

# ARTICLE 02 | DEVELOPMENT REVIEW AUTHORITY

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## SECTION 01 | BOARDS, COMMISSIONS, AND ADMINISTRATIVE STAFF

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

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

## SECTION 02 | CITY COUNCIL

### SUBSECTION 02.01: AUTHORITY

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

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

## SECTION 03 | PLANNING AND ZONING COMMISSION

### SUBSECTION 03.01: CREATION AND MEMBERSHIP

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

serve, the City Council shall appoint a new member to fill the vacancy for the unexpired term.

### SUBSECTION 03.02: POWERS AND DUTIES

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

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

### SUBSECTION 03.03: PROCEDURES

- (A) Attendance. If a Planning and Zoning Commissioner has three (3) consecutive absences that are not excused by the Planning and Zoning Commission, or is absent from more than 25% of the meetings, he or she may be removed from the Planning and Zoning Commission; however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Planning and Zoning Commission.
- (B) Officers. Pursuant to the [Charter §9.01](#), the Planning and Zoning Commission shall elect a chairman and vice-chairman at the first meeting in August for a term of one (1) year. The vice-chairman is to preside in the absence of the chairman. Both the chairman and the vice-chairman shall vote on every item unless prohibited by law. The Director of Planning and Zoning shall be secretary of the Planning and Zoning Commission.
- (C) Meetings.
  - (1) Open to the Public. All meetings of the Planning and Zoning Commission shall be open to the public. The Planning and Zoning Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep record of its examinations and other official actions, all of which shall be filed in the office of the Planning and Zoning Department and shall be a public record. The Director of



Planning and Zoning of the City of Rockwall shall be the custodian and possessor of the records and minutes of the Planning and Zoning Commission.

- (2) Calling of Meetings. Meetings of the Planning and Zoning Commission may be held as often as necessary to conduct the business coming before the Planning and Zoning Commission at the call of the chairman and at such other times as the commission may determine.
- (3) Quorum. Any four (4) members shall constitute a quorum for the transaction of the business. The affirmative vote of a majority of those attending any meeting at which there is a quorum present shall be necessary to pass any motion, recommendation or resolution of the Planning and Zoning Commission.

**SUBSECTION 03.04: APPROVAL AUTHORITY**

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

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

**SECTION 04 | BOARD OF ADJUSTMENTS**

**SUBSECTION 04.01: ORGANIZATION**

- (A) Membership. The Board of Adjustments (BOA) is created in accordance with the provisions of [V.T.C.A., Local Government Code § 211.008](#). The Board of Adjustments (BOA) shall consist of five (5) members who are residents and taxpayers of the City, each to be appointed by the City Council for two (2) years and removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause, in the same manner as the original appointment was made.

- (B) Alternate Members. The City Council shall provide for the appointment of four (4) alternate members of the Board of Adjustments (BOA) who shall serve in the absence of one (1) or more of the regular members. Alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two (2) years, and any vacancy shall be filled in the same manner and they shall be subject to removal the same as the regular members.
- (C) Chief Building Official. The Chief Building Official, or his authorized representative, shall be an ex-officio member of the Board of Adjustments (BOA) without power to vote and as an ex-officio member of such board shall act as secretary of the Board of Adjustments (BOA) and shall set up and maintain a separate file for each application for appeal, special exception and variance received and shall record therein the names and addresses of all persons, firms and corporations to whom notices are mailed, including the date of mailing and further keep a record of all notices published as required herein. All records and files herein provided for shall be permanent and official files and records of the City.

[CHARTER REFERENCE— BOARD OF ADJUSTMENTS \(BOA\), § 9.06.](#)

**SUBSECTION 04.02: PROCEDURES**

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

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

- (G) Attendance. If a member has three (3) consecutive absences that are not excused by the Board of Adjustments (BOA), or is absent from more than 25% of the meetings, he may be removed from the Board of Adjustments (BOA); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Board of Adjustments (BOA).



### SUBSECTION 04.03: JURISDICTION

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

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

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

- (B) Odd Shaped Parcels. Permit such modifications of the height, yard, area, coverage and parking regulations as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modification.
- (C) Non-Conforming Use. Permit the expansion or enlargement of a building occupied by a non-conforming use on the lot or tract occupied by such building, provided such reconstruction does not prevent the return of such property to a conforming use. Upon review of the facts, the Board of Adjustments (BOA) may establish a specific period of time for the occupancy to revert to a conforming use.
- (D) Change of Non-Conforming Use. To authorize a change of use from one non-conforming use to another non-conforming use, provided that such change is to a use of the same or more restricted

classification. In the event that a non-conforming use is changed to a non-conforming use of a higher or more restrictive classification, the building or structure containing such non-conforming use shall not later be reverted to the former lower or less restricted classification. The Board of Adjustments (BOA) may establish a specific period of time for the conversion of the occupancy to a conforming use.

- (E) Discontinuance of a Non-Conforming Use. Require the discontinuance of non-conforming areas of land or structures under any plan whereby the full value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of the Unified Development Code (UDC).
  - (1) All actions to discontinue a non-conforming use of land or structure shall be taken with due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated non-conforming use and the conservation and preservation of property.
  - (2) The Board of Adjustments (BOA) shall from time to time on its own motion or upon cause presented by interested property owners inquire into the existence, continuance or maintenance of any non-conforming use within the City.
- (F) Structure for a Legal Non-Conforming Use. Permit the construction, reconstruction, enlargement or addition of a structure occupied by or for a use, normally ancillary to a single-family residential use, when such single-family residential use or structure, is legally non-conforming; provided, however, such construction, reconstruction, enlargement or addition does not prevent the return of such property to a conforming use.
- (G) Non-Conforming Structure. To authorize the reconstruction and occupancy of a non-conforming structure, or a structure containing a non-conforming use, where such structure has been damaged by fire or other causes to the extent of more than 50%, but less than the total, of the replacement cost of the structure on the date of the damage. Such action by the Board of Adjustments (BOA) shall have due regard for the property rights of the person or persons affected, and shall be considered in regard to the public welfare, character of the area surrounding such structure, and the conservation, preservation and protection of property.
- (H) Expansion of a Non-Conforming Structure. To authorize the enlargement, expansion or repair of a non-conforming structure in excess of 50% of its current value. In such instance, the current value shall be established at the time of application for a hearing before the Board of Adjustments (BOA). If such expansion or enlargement is approved by the Board of Adjustments (BOA), all provisions of the district in which such structure is located shall apply to the new construction on the lot or parcel.
- (I) Occupation of an Abandoned Non-Conforming Structure. To authorize the occupancy of an abandoned non-conforming structure. Such action by the Board of Adjustments (BOA) shall have due regard for the property rights of the person or persons affected, and shall be considered in regard to the public welfare and safety, character or the area surrounding such structure, and the conservation, preservation and protection of property.





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

**SUBSECTION 04.04: CRITERIA FOR GRANTING VARIANCES**

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

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

**SUBSECTION 04.05: ACTIONS OF THE BOARD**

- (A) In exercising its powers, the Board of Adjustments (BOA), may, in conformity with the provisions of the Texas Local Government Code, revise or reform, wholly or partly, or may modify the order, requirement, decisions, or determination appealed from, and shall have all the powers of the officer from whom the appeal is taken including the power to impose reasonable conditions to be complied with by the applicant.
- (B) The concurring vote of four (4) members of the Board of Adjustments (BOA) shall be necessary to revise any order, requirements, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under the Unified Development Code

(UDC) or to affect any variance in the Unified Development Code (UDC).

- (C) Any special exceptions authorized by the Board of Adjustments (BOA), either under the provisions of the Unified Development Code (UDC) or under the authority granted to the Board of Adjustments (BOA) under the statutes of the state, shall authorize the issuance of a building permit or a Certificate of Occupancy (CO) or other relief as the case may be for a period of 90-days from the date of the favorable action on the part of the Board of Adjustments (BOA), unless the Board of Adjustments (BOA) in its minutes shall, at the same time, grant a longer period.
- (D) If a building permit or Certificate of Occupancy (CO) has not been applied for or issued within a 90-day period or as the Board of Adjustments (BOA) may specifically grant, the special exceptions shall be deemed waived; and all rights hereunder terminated. The Board of Adjustments (BOA) may grant one (1) or more extensions to this time period upon the applicant's request and if due cause is shown.
- (E) Such termination and waiver shall be without prejudice to a subsequent appeal to the Board of Adjustments (BOA) in accordance with the rules, and regulations regarding appeals.

**SUBSECTION 04.06: APPEALS ON THE SAME MATTER**

No appeal to the Board of Adjustments (BOA) shall be allowed concerning the same matter prior to the expiration of six (6) months from a ruling of the Board of Adjustments (BOA) on any appeal to such body unless other rulings on the same or similar subject matter have, within such six (6) month period, been altered or changed by ruling of the Board of Adjustments (BOA), in which case such change of circumstances shall permit the allowance of an appeal, but shall in no way have force in law to compel the Board of Adjustments (BOA), after a hearing, to grant such subsequent appeal, but such appeal shall be considered on its merits as in all other cases.

**SUBSECTION 04.07: EFFECTIVE DATE**

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

**SUBSECTION 04.08: APPEAL FROM BOARD**

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

Such petition shall be presented to the court within ten (10) days after the filing of the decision complained of in the office of the City secretary and not thereafter.

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



## SECTION 05 | HISTORIC PRESERVATION ADVISORY BOARD

### SUBSECTION 05.01: ORGANIZATION

For requirements concerning the Historic Preservation Advisory Board see Division 3, Historic Preservation Advisory Board, of Article III, Boards, Commissions, Committees, of Chapter 2, Administration, of the Municipal Code of Ordinances.

~~(A) **Membership.** There is hereby created a Historic Preservation Advisory Board (HPAB) which shall serve as an advisory body to the City Council. Such board shall consist of seven (7) members to be appointed by the City Council.~~

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

- ~~(1) An architect, planner or representative of a design profession;~~
- ~~(2) A member of the Rockwall County Historical Foundation;~~
- ~~(3) A general contractor;~~
- ~~(4) An owner of property within a historic district;~~
- ~~(5) Three (3) citizens of Rockwall interested in historic preservation.~~

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

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

- ~~(1) Provide professional recommendations to the City Council and Planning and Zoning Commission as required, regarding site plans, building alternatives, and building plans proposed within the City Historic Overlay (HOV) District. The Historic Preservation Advisory Board (HPAB) shall review site plans and building elevations placed before them within the time frame allowed for processing applications prior to submission to the Planning and Zoning Commission or City Council. The Historic Preservation Advisory Board (HPAB) shall prepare a written assessment of the proposed project regarding compliance with approved guidelines for development within the district, and its applicability in preserving and enhancing the history and culture of the district.~~
- ~~(2) Research, document and maintain in the official files of the City detailed information regarding the original construction and architecture of the district.~~
- ~~(3) Develop and maintain guidelines regarding development and redevelopment within the district including architectural design, materials selections, building styles and other pertinent design considerations. The proposed guidelines shall be submitted to~~

~~the Planning and Zoning Commission and City Council for approval.~~

- ~~(4) Adopt rules and procedures as necessary to provide for the orderly conduct of board meetings.~~
- ~~(5) Recommend the boundaries of historic districts.~~
- ~~(6) Increase public awareness of the value of historic, cultural, and architectural preservation by encouraging and participating in public education programs developed by the historic preservation office.~~
- ~~(7) Provide recommendations to the Planning and Zoning Commission and City Council concerning the historic preservation impact of proposed, announced or commenced actions by federal, state or local authorities that affect streets, alleys, publicly maintained utilities and any other public spaces, areas, improvements, other features or zoning within, around or through any district.~~
- ~~(8) Make recommendations to the City for the employment of staff and professional consultants as necessary to carry out the duties of the HPAB.~~
- ~~(9) Review and act on the designation of landmarks and the delineation of districts, which shall be ratified by the City Council.~~
- ~~(10) Recommend and confer recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers.~~
- ~~(11) Review and recommend to City Council and other applicable City Boards and Commissions all proposed changes to the Unified Development Code (UDC), building code, general plan or other adopted policies of the City that may affect the purpose of the Article.~~
- ~~(12) Conduct public hearings and provide comment on buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places to the Texas Historic Commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.~~
- ~~(13) Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within designated districts located in the City. Such information shall be maintained securely, made accessible to the public and should be updated at least every ten (10) years.~~
- ~~(14) Monitor and report to the Texas Historical Commission all actions affecting any recorded Texas historic landmark, state archaeological landmark, national register property and any locally designated landmark, as deemed necessary.~~
- ~~(15) Create sub-committees from among its membership and delegate to these committees' responsibilities to carry out the purposes of this Article.~~
- ~~(16) Maintain written meeting minutes which are recorded by staff and demonstrate all actions taken by the HPAB and the reasons for taking such actions.~~



~~(17) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.~~

~~(18) Review and act on all Certificates of Appropriateness (COA) applications for compliance with adopted design guidelines pursuant to this Article.~~

~~(19) Review and act on all appeals on action taken by the Historic Preservation Officer (HPO) regarding the administrative review of Certificates of Appropriateness (COA) applications for compliance with adopted design guidelines pursuant to this Article.~~

~~(20) Develop, prepare and adopt specific design guidelines which shall be ratified by the City Council, for use in the review of all Certificates of Appropriateness (COA) applications.~~

~~(21) Prepare and submit annually to the City Council a report summarizing budget costs, goals and objectives and work completed during the previous year, as well as anticipated budgetary requests.~~

~~(22) Provide recommendations to the City concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and districts within the City.~~

~~(23) Recommend to City Council the acquisition of endangered landmarks by demolition where its preservation is essential to the purpose of this Article and where private preservation is not feasible.~~

~~(24) Propose incentive program(s) to City Council for local property owners of historic landmarks or within local districts.~~

~~(25) Review and act on all city preservation related incentive program applications involving work on landmarks and districts for compliance with adopted design guidelines pursuant to this Article.~~

~~(26) Accept on behalf of the City government donations of preservation easements and development rights as well as any other gift of value for the purpose of historic preservation, subject to the approval of City Council.~~

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

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

~~(G) Attendance. If a member has three (3) consecutive absences that are not excused by the Historic Preservation Advisory Board (HPAB), or is absent from more than 25% of the meetings, he or she may be removed from the Historic Preservation Advisory Board~~

~~(HPAB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Historic Preservation Advisory Board (HPAB).~~

SUBSECTION 05.02: DESIGNATION OF LANDMARKS IN THE CITY

~~(A) The Historic Preservation Advisory Board (HPAB) may recommend to the Planning and Zoning Commission and the City Council that certain properties be *landmark districts* and that specific areas be designated as *historic districts* as provided for in [Subsection 06.03, Historic Overlay \(HO\) District, of Article 05, District Development Standards](#).~~

SUBSECTION 05.03: CERTIFICATES OF APPROPRIATENESS (COA)

~~For requirements concerning Certificates of Appropriateness (COA) see [Section 06, Certificates of Appropriateness \(COA\), of Article 11, Development Applications and Review Procedures](#).~~

SECTION 06 | ARCHITECTURAL REVIEW BOARD

SUBSECTION 06.01: ORGANIZATION

~~For requirements concerning the Architectural Review Board see [Division 4, Architectural Review Board, of Article III, Boards, Commissions, Committees, of Chapter 2, Administration, of the Municipal Code of Ordinances](#).~~

SUBSECTION 06.01: CREATED

~~There is hereby created an Architectural Review Board (ARB) which shall serve as an advisory body to the Planning and Zoning Commission. Such board shall consist of seven (7) members to be appointed by the City Council after recommendation of the Planning and Zoning Commission.~~

SUBSECTION 06.02: TERMS OF OFFICE; QUALIFICATIONS

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

~~(B) Qualifications. At least one (1) member shall be a registered architect in the State of Texas. Other members are chosen for qualifications and training in related fields such as landscape architecture, interior or exterior design, municipal planning, municipal government and other professions with related disciplines or civic interest.~~

~~(C) Attendance. If a member has three (3) consecutive absences that are not excused by the Architectural Review Board (ARB), or is absent from more than 25% of the meetings, he may be removed from the Architectural Review Board (ARB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Architectural Review Board (ARB).~~

SUBSECTION 06.03: DUTIES



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

#### SUBSECTION 06.04: OFFICERS

~~The Architectural Review Board (ARB) shall elect a chairman and vice-chairman at the first meeting in August or at the first meeting thereafter for a term of one (1) year. The Director of Planning and Zoning shall be secretary of the Architectural Review Board (ARB) and an ex officio member.~~

#### SUBSECTION 06.05: VOTING

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

### SECTION 07 | DIRECTOR OF PLANNING AND ZONING

#### SUBSECTION 07.01: QUALIFICATIONS

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

#### SUBSECTION 07.02: POWERS AND DUTIES

- (A) The Director of Planning and Zoning shall have the following powers and duties:
  - (1) To make recommendations and provide assistance to the City Council and Planning and Zoning Commission concerning exercise of their responsibilities under the Unified Development Code (UDC);
  - (2) To develop and recommend to the Planning and Zoning Commission, and the City Council, a Comprehensive Plan for

the City or any amendments to the plan and to propose actions to implement the plan;

- (3) To coordinate all planning relating to the City's Comprehensive Plan;
- (4) To submit recommendations to the Planning and Zoning Commission and City Council on request for zoning changes, variances and exceptions;
- (5) To render such administrative decisions as are required of the Director of Planning and Zoning by the Unified Development Code (UDC);
- (6) To perform such other duties as may be prescribed by ordinance or directed by the City Council or Planning and Zoning Commission.

### SECTION 08 | HISTORIC PRESERVATION OFFICER

#### SUBSECTION 08.01: APPOINTMENT

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

#### SUBSECTION 08.02: POWER AND DUTIES

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

- (A) Coordinate the City's preservation activities with those of state and federal agencies and with local, state, and national non-profit preservation organizations.
- (B) Administer the Unified Development Code (UDC) and advise the HPAB on matters submitted to it.
- (C) To maintain and hold open for public inspection all documents and records pertaining to the provisions of this Article.
- (D) Receive and review all applications pursuant to this Article to ensure their completeness.
- (E) Review and act on all Certificates of Appropriateness (COA) applications subject to administrative review pursuant to this Article.
- (F) Review and forward with any recommendations for all applications for a Certificate of Appropriateness (COA) subject to review by the Historic Preservation Advisory Board (HPAB) pursuant to this Article.
- (G) Ensure proper posting and noticing of all Historic Preservation Advisory Board (HPAB) meetings, schedule applications for Historic Preservation Advisory Board (HPAB) review, provide packets to its members prior to the meetings, record meeting minutes and facilitate all Historic Preservation Advisory Board (HPAB) meetings.
- (H) Review and help coordinate the City's preservation and urban design activities with those of local, state and federal agencies and with local, state, and national preservation organizations in the private sector.



## SECTION 09 | CHIEF BUILDING OFFICIAL

### SUBSECTION 09.01: QUALIFICATIONS

The Chief Building Official must:

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

### SUBSECTION 09.02: POWERS AND DUTIES

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

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

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







# CITY OF ROCKWALL

## PLANNING AND ZONING COMMISSION MEMORANDUM

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

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**TO:** Planning and Zoning Commission

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

**DATE:** September 27, 2022

**SUBJECT:** Z2022-044; *Amendment to Article 02, Development Review Authority, of the UDC and Article III, Boards, Commissions, Committees, of Chapter 2, Administration, of the Municipal Code of Ordinances.*

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On September 6, 2022, the City Council directed staff to make changes to the qualification requirements for appointments to the Historic Preservation Advisory Board (HPAB). In response to this direction, staff has prepared an amendment that will remove the requirement that the HPAB's membership consist of: [1] an architect, planner or representative of a design profession, [2] a member of the Rockwall County Historical Foundation, [3] a general contractor, [4] an owner of property within a historic district, and [5] three (3) citizens of Rockwall interested in historic preservation. In addition, staff has removed the HPAB and Architectural Review Board's (ARB) organization requirements from Article 02, *Development Review Authority*, of the Unified Development Code (UDC) and placed them into Article III, *Boards, Commissions, Committees*, of Chapter 2, *Administration*, of the Municipal Code of Ordinances.

A redlined copy of the proposed changes along with a draft ordinance has been provided in the attached packet. In accordance with Subsection 02.01(C) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), the Director of Planning and Zoning is bringing forward the proposed text amendment to the City Council for consideration, and -- *in accordance with Section 02.04(B) of Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC)* -- staff is bringing the proposed amendment forward to the Planning and Zoning Commission for a recommendation to the City Council. The schedule for this text amendment is as follows:

Planning and Zoning Commission Work Session: September 27, 2022

Planning and Zoning Commission Public Hearing: October 11, 2022

City Council Public Hearing/First Reading: October 17, 2022

City Council Second Reading: November 7, 2022

Staff has sent out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 02.03(A)(3) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Should the Planning and Zoning Commission have any questions staff will be available at the meeting on September 27, 2022.



## SECTION 05 | HISTORIC PRESERVATION ADVISORY BOARD

### SUBSECTION 05.01: ORGANIZATION

For requirements concerning the Historic Preservation Advisory Board see Division 3, Historic Preservation Advisory Board, of Article III, Boards, Commissions, Committees, of Chapter 2, Administration, of the Municipal Code of Ordinances.

~~(A) **Membership.** There is hereby created a Historic Preservation Advisory Board (HPAB) which shall serve as an advisory body to the City Council. Such board shall consist of seven (7) members to be appointed by the City Council.~~

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

- ~~(1) An architect, planner or representative of a design profession;~~
- ~~(2) A member of the Rockwall County Historical Foundation;~~
- ~~(3) A general contractor;~~
- ~~(4) An owner of property within a historic district;~~
- ~~(5) Three (3) citizens of Rockwall interested in historic preservation.~~

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

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

- ~~(1) Provide professional recommendations to the City Council and Planning and Zoning Commission as required, regarding site plans, building alternatives, and building plans proposed within the City Historic Overlay (HOV) District. The Historic Preservation Advisory Board (HPAB) shall review site plans and building elevations placed before them within the time frame allowed for processing applications prior to submission to the Planning and Zoning Commission or City Council. The Historic Preservation Advisory Board (HPAB) shall prepare a written assessment of the proposed project regarding compliance with approved guidelines for development within the district, and its applicability in preserving and enhancing the history and culture of the district.~~
- ~~(2) Research, document and maintain in the official files of the City detailed information regarding the original construction and architecture of the district.~~
- ~~(3) Develop and maintain guidelines regarding development and redevelopment within the district including architectural design, materials selections, building styles and other pertinent design considerations. The proposed guidelines shall be submitted to~~

~~the Planning and Zoning Commission and City Council for approval.~~

- ~~(4) Adopt rules and procedures as necessary to provide for the orderly conduct of board meetings.~~
- ~~(5) Recommend the boundaries of historic districts.~~
- ~~(6) Increase public awareness of the value of historic, cultural, and architectural preservation by encouraging and participating in public education programs developed by the historic preservation office.~~
- ~~(7) Provide recommendations to the Planning and Zoning Commission and City Council concerning the historic preservation impact of proposed, announced or commenced actions by federal, state or local authorities that affect streets, alleys, publicly maintained utilities and any other public spaces, areas, improvements, other features or zoning within, around or through any district.~~
- ~~(8) Make recommendations to the City for the employment of staff and professional consultants as necessary to carry out the duties of the HPAB.~~
- ~~(9) Review and act on the designation of landmarks and the delineation of districts, which shall be ratified by the City Council.~~
- ~~(10) Recommend and confer recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers.~~
- ~~(11) Review and recommend to City Council and other applicable City Boards and Commissions all proposed changes to the Unified Development Code (UDC), building code, general plan or other adopted policies of the City that may affect the purpose of the Article.~~
- ~~(12) Conduct public hearings and provide comment on buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places to the Texas Historic Commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.~~
- ~~(13) Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within designated districts located in the City. Such information shall be maintained securely, made accessible to the public and should be updated at least every ten (10) years.~~
- ~~(14) Monitor and report to the Texas Historical Commission all actions affecting any recorded Texas historic landmark, state archaeological landmark, national register property and any locally designated landmark, as deemed necessary.~~
- ~~(15) Create sub-committees from among its membership and delegate to these committees' responsibilities to carry out the purposes of this Article.~~
- ~~(16) Maintain written meeting minutes which are recorded by staff and demonstrate all actions taken by the HPAB and the reasons for taking such actions.~~



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

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

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

~~(G) Attendance. If a member has three (3) consecutive absences that are not excused by the Historic Preservation Advisory Board (HPAB), or is absent from more than 25% of the meetings, he or she may be removed from the Historic Preservation Advisory Board~~

~~(HPAB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Historic Preservation Advisory Board (HPAB).~~

SUBSECTION 05.02: DESIGNATION OF LANDMARKS IN THE CITY

~~(A) The Historic Preservation Advisory Board (HPAB) may recommend to the Planning and Zoning Commission and the City Council that certain properties be *landmark districts* and that specific areas be designated as *historic districts* as provided for in [Subsection 06.03, Historic Overlay \(HO\) District, of Article 05, District Development Standards](#).~~

SUBSECTION 05.03: CERTIFICATES OF APPROPRIATENESS (COA)

For requirements concerning Certificates of Appropriateness (COA) see [Section 06, Certificates of Appropriateness \(COA\), of Article 11, Development Applications and Review Procedures](#).

SECTION 06 | ARCHITECTURAL REVIEW BOARD

SUBSECTION 06.01: ORGANIZATION

For requirements concerning the Architectural Review Board see [Division 4, Architectural Review Board, of Article III, Boards, Commissions, Committees, of Chapter 2, Administration, of the Municipal Code of Ordinances](#).

~~SUBSECTION 06.01: CREATED~~

~~There is hereby created an Architectural Review Board (ARB) which shall serve as an advisory body to the Planning and Zoning Commission. Such board shall consist of seven (7) members to be appointed by the City Council after recommendation of the Planning and Zoning Commission.~~

SUBSECTION 06.02: TERMS OF OFFICE; QUALIFICATIONS

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

~~(B) Qualifications. At least one (1) member shall be a registered architect in the State of Texas. Other members are chosen for qualifications and training in related fields such as landscape architecture, interior or exterior design, municipal planning, municipal government and other professions with related disciplines or civic interest.~~

~~(C) Attendance. If a member has three (3) consecutive absences that are not excused by the Architectural Review Board (ARB), or is absent from more than 25% of the meetings, he may be removed from the Architectural Review Board (ARB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Architectural Review Board (ARB).~~

SUBSECTION 06.03: DUTIES



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

#### ~~SUBSECTION 06.04: OFFICERS~~

~~The Architectural Review Board (ARB) shall elect a chairman and vice-chairman at the first meeting in August or at the first meeting thereafter for a term of one (1) year. The Director of Planning and Zoning shall be secretary of the Architectural Review Board (ARB) and an ex officio member.~~

#### ~~SUBSECTION 06.05: VOTING~~

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

### SECTION 07 | DIRECTOR OF PLANNING AND ZONING

#### SUBSECTION 07.01: QUALIFICATIONS

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

#### SUBSECTION 07.02: POWERS AND DUTIES

- (A) The Director of Planning and Zoning shall have the following powers and duties:
  - (1) To make recommendations and provide assistance to the City Council and Planning and Zoning Commission concerning exercise of their responsibilities under the Unified Development Code (UDC);
  - (2) To develop and recommend to the Planning and Zoning Commission, and the City Council, a Comprehensive Plan for

the City or any amendments to the plan and to propose actions to implement the plan;

- (3) To coordinate all planning relating to the City's Comprehensive Plan;
- (4) To submit recommendations to the Planning and Zoning Commission and City Council on request for zoning changes, variances and exceptions;
- (5) To render such administrative decisions as are required of the Director of Planning and Zoning by the Unified Development Code (UDC);
- (6) To perform such other duties as may be prescribed by ordinance or directed by the City Council or Planning and Zoning Commission.

### SECTION 08 | HISTORIC PRESERVATION OFFICER

#### SUBSECTION 08.01: APPOINTMENT

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

#### SUBSECTION 08.02: POWER AND DUTIES

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

- (A) Coordinate the City's preservation activities with those of state and federal agencies and with local, state, and national non-profit preservation organizations.
- (B) Administer the Unified Development Code (UDC) and advise the HPAB on matters submitted to it.
- (C) To maintain and hold open for public inspection all documents and records pertaining to the provisions of this Article.
- (D) Receive and review all applications pursuant to this Article to ensure their completeness.
- (E) Review and act on all Certificates of Appropriateness (COA) applications subject to administrative review pursuant to this Article.
- (F) Review and forward with any recommendations for all applications for a Certificate of Appropriateness (COA) subject to review by the Historic Preservation Advisory Board (HPAB) pursuant to this Article.
- (G) Ensure proper posting and noticing of all Historic Preservation Advisory Board (HPAB) meetings, schedule applications for Historic Preservation Advisory Board (HPAB) review, provide packets to its members prior to the meetings, record meeting minutes and facilitate all Historic Preservation Advisory Board (HPAB) meetings.
- (H) Review and help coordinate the City's preservation and urban design activities with those of local, state and federal agencies and with local, state, and national preservation organizations in the private sector.



CITY OF ROCKWALL

ORDINANCE NO. 22-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES AND UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE III, *BOARDS, COMMISSIONS, COMMITTEES*, OF CHAPTER 2, *ADMINISTRATION*, OF THE MUNICIPAL CODE OF ORDINANCES AND ARTICLE 02, *DEVELOPMENT REVIEW AUTHORITY*, OF THE UNIFIED DEVELOPMENT CODE (UDC) AS DEPCITED IN *EXHIBITS 'A' & 'B'* OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, an amendment to the City of Rockwall's Municipal Code of Ordinances and the Unified Development Code [*Ordinance No. 20-02*] has been initiated by the City Council of the City of Rockwall to amend Article III, *Boards, Commissions, Committees*, of Chapter 2, *Administration*, of the Municipal Code of Ordinances and Article 02, *Development Review Authority*, of the Unified Development Code [*Ordinance No. 20-02*]; and,

**WHEREAS**, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the city's corporate boundaries, and the governing body in the exercise of its legislative discretion, has concluded that the Municipal Code of Ordinances and the Unified Development Code [*Ordinance No. 20-02*] should be amended as follows:

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

**SECTION 1.** That Article III, *Boards, Commissions, Committees*, of Chapter 2, *Administration*, of the Municipal Code of Ordinances of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance;

**SECTION 2.** That Article 02, *Development Review Authority*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'B'* of this ordinance;

**SECTION 3.** That 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 4.** 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 Municipal Code of Ordinances and/or Unified Development Code [*Ordinance No. 20-02*], and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

**SECTION 5.** That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS  
THE 7<sup>TH</sup> DAY OF NOVEMBER, 2022.

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

**ATTEST:**

\_\_\_\_\_  
Kristy Teague, *City Secretary*

**APPROVED AS TO FORM:**

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

*1<sup>st</sup> Reading:* October 17, 2022

*2<sup>nd</sup> Reading:* November 7, 2022

### DIVISION 3. HISTORIC PRESERVATION ADVISORY BOARD

#### SECTION 2-79. MEMBERSHIP

There is hereby created a Historic Preservation Advisory Board (HPAB) which shall serve as an advisory body to the City Council. Such board shall consist of seven (7) members to be appointed by the City Council.

#### SECTION 2-80. TERM OF OFFICE; QUALIFICATIONS.

- (1) Term of Office. The members shall be appointed for a term of two (2) years with staggered terms and shall be removable by the City Council. Their terms of office shall expire on the last day of July or when their successor has been appointed. In the event that a vacancy occurs prior to the expiration of a full term, the City Council shall appoint a new member to complete the unexpired term. Any member may be reappointed by the City Council upon completion of a term to which he has been appointed.
- (2) Qualification. All board members, regardless of background, shall have a known and demonstrated interest, competence or knowledge of historic preservation within the City. All members must be residents of the City of Rockwall.

#### SECTION 2-81. DUTIES.

The duties of the Historic Preservation Advisory Board (HPAB) are as follows:

- (1) Provide professional recommendations to the City Council and Planning and Zoning Commission as required, regarding site plans, building alternatives, and building plans proposed within the City Historic Overlay (HOV) District. The Historic Preservation Advisory Board (HPAB) shall review site plans and building elevations placed before them within the time frame allowed for processing applications prior to submission to the Planning and Zoning Commission or City Council. The Historic Preservation Advisory Board (HPAB) shall prepare a written assessment of the proposed project regarding compliance with approved guidelines for development within the district, and its applicability in preserving and enhancing the history and culture of the district.
- (2) Research, document and maintain in the official files of the City detailed information regarding the original construction and architecture of the district.
- (3) Develop and maintain guidelines regarding development and redevelopment within the district including architectural design, materials selections, building styles and other pertinent design considerations. The proposed guidelines shall be submitted to the Planning and Zoning Commission and City Council for approval.
- (4) Adopt rules and procedures as necessary to provide for the orderly conduct of board meetings.
- (5) Recommend the boundaries of historic districts.
- (6) Increase public awareness of the value of historic, cultural, and architectural preservation by encouraging and participating in public education programs developed by the historic preservation office.
- (7) Provide recommendations to the Planning and Zoning Commission and City Council concerning the historic preservation impact of proposed, announced or commenced actions by federal, state or local authorities that affect streets, alleys, publicly-maintained utilities and any other public spaces, areas, improvements, other features or zoning within, around or through any district.

**Exhibit 'A'**

*Article III, Boards, Commissions, Committees, of  
Chapter 2, Administration, of the Municipal Code of Ordinances*

- (8) Make recommendations to the City for the employment of staff and professional consultants as necessary to carry out the duties of the HPAB.
- (9) Review and act on the designation of landmarks and the delineation of districts, which shall be ratified by the City Council.
- (10) Recommend and confer recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers.
- (11) Review and recommend to City Council and other applicable City Boards and Commissions all proposed changes to the Unified Development Code (UDC), building code, general plan or other adopted policies of the City that may affect the purpose of the Article.
- (12) Conduct public hearings and provide comment on buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places to the Texas Historic Commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.
- (13) Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within designated districts located in the City. Such information shall be maintained securely, made accessible to the public and should be updated at least every ten (10) years.
- (14) Monitor and report to the Texas Historical Commission all actions affecting any recorded Texas historic landmark, state archaeological landmark, national register property and any locally designated landmark, as deemed necessary.
- (15) Create sub-committees from among its membership and delegate to these committees' responsibilities to carry out the purposes of this Article.
- (16) Maintain written meeting minutes which are recorded by staff and demonstrate all actions taken by the HPAB and the reasons for taking such actions.
- (17) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.
- (18) Review and act on all Certificates of Appropriateness (COA) applications for compliance with adopted design guidelines pursuant to this Article.
- (19) Review and act on all appeals on action taken by the Historic Preservation Officer (HPO) regarding the administrative review of Certificates of Appropriateness (COA) applications for compliance with adopted design guidelines pursuant to this Article.
- (20) Develop, prepare and adopt specific design guidelines which shall be ratified by the City Council, for use in the review of all Certificates of Appropriateness (COA) applications.
- (21) Prepare and submit annually to the City Council a report summarizing budget costs, goals and objectives and work completed during the previous year, as well as anticipated budgetary requests.
- (22) Provide recommendations to the City concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and districts within the City.
- (23) Recommend to City Council the acquisition of endangered landmarks by demolition where its preservation is essential to the purpose of this Article and where private preservation is not feasible.

**Exhibit 'A'**  
*Article III, Boards, Commissions, Committees, of  
Chapter 2, Administration, of the Municipal Code of Ordinances*

- (24) Propose incentive program(s) to City Council for local property owners of historic landmarks or within local districts.
- (25) Review and act on all city preservation-related incentive program applications involving work on landmarks and districts for compliance with adopted design guidelines pursuant to this Article.
- (26) Accept on behalf of the City government donations of preservation easements and development rights as well as any other gift of value for the purpose of historic preservation, subject to the approval of City Council.

**SECTION 2-82. OFFICERS.**

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

**SECTION 2-83. VOTING.**

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

**SECTION 2-84. ATTENDANCE.**

If a member has three (3) consecutive absences that are not excused by the Historic Preservation Advisory Board (HPAB), or is absent from more than 25% of the meetings, he or she may be removed from the Historic Preservation Advisory Board (HPAB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Historic Preservation Advisory Board (HPAB).

**DIVISION 4. ARCHITECTURAL REVIEW BOARD**

**SECTION 2-85. MEMBERSHIP.**

There is hereby created an Architectural Review Board (ARB) which shall serve as an advisory body to the Planning and Zoning Commission. Such board shall consist of seven (7) members to be appointed by the City Council after recommendation of the Planning and Zoning Commission.

**SECTION 2-86. TERM OF OFFICE; QUALIFICATIONS.**

- (1) Term of Office. The members shall be appointed for a term of two (2) years with staggered terms and shall be removable for cause by the City Council. Their terms of office shall expire on the last day of July or when their successor has been appointed. In the event that a vacancy occurs prior to the expiration of a full term the City Council shall appoint a new member to complete the unexpired term. Any member may be reappointed by the City Council upon completion of a term to which he has been appointed.
- (2) Qualification. At least one (1) member shall be a registered architect in the State of Texas. Other members are chosen for qualifications and training in related fields such as landscape architecture, interior or exterior design, municipal planning, municipal government and other professions with related disciplines or civic interest.



**Exhibit 'A'**  
*Article III, Boards, Commissions, Committees, of  
Chapter 2, Administration, of the Municipal Code of Ordinances*

**SECTION 2-87. DUTIES.**

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

**SECTION 2-88. OFFICERS.**

The Architectural Review Board (ARB) shall elect a chairman and vice-chairman at the first meeting in August or at the first meeting thereafter for a term of one (1) year. The Director of Planning and Zoning shall be secretary of the Architectural Review Board (ARB) and an ex-officio member.

**SECTION 2-89. VOTING.**

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

**SECTION 2-90. ATTENDANCE.**

If a member has three (3) consecutive absences that are not excused by the Architectural Review Board (ARB), or is absent from more than 25% of the meetings, he may be removed from the Architectural Review Board (ARB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Architectural Review Board (ARB).

**SECTION 2-91 – 2-99. RESERVED.**

**Exhibit 'B'**  
*Article 02, Development Review Authority, of the  
Unified Development Code (UDC)*

See Next Page ...



## SECTION 05 | HISTORIC PRESERVATION ADVISORY BOARD

### SUBSECTION 05.01: ORGANIZATION

For requirements concerning the Historic Preservation Advisory Board see Division 3, Historic Preservation Advisory Board, of Article III, Boards, Commissions, Committees, of Chapter 2, Administration, of the Municipal Code of Ordinances.

~~(A) Membership. There is hereby created a Historic Preservation Advisory Board (HPAB) which shall serve as an advisory body to the City Council. Such board shall consist of seven (7) members to be appointed by the City Council.~~

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

- ~~(1) An architect, planner or representative of a design profession;~~
- ~~(2) A member of the Rockwall County Historical Foundation;~~
- ~~(3) A general contractor;~~
- ~~(4) An owner of property within a historic district;~~
- ~~(5) Three (3) citizens of Rockwall interested in historic preservation.~~

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

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

- ~~(1) Provide professional recommendations to the City Council and Planning and Zoning Commission as required, regarding site plans, building alternatives, and building plans proposed within the City Historic Overlay (HOV) District. The Historic Preservation Advisory Board (HPAB) shall review site plans and building elevations placed before them within the time frame allowed for processing applications prior to submission to the Planning and Zoning Commission or City Council. The Historic Preservation Advisory Board (HPAB) shall prepare a written assessment of the proposed project regarding compliance with approved guidelines for development within the district, and its applicability in preserving and enhancing the history and culture of the district.~~
- ~~(2) Research, document and maintain in the official files of the City detailed information regarding the original construction and architecture of the district.~~
- ~~(3) Develop and maintain guidelines regarding development and redevelopment within the district including architectural design, materials selections, building styles and other pertinent design considerations. The proposed guidelines shall be submitted to~~

~~the Planning and Zoning Commission and City Council for approval.~~

- ~~(4) Adopt rules and procedures as necessary to provide for the orderly conduct of board meetings.~~
- ~~(5) Recommend the boundaries of historic districts.~~
- ~~(6) Increase public awareness of the value of historic, cultural, and architectural preservation by encouraging and participating in public education programs developed by the historic preservation office.~~
- ~~(7) Provide recommendations to the Planning and Zoning Commission and City Council concerning the historic preservation impact of proposed, announced or commenced actions by federal, state or local authorities that affect streets, alleys, publicly maintained utilities and any other public spaces, areas, improvements, other features or zoning within, around or through any district.~~
- ~~(8) Make recommendations to the City for the employment of staff and professional consultants as necessary to carry out the duties of the HPAB.~~
- ~~(9) Review and act on the designation of landmarks and the delineation of districts, which shall be ratified by the City Council.~~
- ~~(10) Recommend and confer recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers.~~
- ~~(11) Review and recommend to City Council and other applicable City Boards and Commissions all proposed changes to the Unified Development Code (UDC), building code, general plan or other adopted policies of the City that may affect the purpose of the Article.~~
- ~~(12) Conduct public hearings and provide comment on buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places to the Texas Historic Commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.~~
- ~~(13) Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within designated districts located in the City. Such information shall be maintained securely, made accessible to the public and should be updated at least every ten (10) years.~~
- ~~(14) Monitor and report to the Texas Historical Commission all actions affecting any recorded Texas historic landmark, state archaeological landmark, national register property and any locally designated landmark, as deemed necessary.~~
- ~~(15) Create sub-committees from among its membership and delegate to these committees' responsibilities to carry out the purposes of this Article.~~
- ~~(16) Maintain written meeting minutes which are recorded by staff and demonstrate all actions taken by the HPAB and the reasons for taking such actions.~~



~~(17) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.~~

~~(18) Review and act on all Certificates of Appropriateness (COA) applications for compliance with adopted design guidelines pursuant to this Article.~~

~~(19) Review and act on all appeals on action taken by the Historic Preservation Officer (HPO) regarding the administrative review of Certificates of Appropriateness (COA) applications for compliance with adopted design guidelines pursuant to this Article.~~

~~(20) Develop, prepare and adopt specific design guidelines which shall be ratified by the City Council, for use in the review of all Certificates of Appropriateness (COA) applications.~~

~~(21) Prepare and submit annually to the City Council a report summarizing budget costs, goals and objectives and work completed during the previous year, as well as anticipated budgetary requests.~~

~~(22) Provide recommendations to the City concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and districts within the City.~~

~~(23) Recommend to City Council the acquisition of endangered landmarks by demolition where its preservation is essential to the purpose of this Article and where private preservation is not feasible.~~

~~(24) Propose incentive program(s) to City Council for local property owners of historic landmarks or within local districts.~~

~~(25) Review and act on all city preservation related incentive program applications involving work on landmarks and districts for compliance with adopted design guidelines pursuant to this Article.~~

~~(26) Accept on behalf of the City government donations of preservation easements and development rights as well as any other gift of value for the purpose of historic preservation, subject to the approval of City Council.~~

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

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

~~(G) Attendance. If a member has three (3) consecutive absences that are not excused by the Historic Preservation Advisory Board (HPAB), or is absent from more than 25% of the meetings, he or she may be removed from the Historic Preservation Advisory Board~~

~~(HPAB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Historic Preservation Advisory Board (HPAB).~~

#### SUBSECTION 05.02: DESIGNATION OF LANDMARKS IN THE CITY

~~(A) The Historic Preservation Advisory Board (HPAB) may recommend to the Planning and Zoning Commission and the City Council that certain properties be *landmark districts* and that specific areas be designated as *historic districts* as provided for in [Subsection 06.03, Historic Overlay \(HO\) District, of Article 05, District Development Standards](#).~~

#### SUBSECTION 05.03: CERTIFICATES OF APPROPRIATENESS (COA)

For requirements concerning Certificates of Appropriateness (COA) see [Section 06, Certificates of Appropriateness \(COA\), of Article 11, Development Applications and Review Procedures](#).

### SECTION 06 | ARCHITECTURAL REVIEW BOARD

#### SUBSECTION 06.01: ORGANIZATION

For requirements concerning the Architectural Review Board see [Division 4, Architectural Review Board, of Article III, Boards, Commissions, Committees, of Chapter 2, Administration, of the Municipal Code of Ordinances](#).

#### SUBSECTION 06.01: CREATED

~~There is hereby created an Architectural Review Board (ARB) which shall serve as an advisory body to the Planning and Zoning Commission. Such board shall consist of seven (7) members to be appointed by the City Council after recommendation of the Planning and Zoning Commission.~~

#### SUBSECTION 06.02: TERMS OF OFFICE; QUALIFICATIONS

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

~~(B) Qualifications. At least one (1) member shall be a registered architect in the State of Texas. Other members are chosen for qualifications and training in related fields such as landscape architecture, interior or exterior design, municipal planning, municipal government and other professions with related disciplines or civic interest.~~

~~(C) Attendance. If a member has three (3) consecutive absences that are not excused by the Architectural Review Board (ARB), or is absent from more than 25% of the meetings, he may be removed from the Architectural Review Board (ARB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Architectural Review Board (ARB).~~

#### SUBSECTION 06.03: DUTIES



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

#### ~~SUBSECTION 06.04: OFFICERS~~

~~The Architectural Review Board (ARB) shall elect a chairman and vice-chairman at the first meeting in August or at the first meeting thereafter for a term of one (1) year. The Director of Planning and Zoning shall be secretary of the Architectural Review Board (ARB) and an ex officio member.~~

#### ~~SUBSECTION 06.05: VOTING~~

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

### SECTION 07 | DIRECTOR OF PLANNING AND ZONING

#### SUBSECTION 07.01: QUALIFICATIONS

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

#### SUBSECTION 07.02: POWERS AND DUTIES

- (A) The Director of Planning and Zoning shall have the following powers and duties:
  - (1) To make recommendations and provide assistance to the City Council and Planning and Zoning Commission concerning exercise of their responsibilities under the Unified Development Code (UDC);
  - (2) To develop and recommend to the Planning and Zoning Commission, and the City Council, a Comprehensive Plan for

the City or any amendments to the plan and to propose actions to implement the plan;

- (3) To coordinate all planning relating to the City's Comprehensive Plan;
- (4) To submit recommendations to the Planning and Zoning Commission and City Council on request for zoning changes, variances and exceptions;
- (5) To render such administrative decisions as are required of the Director of Planning and Zoning by the Unified Development Code (UDC);
- (6) To perform such other duties as may be prescribed by ordinance or directed by the City Council or Planning and Zoning Commission.

### SECTION 08 | HISTORIC PRESERVATION OFFICER

#### SUBSECTION 08.01: APPOINTMENT

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

#### SUBSECTION 08.02: POWER AND DUTIES

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

- (A) Coordinate the City's preservation activities with those of state and federal agencies and with local, state, and national non-profit preservation organizations.
- (B) Administer the Unified Development Code (UDC) and advise the HPAB on matters submitted to it.
- (C) To maintain and hold open for public inspection all documents and records pertaining to the provisions of this Article.
- (D) Receive and review all applications pursuant to this Article to ensure their completeness.
- (E) Review and act on all Certificates of Appropriateness (COA) applications subject to administrative review pursuant to this Article.
- (F) Review and forward with any recommendations for all applications for a Certificate of Appropriateness (COA) subject to review by the Historic Preservation Advisory Board (HPAB) pursuant to this Article.
- (G) Ensure proper posting and noticing of all Historic Preservation Advisory Board (HPAB) meetings, schedule applications for Historic Preservation Advisory Board (HPAB) review, provide packets to its members prior to the meetings, record meeting minutes and facilitate all Historic Preservation Advisory Board (HPAB) meetings.
- (H) Review and help coordinate the City's preservation and urban design activities with those of local, state and federal agencies and with local, state, and national preservation organizations in the private sector.





# CITY OF ROCKWALL

## PLANNING AND ZONING COMMISSION MEMORANDUM

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

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**TO:** Planning and Zoning Commission

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

**DATE:** October 11, 2022

**SUBJECT:** Z2022-044; *Amendment to Article 02, Development Review Authority, of the UDC and Article III, Boards, Commissions, Committees, of Chapter 2, Administration, of the Municipal Code of Ordinances.*

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On September 6, 2022, the City Council directed staff to make changes to the qualification requirements for appointments to the Historic Preservation Advisory Board (HPAB). In response to this direction, staff has prepared an amendment that will remove the requirement that the HPAB's membership consist of: [1] an architect, planner or representative of a design profession, [2] a member of the Rockwall County Historical Foundation, [3] a general contractor, [4] an owner of property within a historic district, and [5] three (3) citizens of Rockwall interested in historic preservation. In addition, staff has removed the HPAB and Architectural Review Board's (ARB) organizational requirements from Article 02, *Development Review Authority*, of the Unified Development Code (UDC) and placed them into Article III, *Boards, Commissions, Committees*, of Chapter 2, *Administration*, of the Municipal Code of Ordinances.

A redlined copy of the proposed changes along with a draft ordinance has been provided in the attached packet. In accordance with Subsection 02.01(C) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), the Director of Planning and Zoning is bringing forward the proposed text amendment to the City Council for consideration, and -- *in accordance with Section 02.04(B) of Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC)* -- staff is bringing the proposed amendment forward to the Planning and Zoning Commission for a recommendation to the City Council. The schedule for this text amendment is as follows:

~~Planning and Zoning Commission Work Session: September 27, 2022~~

Planning and Zoning Commission Public Hearing: October 11, 2022

City Council Public Hearing/First Reading: October 17, 2022

City Council Second Reading: November 7, 2022

Staff has sent out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 02.03(A)(3) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Should the Planning and Zoning Commission have any questions staff will be available at the meeting on October 11, 2022.



## SECTION 05 | HISTORIC PRESERVATION ADVISORY BOARD

### SUBSECTION 05.01: ORGANIZATION

For requirements concerning the Historic Preservation Advisory Board see Division 3, Historic Preservation Advisory Board, of Article III, Boards, Commissions, Committees, of Chapter 2, Administration, of the Municipal Code of Ordinances.

~~(A) Membership. There is hereby created a Historic Preservation Advisory Board (HPAB) which shall serve as an advisory body to the City Council. Such board shall consist of seven (7) members to be appointed by the City Council.~~

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

- ~~(1) An architect, planner or representative of a design profession;~~
- ~~(2) A member of the Rockwall County Historical Foundation;~~
- ~~(3) A general contractor;~~
- ~~(4) An owner of property within a historic district;~~
- ~~(5) Three (3) citizens of Rockwall interested in historic preservation.~~

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

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

- ~~(1) Provide professional recommendations to the City Council and Planning and Zoning Commission as required, regarding site plans, building alternatives, and building plans proposed within the City Historic Overlay (HOV) District. The Historic Preservation Advisory Board (HPAB) shall review site plans and building elevations placed before them within the time frame allowed for processing applications prior to submission to the Planning and Zoning Commission or City Council. The Historic Preservation Advisory Board (HPAB) shall prepare a written assessment of the proposed project regarding compliance with approved guidelines for development within the district, and its applicability in preserving and enhancing the history and culture of the district.~~
- ~~(2) Research, document and maintain in the official files of the City detailed information regarding the original construction and architecture of the district.~~
- ~~(3) Develop and maintain guidelines regarding development and redevelopment within the district including architectural design, materials selections, building styles and other pertinent design considerations. The proposed guidelines shall be submitted to~~

~~the Planning and Zoning Commission and City Council for approval.~~

- ~~(4) Adopt rules and procedures as necessary to provide for the orderly conduct of board meetings.~~
- ~~(5) Recommend the boundaries of historic districts.~~
- ~~(6) Increase public awareness of the value of historic, cultural, and architectural preservation by encouraging and participating in public education programs developed by the historic preservation office.~~
- ~~(7) Provide recommendations to the Planning and Zoning Commission and City Council concerning the historic preservation impact of proposed, announced or commenced actions by federal, state or local authorities that affect streets, alleys, publicly maintained utilities and any other public spaces, areas, improvements, other features or zoning within, around or through any district.~~
- ~~(8) Make recommendations to the City for the employment of staff and professional consultants as necessary to carry out the duties of the HPAB.~~
- ~~(9) Review and act on the designation of landmarks and the delineation of districts, which shall be ratified by the City Council.~~
- ~~(10) Recommend and confer recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers.~~
- ~~(11) Review and recommend to City Council and other applicable City Boards and Commissions all proposed changes to the Unified Development Code (UDC), building code, general plan or other adopted policies of the City that may affect the purpose of the Article.~~
- ~~(12) Conduct public hearings and provide comment on buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places to the Texas Historic Commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.~~
- ~~(13) Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within designated districts located in the City. Such information shall be maintained securely, made accessible to the public and should be updated at least every ten (10) years.~~
- ~~(14) Monitor and report to the Texas Historical Commission all actions affecting any recorded Texas historic landmark, state archaeological landmark, national register property and any locally designated landmark, as deemed necessary.~~
- ~~(15) Create sub-committees from among its membership and delegate to these committees' responsibilities to carry out the purposes of this Article.~~
- ~~(16) Maintain written meeting minutes which are recorded by staff and demonstrate all actions taken by the HPAB and the reasons for taking such actions.~~



~~(17) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.~~

~~(18) Review and act on all Certificates of Appropriateness (COA) applications for compliance with adopted design guidelines pursuant to this Article.~~

~~(19) Review and act on all appeals on action taken by the Historic Preservation Officer (HPO) regarding the administrative review of Certificates of Appropriateness (COA) applications for compliance with adopted design guidelines pursuant to this Article.~~

~~(20) Develop, prepare and adopt specific design guidelines which shall be ratified by the City Council, for use in the review of all Certificates of Appropriateness (COA) applications.~~

~~(21) Prepare and submit annually to the City Council a report summarizing budget costs, goals and objectives and work completed during the previous year, as well as anticipated budgetary requests.~~

~~(22) Provide recommendations to the City concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and districts within the City.~~

~~(23) Recommend to City Council the acquisition of endangered landmarks by demolition where its preservation is essential to the purpose of this Article and where private preservation is not feasible.~~

~~(24) Propose incentive program(s) to City Council for local property owners of historic landmarks or within local districts.~~

~~(25) Review and act on all city preservation related incentive program applications involving work on landmarks and districts for compliance with adopted design guidelines pursuant to this Article.~~

~~(26) Accept on behalf of the City government donations of preservation easements and development rights as well as any other gift of value for the purpose of historic preservation, subject to the approval of City Council.~~

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

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

~~(G) Attendance. If a member has three (3) consecutive absences that are not excused by the Historic Preservation Advisory Board (HPAB), or is absent from more than 25% of the meetings, he or she may be removed from the Historic Preservation Advisory Board~~

~~(HPAB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Historic Preservation Advisory Board (HPAB).~~

SUBSECTION 05.02: DESIGNATION OF LANDMARKS IN THE CITY

~~(A) The Historic Preservation Advisory Board (HPAB) may recommend to the Planning and Zoning Commission and the City Council that certain properties be *landmark districts* and that specific areas be designated as *historic districts* as provided for in [Subsection 06.03, Historic Overlay \(HO\) District, of Article 05, District Development Standards](#).~~

SUBSECTION 05.03: CERTIFICATES OF APPROPRIATENESS (COA)

For requirements concerning Certificates of Appropriateness (COA) see [Section 06, Certificates of Appropriateness \(COA\), of Article 11, Development Applications and Review Procedures](#).

SECTION 06 | ARCHITECTURAL REVIEW BOARD

SUBSECTION 06.01: ORGANIZATION

For requirements concerning the Architectural Review Board see [Division 4, Architectural Review Board, of Article III, Boards, Commissions, Committees, of Chapter 2, Administration, of the Municipal Code of Ordinances](#).

SUBSECTION 06.01: CREATED

There is hereby created an Architectural Review Board (ARB) which shall serve as an advisory body to the Planning and Zoning Commission. Such board shall consist of seven (7) members to be appointed by the City Council after recommendation of the Planning and Zoning Commission.

SUBSECTION 06.02: TERMS OF OFFICE; QUALIFICATIONS

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

~~(B) Qualifications. At least one (1) member shall be a registered architect in the State of Texas. Other members are chosen for qualifications and training in related fields such as landscape architecture, interior or exterior design, municipal planning, municipal government and other professions with related disciplines or civic interest.~~

~~(C) Attendance. If a member has three (3) consecutive absences that are not excused by the Architectural Review Board (ARB), or is absent from more than 25% of the meetings, he may be removed from the Architectural Review Board (ARB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Architectural Review Board (ARB).~~

SUBSECTION 06.03: DUTIES



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

#### ~~SUBSECTION 06.04: OFFICERS~~

~~The Architectural Review Board (ARB) shall elect a chairman and vice-chairman at the first meeting in August or at the first meeting thereafter for a term of one (1) year. The Director of Planning and Zoning shall be secretary of the Architectural Review Board (ARB) and an ex officio member.~~

#### ~~SUBSECTION 06.05: VOTING~~

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

## SECTION 07 | DIRECTOR OF PLANNING AND ZONING

### SUBSECTION 07.01: QUALIFICATIONS

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

### SUBSECTION 07.02: POWERS AND DUTIES

- (A) The Director of Planning and Zoning shall have the following powers and duties:
  - (1) To make recommendations and provide assistance to the City Council and Planning and Zoning Commission concerning exercise of their responsibilities under the Unified Development Code (UDC);
  - (2) To develop and recommend to the Planning and Zoning Commission, and the City Council, a Comprehensive Plan for

the City or any amendments to the plan and to propose actions to implement the plan;

- (3) To coordinate all planning relating to the City's Comprehensive Plan;
- (4) To submit recommendations to the Planning and Zoning Commission and City Council on request for zoning changes, variances and exceptions;
- (5) To render such administrative decisions as are required of the Director of Planning and Zoning by the Unified Development Code (UDC);
- (6) To perform such other duties as may be prescribed by ordinance or directed by the City Council or Planning and Zoning Commission.

## SECTION 08 | HISTORIC PRESERVATION OFFICER

### SUBSECTION 08.01: APPOINTMENT

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

### SUBSECTION 08.02: POWER AND DUTIES

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

- (A) Coordinate the City's preservation activities with those of state and federal agencies and with local, state, and national non-profit preservation organizations.
- (B) Administer the Unified Development Code (UDC) and advise the HPAB on matters submitted to it.
- (C) To maintain and hold open for public inspection all documents and records pertaining to the provisions of this Article.
- (D) Receive and review all applications pursuant to this Article to ensure their completeness.
- (E) Review and act on all Certificates of Appropriateness (COA) applications subject to administrative review pursuant to this Article.
- (F) Review and forward with any recommendations for all applications for a Certificate of Appropriateness (COA) subject to review by the Historic Preservation Advisory Board (HPAB) pursuant to this Article.
- (G) Ensure proper posting and noticing of all Historic Preservation Advisory Board (HPAB) meetings, schedule applications for Historic Preservation Advisory Board (HPAB) review, provide packets to its members prior to the meetings, record meeting minutes and facilitate all Historic Preservation Advisory Board (HPAB) meetings.
- (H) Review and help coordinate the City's preservation and urban design activities with those of local, state and federal agencies and with local, state, and national preservation organizations in the private sector.

CITY OF ROCKWALL

ORDINANCE NO. 22-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES AND UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE III, *BOARDS, COMMISSIONS, COMMITTEES*, OF CHAPTER 2, *ADMINISTRATION*, OF THE MUNICIPAL CODE OF ORDINANCES AND ARTICLE 02, *DEVELOPMENT REVIEW AUTHORITY*, OF THE UNIFIED DEVELOPMENT CODE (UDC) AS DEPCITED IN *EXHIBITS 'A' & 'B'* OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, an amendment to the City of Rockwall's Municipal Code of Ordinances and the Unified Development Code [*Ordinance No. 20-02*] has been initiated by the City Council of the City of Rockwall to amend Article III, *Boards, Commissions, Committees*, of Chapter 2, *Administration*, of the Municipal Code of Ordinances and Article 02, *Development Review Authority*, of the Unified Development Code [*Ordinance No. 20-02*]; and,

**WHEREAS**, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the city's corporate boundaries, and the governing body in the exercise of its legislative discretion, has concluded that the Municipal Code of Ordinances and the Unified Development Code [*Ordinance No. 20-02*] should be amended as follows:

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

**SECTION 1.** That Article III, *Boards, Commissions, Committees*, of Chapter 2, *Administration*, of the Municipal Code of Ordinances of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance;

**SECTION 2.** That Article 02, *Development Review Authority*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'B'* of this ordinance;

**SECTION 3.** That 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 4.** 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 Municipal Code of Ordinances and/or Unified Development Code [*Ordinance No. 20-02*], and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

**SECTION 5.** That this ordinance shall take effect immediately from and after its passage.



PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS  
THE 7<sup>TH</sup> DAY OF NOVEMBER, 2022.

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

**ATTEST:**

\_\_\_\_\_  
Kristy Teague, *City Secretary*

**APPROVED AS TO FORM:**

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

*1<sup>st</sup> Reading:* October 17, 2022

*2<sup>nd</sup> Reading:* November 7, 2022

### DIVISION 3. HISTORIC PRESERVATION ADVISORY BOARD

#### SECTION 2-79. MEMBERSHIP

There is hereby created a Historic Preservation Advisory Board (HPAB) which shall serve as an advisory body to the City Council. Such board shall consist of seven (7) members to be appointed by the City Council.

#### SECTION 2-80. TERM OF OFFICE; QUALIFICATIONS.

- (1) Term of Office. The members shall be appointed for a term of two (2) years with staggered terms and shall be removable by the City Council. Their terms of office shall expire on the last day of July or when their successor has been appointed. In the event that a vacancy occurs prior to the expiration of a full term, the City Council shall appoint a new member to complete the unexpired term. Any member may be reappointed by the City Council upon completion of a term to which he has been appointed.
- (2) Qualification. All board members, regardless of background, shall have a known and demonstrated interest, competence of knowledge of historic preservation within the City. All members must be residents of the City of Rockwall.

#### SECTION 2-81. DUTIES.

The duties of the Historic Preservation Advisory Board (HPAB) are as follows:

- (1) Provide professional recommendations to the City Council and Planning and Zoning Commission as required, regarding site plans, building alternatives, and building plans proposed within the City Historic Overlay (HOV) District. The Historic Preservation Advisory Board (HPAB) shall review site plans and building elevations placed before them within the time frame allowed for processing applications prior to submission to the Planning and Zoning Commission or City Council. The Historic Preservation Advisory Board (HPAB) shall prepare a written assessment of the proposed project regarding compliance with approved guidelines for development within the district, and its applicability in preserving and enhancing the history and culture of the district.
- (2) Research, document and maintain in the official files of the City detailed information regarding the original construction and architecture of the district.
- (3) Develop and maintain guidelines regarding development and redevelopment within the district including architectural design, materials selections, building styles and other pertinent design considerations. The proposed guidelines shall be submitted to the Planning and Zoning Commission and City Council for approval.
- (4) Adopt rules and procedures as necessary to provide for the orderly conduct of board meetings.
- (5) Recommend the boundaries of historic districts.
- (6) Increase public awareness of the value of historic, cultural, and architectural preservation by encouraging and participating in public education programs developed by the historic preservation office.
- (7) Provide recommendations to the Planning and Zoning Commission and City Council concerning the historic preservation impact of proposed, announced or commenced actions by federal, state or local authorities that affect streets, alleys, publicly-maintained utilities and any other public spaces, areas, improvements, other features or zoning within, around or through any district.

**Exhibit 'A'**

*Article III, Boards, Commissions, Committees, of  
Chapter 2, Administration, of the Municipal Code of Ordinances*

- (8) Make recommendations to the City for the employment of staff and professional consultants as necessary to carry out the duties of the HPAB.
- (9) Review and act on the designation of landmarks and the delineation of districts, which shall be ratified by the City Council.
- (10) Recommend and confer recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers.
- (11) Review and recommend to City Council and other applicable City Boards and Commissions all proposed changes to the Unified Development Code (UDC), building code, general plan or other adopted policies of the City that may affect the purpose of the Article.
- (12) Conduct public hearings and provide comment on buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places to the Texas Historic Commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.
- (13) Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within designated districts located in the City. Such information shall be maintained securely, made accessible to the public and should be updated at least every ten (10) years.
- (14) Monitor and report to the Texas Historical Commission all actions affecting any recorded Texas historic landmark, state archaeological landmark, national register property and any locally designated landmark, as deemed necessary.
- (15) Create sub-committees from among its membership and delegate to these committees' responsibilities to carry out the purposes of this Article.
- (16) Maintain written meeting minutes which are recorded by staff and demonstrate all actions taken by the HPAB and the reasons for taking such actions.
- (17) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.
- (18) Review and act on all Certificates of Appropriateness (COA) applications for compliance with adopted design guidelines pursuant to this Article.
- (19) Review and act on all appeals on action taken by the Historic Preservation Officer (HPO) regarding the administrative review of Certificates of Appropriateness (COA) applications for compliance with adopted design guidelines pursuant to this Article.
- (20) Develop, prepare and adopt specific design guidelines which shall be ratified by the City Council, for use in the review of all Certificates of Appropriateness (COA) applications.
- (21) Prepare and submit annually to the City Council a report summarizing budget costs, goals and objectives and work completed during the previous year, as well as anticipated budgetary requests.
- (22) Provide recommendations to the City concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and districts within the City.
- (23) Recommend to City Council the acquisition of endangered landmarks by demolition where its preservation is essential to the purpose of this Article and where private preservation is not feasible.

**Exhibit 'A'**  
*Article III, Boards, Commissions, Committees, of  
Chapter 2, Administration, of the Municipal Code of Ordinances*

- (24) Propose incentive program(s) to City Council for local property owners of historic landmarks or within local districts.
- (25) Review and act on all city preservation-related incentive program applications involving work on landmarks and districts for compliance with adopted design guidelines pursuant to this Article.
- (26) Accept on behalf of the City government donations of preservation easements and development rights as well as any other gift of value for the purpose of historic preservation, subject to the approval of City Council.

**SECTION 2-82. OFFICERS.**

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

**SECTION 2-83. VOTING.**

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

**SECTION 2-84. ATTENDANCE.**

If a member has three (3) consecutive absences that are not excused by the Historic Preservation Advisory Board (HPAB), or is absent from more than 25% of the meetings, he or she may be removed from the Historic Preservation Advisory Board (HPAB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Historic Preservation Advisory Board (HPAB).

**DIVISION 4. ARCHITECTURAL REVIEW BOARD**

**SECTION 2-85. MEMBERSHIP.**

There is hereby created an Architectural Review Board (ARB) which shall serve as an advisory body to the Planning and Zoning Commission. Such board shall consist of seven (7) members to be appointed by the City Council after recommendation of the Planning and Zoning Commission.

**SECTION 2-86. TERM OF OFFICE; QUALIFICATIONS.**

- (1) Term of Office. The members shall be appointed for a term of two (2) years with staggered terms and shall be removable for cause by the City Council. Their terms of office shall expire on the last day of July or when their successor has been appointed. In the event that a vacancy occurs prior to the expiration of a full term the City Council shall appoint a new member to complete the unexpired term. Any member may be reappointed by the City Council upon completion of a term to which he has been appointed.
- (2) Qualification. At least one (1) member shall be a registered architect in the State of Texas. Other members are chosen for qualifications and training in related fields such as landscape architecture, interior or exterior design, municipal planning, municipal government and other professions with related disciplines or civic interest.

**Exhibit 'A'**  
*Article III, Boards, Commissions, Committees, of  
Chapter 2, Administration, of the Municipal Code of Ordinances*

**SECTION 2-87. DUTIES.**

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

**SECTION 2-88. OFFICERS.**

The Architectural Review Board (ARB) shall elect a chairman and vice-chairman at the first meeting in August or at the first meeting thereafter for a term of one (1) year. The Director of Planning and Zoning shall be secretary of the Architectural Review Board (ARB) and an ex-officio member.

**SECTION 2-89. VOTING.**

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

**SECTION 2-90. ATTENDANCE.**

If a member has three (3) consecutive absences that are not excused by the Architectural Review Board (ARB), or is absent from more than 25% of the meetings, he may be removed from the Architectural Review Board (ARB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Architectural Review Board (ARB).

**SECTION 2-91 – 2-99. RESERVED.**



**Exhibit 'B'**  
Article 02, Development Review Authority, of the  
Unified Development Code (UDC)

See Next Page ...



## SECTION 05 | HISTORIC PRESERVATION ADVISORY BOARD

## SUBSECTION 05.01: ORGANIZATION

For requirements concerning the Historic Preservation Advisory Board see Division 3, *Historic Preservation Advisory Board, of Article III, Boards, Commissions, Committees, of Chapter 2, Administration, of the Municipal Code of Ordinances.*

~~(A) *Membership.* There is hereby created a Historic Preservation Advisory Board (HPAB) which shall serve as an advisory body to the City Council. Such board shall consist of seven (7) members to be appointed by the City Council.~~

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

- ~~(1) An architect, planner or representative of a design profession;~~
- ~~(2) A member of the Rockwall County Historical Foundation;~~
- ~~(3) A general contractor;~~
- ~~(4) An owner of property within a historic district;~~
- ~~(5) Three (3) citizens of Rockwall interested in historic preservation.~~

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

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

- ~~(1) Provide professional recommendations to the City Council and Planning and Zoning Commission as required, regarding site plans, building alternatives, and building plans proposed within the City Historic Overlay (HOV) District. The Historic Preservation Advisory Board (HPAB) shall review site plans and building elevations placed before them within the time frame allowed for processing applications prior to submission to the Planning and Zoning Commission or City Council. The Historic Preservation Advisory Board (HPAB) shall prepare a written assessment of the proposed project regarding compliance with approved guidelines for development within the district, and its applicability in preserving and enhancing the history and culture of the district.~~
- ~~(2) Research, document and maintain in the official files of the City detailed information regarding the original construction and architecture of the district.~~
- ~~(3) Develop and maintain guidelines regarding development and redevelopment within the district including architectural design, materials selections, building styles and other pertinent design considerations. The proposed guidelines shall be submitted to~~

~~the Planning and Zoning Commission and City Council for approval.~~

- ~~(4) Adopt rules and procedures as necessary to provide for the orderly conduct of board meetings.~~
- ~~(5) Recommend the boundaries of historic districts.~~
- ~~(6) Increase public awareness of the value of historic, cultural, and architectural preservation by encouraging and participating in public education programs developed by the historic preservation office.~~
- ~~(7) Provide recommendations to the Planning and Zoning Commission and City Council concerning the historic preservation impact of proposed, announced or commenced actions by federal, state or local authorities that affect streets, alleys, publicly maintained utilities and any other public spaces, areas, improvements, other features or zoning within, around or through any district.~~
- ~~(8) Make recommendations to the City for the employment of staff and professional consultants as necessary to carry out the duties of the HPAB.~~
- ~~(9) Review and act on the designation of landmarks and the delineation of districts, which shall be ratified by the City Council.~~
- ~~(10) Recommend and confer recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers.~~
- ~~(11) Review and recommend to City Council and other applicable City Boards and Commissions all proposed changes to the Unified Development Code (UDC), building code, general plan or other adopted policies of the City that may affect the purpose of the Article.~~
- ~~(12) Conduct public hearings and provide comment on buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places to the Texas Historic Commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.~~
- ~~(13) Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within designated districts located in the City. Such information shall be maintained securely, made accessible to the public and should be updated at least every ten (10) years.~~
- ~~(14) Monitor and report to the Texas Historical Commission all actions affecting any recorded Texas historic landmark, state archaeological landmark, national register property and any locally designated landmark, as deemed necessary.~~
- ~~(15) Create sub-committees from among its membership and delegate to these committees' responsibilities to carry out the purposes of this Article.~~
- ~~(16) Maintain written meeting minutes which are recorded by staff and demonstrate all actions taken by the HPAB and the reasons for taking such actions.~~



~~(17) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.~~

~~(18) Review and act on all Certificates of Appropriateness (COA) applications for compliance with adopted design guidelines pursuant to this Article.~~

~~(19) Review and act on all appeals on action taken by the Historic Preservation Officer (HPO) regarding the administrative review of Certificates of Appropriateness (COA) applications for compliance with adopted design guidelines pursuant to this Article.~~

~~(20) Develop, prepare and adopt specific design guidelines which shall be ratified by the City Council, for use in the review of all Certificates of Appropriateness (COA) applications.~~

~~(21) Prepare and submit annually to the City Council a report summarizing budget costs, goals and objectives and work completed during the previous year, as well as anticipated budgetary requests.~~

~~(22) Provide recommendations to the City concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and districts within the City.~~

~~(23) Recommend to City Council the acquisition of endangered landmarks by demolition where its preservation is essential to the purpose of this Article and where private preservation is not feasible.~~

~~(24) Propose incentive program(s) to City Council for local property owners of historic landmarks or within local districts.~~

~~(25) Review and act on all city preservation related incentive program applications involving work on landmarks and districts for compliance with adopted design guidelines pursuant to this Article.~~

~~(26) Accept on behalf of the City government donations of preservation easements and development rights as well as any other gift of value for the purpose of historic preservation, subject to the approval of City Council.~~

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

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

~~(G) Attendance. If a member has three (3) consecutive absences that are not excused by the Historic Preservation Advisory Board (HPAB), or is absent from more than 25% of the meetings, he or she may be removed from the Historic Preservation Advisory Board~~

~~(HPAB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Historic Preservation Advisory Board (HPAB).~~

#### SUBSECTION 05.02: DESIGNATION OF LANDMARKS IN THE CITY

~~(A) The Historic Preservation Advisory Board (HPAB) may recommend to the Planning and Zoning Commission and the City Council that certain properties be *landmark districts* and that specific areas be designated as *historic districts* as provided for in [Subsection 06.03, Historic Overlay \(HO\) District, of Article 05, District Development Standards](#).~~

#### SUBSECTION 05.03: CERTIFICATES OF APPROPRIATENESS (COA)

~~For requirements concerning Certificates of Appropriateness (COA) see [Section 06, Certificates of Appropriateness \(COA\), of Article 11, Development Applications and Review Procedures](#).~~

### SECTION 06 | ARCHITECTURAL REVIEW BOARD

#### SUBSECTION 06.01: ORGANIZATION

~~For requirements concerning the Architectural Review Board see [Division 4, Architectural Review Board, of Article III, Boards, Commissions, Committees, of Chapter 2, Administration, of the Municipal Code of Ordinances](#).~~

#### SUBSECTION 06.01: CREATED

~~There is hereby created an Architectural Review Board (ARB) which shall serve as an advisory body to the Planning and Zoning Commission. Such board shall consist of seven (7) members to be appointed by the City Council after recommendation of the Planning and Zoning Commission.~~

#### SUBSECTION 06.02: TERMS OF OFFICE; QUALIFICATIONS

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

~~(B) Qualifications. At least one (1) member shall be a registered architect in the State of Texas. Other members are chosen for qualifications and training in related fields such as landscape architecture, interior or exterior design, municipal planning, municipal government and other professions with related disciplines or civic interest.~~

~~(C) Attendance. If a member has three (3) consecutive absences that are not excused by the Architectural Review Board (ARB), or is absent from more than 25% of the meetings, he may be removed from the Architectural Review Board (ARB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Architectural Review Board (ARB).~~

#### SUBSECTION 06.03: DUTIES



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

#### ~~SUBSECTION 06.04: OFFICERS~~

~~The Architectural Review Board (ARB) shall elect a chairman and vice-chairman at the first meeting in August or at the first meeting thereafter for a term of one (1) year. The Director of Planning and Zoning shall be secretary of the Architectural Review Board (ARB) and an ex officio member.~~

#### ~~SUBSECTION 06.05: VOTING~~

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

### SECTION 07 | DIRECTOR OF PLANNING AND ZONING

#### SUBSECTION 07.01: QUALIFICATIONS

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

#### SUBSECTION 07.02: POWERS AND DUTIES

- (A) The Director of Planning and Zoning shall have the following powers and duties:
  - (1) To make recommendations and provide assistance to the City Council and Planning and Zoning Commission concerning exercise of their responsibilities under the Unified Development Code (UDC);
  - (2) To develop and recommend to the Planning and Zoning Commission, and the City Council, a Comprehensive Plan for

the City or any amendments to the plan and to propose actions to implement the plan;

- (3) To coordinate all planning relating to the City's Comprehensive Plan;
- (4) To submit recommendations to the Planning and Zoning Commission and City Council on request for zoning changes, variances and exceptions;
- (5) To render such administrative decisions as are required of the Director of Planning and Zoning by the Unified Development Code (UDC);
- (6) To perform such other duties as may be prescribed by ordinance or directed by the City Council or Planning and Zoning Commission.

### SECTION 08 | HISTORIC PRESERVATION OFFICER

#### SUBSECTION 08.01: APPOINTMENT

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

#### SUBSECTION 08.02: POWER AND DUTIES

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

- (A) Coordinate the City's preservation activities with those of state and federal agencies and with local, state, and national non-profit preservation organizations.
- (B) Administer the Unified Development Code (UDC) and advise the HPAB on matters submitted to it.
- (C) To maintain and hold open for public inspection all documents and records pertaining to the provisions of this Article.
- (D) Receive and review all applications pursuant to this Article to ensure their completeness.
- (E) Review and act on all Certificates of Appropriateness (COA) applications subject to administrative review pursuant to this Article.
- (F) Review and forward with any recommendations for all applications for a Certificate of Appropriateness (COA) subject to review by the Historic Preservation Advisory Board (HPAB) pursuant to this Article.
- (G) Ensure proper posting and noticing of all Historic Preservation Advisory Board (HPAB) meetings, schedule applications for Historic Preservation Advisory Board (HPAB) review, provide packets to its members prior to the meetings, record meeting minutes and facilitate all Historic Preservation Advisory Board (HPAB) meetings.
- (H) Review and help coordinate the City's preservation and urban design activities with those of local, state and federal agencies and with local, state, and national preservation organizations in the private sector.



# CITY OF ROCKWALL

## CITY COUNCIL MEMORANDUM

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

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**TO:** Mayor and City Council

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

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

**DATE:** October 17, 2022

**SUBJECT:** Z2022-044; *Amendment to Article 02, Development Review Authority, of the UDC and Article III, Boards, Commissions, Committees, of Chapter 2, Administration, of the Municipal Code of Ordinances.*

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On September 6, 2022, the City Council directed staff to make changes to the qualification requirements for appointments to the Historic Preservation Advisory Board (HPAB). In response to this direction, staff has prepared an amendment that will remove the requirement that the HPAB's membership consist of: [1] an architect, planner or representative of a design profession, [2] a member of the Rockwall County Historical Foundation, [3] a general contractor, [4] an owner of property within a historic district, and [5] three (3) citizens of Rockwall interested in historic preservation. In addition, staff has removed the HPAB and Architectural Review Board's (ARB) organizational requirements from Article 02, *Development Review Authority*, of the Unified Development Code (UDC) and placed them into Article III, *Boards, Commissions, Committees*, of Chapter 2, *Administration*, of the Municipal Code of Ordinances.

A redlined copy of the proposed changes along with a draft ordinance has been provided in the attached packet. In accordance with Section 02.04(B) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), staff brought the proposed text amendment to the Planning and Zoning Commission for a recommendation to the City Council, and on October 11, 2022 the Planning and Zoning Commission approved a motion to recommend approval by a vote of 5-0 (*with Commissioners Womble and Deckard absent*). In addition, staff has sent out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 02.03(A)(3) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Should the City Council have any questions staff will be available at the meeting on October 17, 2022.





## SECTION 05 | HISTORIC PRESERVATION ADVISORY BOARD

### SUBSECTION 05.01: ORGANIZATION

For requirements concerning the Historic Preservation Advisory Board see Division 3, Historic Preservation Advisory Board, of Article III, Boards, Commissions, Committees, of Chapter 2, Administration, of the Municipal Code of Ordinances.

~~(A) Membership. There is hereby created a Historic Preservation Advisory Board (HPAB) which shall serve as an advisory body to the City Council. Such board shall consist of seven (7) members to be appointed by the City Council.~~

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

- ~~(1) An architect, planner or representative of a design profession;~~
- ~~(2) A member of the Rockwall County Historical Foundation;~~
- ~~(3) A general contractor;~~
- ~~(4) An owner of property within a historic district;~~
- ~~(5) Three (3) citizens of Rockwall interested in historic preservation.~~

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

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

- ~~(1) Provide professional recommendations to the City Council and Planning and Zoning Commission as required, regarding site plans, building alternatives, and building plans proposed within the City Historic Overlay (HOV) District. The Historic Preservation Advisory Board (HPAB) shall review site plans and building elevations placed before them within the time frame allowed for processing applications prior to submission to the Planning and Zoning Commission or City Council. The Historic Preservation Advisory Board (HPAB) shall prepare a written assessment of the proposed project regarding compliance with approved guidelines for development within the district, and its applicability in preserving and enhancing the history and culture of the district.~~
- ~~(2) Research, document and maintain in the official files of the City detailed information regarding the original construction and architecture of the district.~~
- ~~(3) Develop and maintain guidelines regarding development and redevelopment within the district including architectural design, materials selections, building styles and other pertinent design considerations. The proposed guidelines shall be submitted to~~

~~the Planning and Zoning Commission and City Council for approval.~~

- ~~(4) Adopt rules and procedures as necessary to provide for the orderly conduct of board meetings.~~
- ~~(5) Recommend the boundaries of historic districts.~~
- ~~(6) Increase public awareness of the value of historic, cultural, and architectural preservation by encouraging and participating in public education programs developed by the historic preservation office.~~
- ~~(7) Provide recommendations to the Planning and Zoning Commission and City Council concerning the historic preservation impact of proposed, announced or commenced actions by federal, state or local authorities that affect streets, alleys, publicly maintained utilities and any other public spaces, areas, improvements, other features or zoning within, around or through any district.~~
- ~~(8) Make recommendations to the City for the employment of staff and professional consultants as necessary to carry out the duties of the HPAB.~~
- ~~(9) Review and act on the designation of landmarks and the delineation of districts, which shall be ratified by the City Council.~~
- ~~(10) Recommend and confer recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers.~~
- ~~(11) Review and recommend to City Council and other applicable City Boards and Commissions all proposed changes to the Unified Development Code (UDC), building code, general plan or other adopted policies of the City that may affect the purpose of the Article.~~
- ~~(12) Conduct public hearings and provide comment on buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places to the Texas Historic Commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.~~
- ~~(13) Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within designated districts located in the City. Such information shall be maintained securely, made accessible to the public and should be updated at least every ten (10) years.~~
- ~~(14) Monitor and report to the Texas Historical Commission all actions affecting any recorded Texas historic landmark, state archaeological landmark, national register property and any locally designated landmark, as deemed necessary.~~
- ~~(15) Create sub-committees from among its membership and delegate to these committees' responsibilities to carry out the purposes of this Article.~~
- ~~(16) Maintain written meeting minutes which are recorded by staff and demonstrate all actions taken by the HPAB and the reasons for taking such actions.~~



~~(17) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.~~

~~(18) Review and act on all Certificates of Appropriateness (COA) applications for compliance with adopted design guidelines pursuant to this Article.~~

~~(19) Review and act on all appeals on action taken by the Historic Preservation Officer (HPO) regarding the administrative review of Certificates of Appropriateness (COA) applications for compliance with adopted design guidelines pursuant to this Article.~~

~~(20) Develop, prepare and adopt specific design guidelines which shall be ratified by the City Council, for use in the review of all Certificates of Appropriateness (COA) applications.~~

~~(21) Prepare and submit annually to the City Council a report summarizing budget costs, goals and objectives and work completed during the previous year, as well as anticipated budgetary requests.~~

~~(22) Provide recommendations to the City concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and districts within the City.~~

~~(23) Recommend to City Council the acquisition of endangered landmarks by demolition where its preservation is essential to the purpose of this Article and where private preservation is not feasible.~~

~~(24) Propose incentive program(s) to City Council for local property owners of historic landmarks or within local districts.~~

~~(25) Review and act on all city preservation related incentive program applications involving work on landmarks and districts for compliance with adopted design guidelines pursuant to this Article.~~

~~(26) Accept on behalf of the City government donations of preservation easements and development rights as well as any other gift of value for the purpose of historic preservation, subject to the approval of City Council.~~

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

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

~~(G) Attendance. If a member has three (3) consecutive absences that are not excused by the Historic Preservation Advisory Board (HPAB), or is absent from more than 25% of the meetings, he or she may be removed from the Historic Preservation Advisory Board~~

~~(HPAB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Historic Preservation Advisory Board (HPAB).~~

SUBSECTION 05.02: DESIGNATION OF LANDMARKS IN THE CITY

~~(A) The Historic Preservation Advisory Board (HPAB) may recommend to the Planning and Zoning Commission and the City Council that certain properties be *landmark districts* and that specific areas be designated as *historic districts* as provided for in [Subsection 06.03, Historic Overlay \(HO\) District, of Article 05, District Development Standards](#).~~

SUBSECTION 05.03: CERTIFICATES OF APPROPRIATENESS (COA)

For requirements concerning Certificates of Appropriateness (COA) see [Section 06, Certificates of Appropriateness \(COA\), of Article 11, Development Applications and Review Procedures](#).

SECTION 06 | ARCHITECTURAL REVIEW BOARD

SUBSECTION 06.01: ORGANIZATION

For requirements concerning the Architectural Review Board see [Division 4, Architectural Review Board, of Article III, Boards, Commissions, Committees, of Chapter 2, Administration, of the Municipal Code of Ordinances](#).

SUBSECTION 06.01: CREATED

There is hereby created an Architectural Review Board (ARB) which shall serve as an advisory body to the Planning and Zoning Commission. Such board shall consist of seven (7) members to be appointed by the City Council after recommendation of the Planning and Zoning Commission.

SUBSECTION 06.02: TERMS OF OFFICE; QUALIFICATIONS

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

~~(B) Qualifications. At least one (1) member shall be a registered architect in the State of Texas. Other members are chosen for qualifications and training in related fields such as landscape architecture, interior or exterior design, municipal planning, municipal government and other professions with related disciplines or civic interest.~~

~~(C) Attendance. If a member has three (3) consecutive absences that are not excused by the Architectural Review Board (ARB), or is absent from more than 25% of the meetings, he may be removed from the Architectural Review Board (ARB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Architectural Review Board (ARB).~~

SUBSECTION 06.03: DUTIES



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

#### ~~SUBSECTION 06.04: OFFICERS~~

~~The Architectural Review Board (ARB) shall elect a chairman and vice-chairman at the first meeting in August or at the first meeting thereafter for a term of one (1) year. The Director of Planning and Zoning shall be secretary of the Architectural Review Board (ARB) and an ex officio member.~~

#### ~~SUBSECTION 06.05: VOTING~~

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

## SECTION 07 | DIRECTOR OF PLANNING AND ZONING

### SUBSECTION 07.01: QUALIFICATIONS

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

### SUBSECTION 07.02: POWERS AND DUTIES

- (A) The Director of Planning and Zoning shall have the following powers and duties:
  - (1) To make recommendations and provide assistance to the City Council and Planning and Zoning Commission concerning exercise of their responsibilities under the Unified Development Code (UDC);
  - (2) To develop and recommend to the Planning and Zoning Commission, and the City Council, a Comprehensive Plan for

the City or any amendments to the plan and to propose actions to implement the plan;

- (3) To coordinate all planning relating to the City's Comprehensive Plan;
- (4) To submit recommendations to the Planning and Zoning Commission and City Council on request for zoning changes, variances and exceptions;
- (5) To render such administrative decisions as are required of the Director of Planning and Zoning by the Unified Development Code (UDC);
- (6) To perform such other duties as may be prescribed by ordinance or directed by the City Council or Planning and Zoning Commission.

## SECTION 08 | HISTORIC PRESERVATION OFFICER

### SUBSECTION 08.01: APPOINTMENT

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

### SUBSECTION 08.02: POWER AND DUTIES

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

- (A) Coordinate the City's preservation activities with those of state and federal agencies and with local, state, and national non-profit preservation organizations.
- (B) Administer the Unified Development Code (UDC) and advise the HPAB on matters submitted to it.
- (C) To maintain and hold open for public inspection all documents and records pertaining to the provisions of this Article.
- (D) Receive and review all applications pursuant to this Article to ensure their completeness.
- (E) Review and act on all Certificates of Appropriateness (COA) applications subject to administrative review pursuant to this Article.
- (F) Review and forward with any recommendations for all applications for a Certificate of Appropriateness (COA) subject to review by the Historic Preservation Advisory Board (HPAB) pursuant to this Article.
- (G) Ensure proper posting and noticing of all Historic Preservation Advisory Board (HPAB) meetings, schedule applications for Historic Preservation Advisory Board (HPAB) review, provide packets to its members prior to the meetings, record meeting minutes and facilitate all Historic Preservation Advisory Board (HPAB) meetings.
- (H) Review and help coordinate the City's preservation and urban design activities with those of local, state and federal agencies and with local, state, and national preservation organizations in the private sector.

CITY OF ROCKWALL

ORDINANCE NO. 22-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES AND UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE III, *BOARDS, COMMISSIONS, COMMITTEES*, OF CHAPTER 2, *ADMINISTRATION*, OF THE MUNICIPAL CODE OF ORDINANCES AND ARTICLE 02, *DEVELOPMENT REVIEW AUTHORITY*, OF THE UNIFIED DEVELOPMENT CODE (UDC) AS DEPCITED IN *EXHIBITS 'A' & 'B'* OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, an amendment to the City of Rockwall's Municipal Code of Ordinances and the Unified Development Code [*Ordinance No. 20-02*] has been initiated by the City Council of the City of Rockwall to amend Article III, *Boards, Commissions, Committees*, of Chapter 2, *Administration*, of the Municipal Code of Ordinances and Article 02, *Development Review Authority*, of the Unified Development Code [*Ordinance No. 20-02*]; and,

**WHEREAS**, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the city's corporate boundaries, and the governing body in the exercise of its legislative discretion, has concluded that the Municipal Code of Ordinances and the Unified Development Code [*Ordinance No. 20-02*] should be amended as follows:

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

**SECTION 1.** That Article III, *Boards, Commissions, Committees*, of Chapter 2, *Administration*, of the Municipal Code of Ordinances of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance;

**SECTION 2.** That Article 02, *Development Review Authority*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'B'* of this ordinance;

**SECTION 3.** That 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 4.** 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 Municipal Code of Ordinances and/or Unified Development Code [*Ordinance No. 20-02*], and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

**SECTION 5.** That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS  
THE 7<sup>TH</sup> DAY OF NOVEMBER, 2022.

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

**ATTEST:**

\_\_\_\_\_  
Kristy Teague, *City Secretary*

**APPROVED AS TO FORM:**

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

*1<sup>st</sup> Reading:* October 17, 2022

*2<sup>nd</sup> Reading:* November 7, 2022



### DIVISION 3. HISTORIC PRESERVATION ADVISORY BOARD

#### SECTION 2-79. MEMBERSHIP

There is hereby created a Historic Preservation Advisory Board (HPAB) which shall serve as an advisory body to the City Council. Such board shall consist of seven (7) members to be appointed by the City Council.

#### SECTION 2-80. TERM OF OFFICE; QUALIFICATIONS.

- (1) Term of Office. The members shall be appointed for a term of two (2) years with staggered terms and shall be removable by the City Council. Their terms of office shall expire on the last day of July or when their successor has been appointed. In the event that a vacancy occurs prior to the expiration of a full term, the City Council shall appoint a new member to complete the unexpired term. Any member may be reappointed by the City Council upon completion of a term to which he has been appointed.
- (2) Qualification. All board members, regardless of background, shall have a known and demonstrated interest, competence of knowledge of historic preservation within the City. All members must be residents of the City of Rockwall.

#### SECTION 2-81. DUTIES.

The duties of the Historic Preservation Advisory Board (HPAB) are as follows:

- (1) Provide professional recommendations to the City Council and Planning and Zoning Commission as required, regarding site plans, building alternatives, and building plans proposed within the City Historic Overlay (HOV) District. The Historic Preservation Advisory Board (HPAB) shall review site plans and building elevations placed before them within the time frame allowed for processing applications prior to submission to the Planning and Zoning Commission or City Council. The Historic Preservation Advisory Board (HPAB) shall prepare a written assessment of the proposed project regarding compliance with approved guidelines for development within the district, and its applicability in preserving and enhancing the history and culture of the district.
- (2) Research, document and maintain in the official files of the City detailed information regarding the original construction and architecture of the district.
- (3) Develop and maintain guidelines regarding development and redevelopment within the district including architectural design, materials selections, building styles and other pertinent design considerations. The proposed guidelines shall be submitted to the Planning and Zoning Commission and City Council for approval.
- (4) Adopt rules and procedures as necessary to provide for the orderly conduct of board meetings.
- (5) Recommend the boundaries of historic districts.
- (6) Increase public awareness of the value of historic, cultural, and architectural preservation by encouraging and participating in public education programs developed by the historic preservation office.
- (7) Provide recommendations to the Planning and Zoning Commission and City Council concerning the historic preservation impact of proposed, announced or commenced actions by federal, state or local authorities that affect streets, alleys, publicly-maintained utilities and any other public spaces, areas, improvements, other features or zoning within, around or through any district.

**Exhibit 'A'**  
*Article III, Boards, Commissions, Committees, of  
Chapter 2, Administration, of the Municipal Code of Ordinances*

- (8) Make recommendations to the City for the employment of staff and professional consultants as necessary to carry out the duties of the HPAB.
- (9) Review and act on the designation of landmarks and the delineation of districts, which shall be ratified by the City Council.
- (10) Recommend and confer recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers.
- (11) Review and recommend to City Council and other applicable City Boards and Commissions all proposed changes to the Unified Development Code (UDC), building code, general plan or other adopted policies of the City that may affect the purpose of the Article.
- (12) Conduct public hearings and provide comment on buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places to the Texas Historic Commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.
- (13) Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within designated districts located in the City. Such information shall be maintained securely, made accessible to the public and should be updated at least every ten (10) years.
- (14) Monitor and report to the Texas Historical Commission all actions affecting any recorded Texas historic landmark, state archaeological landmark, national register property and any locally designated landmark, as deemed necessary.
- (15) Create sub-committees from among its membership and delegate to these committees' responsibilities to carry out the purposes of this Article.
- (16) Maintain written meeting minutes which are recorded by staff and demonstrate all actions taken by the HPAB and the reasons for taking such actions.
- (17) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.
- (18) Review and act on all Certificates of Appropriateness (COA) applications for compliance with adopted design guidelines pursuant to this Article.
- (19) Review and act on all appeals on action taken by the Historic Preservation Officer (HPO) regarding the administrative review of Certificates of Appropriateness (COA) applications for compliance with adopted design guidelines pursuant to this Article.
- (20) Develop, prepare and adopt specific design guidelines which shall be ratified by the City Council, for use in the review of all Certificates of Appropriateness (COA) applications.
- (21) Prepare and submit annually to the City Council a report summarizing budget costs, goals and objectives and work completed during the previous year, as well as anticipated budgetary requests.
- (22) Provide recommendations to the City concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and districts within the City.
- (23) Recommend to City Council the acquisition of endangered landmarks by demolition where its preservation is essential to the purpose of this Article and where private preservation is not feasible.

**Exhibit 'A'**  
*Article III, Boards, Commissions, Committees, of  
Chapter 2, Administration, of the Municipal Code of Ordinances*

- (24) Propose incentive program(s) to City Council for local property owners of historic landmarks or within local districts.
- (25) Review and act on all city preservation-related incentive program applications involving work on landmarks and districts for compliance with adopted design guidelines pursuant to this Article.
- (26) Accept on behalf of the City government donations of preservation easements and development rights as well as any other gift of value for the purpose of historic preservation, subject to the approval of City Council.

**SECTION 2-82. OFFICERS.**

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

**SECTION 2-83. VOTING.**

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

**SECTION 2-84. ATTENDANCE.**

If a member has three (3) consecutive absences that are not excused by the Historic Preservation Advisory Board (HPAB), or is absent from more than 25% of the meetings, he or she may be removed from the Historic Preservation Advisory Board (HPAB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Historic Preservation Advisory Board (HPAB).

**DIVISION 4. ARCHITECTURAL REVIEW BOARD**

**SECTION 2-85. MEMBERSHIP.**

There is hereby created an Architectural Review Board (ARB) which shall serve as an advisory body to the Planning and Zoning Commission. Such board shall consist of seven (7) members to be appointed by the City Council after recommendation of the Planning and Zoning Commission.

**SECTION 2-86. TERM OF OFFICE; QUALIFICATIONS.**

- (1) Term of Office. The members shall be appointed for a term of two (2) years with staggered terms and shall be removable for cause by the City Council. Their terms of office shall expire on the last day of July or when their successor has been appointed. In the event that a vacancy occurs prior to the expiration of a full term the City Council shall appoint a new member to complete the unexpired term. Any member may be reappointed by the City Council upon completion of a term to which he has been appointed.
- (2) Qualification. At least one (1) member shall be a registered architect in the State of Texas. Other members are chosen for qualifications and training in related fields such as landscape architecture, interior or exterior design, municipal planning, municipal government and other professions with related disciplines or civic interest.

**Exhibit 'A'**  
*Article III, Boards, Commissions, Committees, of  
Chapter 2, Administration, of the Municipal Code of Ordinances*

**SECTION 2-87. DUTIES.**

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

**SECTION 2-88. OFFICERS.**

The Architectural Review Board (ARB) shall elect a chairman and vice-chairman at the first meeting in August or at the first meeting thereafter for a term of one (1) year. The Director of Planning and Zoning shall be secretary of the Architectural Review Board (ARB) and an ex-officio member.

**SECTION 2-89. VOTING.**

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

**SECTION 2-90. ATTENDANCE.**

If a member has three (3) consecutive absences that are not excused by the Architectural Review Board (ARB), or is absent from more than 25% of the meetings, he may be removed from the Architectural Review Board (ARB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Architectural Review Board (ARB).

**SECTION 2-91 – 2-99. RESERVED.**

**Exhibit 'B'**  
Article 02, Development Review Authority, of the  
Unified Development Code (UDC)

See Next Page ...





## SECTION 05 | HISTORIC PRESERVATION ADVISORY BOARD

### SUBSECTION 05.01: ORGANIZATION

For requirements concerning the Historic Preservation Advisory Board see Division 3, Historic Preservation Advisory Board, of Article III, Boards, Commissions, Committees, of Chapter 2, Administration, of the Municipal Code of Ordinances.

~~(A) **Membership.** There is hereby created a Historic Preservation Advisory Board (HPAB) which shall serve as an advisory body to the City Council. Such board shall consist of seven (7) members to be appointed by the City Council.~~

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

- ~~(1) An architect, planner or representative of a design profession;~~
- ~~(2) A member of the Rockwall County Historical Foundation;~~
- ~~(3) A general contractor;~~
- ~~(4) An owner of property within a historic district;~~
- ~~(5) Three (3) citizens of Rockwall interested in historic preservation.~~

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

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

- ~~(1) Provide professional recommendations to the City Council and Planning and Zoning Commission as required, regarding site plans, building alternatives, and building plans proposed within the City Historic Overlay (HOV) District. The Historic Preservation Advisory Board (HPAB) shall review site plans and building elevations placed before them within the time frame allowed for processing applications prior to submission to the Planning and Zoning Commission or City Council. The Historic Preservation Advisory Board (HPAB) shall prepare a written assessment of the proposed project regarding compliance with approved guidelines for development within the district, and its applicability in preserving and enhancing the history and culture of the district.~~
- ~~(2) Research, document and maintain in the official files of the City detailed information regarding the original construction and architecture of the district.~~
- ~~(3) Develop and maintain guidelines regarding development and redevelopment within the district including architectural design, materials selections, building styles and other pertinent design considerations. The proposed guidelines shall be submitted to~~

~~the Planning and Zoning Commission and City Council for approval.~~

- ~~(4) Adopt rules and procedures as necessary to provide for the orderly conduct of board meetings.~~
- ~~(5) Recommend the boundaries of historic districts.~~
- ~~(6) Increase public awareness of the value of historic, cultural, and architectural preservation by encouraging and participating in public education programs developed by the historic preservation office.~~
- ~~(7) Provide recommendations to the Planning and Zoning Commission and City Council concerning the historic preservation impact of proposed, announced or commenced actions by federal, state or local authorities that affect streets, alleys, publicly maintained utilities and any other public spaces, areas, improvements, other features or zoning within, around or through any district.~~
- ~~(8) Make recommendations to the City for the employment of staff and professional consultants as necessary to carry out the duties of the HPAB.~~
- ~~(9) Review and act on the designation of landmarks and the delineation of districts, which shall be ratified by the City Council.~~
- ~~(10) Recommend and confer recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers.~~
- ~~(11) Review and recommend to City Council and other applicable City Boards and Commissions all proposed changes to the Unified Development Code (UDC), building code, general plan or other adopted policies of the City that may affect the purpose of the Article.~~
- ~~(12) Conduct public hearings and provide comment on buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places to the Texas Historic Commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.~~
- ~~(13) Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within designated districts located in the City. Such information shall be maintained securely, made accessible to the public and should be updated at least every ten (10) years.~~
- ~~(14) Monitor and report to the Texas Historical Commission all actions affecting any recorded Texas historic landmark, state archaeological landmark, national register property and any locally designated landmark, as deemed necessary.~~
- ~~(15) Create sub-committees from among its membership and delegate to these committees' responsibilities to carry out the purposes of this Article.~~
- ~~(16) Maintain written meeting minutes which are recorded by staff and demonstrate all actions taken by the HPAB and the reasons for taking such actions.~~



~~(17) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.~~

~~(18) Review and act on all Certificates of Appropriateness (COA) applications for compliance with adopted design guidelines pursuant to this Article.~~

~~(19) Review and act on all appeals on action taken by the Historic Preservation Officer (HPO) regarding the administrative review of Certificates of Appropriateness (COA) applications for compliance with adopted design guidelines pursuant to this Article.~~

~~(20) Develop, prepare and adopt specific design guidelines which shall be ratified by the City Council, for use in the review of all Certificates of Appropriateness (COA) applications.~~

~~(21) Prepare and submit annually to the City Council a report summarizing budget costs, goals and objectives and work completed during the previous year, as well as anticipated budgetary requests.~~

~~(22) Provide recommendations to the City concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and districts within the City.~~

~~(23) Recommend to City Council the acquisition of endangered landmarks by demolition where its preservation is essential to the purpose of this Article and where private preservation is not feasible.~~

~~(24) Propose incentive program(s) to City Council for local property owners of historic landmarks or within local districts.~~

~~(25) Review and act on all city preservation related incentive program applications involving work on landmarks and districts for compliance with adopted design guidelines pursuant to this Article.~~

~~(26) Accept on behalf of the City government donations of preservation easements and development rights as well as any other gift of value for the purpose of historic preservation, subject to the approval of City Council.~~

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

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

~~(G) Attendance. If a member has three (3) consecutive absences that are not excused by the Historic Preservation Advisory Board (HPAB), or is absent from more than 25% of the meetings, he or she may be removed from the Historic Preservation Advisory Board~~

~~(HPAB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Historic Preservation Advisory Board (HPAB).~~

SUBSECTION 05.02: DESIGNATION OF LANDMARKS IN THE CITY

~~(A) The Historic Preservation Advisory Board (HPAB) may recommend to the Planning and Zoning Commission and the City Council that certain properties be *landmark districts* and that specific areas be designated as *historic districts* as provided for in [Subsection 06.03, Historic Overlay \(HO\) District, of Article 05, District Development Standards](#).~~

SUBSECTION 05.03: CERTIFICATES OF APPROPRIATENESS (COA)

~~For requirements concerning Certificates of Appropriateness (COA) see [Section 06, Certificates of Appropriateness \(COA\), of Article 11, Development Applications and Review Procedures](#).~~

SECTION 06 | ARCHITECTURAL REVIEW BOARD

SUBSECTION 06.01: ORGANIZATION

~~For requirements concerning the Architectural Review Board see [Division 4, Architectural Review Board, of Article III, Boards, Commissions, Committees, of Chapter 2, Administration, of the Municipal Code of Ordinances](#).~~

SUBSECTION 06.01: CREATED

~~There is hereby created an Architectural Review Board (ARB) which shall serve as an advisory body to the Planning and Zoning Commission. Such board shall consist of seven (7) members to be appointed by the City Council after recommendation of the Planning and Zoning Commission.~~

SUBSECTION 06.02: TERMS OF OFFICE; QUALIFICATIONS

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

~~(B) Qualifications. At least one (1) member shall be a registered architect in the State of Texas. Other members are chosen for qualifications and training in related fields such as landscape architecture, interior or exterior design, municipal planning, municipal government and other professions with related disciplines or civic interest.~~

~~(C) Attendance. If a member has three (3) consecutive absences that are not excused by the Architectural Review Board (ARB), or is absent from more than 25% of the meetings, he may be removed from the Architectural Review Board (ARB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Architectural Review Board (ARB).~~

SUBSECTION 06.03: DUTIES



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

#### ~~SUBSECTION 06.04: OFFICERS~~

~~The Architectural Review Board (ARB) shall elect a chairman and vice-chairman at the first meeting in August or at the first meeting thereafter for a term of one (1) year. The Director of Planning and Zoning shall be secretary of the Architectural Review Board (ARB) and an ex officio member.~~

#### ~~SUBSECTION 06.05: VOTING~~

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

### SECTION 07 | DIRECTOR OF PLANNING AND ZONING

#### SUBSECTION 07.01: QUALIFICATIONS

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

#### SUBSECTION 07.02: POWERS AND DUTIES

- (A) The Director of Planning and Zoning shall have the following powers and duties:
  - (1) To make recommendations and provide assistance to the City Council and Planning and Zoning Commission concerning exercise of their responsibilities under the Unified Development Code (UDC);
  - (2) To develop and recommend to the Planning and Zoning Commission, and the City Council, a Comprehensive Plan for

the City or any amendments to the plan and to propose actions to implement the plan;

- (3) To coordinate all planning relating to the City's Comprehensive Plan;
- (4) To submit recommendations to the Planning and Zoning Commission and City Council on request for zoning changes, variances and exceptions;
- (5) To render such administrative decisions as are required of the Director of Planning and Zoning by the Unified Development Code (UDC);
- (6) To perform such other duties as may be prescribed by ordinance or directed by the City Council or Planning and Zoning Commission.

### SECTION 08 | HISTORIC PRESERVATION OFFICER

#### SUBSECTION 08.01: APPOINTMENT

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

#### SUBSECTION 08.02: POWER AND DUTIES

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

- (A) Coordinate the City's preservation activities with those of state and federal agencies and with local, state, and national non-profit preservation organizations.
- (B) Administer the Unified Development Code (UDC) and advise the HPAB on matters submitted to it.
- (C) To maintain and hold open for public inspection all documents and records pertaining to the provisions of this Article.
- (D) Receive and review all applications pursuant to this Article to ensure their completeness.
- (E) Review and act on all Certificates of Appropriateness (COA) applications subject to administrative review pursuant to this Article.
- (F) Review and forward with any recommendations for all applications for a Certificate of Appropriateness (COA) subject to review by the Historic Preservation Advisory Board (HPAB) pursuant to this Article.
- (G) Ensure proper posting and noticing of all Historic Preservation Advisory Board (HPAB) meetings, schedule applications for Historic Preservation Advisory Board (HPAB) review, provide packets to its members prior to the meetings, record meeting minutes and facilitate all Historic Preservation Advisory Board (HPAB) meetings.
- (H) Review and help coordinate the City's preservation and urban design activities with those of local, state and federal agencies and with local, state, and national preservation organizations in the private sector.

CITY OF ROCKWALL

ORDINANCE NO. 22-55

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES AND UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE III, *BOARDS, COMMISSIONS, COMMITTEES*, OF CHAPTER 2, *ADMINISTRATION*, OF THE MUNICIPAL CODE OF ORDINANCES AND ARTICLE 02, *DEVELOPMENT REVIEW AUTHORITY*, OF THE UNIFIED DEVELOPMENT CODE (UDC) AS DEPCITED IN *EXHIBITS 'A' & 'B'* OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, an amendment to the City of Rockwall's Municipal Code of Ordinances and the Unified Development Code [*Ordinance No. 20-02*] has been initiated by the City Council of the City of Rockwall to amend Article III, *Boards, Commissions, Committees*, of Chapter 2, *Administration*, of the Municipal Code of Ordinances and Article 02, *Development Review Authority*, of the Unified Development Code [*Ordinance No. 20-02*]; and,

**WHEREAS**, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the city's corporate boundaries, and the governing body in the exercise of its legislative discretion, has concluded that the Municipal Code of Ordinances and the Unified Development Code [*Ordinance No. 20-02*] should be amended as follows:

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

**SECTION 1.** That Article III, *Boards, Commissions, Committees*, of Chapter 2, *Administration*, of the Municipal Code of Ordinances of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance;

**SECTION 2.** That Article 02, *Development Review Authority*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'B'* of this ordinance;


**SECTION 3.** That 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 4.** 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 Municipal Code of Ordinances and/or Unified Development Code [*Ordinance No. 20-02*], and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

**SECTION 5.** That this ordinance shall take effect immediately from and after its passage.



**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE  
7<sup>TH</sup> DAY OF NOVEMBER, 2022.**

  
Kevin Fowler, Mayor

**ATTEST:**

  
Kristy Teague, City Secretary

**APPROVED AS TO FORM:**

  
Frank J. Garza, City Attorney



*1<sup>st</sup> Reading:* October 17, 2022

*2<sup>nd</sup> Reading:* November 7, 2022



### DIVISION 3. HISTORIC PRESERVATION ADVISORY BOARD

#### SECTION 2-79. MEMBERSHIP

There is hereby created a Historic Preservation Advisory Board (HPAB) which shall serve as an advisory body to the City Council. Such board shall consist of seven (7) members to be appointed by the City Council.

#### SECTION 2-80. TERM OF OFFICE; QUALIFICATIONS.

- (1) Term of Office. The members shall be appointed for a term of two (2) years with staggered terms and shall be removable by the City Council. Their terms of office shall expire on the last day of July or when their successor has been appointed. In the event that a vacancy occurs prior to the expiration of a full term, the City Council shall appoint a new member to complete the unexpired term. Any member may be reappointed by the City Council upon completion of a term to which he has been appointed.
- (2) Qualification. All board members, regardless of background, shall have a known and demonstrated interest, competence of knowledge of historic preservation within the City. All members must be residents of the City of Rockwall.

#### SECTION 2-81. DUTIES.

The duties of the Historic Preservation Advisory Board (HPAB) are as follows:

- (1) Provide professional recommendations to the City Council and Planning and Zoning Commission as required, regarding site plans, building alternatives, and building plans proposed within the City Historic Overlay (HOV) District. The Historic Preservation Advisory Board (HPAB) shall review site plans and building elevations placed before them within the time frame allowed for processing applications prior to submission to the Planning and Zoning Commission or City Council. The Historic Preservation Advisory Board (HPAB) shall prepare a written assessment of the proposed project regarding compliance with approved guidelines for development within the district, and its applicability in preserving and enhancing the history and culture of the district.
- (2) Research, document and maintain in the official files of the City detailed information regarding the original construction and architecture of the district.
- (3) Develop and maintain guidelines regarding development and redevelopment within the district including architectural design, materials selections, building styles and other pertinent design considerations. The proposed guidelines shall be submitted to the Planning and Zoning Commission and City Council for approval.
- (4) Adopt rules and procedures as necessary to provide for the orderly conduct of board meetings.
- (5) Recommend the boundaries of historic districts.
- (6) Increase public awareness of the value of historic, cultural, and architectural preservation by encouraging and participating in public education programs developed by the Historic Preservation Office.
- (7) Provide recommendations to the Planning and Zoning Commission and City Council concerning the historic preservation impact of proposed, announced or commenced actions by federal, state or local authorities that affect streets, alleys, publicly-maintained utilities and any other public spaces, areas, improvements, other features or zoning within, around or through any district.

**Exhibit 'A'**  
*Article III, Boards, Commissions, Committees, of  
Chapter 2, Administration, of the Municipal Code of Ordinances*

- (8) Make recommendations to the City for the employment of staff and professional consultants as necessary to carry out the duties of the HPAB.
- (9) Review and act on the designation of landmarks and the delineation of districts, which shall be ratified by the City Council.
- (10) Recommend and confer recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers.
- (11) Review and recommend to City Council and other applicable City Boards and Commissions all proposed changes to the Unified Development Code (UDC), building code, general plan or other adopted policies of the City that may affect the purpose of the Article.
- (12) Conduct public hearings and provide comment on buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places to the Texas Historic Commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.
- (13) Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within designated districts located in the City. Such information shall be maintained securely, made accessible to the public and should be updated at least every ten (10) years.
- (14) Monitor and report to the Texas Historical Commission all actions affecting any recorded Texas historic landmark, state archaeological landmark, national register property and any locally designated landmark, as deemed necessary.
- (15) Create sub-committees from among its membership and delegate to these committees' responsibilities to carry out the purposes of this Article.
- (16) Maintain written meeting minutes which are recorded by staff and demonstrate all actions taken by the HPAB and the reasons for taking such actions.
- (17) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.
- (18) Review and act on all Certificates of Appropriateness (COA) applications for compliance with adopted design guidelines pursuant to this Article.
- (19) Review and act on all appeals on action taken by the Historic Preservation Officer (HPO) regarding the administrative review of Certificates of Appropriateness (COA) applications for compliance with adopted design guidelines pursuant to this Article.
- (20) Develop, prepare and adopt specific design guidelines which shall be ratified by the City Council, for use in the review of all Certificates of Appropriateness (COA) applications.
- (21) Prepare and submit annually to the City Council a report summarizing budget costs, goals and objectives and work completed during the previous year, as well as anticipated budgetary requests.
- (22) Provide recommendations to the City concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and districts within the City.
- (23) Recommend to City Council the acquisition of endangered landmarks by demolition where its preservation is essential to the purpose of this Article and where private preservation is not feasible.

**Exhibit 'A'**  
*Article III, Boards, Commissions, Committees, of  
Chapter 2, Administration, of the Municipal Code of Ordinances*

- (24) Propose incentive program(s) to City Council for local property owners of historic landmarks or within local districts.
- (25) Review and act on all city preservation-related incentive program applications involving work on landmarks and districts for compliance with adopted design guidelines pursuant to this Article.
- (26) Accept on behalf of the City government donations of preservation easements and development rights as well as any other gift of value for the purpose of historic preservation, subject to the approval of City Council.

**SECTION 2-82. OFFICERS.**

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

**SECTION 2-83. VOTING.**

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

**SECTION 2-84. ATTENDANCE.**

If a member has three (3) consecutive absences that are not excused by the Historic Preservation Advisory Board (HPAB), or is absent from more than 25% of the meetings, he or she may be removed from the Historic Preservation Advisory Board (HPAB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Historic Preservation Advisory Board (HPAB).

**DIVISION 4. ARCHITECTURAL REVIEW BOARD**

**SECTION 2-85. MEMBERSHIP.**

There is hereby created an Architectural Review Board (ARB) which shall serve as an advisory body to the Planning and Zoning Commission. Such board shall consist of seven (7) members to be appointed by the City Council after recommendation of the Planning and Zoning Commission.

**SECTION 2-86. TERM OF OFFICE; QUALIFICATIONS.**

- (1) Term of Office. The members shall be appointed for a term of two (2) years with staggered terms and shall be removable for cause by the City Council. Their terms of office shall expire on the last day of July or when their successor has been appointed. In the event that a vacancy occurs prior to the expiration of a full term the City Council shall appoint a new member to complete the unexpired term. Any member may be reappointed by the City Council upon completion of a term to which he has been appointed.
- (2) Qualification. At least one (1) member shall be a registered architect in the State of Texas. Other members are chosen for qualifications and training in related fields such as landscape architecture, interior or exterior design, municipal planning, municipal government and other professions with related disciplines or civic interest.

**Exhibit 'A'**  
*Article III, Boards, Commissions, Committees, of  
Chapter 2, Administration, of the Municipal Code of Ordinances*

**SECTION 2-87. DUTIES.**

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

**SECTION 2-88. OFFICERS.**

The Architectural Review Board (ARB) shall elect a chairman and vice-chairman at the first meeting in August or at the first meeting thereafter for a term of one (1) year. The Director of Planning and Zoning shall be secretary of the Architectural Review Board (ARB) and an ex-officio member.

**SECTION 2-89. VOTING.**

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

**SECTION 2-90. ATTENDANCE.**

If a member has three (3) consecutive absences that are not excused by the Architectural Review Board (ARB), or is absent from more than 25% of the meetings, he may be removed from the Architectural Review Board (ARB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Architectural Review Board (ARB).

**SECTION 2-91 – 2-99. RESERVED.**

**Exhibit 'B'**  
*Article 02, Development Review Authority, of the  
Unified Development Code (UDC)*

*See Next Page ...*





## SECTION 05 | HISTORIC PRESERVATION ADVISORY BOARD

### SUBSECTION 05.01: ORGANIZATION

For requirements concerning the Historic Preservation Advisory Board see Division 3, *Historic Preservation Advisory Board, of Article III, Boards, Commissions, Committees, of Chapter 2, Administration, of the Municipal Code of Ordinances.*

- ~~(A) Membership. There is hereby created a Historic Preservation Advisory Board (HPAB) which shall serve as an advisory body to the City Council. Such board shall consist of seven (7) members to be appointed by the City Council.~~
- ~~(B) Term of Office; Qualifications. The members shall be appointed for a term of two (2) years with staggered terms and shall be removable by the City Council. Their terms of office shall expire on the last day of July or when their successor has been appointed. In the event that a vacancy occurs prior to the expiration of a full term, the City Council shall appoint a new member to complete the unexpired term. Any member may be reappointed by the City Council upon completion of a term to which he has been appointed. The membership shall include:~~
- ~~(1) An architect, planner or representative of a design profession;~~
  - ~~(2) A member of the Rockwall County Historical Foundation;~~
  - ~~(3) A general contractor;~~
  - ~~(4) An owner of property within a historic district;~~
  - ~~(5) Three (3) citizens of Rockwall interested in historic preservation.~~
- ~~(C) All board members, regardless of background, shall have a known and demonstrated interest, competence or knowledge of historic preservation within the City. All members must be residents of Rockwall County.~~
- ~~(D) Duties. The duties of the Historic Preservation Advisory Board (HPAB) are as follows:~~
- ~~(1) Provide professional recommendations to the City Council and Planning and Zoning Commission as required, regarding site plans, building alternatives, and building plans proposed within the City Historic Overlay (HOV) District. The Historic Preservation Advisory Board (HPAB) shall review site plans and building elevations placed before them within the time frame allowed for processing applications prior to submission to the Planning and Zoning Commission or City Council. The Historic Preservation Advisory Board (HPAB) shall prepare a written assessment of the proposed project regarding compliance with approved guidelines for development within the district, and its applicability in preserving and enhancing the history and culture of the district.~~
  - ~~(2) Research, document and maintain in the official files of the City detailed information regarding the original construction and architecture of the district.~~
  - ~~(3) Develop and maintain guidelines regarding development and redevelopment within the district including architectural design, materials selections, building styles and other pertinent design considerations. The proposed guidelines shall be submitted to~~

~~the Planning and Zoning Commission and City Council for approval.~~

- ~~(4) Adopt rules and procedures as necessary to provide for the orderly conduct of board meetings.~~
- ~~(5) Recommend the boundaries of historic districts.~~
- ~~(6) Increase public awareness of the value of historic, cultural, and architectural preservation by encouraging and participating in public education programs developed by the historic preservation office.~~
- ~~(7) Provide recommendations to the Planning and Zoning Commission and City Council concerning the historic preservation impact of proposed, announced or commenced actions by federal, state or local authorities that affect streets, alleys, publicly maintained utilities and any other public spaces, areas, improvements, other features or zoning within, around or through any district.~~
- ~~(8) Make recommendations to the City for the employment of staff and professional consultants as necessary to carry out the duties of the HPAB.~~
- ~~(9) Review and act on the designation of landmarks and the delineation of districts, which shall be ratified by the City Council.~~
- ~~(10) Recommend and confer recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers.~~
- ~~(11) Review and recommend to City Council and other applicable City Boards and Commissions all proposed changes to the Unified Development Code (UDC), building code, general plan or other adopted policies of the City that may affect the purpose of the Article.~~
- ~~(12) Conduct public hearings and provide comment on buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places to the Texas Historic Commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.~~
- ~~(13) Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within designated districts located in the City. Such information shall be maintained securely, made accessible to the public and should be updated at least every ten (10) years.~~
- ~~(14) Monitor and report to the Texas Historical Commission all actions affecting any recorded Texas historic landmark, state archaeological landmark, national register property and any locally designated landmark, as deemed necessary.~~
- ~~(15) Create sub committees from among its membership and delegate to these committees' responsibilities to carry out the purposes of this Article.~~
- ~~(16) Maintain written meeting minutes which are recorded by staff and demonstrate all actions taken by the HPAB and the reasons for taking such actions.~~





- ~~(17) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.~~
- ~~(18) Review and act on all Certificates of Appropriateness (COA) applications for compliance with adopted design guidelines pursuant to this Article.~~
- ~~(19) Review and act on all appeals on action taken by the Historic Preservation Officer (HPO) regarding the administrative review of Certificates of Appropriateness (COA) applications for compliance with adopted design guidelines pursuant to this Article.~~
- ~~(20) Develop, prepare and adopt specific design guidelines which shall be ratified by the City Council, for use in the review of all Certificates of Appropriateness (COA) applications.~~
- ~~(21) Prepare and submit annually to the City Council a report summarizing budget costs, goals and objectives and work completed during the previous year, as well as anticipated budgetary requests.~~
- ~~(22) Provide recommendations to the City concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and districts within the City.~~
- ~~(23) Recommend to City Council the acquisition of endangered landmarks by demolition where its preservation is essential to the purpose of this Article and where private preservation is not feasible.~~
- ~~(24) Propose incentive program(s) to City Council for local property owners of historic landmarks or within local districts.~~
- ~~(25) Review and act on all city preservation-related incentive program applications involving work on landmarks and districts for compliance with adopted design guidelines pursuant to this Article.~~
- ~~(26) Accept on behalf of the City government donations of preservation easements and development rights as well as any other gift of value for the purpose of historic preservation, subject to the approval of City Council.~~
- ~~(E) Officers. The Historic Preservation Advisory Board (HPAB) shall elect a chairman and vice chairman at the first meeting in August or at the first meeting thereafter for a term of one (1) year. The Historic Preservation Officer (HPO) shall be secretary of the Historic Preservation Advisory Board (HPAB) and an ex-officio member.~~
- ~~(F) Voting: Meetings. Each member in attendance shall have a vote on plans submitted to the Historic Preservation Advisory Board (HPAB) with that vote reported to the Planning and Zoning Commission. Any member professionally or financially involved in matters pending before the Historic Preservation Advisory Board (HPAB) shall abstain from any discussion, consideration or vote on that item and shall leave the room during such discussion and consideration. Meetings of the Historic Preservation Advisory Board (HPAB) shall be called as needed by the Historic Preservation Officer.~~
- ~~(G) Attendance. If a member has three (3) consecutive absences that are not excused by the Historic Preservation Advisory Board (HPAB), or is absent from more than 25% of the meetings, he or she may be removed from the Historic Preservation Advisory Board~~

~~(HPAB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Historic Preservation Advisory Board (HPAB).~~

#### SUBSECTION 05.02: DESIGNATION OF LANDMARKS IN THE CITY

- ~~(A) The Historic Preservation Advisory Board (HPAB) may recommend to the Planning and Zoning Commission and the City Council that certain properties be *landmark districts* and that specific areas be designated as *historic districts* as provided for in [Subsection 06.03, Historic Overlay \(HO\) District, of Article 05, District Development Standards](#).~~

#### SUBSECTION 05.03: CERTIFICATES OF APPROPRIATENESS (COA)

~~For requirements concerning Certificates of Appropriateness (COA) see [Section 06, Certificates of Appropriateness \(COA\)](#), of Article 11, [Development Applications and Review Procedures](#).~~

### SECTION 06 | ARCHITECTURAL REVIEW BOARD

#### SUBSECTION 06.01: ORGANIZATION

~~For requirements concerning the Architectural Review Board see [Division 4, Architectural Review Board, of Article III, Boards, Commissions, Committees, of Chapter 2, Administration, of the Municipal Code of Ordinances](#).~~

#### SUBSECTION 06.01: CREATED

~~There is hereby created an Architectural Review Board (ARB) which shall serve as an advisory body to the Planning and Zoning Commission. Such board shall consist of seven (7) members to be appointed by the City Council after recommendation of the Planning and Zoning Commission.~~

#### SUBSECTION 06.02: TERMS OF OFFICE; QUALIFICATIONS

- ~~(A) Term. The members shall be appointed for a term of two (2) years with staggered terms and shall be removable for cause by the City Council. Their terms of office shall expire on the last day of July or when their successor has been appointed. In the event that a vacancy occurs prior to the expiration of a full term the City Council shall appoint a new member to complete the unexpired term. Any member may be reappointed by the City Council upon completion of a term to which he has been appointed.~~
- ~~(B) Qualifications. At least one (1) member shall be a registered architect in the State of Texas. Other members are chosen for qualifications and training in related fields such as landscape architecture, interior or exterior design, municipal planning, municipal government and other professions with related disciplines or civic interest.~~
- ~~(C) Attendance. If a member has three (3) consecutive absences that are not excused by the Architectural Review Board (ARB), or is absent from more than 25% of the meetings, he may be removed from the Architectural Review Board (ARB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Architectural Review Board (ARB).~~

#### SUBSECTION 06.03: DUTIES





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

#### **SUBSECTION 06.04: OFFICERS**

~~The Architectural Review Board (ARB) shall elect a chairman and vice-chairman at the first meeting in August or at the first meeting thereafter for a term of one (1) year. The Director of Planning and Zoning shall be secretary of the Architectural Review Board (ARB) and an ex-officio member.~~

#### **SUBSECTION 06.05: VOTING**

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

### **SECTION 07 | DIRECTOR OF PLANNING AND ZONING**

#### **SUBSECTION 07.01: QUALIFICATIONS**

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

#### **SUBSECTION 07.02: POWERS AND DUTIES**

- (A) The Director of Planning and Zoning shall have the following powers and duties:
  - (1) To make recommendations and provide assistance to the City Council and Planning and Zoning Commission concerning exercise of their responsibilities under the Unified Development Code (UDC);
  - (2) To develop and recommend to the Planning and Zoning Commission, and the City Council, a Comprehensive Plan for

the City or any amendments to the plan and to propose actions to implement the plan;

- (3) To coordinate all planning relating to the City's Comprehensive Plan;
- (4) To submit recommendations to the Planning and Zoning Commission and City Council on request for zoning changes, variances and exceptions;
- (5) To render such administrative decisions as are required of the Director of Planning and Zoning by the Unified Development Code (UDC);
- (6) To perform such other duties as may be prescribed by ordinance or directed by the City Council or Planning and Zoning Commission.

### **SECTION 08 | HISTORIC PRESERVATION OFFICER**

#### **SUBSECTION 08.01: APPOINTMENT**

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

#### **SUBSECTION 08.02: POWER AND DUTIES**

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

- (A) Coordinate the City's preservation activities with those of state and federal agencies and with local, state, and national non-profit preservation organizations.
- (B) Administer the Unified Development Code (UDC) and advise the HPAB on matters submitted to it.
- (C) To maintain and hold open for public inspection all documents and records pertaining to the provisions of this Article.
- (D) Receive and review all applications pursuant to this Article to ensure their completeness.
- (E) Review and act on all Certificates of Appropriateness (COA) applications subject to administrative review pursuant to this Article.
- (F) Review and forward with any recommendations for all applications for a Certificate of Appropriateness (COA) subject to review by the Historic Preservation Advisory Board (HPAB) pursuant to this Article.
- (G) Ensure proper posting and noticing of all Historic Preservation Advisory Board (HPAB) meetings, schedule applications for Historic Preservation Advisory Board (HPAB) review, provide packets to its members prior to the meetings, record meeting minutes and facilitate all Historic Preservation Advisory Board (HPAB) meetings.
- (H) Review and help coordinate the City's preservation and urban design activities with those of local, state and federal agencies and with local, state, and national preservation organizations in the private sector.