



PLANNING AND ZONING CASE CHECKLIST

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

P&Z CASE # 22018-015 P&Z DATE _____ CC DATE _____ APPROVED/DENIED _____
ARCHITECTURAL REVIEW BOARD DATE _____ HPAB DATE _____ PARK BOARD DATE _____

ZONING APPLICATION
<input type="checkbox"/> SPECIFIC USE PERMIT
<input type="checkbox"/> ZONING CHANGE
<input type="checkbox"/> PD CONCEPT PLAN
<input type="checkbox"/> PD DEVELOPMENT PLAN

SITE PLAN APPLICATION
<input type="checkbox"/> SITE PLAN
<input type="checkbox"/> LANDSCAPE PLAN
<input type="checkbox"/> TREESCAPE PLAN
<input type="checkbox"/> PHOTOMETRIC PLAN
<input type="checkbox"/> BUILDING ELEVATIONS
<input type="checkbox"/> MATERIAL SAMPLES
<input type="checkbox"/> COLOR RENDERING

PLATTING APPLICATION
<input type="checkbox"/> MASTER PLAT
<input type="checkbox"/> PRELIMINARY PLAT
<input type="checkbox"/> FINAL PLAT
<input type="checkbox"/> REPLAT
<input type="checkbox"/> ADMINISTRATIVE/MINOR PLAT
<input type="checkbox"/> VACATION PLAT
<input type="checkbox"/> LANDSCAPE PLAN
<input type="checkbox"/> TREESCAPE PLAN

<input type="checkbox"/> COPY OF ORDINANCE (ORD.# _____)
<input type="checkbox"/> APPLICATIONS
<input type="checkbox"/> RECIEPT
<input type="checkbox"/> LOCATION MAP
<input type="checkbox"/> HOA MAP
<input type="checkbox"/> PON MAP
<input type="checkbox"/> FLU MAP
<input type="checkbox"/> NEWSPAPER PUBLIC NOTICE
<input type="checkbox"/> 500-FT. BUFFER PUBLIC NOTICE
<input type="checkbox"/> PROJECT REVIEW
<input type="checkbox"/> STAFF REPORT
<input type="checkbox"/> CORRESPONDENCE
<input type="checkbox"/> COPY-ALL PLANS REQUIRED
<input type="checkbox"/> COPY-MARK-UPS
<input type="checkbox"/> CITY COUNCIL MINUTES-LASERFICHE
<input type="checkbox"/> MINUTES-LASERFICHE
<input type="checkbox"/> PLAT FILED DATE _____
<input type="checkbox"/> CABINET # _____
<input type="checkbox"/> SLIDE # _____
NOTES: _____

ZONING MAP UPDATED _____



CITY OF ROCKWALL, TEXAS

MEMORANDUM

TO: Planning and Zoning Commission

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

DATE: March 27, 2018

SUBJECT: *Z2018-015; Proposed Changes to Article II, Authority and Administrative Procedures, UDC*

At the March 5, 2018 City Council meeting, the City Council directed staff to prepare a text amendment amending Article II, *Authority and Administrative Procedures*, of the Unified Development Code (UDC) for the purpose of establishing criteria for the resubmittal of an application which has previously been denied by the City Council. Under the City's current ordinances, if an applicant's request is denied -- *regardless of being denied with or without prejudice* -- by the City Council the applicant can resubmit the same application without prohibition for all non-zoning related cases. The proposed text amendment would change this requirement by prohibiting applicants from resubmitting an application -- *that was denied with prejudice* -- without [1] a one (1) year waiting period, or [2] a ruling of substantial change by the Planning and Zoning Commission. Applications that are denied without prejudice would be exempt from these criteria and could resubmit without prohibition. This is the same procedure that zoning related applications are currently required to follow.

In accordance, with Section 4.2 of Article XI, *Zoning Related Applications*, of the UDC staff is bringing the proposed amendment forward to the Planning and Zoning Commission for a recommendation to the City Council. Attached to this case memo is a copy of the proposed amendment to the UDC and a draft ordinance. The schedule for this text amendment is as follows:

Planning and Zoning Commission [Work Session]: March 27, 2018
Planning and Zoning Commission [Public Hearing]: April 10, 2018
City Council [Public Hearing/1st Reading of the Ordinance]: April 16, 2018
City Council [2nd Reading of the Ordinance]: May 7, 2018

Staff will send out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 6.1 of Article II, *Authority and Administrative Procedures*, of the UDC. Should the Planning and Zoning Commission have any questions staff will be available at the meeting on March 27, 2018.

ARTICLE II, *AUTHORITY AND ADMINISTRATIVE PROCEDURES*, OF THE UDC

SECTION 7. ~~PUBLIC HEARING~~-PLANNING AND ZONING COMMISSION ~~AUTHORITY~~

SECTION 7.1: APPROVAL AUTHORITY

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

- (A) Decisions on site plans, building elevations, lighting plans, landscape plans and tree preservation plans as may be required.
- (B) Recommendations to City Council on plats as required by the subdivision ordinance, [*Chapter 38 of Part II, Code of Ordinances*].
- (C) Recommendations ~~on~~ to City Council on replats, when such public hearing is required by the provisions of V.T.C.A., *Local Government Code Chapter 212*.
- (D) Recommendations to City Council regarding text amendments to this ~~{Unified Development Code}~~.
- (E) Recommendations to City Council regarding zoning changes and map amendments, including reclassification of the zoning designations on land, specific use permits, and planned developments.
- (F) Recommendations to City Council regarding special exceptions to this ~~{Unified Development Code}~~.
- (G) Recommendations to City Council regarding amendments to the Comprehensive Plan.
- (H) Recommendations to City Council regarding amendments to the Thoroughfare Plan.
- (I) Recommendations to City Council regarding amendments to ~~the a Master~~ Open Space Plan.

SECTION 7.2: RECOMMENDATION AUTHORITY

Upon closure of the public hearing, and when required to make a recommendation to the ~~City~~ Council, the ~~Planning and Zoning Commission~~ ~~commission~~ may recommend:

- (A) That the request or amendment be approved or enacted; or
- (B) That the request or amendment be approved or enacted as modified to a more restrictive classification or subject to appropriate conditions as permitted by law; or
- (C) That the request or amendment be denied.

SECTION 8. ~~PUBLIC HEARING~~-CITY COUNCIL ~~AUTHORITY~~

SECTION 8.1: AUTHORITY

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- (A) Text amendments to this ~~{Unified Development Code}~~.
- (B) Zoning changes and map amendments, including reclassification of the zoning designations on land, specific use permits, and planned developments.
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- (D) Amendments to the Comprehensive Plan.
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- (F) Amendments to the ~~Master~~ Open Space Plan.
- (G) Variances, special exceptions and appeals as set out in this ~~{Unified Development Code}~~.

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

SECTION 8.2: 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, but the City Council shall not take action until it has received a final report from the planning and zoning commission.

SECTION 8.3: ~~CITY~~ COUNCIL APPROVAL OR DENIAL

~~Following closure of the public hearing, t~~The council may take the following actions ~~concerning the matters outlined in Section 8.1:~~

- (A) *Approval of an item.* The City Council may approve the request or amendment either as requested, or in the form of a more restrictive district, and subject to such appropriate conditions as are allowed by law. Such approval of any request for a text amendment to this [Unified Development Code] or a zoning change and map amendment shall be granted only if the City Council determines that the request or amendment is consistent with the Comprehensive Plan and the purposes of this [Unified Development Code]. In the event the request or amendment concerns a text amendment to this [Unified Development Code] or a zoning change and map amendment, the City Council shall enact an ordinance amending this [Unified Development Code] or amending the official zoning map, whichever is applicable.
- (B) *Denial of an item.* The City Council may deny ~~the a~~ request or amendment with prejudice. If a request or amendment is denied with prejudice, a new application may be submitted for the same lot or tract of land, or any portion thereof, within one (1) year only if the new request is for a more restrictive or less intense use or development. ~~Unless the new proposal is more restrictive or less intense than the previously denied proposal, then no other application pertaining to a change of zoning and map amendment may be submitted on the same lot or tract of land, or any portion thereof, for a period of one year from the date of its denial by the Council.~~ For applications pertaining to a change of zoning and map amendment, a new proposal may not be submitted unless it is more restrictive or less intense than the previously denied proposal for any tract of land, or any portion thereof, for a period of one (1) year from the denial date. If a request or amendment is denied by the City Council without an indication of “with” or “without” prejudice, then the action shall be considered to be “denied with prejudice.”
- (C) *Denial without prejudice.* The City Council may deny the request or amendment without prejudice, in which case an application for ~~the same request a change in zoning and map amendment other than that which was requested on the original application~~ may be filed at the applicant's discretion.
- (D) *Reapplication due to changed conditions.* A ~~proposal to rezone a tract or parcel of land~~ request or amendment, which has been previously rejected ~~with prejudice~~ by the City Council, may be resubmitted within one (1) year only if there is an actual change in conditions relating to ~~zoning principles of~~ the tract or parcel of land or the property surrounding it. In ~~that this~~ event, the applicant must submit to the Director of Planning and Zoning, in writing, a ~~resume~~ request describing such changed conditions. The Director of Planning and Zoning shall investigate ~~the property or cause such an investigation to be made and the claim and~~ shall report to the Planning and Zoning Commission whether or not such changed ~~of~~ conditions exist. Upon hearing this report, the Planning and Zoning Commission shall either grant or deny the request to refile the ~~proposal for rezoning~~ request or amendment.

SECTION 8.4: PROTEST OF PROPOSED CHANGE IN ZONING

Property owners adjacent to and within a radius of 200 feet of a property for which a change in zoning is being considered have the right to file a written protest against the request. The land area of this 200 ~~foot feet~~ radius includes streets, alleys and other public right-of-way.

Whenever such written protest is signed by the owners of 20 percent or more of the area of the lots or land included in such zoning change, or of the lots or land immediately adjoining the same and within the above mentioned 200-foot radius, or if such change is recommended for denial by the Planning and Zoning Commission, such change in zoning shall require a favorable vote of three-fourths of all eligible members of the City Council.

For purposes of determining representation on this written protest, the written protest of any one (1) owner of land owned by two or more persons shall be presumed to be the protest of all owners.

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

SECTION 8.5: CRITERIA FOR GRANTING SPECIAL EXCEPTIONS

The City Council may make special exceptions to the standards in this [Unified Development Code] that are consistent with the general purpose and intent of the [Unified Development Code]. The Planning and Zoning Commission shall make recommendations on special exceptions.

Special exceptions are subject to appropriate conditions and safeguards to ensure that the special exceptions are consistent with the general purpose and intent of this [Unified Development Code] and the City's Comprehensive Plan.

The City Council, pursuant to the powers conferred upon it by state law, the ordinances of the City and this article may grant special exceptions to the provisions of this *Unified Development Code* upon finding that:

- (A) Such special exception will not substantially or permanently injure the appropriate use of adjacent property in the same district;
- (B) Such special exception will not adversely affect the health, safety or general welfare of the public;
- (C) Such special exception will not be contrary to the public interest;
- (D) Such special exception will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the exception is sought is located, except as provided elsewhere in this *Unified Development Code*;
- (E) Such special exception will be in harmony with the spirit and purpose of this *Unified Development Code*;
- (F) Such special exception will not alter the essential character of the district in which the property is located ~~the property~~ for which the exception is sought;
- (G) Such special exception will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located; and
- (H) Such special exception is within the spirit and intent of the City's Comprehensive Plan and other policies.

CITY OF ROCKWALL

ORDINANCE NO. 18-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE II, AUTHORITY AND ADMINISTRATIVE PROCEDURES; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an amendment to the City of Rockwall's Unified Development Code [*Ordinance No. 04-38*] has been initiated by the City Council of the City of Rockwall to amend Article II, *Authority and Administrative Procedures*, of the Unified Development Code [*Ordinance No. 04-38*]; and,

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

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

SECTION 1. That Article II, *Authority and Administrative Procedures*, of the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance.

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

SECTION 3. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code [*Ordinance No. 04-38*], and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

SECTION 4. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides;

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 7TH DAY OF MAY, 2018.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: April 16, 2018

2nd Reading: May 7, 2018

Exhibit 'A'
*Article II, Authority and Administrative Procedures, of the
Unified Development Code*

Key:

Additions

Deletions

ARTICLE II, **AUTHORITY AND ADMINISTRATIVE PROCEDURES**, OF THE UDC

SECTION 7. **PUBLIC HEARING**-PLANNING AND ZONING COMMISSION **AUTHORITY**

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CITY OF ROCKWALL, TEXAS

MEMORANDUM

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

DATE: April 10, 2018

SUBJECT: *Z2018-015; Proposed Changes to Article II, Authority and Administrative Procedures, UDC*

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- (B) *Denial of an item.* The City Council may deny the a request or amendment with prejudice. If a request or amendment is denied with prejudice, a new application may be submitted for the same lot or tract of land, or any portion thereof, within one (1) year only if the new request is for a more restrictive or less intense use or development. ~~Unless the new proposal is more restrictive or less intense than the previously denied proposal, then no other application pertaining to a change of zoning and map amendment may be submitted on the same lot or tract of land, or any portion thereof, for a period of one year from the date of its denial by the Council.~~ For applications pertaining to a change of zoning and map amendment, a new proposal may not be submitted unless it is more restrictive or less intense than the previously denied proposal for any tract of land, or any portion thereof, for a period of one (1) year from the denial date. If a request or amendment is denied by the City Council without an indication of “with” or “without” prejudice, then the action shall be considered to be “denied with prejudice.”
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- (D) *Reapplication due to changed conditions.* A ~~proposal to rezone a tract or parcel of land~~ request or amendment, which has been previously rejected with prejudice by the City Council, may be resubmitted within one (1) year only if there is an actual change in conditions relating to zoning principles of the tract or parcel of land or the property surrounding it. In that this event, the applicant must submit to the Director of Planning and Zoning, in writing, a resume request describing such changed conditions. The Director of Planning and Zoning shall investigate the property or cause such an investigation to be made and the claim and shall report to the Planning and Zoning Commission whether or not such changed of conditions exist. Upon hearing this report, the Planning and Zoning Commission shall either grant or deny the request to refile the ~~proposal for rezoning~~ request or amendment.

SECTION 8.4: PROTEST OF PROPOSED CHANGE IN ZONING

Property owners adjacent to and within a radius of 200 feet of a property for which a change in zoning is being considered have the right to file a written protest against the request. The land area of this 200 foot feet radius includes streets, alleys and other public right-of-way.

Whenever such written protest is signed by the owners of 20 percent or more of the area of the lots or land included in such zoning change, or of the lots or land immediately adjoining the same and within the above mentioned 200-foot radius, or if such change is recommended for denial by the Planning and Zoning Commission, such change in zoning shall require a favorable vote of three-fourths of all eligible members of the City Council.

For purposes of determining representation on this written protest, the written protest of any one (1) owner of land owned by two or more persons shall be presumed to be the protest of all owners.

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

SECTION 8.5: CRITERIA FOR GRANTING SPECIAL EXCEPTIONS

The City Council may make special exceptions to the standards in this Unified Development Code that are consistent with the general purpose and intent of the Unified Development Code. The Planning and Zoning Commission shall make recommendations on special exceptions.

Special exceptions are subject to appropriate conditions and safeguards to ensure that the special exceptions are consistent with the general purpose and intent of this Unified Development Code and the City's Comprehensive Plan.

The City Council, pursuant to the powers conferred upon it by state law, the ordinances of the City and this article may grant special exceptions to the provisions of this *Unified Development Code* upon finding that:

- (A) Such special exception will not substantially or permanently injure the appropriate use of adjacent property in the same district;
- (B) Such special exception will not adversely affect the health, safety or general welfare of the public;
- (C) Such special exception will not be contrary to the public interest;
- (D) Such special exception will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the exception is sought is located, except as provided elsewhere in this *Unified Development Code*;
- (E) Such special exception will be in harmony with the spirit and purpose of this *Unified Development Code*;
- (F) Such special exception will not alter the essential character of the district in which **the property** is located ~~the property~~ for which the exception is sought;
- (G) Such special exception will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located; and
- (H) Such special exception is within the spirit and intent of the City's Comprehensive Plan and other policies.

CITY OF ROCKWALL

ORDINANCE NO. 18-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE II, AUTHORITY AND ADMINISTRATIVE PROCEDURES; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an amendment to the City of Rockwall's Unified Development Code [*Ordinance No. 04-38*] has been initiated by the City Council of the City of Rockwall to amend Article II, *Authority and Administrative Procedures*, of the Unified Development Code [*Ordinance No. 04-38*]; and,

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

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

SECTION 1. That Article II, *Authority and Administrative Procedures*, of the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance.

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

SECTION 3. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code [*Ordinance No. 04-38*], and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

SECTION 4. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides;

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 7TH DAY OF MAY, 2018.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: April 16, 2018

2nd Reading: May 7, 2018

Exhibit 'A'
*Article II, Authority and Administrative Procedures, of the
Unified Development Code*

Key:

Additions

Deletions

ARTICLE II, *AUTHORITY AND ADMINISTRATIVE PROCEDURES*, OF THE UDC

SECTION 7. ~~PUBLIC HEARING~~-PLANNING AND ZONING COMMISSION ~~AUTHORITY~~

SECTION 7.1: APPROVAL AUTHORITY

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

- (A) Decisions on site plans, building elevations, lighting plans, landscape plans and tree preservation plans as may be required.
- (B) Recommendations to City Council on plats as required by the subdivision ordinance, [*Chapter 38 of Part II, Code of Ordinances*].
- (C) Recommendations ~~on~~ to City Council on replats, when such public hearing is required by the provisions of *V.T.C.A., Local Government Code Chapter 212*.
- (D) Recommendations to City Council regarding text amendments to this [*Unified Development Code*].
- (E) Recommendations to City Council regarding zoning changes and map amendments, including reclassification of the zoning designations on land, specific use permits, and planned developments.
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- (G) Recommendations to City Council regarding amendments to the Comprehensive Plan.
- (H) Recommendations to City Council regarding amendments to the Thoroughfare Plan.
- (I) Recommendations to City Council regarding amendments to ~~the a Master~~ Open Space Plan.

SECTION 7.2: RECOMMENDATION AUTHORITY

Upon closure of the public hearing, and when required to make a recommendation to the City Council, the ~~Planning and Zoning Commission~~ ~~commission~~ may recommend:

- (A) That the request or amendment be approved or enacted; or
- (B) That the request or amendment be approved or enacted as modified to a more restrictive classification or subject to appropriate conditions as permitted by law; or
- (C) That the request or amendment be denied.

SECTION 8. ~~PUBLIC HEARING~~-CITY COUNCIL ~~AUTHORITY~~

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

- (A) Text amendments to this [*Unified Development Code*].
- (B) Zoning changes and map amendments, including reclassification of the zoning designations on land, specific use permits, and planned developments.
- (C) Special exceptions or waivers related to site plans for development.
- (D) Amendments to the Comprehensive Plan.
- (E) Amendments to the ~~Master~~ Thoroughfare Plan.
- (F) Amendments to the ~~Master~~ Open Space Plan.
- (G) Variances, special exceptions and appeals as set out in this [*Unified Development Code*].

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

Exhibit 'A'

*Article II, Authority and Administrative Procedures, of the
Unified Development Code*

SECTION 8.2: 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, but the City Council shall not take action until it has received a final report from the planning and zoning commission.

SECTION 8.3: CITY COUNCIL APPROVAL OR DENIAL

Following closure of the public hearing, the council may take the following actions concerning the matters outlined in Section 8.1:

- (A) *Approval of an item.* The City Council may approve the request or amendment either as requested, or in the form of a more restrictive district, and subject to such appropriate conditions as are allowed by law. Such approval of any request for a text amendment to this Unified Development Code or a zoning change and map amendment shall be granted only if the City Council determines that the request or amendment is consistent with the Comprehensive Plan and the purposes of this Unified Development Code. In the event the request or amendment concerns a text amendment to this Unified Development Code or a zoning change and map amendment, the City Council shall enact an ordinance amending this Unified Development Code or amending the official zoning map, whichever is applicable.
- (B) *Denial of an item.* The City Council may deny the a request or amendment with prejudice. If a request or amendment is denied with prejudice, a new application may be submitted for the same lot or tract of land, or any portion thereof, within one (1) year only if the new request is for a more restrictive or less intense use or development. Unless the new proposal is more restrictive or less intense than the previously denied proposal, then no other application pertaining to a change of zoning and map amendment may be submitted on the same lot or tract of land, or any portion thereof, for a period of one year from the date of its denial by the Council. For applications pertaining to a change of zoning and map amendment, a new proposal may not be submitted unless it is more restrictive or less intense than the previously denied proposal for any tract of land, or any portion thereof, for a period of one (1) year from the denial date. If a request or amendment is denied by the City Council without an indication of "with" or "without" prejudice, then the action shall be considered to be "denied with prejudice."
- (C) *Denial without prejudice.* The City Council may deny the request or amendment without prejudice, in which case an application for the same request a change in zoning and map amendment other than that which was requested on the original application may be filed at the applicant's discretion.
- (D) *Reapplication due to changed conditions.* A proposal to rezone a tract or parcel of land request or amendment, which has been previously rejected with prejudice by the City Council, may be resubmitted within one (1) year only if there is an actual change in conditions relating to zoning principles of the tract or parcel of land or the property surrounding it. In that this event, the applicant must submit to the Director of Planning and Zoning, in writing, a resume request describing such changed conditions. The Director of Planning and Zoning shall investigate the property or cause such an investigation to be made and the claim and shall report to the Planning and Zoning Commission whether or not such changed of conditions exist. Upon hearing this report, the Planning and Zoning Commission shall either grant or deny the request to refile the proposal for rezoning request or amendment.

Exhibit 'A'

*Article II, Authority and Administrative Procedures, of the
Unified Development Code*

SECTION 8.4: PROTEST OF PROPOSED CHANGE IN ZONING

Property owners adjacent to and within a radius of 200 feet of a property for which a change in zoning is being considered have the right to file a written protest against the request. The land area of this 200 foot feet radius includes streets, alleys and other public right-of-way.

Whenever such written protest is signed by the owners of 20 percent or more of the area of the lots or land included in such zoning change, or of the lots or land immediately adjoining the same and within the above mentioned 200-foot radius, or if such change is recommended for denial by the Planning and Zoning Commission, such change in zoning shall require a favorable vote of three-fourths of all eligible members of the City Council.

For purposes of determining representation on this written protest, the written protest of any one (1) owner of land owned by two or more persons shall be presumed to be the protest of all owners.

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

SECTION 8.5: CRITERIA FOR GRANTING SPECIAL EXCEPTIONS

The City Council may make special exceptions to the standards in this Unified Development Code that are consistent with the general purpose and intent of the Unified Development Code. The Planning and Zoning Commission shall make recommendations on special exceptions.

Special exceptions are subject to appropriate conditions and safeguards to ensure that the special exceptions are consistent with the general purpose and intent of this Unified Development Code and the City's Comprehensive Plan.

The City Council, pursuant to the powers conferred upon it by state law, the ordinances of the City and this article may grant special exceptions to the provisions of this Unified Development Code upon finding that:

- (A) Such special exception will not substantially or permanently injure the appropriate use of adjacent property in the same district;
- (B) Such special exception will not adversely affect the health, safety or general welfare of the public;
- (C) Such special exception will not be contrary to the public interest;
- (D) Such special exception will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the exception is sought is located, except as provided elsewhere in this Unified Development Code;
- (E) Such special exception will be in harmony with the spirit and purpose of this Unified Development Code;
- (F) Such special exception will not alter the essential character of the district in which the property is located the property for which the exception is sought;
- (G) Such special exception will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located; and

Such special exception is within the spirit and intent of the City's Comprehensive Plan and other policies.



CITY OF ROCKWALL, TEXAS

MEMORANDUM

TO: Mayor and City Council

CC: Rick Crowley, *City Manager*
Brad Griggs, *Assistant City Manager*

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

DATE: April 16, 2018

SUBJECT: *Z2018-015; Proposed Changes to Article II, Authority and Administrative Procedures, UDC*

At the March 5, 2018 City Council meeting, the City Council directed staff to prepare a text amendment amending Article II, *Authority and Administrative Procedures*, of the Unified Development Code (UDC) for the purpose of establishing criteria for the resubmittal of an application which has previously been denied by the City Council. Under the City's current ordinances, if an applicant's request is denied -- *regardless of being denied with or without prejudice* -- by the City Council the applicant can resubmit the same application without prohibition for all non-zoning related cases. The proposed text amendment would change this requirement by prohibiting applicants from resubmitting an application -- *that was denied with prejudice* -- without [1] a one (1) year waiting period, or [2] a ruling of substantial change by the Planning and Zoning Commission. Applications that are denied without prejudice would be exempt from these criteria and could be resubmitted without prohibition. This is the same procedure that zoning related applications are currently required to follow.

In accordance, with Section 4.2 of Article XI, *Zoning Related Applications*, of the UDC staff brought the proposed amendment forward to the Planning and Zoning Commission for recommendation to the City Council. On April 10, 2018, the Planning and Zoning Commission approved a motion to recommend approval of the text amendment by a vote of 5-0, with Commissioners Fishman and Moeller absent. Attached to this case memo is a copy of the proposed amendment to the UDC and a draft ordinance. Staff has sent a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 6.1 of Article II, *Authority and Administrative Procedures*, of the UDC.

ARTICLE II, *AUTHORITY AND ADMINISTRATIVE PROCEDURES*, OF THE UDC

SECTION 7. ~~PUBLIC HEARING~~-PLANNING AND ZONING COMMISSION ~~AUTHORITY~~

SECTION 7.1: APPROVAL AUTHORITY

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

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- (C) Recommendations ~~on~~ to City Council on replats, when such public hearing is required by the provisions of V.T.C.A., *Local Government Code Chapter 212*.
- (D) Recommendations to City Council regarding text amendments to this ~~{Unified Development Code}~~.
- (E) Recommendations to City Council regarding zoning changes and map amendments, including reclassification of the zoning designations on land, specific use permits, and planned developments.
- (F) Recommendations to City Council regarding special exceptions to this ~~{Unified Development Code}~~.
- (G) Recommendations to City Council regarding amendments to the Comprehensive Plan.
- (H) Recommendations to City Council regarding amendments to the Thoroughfare Plan.
- (I) Recommendations to City Council regarding amendments to ~~the a Master~~ Open Space Plan.

SECTION 7.2: RECOMMENDATION AUTHORITY

Upon closure of the public hearing, and when required to make a recommendation to the ~~City~~ Council, the ~~Planning and Zoning Commission~~ ~~commission~~ may recommend:

- (A) That the request or amendment be approved or enacted; or
- (B) That the request or amendment be approved or enacted as modified to a more restrictive classification or subject to appropriate conditions as permitted by law; or
- (C) That the request or amendment be denied.

SECTION 8. ~~PUBLIC HEARING~~-CITY COUNCIL ~~AUTHORITY~~

SECTION 8.1: AUTHORITY

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

- (A) Text amendments to this ~~{Unified Development Code}~~.
- (B) Zoning changes and map amendments, including reclassification of the zoning designations on land, specific use permits, and planned developments.
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(Ordinance No. 06-14, 4-17-2006)

SECTION 8.2: 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, but the City Council shall not take action until it has received a final report from the planning and zoning commission.

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The City Council, pursuant to the powers conferred upon it by state law, the ordinances of the City and this article may grant special exceptions to the provisions of this *Unified Development Code* upon finding that:

- (A) Such special exception will not substantially or permanently injure the appropriate use of adjacent property in the same district;
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CITY OF ROCKWALL

ORDINANCE NO. 18-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE II, AUTHORITY AND ADMINISTRATIVE PROCEDURES; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an amendment to the City of Rockwall's Unified Development Code [*Ordinance No. 04-38*] has been initiated by the City Council of the City of Rockwall to amend Article II, *Authority and Administrative Procedures*, of the Unified Development Code [*Ordinance No. 04-38*]; and,

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

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

SECTION 1. That Article II, *Authority and Administrative Procedures*, of the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance.

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

SECTION 3. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code [*Ordinance No. 04-38*], and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

SECTION 4. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides;

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 7TH DAY OF MAY, 2018.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: April 16, 2018

2nd Reading: May 7, 2018

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- (E) Amendments to the ~~Master~~ Thoroughfare Plan.
- (F) Amendments to the ~~Master~~ Open Space Plan.
- (G) Variances, special exceptions and appeals as set out in this ~~[Unified Development Code]~~.

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

Exhibit 'A'

*Article II, Authority and Administrative Procedures, of the
Unified Development Code*

SECTION 8.2: 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, but the City Council shall not take action until it has received a final report from the planning and zoning commission.

SECTION 8.3: CITY COUNCIL APPROVAL OR DENIAL

Following closure of the public hearing, the council may take the following actions concerning the matters outlined in Section 8.1:

- (A) *Approval of an item.* The City Council may approve the request or amendment either as requested, or in the form of a more restrictive district, and subject to such appropriate conditions as are allowed by law. Such approval of any request for a text amendment to this Unified Development Code or a zoning change and map amendment shall be granted only if the City Council determines that the request or amendment is consistent with the Comprehensive Plan and the purposes of this Unified Development Code. In the event the request or amendment concerns a text amendment to this Unified Development Code or a zoning change and map amendment, the City Council shall enact an ordinance amending this Unified Development Code or amending the official zoning map, whichever is applicable.
- (B) *Denial of an item.* The City Council may deny the a request or amendment with prejudice. If a request or amendment is denied with prejudice, a new application may be submitted for the same lot or tract of land, or any portion thereof, within one (1) year only if the new request is for a more restrictive or less intense use or development. ~~Unless the new proposal is more restrictive or less intense than the previously denied proposal, then no other application pertaining to a change of zoning and map amendment may be submitted on the same lot or tract of land, or any portion thereof, for a period of one year from the date of its denial by the Council.~~ For applications pertaining to a change of zoning and map amendment, a new proposal may not be submitted unless it is more restrictive or less intense than the previously denied proposal for any tract of land, or any portion thereof, for a period of one (1) year from the denial date. If a request or amendment is denied by the City Council without an indication of "with" or "without" prejudice, then the action shall be considered to be "denied with prejudice."
- (C) *Denial without prejudice.* The City Council may deny the request or amendment without prejudice, in which case an application for the same request a change in zoning and map amendment other than that which was requested on the original application may be filed at the applicant's discretion.
- (D) *Reapplication due to changed conditions.* A proposal to rezone a tract or parcel of land request or amendment, which has been previously rejected with prejudice by the City Council, may be resubmitted within one (1) year only if there is an actual change in conditions relating to zoning principles of the tract or parcel of land or the property surrounding it. In that this event, the applicant must submit to the Director of Planning and Zoning, in writing, a resume request describing such changed conditions. The Director of Planning and Zoning shall investigate the property or cause such an investigation to be made and the claim and shall report to the Planning and Zoning Commission whether or not such changed of conditions exist. Upon hearing this report, the Planning and Zoning Commission shall either grant or deny the request to refile the proposal for rezoning request or amendment.

Exhibit 'A'

*Article II, Authority and Administrative Procedures, of the
Unified Development Code*

SECTION 8.4: PROTEST OF PROPOSED CHANGE IN ZONING

Property owners adjacent to and within a radius of 200 feet of a property for which a change in zoning is being considered have the right to file a written protest against the request. The land area of this 200 foot feet radius includes streets, alleys and other public right-of-way.

Whenever such written protest is signed by the owners of 20 percent or more of the area of the lots or land included in such zoning change, or of the lots or land immediately adjoining the same and within the above mentioned 200-foot radius, or if such change is recommended for denial by the Planning and Zoning Commission, such change in zoning shall require a favorable vote of three-fourths of all eligible members of the City Council.

For purposes of determining representation on this written protest, the written protest of any one (1) owner of land owned by two or more persons shall be presumed to be the protest of all owners.

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

SECTION 8.5: CRITERIA FOR GRANTING SPECIAL EXCEPTIONS

The City Council may make special exceptions to the standards in this Unified Development Code that are consistent with the general purpose and intent of the Unified Development Code. The Planning and Zoning Commission shall make recommendations on special exceptions.

Special exceptions are subject to appropriate conditions and safeguards to ensure that the special exceptions are consistent with the general purpose and intent of this Unified Development Code and the City's Comprehensive Plan.

The City Council, pursuant to the powers conferred upon it by state law, the ordinances of the City and this article may grant special exceptions to the provisions of this Unified Development Code upon finding that:

- (A) Such special exception will not substantially or permanently injure the appropriate use of adjacent property in the same district;
- (B) Such special exception will not adversely affect the health, safety or general welfare of the public;
- (C) Such special exception will not be contrary to the public interest;
- (D) Such special exception will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the exception is sought is located, except as provided elsewhere in this Unified Development Code;
- (E) Such special exception will be in harmony with the spirit and purpose of this Unified Development Code;
- (F) Such special exception will not alter the essential character of the district in which the property is located the property for which the exception is sought;
- (G) Such special exception will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located; and

Such special exception is within the spirit and intent of the City's Comprehensive Plan and other policies.

ARTICLE II, *AUTHORITY AND ADMINISTRATIVE PROCEDURES*, OF THE UDC

SECTION 7. ~~PUBLIC HEARING~~-PLANNING AND ZONING COMMISSION ~~AUTHORITY~~

SECTION 7.1: APPROVAL AUTHORITY

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

- (A) Decisions on site plans, building elevations, lighting plans, landscape plans and tree preservation plans as may be required.
- (B) Recommendations to City Council on plats as required by the subdivision ordinance, [*Chapter 38 of Part II, Code of Ordinances*].
- (C) Recommendations ~~on~~ to City Council on replats, when such public hearing is required by the provisions of V.T.C.A., *Local Government Code Chapter 212*.
- (D) Recommendations to City Council regarding text amendments to this ~~[Unified Development Code]~~.
- (E) Recommendations to City Council regarding zoning changes and map amendments, including reclassification of the zoning designations on land, specific use permits, and planned developments.
- (F) Recommendations to City Council regarding special exceptions to this ~~[Unified Development Code]~~.
- (G) Recommendations to City Council regarding amendments to the Comprehensive Plan.
- (H) Recommendations to City Council regarding amendments to the Thoroughfare Plan.
- (I) Recommendations to City Council regarding amendments to ~~the a Master~~ Open Space Plan.

SECTION 7.2: RECOMMENDATION AUTHORITY

Upon closure of the public hearing, and when required to make a recommendation to the ~~City~~ Council, the ~~Planning and Zoning Commission~~ ~~commission~~ may recommend:

- (A) That the request or amendment be approved or enacted; or
- (B) That the request or amendment be approved or enacted as modified to a more restrictive classification or subject to appropriate conditions as permitted by law; or
- (C) That the request or amendment be denied.

SECTION 8. ~~PUBLIC HEARING~~-CITY COUNCIL ~~AUTHORITY~~

SECTION 8.1: AUTHORITY

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

- (A) Text amendments to this ~~[Unified Development Code]~~.
- (B) Zoning changes and map amendments, including reclassification of the zoning designations on land, specific use permits, and planned developments.
- (C) Special exceptions or waivers related to site plans for development.
- (D) Amendments to the Comprehensive Plan.
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- (F) Amendments to the ~~Master~~ Open Space Plan.
- (G) Variances, special exceptions and appeals as set out in this ~~[Unified Development Code]~~.

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

SECTION 8.2: 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, but the City Council shall not take action until it has received a final report from the planning and zoning commission.

SECTION 8.3: ~~CITY~~ COUNCIL APPROVAL OR DENIAL

~~Following closure of the public hearing, t~~The council may take the following actions ~~concerning the matters outlined in Section 8.1:~~

- (A) *Approval of an item.* The City Council may approve the request or amendment either as requested, or in the form of a more restrictive district, and subject to such appropriate conditions as are allowed by law. Such approval of any request for a text amendment to this [Unified Development Code] or a zoning change and map amendment shall be granted only if the City Council determines that the request or amendment is consistent with the Comprehensive Plan and the purposes of this [Unified Development Code]. In the event the request or amendment concerns a text amendment to this [Unified Development Code] or a zoning change and map amendment, the City Council shall enact an ordinance amending this [Unified Development Code] or amending the official zoning map, whichever is applicable.
- (B) *Denial of an item.* The City Council may deny ~~the a~~ request or amendment with prejudice. If a request or amendment is denied with prejudice, a new application may be submitted for the same lot or tract of land, or any portion thereof, within one (1) year only if the new request is for a more restrictive or less intense use or development. ~~Unless the new proposal is more restrictive or less intense than the previously denied proposal, then no other application pertaining to a change of zoning and map amendment may be submitted on the same lot or tract of land, or any portion thereof, for a period of one year from the date of its denial by the Council.~~ For applications pertaining to a change of zoning and map amendment, a new proposal may not be submitted unless it is more restrictive or less intense than the previously denied proposal for any tract of land, or any portion thereof, for a period of one (1) year from the denial date. If a request or amendment is denied by the City Council without an indication of “with” or “without” prejudice, then the action shall be considered to be “denied with prejudice.”
- (C) *Denial without prejudice.* The City Council may deny the request or amendment without prejudice, in which case an application for ~~the same request a change in zoning and map amendment other than that which was requested on the original application~~ may be filed at the applicant's discretion.
- (D) *Reapplication due to changed conditions.* A ~~proposal to rezone a tract or parcel of land~~ request or amendment, which has been previously rejected ~~with prejudice~~ by the City Council, may be resubmitted within one (1) year only if there is an actual change in conditions relating to ~~zoning principles of~~ the tract or parcel of land or the property surrounding it. In ~~that this~~ event, the applicant must submit to the Director of Planning and Zoning, in writing, a ~~resume~~ request describing such changed conditions. The Director of Planning and Zoning shall investigate ~~the property or cause such an investigation to be made and the claim and~~ shall report to the Planning and Zoning Commission whether or not such changed ~~of~~ conditions exist. Upon hearing this report, the Planning and Zoning Commission shall either grant or deny the request to refile the ~~proposal for rezoning~~ request or amendment.

SECTION 8.4: PROTEST OF PROPOSED CHANGE IN ZONING

Property owners adjacent to and within a radius of 200 feet of a property for which a change in zoning is being considered have the right to file a written protest against the request. The land area of this 200 ~~foot feet~~ radius includes streets, alleys and other public right-of-way.

Whenever such written protest is signed by the owners of 20 percent or more of the area of the lots or land included in such zoning change, or of the lots or land immediately adjoining the same and within the above mentioned 200-foot radius, or if such change is recommended for denial by the Planning and Zoning Commission, such change in zoning shall require a favorable vote of three-fourths of all eligible members of the City Council.

For purposes of determining representation on this written protest, the written protest of any one (1) owner of land owned by two or more persons shall be presumed to be the protest of all owners.

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

SECTION 8.5: CRITERIA FOR GRANTING SPECIAL EXCEPTIONS

The City Council may make special exceptions to the standards in this [Unified Development Code] that are consistent with the general purpose and intent of the [Unified Development Code]. The Planning and Zoning Commission shall make recommendations on special exceptions.

Special exceptions are subject to appropriate conditions and safeguards to ensure that the special exceptions are consistent with the general purpose and intent of this [Unified Development Code] and the City's Comprehensive Plan.

The City Council, pursuant to the powers conferred upon it by state law, the ordinances of the City and this article may grant special exceptions to the provisions of this *Unified Development Code* upon finding that:

- (A) Such special exception will not substantially or permanently injure the appropriate use of adjacent property in the same district;
- (B) Such special exception will not adversely affect the health, safety or general welfare of the public;
- (C) Such special exception will not be contrary to the public interest;
- (D) Such special exception will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the exception is sought is located, except as provided elsewhere in this *Unified Development Code*;
- (E) Such special exception will be in harmony with the spirit and purpose of this *Unified Development Code*;
- (F) Such special exception will not alter the essential character of the district in which the property is located the property for which the exception is sought;
- (G) Such special exception will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located; and
- (H) Such special exception is within the spirit and intent of the City's Comprehensive Plan and other policies.

Exhibit 'A'
Article II, Authority and Administrative Procedures, of the
Unified Development Code

Key:

Additions

Deletions

ARTICLE II, AUTHORITY AND ADMINISTRATIVE PROCEDURES, OF THE UDC

SECTION 7. ~~PUBLIC HEARING~~ PLANNING AND ZONING COMMISSION AUTHORITY

SECTION 7.1: APPROVAL AUTHORITY

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Upon closure of the public hearing, and when required to make a recommendation to the City Council, the ~~Planning and Zoning Commission commission~~ may recommend:

- (A) That the request or amendment be approved or enacted; or
- (B) That the request or amendment be approved or enacted as modified to a more restrictive classification or subject to appropriate conditions as permitted by law; or
- (C) That the request or amendment be denied.

SECTION 8. ~~PUBLIC HEARING~~ CITY COUNCIL AUTHORITY

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

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 - (C) Such special exception will not be contrary to the public interest;
 - (D) Such special exception will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the exception is sought is located, except as provided elsewhere in this {Unified Development Code};
 - (E) Such special exception will be in harmony with the spirit and purpose of this {Unified Development Code};
 - (F) Such special exception will not alter the essential character of the district in which the property is located the property for which the exception is sought;
 - (G) Such special exception will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located; and
- Such special exception is within the spirit and intent of the City's Comprehensive Plan and other policies.

CITY OF ROCKWALL

ORDINANCE NO. 18-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE II, *AUTHORITY AND ADMINISTRATIVE PROCEDURES*; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an amendment to the City of Rockwall's Unified Development Code [*Ordinance No. 04-38*] has been initiated by the City Council of the City of Rockwall to amend Article II, *Authority and Administrative Procedures*, of the Unified Development Code [*Ordinance No. 04-38*]; and,

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

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


SECTION 1. That Article II, *Authority and Administrative Procedures*, of the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance.

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

SECTION 3. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code [*Ordinance No. 04-38*], and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

SECTION 4. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides;

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 7TH DAY OF MAY, 2018.



Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: April 16, 2018

2nd Reading: May 7, 2018