

MEMORANDUM

October 1, 1990

TO: Mayor and Members of the City Council

FROM: Members of the Planning and Zoning Commission

RE: Status Report and Initial Recommendations on Corridor Planning for Major Roadways

The Planning and Zoning Commission has been charged with the task of reviewing the development of corridor guidelines for certain major roadways within the City as one of the strategies adopted by the City Council. The Commission has been studying the following roadways: 1)FM-740, 2)I-30, 3)SH-66, 4)SH-205, 5)SH-276. The following is a status report on where we are and a recommendation for action on certain of the items that have been discussed. We have conducted our review by discussing one roadway at a time while viewing a video prepared by city staff members. We considered the various elements, as listed below, that make up the design and appearance of each roadway. This resulted in the development of recommendations for changes by element. When the review began the Commission was initially thinking that we would be considering several additional overlay districts. It became apparent in our discussions that many of the changes that we feel are appropriate can be made in the base ordinances rather than by creating multiple overlay districts. A discussion of the status each element is itemized below. We have completed our review on the majority of the elements and our recommendations are also included, as well as discussion of the results of those recommendations. We have not yet completed our discussions regarding two critical areas, architectural review and specific recommendations regarding I-30. Some of the following recommendations may also apply to I-30, however, we wish to reserve our recommendations for this roadway until our review has been completed. We hope to finalize all of our recommendations by December.

Element

Possible Actions and Results

Signage - As we reviewed the major roads on video it became apparent that one of the most conspicuous visual elements on all of the roads were the pole signs. Those locations that utilized monument signage blended in with the surrounding development and were much less intrusive than those locations that use pole signs. It is felt by the Commission that one of the most far

This could be accomplished by amending the current sign ordinance to require monument signs on these roadways designated for such signage. Such a change in the sign regulations would not require adoption of an overlay district. One of the most significant results of this action would be to make all existing permanent signs nonconforming. This would limit the ability of current

reaching actions that can be taken to improve the appearance of our major roadways is to require that monument signage be used for all permanent signs on all of these major roadways as well as on all other arterials within the City, rather than allowing pole signs. It is the Commission's belief that this change will greatly improve the appearance of the community.

Landscaping - In addition to the changes to the sign regulations the Commission has concluded that certain changes should be made in the landscaping ordinance to better screen commercial developments from the street. Discussion generally focused on requiring the screening of commercial and multifamily parking lots with landscaping or other permanent methods such as berms or low fences, rather than allowing this as an optional credit, and requiring more trees per frontage, ie., 1 tree per 30 feet rather than 1 per 50 feet.

The Commission recommends that current regulations be amended to ensure that existing trees be better identified and saved. Our current landscaping ordinance only requires that existing trees that are to be saved be shown on the landscaping plan, and credits are available for certain existing trees.

The Commission recommends that landscaping be used to provide a theme and entrance identity at the major entryways into the City.

Topography - the Commission recommends that more site topography detail be provided with site plan submission just as we do in the Overlay District. Without topographic information it is difficult to visualize the

business owners to replace existing signs.

This could be accomplished by amending the landscaping ordinance to require this on all non-residential or multifamily development, or on selected roadways, and to increase the number of trees required. This would result in some additional cost for the extra trees and for the required parking lot screening, however, most developers are taking advantage of the available credit and voluntarily screening the parking lot. If this change is made another form of a credit would need to be added to the landscaping ordinance. This could be in the form of larger than required street trees.

An amendment to the landscaping ordinance would also accomplish the enhanced preservation requirements for existing trees. This will result in a greater expense in the development of site plans for those sites that contain a great number of existing trees. However, it is these sites that should receive greater protection.

A portion of this could be accomplished with the planned landscaping improvements to FM-740. The Council could incorporate any such design for utilization on all major entrances.

This could be accomplished by adding this item to the required information for site plan approval under the zoning ordinance. This requirement would add additional cost to site plan development because it will generally

impact of a proposed development when there are significant grade changes within a site.

require the use of a surveyor to identify various elevations. It is the feeling of the Commission that this information is essential to adequately review a site plan. If the Council is in support of this item the Commission will develop guidelines for when such additional development is necessary.

Miscellaneous Changes - the Commission recommends that all non-residential development be required to comply with some of the requirements currently found only in the Overlay District. They are as follows:

These items should be required for all non-residential development and the zoning ordinance could be amended to accomplish this.

1. Utility equipment screening from streets
2. Underground utility service drops
3. Requirements for access control and cross access easements

Pending Items

Architectural Review - See attached memorandum.

I-30 Recommendations - The Commission is still considering its recommendations that would be applicable to this road.

The above recommendations are being presented to you at this time for the purpose of discussion. If the Council wishes to pursue these recommendations we will be happy to proceed with the development of the appropriate ordinances to accomplish them. Again, we do plan to finalize our recommendations on I-30 and architectural review and submit them to the Council by December.

MEMORANDUM

October 10, 1990

TO: Mayor and Members of the City Council

FROM: Members of the Planning and Zoning Commission

RE: Status of Architectural Review as an Element in Corridor Planning Process

As mentioned in the companion memorandum the Commission still has two pending items that are being discussed. One of those is the expansion of architectural review to other parts of the city, much as we do now on FM-740 in the Overlay District. The Commission is of the opinion that we should consider requiring architectural review on all of the roadways designated for review by the Council and enhancing the requirements to ensure that no major facade changes could occur once the building is built, ie., the Slaughter building. The Commission has also discussed the possibility of expanding this type of review to commercial and multifamily development located on all major roadways, not just those roadways specified by the Council.

It appears that the most appropriate method to accomplish this requirement since it would apply only to designated roadways would be to adopt a form of overlay for design review. Such an overlay district would not need to list uses and area requirements, but would be generally written to address architectural concerns. The Commission has been reviewing information gathered from planning organizations and other cities pertaining to architectural controls and would now like to receive input from the Council regarding this issue. Attached you will find a copy of some information from one of the planning publications that summarizes some of the thoughts of the Commission and identifies the direction the Commission would like to pursue, if it is the desire of the Council. The Commission would like to receive some input from the Council at this point to determine if we are in fact going in a direction that the Council wishes to pursue. Tom Quinn, the Chairman of the Commission will be present at the Council meeting to discuss this issue with the Council and answer any questions you might have.

MEMORANDUM
December 5, 1990

TO: Members of the Planning and Zoning Commission
FROM: Julie Couch, Assistant City Manager
RE: Draft of the Architectural Review Ordinance

Attached is a revised draft of the ordinance that we discussed at the worksession. I have included the changes that we reviewed and as well as additional modifications that I have made. Following is a discussion of those issues and modifications as well as a discussion of those issues that I believe need to be addressed in the consideration of this ordinance.

Section 7.4. I have included the changes in the makeup of the Commission as we discussed at the worksession. I have also included wording that requires that the members be citizens of the City unless the Council is unable to find qualified people.

Section 7.9 The Commission is charged with preparing a Design Code within 90 days of their appointment. It is assumed that the review portion of the ordinance would not become effective until the Design Code is adopted by the Council. If it requires 3 months to develop the Code, as currently specified in the ordinance, it is likely that the final adoption will require 4-5 months. Depending on the level of review the Commission will be responsible for and the detail required for the Code 3 months may not be enough.

Section 7.10 This section currently provides that a public hearing will be held on the adoption of the Design Code itself. Because it would be an amendment to the Zoning Ordinance, just as this ordinance is, a public hearing will be required to adopt both ordinances.

Section 7.12 This is one of the most critical sections of this ordinance. It determines what activities this ordinance will regulate.

We have discussed the degree to which we may want to regulate new and existing development. This section needs to clearly identify what improvements this ordinance will be applicable to. The level to which we require review will have an impact on how quickly given improvements can be made to a location and the degree to which enforcement procedures and personnel will be affected. As we discussed at the worksession, for the purposes of discussion I have initially identified three levels that would be required to comply, as described below. I have also identified

examples of other levels that could be included in the review process.

1. All new permanent free standing signs for which a permit is required located on roadways designated for site plan approval. Some of the various levels to which this ordinance could apply to signage are described below:
 - A. All signs for which a permit is required.
 - B. All permanent signs for which a permit is required including wall signage.
 - C. All freestanding permanent signs for which a permit is required, including any changes.
 - D. All new freestanding permanent signs for which a permit is required.
 - E. All new freestanding permanent signs for which a permit is required located on specified roadways.

2. All exterior alterations of new and existing buildings which require a building permit located on a roadway designated for site plan approval. A description of the various levels to which this ordinance could apply is as follows:
 - A. All exterior alterations of new and existing buildings, which may or may not currently require a permit ie., exterior building changes or expansions in materials, appurtenances such as awnings, porches, or decks; repainting; resurfacing; exterior building lighting or parking lot lighting; facade alteration; non structural roof modifications; fencing.
 - B. All exterior alterations of new and existing buildings which require a permit ie., building, electrical, mechanical, pool, or fence permit.
 - C. All exterior alterations of new and existing buildings which require a building permit only.
 - D. All exterior alterations of new and existing buildings which require a building permit located on a roadway designated for site plan approval.

3. Modification of the exterior wall material of an existing building, as we discussed at the worksession. This item would be included in some of the above alternatives if they were utilized.

I have also included wording in this section that would allow the Commission to develop recommendations for permitting administrative authorization of certain improvements. For example, if all signs are required to obtain a CA, it might be feasible to develop certain guidelines that could be met administratively. If the applicant wanted to vary from those standards an application could be made to the Commission.

Section 7.14. I have included a provision that this ordinance would not apply to the Historic District because there will review established in that district.

Section 7.15. There was some discussion regarding the approval process and whether the Commission would be a recommending or final approval body. We need to continue this discussion. Currently the Commission has recommending authority on all plats, site plans and landscape plans. The Council approves those items. The current 740 Architectural Review Board has recommending authority on building design and site plans within the 740 District and is a recommending body to the Commission. The degree to which this Commission should be autonomous will depend on the level to which development and redevelopment is subject to review.

If review is generally restricted to development that already requires site plan review before the Commission and Council this Commission could remain a recommending body. However if review extends to all permanent signs, for example, the Council agenda would become overloaded. The current draft of the ordinance provides for autonomous authority on issues that do not require Commission and Council approval. It provides for recommending authority on those items that currently require Commission and Council approval.

We also discussed the time frame for consideration of applications. If all improvements must be approved by the Commission they will need to meet more frequently than if only selected improvements are subject to review.

Section 7.18. We need to discuss to what degree there can be administrative changes. The current draft of the ordinance provides that the Zoning Administrator has the ability to permit substitutions when it is determined by the Administrator to be equal to what was approved on the plan. We currently allow variations in site plans at an administrative level if there is no significant change in the general layout, access, and circulation and if the changes still conform to the City's requirements. We need to discuss to what degree these changes can occur without Commission approval.

MEMORANDUM
December 11, 1990

TO: Members of the Planning and Zoning Commission
FROM: Julie Couch, Assistant City Manager
RE: Summary of Discussion on I-30 Corridor Planning

The last remaining roadway that we need to finalize action on under corridor planning is I-30. AT our last meeting we reviewed the tape of I-30 and discussed the various elements that we have considered on the other thoroughfares. Following is a summary of those comments and previous recommendations that would affect I-30:

<u>Element</u>	<u>Results</u>
<p>Signage Control - The Commission discussed recommending that we pursue the banning of billboards on I-30 totally. We have had some preliminary discussions with our attorneys in regard to this item and it may be possible to amend our ordinance to accomplish this.</p>	<p>There have been no permits issued by the City for new billboards since our current sign ordinance was adopted. With the upcoming zoning of the Interstate the potential for such a request could be increased with additional Light Industrial zoning. If such an action is possible now would be the time to consider it.</p>
<p>The Commission also discussed recommending that the Council pursue a request to our state representatives or the Highway Commission, whichever group would have authority over such action, to consider changing the current state highway requirements that do not allow the placement of gas food and lodging signage information on state right of way.</p>	<p>A number of other states to allow this type of signage. A staff review should be made to determine if there has been previous action on this item if the Council wishes to pursue such action.</p>
<p>The Commission also discussed recommending to the Council that banner regulations be reinstated with specific restrictions so that they can be enforced.</p>	<p>The Council requested some time ago that we cease enforcement of the banner regulations due to a number of complaints from businesses. Those complaints will be reactivated if enforcement is applied.</p>
<p>The last item that was discussed regarding signs was stricter enforcement of the</p>	

maintenance provisions of the sign ordinance. A number of billboards were noted as having a poor level of maintenance.

Screening - The Commission discussed the possibility of disallowing front yard fences along the Interstate. Our current requirements allow a fence along any property line in a non residential district. We might want to allow them with specific approval.

The commission discussed applying the landscaping ordinance changes as discussed for other parts of town with the exception of requiring that street trees only be required for every 50 feet of frontage rather than the 1 per 25 feet discussed for other locations.

The Commission also discussed the possibility of requiring that the existing businesses along the Interstate that do not currently meet the tree requirement, be required to plant the specified trees prior to a Certificate of Occupancy being issued. This would speed up the process of partial compliance with the landscaping ordinance and not place a great cost burden on the existing businesses.

Architectural Control - The Commission discussed requiring the previously discussed architectural control along the Interstate. It specifically discussed that the entire hillside along the south side of I-30 and the lake fall under architectural review.

The fences that are there would be able to remain as nonconforming uses.

This would require property owners to install trees sooner than they would otherwise. Currently a property would not be required to comply with any of the provisions of the landscaping ordinance unless they were adding to the existing building or building a new building.

We have previously discussed the need to protect this hillside and this conforms to previous discussions.

We can discuss these items at the meeting on Thursday night.

MEMORANDUM

February 12, 1991

TO: Members of the Planning and Zoning Commission

FROM: Julie Couch, Assistant City Manager

SUBJECT: Architectural Review Ordinance

Attached is a copy of the revised architectural review ordinance with the changes that we discussed at the last meeting. To review, the only substantial changes in the draft are found on page 7, Section 7.9 and page 9, Section 7.12. Section 7.9 has been revised to allow the Council the opportunity to extend the time period for development of the Design Code. Section 7.12 has been revised to reflect the requirements that any initial change in a structure that requires a permit would have to be reviewed. Any change, whether a permit is required or not, proposed once a certificate of occupancy has been granted would require Commission approval.

If this reflects the Commission's intent, you may take action to forward the draft to Council for their consideration.

hcc

attachment

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 83-23, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, TEXAS BY ADDING A NEW SECTION _____; PROVIDING FOR ARCHITECTURAL REVIEW OF CERTAIN NON RESIDENTIAL AND MULTIFAMILY DEVELOPMENTS; PROVIDING FOR A PENALTY FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with the guidelines established in the City of Rockwall's Comprehensive Zoning Ordinance the City Council has considered amending the Comprehensive Zoning Ordinance; 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 State law in reference to the adoption of amendments to comprehensive zoning ordinances have given the requisite notices by publication

and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners interested in the zoning regulations to be amended by the City, the governing body of the City of Rockwall is of the opinion that the Comprehensive Zoning Ordinance should be amended in the exercise of its legislative discretion,

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

SECTION 1. That the Comprehensive Zoning Ordinance No. 83-23 of the City of Rockwall as heretofore amended be and the same is hereby amended by adding a new Article VII as set forth as follows:

ARTICLE VII ARCHITECTURAL REVIEW

SECTION 7.1 The City Council of the City of Rockwall finds and declares:

1. That the appearance of open spaces, buildings, structures and signs visible from public streets, places and ways has a material and substantial relationship to property values in the city and the cost of the municipal services provided therefore;

2. That many neighborhoods in other urban and suburban communities have deteriorated in the past by reason of poor planning, neglect of proper maintenance standards and the erection of buildings and structures unsuitable to and incompatible with the character of the neighborhood, resulting in drastic reduction of property values and impairment of the public health, safety, morals and welfare therein;

3. That the purposes of architectural review are:

(a) to promote those qualities in the environment which bring value to the community;

(b) to foster the attractiveness and functional utility of the community as a place to live and work;

(c) to preserve the character and quality of our heritage by maintaining the integrity of those areas which have a discernible character or are of special historic significance;

(d) to protect public investments in the City; and

(e) to raise the level of community expectations for the quality of its environment.

4. That it is the policy of the City to:

(a) avoid and prevent deterioration of the character and appearance of this community;

(b) provide a favorable environment for residents and business activities; and

(c) by the various means provided in this Ordinance, preserve and enhance the

property and taxable values and the public health, safety, morals and welfare of the City.

SECTION 7.2 DEFINITIONS

1. Certificate of Approval: A certificate issued by the Architectural Review Commission under the provisions of this Ordinance that certifies the exterior design features of an applicant's plans as suitable and as consistent with the Design Code.

2. Commission: The Rockwall Architectural Review Commission.

3. Exterior Design Feature: The general arrangement of any portion of a building, sign, landscaping or structure and including the kind, color and texture of the materials of such portion and the types of roof, windows, doors, lights, attached or ground signs or other fixtures appurtenant to such portions, as will be open to public view from any street, place or way.

SECTION 7.3 CREATION OF COMMISSION

There is hereby created an Architectural Review Commission in and for the City of Rockwall which shall consist of seven (7) members.

SECTION 7.4 TERM OF OFFICE; QUALIFICATIONS

The members shall be appointed for a term of two (2) years with staggered terms and shall be removable by the City Council with or without cause. Their terms of office shall expire

on the last day of July or when their successor is appointed. In the event that a vacancy occurs prior to the expiration of a full term the City Council shall appoint a new member to complete the unexpired term. Any member may be reappointed by the City Council upon completion of a term to which he has been appointed. The membership shall include:

(a) three (3) from the following professions: architect, land planner, landscape architect, building designer, civil engineer, structural engineer or representative of a design profession, with at least one of these being a registered architect,

(b) a commercial property owner within the City,

(c) an experienced commercial builder within the City, and

(d) two citizens with an expressed interest or background in this area.

All members must be residents of the City of Rockwall except as herein provided. If qualified applicants cannot be located from within the City limits, the City Council is hereby authorized to consider applicants who are residents of Rockwall County for those positions with specific technical or experience requirements.

SECTION 7.5 OFFICERS OF THE COMMISSION

The Commission shall elect a Chairman and Vice-Chairman at its first meeting in each August.

SECTION 7.6 DUTIES OF THE CHAIRMAN

The Chairman shall have the duty of calling all meetings and shall preside at all meetings of the Commission. In the absence of the Chairman, the Vice-Chairman shall assume the duties of the Chairman.

SECTION 7.7 MEETINGS OF THE COMMISSION

1. All meetings of the Commission shall be held at the call of the Chairman and at such other times as the Commission shall determine. Four (4) members of the Commission shall constitute a quorum. A majority decision of members present at a duly constituted meeting shall be required for all Commission actions.

2. The Commission may adopt its own rules of procedure, not inconsistent with this Ordinance.

3. All meetings of the Commission shall be open to the public, except as authorized by the Texas Open Meetings Act.

SECTION 7.8 POWERS AND DUTIES

1. Review and make recommendations for a Design Code.

2. To study exterior design drawings, signs, lighting, landscape and site plans and

materials for any proposed public works or public improvements and to make recommendations to the City Council as to the architectural or aesthetic aspects thereof.

3. To review requests for the issuance of Certificates of Approval in connection with applications for building permits and other permits and to issue or deny such Certificates, in accordance with this ordinance.

SECTION 7.9 DESIGN CODE

The Commission shall prepare a proposed Design Code, which shall be submitted to the City Council for their consideration. The Code shall be completed within ninety days, unless the City Council approves an extension. To do so they are authorized to seek the advice and counsel of qualified professionals in the fields of architecture, landscaping, graphics, and land planning. Any contract for consulting services for assistance in development of the Design Code shall be approved by the City Council.

1. The Design Code shall apply to all developments of a multiple family, business, commercial, manufacturing, planned development, or public nature in the City, as specified in this ordinance.

2. The Design Code shall be based upon the intent and purposes of this Ordinance, as set forth previously.

3. The Design Code shall establish standards or guidelines for future development

or redevelopment of exterior design features. It should consider, among other features: building design, relationships of buildings to site, relationship of buildings and site to adjoining area, landscape and site treatment, signs, miscellaneous structures and street hardware, and maintenance.

4. Nothing contained in the Design Code shall conflict with, modify, or alter any provisions of any existing City ordinances or regulations controlling physical development.

SECTION 7.10 PUBLIC HEARING; ADOPTION

After review of the proposed Design Code, the City Council shall hold a public hearing thereon. A copy of the proposed Code shall be on file during the regular business hours at the office of the City Secretary in the City Hall for public inspection pending the conclusion of the public hearing. Notice of the public hearing shall be published at least once in a newspaper of general circulation in Rockwall not more than thirty (30) and not less than fifteen (15) days before the hearing. The City Council shall thereafter at a public meeting consider approval of the proposed Design Code. The Design Code as finally approved shall be adopted by Ordinance.

SECTION 7.11 AMENDMENTS

The Design Code may be amended by the City Council upon recommendation of the Commission after public hearing thereon in the manner provided for the hearing on the original Code.

SECTION 7.12 REGULATORY POWERS OF THE COMMISSION

No permit required under the ordinances of the City for any permanent sign or permit for the erection, construction, alteration or repair of any building or structure in a multifamily or non residential zoning district which involves an exterior design feature shall be issued by the Building Official, nor shall the exterior wall materials of an existing building be replaced or covered with a different wall material except upon the granting of a Certificate of Approval by the Commission or by direction of the City Council as provided herein. Upon issuance of a Certificate of Approval no change which involves an exterior design feature not in compliance with the approved plan shall occur unless the Certificate of Approval is amended, as herein provided.

The Commission may recommend guidelines for approval by the City Council which, upon approval, will enable the Zoning Administrator or designated representative to issue a Certificate of Approval for certain work.

If the Building Official determines that no exterior design feature is involved in the work for which the permit is sought, then no Certificate of Approval is required hereunder.

SECTION 7.13 LIMITATIONS ON REVIEWS

The Commission shall restrict its considerations to a reasonable and professional review of the proposal and plans.

1. In its endeavor to improve the quality of a design, the Commission shall keep considerations of cost in mind. But consideration of cost shall not override the other objectives of this Ordinance.

2. The Commission is not to use design review intentionally or inadvertently to prohibit or unduly restrict building types, materials or methods, unless such types, materials, or methods are specifically excluded in the approved Design Code, or to vary the specific allowances or prohibitions of the City's building, zoning, subdivision, or other development controls.

3. This ordinance shall not apply to any property that is located within a designated Historic District as provided for under Section _____ of the Comprehensive Zoning Ordinance.

SECTION 7.14 PREAPPLICATION CONFERENCE

Any applicant or prospective applicant for a permit which may require a Certificate may file a written request for a preliminary conference with the Commission. Said conference with the Commission shall be held within twenty-one (21) days of the receipt of the request or at the next scheduled meeting of the Commission, whichever is sooner. At such conference, the Commission shall give consideration to preliminary exterior drawings, sketches or photographic examples, landscape and site plans and materials on a specific project, and shall give the applicant its informal opinion to assist said prospective applicant in the development of a plan

which would be consistent with the requirements and purposes of the Design Code and this Ordinance.

SECTION 7.15 PROCEDURE FOR CERTIFICATE OF APPROVAL

1. It shall be the duty of the Zoning Administrator or designated representative to determine and advise an applicant whether, under the provision of this Chapter, a Certificate of Approval (Certificate) is required, prior to the issuance of a permit.

2. Upon the determination that a Certificate is required, the matter shall be scheduled for a meeting of the Commission in accordance with Section 6 herein. The application and required accompanying documents and form and number of the drawings shall be specified by the Commission.

3. At the scheduled Commission meeting the applicant shall be given a hearing on his application.

4. The Commission shall give consideration to the materials and oral comments submitted on each application and shall provide such advice, counsel, suggestions and recommendations on matters pertaining to external design features as they may deem necessary to guide the applicant to a solution that will effect the general purposes of the Design Code.

5. After hearing and considering the material presented, the Commission shall issue a Certificate if it finds that:

(a) the applicant's plans are substantially consistent with the Design Code; and

(b) The proposed exterior design features of the development are suitable and compatible with the character of neighboring buildings and structures existing or under construction and with the character of the neighborhood and zoning district, and contributes to the favorable environment of the City; and

(c) The exterior design features of the development will not be detrimental to the harmonious and orderly growth of the City; and

(d) The exterior design features of the development will not cause a substantial depreciation in the property or taxable values in the neighborhood.

The failure to make an affirmative finding on any of the criteria listed in (a) through (d) above shall be grounds for the Commission to deny the issuance of a Certificate. No application shall be denied solely by reason of the style of architecture, unless such style is specifically excluded in the approved Design Code.

6. (a) The Commission shall render its decision within fifteen (15) days of the submission of the application when such applications do not require review and approval by the Planning and Zoning Commission and City Council as provided in Section (b) below. In the event that the Commission denies the issuance of a Certificate to the applicant, no permit shall be issued on the application except by express direction of the City Council upon appeal as hereinafter set forth.

(b) When such applications are submitted in conjunction with site plans, landscaping plans, or plats for approval by the Planning and Zoning Commission and City Council, the Commission shall complete its review and formulate its recommendations or such development prior to the consideration of the application by the Planning and Zoning Commission. In such cases, the Commission shall not have final authority, but shall only recommend changes to the Planning and Zoning Commission and City Council.

7. Amendments to a Certificate may be obtained by application therefor in the same manner as provided for an original certificate.

SECTION 7.16 APPEAL TO THE CITY COUNCIL

In the event the Commission denies a Certificate of Approval or amendment thereto under Section 7.15 6.(a) or fails to timely act as hereinabove provided, the applicant shall have the right to appeal directly to the City Council.

1. Such appeal shall be made in writing and shall be filed within fifteen (15) days of the decision or within fifteen (15) days of the failure of the Commission to timely act.

2. Upon such appeal all records and findings concerning the application shall be submitted to the City Council and by the Commission. Thereupon the City Council may by legislative judgement:

(a) adopt the decision of the Commission; or

(b) overrule or modify the decision of the Commission, including the direction of the issuance of a permit; or

(c) in the event the Commission has failed to timely act as hereinabove provided, instruct the Commission to do so within time certain, or direct or deny the issuance of a permit.

SECTION 7.17 FOLLOW-UP AND INSPECTIONS

Upon the granting of a Certificate of Approval or Amendments thereto, the exterior drawings, sketches, landscape and site plans, renderings and materials upon which said Certificate or Amendment was granted shall be turned over to the Building Official whose responsibility it shall be to determine, from time to time as the project is in progress and finally upon its completion, that there have been no deviations therefrom.

1. It shall be the duty of the person, firm or corporation to whom a Certificate has been granted to comply with the requirements of the Certificate and to obtain such inspections as may be necessary in order to assure compliance. The Building Official will notify such person of any deficiencies found to exist. Failure to correct any deficiencies within ten (10) days after notification of such deficiency will constitute a violation of this ordinance.

2. Before any use may be made of improvements constructed under the provisions of the Design Code, final inspection of the premises must be obtained from the Building Official who will consider his findings in matters under the jurisdiction of the Commission together with

other codes in the issuance of an occupancy permit. An occupancy permit will not be issued unless such an inspection has been made and the completed work found to be in compliance with plans approved by the Commission and under which the Certificate was issued except as provided below.

SECTION 7.18 SUBSTITUTIONS

When, by reason of nonavailability of planting materials or any other valid circumstance, it becomes necessary to vary any of the provisions under which a Certificate has been granted and in the opinion of the Zoning Administrator or designated representative, such variation will be aesthetically equal to or be better than the original provisions and will not conflict with the intent of the Design Code, the Zoning Administrator or designated representative shall have the power to grant such variation. He shall not be obligated to grant the variation, however, and may instead choose to send the matter back to the Commission for an amendment to the original Certificate. To the extent that the Zoning Administrator exercises the aforementioned power, he shall submit within ten (10) days thereafter a written report of the circumstances and his findings to the Commission.

SECTION 7.19 TEMPORARY OCCUPANCY PERMITS

If it should become impossible by reason of weather, strike or any other circumstance beyond control of the person, firm, or corporation to whom a Certificate of Approval has been granted to complete all work required before occupancy or start of use, a temporary occupancy permit may be issued by the Building Official.

1. Such temporary occupancy permit must be conditioned upon either depositing with the City a cash escrow sufficient to guarantee completion of the work (including a fifteen percent (15%) contingency reserve) or upon the execution of an agreement in a form satisfactory to the City Attorney in which the applicant shall be firmly bound to comply with the terms, provisions and conditions of the Certificate as soon as the circumstances causing such impossibility shall have been abated. Refunds of such cash escrow may be made progressively as work is completed or in a lump sum upon final inspection and approval by the Building Official.

2. In the event the person, firm or corporation to whom the Certificate has been granted fails to complete the work required in accordance with the aforementioned cash escrow within nine (9) months of the date of establishing such escrow deposit, the cash deposit shall be forfeited. The above time limit may be extended by the City Council, if, in its opinion, it is in the public interest to do so. In the event of escrow forfeiture, the temporary occupancy permit shall become void and no other occupancy permit shall be issued until the necessary work is completed.

SECTION 7.20 FEES

Fees pertaining to application for a Certificate of Approval or Amendments thereto shall be established by action of the City Council from time to time.

SECTION 2. PENALTIES. Any person, firm or corporation violating any of the provisions of this ordinance shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offense and each and every day such offense shall

continue shall be deemed to constitute a separate offense.

SECTION 3. SEVERABILITY CLAUSE. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, nor shall adjudication affect any other section or provision of the Comprehensive Zoning Ordinance of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

SECTION 4. REPEALER CLAUSE. That all ordinances of the City of Rockwall in conflict with the provisions of this be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, approval and publication as contemplated by law, including publication of the caption. The review provisions of this ordinance shall not become effective until the Design Code set forth herein has been adopted by the City Council.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
ROCKWALL, TEXAS ON THIS THE _____ DAY OF _____,
1990.

APPROVED:

Mayor

ATTEST:

City Secretary

MEMORANDUM
February 20, 1991

TO: Mayor and Members of the City Council

FROM: Members of the Planning and Zoning Commission

RE: Proposed Architectural Review Ordinance

The Planning and Zoning Commission has now completed its draft of the proposed Architectural Review Ordinance (Ordinance). This ordinance, as proposed, will significantly impact the process of development and redevelopment of multifamily and non-residential uses within the City. It is designed to ensure that any change to an exterior design feature will be compatible with an adopted design code for the City. The Planning and Zoning Commission considered a number of issues in the development of this ordinance, including the input received from the City Council in several worksessions regarding this subject. A discussion of those issues is included in this memorandum.

This ordinance would establish architectural review as an additional process that must occur for most development or redevelopment of multifamily or non-residential property. It would function much like the current Scenic Overlay district as it relates to architectural review, but is significantly more detailed. This ordinance provides for the creation of an architectural review process and the creation of an Architectural Review Commission (Commission). The Commission is charged with the responsibility of developing a Design Code that would be utilized by the Commission in reviewing requests for Certificates of Approval (CA). Public hearings will be required to adopt this ordinance and the Design Code.

Following is a discussion of the issues that were discussed by section:

- Section 7.4. This section outlines the makeup of the Commission. There was considerable discussion on this issue. As recommended, the Commission would primarily consist of technically trained members, but there are 2 citizen positions provided as well.
- Section 7.9. The Commission is charged with preparing a Design Code within 90 days of their appointment, unless an extension is granted by the Council. It is assumed that the review portion of the ordinance would not become effective until the Design Code is adopted by the Council. If it requires 3 months to develop the Code, as currently specified in the ordinance, it is likely that the final adoption will require 4-5 months. Depending on the level of review the Commission will be responsible for and the detail required for the Code 3 months may not be enough. We have therefore provided the authority to extend the time period if it is necessary.

Section 7.12.

This section is one of the most critical in the ordinance. It defines what development activities this ordinance will regulate. This section needs to clearly identify what improvements this ordinance will be applicable to. The level to which we require review will have an impact on how quickly improvements can be made to a location and the degree to which enforcement procedures and personnel will be affected. The draft currently requires that a CA must be applied for initially for any permanent sign permit*, or any other permit for work which involves an exterior design feature**, or any change in the exterior wall materials***. Once a CA is issued no change involving an exterior design feature can occur, whether it requires the issuance of a permit or not****. This will encompass most development activity that occurs in the City. Several other levels of enforcement were also considered and they are outlined below. (The asterisks identify those levels that are included in the recommended draft):

- Signs -
 - A. All signs for which a permit is required.
 - *B. All permanent signs for which a permit is required including wall signage.
 - C. All freestanding permanent signs for which a permit is required, including any changes.
 - D. All new freestanding permanent signs for which a permit is required.
 - E. All new freestanding permanent signs for which a permit is required located on specified roadways.

- Building- ****A. All exterior alterations of new and existing buildings, which may or may not currently require a permit ie., exterior building changes or expansions in materials, appurtenances such as awnings, porches, or decks; repainting; resurfacing; exterior building lighting or parking lot lighting; facade alteration; non structural roof modifications; fencing.
- **B. All exterior alterations of new and existing buildings which require a permit ie., building, electrical, mechanical, pool, or fence permit.
- C. All exterior alterations of new and existing buildings

which require a building permit only.

- D. All exterior alterations of new and existing buildings which require a building permit located on a roadway designated for site plan approval.

Walls - ***A. Modification of the exterior wall material of an existing building.

Wording is also included in this section that would allow the Commission to develop recommendations for permitting administrative authorization of certain improvements. For example, if all signs are required to obtain a CA, it might be feasible to develop certain guidelines that could be met administratively. If the applicant wanted to vary from those standards an application could be made to the Commission.

Section 7.15.

There was a great deal of discussion regarding the approval process and whether the Commission would be a recommending or final approval body. The current draft provides that the Commission has recommending authority on all plats, site plans and landscape plans that must be reviewed by the Planning and Zoning Commission and City Council. On those items, such as signs, that do not require Council approval the Commission would have final authority, with appeal to Council possible. The current 740 Architectural Review Board has recommending authority on building design and site plans within the 740 District and is a recommending body to the Planning and Zoning Commission. The degree to which this Review Commission should be autonomous will depend on the level to which development and redevelopment is subject to review.

Section 7.18.

There was considerable discussion regarding to what degree there can be administrative changes. The current draft of the ordinance provides that the Zoning Administrator has the ability to permit substitutions when it is determined by the Administrator to be equal to what was approved on the plan. We currently allow variations in site plans at an administrative level if there is no significant change in the general layout, access, and circulation and if the changes still conform to the City's requirements. While there needs to be an ability to administratively approve minor variations there was some concern about the potential for criticism of staff regarding interpretation. This issue will need to be discussed further in the development of the Design Code.

This ordinance, if adopted, will significantly impact the current development process in the City of Rockwall. It will insure that virtually all development or redevelopment that occurs will conform to the adopted Design Code. The Council also needs to understand that this ordinance

will increase the amount of time required for business owners to make major and, in some cases, relatively minor changes to their buildings.

The Planning and Zoning Commission does believe that this ordinance will better ensure that future development is compatible with the image of Rockwall as it will be defined in the Design Code and does recommend that action be taken to initiate hearings on the ordinance.

MEMORANDUM
February 21, 1991

TO: Members of the Planning and Zoning Commission

FROM: Julie Couch, Assistant City Manager

RE: Submission of the Proposed Historic Overlay District and Architectural Review Ordinance to City Council

Attached you will find copies of memorandums to the City Council regarding the Commission's recommendations of these two ordinances. Included in the memos is a discussion of the background and highlights of the issues that were addressed during the development of each ordinance. If you have any comments, changes or additions that you would like to make to either memo please let me know. These two recommendations will be scheduled for discussion and action on the next Council meeting on March 4. Those of you that can attend are encouraged to do so. I plan to send the ordinances and memos to Council by Tuesday of next week so please let me know by Monday if you have any changes or comments.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 83-23, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, TEXAS BY ADDING A NEW SECTION _____; PROVIDING FOR ARCHITECTURAL REVIEW OF CERTAIN NON RESIDENTIAL AND MULTIFAMILY DEVELOPMENTS; PROVIDING FOR A PENALTY FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with the guidelines established in the City of Rockwall's Comprehensive Zoning Ordinance the City Council has considered amending the Comprehensive Zoning Ordinance; 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 State law in reference to the adoption of amendments to comprehensive zoning ordinances have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners interested in the zoning regulations to be amended by the City, the governing body of the City of Rockwall is of the opinion that the Comprehensive Zoning Ordinance should be amended in the exercise of its legislative discretion,

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

SECTION 1. That the Comprehensive Zoning Ordinance No. 83-23 of the City of Rockwall as heretofore amended be and the same is hereby amended by adding a new Article VII as set forth as follows:

ARTICLE VII ARCHITECTURAL REVIEW

SECTION 7.1 The City Council of the City of Rockwall finds and declares:

1. That the appearance of open spaces, buildings, structures and signs visible from public streets, places and ways has a material and substantial relationship to property values in the city and the cost of the municipal services provided therefore;

2. That many neighborhoods in other urban and suburban communities have deteriorated in the past by reason of poor planning, neglect of proper maintenance standards and the erection of buildings and structures unsuitable to and incompatible with the character of the neighborhood, resulting in drastic reduction of property values and impairment of the public health, safety, morals and welfare therein;

3. That the purposes of architectural review are:
 - (a) to promote those qualities in the environment which bring value to the community;
 - (b) to foster the attractiveness and functional utility of the community as a place to live and work;
 - (c) to preserve the character and quality of our heritage by maintaining the integrity of those areas which have a discernible character or are of special historic significance;
 - (d) to protect public investments in the City; and
 - (e) to raise the level of community expectations for the quality of its environment.

4. That it is the policy of the City to:
 - (a) avoid and prevent deterioration of the character and appearance of this community;
 - (b) provide a favorable environment for residents and business activities; and
 - (c) by the various means provided in this Ordinance, preserve and enhance the property and taxable values and the public health, safety, morals and welfare of the City.

SECTION 7.2 DEFINITIONS

1. Certificate of Approval: A certificate issued by the Architectural Review Commission under the provisions of this Ordinance that certifies the exterior design features of an applicant's plans as suitable and as consistent with the Design Code.

2. Commission: The Rockwall Architectural Review Commission.

3. Exterior Design Feature: The general arrangement of any portion of a building, sign, landscaping or structure and including the kind, color and texture of the materials of such portion and the types of roof, windows, doors, lights, attached or ground signs or other fixtures appurtenant to such portions, as will be open to public view from any street, place or way.

SECTION 7.3 CREATION OF COMMISSION

There is hereby created an Architectural Review Commission in and for the City of Rockwall which shall consist of seven (7) members.

SECTION 7.4 TERM OF OFFICE; QUALIFICATIONS

The members shall be appointed for a term of two (2) years with staggered terms and

shall be removable by the City Council with or without cause. Their terms of office shall expire on the last day of July or when their successor is appointed. In the event that a vacancy occurs prior to the expiration of a full term the City Council shall appoint a new member to complete the unexpired term. Any member may be reappointed by the City Council upon completion of a term to which he has been appointed. The membership shall include:

- (a) three (3) from the following professions: architect, land planner, landscape architect, building designer, civil engineer, structural engineer or representative of a design profession, with at least one of these being a registered architect,
- (b) a commercial property owner within the City,
- (c) an experienced commercial builder within the City, and
- (d) two citizens with an expressed interest or background in this area.

All members must be residents of the City of Rockwall except as herein provided. If qualified applicants cannot be located from within the City limits, the City Council is hereby authorized to consider applicants who are residents of Rockwall County for those positions with specific technical or experience requirements.

SECTION 7.5 OFFICERS OF THE COMMISSION

The Commission shall elect a Chairman and Vice-Chairman at its first meeting in each August.

SECTION 7.6 DUTIES OF THE CHAIRMAN

The Chairman shall have the duty of calling all meetings and shall preside at all meetings of the Commission. In the absence of the Chairman, the Vice-Chairman shall assume the duties of the Chairman.

SECTION 7.7 MEETINGS OF THE COMMISSION

1. All meetings of the Commission shall be held at the call of the Chairman and at such other times as the Commission shall determine. Four (4) members of the Commission shall constitute a quorum. A majority decision of members present at a duly constituted meeting shall be required for all Commission actions.

2. The Commission may adopt its own rules of procedure, not inconsistent with this Ordinance.

3. All meetings of the Commission shall be open to the public, except as authorized by the Texas Open Meetings Act.

SECTION 7.8 POWERS AND DUTIES

1. Review and make recommendations for a Design Code.
2. To study exterior design drawings, signs, lighting, landscape and site plans and materials for any proposed public works or public improvements and to make recommendations to the City Council as to the architectural or aesthetic aspects thereof.
3. To review requests for the issuance of Certificates of Approval in connection with applications for building permits and other permits and to issue or deny such Certificates, in accordance with this ordinance.

SECTION 7.9 DESIGN CODE

The Commission shall prepare a proposed Design Code, which shall be submitted to the City Council for its consideration. The Commission is authorized to seek the advice and counsel of qualified professionals in the fields of architecture, landscaping, graphics, and land planning to assist in Code preparation. Any contract for consulting services for assistance in development of the Design Code shall be approved by the City Council. The Code shall be completed within ninety days, unless the City Council approves an extension.

1. The Design Code shall apply to all developments of a multiple family, business, commercial, manufacturing, planned development, or public nature in the City, as specified in this ordinance.
2. The Design Code shall be based upon the intent and purposes of this Ordinance, as set forth previously.
3. The Design Code shall establish standards or guidelines for future development or redevelopment of exterior design features. It should consider, among other features: building design, relationships of buildings to site, relationship of buildings and site to adjoining area, landscape and site treatment, signs, miscellaneous structures and street hardware, and maintenance.
4. Nothing contained in the Design Code shall conflict with, modify, or alter any provisions of any existing City ordinances or regulations controlling physical development.

SECTION 7.10 PUBLIC HEARING; ADOPTION

After review of the proposed Design Code, the City Council shall hold a public hearing thereon. A copy of the proposed Code shall be on file during the regular business hours at the office of the City Secretary in the City Hall for public inspection pending the conclusion of the public hearing. Notice of the public hearing shall be published at least once in a newspaper of general circulation in Rockwall not more than thirty (30) and not less than fifteen (15) days before the hearing. The City Council shall thereafter at a public meeting consider approval of the proposed Design Code. The Design Code as finally approved shall be adopted by Ordinance.

SECTION 7.11 AMENDMENTS

The Design Code may be amended by the City Council upon recommendation of the Commission after public hearing thereon in the manner provided for the hearing on the original Code.

SECTION 7.12 REGULATORY POWERS OF THE COMMISSION

No permit required under the ordinances of the City for any permanent sign or permit for the erection, construction, alteration or repair of any building or structure in a multifamily or non residential zoning district which involves an exterior design feature shall be issued by the Building Official, nor shall the exterior wall materials of an existing building be replaced or covered with a different wall material except upon the granting of a Certificate of Approval by the Commission or by direction of the City Council as provided herein. Upon issuance of a Certificate of Approval no change which involves an exterior design feature not in compliance with the approved plan shall occur unless the Certificate of Approval is amended, as herein provided.

The Commission may recommend guidelines for approval by the City Council which, upon approval, will enable the Zoning Administrator or designated representative to issue a Certificate of Approval for certain work.

If the Building Official determines that no exterior design feature is involved in the work for which the permit is sought, then no Certificate of Approval is required hereunder.

SECTION 7.13 LIMITATIONS ON REVIEWS

The Commission shall restrict its considerations to a reasonable and professional review of the proposal and plans.

1. In its endeavor to improve the quality of a design, the Commission shall keep considerations of cost in mind. But consideration of cost shall not override the other objectives of this Ordinance.

2. The Commission is not to use design review intentionally or inadvertently to prohibit or unduly restrict building types, materials or methods, unless such types, materials, or methods are specifically excluded in the approved Design Code, or to vary the specific allowances or prohibitions of the City's building, zoning, subdivision, or other development controls.

3. This ordinance shall not apply to any property that is located within a designated Historic District as provided for under Section _____ of the Comprehensive Zoning Ordinance.

SECTION 7.14 PREAPPLICATION CONFERENCE

Any applicant or prospective applicant for a permit which may require a Certificate may

file a written request for a preliminary conference with the Commission. Said conference with the Commission shall be held within twenty-one (21) days of the receipt of the request or at the next scheduled meeting of the Commission, whichever is sooner. At such conference, the Commission shall give consideration to preliminary exterior drawings, sketches or photographic examples, landscape and site plans and materials on a specific project, and shall give the applicant its informal opinion to assist said prospective applicant in the development of a plan which would be consistent with the requirements and purposes of the Design Code and this Ordinance.

SECTION 7.15 PROCEDURE FOR CERTIFICATE OF APPROVAL

1. It shall be the duty of the Zoning Administrator or designated representative to determine and advise an applicant whether, under the provision of this Chapter, a Certificate of Approval (Certificate) is required, prior to the issuance of a permit.

2. Upon the determination that a Certificate is required, the matter shall be scheduled for a meeting of the Commission in accordance with Section 6 herein. The application and required accompanying documents and form and number of the drawings shall be specified by the Commission.

3. At the scheduled Commission meeting the applicant shall be given a hearing on his application.

4. The Commission shall give consideration to the materials and oral comments submitted on each application and shall provide such advice, counsel, suggestions and recommendations on matters pertaining to external design features as they may deem necessary to guide the applicant to a solution that will effect the general purposes of the Design Code.

5. After hearing and considering the material presented, the Commission shall issue a Certificate if it finds that:

(a) the applicant's plans are substantially consistent with the Design Code; and

(b) The proposed exterior design features of the development are suitable and compatible with the character of neighboring buildings and structures existing or under construction and with the character of the neighborhood and zoning district, and contributes to the favorable environment of the City; and

(c) The exterior design features of the development will not be detrimental to the harmonious and orderly growth of the City; and

(d) The exterior design features of the development will not cause a substantial depreciation in the property or taxable values in the neighborhood.

The failure to make an affirmative finding on any of the criteria listed in (a) through (d) above shall be grounds for the Commission to deny the issuance of a Certificate. No application shall be denied solely by reason of the style of architecture, unless such style is specifically excluded

in the approved Design Code.

6. (a) The Commission shall render its decision within fifteen (15) days of the submission of the application when such applications do not require review and approval by the Planning and Zoning Commission and City Council as provided in Section (b) below. In the event that the Commission denies the issuance of a Certificate to the applicant, no permit shall be issued on the application except by express direction of the City Council upon appeal as hereinafter set forth.

(b) When such applications are submitted in conjunction with site plans, landscaping plans, or plats for approval by the Planning and Zoning Commission and City Council, the Commission shall complete its review and formulate its recommendations or such development prior to the consideration of the application by the Planning and Zoning Commission. In such cases, the Commission shall not have final authority, but shall only recommend changes to the Planning and Zoning Commission and City Council.

7. Amendments to a Certificate may be obtained by application therefor in the same manner as provided for an original certificate.

SECTION 7.16 APPEAL TO THE CITY COUNCIL

In the event the Commission denies a Certificate of Approval or amendment thereto under Section 7.15 6.(a) or fails to timely act as hereinabove provided, the applicant shall have the right to appeal directly to the City Council.

1. Such appeal shall be made in writing and shall be filed within fifteen (15) days of the decision or within fifteen (15) days of the failure of the Commission to timely act.

2. Upon such appeal all records and findings concerning the application shall be submitted to the City Council and by the Commission. Thereupon the City Council may by legislative judgement:

(a) adopt the decision of the Commission; or

(b) overrule or modify the decision of the Commission, including the direction of the issuance of a permit; or

(c) in the event the Commission has failed to timely act as hereinabove provided, instruct the Commission to do so within time certain, or direct or deny the issuance of a permit.

SECTION 7.17 FOLLOW-UP AND INSPECTIONS

Upon the granting of a Certificate of Approval or Amendments thereto, the exterior drawings, sketches, landscape and site plans, renderings and materials upon which said Certificate or Amendment was granted shall be turned over to the Building Official whose responsibility it shall be to determine, from time to time as the project is in progress and finally

upon its completion, that there have been no deviations therefrom.

1. It shall be the duty of the person, firm or corporation to whom a Certificate has been granted to comply with the requirements of the Certificate and to obtain such inspections as may be necessary in order to assure compliance. The Building Official will notify such person of any deficiencies found to exist. Failure to correct any deficiencies within ten (10) days after notification of such deficiency will constitute a violation of this ordinance.

2. Before any use may be made of improvements constructed under the provisions of the Design Code, final inspection of the premises must be obtained from the Building Official who will consider his findings in matters under the jurisdiction of the Commission together with other codes in the issuance of an occupancy permit. An occupancy permit will not be issued unless such an inspection has been made and the completed work found to be in compliance with plans approved by the Commission and under which the Certificate was issued except as provided below.

SECTION 7.18 SUBSTITUTIONS

When, by reason of nonavailability of planting materials or any other valid circumstance, it becomes necessary to vary any of the provisions under which a Certificate has been granted and in the opinion of the Zoning Administrator or designated representative, such variation will be aesthetically equal to or be better than the original provisions and will not conflict with the intent of the Design Code, the Zoning Administrator or designated representative shall have the power to grant such variation. He shall not be obligated to grant the variation, however, and may instead choose to send the matter back to the Commission for an amendment to the original Certificate. To the extent that the Zoning Administrator exercises the aforementioned power, he shall submit within ten (10) days thereafter a written report of the circumstances and his findings to the Commission.

SECTION 7.19 TEMPORARY OCCUPANCY PERMITS

If it should become impossible by reason of weather, strike or any other circumstance beyond control of the person, firm, or corporation to whom a Certificate of Approval has been granted to complete all work required before occupancy or start of use, a temporary occupancy permit may be issued by the Building Official.

1. Such temporary occupancy permit must be conditioned upon either depositing with the City a cash escrow sufficient to guarantee completion of the work (including a fifteen percent (15%) contingency reserve) or upon the execution of an agreement in a form satisfactory to the City Attorney in which the applicant shall be firmly bound to comply with the terms, provisions and conditions of the Certificate as soon as the circumstances causing such impossibility shall have been abated. Refunds of such cash escrow may be made progressively as work is completed or in a lump sum upon final inspection and approval by the Building Official.

2. In the event the person, firm or corporation to whom the Certificate has been granted fails to complete the work required in accordance with the aforementioned cash escrow within nine (9) months of the date of establishing such escrow deposit, the cash deposit shall be

forfeited. The above time limit may be extended by the City Council, if, in its opinion, it is in the public interest to do so. In the event of escrow forfeiture, the temporary occupancy permit shall become void and no other occupancy permit shall be issued until the necessary work is completed.

SECTION 7.20 FEES

Fees pertaining to application for a Certificate of Approval or Amendments thereto shall be established by action of the City Council from time to time.

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

SECTION 3. SEVERABILITY CLAUSE. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, nor shall adjudication affect any other section or provision of the Comprehensive Zoning Ordinance of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

SECTION 4. REPEALER CLAUSE. That all ordinances of the City of Rockwall in conflict with the provisions of this be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, approval and publication as contemplated by law, including publication of the caption. The review provisions of this ordinance shall not become effective until the Design Code set forth herein has been adopted by the City Council.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS THE _____ DAY OF _____, 1990.

APPROVED:

Mayor

ATTEST:

City Secretary

MEMORANDUM

June 12, 1991

TO: Bill Eisen, City Manager

FROM: Julie Couch, Assistant City Manager

RE: Review of Corridor Development Recommendations

Last month the City Council indicated that they wanted to review the process that was undertaken by the Planning and Zoning Commission to develop the corridor recommendations including architectural review. The Planning and Zoning Commission worked for a number of months to develop their recommendations regarding corridor planning. The chronology of their recommendations is as follows:

October 1, 1990	The Commission presented their recommendations to Council for roadways other than I-30. A copy of the memo is attached.
October 10, 1990	The Planning and Zoning Commission presented their initial recommendations regarding architectural review and the Council holds a joint worksession with the Commission to discuss the issue. A copy of the memo is attached.
December 11, 1990	The Commission presents their recommendations to Council regarding the I-30 corridor. A copy of the memo is attached.
March 4, 1991	The Commission presents their recommendations regarding the proposed architectural review ordinance to the Council. The Council instructs the Commission to hold hearings. A copy of the memo is attached.
April 11, 1991	Commission holds their public hearing to consider the architectural review ordinance.
May 9, 1991	After holding a worksession with the City Council the Commission votes to recommend not approving

the ordinance.

May 20, 1991

Council votes to cease consideration of the architectural review ordinance and discusses the possibility of appointing a task force to review these issues.

Attached is a copy of the information presented at the Commission public hearing including a brief history of corridor planning and a summary of the architectural review ordinance.

If the Council wants to establish a task force to review any or all of these issues staff could develop a resolution creating such a task force. Thought needs to be given to the charge of that task force and what they will be asked to review.

HISTORY OF CORRIDOR PLANNING AND ARCHITECTURAL REVIEW

IN FEBRUARY 1989 THE ROCKWALL CITY COUNCIL ADOPTED THE FIRST SET OF GOALS AND STRATEGIES FOR THE CITY WHICH INCLUDED THE STRATEGY AS FOLLOWS:

"STAFF TO DEVELOP RECOMMENDATIONS REGARDING ADDITIONAL NON-RESIDENTIAL AREAS OR CORRIDORS ALONG I-30, SH-66, SH-205, AND SH-276 THAT NEED ADDITIONAL DEVELOPMENT GUIDELINES."

DURING THAT YEAR THE PLANNING AND ZONING COMMISSION DEVELOPED AND CITY COUNCIL ADOPTED THE HIGHWAY COMMERCIAL ZONING DISTRICT.

IN JANUARY 1990 THE CITY COUNCIL REAFFIRMED THE STRATEGY AS FOLLOWS:

"PLANNING AND ZONING COMMISSION AND STAFF WILL CONTINUE CORRIDOR DEVELOPMENT GUIDELINES FOR I-30, SH-66, SH-205, AND SH-276..."

DURING THE COURSE OF THE YEAR THE COMMISSION DEVELOPED A NUMBER OF RECOMMENDATIONS WHICH WERE SUBMITTED TO THE COUNCIL REGARDING SIGNAGE, LANDSCAPING, AND DEVELOPMENT REQUIREMENTS. THE COMMISSION MET IN WORKSESSION WITH THE COUNCIL DURING THIS PROCESS TO DISCUSS THE COMMISSION'S RECOMMENDATIONS. INCLUDED IN THIS PROCESS WAS A RECOMMENDATION THAT AN ARCHITECTURAL REVIEW PROCEDURE BE ESTABLISHED.

IN JANUARY 1991 THE CITY COUNCIL REAFFIRMED THE STRATEGY AS FOLLOWS:

"STAFF AND THE PLANNING AND ZONING COMMISSION WILL PRESENT A RECOMMENDED ARCHITECTURAL REVIEW ORDINANCE TO THE CITY COUNCIL BY MARCH, 1991."

ON MARCH 4, 1991 THE CITY COUNCIL RECEIVED THE PROPOSED ARCHITECTURAL REVIEW ORDINANCE AND INSTRUCTED THE COMMISSION TO PROCEED WITH PUBLIC HEARINGS ON THE ORDINANCE.

PROPOSED ARCHITECTURAL REVIEW ORDINANCE

SUMMARY

Following is a summary of the provisions of the proposed ordinance:

PURPOSE OF THIS ORDINANCE

The purpose of the ordinance is to provide an opportunity for review of proposed new construction and revisions to existing non-residential and multifamily structures to ensure that such changes are compatible with the surrounding development and reflect the development goals of the City. The purpose of the ordinance is to review such development as it relates to an approved design code that would establish general development criteria without significantly delaying the construction process and without arbitrarily restricting creativity.

The ordinance as currently drafted accomplishes three actions as follows:

1. It creates the Architectural Review Commission
2. It establishes that there will be architectural review of certain development and redevelopment within the City, and defines what type of development and redevelopment will be reviewed and how
3. It provides that a Design Code will be developed by the Architectural Review Commission for adoption by the City Council after public hearing

TYPE OF DEVELOPMENT THAT WOULD BE SUBJECT TO THE PROVISIONS OF THE ORDINANCE

This ordinance would apply to the following type of development:

New Construction

1. Any new construction of non-residential or multifamily development

Existing Construction

1. Any work on an existing non-residential or multifamily development that alters an "exterior design feature" for which a construction permit from the City is required ie., a new sign, a structural alteration of an exterior facade, exterior lighting for which a permit is required, or additions to existing structures. Exterior painting would not require a review from the Architectural Review Commission unless approval has already been granted on a particular site.
2. Any change in an exterior design feature other than normal maintenance, whether a construction permit from the City is required or not, if approval from the Architectural Review Commission has been granted previously.

TIME REQUIRED TO PROCESS A PERMIT

There are two schedules for the processing of permit requests:

Requests for Sites Which Require Site Planning/Platting

New construction or exterior additions requiring a building permit on most major roadways in town must currently submit a site plan and/or plat for approval by the Planning and Zoning Commission and City Council prior to the issuance of a building permit. The ordinance provides that architectural review will occur during the time frame for consideration of the site plan and plat. This process, which is already established, can take 45 to 60 days depending upon the date a plan is filed.

Requests for Exterior Changes to Existing Buildings

Requests for exterior changes to existing buildings that do not require site plan or plat approval would be considered by the Architectural Review Commission, which would meet a minimum of twice a month. The ordinance states that a decision will be made by the Commission within 15 days of submission. There is an appeal process to the City Council established in the ordinance and a decision on appeal would normally be made within 15 to 18 days of appeal depending on when the appeal is filed.

PURPOSE OF THE DESIGN CODE

The ordinance provides for the drafting of a Design Code by the Architectural Review Commission and final approval of the Design Code by the City Council. The Design Code would provide builders and developers with guidelines on the criteria that would be used by the Architectural Review Commission and the City Council when permit requests are reviewed. No architectural review would be required under this ordinance unless and until the Design Code is adopted by the City Council after holding public hearings.

CITY OF ROCKWALL
Planning and Zoning Agenda

Agenda Date: May 9, 1991 **Agenda No:** III. A.

Agenda Item: Discuss and Consider a Recommendation Regarding a Proposed Architectural Review Ordinance

Item Generated By: Planning and Zoning Commission

Action Needed: Take any necessary action on the proposed ordinance.

Background Information:

As the Commission is aware the public hearing on the proposed ordinance was held at the last meeting. The Commission now needs to take action on the proposal. In addition to recommending that the ordinance either be approved or not approved it would be appropriate to address the discussion that was raised at the joint worksession with the Council regarding a task force or committee to study this issue.

Attachments:

Agenda Item: Architectural Review Ordinance **Item No:** III. A.

**CITY OF ROCKWALL
City Council Agenda**

Agenda Date: May 20, 1991

Agenda No: VI. A.

Agenda Item: Discuss and Consider Action on Planning and Zoning Commission Recommendation Regarding the Proposed Architectural Review Commission

Item Generated By: Planning and Zoning Commission

Action Needed: Hear recommendation and either instruct staff to proceed with notice and hearings on the proposed ordinance, or instruct staff not to proceed. Council could also instruct staff to draft a resolution creating a task force to study the issue of architectural review for consideration by the City Council.

Background Information:

The Planning and Zoning Commission has recommended that the Council not adopt the Architectural Review Ordinance as it is currently drafted and they have also recommended that a task force be created to review the issue of architectural review. A number of people at the joint worksession signed a list indicating that they would be willing to work on such a committee. A list of those people is attached.

If the Council wishes to appoint a task force thought needs to be given regarding the charge to that committee. Should the committee develop alternative recommendations for architectural review and are they to be limited to only architectural review. There are a number of other recommendations that the Commission has made regarding development along the corridors and other commercial areas that have been approved by Council in concept that have not yet been formally adopted by ordinance. All of these changes will affect the business community to some degree. Some of these are as follows:

1. Amending the sign ordinance to require monument signage throughout the City.
2. Amending the landscaping ordinance to increase the landscaping requirements in parking lots and in front of commercial development.
3. Amending the landscaping ordinance to require certain landscaping prior to the issuance of a Certificate of Occupancy on nonconforming locations.

Some of these requirements are likely to generate discussion and concern from the business community just as the architectural review discussion did. Consideration might be given to including these items in a review by a task force. Several comments were made during the joint worksession about the current requirements the City has and the need to reduce those requirements. If a citizen task force is appointed to review existing ordinances recommendations might be forthcoming to either eliminate or reduce the City's current requirements.

Attachments:

List of People Interested in Serving on Task Force

Agenda Item: Architectural Review Ordinance

Item No: VI. A.

TASK FORCE

<u>Willing to Serve on Task Force</u>	<u>Phone Number</u>
Phillip Hail	771-5336
Richard Harris	771-5746
Bill Fox	771-8168
Al Welch	771-2222
Ron Mastronardi	771-6157
Sam Chenault	771-0611
Marvin Sexton	771-8880
Eloise Cullum	771-6391
Jake Moser	771-3886 239-0957
James L. Hendricks	771-4888
John Johnston	771-4484
Nell Welborn	771-9454