



- (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) Alcoholic Beverage Package Sales.

- (a) The package sales of liquor or distilled spirits -- as defined by the Texas Alcoholic Beverage Code -- shall only be permitted in conjunction with an Alcoholic Beverage Store, and shall not be permitted as an accessory use to any other land use contained within this Unified Development Code (UDC).
- (b) The package sales of beer and wine shall be a permitted by-right as an accessory land use to a General Retail Store, Retail Store with Gasoline Sales, Brew Pub, Craft/Micro Brewery and/or Winery, Brewery, and Winery.

(2) Alcoholic Beverage Store.

- (a) An Alcoholic Beverage Store shall include the sale of beer, wine, and liquor or distilled spirits as defined by the Texas Alcoholic Beverage Code.
- (b) An Alcoholic Beverage Store shall be prohibited from locating within 1,000-feet of a lot, parcel, or tract of land with another Alcoholic Beverage Store situated on it as measured in a straight line between the nearest points of one (1) of the lots, parcels, or tracts of land to the other lot, parcel, or tract of land.

~~(4)~~(3) Portable Beverage Service Facility.

- (a) The service shall be limited to snow cone stands, beverage stands serving non-alcoholic beverages such as coffee, juices or sodas.
- (b) The maximum time limit of such temporary use shall not exceed 150-days annually or a time limit otherwise approved by the City Council. At the end of the time period, the structure shall be removed from the property.
- (c) Any temporary power poles will be removed on the date of or immediately following the termination date of the permit.
- (d) No additional freestanding signage shall be permitted.
- (e) The temporary portable structure or trailer shall meet all health and electrical codes off the City.
- (f) Any such temporary facility shall not reduce the number of required parking spaces of any nearby building or use.
- (g) Any such temporary facility shall have permanent restrooms for employees available within 300-feet of the door of the portable beverage facility. Written permission from the permanent building owner for restroom use must be submitted to the building official; no portable restroom facility is allowed.
- (h) Any such temporary facility shall be located on an all-weather (i.e. asphalt or concrete) parking surface with adequate space for parking and circulation, unless alternatively approved by the City Council.

~~(2)~~(4) Temporary Christmas Tree Sales Lot and Similar Uses.



- (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 ACCOMODATION FOR EMPLOYEES, CUSTORMERS AND VISITORS

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

SUBSECTION 03.03: UTILITY DISTRIBUTION LINES

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

SUBSECTION 03.04: FLAG POLES

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

SUBSECTION 03.05: ALCOHOLIC BEVERAGE SALES

- (A) *Restaurants with Alcoholic Beverage Sales*.
- (1) Restaurants may serve alcoholic beverages for on-premises consumption by right if they are located on property that was within the city limits as of November 14, 2007, and are located in a zoning district allowing such use. For restaurants located on property that was annexed after November 14, 2007, a private club permit must be obtained for the ability to serve alcohol and must be located in an appropriate zoning district that allows such use.
 - (2) Restaurants that sell alcoholic beverages for on-premises consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended and must be located not less than 300 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 or Alcoholic Beverage Stores may sell beer and wine for off-premises consumption by right if they are located on property that was within the city limits as of November 14, 2007, and are located in a zoning district allowing such use. Retail establishments or Alcoholic



Beverage Stores located on property that was annexed after November 14, 2007, may not engage in the selling of beer and wine for off-premises consumption.

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

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

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

LAND USE SCHEDULE

LEGEND:

	Land Use <u>NOT</u> 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
Office Building 5,000 SF or Greater	(2)														P	S	S	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				
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			
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				
Sexually Oriented Businesses [Art. XI; CH. 12; Municipal Code]	(13)	(7)																		S	S				
Tennis Courts (i.e. Not Accessory to a Public or Private Country Club)	(14)		S	S	S	S	S	S	S	S	S	S	S				S	S	S	P	P	P			
Theater	(15)													P			S	P	P	P	P				
RETAIL AND PERSONAL SERVICES LAND USES	2.02(F)	2.03(F)																							
Alcoholic Beverage Package Sales	(1)	(1)													P		S	P	P	P	S				
Alcoholic Beverage Store	(2)	(2)													S				S	P					
Antique/Collectible Store	(42)														S		S	P	P	P					
Astrologer, Hypnotist, or Psychic	(23)														S	P	P	P	P	P					

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			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
Banquet Facility/Event Hall	(34)													S			P	P	P						
Portable Beverage Service Facility	(45)	(13)												S	S		S	S	S	S	P				
Brew Pub	(56)													P		P	P	P	P	P	P				
Business School	(67)													P			P	P	P	P					
Catering Service	(78)													A		S	P	P	P	P					
Temporary Christmas Tree Sales Lot and/or Similar Uses	(89)	(24)												S		S	P	P	P	P	P				
Copy Center	(910)													P		P	P	P	P	P	P				
Craft/Micro Brewery, Distillery and/or Winery	(1011)	(35)												S			S	S		P	P				
Incidental Display	(112)	(46)												P		P	P	P	P	P					
Food Trucks/Trailers	(1213)	(57)												P	S	S	P	P	P	P	P				
Garden Supply/Plant Nursery	(1314)															S	P	P	P	P					
General Personal Service	(1415)	(68)												P		P	P	P	P	S					
General Retail Store	(1516)													P	S	P	P	P	P	S	S				
Hair Salon and/or Manicurist	(1617)													P	S	P	P	P	P	S					
Laundromat with Dropoff/Pickup Services	(1718)													P		P	P	P	P	P	P				
Self Service Laundromat	(1819)													P		P	P	P	P	P	P				
Massage Therapist	(1920)													P	P	P	P	P	P						
Private Museum or Art Gallery	(2021)													P	P	S	P	P		P					
Night Club, Discotheque, or Dance Hall	(2422)													S			S	P	P	S	S				
Pawn Shop	(2223)																	S	S	P	P				
Permanent Cosmetics	(2324)	(79)												A	A	A	A	A	A	A					
Pet Shop	(2425)																P	P	P	P					
Temporary Real Estate Sales Office	(2526)		P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P				

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Rental Store without Outside Storage and/or Display	2627	810														S	P	P	P	P					
Restaurant with less than 2,000 SF with Drive-Through or Drive-In	2728	911														S	S	S	S	S	S				
Restaurant with less than 2,000 SF without Drive-Through or Drive-In	2829											P	S	P	P	P	P	P	P	P					
Restaurant with 2,000 SF or more with Drive-Through or Drive-In	2728	4012														S	S	P	P	P	P				
Restaurant with 2,000 SF or more without Drive-Through or Drive-In	2829											P			S	P	P	P	P	P					
Retail Store with Gasoline Sales that has Two (2) or less Dispensers (i.e. a Maximum of Four [4] Vehicles)	2930														S	P	P	P	P	P	P	S	S		
Retail Store with Gasoline Sales that has more than Two (2) Dispensers	2930															S	P	P	P	P	P	S	S		
Secondhand Dealer	3031											S				P	P	P	P	P					
Art, Photography, or Music Studio	3432											P	P	P	P	P	P	P	P						
Tailor, Clothing, and/or Apparel Shop	3233											P			P	P	P	P							
Tattoo and/or Body Piercing	3334																		P						
Taxidermist Shop	3435																		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				



apertures. This would be the primary use for a property and not attached to a Public or Private Country Club.

- (15) Theater. A structure that is open to the public and is used for dramatic, operatic, musical, motion picture, or other performance or entertainment-related activities, where admission is charged per performance or event, and where there is no audience participation other than as spectators. Such establishments may include incidental services such as food and beverage sales and other concessions.

(F) *Retail and Personal Service Land Uses.*

- (1) Alcoholic Beverage Package Sales. The act of selling beer, wine, and/or liquor or distilled spirits -- as defined by the Texas Alcoholic Beverage Code -- in accordance with the requirements of this Unified Development Code (UDC) by a person, establishment, or place of business.

- (2) Alcoholic Beverage Store. A standalone retail establishment that engages in the sale of beer, wine, and liquor or distilled spirits -- as defined by the Texas Alcoholic Beverage Code -- to the general public for off-premise personal or household consumption.

- (1)(3) Antique/Collectible Store. A retail establishment that engages in the selling of works of art, furniture or other artifacts of an earlier period.

- (2)(4) Astrologer, Hypnotist, or Psychic. An establishment providing predictions or readings of the future based on intuitive or mental powers, astrology, card or tea reading, crystal gazing, palmistry, or spiritual reading.

- (3)(5) Banquet Facility/Event Hall. An establishment that is leased on a temporary basis before the day of the event by individuals or groups who reserve the facility to accommodate private functions, including, but not limited to, banquets, weddings, anniversaries, receptions, business and organizational meetings, and other similar functions, to which the general public is not admitted and for which no admission charge is imposed. Such establishments may include kitchen facilities for the preparation of food or catering of food and areas for dancing, dining, and other entertainment activities that customarily occur in association with banquets, weddings, or receptions.

- (4)(6) Portable Beverage Service Facility. A portable beverage service facility is an establishment that sells beverages from a structure that can be moved from place to place but that stays at one location during a normal business day; food sales are prohibited in these facilities.

- (5)(7) Brewpub. A brewpub is a restaurant that incorporates a craft or microbrewery as an accessory use. The craft or microbrewery in conjunction with the restaurant allows for the manufacturing of beer -- in limited quantities -- for both on-premise and off-premise consumption.

- (6)(8) Business School. A business organized to operate for profit that offers instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.

- (7)(9) Catering Service. A food establishment without on-site banquet facilities that provides, prepares, and/or serves food at off-site locations for groups, where all food and service expenses are paid by the group and not for individual sale.

- (8)(10) Temporary Christmas Tree Sales Lot and Similar Uses. A building or land area that provides seasonal uses such as the sale of Christmas trees, pumpkins, and other temporary uses which occur at certain times of the year.

- (9)(11) Copy Center. An establishment that reproduces, in printed form, individual orders from a business, profession, service, industry, or government organization.

- (10)(12) Craft/Micro Brewery, Distillery and/or Winery. A craft/microbrewery is a small-scale brewing facility designed for the production of malt liquors such as beer and ale, using grains such as oats, hops, rice, wheat, and barley, designed and managed to brew no more than 75,000 barrels of beer per year. A distillery and/or winery is a small-scale facility designed for the manufacture, bottling, labeling, packaging, and sale of wine containing not more than 24% alcohol by volume, distilled spirits and other liquors.

- (11)(13) Incidental Display. An outdoor retail sale or commercial promotion, not in excess of thirty (30) days during any 12-month period, adjacent to an existing permanent business operated in the city where the products displayed or sold outdoors are the same as those sold inside the existing permanent business and where such activity is incidental to the normal conduct of business operated by the same merchant or his employer in an on-site building for which a valid Certificate of Occupancy (CO) exists and when permitted by the City.

- (12)(14) Food Truck/Trailer. A food truck or trailer is a mobile food vendor that sells food and/or beverages that are either pre-packaged or prepared in the confines of a portable truck/trailer, which can be moved from place to place, but is typically in a fixed location for extended periods of time.

- (13)(15) Garden Supply/Plant Nursery. An establishment for the cultivation and propagation, display, storage and sale (*i.e. retail and wholesale*) of large plants, shrubs, trees and other materials used for in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use.

- (14)(16) General Personal Service. Establishments primarily engaged in providing services generally involving the care of the person and/or his/her apparel including but not limited to barber and beauty shops, dressmaking, shoe shining, dry-cleaning and laundry pick-up stations, tailor or seamstress, and reducing salons/health clubs.

- (15)(17) General Retail Store. A facility or area for the retail sale of general merchandise or food to the public for direct consumption and not for wholesale. Typical general merchandise includes clothing and other apparel; equipment for hobbies or sports; gifts; flowers and household plants; dry goods; groceries, convenience, and specialty foods; toys; furniture; books and stationery; pets; drugs; hardware; and similar consumer goods. This use does not include uses that



CITY OF ROCKWALL

PLANNING AND ZONING COMMISSION MEMORANDUM

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Planning and Zoning Commission
FROM: Ryan Miller, *Director of Planning and Zoning*
DATE: April 25, 2023
SUBJECT: Z2023-023; *Text Amendment to Article 04, Permissible Uses, and Article 13, Definitions, of the UDC for Alcoholic Beverage Sales and Alcoholic Beverage Store*

In accordance with Subsection 02.01, *Authority*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), the Director of Planning and Zoning is bringing forward a text amendment to Article 04, *Permissible Uses*, and Article 13, *Definitions*, for the purpose of creating an *Alcoholic Beverage Sales* and an *Alcoholic Beverage Store* land use. Under the proposed text amendment these definitions would be defined as follows:

- (1) *Alcoholic Beverage Package Sales*. The act of selling beer, wine, and/or liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- in accordance with the requirements of this Unified Development Code (UDC) by a person, establishment, or place of business.
- (2) *Alcoholic Beverage Store*. A standalone retail establishment that engages in the sale of beer, wine, and liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- to the general public for off-premise personal or household consumption.

In addition, the text amendment sets up the following *Conditional Lane Use Standards* for the proposed land uses:

- (1) *Alcoholic Beverage Package Sales*.
 - (a) The package sales of liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- shall only be permitted in conjunction with an *Alcoholic Beverage Store*, and shall not be permitted as an accessory use to any other land use contained within this Unified Development Code (UDC).
 - (b) The package sales of beer and wine shall be permitted by-right as an accessory land use to a *General Retail Store*, *Retail Store with Gasoline Sales*, *Brew Pub*, *Craft/Micro Brewery and/or Winery*, *Brewery*, and *Winery*.
- (2) *Alcoholic Beverage Stores*.
 - (c) An *Alcoholic Beverage Store* shall include the sale of beer, wine, and liquor or distilled spirits as defined by the Texas Alcoholic Beverage Code.
 - (d) An *Alcoholic Beverage Store* shall be prohibited from locating within 1,000-feet of a lot, parcel, or tract of land with another *Alcoholic Beverage Store* situated on it as measured in a straight line between the nearest points of one (1) of the lots, parcels, or tracts of land to the other lot, parcel, or tract of land.

The purpose of creating these land uses and *Conditional Land Use Standards* is to ensure that if State law and/or local option requirements change, the City of Rockwall has regulations in the zoning code to address the sale of liquor or distilled spirits. This approach avoids the lag-time between the implementation of a legislative/local change and time it takes staff to draft and process regulations to address the legislative/local change; however, these requirements would be dormant in the City's code until they are applicable by a change in State law and/or local option requirements.

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: April 25, 2023

Planning and Zoning Commission Public Hearing: May 9, 2023

City Council Public Hearing/First Reading: May 15, 2023

City Council Second Reading: June 5, 2023

Staff has sent out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 02.03(A)(3) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Should the Planning and Zoning Commission have any questions staff will be available at the meeting on April 25, 2023.



- (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) Alcoholic Beverage Package Sales.

- (a) The package sales of liquor or distilled spirits -- as defined by the Texas Alcoholic Beverage Code -- shall only be permitted in conjunction with an Alcoholic Beverage Store, and shall not be permitted as an accessory use to any other land use contained within this Unified Development Code (UDC).
- (b) The package sales of beer and wine shall be permitted by-right as an accessory land use to a General Retail Store, Retail Store with Gasoline Sales, Brew Pub, Craft/Micro Brewery and/or Winery, Brewery, and Winery.

(2) Alcoholic Beverage Store.

- (a) An Alcoholic Beverage Store shall include the sale of beer, wine, and liquor or distilled spirits as defined by the Texas Alcoholic Beverage Code.
- (b) An Alcoholic Beverage Store shall be prohibited from locating within 1,000-feet of a lot, parcel, or tract of land with another Alcoholic Beverage Store situated on it as measured in a straight line between the nearest points of one (1) of the lots, parcels, or tracts of land to the other lot, parcel, or tract of land.

~~(4)~~(3) Portable Beverage Service Facility.

- (a) The service shall be limited to snow cone stands, beverage stands serving non-alcoholic beverages such as coffee, juices or sodas.
- (b) The maximum time limit of such temporary use shall not exceed 150-days annually or a time limit otherwise approved by the City Council. At the end of the time period, the structure shall be removed from the property.
- (c) Any temporary power poles will be removed on the date of or immediately following the termination date of the permit.
- (d) No additional freestanding signage shall be permitted.
- (e) The temporary portable structure or trailer shall meet all health and electrical codes off the City.
- (f) Any such temporary facility shall not reduce the number of required parking spaces of any nearby building or use.
- (g) Any such temporary facility shall have permanent restrooms for employees available within 300-feet of the door of the portable beverage facility. Written permission from the permanent building owner for restroom use must be submitted to the building official; no portable restroom facility is allowed.
- (h) Any such temporary facility shall be located on an all-weather (i.e. asphalt or concrete) parking surface with adequate space for parking and circulation, unless alternatively approved by the City Council.

~~(2)~~(4) Temporary Christmas Tree Sales Lot and Similar Uses.



- (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 ACCOMODATION FOR EMPLOYEES, CUSTORMERS AND VISITORS

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

SUBSECTION 03.03: UTILITY DISTRIBUTION LINES

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

SUBSECTION 03.04: FLAG POLES

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

SUBSECTION 03.05: ALCOHOLIC BEVERAGE SALES

- (A) *Restaurants with Alcoholic Beverage Sales*.
- (1) Restaurants may serve alcoholic beverages for on-premises consumption by right if they are located on property that was within the city limits as of November 14, 2007, and are located in a zoning district allowing such use. For restaurants located on property that was annexed after November 14, 2007, a private club permit must be obtained for the ability to serve alcohol and must be located in an appropriate zoning district that allows such use.
 - (2) Restaurants that sell alcoholic beverages for on-premises consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended and must be located not less than 300 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 or Alcoholic Beverage Stores may sell beer and wine for off-premises consumption by right if they are located on property that was within the city limits as of November 14, 2007, and are located in a zoning district allowing such use. Retail establishments or Alcoholic



Beverage Stores located on property that was annexed after November 14, 2007, may not engage in the selling of beer and wine for off-premises consumption.

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

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

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

LAND USE SCHEDULE

LEGEND:

	Land Use <u>NOT</u> 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
Office Building 5,000 SF or Greater	(2)														P	S	S	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				
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			
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				
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)																							
Alcoholic Beverage Package Sales	(1)	(1)													P		S	P	P	P	S				
Alcoholic Beverage Store	(2)	(2)													S				S	P					
Antique/Collectible Store	(42)													S		S	P	P	P						
Astrologer, Hypnotist, or Psychic	(23)													S	P	P	P	P	P						

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LAND USES

LAND USES	LAND USE DEFINITION REFERENCE [Reference Article 13, <i>Definitions</i>]	CONDITIONAL USE REFERENCE Reference [Article 04, <i>Permissible Uses</i>]	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		
Banquet Facility/Event Hall	(34)													S			P	P	P								
Portable Beverage Service Facility	(45)	(43)												S	S		S	S	S	S	S	P					
Brew Pub	(56)													P		P	P	P	P	P	P						
Business School	(67)													P			P	P	P	P							
Catering Service	(78)													A		S	P	P	P	P							
Temporary Christmas Tree Sales Lot and/or Similar Uses	(89)	(24)												S		S	P	P	P	P	P						
Copy Center	(910)													P		P	P	P	P	P	P						
Craft/Micro Brewery, Distillery and/or Winery	(1011)	(35)												S			S	S		P	P						
Incidental Display	(112)	(46)												P		P	P	P	P	P							
Food Trucks/Trailers	(1213)	(57)												P	S	S	P	P	P	P	P						
Garden Supply/Plant Nursery	(1314)															S	P	P	P	P							
General Personal Service	(1415)	(68)												P		P	P	P	P	S							
General Retail Store	(1516)													P	S	P	P	P	P	S	S						
Hair Salon and/or Manicurist	(1617)													P	S	P	P	P	P	S							
Laundromat with Dropoff/Pickup Services	(1718)													P		P	P	P	P	P	P						
Self Service Laundromat	(1819)													P		P	P	P	P	P	P						
Massage Therapist	(1920)													P	P	P	P	P	P								
Private Museum or Art Gallery	(2021)													P	P	S	P	P		P							
Night Club, Discotheque, or Dance Hall	(2422)													S			S	P	P	S	S						
Pawn Shop	(2223)																	S	S	P	P						
Permanent Cosmetics	(2324)	(79)												A	A	A	A	A	A	A							
Pet Shop	(2425)																P	P	P	P							
Temporary Real Estate Sales Office	(2526)		P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P						

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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
Rental Store without Outside Storage and/or Display	2627	810														S	P	P	P	P				
Restaurant with less than 2,000 SF with Drive-Through or Drive-In	2728	911														S	S	S	S	S	S			
Restaurant with less than 2,000 SF without Drive-Through or Drive-In	2829												P	S	P	P	P	P	P	P				
Restaurant with 2,000 SF or more with Drive-Through or Drive-In	2728	4012														S	S	P	P	P	P			
Restaurant with 2,000 SF or more without Drive-Through or Drive-In	2829												P		S	P	P	P	P	P				
Retail Store with Gasoline Sales that has Two (2) or less Dispensers (i.e. a Maximum of Four [4] Vehicles)	2930														S	P	P	P	P	P	P	S	S	
Retail Store with Gasoline Sales that has more than Two (2) Dispensers	2930															S	P	P	P	P	P	S	S	
Secondhand Dealer	3031												S			P	P	P	P	P				
Art, Photography, or Music Studio	3432												P	P	P	P	P	P	P					
Tailor, Clothing, and/or Apparel Shop	3233												P		P	P	P	P						
Tattoo and/or Body Piercing	3334																		P					
Taxidermist Shop	3435																		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			



apertures. This would be the primary use for a property and not attached to a Public or Private Country Club.

- (15) Theater. A structure that is open to the public and is used for dramatic, operatic, musical, motion picture, or other performance or entertainment-related activities, where admission is charged per performance or event, and where there is no audience participation other than as spectators. Such establishments may include incidental services such as food and beverage sales and other concessions.

(F) *Retail and Personal Service Land Uses.*

- (1) Alcoholic Beverage Package Sales. The act of selling beer, wine, and/or liquor or distilled spirits -- as defined by the Texas Alcoholic Beverage Code -- in accordance with the requirements of this Unified Development Code (UDC) by a person, establishment, or place of business.

- (2) Alcoholic Beverage Store. A standalone retail establishment that engages in the sale of beer, wine, and liquor or distilled spirits -- as defined by the Texas Alcoholic Beverage Code -- to the general public for off-premise personal or household consumption.

- (1)(3) Antique/Collectible Store. A retail establishment that engages in the selling of works of art, furniture or other artifacts of an earlier period.

- (2)(4) Astrologer, Hypnotist, or Psychic. An establishment providing predictions or readings of the future based on intuitive or mental powers, astrology, card or tea reading, crystal gazing, palmistry, or spiritual reading.

- (3)(5) Banquet Facility/Event Hall. An establishment that is leased on a temporary basis before the day of the event by individuals or groups who reserve the facility to accommodate private functions, including, but not limited to, banquets, weddings, anniversaries, receptions, business and organizational meetings, and other similar functions, to which the general public is not admitted and for which no admission charge is imposed. Such establishments may include kitchen facilities for the preparation of food or catering of food and areas for dancing, dining, and other entertainment activities that customarily occur in association with banquets, weddings, or receptions.

- (4)(6) Portable Beverage Service Facility. A portable beverage service facility is an establishment that sells beverages from a structure that can be moved from place to place but that stays at one location during a normal business day; food sales are prohibited in these facilities.

- (5)(7) Brewpub. A brewpub is a restaurant that incorporates a craft or microbrewery as an accessory use. The craft or microbrewery in conjunction with the restaurant allows for the manufacturing of beer -- in limited quantities -- for both on-premise and off-premise consumption.

- (6)(8) Business School. A business organized to operate for profit that offers instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.

- (7)(9) Catering Service. A food establishment without on-site banquet facilities that provides, prepares, and/or serves food at off-site locations for groups, where all food and service expenses are paid by the group and not for individual sale.

- (8)(10) Temporary Christmas Tree Sales Lot and Similar Uses. A building or land area that provides seasonal uses such as the sale of Christmas trees, pumpkins, and other temporary uses which occur at certain times of the year.

- (9)(11) Copy Center. An establishment that reproduces, in printed form, individual orders from a business, profession, service, industry, or government organization.

- (10)(12) Craft/Micro Brewery, Distillery and/or Winery. A craft/microbrewery is a small-scale brewing facility designed for the production of malt liquors such as beer and ale, using grains such as oats, hops, rice, wheat, and barley, designed and managed to brew no more than 75,000 barrels of beer per year. A distillery and/or winery is a small-scale facility designed for the manufacture, bottling, labeling, packaging, and sale of wine containing not more than 24% alcohol by volume, distilled spirits and other liquors.

- (11)(13) Incidental Display. An outdoor retail sale or commercial promotion, not in excess of thirty (30) days during any 12-month period, adjacent to an existing permanent business operated in the city where the products displayed or sold outdoors are the same as those sold inside the existing permanent business and where such activity is incidental to the normal conduct of business operated by the same merchant or his employer in an on-site building for which a valid Certificate of Occupancy (CO) exists and when permitted by the City.

- (12)(14) Food Truck/Trailer. A food truck or trailer is a mobile food vendor that sells food and/or beverages that are either pre-packaged or prepared in the confines of a portable truck/trailer, which can be moved from place to place, but is typically in a fixed location for extended periods of time.

- (13)(15) Garden Supply/Plant Nursery. An establishment for the cultivation and propagation, display, storage and sale (*i.e. retail and wholesale*) of large plants, shrubs, trees and other materials used for in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use.

- (14)(16) General Personal Service. Establishments primarily engaged in providing services generally involving the care of the person and/or his/her apparel including but not limited to barber and beauty shops, dressmaking, shoe shining, dry-cleaning and laundry pick-up stations, tailor or seamstress, and reducing salons/health clubs.

- (15)(17) General Retail Store. A facility or area for the retail sale of general merchandise or food to the public for direct consumption and not for wholesale. Typical general merchandise includes clothing and other apparel; equipment for hobbies or sports; gifts; flowers and household plants; dry goods; groceries, convenience, and specialty foods; toys; furniture; books and stationery; pets; drugs; hardware; and similar consumer goods. This use does not include uses that

CITY OF ROCKWALL

ORDINANCE NO. 23-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*, AND ARTICLE 13, *DEFINITIONS*, 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*, and Article 13, *Definitions*, of the Unified Development Code [*Ordinance No. 20-02*] to create an *Alcoholic Beverage Package Sales and Alcoholic Beverage Store* land use; 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*, and Article 13, *Definitions*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit '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 5TH DAY OF JUNE, 2023.

Trace Johannesen, Mayor

ATTEST:

Kristy Teague, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: May 15, 2023

2nd Reading: June 5, 2023

DRAFT
ORDINANCE
04.25.2023

Exhibit 'A'
*Article 04, Permissible Uses, and Article 13, Definitions, of the
Unified Development Code (UDC)*

Continued on Next Page ...



- (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) Alcoholic Beverage Package Sales.

- (a) The package sales of liquor or distilled spirits -- as defined by the Texas Alcoholic Beverage Code -- shall only be permitted in conjunction with an Alcoholic Beverage Store, and shall not be permitted as an accessory use to any other land use contained within this Unified Development Code (UDC).
- (b) The package sales of beer and wine shall be permitted by-right as an accessory land use to a General Retail Store, Retail Store with Gasoline Sales, Brew Pub, Craft/Micro Brewery and/or Winery, Brewery, and Winery.

(2) Alcoholic Beverage Store.

- (a) An Alcoholic Beverage Store shall include the sale of beer, wine, and liquor or distilled spirits as defined by the Texas Alcoholic Beverage Code.
- (b) An Alcoholic Beverage Store shall be prohibited from locating within 1,000-feet of a lot, parcel, or tract of land with another Alcoholic Beverage Store situated on it as measured in a straight line between the nearest points of one (1) of the lots, parcels, or tracts of land to the other lot, parcel, or tract of land.

~~(4)~~(3) Portable Beverage Service Facility.

- (a) The service shall be limited to snow cone stands, beverage stands serving non-alcoholic beverages such as coffee, juices or sodas.
- (b) The maximum time limit of such temporary use shall not exceed 150-days annually or a time limit otherwise approved by the City Council. At the end of the time period, the structure shall be removed from the property.
- (c) Any temporary power poles will be removed on the date of or immediately following the termination date of the permit.
- (d) No additional freestanding signage shall be permitted.
- (e) The temporary portable structure or trailer shall meet all health and electrical codes off the City.
- (f) Any such temporary facility shall not reduce the number of required parking spaces of any nearby building or use.
- (g) Any such temporary facility shall have permanent restrooms for employees available within 300-feet of the door of the portable beverage facility. Written permission from the permanent building owner for restroom use must be submitted to the building official; no portable restroom facility is allowed.
- (h) Any such temporary facility shall be located on an all-weather (i.e. asphalt or concrete) parking surface with adequate space for parking and circulation, unless alternatively approved by the City Council.

~~(2)~~(4) Temporary Christmas Tree Sales Lot and Similar Uses.



- (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 ACCOMODATION 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 or Alcoholic Beverage Stores may sell beer and wine for off-premises consumption by right if they are located on property that was within the city limits as of November 14, 2007, and are located in a zoning district allowing such use. Retail establishments or Alcoholic



Beverage Stores located on property that was annexed after November 14, 2007, may not engage in the selling of beer and wine for off-premises consumption.

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

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

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

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
Office Building 5,000 SF or Greater	(2)														P	S	S	P	P	P	P				
RECREATION, ENTERTAINMENT AND AMUSEMENT LAND USES			2.02(E)	2.03(E)																					
Temporary Carnival, Circus, or Amusement Ride	(1)	(1)													S	S	P	P	P	P	P				
Indoor Commercial Amusement/Recreation	(2)	(2)													S		S	P	P	P	P				
Outdoor Commercial Amusement/Recreation	(3)	(3)															S	S	P	S	P				
Public or Private Community or Recreation Club as an Accessory Use	(4)		S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P				
Private Country Club	(5)		S	S	S	S	S	S	S	S	S	S	S			S	S	S	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				
Sexually Oriented Businesses [Art. XI; CH. 12; Municipal Code]	(13)	(7)																			S	S			
Tennis Courts (i.e. Not Accessory to a Public or Private Country Club)	(14)		S	S	S	S	S	S	S	S	S	S	S			S	S	S	P	P	P				
Theater	(15)														P		S	P	P	P	P				
RETAIL AND PERSONAL SERVICES LAND USES			2.02(F)	2.03(F)																					
Alcoholic Beverage Package Sales	(1)	(1)													P	S	P	P	P	S					
Alcoholic Beverage Store	(2)	(2)													S			S	P						
Antique/Collectible Store	(42)														S	S	P	P	P						
Astrologer, Hypnotist, or Psychic	(23)														S	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, <i>Definitions</i>]	CONDITIONAL USE REFERENCE Reference [Article 04, <i>Permissible Uses</i>]	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
Banquet Facility/Event Hall	(34)													S		P	P	P							
Portable Beverage Service Facility	(45)	(43)												S	S		S	S	S	S	P				
Brew Pub	(56)													P		P	P	P	P	P	P				
Business School	(67)													P			P	P	P	P					
Catering Service	(78)													A		S	P	P	P	P					
Temporary Christmas Tree Sales Lot and/or Similar Uses	(89)	(24)												S		S	P	P	P	P	P				
Copy Center	(910)													P		P	P	P	P	P	P				
Craft/Micro Brewery, Distillery and/or Winery	(911)	(35)												S			S	S		P	P				
Incidental Display	(112)	(46)												P		P	P	P	P	P					
Food Trucks/Trailers	(1213)	(57)												P	S		S	P	P	P	P	P			
Garden Supply/Plant Nursery	(1314)															S	P	P	P	P					
General Personal Service	(1415)	(68)												P		P	P	P	P	S					
General Retail Store	(1516)													P	S		P	P	P	P	S	S			
Hair Salon and/or Manicurist	(1617)													P	S		P	P	P	P	S				
Laundromat with Dropoff/Pickup Services	(1718)													P			P	P	P	P	P	P			
Self Service Laundromat	(1819)													P			P	P	P	P	P	P			
Massage Therapist	(1920)													P	P		P	P	P	P					
Private Museum or Art Gallery	(2021)													P	P		S	P	P		P				
Night Club, Discotheque, or Dance Hall	(2122)													S			S	P	P	S	S				
Pawn Shop	(2223)																	S	S	P	P				
Permanent Cosmetics	(2324)	(79)												A	A		A	A	A	A	A				
Pet Shop	(2425)																P	P	P	P					
Temporary Real Estate Sales Office	(2526)			P	P	P	P	P	P	P	P	P	P	P			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
Rental Store without Outside Storage and/or Display	2627	810														S	P	P	P	P					
Restaurant with less than 2,000 SF with Drive-Through or Drive-In	2728	911														S	S	S	S	S	S				
Restaurant with less than 2,000 SF without Drive-Through or Drive-In	2829												P	S	P	P	P	P	P	P					
Restaurant with 2,000 SF or more with Drive-Through or Drive-In	2728	4012														S	S	P	P	P	P				
Restaurant with 2,000 SF or more without Drive-Through or Drive-In	2829												P		S	P	P	P	P	P					
Retail Store with Gasoline Sales that has Two (2) or less Dispensers (i.e. a Maximum of Four [4] Vehicles)	2930														S	P	P	P	P	P		S	S		
Retail Store with Gasoline Sales that has more than Two (2) Dispensers	2930															S	P	P	P	P		S	S		
Secondhand Dealer	3031												S			P	P	P	P	P					
Art, Photography, or Music Studio	3132												P	P	P	P	P	P	P						
Tailor, Clothing, and/or Apparel Shop	3233												P		P	P	P	P							
Tattoo and/or Body Piercing	3334																		P						
Taxidermist Shop	3435																		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					



appurtenances. This would be the primary use for a property and not attached to a Public or Private Country Club.

- (15) Theater. A structure that is open to the public and is used for dramatic, operatic, musical, motion picture, or other performance or entertainment-related activities, where admission is charged per performance or event, and where there is no audience participation other than as spectators. Such establishments may include incidental services such as food and beverage sales and other concessions.

(F) Retail and Personal Service Land Uses.

- (1) Alcoholic Beverage Package Sales. The act of selling beer, wine, and/or liquor or distilled spirits -- as defined by the Texas Alcoholic Beverage Code -- in accordance with the requirements of this Unified Development Code (UDC) by a person, establishment, or place of business.

- (2) Alcoholic Beverage Store. A standalone retail establishment that engages in the sale of beer, wine, and liquor or distilled spirits -- as defined by the Texas Alcoholic Beverage Code -- to the general public for off-premise personal or household consumption.

- (1)(3) Antique/Collectible Store. A retail establishment that engages in the selling of works of art, furniture or other artifacts of an earlier period.

- (2)(4) Astrologer, Hypnotist, or Psychic. An establishment providing predictions or readings of the future based on intuitive or mental powers, astrology, card or tea reading, crystal gazing, palmistry, or spiritual reading.

- (3)(5) Banquet Facility/Event Hall. An establishment that is leased on a temporary basis before the day of the event by individuals or groups who reserve the facility to accommodate private functions, including, but not limited to, banquets, weddings, anniversaries, receptions, business and organizational meetings, and other similar functions, to which the general public is not admitted and for which no admission charge is imposed. Such establishments may include kitchen facilities for the preparation of food or catering of food and areas for dancing, dining, and other entertainment activities that customarily occur in association with banquets, weddings, or receptions.

- (4)(6) Portable Beverage Service Facility. A portable beverage service facility is an establishment that sells beverages from a structure that can be moved from place to place but that stays at one location during a normal business day; food sales are prohibited in these facilities.

- (5)(7) Brewpub. A brewpub is a restaurant that incorporates a craft or microbrewery as an accessory use. The craft or microbrewery in conjunction with the restaurant allows for the manufacturing of beer -- in limited quantities -- for both on-premise and off-premise consumption.

- (6)(8) Business School. A business organized to operate for profit that offers instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.

- (7)(9) Catering Service. A food establishment without on-site banquet facilities that provides, prepares, and/or serves food at off-site locations for groups, where all food and service expenses are paid by the group and not for individual sale.

- (8)(10) Temporary Christmas Tree Sales Lot and Similar Uses. A building or land area that provides seasonal uses such as the sale of Christmas trees, pumpkins, and other temporary uses which occur at certain times of the year.

- (9)(11) Copy Center. An establishment that reproduces, in printed form, individual orders from a business, profession, service, industry, or government organization.

- (10)(12) Craft/Micro Brewery, Distillery and/or Winery. A craft/microbrewery is a small-scale brewing facility designed for the production of malt liquors such as beer and ale, using grains such as oats, hops, rice, wheat, and barley, designed and managed to brew no more than 75,000 barrels of beer per year. A distillery and/or winery is a small-scale facility designed for the manufacture, bottling, labeling, packaging, and sale of wine containing not more than 24% alcohol by volume, distilled spirits and other liquors.

- (11)(13) Incidental Display. An outdoor retail sale or commercial promotion, not in excess of thirty (30) days during any 12-month period, adjacent to an existing permanent business operated in the city where the products displayed or sold outdoors are the same as those sold inside the existing permanent business and where such activity is incidental to the normal conduct of business operated by the same merchant or his employer in an on-site building for which a valid Certificate of Occupancy (CO) exists and when permitted by the City.

- (12)(14) Food Truck/Trailer. A food truck or trailer is a mobile food vendor that sells food and/or beverages that are either pre-packaged or prepared in the confines of a portable truck/trailer, which can be moved from place to place, but is typically in a fixed location for extended periods of time.

- (13)(15) Garden Supply/Plant Nursery. An establishment for the cultivation and propagation, display, storage and sale (*i.e. retail and wholesale*) of large plants, shrubs, trees and other materials used for in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use.

- (14)(16) General Personal Service. Establishments primarily engaged in providing services generally involving the care of the person and/or his/her apparel including but not limited to barber and beauty shops, dressmaking, shoe shining, dry-cleaning and laundry pick-up stations, tailor or seamstress, and reducing salons/health clubs.

- (15)(17) General Retail Store. A facility or area for the retail sale of general merchandise or food to the public for direct consumption and not for wholesale. Typical general merchandise includes clothing and other apparel; equipment for hobbies or sports; gifts; flowers and household plants; dry goods; groceries, convenience, and specialty foods; toys; furniture; books and stationery; pets; drugs; hardware; and similar consumer goods. This use does not include uses that



CITY OF ROCKWALL

PLANNING AND ZONING COMMISSION MEMORANDUM

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Planning and Zoning Commission
FROM: Ryan Miller, *Director of Planning and Zoning*
DATE: May 9, 2023
SUBJECT: Z2023-023; *Text Amendment to Article 04, Permissible Uses, and Article 13, Definitions, of the UDC for Alcoholic Beverage Sales and Alcoholic Beverage Store*

In accordance with Subsection 02.01, *Authority*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), the Director of Planning and Zoning is bringing forward a text amendment to Article 04, *Permissible Uses*, and Article 13, *Definitions*, for the purpose of creating an *Alcoholic Beverage Sales* and an *Alcoholic Beverage Store* land use. Under the proposed text amendment these definitions would be defined as follows:

- (1) *Alcoholic Beverage Package Sales*. The act of selling beer, wine, and/or liquor or distilled spirits -- as defined by the Texas *Alcoholic Beverage Code* -- in accordance with the requirements of this Unified Development Code (UDC) by a person, establishment, or place of business.
- (2) *Alcoholic Beverage Store*. A standalone retail establishment that engages in the sale of beer, wine, and liquor or distilled spirits -- as defined by the Texas *Alcoholic Beverage Code* -- to the general public for off-premise personal or household consumption.

In addition, the text amendment sets up the following *Conditional Lane Use Standards* for the proposed land uses:

- (1) *Alcoholic Beverage Package Sales*.
 - (a) The package sales of liquor or distilled spirits -- as defined by the Texas *Alcoholic Beverage Code* -- shall only be permitted in conjunction with an *Alcoholic Beverage Store*, and shall not be permitted as an accessory use to any other land use contained within this Unified Development Code (UDC).
 - (b) The package sales of beer and wine shall be permitted by-right as an accessory land use to a *General Retail Store*, *Retail Store with Gasoline Sales*, *Brew Pub*, *Craft/Micro Brewery and/or Winery*, *Brewery*, and *Winery*.
- (2) *Alcoholic Beverage Stores*.
 - (a) An *Alcoholic Beverage Store* shall include the sale of beer, wine, and liquor or distilled spirits as defined by the Texas *Alcoholic Beverage Code*.
 - (b) An *Alcoholic Beverage Store* shall be prohibited from locating within 1,000-feet of a lot, parcel, or tract of land with another *Alcoholic Beverage Store* situated on it as measured in a straight line between the nearest points of one (1) of the lots, parcels, or tracts of land to the other lot, parcel, or tract of land.

The purpose of creating these land uses and *Conditional Land Use Standards* is to ensure that if State law and/or local option requirements change, the City of Rockwall has regulations in the zoning code to address the sale of liquor or distilled spirits. This approach avoids the lag-time between the implementation of a legislative/local change and time it takes staff to draft and process regulations to address the legislative/local change; however, these requirements would be dormant in the City's code until they are applicable by a change in State law and/or local option requirements.

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: April 25, 2023

Planning and Zoning Commission Public Hearing: May 9, 2023

City Council Public Hearing/First Reading: May 15, 2023

City Council Second Reading: June 5, 2023

Staff has sent out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 02.03(A)(3) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Should the Planning and Zoning Commission have any questions staff will be available at the meeting on May 9, 2023.



- (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) Alcoholic Beverage Package Sales.

- (a) The package sales of liquor or distilled spirits -- as defined by the Texas Alcoholic Beverage Code -- shall only be permitted in conjunction with an Alcoholic Beverage Store, and shall not be permitted as an accessory use to any other land use contained within this Unified Development Code (UDC).
- (b) The package sales of beer and wine shall be permitted by-right as an accessory land use to a General Retail Store, Retail Store with Gasoline Sales, Brew Pub, Craft/Micro Brewery and/or Winery, Brewery, and Winery.

(2) Alcoholic Beverage Store.

- (a) An Alcoholic Beverage Store shall include the sale of beer, wine, and liquor or distilled spirits as defined by the Texas Alcoholic Beverage Code.
- (b) An Alcoholic Beverage Store shall be prohibited from locating within 1,000-feet of a lot, parcel, or tract of land with another Alcoholic Beverage Store situated on it as measured in a straight line between the nearest points of one (1) of the lots, parcels, or tracts of land to the other lot, parcel, or tract of land.

~~(4)~~(3) Portable Beverage Service Facility.

- (a) The service shall be limited to snow cone stands, beverage stands serving non-alcoholic beverages such as coffee, juices or sodas.
- (b) The maximum time limit of such temporary use shall not exceed 150-days annually or a time limit otherwise approved by the City Council. At the end of the time period, the structure shall be removed from the property.
- (c) Any temporary power poles will be removed on the date of or immediately following the termination date of the permit.
- (d) No additional freestanding signage shall be permitted.
- (e) The temporary portable structure or trailer shall meet all health and electrical codes off the City.
- (f) Any such temporary facility shall not reduce the number of required parking spaces of any nearby building or use.
- (g) Any such temporary facility shall have permanent restrooms for employees available within 300-feet of the door of the portable beverage facility. Written permission from the permanent building owner for restroom use must be submitted to the building official; no portable restroom facility is allowed.
- (h) Any such temporary facility shall be located on an all-weather (i.e. asphalt or concrete) parking surface with adequate space for parking and circulation, unless alternatively approved by the City Council.

~~(2)~~(4) Temporary Christmas Tree Sales Lot and Similar Uses.



- (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 ACCOMODATION FOR EMPLOYEES, CUSTORMERS AND VISITORS

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

SUBSECTION 03.03: UTILITY DISTRIBUTION LINES

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

SUBSECTION 03.04: FLAG POLES

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

SUBSECTION 03.05: ALCOHOLIC BEVERAGE SALES

- (A) *Restaurants with Alcoholic Beverage Sales*.
- (1) Restaurants may serve alcoholic beverages for on-premises consumption by right if they are located on property that was within the city limits as of November 14, 2007, and are located in a zoning district allowing such use. For restaurants located on property that was annexed after November 14, 2007, a private club permit must be obtained for the ability to serve alcohol and must be located in an appropriate zoning district that allows such use.
 - (2) Restaurants that sell alcoholic beverages for on-premises consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended and must be located not less than 300 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 or Alcoholic Beverage Stores may sell beer and wine for off-premises consumption by right if they are located on property that was within the city limits as of November 14, 2007, and are located in a zoning district allowing such use. Retail establishments or Alcoholic



Beverage Stores located on property that was annexed after November 14, 2007, may not engage in the selling of beer and wine for off-premises consumption.

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

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

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

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
Office Building 5,000 SF or Greater	(2)														P	S	S	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				
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			
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				
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)																							
Alcoholic Beverage Package Sales	(1)	(1)													P		S	P	P	P	S				
Alcoholic Beverage Store	(2)	(2)													S				S	P					
Antique/Collectible Store	(42)														S		S	P	P	P					
Astrologer, Hypnotist, or Psychic	(23)														S	P	P	P	P	P					

LAND USE SCHEDULE

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LAND USES

LAND USES	LAND USE DEFINITION REFERENCE [Reference Article 13, <i>Definitions</i>]	CONDITIONAL USE REFERENCE Reference [Article 04, <i>Permissible Uses</i>]	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		
Banquet Facility/Event Hall	(34)													S			P	P	P								
Portable Beverage Service Facility	(45)	(13)												S	S		S	S	S	S	S	P					
Brew Pub	(56)													P		P	P	P	P	P	P						
Business School	(67)													P			P	P	P	P							
Catering Service	(78)													A		S	P	P	P	P							
Temporary Christmas Tree Sales Lot and/or Similar Uses	(89)	(24)												S		S	P	P	P	P	P						
Copy Center	(910)													P		P	P	P	P	P	P						
Craft/Micro Brewery, Distillery and/or Winery	(1011)	(35)												S			S	S		P	P						
Incidental Display	(112)	(46)												P		P	P	P	P	P							
Food Trucks/Trailers	(1213)	(57)												P	S	S	P	P	P	P	P						
Garden Supply/Plant Nursery	(1314)															S	P	P	P	P							
General Personal Service	(1415)	(68)												P		P	P	P	P	S							
General Retail Store	(1516)													P	S	P	P	P	P	S	S						
Hair Salon and/or Manicurist	(1617)													P	S	P	P	P	P	S							
Laundromat with Dropoff/Pickup Services	(1718)													P		P	P	P	P	P	P						
Self Service Laundromat	(1819)													P		P	P	P	P	P	P						
Massage Therapist	(1920)													P	P	P	P	P	P								
Private Museum or Art Gallery	(2021)													P	P	S	P	P		P							
Night Club, Discotheque, or Dance Hall	(2422)													S			S	P	P	S	S						
Pawn Shop	(2223)																	S	S	P	P						
Permanent Cosmetics	(2324)	(79)												A	A	A	A	A	A	A							
Pet Shop	(2425)																P	P	P	P							
Temporary Real Estate Sales Office	(2526)		P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P						

LAND USE SCHEDULE

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			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
Rental Store without Outside Storage and/or Display	2627	810														S	P	P	P	P					
Restaurant with less than 2,000 SF with Drive-Through or Drive-In	2728	911														S	S	S	S	S	S				
Restaurant with less than 2,000 SF without Drive-Through or Drive-In	2829												P	S	P	P	P	P	P	P	P				
Restaurant with 2,000 SF or more with Drive-Through or Drive-In	2728	4012														S	S	P	P	P	P				
Restaurant with 2,000 SF or more without Drive-Through or Drive-In	2829												P		S	P	P	P	P	P	P				
Retail Store with Gasoline Sales that has Two (2) or less Dispensers (i.e. a Maximum of Four [4] Vehicles)	2930														S	P	P	P	P	P	P	S	S		
Retail Store with Gasoline Sales that has more than Two (2) Dispensers	2930															S	P	P	P	P	P	S	S		
Secondhand Dealer	3031												S			P	P	P	P	P	P				
Art, Photography, or Music Studio	3432												P	P	P	P	P	P	P	P					
Tailor, Clothing, and/or Apparel Shop	3233												P		P	P	P	P							
Tattoo and/or Body Piercing	3334																		P						
Taxidermist Shop	3435																		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					



appurtenances. This would be the primary use for a property and not attached to a Public or Private Country Club.

- (15) Theater. A structure that is open to the public and is used for dramatic, operatic, musical, motion picture, or other performance or entertainment-related activities, where admission is charged per performance or event, and where there is no audience participation other than as spectators. Such establishments may include incidental services such as food and beverage sales and other concessions.

(F) *Retail and Personal Service Land Uses.*

- (1) Alcoholic Beverage Package Sales. The act of selling beer, wine, and/or liquor or distilled spirits -- as defined by the Texas Alcoholic Beverage Code -- in accordance with the requirements of this Unified Development Code (UDC) by a person, establishment, or place of business.

- (2) Alcoholic Beverage Store. A standalone retail establishment that engages in the sale of beer, wine, and liquor or distilled spirits -- as defined by the Texas Alcoholic Beverage Code -- to the general public for off-premise personal or household consumption.

- (1)(3) Antique/Collectible Store. A retail establishment that engages in the selling of works of art, furniture or other artifacts of an earlier period.

- (2)(4) Astrologer, Hypnotist, or Psychic. An establishment providing predictions or readings of the future based on intuitive or mental powers, astrology, card or tea reading, crystal gazing, palmistry, or spiritual reading.

- (3)(5) Banquet Facility/Event Hall. An establishment that is leased on a temporary basis before the day of the event by individuals or groups who reserve the facility to accommodate private functions, including, but not limited to, banquets, weddings, anniversaries, receptions, business and organizational meetings, and other similar functions, to which the general public is not admitted and for which no admission charge is imposed. Such establishments may include kitchen facilities for the preparation of food or catering of food and areas for dancing, dining, and other entertainment activities that customarily occur in association with banquets, weddings, or receptions.

- (4)(6) Portable Beverage Service Facility. A portable beverage service facility is an establishment that sells beverages from a structure that can be moved from place to place but that stays at one location during a normal business day; food sales are prohibited in these facilities.

- (5)(7) Brewpub. A brewpub is a restaurant that incorporates a craft or microbrewery as an accessory use. The craft or microbrewery in conjunction with the restaurant allows for the manufacturing of beer -- in limited quantities -- for both on-premise and off-premise consumption.

- (6)(8) Business School. A business organized to operate for profit that offers instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.

- (7)(9) Catering Service. A food establishment without on-site banquet facilities that provides, prepares, and/or serves food at off-site locations for groups, where all food and service expenses are paid by the group and not for individual sale.

- (8)(10) Temporary Christmas Tree Sales Lot and Similar Uses. A building or land area that provides seasonal uses such as the sale of Christmas trees, pumpkins, and other temporary uses which occur at certain times of the year.

- (9)(11) Copy Center. An establishment that reproduces, in printed form, individual orders from a business, profession, service, industry, or government organization.

- (10)(12) Craft/Micro Brewery, Distillery and/or Winery. A craft/microbrewery is a small-scale brewing facility designed for the production of malt liquors such as beer and ale, using grains such as oats, hops, rice, wheat, and barley, designed and managed to brew no more than 75,000 barrels of beer per year. A distillery and/or winery is a small-scale facility designed for the manufacture, bottling, labeling, packaging, and sale of wine containing not more than 24% alcohol by volume, distilled spirits and other liquors.

- (11)(13) Incidental Display. An outdoor retail sale or commercial promotion, not in excess of thirty (30) days during any 12-month period, adjacent to an existing permanent business operated in the city where the products displayed or sold outdoors are the same as those sold inside the existing permanent business and where such activity is incidental to the normal conduct of business operated by the same merchant or his employer in an on-site building for which a valid Certificate of Occupancy (CO) exists and when permitted by the City.

- (12)(14) Food Truck/Trailer. A food truck or trailer is a mobile food vendor that sells food and/or beverages that are either pre-packaged or prepared in the confines of a portable truck/trailer, which can be moved from place to place, but is typically in a fixed location for extended periods of time.

- (13)(15) Garden Supply/Plant Nursery. An establishment for the cultivation and propagation, display, storage and sale (i.e. retail and wholesale) of large plants, shrubs, trees and other materials used for in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use.

- (14)(16) General Personal Service. Establishments primarily engaged in providing services generally involving the care of the person and/or his/her apparel including but not limited to barber and beauty shops, dressmaking, shoe shining, dry-cleaning and laundry pick-up stations, tailor or seamstress, and reducing salons/health clubs.

- (15)(17) General Retail Store. A facility or area for the retail sale of general merchandise or food to the public for direct consumption and not for wholesale. Typical general merchandise includes clothing and other apparel; equipment for hobbies or sports; gifts; flowers and household plants; dry goods; groceries, convenience, and specialty foods; toys; furniture; books and stationery; pets; drugs; hardware; and similar consumer goods. This use does not include uses that

CITY OF ROCKWALL

ORDINANCE NO. 23-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*, AND ARTICLE 13, *DEFINITIONS*, 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*, and Article 13, *Definitions*, of the Unified Development Code [*Ordinance No. 20-02*] to create an *Alcoholic Beverage Package Sales and Alcoholic Beverage Store* land use; 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*, and Article 13, *Definitions*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit '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 5TH DAY OF JUNE, 2023.

Trace Johannesen, Mayor

ATTEST:

Kristy Teague, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: May 15, 2023

2nd Reading: June 5, 2023

DRAFT
ORDINANCE
05.09.2023

Exhibit 'A'
*Article 04, Permissible Uses, and Article 13, Definitions, of the
Unified Development Code (UDC)*

Continued on Next Page ...



- (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) Alcoholic Beverage Package Sales.

- (a) The package sales of liquor or distilled spirits -- as defined by the Texas Alcoholic Beverage Code -- shall only be permitted in conjunction with an Alcoholic Beverage Store, and shall not be permitted as an accessory use to any other land use contained within this Unified Development Code (UDC).
- (b) The package sales of beer and wine shall be permitted by-right as an accessory land use to a General Retail Store, Retail Store with Gasoline Sales, Brew Pub, Craft/Micro Brewery and/or Winery, Brewery, and Winery.

(2) Alcoholic Beverage Store.

- (a) An Alcoholic Beverage Store shall include the sale of beer, wine, and liquor or distilled spirits as defined by the Texas Alcoholic Beverage Code.
- (b) An Alcoholic Beverage Store shall be prohibited from locating within 1,000-feet of a lot, parcel, or tract of land with another Alcoholic Beverage Store situated on it as measured in a straight line between the nearest points of one (1) of the lots, parcels, or tracts of land to the other lot, parcel, or tract of land.

~~(4)~~(3) Portable Beverage Service Facility.

- (a) The service shall be limited to snow cone stands, beverage stands serving non-alcoholic beverages such as coffee, juices or sodas.
- (b) The maximum time limit of such temporary use shall not exceed 150-days annually or a time limit otherwise approved by the City Council. At the end of the time period, the structure shall be removed from the property.
- (c) Any temporary power poles will be removed on the date of or immediately following the termination date of the permit.
- (d) No additional freestanding signage shall be permitted.
- (e) The temporary portable structure or trailer shall meet all health and electrical codes off the City.
- (f) Any such temporary facility shall not reduce the number of required parking spaces of any nearby building or use.
- (g) Any such temporary facility shall have permanent restrooms for employees available within 300-feet of the door of the portable beverage facility. Written permission from the permanent building owner for restroom use must be submitted to the building official; no portable restroom facility is allowed.
- (h) Any such temporary facility shall be located on an all-weather (i.e. asphalt or concrete) parking surface with adequate space for parking and circulation, unless alternatively approved by the City Council.

~~(2)~~(4) Temporary Christmas Tree Sales Lot and Similar Uses.



- (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 ACCOMODATION 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 or Alcoholic Beverage Stores may sell beer and wine for off-premises consumption by right if they are located on property that was within the city limits as of November 14, 2007, and are located in a zoning district allowing such use. Retail establishments or Alcoholic



Beverage Stores located on property that was annexed after November 14, 2007, may not engage in the selling of beer and wine for off-premises consumption.

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

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

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

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	
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	S	S	P	P	P	P	P				
Private Country Club	(5)		S	S	S	S	S	S	S	S	S	S	S			S	S	S	P	P	P					
Golf Driving Range	(6)															S	S	S	P	P	P					
Temporary Fundraising Events by Non-Profit	(7)	(4)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Indoor Gun Club with Skeet or Target Range	(8)	(5)															S	P	P	P	P					
Outdoor Gun Club with Skeet or Target Range	(8)		S																	P		S				
Health Club or Gym	(9)													A	P	S	P	P	P	P	P					
Private Club, Lodge or Fraternal Organization	(10)	(6)													S	S	S	P	P	P	S					
Private Sports Arena, Stadium, and/or Track	(11)																S	P	P	P						
Public Park or Playground	(12)		P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P					
Sexually Oriented Businesses [Art. XI; CH. 12; Municipal Code]	(13)	(7)																			S	S				
Tennis Courts (i.e. Not Accessory to a Public or Private Country Club)	(14)		S	S	S	S	S	S	S	S	S	S	S			S	S	S	P	P	P					
Theater	(15)														P		S	P	P	P	P					
RETAIL AND PERSONAL SERVICES LAND USES			2.02(F)	2.03(F)																						
Alcoholic Beverage Package Sales	(1)	(1)														P	S	P	P	P	S					
Alcoholic Beverage Store	(2)	(2)														S		S	P							
Antique/Collectible Store	(42)														S	S	P	P	P							
Astrologer, Hypnotist, or Psychic	(23)														S	P	P	P	P							

LAND USE SCHEDULE

LEGEND:

	Land Use <u>NOT</u> 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
Rental Store without Outside Storage and/or Display	2627	810														S	P	P	P	P					
Restaurant with less than 2,000 SF with Drive-Through or Drive-In	2728	911														S	S	S	S	S	S				
Restaurant with less than 2,000 SF without Drive-Through or Drive-In	2829												P	S	P	P	P	P	P	P					
Restaurant with 2,000 SF or more with Drive-Through or Drive-In	2728	4012														S	S	P	P	P	P				
Restaurant with 2,000 SF or more without Drive-Through or Drive-In	2829												P		S	P	P	P	P	P					
Retail Store with Gasoline Sales that has Two (2) or less Dispensers (i.e. a Maximum of Four [4] Vehicles)	2930														S	P	P	P	P	P		S	S		
Retail Store with Gasoline Sales that has more than Two (2) Dispensers	2930															S	P	P	P	P		S	S		
Secondhand Dealer	3031													S		P	P	P	P	P					
Art, Photography, or Music Studio	3132													P	P	P	P	P	P	P					
Tailor, Clothing, and/or Apparel Shop	3233													P		P	P	P	P						
Tattoo and/or Body Piercing	3334																		P						
Taxidermist Shop	3435																		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					



apertures. This would be the primary use for a property and not attached to a Public or Private Country Club.

- (15) Theater. A structure that is open to the public and is used for dramatic, operatic, musical, motion picture, or other performance or entertainment-related activities, where admission is charged per performance or event, and where there is no audience participation other than as spectators. Such establishments may include incidental services such as food and beverage sales and other concessions.

(F) Retail and Personal Service Land Uses.

- (1) Alcoholic Beverage Package Sales. The act of selling beer, wine, and/or liquor or distilled spirits -- as defined by the Texas Alcoholic Beverage Code -- in accordance with the requirements of this Unified Development Code (UDC) by a person, establishment, or place of business.

- (2) Alcoholic Beverage Store. A standalone retail establishment that engages in the sale of beer, wine, and liquor or distilled spirits -- as defined by the Texas Alcoholic Beverage Code -- to the general public for off-premise personal or household consumption.

- (1)(3) Antique/Collectible Store. A retail establishment that engages in the selling of works of art, furniture or other artifacts of an earlier period.

- (2)(4) Astrologer, Hypnotist, or Psychic. An establishment providing predictions or readings of the future based on intuitive or mental powers, astrology, card or tea reading, crystal gazing, palmistry, or spiritual reading.

- (3)(5) Banquet Facility/Event Hall. An establishment that is leased on a temporary basis before the day of the event by individuals or groups who reserve the facility to accommodate private functions, including, but not limited to, banquets, weddings, anniversaries, receptions, business and organizational meetings, and other similar functions, to which the general public is not admitted and for which no admission charge is imposed. Such establishments may include kitchen facilities for the preparation of food or catering of food and areas for dancing, dining, and other entertainment activities that customarily occur in association with banquets, weddings, or receptions.

- (4)(6) Portable Beverage Service Facility. A portable beverage service facility is an establishment that sells beverages from a structure that can be moved from place to place but that stays at one location during a normal business day; food sales are prohibited in these facilities.

- (5)(7) Brewpub. A brewpub is a restaurant that incorporates a craft or microbrewery as an accessory use. The craft or microbrewery in conjunction with the restaurant allows for the manufacturing of beer -- in limited quantities -- for both on-premise and off-premise consumption.

- (6)(8) Business School. A business organized to operate for profit that offers instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.

- (7)(9) Catering Service. A food establishment without on-site banquet facilities that provides, prepares, and/or serves food at off-site locations for groups, where all food and service expenses are paid by the group and not for individual sale.

- (8)(10) Temporary Christmas Tree Sales Lot and Similar Uses. A building or land area that provides seasonal uses such as the sale of Christmas trees, pumpkins, and other temporary uses which occur at certain times of the year.

- (9)(11) Copy Center. An establishment that reproduces, in printed form, individual orders from a business, profession, service, industry, or government organization.

- (10)(12) Craft/Micro Brewery, Distillery and/or Winery. A craft/microbrewery is a small-scale brewing facility designed for the production of malt liquors such as beer and ale, using grains such as oats, hops, rice, wheat, and barley, designed and managed to brew no more than 75,000 barrels of beer per year. A distillery and/or winery is a small-scale facility designed for the manufacture, bottling, labeling, packaging, and sale of wine containing not more than 24% alcohol by volume, distilled spirits and other liquors.

- (11)(13) Incidental Display. An outdoor retail sale or commercial promotion, not in excess of thirty (30) days during any 12-month period, adjacent to an existing permanent business operated in the city where the products displayed or sold outdoors are the same as those sold inside the existing permanent business and where such activity is incidental to the normal conduct of business operated by the same merchant or his employer in an on-site building for which a valid Certificate of Occupancy (CO) exists and when permitted by the City.

- (12)(14) Food Truck/Trailer. A food truck or trailer is a mobile food vendor that sells food and/or beverages that are either pre-packaged or prepared in the confines of a portable truck/trailer, which can be moved from place to place, but is typically in a fixed location for extended periods of time.

- (13)(15) Garden Supply/Plant Nursery. An establishment for the cultivation and propagation, display, storage and sale (*i.e. retail and wholesale*) of large plants, shrubs, trees and other materials used for in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use.

- (14)(16) General Personal Service. Establishments primarily engaged in providing services generally involving the care of the person and/or his/her apparel including but not limited to barber and beauty shops, dressmaking, shoe shining, dry-cleaning and laundry pick-up stations, tailor or seamstress, and reducing salons/health clubs.

- (15)(17) General Retail Store. A facility or area for the retail sale of general merchandise or food to the public for direct consumption and not for wholesale. Typical general merchandise includes clothing and other apparel; equipment for hobbies or sports; gifts; flowers and household plants; dry goods; groceries, convenience, and specialty foods; toys; furniture; books and stationery; pets; drugs; hardware; and similar consumer goods. This use does not include uses that



CITY OF ROCKWALL
CITY COUNCIL MEMORANDUM

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

TO: Mayor and City Council
CC: Mary Smith, *City Manager*
Joey Boyd, *Assistant City Manager*
FROM: Ryan Miller, *Director of Planning and Zoning*
DATE: May 15, 2023
SUBJECT: Z2023-023; *Text Amendment to Article 04, Permissible Uses, and Article 13, Definitions, of the UDC for Alcoholic Beverage Sales and Alcoholic Beverage Store*

In accordance with Subsection 02.01, *Authority*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), the Director of Planning and Zoning is bringing forward a text amendment to Article 04, *Permissible Uses*, and Article 13, *Definitions*, for the purpose of creating an *Alcoholic Beverage Sales* and an *Alcoholic Beverage Store* land use. Under the proposed text amendment these definitions would be defined as follows:

- (1) *Alcoholic Beverage Package Sales*. The act of selling beer, wine, and/or liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- in accordance with the requirements of this Unified Development Code (UDC) by a person, establishment, or place of business.
- (2) *Alcoholic Beverage Store*. A standalone retail establishment that engages in the sale of beer, wine, and liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- to the general public for off-premise personal or household consumption.

In addition, the text amendment sets up the following *Conditional Lane Use Standards* for the proposed land uses:

- (1) *Alcoholic Beverage Package Sales*.
 - (a) The package sales of liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- shall only be permitted in conjunction with an *Alcoholic Beverage Store*, and shall not be permitted as an accessory use to any other land use contained within this Unified Development Code (UDC).
 - (b) The package sales of beer and wine shall be permitted by-right as an accessory land use to a *General Retail Store*, *Retail Store with Gasoline Sales*, *Brew Pub*, *Craft/Micro Brewery and/or Winery*, *Brewery*, and *Winery*.
- (2) *Alcoholic Beverage Stores*.
 - (a) An *Alcoholic Beverage Store* shall include the sale of beer, wine, and liquor or distilled spirits as defined by the Texas Alcoholic Beverage Code.
 - (b) An *Alcoholic Beverage Store* shall be prohibited from locating within 1,000-feet of a lot, parcel, or tract of land with another *Alcoholic Beverage Store* situated on it as measured in a straight line between the nearest points of one (1) of the lots, parcels, or tracts of land to the other lot, parcel, or tract of land.

The purpose of creating these land uses and *Conditional Land Use Standards* is to ensure that if State law and/or local option requirements change, the City of Rockwall has regulations in the zoning code to address the sale of liquor or distilled spirits. This approach avoids the lag-time between the implementation of a legislative/local change and time it takes staff to draft and process regulations to address the legislative/local change; however, these requirements would be dormant in the City's code until they are applicable by a change in State law and/or local option requirements.

A redlined copy of the proposed changes along with a draft ordinance has been provided in the attached packet. In accordance with Subsection 02.04(B) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), the Director of Planning and Zoning brought the proposed text amendment forward to the Planning and Zoning Commission for a recommendation to the City Council, and -- *at the May 9, 2023 Planning and Zoning Commission meeting* -- the Planning and Zoning Commission approved a motion to recommend approval of the text amendment by a vote of 7-0. 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 May 15, 2023.



- (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) Alcoholic Beverage Package Sales.

- (a) The package sales of liquor or distilled spirits -- as defined by the Texas Alcoholic Beverage Code -- shall only be permitted in conjunction with an Alcoholic Beverage Store, and shall not be permitted as an accessory use to any other land use contained within this Unified Development Code (UDC).
- (b) The package sales of beer and wine shall be permitted by-right as an accessory land use to a General Retail Store, Retail Store with Gasoline Sales, Brew Pub, Craft/Micro Brewery and/or Winery, Brewery, and Winery.

(2) Alcoholic Beverage Store.

- (a) An Alcoholic Beverage Store shall include the sale of beer, wine, and liquor or distilled spirits as defined by the Texas Alcoholic Beverage Code.
- (b) An Alcoholic Beverage Store shall be prohibited from locating within 1,000-feet of a lot, parcel, or tract of land with another Alcoholic Beverage Store situated on it as measured in a straight line between the nearest points of one (1) of the lots, parcels, or tracts of land to the other lot, parcel, or tract of land.

~~(4)~~(3) Portable Beverage Service Facility.

- (a) The service shall be limited to snow cone stands, beverage stands serving non-alcoholic beverages such as coffee, juices or sodas.
- (b) The maximum time limit of such temporary use shall not exceed 150-days annually or a time limit otherwise approved by the City Council. At the end of the time period, the structure shall be removed from the property.
- (c) Any temporary power poles will be removed on the date of or immediately following the termination date of the permit.
- (d) No additional freestanding signage shall be permitted.
- (e) The temporary portable structure or trailer shall meet all health and electrical codes off the City.
- (f) Any such temporary facility shall not reduce the number of required parking spaces of any nearby building or use.
- (g) Any such temporary facility shall have permanent restrooms for employees available within 300-feet of the door of the portable beverage facility. Written permission from the permanent building owner for restroom use must be submitted to the building official; no portable restroom facility is allowed.
- (h) Any such temporary facility shall be located on an all-weather (i.e. asphalt or concrete) parking surface with adequate space for parking and circulation, unless alternatively approved by the City Council.

~~(2)~~(4) Temporary Christmas Tree Sales Lot and Similar Uses.



- (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 ACCOMODATION FOR EMPLOYEES, CUSTORMERS AND VISITORS

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

SUBSECTION 03.03: UTILITY DISTRIBUTION LINES

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

SUBSECTION 03.04: FLAG POLES

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

SUBSECTION 03.05: ALCOHOLIC BEVERAGE SALES

- (A) *Restaurants with Alcoholic Beverage Sales*.
- (1) Restaurants may serve alcoholic beverages for on-premises consumption by right if they are located on property that was within the city limits as of November 14, 2007, and are located in a zoning district allowing such use. For restaurants located on property that was annexed after November 14, 2007, a private club permit must be obtained for the ability to serve alcohol and must be located in an appropriate zoning district that allows such use.
 - (2) Restaurants that sell alcoholic beverages for on-premises consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended and must be located not less than 300 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 or Alcoholic Beverage Stores may sell beer and wine for off-premises consumption by right if they are located on property that was within the city limits as of November 14, 2007, and are located in a zoning district allowing such use. Retail establishments or Alcoholic



Beverage Stores located on property that was annexed after November 14, 2007, may not engage in the selling of beer and wine for off-premises consumption.

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

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

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

LAND USE SCHEDULE

LEGEND:

	Land Use <u>NOT</u> 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
Office Building 5,000 SF or Greater	(2)														P	S	S	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				
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			
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				
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)																							
Alcoholic Beverage Package Sales	(1)	(1)													P		S	P	P	P	S				
Alcoholic Beverage Store	(2)	(2)													S				S	P					
Antique/Collectible Store	(42)													S		S	P	P	P						
Astrologer, Hypnotist, or Psychic	(23)													S	P	P	P	P	P						

LAND USE SCHEDULE

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LAND USES

LAND USES	LAND USE DEFINITION REFERENCE [Reference Article 13, <i>Definitions</i>]	CONDITIONAL USE REFERENCE Reference [Article 04, <i>Permissible Uses</i>]	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		
Banquet Facility/Event Hall	(34)													S			P	P	P								
Portable Beverage Service Facility	(45)	(13)												S	S		S	S	S	S	S	P					
Brew Pub	(56)													P		P	P	P	P	P	P						
Business School	(67)													P			P	P	P	P							
Catering Service	(78)													A		S	P	P	P	P							
Temporary Christmas Tree Sales Lot and/or Similar Uses	(89)	(24)												S		S	P	P	P	P	P						
Copy Center	(910)													P		P	P	P	P	P	P						
Craft/Micro Brewery, Distillery and/or Winery	(1011)	(35)												S			S	S		P	P						
Incidental Display	(112)	(46)												P		P	P	P	P	P							
Food Trucks/Trailers	(1213)	(57)												P	S	S	P	P	P	P	P						
Garden Supply/Plant Nursery	(1314)															S	P	P	P	P							
General Personal Service	(1415)	(68)												P		P	P	P	P	S							
General Retail Store	(1516)													P	S	P	P	P	P	S	S						
Hair Salon and/or Manicurist	(1617)													P	S	P	P	P	P	S							
Laundromat with Dropoff/Pickup Services	(1718)													P		P	P	P	P	P	P						
Self Service Laundromat	(1819)													P		P	P	P	P	P	P						
Massage Therapist	(1920)													P	P	P	P	P	P								
Private Museum or Art Gallery	(2021)													P	P	S	P	P		P							
Night Club, Discotheque, or Dance Hall	(2422)													S			S	P	P	S	S						
Pawn Shop	(2223)																	S	S	P	P						
Permanent Cosmetics	(2324)	(79)												A	A	A	A	A	A	A							
Pet Shop	(2425)																P	P	P	P							
Temporary Real Estate Sales Office	(2526)		P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P						

LAND USE SCHEDULE

LEGEND:

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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
Rental Store without Outside Storage and/or Display	2627	810														S	P	P	P	P				
Restaurant with less than 2,000 SF with Drive-Through or Drive-In	2728	911														S	S	S	S	S	S			
Restaurant with less than 2,000 SF without Drive-Through or Drive-In	2829												P	S	P	P	P	P	P	P				
Restaurant with 2,000 SF or more with Drive-Through or Drive-In	2728	4012														S	S	P	P	P	P			
Restaurant with 2,000 SF or more without Drive-Through or Drive-In	2829												P		S	P	P	P	P	P				
Retail Store with Gasoline Sales that has Two (2) or less Dispensers (i.e. a Maximum of Four [4] Vehicles)	2930														S	P	P	P	P	P	P	S	S	
Retail Store with Gasoline Sales that has more than Two (2) Dispensers	2930															S	P	P	P	P	P	S	S	
Secondhand Dealer	3031												S			P	P	P	P	P				
Art, Photography, or Music Studio	3432												P	P	P	P	P	P	P					
Tailor, Clothing, and/or Apparel Shop	3233												P		P	P	P	P						
Tattoo and/or Body Piercing	3334																		P					
Taxidermist Shop	3435																		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			



appurtenances. This would be the primary use for a property and not attached to a Public or Private Country Club.

- (15) Theater. A structure that is open to the public and is used for dramatic, operatic, musical, motion picture, or other performance or entertainment-related activities, where admission is charged per performance or event, and where there is no audience participation other than as spectators. Such establishments may include incidental services such as food and beverage sales and other concessions.

(F) *Retail and Personal Service Land Uses.*

- (1) Alcoholic Beverage Package Sales. The act of selling beer, wine, and/or liquor or distilled spirits -- as defined by the Texas Alcoholic Beverage Code -- in accordance with the requirements of this Unified Development Code (UDC) by a person, establishment, or place of business.

- (2) Alcoholic Beverage Store. A standalone retail establishment that engages in the sale of beer, wine, and liquor or distilled spirits -- as defined by the Texas Alcoholic Beverage Code -- to the general public for off-premise personal or household consumption.

- (1)(3) Antique/Collectible Store. A retail establishment that engages in the selling of works of art, furniture or other artifacts of an earlier period.

- (2)(4) Astrologer, Hypnotist, or Psychic. An establishment providing predictions or readings of the future based on intuitive or mental powers, astrology, card or tea reading, crystal gazing, palmistry, or spiritual reading.

- (3)(5) Banquet Facility/Event Hall. An establishment that is leased on a temporary basis before the day of the event by individuals or groups who reserve the facility to accommodate private functions, including, but not limited to, banquets, weddings, anniversaries, receptions, business and organizational meetings, and other similar functions, to which the general public is not admitted and for which no admission charge is imposed. Such establishments may include kitchen facilities for the preparation of food or catering of food and areas for dancing, dining, and other entertainment activities that customarily occur in association with banquets, weddings, or receptions.

- (4)(6) Portable Beverage Service Facility. A portable beverage service facility is an establishment that sells beverages from a structure that can be moved from place to place but that stays at one location during a normal business day; food sales are prohibited in these facilities.

- (5)(7) Brewpub. A brewpub is a restaurant that incorporates a craft or microbrewery as an accessory use. The craft or microbrewery in conjunction with the restaurant allows for the manufacturing of beer -- in limited quantities -- for both on-premise and off-premise consumption.

- (6)(8) Business School. A business organized to operate for profit that offers instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.

- (7)(9) Catering Service. A food establishment without on-site banquet facilities that provides, prepares, and/or serves food at off-site locations for groups, where all food and service expenses are paid by the group and not for individual sale.

- (8)(10) Temporary Christmas Tree Sales Lot and Similar Uses. A building or land area that provides seasonal uses such as the sale of Christmas trees, pumpkins, and other temporary uses which occur at certain times of the year.

- (9)(11) Copy Center. An establishment that reproduces, in printed form, individual orders from a business, profession, service, industry, or government organization.

- (10)(12) Craft/Micro Brewery, Distillery and/or Winery. A craft/microbrewery is a small-scale brewing facility designed for the production of malt liquors such as beer and ale, using grains such as oats, hops, rice, wheat, and barley, designed and managed to brew no more than 75,000 barrels of beer per year. A distillery and/or winery is a small-scale facility designed for the manufacture, bottling, labeling, packaging, and sale of wine containing not more than 24% alcohol by volume, distilled spirits and other liquors.

- (11)(13) Incidental Display. An outdoor retail sale or commercial promotion, not in excess of thirty (30) days during any 12-month period, adjacent to an existing permanent business operated in the city where the products displayed or sold outdoors are the same as those sold inside the existing permanent business and where such activity is incidental to the normal conduct of business operated by the same merchant or his employer in an on-site building for which a valid Certificate of Occupancy (CO) exists and when permitted by the City.

- (12)(14) Food Truck/Trailer. A food truck or trailer is a mobile food vendor that sells food and/or beverages that are either pre-packaged or prepared in the confines of a portable truck/trailer, which can be moved from place to place, but is typically in a fixed location for extended periods of time.

- (13)(15) Garden Supply/Plant Nursery. An establishment for the cultivation and propagation, display, storage and sale (i.e. retail and wholesale) of large plants, shrubs, trees and other materials used for in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use.

- (14)(16) General Personal Service. Establishments primarily engaged in providing services generally involving the care of the person and/or his/her apparel including but not limited to barber and beauty shops, dressmaking, shoe shining, dry-cleaning and laundry pick-up stations, tailor or seamstress, and reducing salons/health clubs.

- (15)(17) General Retail Store. A facility or area for the retail sale of general merchandise or food to the public for direct consumption and not for wholesale. Typical general merchandise includes clothing and other apparel; equipment for hobbies or sports; gifts; flowers and household plants; dry goods; groceries, convenience, and specialty foods; toys; furniture; books and stationery; pets; drugs; hardware; and similar consumer goods. This use does not include uses that

CITY OF ROCKWALL

ORDINANCE NO. 23-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*, AND ARTICLE 13, *DEFINITIONS*, 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*, and Article 13, *Definitions*, of the Unified Development Code [*Ordinance No. 20-02*] to create an *Alcoholic Beverage Package Sales and Alcoholic Beverage Store* land use; 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*, and Article 13, *Definitions*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit '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 5TH DAY OF JUNE, 2023.

Trace Johannesen, Mayor

ATTEST:

Kristy Teague, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: May 15, 2023

2nd Reading: June 5, 2023

Exhibit 'A'
*Article 04, Permissible Uses, and Article 13, Definitions, of the
Unified Development Code (UDC)*

Continued on Next Page ...



- (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) Alcoholic Beverage Package Sales.

- (a) The package sales of liquor or distilled spirits -- as defined by the Texas Alcoholic Beverage Code -- shall only be permitted in conjunction with an Alcoholic Beverage Store, and shall not be permitted as an accessory use to any other land use contained within this Unified Development Code (UDC).
- (b) The package sales of beer and wine shall be permitted by-right as an accessory land use to a General Retail Store, Retail Store with Gasoline Sales, Brew Pub, Craft/Micro Brewery and/or Winery, Brewery, and Winery.

(2) Alcoholic Beverage Store.

- (a) An Alcoholic Beverage Store shall include the sale of beer, wine, and liquor or distilled spirits as defined by the Texas Alcoholic Beverage Code.
- (b) An Alcoholic Beverage Store shall be prohibited from locating within 1,000-feet of a lot, parcel, or tract of land with another Alcoholic Beverage Store situated on it as measured in a straight line between the nearest points of one (1) of the lots, parcels, or tracts of land to the other lot, parcel, or tract of land.

~~(4)~~(3) Portable Beverage Service Facility.

- (a) The service shall be limited to snow cone stands, beverage stands serving non-alcoholic beverages such as coffee, juices or sodas.
- (b) The maximum time limit of such temporary use shall not exceed 150-days annually or a time limit otherwise approved by the City Council. At the end of the time period, the structure shall be removed from the property.
- (c) Any temporary power poles will be removed on the date of or immediately following the termination date of the permit.
- (d) No additional freestanding signage shall be permitted.
- (e) The temporary portable structure or trailer shall meet all health and electrical codes off the City.
- (f) Any such temporary facility shall not reduce the number of required parking spaces of any nearby building or use.
- (g) Any such temporary facility shall have permanent restrooms for employees available within 300-feet of the door of the portable beverage facility. Written permission from the permanent building owner for restroom use must be submitted to the building official; no portable restroom facility is allowed.
- (h) Any such temporary facility shall be located on an all-weather (i.e. asphalt or concrete) parking surface with adequate space for parking and circulation, unless alternatively approved by the City Council.

~~(2)~~(4) Temporary Christmas Tree Sales Lot and Similar Uses.



- (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 or Alcoholic Beverage Stores may sell beer and wine for off-premises consumption by right if they are located on property that was within the city limits as of November 14, 2007, and are located in a zoning district allowing such use. Retail establishments or Alcoholic



Beverage Stores located on property that was annexed after November 14, 2007, may not engage in the selling of beer and wine for off-premises consumption.

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

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

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

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
Office Building 5,000 SF or Greater	(2)														P	S	S	P	P	P	P				
RECREATION, ENTERTAINMENT AND AMUSEMENT LAND USES			2.02(E)	2.03(E)																					
Temporary Carnival, Circus, or Amusement Ride	(1)	(1)													S	S	P	P	P	P	P				
Indoor Commercial Amusement/Recreation	(2)	(2)													S		S	P	P	P	P				
Outdoor Commercial Amusement/Recreation	(3)	(3)															S	S	P	S	P				
Public or Private Community or Recreation Club as an Accessory Use	(4)		S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P				
Private Country Club	(5)		S	S	S	S	S	S	S	S	S	S	S			S	S	S	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				
Sexually Oriented Businesses [Art. XI; CH. 12; Municipal Code]	(13)	(7)																		S	S				
Tennis Courts (i.e. Not Accessory to a Public or Private Country Club)	(14)		S	S	S	S	S	S	S	S	S	S	S			S	S	S	P	P	P				
Theater	(15)														P		S	P	P	P	P				
RETAIL AND PERSONAL SERVICES LAND USES			2.02(F)	2.03(F)																					
Alcoholic Beverage Package Sales	(1)	(1)													P	S	P	P	P	S					
Alcoholic Beverage Store	(2)	(2)													S			S	P						
Antique/Collectible Store	(42)														S	S	P	P	P						
Astrologer, Hypnotist, or Psychic	(23)														S	P	P	P	P						

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LAND USES	LAND USE DEFINITION REFERENCE [Reference Article 13, <i>Definitions</i>]	CONDITIONAL USE REFERENCE Reference [Article 04, <i>Permissible Uses</i>]	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	
Banquet Facility/Event Hall	(34)														S		P	P	P							
Portable Beverage Service Facility	(45)	(43)													S	S	S	S	S	S	S	P				
Brew Pub	(56)														P		P	P	P	P	P	P				
Business School	(67)														P		P	P	P	P						
Catering Service	(78)														A		S	P	P	P	P					
Temporary Christmas Tree Sales Lot and/or Similar Uses	(89)	(24)													S		S	P	P	P	P	P				
Copy Center	(910)														P		P	P	P	P	P	P				
Craft/Micro Brewery, Distillery and/or Winery	(911)	(35)													S		S	S			P	P				
Incidental Display	(112)	(46)													P		P	P	P	P	P					
Food Trucks/Trailers	(1213)	(57)													P	S	S	P	P	P	P	P				
Garden Supply/Plant Nursery	(1314)																S	P	P	P	P					
General Personal Service	(1415)	(68)													P		P	P	P	P	S					
General Retail Store	(1516)														P	S	P	P	P	P	S	S				
Hair Salon and/or Manicurist	(1617)														P	S	P	P	P	P	S					
Laundromat with Dropoff/Pickup Services	(1718)														P		P	P	P	P	P	P				
Self Service Laundromat	(1819)														P		P	P	P	P	P	P				
Massage Therapist	(1920)														P	P	P	P	P	P						
Private Museum or Art Gallery	(2021)														P	P	S	P	P			P				
Night Club, Discotheque, or Dance Hall	(2122)														S			S	P	P	S	S				
Pawn Shop	(2223)																	S	S	P	P					
Permanent Cosmetics	(2324)	(79)													A	A	A	A	A	A	A					
Pet Shop	(2425)																	P	P	P	P					
Temporary Real Estate Sales Office	(2526)		P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P					

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			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
Rental Store without Outside Storage and/or Display	2627	810														S	P	P	P	P					
Restaurant with less than 2,000 SF with Drive-Through or Drive-In	2728	911														S	S	S	S	S	S				
Restaurant with less than 2,000 SF without Drive-Through or Drive-In	2829												P	S	P	P	P	P	P	P					
Restaurant with 2,000 SF or more with Drive-Through or Drive-In	2728	4012														S	S	P	P	P	P				
Restaurant with 2,000 SF or more without Drive-Through or Drive-In	2829												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>)	2930														S	P	P	P	P	P		S	S		
Retail Store with Gasoline Sales that has more than Two (2) Dispensers	2930															S	P	P	P	P		S	S		
Secondhand Dealer	3031													S		P	P	P	P	P					
Art, Photography, or Music Studio	3132													P	P	P	P	P	P	P					
Tailor, Clothing, and/or Apparel Shop	3233													P		P	P	P	P						
Tattoo and/or Body Piercing	3334																		P						
Taxidermist Shop	3435																		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					
Feed Store or Ranch Supply	7																		P	S	P				



apertures. This would be the primary use for a property and not attached to a Public or Private Country Club.

- (15) Theater. A structure that is open to the public and is used for dramatic, operatic, musical, motion picture, or other performance or entertainment-related activities, where admission is charged per performance or event, and where there is no audience participation other than as spectators. Such establishments may include incidental services such as food and beverage sales and other concessions.

(F) Retail and Personal Service Land Uses.

- (1) Alcoholic Beverage Package Sales. The act of selling beer, wine, and/or liquor or distilled spirits -- as defined by the Texas Alcoholic Beverage Code -- in accordance with the requirements of this Unified Development Code (UDC) by a person, establishment, or place of business.

- (2) Alcoholic Beverage Store. A standalone retail establishment that engages in the sale of beer, wine, and liquor or distilled spirits -- as defined by the Texas Alcoholic Beverage Code -- to the general public for off-premise personal or household consumption.

- (1)(3) Antique/Collectible Store. A retail establishment that engages in the selling of works of art, furniture or other artifacts of an earlier period.

- (2)(4) Astrologer, Hypnotist, or Psychic. An establishment providing predictions or readings of the future based on intuitive or mental powers, astrology, card or tea reading, crystal gazing, palmistry, or spiritual reading.

- (3)(5) Banquet Facility/Event Hall. An establishment that is leased on a temporary basis before the day of the event by individuals or groups who reserve the facility to accommodate private functions, including, but not limited to, banquets, weddings, anniversaries, receptions, business and organizational meetings, and other similar functions, to which the general public is not admitted and for which no admission charge is imposed. Such establishments may include kitchen facilities for the preparation of food or catering of food and areas for dancing, dining, and other entertainment activities that customarily occur in association with banquets, weddings, or receptions.

- (4)(6) Portable Beverage Service Facility. A portable beverage service facility is an establishment that sells beverages from a structure that can be moved from place to place but that stays at one location during a normal business day; food sales are prohibited in these facilities.

- (5)(7) Brewpub. A brewpub is a restaurant that incorporates a craft or microbrewery as an accessory use. The craft or microbrewery in conjunction with the restaurant allows for the manufacturing of beer -- in limited quantities -- for both on-premise and off-premise consumption.

- (6)(8) Business School. A business organized to operate for profit that offers instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.

- (7)(9) Catering Service. A food establishment without on-site banquet facilities that provides, prepares, and/or serves food at off-site locations for groups, where all food and service expenses are paid by the group and not for individual sale.

- (8)(10) Temporary Christmas Tree Sales Lot and Similar Uses. A building or land area that provides seasonal uses such as the sale of Christmas trees, pumpkins, and other temporary uses which occur at certain times of the year.

- (9)(11) Copy Center. An establishment that reproduces, in printed form, individual orders from a business, profession, service, industry, or government organization.

- (10)(12) Craft/Micro Brewery, Distillery and/or Winery. A craft/microbrewery is a small-scale brewing facility designed for the production of malt liquors such as beer and ale, using grains such as oats, hops, rice, wheat, and barley, designed and managed to brew no more than 75,000 barrels of beer per year. A distillery and/or winery is a small-scale facility designed for the manufacture, bottling, labeling, packaging, and sale of wine containing not more than 24% alcohol by volume, distilled spirits and other liquors.

- (11)(13) Incidental Display. An outdoor retail sale or commercial promotion, not in excess of thirty (30) days during any 12-month period, adjacent to an existing permanent business operated in the city where the products displayed or sold outdoors are the same as those sold inside the existing permanent business and where such activity is incidental to the normal conduct of business operated by the same merchant or his employer in an on-site building for which a valid Certificate of Occupancy (CO) exists and when permitted by the City.

- (12)(14) Food Truck/Trailer. A food truck or trailer is a mobile food vendor that sells food and/or beverages that are either pre-packaged or prepared in the confines of a portable truck/trailer, which can be moved from place to place, but is typically in a fixed location for extended periods of time.

- (13)(15) Garden Supply/Plant Nursery. An establishment for the cultivation and propagation, display, storage and sale (*i.e. retail and wholesale*) of large plants, shrubs, trees and other materials used for in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use.

- (14)(16) General Personal Service. Establishments primarily engaged in providing services generally involving the care of the person and/or his/her apparel including but not limited to barber and beauty shops, dressmaking, shoe shining, dry-cleaning and laundry pick-up stations, tailor or seamstress, and reducing salons/health clubs.

- (15)(17) General Retail Store. A facility or area for the retail sale of general merchandise or food to the public for direct consumption and not for wholesale. Typical general merchandise includes clothing and other apparel; equipment for hobbies or sports; gifts; flowers and household plants; dry goods; groceries, convenience, and specialty foods; toys; furniture; books and stationery; pets; drugs; hardware; and similar consumer goods. This use does not include uses that

CITY OF ROCKWALL

ORDINANCE NO. 23-34

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, AND ARTICLE 13, DEFINITIONS, 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*, and Article 13, *Definitions*, of the Unified Development Code [*Ordinance No. 20-02*] to create an *Alcoholic Beverage Package Sales and Alcoholic Beverage Store* land use; 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*, and Article 13, *Definitions*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit '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 5TH DAY OF JUNE, 2023.



Trace Johannesen, Mayor

ATTEST:



Kristy Teague, City Secretary



APPROVED AS TO FORM:



Frank J. Garza, City Attorney

1st Reading: May 15, 2023

2nd Reading: June 5, 2023

Exhibit 'A'

*Article 04, Permissible Uses, and Article 13, Definitions, of the
Unified Development Code (UDC)*

Continued on Next Page ...



- (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) Alcoholic Beverage Package Sales.
- (a) The package sales of liquor or distilled spirits -- as defined by the Texas Alcoholic Beverage Code -- shall only be permitted in conjunction with an Alcoholic Beverage Store, and shall not be permitted as an accessory use to any other land use contained within this Unified Development Code (UDC).
- (b) The package sales of beer and wine shall be a permitted by-right as an accessory land use to a General Retail Store, Retail Store with Gasoline Sales, Brew Pub, Craft/Micro Brewery and/or Winery, Brewery, and Winery.
- (2) Alcoholic Beverage Store.
- (a) An Alcoholic Beverage Store shall include the sale of beer, wine, and liquor or distilled spirits as defined by the Texas Alcoholic Beverage Code.
- (b) An Alcoholic Beverage Store shall be prohibited from locating within 1,000-feet of a lot, parcel, or tract of land with another Alcoholic Beverage Store situated on it as measured in a straight line between the nearest points of one (1) of the lots, parcels, or tracts of land to the other lot, parcel, or tract of land.
- ~~(1)~~(3) Portable Beverage Service Facility.
- (a) The service shall be limited to snow cone stands, beverage stands serving non-alcoholic beverages such as coffee, juices or sodas.
- (b) The maximum time limit of such temporary use shall not exceed 150-days annually or a time limit otherwise approved by the City Council. At the end of the time period, the structure shall be removed from the property.
- (c) Any temporary power poles will be removed on the date of or immediately following the termination date of the permit.
- (d) No additional freestanding signage shall be permitted.
- (e) The temporary portable structure or trailer shall meet all health and electrical codes of 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)~~(4) Temporary Christmas Tree Sales Lot and Similar Uses.



- (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 **or Alcoholic Beverage Stores** may sell beer and wine for off-premises consumption by right if they are located on property that was within the city limits as of November 14, 2007, and are located in a zoning district allowing such use. Retail establishments **or Alcoholic**



Beverage Stores located on property that was annexed after November 14, 2007, may not engage in the selling of beer and wine for off-premises consumption.

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

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

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

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 1.5 (SF-1.5) District	Single Family 2 (SF-2) District	Single Family 3 (SF-3) District	Single Family 4 (SF-4) District	Single Family 5 (SF-5) District	Single Family 6 (SF-6) 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
Banquet Facility/Event Hall	(34)																S			P	P	P						
Portable Beverage Service Facility	(45)	(43)															S	S		S	S	S	S	S	P			
Brew Pub	(66)																P		P	P	P	P	P	P	P			
Business School	(67)																P			P	P	P	P					
Catering Service	(78)																A		S	P	P	P	P	P				
Temporary Christmas Tree Sales Lot and/or Similar Uses	(89)	(24)															S		S	P	P	P	P	P	P			
Copy Center	(910)																P		P	P	P	P	P	P	P			
Craft/Micro Brewery, Distillery and/or Winery	(4011)	(35)															S		S	S	S		P	P				
Incidental Display	(4412)	(46)															P		P	P	P	P	P					
Food Trucks/Trailers	(4213)	(67)															P	S	S	P	P	P	P	P	P			
Garden Supply/Plant Nursery	(4314)																		S	P	P	P	P					
General Personal Service	(4415)	(60)															P		P	P	P	P	S					
General Retail Store	(4516)																P	S	P	P	P	P	S	S				
Hair Salon and/or Manicurist	(4617)																P	S	P	P	P	P	S					
Laundromat with Dropoff/Pickup Services	(4718)																P		P	P	P	P	P	P	P			
Self Service Laundromat	(4819)																P		P	P	P	P	P	P	P			
Massage Therapist	(4920)																P	P	P	P	P	P						
Private Museum or Art Gallery	(2021)																P	P	S	P	P		P					
Night Club, Discotheque, or Dance Hall	(2122)																S			S	P	P	S	S				
Pawn Shop	(2223)																			S	S	P	P					
Permanent Cosmetics	(2324)	(29)															A	A	A	A	A	A	A					
Pet Shop	(2425)																			P	P	P	P					
Temporary Real Estate Sales Office	(2526)																			P	P	P	P	P				



appurtenances. This would be the primary use for a property and not attached to a Public or Private Country Club.

- (15) Theater. A structure that is open to the public and is used for dramatic, operatic, musical, motion picture, or other performance or entertainment-related activities, where admission is charged per performance or event, and where there is no audience participation other than as spectators. Such establishments may include incidental services such as food and beverage sales and other concessions.

(F) *Retail and Personal Service Land Uses.*

- (1) Alcoholic Beverage Package Sales. The act of selling beer, wine, and/or liquor or distilled spirits -- as defined by the Texas Alcoholic Beverage Code -- in accordance with the requirements of this Unified Development Code (UDC) by a person, establishment, or place of business.

- (2) Alcoholic Beverage Store. A standalone retail establishment that engages in the sale of beer, wine, and liquor or distilled spirits -- as defined by the Texas Alcoholic Beverage Code -- to the general public for off-premise personal or household consumption.

- (1)(3) Antique/Collectible Store. A retail establishment that engages in the selling of works of art, furniture or other artifacts of an earlier period.

- (2)(4) Astrologer, Hypnotist, or Psychic. An establishment providing predictions or readings of the future based on intuitive or mental powers, astrology, card or tea reading, crystal gazing, palmistry, or spiritual reading.

- (3)(5) Banquet Facility/Event Hall. An establishment that is leased on a temporary basis before the day of the event by individuals or groups who reserve the facility to accommodate private functions, including, but not limited to, banquets, weddings, anniversaries, receptions, business and organizational meetings, and other similar functions, to which the general public is not admitted and for which no admission charge is imposed. Such establishments may include kitchen facilities for the preparation of food or catering of food and areas for dancing, dining, and other entertainment activities that customarily occur in association with banquets, weddings, or receptions.

- (4)(6) Portable Beverage Service Facility. A portable beverage service facility is an establishment that sells beverages from a structure that can be moved from place to place but that stays at one location during a normal business day; food sales are prohibited in these facilities.

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- (7)(9) Catering Service. A food establishment without on-site banquet facilities that provides, prepares, and/or serves food at off-site locations for groups, where all food and service expenses are paid by the group and not for individual sale.

- (8)(10) Temporary Christmas Tree Sales Lot and Similar Uses. A building or land area that provides seasonal uses such as the sale of Christmas trees, pumpkins, and other temporary uses which occur at certain times of the year.

- (9)(11) Copy Center. An establishment that reproduces, in printed form, individual orders from a business, profession, service, industry, or government organization.

- (10)(12) Craft/Micro Brewery, Distillery and/or Winery. A craft/microbrewery is a small-scale brewing facility designed for the production of malt liquors such as beer and ale, using grains such as oats, hops, rice, wheat, and barley, designed and managed to brew no more than 75,000 barrels of beer per year. A distillery and/or winery is a small-scale facility designed for the manufacture, bottling, labeling, packaging, and sale of wine containing not more than 24% alcohol by volume, distilled spirits and other liquors.

- (11)(13) Incidental Display. An outdoor retail sale or commercial promotion, not in excess of thirty (30) days during any 12-month period, adjacent to an existing permanent business operated in the city where the products displayed or sold outdoors are the same as those sold inside the existing permanent business and where such activity is incidental to the normal conduct of business operated by the same merchant or his employer in an on-site building for which a valid Certificate of Occupancy (CO) exists and when permitted by the City.

- (12)(14) Food Truck/Trailer. A food truck or trailer is a mobile food vendor that sells food and/or beverages that are either pre-packaged or prepared in the confines of a portable truck/trailer, which can be moved from place to place, but is typically in a fixed location for extended periods of time.

- (13)(15) Garden Supply/Plant Nursery. An establishment for the cultivation and propagation, display, storage and sale (i.e. retail and wholesale) of large plants, shrubs, trees and other materials used for in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use.

- (14)(16) General Personal Service. Establishments primarily engaged in providing services generally involving the care of the person and/or his/her apparel including but not limited to barber and beauty shops, dressmaking, shoe shining, dry-cleaning and laundry pick-up stations, tailor or seamstress, and reducing salons/health clubs.

- (15)(17) General Retail Store. A facility or area for the retail sale of general merchandise or food to the public for direct consumption and not for wholesale. Typical general merchandise includes clothing and other apparel; equipment for hobbies or sports; gifts; flowers and household plants; dry goods; groceries, convenience, and specialty foods; toys; furniture; books and stationery; pets; drugs; hardware; and similar consumer goods. This use does not include uses that