

CITY OF ROCKWALL

ORDINANCE NO. 23-30

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 the *Credit Access Business* 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 1ST DAY OF MAY, 2023.

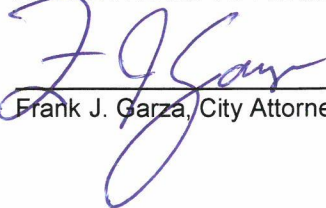

Kevin Fowler, Mayor

ATTEST:


Kristy Teague, City Secretary



APPROVED AS TO FORM:


Frank J. Garza, City Attorney

1st Reading: April 17, 2023

2nd Reading: May 1, 2023

Exhibit 'A'

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

Continued on Next Page ...



from parcel to parcel). A Specific Use Permit (SUP) shall be required for any facility located closer than 1,000-feet.

- (b) Such facilities shall be licensed as a Community Residential Facility under Chapter 508, Parole and Mandatory Supervision, of the Texas Health and Safety Code.

(7) Public or Private Primary School.

- (a) Adequate pick-up and drop-off areas shall be provided to ensure that street traffic/neighborhood traffic is not impeded. This shall be determined by the Director of Planning and Zoning or his/her designee at the time of site plan.

(8) Public or Private Secondary School.

- (a) The school shall be located on a Minor Collector or larger roadway.
- (b) Adequate pick-up and drop-off areas shall be provided to ensure that street traffic/neighborhood traffic is not impeded. This shall be determined by the Director of Planning and Zoning or his/her designee at the time of site plan.

(9) Temporary Education Buildings for a Public or Private School.

- (a) The City Manager or his/her designee may approve temporary educational buildings for a public school pending the submission of a letter from the independent school district indicating the duration the buildings will remain on-site. The City Manager or his/her designee may also require the temporary buildings to adhere to the procedures and requirements of Subsection 02.03(C)(9)(b) below.
- (b) All other applications of temporary educational buildings will require a Specific Use Permit (SUP) that shall be approved by the Planning and Zoning Commission and City Council, and that shall include the following operational conditions:
 - (1) The buildings shall be screened from the view of adjacent properties, public right-of-way, and parks and open space by the primary structure or landscape screening that incorporates three (3) tiered screening (i.e. small to mid-sized shrubs, large shrubs or accent trees, and canopy trees).
 - (2) The applicant shall provide a plan indicating the expected phasing-out of all temporary structures.
 - (3) The Specific Use Permit (SUP) shall be valid for a period not to exceed five (5) years.

(D) Office and Professional Land Uses.

(1) Credit Access Business.

- (a) Any lot or parcel of land with a Credit Access Business establishment shall be located a minimum of 1,000-feet from any other lot or parcel of land with another Credit Access Business, as measured in a straight line between

the nearest points of one (1) of the lots or parcels of land to the other lot or parcel of land.

- (b) A Credit Access Business shall not be located within 500-feet of a residentially zoned property, a public or private school, and/or an existing daycare facility.

~~(4)~~(2) Financial Institution with Drive-Through.

- (a) Drive-throughs shall not be located on a property adjacent to a residentially zoned or used property. Drive-throughs shall be separated from residentially zoned or used properties by an intervening building or parcel of land.
- (b) Drive-throughs shall not have access to local residential streets.
- (c) Stacking lanes for drive-through service windows shall accommodate at least six (6) standard sized motor vehicles per lane, unless specifically approved by the Planning and Zoning Commission.

(E) Recreation, Entertainment and Amusement Land Uses.

(1) Temporary Carnival, Circus, or Amusement Ride.

- (a) The duration of these temporary uses shall not exceed 14-days.
- (b) Carnival, circus and amusement ride uses shall be no closer than 300-feet to a residentially zoned or used property unless otherwise approved by the Planning and Zoning Commission and City Council.
- (c) Such events must obtain a permit from the City of Rockwall.

(2) Indoor Commercial Amusement/Recreation.

- (a) Exemptions to this use include:
 - (1) Skill or coin-operated machines kept in private residences or apartments and used without charge by members of the family or bona fide guests.
 - (2) Skill or coin-operated machines on the premises of religious, charitable, educational or fraternal organizations for the use of members or their guests, and not for private profit, although a charge is made for playing.
 - (3) Billiard or pool tables on the premises of publicly owned facilities.

(3) Outdoor Commercial Amusement/Recreation.

- (a) Outdoor Commercial Amusement/Recreation includes uses that provide outdoor entertainment (e.g. amusement parks, golf courses, outdoor music venues, batting cages, miniature golf etc.), but excludes drive-in movie theaters.
- (b) Outdoor Commercial Amusement/Recreation includes temporary structures (e.g. tents, canopies, etc.) for events; however, temporary in this case does not include structures intended to serve uses for longer than 14-days.
- (c) Outdoor Commercial Amusement/Recreation shall be a minimum of 300-feet from all residentially zoned or used

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-56 Overlay (SH-56) District
Office Building less than 5,000 SF	(3)														P	P	P	P	P	P	P	P		
Office Building 5,000 SF or Greater	(3)														P	S	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	P		
Indoor Commercial Amusement/Recreation	(2)	(2)													S		S	P	P	P	P			
Outdoor Commercial Amusement/Recreation	(3)	(3)														S	S	P	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	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	(9)		S																	P		S		
Health Club or Gym	(9)													A	P	S	P	P	P	P	P			
Private Club, Lodge or Fraternal Organization	(10)	(6)												S	S	S	P	P	P	S				
Private Sports Arena, Stadium, and/or Track	(11)																S	P	P	P				
Public Park or Playground	(12)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Sexually Oriented Businesses [Art. XI, CH. 12, Municipal Code]	(13)	(7)																		S	S			
Tennis Courts (i.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	S	P	P	P		
Theater	(15)													P			S	P	P	P	P			
RETAIL AND PERSONAL SERVICES LAND USES			2.02(F)	2.03(F)																				
Antique/Collectible Store	(1)														S	S	P	P	P					
Astrologer, Hypnotist, or Psychic	(2)														S	P	P	P	P					
Banquet Facility/Event Hall	(3)														S		P	P	P					



or families with no regular home or residential address. A *Rescue Mission or Shelter for the Homeless* shall house a maximum of 15 individuals for a period not to exceed a maximum of 30-days.

- (25) *Social Service Provider (Except Rescue Mission or Shelter for the Homeless)*. Any organization operating under a non-profit charter, the activities of which are devoted exclusively to charitable, benevolent, patriotic, employment related, or educational purposes not currently listed elsewhere in Section 01, Land Use Schedule, of Article 04, Permissible Uses.

(D) *Office and Professional Land Uses.*

- (1) *Credit Access Business*. A *Credit Access Business* is a business or credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction or a motor vehicle title loan (or as otherwise defined by Section 393.6001 of the Texas Finance Code).

- (2) *Financial Institution*. A facility that is open to the public for the deposit, custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds and that is licensed by the appropriate state or federal agency as a bank, savings and loan association, or credit union. Accessory uses may include automatic teller machines, drive through service, offices, and parking. This excludes bail bonds, pawnshops, payday advance/loan businesses, and motor vehicle title loan businesses.

- (4)(3) *Office Building*. A facility that provides executive, management, administrative, or professional services not specifically listed elsewhere in Section 01, Land Use Schedule, of Article 04, Permissible Uses, but not involving the sale of merchandise except as incidental to a permitted use. Typical examples include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

(E) *Recreation, Entertainment and Amusement Land Uses.*

- (1) *Temporary Carnival, Circus, or Amusement Ride*. A temporary, traveling show or exhibition that has no permanent structure or installation, and is intended to attract people to a site where there may or may not be an admission charge. These activities include: carnivals, circuses, rides, entertainment, gaming booths, food stands, exhibitions, and animal displays. Outdoor or indoor commercial amusement provided on a temporary basis.

- (2) *Indoor Commercial Amusement/Recreation*. Any enterprise whose main purpose is to provide the general public with a variety of amusing or entertaining activities, including such activities as skating rinks, bowling alleys, video arcades, billiard tables and similar enterprises, but does not include theaters and auditoriums.

- (3) *Outdoor Commercial Amusement/Recreation*. An amusement enterprise that offers entertainment or games of skill to the

general public for a fee or charge wherein any portion of the activity takes place in the open.

- (4) *Public or Private Community Recreation Club as an Accessory Use*. (1) *Public*: A facility or area that is owned and/or operated by a nonprofit organization and that provides for sports, leisure, and recreation activities operated for the general public. (2) *Private*: A recreation facility operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public.

- (5) *Private Country Club*. A facility or area laid out for recreational, athletic, and social purposes, with limited membership, and the use of which is primarily restricted to members and their guests. A golf course may be included as an additional principal use. Accessory uses may include retail sales, a club house, and other recreational facilities.

- (6) *Golf Driving Range*. An area improved with trees, greens, fairways, hazards, and which may include a clubhouse, dining room, and accessory recreational uses.

- (7) *Temporary Fundraising Events by Non-profit*. An event sponsored by a recognized legal nonprofit organization, intended to attract people to a site where there may or may not be an admission charge.

- (8) *Gun Club with Skeet or Target Range*. A facility or area for the sport of shooting at targets to test accuracy in rifles, pistols, or archery practice, owned or operated by a corporation, association, or persons.

- (9) *Health Club or Gym*. A public or private facility operated to promote physical health and fitness. Activities may include exercise, physical therapy, training, and education pertaining to health and fitness. Uses or combinations of uses or facilities would typically include -- *but are not limited to* -- game courts, weight lifting and exercise equipment, aerobics, swimming pools and spas, and running or jogging tracks.

- (10) *Private Club, Lodge or Fraternal Organization*. (1) *Private Club*. Private quarters for a private organization, a principal purpose of which is the preparation and service of food and/or drink for members and their guests only and falling within the definition of and permitted by Chapter 32, *Private Club Registration Permit*, of the Texas Alcoholic Beverage Code. (2) *Lodge or Fraternal Organization*. A facility or area for a special purpose organization or for the sharing of sports, arts, literature, politics, or other similar interests, but not primarily for profit or to render a service that is customarily carried on as a business, excluding churches, synagogues, or other houses of worship or religious assembly.

- (11) *Private Sports Arena, Stadium, and/or Track*. An athletic field or stadium that is not owned or operated by a public agency such as a city or school and operated for the exclusive use of its members and their guests and not the general public.

- (12) *Public Park or Playground*. A facility or area for recreational, cultural, or aesthetic use owned or operated by a public agency and available to the general public. This definition may include -- *but is not limited to* -- lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, pavilions, wooded areas, and water courses.