

ARTICLE 04 | PERMISSIBLE USES

SECTION 01 | LAND USE SCHEDULE

SECTION 02 | CONDITIONAL LAND USE STANDARDS AND DEFINITIONS

SECTION 03 | OTHER SPECIAL USE STANDARDS

SECTION 04 | FLOODPLAIN AREAS

SECTION 05 | TEMPORARY USES AND STRUCTURES

SECTION 06 | NON-CONFORMING USES, STRUCTURES, AND SITES





SECTION 01 | LAND USE SCHEDULE

SUBSECTION 01.01: USE OF LAND AND BUILDINGS

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

	Land Use <i>NOT</i> Permitted
P	Land Use Permitted <i>By-Right</i>
P	Land Use Permitted with Conditions
S	Land Use Permitted Specific Use Permit (SUP)
X	Land Use Prohibited by Overlay District
A	Land Use Permitted as an Accessory Use

SUBSECTION 01.02: LAND USE SCHEDULE

See the [Land Use Schedule](#) at the end of this Article.

SECTION 02 | CONDITIONAL LAND USE STANDARDS AND DEFINITIONS

SUBSECTION 02.01: DETERMINATION OF LAND USES

Land uses shall be permitted in a zoning district as indicated in [Land Use Schedule](#) provided the land use meets the below conditional land use standards and the land use definitions established for such use. Should a new land use -- *not listed in Land Use Schedule* -- request to be established in the City, the Director of Planning and Zoning or his/her designee shall determine the closest or most appropriate land use based on the following land use definitions and conditional land use standards. If the Director of Planning and Zoning is unable to classify a land use based on the land uses listed in [Land Use Schedule](#) then the Director of Planning and Zoning shall defer the decision to the City Council to either [1] direct staff to amend the code to incorporate the new land use, or [2] deny the request to establish the unlisted land use.

SUBSECTION 02.02: LAND USE DEFINITIONS

For land use definitions see [Section 02.02, Land Use Definitions, of Article 13, Definitions](#).

SUBSECTION 02.03: CONDITIONAL LAND USE STANDARDS

(A) *Agricultural and Animal Related Land Uses*

(1) *Animal Boarding/Kennel with Outside Pens*.

- (a) Animals shall be permitted to be in outside pens or kennels.
- (b) The outside pens or kennels shall be behind the primary structure and shall be screened from view of adjacent properties, public right-of-way, and parks and open space.

(2) *Animal Boarding/Kennel without Outside Pens*.

- (a) Animals shall not be permitted to be in outside pens or kennels.

(3) *Animal Clinic for Small Animals without Outdoor Pens*.

- (a) All Animal Clinics for Small Animals that incorporate a kennel shall be limited to short-term boarding.
 - (b) Boarding/kennel land uses should be accessory or incidental to the primary land uses (i.e. animal clinic).
- (4) *Barn or Agricultural Accessory Building*.
- (a) The property shall be a minimum of ten (10) acres of more in size.
 - (b) A Barn or Agricultural Accessory Building shall be a minimum of 2,000 SF and a maximum of 4,999 SF in total size (i.e. under roof).
 - (c) The Barn or Agricultural Accessory Building shall be located behind the front façade of the primary structure, and be subject to the same building setbacks as the primary structure.
- (5) *Commercial Horse Corral or Stable*.
- (a) This use requires a minimum of ten (10) acres to be established.
 - (b) The ground accumulation of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way pose a health hazard or nuisance to humans and animals.
 - (c) Fences or pens, corrals or similar enclosures shall be of sufficient height and strength to properly retain the animal.
- (6) *Private Horse Corral or Stable*.
- (a) All Private Horse Corrals or Stables shall comply with the standards specified in [Subsection 03.01, Farm Animals and Horses](#).
- (7) *Community Garden*.
- (a) Community Gardens are permitted in the Agricultural (AG) District by-right; however, a Specific Use Permit (SUP) shall be required for any on-site retail sales.
 - (b) Community Gardens are permitted in all other zoning districts by Specific Use Permit (SUP) only, and are subject to the additional following conditions:
 - (1) The Community Garden must comply with the lot and building standards for the zoning district in which the subject property is located.
 - (2) Any structure(s) for a Community Garden shall be reviewed as part of the Specific Use Permit (SUP), including the size and intended use.
 - (3) All chemicals and fuels shall be stored in an enclosed, locked structure when the site is unattended.
 - (4) Sales and donation of only whole, uncut, fresh food and/or horticultural products grown in the Community Garden may occur on-site, but may not occur on residentially zoned or used property.



- (5) Retail sales and all other public use of the Community Garden shall begin no earlier than 7:00 AM and must end by 7:00 PM every day of the week.
- (6) One temporary sign advertising only food or horticultural products grown on-site may be displayed during sales hours. The sign must be on-site, non-illuminated, and must not exceed six (6) square feet in area or three (3) feet in height.
- (7) The applicant shall provide a Community Garden Management Plan that addresses any probable impacts to the subject property or surrounding properties and which includes any proposed mitigation measures. The plan shall include: [1] a site plan, [2] a description of the type of equipment necessary for all operations of the Community Garden, [3] the anticipated frequency and duration of use of any equipment used on-site, [4] a disclosure statement of any intent to spray or otherwise apply chemicals or pesticides, [5] the anticipated frequency and duration of the application of chemicals or pesticides, and [6] a disclosure statement of any land-disturbing activity that could otherwise require drainage improvements per the Engineering Standards of Design and Construction manual.

(8) Urban Farm.

- (a) Urban Farms are permitted in the Agricultural (AG) District by-right; however, a Specific Use Permit (SUP) shall be required for any on-site retail sales.
- (b) Urban Farms are permitted in all other zoning districts by Specific Use Permit (SUP) only, and are subject to the additional following conditions:
 - (1) A site area of not less than one (1) acre and not more than five (5) acres is required, unless otherwise approved by City Council.
 - (2) Only mechanical equipment designed for residential use may be used.
 - (3) Retail sales and all other public use of the Urban Farm shall begin no earlier than 7:00 AM and must end by 7:00 PM every day of the week.
 - (4) Commercial deliveries and pickups are limited to one (1) per day. On-site sales are not considered commercial pickups.
 - (5) One identification sign not exceeding 144 square inches in area is permitted.
 - (6) Any structure(s) for urban farms in residential districts shall be reviewed as part of the SUP, including size, building materials and intended use.
 - (7) The applicant shall provide an Urban Farm Management Plan that addresses any probable impacts to the subject property or surrounding properties and which includes any proposed mitigation measures. The plan shall include: [1] a site

plan, [2] a description of the type of equipment necessary for all operations of the Community Garden, [3] the anticipated frequency and duration of use of any equipment used on-site, [4] a disclosure statement of any intent to spray or otherwise apply chemicals or pesticides, [5] the anticipated frequency and duration of the application of chemicals or pesticides, and [6] a disclosure statement of any land-disturbing activity that could otherwise require drainage improvements per the Engineering Standards of Design and Construction manual.

- (c) Urban Farms are permitted in non-residential zoning districts by Specific Use Permit (SUP) only and are subject to the additional following conditions:

- (1) A minimum site area of one (1) acre is required.
- (2) Retail sales and all other public use of the Urban Farm shall begin no earlier than 7:00 AM and must end by 7:00 PM every day of the week.
- (3) Any structure(s) for a Community Garden shall be reviewed as part of the Specific Use Permit (SUP), including the size and intended use.
- (4) The applicant shall provide an Urban Farm Management Plan that addresses any probable impacts to the subject property or surrounding properties and which includes any proposed mitigation measures. The plan shall include: [1] a site plan, [2] a description of the type of equipment necessary for all operations of the Community Garden, [3] the anticipated frequency and duration of use of any equipment used on-site, [4] a disclosure statement of any intent to spray or otherwise apply chemicals or pesticides, [5] the anticipated frequency and duration of the application of chemicals or pesticides, and [6] a disclosure statement of any land-disturbing activity that could otherwise require drainage improvements per the Engineering Standards of Design and Construction manual.

(B) Residential and Lodging Land Uses

(1) Residential Accessory Building or Structure.

- (a) See [Subsection 07.04, Accessory Structure Development Standards, of Article 05, District Development Standards.](#)

(2) Bed and Breakfast.

- (a) A Bed and Breakfast may only be established on an owner-occupied, single-family lot.
- (b) In addition to the single-family parking requirements, one (1) parking space per bedroom shall be provided.
- (c) No signage and/or outside advertising shall be permitted for a Bed and Breakfast unless located in a non-residential zoning district or as permitted by a Specific Use Permit (SUP).



- (d) Bed and Breakfast shall be required to meet all applicable City Fire Codes, including providing a smoke alarm system.
- (e) A Bed and Breakfast shall be subject to an annual inspection by the Fire Department.
- (f) All applicable hotel/motel taxes shall be paid.
- (g) The maximum length of a guests stay is shall be limited to 14 consecutive days in any 30-day period.
- (h) A Specific Use Permit (SUP) for a Bed and Breakfast shall be reviewed six (6) months after the adoption of the Specific Use Permit (SUP) and annually thereafter unless otherwise stipulated by the Specific Use Permit (SUP) ordinance.
- (3) Duplex.
- (a) Duplexes shall be limited to two (2) dwelling units (i.e. two [2] families) per lot or parcel of land.
- (b) See the standards for the Two-Family (2F) District [Subsection 07.01, Residential District Development Standards, of Article 05, District Development Standards.](#)
- (4) Attached Garage.
- (a) See [Subsection 07.04, Accessory Structure Development Standards, of Article 05, District Development Standards.](#)
- (5) Detached Garage.
- (a) See [Subsection 07.04, Accessory Structure Development Standards, of Article 05, District Development Standards.](#)
- (6) Guest Quarters/Secondary Living Unit.
- (a) Guest Quarters or Secondary Living Units may be allowed on a property in a residential zoning district provided that it is ancillary to a single-family home.
- (b) The area of such quarters shall not exceed 30% of the area of the main structure.
- (c) No such use may be sold or conveyed separately without meeting the requirements of the zoning district and the subdivision ordinance.
- (d) Guest Quarters or Secondary Living Units not meeting the requirements stated above shall require a Specific Use Permit (SUP).
- (7) Home Occupation.
- (a) The Home Occupation use must clearly be incidental and secondary to the primary use of the property as a residence.
- (b) No person outside the family may be employed in the Home Occupation use.
- (c) There shall be no exterior display, signage, exterior storage of materials, and/or other exterior indication of the Home Occupation use or variation from the residential character of the principal building.
- (d) No traffic shall be generated by such Home Occupation than would normally be expected in the neighborhood.
- (e) No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be generated.
- (f) A Home Occupation may not be interpreted to include facilities for the repair of motor vehicles, repair of small motors, or a daycare center.
- (8) Full-Service Hotel.
- (a) The minimum room count for a Full-Service Hotel shall be 250-rooms.
- (b) Each guestroom shall have a minimum square footage of 380 SF.
- (c) A Full-Service Hotel shall have a full-service restaurant and kitchen that provides service to the general public.
- (d) A Full-Service Hotel shall have staff that is present 24-hours a day, seven (7) days a week.
- (e) A Full-Service Hotel shall have the following minimum amenities: [1] a minimum 10,000 SF meeting or conference room, and [2] a swimming pool with a minimum area of 1,000 SF.
- (9) Multi-Family Structure or Development.
- (a) See [Subsection 07.02, Multi-Family District Development Standards, of Article 05, District Development Standards.](#)
- (10) Portable Building.
- (a) See [Subsection 07.04, Accessory Structure Development Standards, of Article 05, District Development Standards.](#)
- (11) Residential Infill in or Adjacent to an Established Subdivision.
- (a) For the purposes of this Article, an Established Subdivision shall be defined as a subdivision that consists of five (5) or more lots, that is 90% or more developed, and that has been in existence for more than ten (10) years.
- (b) All proposed residential infill housing that is located within an Established Subdivision or a lot or tract of land that is located with 500-feet of an Established Subdivision shall be required to apply for a Specific Use Permit (SUP).
- (c) As part of the Specific Use Permit (SUP) request the applicant shall be required to submit a residential plot plan or site plan, landscape plans, and building elevations of the proposed home.
- (d) In reviewing the proposed Specific Use Permit (SUP), the Planning and Zoning Commission and City Council shall consider the proposed size, location, and architecture of the home compared to the existing housing in the Established Subdivision.
- (e) All housing proposed under this section shall be constructed to be architecturally and visually similar or complimentary to the existing housing in the Established Subdivision.
- (12) Single-Family Attached Structure.



- (a) See [Section 03, Residential Districts, of Article 05, District Development Standards.](#)
 - (b) See [Subsection 07.01, Residential District Development Standards, of Article 05, District Development Standards.](#)
- (13) Single-Family Detached Structure.
- (a) See [Section 03, Residential Districts, of Article 05, District Development Standards.](#)
 - (b) See [Subsection 07.01, Residential District Development Standards, of Article 05, District Development Standards.](#)
- (14) Single-Family Zero Lot Line Structure.
- (a) A five (5) foot maintenance easement is required on the non-zero-lot-line side of the structure.
 - (b) See [Section 03, Residential Districts, of Article 05, District Development Standards.](#)
 - (c) See [Subsection 07.01, Residential District Development Standards, of Article 05, District Development Standards.](#)
- (15) Townhouse.
- (a) See [Section 03, Residential Districts, of Article 05, District Development Standards.](#)
 - (b) See the standards for the Two-Family (2F) District [Subsection 07.01, Residential District Development Standards, of Article 05, District Development Standards.](#)
- (16) Urban Residential.
- (a) Urban Residential includes residential development that at least partly face streets, public sidewalks, or common open space, and/or which are located above retail, office or service uses.
 - (b) Ground floor urban residential should have direct access to a sidewalk via a stoop or landing, and a majority of parking should be located in a structure.
- (C) Institutional and Community Service Land Uses.
- (1) Assisted Living Facility.
 - (a) These facilities shall include establishments that accommodate seven (7) or more residents. For facilities with six (6) or fewer residents see Group or Community Home in Subsection 02.03(C)(5).
 - (2) Church/House of Worship.
 - (a) Significant accessory uses such as schools, coffee houses, daycare centers, bingo parlors and halls may only be allowed in a zoning district that allows such uses.
 - (3) Congregate Care Facility/Elderly Housing.
 - (a) A Congregate Care Facility/Elderly Housing facility may have up to two (2) units for on-site managers, which contain full kitchen facilities.
 - (b) Full-time medical or nursing care shall not be provided by the facility; however, medical and nursing care may be privately arranged for individual residents on a part-time or temporary basis (e.g. visiting nurse or home health care).
 - (c) These facilities shall incorporate special safety, accessibility and convenience features that may include but are not limited to emergency call systems, grab bars and handrails, and/or special door hardware, cabinets, appliances, passageways and doorways designed to accommodate wheelchairs.
- (4) Daycare with Seven (7) or More Children.
- (a) An adequate pickup and drop-off area providing a minimum curbing space for four (4) standard sized vehicles shall be provided.
- (5) Group or Community Home.
- (a) The facility must be operated by:
 - (1) The Texas Department of Mental Health and Mental Retardation (MHMR);
 - (2) A Community Center organized under Subchapter A, Community Centers, of Chapter 534, Community Services, of the Health and Safety Code, that provides services to persons with disabilities;
 - (3) An entity subject to the Texas Non-Profit Corporation Act; or
 - (4) An entity certified by the Texas Department of Human Services as a provider under the medical assistance program service persons in intermediate care facilities for persons with mental retardation; or
 - (5) An entity operating an Assisted Living Facility licensed under Chapter 247, *Assisted Living Facilities*, of the Texas Health and Safety Code, and with six (6) or fewer residents. For an assisted living facility with more than six (6) residents see Assisted Living Facility in Subsection 02.03(C)(1).
 - (b) When the facility is located within a residential zoning district:
 - (1) The exterior structure must retain compatibility with the surrounding residential dwellings, and
 - (2) Not more than six (6) persons with disabilities and two supervisors may reside in the facility at the same time. The limitation on the number of persons with disabilities applies regardless of the legal relationship of those persons to one another.
 - (c) A Group or Community Home may not be established within one-half (1/2) mile of an existing Group or Community Home unless a Specific Use Permit (SUP) is approved by the City Council.
 - (d) The residents of a Group or Community Home may not keep for the use of the residents of the home, either on the premises or on a public right-of-way adjacent to the home, motor vehicles in numbers that exceed the number of bedrooms in the home.
- (6) Halfway House.



- (a) These facilities shall not be located within a 1,000-foot radius of another Halfway House (as measured from parcel to parcel). A Specific Use Permit (SUP) shall be required for any facility located closer than 1,000-feet.
- (b) Such facilities shall be licensed as a Community Residential Facility under Chapter 508, Parole and Mandatory Supervision, of the Texas Health and Safety Code.
- (7) Public or Private Primary School.
- (a) Adequate pick-up and drop-off areas shall be provided to ensure that street traffic/neighborhood traffic is not impeded. This shall be determined by the Director of Planning and Zoning or his/her designee at the time of site plan.
- (8) Public or Private Secondary School.
- (a) The school shall be located on a Minor Collector or larger roadway.
- (b) Adequate pick-up and drop-off areas shall be provided to ensure that street traffic/neighborhood traffic is not impeded. This shall be determined by the Director of Planning and Zoning or his/her designee at the time of site plan.
- (9) Temporary Education Buildings for a Public or Private School.
- (a) The City Manager or his/her designee may approve temporary educational buildings for a public school pending the submission of a letter from the independent school district indicating the duration the buildings will remain on-site. The City Manager or his/her designee may also require the temporary buildings to adhere to the procedures and requirements of Subsection 02.03(C)(9)(b) below.
- (b) All other applications of temporary educational buildings will require a Specific Use Permit (SUP) that shall be approved by the Planning and Zoning Commission and City Council, and that shall include the following operational conditions:
- (1) The buildings shall be screened from the view of adjacent properties, public right-of-way, and parks and open space by the primary structure or landscape screening that incorporates three (3) tiered screening (i.e. small to mid-sized shrubs, large shrubs or accent trees, and canopy trees).
 - (2) The applicant shall provide a plan indicating the expected phasing-out of all temporary structures.
 - (3) The Specific Use Permit (SUP) shall be valid for a period not to exceed five (5) years.
- (D) Office and Professional Land Uses.
- (1) Financial Institution with Drive-Through.
- (a) Drive-throughs shall not be located on a property adjacent to a residentially zoned or used property. Drive-throughs shall be separated from residentially zoned or used properties by an intervening building or parcel of land.
- (b) Drive-throughs shall not have access to local residential streets.
- (c) Stacking lanes for drive-through service windows shall accommodate at least six (6) standard sized motor vehicles per lane, unless specifically approved by the Planning and Zoning Commission.
- (E) Recreation, Entertainment and Amusement Land Uses.
- (1) Temporary Carnival, Circus, or Amusement Ride.
- (a) The duration of these temporary uses shall not exceed 14-days.
- (b) Carnival, circus and amusement ride uses shall be no closer than 300-feet to a residentially zoned or used property unless otherwise approved by the Planning and Zoning Commission and City Council.
- (c) Such events must obtain a permit from the City of Rockwall.
- (2) Indoor Commercial Amusement/Recreation.
- (a) Exemptions to this use include:
- (1) Skill or coin-operated machines kept in private residences or apartments and used without charge by members of the family or bona fide guests.
 - (2) Skill or coin-operated machines on the premises of religious, charitable, educational or fraternal organizations for the use of members or their guests, and not for private profit, although a charge is made for playing.
 - (3) Billiard or pool tables on the premises of publicly owned facilities.
- (3) Outdoor Commercial Amusement/Recreation.
- (a) Outdoor Commercial Amusement/Recreation includes uses that provide outdoor entertainment (e.g. amusement parks, golf courses, outdoor music venues, batting cages, miniature golf etc.), but excludes drive-in movie theaters.
- (b) Outdoor Commercial Amusement/Recreation includes temporary structures (e.g. tents, canopies, etc.) for events; however, temporary in this case does not include structures intended to serve uses for longer than 14-days.
- (c) Outdoor Commercial Amusement/Recreation shall be a minimum of 300-feet from all residentially zoned or used property unless otherwise approved by the Planning and Zoning Commission and City Council.
- (4) Temporary Fundraising Events by Non-profit.
- (a) Such events must obtain a Special Event Permit from the City of Rockwall.
- (5) Indoor Gun Club with Skeet or Target Range.
- (a) All activities shall be done inside an enclosed building.
- (6) Private Club, Lodge or Fraternal Organization.



- (a) Private Club.
- (1) Setbacks from Other Uses. The club must be located not less than 300-feet from a church, public school, or public hospital. For a church or public hospital, the 300-feet shall be measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. For public schools, the measurement of distance shall be in direct line from the property line of the public school to the property line of the private club and in a direct line across intersections.
 - (2) Exterior Signs. There shall be no exterior signs advertising the sale of alcoholic beverages, provided this does not prohibit using established trademark names (e.g. Steak and Ale).
 - (3) Alcoholic Sales Revenue. Revenues from the sale of alcoholic beverages shall not exceed 40% of the gross revenues derived from the sale of food and beverages. In the hotels and motels, the gross receipts shall include all restaurants and club operations in the facility as well as room rental charges. The City shall be provided with copies of the reports submitted by the establishment to the Texas Comptroller of Public Accounts and the Texas Alcoholic Beverage Commission within 30-days of the end of each quarter. Combined sales as reflected on the reports for the last two (2) reported quarters shall be used to determine if the sales of alcohol exceed the maximum allowed percentage.
 - (4) Club Boundaries. The boundaries of a private club are hereby defined to be the building in which the private club is located, or in the case of a multi-tenant building such as a shopping center, only that portion of the building in which the private club is located which is separately leased or owned, or with contiguous internal access should such floor area be leased to more than one (1) party.
 - (5) Certificate of Occupancy. A copy of the permit approved by the state shall be submitted to the city prior to issuance of a Certificate of Occupancy (CO) to ensure that the permit complies with the provisions of the zoning.
 - (6) Allowed uses. No uses meeting the terms and definitions of Sexually Oriented Business as defined in [Article XI, Sexually Oriented Businesses, of Chapter 12, Businesses and Sales, of the Municipal Code of Ordinances](#), as it is currently adopted or as it may hereafter be amended, shall be located in a private club unless such uses are approved as a part of the Specific Use Permit (SUP) authorizing the Private Club. Any such approved use shall be in compliance with all requirements of this permit, all applicable requirements of the Unified Development Code (UDC), and any other applicable ordinances.
- (7) Sexually Oriented Businesses.
- (a) Sexually Oriented Businesses shall not be permitted within any Overlay District in the City of Rockwall.
- (F) Retail and Personal Service Land Uses.
- (1) Portable Beverage Service Facility.
 - (a) The service shall be limited to snow cone stands, beverage stands serving non-alcoholic beverages such as coffee, juices or sodas.
 - (b) The maximum time limit of such temporary use shall not exceed 150-days annually or a time limit otherwise approved by the City Council. At the end of the time period, the structure shall be removed from the property.
 - (c) Any temporary power poles will be removed on the date of or immediately following the termination date of the permit.
 - (d) No additional freestanding signage shall be permitted.
 - (e) The temporary portable structure or trailer shall meet all health and electrical codes off the City.
 - (f) Any such temporary facility shall not reduce the number of required parking spaces of any nearby building or use.
 - (g) Any such temporary facility shall have permanent restrooms for employees available within 300-feet of the door of the portable beverage facility. Written permission from the permanent building owner for restroom use must be submitted to the building official; no portable restroom facility is allowed.
 - (h) Any such temporary facility shall be located on an all-weather (i.e. asphalt or concrete) parking surface with adequate space for parking and circulation, unless alternatively approved by the City Council.
 - (2) Temporary Christmas Tree Sales Lot and Similar Uses.
 - (a) Any such temporary facility of lot shall be limited to the seasonal sales of Christmas trees.
 - (b) The maximum time limit of such use shall not exceed 45-days annually. At the end of the 45-day period, the structure and other facilities related to the use shall be removed from the property.
 - (c) Any temporary power poles will be removed on the date of or immediately following the termination date of the permit.
 - (d) No additional freestanding signage shall be permitted.
 - (e) Any such temporary facility shall not reduce the number of required parking spaces of any nearby building or use.
 - (f) Any such temporary facility shall have permanent restrooms for employees available within 300-feet for which written permission from the permanent building owner for restroom use must be submitted to the Chief Building Official; no portable restroom facility is allowed.
 - (3) Craft/Micro Brewery, Distillery and/or Winery.



- (a) The total building area of a Craft/Micro Brewery, Distillery, and/or Winery shall be less than 12,000 SF.
- (b) A maximum of 40% of the total floor areas can be dedicated to the direct sale of on-site manufactured product.
- (c) A craft or micro-brewery, distillery and/or winery may include the following accessory uses (*in accordance with any applicable land use standards and requirements*): [1] a tasting room to dispense beer, wine, and/or spirits for on premise consumption, [2] meeting/banquet facilities, [3] restaurants, and/or [4] retail package sales of on-site manufactured product for off-premise consumption shall be allowed as permitted by the Texas Alcohol Beverage Commission's (TABC) Alcoholic Beverage Code.
- (d) A facility that does not have a manufacturing component (i.e. only provides tasting or retail sales of alcoholic beverages) shall not be considered a craft or micro-brewery, distillery and/or winery and shall be prohibited.
- (4) Incidental Display.
- (a) Outdoor sales and displays are permitted only in areas designated on the Site Plan filed with the City.
- (b) Outdoor sales and display may not exceed five (5) percent of the adjacent building floor area (building area is defined as the entirely enclosed portion of the primary building).
- (c) Outdoor sales and display may occupy up to 30% of a covered sidewalk that is located within 20-feet of the building. Such display shall not impede pedestrian use of the sidewalk and at least a five (5) foot passable distance shall be maintained.
- (d) Any outside sales and display not located on a covered sidewalk must be screened from view of adjacent roadways, public areas and adjacent properties. Such screening must:
- (1) Be a minimum of eight feet high or one (1) foot taller than the materials being displayed, whichever is greater.
 - (2) Include a minimum of 20% solid screening matching the material of the primary building. The remainder may be solid evergreen planting, or wrought iron or decorative metal fence.
- (e) Any outside sales and display not located on a covered sidewalk must be located immediately adjacent to or connected to the primary structure.
- (f) No outdoor sales and display may be located in any portion of a parking lot.
- (g) Christmas tree sales are exempted from these standards, and such trees may be stored outdoors for sale beginning one (1) week before Thanksgiving and ending December 31st (see Temporary Christmas Tree Sales and Similar Uses).
- (h) The accessory seasonal display of plants and related landscape materials such as fertilizer, peat moss, and ornamental landscape items by a permitted retail use may be displayed upon approval by the building inspector only under the following conditions:
- (1) The plants and related materials shall be located on an all-weather surface.
 - (2) All of the plants and related materials shall be located behind the building line.
 - (3) The storage area for display of plants and related materials shall not occupy any required parking spaces. Excess, parking spaces may be used if all other requirements are met.
 - (4) The storage area for display of plants shall not occupy more than five (1) percent of the total lot area.
- (i) The restrictions above shall be construed to prohibit the storage and display of rental trailers and trucks except in districts where such uses are indicated as permitted uses.
- (5) Food Truck/Trailer.
- (a) The Food Truck/Trailer shall be located on an improved surface (*i.e. concrete or asphalt*) on private property where an existing business is currently operating with a valid Certificate of Occupancy (CO). Operation within the public right-of-way is prohibited.
- (b) Food Trucks/Trailers shall only operate between the hours of 7:00 AM and 10:00 PM, and the Food Truck/Trailer shall be required to be removed from the property during non-operation hours (*i.e. overnight storage on the site is prohibited*).
- (c) The Food Truck/Trailer shall be equipped with trash receptacles approved by the city health inspector and that comply with all other applicable city codes. The outside storage of trash shall be prohibited.
- (d) The Food Truck/Trailer shall have permanent restrooms (*i.e. public or private*) for employees available within 300-feet of the facility. Portable restrooms facilities are not permitted to meet this requirement.
- (e) The Food Truck/Trailer shall have access to a minimum of two (2) dedicated parking spaces and shall not reduce the required parking for the existing building/land use.
- (f) All noise and lighting shall be subject to the requirements of the Municipal Code of Ordinances and the Unified Development Code. In addition, no lights associated with the operation of a Food Truck/Trailer may be directed towards an adjacent property or onto a public right-of-way.
- (g) All signage must be attached to the Food Truck/Trailer with the exception of one freestanding menu board no greater than eight (8) square feet placed adjacent to the Food Truck/Trailer.
- (h) Food Truck/Trailer shall be prohibited from locating within the Downtown Square (*i.e. the properties bounded by N. Alamo Street, E. Interurban Street, S. Fannin Street, and E. Washington Street*); however, the City Council may consider allowing a food truck/trailer to locate within the



Downtown Square on a case-by-case basis through the approval of a Specific Use Permit (SUP).

(6) General Personal Service.

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

(7) Permanent Cosmetics.

- (a) It includes electrolysis, but does not include ornamental tattoos.
(b) Accessory use to a *General Personal Service*.

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

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

(9) Restaurant with Less Than 2,000 SF with Drive-Through or Drive-In.

- (a) Drive-through lanes shall not have access to a local residential street.
(b) Additional landscape screening shall be installed adjacent to drive-through lanes to impair the visibility and impact of head-lights from motor vehicles in the drive-through lane on adjacent properties, rights-of-way, parks and open space.
(c) Unless otherwise approved by the Planning and Zoning Commission, stacking lanes for a drive-through service window shall accommodate a minimum of six (6) standard sized motor vehicles per lane.

(10) Restaurant with 2,000 SF or More with Drive-Through or Drive-In.

- (a) Drive-through lanes shall not have access to a local residential street.
(b) Additional landscape screening shall be installed adjacent to drive-through lanes to impair the visibility and impact of head-lights from motor vehicles in the drive-through lane on adjacent properties, rights-of-way, parks and open space.
(c) Unless otherwise approved by the Planning and Zoning Commission, stacking lanes for a drive-through service window shall accommodate a minimum of six (6) standard sized motor vehicles per lane.

(G) Commercial and Business Services Land Uses.

(1) Building and Landscape Material with Outside Storage.

- (a) Outside storage shall be permitted in accordance with the requirements for outside storage contained in Article 04, *Permissible Uses*, and [Article 08, Landscape and Fence Standards](#).
(b) All outside storage must be screened from adjacent properties, public right-of-way, and parks and open space.

(2) Building and Landscape Material with Limited Outside Storage.

- (a) Outdoor sales and displays are permitted only in areas designated on the site plan filed with the City.

- (b) Outdoor sales and display may not exceed five (5) percent of the adjacent building floor area (Building area is defined as the entirely enclosed air-conditioned portion of the primary building).

- (c) Outdoor sales and display may occupy up to 30% of a covered sidewalk that is located within 20-feet of the building. Such display shall not impede pedestrian use of the sidewalk and at least a six (6) foot passable distance shall be maintained.

- (d) Any outside sales and display not located on a covered sidewalk must be screened from view of adjacent roadways, public areas and adjacent properties. Such screening must:

- (1) Be a minimum of eight (8) feet high or one (1) foot taller than the materials being displayed, whichever is greater.
(2) Include minimum of 20% solid screening matching the material of the primary building. The remainder may be solid evergreen planting, or wrought iron or decorative metal fence.

- (e) Any outside sales and display not located on a covered sidewalk must be located immediately adjacent to or connected to the primary structure.

- (f) No outdoor sales and display may be located in any portion of a parking lot.

(3) Building Maintenance, Service, and Sales with Outside Storage.

- (a) Outside storage shall be permitted in accordance with the requirements for outside storage contained in Article 04, *Permissible Uses*, and [Article 08, Landscape and Fence Standards](#).
(b) All outside storage must be screened from adjacent properties, public right-of-way, and parks and open space.

(4) Furniture Upholstery/Refinishing and Resale.

- (a) In the Commercial (C) District, the furniture upholstery refinishing or resale land use is only permitted as an ancillary use to a general retail store (i.e. a business whose primary purpose is to sell finished goods) by Specific Use Permit (SUP).

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

- (a) In the Commercial (C) District, the Rental, Sales, and Service of Heavy Machinery land use is only permitted as an ancillary use to a General Retail Store (i.e. a business whose primary purpose is to sell finished goods) by Specific Use Permit (SUP).
(b) All outside storage of equipment and machinery shall be visibly screened from all adjacent properties utilizing one of the screening alternatives outlined in [Subsection](#)



05.02(A), Loading Docks and Outside Storage Areas, of Article 08, Landscape and Fence Standards, of the Unified Development Code (UDC).

- (c) The storage area for equipment and machinery shall not occupy any required parking spaces. Excess parking spaces may be used if all other requirements are met.
 - (d) The storage and/or display of equipment and machinery shall be in a stowed position so as to not extend any part of the equipment or machinery in an upward or outward manner.
 - (e) The conditions above shall not be construed to permit the outside storage of equipment and machinery for outside display, and does not permit additional outside storage of other materials that are not associated with the Rental, Sales, and Service of Heavy Machinery land use.
 - (f) Maintenance or service of any equipment and machinery shall not be performed on-site.
- (6) Temporary On-site Construction Office.
- (a) Only one (1) construction or field office shall be allowed per construction site, unless specifically approved by the Chief Building Official.
 - (b) Temporary construction offices shall be limited to the period of construction with a two (2) year initial period and one (1) year extensions being authorized by the Chief Building Official.
- (H) Auto and Marine-Related Land Uses.
- (1) Major Auto Repair Garage.
- (a) Garage doors shall not face a public right-of-way, park or open space, or residentially zoned or used property.
 - (b) Vehicles, equipment, parts or inventory shall not be stored outside overnight unless granted by the Planning and Zoning Commission and City Council through a Specific Use Permit (SUP). If permitted all stored items shall be screened from public right-of-way, sidewalks and open space, and any residentially zoned or used property in accordance with the requirements of Article 04, *Permissible Uses*, and [Article 08, Landscape and Fence Standards](#).
- (2) Minor Auto Repair Garage.
- (a) The replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstery service. It also includes quick lube type businesses. This applies to only to passenger automobiles and trucks not in excess of 7,000 pounds gross weight.
 - (b) In a General Retail (GR) District, a Minor Auto Repair Garage is permitted as an accessory to a retail use, when the gross floor area of the auto repair and related storage does not exceed 30% of the retail sales floor area. If it is a stand-alone use, it shall require a Specific Use Permit (SUP).

- (c) In a Commercial (C) District, a Minor Auto Repair Garage is permitted as an accessory to a retail use, provided all work is conducted wholly within a completely enclosed building. If it is a stand-alone use, it shall require a Specific Use Permit (SUP).
 - (d) Garage doors or bays shall not face the street or a residential lot.
 - (e) Vehicles, equipment, parts or inventory shall not be stored outside overnight unless granted by the Planning and Zoning Commission and City Council through a Specific Use Permit (SUP). If permitted all stored items shall be screened from public right-of-way, sidewalks and open space, and any residentially zoned or used property in accordance with the requirements of Article 04, *Permissible Uses*, and [Article 08, Landscape and Fence Standards](#).
 - (f) A site plan must be approved prior to issuance of any building permit.
 - (g) In the Downtown (DT) District a Minor Auto Repair Garage shall not be located within 500-feet of the Historic Courthouse property.
- (3) Boat and Trailer Dealerships (New and Used).
- (a) The area to be used for outside storage and display shall not exceed 50% of the total lot area within 100-feet of any adjacent street.
 - (b) All such outside storage and display areas must be permanently paved to City standards.
 - (c) All such outside storage and display areas must be screened along all road frontages with a solid evergreen landscape screen a minimum of three (3) feet in height.
 - (d) All such outside storage and display areas may be lighted with directed exterior lighting that does not glare onto any adjacent roadways.
 - (e) A site plan and landscape plan shall be approved prior to issuance of any building permit.
 - (f) Such uses shall only be permitted along IH-30 and other arterials, as identified on the City's Master Thoroughfare Plan, but shall be excluded within the Scenic Overlay (SOV) District and along FM-740 and SH-66.
- (4) Car Wash (Full-Service or Self-Service).
- (a) Entrances and exits to the car wash shall not directly face any public right-of-way. On corner sites, car wash entrances or exits shall not open toward the street with the highest traffic volume, or as determined by the Director of Planning and Zoning.
 - (b) The carwash shall be set back a minimum of 50-feet from any street frontage.
- (5) New and/or Used Indoor Motor Vehicle Dealership/Showroom.
- (a) The sales/storage facility must be a completely enclosed building.



- (b) Outside display or storage of vehicles shall be prohibited. This includes storing vehicles under canopies/awnings or similar covered structures.
 - (c) All activities shall remain inside the building (*i.e. no detailing, sales activities, etcetera shall be performed outside the building*).
 - (d) Accessory uses may be allowed in compliance with [Land Use Schedule](#).
- (6) *New Motor Vehicle Dealership for Cars and Light Trucks.*
- (a) All outside display of vehicles must be on an approved concrete, or enhanced concrete surface.
 - (b) All vehicle display areas must meet the landscape standards for parking areas.
- (7) *Used Motor Vehicle Dealership for Cars and Light Trucks.*
- (a) Used vehicles may only be sold as an ancillary use to new vehicle sales.
- (8) *Service Station.*
- (a) Service station does not include any premises where retail sales space exceeds 25% of the total building area or 500 SF of gross floor area, whichever is less.
- (9) *Towing and Impound Yard.*
- (a) A towing and impound yard must comply with all requirements, including definitions and permitting procedures for wrecking and towing services, that are specified in [Article VI, Wrecker and Towing Services, of Chapter 12, Businesses and Sales, of the Municipal Code of Ordinances](#), unless otherwise approved by the Planning and Zoning Commission and City Council as part of the Specific Use Permit (SUP) approved for the use.
- (10) *Towing Service without, Storage.*
- (a) A towing storage with no outside storage must comply with all requirements, including definitions and permitting procedures for wrecking and towing services, that are specified in [Article VI, Wrecker and Towing Services, of Chapter 12, Businesses and Sales, of the Municipal Code of Ordinances](#).
- (11) *Truck Stop with Gasoline Sales and Accessory Services.*
- (a) Entrances and exits to the service bays shall not directly face any public street. On corner sites, service bay entrances or exits shall not open toward the street with the highest traffic volume, or as determined by the Director of Planning and Zoning.
 - (b) The location of access drives from adjacent streets shall be determined by the Director of Planning and Zoning.
- (I) *Industrial and Manufacturing Land Uses.*
- (1) *Asphalt or Concrete Batch Plant.*
- (a) Any Asphalt or Concrete Batch Plant shall meet environmental standards established by Unified Development Code (UDC) and state and federal agencies.
- (2) *Temporary Asphalt or Concrete Batch Plant.*
- (a) A permit from the Chief Building Official stating any special conditions relating to its siting and reduction of potential impacts on adjacent uses, shall be required for this use.
 - (b) Temporary Asphalt or Concrete Batch Plants are limited to the period of construction if was constructed to serve.
 - (c) Any Asphalt or Concrete Batch Plant shall meet environmental standards established by Unified Development Code (UDC) and state and federal agencies.
- (3) *Brewery or Distillery.*
- (a) A brewery or distillery may include a tasting room to dispense beer for on premise consumption as an accessory use (in accordance with any applicable land use standards and requirements).
- (4) *Environmentally Hazardous Materials.*
- (a) Any land use which involves environmentally hazardous materials shall meet environmental standards established by Unified Development Code (UDC) and state and federal agencies.
 - (b) A permit from the Chief Building Official stating any special conditions relating to its siting and reduction of potential impacts on adjacent uses, shall be required for this use.
- (5) *Mining and Extraction (Sand, Gravel, Oil and Other).*
- (a) Any mining and extraction activity shall meet environmental standards established by Unified Development Code (UDC) and state and federal agencies.
 - (b) A permit from the Chief Building Official stating any special conditions relating to its siting and reduction of potential impacts on adjacent uses, shall be required for this use.
- (6) *Winery.*
- (a) A winery may include the following accessory uses (*in accordance with any applicable land use standards and requirements*): [1] a tasting room to dispense wine for on premise consumption, [2] meeting/banquet facilities, [3] restaurants, and/or [4] retail sales of wine for off-premise consumption.
- (J) *Wholesale, Distribution and Storage Land Uses.*
- (1) *Mini-Warehouse.*
- (a) The number of storage units per acre shall not exceed 125, the minimum number of storage units shall be ten (10), and the maximum site area shall be five (5) acres.
 - (b) Only single-story units are allowed; however, no multistory buildings will be permitted unless an exception



is approved by the Planning and Zoning Commission ~~and City Council~~. If necessary, the office/caretaker residence-unit may exceed one (1) story, but shall not be greater than 36-feet in height.

- (c) A minimum of two (2) parking spaces shall be required for the on-site manager (*i.e. caretaker, resident or otherwise*).
- (d) No direct access from FM-740, SH-205, SH-66, SH-276, FM-3097, FM-552, FM-549 and John King Boulevard. The ~~City Council~~ **Planning and Zoning Commission** may consider granting direct access from the above-mentioned roadways after review and determination of the availability of access to the specific property.
- (e) Perimeter walls shall be provided which face the front, rear and side property lines. Overhead doors shall not face adjacent streets. Perimeter walls facing the front yard shall incorporate architectural features to break up the long repetitive nature of self-storage buildings (e.g. offsets in buildings, variation of materials, and/or variation of heights, etc.). No gutters and downspouts shall be incorporated in the perimeter walls facing the front property line.
- (f) The front, side and rear building set back areas shall be landscaped. Landscaping should be clustered, creating interesting relief from the long repetitive nature of self-storage buildings.
- (g) The facilities shall incorporate the use of perimeter gates that limit access to the storage areas to customers only. Special access for fire and police personnel shall be provided as required.
- (h) All screening fences shall be wrought iron with landscaping/living screen or masonry walls in accordance with the screening requirements contained in [Subsection 05.02, Landscape Screening, of Article 08, Landscape and Fence Standards](#). See-through fencing should be wrought iron, or similar. Chain-link fencing of any kind shall be prohibited.
- (i) Buildings and see-through fencing should be oriented in a manner to restrict the visibility of interior overhead doors and drives from public right-of-way. The color(s) of the garage doors, as well as other doors within the facility, shall compliment the exterior colors of the main building(s).
- (j) The commercial operation of rental trucks and trailers shall be prohibited.
- (k) Businesses shall not be allowed to operate in the individual storage units.
- (l) No outside storage of any kind shall be allowed (including the outside storage of boats, recreational vehicles, and motor or self-propelled vehicles).
- (m) Concrete shall be used for all paving.
- (n) Roofs shall have a minimum pitch of 1:3 and be constructed with a metal standing seam. Mechanical

equipment shall be screened with the roof structure or parapet walls.

- (o) Lighting standards shall be limited to a maximum of 20-feet in height.
 - (p) The residential unit as an accessory to the permitted use shall not exceed 1,600 SF.
- (2) Outside Storage and/or Outside Display.
- (a) Outside Storage and/or Outside Display shall adhere to the requirements of [Subsection 01.05, Screening Standards, of Article 05, District Development Standards](#).
 - (b) No outside storage shall be allowed in any zoning district adjacent to IH-30. However, on property that is zoned Light Industrial (LI) District and adjacent to IH-30, a Specific Use Permit (SUP) may be considered on a case-by-case basis to allow for Outside Storage and/or Outside Display in conjunction with a use that is permitted under [Land Use Schedule](#). A Specific Use Permit (SUP) approved for this use may be subject to time limitations, site/landscaping or building enhancements, or other restrictions deemed appropriate by the Planning and Zoning Commission and City Council.
 - (c) Incidental Display, as defined in [Subsection 02.02\(F\)\(4\)](#), shall not be considered Outside Storage and/or Outside Display, and shall be subject to the requirements of [Subsection 02.02\(F\)\(4\)](#).
- (K) Utilities, Communications and Transportation Land Uses
- (1) Antenna as an Accessory.
- (a) The antenna installation shall comply with the height and area regulations of the applicable zoning district.
 - (b) Administrative approval of the antenna installation shall be required.
 - (c) The antenna will meet all applicable requirements of [Subsection 03.06, Antennas](#).
- (2) Commercial Antenna.
- (a) Located entirely within a non-residential structure as allowed under the applicable zoning district regulations:
 - (1) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building on the site; or the necessary equipment shall be contained entirely within the principal building on the property or in an underground vault.
 - (2) Any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six (6) feet at maturity or a masonry screening wall at least eight (8) feet in height, compatible in color with the principal building and the equipment building.
 - (3) At least one (1) paved parking space with paved access thereto shall be provided at the antenna location; said parking space need not be reserved exclusively for use in conjunction with the antenna



installation and may be one (1) of the spaces provided for the principal use on the property.

- (4) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.
 - (5) No more than three (3) separate equipment buildings shall be located on a single lot.
 - (6) The antenna will meet all applicable requirements of [Subsection 03.06, Antennas](#).
- (3) Antenna for an Amateur Radio.
- (a) Amateur antenna support structures, antenna, or support wires must be located behind the front facade of the main building, and no amateur antenna support structure, antenna, or support wires may be located in the required rear or side yard setback.
 - (b) No amateur antenna support structure or antenna may be greater than the maximum height of the underlying zoning district. However, the height of such antenna support structure or antenna may be increased up to 70-feet provided the setback from side and rear setback lines is increased by one (1) foot for every foot the height exceeds the limit specified in the underlying zoning district. In addition, the City Council may consider approval of a Specific Use Permit (SUP) for any amateur antenna support structure or antenna that is proposed to exceed these height limits.
 - (c) Only one (1) amateur radio support structure may be erected on a residential lot. Additional antenna support structures may be allowed with the approval of a Specific Use Permit (SUP).
 - (d) The antenna will meet all applicable requirements of [Subsection 03.06, Antennas](#).
- (4) Antenna Dish.
- (a) Dish antennas shall not be located within front or side yards, and shall be fully screened from view from streets and public or common open areas. In all cases, they must be screened to minimize the visual impact from adjacent properties.
 - (b) In residential districts, they shall be located only in rear yards. However, dish antennas 20-inches or smaller may be roof mounted provided that they are located behind a transverse roof ridge line and screened from adjacent properties.
 - (c) In commercial districts, if located on ground level, dish antennas shall be screened to the full height of the structure with landscaping. They may also be allowed on roof tops provided that they are located and screened so as to minimize visual impact from other properties in the area.
 - (d) In industrial districts, dish antennas may be ground or roof mounted but must be screened to minimize the visual impact from adjacent properties.

(e) If the standards above are not reasonably achievable, a Specific Use Permit (SUP) shall be obtained prior to installation of a dish antenna.

(f) The antenna will meet all applicable requirements of [Subsection 03.06, Antennas](#).

(5) Commercial Freestanding Antenna.

(a) Commercial Freestanding Antenna attached to a utility installation or a light pole in a public park or on public school property:

- (1) The height of the utility installation or light pole upon which the antenna is attached shall be greater than 75-feet but no more than 150-feet.
- (2) The antenna shall extend no more than ten feet above the maximum height of the utility structure.
- (3) A minimum clearance of 15-feet shall be maintained from the ground to the lowest element of the antenna.
- (4) A minimum setback of 20-feet shall be maintained from the utility installation, light pole or any equipment building to the lot line of the nearest property developed for residential occupancy.
- (5) Any necessary equipment building may be constructed of metal with a baked-on or pre-painted surface and shall not exceed seven feet in height and 75 SF in area. The exterior surfaces shall be covered in paint or a similar coating; or the building may be built of a material allowed by the applicable zoning district for the principal building; or the necessary equipment may be contained entirely within a principal building on the property or in an underground vault. All equipment buildings shall be maintained free from graffiti.

(6) At least one (1) paved parking space with paved access may be required at the antenna location; this parking space need not be reserved exclusively for use in conjunction with the antenna installation and may be one (1) of the spaces provided for the principal use on the property, if any.

(7) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.

(8) No more than three separate antennas and three (3) equipment buildings shall be located on a single lot or structure.

(9) The antenna will meet all applicable requirements of [Subsection 03.06, Antennas](#).

(b) Commercial Freestanding Antenna that is not attached to a utility installation or a light pole in a public park or on public school property:

(1) The antenna installation shall comply with the height and area regulations of the applicable zoning district



- and the support structure shall not exceed 125-feet in height.
- (2) The antenna shall not extend more than ten (10) feet above the maximum height of the support structure.
 - (3) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building on the site; or the necessary equipment shall be contained entirely within a principal building on the property or in an underground vault.
 - (4) The antenna and any equipment buildings shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six feet at maturity or by a masonry screening wall at least eight (8) feet in height, compatible in color and character with the principal building and the equipment building.
 - (5) At least one (1) paved parking space with paved access may be required at the antenna location; this space need not be reserved exclusively for use in conjunction with the antenna facility and may be one (1) of the spaces required for the principal use on the property.
 - (6) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.
 - (7) No more than three (3) separate antennas and three equipment buildings shall be located on a single lot or structure.
 - (8) The antenna will meet all applicable requirements of [Subsection 03.06, Antennas](#).
- (c) Replacement of an Existing Freestanding Antenna that has not been permitted this Article -- *but that is considered to be a legally recognized, non-conforming structure or facility* --, the replacement of the antenna installation may be approved by the City Council on a case-by-case basis through a Specific Use Permit (SUP) pending the request conforms to the following criteria:
- (1) The replacement of any legally recognized, non-conforming antenna installation shall only be permitted within the Heavy Commercial (HC) District, Light Industrial (LI) District, and Heavy Industrial (HI) District.
 - (2) The replacement antenna installation shall be set back a minimum distance equal to the height of the proposed structure from any residential property or residentially zoned property.
 - (3) The existing antenna installation shall be removed from the property within 14-days of the completion of the proposed replacement antenna installation.
 - (4) The height of the replacement installation shall be equal to or less than the existing antenna installation, and any additional antennas added to the structure shall not exceed the height of the replacement installation.
- (5) Any necessary equipment buildings associated with the replacement installation shall be of a material allowed by the applicable zoning district and be similar in color and character to the principal building on the site. As an alternative, the necessary equipment can be contained entirely within the principal building on the property or in an underground vault.
 - (6) The antenna and any equipment buildings shall be enclosed by a decorative iron fence surrounded by a landscape screening that will achieve a height of at least six (6) feet at maturity. As an alternative a masonry screening wall at least eight (8) feet in height, compatible in color and character with the principal building may be used.
 - (7) At least one (1) paved parking space with paved access may be required at the antenna location. This parking space does not need to be reserved exclusively for the replacement tower use and may be one (1) of the spaces required for the principal use on the property.
 - (8) The antenna will meet all applicable requirements of [Subsection 03.06, Antennas](#).
- (6) Mounted Commercial Antenna.
- (a) Mounted Commercial Antenna that 12-feet or less in height, on non-residential structures allowed under the applicable zoning district regulations:
 - (1) The total height of the structure, including the antenna, shall not exceed the maximum height of the zoning district by more than 12-feet.
 - (2) A minimum clearance of 15-feet shall be maintained from the ground to the lowest element of the antenna.
 - (3) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building; or the necessary equipment shall be contained entirely within a principal building on the property or in an underground vault.
 - (4) The antenna and any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge, which will achieve a height of at least six (6) feet at maturity or a masonry screening wall at least eight (8) feet in height, compatible in color and character with the principal building and the equipment building.
 - (5) At least one (1) paved parking space with paved access thereto shall be provided at the antenna location; said space need not be reserved exclusively for use in conjunction with the antenna facility and may be one (1) of the spaces required for the principal use on the property.



- (6) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.
 - (7) The antenna will meet all applicable requirements of [Subsection 03.06, Antennas](#).
- (7) [Solar Energy Collector Panels and System](#).
- (a) Solar energy collector panels installed on a pitched roof shall be of a flat configuration and shall be subject to the following requirements:
 - (1) Configuration of pitched roof solar energy collector panels shall be a regular quadrangular shape, flat to the roof or integrated with the roof, and aligned with the natural roof edges.
 - (2) The surface of the solar energy collector panel shall not be more than six inches above the surface of the pitched roof.
 - (b) Solar energy collector panels installed on a flat roof, whether rack-mounted or flat-mounted, shall be screened from public view.
 - (1) The height of such screening, at the minimum, shall be the height of the solar energy collector panel.
 - (2) The screening may be by a parapet or screening wall replicating the materials of the building.
 - (c) Reflective flare of solar energy collector panels shall be minimized by the positioning of the solar collector panels or by the use of nonglare glazing.
 - (d) Piping, wiring and other mechanical accessories shall be concealed within a roof mounted solar energy collector panel. If some portion of the piping, wiring or other mechanical accessories cannot be practically concealed then those portions shall be painted so as to blend with the roofing material.
 - (e) Ground mounted or pole mounted solar energy collector panels shall be located behind the primary building, and shall be fully screened from public view by a solid screening fence or wall that meets all code requirements of the city.
 - (f) The maximum overall height of ground mounted or pole mounted solar energy collector panels shall not exceed 12-feet.
 - (g) In residential zoning districts, the total coverage area of solar energy collector panels shall not exceed 1,000 SF on a single lot.
 - (h) Any solar energy collector panels or systems not meeting these requirements, or any installation of solar energy systems as the principal use on any property, shall require approval of a Specific Use Permit (SUP).

SECTION 03 | OTHER SPECIAL USE STANDARDS

SUBSECTION 03.01: FARM ANIMALS AND HORSES

- (A) [Grazing Animals](#). In the SF-E and SF-1 Districts, grazing animals 500 pounds or greater, including horses and cattle must have a minimum fenced or enclosed area of 40,000 square feet per animal. Grazing animals of less than 500 pounds, including sheep and goats, must have a minimum fenced or enclosed area of 15,000 square feet per animal.
- (B) [Other Animals](#). An SUP is required for other farm animals, including chickens and swine (except for "potbellied pigs" as defined in [Section 6-1, Definitions, of Chapter 6, Animals, of the Municipal Code of Ordinances](#)), and for a reduction in the land area required for grazing farm animals. The city shall not grant a SUP for any farm animal unless it is convinced that the presence of such animals will not injure the use and enjoyment of neighboring properties, including the impact of dust, flies and odor.
- (C) [General Conditions](#). Notwithstanding the conditions above,
 - (1) Ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way pose a health hazard or nuisance to humans and animals;
 - (2) Fences or pens, corrals or similar enclosures shall be of sufficient height and strength to properly retain the animal; and
 - (3) In SF-E and SF-1 Districts, no swine or fowl are permitted, except for *potbellied pigs* as defined in [Section 6-1, Definitions, of Chapter 6, Animals, of the Municipal Code of Ordinances](#).
 - (4) In the Agricultural District or on unplatted tracts of land of five acres or more, standards for animals are found in [Section 6-1, Definitions, of Chapter 6, Animals, of the Municipal Code of Ordinances](#).

SUBSECTION 03.02: TEMPORARY ACCOMMODATION FOR EMPLOYEES, CUSTOMERS AND VISITORS

- (A) Temporary accommodations. Temporary accommodation for employees, customers and visitors may be provided as an ancillary use in commercial zoning districts provided that:
 - (1) Such accommodation is clearly in support of the business operation;
 - (2) No rental of such facilities to the general transient public occurs;
 - (3) Accommodation is for temporary stays, not to exceed 30 days; and
 - (4) No more than five (5) percent of the building area is utilized for this ancillary use.

SUBSECTION 03.03: UTILITY DISTRIBUTION LINES

All utility distribution lines shall be placed underground. Utility distribution lines placed above-ground shall require special approval of the City Council based upon a recommendation of the Planning and Zoning Commission.



SUBSECTION 03.04: FLAG POLES

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

SUBSECTION 03.05: ALCOHOLIC BEVERAGE SALES

(A) Restaurants with Alcoholic Beverage Sales.

- (1) Restaurants may serve alcoholic beverages for on-premises consumption by right if they are located on property that was within the city limits as of November 14, 2007, and are located in a zoning district allowing such use. For restaurants located on property that was annexed after November 14, 2007, a private club permit must be obtained for the ability to serve alcohol and must be located in an appropriate zoning district that allows such use.
- (2) Restaurants that sell alcoholic beverages for on-premises consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended and must be located not less than 300 feet from a church, public school, private school (as defined by the Texas Alcoholic Beverage Code) or public hospital. For a church or public hospital, the 300 feet shall be measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. For public schools or private schools, the measurement of distance shall be in direct line from the property line of the public school or private school to the property line of the restaurant and in a direct line across intersections. If the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

The City Council may grant a variance to the distance regulations if the City Council determines that enforcement of those regulations in a particular instance is not in the best interest of the public, constitutes waste of inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

- (3) Restaurants that sell alcoholic beverages for on-premises consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended and shall not be permitted to have exterior signs advertising the sale of alcoholic beverages other than those authorized under the Texas Alcoholic Beverage Code and chapter 32 of the Code of Ordinances, pertaining to signs.

(B) Retail Establishments with Alcoholic Beverage Sales.

- (1) Retail establishments may sell beer and wine for off-premises consumption by right if they are located on property that was within the city limits as of November 14, 2007, and are located

in a zoning district allowing such use. Retail establishments located on property that was annexed after November 14, 2007, may not engage in the selling of beer and wine for off-premises consumption.

- (2) Retail establishments engaged in the selling of beer and wine to the general public for off-premises consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended and must be located not less than 300 feet from a church, public school, private school (as defined by the Texas Alcoholic Beverage Code) or public hospital. For a church or public hospital, the 300 feet shall be measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. For public schools or private schools, the measurement of distance shall be in direct line from the property line of the public school to the property line of the retail establishment and in a direct line across intersections. If the permit or license holder is located on or above the fifth story of a multistory building, the measurement shall be in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

The City Council may grant a variance to the distance regulations if the City Council determines that enforcement of those regulations in a particular instance is not in the best interest of the public, constitutes waste of inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

- (3) Retail establishments engaged in the selling of beer and wine for off-premise consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended and shall not be permitted to have exterior signs advertising the sale of alcoholic beverages other than those authorized under the Texas Alcoholic Beverage Code and chapter 32 of the Code of Ordinances, pertaining to signs.

(C) Drive-Through Sales of Pre-Packaged Beverages, Convenience Stores, Retail Sales with Gasoline.

- (1) An establishment may not offer drive-in, drive-up, drive through, or walk-up sales or service of pre-packaged, sealed, unopened beverages.
- (2) A convenience store may not contain less than 1,000 square feet of retail space.
- (3) For purposes of this section, the terms "drive-in," "drive-up," "drive-through," and "walk-up" do not prohibit the service of food or beverages to customers:
 - (a) Who must physically leave their vehicles and enter a building in order to make a purchase; or
 - (b) As part of a drive-through restaurant in connection with the sale or service of food to the customer.



SUBSECTION 03.06: ANTENNAS

- (A) Construction and Maintenance Requirements. All antenna masts, towers and antenna supports used for television and radio reception or transmission shall be constructed and maintained in accordance with the current National Electrical Code and the Building Code of the City.
- (B) Permit Required. Any person desiring to erect or have erected an antenna more than 25-feet in height above ground level, or an antenna mast 25-feet or less in height but not erected as required by this section, shall make written application to the building inspection department for a permit to erect same. Sufficient plans and specifications, as determined by the Chief Building Official, must accompany each application. It shall be unlawful and a violation of this division to erect, or cause to be erected, or to maintain, or cause to maintain, such antenna mast without first having obtained a permit. It shall be the duty of the permittee to request a final inspection upon completion of the antenna system. Domestic TV antennas are exempt from this section.
- (C) Restrictions and Limitations. All antenna systems constructed and maintained under the provisions of this section shall be subject to the following restrictions and limitations:
 - (1) No such antenna system shall be more than 99-feet in height.
 - (2) The location on the lot of such antenna system shall comply with the requirements of this Unified Development Code insofar as the front building line and side yard building line and requirements are concerned. No portion of an antenna system shall extend beyond the front building line on any lot, and on corner lots the side yard setback requirements shall be adhered to on the side adjacent to a public street, and where the front and side yard requirements are applicable, all portions of such structures shall be within the limits fixed by such requirements.
 - (3) All antenna systems constructed under the provisions of this section shall be maintained so as to at all times comply with the requirements of this section.
 - (4) The regulations contained herein shall not apply to the extent that they have been preempted by specific regulations of the FCC to the contrary.
- (D) Roof-Mounted Equipment. All roof-mounted equipment, including fans, vents, air conditioning units and cooling towers, should be screened to eliminate the view from the ground level of adjacent properties. The screen shall be constructed of materials approved by the Director of Planning and Zoning. Roof-mounted equipment should be placed and finished in a manner which minimizes its visibility from overhead views from nearby buildings and elevated thoroughfare sections.
 - (1) The overall screening height will be the height of the tallest element of roof-mounted equipment.
 - (2) The outside of the screening device should be painted or finished in a similar color to the building facade, trim or roof surface to minimize the visibility of the equipment and screen the view from ground level.

- (3) Roof-mounted equipment and the inside of the screening device should be painted similar to the color of the roof surface in order to minimize the visibility of the equipment and screening device from overhead views.

SECTION 04 | FLOODPLAIN AREAS

SUBSECTION 04.01: PERMITTED USES

The following uses shall be permitted within that portion of a district which is designated as being within a floodplain by the City Engineer, provided they are allowed in the underlying zoning, and that they meet any additional requirements established in the city's floodplain regulations in [Chapter 20, Floods, of the Municipal Code of Ordinances](#):

- (A) Agriculture. Agricultural activities including the ordinary cultivation of land or legal forms of animal husbandry.
- (B) Utilities. Local utilities.
- (C) Parks and Recreation. Public or private parks, community centers, playgrounds, public golf courses.
- (D) Private Recreation. Private commercial open area amusements such as golf courses, driving ranges, archery courses and similar uses when approved by a specific use permit.
- (E) Private Open Space. Private open spaces as part of a Planned Development (PD) District, provided such use does not interfere with the continuity of the city's open space system.

SUBSECTION 04.02: DUMPING, EXCAVATING OR FILLING FLOODPLAIN

Any dumping, excavation, storage or filling operation ~~within that portion of aon any property within any~~ district having a floodplain designation or that is within a creek or drain way shall require a permit ~~from the ,which must be approved by the City Council~~ City Engineer prior to the commencement of such activity, ~~before such operation is begun. However, if those operations in the floodplain were specifically approved as part of a site plan approval by the City Council, then a permit may be issued by the City Engineer.~~

SUBSECTION 04.03: LOCAL FLOODING MAY OCCUR IN OTHER AREAS

The fact that land or property is or is not within a district having a floodplain designation shall not constitute assurance that such land or property is not subject to local flooding and the designation of floodplain in this Unified Development Code (UDC) shall not be so interpreted.

SECTION 05 | TEMPORARY USES AND STRUCTURES

SUBSECTION 05.01: TEMPORARY USES

- (A) This subsection includes by reference all temporary uses listed in the land use chart.
- (B) The temporary use shall not be intrusive or inconsistent with existing land uses in area, or with anticipated land uses that may be constructed during the life of the temporary use.

SUBSECTION 05.02: TEMPORARY USES



All buildings or other structures which are erected or located on the property in connection with the temporary use shall be removed not later than ten days after the expiration of the time period for which the use was approved or as set forth in the conditions of approval.

SECTION 06 | NON-CONFORMING USES, STRUCTURES, AND SITES

SUBSECTION 06.01: INTENT

Within the zoning districts established by this Unified Development Code (UDC), there may exist lots, structures and uses of land which were lawful before the effective date of the ordinance from which this Unified Development Code is derived, or amendment thereto, and which would be prohibited, regulated, or restricted under this Unified Development Code (UDC). It is generally the intent to permit these nonconformities to continue until they are removed or abandoned, or until such earlier time as they are ordered to be removed, but not to encourage their survival. It is further the intent that such non-conforming lots, buildings, or uses shall not be enlarged upon, expanded or extended, except as otherwise specifically provided, and that such non-conforming lots, buildings or uses may not be used as justification for adding other lots, buildings or uses prohibited elsewhere in the same zoning district. Except as otherwise provided, non-conforming uses are declared to be incompatible with permitted uses in the same zoning districts.

SUBSECTION 06.02: APPLICABILITY

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

SUBSECTION 06.03: NON-CONFORMING USES

(A) Exceptions.

- (1) Except as specified below, any use, building, or structure lawfully existing at the time of the enactment of this Unified Development Code (UDC) or at the time of annexation into the city may be continued, even though the use, building or structure may not conform to the provisions of this Unified Development Code (UDC) for the district in which it is located.
- (2) The right to continue non-conforming uses shall be subject to regulations prohibiting the creation of a nuisance and regulations reasonably protecting adjacent property.

(B) Cessation of Non-conforming Use. For the purposes of this subsection, a use shall be deemed to have ceased or been abandoned when it has been discontinued for 180 days during any three-year period whether with the intent to abandon the use or not.

(C) Expansion of Non-conforming Use. No existing building or premises devoted to a use that is not permitted by this Unified Development Code (UDC) in the district in which such building or premises is located shall be enlarged or altered in a way which increases its nonconformity, except when required to do so by law or order, unless the use is changed to a use that is permitted in the district in which the building or premises is located, and except as follows:

- (1) If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of

a more restrictive classification when authorized by the board of adjustment; or it may be changed to a conforming use.

- (2) Whenever a non-conforming use has been changed to a conforming use, the use shall not thereafter be changed to a non-conforming use.
- (3) When authorized by the board of adjustment, enlargement or completion of a building devoted to a non-conforming use may be made upon the lot occupied by the building, where the extension is necessary and incidental to the existing use of the building and does not exceed 25% of its original area of nonconformity.
- (4) When authorized by the board of adjustment, a non-conforming use may be extended throughout those parts of a building which were manifestly designed or arranged for such use prior to the date on which the use of the building became non-conforming, if no structural alterations except those required by law, are made.

SUBSECTION 06.04: NON-CONFORMING BUILDING OR SITES

(A) City-created nonconformity of structures. In the event that the city takes an act or action which transforms a previously conforming structure for purposes of front, side and rear yard setback requirements into a non-conforming structure for the purposes of front, side and rear yard setbacks, then such structure shall be deemed to be in conformance with the required setback prescribed in this Unified Development Code (UDC). (For land use nonconformity, see [Subsection 06.03, Non-Conforming Uses, of Article 04, Permissible Uses](#)).

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

- (1) No building or structure which was originally designed for or used as a non-conforming use shall again be put to a non-conforming use, where such use has ceased for 180-days or more during any three (3) year period.
- (2) The use of land, structures, and/or buildings involving individual structures with a replacement cost of \$1,000.00 or less, which does not conform to the provisions of this Unified Development Code (UDC) shall be discontinued within six months from the enactment of this Unified Development Code (UDC). The non-conforming use of land and/or buildings involving individual structures with a replacement cost of \$1,000.00 or less, which becomes non-conforming by reason of subsequent amendments to this Unified Development Code (UDC) shall be discontinued within six months from the date of such amendment.

(C) Construction Approved prior to Unified Development Code (UDC). Nothing in this Unified Development Code (UDC) shall be construed to require any change in the overall plans, construction, or designated use of any development, structure, or part thereof, where official approval and the required building permits were granted before the enactment of this Unified Development Code (UDC), or any amendment thereto, where construction, conforming with the plans, shall have been started prior to the effective date of the ordinance from which this Unified Development Code is derived



or such amendment, and where such construction shall have been completed in a normal manner within the subsequent 12-month period, with no interruption, except for reasons beyond the builder's control.

- (D) Damage Due to Acts of God. Any non-conforming structure which is damaged more than 75% of its then appraised tax value above the foundation, by fire, flood, explosion, wind, earthquake, war, riot or other calamity or act of God, shall not be restored or reconstructed and used as it was before the damaging event. If such structure is damaged less than 75% of its then appraised tax value above the foundation, it may be restored, reconstructed, or used as before, provided that the restoration or reconstruction is completed within 12 months of the damaging event. The 12-month period does not include any necessary litigation.
- (E) Repair of Unsafe Buildings, Structures and Sites. Nothing in this Unified Development Code (UDC) shall be construed to prohibit the strengthening or repair of any part of any building or structure declared unsafe by proper authority, unless such repairs exceed 50% of the replacement cost of the building. If the repairs exceed 50%, the building shall be brought into conformity with all requirements of the zoning district in which it is located.
- (F) General Repairs and Maintenance.
- (1) On any non-conforming structure or portion of a structure containing a non-conforming use, no work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-load-bearing walls, fixture, wiring, or plumbing to an extent exceeding ten (10) percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be.
 - (2) If 50% or more of a non-conforming structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.
- (G) Moving of a Non-conforming Building or Structure. No non-conforming building or structure shall be moved in whole or in part to any other location on the lot, or on any other lot, unless every portion of the building or structure is made to conform to all the regulations of the district.
- (H) Non-conforming Lot Sizes. All lots used for storage that do not require a building and the use of such lot is made non-conforming by this Unified Development Code (UDC) or amendments thereto shall cease to be used for such storage within six months of the date of adoption of the ordinance from which this Unified Development Code (UDC) is derived, or amendments [thereto].

LAND USE SCHEDULE

LEGEND:

	Land Use <i>NOT</i> Permitted
P	Land Use Permitted <i>By-Right</i>
P	Land Use Permitted with Conditions
S	Land Use Permitted Specific Use Permit (SUP)
X	Land Use Prohibited by Overlay District
A	Land Use Permitted as an Accessory Use

LAND USES	LAND USE DEFINITION REFERENCE (Reference Article 13, Definitions)	CONDITIONAL USE REFERENCE Reference Article 04, Permissible Uses	RESIDENTIAL DISTRICTS											MIXED USE DISTRICTS	NON-RESIDENTIAL DISTRICTS					OVERLAY DISTRICTS					
			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District	Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
Limited-Service Hotel	(10)													S			S	S		S					
Full-Service Hotel	(11)	(8)												S			S	S		S					
Residence Hotel	(12)													S			S	S		S					
Motel	(13)													S			S	S		S					
Multi-Family Development or Structure	(14)	(9)													P										
Portable Building	(15)	(10)		P	P	P	P	P	P	P	P	P	P												
Residential Infill in an Established Subdivision	(16)	(11)	S	S	S	S	S	S	S	S	S	S	S	S	S	S									
Single-Family Attached Structure	(17)	(12)											P	P	P										
Single-Family Detached Structure	(18)	(13)	P	P	P	P	P	P	P	P	P	P	P	P			P								
Single-Family Zero Lot Line Structure	(19)	(14)											P	P	P		P								
Private Swimming Pool	(20)		A	A	A	A	A	A	A	A	A	A	A	A	A	A									
Private Tennis Court	(21)		A	S	S	S	S	S	S	S	S	S	S	S			S								
Townhouse	(22)	(15)													P		P								
Urban Residential	(23)	(16)													S	S									
INSTITUTIONAL AND COMMUNITY SERVICE LAND USES			2.02(C)	2.03(C)																					
Assisted Living Facility	(1)	(1)													P	S	S	S	S	S		S			
Blood Plasma Donor Center	(2)																P	P	P	P	P	P			
Cemetery/Mausoleum	(3)		S														P	P	P	P	P	P			
Church/House of Worship	(4)	(2)	S	S	S	S	S	S	S	S	S	S	S	P	S		P	S	S	P	S	P			
College, University, or Seminary	(5)														P			S	P	P	P				
Convalescent Care Facility/Nursing Home	(6)														S	S	P	P	P	P	P	S			
Congregate Care Facility/Elderly Housing	(7)	(3)													P	S	S	S	S		S				
Crematorium	(8)																				S	P			
Daycare with Seven (7) or More Children	(9)	(4)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S			
Emergency Ground Ambulance Services	(10)																P	P	P	P	P				

LAND USE SCHEDULE

LEGEND:

	Land Use <i>NOT</i> Permitted
P	Land Use Permitted <i>By-Right</i>
P	Land Use Permitted with Conditions
S	Land Use Permitted Specific Use Permit (SUP)
X	Land Use Prohibited by Overlay District
A	Land Use Permitted as an Accessory Use

LAND USES

	LAND USE DEFINITION REFERENCE (Reference Article 13, Definitions)	CONDITIONAL USE REFERENCE Reference Article 04, Permissible Uses	RESIDENTIAL DISTRICTS											MIXED USE DISTRICTS	NON-RESIDENTIAL DISTRICTS					OVERLAY DISTRICTS					
			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District	Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
Group or Community Home	(11)	(5)	P	P	P	P	P	P	P	P	P	P	P		P	P	P								
Government Facility	(12)													S			P	P	P	P	P				
Halfway House	(13)	(6)													S										
Hospice	(14)												S			P	P	P	P	S	S				
Hospital	(15)																P	P	P	P	S				
Public Library, Art Gallery or Museum	(16)														P	P	P	P	P	P	P				
Mortuary or Funeral Chapel	(17)																P	P	P	P					
Local Post Office	(18)														P		P	P	P	P	P				
Regional Post Office	(19)																		P	P	P				
Prison/Custodial Institution	(20)																		P	P	P				
Public or Private Primary School	(21)	(7)	S	S	S	S	S	S	S	S	S	S	S	S			P	P	P	P	P				
Public or Private Secondary School	(22)	(8)	S	S	S	S	S	S	S	S	S	S	S	S			P	P	P	P	P				
Temporary Education Building for a Public or Private School	(23)	(9)	S	S	S	S	S	S	S	S	S	S	S				S	S	S	S					
Rescue Mission or Shelter for the Homeless	(24)																		S	P	P				
Social Service Provider (Except Rescue Mission or Homeless Shelter)	(25)																S		P	P	P				
OFFICE AND PROFESSIONAL LAND USES	2.02(D)	2.03(D)																							
Financial Institution with Drive-Through	(1)	(1)															S	P	P	P	P	P			
Financial Institution without Drive-Through	(1)													P		P	P	P	P	P	P				
Office Building less than 5,000 SF	(2)													P	P	P	P	P	P	P	P				
Office Building 5,000 SF or Greater	(2)													P	S	S	P	P	P	P	P				
RECREATION, ENTERTAINMENT AND AMUSEMENT LAND USES	2.02(E)	2.03(E)																							
Temporary Carnival, Circus, or Amusement Ride	(1)	(1)												S		S	P	P	P	P	P				
Indoor Commercial Amusement/Recreation	(2)	(2)												S			S	P	P	P	P				
Outdoor Commercial Amusement/Recreation	(3)	(3)															S	S	P	S	P				
Public or Private Community or Recreation Club as an Accessory Use	(4)		S	S	S	S	S	S	S	S	S	S	S	S		S	P	P	P	P	P				

LAND USE SCHEDULE

LEGEND:

	Land Use <i>NOT</i> Permitted
P	Land Use Permitted <i>By-Right</i>
Y	Land Use Permitted with Conditions
S	Land Use Permitted Specific Use Permit (SUP)
X	Land Use Prohibited by Overlay District
A	Land Use Permitted as an Accessory Use

LAND USES

	LAND USE DEFINITION REFERENCE (Reference Article 13, Definitions)	CONDITIONAL USE REFERENCE Reference (Article 04, Permissible Uses)	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS	NON-RESIDENTIAL DISTRICTS					OVERLAY DISTRICTS			
			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District	Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District
Private Country Club	(5)		S	S	S	S	S	S	S	S	S	S	S			S	S	S	P	P	P			
Golf Driving Range	(6)															S	S	S	P	P	P			
Temporary Fundraising Events by Non-Profit	(7)	(4)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Indoor Gun Club with Skeet or Target Range	(8)	(5)															S	P	P	P	P			
Outdoor Gun Club with Skeet or Target Range	(8)		S																P		S			
Health Club or Gym	(9)													A	P		S	P	P	P	P	P		
Private Club, Lodge or Fraternal Organization	(10)	(6)														S		S	S	P	P	P	S	
Private Sports Arena, Stadium, and/or Track	(11)																	S	P	P	P			
Public Park or Playground	(12)		P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P		
Sexually Oriented Businesses [Art. XI, CH. 12: Municipal Code]	(13)	(7)																			S	S		
Tennis Courts (<i>i.e. Not Accessory to a Public or Private Country Club</i>)	(14)		S	S	S	S	S	S	S	S	S	S	S			S	S	S	P	P	P			
Theater	(15)														P			S	P	P	P	P		
RETAIL AND PERSONAL SERVICES LAND USES	2.02(F)	2.03(F)																						
Antique/Collectible Store	(1)														S		S	P	P	P				
Astrologer, Hypnotist, or Psychic	(2)														S	P	P	P	P	P				
Banquet Facility/Event Hall	(3)														S			P	P	P				
Portable Beverage Service Facility	(4)	(1)													S	S		S	S	S	S	P		
Brew Pub	(5)														P		P	P	P	P	P	P		
Business School	(6)														P			P	P	P	P			
Catering Service	(7)														A		S	P	P	P	P			
Temporary Christmas Tree Sales Lot and/or Similar Uses	(8)	(2)													S		S	P	P	P	P	P		
Copy Center	(9)														P		P	P	P	P	P	P		
Craft/Micro Brewery, Distillery and/or Winery	(10)	(3)													S			S	S		P	P		
Incidental Display	(11)	(4)													P		P	P	P	P	P			

LAND USE SCHEDULE

LEGEND:

	Land Use <i>NOT</i> Permitted
P	Land Use Permitted <i>By-Right</i>
Y	Land Use Permitted with Conditions
S	Land Use Permitted Specific Use Permit (SUP)
X	Land Use Prohibited by Overlay District
A	Land Use Permitted as an Accessory Use

LAND USES

LAND USES	LAND USE DEFINITION REFERENCE (Reference Article 13, Definitions)	CONDITIONAL USE REFERENCE Reference (Article 04, Permissible Uses)	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS	NON-RESIDENTIAL DISTRICTS					OVERLAY DISTRICTS			
			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District	Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District
Food Trucks/Trailers	(12)	(5)												P	S	S	P	P	P	P	P			
Garden Supply/Plant Nursery	(13)															S	P	P	P	P				
General Personal Service	(14)	(6)												P		P	P	P	P	S				
General Retail Store	(15)												P	S	P	P	P	P	S	S				
Hair Salon and/or Manicurist	(16)												P	S	P	P	P	P	S					
Laundromat with Dropoff/Pickup Services	(17)												P		P	P	P	P	P	P				
Self Service Laundromat	(18)												P		P	P	P	P	P	P				
Massage Therapist	(19)												P	P	P	P	P	P						
Private Museum or Art Gallery	(20)												P	P	S	P	P		P					
Night Club, Discotheque, or Dance Hall	(21)												S			S	P	P	S	S				
Pawn Shop	(22)																S	S	P	P				
Permanent Cosmetics	(23)	(7)											A	A	A	A	A	A	A					
Pet Shop	(24)														P	P	P	P						
Temporary Real Estate Sales Office	(25)		P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P			
Rental Store without Outside Storage and/or Display	(26)	(8)														S	P	P	P	P				
Restaurant with less than 2,000 SF with Drive-Through or Drive-In	(27)	(9)													S	S	S	S	S	S				
Restaurant with less than 2,000 SF without Drive-Through or Drive-In	(28)												P	S	P	P	P	P	P	P				
Restaurant with 2,000 SF or more with Drive-Through or Drive-In	(27)	(10)													S	S	P	P	P	P				
Restaurant with 2,000 SF or more without Drive-Through or Drive-In	(28)												P		S	P	P	P	P	P				
Retail Store with Gasoline Sales that has Two (2) or less Dispensers (<i>i.e. a Maximum of Four [4] Vehicles</i>)	(29)														S	P	P	P	P	P	S	S		
Retail Store with Gasoline Sales that has more than Two (2) Dispensers	(29)														S	P	P	P	P	S	S			
Secondhand Dealer	(30)												S			P	P	P	P	P				
Art, Photography, or Music Studio	(31)												P	P	P	P	P	P	P					
Tailor, Clothing, and/or Apparel Shop	(32)												P		P	P	P	P						

LAND USE SCHEDULE

LEGEND:

	Land Use <i>NOT</i> Permitted
P	Land Use Permitted <i>By-Right</i>
Y	Land Use Permitted with Conditions
S	Land Use Permitted Specific Use Permit (SUP)
X	Land Use Prohibited by Overlay District
A	Land Use Permitted as an Accessory Use

LAND USES

LAND USES	LAND USE DEFINITION REFERENCE (Reference Article 13, Definitions)	CONDITIONAL USE REFERENCE Reference Article 04, Permissible Uses	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS	NON-RESIDENTIAL DISTRICTS				OVERLAY DISTRICTS					
			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District	Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
Tattoo and/or Body Piercing	(33)																		P						
Taxidermist Shop	(34)																		P	P					
COMMERCIAL AND BUSINESS SERVICES LAND USES			2.02(G)	2.03(G)																					
Bail Bond Service	(1)																S	P	P	P					
Building and Landscape Material with Outside Storage	(2)	(1)																		P	P				
Building and Landscape Material with Limited Outside Storage	(2)	(2)															P	P	P	P					
Building Maintenance, Service, and Sales with Outside Storage	(3)	(3)																	P	P					
Building Maintenance, Service, and Sales without Outside Storage	(3)																P	P	P	P					
Commercial Cleaners	(4)																S	P	P						
Custom and Craft Work	(5)																	P	P	P					
Electrical, Watch, Clock, Jewelry and/or Similar Repair	(6)												P		S	P	P	P	P	P					
Feed Store or Ranch Supply	(7)																	P	S	P					
Furniture Upholstery/Refinishing and Resale	(8)	(4)															S	P	P						
Gunsmith Repair and Sales	(9)																	P	P						
Rental, Sales and Service of Heavy Machinery and Equipment	(10)	(5)															S	P	S	P					
Locksmith	(11)												P			P	P	P	P	P					
Machine Shop	(12)																	P	P	P					
Medical or Scientific Research Lab	(13)																	P	P	P					
Manufactured Home Sales	(14)																	S		P					
Research and Technology or Light Assembly	(15)																S	P	P	P					
Shoe and Boot Repair and Sales	(16)												P	S	P	P	P	P							
Trade School	(17)												S			S	P	P	P	P					
Temporary On-Site Construction Office	(18)	(6)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
AUTO AND MARINE RELATED LAND USES			2.02(H)	2.03(H)																					
Major Auto Repair Garage	(1)	(1)																P	S	P					

LAND USE SCHEDULE

LEGEND:

	Land Use <i>NOT</i> Permitted
P	Land Use Permitted <i>By-Right</i>
Y	Land Use Permitted with Conditions
S	Land Use Permitted Specific Use Permit (SUP)
X	Land Use Prohibited by Overlay District
A	Land Use Permitted as an Accessory Use

LAND USES

LAND USES	LAND USE DEFINITION REFERENCE (Reference Article 13, Definitions)	CONDITIONAL USE REFERENCE Reference Article 04, Permissible Uses	RESIDENTIAL DISTRICTS											MIXED USE DISTRICTS	NON-RESIDENTIAL DISTRICTS					OVERLAY DISTRICTS			
			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District	Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District
Minor Automotive Repair Garage	(2)	(2)												S		S	S	P	S	P			
Automobile Rental	(3)															S	P	S	P				
New or Used Boat and Trailer Dealership	(4)	(3)														S	P	S	P	X	X		
Full Service Car Wash and Auto Detail	(5)	(4)													S	S	P	P	P	P	S	S	
Self Service Car Wash	(5)	(4)													S	P	P	P	P	S	S		
New and/or Used Indoor Motor Vehicle Dealership/Showroom	(6)	(5)														S	S	S	S				
New Motor Vehicle Dealership-for Cars and Light Trucks	(7)	(6)														S	P	S	P				
Used Motor Vehicle Dealership for Cars and Light Trucks	(7)	(7)														A	A	A	A				
Commercial Parking	(8)														S		P	P	P	P			
Non-Commercial Parking Lot	(9)														A	S	P	P	P	P			
Recreational Vehicle (RV) Sales and Service	(10)																S	P	S	P			
Service Station	(11)	(8)													S	P	P	P	P	P			
Towing and Impound Yard	(12)	(9)																S	S	P			
Towing Service without Storage	(13)	(10)																P	P	P			
Truck Rental	(14)																	P	S	P			
Truck Stop with Gasoline Sales and Accessory Services	(15)	(11)																S	S	P			
INDUSTRIAL AND MANUFACTURING LAND USES	2.02(f)	2.03(f)																					
Asphalt or Concrete Batch Plant	(1)	(1)	S																S	S			
Temporary Asphalt or Concrete Batch Plant	(2)	(2)	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P			
Bottle Works for Milk or Soft Drinks	(3)																		P	P			
Brewery or Distillery	(4)	(3)																	P	P			
Carpet and Rug Cleaning	(5)																	S	P	P			
Environmentally Hazardous Materials	(6)	(4)																S	S	P			
Food Processing with No Animal Slaughtering	(7)																	S	P	P			
Light Assembly and Fabrication	(8)																	P	P	P			

LAND USE SCHEDULE

LEGEND:

	Land Use <i>NOT</i> Permitted
P	Land Use Permitted <i>By-Right</i>
P	Land Use Permitted with Conditions
S	Land Use Permitted Specific Use Permit (SUP)
X	Land Use Prohibited by Overlay District
A	Land Use Permitted as an Accessory Use

LAND USES

	LAND USE DEFINITION REFERENCE (Reference Article 13, Definitions)	CONDITIONAL USE REFERENCE Reference Article 04, Permissible Uses	RESIDENTIAL DISTRICTS											MIXED USE DISTRICTS	NON-RESIDENTIAL DISTRICTS					OVERLAY DISTRICTS			
			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District	Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District
Heavy Manufacturing	(9)																	S	S	P			
Light Manufacturing	(10)																	P	P	P			
Metal Plating or Electroplating	(11)																		S	P			
Mining and Extraction of Sand, Gravel, Oil and/or Other Materials	(12)	(5)	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S			
Printing and Publishing	(13)																	P	P	P			
Salvage or Reclamation of Products Indoors	(14)																	S	P	P			
Salvage or Reclamation of Products Outdoors	(15)																		S	P			
Sheet Metal Shop	(16)																	P	P	P			
Tool, Dye, Gauge and/or Machine Shop	(17)																		P				
Welding Repair	(18)																	P	P	P			
Winery	(19)	(6)	S																P	P			
WHOLESALE, DISTRIBUTION AND STORAGE LAND USES	2.02(J)	2.03(J)																					
Cold Storage Plant	(1)																	P	P	P			
Heavy Construction/Trade Yard	(2)																	S	P	P			
Landfill	(3)		S																				
Mini-Warehouse	(4)	(1)															S	P	P	P			
Outside Storage and/or Outside Display	(5)	(2)																P	P	P		S	
Recycling Collection Center	(6)																	S	P	P			
Warehouse/Distribution Center	(7)																	P	P	P			
Wholesale Showroom Facility	(8)																S	P	P	P			
UTILITIES, COMMUNICATIONS AND TRANSPORTATION LAND USES	2.02(K)	2.03(K)																					
Airport, Heliport or Landing Field	(1)																	S	S	S			
Antenna as an Accessory	(2)	(1)	P	S	S	S	S	S	S	S	S	S	P		P	P	P	P	P	P			
Commercial Antenna	(3)	(2)											S	S		S	S	S	S	P			
Antenna for an Amateur Radio	(4)	(3)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			



CITY OF ROCKWALL

PLANNING AND ZONING COMMISSION MEMORANDUM

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Planning and Zoning Commission
FROM: Ryan Miller, *Director of Planning and Zoning*
DATE: September 27, 2022
SUBJECT: Z2022-046; *Amendment to Article 04, Permissible Uses, of the UDC*

On September 19, 2022, the City Council directed staff to make minor changes to Article 04, *Permissible Uses*, of the Unified Development Code (UDC) to correct a procedural requirement associated with the *Conditional Land Use Standards* for the *Mini-Warehouse* land use. Specifically, the *Conditional Land Use Standards* state, "(o)nly single-story units are allowed; however, no multistory buildings will be permitted unless an exception is approved by the Planning and Zoning Commission and City Council." Staff has changed this to only require approval by the Planning and Zoning Commission as this is a technical requirement. In addition, the *Conditional Land Use Standards* also state, "(n)o direct access from FM-740, SH-205, SH-66, SH-276, FM-3097, FM-552, FM-549 and John King Boulevard. The City Council may consider granting direct access from the above-mentioned roadways after review and determination of the availability to the specific property." This has also been changed to be an approval of the Planning and Zoning Commission. Staff should note that in 2019 the City Council directed staff to remove the City Council as the approving body for variances and exceptions relating to the technical standards associated with site plans. This was done in favor of allow the Planning and Zoning Commission to be the approving body with the City Council acting as an appeals board. These two (2) references were overlooked when staff made the changes to the Unified Development Code (UDC) under *Case No. Z2019-016*.

In addition, staff has identified a conflict between Subsection 04.02, *Dumping, Excavating or Filling Floodplain*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) and the *Engineering Standards of Design and Construction*. Specifically, Subsection 04.02 states:

Any dump, excavation, storage or filling operation within that portion of a district having a floodplain designation shall require a permit, which must be approved by the City Council, before such operation has is begun. However, if those operations in the floodplain were specifically approved as part of a site plan approval by the City Council, then a permit may be issued by the City Engineer.

Staff is proposing to reword this section as follows:

Any dumping, excavation, storage or filling operation on any property within any district having a floodplain designation or that is within a creek or drain way shall require a permit from the City Engineer prior to the commencement of such activity.

If the changes to Subsection 04.02 are approved, this would bring the two (2) documents (*i.e. the Engineering Standards of Design and Construction Manual and the UDC*) into agreement.

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.



is approved by the Planning and Zoning Commission ~~and City Council~~. If necessary, the office/caretaker residence-unit may exceed one (1) story, but shall not be greater than 36-feet in height.

- (c) A minimum of two (2) parking spaces shall be required for the on-site manager (*i.e. caretaker, resident or otherwise*).
- (d) No direct access from FM-740, SH-205, SH-66, SH-276, FM-3097, FM-552, FM-549 and John King Boulevard. The ~~City Council~~ **Planning and Zoning Commission** may consider granting direct access from the above-mentioned roadways after review and determination of the availability of access to the specific property.
- (e) Perimeter walls shall be provided which face the front, rear and side property lines. Overhead doors shall not face adjacent streets. Perimeter walls facing the front yard shall incorporate architectural features to break up the long repetitive nature of self-storage buildings (e.g. offsets in buildings, variation of materials, and/or variation of heights, etc.). No gutters and downspouts shall be incorporated in the perimeter walls facing the front property line.
- (f) The front, side and rear building set back areas shall be landscaped. Landscaping should be clustered, creating interesting relief from the long repetitive nature of self-storage buildings.
- (g) The facilities shall incorporate the use of perimeter gates that limit access to the storage areas to customers only. Special access for fire and police personnel shall be provided as required.
- (h) All screening fences shall be wrought iron with landscaping/living screen or masonry walls in accordance with the screening requirements contained in [Subsection 05.02, Landscape Screening, of Article 08, Landscape and Fence Standards](#). See-through fencing should be wrought iron, or similar. Chain-link fencing of any kind shall be prohibited.
- (i) Buildings and see-through fencing should be oriented in a manner to restrict the visibility of interior overhead doors and drives from public right-of-way. The color(s) of the garage doors, as well as other doors within the facility, shall compliment the exterior colors of the main building(s).
- (j) The commercial operation of rental trucks and trailers shall be prohibited.
- (k) Businesses shall not be allowed to operate in the individual storage units.
- (l) No outside storage of any kind shall be allowed (including the outside storage of boats, recreational vehicles, and motor or self-propelled vehicles).
- (m) Concrete shall be used for all paving.
- (n) Roofs shall have a minimum pitch of 1:3 and be constructed with a metal standing seam. Mechanical

equipment shall be screened with the roof structure or parapet walls.

- (o) Lighting standards shall be limited to a maximum of 20-feet in height.
 - (p) The residential unit as an accessory to the permitted use shall not exceed 1,600 SF.
- (2) Outside Storage and/or Outside Display.
- (a) Outside Storage and/or Outside Display shall adhere to the requirements of [Subsection 01.05, Screening Standards, of Article 05, District Development Standards](#).
 - (b) No outside storage shall be allowed in any zoning district adjacent to IH-30. However, on property that is zoned Light Industrial (LI) District and adjacent to IH-30, a Specific Use Permit (SUP) may be considered on a case-by-case basis to allow for Outside Storage and/or Outside Display in conjunction with a use that is permitted under [Land Use Schedule](#). A Specific Use Permit (SUP) approved for this use may be subject to time limitations, site/landscaping or building enhancements, or other restrictions deemed appropriate by the Planning and Zoning Commission and City Council.
 - (c) Incidental Display, as defined in [Subsection 02.02\(F\)\(4\)](#), shall not be considered Outside Storage and/or Outside Display, and shall be subject to the requirements of [Subsection 02.02\(F\)\(4\)](#).
- (K) Utilities, Communications and Transportation Land Uses
- (1) Antenna as an Accessory.
- (a) The antenna installation shall comply with the height and area regulations of the applicable zoning district.
 - (b) Administrative approval of the antenna installation shall be required.
 - (c) The antenna will meet all applicable requirements of [Subsection 03.06, Antennas](#).
- (2) Commercial Antenna.
- (a) Located entirely within a non-residential structure as allowed under the applicable zoning district regulations:
 - (1) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building on the site; or the necessary equipment shall be contained entirely within the principal building on the property or in an underground vault.
 - (2) Any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six (6) feet at maturity or a masonry screening wall at least eight (8) feet in height, compatible in color with the principal building and the equipment building.
 - (3) At least one (1) paved parking space with paved access thereto shall be provided at the antenna location; said parking space need not be reserved exclusively for use in conjunction with the antenna



SUBSECTION 03.06: ANTENNAS

- (A) Construction and Maintenance Requirements. All antenna masts, towers and antenna supports used for television and radio reception or transmission shall be constructed and maintained in accordance with the current National Electrical Code and the Building Code of the City.
- (B) Permit Required. Any person desiring to erect or have erected an antenna more than 25-feet in height above ground level, or an antenna mast 25-feet or less in height but not erected as required by this section, shall make written application to the building inspection department for a permit to erect same. Sufficient plans and specifications, as determined by the Chief Building Official, must accompany each application. It shall be unlawful and a violation of this division to erect, or cause to be erected, or to maintain, or cause to maintain, such antenna mast without first having obtained a permit. It shall be the duty of the permittee to request a final inspection upon completion of the antenna system. Domestic TV antennas are exempt from this section.
- (C) Restrictions and Limitations. All antenna systems constructed and maintained under the provisions of this section shall be subject to the following restrictions and limitations:
 - (1) No such antenna system shall be more than 99-feet in height.
 - (2) The location on the lot of such antenna system shall comply with the requirements of this Unified Development Code insofar as the front building line and side yard building line and requirements are concerned. No portion of an antenna system shall extend beyond the front building line on any lot, and on corner lots the side yard setback requirements shall be adhered to on the side adjacent to a public street, and where the front and side yard requirements are applicable, all portions of such structures shall be within the limits fixed by such requirements.
 - (3) All antenna systems constructed under the provisions of this section shall be maintained so as to at all times comply with the requirements of this section.
 - (4) The regulations contained herein shall not apply to the extent that they have been preempted by specific regulations of the FCC to the contrary.
- (D) Roof-Mounted Equipment. All roof-mounted equipment, including fans, vents, air conditioning units and cooling towers, should be screened to eliminate the view from the ground level of adjacent properties. The screen shall be constructed of materials approved by the Director of Planning and Zoning. Roof-mounted equipment should be placed and finished in a manner which minimizes its visibility from overhead views from nearby buildings and elevated thoroughfare sections.
 - (1) The overall screening height will be the height of the tallest element of roof-mounted equipment.
 - (2) The outside of the screening device should be painted or finished in a similar color to the building facade, trim or roof surface to minimize the visibility of the equipment and screen the view from ground level.

- (3) Roof-mounted equipment and the inside of the screening device should be painted similar to the color of the roof surface in order to minimize the visibility of the equipment and screening device from overhead views.

SECTION 04 | FLOODPLAIN AREAS

SUBSECTION 04.01: PERMITTED USES

The following uses shall be permitted within that portion of a district which is designated as being within a floodplain by the City Engineer, provided they are allowed in the underlying zoning, and that they meet any additional requirements established in the city's floodplain regulations in [Chapter 20, Floods, of the Municipal Code of Ordinances](#):

- (A) Agriculture. Agricultural activities including the ordinary cultivation of land or legal forms of animal husbandry.
- (B) Utilities. Local utilities.
- (C) Parks and Recreation. Public or private parks, community centers, playgrounds, public golf courses.
- (D) Private Recreation. Private commercial open area amusements such as golf courses, driving ranges, archery courses and similar uses when approved by a specific use permit.
- (E) Private Open Space. Private open spaces as part of a Planned Development (PD) District, provided such use does not interfere with the continuity of the city's open space system.

SUBSECTION 04.02: DUMPING, EXCAVATING OR FILLING FLOODPLAIN

Any dumping, excavation, storage or filling operation ~~within that portion of aon any property within any~~ district having a floodplain designation or that is within a creek or drain way shall require a permit ~~from the ,which must be approved by the City Council~~ City Engineer prior to the commencement of such activity, ~~before such operation is begun. However, if those operations in the floodplain were specifically approved as part of a site plan approval by the City Council, then a permit may be issued by the City Engineer.~~

SUBSECTION 04.03: LOCAL FLOODING MAY OCCUR IN OTHER AREAS

The fact that land or property is or is not within a district having a floodplain designation shall not constitute assurance that such land or property is not subject to local flooding and the designation of floodplain in this Unified Development Code (UDC) shall not be so interpreted.

SECTION 05 | TEMPORARY USES AND STRUCTURES

SUBSECTION 05.01: TEMPORARY USES

- (A) This subsection includes by reference all temporary uses listed in the land use chart.
- (B) The temporary use shall not be intrusive or inconsistent with existing land uses in area, or with anticipated land uses that may be constructed during the life of the temporary use.

SUBSECTION 05.02: TEMPORARY USES

CITY OF ROCKWALL

ORDINANCE NO. 22-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE 04, *PERMISSIBLE USES*, AS DEPCITED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an amendment to the City of Rockwall's Unified Development Code [*Ordinance No. 20-02*] has been initiated by the City Council of the City of Rockwall to amend Article 04, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 20-02*]; and,

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

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

SECTION 1. That Article 04, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance;

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

SECTION 3. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code [*Ordinance No. 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 4. That this ordinance shall take effect immediately from and after its passage.

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

Kevin Fowler, Mayor

ATTEST:

Kristy Teague, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: October 17, 2022

2nd Reading: November 7, 2022

DRAFT
ORDINANCE
09.27.2022

Exhibit 'A'
Article 04, Permissible Uses, of the
Unified Development Code (UDC)

See Next Page ...



is approved by the Planning and Zoning Commission ~~and City Council~~. If necessary, the office/caretaker residence-unit may exceed one (1) story, but shall not be greater than 36-feet in height.

- (c) A minimum of two (2) parking spaces shall be required for the on-site manager (*i.e. caretaker, resident or otherwise*).
- (d) No direct access from FM-740, SH-205, SH-66, SH-276, FM-3097, FM-552, FM-549 and John King Boulevard. The ~~City Council~~ **Planning and Zoning Commission** may consider granting direct access from the above-mentioned roadways after review and determination of the availability of access to the specific property.
- (e) Perimeter walls shall be provided which face the front, rear and side property lines. Overhead doors shall not face adjacent streets. Perimeter walls facing the front yard shall incorporate architectural features to break up the long repetitive nature of self-storage buildings (e.g. offsets in buildings, variation of materials, and/or variation of heights, etc.). No gutters and downspouts shall be incorporated in the perimeter walls facing the front property line.
- (f) The front, side and rear building set back areas shall be landscaped. Landscaping should be clustered, creating interesting relief from the long repetitive nature of self-storage buildings.
- (g) The facilities shall incorporate the use of perimeter gates that limit access to the storage areas to customers only. Special access for fire and police personnel shall be provided as required.
- (h) All screening fences shall be wrought iron with landscaping/living screen or masonry walls in accordance with the screening requirements contained in [Subsection 05.02, Landscape Screening, of Article 08, Landscape and Fence Standards](#). See-through fencing should be wrought iron, or similar. Chain-link fencing of any kind shall be prohibited.
- (i) Buildings and see-through fencing should be oriented in a manner to restrict the visibility of interior overhead doors and drives from public right-of-way. The color(s) of the garage doors, as well as other doors within the facility, shall compliment the exterior colors of the main building(s).
- (j) The commercial operation of rental trucks and trailers shall be prohibited.
- (k) Businesses shall not be allowed to operate in the individual storage units.
- (l) No outside storage of any kind shall be allowed (including the outside storage of boats, recreational vehicles, and motor or self-propelled vehicles).
- (m) Concrete shall be used for all paving.
- (n) Roofs shall have a minimum pitch of 1:3 and be constructed with a metal standing seam. Mechanical

equipment shall be screened with the roof structure or parapet walls.

- (o) Lighting standards shall be limited to a maximum of 20-feet in height.
 - (p) The residential unit as an accessory to the permitted use shall not exceed 1,600 SF.
- (2) Outside Storage and/or Outside Display.
- (a) Outside Storage and/or Outside Display shall adhere to the requirements of [Subsection 01.05, Screening Standards, of Article 05, District Development Standards](#).
 - (b) No outside storage shall be allowed in any zoning district adjacent to IH-30. However, on property that is zoned Light Industrial (LI) District and adjacent to IH-30, a Specific Use Permit (SUP) may be considered on a case-by-case basis to allow for Outside Storage and/or Outside Display in conjunction with a use that is permitted under [Land Use Schedule](#). A Specific Use Permit (SUP) approved for this use may be subject to time limitations, site/landscaping or building enhancements, or other restrictions deemed appropriate by the Planning and Zoning Commission and City Council.
 - (c) Incidental Display, as defined in [Subsection 02.02\(F\)\(4\)](#), shall not be considered Outside Storage and/or Outside Display, and shall be subject to the requirements of [Subsection 02.02\(F\)\(4\)](#).
- (K) Utilities, Communications and Transportation Land Uses
- (1) Antenna as an Accessory.
- (a) The antenna installation shall comply with the height and area regulations of the applicable zoning district.
 - (b) Administrative approval of the antenna installation shall be required.
 - (c) The antenna will meet all applicable requirements of [Subsection 03.06, Antennas](#).
- (2) Commercial Antenna.
- (a) Located entirely within a non-residential structure as allowed under the applicable zoning district regulations:
 - (1) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building on the site; or the necessary equipment shall be contained entirely within the principal building on the property or in an underground vault.
 - (2) Any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six (6) feet at maturity or a masonry screening wall at least eight (8) feet in height, compatible in color with the principal building and the equipment building.
 - (3) At least one (1) paved parking space with paved access thereto shall be provided at the antenna location; said parking space need not be reserved exclusively for use in conjunction with the antenna



SUBSECTION 03.06: ANTENNAS

- (A) Construction and Maintenance Requirements. All antenna masts, towers and antenna supports used for television and radio reception or transmission shall be constructed and maintained in accordance with the current National Electrical Code and the Building Code of the City.
- (B) Permit Required. Any person desiring to erect or have erected an antenna more than 25-feet in height above ground level, or an antenna mast 25-feet or less in height but not erected as required by this section, shall make written application to the building inspection department for a permit to erect same. Sufficient plans and specifications, as determined by the Chief Building Official, must accompany each application. It shall be unlawful and a violation of this division to erect, or cause to be erected, or to maintain, or cause to maintain, such antenna mast without first having obtained a permit. It shall be the duty of the permittee to request a final inspection upon completion of the antenna system. Domestic TV antennas are exempt from this section.
- (C) Restrictions and Limitations. All antenna systems constructed and maintained under the provisions of this section shall be subject to the following restrictions and limitations:
 - (1) No such antenna system shall be more than 99-feet in height.
 - (2) The location on the lot of such antenna system shall comply with the requirements of this Unified Development Code insofar as the front building line and side yard building line and requirements are concerned. No portion of an antenna system shall extend beyond the front building line on any lot, and on corner lots the side yard setback requirements shall be adhered to on the side adjacent to a public street, and where the front and side yard requirements are applicable, all portions of such structures shall be within the limits fixed by such requirements.
 - (3) All antenna systems constructed under the provisions of this section shall be maintained so as to at all times comply with the requirements of this section.
 - (4) The regulations contained herein shall not apply to the extent that they have been preempted by specific regulations of the FCC to the contrary.
- (D) Roof-Mounted Equipment. All roof-mounted equipment, including fans, vents, air conditioning units and cooling towers, should be screened to eliminate the view from the ground level of adjacent properties. The screen shall be constructed of materials approved by the Director of Planning and Zoning. Roof-mounted equipment should be placed and finished in a manner which minimizes its visibility from overhead views from nearby buildings and elevated thoroughfare sections.
 - (1) The overall screening height will be the height of the tallest element of roof-mounted equipment.
 - (2) The outside of the screening device should be painted or finished in a similar color to the building facade, trim or roof surface to minimize the visibility of the equipment and screen the view from ground level.

- (3) Roof-mounted equipment and the inside of the screening device should be painted similar to the color of the roof surface in order to minimize the visibility of the equipment and screening device from overhead views.

SECTION 04 | FLOODPLAIN AREAS

SUBSECTION 04.01: PERMITTED USES

The following uses shall be permitted within that portion of a district which is designated as being within a floodplain by the City Engineer, provided they are allowed in the underlying zoning, and that they meet any additional requirements established in the city's floodplain regulations in [Chapter 20, Floods, of the Municipal Code of Ordinances](#):

- (A) Agriculture. Agricultural activities including the ordinary cultivation of land or legal forms of animal husbandry.
- (B) Utilities. Local utilities.
- (C) Parks and Recreation. Public or private parks, community centers, playgrounds, public golf courses.
- (D) Private Recreation. Private commercial open area amusements such as golf courses, driving ranges, archery courses and similar uses when approved by a specific use permit.
- (E) Private Open Space. Private open spaces as part of a Planned Development (PD) District, provided such use does not interfere with the continuity of the city's open space system.

SUBSECTION 04.02: DUMPING, EXCAVATING OR FILLING FLOODPLAIN

Any dumping, excavation, storage or filling operation ~~within that portion of aon any property within any~~ district having a floodplain designation or that is within a creek or drain way shall require a permit ~~from the ,which must be approved by the City Council~~ City Engineer prior to the commencement of such activity, ~~before such operation is begun. However, if those operations in the floodplain were specifically approved as part of a site plan approval by the City Council, then a permit may be issued by the City Engineer.~~

SUBSECTION 04.03: LOCAL FLOODING MAY OCCUR IN OTHER AREAS

The fact that land or property is or is not within a district having a floodplain designation shall not constitute assurance that such land or property is not subject to local flooding and the designation of floodplain in this Unified Development Code (UDC) shall not be so interpreted.

SECTION 05 | TEMPORARY USES AND STRUCTURES

SUBSECTION 05.01: TEMPORARY USES

- (A) This subsection includes by reference all temporary uses listed in the land use chart.
- (B) The temporary use shall not be intrusive or inconsistent with existing land uses in area, or with anticipated land uses that may be constructed during the life of the temporary use.

SUBSECTION 05.02: TEMPORARY USES



CITY OF ROCKWALL

PLANNING AND ZONING COMMISSION MEMORANDUM

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Planning and Zoning Commission
FROM: Ryan Miller, *Director of Planning and Zoning*
DATE: October 11, 2022
SUBJECT: Z2022-046; *Amendment to Article 04, Permissible Uses, of the UDC*

On September 19, 2022, the City Council directed staff to make minor changes to Article 04, *Permissible Uses*, of the Unified Development Code (UDC) to correct a procedural requirement associated with the *Conditional Land Use Standards* for the *Mini-Warehouse* land use. Specifically, the *Conditional Land Use Standards* state, “(o)nly single-story units are allowed; however, no multistory buildings will be permitted unless an exception is approved by the Planning and Zoning Commission and City Council.” Staff has changed this to only require approval by the Planning and Zoning Commission as this is a technical requirement. In addition, the *Conditional Land Use Standards* also state, “(n)o direct access from FM-740, SH-205, SH-66, SH-276, FM-3097, FM-552, FM-549 and John King Boulevard. The City Council may consider granting direct access from the above-mentioned roadways after review and determination of the availability to the specific property.” This has also been changed to be an approval of the Planning and Zoning Commission. Staff should note that in 2019 the City Council directed staff to remove the City Council as the approving body for variances and exceptions relating to the technical standards associated with site plans. This was done in favor of allowing the Planning and Zoning Commission to be the approving body, with the City Council acting as an appeals board. These two (2) references were overlooked when staff made the changes to the Unified Development Code (UDC) under Case No. Z2019-016.

In addition, staff has identified a conflict between Subsection 04.02, *Dumping, Excavating or Filling Floodplain*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) and the *Engineering Standards of Design and Construction*. Specifically, Subsection 04.02 states:

Any dump, excavation, storage or filling operation within that portion of a district having a floodplain designation shall require a permit, which must be approved by the City Council, before such operation has is begun. However, if those operations in the floodplain were specifically approved as part of a site plan approval by the City Council, then a permit may be issued by the City Engineer.

Staff is proposing to reword this section as follows:

Any dumping, excavation, storage or filling operation on any property within any district having a floodplain designation or that is within a creek or drain way shall require a permit from the City Engineer prior to the commencement of such activity.

If the changes to Subsection 04.02 are approved, this would bring the two (2) documents (*i.e. the Engineering Standards of Design and Construction Manual and the UDC*) into agreement.

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.



is approved by the Planning and Zoning Commission ~~and City Council~~. If necessary, the office/caretaker residence-unit may exceed one (1) story, but shall not be greater than 36-feet in height.

- (c) A minimum of two (2) parking spaces shall be required for the on-site manager (*i.e. caretaker, resident or otherwise*).
- (d) No direct access from FM-740, SH-205, SH-66, SH-276, FM-3097, FM-552, FM-549 and John King Boulevard. The ~~City Council~~ **Planning and Zoning Commission** may consider granting direct access from the above-mentioned roadways after review and determination of the availability of access to the specific property.
- (e) Perimeter walls shall be provided which face the front, rear and side property lines. Overhead doors shall not face adjacent streets. Perimeter walls facing the front yard shall incorporate architectural features to break up the long repetitive nature of self-storage buildings (e.g. offsets in buildings, variation of materials, and/or variation of heights, etc.). No gutters and downspouts shall be incorporated in the perimeter walls facing the front property line.
- (f) The front, side and rear building set back areas shall be landscaped. Landscaping should be clustered, creating interesting relief from the long repetitive nature of self-storage buildings.
- (g) The facilities shall incorporate the use of perimeter gates that limit access to the storage areas to customers only. Special access for fire and police personnel shall be provided as required.
- (h) All screening fences shall be wrought iron with landscaping/living screen or masonry walls in accordance with the screening requirements contained in [Subsection 05.02, Landscape Screening, of Article 08, Landscape and Fence Standards](#). See-through fencing should be wrought iron, or similar. Chain-link fencing of any kind shall be prohibited.
- (i) Buildings and see-through fencing should be oriented in a manner to restrict the visibility of interior overhead doors and drives from public right-of-way. The color(s) of the garage doors, as well as other doors within the facility, shall compliment the exterior colors of the main building(s).
- (j) The commercial operation of rental trucks and trailers shall be prohibited.
- (k) Businesses shall not be allowed to operate in the individual storage units.
- (l) No outside storage of any kind shall be allowed (including the outside storage of boats, recreational vehicles, and motor or self-propelled vehicles).
- (m) Concrete shall be used for all paving.
- (n) Roofs shall have a minimum pitch of 1:3 and be constructed with a metal standing seam. Mechanical

equipment shall be screened with the roof structure or parapet walls.

- (o) Lighting standards shall be limited to a maximum of 20-feet in height.
 - (p) The residential unit as an accessory to the permitted use shall not exceed 1,600 SF.
- (2) Outside Storage and/or Outside Display.
- (a) Outside Storage and/or Outside Display shall adhere to the requirements of [Subsection 01.05, Screening Standards, of Article 05, District Development Standards](#).
 - (b) No outside storage shall be allowed in any zoning district adjacent to IH-30. However, on property that is zoned Light Industrial (LI) District and adjacent to IH-30, a Specific Use Permit (SUP) may be considered on a case-by-case basis to allow for Outside Storage and/or Outside Display in conjunction with a use that is permitted under [Land Use Schedule](#). A Specific Use Permit (SUP) approved for this use may be subject to time limitations, site/landscaping or building enhancements, or other restrictions deemed appropriate by the Planning and Zoning Commission and City Council.
 - (c) Incidental Display, as defined in [Subsection 02.02\(F\)\(4\)](#), shall not be considered Outside Storage and/or Outside Display, and shall be subject to the requirements of [Subsection 02.02\(F\)\(4\)](#).
- (K) Utilities, Communications and Transportation Land Uses
- (1) Antenna as an Accessory.
- (a) The antenna installation shall comply with the height and area regulations of the applicable zoning district.
 - (b) Administrative approval of the antenna installation shall be required.
 - (c) The antenna will meet all applicable requirements of [Subsection 03.06, Antennas](#).
- (2) Commercial Antenna.
- (a) Located entirely within a non-residential structure as allowed under the applicable zoning district regulations:
 - (1) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building on the site; or the necessary equipment shall be contained entirely within the principal building on the property or in an underground vault.
 - (2) Any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six (6) feet at maturity or a masonry screening wall at least eight (8) feet in height, compatible in color with the principal building and the equipment building.
 - (3) At least one (1) paved parking space with paved access thereto shall be provided at the antenna location; said parking space need not be reserved exclusively for use in conjunction with the antenna



SUBSECTION 03.06: ANTENNAS

- (A) Construction and Maintenance Requirements. All antenna masts, towers and antenna supports used for television and radio reception or transmission shall be constructed and maintained in accordance with the current National Electrical Code and the Building Code of the City.
- (B) Permit Required. Any person desiring to erect or have erected an antenna more than 25-feet in height above ground level, or an antenna mast 25-feet or less in height but not erected as required by this section, shall make written application to the building inspection department for a permit to erect same. Sufficient plans and specifications, as determined by the Chief Building Official, must accompany each application. It shall be unlawful and a violation of this division to erect, or cause to be erected, or to maintain, or cause to maintain, such antenna mast without first having obtained a permit. It shall be the duty of the permittee to request a final inspection upon completion of the antenna system. Domestic TV antennas are exempt from this section.
- (C) Restrictions and Limitations. All antenna systems constructed and maintained under the provisions of this section shall be subject to the following restrictions and limitations:
 - (1) No such antenna system shall be more than 99-feet in height.
 - (2) The location on the lot of such antenna system shall comply with the requirements of this Unified Development Code insofar as the front building line and side yard building line and requirements are concerned. No portion of an antenna system shall extend beyond the front building line on any lot, and on corner lots the side yard setback requirements shall be adhered to on the side adjacent to a public street, and where the front and side yard requirements are applicable, all portions of such structures shall be within the limits fixed by such requirements.
 - (3) All antenna systems constructed under the provisions of this section shall be maintained so as to at all times comply with the requirements of this section.
 - (4) The regulations contained herein shall not apply to the extent that they have been preempted by specific regulations of the FCC to the contrary.
- (D) Roof-Mounted Equipment. All roof-mounted equipment, including fans, vents, air conditioning units and cooling towers, should be screened to eliminate the view from the ground level of adjacent properties. The screen shall be constructed of materials approved by the Director of Planning and Zoning. Roof-mounted equipment should be placed and finished in a manner which minimizes its visibility from overhead views from nearby buildings and elevated thoroughfare sections.
 - (1) The overall screening height will be the height of the tallest element of roof-mounted equipment.
 - (2) The outside of the screening device should be painted or finished in a similar color to the building facade, trim or roof surface to minimize the visibility of the equipment and screen the view from ground level.

- (3) Roof-mounted equipment and the inside of the screening device should be painted similar to the color of the roof surface in order to minimize the visibility of the equipment and screening device from overhead views.

SECTION 04 | FLOODPLAIN AREAS

SUBSECTION 04.01: PERMITTED USES

The following uses shall be permitted within that portion of a district which is designated as being within a floodplain by the City Engineer, provided they are allowed in the underlying zoning, and that they meet any additional requirements established in the city's floodplain regulations in [Chapter 20, Floods, of the Municipal Code of Ordinances](#):

- (A) Agriculture. Agricultural activities including the ordinary cultivation of land or legal forms of animal husbandry.
- (B) Utilities. Local utilities.
- (C) Parks and Recreation. Public or private parks, community centers, playgrounds, public golf courses.
- (D) Private Recreation. Private commercial open area amusements such as golf courses, driving ranges, archery courses and similar uses when approved by a specific use permit.
- (E) Private Open Space. Private open spaces as part of a Planned Development (PD) District, provided such use does not interfere with the continuity of the city's open space system.

SUBSECTION 04.02: DUMPING, EXCAVATING OR FILLING FLOODPLAIN

Any dumping, excavation, storage or filling operation ~~within that portion of aon any property within any~~ district having a floodplain designation or that is within a creek or drain way shall require a permit ~~from the ,which must be approved by the City Council~~ City Engineer prior to the commencement of such activity, ~~before such operation is begun. However, if those operations in the floodplain were specifically approved as part of a site plan approval by the City Council, then a permit may be issued by the City Engineer.~~

SUBSECTION 04.03: LOCAL FLOODING MAY OCCUR IN OTHER AREAS

The fact that land or property is or is not within a district having a floodplain designation shall not constitute assurance that such land or property is not subject to local flooding and the designation of floodplain in this Unified Development Code (UDC) shall not be so interpreted.

SECTION 05 | TEMPORARY USES AND STRUCTURES

SUBSECTION 05.01: TEMPORARY USES

- (A) This subsection includes by reference all temporary uses listed in the land use chart.
- (B) The temporary use shall not be intrusive or inconsistent with existing land uses in area, or with anticipated land uses that may be constructed during the life of the temporary use.

SUBSECTION 05.02: TEMPORARY USES

CITY OF ROCKWALL

ORDINANCE NO. 22-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE 04, *PERMISSIBLE USES*, AS DEPCITED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an amendment to the City of Rockwall's Unified Development Code [*Ordinance No. 20-02*] has been initiated by the City Council of the City of Rockwall to amend Article 04, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 20-02*]; and,

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

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

SECTION 1. That Article 04, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance;

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

SECTION 3. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code [*Ordinance No. 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 4. That this ordinance shall take effect immediately from and after its passage.

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

Kevin Fowler, *Mayor*

ATTEST:

Kristy Teague, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: October 17, 2022

2nd Reading: November 7, 2022

DRAFT
ORDINANCE
10.17.2022

Exhibit 'A'
Article 04, Permissible Uses, of the
Unified Development Code (UDC)

See Next Page ...



is approved by the Planning and Zoning Commission ~~and City Council~~. If necessary, the office/caretaker residence-unit may exceed one (1) story, but shall not be greater than 36-feet in height.

- (c) A minimum of two (2) parking spaces shall be required for the on-site manager (*i.e. caretaker, resident or otherwise*).
- (d) No direct access from FM-740, SH-205, SH-66, SH-276, FM-3097, FM-552, FM-549 and John King Boulevard. The ~~City Council~~ **Planning and Zoning Commission** may consider granting direct access from the above-mentioned roadways after review and determination of the availability of access to the specific property.
- (e) Perimeter walls shall be provided which face the front, rear and side property lines. Overhead doors shall not face adjacent streets. Perimeter walls facing the front yard shall incorporate architectural features to break up the long repetitive nature of self-storage buildings (e.g. offsets in buildings, variation of materials, and/or variation of heights, etc.). No gutters and downspouts shall be incorporated in the perimeter walls facing the front property line.
- (f) The front, side and rear building set back areas shall be landscaped. Landscaping should be clustered, creating interesting relief from the long repetitive nature of self-storage buildings.
- (g) The facilities shall incorporate the use of perimeter gates that limit access to the storage areas to customers only. Special access for fire and police personnel shall be provided as required.
- (h) All screening fences shall be wrought iron with landscaping/living screen or masonry walls in accordance with the screening requirements contained in [Subsection 05.02, Landscape Screening, of Article 08, Landscape and Fence Standards](#). See-through fencing should be wrought iron, or similar. Chain-link fencing of any kind shall be prohibited.
- (i) Buildings and see-through fencing should be oriented in a manner to restrict the visibility of interior overhead doors and drives from public right-of-way. The color(s) of the garage doors, as well as other doors within the facility, shall compliment the exterior colors of the main building(s).
- (j) The commercial operation of rental trucks and trailers shall be prohibited.
- (k) Businesses shall not be allowed to operate in the individual storage units.
- (l) No outside storage of any kind shall be allowed (including the outside storage of boats, recreational vehicles, and motor or self-propelled vehicles).
- (m) Concrete shall be used for all paving.
- (n) Roofs shall have a minimum pitch of 1:3 and be constructed with a metal standing seam. Mechanical

equipment shall be screened with the roof structure or parapet walls.

- (o) Lighting standards shall be limited to a maximum of 20-feet in height.
 - (p) The residential unit as an accessory to the permitted use shall not exceed 1,600 SF.
- (2) Outside Storage and/or Outside Display.
- (a) Outside Storage and/or Outside Display shall adhere to the requirements of [Subsection 01.05, Screening Standards, of Article 05, District Development Standards](#).
 - (b) No outside storage shall be allowed in any zoning district adjacent to IH-30. However, on property that is zoned Light Industrial (LI) District and adjacent to IH-30, a Specific Use Permit (SUP) may be considered on a case-by-case basis to allow for Outside Storage and/or Outside Display in conjunction with a use that is permitted under [Land Use Schedule](#). A Specific Use Permit (SUP) approved for this use may be subject to time limitations, site/landscaping or building enhancements, or other restrictions deemed appropriate by the Planning and Zoning Commission and City Council.
 - (c) Incidental Display, as defined in [Subsection 02.02\(F\)\(4\)](#), shall not be considered Outside Storage and/or Outside Display, and shall be subject to the requirements of [Subsection 02.02\(F\)\(4\)](#).
- (K) Utilities, Communications and Transportation Land Uses
- (1) Antenna as an Accessory.
- (a) The antenna installation shall comply with the height and area regulations of the applicable zoning district.
 - (b) Administrative approval of the antenna installation shall be required.
 - (c) The antenna will meet all applicable requirements of [Subsection 03.06, Antennas](#).
- (2) Commercial Antenna.
- (a) Located entirely within a non-residential structure as allowed under the applicable zoning district regulations:
 - (1) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building on the site; or the necessary equipment shall be contained entirely within the principal building on the property or in an underground vault.
 - (2) Any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six (6) feet at maturity or a masonry screening wall at least eight (8) feet in height, compatible in color with the principal building and the equipment building.
 - (3) At least one (1) paved parking space with paved access thereto shall be provided at the antenna location; said parking space need not be reserved exclusively for use in conjunction with the antenna



SUBSECTION 03.06: ANTENNAS

- (A) Construction and Maintenance Requirements. All antenna masts, towers and antenna supports used for television and radio reception or transmission shall be constructed and maintained in accordance with the current National Electrical Code and the Building Code of the City.
- (B) Permit Required. Any person desiring to erect or have erected an antenna more than 25-feet in height above ground level, or an antenna mast 25-feet or less in height but not erected as required by this section, shall make written application to the building inspection department for a permit to erect same. Sufficient plans and specifications, as determined by the Chief Building Official, must accompany each application. It shall be unlawful and a violation of this division to erect, or cause to be erected, or to maintain, or cause to maintain, such antenna mast without first having obtained a permit. It shall be the duty of the permittee to request a final inspection upon completion of the antenna system. Domestic TV antennas are exempt from this section.
- (C) Restrictions and Limitations. All antenna systems constructed and maintained under the provisions of this section shall be subject to the following restrictions and limitations:
 - (1) No such antenna system shall be more than 99-feet in height.
 - (2) The location on the lot of such antenna system shall comply with the requirements of this Unified Development Code insofar as the front building line and side yard building line and requirements are concerned. No portion of an antenna system shall extend beyond the front building line on any lot, and on corner lots the side yard setback requirements shall be adhered to on the side adjacent to a public street, and where the front and side yard requirements are applicable, all portions of such structures shall be within the limits fixed by such requirements.
 - (3) All antenna systems constructed under the provisions of this section shall be maintained so as to at all times comply with the requirements of this section.
 - (4) The regulations contained herein shall not apply to the extent that they have been preempted by specific regulations of the FCC to the contrary.
- (D) Roof-Mounted Equipment. All roof-mounted equipment, including fans, vents, air conditioning units and cooling towers, should be screened to eliminate the view from the ground level of adjacent properties. The screen shall be constructed of materials approved by the Director of Planning and Zoning. Roof-mounted equipment should be placed and finished in a manner which minimizes its visibility from overhead views from nearby buildings and elevated thoroughfare sections.
 - (1) The overall screening height will be the height of the tallest element of roof-mounted equipment.
 - (2) The outside of the screening device should be painted or finished in a similar color to the building facade, trim or roof surface to minimize the visibility of the equipment and screen the view from ground level.

- (3) Roof-mounted equipment and the inside of the screening device should be painted similar to the color of the roof surface in order to minimize the visibility of the equipment and screening device from overhead views.

SECTION 04 | FLOODPLAIN AREAS

SUBSECTION 04.01: PERMITTED USES

The following uses shall be permitted within that portion of a district which is designated as being within a floodplain by the City Engineer, provided they are allowed in the underlying zoning, and that they meet any additional requirements established in the city's floodplain regulations in [Chapter 20, Floods, of the Municipal Code of Ordinances](#):

- (A) Agriculture. Agricultural activities including the ordinary cultivation of land or legal forms of animal husbandry.
- (B) Utilities. Local utilities.
- (C) Parks and Recreation. Public or private parks, community centers, playgrounds, public golf courses.
- (D) Private Recreation. Private commercial open area amusements such as golf courses, driving ranges, archery courses and similar uses when approved by a specific use permit.
- (E) Private Open Space. Private open spaces as part of a Planned Development (PD) District, provided such use does not interfere with the continuity of the city's open space system.

SUBSECTION 04.02: DUMPING, EXCAVATING OR FILLING FLOODPLAIN

Any dumping, excavation, storage or filling operation ~~within that portion of aon any property within any~~ district having a floodplain designation or that is within a creek or drain way shall require a permit ~~from the ,which must be approved by the City Council~~ City Engineer prior to the commencement of such activity, ~~before such operation is begun. However, if those operations in the floodplain were specifically approved as part of a site plan approval by the City Council, then a permit may be issued by the City Engineer.~~

SUBSECTION 04.03: LOCAL FLOODING MAY OCCUR IN OTHER AREAS

The fact that land or property is or is not within a district having a floodplain designation shall not constitute assurance that such land or property is not subject to local flooding and the designation of floodplain in this Unified Development Code (UDC) shall not be so interpreted.

SECTION 05 | TEMPORARY USES AND STRUCTURES

SUBSECTION 05.01: TEMPORARY USES

- (A) This subsection includes by reference all temporary uses listed in the land use chart.
- (B) The temporary use shall not be intrusive or inconsistent with existing land uses in area, or with anticipated land uses that may be constructed during the life of the temporary use.

SUBSECTION 05.02: TEMPORARY USES



CITY OF ROCKWALL
CITY COUNCIL MEMORANDUM

PLANNING AND ZONING DEPARTMENT
385 S. GOLIAD STREET • ROCKWALL, TX 75087
PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Mayor and City Council
CC: Mary Smith, *City Manager*
Joey Boyd, *Assistant City Manager*
FROM: Ryan Miller, *Director of Planning and Zoning*
DATE: October 17, 2022
SUBJECT: Z2022-046; *Amendment to Article 04, Permissible Uses, of the UDC*

On September 19, 2022, the City Council directed staff to make minor changes to Article 04, *Permissible Uses*, of the Unified Development Code (UDC) to correct a procedural requirement associated with the *Conditional Land Use Standards* for the *Mini-Warehouse* land use. Specifically, the *Conditional Land Use Standards* state, “(o)nly single-story units are allowed; however, no multistory buildings will be permitted unless an exception is approved by the Planning and Zoning Commission and City Council.” Staff has changed this to only require approval by the Planning and Zoning Commission as this is a technical requirement. In addition, the *Conditional Land Use Standards* also state, “(n)o direct access from FM-740, SH-205, SH-66, SH-276, FM-3097, FM-552, FM-549 and John King Boulevard. The City Council may consider granting direct access from the above-mentioned roadways after review and determination of the availability to the specific property.” This has also been changed to be an approval of the Planning and Zoning Commission. Staff should note that in 2019 the City Council directed staff to remove the City Council as the approving body for variances and exceptions relating to the technical standards associated with site plans. This was done in favor of allowing the Planning and Zoning Commission to be the approving body, with the City Council acting as an appeals board. These two (2) references were overlooked when staff made the changes to the Unified Development Code (UDC) under *Case No. Z2019-016*.

In addition, staff has identified a conflict between Subsection 04.02, *Dumping, Excavating or Filling Floodplain*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) and the *Engineering Standards of Design and Construction*. Specifically, Subsection 04.02 states:

Any dump, excavation, storage or filling operation within that portion of a district having a floodplain designation shall require a permit, which must be approved by the City Council, before such operation has is begun. However, if those operations in the floodplain were specifically approved as part of a site plan approval by the City Council, then a permit may be issued by the City Engineer.

Staff is proposing to reword this section as follows:

Any dumping, excavation, storage or filling operation on any property within any district having a floodplain designation or that is within a creek or drain way shall require a permit from the City Engineer prior to the commencement of such activity.

If the changes to Subsection 04.02 are approved, this would bring the two (2) documents (*i.e. the Engineering Standards of Design and Construction Manual and the UDC*) into agreement.

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.



is approved by the Planning and Zoning Commission ~~and City Council~~. If necessary, the office/caretaker residence-unit may exceed one (1) story, but shall not be greater than 36-feet in height.

- (c) A minimum of two (2) parking spaces shall be required for the on-site manager (*i.e. caretaker, resident or otherwise*).
- (d) No direct access from FM-740, SH-205, SH-66, SH-276, FM-3097, FM-552, FM-549 and John King Boulevard. The ~~City Council~~ **Planning and Zoning Commission** may consider granting direct access from the above-mentioned roadways after review and determination of the availability of access to the specific property.
- (e) Perimeter walls shall be provided which face the front, rear and side property lines. Overhead doors shall not face adjacent streets. Perimeter walls facing the front yard shall incorporate architectural features to break up the long repetitive nature of self-storage buildings (e.g. offsets in buildings, variation of materials, and/or variation of heights, etc.). No gutters and downspouts shall be incorporated in the perimeter walls facing the front property line.
- (f) The front, side and rear building set back areas shall be landscaped. Landscaping should be clustered, creating interesting relief from the long repetitive nature of self-storage buildings.
- (g) The facilities shall incorporate the use of perimeter gates that limit access to the storage areas to customers only. Special access for fire and police personnel shall be provided as required.
- (h) All screening fences shall be wrought iron with landscaping/living screen or masonry walls in accordance with the screening requirements contained in [Subsection 05.02, Landscape Screening, of Article 08, Landscape and Fence Standards](#). See-through fencing should be wrought iron, or similar. Chain-link fencing of any kind shall be prohibited.
- (i) Buildings and see-through fencing should be oriented in a manner to restrict the visibility of interior overhead doors and drives from public right-of-way. The color(s) of the garage doors, as well as other doors within the facility, shall compliment the exterior colors of the main building(s).
- (j) The commercial operation of rental trucks and trailers shall be prohibited.
- (k) Businesses shall not be allowed to operate in the individual storage units.
- (l) No outside storage of any kind shall be allowed (including the outside storage of boats, recreational vehicles, and motor or self-propelled vehicles).
- (m) Concrete shall be used for all paving.
- (n) Roofs shall have a minimum pitch of 1:3 and be constructed with a metal standing seam. Mechanical

equipment shall be screened with the roof structure or parapet walls.

- (o) Lighting standards shall be limited to a maximum of 20-feet in height.
 - (p) The residential unit as an accessory to the permitted use shall not exceed 1,600 SF.
- (2) Outside Storage and/or Outside Display.
- (a) Outside Storage and/or Outside Display shall adhere to the requirements of [Subsection 01.05, Screening Standards, of Article 05, District Development Standards](#).
 - (b) No outside storage shall be allowed in any zoning district adjacent to IH-30. However, on property that is zoned Light Industrial (LI) District and adjacent to IH-30, a Specific Use Permit (SUP) may be considered on a case-by-case basis to allow for Outside Storage and/or Outside Display in conjunction with a use that is permitted under [Land Use Schedule](#). A Specific Use Permit (SUP) approved for this use may be subject to time limitations, site/landscaping or building enhancements, or other restrictions deemed appropriate by the Planning and Zoning Commission and City Council.
 - (c) Incidental Display, as defined in [Subsection 02.02\(F\)\(4\)](#), shall not be considered Outside Storage and/or Outside Display, and shall be subject to the requirements of [Subsection 02.02\(F\)\(4\)](#).
- (K) Utilities, Communications and Transportation Land Uses
- (1) Antenna as an Accessory.
- (a) The antenna installation shall comply with the height and area regulations of the applicable zoning district.
 - (b) Administrative approval of the antenna installation shall be required.
 - (c) The antenna will meet all applicable requirements of [Subsection 03.06, Antennas](#).
- (2) Commercial Antenna.
- (a) Located entirely within a non-residential structure as allowed under the applicable zoning district regulations:
 - (1) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building on the site; or the necessary equipment shall be contained entirely within the principal building on the property or in an underground vault.
 - (2) Any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six (6) feet at maturity or a masonry screening wall at least eight (8) feet in height, compatible in color with the principal building and the equipment building.
 - (3) At least one (1) paved parking space with paved access thereto shall be provided at the antenna location; said parking space need not be reserved exclusively for use in conjunction with the antenna



SUBSECTION 03.06: ANTENNAS

- (A) Construction and Maintenance Requirements. All antenna masts, towers and antenna supports used for television and radio reception or transmission shall be constructed and maintained in accordance with the current National Electrical Code and the Building Code of the City.
- (B) Permit Required. Any person desiring to erect or have erected an antenna more than 25-feet in height above ground level, or an antenna mast 25-feet or less in height but not erected as required by this section, shall make written application to the building inspection department for a permit to erect same. Sufficient plans and specifications, as determined by the Chief Building Official, must accompany each application. It shall be unlawful and a violation of this division to erect, or cause to be erected, or to maintain, or cause to maintain, such antenna mast without first having obtained a permit. It shall be the duty of the permittee to request a final inspection upon completion of the antenna system. Domestic TV antennas are exempt from this section.
- (C) Restrictions and Limitations. All antenna systems constructed and maintained under the provisions of this section shall be subject to the following restrictions and limitations:
 - (1) No such antenna system shall be more than 99-feet in height.
 - (2) The location on the lot of such antenna system shall comply with the requirements of this Unified Development Code insofar as the front building line and side yard building line and requirements are concerned. No portion of an antenna system shall extend beyond the front building line on any lot, and on corner lots the side yard setback requirements shall be adhered to on the side adjacent to a public street, and where the front and side yard requirements are applicable, all portions of such structures shall be within the limits fixed by such requirements.
 - (3) All antenna systems constructed under the provisions of this section shall be maintained so as to at all times comply with the requirements of this section.
 - (4) The regulations contained herein shall not apply to the extent that they have been preempted by specific regulations of the FCC to the contrary.
- (D) Roof-Mounted Equipment. All roof-mounted equipment, including fans, vents, air conditioning units and cooling towers, should be screened to eliminate the view from the ground level of adjacent properties. The screen shall be constructed of materials approved by the Director of Planning and Zoning. Roof-mounted equipment should be placed and finished in a manner which minimizes its visibility from overhead views from nearby buildings and elevated thoroughfare sections.
 - (1) The overall screening height will be the height of the tallest element of roof-mounted equipment.
 - (2) The outside of the screening device should be painted or finished in a similar color to the building facade, trim or roof surface to minimize the visibility of the equipment and screen the view from ground level.

- (3) Roof-mounted equipment and the inside of the screening device should be painted similar to the color of the roof surface in order to minimize the visibility of the equipment and screening device from overhead views.

SECTION 04 | FLOODPLAIN AREAS

SUBSECTION 04.01: PERMITTED USES

The following uses shall be permitted within that portion of a district which is designated as being within a floodplain by the City Engineer, provided they are allowed in the underlying zoning, and that they meet any additional requirements established in the city's floodplain regulations in [Chapter 20, Floods, of the Municipal Code of Ordinances](#):

- (A) Agriculture. Agricultural activities including the ordinary cultivation of land or legal forms of animal husbandry.
- (B) Utilities. Local utilities.
- (C) Parks and Recreation. Public or private parks, community centers, playgrounds, public golf courses.
- (D) Private Recreation. Private commercial open area amusements such as golf courses, driving ranges, archery courses and similar uses when approved by a specific use permit.
- (E) Private Open Space. Private open spaces as part of a Planned Development (PD) District, provided such use does not interfere with the continuity of the city's open space system.

SUBSECTION 04.02: DUMPING, EXCAVATING OR FILLING FLOODPLAIN

Any dumping, excavation, storage or filling operation ~~within that portion of aon any property within any~~ district having a floodplain designation or that is within a creek or drain way shall require a permit ~~from the ,which must be approved by the City Council~~ City Engineer prior to the commencement of such activity, ~~before such operation is begun. However, if those operations in the floodplain were specifically approved as part of a site plan approval by the City Council, then a permit may be issued by the City Engineer.~~

SUBSECTION 04.03: LOCAL FLOODING MAY OCCUR IN OTHER AREAS

The fact that land or property is or is not within a district having a floodplain designation shall not constitute assurance that such land or property is not subject to local flooding and the designation of floodplain in this Unified Development Code (UDC) shall not be so interpreted.

SECTION 05 | TEMPORARY USES AND STRUCTURES

SUBSECTION 05.01: TEMPORARY USES

- (A) This subsection includes by reference all temporary uses listed in the land use chart.
- (B) The temporary use shall not be intrusive or inconsistent with existing land uses in area, or with anticipated land uses that may be constructed during the life of the temporary use.

SUBSECTION 05.02: TEMPORARY USES

CITY OF ROCKWALL

ORDINANCE NO. 22-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE 04, *PERMISSIBLE USES*, AS DEPCITED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an amendment to the City of Rockwall's Unified Development Code [*Ordinance No. 20-02*] has been initiated by the City Council of the City of Rockwall to amend Article 04, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 20-02*]; and,

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

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

SECTION 1. That Article 04, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance;

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

SECTION 3. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code [*Ordinance No. 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 4. That this ordinance shall take effect immediately from and after its passage.

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

Kevin Fowler, Mayor

ATTEST:

Kristy Teague, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: October 17, 2022

2nd Reading: November 7, 2022

DRAFT
ORDINANCE
10.17.2022

Exhibit 'A'
Article 04, Permissible Uses, of the
Unified Development Code (UDC)

See Next Page ...



is approved by the Planning and Zoning Commission ~~and City Council~~. If necessary, the office/caretaker residence-unit may exceed one (1) story, but shall not be greater than 36-feet in height.

- (c) A minimum of two (2) parking spaces shall be required for the on-site manager (*i.e. caretaker, resident or otherwise*).
- (d) No direct access from FM-740, SH-205, SH-66, SH-276, FM-3097, FM-552, FM-549 and John King Boulevard. The ~~City Council~~ **Planning and Zoning Commission** may consider granting direct access from the above-mentioned roadways after review and determination of the availability of access to the specific property.
- (e) Perimeter walls shall be provided which face the front, rear and side property lines. Overhead doors shall not face adjacent streets. Perimeter walls facing the front yard shall incorporate architectural features to break up the long repetitive nature of self-storage buildings (e.g. offsets in buildings, variation of materials, and/or variation of heights, etc.). No gutters and downspouts shall be incorporated in the perimeter walls facing the front property line.
- (f) The front, side and rear building set back areas shall be landscaped. Landscaping should be clustered, creating interesting relief from the long repetitive nature of self-storage buildings.
- (g) The facilities shall incorporate the use of perimeter gates that limit access to the storage areas to customers only. Special access for fire and police personnel shall be provided as required.
- (h) All screening fences shall be wrought iron with landscaping/living screen or masonry walls in accordance with the screening requirements contained in [Subsection 05.02, Landscape Screening, of Article 08, Landscape and Fence Standards](#). See-through fencing should be wrought iron, or similar. Chain-link fencing of any kind shall be prohibited.
- (i) Buildings and see-through fencing should be oriented in a manner to restrict the visibility of interior overhead doors and drives from public right-of-way. The color(s) of the garage doors, as well as other doors within the facility, shall compliment the exterior colors of the main building(s).
- (j) The commercial operation of rental trucks and trailers shall be prohibited.
- (k) Businesses shall not be allowed to operate in the individual storage units.
- (l) No outside storage of any kind shall be allowed (including the outside storage of boats, recreational vehicles, and motor or self-propelled vehicles).
- (m) Concrete shall be used for all paving.
- (n) Roofs shall have a minimum pitch of 1:3 and be constructed with a metal standing seam. Mechanical

equipment shall be screened with the roof structure or parapet walls.

- (o) Lighting standards shall be limited to a maximum of 20-feet in height.
 - (p) The residential unit as an accessory to the permitted use shall not exceed 1,600 SF.
- (2) Outside Storage and/or Outside Display.
- (a) Outside Storage and/or Outside Display shall adhere to the requirements of [Subsection 01.05, Screening Standards, of Article 05, District Development Standards](#).
 - (b) No outside storage shall be allowed in any zoning district adjacent to IH-30. However, on property that is zoned Light Industrial (LI) District and adjacent to IH-30, a Specific Use Permit (SUP) may be considered on a case-by-case basis to allow for Outside Storage and/or Outside Display in conjunction with a use that is permitted under [Land Use Schedule](#). A Specific Use Permit (SUP) approved for this use may be subject to time limitations, site/landscaping or building enhancements, or other restrictions deemed appropriate by the Planning and Zoning Commission and City Council.
 - (c) Incidental Display, as defined in [Subsection 02.02\(F\)\(4\)](#), shall not be considered Outside Storage and/or Outside Display, and shall be subject to the requirements of [Subsection 02.02\(F\)\(4\)](#).
- (K) Utilities, Communications and Transportation Land Uses
- (1) Antenna as an Accessory.
- (a) The antenna installation shall comply with the height and area regulations of the applicable zoning district.
 - (b) Administrative approval of the antenna installation shall be required.
 - (c) The antenna will meet all applicable requirements of [Subsection 03.06, Antennas](#).
- (2) Commercial Antenna.
- (a) Located entirely within a non-residential structure as allowed under the applicable zoning district regulations:
 - (1) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building on the site; or the necessary equipment shall be contained entirely within the principal building on the property or in an underground vault.
 - (2) Any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six (6) feet at maturity or a masonry screening wall at least eight (8) feet in height, compatible in color with the principal building and the equipment building.
 - (3) At least one (1) paved parking space with paved access thereto shall be provided at the antenna location; said parking space need not be reserved exclusively for use in conjunction with the antenna



SUBSECTION 03.06: ANTENNAS

- (A) Construction and Maintenance Requirements. All antenna masts, towers and antenna supports used for television and radio reception or transmission shall be constructed and maintained in accordance with the current National Electrical Code and the Building Code of the City.
- (B) Permit Required. Any person desiring to erect or have erected an antenna more than 25-feet in height above ground level, or an antenna mast 25-feet or less in height but not erected as required by this section, shall make written application to the building inspection department for a permit to erect same. Sufficient plans and specifications, as determined by the Chief Building Official, must accompany each application. It shall be unlawful and a violation of this division to erect, or cause to be erected, or to maintain, or cause to maintain, such antenna mast without first having obtained a permit. It shall be the duty of the permittee to request a final inspection upon completion of the antenna system. Domestic TV antennas are exempt from this section.
- (C) Restrictions and Limitations. All antenna systems constructed and maintained under the provisions of this section shall be subject to the following restrictions and limitations:
 - (1) No such antenna system shall be more than 99-feet in height.
 - (2) The location on the lot of such antenna system shall comply with the requirements of this Unified Development Code insofar as the front building line and side yard building line and requirements are concerned. No portion of an antenna system shall extend beyond the front building line on any lot, and on corner lots the side yard setback requirements shall be adhered to on the side adjacent to a public street, and where the front and side yard requirements are applicable, all portions of such structures shall be within the limits fixed by such requirements.
 - (3) All antenna systems constructed under the provisions of this section shall be maintained so as to at all times comply with the requirements of this section.
 - (4) The regulations contained herein shall not apply to the extent that they have been preempted by specific regulations of the FCC to the contrary.
- (D) Roof-Mounted Equipment. All roof-mounted equipment, including fans, vents, air conditioning units and cooling towers, should be screened to eliminate the view from the ground level of adjacent properties. The screen shall be constructed of materials approved by the Director of Planning and Zoning. Roof-mounted equipment should be placed and finished in a manner which minimizes its visibility from overhead views from nearby buildings and elevated thoroughfare sections.
 - (1) The overall screening height will be the height of the tallest element of roof-mounted equipment.
 - (2) The outside of the screening device should be painted or finished in a similar color to the building facade, trim or roof surface to minimize the visibility of the equipment and screen the view from ground level.

- (3) Roof-mounted equipment and the inside of the screening device should be painted similar to the color of the roof surface in order to minimize the visibility of the equipment and screening device from overhead views.

SECTION 04 | FLOODPLAIN AREAS

SUBSECTION 04.01: PERMITTED USES

The following uses shall be permitted within that portion of a district which is designated as being within a floodplain by the City Engineer, provided they are allowed in the underlying zoning, and that they meet any additional requirements established in the city's floodplain regulations in [Chapter 20, Floods, of the Municipal Code of Ordinances](#):

- (A) Agriculture. Agricultural activities including the ordinary cultivation of land or legal forms of animal husbandry.
- (B) Utilities. Local utilities.
- (C) Parks and Recreation. Public or private parks, community centers, playgrounds, public golf courses.
- (D) Private Recreation. Private commercial open area amusements such as golf courses, driving ranges, archery courses and similar uses when approved by a specific use permit.
- (E) Private Open Space. Private open spaces as part of a Planned Development (PD) District, provided such use does not interfere with the continuity of the city's open space system.

SUBSECTION 04.02: DUMPING, EXCAVATING OR FILLING FLOODPLAIN

Any dumping, excavation, storage or filling operation ~~within that portion of aon any property within any~~ district having a floodplain designation or that is within a creek or drain way shall require a permit ~~from the ,which must be approved by the City Council~~ City Engineer prior to the commencement of such activity, ~~before such operation is begun. However, if those operations in the floodplain were specifically approved as part of a site plan approval by the City Council, then a permit may be issued by the City Engineer.~~

SUBSECTION 04.03: LOCAL FLOODING MAY OCCUR IN OTHER AREAS

The fact that land or property is or is not within a district having a floodplain designation shall not constitute assurance that such land or property is not subject to local flooding and the designation of floodplain in this Unified Development Code (UDC) shall not be so interpreted.

SECTION 05 | TEMPORARY USES AND STRUCTURES

SUBSECTION 05.01: TEMPORARY USES

- (A) This subsection includes by reference all temporary uses listed in the land use chart.
- (B) The temporary use shall not be intrusive or inconsistent with existing land uses in area, or with anticipated land uses that may be constructed during the life of the temporary use.

SUBSECTION 05.02: TEMPORARY USES

CITY OF ROCKWALL

ORDINANCE NO. 22-57

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE 04, PERMISSIBLE USES, AS DEPCITED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an amendment to the City of Rockwall's Unified Development Code [*Ordinance No. 20-02*] has been initiated by the City Council of the City of Rockwall to amend Article 04, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 20-02*]; and,

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

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

SECTION 1. That Article 04, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance;

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

SECTION 3. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code [*Ordinance No. 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 4. That this ordinance shall take effect immediately from and after its passage.

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


Kevin Fowler, Mayor

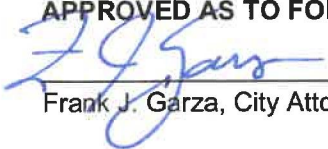
ATTEST:


Kristy Teague, City Secretary

1st Reading: October 17, 2022

2nd Reading: November 7, 2022

APPROVED AS TO FORM:


Frank J. Garza, City Attorney

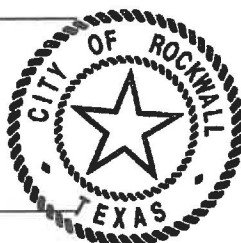


Exhibit 'A'
*Article 04, Permissible Uses, of the
Unified Development Code (UDC)*

See Next Page ...



- is approved by the Planning and Zoning Commission **and City Council**. If necessary, the office/caretaker residence-unit may exceed one (1) story, but shall not be greater than 36-feet in height.
- (c) A minimum of two (2) parking spaces shall be required for the on-site manager (*i.e. caretaker, resident or otherwise*).
 - (d) No direct access from FM-740, SH-205, SH-66, SH-276, FM-3097, FM-552, FM-549 and John King Boulevard. The **City Council Planning and Zoning Commission** may consider granting direct access from the above-mentioned roadways after review and determination of the availability of access to the specific property.
 - (e) Perimeter walls shall be provided which face the front, rear and side property lines. Overhead doors shall not face adjacent streets. Perimeter walls facing the front yard shall incorporate architectural features to break up the long repetitive nature of self-storage buildings (e.g. offsets in buildings, variation of materials, and/or variation of heights, etc.). No gutters and downspouts shall be incorporated in the perimeter walls facing the front property line.
 - (f) The front, side and rear building set back areas shall be landscaped. Landscaping should be clustered, creating interesting relief from the long repetitive nature of self-storage buildings.
 - (g) The facilities shall incorporate the use of perimeter gates that limit access to the storage areas to customers only. Special access for fire and police personnel shall be provided as required.
 - (h) All screening fences shall be wrought iron with landscaping/living screen or masonry walls in accordance with the screening requirements contained in [Subsection 05.02, Landscape Screening, of Article 08, Landscape and Fence Standards](#). See-through fencing should be wrought iron, or similar. Chain-link fencing of any kind shall be prohibited.
 - (i) Buildings and see-through fencing should be oriented in a manner to restrict the visibility of interior overhead doors and drives from public right-of-way. The color(s) of the garage doors, as well as other doors within the facility, shall compliment the exterior colors of the main building(s).
 - (j) The commercial operation of rental trucks and trailers shall be prohibited.
 - (k) Businesses shall not be allowed to operate in the individual storage units.
 - (l) No outside storage of any kind shall be allowed (including the outside storage of boats, recreational vehicles, and motor or self-propelled vehicles).
 - (m) Concrete shall be used for all paving.
 - (n) Roofs shall have a minimum pitch of 1:3 and be constructed with a metal standing seam. Mechanical equipment shall be screened with the roof structure or parapet walls.
 - (o) Lighting standards shall be limited to a maximum of 20-feet in height.
 - (p) The residential unit as an accessory to the permitted use shall not exceed 1,600 SF.
- (2) Outside Storage and/or Outside Display.
- (a) Outside Storage and/or Outside Display shall adhere to the requirements of [Subsection 01.05, Screening Standards, of Article 05, District Development Standards](#).
 - (b) No outside storage shall be allowed in any zoning district adjacent to IH-30. However, on property that is zoned Light Industrial (LI) District and adjacent to IH-30, a Specific Use Permit (SUP) may be considered on a case-by-case basis to allow for Outside Storage and/or Outside Display in conjunction with a use that is permitted under [Land Use Schedule](#). A Specific Use Permit (SUP) approved for this use may be subject to time limitations, site/landscaping or building enhancements, or other restrictions deemed appropriate by the Planning and Zoning Commission and City Council.
 - (c) Incidental Display, as defined in [Subsection 02.02\(F\)\(4\)](#), shall not be considered Outside Storage and/or Outside Display, and shall be subject to the requirements of [Subsection 02.02\(F\)\(4\)](#).
- (K) Utilities, Communications and Transportation Land Uses
- (1) Antenna as an Accessory.
- (a) The antenna installation shall comply with the height and area regulations of the applicable zoning district.
 - (b) Administrative approval of the antenna installation shall be required.
 - (c) The antenna will meet all applicable requirements of [Subsection 03.06, Antennas](#).
- (2) Commercial Antenna.
- (a) Located entirely within a non-residential structure as allowed under the applicable zoning district regulations:
 - (1) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building on the site; or the necessary equipment shall be contained entirely within the principal building on the property or in an underground vault.
 - (2) Any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six (6) feet at maturity or a masonry screening wall at least eight (8) feet in height, compatible in color with the principal building and the equipment building.
 - (3) At least one (1) paved parking space with paved access thereto shall be provided at the antenna location; said parking space need not be reserved exclusively for use in conjunction with the antenna



SUBSECTION 03.06: ANTENNAS

- (A) Construction and Maintenance Requirements. All antenna masts, towers and antenna supports used for television and radio reception or transmission shall be constructed and maintained in accordance with the current National Electrical Code and the Building Code of the City.
- (B) Permit Required. Any person desiring to erect or have erected an antenna more than 25-feet in height above ground level, or an antenna mast 25-feet or less in height but not erected as required by this section, shall make written application to the building inspection department for a permit to erect same. Sufficient plans and specifications, as determined by the Chief Building Official, must accompany each application. It shall be unlawful and a violation of this division to erect, or cause to be erected, or to maintain, or cause to maintain, such antenna mast without first having obtained a permit. It shall be the duty of the permittee to request a final inspection upon completion of the antenna system. Domestic TV antennas are exempt from this section.
- (C) Restrictions and Limitations. All antenna systems constructed and maintained under the provisions of this section shall be subject to the following restrictions and limitations:
 - (1) No such antenna system shall be more than 99-feet in height.
 - (2) The location on the lot of such antenna system shall comply with the requirements of this Unified Development Code insofar as the front building line and side yard building line and requirements are concerned. No portion of an antenna system shall extend beyond the front building line on any lot, and on corner lots the side yard setback requirements shall be adhered to on the side adjacent to a public street, and where the front and side yard requirements are applicable, all portions of such structures shall be within the limits fixed by such requirements.
 - (3) All antenna systems constructed under the provisions of this section shall be maintained so as to at all times comply with the requirements of this section.
 - (4) The regulations contained herein shall not apply to the extent that they have been preempted by specific regulations of the FCC to the contrary.
- (D) Roof-Mounted Equipment. All roof-mounted equipment, including fans, vents, air conditioning units and cooling towers, should be screened to eliminate the view from the ground level of adjacent properties. The screen shall be constructed of materials approved by the Director of Planning and Zoning. Roof-mounted equipment should be placed and finished in a manner which minimizes its visibility from overhead views from nearby buildings and elevated thoroughfare sections.
 - (1) The overall screening height will be the height of the tallest element of roof-mounted equipment.
 - (2) The outside of the screening device should be painted or finished in a similar color to the building facade, trim or roof surface to minimize the visibility of the equipment and screen the view from ground level.

- (3) Roof-mounted equipment and the inside of the screening device should be painted similar to the color of the roof surface in order to minimize the visibility of the equipment and screening device from overhead views.

SECTION 04 | FLOODPLAIN AREAS

SUBSECTION 04.01: PERMITTED USES

The following uses shall be permitted within that portion of a district which is designated as being within a floodplain by the City Engineer, provided they are allowed in the underlying zoning, and that they meet any additional requirements established in the city's floodplain regulations in [Chapter 20, Floods, of the Municipal Code of Ordinances](#):

- (A) Agriculture. Agricultural activities including the ordinary cultivation of land or legal forms of animal husbandry.
- (B) Utilities. Local utilities.
- (C) Parks and Recreation. Public or private parks, community centers, playgrounds, public golf courses.
- (D) Private Recreation. Private commercial open area amusements such as golf courses, driving ranges, archery courses and similar uses when approved by a specific use permit.
- (E) Private Open Space. Private open spaces as part of a Planned Development (PD) District, provided such use does not interfere with the continuity of the city's open space system.

SUBSECTION 04.02: DUMPING, EXCAVATING OR FILLING FLOODPLAIN

Any dumping, excavation, storage or filling operation ~~within that portion of aon any property within any~~ district having a floodplain designation or that is within a creek or drain way shall require a permit ~~from the ,which must be approved by the City Council~~ City Engineer prior to the commencement of such activity, ~~before such operation is begun. However, if those operations in the floodplain were specifically approved as part of a site plan approval by the City Council, then a permit may be issued by the City Engineer.~~

SUBSECTION 04.03: LOCAL FLOODING MAY OCCUR IN OTHER AREAS

The fact that land or property is or is not within a district having a floodplain designation shall not constitute assurance that such land or property is not subject to local flooding and the designation of floodplain in this Unified Development Code (UDC) shall not be so interpreted.

SECTION 05 | TEMPORARY USES AND STRUCTURES

SUBSECTION 05.01: TEMPORARY USES

- (A) This subsection includes by reference all temporary uses listed in the land use chart.
- (B) The temporary use shall not be intrusive or inconsistent with existing land uses in area, or with anticipated land uses that may be constructed during the life of the temporary use.

SUBSECTION 05.02: TEMPORARY USES