement of people.

(d) *Elevation Zone*. A *boathouse* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

(e) *Construction Standards*.

(1) *Building Materials*. All *boathouse* constructed below the 437.0-foot mean sea level contour shall use only pilings and materials approved by the City of Rockwall and the City of Dallas. *Boathouses* shall be constructed utilizing composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with high-tech plastic materials*) -- *products equivalent to Trex brand are preferred* -- for decking, galvanized metal/iron/steel or aluminum (*with a minimum color rating of AAMA 2604*) for the support posts, all aforementioned materials and cedar or iron wood for the roof beams, and standing seam metal for the roof with a pre-finished color. Support posts may be wrapped in composite material. Water repellant sealants shall not be used to treat any cedar or ironwood used for roof beams. All fasteners binding materials together must be made out of stainless steel.

(2) *Height*. A *boathouse* shall be a minimum of 16-feet and a maximum of 21-feet in height as measured from the top of the fixed pier's catwalk to the vertex of the *boathouse's* cupola; however, in no case should a *boathouse* exceed one (1) story in height.

(3) *Size*. The footprint of the exterior sides of a *boathouse* will measure a minimum of eight (8) feet in width by 30-feet in length and a maximum of 12-feet in width and 30-feet in length. *Boathouses* shall not extend more that 40-linear feet into the water as measured from the normal pool elevation of the shoreline (*i.e. 435.5*).

(4) *Roof*. A *boathouse* will have a hip roof with either: [*1*] one (1) cupola with a hip roof centered at the top of the main hip roof, or [*2*] two (2) cupolas each with hip roofs at either end of the top of the main hip roof. Cupolas will be designed to allow updraft air and winds to vent outward, and shall measure three (3) feet by four (4) feet. All *boathouse* roofs shall be built with a minimum of a 2:1 roof pitch and will not have an overhang greater than 18-inches. *Boathouses* shall not incorporate a deck or platform.

(5) *Lighting*. Interior lighting for a *boathouse* will be directed downward from the ceiling of the structure and at the stored watercraft. Exterior lighting for a *boathouse* will be directed downwards toward the fixed pier with light fixtures incorporated either into the roof's overhang or the structure's columns. Lighting shall not hinder an adjacent property owner's lake views, negatively impact surrounding residents with unwanted brightness or glare, or interfere with the safety of the traveling public.

(6) *Additional Construction Standards*.

(a) *Deck Ladder*. A deck ladder is permitted to be constructed inside a *boathouse*.

(b) *Storage Unit*. A *boathouse* can incorporate one (1) storage unit measuring 72-inches in length by 20-inches in depth by 20-inches in height. Storage units shall be placed on the outer dockside, and shall only be used for storing boat-related equipment. The storage of fossil fuels and/or hazardous materials is prohibited.

(c) *Boat or Watercraft Lift(s)*. A *boathouse* must incorporate either one (1) regular boat lift or two (2) personal watercraft boat lifts. All boat or watercraft lifts must be able to hoist a watercraft above the 438.0-foot mean sea level contour, and be maintained in good operating condition. All watercrafts must be stored under the roof of the *boathouse*.

(d) *Pilings*. The approved pilings used to support a boathouse must be built up to at least 17-inches above the normal pool elevation of 435.5-feet mean sea level. Vertical rub rails are required on all concrete piers and pilings.

(e) *Catwalks*. The flat floor surface or catwalk for all structures must be no more and no less than 18-inches above the normal pool elevation of 435.5-feet mean sea level.

(f) *Safety Reflectors*. All structures shall be designed with safety reflectors to be clearly visible on three (3) sides on the main waterside of the end of the structure. Safety reflectors are required on either side of the main waterside end and the two (2) sides at a minimum increment of ten (10) feet starting at the structure's main waterside end and working back to the shoreline. Safety reflectors will be white, blue, or red and no less than three (3) inches in diameter or square in size, kept clean, firmly attached to the structure, and maintained in good condition.

(7) Location. All *boathouses* are required to be located in the water of the *Lake*. View corridor restrictions do not apply to *boathouses*; however, a boathouse should generally be located in line with the primary structure on the leasing property (*i.e. generally centered on the lot*). *Boathouses* shall not be designed to prevent or restrict public access to any portion of water within the *Lake*.

(f) Setback Requirements. A *boathouse* must adhere to the following setbacks:

(1) Takeline Setback: 0-feet
(2) Leased Side Yard Setback: 10-feet
(3) Maximum Distance from Seawall: 40-feet

(g) Additional Requirements.

(1) Dredging. Dredging of the lake area is allowed for the berthing of a motorized boat into a *boathouse* provided that the dredging does not exacerbate shoreline erosion, lake siltation, water quality degradation, wetlands instability, or the integrity of any built structure, and the dredged channel is maintained for boating maneuverability to a depth of 425.0-feet mean sea level and a width area allowable for safe boating maneuverability. Property authorization to dredge must be obtained from the City of Rockwall, City of Dallas, US Army Corps of Engineers, and the Texas Parks and Wildlife Department. Disposal of dredging materials must be handled by a licensed establishment, properly treated and disposed of at an offsite location or disposed onsite only as part of land reclamation working under the City of Dallas guidelines and supervision.

(2) Compliance with Applicable Codes. A *boathouse* must comply with all other applicable City of Rockwall codes.

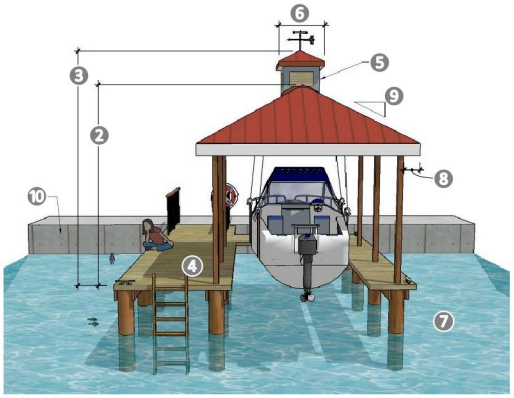
(3) Address. All *boathouses* shall have a residential street address sign with six (6) inch black letters on a white background displayed outwards towards the main body of the *Lake* to be recognizable for waterside public safety and emergency personnel.

(4) Easement Protection. No *boathouse* shall encroach into an existing or identified future easement, right-of-way, access road, or path.

(h) Visual Representation.

Continued on Right Side of Page …

❶: 40-FOOT MAXIMUM



❶: 40-FOOT MAXIMUM; ❷: 13-FOOT MINIMUM TO 18-FOOT MAXIMUM; ❸: 16-FOOT MINIMUM TO 21-FOOT MAXIMUM; ❹: CATWALK (UNDERSTRUCTURE TO BE ABOVE THE 437.0-FOOT ELEVATION); ❺: CUPOLA; ❻: THREE (3) FEET BY FOUR (4) FEET; ❼: 435.5-FOOT NORMAL POOL ELEVATION; ❽: 1.5-FOOT MAXIMUM OVERHANG; ❾: 2:1 ROOF PITCH (HIP ROOF ONLY); ❿: SEAWALL

(3) Covered Patio.

(a) Definition. A *covered patio* is a standalone structure that provides shade and/or rain coverage for a patio or deck. Covered patios have a solid roof.

(b) Prerequisites. A *covered patio* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) Elevation Zone. A *covered patio* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *covered patio* shall not be used as a habitable dwelling structure, storage facility, or shelter for domestic or wild animals.

(e) *Construction Standards*.

(1) *Building Materials*. A *covered patio* must be constructed utilizing cedar, redwood, ironwood, composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. The roof of the structure should generally match the color of the roof on the primary structure, and be constructed using clay tiles, standing seam metal, slate shingles, concrete shingles, or ceramic shingles. Canvas, cloth, or mesh attachments to the structure shall be prohibited.

(2) *Height*. A *covered patio* shall not exceed a maximum height of 15-feet or one (1) story, and the roof shall not be used as a deck or lookout. The height shall be measured from grade to the mid-point of the pitched roof.

(3) *Size*. A *covered patio* shall not exceed a maximum size of 12-feet by 20-feet or 240 SF.

(4) *Roof*. A *covered patio* will have a hip or gable roof with either: [*1*] one (1) cupola with a hip roof centered at the top of the main hip roof, or [*2*] a clerestory built into the center of the main hip roof. Cupolas and clerestories will be designed to allow updraft air and winds to vent outward, and shall be proportional to the main roof. All *covered patios* should be built with a minimum of a 4:1 roof pitch. The roof shall not have an overhang greater than 18-inches.

(5) *Location*. A *covered patio* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Covered patios* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *covered patio* must adhere to the following setbacks:

(1) *Takeline Setback*: 6-Feet (*from the Concrete Cap of the Seawall*)
(2) *Leased Side Yard Setback*: 20-Feet

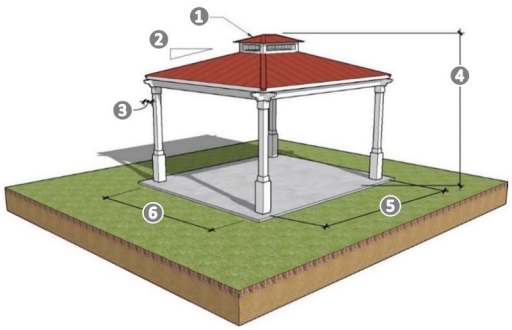
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *covered patio* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *covered patio* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *covered patio* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: CUPOLA OR CLERESTORY; ❷: 4:1 MINIMUM ROOF PITCH; ❸: 18-INCHES MAXIMUM OVERHANG; ❹: 15-FEET MAXIMUM HEIGHT; ❺: 20-FEET MAXIMUM; ❻: 12-FEET MAXIMUM;

(4) *Deck*.

(a) *Definition*. A *deck* is a roofless structure anchored to the ground that consists of planks running in a horizontal pattern and creating a flat surface area.

(b) *Prerequisites*. A *deck* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *deck* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted (*see Dock Deck in Subsection 06.15(K)(5)*).

(d) *Conditional Use Standards*. A *deck* shall not incorporate walls or other none transparent structures to function as handrails or counter space.

(e) *Construction Standards*.

(1) *Building Materials*. A *deck* must be constructed of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*). Handrails incorporated into a *deck* in the *438.0 Elevation Zone* shall be made of wrought iron or decorative metal. Handrails are *not* permitted in the *435.5 Elevation Zone*.

(2) *Height*. A *deck* shall not exceed a maximum height of 24-inches above grade.

(3) *Size*. A *deck* shall not exceed a maximum area of 1,000 SF.

(4) Location. A *deck* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Decks* shall not be placed in the view clear zone of a neighbor's view corridor.

(5) Foundation. A *deck* shall be anchored into the ground using concrete posts and footings as a foundation appropriate for the load and size of the proposed *deck*.

(f) Setback Requirements. A *deck* must adhere to the following setbacks:

(1) Takeline Setback: 0-Feet
(2) Leased Side Yard Setback: 20-Feet

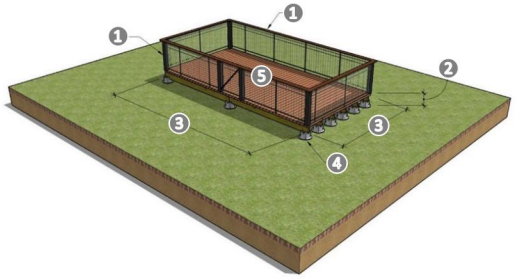
(g) Additional Requirements.

(1) Earth Work. Earth work required for the construction of a *deck* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) Compliance with Applicable Codes. A *deck* must comply with all other applicable City of Rockwall codes.

(3) Emergency Response. The *deck* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) Visual Representation.



❶: WROUGHT IRON OR DECORATIVE METAL; ❷: MAXIMUM OF 24-INCHES OR TWO (2) FEET ABOVE GRADE; ❸: (L) X (W) SHALL NOT BE GREATER THAN 1,000 SF; ❹: CONCRETE POSTS AND FOOTINGS FOR FOUNDATION; ❺: COMPOSITE DECKING MATERIALS.

(5) Dock Deck.

(a) Definition. A dock deck is a flat floor surface area built over the water adjoining the end of a *fixed pier*.

(b) Prerequisites. A *dock deck* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall, has constructed a *seawall* along the entire length of the shoreline within the leased area, and has constructed *fixed pier*.

(c) Elevation Zone. A *dock deck* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

(d) Conditional Use Standards. Items that can be securely attached to the edge of a *dock deck* include the following: [*1*] a personal watercraft swing lift, [*2*] benches, [*3*] dock deck lighting that is either embedded in or on a pole, [*4*] locker box, and/or [*5*] power source station. A table may also be placed on the edge or in the center of a *dock deck*. A watercraft is only allowed to moor at any portion of a *dock deck* for no more that 156-consecutive hours during any given week. All *dock decks* shall be designed to discourage swimming, be durable, and have a base foundation construction of approved piling piers placed to a depth decided by a structural engineer; however, a *dock deck* shall not be designed to prevent public access to an area of water. *Dock decks* shall also be designed to be clearly visible during all seasons of the year and fluctuations in pool elevation of the *Lake*. Accessories placed on the flat surface of a *dock deck* or catwalk must be placed in an orderly manner that allows for the safe movement of people.

(e) Construction Standards.

(1) Building Materials. The catwalk and/or *dock deck* and any benches built on these structures shall utilize only composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*). Any railings built on a dock deck shall be constructed of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*) or steel tubing railings. *Dock decks* above 437.0 feet mean sea level are required to be constructed of metal pilings, concrete pilings, or plastic PVC pilings. *Dock decks* constructed below 437.0 feet mean sea level must use only pilings and materials approved by the City of Dallas as specified in the City of Dallas' *Construction Permit Application Lake Structures Lake Ray Hubbard*. All pilings shall be engineered and approved to handle the pressures, stresses, and loads applicable to lakefront conditions. The exterior color of all *dock decks* shall be a neutral or earth tone color and be subject to approval by the Planning and Zoning Department at the time of building permit. All fasteners binding materials together must be made of stainless steel. Water repellant sealants shall not be used.

(2) Height. No pole structures incorporated into a *dock deck* shall be higher than eight (8) feet above the flat floor surface with no more than four (4) pole structures allowed.

(3) Size. The footprint of the exterior sides of a *dock deck* adjoining a fixed pier shall be a minimum of eight (8) feet by ten (10) feet (*i.e. 80 SF*) and a maximum of 12-feet by 30-feet (*i.e. 360 SF*). *Dock decks* shall not extend more that 40-linear feet into

the water as measured from the normal pool elevation of the shoreline (*i.e. 435.5*).

(4) *Lighting*. Lighting shall not hinder an adjacent property owner's lake views, negatively impact surrounding residents with unwanted brightness or glare, or interfere with the safety of the traveling public. Safety lighting may be placed onto the interior edges of the flat floor surface of a *dock deck* at ten (10) foot increments, with the cover housing the lighting source no higher than six (6) inches. Two (2) light post structures with a maximum height of eight (8) feet can be placed along the periphery of a *dock deck*.

(5) *Additional Construction Standards*.

(a) *Pilings*. The approved pilings used to support a boathouse must be built up to at least 17-inches above the normal pool elevation of 435.5-feet mean sea level. Vertical rub rails are required on all concrete piers and pilings.

(b) *Catwalks*. The flat floor surface or catwalk for all structures must be no more and no less than 18-inches above the normal pool elevation of 435.5-feet mean sea level.

(c) *Safety Reflectors*. All structures shall be designed with safety reflectors to be clearly visible on three (3) sides on the main waterside of the end of the structure. Safety reflectors are required on either side of the main waterside end and the two (2) sides at a minimum increment of ten (10) feet starting at the structure's main waterside end and working back to the shoreline. Safety reflectors will be white, blue, or red and no less than three (3) inches in diameter or square in size, kept clean, firmly attached to the structure, and maintained in good condition.

(6) *Location*. View corridor restrictions do not apply to *dock decks*. *Dock decks* shall not be allowed on land.

(f) *Setback Requirements*. A *dock deck* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-feet
(2) *Leased Side Yard Setback*: 10-feet
(3) *Maximum Distance from Seawall*: 40-feet

(g) *Additional Requirements*.

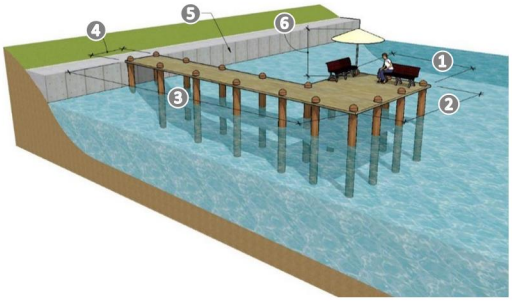
(1) *Dredging*. Dredging of the lake area is allowed for the berthing of a motorized boat into a *dock deck* provided that the dredging does not exacerbate shoreline erosion, lake siltation, water quality degradation, wetlands instability, or the integrity of any built structure, and the dredged channel is maintained for boating maneuverability to a depth of 425.0-feet mean sea level and a width area allowable for safe boating maneuverability. Property authorization to dredge must be obtained from the City of Rockwall, City of Dallas, US Army Corps of Engineers, and the Texas Parks and Wildlife Department. Disposal of dredging materials must be handled by a licensed establishment, properly treated and disposed of at an offsite location or disposed onsite only as part of land reclamation working under the City of Dallas guidelines and supervision.

(2) *Compliance with Applicable Codes*. A *dock deck* must comply with all other applicable City of Rockwall codes.

(3) *Address*. All *dock decks* shall have a residential street address sign with six (6) inch black letters on a white background displayed outwards towards the main body of the *Lake* to be recognizable for waterside public safety and emergency personnel.

(4) *Easement Protection*. No *dock deck* shall encroach into an existing or identified future easement, right-of-way, access road, or path.

(h) *Visual Representation*.



❶: MINIMUM OF TEN (10) FEET AND A MAXIMUM OF 30-FEET; ❷: MINIMUM OF EIGHT (8) FEET AND A MAXIMUM OF 12-FEET; ❸: 40-FOOT MAXIMUM; ❹: SIX (6) FOOT MAXIMUM; ❺: SEAWALL; ❻: EIGHT (8) FOOT MAXIMUM;

(6) *Fence*.

(a) *Definition*. A *fence* is a barrier, railing, or other upright structure, enclosing a specific area to mark a boundary or control access.

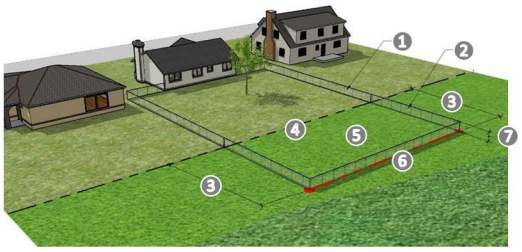
(b) *Prerequisites*. A *fence* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *fence* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *fence* shall only be allowed to enclose an area beginning at the *Takeline* corners (*i.e. the rear property line corners of the property leasing the take area*), extending 45-feet along the lease line, and

connecting the two (2) points in a straight line (*see example below*).



❶: EXISTING RESIDENTIAL FENCE ON THE LEASING PROPERTY; ❷: WROUGHT IRON OR BLACK TUBLAR STEEL FENCE; ❸: MAXIMUM OF 45-FEET ALONG THE LEASE LINE OF THE TAKELINE; ❹: REAR PROPERTY LINE/BEGINNING OF THE TAKELINE; ❺: 438.0 ELEVATION ZONE; ❻: THE STRAIGHT-LINE CONNECTION BETWEEN THE TWO (2), 45-FOOT POINTS; ❼: MAXIMUM OF 48-INCHES OR FOUR (4) FEET.

(e) *Construction Standards*.

(1) *Building Materials*. A *fence* shall *only* be constructed of wrought iron or black tubular steel.

(2) *Height*. A *fence* shall not exceed a maximum height of 48-inches from grade.

(3) *Location*. A *fence* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *fence* must adhere to the following setbacks:

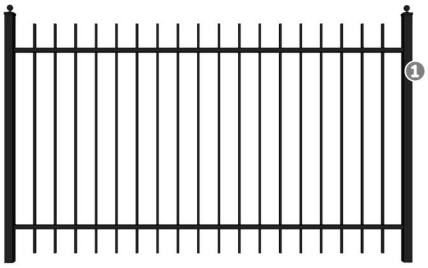
(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *fence* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *fence* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.



❶: FOUR (4) FOOT WROUGHT IRON FENCE

(7) *Flagpole*.

(a) *Definition*. A *flagpole* is an upright pole or staff, constructed at a 90-degree angle to the finished grade, which is used to raise a flag.

(b) *Prerequisites*. A *flagpole* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *flagpole* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A maximum of two (2) *flagpoles*, with one (1) flag on each pole shall be permitted within a lease area. The United States of America and State of Texas flags measuring a maximum of six (6) feet by four (4) feet will be the only flags permitted to be flown along the takeline. Lighting in association with a flagpole shall be prohibited.

(e) *Construction Standards*.

(1) *Building Materials*. A *flagpole* shall *only* be constructed of either stainless steel or aluminum.

(2) *Height*. A *flagpole* shall not exceed a maximum height of 20-feet from grade.

(3) *Size*. At the ground base a *flagpole* shall measure a minimum size of five (5) inches and a maximum size of eight (8) inches.

(4) *Location*. A *flagpole* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Flagpoles* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *flagpole* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

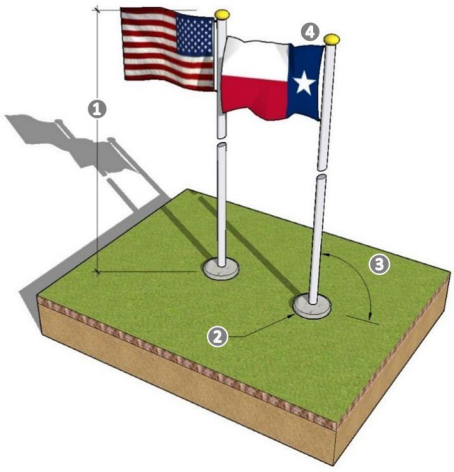
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *flagpole* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *flagpole* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *flagpole* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: MAXIMUM OF 20-FEET FROM GRADE; ❷: AT THE BASE THE FLAGPOLE CAN BE A MINIMUM OF FIVE (5) INCEHS AND A MAXIMUM OF EIGHT (8) INCHES; ❸: MAINTAINED TO BE 90-DEGREES FROM GRADE; ❹: FLAGPOLES ARE PERMITTED ONE (1) FLAG A MAXIMUM OF FOUR (4) FEET BY SIX (6) FEET;

(8) *Fixed Pier*.

(a) *Definition*. A *fixed pier* is a structure with a catwalk that extends from the shoreline out into the body of water with the structure being used to moor and land watercraft.

(b) *Prerequisites*. A *fixed pier* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall, and has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *fixed pier* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

(d) *Conditional Use Standards*. Each eligible property adjacent to the takeline will be permitted one (1) fixed pier with an adjoining dock deck and/or boathouse. *Fixed piers* can be designed to be in an 'I', 'T', 'L' or 'U' shape (*see* *Subsection 06.15(K)(8)(h)*). Items that can be securely attached to the edge of a *dock deck* include the following: [*1*] a personal watercraft swing lift, [*2*] benches, [*3*] cleats, [*4*] dock lighting, [*5*] locker box, and/or [*6*] power source station. A watercraft is only allowed to moor at any portion of a *fixed pier* for no more that 156-consecutive hours during any given week. All *fixed pier* shall be designed to discourage swimming, be durable, and have a base foundation construction of approved piling piers placed to a depth decided by a structural engineer; however, a *fixed pier* shall not be designed to prevent public access to an area of water. *Fixed piers* shall also be designed to be clearly visible during all seasons of the year and fluctuations in pool elevation of the *Lake*. Accessories placed on the flat surface of a catwalk of a *fixed pier* must be placed in an orderly manner that allows for the safe movement of people.

(e) *Construction Standards*.

(1) *Building Materials*. The catwalk and any benches built on these structures shall utilize only composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*). Any railings built on a *fixed pier* shall be constructed of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*) or steel tubing railings. *Fixed piers* above 437.0 feet mean sea level are required to be constructed of metal pilings, concrete pilings, or plastic PVC pilings. *Fixed piers* constructed below 437.0 feet mean sea level must use only pilings and materials approved by the City of Dallas as specified in the City of Dallas' *Construction Permit Application Lake Structures Lake Ray Hubbard*. All pilings shall be engineered and approved to handle the pressures, stresses, and loads applicable to lakefront conditions. The exterior color of all *fixed piers* shall be a neutral or earth tone color and be subject to approval by the Planning and Zoning Department at the time of building permit. All fasteners binding materials together must be made of stainless steel. Water repellant sealants shall not be used.

(2) *Height*. No pole structures incorporated into a *fixed pier* shall be higher than eight (8) feet above the flat floor surface with no more than two (2) pole structures allowed.

(3) *Size*. The catwalk of a *fixed pier* will be a maximum of six (6) feet in width, as measured at a 90-degree angle to the main *fixed pier's* length, and will not enclose any portion of the water to allow the free movement of water underneath. *Fixed piers* shall not extend more than 40-linear feet into the water as measured from the normal pool elevation of the shoreline (*i.e. 435.5*).

(4) *Lighting*. Lighting shall not hinder an adjacent property owner's lake views, negatively impact surrounding residents with unwanted brightness or glare, or interfere with the safety of the traveling public. Safety lighting may be placed onto the interior edges of the flat floor surface of the catwalk of a *fixed pier* at ten (10) foot increments, with the cover housing the lighting source no higher than six (6) inches. Two (2) light post structures with a maximum height of eight (8) feet can be placed at the end of a *fixed pier*.

(5) *Additional Construction Standards*.

(a) *Pilings*. The approved pilings used to support a boathouse must be built up to at least 17-inches above the normal pool elevation of 435.5-feet mean sea level. Vertical rub rails are required on all concrete piers and pilings.

(b) *Catwalks*. The catwalk of a *fixed pier* will be allowed within nine (9) feet of the normal pool elevation of 435.5-feet mean sea level. The flat floor surface or catwalk for all structures must be no more and no less than 18-inches above the normal pool elevation of 435.5-feet mean sea level.

(c) *Safety Reflectors*. All structures shall be designed with safety reflectors to be clearly visible on three (3) sides on the main waterside end of the end of the structure. Safety reflectors are required on either side of the main waterside end and the two (2) sides at a minimum increment of ten (10) feet starting at the structure's main waterside end and working back to the shoreline. Safety reflectors will be white, blue, or red and no less than three (3) inches in diameter or square in size, kept clean, firmly attached to the structure, and maintained in good condition.

(6) *Location*. View corridor restrictions do not apply to *fixed piers*.

(f) *Setback Requirements*. A *fixed pier* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-feet
(2) *Leased Side Yard Setback*: 10-feet
(3) *Maximum Distance from Seawall*: 40-feet

(g) *Additional Requirements*.

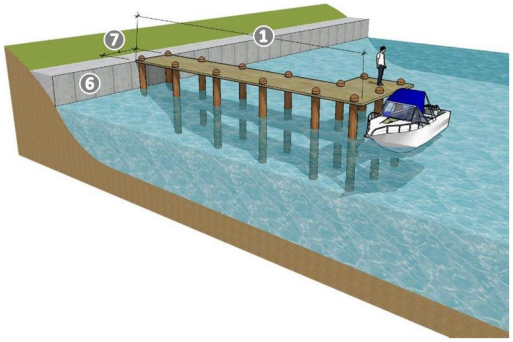
(1) *Dredging*. Dredging of the lake area is allowed for the berthing of a motorized boat into a *fixed pier* provided that the dredging does not exacerbate shoreline erosion, lake siltation, water quality degradation, wetlands instability, or the integrity of any built structure, and the dredged channel is maintained for boating maneuverability to a depth of 425.0-feet mean sea level and a width area allowable for safe boating maneuverability. Property authorization to dredge must be obtained from the City of Rockwall, City of Dallas, US Army Corps of Engineers, and the Texas Parks and Wildlife Department. Disposal of dredging materials must be handled by a licensed establishment, properly treated and disposed of at an offsite location or disposed onsite only as part of land reclamation working under the City of Dallas guidelines and supervision.

(2) *Compliance with Applicable Codes*. A *fixed pier* must comply with all other applicable City of Rockwall codes.

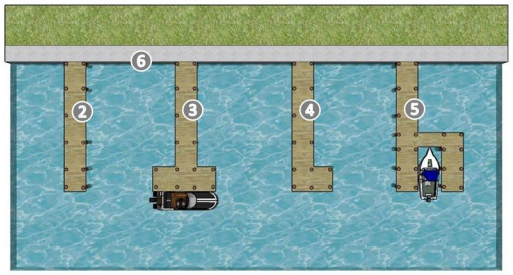
(3) *Address*. All *fixed pier* shall have a residential street address sign with six (6) inch black letters on a white background displayed outwards towards the main body of the *Lake* to be recognizable for waterside public safety and emergency personnel.

(4) *Easement Protection*. No *fixed pier* shall encroach into an existing or identified future easement, right-of-way, access road, or path.

(h) *Visual Representation*.



❶: 40-FOOT MAXIMUM; ❷: PIER IN AN 'I' SHAPE; ❸: PIER IN 'T' SHAPE; ❹: PIER IN A 'L' SHAPE; ❺: PIER IN A 'U' SHAPE; ❻: SEAWALL; ❼: SIX (6) FOOT MAXIMUM



(9) *Fire Pit*.

(a) *Definition*. A *fire pit* is a permanent fireplace that is dug into the ground or is in a freestanding structure in which a contained fire is made.

(b) *Prerequisites*. A *fire pit* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *fire pit* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *fire pit* can only be fueled by charcoal and wood products, and shall not be fueled

by any permanently buried gas products (*i.e. natural gas or propane*).

(e) *Construction Standards*.

(1) *Building Materials*. The surround (*i.e. the area used to contain the fire*) for a *fire pit* must be constructed utilizing a combination of natural stone, brick, and/or concrete.

(2) *Height*. A *fire pit* shall not exceed a maximum of 36-inches in height.

(3) *Size*. A *fire pit* shall not be smaller than a minimum size of three (3) feet in length by three (3) feet in width; however, a *fire pit* should not exceed a maximum size of five (5) feet in length by five (5) feet in width.

(f) *Setback Requirements*. A *fire pit* must adhere to the following setbacks:

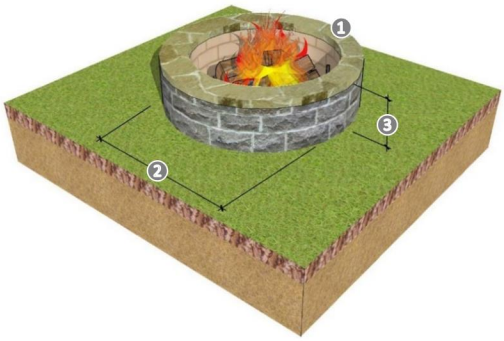
(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *fire pit* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *fire pit* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.



❶: NATURAL STONE, BRICK, AND/OR CONCRETE; ❷: MINIMUM SIZE OF THREE (3) FEET BY THREE (3) FEET AND A MAXIMUM SIZE OF FIVE (5) FEET BY FIVE (5) FEET; ❸: MAXIMUM HIEGHT OF 36-INCHES OR THREE (3) FEET.

(10) *Gazebo*.

(a) *Definition*. A *gazebo* is a permanent stand-alone structure with a roof and trellis structure open on all sides with places for sitting.

(b) *Prerequisites*. A *gazebo* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *gazebo* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *gazebo* shall not be used as a habitable dwelling structure, storage facility, deck, or shelter for domestic or wild animals.

(e) *Construction Standards*.

(1) *Building Materials*. A *gazebo* built in the *438.0 Elevation Zone* must be constructed utilizing cedar, redwood, ironwood, composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. The side trellis of the *gazebo* may be built using wood; however, canvas, cloth, or mesh attachments to the structure shall be prohibited. A *gazebo* built in the *435.5 Elevation Zone* shall only be built out of composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. A *gazebo* will be constructed using steel reinforced concrete piers.

(2) *Height*. A *gazebo* shall not exceed a maximum height of 15-feet without a clerestory and 18-feet with a clerestory/cupola. The height of the *gazebo* shall be measured from grade to the vertex of the *gazebo's* main roof or clerestory/cupola roof. In either case a *gazebo* shall not be larger than one (1) story or incorporate a balcony.

(3) *Size*. A *gazebo* shall not exceed a maximum size of 12-feet by 12-feet or 144 SF.

(4) *Roof*. The roof of the *gazebo* shall be a hipped roof, gable roof, or hip and/or gable roof with or without a clerestory/cupola, and have a slope of 2:1. The roof shall not have an overhang greater than 18-inches. In addition, the roof of the *gazebo* can match the roof of the primary structure on the leasing property; otherwise, the roof shall be built out of a prefinished standing seam galvanized metal roof. If a clerestory/cupola is incorporated it shall be centered at the top of the main hip roof.

(5) *Location*. A *gazebo* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Gazebos* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *gazebo* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(g) *Additional Requirements.*

(1) *Earth Work*. Earth work required for the construction of a *gazebo* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *gazebo* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *gazebo* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation.*

❶: CUPOLA OR CLERESTORY; ❷: 2:1 MINIMUM ROOF PITCH; ❸: 1.5-FOOT MAXIMUM OVERHANG; ❹: 18-FEET MAXIMUM HEIGHT WITH A CUPOLA OR CLERESTORY AND 15-FEET WITHOUT A CUPOLA OR CLERESTORY; ❺: 12-FEET MAXIMUM; ❻: ROOF CAN MATCH THE PRIMARY STRUCTURE OTHERWISE THE ROOF SHALL BE STANDING SEAM METAL.

(11) *Landing and Stairs*.

(a) *Definition*. A *landing* is the area of a floor near the top or bottom step of a stair. A *stair* is a set of steps leading from one floor of an area to another.

(b) *Prerequisites*. A *landing and stairs* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 or 425.5 Elevation Zones* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *landing and stairs* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Permitted (*if a Seawall has been constructed*).

NOTE: A *landing and stairs* located in the *425.5 Elevation Zone* is permitted beside the lake but not upon or over the lake.

(d) *Conditional Use Standards*. A *landing and stairs* shall be allowed to be constructed in conjunction with a retaining wall if the retaining wall exceeds three (3) feet in height measured from the adjacent grade to the top of the wall.

(e) *Construction Standards*.

(1) *Building Materials*. A *landing and stairs* shall be constructed of wrought iron or black tubular steel, natural stone, brick, and/or concrete.

(2) *Height*. A *landing and stairs* shall not exceed the height of the adjacent retaining wall.

(3) *Size*. A *landing and stairs* shall be limited to eight (8) feet by eight (8) feet measured at the top of the adjacent retaining wall and the staircase shall be parallel to the retaining wall with a maximum width of a six (6) foot projection from the wall.

(4) *Location*. A *landing and stairs* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *landing and stairs* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 5-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *landing and stairs* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *landing and stairs* must comply with all other applicable City of Rockwall codes.

(h) *Visual Representation*.

PERSPECTIVE VIEW.

TOP VIEW.

❶: MINIMUM OF EIGHT (8) FOOT BY EIGHT (8) FOOT LANDING; ❷: VARIABLE LENGTH STAIRCASE; ❸: WROUGHT IRON OR BLACK TUBLAR STEEL; ❹: NATURAL STONE, BRICK, OR CONCRETE MATCHING THE RETAINING WALL; ❺: VARIABLE HEIGHT BUT A MINIMUM OF THREE (3) FEET; ❻: MAXIMUM OF SIX (6) FEET.

(12) *Landscaping and Retaining Walls*.

(a) *Definition*. *Landscaping* is the minor modification or altering of the surrounding takeline area terrain and shoreline with trees, shrubs, ground cover, and native stone or interlocking retaining walls.

(b) *Prerequisites*. *Landscaping and retaining walls* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. *Landscaping and retaining walls* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

NOTE: Remedial *landscaping* in the *425.5 Zone* is permitted when the intent is to maintain the integrity of the shoreline. This will require the approval of the Director of Parks and Recreation.

(d) *Conditional Use Standards*. *Landscaping and retaining walls* shall compliment and be integrated into the existing woodlands, wetlands, and general aesthetic of the takeline area. *Landscaping* shall not consist of hedge or shrub rows, or any plantings that may restrict views or lead to the siltation and/or erosion of the shoreline. The use of pesticides, herbicides, fungicides, or preservatives is *strictly prohibited*. All landscaping must comply with the requirements of Article 08, *Landscaping and Fence Standards*, of the Unified Development Code (UDC). For information regarding planting or removing trees see Subsection (F)(4) above.

(e) *Construction Standards*.

(1) *Building Materials*. *Retaining walls* shall be finished in native stone and will only be allowed in the *438.0 Elevation Zone* and the *435.5 Elevation Zone*. The use of mulch is prohibited in all zones with the exception of the *438.0 Elevation Zone*. The use of railroad ties, treated wood, pea gravel -- *with the exception of using it as a base* --, and brick shall be prohibited.

(2) *Height*. *Retaining walls* as part of landscaping will be limited to less than three (3) feet.

(3) *Location*. *Landscaping and retaining walls* shall not hinder the view clear zone of an adjacent neighbor's view corridor. *Landscaping* shall not exceed six (6) feet in height in the view clear zone.

(f) *Setback Requirements*. *Retaining walls* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *landscaping and retaining walls* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. *Landscaping and retaining walls* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. *Landscaping and retaining walls* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(13) *Municipal Utilities*.

(a) *Definition*. *Municipal utilities* represent all local utilities that consist of cable lines, pipelines, and wiring already existing and planned running through the take area used by both the local community and the region's communities to facilitate the distribution and collection of communications, water, electricity, natural gas, and waste byproducts.

(b) *Elevation Zone*. *Municipal utilities* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Permitted.

(c) *Conditional Use Standards*. All *municipal utilities'* infrastructure is permitted within the take area. *Municipal utilities* shall be placed underground.

(d) *Setback Requirements*. *Municipal utilities* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(e) *Additional Requirements*.

(1) *Compliance with Applicable Codes*. *Municipal utilities* must comply with all other applicable City of Rockwall codes.

(14) *Outdoor Lighting*.

(a) *Definition*. *Outdoor lighting* is a structure or system of structures, fixtures, and/or devices used to provide artificial nighttime lighting over a defined broad area, on buildings and monuments, on docks for safety, and to emphasize landscaping but not directed to the detriment of the traveling public or surrounding residents in the light's path.

(b) *Prerequisites*. *Outdoor lighting* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. *Outdoor lighting* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

NOTE: Catwalk lighting in the *425.5 Elevation Zone* is the only permitted *outdoor lighting* allowed below the *438.0 Elevation Zone*.

(d) *Conditional Use Standards*. Systems and structures associated with *outdoor lighting* include artificial landscape lighting, dock lighting, monument lighting, and flood lights. Cobra and florescent light fixtures are *not* allowed on poled structures. All lights are to have shields which deflect light downward. The operation of search or spot lighting shall be prohibited.

(e) *Photometric Plan*. A photometric plan describing compliance with the provisions of Article 07, *Performance Standards*, of the Unified Development Code (UDC) shall be submitted to the Director of Planning and Zoning or his/her designee prior to the issuance of a building permit for *outdoor lighting*. This plan shall be prepared by an appropriate lighting professional (*e.g. lighting engineer, architect, or other qualified lighting designer*). Upon installation of the lighting, the lighting professional shall provide a letter certifying that the lighting is installed in accordance with the approved photometric plan. The Director of Planning and Zoning, or his/her designee, shall have the authority to interpret and determine compliance with the photometric plan and the Unified Development Code (UDC). The Planning and Zoning Commission may grant an exception to the provisions of the Unified Development Code (UDC) when strict compliance with the requirements of this section will result in substantial financial hardship or inequity, so long as such exception is without harm to the public. Decisions of the Planning and Zoning Commission may be appealed to the City Council in accordance with the procedures outline in Section 09, *Exceptions and Variances*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC).

(f) *Construction Standards*.

(1) *Building Materials*. *Outdoor lighting* poles must be constructed of aluminum or steel. Wood and/or concrete poles are prohibited.

(2) *Height*. The height of *outdoor lighting* shall range from light fixtures embedded into a catwalk periphery to a 12-foot maximum for post structures on land for broader illumination. Poled outdoor light fixtures within the *438.0 Elevation Zone* should be no taller than one-third (*1/3*) the distance to a neighboring property and should not exceed 12-feet.

(3) *Location*. *Outdoor lighting* fixtures shall not be placed in the view clear zone of a neighbor's view corridor; however, view corridor restrictions do not apply for *outdoor lighting* associated with boathouses, dock decks, or fixed piers except as described for each use due to brightness and glare to surrounding neighbors and the traveling public.

(g) *Setback Requirements*. *Outdoor lighting* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(h) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *outdoor lighting* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. *Outdoor lighting* must comply with all other applicable City of Rockwall codes.

(3) *Municipal or Government Installed Lighting*. *Outdoor lighting* installed by and/or for a governmental agency for a public benefit that is used for activities for the public benefit (*e.g. rights-of-way, ball fields, airports, and/or parks*) shall be exempted from the requirements of this section; however, parking lot lighting for these activities shall meet the requirements of the Unified Development Code (UDC).

(15) *Patio*.

(a) *Definition*. A *patio* is a paved, tiled, or rocked outdoor area that is generally used for dining or recreation.

(b) *Prerequisites*. A *patio* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *patio* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *patio* shall not incorporate walls or other none transparent structures to function as handrails or counter space.

(e) *Construction Standards*.

(1) *Building Materials*. A *patio* must be constructed with natural stone. Handrails incorporated into a *patio* in the *438.0 Elevation Zone* shall be made of wrought iron or decorative metal. Handrails are *not* permitted in the *435.5 Elevation Zone*.

(2) *Height*. A *patio* shall not exceed a maximum height of 12-inches above grade.

(3) *Size*. A *patio* shall not exceed a maximum area of 1,000 SF.

(4) *Location*. *Patios* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *patio* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

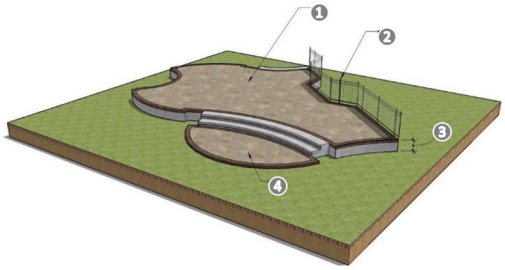
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *patio* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *patio* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *patio* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: NATURAL STONE; ❷: WROUGHT IRON OR BLACK TUBLAR STEEL; ❸: MAXIMUM OF 12-INCHES OR ONE (1) FOOT; ❹: PATIO AREA SHALL NOT BE GREATER THAN 1,000 SF

(16) *Pergola*.

(a) *Definition*. A *pergola* is a stand along structure consisting of parallel columns supporting an open roof of girders and cross rafters.

(b) *Prerequisites*. A *pergola* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. A *pergola* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *pergola* shall not be used as a habitable dwelling structure, storage facility, or shelter for domestic or wild animals.

(e) *Construction Standards*.

(1) *Building Materials*. A *pergola* constructed within the *438.0 Elevation Zone* must be constructed utilizing cedar, redwood, ironwood, composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*), or metal. A *pergola* constructed within the 435.5 Elevation Zone must be constructed using composite materials (*e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material*) or metal. Canvas, cloth, or mesh attachments to the structure shall be prohibited.

(2) *Height*. A *pergola* shall not exceed a maximum height of 12-feet or one (1) story, and the roof shall not be used as a deck or lookout. The height shall be measured from grade to the highest point of the structure.

(3) *Size*. A *pergola* shall not exceed a maximum size of 12-feet by 20-feet or 240 SF.

(4) *Roof*. The roof of the *pergola* shall not have an overhang greater than 18-inches.

(5) *Location*. A *pergola* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Pergolas* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A pergola must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(g) *Additional Requirements.*

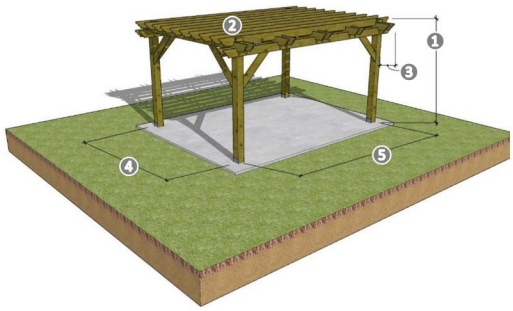
(1) *Earth Work*. Earth work required for the construction of a *pergola* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *pergola* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *pergola* shall not be located in an area where it would block public safety

personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation.*



❶: 12-FOOT MAXIMUM HEIGHT; ❷: OPEN ROOF OF GIRDERS OR RAFTERS; ❸: 1.5-FOOT MAXIMUM OVERHANG; ❹: 12-FOOT MAXIMUM; ❺: 20-FOOT MAXIMUM; ❻: ROOF CAN MATCH THE PRIMARY STRUCTURE OTHERWISE THE ROOF SHALL BE STANDING SEAM METAL.

(17) *Picnic Table*.

(a) *Definition*. A *picnic table* is a permanent outdoor structure used for outdoor dining.

(b) *Prerequisites*. A *picnic table* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *picnic table* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *picnic table* must be a minimum of 12-feet from a *barbecue pit* or *fire pit*, and shall be open to the air (*i.e. no roof covering*) unless combined with a covered patio or pergola. A *picnic table* shall be built on level terrain.

(e) *Construction Standards*.

(1) *Building Materials*. The surface area of the *picnic table* shall be constructed out of concrete, brick, or native stone. *Picnic tables* constructed with wood shall be prohibited.

(2) *Height*. A *picnic table* shall not exceed a maximum of 36-inches in height.

(3) *Size*. A *picnic table* shall not exceed a maximum size of ten (10) feet in length by eight (8) feet in width.

(4) *Location*. A *picnic table* located within the *435.5 Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Picnic tables* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *picnic table* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 6-Feet

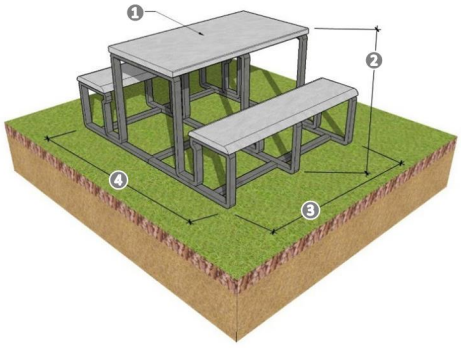
(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *picnic table* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *picnic table* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *picnic table* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.



❶: SURFACE OF THE PICNIC TABLE SHALL BE CONCRETE, BRICK, OR NATIVE STONE; ❷: NOT TO EXCEED 36-INCHES OR THREE (3) FEET; ❸: EIGHT (8) FOOT MAXIMUM; ❹: TEN (10) FOOT MAXIMUM.

(18) *Private Play Structure*.

(a) *Definition*. A *private play structure* is a permanent outdoor structure used by children for play, which is installed by the private property owner.

(b) *Prerequisites*. A *private play structure* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *private play structure* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. A *private play structure* can consist of arched ladders, vertical ladders, horizontal ladders, clatter bridge, timber structures, slides, fort and slide playset, climbers, play walls, play climbers, play

pods, moon houses, jungle gyms, see-saws, merry-go-rounds, domes, rocket riders, tire swings, buoy balls, monkey bars, drums, chin-up bars, trampoline and rock walls; however, sandboxes and/or sand play areas shall *not* be permitted.

(e) *Construction Standards*.

(1) *Building Materials*. A *private play structure* shall be built out of aluminum, galvanized steel, rubber, and/or water-resistant wood; however, railroad ties and treated lumber are prohibited. The exterior color of a *private play structure* should blend and incorporate the same hues and tones of the surrounding landscaping.

(2) *Height*. A *private play structure* shall not exceed a maximum of eight (8) feet in height.

(3) *Size*. All *private play structures* will be situated in a collected area that is a maximum of 1,000 SF in area.

(4) *Location*. *Private play structures* shall not be placed in the view clear zone of a neighbor's view corridor.

(f) *Setback Requirements*. A *private play structures* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 20-Feet

(g) *Additional Requirements*.

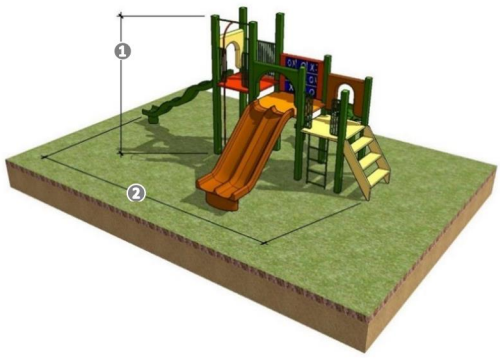
(1) *Earth Work*. Earth work required for the construction of a *private play structures* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *private play structure* must comply with all other applicable City of Rockwall codes.

(3) *Emergency Response*. The *private play structure* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) *Visual Representation*.

Continued on Right Side of Page …



❶: MAXIMUM OF EIGHT (8) FEET IN HEIGHT; ❷: TOTAL SQUARE FOOTAGE SHALL NOT EXCEED A MAXIMUM OF 1,000 SF; ❸: EXTERIOR COLOR SHOULD BLEND WITH THE SURROUNDING LANDSCAPING.

(19) *Private Utilities*.

(a) *Definition*. *Private utilities* are a system of underground cable line, pipelines, and wiring installed by the leasing property owner to maintain and operate improvements in the take area.

(b) *Prerequisites*. *Private utilities* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. *Private utilities* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. *Private utilities* are required to be buried in accordance with Chapter 38, *Subdivisions*, of the City of Rockwall's Municipal Code of Ordinances. *No* overhead private utility lines are permitted in the lease area. *Private utilities* containing natural gas, propane, gasoline, oil, diesel, or similar types of compounds shall not be permitted within the lease area. No part of any *On-Site Sanitary Sewer System* (OSSF) or any other private wastewater system or appurtenances shall be permitted within the lease area.

(e) *Construction Standards*.

(1) *Building Materials*. *Private utilities* shall *only* be constructed out of materials permitted by the City's Engineering Department.

(2) *Location*. *Private utilities* within 20-feet of the normal pool elevation shoreline (*i.e. 435.5*) shall be built to handle load factors associated with emergency and service vehicles. *Private utilities* containing electricity and communication lines built into structures over the water shall not be allowed below the 436.5-foot mean sea level elevation.

(f) *Setback Requirements*. *Private utilities* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *private utilities* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *private utility* must comply with all other applicable City of Rockwall codes.

(3) *Damage to the System*. Any damage or destruction to any *private utility* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

(20) *Private Walkways*.

(a) *Definition*. *Private walkways* can be a single path or a network of paths installed by the leasing property owner in the takeline area.

(b) *Prerequisites*. *Private walkways* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) *Elevation Zone*. *Private walkways* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted (*if a Seawall has been constructed*).
(3) *425.5*: Not Permitted.

(d) *Conditional Use Standards*. *Private walkways* with steps are permitted (*see Landing and Stairs in* ***Subsection 06.15(J)(11)***).

(e) *Construction Standards*.

(1) *Building Materials*. *Private walkways* shall be constructed using native stone, brick, concrete and/or rectangle pavers; however, *private walks* shall not consist of loose stone, gravel, sand, or asphalt.

(2) *Height*. *Private walkways* shall be flush with the surrounding grade, or work within the gradient present of the surrounding grade.

(3) *Size*. *Private walkways* shall be no greater than 48-inches in width.

(4) *Location*. *Private walkways* may encroach into an existing easement or right-of-way, encroach into an identified future easement or right-of-way, or encroach into an identified or set aside access path, provided that the property owner or sublease is responsible for repair and/or replacement of the walks in the event they are damaged or removed by the City or other public entity as a result of the necessary use of, or work within or around, said easements. An existing and future easement running through a lease property will be allowed to substitute for the 12-foot wide primary access right-of-way path provided it is 12-feet wide, suitable for access, and will connect to adjacent access paths.

(f) *Setback Requirements*. *Private walkways* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 10-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of *private walkways* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *private walkway* must comply with all other applicable City of Rockwall codes.

(3) *Damage to the System*. Any damage or destruction to any *private walkway* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

(21) *Seawall*.

(a) *Definition*. A *seawall* is an engineered concrete or steel structure at the water's edge that is typically designed to curb shoreline erosion where it is installed.

(b) *Prerequisites*. A *seawall* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *seawall* shall be allowed in the following zones:

(1) *438.0*: Not Permitted.
(2) *435.5*: Not Permitted.
(3) *425.5*: Permitted.

NOTE: Seawalls are *only* permitted along the shoreline.

(d) *Construction Standards*.

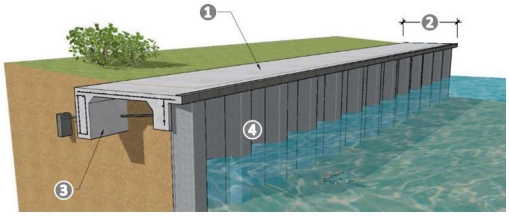
(1) *Concrete Cap*. A six (6) foot wide concrete cap must be constructed along the entire length of the erosion control structure. In order to allow the backfill material to properly settle, the construction of the concrete cap may be delayed for several weeks/months after the construction of the erosion control structure; however, in no case should the construction of the concrete cap be delayed for a time period exceeding one (1) year from the date of construction of the erosion control structure.

(e) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *seawalls* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *seawall* must comply with all other applicable City of Rockwall codes.

(f) *Visual Representation*.



❶: CONCRETE WALKWAY; ❷: SIX (6) FOOT MINIMUM; ❸: 24-INCH BY TEN (10) INCH BEAM WITH #3 REBAR ON 18-INCH CENTERS; ❹: RETAINING WALL.

(22) *Sprinkler/Irrigation System*.

(a) *Definition*. A *sprinkler/irrigation system* is an underground irrigation network used to water and maintain trees, shrubs, grounds, and the foundations of improvements.

(b) *Prerequisites*. A *sprinkler/irrigation system* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) *Elevation Zone*. A *sprinkler/irrigation system* shall be allowed in the following zones:

(1) *438.0*: Permitted.
(2) *435.5*: Permitted.
(3) *425.5*: Not Permitted.

Note: The prohibition of sprinkler/irrigation systems in the 425.5 Elevation Zone does not include the pumps or lines necessary to pump raw water, when a property owner has been granted permission to do so from the City of Dallas.

(d) *Conditional Use Standards*. A *sprinkler/irrigation system* must be connected to the leasing property owner's existing water supply source with approved backflow prevention devices.

(e) *Construction Standards*.

(1) *Building Materials*. A *sprinkler/irrigation system* shall *only* be constructed utilizing *Schedule 40 PVC* pipe.

(2) *Height*. The heads of a *sprinkler/irrigation system* used for shrubs shall extend no higher than three (3) feet from the average base of the surrounding terrain within a three (3) foot radius of the head.

(3) *Location*. A *sprinkler/irrigation system* shall be allowed up to one (1) foot of the normal pool elevation shoreline (*i.e. 435.5*) provided no part of the system could potentially result in lake siltation erosion.

(f) *Setback Requirements*. A *sprinkler/irrigation system* must adhere to the following setbacks:

(1) *Takeline Setback*: 0-Feet
(2) *Leased Side Yard Setback*: 0-Feet

(g) *Additional Requirements*.

(1) *Earth Work*. Earth work required for the construction of a *sprinkler/irrigation system* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) *Compliance with Applicable Codes*. A *sprinkler/irrigation system* must comply with all other applicable City of Rockwall codes.

(3) *Damage to the System*. Any damage or destruction to any part of a *sprinkler/irrigation system* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

SUBSECTION 06.16: VARIANCES TO THE GENERAL OVERLAY DISTRICT STANDARDS

See Subsection 09.02, *Variances to the General Overlay Districts Standards*, of Article 11, *Development Applications and Review Procedures*.

SECTION 07 | DISTRICT DEVELOPMENT STANDARDS

See next page.

SUBSECTION 07.01: 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) [12]		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 & 9]		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 REQUIRED TO BE ON A PUBLIC STREET AS MEASURED AT THE BUILDING SETBACK LINE *OR* AT THE PROPERTY LINE, WHICHEVER IS CONFORMS.
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 06, *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 UNIT IN AN AGRICULTURAL (AG) DISTRICT.
12. THIS SHALL BE CONDITIONED SPACE. FOR PASSIVE HOUSING, THE SF CALCULATION SHALL BE CALCULATED USING ALL ENCLOSED HOUSING AREAS EXCLUDING THE GARAGE.

Formatted: Font color: Dark Red

SUBSECTION 07.02: MULTI-FAMILY DISTRICT DEVELOPMENT STANDARDS

ZONING DISTRICTS → / DEVELOPMENT STANDARDS ↓		MULTI-FAMILY 14 (MF-14) DISTRICT [1]
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 06, *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-FEET 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 08, *LANDSCAPE AND FENCE STANDARDS*.

SUBSECTION 07.03: NON-RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

*: FOR DEVELOPMENT IN THE DOWNTOWN (DT) DISTRICT SEE THE STANDARDS IN SECTION 04.08, *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+1/2*H*>36 [7] 50 [4]
	REAR (FEET)	30	20 W/O FRW & *OR* ALLEY	10 W/O FRW *OR* & ALLEY	10 W/O FRW *OR* & ALLEY	20 W/O FRW *OR* & ALLEY	10 W/O FRW [7]	20 + 1/2*H*>36 W/O FRW [7]
			0 W/ FRW & ALLEY	0 W/ FRW & ALLEY	0 W/ FRW & ALLEY	1/2*H*>36 W/ FRW & ALLEY	1/2*H*>36 W/ FRW & ALLEY [7]	8 + 1/2*H*>36 W/ FRW & ALLEY [7]
	REAR ADJACENT RESIDENTIAL (FEET) [6]	*N/A*	20	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	50 + 1/2*H*>36 [7]
	SIDE (FEET)	10	5 W/O FRW	10 W/O FRW	10 W/O FRW	15 + 1/2*H*>36 W/O FRW [7]	15 + 1/2*H*>36 W/O FRW [7]	15 + 1/2*H*>36 W/O FRW [7]
			0 W/ FRW	0 W/ FRW	0 W/ FRW	1/2*H*>36 W/ FRW [7]	1/2*H*>36 W/ FRW [7]	8 + 1/2*H*>36 W/ FRW [7]
	SIDE ADJACENT RESIDENTIAL (FEET) [6]	20	20	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	20 + 1/2*H*>36 [7]	50
BETWEEN BUILDINGS (FEET)		15 20 W/O FRW 0 W/ FRW	15 20 W/O FRW 0 W/ FRW	15 20 W/O FRW 0 W/ FRW	15 20 W/O FRW 0 W/ FRW	15 20 + 1/2*H*>36 W/O FRW [7]	15 20 + 1/2*H*>36 W/O FRW [7]	25 + 1/2*H*>36 W/O FRW [7]
						1/2*H*>36 W/ FRW [7]	1/2*H*>36 W/ FRW [7]	16 + 1/2*H*>136 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 08, *LANDSCAPE AND FENCE STANDARDS*						

KEY: BLUE: WHEN ADJACENT TO INTERSTATE 30; *H*: BUILDING HEIGHT; 1/2*H*>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 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 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 08, *LANDSCAPE AND FENCE 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 SUP BY THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL.
9. BUILDING HEIGHT MAY BE INCREASED UP TO 240-FEET IF APPROVED THROUGH A 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.

Formatted: Left, Right: -0.07"

Formatted: Font: Italic, Underline

Formatted: Left, Right: -0.07"

Formatted: Left, Right: -0.07"

Formatted: Left, Right: -0.07"

Formatted: Left, Right: -0.07"

SUBSECTION 07.04: ACCESSORY STRUCTURE DEVELOPMENT STANDARDS

ZONING DISTRICTS OR ACCESSORY STRUCTURE TYPE → / DEVELOPMENT STANDARDS ↓		ACCESSORY BUILDINGS [1, 3, 5, 8 & 12]							ACCESSORY STRUCTURES [1, 3, 5 & 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 AND ZERO LOT LINE (ZL-5) DISTRICT	PORTABLE ACCESSORY BUILDING 0 SF – 120 SF	DETACHED GARAGE [9]	CARPORTS [7]	ATTACHED AND DETACHED COVERED PORCHES	PERGOLAS
NUMBER OF ACCESSORY STRUCTURES OR NUMBER OF SPECIFIC ACCESSORY STRUCTURE PERMITTED		2 [2]	2 [2]	2 [2]	2 [6]	1	1	1	1	1	N/A [11]
MAXIMUM SF OF ACCESSORY STRUCTURE		1,000 [2]	1,000 [2]	1,250 [2]	144 [6]	100	120	625	500	500 [10]	500 [10]
MINIMUM SETBACKS	REAR (FEET)	10	10	10	3	3	3	10	10	3 [10]	3 [10]
	REAR W/ ALLEYWAY (FEET)	20 [4]	20 [4]	20 [4]	3	3	3	20 [4]	20	3 [10]	3 [10]
	SIDE (FEET)	SEE ZONING DISTRICT	SEE ZONING DISTRICT	SEE ZONING DISTRICT	SEE ZONING DISTRICT	3	3	SEE ZONING DISTRICT	SEE ZONING DISTRICT [10]	SEE ZONING DISTRICT [10]	3 [10]
BETWEEN BUILDINGS (FEET)		10	10	10	6	6	6	10	10	6	6
BUILDING HEIGHT (FEET) [8]		15	15	15	15	10	10	15	15	15	12

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/COVERED PORCHES/PERGOLAS THAT ARE INTEGRATED INTO THE MAIN ACCESSORY STRUCTURE AND WHICH ARE INCLUDED IN THE SQUARE FOOTAGE OF THE OVERALL 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 (EXCLUDING PORTABLE BUILDINGS) NOT MEETING THE SIZE OR HEIGHT REQUIREMENTS STIPULATED BY THIS SECTION SHALL REQUIRE A SPECIFIC USE PERMIT (SUP). IN REVIEWING A SPECIFIC USE PERMIT (SUP), THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL SHALL CONSIDER: [*1*] IF THE STRUCTURE WAS CONSTRUCTED WITHOUT A PERMIT OR UNDER FALSE PRETENSES, [2] THE SIZE OF THE PROPOSED ACCESSORY STRUCTURE COMPARED TO THE SIZE OF OTHER ACCESSORY STURCTURES IN THE AREA/NEIGHBORHOOD/SUBDIVISION, AND [*3*] THE SIZE, ARCHITECTURE AND BUILDING MATERIALS PROPOSED FOR THE STRUCTURE COMPARED TO THOSE OF THE PRIMARY STRUCTURE.

[6]: EACH PROPERTY SHALL BE PERMITTED ONE (1) DETACHED GARAGE UP TO 625 SF AND ONE (1) ACCESSORY BUILDING UP TO 144 SF OR TWO (2) ACCESSORY BUILDINGS UP TO 144 SF EACH. IF A PROPERTY HAS AN EXISTING ACCESSORY BUILDING GREATER THAN 144 SF, NO ADDITIONAL ACCESSORY BUILDINGS OR DETACHED GARAGES SHALL BE PERMITTED.

[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 AND PARK A STANDARD SIZE MOTOR VEHICLE (*I.E. A VEHICLE THAT IS A MINIMUM OF NINE [9] FEET BY 18-FEET*) INSIDE THE STRUCTURE. IN ADDITION, A DETACHED GARAGE MUST BE ACCESSIBLE FROM THE FRONT, REAR OR SIDE YARD BY A STANDARD WIDTH, CONCRETE DRIVEWAY THAT HAS MINIMUM LENGTH OF 20-FEET OF DRIVEWAY PAVEMENT. DETACHED GARAGES ACCESSIBLE FROM THE FRONT SHALL BE A MINIMUM OF 20-FEET BEHIND THE FRONT FAÇADE OF THE PRIMARY STRUCTURE.

[10]: COVERED PORCHES AND PERGOLAS THAT ARE ATTACHED OR CONTIGOUS WITH THE PRIMARY STRUCTURE SHALL BE EXEMPTED FROM THE SIZE RESTRICTIONS BUT SHALL BE REQUIRED TO MEET THE SAME SETBACKS AS THE PRIMARY STRUCTURE.

[11]: PERGOLAS ARE NOT SUBJECT TO THE *NUMBER OF ACCESSORY STRUCTURE REQUIREMENTS*, BUT *DO* COUNT AGAINST THE RESIDENTIAL LOT COVERAGE REQUIREMENTS FOR THE ZONING DISTRICT.

[12]: PORTABLE ACCESSORY BUILDINGS ARE DEFINED AS AN ACCESSORY BUILDING THAT DOES NOT HAVE A PERMENANT FOUNDATION. ALL ACCESSORY BUILDINGS THAT ARE NOT PORTABLE ACCESSORY BUILDINGS REQUIRE A PERMANENT CONCRETE FOUNDATION; HOWEVER, GREENHOUSES SHALL BE EXEMPT FROM HAVING A PERMANENT CONCRETE FOUNDATION.

SUBSECTION 07.05: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT DEVELOPMENT STANDARDS

LAND USE [1]	CONDITIONAL USE REFERENCE SEE SUBSECTION 06.15(J)	PRE-REQUISITES L: SUBLEASE; S: SEAWALL; FP: FIXED PIER	ELEVATION ZONES P: PERMITTED X: NOT PERMITTED 438.0	435.5	425.5	MINIMUM SIZE (FEET OR SQUARE FEET)	MAXIMUM SIZE (FEET, INCHES, OR SQUARE FEET)	MINIMUM HEIGHT (FEET OR INCHES)	MAXIMUM HEIGHT (FEET)	SIDE YARD SETBACK (FEET)	BUILDING MATERIALS NS: NATURAL STONE B: BRICK C: CONCRETE CM: COMPOSITE MATERIALS GM: GALVANIZED METAL IR: IRON SS: STAINLESS STEEL S: STEEL M: METAL A: ALUMINUM CW: CEDAR RW: REDWOOD IW: IRONWOOD SSM: STANDING SEAM METAL WR: WROUGHT IRON R: RUBBER
BARBECUE PIT	(1)	L	P	X	X	3' x 3'	8' x 3'	0'	6'	6'	NS, B, C, AND IR
BOAT HOUSE [2, 4, 5, & 15]	(2)	L, S, & FP	X	X	P	8' x 30'	12' x 30'	16'	21'	10'	CM FOR CATWALK AND DECKING; GM, IR, S, OR A FOR THE SUPPORTS [3]; CM, GM, IR, S, A, CW, IW, OR RW FOR ROOF BEAMS; AND SSM FOR THE ROOF
COVERED PATIO [5 & 15]	(3)	L & S [16]	P	P	X	0'	12' x 20'	0'	15' [6 & 7]	20'	CW, IW, & RW IN THE 438.0 ELEVATION ZONE; CM OR M IN THE 435.5 ELEVATION ZONE; SSM FOR THE ROOF
DECK [5 & 18]	(4)	L & S [16]	P	P	X	0'	1,000 SF	2' OR 24"	1'	20'	CM FOR THE DECKING, C FOOTINGS FOR FOUNDATION, AND WR FOR FENCING/RAILING
DOCK DECK [2 & 5]	(5)	L, S, & FP	X	X	P	8' x 10'	12' x 30'	0'	8' [8]	10'	CM
FENCE	(6)	L	P	X	X	0'	45'	4'	4'	0'	WR
FLAGPOLE [5 & 9]	(7)	L & S [16]	P	P	X	5" BASE	8" BASE	0'	20'	6'	SS OR A
FIXED PIER [2 & 5]	(8)	L & S	X	X	P	0'	6' x 40'	0'	8' [10]	10'	CM FOR CATWALK AND DECKING; CM OR S FOR RAILINGS
FIRE PIT	(9)	L & S [16]	P	X	X	3' x 3'	5' x 5'	0'	3'	6'	NS, B, AND C
GAZEBO [5 & 15]	(10)	L & S [16]	P	P	X	0'	12' x 12'	0'	15'/18' [7 & 11]	20'	CW, RW, IW, CM, OR M IN THE 438.0 ELEVATION ZONE; AND CM OR M IN THE 435.5 ELEVATION ZONE
LANDING AND STAIRS	(11)	L & S [17]	P	P	P	0'	8' x 8' x 6'	3'	SAME AS RETAINING WALL	5'	NS, B, AND C FOR THE STAIRS; WR OR BLACK S FOR THE RAILINGS AND/OR FENCE
PATIO [5 & 18]	(15)	L	P	P	X	0'	1,000 SF	0'	1'	20'	NS FOR THE DECK AREA AND WR FOR RAILINGS
PERGOLA [5]	(16)	L & S [16]	P	P	X	0'	12' x 20'	0'	12' [7]	20'	CW, RW, IW, OR CM IN THE 438.0 ELEVATION ZONE; CM OR M IN THE 435.5 ELEVATION ZONE
PICNIC TABLE	(17)	L	P	P	X	0'	8' x 10'	0'	3' OR 36"	6'	NS, B, AND C
PRIVATE PLAY STRUCTURE	(18)	L	P	X	X	0 SF	1,000 SF	0'	8'	20'	A, GM, R, CW, RW, AND IW
PRIVATE WALKWAYS	(20)	L & S [16]	P	P	X	0'	48" WIDE	0'	FLUSH WITH GRADE	10'	NS, B, C, AND RECTANGULAR PAVERS
LANDSCAPING AND RETAINING WALLS [12 & 13]	(12)	L	P	P	X						
MUNICIPAL UTILITIES	(13)	*NONE*	P	P	P						
OUTDOOR LIGHTING	(14)	L	P	X	X						
PRIVATE UTILITIES	(19)	L	P	P	X						
SEAWALL	(21)	L	X	X	P						
SPRINKLER/ IRRIGATION SYSTEM [14]	(22)	L	P	P	X						

NOTES:

1: FOR ALL LAND USES CHECK SECTION 06.15, *LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT* FOR ADDITIONAL REQUIREMENTS AND RESTRICTIONS.

2: BOATHOUSES, FIXED PIERS, DOCK DECKS, OR ANY COMBINATION OF THESE STRUCTURES MAY NOT EXTEND MORE THAN 40-FEET INTO THE WATER FROM THE 435.5 ELEVATION CONTOUR.

3: REQUIRES A HIP ROOF, A MINIMUM OF 2:1 ROOF PITCH, WITH ONE (1) CUPOLA (3' x 4') IN THE MIDDLE OF THE ROOF OR TWO (2) CUPOLAS (3' x 4') AT EACH END OF THE ROOF.

4: SUPPORT POSTS MAY BE WRAPPED IN A COMPOSITE MATERIAL.

5: THE STRUCTURE SHALL BE GENERALLY CENTERED IN THE LEASE AREA BEHIND THE PRIMARY STRUCTURE ON THE LEASING PROEPRTY IF LOCATED IN THE *435.5* OR *425.5 ELEVATION ZONES* (*IF PERMITTED IN THE ZONE*).

6: REQUIRES A HIP OR GABLE ROOF WITH A CUPOLA OR CLERESTORY AND A MINIMUM ROOF PITCH OF 4:1.

7: SHALL NOT EXCEED ONE (1) STORY OR BE USED AS A ROOF TOP DECK.

8: EIGHT (8) FEET ABOVE THE SURFACE AREA OF THE FLAT FLOOR SURFACE WITH NO MORE THAN FOUR (4) POLE STRUCTURES ALLOWED.

9: A MAXIMUM OF TWO (2) FLAG POLES ARE PERMITTED AND ONLY THE UNITED STATES OF AMERICA AND TEXAS FLAGS ARE TO BE FLOWN.

10: EIGHT (8) FEET ABOVE THE SURFACE AREA OF THE FLAT FLOOR SURFACE WITH NO MORE THAN TWO (2) POLE STRUCTURES ALLOWED.

11: REQUIRES A HIP OR GABEL ROOF OR A HIP AND/OR GABEL ROOF, WITH A MINIMUM ROOF PITCH OF 2:1, AND THAT IS A MAXIMUM OF 15-FEET WITHOUT A CLERESTORY OR CUPOLA OR 18-FEET WITH A CLERESTORY OR CUPOLA.

12: REMEDIAL LANDSCAPING ALLOWED IN THE 425.5 ELEVATION ZONE WITH THE INTENT TO MAINTAIN THE INTEGRITY OF THE SHORELINE.

13: RETAINING WALLS THAT ARE A PART OF LANDSCAPING ARE LIMITED TO LESS THAN THREE (3) FEET IN HEIGHT.

14: HEADS SHOULD EXTEND NO HIGHER THAN THREE (3) FEET FROM THE AVREAGE BASE OF THE SURROUNDING TERRIAN WITHIN A THREE (3) FOOT RADIUS.

15: ROOF OVERHANGS SHALL NOT EXCEED 18-INCHES.

16: A SEAWALL IS *ONLY* REQUIRED FOR CONSTRUCTION IN THE *435.5 ELEVATION ZONE*.

17: A SEAWALL IS *ONLY* REQUIRED FOR CONSTRUCTION IN THE *435.5 OR 425.5 ELEVATION ZONES*.

18: HANDRAILS ARE PROBITED IN THE *435.5 ELEVATION ZONE*.

Continued on Next Page …

ARTICLE 06 | PARKING AND LOADING

SECTION 01 | PURPOSE
SECTION 02 | APPLICABILITY
SECTION 03 | GENERAL PROVISIONS
SECTION 04 | RESIDENTIAL PARKING
SECTION 05 | OFF-STREET PARKING REQUIREMENTS
SECTION 06 | OFF-STREET LOADING REQUIREMENTS

SECTION 01 | PURPOSE

SUBSECTION 01.01: PARKING

The purpose of this Article is to regulate the number of required off-street vehicular parking spaces so as:

- To provide for the needs of occupants, customers, visitors or others involved in the use or occupancy of any building, structural improvement or place of assembly;
- To eliminate undue use of the street system for parking purposes;
- To avoid the occurrence of nonresident on-street parking in adjoining neighborhoods;
- To protect the environment by promoting trip reduction and efficient land use through an analytic process in which the amount of parking may be limited to what is realistically needed for the uses on the site, thus reducing concrete/asphalt areas, heat islands and air pollution;
- To promote and protect the public health, safety, comfort, convenience and general welfare; and
- To grant and define the administrative powers and duties necessary to enforce this Article.

SUBSECTION 01.02: LOADING

It is also the purpose of this Article to require allocation of sufficient off-street/on-site loading facilities by businesses and industry to ensure that the loading and unloading of vehicles will not interfere with traffic flow or block roadways or fire lanes.

SECTION 02 | APPLICABILITY

SUBSECTION 02.01: CONSTRUCTION OR CREATION OF USE

Any building, improvement, or use of land approved or erected shall include the necessary off-street parking spaces, and require off-street/on-site loading facilities subject to the standards established in this Article.

SUBSECTION 02.02: CHANGE OF USE

Whenever any building, improvement, or use of land is proposed to be changed to a new use, the provision of off-street parking and loading shall be required for the new use in accordance with this Article.

SUBSECTION 02.03: EXPANSION OF AN EXISTING USE

If any building, improvement, or use of land is expanded, the provisions for parking and loading shall be provided for the portion of land use and/or building that has been added.

SUBSECTION 02.04: RENOVATION OR REDEVELOPMENT

Notwithstanding Subsection 02.02 above, if any building, improvement, or use of land is repaired, renovated, altered, expanded or redeveloped, and the cost of such changes exceed 50.00% of the fair market value of the building improvement prior to the subject improvements, the parking and loading facilities set forth in this Article shall be made conforming, unless a specific use permit has been approved for such reduction in the provision of parking or loading.

SECTION 03 | GENERAL PROVISIONS

SUBSECTION 03.01: CALCULATION OF SPACES

(A) *Fractional Number of Spaces*. In determining the required number of parking spaces, fractional spaces shall be ~~counted to the nearest~~rounded up to the nearest whole space. Parking spaces located in buildings used for repair garages or auto laundries shall not be counted as meeting the required minimum parking.

(B) *Parking Structures Excluded*. Floor area of structures devoted to off-street parking of vehicles shall be excluded in computing the floor area for off-street parking requirements.

(C) *Requirements for Uses Not Listed*. The off-street parking requirements for a use not specifically listed in the schedule below shall be the same as required for a use of a similar nature as determined by the Director of Planning and Zoning.

SUBSECTION 03.02: PAVING MATERIALS

All required parking and loading areas, public and private drives, and fire lanes shall be constructed of concrete, but may have a surface treatment of brick, stone or other similar material; ~~. H~~ however, cast interlocking concrete, brick, or stone pavers installed on a prepared base may be used in parking areas and on public and private drives where approved by the City Engineer.

SUBSECTION 03.03: LOCATION OF COMMERCIAL PARKING AND LOADING SPACES

The required off-street parking and loading spaces shall be located on the same lot as the building or use served; except, off-street parking may also be located as follows:

(A) *Parking May Be Located Off-Site*.

(1) When an increase in the number of off-street parking spaces is required by a change or enlargement of use, or where off-street parking spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required off-street parking spaces may be located at a distance not to exceed 400-feet from the building being served; provided, however, that a written agreement thereto is properly executed and filed as provided below.

(2) The distance from the land use requiring parking to the off-site parking site shall be measured along the shortest legal pedestrian path between one site and the other.

(3) All off-site parking must first be approved by City Council.

(B) *Joint Use of Parking*. Parking adjustments may be allowed according to the following percentages by time of day:

TABLE 1: JOINT USE OF PARKING CALCULATIONS

TIME OF DAY	OFFICE	RETAIL	RESTAURANT	THEATER	HOTEL
6:00 AM - 12:00 PM	1.00	0.97	0.50	0.30	1.00
12:00 PM - 1:00PM	0.90	1.00	0.70	0.70	0.30
1:00 PM - 4:00 PM	0.97	0.97	0.60	0.70	0.45
4:00 PM - 6:00 PM	0.47	0.82	0.90	0.80	0.70
6:00 PM - 8:00 PM	0.07	0.89	1.00	1.00	1.00
8:00 PM - 12:00 AM	0.03	0.61	1.00	1.00	1.00

EXAMPLE 1: JOINT USE OF PARKING CALCULATIONS

An example of a mixed-use development comprised of the below land uses would be as follows:

Step 1: Development Square Footages

- *Office*: 50,000 SF
- *Retail*: 20,000 SF
- *Restaurant*: 8,000 SF

Step 2: Individual Parking Requirements

LAND USE	SF	PARKING REQUIREMENT	REQUIRED PARKING
OFFICE	50,000	1/300 SF	167
RETAIL	20,000	1/250 SF	80
RESTAURANT	8,000	1/100 SF	80
		TOTAL:	327

Step 3: Shared Parking Requirements

TIME OF DAY	OFFICE	RETAIL	RESTAURANT	TOTAL
6:00 AM - 12:00 PM	1.00x167=167	0.97x80=78	0.50x80=40	285
12:00 PM - 1:00PM	0.90x167=150	1.00x80=80	0.70x80=56	286
1:00 PM - 4:00 PM	0.97x167=162	0.97x80=78	0.60x80=48	288
4:00 PM - 6:00 PM	0.47x167=78	0.82x80=66	0.90x80=72	216
6:00 PM - 8:00 PM	0.07x167=12	0.89x80=71	1.00x80=80	163
8:00 PM - 12:00 AM	0.03x167=5	0.61x80=49	1.00x80=80	134

Step 4: The parking required is 288 parking spaces. This is a reduction of 39 parking spaces or 11.9% over the individual parking requirements.

(C) *Off-Site Parking Agreement*.

(1) When the required off-street parking spaces are not located on the same lot with the building or use served, or when the required off-street parking spaces are provided collectively or used jointly by two (2) or more establishments, a written agreement which ensures the retention of such spaces for this purpose, and for a period of not less than two (2) years, shall be drawn and executed by the parties concerned, approved as to form by the City Attorney, and filed with the application for a building permit or Certificate of Occupancy (CO) if a change in use is involved.

(2) If the off-site parking is terminated for any reason, then alternative parking meeting the standards of this Article, shall be required, or the property shall lose its Certificate of Occupancy (CO).

(D) *Parking in Front Yards of Residential and Agriculture*. No required off-street parking space shall be located in the required front yard in any residential or agricultural district.

(E) *Parking in Front Yards of Non-Residential*. In any nonresidential district, the required off-street parking space may be located in the required front yard provided that it meets landscaping and screening requirements in Article 08, *Landscape Standards*.

SUBSECTION 03.04: LIGHTING OF PARKING AND LOADING AREAS

(A) *Spill-Over Lighting*. All lighting facilities shall be so arranged as to reflect the illumination away from any adjacent property. Such lighting facilities shall provide illumination within parking areas not to exceed a maintained average of 1½ footcandles at ground level, and shall distribute not more than 0.2 of one (1) footcandle of light upon any adjacent residential property. (*also see Section 03, Outdoor Lighting for Non-Residential Properties, of Article 07, Environmental Standards*).

(B) *Lighting as a Nuisance or Safety Hazard*. All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not intrude on residential property or create a hazard to motorists on any street, alley or other public way.

SUBSECTION 03.05: PAY PARKING LOTS

No charge may be made for at-grade visitor parking spaces, unless approved by City Council as part of a specific Use Permit.

SUBSECTION 03.06: SHARED PARKING/CROSS ACCESS

In master planned retail centers, cross access and shared parking agreements are required for final platting.

SECTION 04 | RESIDENTIAL PARKING

SUBSECTION 04.01: LOTS LESS THAN FIVE (5) ACRES

(A) *Location*. All required residential parking shall be located onsite except in the Downtown District.

(B) *Garages*. In single-family or duplex districts, parking garages must be located at least 20-feet behind the front building facade for front entry garages, unless it is a *J-Swing* garage where the garage door is perpendicular to the street.

(C) *Carports*. In single-family or duplex districts, carports must be located at least 20-feet behind the front building facade and be architecturally integrated with the main residential structure.

SECTION 05 | OFF-STREET PARKING REQUIREMENTS

SUBSECTION 05.01: OFF-STREET PARKING REQUIREMENTS

The schedule of off-street parking requirements in Table 5 establishes parking requirements for all zoning districts.

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

SUBSECTION 05.02: CONVENTIONS USED IN PARKING REQUIREMENT SCHEDULE

(A) *Square Feet*. The term *SF* means gross square feet of building, unless otherwise noted.

(B) *Site Area Parking Requirements*. The parking requirement for a use of site area is based on the net site area exclusive of parking and buildings.

(C) *Land Uses*. Land uses listed under *Permitted Uses* in the accompanying schedule does not mean that this use is permitted within the City. Please refer to Article 04, *Permissible Uses*.

SUBSECTION 05.03: OFF-STREET PARKING STANDARDS

(A) *Head-In Parking*. An off-street parking space shall not be located on a public street. Head-in parking adjacent to a public street wherein the maneuvering of the vehicle in parking or leaving a parking space is done directly onto a public street, shall not be allowed in nonresidential zoning districts nor shall it be allowed in conjunction with multi-family residential land uses unless specifically approved as part of a special district zoning ordinance such as for the downtown.

(B) *Parking Spaces and Aisle Surfaces*. All parking spaces, aisles and maneuvering areas shall have an all-weather surface, whether enclosed or unenclosed, and shall be connected by an all-weather surfaced driveway to a street or alley.

(C) *Parking Space and Aisle Dimensions*. All parking spaces and aisle dimensions shall conform to the off-street parking requirements contained in the City's Standards of Design and Construction manual, as amended, unless otherwise approved by the Planning and Zoning Commission and City Council.

(D) *Site Access for Vehicles*. Access to a lot or tract shall conform to the access control guidelines in the driveway ordinance. A driveway conforming to City driveway standards shall be constructed for each approved access point. A permit much be obtained from the City to construct a driveway within the City.

SUBSECTION 05.04: HANDICAPPED PARKING

In each parking facility, a portion of the total number of parking spaces shall be specifically designated as handicapped accessible parking spaces and reserved for vehicles licensed by the state for use by the handicapped. The following parking and passenger loading standards shall apply to any new construction within the City.

Continued on Right Side of Page …

(A) *Space Required*.

TABLE 2: HANDICAPPED PARKING SPACE REQUIREMENT

TOTAL REQUIRED PARKING IN LOT	REQUIRED NUMBER OF HANDICAPPED SPACES
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% OF TOTAL
1,001+	20 + 1/100 OVER 1,000

(B) *Construction Standards*. Parking spaces and facilities intended for use by the handicapped shall be designed and constructed in accordance with the standards established by state law, City ordinances and the Americans with Disabilities Act (ADA).

(C) *Size of Spaces*. Accessible parking spaces shall be at least 108-inches wide and shall be served by a pedestrian maneuvering access aisle at least 60-inches wide. The access aisle shall be part of an accessible route to the building or facility entrance. Two (2) accessible parking spaces may share a common access aisle. Accessible parking spaces and access aisles shall be level with surface slopes not exceeding ~~2%~~two (2) percent in any direction.

(D) *Van Accessible Spaces*. One (1) in every eight (8) accessible spaces, but not less than one (1), shall be served by an access aisle not less than 108-inches wide and provide a minimum vertical clearance of 98-inches at the parking space and along at least one (1) vehicle access route to such parking space from site entrance and exit. All such spaces shall be designated "van accessible" and may be grouped on one (1) level of a parking structure.

(E) *Sign Handicapped Accessible Spaces*. Accessible spaces shall be designated as reserved by a sign showing a symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

(F) *Accessible Routes to the Building or Facility*. At least one (1) accessible route within the boundary of a site shall be provided from public transportation stops (*if available*), accessible parking and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public.

(G) *Accessible Routes On-Site*. At least one (1) accessible route shall connect accessible buildings, facilities, elements and spaces that are on the same site.

(H) *Accessible Route Design Standards*. An accessible route shall have a minimum clear width of 36-inches and provide adequate space for a wheel chair turn around. If an accessible route has less than 60-inches clear width, then passing spaces of at least 60-inches by 60-inches shall be located at reasonable intervals, not to exceed 200-feet. A 'T' intersection of two (2) corridors or walks is an acceptable passing place.

SECTION 06 | OFF-STREET LOADING REQUIREMENTS

SUBSECTION 06.01: APPLICABILITY

All non-residential structures which contain a gross floor area of 10,000 square feet or more shall provide and maintain off-street loading facilities on the same lot. Such off-street loading facilities shall be located adjacent to a public way or private service drive, in accordance with the following requirements:

(A) Unless an alternative is supported by design standards and approved as part of the detailed site plan, no area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

(B) Any loading dock or loading area must provide a maneuvering area located entirely on private property, and shall not utilize any public right-of-way, and shall not block any drive, aisle or fire lane.

(C) Loading docks that are within 400-feet of a residential district shall be equipped with noise attenuation devices and screened from view of adjacent residential lots.

SUBSECTION 06.02: LIGHTING OF LOADING AREAS

All lighting facilities shall be so arranged as to reflect the illumination away from any adjacent property. Such lighting facilities shall provide illumination within loading areas not to exceed 1.5 Foot Candles (FC) at ground level, and shall distribute not more than 0.2 of one (1) FC of light upon any adjacent property.

All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not intrude on residential property or create a hazard to motorists on any street alley or other public way.

SUBSECTION 06.03: DUMPSTER TRASH RECEPTACLES

All driveways to trash receptacles shall be designed to accommodate the weight of a 56,000 gross vehicular weight (GVW) sanitation truck. Lifting aprons shall be provided in front of each trash receptacle location to accommodate the front wheels of the sanitation truck. Access to the trash receptacle and lift apron shall be in a *straight in* manner, or other manner as approved by the City Engineer. Trash receptacles shall not be located beneath any overhead utility line.

SUBSECTION 06.04: SIZE

Loading spaces shall be a minimum of 12-feet in width, 65-feet in length, and 14-feet in height except as may otherwise be approved by the City Engineer.

SUBSECTION 06.05: OFF-STREET LOADING REQUIREMENTS

Any use that receives or distributes material, supplies or merchandise by motor vehicle shall provide off-street loading space in accordance with the following requirements~~.~~:

(A) *Retail, Commercial, and Industrial Land Uses*.

TABLE 3: COMMERCIAL OFF-STREET LOADING REQUIREMENTS

GROSS FLOOR AREA (SF)	MINIMUM REQUIRED LOADING SPACES
0 – 10,000	0
10,001 – 40,000	1
40,001 – 100,000	2
100,001 – 160,000	3
160,001 – 240,000	4
240,001 – 320,000	5
320,001 – 400,000	6
400,001+	PARKING STUDY REQUIRED

(B) *Auditoriums, Exhibition Halls, Hotels and Sports Arenas*.

TABLE 4: RESTAURANTS AND PUBLIC FACILITIES LOADING REQUIREMENTS

GROSS FLOOR AREA (SF)	MINIMUM REQUIRED LOADING SPACES
0 – 10,000	0
10,001 – 150,000	2
150,001 – 300,000	4
300,001 – 600,000	5
600,000+	PARKING STUDY REQUIRED

TABLE 5: PARKING REQUIREMENT SCHEDULE

AGRICULTURAL LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Agricultural Uses on Un-Platted Land (25-Acre+)	N/A
Animal Hospital or Clinic	1/500 SF
Animal Production	1/200 SF
Crop Production	N/A
Commercial Corral or Stable	1/2 Horse Stalls
Private Horse Corral or Stable	1/2 Horse Stalls
Wholesale Nursery (Growing Only)	N/A

RESIDENTIAL

LAND USE	MINIMUM PARKING REQUIRED
Boarding or Rooming House	1/75 SF (Sleeping Area Only)
Duplex	2/Dwelling Unit
Guest Quarters/Domestic or Security Unit	1.5/Unit
Multi-Family Unit with One (1) Bedroom	1.5/Unit
Multi-Family Unit with Two (2) Bedroom	2.0/Unit
Multi-Family Unit with Three (3) Bedroom	2.5/Unit
Servants/Caretakers Quarters	1/Bedroom
Single-Family Attached	2/Dwelling Unit
Single-Family Detached	2/Dwelling Unit
Single-Family Townhome	2/Dwelling Unit
Single-Family Zero Lot Line	2/Dwelling Unit

INSTITUTIONAL AND COMMUNITY SERVICE LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Auditorium or Assembly Hall	1/3 Seats or 1/100 SF[1]
Church/House of Worship	1/4 Seats
College, University, or Seminary	1/4 Students
Community Center	1/200 SF
Convalescent Care Facility	1/Bed & 1/Employee on Shift[3]
Nursing Home	1/6 Beds & 1/Employee on Shift[3]
Daycare with Seven (7) of More Children	1/300 SF & 4 Cueing Pickup/Drop-Off
Emergency Ambulance Service	1/300 SF & 1/750 SF of Site Area
Government Facility	1/300 SF
Hospice	1/6 Beds & 1/Employee on Shift[3]
Hospital	1/Bed[2]
Library, Art Gallery, or Museum	1/350 SF
Post Office	1/300 SF Customer Service Area
Retirement Home	1/Bedroom
Residential Care Facility	1/6 Beds & 1/Employee on Shift[3]
Vocational School	1/Student
Public or Private Primary School	1/25 Students
Public or Private Secondary School	1/5 Students

OFFICE AND PROFESSIONAL LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Financial Institution with or without Drive-Through	1/300 SF
Medical Office	1/200 SF
Office Building	1/300 SF

RECREATION, ENTERTAINMENT, AND AMUSEMENT LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Billiard Parlor or Pool Hall	1/100 SF or 1/4 Seats[1]
Indoor Commercial Amusement/Recreation	1/3 Occupancy
Public or Private Community or Recreation Club	3/Game Court or Bowling Alley, 1/250 SF of Assembly Area, & 25% Permitted on Pervious Surface
Public or Private Golf Course	5/Golf Green
Park or Playground	1/1,000 SF of Site Area
Recreation Facility, Health Club, or Gym	3/Game Court & 1/200 SF
Sports Arena, Stadium, and/or Track	1/3 Seats
Private Club	1/100 SF or 1/4 Seats[1]
Theater	1/3 Seats

RECREATION, ENTERTAINMENT, AND AMUSEMENT LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Antique/Collectable	1/250 SF
Auto/Truck Parts and Accessories	1/250 SF
Hair Salon, Manicurist, or Barbershop	1/250 SF
Hotel	1/Unit & 50% of Accessory Uses
Motel	1/Unit & 50% of Accessory Uses
Laundry/Dry Cleaning	1/250 SF
Mailing Service	1/300 SF
Full Service Restaurant	1/100 SF or 1/4 Seats[1]
Limited Service Restaurant	1/250 SF
Retail Store with Gasoline Sales	1/250 SF
General Retail Store	1/250 SF
Art, Photography, or Music Studio	1/250 SF
Veterinarian (*i.e. Not a Hospital or Clinic*)	1/300 SF

COMMERCIAL AND BUSINESS SERVICES LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Building and Landscape Materials	1/250 SF with a Minimum of 5
Commercial Other than Listed	As Determined by the Director
Exhibit Hall	1/100 SF
Medical or Scientific Research Laboratory	As Determined by the Director
Mortuary or Funeral Home	1/300 SF & 1/100 SF for Chapel
Research and Technology	1/500 SF or 1/Employee[1]
Shoe and Boot Repair and Sales	1/250 SF
Trade School	1/20 SF of Classroom Area

AUTO AND MARINE LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Auto Body Repair	2/Service Bay
Auto Mechanical Repair	2/Service Bay
Quick Lube/Oil Change	2/Service Bay
Truck Stop with Fuel and Accessory Services	1/200 SF for Retail/Restaurant, 2/Service Bay, & Mix of Truck and Car Stalls to be Determined by the Director
Truck/Trailer Rental	1/200 SF with a Minimum of 5

INDUSTRIAL AND MANUFACTURING LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Apparel Manufacturing	1/200 SF
Asphalt or Concrete Batch Plant	As Determined by the Director
Industrial and Manufacturing Other Than Listed	As Determined by the Director
Light Assembly and Fabrication	1/500 SF or 0.75/Employee[1&3]
Heavy Manufacturing	1/500 SF or 0.75/Employee[1&3]
Printing, Engraving, and Related Businesses	1/300 SF or 1/Employee[1]
Welding Repair	1/500 SF or 1/2 Employees[1]

INDUSTRIAL AND MANUFACTURING LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Distribution of Books or Other Printed Materials	1/1,000 or 1/2 Employees[1]
Gas/Chemical Bulk Storage	1/2,000 SF of Site Area
Mini-Warehouse	3 Parking Spaces & 1/100 Units
Packaging and/or Distribution	1/2,000 SF of Site Area or 1/2 Employees[1]
Recycling Collection Center and/or Storage	1/1,000 SF or 1/Employee[1]
Warehouse with Inside Storage	1/1,000
Outside Storage	As Determined by the Director
Warehouse Distribution Center	As Determined by the Director

UTILITIES, TRANSPORTATION, AND COMMUNICATION LAND USES

LAND USE	MINIMUM PARKING REQUIRED
Commercial Antenna	1 Parking Space
Commercial Drone Delivery	1/300 SF of Drone Staging Area[4]
Telephone Switching Station	1 Parking Space
Electrical Substation	1 Parking Space
Utility Shop and Storage	1/2,000 SF of Site Area
Airport, Heliport, or Landing Field	As Determined by the Director
Helistop	5 Spaces for Commercial and 3 Spaces for Non-Commercial

Notes:

[1]: Whichever is greater.

[2]: As determined by the Director of Planning and Zoning.

[3]: Number of employees.

[4]: Plus any additional accessory land uses (*e.g. office, storage, etc.*).

Formatted Table

Formatted: Font: Bold, Font color: Dark Red, Superscript

Continued on Next Page …

ARTICLE 07 | ENVIRONMENTAL PERFORMANCE

SECTION 01 | PURPOSE
SECTION 02 | APPLICABILITY
SECTION 03 | OUTDOOR LIGHTING FOR NON-RESIDENTIAL PROPERTIES
SECTION 04 | NOISE
SECTION 05 | SMOKE AND PARTICULATE MATTER
SECTION 06 | ODOROUSE MATTER
SECTION 07 | TOXIC AND NOXIOUS MATTER
SECTION 08 | VIBRATION
SECTION 09 | FIRE OR EXPLOSIVE HAZARD MATERIAL
SECTION 10 | WATER AND WASTE POLLUTION

SECTION 01 | PURPOSE

The purpose of this Article is to set forth regulations which protect the public from the potential negative effects of industrial and intense commercial development by regulating smoke and particulate matter, odorous matter, fire or explosive materials, toxic and noxious matter, vibration, open storage, glare and fuel supply in the vicinity of such sites.

SECTION 02 | APPLICABILITY

The following performance standards shall apply to all zoning districts in the City of Rockwall.

SECTION 03 | OUTDOOR LIGHTING FOR NON-RESIDENTIAL PROPERTIES

SUBSECTION 03.01: DEFINITIONS

(1) *Candela*. A measurement quantified in unit(s) of luminous intensity in any given direction. It is also commonly referred to as candlepower(s).

(2) *Floodlight*. An artificial illumination in broad beam, ~~above 15 watts~~ with a light source that extends more than two (2) inches below the horizontal plane of the laminar.

(3) *Footcandle (FC)*. ~~means t~~The amount of illumination provided by one lumen uniformly distributed on one (1) square foot of surface.

(4) *Full Cut-Off*. A light source that does not extend below the horizontal plan of the luminaire.

(5) *Light Source*. The device which produces visible energy, such as a bulb.

(6) *Lumen*. The quantity of luminous flux intercepted by a surface of one square foot, all points of which are one foot from a uniform source of one candela. A one-candela source provides 12.57 lumens.

(7) *Luminaire*. A complete lighting unit including a light source and all necessary mechanical, electrical, reflective, and decorative parts.

(8) *Partial Cut-Off*. A light source that extends no more than one inch below the horizontal plan of luminaire.

(9) *Standard*. The light pole and base.

(10) *Temporary Holiday Lighting*. The type of lighting typically used during the holiday periods.

SUBSECTION 03.02: PROHIBITED LIGHTING

It shall be unlawful to display or operate the following:

(A) An unshielded light source, including bare bulbs, ~~above 15 watts,~~ except for temporary holiday lighting, decorative lighting (*e.g. string lights*), and lights intended to illuminate a State or National flag on a flag pole.

(B) The operation of search lighting is prohibited except it shall be permitted for a period not to exceed 14 days from grand openings and promotional events with permission of the building official.

SUBSECTION 03.03: MINIMUM REQUIREMENTS

(A) *Glare*. In order to preserve the night sky and to reduce glare on roadways, pedestrian areas and adjacent development, light sources (*e.g. light bulbs*) shall be oriented down and toward the center of the site or shielded so as to not be visible from the property line. This applies to refractory lenses which extend beyond the lighting fixture and are designed to redirect the lighting source horizontally. This does not apply to neon or internally lit signs, or to decorative lighting ~~with 15 watts or less per bulb~~ (*e.g. string lights*).

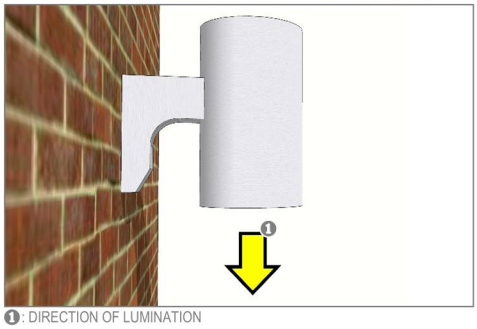
(B) *Light at Residential Property Line*. The allowable maximum light intensity measured at the property line of a residentially zoned lot shall be 0.2 of one footcandle.

(C) *Light at Non-Residential Property Line*. The allowable maximum light intensity measured at the property line of any non-residentially zoned lot shall be 0.2 of one (1) footcandle or 0.2 FC. For planned shopping centers or other commercial developments that contain more than one lot, the Planning and Zoning Commission may consider lighting plans that are intended to increase lighting efficiency and reduce the number of overall light fixtures, but result in light spillover across common lot lines within the same development; ~~. Hh~~however, in no case shall light levels exceed 0.2 FC at the property lines adjacent to the street and/or along the perimeter of the development.

(D) *Height*. No light pole, base or combination thereof shall exceed 30 feet, unless further restricted within an Overlay District as specified in Article 05, *District Development Standards*, of the Unified Development Code (UDC).

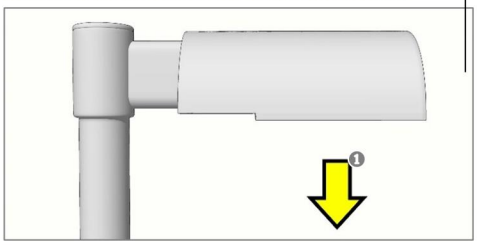
(E) *Building and Pole Mounted Lighting*. All building and pole mounted luminaries ~~exceeding 15 watts~~ shall be directed down with either a partial cut-off or full cut-off at the source. ~~(~~*See Figures 1-4 below*).

FIGURE 1: EXAMPLE OF FULL CUT-OFF BUILDING MOUNTED FIXTURE



1: DIRECTION OF LUMINATION

FIGURE 2: EXAMPLE OF FULL CUT-OFF POLE MOUNTED FIXTURE

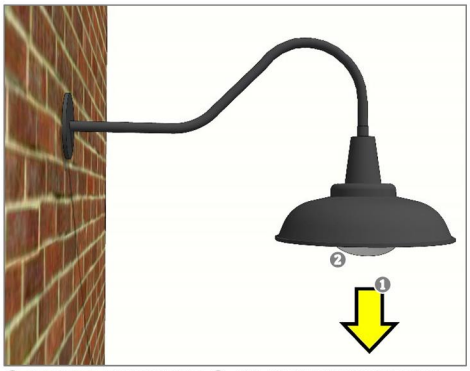


Formatted: Font: Italic

Formatted: Font: Italic

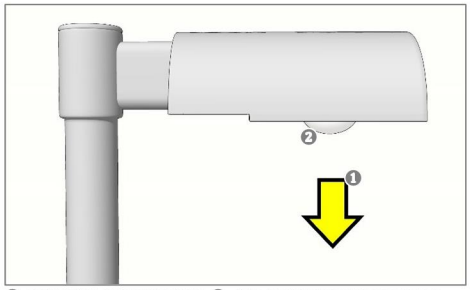
❶: DIRECTION OF LUMINATION

FIGURE 3: EXAMPLE OF PARTIAL CUT-OFF BUILDING MOUNTED FIXTURE



❶: DIRECTION OF LUMINATION; ❷: ONE (1) INCHE MAXIMUM REVEAL

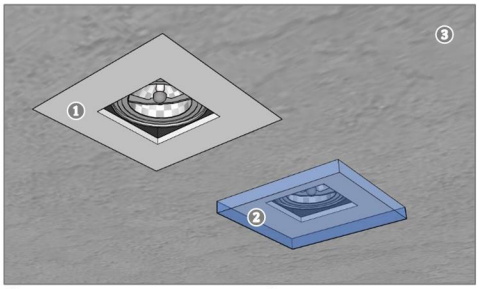
FIGURE 4: EXAMPLE OF PARTIAL CUT-OFF POLE MOUNTED FIXTURE



❶: DIRECTION OF LUMINATION; ❷: ONE (1) INCHE MAXIMUM REVEAL

(F) *Under-Canopy Lighting*. All under-canopy lighting, including, but not limited to, those fixtures utilized at fueling stations, drive-through lanes, and covered parking structures, shall be fully recessed into the canopy (~~*See see*~~ *Figure 5*).

FIGURE 5: EXAMPLES OF UNDER-CANOPY LIGHTING



❶: FLUSH LENS (*I.E. FULLY RECESSED*); ❷: PROJECTING LENDS (*I.E. NOT FULLY RECESSED*); ❸: CEILING

(G) *Illumination*. The maximum outdoor maintained, computed and measured illumination level within any nonresidential development shall not exceed 20 FC outdoors at any point on the site, with the following exceptions:

(1) Under-canopy lighting (*e.g., fuel stations, drive-through lanes and covered parking structures*) shall not exceed 35 FC. The remainder of the property shall comply with the 20-FC maximum.

(2) Lighting for motor vehicle dealerships shall not exceed 30 FC within the front yard(s) of the development. The remainder of the property shall comply with the 20-FC maximum.

(H) *Exemptions*. Historic or antique-style pedestrian light fixtures approved by the Planning and Zoning Commission are excluded from these standards.

SUBSECTION 03.04: PLAN REQUIRED

A photometric plan describing compliance with the provisions of this section shall be submitted to the Director of Planning and Zoning prior to the issuance of any building permit or Certificate of Occupancy (CO) that proposes additional lighting. This plan shall be prepared by an appropriate lighting designer such as a lighting engineer, architect or other qualified lighting designer. Upon installation of the lighting, the designer shall provide a letter certifying that the lighting is installed in accordance with the approved design and this section. The Director of Planning and Zoning shall have the authority to interpret and determine compliance with this section. The Planning and Zoning Commission may grant exemptions to the provisions of this Article if compliance will result in substantial financial hardship or inequity, so long as said exemption is without harm to the public. Decisions of the Planning and Zoning Commission may be appealed to the City Council.

SUBSECTION 03.05: NON-CONFORMING LIGHTING

Luminaries installed prior to the adoption of this Unified Development Code (UDC) shall be exempt from the requirements herein.

SUBSECTION 03.06: EXEMPTIONS

Lighting installed by or for a governmental agency for the public benefit that is used for activities for the public benefit such as right of way, ball fields, airports and parks;~~.~~ ~~H~~however, parking lot lighting for these activities shall be meet the requirements of the section.

SECTION 04 | NOISE

SUBSECTION 04.01: IN GENERAL

Refer to Article IV, *Noise*, of Chapter 16, *Environment*, of the Municipal Code of Ordinances for noise regulations.

SECTION 05 | SMOKE AND PARTICULATE MATTER

SUBSECTION 05.01: STANDARDS

No industrial operation or use shall cause, create, or allow the emission for more than three minutes in any one hour, of air contaminants which at the emission point or within the bounds of the property are:

(A) In violation of the standards specified by the Texas Natural Resource Conservation commission, or subsequent agency; or

(B) Of such capacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in *Subsection A* above except that, when the presence of steam is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the outside atmosphere, performance shall be considered to comply with this section.

SUBSECTION 05.02: COMBINED STANDARDS

The emission of particulate matter from all sources in a district subject to this Article shall not exceed the level specified by the Texas Natural Resource Conservation Commission, or subsequent agency.

SUBSECTION 05.03: STANDARDS MEASURED AT THE PROPERTY LINE

Open storage and open processing operations, including on-site transportation movements which are the source of wind or airborne dust or other particulate matter; or which involve dust or other particulate air contaminant generating equipment including, but not limited to, paint spraying, grain handling, sand or gravel processing or storage or sand blasting shall be so conducted such that dust and other particulate matter so generated are not transported across the boundary property line or the tract on which the use is located in concentrations exceeding standards set by the Texas Natural Resource Conservation Commission.

SECTION 06 | ODOROUSE MATTER

SUBSECTION 06.01: APPLICABILITY

No use shall be operated in any zoning district in such a manner that the emission of odorous matter occurs in such quantity or volume as to produce a nuisance, source of discomfort or hazard beyond the bounding property lines of such use.

SUBSECTION 06.02: DETERMINATION

The odor threshold as herein referred to shall be determined by observation by a person or persons designated by the City Council. In any case, where the operator of an odor-emitting use may disagree with the enforcing officer where specific measurement of odor concentration is required, the method and procedures specified by the American Society for *Testing Materials ASTMD 1391-57* entitled Standard Method for Measuring Odors in Atmosphere shall be used.

SECTION 07 | TOXIC AND NOXIOUS MATTER

No industrial operation or other use shall emit toxic or noxious matter in any concentration across the bounding property line of the tract on which operation or use is located. The requirements of the Texas Air Control Board shall be met.

SECTION 08 | VIBRATION

Any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent property line, earthborn vibrations in excess of the limits set forth in ~~column~~ *Column I* (~~below~~*in Table 1: Vibrations Standards*) are prohibited. In addition, any industrial operation or activity which shall cause at any time and at any point along a zone boundary line, earthborn vibrations in excess of the limits set forth in column II are prohibited. Vibrations shall be expressed as resultant displacement in inches.

TABLE 1: VIBRATION STANDARDS

FREQUENCY (CYCLES PER SECOND)	DIPLACEMENT I (INCHES)	DISPLACEMENT II (INCHES)
0 – 10	0.0008	0.0004
10 – 20	0.0005	0.0002
20 – 30	0.0002	0.0001
30 – 40	0.0002	0.0001
40+	0.0001	0.0001

This tabulation is for steady state vibration~~;~~ ~~–~~, which is defined as continuous vibration in contrast to discrete pulses. Impact vibration, that is, discrete pulses which do not exceed 100 pulses per minute, shall not produce in excess of twice (*i.e. two [2] times*) the displacement stipulated above.

SECTION 09 | FIRE OR EXPLOSIVE HAZARD MATERIAL

SUBSECTION 09.01: EXPLOSIVE AND/OR FLAMMABLE MATERIAL

The storage, manufacture and/or use of all explosive and/or flammable liquids, solids or gases shall be permitted only when such storage, manufacture or use conforms to the standards and regulations established in Chapter 18, *Fire Prevention and Protection*, of the Municipal Code of Ordinances, as well as all other applicable city codes.

SECTION 10 | WATER AND WASTE POLLUTION

SUBSECTION 10.01: WATER POLLUTION

No operation or activity shall discharge or cause to be discharged, liquid or solid waste into public waters unless in conformance with the provisions of the Texas Water Quality Board.

SUBSECTION 10.02: LIQUID OR SOLID WASTE

No discharge at any point will be allowed into any public sewer, private sewer disposal system, or stream or into the ground, except in accordance with standards approved by the state health department or standards equivalent to those approved by such department, for similar uses, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements. All discharges shall comply with all applicable city ordinances.

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Continued on Next Page …

ARTICLE 08 | LANDSCAPE AND FENCE STANDARDS

SECTION 01 | PURPOSE
SECTION 02 | APPLICATION OF ARTICLE
SECTION 03 | LANDSCAPE PLAN
SECTION 04 | APPROVED LANDSCAPE MATERIALS
SECTION 05 | LANDSCAPE STANDARDS
SECTION 06 | LANDSCAPE CREDITS
SECTION 07 | COMPLETION OF LANDSCAPING
SECTION 08 | FENCE STANDARDS
SECTION 09 | GENERAL MAINTENANCE

SECTION 01 | PURPOSE

The purpose of Article 08, *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.

SECTION 02 | APPLICATION OF ARTICLE

SUBSECTION 02.01: 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 02.01(A)(2).

(b) The expansion of a non-residential building or structure that increases the existing floor area by 30.00% 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 30.00% or that adds 2,000 SF of impervious coverage.

(2) Unless otherwise indicated in this *Article*, ~~T~~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 02.01(A) or Article 11, *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 06, *Non-Conforming Uses, Structures, and Sites*, of Article 04, *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 existing single-family and/or duplex land uses.

(d) Properties zoned Downtown (DT) District, as defined by Subsection 04.07, *Downtown (DT) District*, of Article 05, *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 02.01(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 06.02, *General Overlay District Standards*, of Article 05, *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 02.02: 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~~ Landscaping ~~plan~~ 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 09.01, *Exceptions to the General Standards*, of Article 11, *Development Applications and Review Procedures*.

Formatted: Font: Italic

Formatted: Font: Italic

SUBSECTION 02.03: EXCEPTIONS TO THE FENCE STANDARDS

All exceptions to the fence standards contained in this *Article* will be subject to the requirements of Section 08, *Fence Standards*.

Formatted: Font: Italic

SECTION 03 | LANDSCAPE PLAN

SUBSECTION 03.01: 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 03, *Site Plans*, of Article 11, *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), or a Horticulturist with a Bachelor's Degree unless otherwise permitted by the Director of Planning and Zoning.

SUBSECTION 03.02: 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 03, *Site Plans*, of Article 11, *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 03, *Site Plans*, of Article 11, *Development Applications and Review Procedures*.

SECTION 04 | ~~APPROVED~~ LANDSCAPE 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 C, *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.

(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 4½ ~~four (4)~~ feet above grade.

(5) The City of Rockwall encourages developments to incorporate ~~*xeriscaping**Xeriscaping/smartscaping 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 05.05, *Xeriscaping and Smartscaping Standards*.

(B) *Prohibited Planting Materials*.

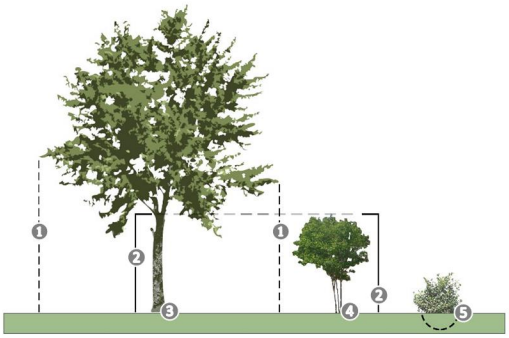
(1) *Artificial or Synthetic Plant Materials*.

(a) *Non-Residential Property*. Artificial or synthetic plant materials (*e.g. artificial grass, turf, trees, and/or shrubs*) shall be prohibited on all non-residentially zoned or used property in the City of Rockwall; however, the Planning and Zoning Commission can grant an *Exception* in accordance with the procedures contained in Subsection 09.01, *Exceptions to the General Standards*, of Article 11, *Development Applications and Review Procedures*, of this Unified Development Code (UDC) where it is found that the artificial plant materials are integral to the operations of the proposed non-residential land use or where it will serve as an on-site amenity to the non-residential land use.

(b) *Residential Property*. Artificial or synthetic plant materials (*e.g. artificial grass, turf, trees, and/or shrubs*) shall be prohibited on all residentially zoned or used property in: [*1*] the required front yard (*i.e. the area that extends from the front property line to the front façade of the primary structure*); [*2*] in areas of the required side or rear yard that are visible from public right-of-way, open space, or public parkland; [*3*] in public rights-of-way; and [*4*] in easements; however, a maximum of 400 square feet of non-PFAS (*i.e. Perfluorinated Alkylated Substances*) artificial grass or turf shall be permitted in the rear yard of all residentially zoned or used property regardless of visibility or screening.

~~(1)~~

FIGURE 1: APPROVED PLANTING MATERIALS AND SIZE



❶: DRIP LINE; ❷: FOUR (4) FEET; ❸: CANOPY TREE; ❹: ACCENT TREE; ❺: ~~THREE~~ FIVE (35) GALLON SHRUB

SECTION 05 | LANDSCAPE STANDARDS

SUBSECTION 05.01: LANDSCAPE BUFFERS

The minimum requirements for landscape buffers shall be as follows:

(A) *Residential Landscape Buffers in Subdivisions*. (see *Figure 2: Residential Landscape Buffers Example*)

(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

Formatted: Font:
Formatted: Font: Italic
Formatted: Font:
Formatted: Font:
Formatted: Font: 5 pt
Formatted: Indent: Left: 0.75", No bullets or numbering
Formatted: Font:
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font:
Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Font: Italic
Formatted: Font: 5 pt

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.

(B) *Non-Residential Landscape Buffers*. (see *Figure 3: Commercial Landscape Buffers Example*)

(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 05.02(B), *Screening from Residential*.

(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 05.02: 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 01.05, *Screening Standards*, of Article 05, *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:

FIGURE 2: RESIDENTIAL LANDSCAPE BUFFERS EXAMPLE

❶: RESIDENTIAL PROPERTY; ❷: BUILD LINE; ❸: COLLECTOR STREET; ❹: TEN (10) FOOT LANDSCAPE BUFFER; ❺: PERIMETER COLLECTOR OR ARTERIALS ROADWAY

FIGURE 3: COMMERCIAL LANDSCAPE BUFFERS EXAMPLE

❶: STREET; ❷: RESIDENTIALLY ZONED OR USED PROPERTY; ❸: INDUSTRIAL OR COMMERCIAL ZONING/USE; ❹: ALLEYWAY; ❺: TEN (10) FOOT LANDSCAPE BUFFER WITH ACCENT AND CANOPY TREES; ❻: 20-FOOT LANDSCAPE BUFFER WITH THREE (3) TIERED SCREENING

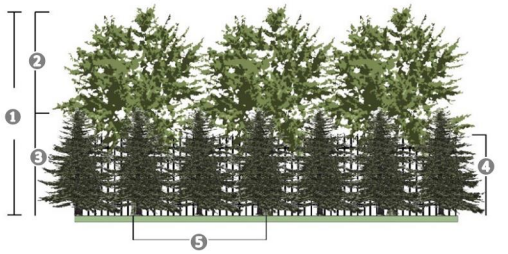
(1) *Alternative #1*. A wrought iron fence and three (3) tiered screening (*i.e. small to mid-sized shrubs, large shrubs or accent trees, and canopy trees*) along the entire length of the adjacency. The canopy trees shall be placed on 20-foot centers.

FIGURE 4: ALTERNATIVE #1

❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: ACCENT TREE OR LARGE SHRUB; ❹: SMALL SHRUB; ❺: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE; ❻: CANOPY TREES 20-FOOT ON CENTER

~~(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.

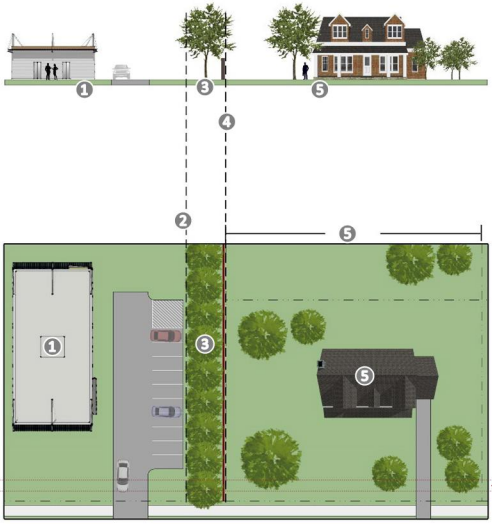
FIGURE 5: ALTERNATIVE #2



❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: TWO (2) ROWS OF EVERGREEN ACCENT TREES 20-FOOT OFFSET; ❹: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE; ❺: CANOPY TREES 20-FOOT ON CENTER

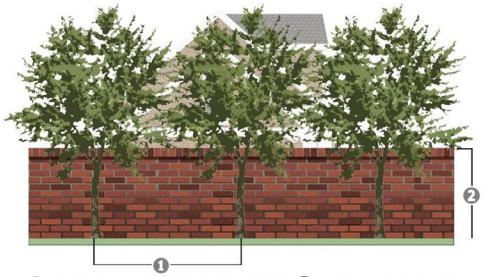
(B) *Screening from Residential*. Any non-residential or multi-family land use or parking area that has a side or rear contiguous to any residentially zoned or used property shall be screened with a masonry fence a minimum of six (6) feet in height with canopy trees planted on 20-foot centers (*as depicted 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



❶: COMMERCIAL PROPERTY; ❷: 20-FOOT LANDSCAPE BUFFER; ❸: CANOPY TREES 20-FOOT ON CENTER; ❹: MINIMUM SIX (6) FOOT MASONRY WALL ON PROPERTY LINE; ❺: RESIDENTIAL PROPERTY;

FIGURE 7: MASONRY FENCE WITH CANOPY TREES IN PERSPECTIVE VIEW



❶: CANOPY TREES 20-FOOT ON CENTER; ❷: MINIMUM SIX (6) FOOT MASONRY WALL;

~~(C)~~ *Continued on Next Page …*

Formatted: No underline

Formatted: Font: 5 pt, Not Italic, No underline

Formatted: Indent: Left: 0.5", No bullets or

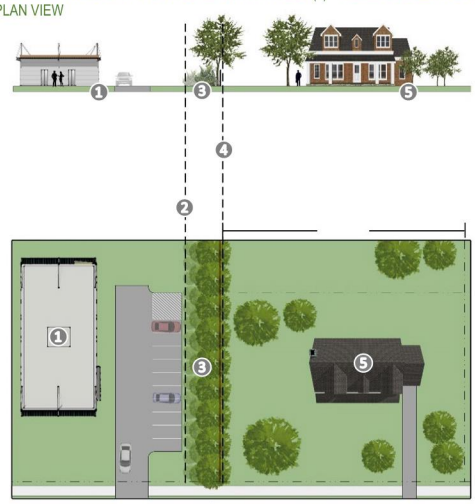
Formatted: Font: 5 pt

Formatted: Indent: Left: 0"

Formatted: Centered, No bullets or numbering

Formatted: Font: Italic

FIGURE 8: WROUGHT IRON FENCE WITH THREE (3) TIERED SCREENING IN PLAN VIEW



❶: COMMERCIAL PROPERTY; ❷: 20-FOOT LANDSCAPE BUFFER; ❸: THREE (3) TIERED SCEENING; ❹: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE ON PROPERTY LINE; ❺: RESIDENTIAL PROPERTY

FIGURE 9: ALTERNATIVE #1 [WROUGHT IRON FENCE WITH THREE (3) TIERED SCREENING IN PERSPECTIVE VIEW]

❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: LARGE SHRUB/ACCENT TREE; ❹: SMALL SHRUB; ❺: SIX (6) FOOT WROUGHT IRON FENCE; ❻: CANOPY TREES 20-FOOT ON CENTER

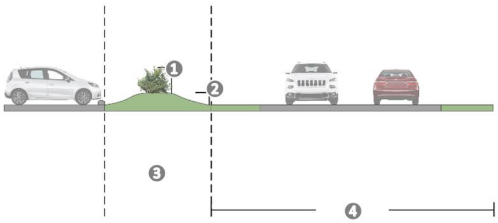
FIGURE 10: ALTERNATIVE #2 [WROUGHT IRON FENCE WITH TIERED SCREENING IN PERSPECTIVE VIEW]

❶: THREE (3) TIERED SCREEN; ❷: CANOPY TREE; ❸: TWO (2) ROWS OF EVERGREEN ACCENT TREES 20-FOOT OFFSET; ❹: MINIMUM SIX (6) FOOT WROUGHT IRON FENCE; ❺: CANOPY TREES 20-FOOT ON CENTER

~~(D)~~(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.

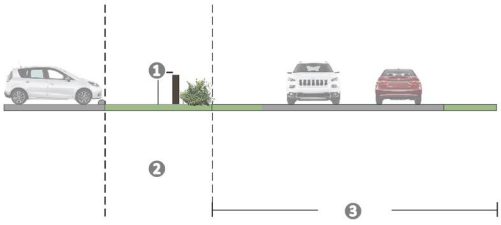
FIGURE 11: ALTERNATIVE #1 [HEADLIGHT SCREENING USING LANDSCAPING AND A BERM]



❶: MINIMUM THREE (3) FOOT SHRUB; ❷: MINIMUM TWO (2) FOOT BERM; ❸: 20-FOOT LANDCSAPE BUFFER; ❹: STREET OR ALLEYWAY

(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]



❶: MINIMUM THREE (3) FOOT MASONRY WALL; ❷: 20-FOOT LANDCSAPE BUFFER; ❸: STREET OR ALLEYWAY

~~(E)~~(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 05.03: LANDSCAPE REQUIREMENTS

(A) *Amount of Landscaping*. The following landscaping percentages shall be required and shall apply to the total site area to be developed:

TABLE 1: REQUIRED LANDSCAPING BY ZONING DISTRICT

ZONING DISTRICT	REQUIRED LANDSCAPING	REQUIRED WITH MAXIMUM CREDIT
Multi-Family 14 (MF-14) District	35%	22½%
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%
Downtown (DT) District	See Subsection 04.07; Article 05	

(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 per 1,500 SF 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.

FIGURE 13: LANDSCAPE REQUIREMENTS

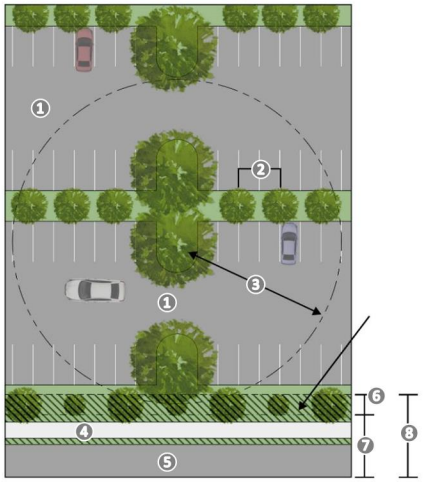
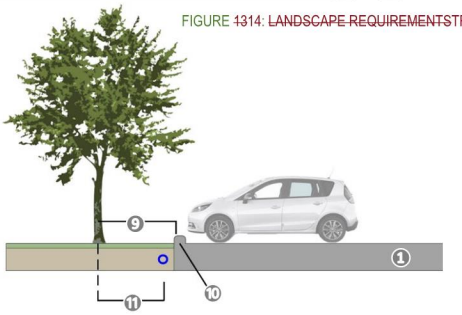


FIGURE ~~13~~14: ~~LANDSCAPE REQUIREMENTS~~TREE PLANTING REQUIREMENTS



❶: PARKING LOT; ❷: 20-FOOT SEPERATION; ❸: 80-FOOT BUFFER; ❹: SIDEWALK; ❺: STREET; ❻: TEN (10) FOOT LANDSCAPE BUFFER; ❼: RIGHT-OF-WAY; ❽: AREA REQUIRED TO BE IMPROVED WITH SOD (*I.E. HYDOMULCH IS PROHIBITED*); ❾: TREE MUST BE A MINIMUM OF FIVE (5) FEET FROM THE EDGE OF PAVEMENT; ❿: VEHICLE PROTECTION; ⓫: TREE MUST BE A MINIMUM OF FIVE (5) FEET OFF THE WATER/SEWER LINE

(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.

SUBSECTION 05.04: 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.

SUBSECTION 05.05: XERISCAPING/SMARTSCAPING STANDARDS

(A) *Purpose*. The purpose of this section is to promote the establishment of water conscious landscaping through the implementation of xeriscaping/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 C, *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/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/smartscaping 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 Subsection 05.03(D) (*i.e. one [1] tree per every 750 SF and one [1] accent tree per 1,500 SF of detention area*). Instead, a four (4) shrubs or ornamental grasses per every 750 SF of ~~dry~~ detention ~~land~~ area shall be required to be planted on the site or around the detention area.

(3) A maximum of 30.00% 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.

SECTION 06 | LANDSCAPE CREDITS

Credits to the landscape requirements may be achieved as follows:

SUBSECTION 06.01: 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 05, *District Development Standards*.

SUBSECTION 06.02: 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 06.03: 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 05.05, *Xeriscaping/Smartscaping Standards*, of this Article have been satisfied.

SECTION 07 | COMPLETION OF LANDSCAPING

SUBSECTION 07.01: IN ACCORDANCE WITH APPROVED PLANS

Except as otherwise provided in Subsection 07.02, 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 07.02) 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.

SUBSECTION 07.02: 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 07.03: FORFEITURE OF ESCROW

If a temporary Certificate of Occupancy (CO) is issued under Subsection 07.02 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.

FIGURE 15: CORNER LOTS

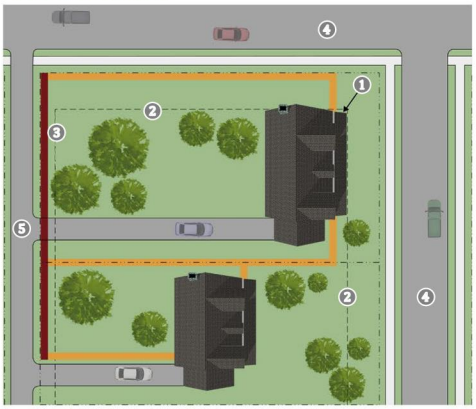


FIGURE 16: FENCES BACK TO A STREET

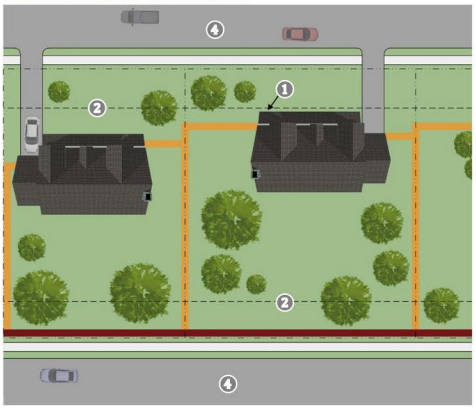
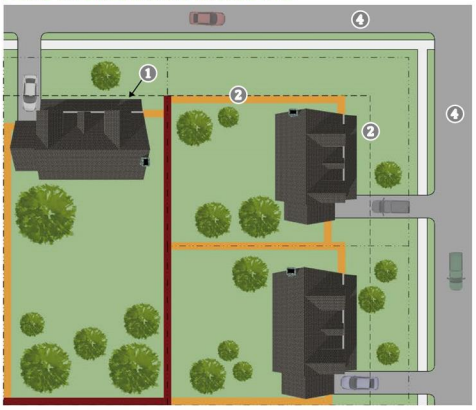


FIGURE 17: FENCES BACKING TO A SIDE YARD



❶: PORCH; ❷: 20-FOOT BUILD LINE; ❸: TEN (10) FOOT BUILD LINE; ❹: STREET; ❺: ALLEYWAY; **REAR YARD FENCE**; **SIDE YARD FENCE**

Formatted: Normal

SECTION 08 | FENCE STANDARDS

SUBSECTION 08.01: 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 08.02: 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 08, *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 08.03(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) PVC mesh (*i.e. tennis court mesh/windscreen*) or other materials or appurtenances (*e.g. slats, bamboo, mesh netting, fake or artificial plants or patterned material, signage, banners, etc.*) intended to provide screening that are affixed to wrought iron, decorative metal, chain-link or semi-transparent fencing shall be prohibited.

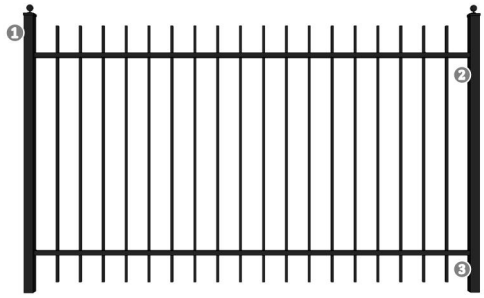
~~(6)~~(7) Solid wood fencing exceeding 48-inches in height shall be constructed using metal posts set in concrete, or brick, stone or a combination of brick and stone columns.

(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*.

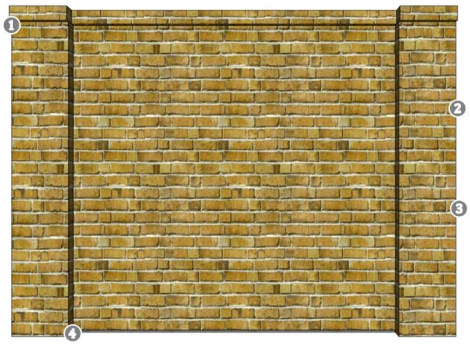
❶: Top Rail; ❷: Galvanized or Stainless-Steel Post (*Recommended Minimum of* 2.375"); ❸: Stinger Board (Recommended Minimum of 2" x 3"); ❹: Minimum ½" Wood Screen.

(2) *Wrought Iron Fence*.



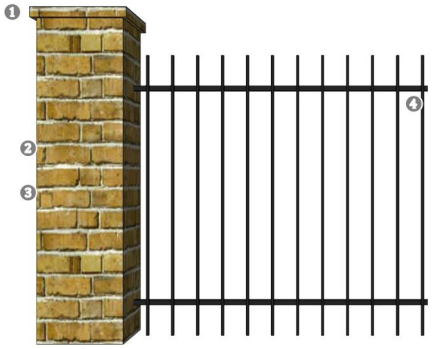
❶: Painted or Powder Coated with a Decay Resistant Paint; ❷: Top Rail; ❸: Bottom Rail.

(3) *Masonry Wall*.



❶: Rowlock Cap; ❷: Running Bond; ❸: 3/8" Tooled Joints (*Typical*); ❹: Concrete Footing/Mow Strip.

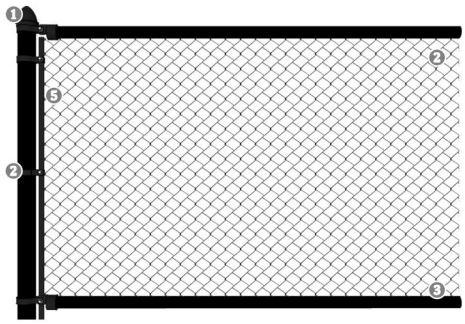
(4) *Fences with Masonry Columns*.



❶: Rowlock Cap; ❷: Running Bond; ❸: 3/8" Tooled Joints (*Typical*); ❹: Wrought Iron or *Board-On-Board* Wood Fence.

Formatted: List Paragraph, Add space between paragraphs of the same style, No bullets or numbering

(5) *Vinyl Coated Chain-Link Fence*.



❶: Post Cap; ❷: Top Rail; ❸: Bottom Rail; ❹: Tension Band; ❺: 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 08.03: 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-feet 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 08.02(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 *not* be subject to the approval criteria and voting requirements stipulated by Section 09.01, *Exceptions to the General Standards*, of Article 11, *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 and all posts and/or framing shall be placed on the private side when adjacent to a public street (*excluding alleyway*), open space, public park, and/or neighboring properties. Painting a fence with oil or latex based paint shall be prohibited.

(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 maybe 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*) and/or alternative fence standards on a *case-by-case* basis. These exceptions will *not* be subject to the approval criteria and voting requirements stipulated by Section 09.01, *Exceptions to the General Standards*, of Article 11, *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 08.03(A) & 08.03(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.

FIGURE 14: EXAMPLES OF SPLIT-RAIL AND/OR PIPE FENCING

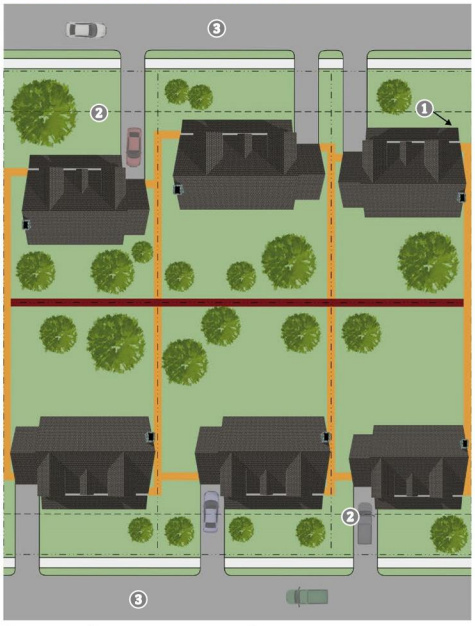
(D) *Fence Placement*.

(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*).

FIGURE 18: THROUGH LOTS

FIGURE 19: FENCES WITH COMMON REAR YARDS



❶: PORCH; ❷: 20-FOOT BUILD LINE; ❸: STREET; **REAR YARD FENCE**; **SIDE YARD FENCE**

(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*).

(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 08.03(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.

(3) *Exemptions to the Front Yard Fence Requirements*. The following front yard fences are exempted from the exception process for front yard fences:

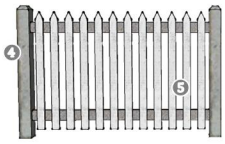
(a) *Model Homes*. Model homes that incorporate a fence that is 50% transparent (*e.g. as depicted in Figure 14*), and that does not exceed a maximum height of 42-inches may establish a front yard fence; however, these fences are considered to be temporary and must be removed at the time a permanent residence is established. Alternatively, an exception for a front yard fence can be approved in accordance with the procedures outline in Subsection 08.03(D)(2).

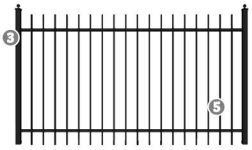
(b) *Single-Family Estate Properties*. Properties in a Single-Family Estate 1.5 (SFE-1.5), Single-Family Estate 2.0 (SFE-2.0), or Single-Family Estate 4.0 (SFE-4.0) District shall be permitted to construct a front yard fence that is 50% transparent (*e.g. as depicted in Figure 14*) and that does not 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.

FIGURE 20: RESIDENTIAL FRONT YARD FENCES

FRONT YARD FENCE AREA

❶: BUILD LINE
❷: STREET
❸: 48" WROUGHT IRON FENCE
❹: 42" WOOD FENCE
❺: 50% TRANSPARENCY
❻: OPAQUE FENCING PROHIBITED



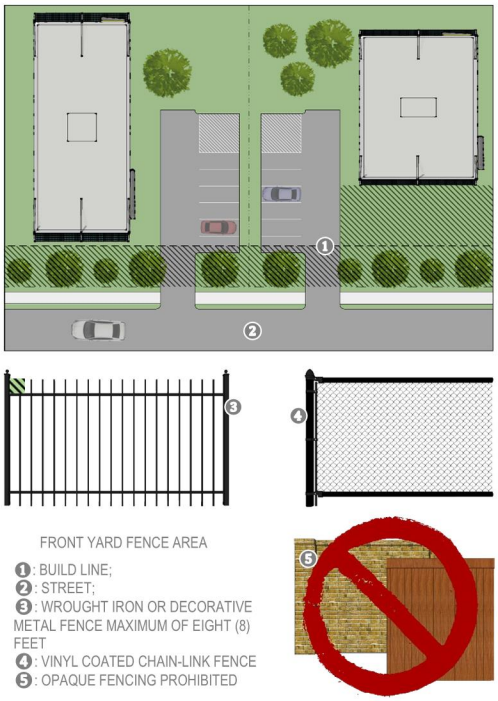


SUBSECTION 08.04: NON-RESIDENTIAL FENCES

(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

FIGURE 21: NON-RESIDENTIAL FRONT YARD FENCES



FRONT YARD FENCE AREA

1: BUILD LINE;
2: STREET;
3: WROUGHT IRON OR DECORATIVE METAL FENCE MAXIMUM OF EIGHT (8) FEET
4: VINYL COATED CHAIN-LINK FENCE
5: OPAQUE FENCING PROHIBITED

specified in Subsection 04.07, *Downtown (DT) District*, of Article 05, *District Development Standards*, wood fences proposed in a Residential Office (RO) District or Downtown (DT) District -- *in conformance with the requirements of Subsection 08.03(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.

SECTION 09 | GENERAL MAINTENANCE

SUBSECTION 09.01: 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 09.02: 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 09.03: 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.

Continued on Next Page …

ARTICLE 09 | TREE PRESERVATION

SECTION 01 | PURPOSE, APPLICABILITY, AND EXEMPTIONS
SECTION 02 | DEFINITIONS
SECTION 03 | TREESCAPE PLAN
SECTION 04 | TREE REMOVAL PERMIT
SECTION 05 | TREE MITIGATION REQUIREMENTS
SECTION 06 | TREE PLANTING AND TRANSPLANTING REQUIREMENTS
SECTION 07 | TREE PROTECTION DURING CONSTRUCTION
SECTION 08 | TREE PRUNING
SECTION 09 | TREE FUND
SECTION 10 | VIOLATIONS

SECTION 01 | PURPOSE, APPLICABILITY, AND EXEMPTIONS

SUBSECTION 01.01: PURPOSE

The purpose of this *Article* is to secure the preservation of mature, healthy trees and natural areas, and to ensure the consideration of protected trees during the planning and design process for development and/or redevelopment within the City. In addition, this Article is intended to layout procedures for the protection of trees during the construction process, and outline the requirements for the replacement and replanting of trees that have been removed. This Article also provides protection for the indiscriminate clearing of any property within the City.

SUBSECTION 01.02: APPLICABILITY

The terms and provisions of this Article shall apply to all real property within the City's corporate limits that meets one of the following criteria:

(A) The establishment of a new subdivision of land.

(B) The replatting of undeveloped land for the purpose of combining and/or subdividing real property.

(C) The development of a residential tract of land that is greater than or equal to three (3) acres.

(D) The development and/or removal of trees on a non-residential tract of land that is greater than or equal to one acre.

(E) A submission of a site plan and/or plat for the purpose of developing, subdividing or combing non-residential land.

SUBSECTION 01.03: EXEMPTIONS

The terms and provisions of this Article shall not apply if the following conditions exist:

(A) *Agricultural Property*. Property zoned Agricultural (AG) District and being actively used for agricultural purposes shall be exempt from the requirements specified by this *Article*; however, clear-cutting of land on property zoned Agricultural (AG) District that is not being actively used for agricultural purposes is prohibited.

(B) *Damaged/Diseased Trees*. If a certified arborist establishes that the tree is dead, diseased, damaged beyond the point of recovery, or in danger of falling the tree maybe removed.

(C) *Residential Property*. The owner of a property with an existing single-family home shall be exempt from the tree protection and replacement requirements specified by this Article as it pertains to that property on which the home is located.

(D) *Public Safety*. If the City determines that a tree or trees create unsafe vision clearance or conflicts with other ordinances or regulations, or the tree or trees are determined to be in a diseased, dead, hazardous or dangerous condition so as to endanger the public health, safety or welfare of the general public, the City or property owner may remove the tree or trees without being required to follow the terms and provisions of this ordinance.

(E) *Utility Service Interruption*. The tree has disrupted a public utility service due to tornado, flood or another act of God. Removal shall be limited to the part of the tree that is found necessary to be removed to reestablish and maintain the utility service.

(F) *Utility Companies, Utility Service and or Distribution/Transmission Lines*. Utility companies shall not be subject to the tree protection or replacement requirements in this Article when establishing distribution and transmission lines. When establishing new utility service, services should be routed between the service pole or transmission and distribution lines and the building being served in a manner that does not require the removal of a protected of feature tree. All right-of-way, easements or similar types of public property maintained by utility companies shall not be subject to the tree protection or replacement requirements of this Article.

(G) *Public Property*. All right-of-way, easements or similar types of public property maintained by the City shall not be subject to the terms and provisions of this *Article*.

(H) *Trees Clearance Pruned by a Utility*. At the discretion of the City Arborist or the Director of the Parks and Recreation Department, trees that are located under existing powerlines or within an ONCOR easement that have clearance pruned by a utility (*i.e. that have been walled or 'V-cut'*) may be exempted from the mitigation requirements stipulated by this *Article*.

SECTION 02 | DEFINITIONS

(1) *Cedar Tree*. A *Cedar Tree* referenced in this *Article* shall mean Eastern Red Cedar.

(2) *Critical Root Zone (CRZ)*. The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line but not less than a one-foot radius for each one-inch DBH.

(3) *Clear-Cutting*. The removal of all trees or a significant majority of the trees within an area.

(4) *Diameter at Breast Height (DBH)*. The diameter in inches of a tree as measured through the main trunk at a point 4½-feet above the natural ground level.

(5) *Drip Line.* A vertical line running through the outermost portion of the crown of a tree and extending down to the ground.

(6) *Feature Tree.* Any tree ~~*-- excluding non-protected trees --*~~ that has a DBH of greater than 25-inches. Feature trees may not be removed without approval of the Planning and Zoning Commission.

(7) *Limits of Construction.* A delineation on the treescape plan that shows the boundary of the area within which all construction activity will occur.

(8) *Non-Protected Tree.* All Bois d'Arc, Willow, Cottonwood, Honey Locust, Chinaberry, and Hackberry trees regardless of size, and cedar trees less than eight (8) feet in height shall be considered non-protected trees and do not require mitigation to be removed.

(9) *Primary Protected Tree.* Any tree -- *excluding non-protected trees and hackberry and cedar trees* -- that ~~have~~ has a DBH of four (4) inches or greater. The removal of any protected tree shall require the approval of the Planning and Zoning Commission. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk at DBH to one-half (½) the diameter of each additional trunk.

(10) *Protective/Temporary Fencing.* Snow fencing, chain-link fencing, orange vinyl construction fencing or similar fencing with a four-foot approximate height. The Director of Planning and Zoning and zoning or his/her designee, shall determine the appropriate type of fencing for any particular property or portion thereof.

(11) *Replacement Tree.* A tree from the reclamation/tree preservation list contained in *Table 1.1: Required Trees by District* contained in Appendix C, *Landscape Guidelines and Requirements*, of the Unified Development Code (UDC) with a minimum caliper size of four (4) inches and height of seven (7) feet. For the purpose of determining size, replacement trees should be measured at DBH.

(12) *Secondary Protected Tree.* Any cedar tree that is eight (8) feet in height or greater. The removal of any protected tree shall require the approval of the Planning and Zoning Commission. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk at DBH to one-half the diameter of each additional trunk.

(13) *Tree.* Any self-supported woody perennial plant that will attain a trunk diameter of three (3) inches DBH and normally attains an overall height of at least 15-feet at maturity; usually with one main stem or trunk and many branches.

SECTION 03 | TREESCAPE PLAN

SUBSECTION 03.01: TREESCAPE

A treescape plan is a plan showing the exact location, size (*i.e. trunk diameter and height*), and common name of all trees, four (4) inches and greater and indicating the trees that are proposed to be removed, transplanted or replaced. A treescape plan shall be prepared by a landscape architect or design professional, be drawn to the largest scale practical, and incorporate the following elements:

(A) The location of all existing and/or proposed structures, or building pads as shown on the grading plan and all improvements properly dimensioned and referenced to the property lines.

(B) The building setbacks.

(C) All existing and proposed site elevations, grades, major contour lines and the limits of construction.

(D) The location of all existing or proposed utilities and easements.

(E) The location of all protected and feature trees.

(F) The location of all trees to be removed from the site and the location of all replacement trees.

(G) A spreadsheet indicating all trees by species, the *Locational ID* or tree tag number as shown on the treescape plan, the DBH/caliper inch, the health of the tree, if the tree has a disease or an insect infestation, if it is structurally sound, and the mitigation necessary if the tree is to be removed. Each column with numeric values shall be totaled (*see Table 2: Example of Treescape Plan Spreadsheet below*).

(H) A title block stating street address, lot and block, subdivision name, date and project number.

(I) The name, address, and phone number of the person preparing the plan and the developer/property owner.

(J) Tree survey shall be performed by an arborist, horticulturalist, or landscape architect with a preference for an arborist certified by the International Society of Arboriculture (ISA).

SUBSECTION 03.02: TREESCAPE PLAN REQUIRED

No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any tree situated on a property regulated by this Article without first submitting and receiving approval of a treescape plan unless otherwise allowed by this Article.

For properties that have no protected or feature trees or where the development of the property will not require the removal of any protected or feature trees, the developer or property owner may submit a letter certifying that no protected or feature trees will be affected as a result of the proposed development. This letter will be submitted with the understanding that if it is determined that there are protected or feature trees on the property any violation of the provisions of this Article shall be subject to the violation provisions and fines stipulated in Section 10, *Violations*.

Staff may administratively approve any treescape plan or letter that does not involve the removal of any protected or feature trees.

SUBSECTION 03.03: TREESCAPE APPLICATION

All applications for treescape plans shall be submitted to the Director of Planning and Zoning or his/her designee. In addition to the application, an applicant shall also submit [*1*] a treescape plan conforming to the requirements of this Article and [*2*] a letter from the applicant or property owner indicating the reason for the removal of any protected or feature trees. A treescape plan may also be required with an application for a site plan and/or a preliminary plat, replat, or final plat.

SUBSECTION 03.04: TREESCAPE PLAN REVIEW PROCESS

The Director of Planning and Zoning, or his/her designee, shall review the treescape plan and approve the plan per the requirements of this Article, or forward any recommendations to the Planning and Zoning Commission. As part of the treescape plan review process, the City has the right to request changes or adjustments in the layout and design of a development to save trees. The Planning and Zoning Commission will review and approve or disapprove the treescape plan. The decision of

TABLE 2: EXAMPLE OF TREESCAPE PLAN SPREADSHEET

#	SPECIES	CALIPER	PROTECT OR REMOVE	TREE HEALTH (1-5)	DISEASE (Y/N)	INSECT (Y/N)	STRUCTURAL (Y/N)	MITIGATION REQUIRED
1	Live Oak	4" Caliper	Remove	2	Y	Y	Y	0
2	Cedar	10' Tall	Remove	4	N	N	N	4"
3	Red Oak	26" Caliper	Remove	3	N	N	N	52"
							TOTAL:	56"

TREE HEALTH: 1: DEAD; 2: DISEASE/STRUCTURAL ISSUES; 3: VIABLE TREE WITH CARE; 4: GOOD HEALTH; 5: EXCELLENT HEALTH
TREE GRADES: 1-2: NOT PROTECTED; 3-5: PROTECTED

the Planning and Zoning Commission may be appealed to the City Council.

SUBSECTION 03.05: TREESCAPE PLAN EXPIRATION

A treescape plan shall be valid for two years from the approval date. A treescape plan that is approved in conjunction with a preliminary plat, final plat, site plan, and/or building permit shall be valid for the same amount of time as the corresponding plan and/or permit.

SUBSECTION 03.06: BUILDER/CONTRACTOR RESPONSIBILITY

It shall be the responsibility of the builder/contractor to verify that a parcel of land has an approved treescape plan prior to commencing work on a property. In addition, the builder/contractor shall be responsible for ensuring that all construction activities meet the requirements of this *Article*.

SECTION 04 | TREE REMOVAL PERMIT

Once a treescape plan has been approved for a property, a tree removal permit will be required to remove any tree(s). Tree removal permits may be approved administratively by the Director of Planning and Zoning or his/her designee, or forwarded on to the Planning and Zoning Commission for approval. Feature trees may not be removed without the approval of the Planning and Zoning Commission. All trees removed through this process will require mitigation in accordance with the sections contained in this Article.

SECTION 05 | TREE MITIGATION REQUIREMENTS

The tree mitigation requirements shall apply for all properties that do not fall under the exemptions listed in Section 01.03, *Exemptions*, of this *Article*. In addition, if a treescape plan or tree removal permit allows for the removal of a protected or feature tree(s), the applicant and/or property owner shall account for the number of inches of tree being removed using the following criteria:

(A) *Primary Protected Trees*. Primary protected trees measuring four inches through 25-inches DBH shall be replaced on an inch-for-inch basis *(i.e. the total number of caliper inches of tree being replaced shall equal the total number of caliper inches being removed*).

(B) *Secondary Protected Trees*. *Cedar Trees* measuring eight (8) feet or greater in height shall be replaced with a single, four (4) inch caliper tree

(C) *Featured Trees*. Featured trees (*i.e. all trees greater than 25-inches*) shall be replaced with twice the number of inches being removed (*i.e. the total number of caliper inches of tree being replaced shall be twice the number of caliper inches being removed*).

(D) *Non-Protected Tree*. No mitigation will be required for the removal of any tree that is less than four (4) inches DBH or a *Cedar Tree* less than eight (8) feet in height. In addition, no mitigation shall be required for the removal of Bois d'Arc, Willow, Cottonwood, Honey Locust, Chinaberry, and Hackberry trees.

TABLE 2: SUMMARY OF MITIGATION REQUIREMENTS

Type of Tree	Mitigation Value	Mitigation Requirement	Example of Mitigation Requirements
Primary Protected Trees	4" – 25"	1":1"	A 20-inch tree would require 20-inches of mitigation.
Secondary Protect Trees	8' or Greater	1 x 4" Caliper Tree	An eight (8) foot tree would require one (1), four (4) inch caliper tree.
Featured Trees	Greater Than 25"	1":2"	A 30-inch tree would require 60-inches of mitigation.

(E) *Tree Preservation Credits*. For each saved oak, pecan or elm tree(s) 25-inches DBH or greater the mitigation balance can be reduced on an inch-for-inch basis for up to 20.00% of the total mitigation balance (*i.e. total mitigation balance × 20.00% = total eligible tree preservation credit*).

(F) *Mitigation Balance*. The total mitigation balance (*i.e. mitigation balance − tree preservation credits = total mitigation balance*) may be satisfied through one or a combination of the following:

(1) The developer/property owner can provide the required number of trees -- *four (4) inch caliper DBH minimum* -- on the subject property to offset the total mitigation balance (*e.g. if the total mitigation balance is 12-inches then three (3), four (4) inch caliper trees could be planted on-site to satisfy the mitigation requirements*).

(2) The developer/property owner may petition the parks and recreation department to accept the required number of trees -- *four (4) inch caliper DBH minimum* -- to offset the total mitigation balance (*e.g. if the total mitigation balance is 12-inches then three ~~[(3),]~~, four ~~[(4)]~~ inch caliper trees could be submitted to the parks and recreation department to satisfy the mitigation requirements*). Depending on the number of trees being submitted the Director of Parks and Recreation or his/her designee could require a facilities agreement be approved prior to accepting the trees.

(3) Tree preservation credits may be purchased at a rate of $200.00 per inch for up to 20.00% of the total replacement inches. For example, if total mitigation required was 100-inches the developer/property owner could pay a total of $4,000.00 [*i.e. (20% × 100) × $200.00 = $4,000.00*] into the City's tree fund; however, the developer/property owner would still be required to satisfy a remaining tree mitigation balance of 80-inches. In addition, if the developer/property owner plants a tree on [*1*] the property for which the tree preservation credit was assessed or [*2*] a location that is mutually agreed upon by the City and the developer/property owner, the developer/property owner shall be eligible for a reduction in the cost of tree preservation credits of up to 50.00%. These funds will be deposited in the City's tree mitigation fund and will be used for planting trees in the City's parks, medians, street rights-of-way, or other similar areas as determined by the parks and recreation department.

(4) Trees required by Article 08, *Landscape Standards*, of the Unified Development Code (UDC) shall be permitted to be subtracted from the total mitigation balance if provided on site as part of the required landscaping.

Formatted: Font: Italic

(G) ~~*Alternative tree Tree mitigation Mitigation settlement Settlement agreements*~~*Agreements*. In certain cases, the City Council -- *upon recommendation from the Planning and Zoning Commission* -- may consider an ~~*alternative Alternative tree Tree mitigation Mitigation settlement Settlement agreement Agreement*~~ where, due to hardship, the applicant is unable to meet the requirements of this *Article* or where it is determined that adherence to the tree mitigation requirements will create a hardship for an applicant. These funds will be deposited in the City's tree mitigation fund and will be used for planting trees in the City's parks, medians, street rights-of-way, or other similar areas as determined by the parks and recreation department.

SECTION 06 | TREE PLANTING AND TRANSPLANTING REQUIREMENTS

SUBSECTION 06.01: REPLACEMENT TREES

All replacement trees shall be subject to the following planting requirements:

(A) All replacement trees must be maintained in a healthy growing condition for a minimum of two (2) years from the date of planting.

(B) Replacement trees shall not be planted within an area such that the mature root zone will interfere with underground public utility lines, and/or where the mature canopy of the tree will interfere with overhead utility lines. In addition, no tree shall be planted within five (5) feet of an existing fire hydrant, water line or sewer line.

(C) Replacement trees shall be selected from the reclamation/tree preservation section of *Table 1.1: Required Trees by District* contained in Appendix C, *Landscape Guidelines and Requirements*, of the Unified Development Code (UDC).

(D) All replacement trees shall be a minimum of ~~four (4)~~three (3) caliper inches DBH.

REFERENCE: AMERICAN STANDARD FOR NURSERY STOCK; ANSI Z60.1-2014 STANDARDS

SUBSECTION 06.02: TRANSPLANTING TREES

All trees conforming to the species permitted in the reclamation/tree preservation section of *Table 1.1: Required Trees by District* contained in Appendix C, *Landscape Guidelines and Requirements*, of the Unified Development Code (UDC) can be transplanted to meet the replacement requirements and shall be subject to the following planting requirements:

(A) All trees three (3) caliper inches DBH through six (6) caliper inches DBH are eligible for transplanting.

REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS

(B) All transplanted trees must survive and be maintained in a healthy condition for a minimum of two (2) years from the date of transplanting. The developer/property owner who received the transplanting credit must replace trees that do not meet these criteria.

(C) Transplanted protected trees will be listed in the tree survey with the notation that they are being transplanted.

SECTION 07 | TREE PROTECTION DURING CONSTRUCTION

SUBSECTION 07.01: TREE PROTECTION

(A) Prior to any construction or land development, the developer shall clearly mark all protected and feature trees with an aluminum tag -- *indicating the trees relationship to the treescape plan* -- and flag *(i.e. bright fluorescent red vinyl tape*). The red tape should be wrapped around the main trunk of the protected and/or feature tree at a height of approximately five (5) feet so that the tape is clearly visible during construction. In those instances where a protected tree is so close to the construction area that construction equipment could possibly damage the tree, a protective fence shall be required. The protective fence must be maintained during all construction phases until the project is finished.

(B) The developer or property owner shall be responsible for preserving all protected and feature trees during construction. This includes hiring an arborist, if necessary.

SUBSECTION 07.02: MATERIAL AND EQUIPMENT STORAGE

The developer or contractor shall not store any material or equipment under the canopy of any protected or featured tree. During the construction stage of the development no cleaning or storage of equipment or material shall be allowed within the drip line of any tree scheduled to be preserved on an approved treescape plan. Those materials include, but are not limited to, oils, solvents, mortar, asphalt and concrete.

SUBSECTION 07.03: SIGNS

No signs, wire or other attachments shall be affixed to any tree scheduled to be preserved on an approve treescape plan.

SUBSECTION 07.04: TRAFFIC

No vehicular traffic, construction equipment traffic or parking shall take place within the drip line of any tree unless on existing street pavement. This restriction does not apply to single incident access for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine mowing operations.

SUBSECTION 07.05: GRADE

No grade change in excess of two (2) inches shall be allowed within the drip line of any protected or featured tree unless adequate construction methods are approved beforehand. If approved, major grade changes (*i.e. two [2] inches or greater*) within the critical root zone of a protected or featured tree will require additional measures to maintain proper oxygen and water exchange with the roots. Root pruning will be required when disturbance will result in root exposure.

SUBSECTION 07.06: TREE FLAGGING

At the time of submittal of a treescape plan all protected trees or feature trees should be marked with an aluminum tag, which indicates its relationship to the treescape plan, and clearly flagged with bright fluorescent red vinyl tape. The red tape should be wrapped around the

Formatted: Underline
Formatted: Underline
Formatted: Underline
Formatted: Underline
Formatted: Underline
Formatted: Font: Italic
Formatted: Font: Italic

main trunk of the protected tree at a height of approximately four (4) feet so that the tape is clearly visible.

SUBSECTION 07.07: BORING

Boring of utilities under protected or feature trees shall be required in those circumstances where it is not possible to trench around the critical root zone of a protected or feature tree. When required, the length of the bore shall be the width of the critical root zone plus two (2) feet on either side of the critical root zone and shall be at a minimum depth of 48-inches.

SUBSECTION 07.08: DAMAGE

Any physical damage to a tree being preserved for a tree credit that is considered to place the survival of the tree in doubt shall be eliminated as a credited tree and will require additional trees to planted in its place at the required ratio. A certified arborist shall be consulted to determine whether physical damage to a tree places the survival of the tree in doubt.

SECTION 08 | TREE PRUNING

SUBSECTION 08.01: GENERAL

No protected or featured tree shall be pruned in a manner that would significantly disfigure the tree, or in a manner that would lead to the death of the tree.

REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS

SUBSECTION 08.02: PRUNING BY UTILITY COMPANIES

Utility companies may prune trees as necessary to reestablish disrupted service or maintain existing service without obtaining a permit.

REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS

SUBSECTION 08.03: ALLOWED PRUINING

A protected or featured tree may be pruned in cases where it is necessary to remove branches broken during the course of construction, or where protected or featured trees must be pruned to allow construction of a structure. Pruning should be done in manner that does not significantly disfigure the tree or lead to the death of the tree.

SECTION 09 | TREE FUND

SUBSECTION 09.01: ADMINISTRATION OF THE TREE FUND

The City shall administer the tree fund. The funds shall be used to purchase plant material as permitted by this ordinance, install (*including the equipment or labor necessary to install the plant materials*) and maintain trees on public property including the necessary irrigation equipment, to acquire wooded property that remains in a naturalistic state in perpetuity, to perform and maintain a city-wide tree inventory and to educate citizens and developers on the benefits and value of trees. The City Council shall have the ability to adopt alternative methods of creating tree credits and methods of distribution of trees and/or funds for purchasing trees.

Funds collected as a result of the mitigation of trees may be used to purchase trees, both deciduous and coniferous, any woody type plant or any perennial appropriate for the climatic conditions of the north Texas region.

SUBSECTION 09.02: COLLECTION OF MONEY FOR THE TREE FUND

Money contributed to the tree fund shall be paid prior to the issuance of a building permit and/or prior to the filing of a final plat.

SECTION 10 | VIOLATIONS

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this Article shall be fined $500.00 for each offense. The unlawful damage, destruction or removal of each tree shall be considered a separate incident and each offence subjects the violator to the maximum penalty of $500.00 for the first tree with each subsequent tree increasing by $500.00 increments.

No acceptance of public improvements shall be authorized and no Certificates of Occupancy (CO) shall be issued until all fines for violations of this Article have been paid to the City.

Continued on Next Page …

ARTICLE 11 | DEVELOPMENT APPLICATIONS AND REVIEW PROCEDURES

SECTION 01 | GENERAL
SECTION 02 | ZONING
SECTION 03 | SITE PLANS
SECTION 04 | PLATS
SECTION 05 | MISCELLANEOUS CASES
SECTION 06 | CERTIFICATE OF APPROPRIATENESS (COA)
SECTION 07 | BUILDING PERMIT FEE WAIVER
SECTION 08 | SMALL MATCHING GRANTS
SECTION 09 | EXCEPTIONS AND VARIANCES
SECTION 10 | FEE SCHEDULE

SECTION 01 | GENERAL

SUBSECTION 01.01: 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 01.02: 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 04.03, *Jurisdiction*, of Article 02, *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 01.03: 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 01.04: 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.

Alternatively, should an applicant fail to address staff's comments before the resubmittal deadline prior to the Planning and Zoning Commission meeting, the application shall be considered to be admiratively denied. If an application is denied in this manner it shall be considered to be denied without prejudice, and there shall be no restrictions on when a new application can be resubmitted; however, new applications will be required to be submitted in accordance with the City's procedures for submitting development applications.

SUBSECTION 01.05: 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,

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Font: Italic

Formatted: Font: 5 pt

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 02 | ZONING

SUBSECTION 02.01: 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 (UDC). 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 02.02: 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 04, *Permissible Uses*, of this Unified Development Code (UDC). 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 (SUP) 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.

(E) *Expiration*. Unless otherwise specified in a Specific Use Permit (SUP) ordinance, Aa Specific Use Permit (SUP) shall automatically expire due to inactivity if:

(1) 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

(2) A building permit or Certificate of Occupancy (CO) expires, is terminated or revoked under the requirements of the Codes of the City of Rockwall.

(F) *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).

(G) *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 and Zoning 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.

(H) *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 02.02(E).

SUBSECTION 02.03: 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 02.03(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

Formatted: Font: 5 pt

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 table/postpone or 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 20.00% 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 02.04: 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 02.05: 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 02.05(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.

Formatted: Font: Italic

SECTION 03 | SITE PLANS

SUBSECTION 03.01: 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.

SUBSECTION 03.02: 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:

(1) 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.

(2) 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.

Formatted: Font: Italic

SUBSECTION 03.03: 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 03.04: 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 03.04: 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 03.05: 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 03.06: 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 01.02, *Submission of an Application*. In the event the Director of Planning and Zoning determines that the

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

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 04 | PLATS

SUBSECTION 04.01: 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 05 | MISCELLANEOUS CASES

(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 06 | CERTIFICATE OF APPROPRIATENESS (COA)

SUBSECTION 06.01: 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 06.03, *Historic Overlay District*, of Article 05, *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 that is visible until a Certificate of Appropriateness (COA) has been approved by the Historic Preservation Advisory Board (HPAB).

SUBSECTION 06.02: SUBMITTAL REQUIREMENTS

The procedures and requirements for a Certificate of Appropriateness (COA) are outlined in Subsection 06.03, *Historic Overlay District*, of Article 05, *District Development Standards*.

SECTION 07 | BUILDING PERMIT FEE WAIVER

SUBSECTION 07.01: 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 07.02: 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 50.00% 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 50.00% 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 50.00% 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 07.03: 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

Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic, Underline, Font color: Accent 5
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic

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 08 | SMALL MATCHING GRANTS

SUBSECTION 08.01: 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 08.02: 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 08.03: 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 08.04: CERTIFICATION AND VERIFICATION PROCESS

Applications for the Small Neighborhood Matching Grants pursuant to Subsection 08.03 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 09 | EXCEPTIONS AND VARIANCES

SUBSECTION 09.01: 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 20.00% natural or cultured stone.

Formatted: Font: 5 pt

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

(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 06, *Overlay Districts*, of Article 05, *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 09.02: 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 06.02, *General Overlay Districts Standards*, of Article 05, *District Development 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 90.00% masonry (*i.e. brick, stone, or cultured stone*).

(G) The inclusion of 20.00% 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 09.03: 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 (PD)	$200.00 + $15.00/Acre
(4) MISCELLANEOUS	
(a) Variance/Special Exception*	$100.00
(b) Tree Removal	$75.00
(c) Other Miscellaneous Requests	$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

NOTES:
*: See Section (D) below.

(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-acres x $15.00/Acres = $78.75 + $200.00 [*Base Fee*] = $278.75 [*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.

(D) *Non-Compliant Structure Fees*. Fees associated with requests for a Site Plan, Specific Use Permit (SUP) or a Variance/Special Exception that deal with structures that were [*1*] constructed without a building permit, or [*2*] that were *not* constructed in conformance with an approved building permit shall be increased by $1,000.00. For example, a 5.25-acre property that is requesting approval under this section would be calculated as follows:

5.25-acres x $15.00/Acres = $78.75 + $200.00 [*Base Fee*] = $278.75 [*Typical Application Fee*] + $1,000.00 [*Forgiveness Fee*] = $1,278.75 [*Fee Due*]

Continued on Next Page …

ARTICLE 13 | DEFINITIONS

SECTION 01 | GENERAL
SECTION 02 | WORDS, TERMS, AND LAND USES DEFINED

SECTION 01 | GENERAL

SUBSECTION 01.01: 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 02 | WORDS, TERMS, AND LAND USES DEFINED

SUBSECTION 02.01: 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 of the City of Rockwall.

(2) *Agriculture*. ~~The planting, cultivating, harvesting and storage of grains, hay or plants, or vineyards, commonly grown in Rockwall County~~The practice of cultivating soil, producing crops, and raising livestock for food, fiber, fuel, and other products. 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 (3) 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 right-of-way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street; it is also a public space~~ or way~~, that is 20-feet or less in width, and 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 self-contained housing unit that is part of a larger building or complex~~ 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 that contains numerous individual housing units~~arranged, intended or designed for more than two families~~ (see *Dwelling Unit, Multiple*).

(7) *Associated Recreation*. Leisure activities and amenities that are linked or connected to an area of ~~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 individual or entity who has been given legal authority to act on behalf of another person, organization, or entity. ~~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 floor or level of a building that is partially or entirely below ground level~~story having more than one-half of its height below the average level of the adjoining ground.~~ A *Basement* or ~~cellar~~ *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~~Director of Planning and Zoning shall determine the outline of the block.

(12) *Boardinghouse or Lodging House*. A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five (5) 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 ~~"~~*~~b~~Buildable ~~area~~Area*~~"~~ refers to the portion of a parcel or tract of land that is suitable and legally permitted for the construction of buildings or structures, while complying with ~~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~~ the requirements of the~~is~~ Unified Development Code (UDC).

(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. In addition,~~, except that~~ two (2) buildings connected by a breeze way shall not be deemed as one (1) 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, parking structures, and accessory buildings.

(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 ~~c~~City charged with implementation, inspection, and enforcement of the building codes.

~~(20) *Building, Primaryincipal*. A principal primary building refers to the main or principal structure on a property that serves as the primary residential, commercial, or industrial space. It is the main building that is intended for the primary use or occupancy on the site.is one~~

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic, Underline

~~in which a main use of the lot on which it is located is conducted.~~

~~(21)~~(20) *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 ~~within~~ the building line ~~within~~ in 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.

(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).

(b) *Side Building Setback Line (Defining a Side Yard)*. A line parallel to an adjacent lot which the building sides up to.

(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.

~~(22)~~(21) *Caliper*. The diameter of the trunk measured ~~six (6) 4½ feetinches~~ above ground level ~~up. to and including four (4) 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)~~(22) *Canopy or Shade Tree*. A large, typically deciduous or evergreen tree that forms the uppermost layer or canopy. These trees have a tall and broad crown that provides shade and shelter ~~species of tree which normally bears crown foliage no lower than six feet above ground level upon maturity~~.

~~(24)~~(23) *Carport*. A structure which is open on at least two (2) sides, covered with a roof and constructed specifically for the storage of one or more automobiles.

~~(25)~~(24) *Certificate of Occupancy*. An official document issued by the City of Rockwall to certify that a building or land use complies with applicable City requirements, and is safe for occupancy. ~~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 (UDC).~~

~~(26)~~(25) *City*. The City of Rockwall, Texas.

~~(27)~~(26) *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)~~(27) *Cluster Development*. A development strategy that concentrates buildings and infrastructure in specific areas while preserving open space and natural resources in surrounding areas. Cluster development encourages the grouping of buildings into compact clusters, leaving larger portions of the land vacant or minimally disturbed ~~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)~~(28) *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)~~(29) *Commission*. The Planning and Zoning Commission of the City of Rockwall, Texas.

~~(31)~~(30) *Comprehensive Plan*. ~~The~~ A long-term policy document that serves as a guide for future growth, development, and land use within the ~~comprehensive plan of the~~ City. It outlines a vision for the community's future and establishes goals, policies, and strategies to achieve desired outcomes. ~~of Rockwall and includes any unit or a part of such unit separately adopted and any amendment to such plan or parts thereof.~~

~~(32)~~(31) *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.~~

(32)

~~(34)~~(33) *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 (UDC).

~~(35)~~(34) *Density*. The ratio of dwelling units per gross acre of platted area being developed.

~~(36)~~(35) *District*. A zone or geographic area established by the comprehensive plan ~~within the municipality within~~ which certain zoning or development regulations apply.

~~(37)~~(36) *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 (1) family is living independently of another is based on one or more of the following criteria:

(1) Separate sanitary facilities.

(2) Separate kitchen facilities.

Formatted: Indent: Left: 0", Hanging: 0.31", Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.25", No widow/orphan control

(3) Separate entrances.

(4) Separate utilities.

~~(38)~~(37) *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.

~~(39)~~(38) *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)~~(39) *Evergreen Tree or Shrub*. A tree or shrub ~~of a~~ species which normally retains its leaves throughout the year.

~~(41)~~(40) *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 (5) people~~(excluding servants)~~ living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a nonprofit, cost-sharing basis.

~~(42)~~(41) *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)~~(42) *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)~~(43) *Frontage*. The width of a property or parcel of land along the front boundary that is adjacent to or faces the street or public right-of-way. It represents the distance between the side boundaries of the lot, measured along the front property line.~~All the property abutting on one side of a street between two intersecting streets, measured along the street line.~~

~~(45)~~(44) *Garage Apartment*. A dwelling unit attached to a private garage.

~~(46)~~(45) *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)~~(46) *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)~~(47) *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)~~(48) *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)~~(49) *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)~~(50) *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)~~(51) *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)~~(52) *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)~~(53) *Kindergarten*. A school for more than five (5) children of preschool age, in which constructive endeavors, object lessons or educational games are prominent features of the curriculum.

~~(55)~~(54) *Landscape Architect*. A person licensed to practice or teach landscape architecture in the State of Texas pursuant to state law.

~~(56)~~(55) *Landscape Buffer*. A strip of land:

(a) Which serves a buffer function on the perimeter of a building site adjacent to another building site, residentially zoned or used property, or to a public or private street or alley; and

(b) At least 80% of which is covered by natural grass, ground cover, or other natural plant materials (*excluding screening*).

~~(b)~~(c) Which is exclusive of any easements or right-of-way.

~~(57)~~(56) *Landscaping*. Trees, shrubs, ground cover, earthen berms, vines, grass, water, decorative features such as fountains, or other material approved by the City Council.

~~(58)~~(57) *Large Shrub*. A shrub which normally reaches a height of six (6) feet or more upon maturity.

~~(59)~~(58) *Large Tree*. A tree of a species which normally reaches a height of 30 feet or more upon maturity.

~~(60)~~(59) *Legislative or Governing Body*. The City Council of the City of Rockwall, Texas.

~~(61)~~(60) *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.

~~(62)~~(61) *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.

Formatted: Font: Italic

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", Don't add space between paragraphs of the same style, No bullets or numbering, Widow/Orphan control

~~(63)~~(62) *Lot Area, Minimum*. The smallest allowable size of a parcel of land as specified by the zoning district.~~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)~~(63) *Lot, Corner*. A lot abutting upon two (2) 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, and has a front yard setback adjacent to each street.~~.~~

~~(65)~~(64) *Lot Depth*. The length of a line connecting the midpoints of the front and rear lot lines.

~~(66)~~(65) *Lot, Double Frontage, or Through Lot*. A lot abutting on two (2) nonintersecting public streets as distinguished from a corner lot. These lots have a front yard setback adjacent to each street.

~~(67)~~(66) *Lot, Frontage*. The length of street frontage between property lines.

~~(68)~~(67) *Lot, Interior*. A lot whose side lot lines do not abut upon any public street.

~~(69)~~(68) *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)~~(69) *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.

(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.

~~(71)~~(70) *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)~~(71) *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)~~(72) *Lot Width*. The horizontal distance between side property lines, which cannot be less than the minimum lot width ~~---~~ *per the zoning district* ~~---~~ at any point on the lots~~, measured at the front setback line~~.

~~(74)~~(73) *Lots in Separate Ownership at the Time of the Passage of this Unified Development Code (UDC)*. 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 (UDC) was derived.

~~(75)~~(74) *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)~~(75) *Manufactured Home or HUD-Code Manufactured Home*. A dwelling structure meeting the definitions and requirements specified in ~~chapter~~ Chapter 1201, Manufactured Housing, of the ~~State of~~ Texas Occupational Code.

~~(77)~~(76) *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.

~~*Modular*~~*Masonry Materials*.

- Brick.
- Natural or ~~quarried~~ Quarried ~~stone~~Stone.
- Cast or ~~cultured~~ Cultured ~~stone~~Stone (*Outside of Overlay Districts ONLY*).
- Glass ~~block~~ Block or ~~glass~~Glass.
- Tile.
- Custom ~~concrete~~ Concrete ~~masonry~~ Masonry ~~units~~ Units (*CMU; Normal ~~Or~~ or Heavy Weight Blocks ~~With~~ with ~~An~~ an Integral Color ~~That~~ that ~~Is~~ is Sandblasted, Burnished ~~Or~~ or ~~Has~~ has ~~A~~ a Split Face*).

~~(78)~~(77) *Mobile Home*. A dwelling structure meeting the definitions and requirements specified in Chapter 1201, *Manufactured Housing*, of the Texas Occupational Code~~chapter 1201 of the State of Texas Occupational Code~~.

~~(79)~~(78) *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.

~~(80)~~(79) *Municipal Uses*. Facilities owned or controlled by the City of Rockwall, including, but not limited to, office buildings, maintenance shops, treatment plants; community centers.

~~(81)~~(80) *Non-Conforming 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 non-conforming use if established prior to the passage of this Unified Development Code (UDC).

~~(82)~~(81) *Non-Permeable Coverage*. Coverage with a non-permeable ~~pavement~~surface.

~~(83)~~(82) *Parking Area*. ~~Space~~ Land used exclusively for the parking of vehicles, ~~and~~ where no other business is conducted, and is paved to city specifications.

Formatted: Hyperlink

Formatted: Hyperlink, Font: Not Italic

Formatted: Hyperlink

Formatted: Font: Italic

Formatted: Font: Italic, Underline

Formatted: Font: Italic

~~(84)~~(83) *Parking Space*. A designated area within a parking ~~facility~~garage, parking lot or on a street where a motor vehicle can be parked legally and safely~~., 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.

~~(85)~~(84) *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.

~~(86)~~(85) *Paving*. Material which provides an all-weather surface for the maneuvering, parking, and storage of vehicles and/or equipment. All required paving shall meet the standards specified by applicable city specifications.

~~(87)~~(86) *Permitted Use*. A use specifically allowed in one (1) or more of the various districts without the necessity of obtaining a use permit.

~~(88)~~(87) *Person*. Any individual, association, firm, corporation, governmental agency or political subdivision.

~~(89)~~(88) *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.

~~(90)~~(89) *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.

~~(91)~~(90) *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.

~~(92)~~(91) *Planning Consultant*. A private practitioner in planning, who is a member of the American Institute of Certified Planners (AICP).

~~(93)~~(92) *Plat*. A map of a subdivision or site plan that represents a tract of land, showing the boundaries and location of individual properties, easements, and streets.

(93) *Primary Building or Principal Building*. A primary building or principal building refers to the main or principal structure on a property that serves as the primary residential, commercial, or industrial space. It is the main building that is intended for the primary use or occupancy on the site.

(94) *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)~~(b) Designed to be self-propelled or permanently towable by a light duty truck; and

~~(d)~~(c) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(95) *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*).

(96) *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 without employee table service, taken out, or delivered to customers' location. Drive-through "pickup/order" window permitted provided that there is no public address system or speakers.

(97) *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.

(98) *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).

(99) *Right-of-way line*. A dividing line between a lot, tract, or parcel of land and the public right-of-way.

(100) *Screening*. Screening that complies with the construction and maintenance regulations in Section 05.02, *Landscape Screening*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).

(101) *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.

(102) *Setback*. See Building setback line.

(103) *Sign*. A name, identification, image, description, display or illustration which is affixed to, painted, or represented directly or indirectly upon a building, window, 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.

(104) *Site*. A single lot or combination of continuous lots that may or may not be owned separately, that will be developed under one (1) unified plan, as if it were a single parcel of land.

(105) *Site Plan*. The development plan for one (1) 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.

(106) *Small Tree*. A tree of a species which normally reaches a height of less than 30 feet.

(107) *Soil*. A medium that plants will grow in.

(108) *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.

(109) *Storage*. The housing of physical products, materials, or inventory in a designated location internal to a non-residential land use, until they are needed for use or sale directly to a consumer. Storage shall not be considered warehousing and is not associated with wholesale operations. ~~accumulation, stocking, or depositing of materials or items.~~ In addition, this~~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.

(110) *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 50.00% 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.

(111) *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.

(112) *Street Line*. The dividing line between the street right-of-way and the abutting property.

(113) *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.

(114) *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.~~

(115) *Subdivision*. The division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for sale, development or lease.

(116) *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.

(117) *Variance/Exception*. 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.

(118) *Visibility Triangle*. The term *visibility triangle* as defined in Section 01.08, *Public Right-of-Way Visibility*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC).

(119) *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.

~~(119)~~(120) *Warehousing*. The storage of physical products or materials in a designated facility or warehouse ~~unit~~until they are needed for distribution or sale. Warehousing is generally associated with industrial or wholesale land uses.

~~(120)~~(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.

~~(121)~~(122) *Xeriscaping~~,~~ /Smartscaping*. 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 02.02: 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~~housing, raising, or training more than three (3) dogs, ~~or three (3)~~ cats, or ~~three (3) of~~ any other domesticated animal over the age of three (3) months old as a~~-- not including livestock or farm animals --~~ are housed, boarded, raised or ~~trained as a~~ commercial enterprise, excluding livestock or farm animals. This definition ~~does not include~~excludes 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 that is larger than an *Animal Clinic for Small Animals* ~~for~~that providinges veterinary and surgical care to pets and animals. Services include -- *but are not limited to* -- medical consultations, surgery, diagnostics, and emergency care. ~~the diagnosis, treatment, or hospitalization of animals.~~

(4)

Formatted: Font: 5 pt

Formatted: Normal, No bullets or numbering

Formatted: Font: Not Italic, No underline

Formatted: Font: Italic, Underline

Formatted: Font: Italic

Formatted: Indent: First line: 0"

(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 biproducts 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 S~~supplementary structure or building on a residential property that is secondary to the primary dwelling and serves a supportive or complementary function. These structures are typically used for purposes such as storage, recreation, or housing equipment and are ancillary to the primary residential use of the property. ~~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 residential property where lodging accommodations are provided for short-term guests, typically on a nightly basis, in a manner that is ancillary to the primary residential use of the property. Bed and Breakfast establishments offer overnight accommodations and breakfast services to travelers, often in a more personalized setting compared to larger hotels or *Short-Term Rentals (STRs)*. Typically, Bed and Breakfast establishments are operated by the property owner who ~~may~~shall reside on-site.~~single-family owner-occupied house offering rooms with breakfast on a nightly basis for a fee.~~

(3) *Caretakers Quarters/Domestic or Security Unit*. A ~~residen~~residential unit or structure located on a property primarily for the accommodation of individuals responsible for overseeing and maintaining the property, providing domestic services, or ensuring security. These quarters typically serve as residences for caretakers, groundskeepers, domestic staff, or security personnel employed by the property owner. The primary function of these quarters/units are intended to support the operation and maintenance of the property rather than serve as a primary residence for the property owner.~~ce 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 utilized for religious or spiritual practices, typically associated with a specific faith or belief system. Monasteries or temples are often characterized by their communal living arrangements, places of worship, meditation spaces, and facilities for religious instruction and rituals. These establishments may also include amenities such as gardens, libraries, dining halls, and guest accommodations for visitors or pilgrims. Monasteries are commonly associated with religious orders or communities of monks or nuns, while temples may serve as places of worship for congregations or followers of a specific faith.~~ occupied by a community of monks, nuns, priests, or similar sects living under religious vows.~~

(5) *Duplex*. A residential building containing two (2) separate housing units, each with its own entrance and typically sharing a common wall or floor/ceiling. Duplexes are designed to accommodate two (2) households within a single structure, providing independent living spaces~~ on one (1) lot or parcel of land~~. Each unit in a duplex typically includes a kitchen, bathroom, bedrooms, and living areas, offering occupants a level of privacy similar to that of a single-family dwelling. Duplexes may be arranged side-by-side ~~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. Commercial garages typically accommodate a variety of vehicles including cars, trucks, buses, or motorcycles, and may offer storage services. These facilities may range in size from small to large operations and serve commercial fleets or specialize in specific types of vehicles.

(7) *Residential Garage*. A ~~residential~~ structure or part of a residential property designed and used primarily for ~~accessory building used for~~ the storage motor vehicles belonging to the property owner and occupants of the main residential structure and are intended to provide shelter and security for vehicles from the elements and potential theft or vandalism. In addition, to vehicle storage, residential garages may also serve as workshops, storage spaces for tools and equipment, or multi-purpose areas for recreational activities. ~~.~~ These structures are typically attached to the primary structure; however, they may also be a detached structure.

(8) *Guest Quarters/Secondary Living Unit*. A self-contained ~~n~~ accessory building that is ancillary to the primary dwelling. Guest Quarters or Secondary Living Units are designed to provide separate temporary accommodations for ~~for the temporary occupancy of~~ guests, or family members of the primary owners or occupants. These units may include amenities such as a bedroom, bathroom, and living area~~;~~. ~~H~~However, a ~~full~~ kitchen facilities are~~is~~ not permitted. These dwellings are not to be rented or otherwise used as a separate domicile.

~~(9)~~ *Home Occupation*. A business or commercial activity ~~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, and 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.~~ Home occupations allow individuals to run small-scale businesses from their homes while maintaining the residential character of the neighborhood. These businesses are secondary to the primary residential use of the property and are intended to be compatible with surrounding residential properties.

~~(10)~~(9)

~~(11)~~(10) *Limited-Service Hotel*. A type of lodging establishment that offers basic accommodation services to guests without the extensive amenities typically found in full-service hotels. Limited service hotels provide essential amenities such as guest rooms, limited food and beverage options (*if any*), and minimal on-site facilities or services. These hotels are often characterized by their lower operating costs, streamlined operations, and competitive room rates. Limited service hotels may cater to budget-conscious travelers, business ~~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.~~

~~(12)~~(11) *Full-Service Hotel*. A type of lodging establishment that offers a comprehensive range of amenities and services to guests, typically including accommodations, dining options, meeting and event spaces, recreational facilities, and various guest services such as concierge assistance and room service. ~~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.~~

~~(13)~~(12) *Residence Hotel*. A hybrid lodging establishment that combines the elements of traditional hotels with long-term residential accommodations. Residence hotels typically offer full furnished, apartment style units equipped with kitchens or kitchenettes, living areas, and separate bedrooms, providing guests with a home-like environment during their stay. These establishments cater to both short-term and extended-stay guests, offering flexible accommodations for travelers, corporate clients, and individuals in need of temporary housing solutions. Residence hotels often provide additional amenities such as housekeeping services, on-site laundry facilities, fitness centers, business centers, and communal spaces to enhance the guest experience. ~~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.~~

~~(14)~~(13) *Motel*. A lodging establishment designed primarily to provide short-term accommodations for travelers, typically accessible directly from the exterior of the building. Motels are characterized by their layout of individual guest rooms or units arranged around a central parking area, allowing guests to park their vehicles near their rooms for convenient access. Motel rooms often feature basic amenities such as beds, bathrooms, and limited furnishings catering to travelers seeking affordable and convenient overnight stays. Motels may offer additional facilities and services such as swimming pools, continental breakfasts, and guest laundry facilities. ~~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.~~

Formatted: Font: Italic

~~(15)~~(14) *Multi-Family ~~Development~~ or Structure~~ or Development~~*. A residential property or 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. These developments may include ~~Examples of a *Multi-Family Development* include~~ Triplexes, Quad or Fourplexes, apartments, condominiums, or other types of multi-unit residential buildings. Multi-family developments typically offer amenities such as common areas, recreational facilities, parking, and landscaping, enhancing the quality of life for residents.~~and etcetera.~~

~~(16)~~ *Portable Building*. A temporary ~~buildin~~building, typically ~~a~~ pre-made off-site, and that doesn't have a permeant foundation (*i.e. the building can be moved*). They can be used ~~temporarily~~ for storage, offices, classrooms, or retail spaces.~~that may or may not have a foundation and is transportable.~~

(15)

~~(17)~~

~~(18)~~(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.

~~(19)~~(17) *Short-Term Rental*. A *Short-Term Rental* is a residential dwelling unit, apartment, condominium, or *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* in which the entire structure or a portion thereof is offered for rent for a period exceeding 12-hours, but less than 30 consecutive days, to a particular occupant. In practice, a *Short-Term Rental* is considered to be a residential land use, and is *not* considered to be a *Limited-Service Hotel*, *Full-Service Hotel*, *Residence Hotel*, *Motel*, or *Bed and Breakfast* as defined in this Unified Development Code (UDC). *Short-Term Rentals* can be further defined based on the following three (3) categories:

(a) *Short-Term Rental (Owner-Occupied Single-Family Home, Townhome, or Duplex)*. A single-family home, townhome, or duplex -- *or portion thereof* -- in which the property owner or operator, as reflected in a valid lease agreement, is a resident (*i.e. occupies the primary structure*) and is present during the rental. This includes when a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* is detached from the primary structure and either the primary or secondary structure is rented, but the owner or operator resides on the property.

(b) *Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex)*. A single-family home, townhome, or duplex -- *or a portion thereof* -- in which the property owner or operator does *not* occupy the dwelling unit during the rental, or that the owner or property owner does *not* occupy another dwelling unit -- *or portion thereof* -- on the same property (*i.e. the property owner or operator is not on-site as an occupant during the rental of the property*).

(c) *Short-Term Rental (Apartment or Condominium)*. An *Apartment* or *Condominium* (*or similar multi-family structure, excluding duplexes, but including triplexes or quadplexes, as defined in this Unified Development Code [UDC]*) -- *or a portion thereof* -- in which the property owner or operator may or may not be an occupant of the dwelling unit during the rental.

~~(20)~~(18) *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*).

~~(21)~~(19) *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*).

~~(22)~~ *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)

~~(23)~~ *Private Swimming Pool*. Aquatic facilities within residential or ~~commercial~~ properties that provide recreational, fitness, or therapeutic activities for individuals or groups. In residential settings, private swimming pools are owned and maintained by homeowners or communities, offering exclusive aquatic spaces for residents and their guests. ~~In commercial settings, pools are found in establishments like hotels, resorts, fitness centers, spas, and clubs, catering to paying patrons, members, or guests.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.~~

~~(24)~~(22) *Private Sports Court with Standalone or Dedicated Lighting*. A designated area within a residential or commercial property, that is independent of the primary structure, and is intended for sports and recreational activities. These courts are typically owned and maintained by individual homeowners, residential communities, or commercial establishments. They provide space for activities such as basketball, tennis, volleyball, or other sports, offering residents, guests, members, or patrons a convenient and private location to engage in physical exercise and leisure pursuits.

~~(25)~~ *Townhouse*. A single-family residential ~~structure~~ unit that is occupied by one (1) family and shares a common wall or walls with another single-family residential ~~unitstructure, but~~ that is on an individual lot and can be conveyed individually (*i.e. one [1] dwelling unit per lot*). Townhouses often feature multiple floors and compact footprint designs, providing private outdoor spaces such as yards or patios, and may be part of a larger planned development with shared amenities and common areas.~~These units are typically constructed in a series or group of units.~~

(23)

Formatted: Left

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: Italic

Formatted: Font: 5 pt, Italic

Formatted: Font: 5 pt, Underline

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: 5 pt, Bold, Italic

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: Italic

Formatted: Normal, No bullets or numbering, Widow/Orphan control, Tab stops: Not at 0.38"

Formatted: Font: 10 pt

Formatted: Font: 5 pt

Formatted: Normal, Don't add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: Not at 0.38"

Formatted: Font: 5 pt

Formatted: Font: 5 pt

Formatted: Normal, No bullets or numbering, Widow/Orphan control, Tab stops: Not at 0.38"

Formatted: Indent: Left: 0", First line: 0", Add space between paragraphs of the same style, Tab stops: Not at 0.38"

Formatted: Font: Italic, Underline

Formatted: List Paragraph, Add space between paragraphs of the same style, Tab stops: Not at 0.38"

~~(26)~~

~~(1)~~(24) *Urban Residential*. A development situated within the City's Downtown (DT) District -- *which is also referred to as the urban core*, -- that allows for single-family, single-family attached, townhomes, and lofts (*i.e. one [1] story of residential above commercial only*). This type of structure typically contains a mix of office, retail, and residential land uses.

(C) *Institutional and Community Service Land Uses.*

Assisted Living Facility. A facility that is licensed under Chapter 247, *Assisted Living Facilities*, of the Texas Health and Safety Code and offers housing and personal care services to elderly or disabled individuals who need support but not intensive medical care. It includes communal living units, dining services, and recreational activities. ~~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.~~

(1)

~~(1)~~ *Blood or Plasma Donation Center*. A ~~facility~~ commercial facility where individuals can donate blood or plasma for medical purposes. Staffed by trained professionals, it ensures a safe environment for donation and proper handling of donations for transfusions, treatments, or research.~~that allows for a person or persons to donate or sell blood or plasma for use in medical or other products.~~

(2)

(3) *Cemetery/Mausoleum*. A designated area for burying or entombing deceased individuals including animals. It includes grave plots, crypts, or niches, along with pathways and landscaping. These facilities provide a respectful resting place and space for remembrance.~~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 primarily used for religious gatherings, ceremonies, and worship services. It typically includes a sanctuary or worship hall, administrative offices, classrooms for religious education, and often ancillary facilities such as a fellowship hall, kitchen, and parking lot. These facilities serve as places for spiritual practice, community gatherings, and religious observance for adherents of a particular faith or denomination. ~~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.~~

(4)

~~(5)~~ *College, University, or Seminary*. An educational institution ~~established for educational purposes~~ offering ~~courses for study~~higher learning in academic or religious studies beyond that ~~of the~~ the secondary education level. These institutions provide a comprehensive environment for academic pursuits and personal development. This land use shall exclude *Trade Schools*.

(5)

~~(6)~~ *Convalescent Care Facility/Nursing Home*. A facility ~~providing primarily inpatient health care, personal care, or rehabilitative services on a 24-hour basis~~that provides long-term care, medical services, and assistance with activities of daily living for individuals who require ongoing support due to illness, injury, or advanced age. These facilities typically offer 24-hour nursing care, medication management, rehabilitation services, and assistance with personal care tasks such as bathing, dressing, and eating~~over a long period of time to persons chronically ill, aged, or disabled who need ongoing health supervision~~, but not hospitalization.

(6)

~~(7)~~

~~(8)~~(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.

~~(9)~~(8) *Crematorium*. A facility licensed, or qualified to be licensed, by the State of Texas for the cremation of human or animal remains.

~~(10)~~(9) *Daycare with Seven (7) or More Children*. A state licensed facility ~~-- *other than a public, parochial, or private school* --~~ excluding public ~~, parochial,~~ or private schools, dedicated to caring for~~providing care for~~ seven (7) or more children under the age of 14 years old. This care is provided for less than 24-hours per day, ~~(typically daytime hours only)~~during daytime hours, and is situated at a non-residential location ~~other than a residence~~.

~~(11)~~(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.

~~(12)~~(11) *Group or Community Home*. A facility that is licensed under Chapter 247, *Assisted Living Facilities*, of the Texas Health and Safety Code, and serves as 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.

~~(13)~~(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,

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: Not Italic, No underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Underline

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: 5 pt

Formatted: Font: 5 pt, No underline

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: Not Italic

Formatted: Font: Italic

Formatted: Font: Italic, Underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

employment offices, police and fire stations, and/or motor vehicle licensing and registration services.

~~(14)~~(13) *Halfway House*. A facility where persons are aided in readjusting to society following a period of imprisonment, hospitalization, homelessness, or institutionalized treatment.

~~(15)~~(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.

~~(16)~~(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.

~~(17)~~(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.

~~(18)~~(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.

~~(19)~~(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.

~~(20)~~(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.

~~(21)~~(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.

~~(22)~~(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.

~~(23)~~(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) *Trade School*. An educational institution specializing in vocational training for specific trades or professions. It provides hands-on instruction in areas like automotive repair, construction, and healthcare, preparing students for entry into their chosen field.

(25) *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.

(26) *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 01, *Land Use Schedule*, of Article 04, *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 or Medical Office Building*. An *office building* is a facility that ~~facility that~~ provides executive, management, administrative, or professional services not specifically listed elsewhere in Section 01, *Land Use Schedule*, of Article 04, *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. A *medical office building* is a facility designed to support a range of healthcare services, including diagnostics, treatments, and administrative functions. These services encompass procedures requiring medical devices or the expertise of a qualified medical professional. Examples include but are not limited to medical doctor offices, physical therapy, massage therapy, chiropractic care, Botox treatments, and sonograms.

(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

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.5", No bullets or

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.*

(a) ~~(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.

~~(4)~~*(b)* ~~(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.*

(a) ~~(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.

~~(10)~~(b) ~~(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) *Alcoholic Beverage Package Sales*. The act of selling beer, wine, and/or liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- in accordance with the requirements of this Unified Development Code (UDC) by a person, establishment, or place of business.

(2) *Alcoholic Beverage Store*. A standalone retail establishment that engages in the sale of beer, wine, *and* liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- to the general public for off-premise personal or household consumption.

(3) *Antique/Collectible Store*. A retail establishment that engages in the selling of works of art, furniture or other artifacts of an earlier period.

(4) *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.

(5) *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

Formatted: Font: Not Italic, No underline

Formatted: Font: Italic, Underline

Formatted: Font: Italic, Underline

Formatted: List Paragraph, Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Font: Italic, Underline

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Font: 5 pt

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: List Paragraph, Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

dancing, dining, and other entertainment activities that customarily occur in association with banquets, weddings, or receptions.

(6) *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.

(7) *Brewppub.* 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.

(8) *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.

(9) *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.

(10) *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.

(11) *Copy Center.* An establishment that reproduces, in printed form, individual orders from a business, profession, service, industry, or government organization.

(12) *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.

(13) *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.

(14) *Food Trucks/Trailers.* 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.

(15) *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.

(16) *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.

(17) *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 01, *Land Use Schedule*, of Article 04, *Permissible Uses*.

(18) *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.

(19) *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.

(20) *Self-Service Laundromat.* A facility where patrons wash, dry or dry clean clothing and other fabrics in machines operated by the patron.

(21) *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.

(22) *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.

(23) *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*.

(24) *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.

(25) *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.

(26) *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.

(27) *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.

(28) *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.

(29) *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.

(30) *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.

(31) *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.

(32) *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.

(33) *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.

(34) *Tailor, Clothing, and/or Apparel Shop.* An establishment engaged in custom making, altering, or the repair of clothing.

(35) *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.

(36) *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 Bond **Services***. 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 **or**; 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.

~~(16)~~
~~(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)~~(17) *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) *New and/or Used 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

Formatted: Font: 5 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

~~tuneups~~tune-ups, 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.

(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.

(l) *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 for, 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 Plating or/E Electro-pPlating*. 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 of {Sand, Gravel, Oil and Other Materials}*. 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/or Machine Shop*. A workshop were 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.

~~Accessory Antenna~~Antenna for a Residential Property. A structure or device mounted on a residential property intended for the transmission or reception of electromagnetic signals, including but not limited to television, radio, satellite, or internet communications. Antennas may include satellite dishes, television antennas, radio antennas, or similar devices, and may be freestanding, mounted on buildings, or attached to existing structures. ~~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.~~

~~(2) *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.~~

~~(3)~~(2) *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.

~~(4)~~(3) *Antenna Dish.* An antenna that is parabolic or bowl-shaped and that receives and/or transmits signals in a specific directional pattern

~~(5)~~(4) ~~*Commercial*~~ *Freestanding Commercial Antenna (i.e. Monopole or Similar Structure).* 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.

~~(6)~~(5) *Mounted or Attached Commercial Antenna.* Any exterior transmitting or receiving device mounted on or within

Formatted: Not Highlight

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.

(6) *Bus Charter and Service Facility*. A facility for the loading and discharging of train or bus passengers.

(7) *Commercial Drone Delivery Hub*. A dedicated facility used primarily for the distribution and management of unmanned aerial vehicles (UAVs), commonly known as drones, for the delivery of goods and services. This land use may also be incorporated as an accessory land use to retail, restaurant, or other permitted businesses in certain areas of the City.

(8) *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.

(9) *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.

(10) *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.

(11) *Private Streets.* A private vehicular access way shared by and serving two (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.

(12) *Radio Broadcasting.* A land use that broadcasts amplitude modulation or frequency modulation audio signals for general public reception.

(13) *Railroad Yard or Shop.* A facility used for the storage of railway cars, boxcars and engines and related equipment.

(14) *Recording Studio.* A facility that provides an environment for the purposes of writing, collaborating, preforming, instruction, preparing, or completing audio recordings.

(15) *Satellite Dish.* An oval or round, parabolic apparatus capable of receiving television communications.

(16) *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.

(17) *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.

(18) *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.

(19) *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.

(20) *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.

(21) *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.

(22) *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.

~~*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 unconceal~~

Continued on Next Page …

APPENDIX C | LANDSCAPING GUIDELINES AND REQUIREMENTS

SECTION 01 | INTRODUCTION
SECTION 02 | PURPOSE
SECTION 03 | DISTRICT LANDSCAPING REQUIREMENTS
SECTION 04 | TREE PLANTING GUIDELINES AND REQUIREMENTS
SECTION 05 | EFFECTIVE DATE AND APPLICABILITY
SECTION 06 | RECOMMENDED SHRUB VARIETIES
SECTION 07 | RECOMMENDED GRASSES
SECTION 08 | ALTERNATIVE PLANTING LIST

SECTION 01 | INTRODUCTION

These guidelines were drafted by the citizens and local experts for the purpose of outlining the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC), and to provide guidelines for plantings that are appropriate within the City of Rockwall.

SECTION 02 | PURPOSE

The purpose of the following appendix is to provide a general reference guide for meeting the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC). This appendix is not intended to be a comprehensive list of all plant materials that can be utilized for development within the City of Rockwall. The Director of Planning and Zoning or his/her designee can approve a landscape plan that includes tree, shrub, and grass varieties not indicated in this appendix upon a finding that the proposed planting is appropriate for the development.

SECTION 03 | TREE PLANTING GUIDELINES AND REQUIREMENTS

The following table and guidelines are a summary of the required tree planting requirements stipulated by Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).

TABLE 1: REQUIRED TREES BY DISTRICT

		OVERLAY DISTRICTS												
		IH-30	SH-205	SOV	SH-66	205-BY	N-205	E-66	FM-549	SH-276	DT	NON	XERI	REC
CANOPY TREES	AFGHAN PINE	X	X	X	X	X	X	X	X	X		X	X	X
	BALD CYPRESS	X				X			X	X	X	X		X
	BURR OAK	X	X	X	X	X	X	X	X	X	X	X	X	X
	CADDO MAPLE		X	X			X	X	X			X		X
	CEDAR ELM	X	X	X	X	X	X	X	X	X	X	X		X
	CHINQUAPIN OAK										X	X	X	X
	EASTERN RED CEDAR	X				X				X	X	X		X
	HOMESTEAD ELM	X				X				X	X	X		X
	LACEBARK ELM	X	X	X	X	X	X	X	X	X	X	X		X
	LEYLAND CYPRESS		X	X			X	X	X			X		X
	LITTLE GEM MAGNOLIA	X	X	X	X	X	X	X	X	X	X	X		X
	LIVE OAK	X	X	X	X	X	X	X	X	X	X	X		X
	OCTOBER GLORY MAPLE	X	X	X	X	X	X	X	X	X	X	X		X
	PECAN										X	X		X
	TEXAS ASH	X			X	X			X	X		X		X
	TEXAS RED OAK	X			X	X			X	X	X	X		X
ACCENT TREES	DESERT WILLOW	X	X	X	X	X	X	X	X	X	X	X	X	X
	DOWNY HAWTHORN										X	X		X
	EASTERN REDBUD	X	X	X	X	X	X	X	X	X	X	X		X
	EVES NECKLACE	X	X	X	X	X	X	X	X	X	X	X	X	X
	MEXICAN BUCKEYE	X	X	X	X	X	X	X	X	X	X	X		X
	POSSUMHAW HOLLY	X	X	X	X	X	X	X	X	X	X	X	X	X
	SHANTUNG MAPLE	X	X	X	X	X	X	X	X	X	X	X		X
	FLAME LEAF SUMAC	X	X	X	X	X	X	X	X	X	X	X		X
	YAUPON HOLLY	X	X	X	X	X	X	X	X	X	X	X		X

NOTES: NON: NON-OVERLAY DISTRICTS; XERI: XERISCAPE; REC: RECLAMATION/TREE PRESERVATION

PROHIBITED TREE LIST: [*1*] CATALPA (CATALPA SP.); [*2*] HACKBERRY; [*3*] SUGARBERRY (CELTIS SP.); [*4*] HONEYLOCUST (GLEDITSIA TRIACANTHOS) ; [*5*] TULIP TREE (LIRIODENDRON TULIPIFERA); [*6*] CHINABERRY (MELIA AZEDARACH); [7] SYCAMORE (PLATANUS OCCIDENTALIS); [*8*] COTTONWOOD, POPLAR (POPULUS SP.); [*9*] WILLOWS (SALIX SP.); ~~[*10*] AMERICAN ELM (ULMUS AMERICANA); [*11*] SIBERIAN ELM (ULMUS PUMILIA);~~ [*1210*] JERUSALEM THORN/PETUMA (PARKINSONIA ACULEATA); [*1311*] BOIS D'ARC (MACLURA POMIFERA); [*1412*] FLOWERING CRABAPPLE VARIETIES (MALUS SP.); ~~[*15*] GINKO TREE (GINKO BILOBA);~~ [*1613*] PEACH/PLUM VARIETIES; [*1716*] MULBERRY VARIETIES (MORUS SP.); ~~[*18*] TEXAS MOUNTAIN LAUREL (SOPHORA SECUNDIFLORA) ; [*19*] LILAC CHASTE TREE (VITEX AGNUSCASTUS)~~; [*2017*] PINE TREE VARIETIES (PINUS SO.)-; [*2118*] SILVER MAPLE (ACER SACCHARINUM)-; [*2219*] BOX ELDER (ACER NEGUNDO) ; [*23*] MIMOSA (ALBIZIA JULIBRISSIN) ; [*24*] CATALPA (CATALPA SP.).

SECTION 04 | RECOMMENDED TREE VARIETIES (CANOPY AND ACCENT TREES)

The following information concerning the City's recommended trees was obtained from the Texas A&M Forest Service, Texas *Tree Planting Guide* and all illustrations were provided courtesy of Texas A&M Forest Service *Copyright by Robert O'Brien.*

AFGHAN PINE

LATIN NAME: PINUS ELDARICA
SECONDARY NAMES: ELDARICA PINE, MONDEL PINE

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *35' TO 50'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: RAPID
- *NATIVE*: AFGHANISTAN AND CENTRAL ASIA
- *SOIL NEEDS*: REQUIRES WELL DRAINED, DRY SOILS
- *TOLERANCES*: SALTY SOIL, DROUGHT, ALKALINE SOILS [*PH > 7.5*]
- *FEATURES*: SOFT, GREEN NEEDLES FORM A DENSE CANOPY
- *USES*: SCREENING AND WINDBREAKS
- *FIREWISE*: NO
- *ISSUES*: THE PINE TIP MOTH CAN KILL NEW SHOOTS AND RUIN THE SHAPE OF THE TREE. THE TREE IS NOT TOLERANT OF WET SITES.
- *SIMILAR SPECIES*: ALEPPO PINE (*PINUS HALAPENSIS*)

BALD CYPRESS

LATIN NAME: TAXODIUM DISTICHUM
SECONDARY NAMES: BALDCYPRESS

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 70'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: WILL GROW IN A VARIETY OF SOILS
- *TOLERANCES*: DROUGHT AND POORLY DRAINED SITES
- *FEATURES*: DECIDUOUS CONIFER WITH FEATHER-LIKE LEAVES, ROUND SEED BALLS, AND FIBROUS BARK
- *USES*: DETENTION AREAS AND POORLY DRAINED AREAS
- *FIREWISE*: YES
- *ISSUES*: WOODY 'KNEES' AND BAGWORMS
- *SIMILAR SPECIES*: MONTEZUMA BALCYPRESS (*TAXODIUM MUCRONATUM*)

BUR OAK

LATIN NAME: QUERCUS MACROCARPA
SECONDARY NAMES: MOSSY CUP OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 60'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE TO RAPID
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, PREFERS DEEPER SOIL
- *TOLERANCES*: SALTY SOIL, DROUGHT, ALKALINE SOILS [*PH > 7.5*]
- *FEATURES*: UNIQUE LEAF SHAPE, LARGEST ACORN OF ANY OAK
- *USES*: DROUGHT TOLERANT TREE
- *FIREWISE*: YES
- *ISSUES*: ACORNS AND LEAVES CAN CREATE SIGNIFICANT CLEAN-UP.
- *SIMILAR SPECIES*: WHITE OAK (QUERCUS ALBA)

CADDO MAPLE

LATIN NAME: ACER SACCHARUM 'CADDO'
SECONDARY NAMES: ELDARICA PINE, MONDEL PINE

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 60'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: SLOW TO MEDIUM
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: ROCKY & ALKALINE SOILS AND DROUGHT TOLERANT
- *FEATURES*: MEDIUM TREE WITH A ROUNDED APPEARANCE, DARK GREEN FOLIAGE THAT CHANGES TO A GOLDEN COLOR IN THE FALL.
- *FIREWISE*: YES
- *ISSUES*: AVAILABILITY
- *SIMILAR SPECIES*: SUGAR MAPLE (A. SACCHARUM)

CEDAR ELM

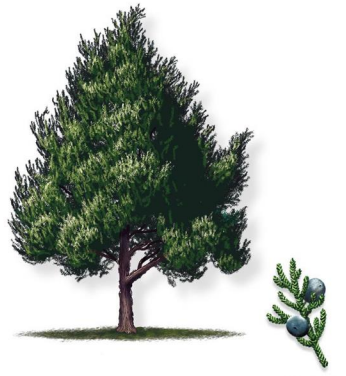
LATIN NAME: ULMUS CRASSIFOLIA
SECONDARY NAMES: TEXAS ELM

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *70' TO 90'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ALKALINE ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: LUSTROUS DARK GREEN LEAVES THAT ARE STIFF AND ROUGH TO THE TOUCH
- *USES*: LANDSCAPE TREE, PARKING LOT/STREET TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS, MINOR LEAF BEETLE & DUTCH ELM DISEASE
- *SIMILAR SPECIES*: WINGED ELM (*ULMUS ALATA*)

CHINQUAPIN OAK

LATIN NAME: QUERCUS MUEHLENBERGII
SECONDARY NAMES: CHINKAPIN OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: SLOW TO MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, ALKALINE SOILS
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: YELLOW-GREEN LEAVES W/ SMALL ACORNS (~3/4" LONG)
- *USES*: SHADE TREE
- *FIREWISE*: YES
- *ISSUES*: SENSITIVE ROOT SYSTEM; AS LITTLE AS ONE (1) INCH OF FILL DIRT CAN HURT THE TREE.
- *SIMILAR SPECIES*: SWAMP CHESTNUT OAK (QUERCUS MICHAUXII)



EASTERN RED CEDAR

LATIN NAME: JUNIPERUS VIRGINIANA VAR. VIRGINIANA
SECONDARY NAMES: PENCIL CEDAR

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *30' TO 50'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: MEDIUM
- *NATIVE*: EASTERN NORTH AMERICA
- *SOIL NEEDS*: ACIDIC, ALKALINE, LOAMY, WELL-DRAINED AND CLAY
- *TOLERANCES*: DROUGHT, EROSION, DRY SOIL, SHALLOW ROCKY AREAS
- *FEATURES*: SCALE-LIKE EVERGREEN LEAVES COMPACTED TO FORM ROUNDED FOUR (4) SIDED BRANCLETS.
- *USES*: WINDBREAKS AND FENCE ROWS, SCREENING TREE
- *FIREWISE*: NO
- *ISSUES*: CEDAR APPLE RUST AND BAGWORMS.
- *SIMILAR SPECIES*: SOUTHERN REDCEDAR (JUNIPERUS VIRGINIANA VAR. SILICICOLA) AND ROCKY MOUNTAIN JUNIPER (J. SCOPULORUM)

HOMESTEAD ELM

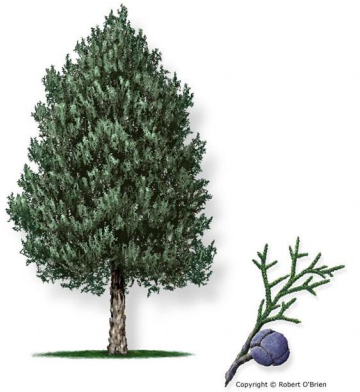
LATIN NAME: ULMUS 'HOMESTEAD'

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 60'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: DARK GREEN LEAVES THAT TURN BLEACH YELLOW IN THE FALL AND GREENISH TINY MULTI FLOWERED PENDULOUS RACEMES IN SPRING.
- *USES*: SHADE TREE
- *FIREWISE*: YES
- *ISSUES*: RESISTANT TO DUTCH ELM DISEASE BUT SUSCEPTIBLE TO ELM LEAF BEATLE.
- *SIMILAR SPECIES*: N/A. THE HOMESTEAD ELM IS A HYBRID.

LACEBARK ELM

LATIN NAME: ULMUS PARVIFOLIA

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *35' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: CHINA, JAPAN AND KOREA
- *SOIL NEEDS*: ADAPTABLE, PREFERS WELL DRAINED SOILS
- *TOLERANCES*: DROUGHT, ALKALINE SOILS [*PH > 7.5*]
- *FEATURES*: VARIABLE FALL COLOR; INTERESTING BARK TEXTURE.
- *FIREWISE*: YES
- *ISSUES*: REQUIRES PRUNING TO DEVELOP A STRONG BRANCH STRUCTURE.
- *SIMILAR SPECIES*: SIBERIAN ELM (*ULMUS PUMILA*) AND JAPANESE ZELKOVA (*ZELKOVA SERRATA*)



LEYLAND CYPRESS

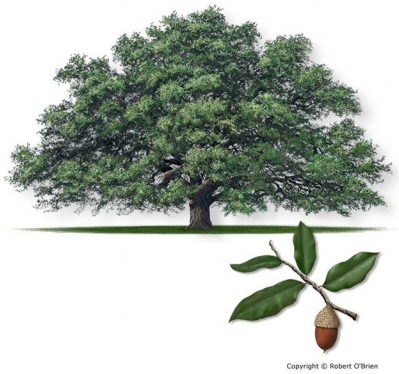
LATIN NAME: X CUPRESSOCYPARIS LEYLANDII
SECONDARY NAMES: CYPRESS

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *60' TO 70'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: RAPID
- *NATIVE*: ENGLAND AND EUROPE
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: DROUGHT AND POOR SOIL
- *FEATURES*: DECIDUOUS CONIFER WITH FEATHER-LIKE LEAVES, ROUND SEED BALLS, AND FIBROUS BARK
- *USES*: SCREENING, WINDBREAKS, AND NON-RESIDENTIAL LANDSCAPING
- *FIREWISE*: NO
- *ISSUES*: BAGWORMS AND SPIDER MITES
- *SIMILAR SPECIES*: MONTEZUMA BALDCYPRESS (TAXODIUM MUCRONATUM)

LITTLE GEM MAGNOLIA

LATIN NAME: MAGNOLIA GRANDIFLORA 'LITTLE GEM'
SECONDARY NAMES: LARGE-FLOWERED MAGNOLIA

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *15' TO 20'*
- *LEAF TYPE*: *EVERGREEN*
- *GROWTH RATE*: MODERATE
- *NATIVE*: SOUTHEAST UNITED STATES
- *SOIL NEEDS*: WELL DRAINED SOIL
- *TOLERANCES*: MODERATE DROUGHT, SALT AND SOIL VARIATION
- *FEATURES*: LARGE LEATHERY, DARK GREEN AND GLOSSY LEAVES WITH CUP SHAPED, WHITE FLOWERS AND OVAL AGGREGATION OF SEED PODS 3"-4" LONG.
- *USES*: SHADE AND LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: NO MAJOR PROBLEMS
- *SIMILAR SPECIES*: SWEETBAY MAGNOLIA (MAGNOLIA VIRGINIANA)



LIVE OAK

LATIN NAME: QUERCUS VIRGINIANA
SECONDARY NAMES: COAST LIVE OAK, SOUTHERN LIVE OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 50'*
- *LEAF TYPE*: *EVERGREEN/SEMI EVERGREEN*
- *GROWTH RATE*: MODERATELY FAST
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, ACIDIC, ALKALINE, CLAY, LOAMY AND WELL DRAINED
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: GREEN TO DARK GREEN LEAVES WITH SMALL ACORNS ABOUT ¾-INCH LONG AND BORNE SINGLY OR IN CLUSTERS UP TO FIVE.
- *FIREWISE*: YES
- *ISSUES*: LEAF BLISTER AND FUNGAL GALL
- *SIMILAR SPECIES*: TEXAS LIVE OAK (QUERCUS FUSIFORMIS)

OCTOBER GLORY MAPLE

LATIN NAME: ACER RUBRUM 'OCTOBER GLORY'

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *40' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE TO RAPID
- *NATIVE*: NORTH AMERICA
- *SOIL NEEDS*: ADAPTABLE; PREFERS SLIGHTLY ACIDIC SOIL
- *TOLERANCES*: MODERATE DROUGHT TOLERANCE
- *FEATURES*: SOFT, GREEN NEEDLES FORM A DENSE CANOPY
- *USES*: SHADE TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS AND LEAF SCORCH
- *SIMILAR SPECIES*: CHALK MAPLE (ACER LEUCODERME)

PECAN

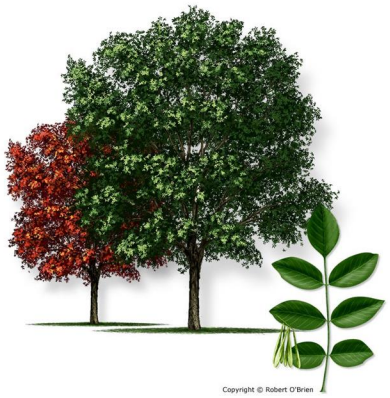
LATIN NAME: CARYA ILLINOINENSIS
SECONDARY NAMES: PECAN HICKORY

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *50' TO 70'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE, PREFERS DEEP MOIST SOIL
- *TOLERANCES*: DROUGHT, SALTY SOIL, POORLY DRAINED SOIL, ALKALINE SOILS [*PH>7.5*]
- *FEATURES*: NUTS ARE IN IMPORTANT WILDLIFE FOOD; MATURE CROWN IS OPEN AND AIRY.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS, BRITTLE WOOD; SUSCEPTIBLE TO INSECTS
- *SIMILAR SPECIES*: WATER HICKORY (CARYA AQUATICA) & BLACK WALNUT (JUGLANS NIGRA)

RED OAK

LATIN NAME: QUERCUS FALCATA
SECONDARY NAMES: SOUTHERN RED OAK

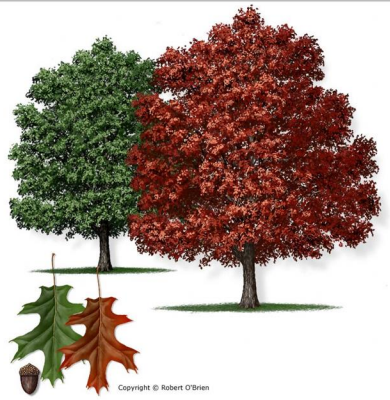
- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *30' TO 55'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: TEXAS
- *SOIL NEEDS*: AVOID PH>7.5; ANY TEXTURE; PREFERS GOOD DRAINAGE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: YOUNG TREES HAVE 'CANDLEABRA' SHAPE; FALL COLOR IS ORGANGE TO DEEP RED
- *FIREWISE*: YES
- *ISSUES*: OAK WILT
- *SIMILAR SPECIES*: BLACK OAK (QUERCUS VELUTINA)



TEXAS ASH

LATIN NAME: FRAXINUS TEXENSIS
SECONDARY NAMES: MOUNTAIN ASH

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *35' TO 50'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID (BUT VARIABLE)
- *NATIVE*: EAST AND CENTRAL TEXAS
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: MEDIUM SIZED TREE WITH GREEN OR PURPLE FLOWERS AND SMALL WOODY WINGED SAMARA IN LONG PANICLES.
- *FIREWISE*: YES
- *ISSUES*: POOR DRAINAGE LEADS TO ROOT DISEASES
- *SIMILAR SPECIES*: CAROLINA ASH (FRAXINUS CAROLINIANA) AND GREGG ASH (F. GREGGII)



TEXAS RED OAK

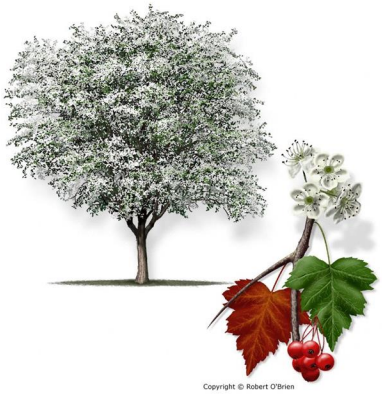
LATIN NAME: QUERCUS BUCKLEYI
SECONDARY NAMES: BUCKLEY OAK, TEXAS RED OAK, SPANISH OAK

- *CITY TREE CLASSIFICATION*: *CANOPY TREE*
- *MATURE HEIGHT*: *30' TO 55'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: CENTRAL TEXAS
- *SOIL NEEDS*: ALKALINE ADAPTABLE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: MEDIUM TREE WITH REDDISH-BROWN CATKINS/ACORNS AND SLENDER, DARK GREEN LEAVES THAT TURN RED IN THE FALL.
- *FIREWISE*: YES
- *ISSUES*: OAK WILT
- *SIMILAR SPECIES*: SHUMARD OAK (QUERCUS SHUMARDII)

DESERT WILLIOW

LATIN NAME: CHILOPSIS LINEARIS
SECONDARY NAMES: DESERT-WILLOW

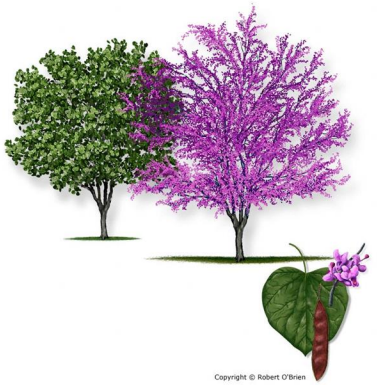
- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *15' TO 20'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MEDIUM
- *NATIVE*: WEST TEXAS
- *SOIL NEEDS*: ADAPTABLE, ACIDIC, LOAMY AND WELL DRAINED SOIL
- TOLERANCES: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: MULTI-TRUNKED, WELL BRANCHED AND THICK GROWTH
- *USES*: PRIMARILY A LANDSCAPE TREE; XERISCAPING
- *FIREWISE*: YES
- *ISSUES*: SUSCEPTIBLE TO ALTERNERIA LEAF SPOT
- *SIMILAR SPECIES*: FLOWERING WILLOW, WILLOWLEAF CATALPA, DESERT CATALPA, FLOR DE MIMBRE, MIMBRE, BOW WILLOW



DOWNY HAWTHORN

LATIN NAME: CRATAEGUS MOLLIS
SECONDARY NAMES: A VARIETY OF COMMON NAMES OFTEN ENDING IN "HAW" – ARE USED FOR THE INDIVIDUAL HAWTHORN SPECIES

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *20' TO 30'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: SLOW
- *NATIVE*: EASTERN AND CENTRAL UNITED STATES AND CANADA
- *SOIL NEEDS*: REQUIRES WELL DRAINED, DRY SOILS
- *TOLERANCES*: DRY SOIL AND DROUGHT
- *FEATURES*: SMALL TREE WITH CLUSTERS OF WHITE FLOWERS AND BRIGHT RED BERRY FRUIT.
- *USES*: LANDSCAPING
- *FIREWISE*: YES
- *ISSUES*: SUSCEPTIBLE TO SEVERAL LEAF DISEASES
- *SIMILAR SPECIES*: RIVER BIRCH (BETULA NIGRA) & GUM BULLY (SIDEROXYLON LANUGINOSUM)



EASTERN REDBUD

LATIN NAME: CERCIS CANADENSIS VAR. CANADENSIS
SECONDARY NAMES: JUDAS-TREE

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *20' TO 30'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MEDIUM
- *NATIVE*: EAST TEXAS
- *SOIL NEEDS*: ALKALINE, ACIDIC, LOAMY, SANDY AND WELL DRAINED
- *TOLERANCES*: CLAY SOILS AND VERY HIGH HEAT
- *FEATURES*: SMALL TREE WITH PINK AND PURPLE, ROSE-PURPLE OR WHITE BLOOMS AND SMALL FLATTENED PODS WITH BROWN SEEDS.
- *USES*: WILDLIFE AND LANDSCAPING
- *FIREWISE*: YES
- *ISSUES*: LEAF SPOTS, DIEBACK/CANKER, AND VERTICILLIUM WILT
- *SIMILAR SPECIES*: REDBUD

EVE'S NECKLACE

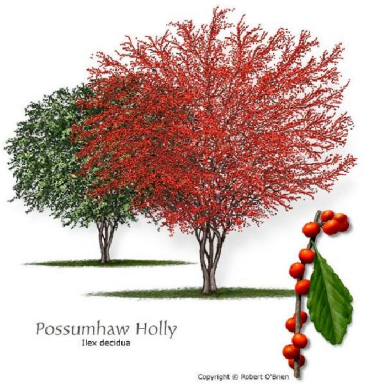
LATIN NAME: SOPHORA AFFINIS
SECONDARY NAMES: TEXAS SOPHORA, EVE'S-NECKLACEPOD

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *15' TO 35'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: FAST (*GENERALLY SLOWS AT 15'*)
- *NATIVE*: CENTRAL TEXAS
- *SOIL NEEDS*: ALKALINE ADAPTABLE
- *TOLERANCES*: VERY HIGH HEAT
- *FEATURES*: SMALL TREE WITH PALE TO ROSY PINK FLOWERS THAT BLOOM IN THE SPRING AND LONG BLACK SEGMENTED SEEDPODS.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: NO PROBLEMS REPORTED
- *SIMILAR SPECIES*: BLACK LOCUST (ROBINIA PSEUDOACACIA)

MEXICAN BUCKEYE

LATIN NAME: UNGNADIA SPECIOSA

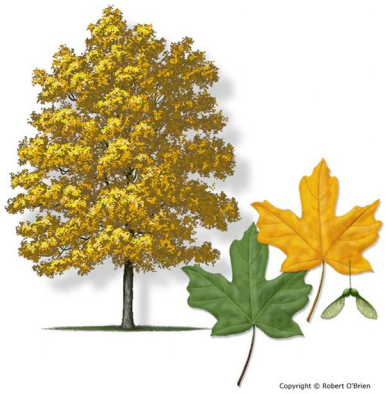
- *CITY TREE CLASSIFICATION*: *ACCENTTREE*
- *MATURE HEIGHT*: *15' TO 30'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: NEUTRAL ALKALINE
- *TOLERANCES*: DROUGHT, ALKALINE SOILS [*PH* > 7.5]
- *FEATURES*: PINK FLOWERS APPEAR WITH NEW LEAVES; BROWN FRUIT HUSKS REMAIN THROUGH WINTER.
- *USES*: LANDSCAPE OR SPECIMEN TREE
- *FIREWISE*: YES
- *ISSUES*: REQUIRES PRUNING TO DEVELOP ONE OR MORE TRUNKS.
- *SIMILAR SPECIES*: MONILLO, MONA, TEXAS BUCKEYE, SPANISH BUCKEYE, FALSE BUCKEYE, CANYON BUCKEYE



POSSUMHAW HOLLY

LATIN NAME: ILEX DECIDUA
SECONDARY NAMES: POSSUMHAW (DECIDUOUS HOLLY)

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *8' TO 10' (OCCASIONALLY 20')*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: SLOW
- *NATIVE*: TEXAS
- *SOIL NEEDS*: ADAPTABLE
- *TOLERANCES*: DROUGHT, POORLY DRAINED SITES, ALKALINE SOILS [*PH*>7.5]
- *FEATURES*: ORANGE OR RED BERRIES ON GRAY BRANCHES.
- *USES*: LANDSCAPE TREE AND DETENTION TREE
- *FIREWISE*: YES
- *ISSUES*: THIN BARK SUSCEPTIBLE TO INJURY
- *SIMILAR SPECIES*: BEARBERRY, MEADOW HOLLY, PRAIRIE HOLLY, SWAMP HOLLY, WELK HOLLY, WINTERBERRY



SHANTUNG MAPLE

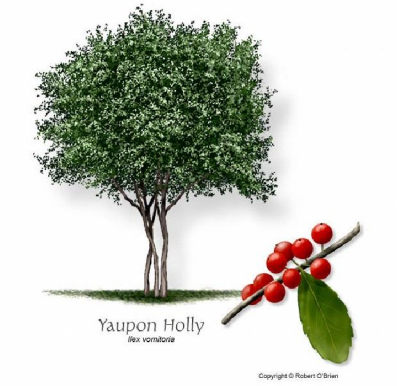
LATIN NAME: ACER TRUNCATUM
SECONDARY NAMES: SHANDONG MAPLE, PURPLEBLOW MAPLE

- *CITY TREE CLASSIFICATION*: *ACCENT TREE*
- *MATURE HEIGHT*: *25' TO 35'*
- *LEAF TYPE*: *DECIDUOUS*
- *GROWTH RATE*: RAPID
- *NATIVE*: NORTHERN CHINA
- *SOIL NEEDS*: LOAM, SANDY AND CLAY (ADAPTABLE)
- *TOLERANCES*: MODERATE DROUGHT
- *FEATURES*: MEDIUM SIZED TREE WITH DARK GREEN, GLOSSY LEAVES THAT CHANGE TO YELLOW ORANGE/BRIGHT RED IN THE FALL.
- *FIREWISE*: NO
- *ISSUES*: LEAF SPOT AND LEAF SCORCH
- *SIMILAR SPECIES*: JAPANESE MAPLES

FLAMELEAF SUMAC

LATIN NAME: RHUS LANCEOLATA
SECONDARY NAMES: PRAIRIE SUMAC, PRAIRIE FLAMELEAF SUMAC

- *CITY TREE CLASSIFICATION: ACCENT TREE*
- *MATURE HEIGHT: 40' TO 50'*
- *LEAF TYPE: DECIDUOUS*
- *GROWTH RATE*: MODERATE
- *NATIVE*: TEXAS
- *SOIL NEEDS*: NEUTRAL ALKALINE
- *TOLERANCES*: DROUGHT, ALKALINE SOILS [*PH > 7.5*]
- *FEATURES*: COMPOUND LEAVES TURN BRIGHT RED IN FALL; WHITE FLOWER SPIKES BEAR RED CLUSTERS OF BERRIES.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: REQURIES PRUNING TO DEVELOP ONE OR MORE TRUNKS.
- *SIMILAR SPECIES:* TEXAS SUMAC, LANCE-LEAVED SUMAC, LIMESTONE SUMAC AND PRAIRIE SHINING SUMAC



YAPON HOLLY

LATIN NAME: ILEX VOMITORIA
SECONDARY NAMES: YAUPON, CASSINA

- *CITY TREE CLASSIFICATION: ACCENT TREE*
- *MATURE HEIGHT: 10' TO 20'*
- *LEAF TYPE: EVERGREEN*
- *GROWTH RATE*: SLOW
- *NATIVE*: SOUTHEAST UNITED STATES (TEXAS)
- *SOIL NEEDS*: WELL DRAINED, SANDY, LOAMY, CLAY AND LIMESTONE
- *TOLERANCES*: DROUGHT AND VERY HIGH HEAT
- *FEATURES*: SMALL TREE WITH INCONSPICUOUS LIGHT GREEN BLOOMS AND RED BERRY LIKE DRUPE.
- *USES*: LANDSCAPE TREE
- *FIREWISE*: YES
- *ISSUES*: APHIDS, MINOR LEAF BEETLE & DUTCH ELM DISEASE
- *SIMILAR SPECIES:* EVERGREEN CASSENA, EMETIC HOLLY, INDIAN BLACK DRINK

SECTION 05 | RECOMMENDED SHRUB VARIETIES

The following are the City of Rockwall's recommended shrub varieties.

	SHRUB	SCIENTIFIC NAME	SCR	XERI	
3	BARBERRY	BERBERIS THUMBERGII 'CRIMSON PYGMY'			SMALL SHRUBS
8	DWARF YAUPON HOLLY	ILEX VOMITORIA 'NANA'			
10	YUCCA	YUCCA SP.		X	
16	JUNIPER	JUNIPERUS SP.			
17	JAPANESE BOXWOOD	BUXUS JAPONICA			
20	MEXICAN OREGANO	POLIOMENTHA LONGIFLORA			
24	RED YUCCA	HESPERALOE PARVIFOLIA		X	
25	ROCK ROSE	PAVONIA LASIOPETALA		X	
1	AGARITA	MAHONIA TRIFOLIOLATA		X	MEDIUM SHRUBS
2	BARBERRY	BERBERIS ATROPURPUREA 'ROSE GLOW'			
5	CENIZO (TEXAS SAGE)	LEUCOPHYLLUM SP.	X	X	
7	DWARF BURFORD HOLLY	ILEX CORNUTA 'BURFORDII NANA'	X		
14	HOGPLUM	COLUBRINA TEXENSIS			
15	INDIAN HAWTHORN	RAPHIOLEPIS INDICA			
19	JAPANESE QUINCE	CHAENOMELES JAPONICA			
23	PEARL BUSH	EXOCHORDA GIRALDII WILSONII			
27	ROSEMARY	ROSMARINUS OFFICINALIS		X	
28	VIRGINIA SWEETSPIRE	ITEA VIRGINICA			LARGE SHRUBS
4	BRIDAL WREATH SPIREA	SPIRAEA CANTONIENSIS	X	X	
6	CHINESE FRINGE	LOROPETALUM CHINENSE	X		
9	ELAEGNUS	ELAEAGNUS X EBBINGEI	X		
11	EVERGREEN SUMAC	RHUS VIRENS			
12	FORSYTHIA	FORSYTHIA INTERMEDIA 'SPECTABILIS'			
13	GLOSSY ABELIA	ABELIA X GRADIFLORA			
18	JAPANESE CLEYERA	CLEYERA TERNSTROEMIA GYMNANTHERA			
21	NELLIE STEVENS HOLLY	ILEX 'NELLIE R. STEVENS'	X		
22	OLEANDER	NERIUM OLEDANDER	X		
26	ROSE OF SHARON	HIBISCUS SYRIACUS	X		

NOTES: XERI: XERISCAPE; SCR: SCREENING

SECTION 06 | RECOMMENDED GRASSES

The following are the City of Rockwall's recommended grass varieties.

	GRASS	SCIENTIFIC NAME	XERI
1	BERMUDA GRASS	CYNODON DACTYLON	
2	BIG BLUESTEM	ANDROPOGON GERARDII	X
3	BUFFALO GRASS	BUCHLOE DACTYLOIDES	X
4	DEER MUHLY	MUHLENBERGIA RIGENS	
5	EASTERN GAMAGRASS	TRIPSACUM DACTYLOIDES	X
6	FOUNTAIN GRASS	PENNISETUM ALOPERCUROIDES 'HAMELIN'	
7	FEATHER REED GRASS	CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER'	
8	INLAND SEAOATS	CHASMANTHIUM LATIFOLIUM	X
9	JAPANSES BLOOD GRASS	IMPERATA CYLINDRICA 'RED BARON'	
10	LITTLE BLUESTEM	SCHIXACHYRIUM SCOPARIUM	X
11	MAIDEN GRASS	ADAGIO, CABARET, GRACILLIMUS, MORINING LIGHT, VARIGATUS, ZEBRA GRASS	X
12	MEXICAN FEATHER GRASS	STIPA TENUISSIMA 'PONY TAILS'	X
13	MUHLY GRASS	MUEHELENBERGIA LINDHEIMERI	X
14	PRAIRIE MIX	N/A	X
15	PRAIRIE DROPSEED	SPOROBOLUS HETEROLEPSIS	
16	ST. AUGUSTINE GRASS	STENOTAPHRUM SECUNDATUM	X
17	SWITCH GRASS	PANICUM VIRGATUM	X
18	WEEPING LOVE GRASS	ERAGROSTIS CURVULA	X

SECTION 07 | ALTERNATIVE PLANTING LIST

The following list shows all alternative plant types permitted by the City of Rockwall since the adoption of this Appendix C, *Landscape Guidelines*, of the Unified Development Code (UDC).

Trees.

Shrubs.

Grasses.

Bermudagrass: Tif Tuf, Tahoma 31, Celebration and Tifway 419

Zoysia Grass: Zeon, Jamur, Emerald, and Palisades

Formatted: Font: Italic, Underline