



City of Rockwall
The New Horizon

Unified Development Code



Established – June 7, 2004
Ordinance No. 04-38

Amendments

- Ord. No. 04-41 – June 21, 2004 (*added Takeline Overlay*)
- Ord. No. 05-06 – February 7, 2005
- Ord. No. 05-31 – July 5, 2005
- Ord. No. 05-40 – August 15, 2005
- Ord. No. 05-49 – September 19, 2005
- Ord. No. 05-60 – December 5, 2005
- Ord. No. 06-01 – January 3, 2006
- Ord. No. 06-14 – April 17, 2006
- Ord. No. 07-06 – February 5, 2007 (*added Downtown “DT” District*)
- Ord. No. 07-12 – May 7, 2007 (*Revised Takeline Overlay District*)
- Ord. No. 07-18 – June 4, 2007 (*added “SF-1” District, Amended PD Standards*)
- Ord. No. 07-30 – August 20, 2007 (*added North Goliad Corridor Overlay District*)
- Ord. No. 07-31 – August 20, 2007 (*Revised Private Club requirements*)
- Ord. No. 07-35 – September 4, 2007 (*Revised Takeline Overlay District – Eligibility*)
- Ord. No. 07-41 – October 15, 2007 (*Revised Land Use Table – “General Retail Store” in RO*)
- Ord. No. 08-05 – January 22, 2008 (*Revised Land Use Table (dealerships), & added Alcohol Provisions*)
- Ord. No. 08-23 – May 5, 2008 (*Revised Residential Parking requirements*)
- Ord. No. 08-30 – July 7, 2008 (*Revised Lake Ray Hubbard Takeline Overlay – Boat-structure materials*)
- Ord. No. 08-56 – October 20, 2008 (*Revised Land Use Chart & Definitions – Hotel uses*)
- Ord. No. 09-23 – June 15, 2009 (*Noise Regulations, MF-14 Buffer, & other miscellaneous changes*)
- Ord. No. 10-04 – February 1, 2010 (*Revised P&Z Commissioner Term Lengths to 3 Years*)
- Ord. No. 10-14 – July 6, 2010 (*Various Changes*)
- Ord. No. 10-32 – December 6, 2010 (*Various Changes*)

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ARTICLE I. GENERAL PROVISIONS

SECTION 1 SHORT TITLE

This Ordinance shall be known and may be cited as the Unified Development Code of the City of Rockwall, or simply as the Unified Development Code, UDC, or as referenced in this document as the "Code."

SECTION 2 AUTHORITY

The Unified Development Code is adopted pursuant to the powers granted to the City and subject to any limitations imposed by the Constitution and laws of the State of Texas.

SECTION 3 JURISDICTION

The provisions of this Unified Development Code apply generally to all property within the corporate limits of the City of Rockwall and to the lands subject to its zoning jurisdiction as conferred by State law. Those provisions pertaining to the subdivision of land, and those regulations adopted for the primary purpose of protecting water quality or to afford flood protection, apply to all property within the Town's corporate boundaries and to all property within its extraterritorial jurisdiction (ETJ), as established by Texas Local Government Code Chapter 42 and Chapter 212. References to jurisdictions or the applicability of specific development regulations appearing elsewhere in this Unified Development Code take precedence over this jurisdictional statement in the event of a conflicting interpretation.

SECTION 4 PURPOSES

The Unified Development Code is adopted for the following purposes:

- To protect, promote, improve and provide for the public health, safety, and general welfare of the citizens of the City of Rockwall;
- To ensure the safe, orderly and efficient development and expansion of the City of Rockwall in accordance with and pursuant to its Comprehensive Plan, Thoroughfare Plan, and Open Space Plan;
- To conserve, develop, protect and utilize natural resources, including but not limited to topography, vegetation, flood plain and other resources, in keeping with the public interest;
- To prevent the overcrowding of land and avoid undue concentration or diffusion of population or land uses;
- To protect and preserve places and areas of historical, cultural or architectural importance and significance to the community;
- To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
- To provide for open spaces through the most efficient design and layout of the land;

- To prevent the pollution of air and water, to assure the adequacy of drainage facilities, to safeguard water resources and to preserve the integrity and aesthetic quality of the community;
- To lessen congestion in the streets and provide convenient, safe and efficient circulation for vehicular and pedestrian traffic;
- To facilitate the adequate and efficient provision of transportation, water, wastewater, schools, parks, public safety and recreational facilities, and other public facilities and services; and
- To treat in one unified text those areas of regulation more typically dealt with in separate ordinances such as, but not exclusively, the zoning ordinance, the subdivision rules and regulations.

SECTION 5 EFFECTIVE DATE AND APPLICABILITY

The Unified Development Code takes effect upon adoption of this Ordinance by the City Council. The provisions of this Code supersede all other development regulations governing the development of land within the Town. All development applications and proposals filed on or after the effective date of this ordinance, whether for new developments or for add-ons or expansions of existing developments, shall be processed in accordance with the standards and requirements and pursuant to the procedures herein established.

SECTION 6 APPLICABILITY OF EXISTING REGULATIONS

All existing unexpired, valid building permits which are complete and duly filed prior to enactment of the Unified Development Code in accordance with development regulations in effect prior to adoption of these regulations, shall be processed under procedures therein established, and shall be evaluated and approved or disapproved under the standards and requirements contained in such regulations, notwithstanding the adoption of the Unified Development Code. Those site plans which were technically reviewed and approved by the City Council prior to the adoption of this Code shall be exempt from meeting any new requirements after the adoption of this Code.

SECTION 7 RELATIONSHIP TO COMPREHENSIVE PLAN, THOROUGHFARE PLAN AND OPEN SPACE PLAN

The Unified Development Code is intended to implement the policies and objectives contained in the Comprehensive Plan, Thoroughfare Plan, and Open Space Plan for the City and to affect the Town's plan for provision of public facilities and services within town limits and within the City's extraterritorial jurisdiction. If a zoning or rezoning request differs from what the Comprehensive Plan, Thoroughfare Plan, or Open Space Plan recommends for that area, the City Planner will advise applicant of this and will request applicant to submit a written letter. This letter will request the City Planner to prepare and process the necessary exception or amendment to the Plan. The City will process this request concurrently with the (re)zoning case at no additional cost to the applicant.

SECTION 8 COMPLIANCE WITH CODE REQUIRED

All development of land within the incorporated boundaries of the City of Rockwall or its extraterritorial jurisdiction as applicable, shall conform to the requirements of the Unified Development Code, and no person may use, occupy, sell or develop land, buildings or other structures, or authorize or permit the use, occupancy, sale or development of land, buildings or other structures under his/her control, except in accordance with all applicable provisions of this Code. Within the City of Rockwall's extraterritorial jurisdiction, no person may sell or develop land, or authorize or permit the sale or development of land, except in accordance with all applicable provisions of this Code.

SECTION 9 DIAGRAMS AND DRAWINGS

This Code contains diagrams and drawings. When diagrams and drawings appear in this Code, they are presented for explanation purposes only unless specifically referred to in the text of this Code. The text governs over any diagram or drawing when any discrepancy exists. The provisions of this section do not extend to concept plans or site plans which are required and approved under this Code.

SECTION 10 SEVERABILITY

All sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any such section, paragraph, sentence, clause or phrase is declared unconstitutional or otherwise invalid in any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not cause any remaining section, paragraph, sentence, clause, or phrase of this ordinance to fail or become inoperative.

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ARTICLE II.

AUTHORITY AND ADMINISTRATIVE PROCEDURES

SECTION 1 SEQUENCE OF REVIEW

Where an applicant requests a variance from a provision of this ordinance in conjunction with an application for amendment of the Official Zoning Map, the variance shall be considered by the Planning and Zoning Commission and City Council at the same time that they consider the request for the zoning change.

SECTION 2 INITIATION OF ADMINISTRATIVE PROCEDURES

All platting, zoning and site plan requests to be considered by the Planning and Zoning Commission and/or the City Council, shall be initiated by filing an application with the City. All requests for building permits shall be initiated by the filing of an application with the City. The applications required by this section shall be on forms supplied by the City of Rockwall which shall be available in the offices of the City.

SECTION 3 SUBMITTAL AND ACCEPTANCE

No application shall be processed until such application is complete and the fee established in this ordinance or ordinances of the City of Rockwall for processing the application has been paid.

SECTION 4 AUTHORITY TO INITIATE A REQUEST

All platting, zoning and site plan requests, and/or requests to amend the Comprehensive Plan-or the Thoroughfare Plan may be initiated by the owner of the affected property or his/her authorized representative who files the required application and pays the appropriate fee for the request, or the City Council may direct the Director of Planning to initiate such a request on behalf of the City.

Amendments to the text of this ordinance shall be initiated only by action of the City Council directing the Director of Planning to initiate such a request on behalf of the City or by the Director of Planning's own initiative.

Variations and special exceptions to be considered by the Board of Adjustment may be initiated by the owner of the affected property or his/her authorized representative or any aggrieved party who files the required application and pays the appropriate fee, or by any person aggrieved by the decision of an administrative officer with authority over any matter appealable to the Board of Adjustment per Section 11.3, or by an officer, or appropriate board of the City.

SECTION 5 APPLICATION WITHDRAWAL

Any request for withdrawal of an application must be submitted in writing to the Director of Planning.

General

**Article II . Authority &
Administrative Procedures**

Once an application for a platting, zoning, or site plan request to be considered by the Planning and Zoning Commission and/or City Council, or a variance, special exception or appeal going before the City Council has been published in a newspaper or notifications of public hearing, if any, have been mailed, such request for withdrawal must be placed on the public hearing agenda and acted upon by the applicable body.

Application fees are not refundable except in cases in which the Director of Planning determines that an application was accepted in error, or the fee paid exceeded the amount due under the provision of this ordinance or the ordinances of the City of Rockwall, in which case the amount of the overpayment may be refunded to the applicant.

SECTION 6 CONDUCT OF PUBLIC HEARINGS

6.1 NOTICE OF PUBLIC HEARING

Written notice of all public hearings on proposed changes in district boundaries shall be sent to all owners of property within a distance of at least 200 feet from the boundaries of the subject property at least ten (10) days prior to the hearing date. Such notice shall be served by using the last known address as listed on the last approved City tax roll and depositing the notice postage paid in the United States mail.

In addition, notice of such hearing shall be published one time in a newspaper of general circulation in the City, not less than ten (10) days prior to the date of such hearing, and signs giving notice of a proposed zone change shall be placed on the subject property at least ten (10) days prior to the public hearing.

Notice of hearings on proposed changes in the text of the Unified Development Code shall be accomplished by one publication not less than fifteen (15) days prior to the hearing, in the official newspaper of the City. *(Revised via Ord 10-14, 7-6-2010)*

6.2 PUBLIC HEARING POSTPONEMENT, RECESS, AND CONTINUATIONS

- A. A public hearing for which notice has been given may be postponed by announcing the postponement at or after the time and place the hearing is scheduled to begin.
- B. A public hearing may be recessed and continued any time after the hearing has commenced.
- C. If a postponement or continuance of a public hearing is to a specific date and time no later than 60 days from the first or most recent hearing, the announcement of the postponement or continuance at the public hearing in which the application has been postponed or continued shall be sufficient notice and no additional notice is required.
- D. Postponed or continued public hearing shall be presumed to be held in the same location, unless a different location for the hearing is announced at the time of the postponement or continuance.
- E. In the event that any request or amendment is being considered, whether or not a public hearing is involved, and it is continued at the request of the applicant more than one (1) time, an additional fee shall be required to cover the reasonable costs to the City, including the cost of any additional advertising cost and the cost of the City's consultants due to the postponement.
- F. If the applicant is not present at a meeting where the request is being considered and the request cannot be considered, then an additional fee, as described in 6.2E above, shall also be required.

6.3 CONDUCT OF PUBLIC HEARING

Subject to the presiding officer's inherent authority to conduct meetings, the public hearing shall generally be conducted as follows:

- A. Report by the City representative;
- B. Open Public Hearing;
- C. Presentation by the applicant;
- D. Testimony and questions by the public;
- E. Rebuttal by the applicant;
- E. Closure of the public hearing.

SECTION 7 PUBLIC HEARING — PLANNING AND ZONING COMMISSION

7.1 APPROVAL AUTHORITY

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

- A. Decisions on Site Plans, Building Elevations, Lighting Plans, Landscape Plans and Tree Preservation plans as may be required.
- B. Recommendations to City Council on Plats as required by the Subdivision Ordinance.
- C. Recommendations on to City Council on Re-plats, when such public hearing is required by the provisions of Local Government Code Section 212.
- D. Recommendations to City Council regarding text amendments to this ordinance.
- E. Recommendations to City Council regarding Zoning Changes and Map Amendments, including reclassification of the zoning designations on land, specific use permits, and planned developments.
- F. Recommendations to City Council regarding Special Exceptions to this Ordinance.
- G. Recommendations to City Council regarding Amendments to the Comprehensive Plan.
- H. Recommendations to City Council regarding Amendments to the Thoroughfare Plan.
- I. Recommendations to City Council regarding Amendments to the Open Space Plan.

7.2 RECOMMENDATION AUTHORITY

Upon the closure of the public hearing, and when required to make a recommendation to the Council, the Commission may recommend:

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

SECTION 8 PUBLIC HEARING - CITY COUNCIL

8.1 AUTHORITY

The Council shall conduct a public hearing, if required by this ordinance, and make determinations on the following matters:

- A. Text Amendments to this ordinance.
- B. Zoning Changes and Map Amendments, including reclassification of the zoning designations on land, specific use permits, and planned developments.
- C. Special Exceptions or Waivers related to site plans for development.
- D. Amendments to the Comprehensive Plan.
- E. Amendments to the Thoroughfare Plan.

F. Amendments to the Open Space Plan.

G. Variances, special exceptions and appeals as set out in this ordinance.

(Ord. No 06-14, 4-17-06)

8.2 JOINT HEARINGS

The City Council may hold a public hearing, after publishing the required notice, jointly and with any public hearing required to be held by the Planning and Zoning Commission, but the City Council shall not take action until it has received a final report from the Planning and Zoning Commission.

8.3 COUNCIL APPROVAL OR DENIAL

Following the closure of the public hearing, the Council may take the following actions:

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

8.4 PROTEST OF PROPOSED CHANGE IN ZONING

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

Whenever such written protest is signed by the owners of twenty (20) percent or more of the area of the lots or land included in such zoning change, or of the lots or land immediately adjoining the same and within the above mentioned two hundred (200) feet radius, or if such change is recommended for denial by the Planning and Zoning Commission, such change in zoning shall require a favorable vote of three-fourths (3/4) of all eligible members of the Council.

For purposes of determining representation on this written protest, the written protest of any one owner of land owned by two or more persons shall be presumed to be the protest of all owners. (*Ord. No 06-14, 4-17-06*)

8.5 CRITERIA FOR GRANTING SPECIAL EXCEPTIONS

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

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

The City Council, pursuant to the powers conferred upon it by State law, the ordinances of the City, and this Article may grant special exceptions to the provisions of this ordinance upon finding that:

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

**SECTION 9 BOARDS, COMMISSIONS, AGENCIES—APPOINTMENT,
TERM, AND PROCEDURES**

All meetings of any board or commission shall be open to the public. Each board or commission shall keep accurate minutes of each meeting which shall be forwarded to the City Secretary within ten (10) days following each meeting. Such board or commission shall keep an accurate record of the names of the members who are present and absent from their meetings. When public hearings are necessary or required, notice of the public hearings and the conduct of the same will be in compliance with the requirements of the Local Government Code and this ordinance.

Each board or commission may establish its own attendance rules, regulations and method of enforcement unless in conflict with State law, or this Article. Each member of a board or commission shall be at least eighteen (18) years of age.

SECTION 10 PLANNING AND ZONING COMMISSION

10.1 CREATION AND MEMBERSHIP

- A. **Membership.** The members of the Planning and Zoning Commission shall be appointed for a term of three (3) years on a rotating basis and removable for cause by the City Council. The terms of office shall expire on the last day of July or until their successor has been appointed. Any member of the Commission may be reappointed by the City Council upon completion of a full term. *(Revised via Ord. No 10-04, 2-1-2010; Revised via Ord 10-14, 7-6-2010)*
- B. **Residency.** Each member of the Planning and Zoning Commission shall be a resident of the City of Rockwall at the time of his/her appointment. A member of the Planning and Zoning Commission ceasing to reside in the City during his/her term of office shall immediately forfeit the office.
- C. **Removal.** Any member of the Planning and Zoning Commission may be removed from office for any cause deemed by the City Council to be sufficient for removal of the member. If a vacancy should exist in the Planning and Zoning Commission membership due to removal from office, resignation, death, refusal or inability to serve, the City Council shall appoint a new member to fill the vacancy for the unexpired term.

10.2 POWERS AND DUTIES

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

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

10.3 PROCEDURES

- A. **Attendance.** If a Commissioner has three consecutive absences that are not excused by the Planning and Zoning Commission, or is absent from more than 25% of the meetings, he or she may be removed from the Commission; however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Planning and Zoning Commission.

B. Officers. Pursuant to the Charter § 9.01, the Planning and Zoning Commission shall elect a Chair and Vice-Chair at the first meeting in August for a term of one (1) year. The Vice-Chair is to preside in the absence of the Chair. Both the Chair and the Vice-chair shall vote on every item unless prohibited by law. The Zoning Administrator shall be Secretary of the Planning and Zoning Commission.
(Revised via Ord 10-14, 7-6-2010)

C. Meetings

1. **Open to the Public.** All meetings of the Planning and Zoning Commission shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep record of its examinations and other official actions, all of which shall be filed in the office of the Commission and shall be a public record. The Zoning Administrator of the City of Rockwall shall be the custodian and possessor of the records and minutes of the Planning and Zoning Commission.
2. **Calling of Meetings.** Meetings of the Planning and Zoning Commission may be held as often as necessary to conduct the business coming before the Commission at the call of the Chair and at such other times as the Commission may determine.
3. **Quorum.** Any four (4) members shall constitute a quorum for the transaction of the business. The affirmative vote of a majority of those attending any meeting at which there is a quorum present shall be necessary to pass any motion, recommendation or resolution of the Planning and Zoning Commission.

SECTION II BOARD OF ADJUSTMENT

11.1 ORGANIZATION

A. **Membership.** The Board of Adjustment is created in accordance with the provisions of *Article 1011g* of the Revised Civil statutes of Texas. The Board of Adjustment shall consist of five (5) members who are residents and taxpayers of the City, each to be appointed by the City Council for two years and removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause, in the same manner as the original appointment was made.

In addition, the City Council shall provide for the appointment of four (4) alternate members of the Board who shall serve in the absence of one or more of the regular members. Alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two (2) years, and any vacancy shall be filled in the same manner and they shall be subject to removal the same as the regular members.

B. **Zoning Administrator.** The Zoning Administrator, or his authorized representative, shall be an ex-officio member of the Zoning Board of Adjustment without power of vote and as an ex-officio member of such Board shall act as secretary of the Zoning Board of Adjustment and shall set up and maintain a separate file for each application for appeal, special exception and variance received and shall record therein the names and addresses of all persons, firms and corporations to whom notices are mailed, including the date of mailing and further keep a record of all notices published as required herein. All records and files herein provided for shall be permanent and official files and records of the City.

11.2 PROCEDURES

A. **Adopting Procedural Rules.** The Board of Adjustment, by majority vote, shall adopt such procedural rules as are necessary to execute its duties.

B. **Election of Officers.** The Board of Adjustment shall annually select one of its members to be the Chair, and the Vice Chair to act in the absence of the Chair.

C. **Quorum.** All cases before the Board of Adjustment must be heard by at least four members.

D. **Calling Meetings.** Meetings of the board shall be held at the call of the Chair, and at such other times as the board may determine. Such Chair, or in his/her absence the acting Chair, shall administer oaths and compel attendance of witnesses. *(Revised via Ord 10-14, 7-6-2010)*

E. **Meetings Open to the Public.** All meetings of the board shall be open to the public.

F. **Keeping of Minutes.** The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its other official actions, all of which shall be filed in the office of the board and shall be a public record.

The Secretary of the Board shall forthwith notify in writing the City Council, the Planning and Zoning Commission and the City Building Official of each decision, interpretation, special exception and variance granted under the provisions of this ordinance.

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

11.3 JURISDICTION

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

- A. Appeal of an Administrative Decision.** Consider an appeal from any person aggrieved by a decision of any administrative officer with authority over any matter regulated by this ordinance or by any officer, department, board or division of the City affected by any decision of the administrative officer. Such appeal shall be received within fifteen (15) calendar days after the decision has been rendered by the administrative officer, by filing with the officer whose decision is being appealed and with the Board of Adjustment, a notice of appeal specifying the grounds of the appeal and the City's required fee.

The officer from whom the appeal is taken shall forthwith transmit to the Board, all papers constituting the record from which the action appealed was taken.

An appeal shall stay all proceedings of the action which has been appealed, unless the officer from whom the appeal is taken, certifies to the Board that a stay would, in the officer's opinion, cause imminent peril to life or property.

In such case, proceedings shall not be stayed unless there is a restraining order granted by the Board or by a court of competent jurisdiction on application, and notice is given to the officer whose decision is the subject of appeal.

- B. Odd Shaped Parcels.** Permit such modifications of the height, yard, area, coverage and parking regulations as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modification.
- C. Non-Conforming Use.** Permit the expansion or enlargement of a building occupied by a non-conforming use on the lot or tract occupied by such building, provided such reconstruction does not prevent the return of such property to a conforming use. Upon review of the facts, the Board may establish a specific period of time for the occupancy to revert to a conforming use.
- D. Change of Non-Conforming Use.** To authorize a change of use from one non-conforming use to another non-conforming use, provided that such change is to a use of the same or more restricted classification. In the event that a non-conforming use is changed to a non-conforming use of a higher or more restrictive classification, the building or structure containing such non-conforming use shall not later be reverted to the former lower or less restricted classification. The Board may establish a specific period of time for the conversion of the occupancy to a conforming use.
- E. Discontinuance of a Non-Conforming Use.** Require the discontinuance of non-conforming areas of land or structures under any plan whereby the full value of the structure and facilities can be amortized within a definite period of

time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this ordinance.

1. All actions to discontinue a non-conforming use of land or structure shall be taken with due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated non-conforming use and the conservation and preservation of property.
2. The Board shall from time to time on its own motion or upon cause presented by interested property owners inquire into the existence, continuance or maintenance of any non-conforming use within the City.

F. Structure for a Legal Non-Conforming Use. Permit the construction, reconstruction, enlargement or addition of a structure occupied by or for a use, normally ancillary to a single family residential use, when such single family residential use or structure, is legally non-conforming, provided, however, such construction, reconstruction, enlargement or addition does not prevent the return of such property to a conforming use.

G. Non-Conforming Structure. To authorize the reconstruction and occupancy of a non-conforming structure, or a structure containing a non-conforming use, where such structure has been damaged by fire or other causes to the extent of more than fifty (50) percent, but less than the total, of the replacement cost of the structure on the date of the damage. Such action by the Board of Adjustment shall have due regard for the property rights of the person or person affected, and shall be considered in regard to the public welfare, character of the area surrounding such structure, and the conservation, preservation and protection of property.

H. Expansion of a Non-Conforming Structure. To authorize the enlargement, expansion or repair of a non-conforming structure in excess of fifty (50) percent of its current value. In such instance, current value shall be established at the time of application for a hearing before the Board. If such expansion or enlargement is approved by the Board, all provisions of the district in which such structure is located shall apply to the new construction on the lot or parcel.

I. Occupation of an Abandoned Non-Conforming Structure. To authorize the occupancy of an abandoned non-conforming structure. Such action by the Board shall have due regard for the property rights of the person or persons affected, and shall be considered in regard to the public welfare and safety, character or the area surrounding such structure, and the conservation, preservation and protection of property.

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

11.4 CRITERIA FOR GRANTING VARIANCES

The City's Board of Adjustment, pursuant to the powers conferred upon it by State law, the ordinances of the City, and this Article may grant variances to the provisions of this ordinance upon finding that:

- A. Such variance will not substantially or permanently injure the appropriate use of adjacent property in the same district; and

- B. Such variance will not adversely affect the health, safety or general welfare of the public; and
- C. Such variance will not be contrary to the public interest; and
- D. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located, except as provided in Section 12.3; and
- E. Such variance will be in harmony with the spirit and purpose of this ordinance; and
- F. Such variance will not alter the essential character of the district in which is located the property for which the variance is sought; and
- G. Such variance will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located; and
- H. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.
- I. The plight of the owner of the property for which the variance or exception is sought is due to unique circumstances existing on the property, including but not limited to the area, shape or slope, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located; and
- J. The variance or exception is not a self-created hardship.
- K. The variance is clearly identified as a variance to the City's standards on the Concept Plan, Site Plan or text of the Unified Development Code. *(Revised via Ord 10-14, 7-6-2010)*

11.5 ACTIONS OF THE BOARD

- A. In exercising its powers, the Board, may, in conformity with the provisions of the Local Government Code, revise or reform, wholly or partly, or may modify the order, requirement, decisions, or determination appealed from, and shall have all the powers of the officer from whom the appeal is taken including the power to impose reasonable conditions to be complied with by the applicant.
- B. The concurring vote of four (4) members of the Board shall be necessary to revise any order, requirements, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to affect any variance in the ordinance.
- C. Any special exceptions authorized by the Board, either under the provisions of this ordinance or under the authority granted to the Board under the statutes of the State, shall authorize the issuance of a building permit or a certificate of occupancy or other relief as the case may be for a period of ninety (90) days from the date of the favorable action on the part of the Board, unless the Board in its minutes shall, at the same time, grant a longer period.
- D. If a building permit or certificate of occupancy has not been applied for or issued within a ninety (90) day period or as the Board may specifically grant, the special exceptions shall be deemed waived; and all rights hereunder terminated. The Board may grant one or more extensions to this time period upon the applicant's request and if due cause is shown.

E. Such termination and waiver shall be without prejudice to a subsequent appeal to the Board in accordance with the rules, and regulations regarding appeals.

11.6 APPEALS ON SAME MATTER

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

11.7 EFFECTIVE DATE

A decision on a variance shall be effective upon approval by the Board.

11.8 APPEAL FROM BOARD

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

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

No appeal from a Board of Adjustment decision under its jurisdiction, as set out in the Unified Development Code of the City, shall be heard by the City Council.
(Revised via Ord 10-14, 7-6-2010)

SECTION 12 HISTORIC PRESERVATION ADVISORY BOARD

12.1 ORGANIZATION

- A. **Membership.** There is hereby created a Historic Preservation Advisory Board which shall serve as an advisory body to the City Council. Such Board shall consist of seven (7) members to be appointed by the City Council.
- B. **Term of Office; Qualifications.** The members shall be appointed for a term of two (2) years with staggered terms and shall be removable by the City Council. Their terms of office shall expire on the last day of July or when their successor has been appointed. In the event that a vacancy occurs prior to the expiration of a full term, the City Council shall appoint a new member to complete the unexpired term. Any member may be reappointed by the City Council upon completion of a term to which he has been appointed. The membership shall include:
- (a) an architect, planner or representative of a design profession;
 - (b) a member of the Rockwall County Historical Foundation;
 - (c) a general contractor;
 - (d) an owner of property within a historic district;
 - (e) three citizens of Rockwall interested in historic preservation.

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

- C. **Duties.** The duties of the Board are as follows:
1. Provide professional recommendations to the City Council and Planning and Zoning Commission as required, regarding site plans, building alternatives, and building plans proposed within the City Historic Overlay District (HO). The Board shall review site plans and building elevations placed before them within the time frame allowed for processing applications prior to submission to the Planning and Zoning Commission or City Council. The Board shall prepare a written assessment of the proposed project regarding compliance with approved guidelines for development within the District, and its applicability in preserving and enhancing the history and culture of the District.
 2. Research, document and maintain in the official files of the City detailed information regarding the original construction and architecture of the District.
 3. Develop and maintain guidelines regarding development and redevelopment within the District including architectural design, materials selections, building styles and other pertinent design considerations. The proposed guidelines shall be submitted to the Planning and Zoning Commission and City Council for approval.
 4. Adopt rules and procedures as necessary to provide for the orderly conduct of Board meetings.
 5. Recommend the boundaries of historic districts.

6. Increase public awareness of the value of historic, cultural, and architectural preservation by encouraging and participating in public education programs developed by the Historic Preservation office.
 7. Provide recommendations to the Planning and Zoning Commission and City Council concerning the historic preservation impact of proposed, announced or commenced actions by Federal, State or local authorities that affect streets, alleys, publicly-maintained utilities and any other public spaces, areas, improvements, other features or zoning within, around or through any District.
- D. **Officers.** The Board shall elect a Chair and Vice chair at the first meeting in August or at the first meeting thereafter for a term of one (1) year. The Historic Preservation Officer shall be Secretary of the Board and an ex-officio member.
(Revised via Ord 10-14, 7-6-2010)
- E. **Voting; Meetings.** Each member in attendance shall have a vote on plans submitted to the Board with that vote reported to the Commission. Any member professionally or financially involved in matters pending before the Board shall abstain from any discussion, consideration or vote on that item and shall leave the room during such discussion and consideration. Meetings of the Board shall be called as needed by the Historic Preservation Officer.
- F. **Attendance.** If a member has three consecutive absences that are not excused by the Historic Preservation Advisory Board, or is absent from more than 25% of the meetings, he or she may be removed from the Board; however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Historic Preservation Board.

12.2 DESIGNATION OF LANDMARKS IN THE CITY

- A. The Board may recommend to the Planning and Zoning Commission and the City Council that certain properties be "Landmark Districts" and that specific areas be designated as "Historic Districts" as provided for in Article V, Section 6.2 of this Ordinance.

12.3 CERTIFICATES OF APPROPRIATENESS

A. Applicability

Any person carrying out any work that requires a building permit for exterior alteration, restoration, reconstruction, new construction, moving or demolition of a property within a historic district visible must first obtain a Certificate of Appropriateness from the Historic Preservation Advisory Board as provided for in Article V, Section 6.2 of this Ordinance.

B. Criteria for Approval of a Certificate of Appropriateness

The Board shall follow the design guidelines as adopted by the City Council in its consideration of all applications for a Certificate of Appropriateness. These Standards shall be made available to the property owners of historic landmarks or within historic districts. The Historic Preservation Officer shall coordinate with the Chief Building Official, and other appropriate City Departments, all Certificate of Appropriateness applications.

SECTION 13 ARCHITECTURAL REVIEW BOARD

13.1 CREATED

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

13.2 TERM OF OFFICE; QUALIFICATIONS

- A. **Term.** The members shall be appointed for a term of two (2) years with staggered terms and shall be removable for cause by the City Council. Their terms of office shall expire on the last day of July or when their successor has been appointed. In the event that a vacancy occurs prior to the expiration of a full term the City Council shall appoint a new member to complete the unexpired term. Any member may be reappointed by the City Council upon completion of a term to which he has been appointed.
- B. **Qualifications.** The membership shall include one (1) registered architect, one residential property owner in the district and one commercial property owner in the district. The remaining membership shall include no more than one representative from any of the following categories: (1) landscape architects; (2) civil engineers; (3) structural engineers; (4) experienced commercial builders in the District; (5) professional land planners and/or (6) building designers who are members in good standing with a recognized professional association. All members must be residents of Rockwall County.
- C. **Attendance.** If a member has three consecutive absences that are not excused by the Architectural Review Board, or is absent from more than 25% of the meetings, he or she may be removed from the Board; however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Architectural Review Board.

13.3 DUTIES

The purpose of the Board is to provide professional recommendations to the Planning and Zoning Commission and the Director of Planning regarding site plans and building elevations submitted within any zoning district as may be required. Meetings of the Board shall be called as needed. The Board shall review site plans and building elevations placed before them within the time frame allowed for processing applications prior to submission to the Planning and Zoning Commission. The review shall evaluate compatibility with existing topography, scenic corridors and landscaping, and with the goals and objectives established in the applicable Overlay District and/or Planned Development District, the Comprehensive Plan and applicable provisions of the Urban Design guidelines. The Board shall make recommendations on design changes based on its professional experience and knowledge. The Planning and Zoning Commission shall consider the Board's recommendations in its deliberation of the proposed development. The Commission may include recommended changes in the proposed building elevations and site plan based upon the recommendations of the Board in its recommendation to the City Council, if applicable. (*Ord. No 06-14, 4-17-06*)

13.4 OFFICERS

The Board shall elect a Chair and Vice Chair at the first meeting in August or at the first meeting thereafter for a term of one (1) year. The Zoning Administrator shall be Secretary of the Board and an ex-officio member. *(Revised via Ord 10-14, 7-6-2010)*

13.5 VOTING

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

SECTION 14 DIRECTOR OF PLANNING / ZONING ADMINISTRATOR

14.1. QUALIFICATIONS

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

14.2 POWERS AND DUTIES

- A. The Director of Planning shall have the following powers and duties:
 - 1. To make recommendations and provide assistance to the City Council and Planning and Zoning Commission concerning exercise of their responsibilities under this ordinance;
 - 2. To develop and recommend to the Planning and Zoning Commission, and the City Council, a Comprehensive Plan for the City or any amendments to the Plan and to propose actions to implement the Plan;
 - 3. To coordinate all planning relating to the City's Comprehensive Plan;
 - 4. To submit recommendations to the Planning and Zoning Commission and Council on request for zoning changes, variances and exceptions.
 - 5. To render such administrative decisions as are required of the Director of Planning by this ordinance;
 - 6. To perform such other duties as may be prescribed by ordinance or directed by the City Council or Planning & Zoning Commission.

SECTION 15 HISTORIC PRESERVATION OFFICER

15.1 APPOINTMENT

The City Manager shall appoint a qualified staff person, to serve as Historic Preservation Officer. This officer shall administer the Historic Preservation provisions of this ordinance and advise the Historic Preservation Board on matters submitted to it.

15.2 POWERS AND DUTIES

In addition to serving as a representative to the Historic Preservation Board, the officer is responsible for coordinating the city's preservation activities with those of state and federal agencies and with local, state, and national non-profit preservation organizations.

SECTION 16 CHIEF BUILDING OFFICIAL

16.1 QUALIFICATIONS

- A. The Chief Building Official must be a licensed architect or engineer in good standing, or
- B. Have a Bachelor's degree in Urban Planning, or related field; supplemented by a minimum six (6) years in a supervisory/management capacity in the field with a municipal or other governmental organization, to include development and implementation of budgetary functions; or an equivalent combination of

education, training, and experience which includes the following knowledge, Skills, and Abilities:

1. Comprehensive knowledge of modern principles and practices of community development administration.
2. Thorough knowledge of the federal, state, and local ordinances, laws and regulations relating to departmental activities.
3. Thorough knowledge of principles of effective administration, to include planning, directing, evaluating, and coordinating.

16.2 POWERS AND DUTIES

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

1. To issue permits in accordance with this ordinance;
2. To issue Certificates of Occupancy in accordance with this ordinance;
3. To enforce the provisions of this ordinance;
4. Such other powers and duties as may be lawfully delegated.

The City Council may designate the City Engineer to perform the duties of the Chief Building official.

**SECTION 17 PROCEDURE IN PLANNING AND ZONING CASES —
ADDITIONAL INFORMATION SUBMITTED**

New matters of evidence not present to the Planning and Zoning Commission shall not be heard or considered by the Council in its public hearings related to amendments to the Unified Development Code and maps to the City. *(Revised via Ord 10-14, 7-6-2010)*

In the event new evidence develops between the date of the hearing by the Planning and Zoning Commission and the hearing of the Council on any zoning change, or if for any other valid reason a person wishes to present evidence to the Council which had not been presented to the Planning and zoning Commission, the Council shall refer the case back to the Planning and Zoning Commission for further hearings to consider the new evidence.

Nothing contained herein shall be construed to prohibit anyone from speaking in the public hearing related to changes in zoning.

SECTION 18 COMPUTATION OF TIME

Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, a Sunday or a legal holiday as observed by the City of Rockwall, that day shall be excluded. Whenever a person has the right, or is required to perform some act within the prescribed period after the service of a notice or other paper upon him, and the notice or paper is served by mail, three calendar days shall be added to the prescribed time unless otherwise specifically provided.

SECTION 19 FEES

Fees for all applications and appeals referred to in this ordinance shall be established by the City Council.

However, the Planning and Zoning Commission, with the concurrence and approval of the City Council, shall determine and set forth a fee schedule for recovering the administrative cost of processing zoning requests and the public hearings called for by this Ordinance. Such fee shall be paid by the applicant and shall not be designed for restricting an applicant's ability to seek a hearing. In addition, it may not be designed to generate revenue for the City other than recovery of actual administrative costs. Immediately upon receipt of the application and fee, the Zoning Administrator shall note the date of filing, and make a permanent record.

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ARTICLE III. ZONING DISTRICTS AND MAP

SECTION 1 ZONING MAP

1.1 OFFICIAL ZONING MAP

- A. The City of Rockwall is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared a part of this ordinance. The zones, or districts, hereby established are and shall be known and cited as:

Zoning Districts

ABBREVIATED DESIGNATION	ZONING DISTRICT NAME
"AG"	Agricultural District
"SF-E/x"	Single Family Estate Residential, (where "x" is the minimum lot size in acres)
"SF-1"	Single Family One District (with maximum density of one unit per gross acre)
"SF-x"	Single Family Residential District (where "x" is the minimum lot size in square feet)
"ZL-5"	Zero Lot Line Single Family Residential District
"2F"	Two-Family (or Duplex) Residential District
"MF-14"	Multi-Family Residential District
"R-O"	Residential-Office District
"NS"	Neighborhood Service District
"GR"	General Retail District
"C"	Commercial District
"DT"	Downtown District
"HC"	Heavy Commercial District
"RT"	Research Technology District
"LI"	Light Industrial District
"HI"	Heavy Industrial District

SPECIAL DISTRICTS

"PD"	Planned Development District
"HO"	Historic Overlay District
"NGC OV"	North Goliad Corridor Overlay District
"NPO"	Neighborhood Preservation Overlay District
"SRO"	Southside Residential Neighborhood
"MUO"	Mixed Use Overlay District
"IH-30 OV"	IH-30 Overlay District
"SH 205 OV"	SH 205 Overlay District
"SOV"	Scenic Overlay District
"SH 66 OV"	SH 66 Overlay District
"205 BY-OV"	205 By-Pass Corridor Overlay District
"N-SH 205 OV"	North SH 205 Corridor Overlay District
"E-SH 66 OV"	East SH 66 Corridor Overlay District
"FM 549 OV"	FM 549 Corridor Overlay District
"SH 276 OV"	SH 276 Corridor Overlay District
"TL OV"	Lake Ray Hubbard Takeline Overlay District

(Ord. No 06-14, 4-17-06; Ord. 07-18, 6-4-07; Ord. No 07-30, 8-20-07, Ord. No 10-14, 07-6-10)

B. The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Secretary, under the following words:

"This is to certify that this is the Official Zoning Map referred to in ARTICLE III of the Unified Development Code, Ordinance No. ____, of the City of Rockwall, Texas" together with the date of adoption of this ordinance."

C. When changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map by the City Secretary promptly after the amendment has been approved by City Council, and the change shall note the ordinance number and date that the change was approved.

D. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance.

E. The original reproducible tracing of the Official Zoning Map shall be located in the Office of the Director of Planning in City Hall and shall be the final authority as to the current zoning status of land and water areas, building and other structures in the City of Rockwall.

- F. City Council may, by resolution, adopt a new Official Zoning Map should the original reproducible tracing of the Official Zoning Map be damaged, destroyed, lost or become ambiguous because of the nature or number of changes and additions. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no other correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Secretary, under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of Map being replaced) as a part of the Unified Development Code of the City of Rockwall, Texas."

- G. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 2 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

2.1 BOUNDARIES

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow center lines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following lot lines;
- C. Boundaries indicated as following City limit lines shall be construed as following such City limits;
- D. Boundaries indicated as parallel to or extensions of features indicated in *Subsections A through C* above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- E. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by *Subsections A and B* above, the Council shall interpret the district boundaries.

SECTION 3 REGULATIONS APPLICABLE TO ALL DISTRICTS

3.1 GENERAL REGULATIONS

The following regulations shall apply to all zoning districts listed in this Article and further defined in *Article IV Permissible Uses* and *Article V. District Development Standards*.

- A. No land or building shall be used or intended for any use other than those permitted in the district wherein such land or building is located.
- B. No building shall be erected, reconstructed, enlarged, structurally altered, or moved in such manner as to evade conformity with height, bulk, yard, lot area, use, and other regulations for the district wherein such building is located.
- C. No yard provided adjacent to a building for the purpose of complying with provisions of this zoning code shall be considered as providing any part of a yard for another building on the same lot or on an adjacent lot.
- D. No street or walkway shall serve as any part of a required yard or minimum lot area although street rights of way and open space may be used in determining allowable units per acre in residential subdivisions.
- E. Every building hereafter erected or altered shall be located on a *lot* as defined in *Article XIII Definitions*.

SECTION 4 LISTING OF APPROVED PLANNED DEVELOPMENTS

Planned Developments that have been approved and appear on the zoning maps are referenced by a Planned Development Number (PD #) and the zoning district classification and/or uses authorized by the particular zoning case. The listing of approved Planned Developments will be documented in Appendix A of this Code.

SECTION 5 LISTING OF APPROVED SPECIFIC USE PERMITS

Specific Use Permits that have been approved shall be referenced by a Specific Use Number (SUP #) and the type of use authorized by those permits. The listing of approved Specific Use Permits will be documented in Appendix B of this Code.

SECTION 6 ZONING UPON ANNEXATION

All territory hereinafter annexed to the City of Rockwall shall assume an interim classification of AG Agricultural District, pending determination of the property's initial permanent zoning in accordance with the provisions of state law and this chapter unless application for permanent zoning is submitted by the property owner at the time of annexation. The City Planning and Zoning Commission shall, as soon as practical after annexation of any territory to the City, institute proceedings on its own motion, to give the newly annexed territory a permanent zoning, following the same procedure as is provided by law for the adoption of original zoning procedures. The interim zoning prior to the permanent zoning shall not be considered a rezoning for legal purposes. The procedure for establishing initial zoning other than AG on annexed territory shall conform to the procedure established by law for the adoption of normal zoning classifications and regulations.

In an area classified AG, no person shall erect, excavate, construct, or proceed or continue with the erection or construction of any building or structure or add to, enlarge, move, improve, alter, repair, convert, or extend or demolish any building or structure or cause the same to be done in any newly annexed territory to the City without first applying for and obtaining a building permit therefore from the building official as may be required in applicable City ordinances.

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ARTICLE IV. PERMISSIBLE USES

SECTION I LAND USE SCHEDULE

1.1 USE OF LAND AND BUILDINGS

Buildings, structures and land shall be used only in accordance with the uses permitted in the following "Land Use Schedule," subject to all other applicable requirements of this ordinance including *Article V Zoning District Development Standards*.

- A. The symbol "P" shall mean that the use is permitted as a principal use in that zoning district by right.
- B. The symbol "S" shall mean that the principal use is permitted in that zoning district only after first obtaining a "Specific Use Permit" as set forth in this Article.
- C. The Symbol "A" shall mean that this use is specifically permitted as an accessory use to a main use in the district. This does not exclude other land uses which are generally considered ancillary to the primary use.
- D. The Symbol "+" shall mean that this use is conditional and has special standards or requirements listed in this section, which it must meet in order to be allowed.
- E. A blank square shall mean that the use is not allowed in that zoning district as a principal use.

Use Standards
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SECTION 2 USE STANDARDS

2.1 CONDITIONS

The following uses shall be allowed provided the use meets the definition and the standards established of such use:

2.1.1 RURAL AND ANIMAL-RELATED

Animal Clinic for Small Animals, No Outdoor Pens

1. A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment.
2. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such clinic use.

Horse Corral or Stable (Commercial).

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; and
2. Fences or pens, corrals or similar enclosures shall be of sufficient height and strength to properly retain the animal.

Horse Corral or Stable (Private).

1. All private horse corrals or stables shall comply with the standards specified in Section 3.1, Farm Animals and Horses, in this ordinance.
(Ord No. 07-18, June 4, 2007)

2.1.2 RESIDENTIAL AND LODGING USE CONDITIONS:

Accessory Building (Accessory to Residential Use)

1. The accessory building shall be accessory to a residential use and located on the same lot.
2. In all residential districts, one detached garage shall be allowed provided that it does not exceed 900 square feet in area or 15 feet in height, provided that it is located on the same lot as the residential use and that the exterior cladding contains the same materials, excluding glass, as found on the main structure and is generally in the same proportion.
3. In SF-E,
 - a. no more than 2 accessory buildings shall be allowed which are up to 625 square feet (each) in area and 15 feet or less in height; or
 - b. in SF-E/1.5, a single building which is up to 1,250 square feet in area and 15 feet or less in height., provided the exterior cladding contains the same materials, excluding glass, as is found on the main structure and generally in the same proportion. In SF-E/2.0 the single accessory building may be up to 1,500 square feet, and in SF-E/4.0, up to 2,000 square feet in area.
4. In SF-7, SF-8.4, SF-10, SF-16, and SF-1, no more than 2 accessory buildings shall be allowed which are up to 225 square feet (each) in

area and 15 feet or less in height, provided the exterior cladding contains only materials found on the main structure. (Greenhouses are exempt from the materials requirement.) (*Ord No. 07-18, June 4, 2007*)

5. In 2F, no more than 2 accessory buildings shall be allowed which is up to 100 square feet (each) in area and 10 feet or less in height, provided the exterior cladding contains only materials found on the main structure. (Greenhouses are exempt from the materials requirement.)
6. Accessory Buildings not meeting these standards shall require approval of an SUP.

Bed and Breakfast Operation

1. Permitted in the Historic Overlay District by right, and in SF-7 by Specific Use Permit, and must be located on an owner-occupied single family lot.
2. One parking space per bedroom to be rented shall be provided above the single family parking requirement
3. No outside advertising shall be allowed on the lot unless located in a non-residential zoning district or permitted by an SUP.
4. A permanent wired smoke alarm system meeting all City codes shall be installed.
5. The premises shall pass a fire code inspection before opening and on an annual basis thereafter.
6. All applicable hotel/motel taxes shall be paid.
7. The maximum length of stay is limited to fourteen (14) consecutive days in any thirty (30) day period.
8. Any bed and breakfast Special Use Permit (SUP) shall be reviewed after an initial 6-month period and annually thereafter unless otherwise stipulated in the permit.

Carport (Residential)

1. In residential districts, Carports must be open on at least two sides and be located at least 20 feet behind the corner of the front façade and meet the garage setback adjacent to an alley. It must also meet the minimum required side yard setbacks for a detached garage. (*Ord. No 06-14, 4-17-06*)
2. Carports which are visible from a public street must be constructed of materials matching those of the primary residential structure.
3. Carports not meeting these standards must obtain an SUP.
4. Porte-cocheres are not considered carports, and are allowed, provided that they are attached and integral with the design of the house.



**CARPORT TOP,
PORTE-COCHERE BELOW**

Duplex

1. Limited to two families.
2. The dwelling must be permanently attached to a concrete foundation.
3. The primary roof pitch must be at least 3 in 12 inches.
4. At least eighty percent of the exterior materials, excluding doors and windows, must be comprised of brick, stone or cast stone. Additional materials like concrete-board such as Hardy Board, and stucco or synthetic stucco such as Synergy or Drivet, may be permitted as specified in Article V, Section 3.1, General Residential Standards, to comprise a portion of the entire exterior wall. *(Ord. No 06-14, 4-17-06)*

Guest Quarters/Secondary Living Unit

1. Guest quarters or secondary living unit may be allowed on a property in a residential or commercial zoning district provided that it is ancillary to the primary use and that only one such facility is provided.
2. The area of such quarters shall not exceed 30% of the area of the main structure.
3. No such use may be sold or conveyed separately without meeting the requirements of the zoning district and the Subdivision Ordinance.

Home Occupation *(Ord. No 06-14, 4-17-06)*

1. **Incidental to Primary use.** The use must clearly be incidental and secondary to the primary use of the property as a residence.
2. **Employees.** No person(s) outside the family may be employed in the home occupation.
3. **Exterior Indication.** There shall be no exterior display, signage, exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building.
4. **Traffic.** No traffic shall be generated by such home occupation than would normally be expected in the neighborhood.
5. **Nuisance.** No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be generated,
6. **Excluded Uses.** A home occupation may not be interpreted to include the following: facilities for repair of motor vehicles, small motors, daycare center.

Portable Building

1. On Residentially zoned properties:
 - a. One portable building shall be allowed as an accessory to a residential use on the same lot except for multi-family districts, which shall not contain portable buildings.
 - b. Such building shall not exceed 120 feet in floor area or 10 feet in height. In 2F, such building shall be limited to 100 square feet in area.

(Revised via Ord. No 10-14, 7-6-2010)

Single Family Dwelling (Attached, Detached, Zero Lot Line)

1. The dwelling must be permanently attached to a concrete foundation.
2. The primary roof pitch must be at least 3 in 12 inches.
3. At least eighty percent of the exterior materials, excluding doors and windows, must be comprised of brick, stone or cast stone. Additional materials like concrete-board such as Hardy Board, and stucco or synthetic stucco such as Synergy or Drivet, may be permitted as specified in Article V, Section 3.1, General Residential Standards, to comprise a portion of the entire exterior wall. (*Ord. No 06-14, 4-17-06*)

Urban Residential

1. Urban residential includes residential development which at least partly face streets, public sidewalks, or common open space, or which are located above retail, office or service uses.
2. Ground floor urban residential should have direct access to a sidewalk via a stoop or landing, and a majority of parking should be located in a structure.



EXAMPLES OF URBAN RESIDENTIAL: LEGACY TOWN CENTER (PLANO) AND CELEBRATION (FLORIDA)

2.1.3 INSTITUTIONAL & COMMUNITY SERVICE USE CONDITIONS

Assisted Living Facility

See "Group or Community Home" below.

Cemetery / Mausoleum

1. Cemetery means land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mortuaries and funeral chapels if operated in connection with and within the boundaries of such cemetery. (*Ord. No 10-14, 7-6-2010*)

Church/House of Worship

1. A building used for non-profit purposes by a recognized and legally established sect solely for the purpose of worship.
2. Significant accessory uses such as schools, coffee houses, day care centers, bingo parlors and halls may only be allowed in a zoning district that allows such uses.

Convalescent Care Facility/Nursing Home

A facility that provides nursing services and custodial care on a 24-hour basis for three or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age, require such services.

Daycare

1. Daycare is a facility that
 - a. Is licensed by the State;
 - b. Provides care for seven or more children or adults who do not reside in the facility, who are present primarily during daytime hours, and who do not regularly stay over night; and
 - c. May provide some instruction.
2. Adequate provision for pick-up and drop-off shall be provided, as determined by the Director of Planning.

(*Revised via Ord. No 10-14, 7-6-2010*)

Group or Community Home

1. A home for disabled persons whose ability to care for himself, perform manual tasks, learn, work, walk, see, hear, speak or breath is substantially limited because the person has an orthopedic, visual, speech, or hearing impairment, Alzheimer's disease, pre-senile dementia, cerebral palsy, epilepsy, Muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, autism, or emotional illness.
2. The facility must be a community-based residential home operated by:
 - a. The Texas Department of Mental Health and Metal Retardation (MHMR);
 - b. A community center organized under Subchapter A, Chapter 534, Health and Safety Code, that provides services to persons with disabilities;
 - c. An entity subject to the Texas Non-Profit Corporation Act; or

- d. An entity certified by the Texas Department of Human Services as a provider under the medical assistance program service persons in intermediate care facilities for persons with mental retardation; or
 - e. An entity operating an assisted living facility licensed under Chapter 247, Health and Safety Code.
3. When the facility is located within a single-family or duplex residential zoning district,
 - a. The exterior structure must retain compatibility with the surrounding residential dwellings, and
 - b. Not more than six persons with disabilities and two supervisors may reside in the facility at the same time. The limitation on the number of persons with disabilities applies regardless of the legal relationship of those persons to one another.
4. A community or group home may not be established within one-half mile of an existing community or group home unless a Specific Use Permit is approved by the City Council.
5. The residents of a community or group home may not keep for the use of the residents of the home, either on the premises or on a public right-of-way adjacent to the home, motor vehicles in numbers that exceed the number of bedrooms in the home.

Halfway House

1. A place where persons are aided in readjusting to society following a period of imprisonment, hospitalization, or institutionalized treatment.
2. Such facilities may be located no closer than within a 1,000-foot radius to another halfway house (as measured from building to building). An SUP shall be required for any facility located closer than 1,000 feet.
3. Such facilities shall be licensed.

Public or Private School, Primary

1. Must provide adequate drop-off areas so as not to unnecessarily impede street traffic.
2. Drop-off and access provisions must be approved by the Director of Planning.
3. Other sections of the ordinance shall apply to screening, landscaping and cladding.

Public or Private School, Secondary

1. Must be located on a collector or larger roadway.
2. Must provide adequate drop-off areas so as not to unnecessarily impede street traffic.
3. Drop-off and access provisions must be approved by the Director of Planning.
4. Other sections of the ordinance shall apply to screening, landscaping and cladding.

Public or Private School Temporary Education Building

Temporary buildings for classrooms, recreation and administration needs for public school districts may be located on public school district sites when approved by the City Manager or his/her appointed designee. However, the City Manager or designee may at their discretion, require a recommendation of the Planning and Zoning Commission and approval by the City Council. An application for "Temporary Education Building" must be submitted on forms supplied by the Building Official's office and shall include a schedule indicating the expected phasing-out of all temporary structures. Such permit shall be valid for a period of five years. All temporary structures should be located so that they are screened by the permanent buildings whenever possible.

2.1.4 OFFICE AND PROFESSIONAL USE CONDITIONS

Financial Institution with Drive-Through

1. A financial institution is an establishment for the custody, loan, exchange or issuance of money, and/or the extension of credit that facilitates the transmission of funds. This shall not include pawn shops or businesses that advertise check cashing services.
2. Drive-throughs shall not be located on a property adjacent to residential uses. Drive-throughs shall be separated from residential properties by an intervening building.
3. Drive-throughs shall not have access to local residential streets.
4. Stacking lanes for drive-through service windows shall accommodate at least six cars per lane, unless specifically approved by the Director of Planning.

2.1.5 RECREATION, ENTERTAINMENT & AMUSEMENT USE CONDITIONS

Carnival, Circus, or Amusement Ride (Temporary)

1. A promotional event intended to attract people to a site where there may or may not be an admission charge, and which may include such activities as rides, entertainment, game booths, food stands, exhibitions, and animal displays, and not extending greater than 14 days in duration.
2. Carnival, circus and amusement ride uses shall be no closer than 300 feet to residentially zoned land unless such setback is reduced or waived by the Planning and Zoning Commission and City Council.
3. Such events must obtain a permit from the City of Rockwall.

Commercial Amusement/Recreation (Indoor)

1. 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.

Exceptions include:

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- a. Skill or coin-operated machines kept in private residences or apartments and used without charge by members of the family or bona fide guests;
- b. 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; and
- c. Billiard or pool tables on the premises of publicly owned facilities.

(Revised via Ord. No 10-14, 7-6-2010)

Commercial Amusement / Recreation (Outdoor)

1. Outdoor commercial recreation and amusements, excluding drive-in theaters, but including golf courses, target ranges and skeet shoots, picnic groves, amusement parks, circus or carnival grounds, commercial amusement or recreational developments or tents, and other similar uses. This includes temporary structures used for meetings. Such uses shall be considered "temporary" if the use does not exceed 14 days. (See "Carnival, Circus, or Amusement Ride (Temporary)" above.)
2. Outdoor commercial recreational and amusement uses shall be no closer than 300 feet to residentially zoned land unless such setback is reduced or waived by the Planning and Zoning Commission and City Council.

Fund Raising Events by Non-Profit, Indoor or Outdoor (Temporary)

1. An event sponsored by a recognized legal non-profit organization, intended to attract people to a site where there may or may not be an admission charge.
2. Such events must obtain a permit from the City of Rockwall.

Uses as defined in Chapter 27 of the Code of Ordinances *(Ord. No 10-14, 7-6-2010)*

1. Includes any use meeting the definitions stated in Chapter 27 of the City of Rockwall Code of Ordinances.
2. Such uses shall meet all requirements and permitting procedures of Chapter 27 of the Code of Ordinances.
3. No such use shall be permitted within any Overlay district of the City of Rockwall.

2.1.6 RETAIL AND PERSONAL SERVICE USE CONDITIONS

Beverage Service Facility, Portable

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. A portable beverage facility shall meet the following minimum conditions:

1. The service shall be limited to snow cone stands and beverage stands serving non-alcoholic beverages such as coffee, juices or sodas.
2. The maximum time limit of such temporary use shall not exceed 150 days annually. At the end of the 150-day period, the structure shall be removed from the property.
3. Any temporary power poles will be removed on the date of or immediately following the termination date of the permit.
4. No additional freestanding signage shall be permitted.
5. The temporary portable structure or trailer shall meet all health and electrical codes of the City.
6. Any such temporary facility shall not reduce the number of required parking spaces of any nearby building or use.
7. 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.
8. Any such temporary facility shall be located on an all-weather (asphalt or concrete) parking surface with adequate space for parking and circulation, unless variance has been approved.

Christmas Tree Sales Lot & Similar Uses (Temporary)

The temporary sales of Christmas trees may be allowed with a permit approval of the Building Official provided it meets the following conditions:

1. Any such temporary facility of lot shall be limited to the seasonal sales of Christmas trees.
2. The maximum time limit of such use shall not exceed 45 days annually. At the end of the 45-day period, the structure and other facilities related to the use shall be removed from the property.
3. Any temporary power poles will be removed on the date of or immediately following the termination date of the permit.
4. No additional freestanding signage shall be permitted.
5. Any such temporary facility shall not reduce the number of required parking spaces of any nearby building or use.
6. Any such temporary facility shall have permanent restrooms for employees available within 300 feet for which written permission from the permanent building owner for restroom use must be submitted to the Building Official; no portable restroom facility is allowed.

Cosmetics, Permanent

1. Cosmetics, Permanent, as defined by the State Department of Health.
2. It includes electrolysis, but does not include ornamental tattoos.

Display, Incidental

Outdoor sales and display, excluding vehicles and vehicular machinery, for which the sale of these items are the primary business, shall meet the following standards:

1. Outdoor sales and displays are permitted only in areas designated on the site plan filed with the City.
2. Outdoor sales and display may not exceed 5% of the adjacent building floor area. (Building area is defined as the entirely enclosed portion of the primary building.)
3. Outdoor sales and display may occupy up to 30% of a covered sidewalk that is located within 20 feet of the building. Such display shall not impede pedestrian use of the sidewalk and at least a 5' passable distance shall be maintained.
4. Any outside sales and display not located on a covered sidewalk must be screened from view of adjacent roadways, public areas and adjacent properties. Such screening must:
 - a. Be a minimum of 8 feet high or 1 foot taller than the materials being displayed, which ever is greater.
 - b. Include minimum of 20% solid screening matching the material of the primary building. The remainder may be solid evergreen planting, or wrought iron, dark vinyl coated chain link or similar materials.
5. Any outside sales and display not located on a covered sidewalk must be located immediately adjacent to or connected to the primary structure.
6. No outdoor sales and display may be located in any portion of a parking lot.
7. Christmas tree sales are exempted from these standards, and such trees may be stored outdoors for sale beginning one week before Thanksgiving and ending December 31. (Also, see *Christmas Tree Sales Lot & Similar Uses (Temporary)*).
8. **Landscape Materials.** The accessory seasonal display of plants and related landscape materials such as fertilizer, peat moss, and ornamental landscape items by a permitted retail use may be displayed upon approval by the Building Inspector only under the following conditions:
 - a. The plants and related materials shall be located on an all weather surface.
 - b. All of the plants and related materials shall be located behind the building line.
 - c. The storage area for display of plants and related materials shall not occupy any required parking spaces as outlined in *Article VI Parking and Loading*. Excess parking spaces may be used if all other requirements in this Section are met.

d. The storage area for display of plants shall not occupy more than 5% of the total lot area.

9. **Trucks and Trailers.** The restrictions in Sub-section A above, shall be construed to prohibit the storage and display of rental trailers and trucks except in districts where such uses are indicated as permitted uses.

Private Club, Lodge or Fraternal Organization *(Revised via Ord. No. 07-31, 8-20-07)*

1. **Definition.** A Private Club is an establishment providing social and dining facilities as well as alcoholic beverages service to an association of persons and otherwise falling within the definition of and permitted under the provisions of that portion of Title 3, Chapter 32, VTCA, Alcoholic Beverage Code as it may be amended and as it pertains to the operation of private clubs.
2. **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.
3. **Exterior Signs.** There shall be no exterior signs advertising the sale of alcoholic beverages, provided this does not prohibit using established trademark names (i.e. Steak & Ale).
4. **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 exceeds the maximum allowed percentage specified in this ordinance.
5. **Club Boundaries.** For the purposes of this ordinance, 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 party.

A copy of the permit approved by the State shall be submitted to the City prior to issuance of a Certificate of Occupancy to insure 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 Chapter 27 of the Rockwall 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 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, and any other applicable ordinances.

Real Estate Sales Office, On-Site (Temporary)

Temporary on-site real estate sales offices located on property being sold, shall be limited to the period of sale of the lots with a two-year initial period and one-year extensions being authorized by the Building Official. Such offices must be maintained at all times.

Restaurant with Drive-Through

1. Drive-throughs shall not have access to local residential streets.
2. Stacking lanes for drive-through service windows shall accommodate at least six cars per lane, unless specifically approved by the Director of Planning.

Restaurant with Accessory Private Club or Brew Pub

See "Private Club" above.

Winery

A winery shall mean the manufacturing, bottling, labeling and packaging of wine containing not more than twenty-four (24) percent alcohol by volume from grapes, fruits and berries grown on-premise or imported, and to include the manufacturing and importation of grape brandy for fortifying purposes only. Wine sales may be to holders of wholesaler's permits, winery permits, and wine bottlers permits. Retail sales to ultimate consumers in unbroken packages for off-premise consumption may not exceed an amount of 35,000 gallons annually. A winery may include the following accessory uses; a tasting room to dispense wine for on-premise consumption, meeting/banquet facilities, restaurants, and retail sales area of wine for off-premise consumption. (*Ord. No 10-32, 12-6-2010*)

2.1.7 COMMERCIAL & BUSINESS SERVICES

Building & Landscape Material with Limited Outside Storage

Outdoor sales and display, excluding vehicles and vehicular machinery for which the sale of these items is the primary business, shall meet the following standards:

1. Outdoor sales and displays are permitted only in areas designated on the site plan filed with the City.
2. Outdoor sales and display may not exceed 5% of the adjacent building floor area. (Building area is defined as the entirely enclosed air conditioned portion of the primary building.)
3. Outdoor sales and display may occupy up to 30% of a covered sidewalk that is located within 20 feet of the building. Such display shall not impede pedestrian use of the sidewalk and at least a 6-foot passable distance shall be maintained.
4. Any outside sales and display not located on a covered sidewalk must be screened from view of adjacent roadways, public areas and adjacent properties. Such screening must:
 - a. Be a minimum of 8 feet high or 1 foot taller than the materials being displayed, which ever is greater.

- b. Include minimum of 20% solid screening matching the material of the primary building. The remainder may be solid evergreen planting, or wrought iron, dark vinyl coated chain link or similar materials.
5. Any outside sales and display not located on a covered sidewalk must be located immediately adjacent to or connected to the primary structure.
6. No outdoor sales and display may be located in any portion of a parking lot.
7. Christmas tree sales are excepted from these standards, and such trees may be stored outdoors for sale beginning one week before Thanksgiving and ending December 31.

Building & Landscape Material with Outside Storage

1. All outside storage must be screened from adjacent streets and public areas.

Temporary On-Site Construction Office

1. Only one construction or field office shall be allowed per construction site, unless specifically approved by the Building Official.
2. Temporary Construction Offices shall be limited to the period of construction with a two-year initial period and one-year extensions being authorized by the Building Official. Such offices shall be maintained at all times.

2.1.8 AUTO & MARINE-RELATED USE CONDITIONS

Auto Repair Garage, Major

1. General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers, including body work, frame-work, welding, and major painting service.
2. Garage doors shall not face the street or a residential lot.
3. Vehicles, equipment, parts or inventory shall not be stored outside overnight unless expressly permitted by this ordinance. In which case, they shall be screened from public streets, sidewalks and open space, and any residentially-zoned lot.

Auto Repair Garage, Minor

1. The replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstering service. It also includes "quick lube" type businesses. This applies to only to passenger automobiles and trucks not in excess of 7,000 pounds gross weight.
2. In a General Retail (GR) District, an "auto repair garage, minor" is permitted as an accessory to a retail use, when the gross floor area of the auto repair and related storage does not exceed 30% of the retail sales floor area. If it is a stand-alone use, it shall require a Specific Use Permit.

3. In a Commercial (C) District, an “auto repair garage, minor” is permitted as an accessory to a retail use, provided all work is conducted wholly within a completely enclosed building. If it is a stand-alone use, it shall require a Specific Use Permit.
4. Garage doors or bays shall not face the street or a residential lot.
5. Vehicles, equipment, parts or inventory shall not be stored outside over night unless expressly permitted by this ordinance. In which case, they shall be screened from public streets, sidewalks and open space, and any residentially-zoned lot.
6. A Site Plan must be approved by the Director of Planning prior to issuance of any Building Permit.

Boat and Trailer Dealerships (New and Used)

1. The area to be used for outside storage and display shall not exceed 50% of the total lot area within 100 feet of any adjacent street.
2. All such outside storage and display areas must be permanently paved to City standards.
3. All such outside storage and display areas must be screened along all road frontages with a solid evergreen landscape screen a minimum of three feet in height.
4. All such outside storage and display areas may be lighted with directed exterior lighting that does not glare onto any adjacent roadways.
5. A site plan and landscape plan shall be approved prior to issuance of any Building Permit.
6. Such uses shall only be permitted along Interstate 30 and other arterials, as identified on the City’s Thoroughfare Plan, but shall be excluded within the Scenic Overlay District along FM-740 and SH 66.

Carwash/Auto Detail

The following standards apply to any free-standing or accessory carwash or auto detailing use:

1. Entrances and exits to the car wash shall not directly face any public street. On corner sites, car wash entrances or exits shall not open toward the street with the highest traffic volume, or as determined by the Director of Planning.
2. The car wash shall be set back a minimum of 50 feet from any street frontage.

Motor Vehicle Dealerships (new and Used)

1. Used vehicles may only be sold as an ancillary use to new vehicle sales. (*Ord. No 06-14, 4-17-06*)
2. All outside display of vehicles must be on an approved concrete, or enhanced concrete surface.
3. All vehicle display areas must meet the landscape standards for parking areas.

Service Station

An establishment where gasoline and other petroleum products are sold as the principal use of the property. Light maintenance activities such as engine tune-ups, lubrication, and minor repairs may also be provided if incidental to such principal use. Service station do not include premises where retail sales space exceeds 25% of the total building area or 500 s.f. of gross floor area, whichever is less.

Towing & Impound Yard *(Ord. No 10-14, 7-6-2010)*

1. A towing and impound yard must comply with all requirements, including definitions and permitting procedures for wrecking and towing services, that are specified in Chapter 15, Article VII of the City's Code of Ordinances, unless otherwise approved by City Council as part of the Specific Use Permit approved for the use.

Towing Service, No Storage *(Ord. No 10-14, 7-6-2010)*

1. A towing storage with no outside storage must comply with all requirements, including definitions and permitting procedures for wrecking and towing services, that are specified in Chapter 15, Article VII of the City's Code of Ordinances.

Truck Stop with Fuel and Accessory Services

1. Entrances and exits to the service bays shall not directly face any public street. On corner sites, Service bay entrances or exits shall not open toward the street with the highest traffic volume, or as determined by the Director of Planning.
2. The location of access drives from adjacent streets shall be determined by the Director of Planning.

2.1.9 INDUSTRIAL & MANUFACTURING

Asphalt or Concrete Batch Plant

Any asphalt or concrete batch plant shall meet environmental standards established by this ordinance and state and federal agencies.

Asphalt or Concrete Batch Plant, Temporary

1. A permit from the Building Official stating any special conditions relating to its siting and reduction of potential impacts on adjacent uses, shall be required for this use.
2. Temporary asphalt or concrete batch plants are limited to the period of construction if was constructed to serve.
3. Any asphalt or concrete batch plant shall meet environmental standards established by this ordinance and state and federal agencies.

Environmentally Hazardous Materials

1. Any land use which involves environmentally hazardous materials shall meet environmental standards established by this ordinance and state and federal agencies.

Use Standards

Article IV. Permissible Uses

2. A permit from the Building Official stating any special conditions relating to its siting and reduction of potential impacts on adjacent uses, shall be required for this use.

Mining and Extraction (Sand, Gravel, Oil & Other)

1. Any mining and extraction activity shall meet environmental standards established by this ordinance and state and federal agencies.
2. A permit from the Building Official stating any special conditions relating to its siting and reduction of potential impacts on adjacent uses, shall be required for this use.

2.1.10 WHOLESALE, DISTRIBUTION & STORAGE

Mini-Warehouse *(Revised via Ord. No 10-14, 7-6-2010)*

1. A mini-warehouse (or self-storage facility) is an enclosed storage facility containing independent, fully enclosed bays that are generally leased to individuals for long-term storage of their household goods or personal property.
2. The number of storage units per acre shall not exceed 125*, the minimum number of storage units shall be 10; and the maximum site area shall be 5 acres.
3. Only single story units are allowed, no multi-story buildings will be permitted, unless an exception is approved by the Planning and Zoning Commission and City Council. If necessary, the office/caretaker residence-unit may exceed one story, but shall not be greater than 36 feet in height.
4. A minimum of two (2) parking spaces shall be required for the on-site manager (i.e. caretaker; resident or otherwise)
5. No direct access from FM 740, SH 205, SH 66, SH 276, FM 3097, FM 552, FM 549 and John King Blvd. The Council may consider granting direct access from the above mentioned roadways after review and determination of the availability of access to the specific property.
6. Perimeter walls shall be provided which face the front, rear and side property lines. Overhead doors shall not face adjacent streets. All exterior perimeter walls facing the front, rear and side property lines shall be 100% brick construction, unless otherwise approved by the Planning and Zoning Commission and City Council. Perimeter walls facing the front yard shall incorporate architectural features to break up the long repetitive nature of self-storage buildings such as: offsets in buildings; variation of materials; variation of heights; etc. No pre-engineered metal building components (such as gutters and downspouts) shall be incorporated in the perimeter walls facing the front property line. Interior walls shall be constructed of split face block, brick or stone.
7. The front, side and rear building set back areas shall be landscaped. Landscaping should be clustered, creating interesting relief from the long repetitive nature of self-storage buildings.
8. The facilities shall incorporate the use of perimeter gates that limit access to the storage areas to customers only. Gates shall conform to all applicable zoning, building and fire code requirements. Special access for fire and police personnel shall be provided as required.
9. All screening fences shall be wrought iron with landscaping / living screen or masonry. See-through fencing should be wrought iron, or similar. Chain link fencing of any kind shall be prohibited.
10. Buildings and see-through fencing should be oriented in a manner to restrict the visibility of interior overhead doors and drives from the public street. The color(s) of the garage doors, as well as other doors within the facility, shall compliment the exterior colors of the main building(s).

11. The commercial operation of rental trucks and trailers shall be prohibited.
12. Businesses shall not be allowed to operate in the individual storage units.
13. No outside storage of any kind shall be allowed (including the outside storage of boats, recreational vehicles, and motor or self-propelled vehicles).
14. Concrete shall be used for all paving.
15. Roofs shall have a minimum pitch of 1 in 3 and be constructed with a metal standing seam. Mechanical equipment shall be screened with the roof structure or parapet walls.
16. Lighting standards shall be limited to a maximum of 20 feet in height.
17. The residential unit as an accessory to the permitted use shall not exceed 1600 square feet.

Outside Storage

1. Outdoor storage shall be screened to the height of what is being stored from streets and public open space, and from abutting residentially zoned districts, and from an NS, GR, C, DT or RT district.
2. No outside storage shall be allowed in any zoning district adjacent to IH-30.

2.1.11 UTILITIES, COMMUNICATIONS & TRANSPORTATION

Antenna

1. **Definitions.** For the purpose of this division an antenna mast is defined as an antenna, mast or tower, or all or any two of these combined to constitute a structure designed for radio and television reception or transmission.

“**Antenna**” means a device or apparatus consisting of one or more wires or rods arranged to send and receive radio, television, electromagnetic or microwave signals. For purposes of this section, several antenna components may be assembled to perform a single function for a single operator and may be considered one antenna.

Antenna--Accessory means an antenna for the purpose of transmitting, retransmitting and/or receiving radio, television, electromagnetic or microwave signals as part of and directly related to a principal activity within an office, retail or industrial building and which itself is not a principal use or unrelated to any principal use on the property.

Antenna—Amateur Radio means a radio communication antenna used by a person holding an amateur station license from the Federal Communications Commission (FCC). An amateur radio antenna shall be allowed as an accessory use in any zoning district, under the following guidelines:

- a. Amateur antenna support structures, antenna, or support wires must be located behind the front facade of the main building, and no amateur antenna support structure, antenna, or support wires may be located in the required rear or side yard setback.
- b. No amateur antenna support structure or antenna may be greater than the maximum height of the underlying zoning district. However, the height of such antenna support structure or antenna may be increased up to 70 feet provided the setback from side and rear setback lines is increased by one foot for every foot the height exceeds the limit specified in the underlying zoning district. In addition, the City Council may consider approval of a Specific Use Permit for any amateur antenna support structure or antenna that is proposed to exceed these height limits.
- c. Only one amateur radio support structure may be erected on a residential lot. Additional antenna support structures may be allowed with the approval of a Specific Use Permit.

(Ord. No 10-14, 7-6-2010)

Antenna--Commercial means an antenna for the purpose of transmitting, retransmitting and/or receiving radio, television, cellular, electromagnetic or microwave signals, and any other similar technology, primarily for the purpose of operating a business and/or for financial gain. A commercial antenna may be either mounted or freestanding as described below.

Antenna, Commercial--Free-Standing means a commercial antenna supported by or affixed to a free-standing pole, tower, tripod, frame or other similar structure.

Antenna, Commercial--Mounted means a commercial antenna permanently affixed to the roof or other portion of a building.

2. Antenna Standards

(a) **Antenna—Accessory.**

- (a) The antenna installation shall comply with the height and area regulations of the applicable zoning district.
- (b) Administrative approval of the antenna installation shall be required.

(b) **Antenna—Commercial,** located entirely within any nonresidential structure allowed under the applicable zoning district regulations:

- (1) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building on the site; or the necessary equipment shall be contained entirely within the principal building on the property or in an underground vault.
- (2) Any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six feet at maturity or a masonry

screening wall at least eight feet in height, compatible in color with the principal building and the equipment building.

- (3) At least one paved parking space with paved access thereto shall be provided at the antenna location; said parking space need not be reserved exclusively for use in conjunction with the antenna installation and may be one of the spaces provided for the principal use on the property.
 - (4) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.
 - (5) No more than three separate equipment buildings shall be located on a single lot.
- (c) **Antenna, Commercial—Free-Standing**, when attached to a utility installation or a light pole in a public park or on public school property:
- (1) The height of the utility installation or light pole upon which the antenna is attached shall be greater than 75 feet but no more than 150 feet.
 - (2) The antenna shall extend no more than ten feet above the maximum height of the utility structure.
 - (3) A minimum clearance of 15 feet shall be maintained from the ground to the lowest element of the antenna.
 - (4) A minimum setback of 20 feet shall be maintained from the utility installation, light pole or any equipment building to the lot line of the nearest property developed for residential occupancy.
 - (5) Any necessary equipment building may be constructed of metal with a baked-on or pre-painted surface and shall not exceed seven feet in height and 75 square feet in area. The exterior surfaces shall be covered in paint or a similar coating; or the building may be built of a material allowed by the applicable zoning district for the principal building; or the necessary equipment may be contained entirely within a principal building on the property or in an underground vault. All equipment buildings shall be maintained free from graffiti.
 - (6) At least one paved parking space with paved access may be required at the antenna location; this parking space need not be reserved exclusively for use in conjunction with the antenna installation and may be one of the spaces provided for the principal use on the property, if any.
 - (7) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.
 - (8) No more than three separate antennas and three equipment buildings shall be located on a single lot or structure.
- (d) **Antenna, Commercial—Free-Standing, Other.**

- (1) The antenna installation shall comply with the height and area regulations of the applicable zoning district and the support structure shall not exceed 125 feet in height.
 - (2) The antenna shall not extend more than ten feet above the maximum height of the support structure.
 - (3) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building on the site; or the necessary equipment shall be contained entirely within a principal building on the property or in an underground vault.
 - (4) The antenna and any equipment buildings shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six feet at maturity or by a masonry screening wall at least eight feet in height, compatible in color and character with the principal building and the equipment building.
 - (5) At least one paved parking space with paved access may be required at the antenna location; this space need not be reserved exclusively for use in conjunction with the antenna facility and may be one of the spaces required for the principal use on the property.
 - (6) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.
 - (7) No more than three separate antennas and three equipment buildings shall be located on a single lot or structure.
- (e) **Antenna, Commercial—Mounted**, 12 feet or less in height, on nonresidential structures allowed under the applicable zoning district regulations:
- (1) The total height of the structure, including the antenna, shall not exceed the maximum height of the zoning district by more than 12 feet.
 - (2) A minimum clearance of 15 feet shall be maintained from the ground to the lowest element of the antenna.
 - (3) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building; or the necessary equipment shall be contained entirely within a principal building on the property or in an underground vault.
 - (4) The antenna and any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge, which will achieve a height of at least six feet at maturity or a masonry screening wall at least eight feet in height, compatible in color and character with the principal building and the equipment building.
 - (5) At least one paved parking space with paved access thereto shall be provided at the antenna location; said space need not be reserved exclusively for use in conjunction with the antenna

facility and may be one of the spaces required for the principal use on the property.

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

3. 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 following requirements:

(a) All electrical specifications of such antenna masts, towers and supports shall comply with the National Electrical Code, the electrical code of the city, Standard Building Code, and the building code of the city.

(b) Antenna structures shall be designed in accordance with section 1205.1 of the Standard Building Code.

4. 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 division, 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.

5. Restrictions and Limitations. All antenna systems constructed and maintained under the provisions of this division shall be subject to the following restrictions and limitations:

(a) No such antenna system shall be more than 99 feet in height.

(b) The location on the lot of such antenna system shall comply with the requirements of the Unified Development Code of the city 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.

(c) All antenna systems constructed under the provisions of this division shall be maintained so as to at all times comply with the requirements of this division.

(d) The regulations contained herein shall not apply to the extent that they have been preempted by specific regulations of the FCC to the contrary. (*Ord. No 10-14, 7-6-2010*)

6. 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. 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.

- (a) The overall screening height will be the height of the tallest element of roof-mounted equipment.
- (b) The outside of the screening device should be painted or finished in a similar color to the building facade, trim or roof surface to minimize the visibility of the equipment and screen the view from ground level.
- (c) Roof-mounted equipment and the inside of the screening device should be painted similar to the color of the roof surface in order to minimize the visibility of the equipment and screening device from overhead views.

Antenna, Dish.

Dish antennas shall be allowed in any district as an accessory use, provided that they meet the following conditions:

- 1. Dish antennas shall not be located within front or side yards, and shall be fully screened from view from streets and public or common open areas. In all cases, they must be screened to minimize the visual impact from adjacent properties.
- 2. In residential districts, they shall be located only in rear yards. However, dish antennas 20 inches or smaller may be roof mounted provided that they are located behind a transverse roof ridge line and screened from adjacent properties.
- 3. In commercial districts, if located on ground level, dish antennas shall be screened to the full height of the structure with landscaping. They may also be allowed on roof tops provided that they are located and screened so as to minimize visual impact from other properties in the area.
- 4. In industrial districts, dish antennas may be ground or roof mounted but must be screened to minimize the visual impact from adjacent properties.
- 5. If the standards above are not reasonably achievable, a Specific Use Permit shall be obtained prior to installation of a dish antenna.

Solar Energy Collector Panels and Systems *(Ord. No 10-32, 12-6-2010)*

The installation of solar energy panels and systems shall be allowed as an accessory use in all zoning districts, provided they are designed and installed in compliance with the following standards:

1. Solar energy collector panels installed on a pitched roof shall be of a flat configuration and shall be subject to the following requirements:
 - (a) Configuration of pitched roof solar energy collector panels shall be a regular quadrangular shape, flat to the roof or integrated with the roof, and aligned with the natural roof edges.
 - (b) The surface of the solar energy collector panel shall not be more than six (6) inches above the surface of the pitched roof.
2. Solar energy collector panels installed on a flat roof, whether rack-mounted or flat-mounted, shall be screened from public view.
 - (a) The height of such screening, at the minimum, shall be the height of the solar energy collector panel.
 - (b) The screening may be by a parapet or screening wall replicating the materials of the building.
3. Reflective glare of solar energy collector panels shall be minimized by the positioning of the solar collector panels or by the use of non-glare glazing.
4. Piping, wiring and other mechanical accessories shall be concealed within a roof mounted solar energy collector panel. If some portion of the piping, wiring or other mechanical accessories can not be practically concealed then those portions shall be painted so as to blend with the roofing material.
5. Ground mounted or pole mounted solar energy collector panels shall be located behind the primary building, and shall be fully screened from public view by a solid screening fence or wall that meets all code requirements of the City.
6. The maximum overall height of ground mounted or pole mounted solar energy collector panels shall not exceed twelve (12) feet.
7. In residential zoning districts, the total coverage area of solar energy collector panels shall not exceed one thousand (1,000) square feet on a single lot.
8. Any solar energy collector panels or systems not meeting these requirements, or any installation of solar energy systems as the principal use on any property, shall require approval of a Specific Use Permit (SUP).

SECTION 3 OTHER SPECIAL USE STANDARDS

3.1 FARM ANIMALS AND HORSES

- A. Grazing Animals.** In the SF-E and SF-1 districts, grazing animals 500 pounds or greater, including horses and cattle, must have a minimum fenced or enclosed area of 40,000 s.f. per animal. Grazing animals of less than 500 pounds, including sheep and goats, must have a minimum fenced or enclosed area of 15,000 s.f. per animal.
- B. Other Animals.** An SUP is required for other farm animals, including chickens and swine (except for “potbellied pigs” as defined in Chapter 5 of the Code of Ordinances), and for a reduction in the land area required for grazing farm animals. The City shall not grant an 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, no swine or fowl are permitted, except for “potbellied pigs” as defined in Chapter 5 of the Code of Ordinances.
 4. In the Agricultural district or on unplatted tracts of land of five (5) acres or more, standards for animals are found in § 5-16 of the City’s Code of Ordinances.

(Ord. No 06-14, 4-17-06), (Ord. No 07-18, 6-4-07), (Revised via Ord. No 10-14, 7-6-2010)

3.2 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 5% of the building area is utilized for this ancillary use.

3.3 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.

3.4 FLAG POLES

Flag poles are permitted in all districts, but must meet the building height and setback requirements for each district. (See Article V. District Standards.)

3.5 ALCOHOLIC BEVERAGE SALES (ORD. 08-05, 1-22-08)

A. Restaurants with Alcoholic Beverage Sales.

1. Restaurants may serve alcoholic beverages for on-premise 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-premise 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 State of 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, 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. *(Revised via Ord. No 10-14, 7-6-2010)*

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-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 the City of Rockwall Sign Ordinance.

B. Retail Establishments with Alcoholic Beverage Sales.

1. Retail establishments may sell beer and wine for off-premise consumption by right if they are located on property that was within the City limits as of November 14, 2007 and are located in a zoning district allowing such use. Retail establishments located on property that was annexed after November 14, 2007, may not engage in the selling of beer and wine for off-premise consumption.

2. Retail establishments engaged in the selling of beer and wine to the general public for off-premise 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 State of Texas Alcoholic Beverage Code) or public hospital. For a church or public hospital, the 300 feet shall be measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. For public schools or private schools, the measurement of distance shall be in direct line from the property line of the public school to the property line of the retail establishment and in a direct line across intersections. If the permit or license holder is located on or above the fifth story of a multistory building, the measurement shall be in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located. *(Revised via Ord. No 10-14, 7-6-2010)*

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

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

C. Drive-through sales of Pre-Packaged Beverages, Convenience Stores, Retail Sales with Gasoline *(Ord. No 10-14, 7-6-2010)*

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.

SECTION 4 SPECIFIC USE PERMITS (SUP)

4.1. PERMIT REQUIRED

A Specific Use Permit (SUP) is required for any use identified in the Land Use Table as requiring one. The procedure for requesting an SUP is set out in *Article XI, Zoning Related Applications and Procedures*.

SECTION 5 FLOODPLAIN AREAS

5.1 PERMITTED USES

The following uses shall be permitted within that portion of a district which is designated as being within a Floodplain by the City Engineer, provided they are allowed in the underlying zoning, and that they meet any additional requirements established in the City's Floodplain Regulations in Chapter 11 of the Code of Ordinances:

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

5.2 DUMPING, EXCAVATING OR FILLING FLOODPLAIN

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

5.3 LOCAL FLOODING MAY OCCUR IN OTHER AREAS

The fact that land or property is or is not within a district having a Floodplain designation shall not constitute assurance that such land or property is not subject to local flooding and the designation of Floodplain in this ordinance shall not be so interpreted.

SECTION 6 TEMPORARY USES AND STRUCTURES

6.1 TEMPORARY USES

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

6.2 TEMPORARY STRUCTURES

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

SECTION 7 NEW AND UNLISTED USES

7.1 REVIEW

New and unlisted land uses which were not originally anticipated will likely be considered for location within the City. Such uses shall require an amendment to the Unified Development Code and shall be reviewed by the Planning and Zoning Commission and the City Council for inclusion in specific zoning districts or as part of a Planned Development (PD) zoning request.

7.2 CONDITIONS

When considering requests for a new land use, the Commission and Council shall consider the potential effects of the use on adjacent properties in terms of requirements for services, visual impact, traffic generation, the extent to which the use is consistent with other uses allowed in the district, and other issues they deem appropriate.

SECTION 8 NON-CONFORMING USES, STRUCTURES AND SITES

8.1 INTENT

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

8.2 APPLICABILITY

The provisions of this chapter shall apply to lots, uses and buildings which become nonconforming by reason of the adoption of or an amendment to, this ordinance, as of the effective date of such amendment.

8.3 NONCONFORMING USES

A. Exceptions

1. Except as specified below, any use, building, or structure lawfully existing at the time of the enactment of this ordinance or at the time of annexation into the City may be continued, even though the use, building or structure may not conform to the provisions of this Ordinance for the district in which it is located.
2. The right to continue nonconforming uses shall be subject to regulations prohibiting the creation of a nuisance and regulations reasonably protecting adjacent property.

B Cessation of Nonconforming Use

For the purposes of this Subsection, a use shall be deemed to have ceased or been abandoned when it has been discontinued for 180 days during any three (3) year period whether with the intent to abandon the use or not.

C. Expansion of Nonconforming Use

No existing building or premises devoted to a use that is not permitted by this Ordinance in the district in which such building or premises is located shall be enlarged or altered in a way which increases its nonconformity, except when required to do so by law or order, unless the use is changed to a use that is permitted in the district in which the building or premises is located, and except as follows:

1. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a more restrictive classification when authorized by the Board of Adjustment; or it may be changed to a conforming use.
2. Whenever a nonconforming use has been changed to a conforming use, the use shall not thereafter be changed to a nonconforming use.

3. When authorized by the Board of Adjustment, enlargement or completion of a building devoted to a nonconforming use may be made upon the lot occupied by the building, where the extension is necessary and incidental to the existing use of the building and does not exceed 25% of its original area of nonconformity.
4. When authorized by the Board of Adjustment, a nonconforming use may be extended throughout those parts of a building which were manifestly designed or arranged for such use prior to the date on which the use of the building became nonconforming, if no structural alterations except those required by law, are made.

8.4 NONCONFORMING BUILDING OR SITES

A. City-Created Non-conformity of Structures

In the event that the City takes an act or action which transforms a previously conforming structure for purposes of front, side and rear yard setback requirements into a non-conforming structure for the purposes of front, side and rear yard setbacks, then such structure shall be deemed to be in conformance with the required setback prescribed in this ordinance. (For Land Use non-conformity, see *Article IV Permissible Uses, Section 7.*)

B. Use of Nonconforming Buildings, Structures or Land

1. No building or structure which was originally designed for or used as a nonconforming use shall again be put to a nonconforming use, where such use has ceased for 180 days or more during any three (3) year period.
2. The use of land, structures, and/or buildings involving individual structures with a replacement cost of \$1,000 or less, which does not conform to the provisions of this ordinance shall be discontinued within six (6) months from the enactment of this Ordinance. The nonconforming use of land and/or buildings involving individual structures with a replacement cost of \$1,000 or less, which becomes nonconforming by reason of subsequent amendments to this ordinance shall be discontinued within six (6) months from the date of such amendment.

C. Construction Approved Prior to Ordinance

Nothing in this Ordinance shall be construed to require any change in the overall plans, construction, or designated use of any development, structure, or part thereof, where official approval and the required building permits were granted before the enactment of this Ordinance, or any amendment thereto, where construction, conforming with the plans, shall have been started prior to the effective date of this Ordinance or such amendment, and where such construction shall have been completed in a normal manner within the subsequent twelve (12) month period, with no interruption, except for reasons beyond the builder's control.

D. Damage Due to Acts of God

Any nonconforming structure which is damaged more than 75 percent of its then appraised tax value above the foundation, by fire, flood, explosion, wind, earthquake, war, riot or other calamity or act of God, shall not be restored or reconstructed and used as it was before the damaging event. If such structure is damaged less than 75 percent of its then appraised tax value above the foundation, it may be restored, reconstructed, or used as before, provided that

the restoration or reconstruction is completed within twelve (12) months of the damaging event. The twelve (12) month period does not include any necessary litigation.

E. Repair of Unsafe Buildings, Structures and Sites

Nothing in this Ordinance shall be construed to prohibit the strengthening or repair of any part of any building or structure declared unsafe by proper authority, unless such repairs exceed fifty percent (50%) of the replacement cost of the building. If the repairs exceed 50%, the building shall be brought into conformity with all requirements of the zoning district in which it is located.

F. General Repairs and Maintenance

1. On any nonconforming structure or portion of a structure containing a nonconforming use, no work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-load-bearing walls, fixture, wiring, or plumbing to an extent exceeding ten percent (10%) of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be.
2. If fifty percent (50%) or more of a nonconforming structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

G. Moving of a Nonconforming Building or Structure

No nonconforming building or structure shall be moved in whole or in part to any other location on the lot, or on any other lot, unless every portion of the building or structure is made to conform to all the regulations of the district.

H. Nonconforming Lot Sizes

All lots used for storage that do not require a building and the use of such lot is made nonconforming by this Ordinance or amendments thereto shall cease to be used for such storage within six (6) months of the date of adoption of this Ordinance or amendments.

Table 1 Land Use Tables
Revised 12-6-2010

P = Permitted A = Accessory Use S = SUP "+" = Permitted with Conditions

<i>Residential</i>										<i>Permitted Uses</i>	<i>Mixed Use</i>		<i>Commercial</i>				<i>Industrial</i>		
AG	SF-E	SF-1	SF-16	SF-10	SF-8.4	SF-7	ZL-5	2-F	MF-14	Rural & Animal-Related	DT	R-O	N-S	GR	C	HC	RT	LI	HI
P	P	P	P	P	P	P	P	P	P	Agricultural Uses on Un-Platted Land		P	P	P	P	P	P	P	P
S	S									Animal Boarding/Kennel <i>with</i> Outside Pens									
P	S									Animal Boarding/Kennel <i>without</i> Outside Pens			S	S	P	P		P	P
S										Animal Clinic for small animals, no outdoor pens +			S	P	P	P		P	S
S										Animal Hospital, Clinic				S	S	P		P	P
S										Animal Production									
S										Animal Shelter								P	P
P										Crop Production									
P	S									Horse Corral or Stable (Commercial)+									
P	P	S								Horse Corral or Stable (Private) +									
S	S									Wholesale Nursery for Growing of Plants, No Retail Sale on Site									

Amendments

- Jan 3, 2006 (Ord 06-01)
- April 17, 2006 (Ord 06-14)
- Feb 5, 2007 (Ord 07-06)
- June 4, 2007 (Ord 07-18)
- Oct 15, 2007 (Ord 07-41)
- Jan 22, 2008 (Ord 08-05)
- Oct 20, 2008 (Ord 08-56)
- July 6, 2010 (Ord 10-14)
- Dec 6, 2010 (Ord 10-32)

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<i>Residential</i>										<i>Permitted Uses</i>	<i>Mixed Use</i>		<i>Commercial</i>			<i>Industrial</i>			
AG	SF-E	SF-1	SF-16	SF-10	SF-8.4	SF-7	ZL-5	2-F	MF-14	Residential & Lodging	DT	R-O	N-S	GR	C	HC	RT	LI	HI
	P	P	P	P	P	P	P	P	P	Accessory Building +		P	P	P	P	P	P	P	P
S	S					S				Bed & Breakfast Operation +	S	P	S						
										Caretakers Quarters/Domestic or Security Unit	P			P	P	P	P	P	P
P									P	Convent or Monastery		P		P	P				
								P	P	Duplex +									
A	A	A	A	A	A	A	A	A	A	Garage	A	A	A	A	A	A	A	A	A
A	A	A	A	A	S	S	S	S	P	Guest Quarters/ Secondary Living Unit +									
P	P	P	P	P	P	P	P	P	P	Home Occupation +	P	P							
										Hotel	S			S	S			S	
										Hotel, Full Service	S			S	S			S	
										Hotel, Residence	S			S	S			S	
										Motel	S			S	S			S	
									P	Multi-Family									
	P	P		P	P	P	P	P		Portable Building +									
									P	Residential Care Facility		S	S	S	S				
S										Single Family on less than the minimum size lot +									
							P	P	P	Single Family, Attached +									
P	P	P	P	P	P	P	P	P	P	Single Family, Detached +		P							
							P	P	P	Single Family, Zero Lot Line +		P							
A	A	A	A	A	A	A	A	A	A	Swimming Pool, Private	A	A							
A	S	S	S	S	S	S	S	S	S	Tennis Court Private		S							
									P	Townhouse	P	P							
									S	Urban Residential +	P								

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Residential										Permitted Uses	Mixed Use	Commercial			Industrial				
AG	SF-E	SF-1	SF-16	SF-10	SF-8.4	SF-7	ZL-5	2-F	MF-14	Institutional & Community Service	DT	R-O	N-S	GR	C	HC	RT	LI	HI
									P	Assisted Living Facility +		P	S	P	P				
										Blood Plasma Donor Center				P	P	P		P	P
S										Cemetery/ Mausoleum +			P	P	P	P		P	P
S	S	S	S	S	S	S	S	S	P	Church/House of Worship +	S		P	P	P	P		P	P
										College, University, or Seminary	P				S	P	P	P	P
										Convalescent Care Facility/Nursing Home +	S	P	P	P	P	P	S	S	
										Crematorium (Stand-Alone)								S	P
S	S	S	S	S	S	S	S	S	S	Day Care (7 or More Children)+	S	S	P	P	P	P	A	S	S
										Emergency Ambulance Services, Ground				P	P	P		P	P
P	P	P	P	P	P	P	P	P	P	Group or Community Home+		P	P	P					
										Government Facility	S			P	P	P	P	P	P
										Halfway House +		S							
									S	Hospice			P	P	P	P	S	S	S
										Hospital				P	P	P	P	P	S
										Library, Art Gallery or Museum (Public)	P	P	P	P	P	P	P	P	P
										Mortuary or Funeral Chapel (Stand-alone)				P	P	P	S	P	
										Post Office, Local Service	P		P	P	P	P	P	P	P
										Post Office, Regional						P	S	P	P
										Prison/Custodial Institution						P	S	P	P
S	S	S	S	S	S	S	S	S	S	Public or Private School, Primary +	S		P	P	P	P		P	
S	S	S	S	S	S	S	S	S	S	Public or Private School, Secondary +	S		P	P	P	P		P	
S	S	S	S	S	S	S	S	S	S	Public or Private School Temporary Education Building +			S	S	S	S			
										Rescue Mission or Shelter for the Homeless						S		P	P
										Social Service Provider, except Rescue Mission or Homeless Shelter				S		P		P	P

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<i>Residential</i>										<i>Permitted Uses</i>	<i>Mixed Use</i>		<i>Commercial</i>				<i>Industrial</i>		
AG	SF-E	SF-1	SF-16	SF-10	SF-8.4	SF-7	ZL-5	2-F	MF-14	Office & Professional	DT	R-O	N-S	GR	C	HC	RT	LI	HI
										Financial Institution with Drive-Through +			S	P	P	P	P	P	P
										Financial Institution without Drive-Through	P		P	P	P	P	P	P	P
										Office, General	P	P	P	P	P	P	P	P	P
										Office Building, less than 5,000 s.f.	P	P	P	P	P	P	P	P	P
										Office Building, 5,000 s.f. or more	P	S	S	P	P	P	P	P	P

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Residential										Permitted Uses	Mixed Use		Commercial				Industrial			
AG	SF-E	SF-1	SF-16	SF-10	SF-8.4	SF-7	ZL-5	2-F	MF-14	Recreation, Entertainment & Amusement	DT	R-O	N-S	GR	C	HC	RT	LI	HI	
										Carnival, Circus, or Amusement Ride, Temporary +	S		S	P	P	P	S	P	P	
										Commercial Amusement/ Recreation (Inside) +	S			S	P	P		P	P	
										Commercial Amusement/ Recreation (Outside)				S	S	P		S	P	
S	S	S	S	S	S	S	S	S	S	Community or Recreation Club, Public or Private (Accessory)	S		S	P	P	P	P	P	P	
S	S	S	S	S	S	S	S	S	S	Country Club, Private			S	S	S	P	S	P	P	
										Golf Driving Range			S	S	S	P	S	P	P	
P	P	P	P	P	P	P	P	P	P	Fund Raising Events by Non-Profit, Indoor or Outdoor, Temporary +	P	P	P	P	P	P	P	P	P	
										Gun Club, Skeet or Target Range (Indoor)				S	P	P		P	P	
S										Gun Club, Skeet or Target Range (Outdoor)									S	
									A	Health Club	P		S	P	P	P	P	P	P	
										Private Club, Lodge or Fraternal Organization	P		S	P	P	P		P	S	
										Private Sports Arena, Stadium or Track					S	P		P	P	
P	P	P	P	P	P	P	P	P	P	Public Park or Playground	P		P	P	P	P	P	P	P	
										Uses as defined in Chapter 27 of Code of Ordinances +									S	S
S	S	S	S	S	S	S	S	S	S	Tennis Courts (Not accessory to a public or private club)			S	S	S	P		P	P	
										Theater	P			S	P	P		P	P	

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<i>Residential</i>										<i>Permitted Uses</i>	<i>Mixed Use</i>		<i>Commercial</i>				<i>Industrial</i>			
AG	SF-E	SF-1	SF-16	SF-10	SF-8.4	SF-7	ZL-5	2-F	MF-14	Retail & Personal Services	DT	R-O	N-S	GR	C	HC	RT	LI	HI	
										Antique/Collectible Store	S		S	P	P	P				
										Astrologer, Hypnotist, or Psychic Art and Science	S	P	P	P	P	P				
										Banquet Facility	S			P	P	P				
										Beverage Service Facility, Portable +	S			S	S	S		S	P	
										Business School	P			P	P	P	P	P	P	
										Catering Service	A		S	P	P	P	S	P		
										Christmas Tree Sales Lot & Similar Uses, Temporary +	S		S	P	P	P	S	P	P	
										Copy Center	P		P	P	P	P	P	P	P	P
										Display, Incidental +	P		P	P	P	P				
										Garden Supply/Plant Nursery			S	P	P	P		P		
										General Personal Service	P		P	P	P	P		S		
										General Retail Store	P	S	P	P	P	P		S	S	
										Hair Salon, Manicurist	P	S	P	P	P	P		S		
										Laundry, Drop-off/Pickup	P		P	P	P	P		P	P	
										Laundry, Self Service	P		P	P	P	P		P	P	
										Massage Therapist	P	P	P	P	P	P				
										Museum or Art Gallery (Private)	P	P	S	P	P		P	P		
										Night Club, Discoteque, or Dance Hall	S			S	P	P		S	S	
										Pawn Shop					S	S		P	P	
										Pet Shop			P	P	P	P				
										Private Club +	P		S	P	P	P	S	P	P	
P	P	P	P	P	P	P	P	P	P	Real Estate Sales Office, On-site, Temporary +	P		P	P	P	P	P	P	P	
										Rental Store, w/o Outside Storage and Display				S	P	P		P	P	

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Residential										Permitted Uses	Mixed Use		Commercial				Industrial		
AG	SF-E	SF-1	SF-16	SF-10	SF-8.4	SF-7	ZL-5	2-F	MF-14	Retail & Personal Services, Continued	DT	R-O	N-S	GR	C	HC	RT	LI	HI
										Restaurant, Less than 2000 Sq. Ft., w/ Drive-Thru or Drive-in +			S	S	S	S		S	S
										Restaurant, Less than 2000 Sq. Ft., w/o Drive-Thru or Drive-in	P	S	P	P	P	P	P	P	P
										Restaurant, 2000 Sq. Ft. or more, w/ Drive-Thru or Drive-in +			S	S	P	P		P	P
										Restaurant, 2000 Sq. Ft. or more, w/o Drive-Thru or Drive-in	P		S	P	P	P	S	P	P
										Restaurant with accessory Private Club or Brew Pub +	P		P	P	P	P	S	P	P
										Retail store with gasoline product sales limited to 2 dispensers and 4 vehicles			S	P	P	P		P	P
										Retail store with more than 2 dispensers				S	P	P		P	P
										Secondhand Dealer	S			P	P	P		P	P
										Studio - Art, Photography or Music	P	P	P	P	P	P		P	
										Tailor, Clothing or Apparel Shop	P		P	P	P	P			
										Tattoo, Body Piercing							P		
										Taxidermist Shop							P		P
S										Winery +	S			S	S			P	P

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Residential										Permitted Uses	Mixed Use		Commercial				Industrial			
AG	SF-E	SF-1	SF-16	SF-10	SF-8.4	SF-7	ZL-5	2-F	MF-14	Commercial & Business Services	DT	R-O	N-S	GR	C	HC	RT	LI	HI	
										Bail Bond Service					S	P			P	P
										Building & Landscape Material <i>with</i> Outside Storage									P	P
										Building & Landscape Material <i>with Limited</i> Outside Storage +					P	P			P	P
										Building Maintenance, Service & Sales <i>with</i> Outside Storage +									P	P
										Building Maintenance, Service & Sales <i>without</i> Outside Storage					P	P			P	P
										Cleaners, Commercial							S		P	P
										Commercial, Other than Listed							P		P	P
										Custom & Craft Work							P		P	P
										Electrical, Watch, Clock, Jewelry & Similar Repair	P		S	P	P	P			P	P
										Feed Store, Ranch Supply							P		S	P
										Food Processing							S		P	P
										Furniture or Cabinet Repair							P		P	
										Furniture Upholstery, Refinishing or Resale							P		P	
										Gunsmith Repair and Sales							P		P	
										Heavy Machinery & Equipment (Rental, Sales & Service)							P		S	P
										Locksmith	P			P	P	P			P	P
										Machine Shop							P		P	P
										Medical or Scientific Research Lab							P	P	P	P
										Manufactured Home Sales							S			P
										Research & Technology / Light Assembly					S	P	P	P	P	P
										Shoe and Boot Repair and Sales	P	S	P	P	P	P				
										Trade School	S			S	P	P	P	P	P	P
P	P	P	P	P	P	P	P	P	P	Temporary On-site Construction Office +	P			P	P	P	P	P	P	P

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AG	SF-E	SF-1	SF-16	SF-10	SF-8.4	SF-7	ZL-5	2-F	MF-14	Auto & Marine-Related	DT	R-O	N-S	GR	C	HC	RT	LI	HI
										Auto Repair Garage, Major +						P		P	P
										Auto Repair Garage, Minor +				S	S	P		P	P
										Automobile Rental					S	P		P	P
										Boat & Trailer Dealership (New and Used) +					S	P		S	P
										Car Wash/Auto Detail +			S	S	P	P		P	P
										Car Wash, Self Service				S	P	P		P	P
										Motor Vehicle Dealership, New (Cars and Light Trucks) +					S	P		S	P
										Motor Vehicle Dealership, Used (Cars and Light Trucks) +						A		A	A
										Parking, Commercial	S				P	P		P	P
										Parking Lot, non-commercial	A		S	P	P	P	P	P	P
										Recreational Vehicle (RV) Sales and Service					S	P		S	P
										Service Station +			S	P	P	P		P	P
										Towing & Impound Yard +						S		S	P
										Towing Service, No Storage +						P		P	P
										Truck Rental						P		S	P
										Truck Stop with Fuel and Accessory Services +						S		S	P

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AG	SF-E	SF-1	SF-16	SF-10	SF-8.4	SF-7	ZL-5	2-F	MF-14	Industrial & Manufacturing	DT	R-O	N-S	GR	C	HC	RT	LI	HI
S										Asphalt or Concrete Batch Plant +								S	S
P	P	P	P	P	P	P	P	P	P	Asphalt or Concrete Batch Plant, Temporary +			P	P	P	P	P	P	P
										Bottle Works, Milk or Soft Drinks								P	P
										Brewery or Distillery (Excluding Brew Pub)								P	P
										Carpet and Rug Cleaning						S		P	P
										Environmentally Hazardous Materials +						S		S	P
										Food Processing (No Slaughtering)						S		P	P
										Light Assembly & Fabrication						P	S	P	P
										Manufacturing, Heavy						S		S	P
										Manufacturing, Light						P	S	P	P
										Metal Plating, Electro Plating								S	P
S	S	S	S	S	S	S	S	S	S	Mining and Extraction (Sand, Gravel Oil & other) +			S	S	S	S	S	S	S
										Monument Works, Stone and Metal						S			P
										Printing & Publishing						P		P	P
										Salvage or Reclamation of Products (Indoors)						S		P	P
										Salvage or Reclamation of Products (Outdoors)								S	P
										Sheet Metal Shop						P		P	P
										Tool, Dye, Guage and Machine Shop								P	
										Welding Repair						P		P	P

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<i>Residential</i>										<i>Permitted Uses</i>	<i>Mixed Use</i>		<i>Commercial</i>				<i>Industrial</i>		
AG	SF-E	SF-1	SF-16	SF-10	SF-8.4	SF-7	ZL-5	2-F	MF-14	Wholesale, Distribution & Storage	DT	R-O	N-S	GR	C	HC	RT	LI	HI
										Cold Storage Plant						P		P	P
										Heavy Construction Trade Yard						S		P	P
S										Landfill, Sanitary									
										Mini-warehouse +					S	P		P	P
										Outside Storage +						P		P	P
										Recycling Collection Center						S		P	P
										Warehouse/ Distribution Center						P	S	P	P
										Wholesale Showroom Facility					S	P		P	P

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Residential										Permitted Uses	Mixed Use		Commercial			Industrial				
AG	SF-E	SF-1	SF-16	SF-10	SF-8.4	SF-7	ZL-5	2-F	MF-14	Utilities, Communications & Transportation	DT	R-O	N-S	GR	C	HC	RT	LI	HI	
										Airport, Heliport or Landing Field						S			S	S
P	S	S	S	S	S	S	S	S	P	Antenna, Accessory +		P	P	P	P	P	P	P	P	P
										Antenna, Commercial +	S	S		S	S	S	S	S	S	P
A	A	A	A	A	A	A	A	A	A	Antenna, Amateur Radio +	A	A	A	P	P	P	P	P	P	P
A	A	A	A	A	A	A	A	A	A	Antenna, Dish +	A	A	A	P	P	P	P	P	P	P
S										Antenna, Commercial, Free-Standing +				S	S	S	S	P	P	
										Antenna, Commercial, Mounted +	S			S	S	S	P	P	P	
										Bus Charter Service & Service Facility						P		P	P	
										Helipad				S	S	S	S	S	S	
S	S	S	S	S	S	S	S	S	S	Utilities (Non-Municipally owned or Controlled), including Sanitary Landfill, Water Treatment, and Supply, and Wastewater Treatment	S	S	S	S	S	S	S	S	S	S
P	P	P	P	P	P	P	P	P	P	Municipally Owned or Controlled Facilities, Utilities and Uses	P	P	P	P	P	P	P	P	P	P
	S	S	S	S	S	S	S	S	S	Private Streets		S	S	S	S	S	S	S	S	S
										Radio Broadcasting	S			P	P	P	P	P	P	
S	S	S	S	S	S	S	S	S	S	Railroad Yard or Shop		S	S	S	S	S	S	S	S	S
										Recording Studio	S			S	P	P	P	P	P	
P	P	P	P	P	P	P	P	P	P	Satellite Dish +	P	P	P	P	P	P	P	P	P	P
P	P	P	P	P	P	P	P	P	P	Solar Energy Collector Panels and Systems +	P	P	P	P	P	P	P	P	P	P
										Transit Passenger Facility	S	S	S	S	S	S	S	S	S	S
										Trucking Company						P		P	P	
										TV Broadcasting & Other Communication Service	S			S	S	P	S	P	P	
S	S	S	S	S	S	S	S	S	S	Utilities Holding a Franchise from City of Rockwall	S	S	S	S	S	P	S	P	P	
S	S	S	S	S	S	S	S	S	S	Utility Installation, Other than Listed	S	S	S	S	S	S	S	S	S	S
S	S	S	S	S	S	S	S	S	S	Utility/ Transmission Lines	S	S	S	S	S	S	S	S	S	S
S	S	S	S	S	S	S	S	S	S	Wireless Communication Tower	S	S	S	S	S	S	S	S	S	S

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ARTICLE V. DISTRICT DEVELOPMENT STANDARDS

SECTION I GENERAL

1.1 OPEN SPACE

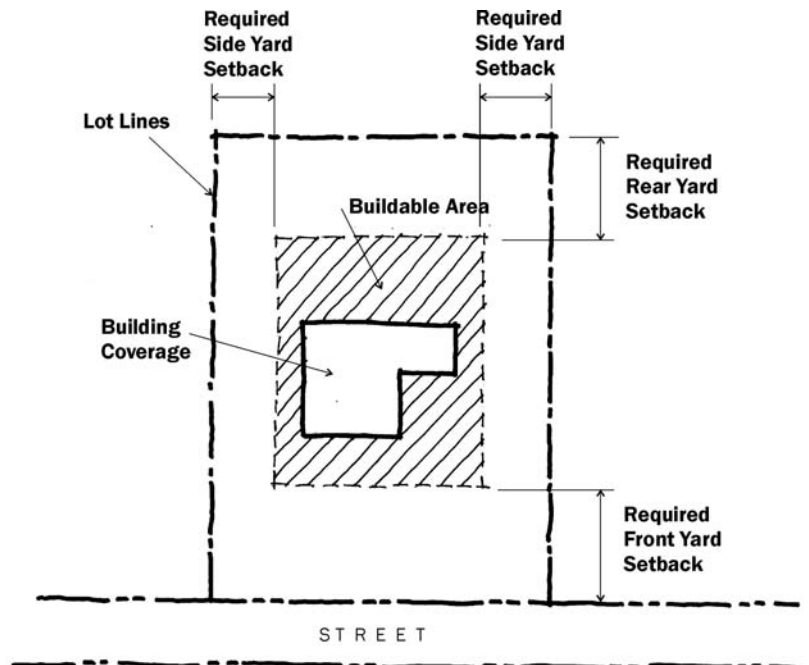
- A. **Applicability.** This provision applies to all development in the City.
- B. **Purpose.** The City of Rockwall is planned to be a rural and recreation-oriented community with opportunities for both residents and workers, and it is intended to tie into a regional framework of open space trails and corridors. Open space corridors link all major areas of the City using primarily floodplain areas and drainage areas. Because of the importance of open space and recreational amenities to commercial and residential vitality of the City, all projects must contribute to the open space system as established in the City's Comprehensive Plan, Parks Plan and Thoroughfare Plan.
- C. **Requirement.** All projects in the City must reserve, dedicate and/or develop public open space consistent with the Open Space Plan, subdivision standards and development agreements.

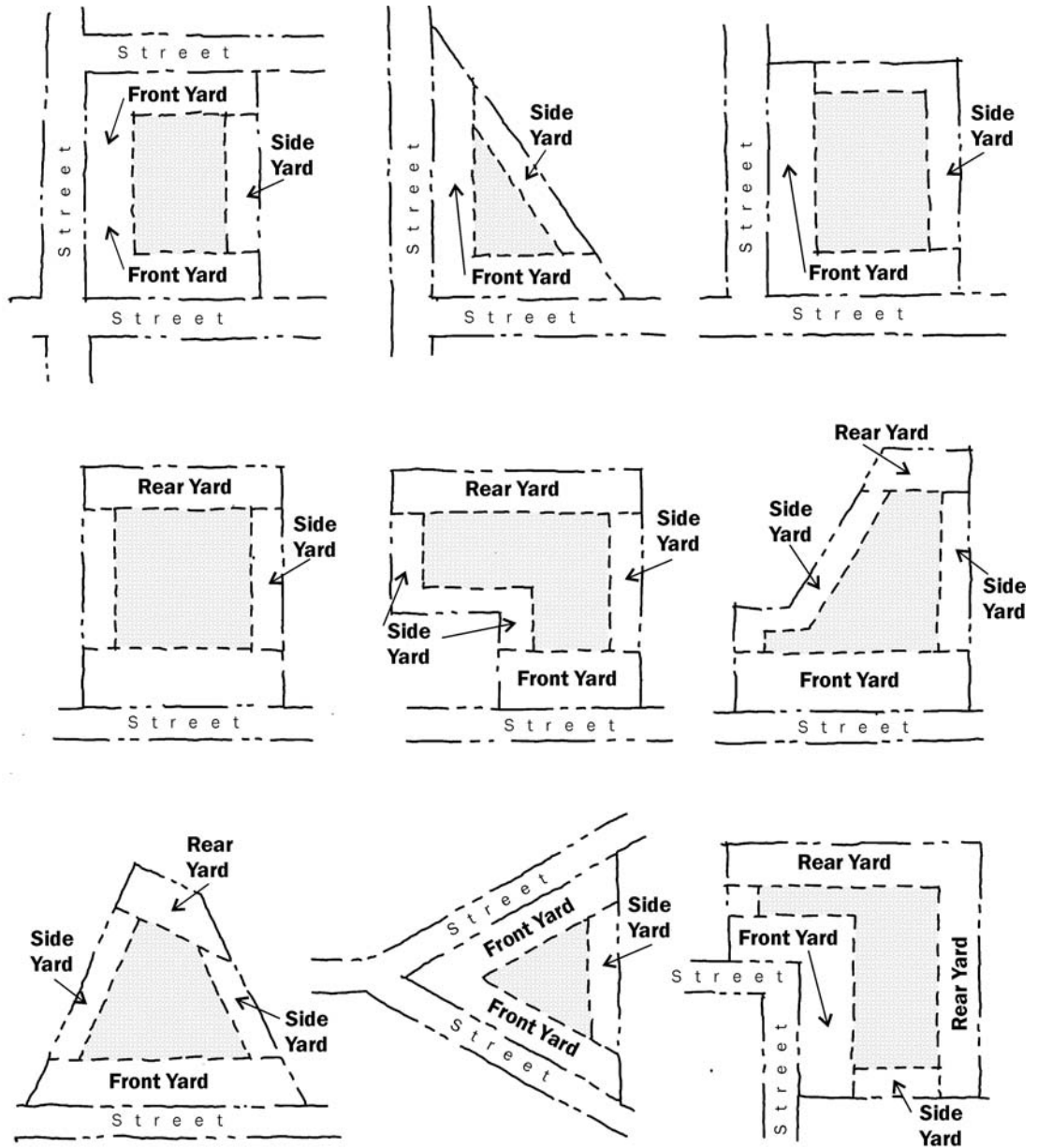
1.2 SITE PLANS

Approval of a Site Plan shall be required for all developments except individual single family and duplex lots and shall be accompanied by a proposed development schedule. Any owner, builder, or developer of a tract or parcel of land shall obtain an approved site and building plan for the proposed development, prior to issuance of a building permit, from the Director, providing for an appeal of denial to the Planning and Zoning Commission. The contents of this site and building plan shall comply with the requirements as specified in *Article XI Zoning-Related Applications*. Upon approval, such development shall comply with the approved plan.

1.3 LOTS WITH MULTIPLE FRONTAGES

Where lots have multiple frontages on one or more streets, the required front yard shall be provided on each street.





 **Buildable Area**

YARD LOCATION IN DIFFERENT SHAPED LOTS

1.4 CALCULATION OF DENSITY

1. **Calculation.** Calculation of the allowable density shall be based on the gross site area including road right-of-way, floodplain, and open space and park areas that will be dedicated to the City or preserved and maintained by some other mechanism. Notwithstanding the calculation, other provisions of this Code may limit the actual density allowed on any given site.
2. **Residential Properties.** Minimum lot sizes in residential districts may be reduced up to 20% in order to preserve community or public open space, including trails, provided that the front of lots face, either directly or across a public street, over 75% of the edge of the open space within the project. If this standard cannot be met, then the Planning and Zoning Commission may approve a site plan provided it concludes that the resulting development would be significantly better than strict application of the standards would provide.

1.5 SCREENING

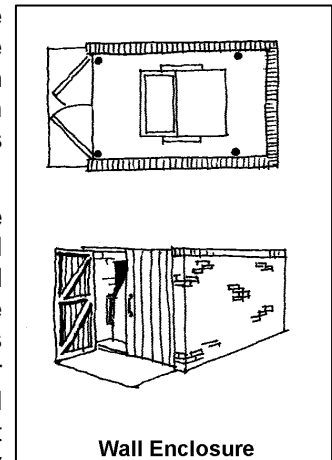
Unless otherwise approved by the Planning and Zoning Commission and City Council, the following items shall be screened as follows:

1. Off-street loading docks must be screened from all public streets and any residential district that abuts or is directly across a public street or alley from the lot.

The screening required under this Section must be at least six feet in height and may be provided by using a masonry fence (excluding tilt wall or concrete block unless otherwise approved by the City Council), berms, plantings or a combination of the above.

2. All refuse storage areas for trash dumpster shall be visually screened on three sides with an enclosure matching the main structure not less than 6 feet in height. The access area shall be screened with an opaque gate and shall not face a public street unless otherwise approved during site plan approved.

Dumpster storage should be located to the rear of the buildings with proper access. Trash dumpster shall not be located in any required parking space and shall allow proper access by service trucks. The minimum enclosure area shall be 12' x 10', or as otherwise approved by the City and/or its contractor for trash service. Six-inch concrete filled steel protective poles shall be placed at possible impact areas. Dumpster pad sites shall be designed to City standards specified in the subdivision Standards of Design, as currently adopted or as may be amended in the future.



3. Pad mounted utility equipment, and air conditioning units, including roof mounted units, shall be screened from horizontal view from any adjacent public street and from any adjacent property. Utility equipment and air conditioning units shall be screened utilizing plantings, berms, or walls matching the main structure.
4. Above-ground storage tanks shall be screened utilizing plantings, berms, or walls matching the main structure. (*Ord. No. 06-14, 04-17-06*)

1.6 RESIDENTIAL ADJACENCY STANDARDS

A. Purpose

The general objectives of residential adjacency standards are to preserve and protect the integrity, enjoyment and property values of residential neighborhoods within the City of Rockwall, through the establishment of standards for certain non-residential uses that may impact surrounding residential land uses. These standards are in addition to the development regulations applicable to the underlying zoning district. When any requirements in this section are in conflict with any other requirements for the underlying zoning district, the more restrictive requirements shall apply.

B. Definitions

1. **Residential Adjacency** - Any non-residential building, use, or associated activity that when located in proximity to a residential district may result in detrimental impact to a residential property. Residential Adjacency shall include the lot on which the non-residential building, use, or associated activity is located. In cases where multiple uses are contained on the same lot, residential adjacency shall apply to the area within that lot which encompasses the building, use, or associated activity and all accessory buildings, uses, or areas necessary to support them.
2. **Vehicular Service Bays** – Any partially or fully enclosed space used for “Major” or “Minor” automobile repair, or truck and bus repair, or similar activities.
3. **Individual Service Speakers** – Speakers used to conduct business with individual customers outdoors or in a partially enclosed structure, including but not limited to:
 - Drive-through payment windows;
 - Drive-through restaurant ordering boards;
 - Service station pump islands; and
 - Car washes
4. **Public Address/Paging Systems** – Loud speaker or amplified paging systems intended to contact or provide information to person(s) on the exterior of a building such as those commonly used by businesses with large outdoor facilities/operations, including but not limited to:
 - New and used car dealers;
 - Building material sales;
 - Garden centers; and
 - Car washes
5. **Small Engine Repair Shop** – Shop for repair of lawnmowers, chain saws, lawn equipment, and other machines with one-cylinder engines.
6. **Motorcycle** – A usually two-wheeled self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this ordinance, motorbikes, motor scooters, mopeds, and similar vehicles are classified as motorcycles.
7. **Motorcycle Sales and Service** – The display, sale and servicing, including repair work of motorcycles.

C. Applicability

1. The Residential Adjacency Standards shall apply when a use is proposed for a non-residential building or site that is adjacent to a residential district, and both of the following conditions apply:
 - (a) An existing or proposed building, structure, or device on the lot is within one hundred fifty feet (150') of a residential district boundary, except if the activity proposes the use of public address/paging systems, in which case five hundred feet (500') shall be the effective distance; and
 - (b) One or more of the following uses are proposed:
 - i. Planned shopping centers and neighborhood convenience centers.
 - ii. Restaurants, including accessory outdoor seating, with drive-in or drive-through facilities.
 - iii. Retail outlets where gasoline products are sold as an accessory use.
 - iv. Automotive repair, as an accessory to a retail use, provided all work is conducted wholly within a completely enclosed building.
 - v. Gasoline service stations.
 - vi. Car wash.
 - vii. Drive-in businesses.
 - viii. New car dealership.
 - ix. Nursery, greenhouse, or garden center.
 - x. Minor automotive repair.
 - xi. New boat dealership.
 - xii. Automotive vehicle sales and service.
 - xiii. Automotive repair and other repair services, excluding wrecking yards.
 - xiv. Lumberyards or contractor yards, general warehousing and storage, farm equipment or other heavy equipment sales and service, farm products, warehousing and storage, including mini-warehouses for storage purposes only.
 - xv. Small engine repair service.
 - xvi. Motorcycle sales and service.
2. Review of proposals for compliance with the Residential Adjacency Standards will be carried out in conjunction with site plan review, depending on whether or not the actual use of the site is known.

D. Standards

1. Noise

- (a) Any use containing individual service speakers shall not be permitted within one hundred fifty feet (150') of any residential district unless the speaker is appropriately screened and shall meet the standards established in Section 18-5 of the City's Code of Ordinances. The Planning and Zoning Commission may require wing walls, landscape screens, changes in building orientation, and/or other design elements to screen and minimize the impact of individual service speakers. (*Ord. No. 09-23, 06-15-09*)

- (b) Any use containing public address/paging systems shall not be permitted within five hundred feet (500') of any residential district unless separated by a MD4 or larger thoroughfare.

2. Loading Spaces

- (a) Where adjacent to residential districts, off-street loading areas shall be fully screened from view of the residential district.
- (b) The Director may require wing walls, landscape screens, changes in building orientation, and/or other architectural elements to minimize the impact of uses containing loading docks within one hundred fifty feet (150') of any residential district.

3. Vehicular Service Bays

- (a) All vehicular service bays within one hundred fifty feet (150') of a residential district shall face away from adjacent residential districts unless separated by a building or permanent architectural feature of minimum height matching the height of the service bays.
- (b) Walls separating service bays from a residential district shall be of masonry or reinforced concrete with no openings.
- (c) The Director may require wing walls, landscape screens, changes in building orientation, and/or other design elements to minimize the impact of service bays within one hundred fifty (150') of a residential district.
- (d) No use including outdoor vehicular repair, servicing or testing shall be permitted within one hundred fifty feet (150') of a residential district.

4. Small Engine Repair Shops – Small engine repair shops shall not be permitted within one hundred fifty feet (150') of a residential district unless all repair, service, and testing activities are done in a fully enclosed building.

5. Motorcycle Sales/Service – Motorcycle sales/service facilities shall not be permitted within one hundred fifty feet (150') of a residential district unless all repair, service, and testing activities are done in a fully enclosed building.

6. Car Wash and Fuel Dispensing Facilities

- a) Car wash and fuel dispensing facilities shall not be permitted within one hundred fifty feet (150') of a residential district.
- b) Where car wash and fuel dispensing facilities are within three hundred feet (300') but greater than one hundred fifty feet (150') of a residential district, the Planning and Zoning Commission may require wing walls, landscape screens, and/or other design elements to screen and minimize the impact of such facilities.

7. Combination Gas Station, Fast Food Restaurant, Convenience Store

- a) Combination gas station, fast food restaurant, convenience store shall not be permitted within one hundred fifty feet (150') of a residential district.
- b) Where combination gas station, fast food restaurant, convenience stores are within three hundred feet (300') but greater than one hundred fifty (150') of a residential district, the Planning and Zoning Commission may require wing walls, landscape screens, and/or

other design elements to screen and minimize the impact of such facilities.

8. Signs

- a) No more than one monument sign per street frontage with a maximum height of five feet (5') and a maximum area of 60 square feet shall be allowed.
- b) A business shall be allowed any number of attached wall, projection or marquee signs so long as the total face area of the building or store front does not exceed ten percent (10%) of the front face area of the building or store front as established in approved plans submitted to the City, or sixty (60) square feet, whichever is greater, or exceed six (6) feet in height as per the Sign Ordinance.

E. Review

The following information shall be submitted in order to facilitate the review:

1. All information and procedures as required by Site Plan Review in *Article XI Zoning-Related Applications*.
2. Location and description of existing and proposed exterior speaker systems to include information about the height, octave and decibel band ranges of each fixture.
3. Information indicating the location and orientation of all off-street loading spaces.
4. Information indicating the location and orientation of all vehicular service bays.
5. Information indicating the location and description of existing and proposed screening between the proposed non-residential use and the residential district.

1.7 FENCES

All fences within the City shall conform to Chapter 6 of the City's Code of Ordinances, unless otherwise noted in this Code or an approved Planned Development district. *(Revised via Ord 10-14, 7-6-2010)*

1.8 PROJECTIONS INTO REQUIRED YARD OR COURT

- A. Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features and eaves; provided however, that none of the above projections shall extend into a court more than six (6) inches nor into a required yard more than thirty (30) inches; and provided existing open porches extending into the required yard shall not be enclosed.

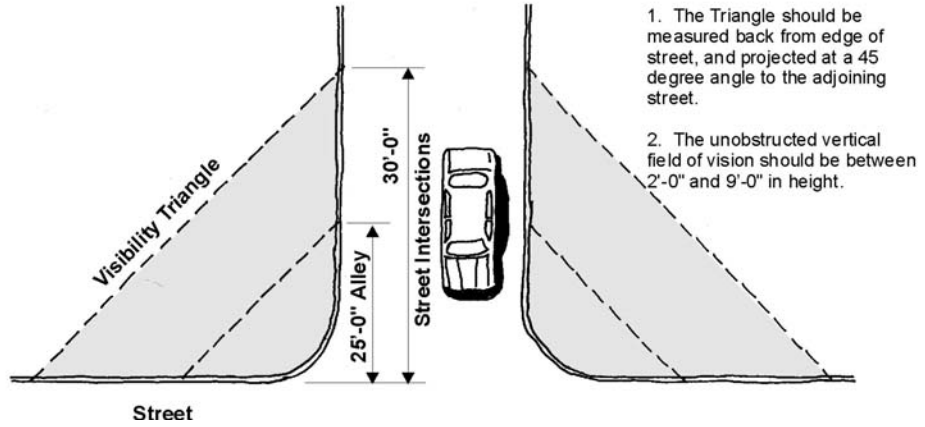
An open fire escape may project into a required yard not more than half the width of such yard, but not more than four (4) feet from the building. Fire escapes, solid floored balconies and enclosed outside stairways may project not more than four (4) feet into a rear yard.

- B. Where an official line has been established for future widening or opening of a street or highway upon which a lot abuts, then the depth or width of a yard shall be measured from such official line to the nearest line of the building. *(Ord. No. 06-14, 04-17-06)*

1.9 PUBLIC RIGHT OF WAY VISIBILITY

- A. STREET/DRIVE INTERSECTION VISIBILITY OBSTRUCTION TRIANGLES.** A landscape plan showing the plan of the street on both sides of each proposed drive/street to the proposed development with the grades, curb elevations, proposed street/drive locations, and all items (both natural and man-made) within the visibility triangles as prescribed below shall be provided with all site plans, if they are not on engineering plans that are submitted at the same time. This plan shall show no horizontal or vertical restrictions (either existing or future) within the areas defined below.
- B. OBSTRUCTION/INTERFERENCE TRIANGLES – DEFINED.** No fence, wall screen, billboard, sign face, tree or shrub foliage, berm, or any other item, either man-made or natural shall be erected, planted, or maintained in such a position or place so as to obstruct or interfere within the following minimum standards; however, on non-residentially zoned lots, a single pole for mounting a sign may be placed within this area provided the pole does not exceed 12-inches in diameter, and provided every portion of the sign has a minimum height clearance of 9 feet:
1. Vision at all intersections which intersect at or near right angles shall be clear at elevations between twenty-four (24) inches and nine (9) feet above the top of the curb elevation, within a triangular area formed by extending the two curb lines from their point of intersection, for the following minimum distances for the applicable intersection, and connecting these points with an imaginary line, thereby making a triangle. If there are no curbs existing, the triangular area shall be formed by extending the property lines from their point of intersection for a distance as prescribed below, and connecting these points with an imaginary line, thereby making a triangle as shown below.
 2. Intersection of **Two Public Streets** – the minimum required distance from the curb shall be 30 feet and the minimum distance from the property line on streets without a curb shall be 20 feet.
 3. Intersection of a **Public Street and an Alley** – the minimum required distance measured from the property line shall be 15 feet, or 25 feet from street curb.
 4. Intersection of **Private Drive and Public Street** – the minimum required distance from the curb shall be 15 feet and the minimum distance from the property line on streets without a curb shall be 10 feet.
- C. SIGHT DISTANCE REQUIREMENTS.** The City hereby adopts the standards for both vertical and horizontal sight distance requirements set forth in the latest Edition of AASHTO Green Book, “A Policy on Geometric Design of Highways and Streets” for the construction of both public street intersections and private drive intersections, unless otherwise approved by the City Engineer. If, in the opinion of the City Engineer, a proposed street or drive intersection may not meet these standards, additional engineering information exhibiting how the standards have been addressed may be required for submission and approval by the City’s Engineer.

(Ordinance No. 10-14, 7-6-2010)



SECTION 2 AGRICULTURAL DISTRICTS

2.1 AGRICULTURE (AG) DISTRICT

A. Purpose. The Agricultural District is a reserved area in which the future growth of the City might occur. It is the intent of this district that agricultural land be held in that use for as long as is practical and reasonable to promote orderly growth. This zoning is suitable for areas where development is premature because of a lack of utilities, capacity, or service, or where the ultimate land use has not been determined.

The zone is also to be used:

1. To protect those areas that are unsuitable for development because of physical problems or potential health or safety hazards such as flooding. The use of the land would be permanently restricted to low intensity agricultural uses until such time as the property is proven to be suitable for development and is rezoned.
2. To provide a permanent greenbelt to preserve natural areas or open space buffer around uses that might otherwise be objectionable or pose environmental or health hazards.

B. Permitted Uses

In general, farming and ranching-related activities and accessory uses, including the owner's single family dwelling on more than 10 acres, shall be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article IV Permissible Uses*.

C. Area Requirements

1. **Minimum lot area** - 43,560 square feet (1 acre)
2. **Minimum lot frontage** on a public street - 100 feet
3. **Minimum lot depth** - 200 feet
4. **Minimum depth of front setback** - 40 feet
5. **Minimum depth of rear setback** - 10 feet
6. **Minimum width of side setback** (Ord. No. 06-14, 04-17-06)
 - a. Internal lot - 6 feet
7. **Minimum distance between buildings** on the same lot or parcel of land - 12 feet
8. **Minimum length of driveway** pavement from the public right-of-way on a side or rear yard - 20 feet
9. **Maximum building coverage** as a percentage of lot area - N/A
10. **Maximum height** of structures - 36 feet
11. **Minimum number of off-street parking** spaces required for
 - a. One single dwelling unit - 2
An enclosed garage shall not be considered in meeting the off-street parking requirements.
 - b. All other uses - see *Article VI Parking and Loading*.

SECTION 3 RESIDENTIAL DISTRICTS

3.1 GENERAL RESIDENTIAL DISTRICT STANDARDS

A. Exterior Wall Materials

1. All buildings of 120 s.f. or more and over ten feet (10') tall shall have exterior walls constructed of masonry construction. Exterior walls for all buildings of 120 s.f. or more and over 10 feet tall, shall be constructed of at least eighty percent (80%) standard masonry construction, excluding windows and doors, unless the wall is on a porch, patio, courtyard, or breezeway, in which event, the wall may be of non-masonry construction. Hardy Plank or similar cementaceous material may be used for up to 50% of the masonry requirement. Buildings with less than 80% shall require approval of the Planning and Zoning Commission. (*Ord No 06-14, 4-17-06*)
2. Buildings less than 120 s.f. and under 10 feet in height may be constructed with non-masonry materials, or may be all metal with a baked-on pre-painted surface. (*Ord. No. 06-14, 04-17-06*)
3. Exceptions to these requirements, including buildings for farm animals, may be permitted on a case by case basis by the Council upon submission and approval of elevation drawings of the subject structure, and material samples.
4. Barns used for agricultural or farm animal purposes on sites of ten (10) acres or more are excluded from this masonry requirement.

B. Residential Garages

See *Article VI.4 Residential Parking* for residential parking and garage standards.

C. Residential Portable and Accessory Building Setbacks

1. **Portable Buildings 0-120 s.f. and up to 10 ft. in Height:**
 - a. Rear Setback: *3 ft.*
 - b. Side Setback: *3 ft.*
 - c. Separation from other structures: *3 ft.*
2. **Accessory Buildings 121-225 s.f. and up to 15 ft in Height**
 - a. Rear Setback: *3 ft.*
 - b. Side Setback: *Required Zoning District Setback.*
 - c. Separation from other structures: *6 ft.*
3. **Detached Garages 226-900 s.f. and up to 15 ft. in Height**
 - a. Rear Setback: **With Alley** —*20 ft.* with garage doors facing alley, *3 ft.* without garage doors facing alley,
Without Alley — *10 ft.*
 - b. Side Setback: *Required Zoning District Setback.*
 - c. Separation from other structures: *10 ft.*
4. **Accessory buildings not meeting these standards shall require approval of an SUP.**

3.2 SINGLE FAMILY ESTATE (SF-E/1.5, 2.0, 4.0) DISTRICT

A. Purpose

1. This district is considered to be the proper zoning classification for large lot developments for single-family dwelling use in a rural setting.
2. Areas that are zoned for this use shall have or provide for water, wastewater, drainage and access to paved streets based on single-family use required by the allowed density.
3. It is intended for areas that are properly buffered from non residential uses, and protected from pollution and/or environmental hazards or from high volume of non-single family traffic.
4. Developers wishing to restrict their subdivision to lot sizes in excess of what this ordinance requires shall use restrictive covenants.

B. Permitted Uses

In general, large lot single family uses shall be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article IV Permissible Uses*.

C. Development Standards

1. Minimum **lot area** –

SF-E/1.5	<i>65,340 square feet (1.5 Acres)</i>
SF-E/2.0	<i>87,120 square feet (2.0 Acres)</i>
SF-E/4.0	<i>174,240 square feet (4.0 Acres)</i>
2. Maximum **number of single-family detached dwellings units per lot** - 1
3. Minimum **square footage** per dwelling unit -

SF-E/1.5	<i>2,000 square feet</i>
SF-E/2.0	<i>2,200 square feet</i>
SF-E/4.0	<i>2,500 square feet</i>
4. Minimum **lot yard frontage** on a public street –

SF-E/1.5	<i>150 feet</i>
SF-E/2.0	<i>150 feet</i>
SF-E/4.0	<i>200 feet</i>
5. Minimum **lot depth** –*250 feet*
6. Minimum depth of **front setback** - *50 feet*
7. Minimum depth of **rear yard setback** - *10 feet*
8. Minimum width of **side yard setback** (*Ord. No. 06-14, 04-17-06*)
 - a. Internal lot - *25 feet*
9. Minimum **distance between separate buildings** on the same lot or parcel of land - *10 feet*
10. Minimum **length of driveway pavement** from public right-of-way for rear and side yard - *20 feet*

11. Maximum **building coverage** as a percentage of lot area - *35 percent*

12. Maximum **building height** - *36 feet*

13. Minimum number of paved **off-street parking spaces** required for

a. One single-family dwelling unit - *2 spaces*

An enclosed garage shall not be considered in meeting the off-street parking requirements.

b. All other uses (see *Article VI Parking and Loading*)

3.2-1 SINGLE FAMILY ONE (SF-1) DISTRICT

A. Purpose

1. This district is considered the proper zoning classification for large lot developments for single-family dwelling use, as well as clustered development with an emphasis on conservation of open space, tree groupings, natural slopes and wildlife habitat. It is intended to be composed of single-family dwellings together with public, denominational and private schools, churches and public parks essential to create basic neighborhood units.
2. Areas that are zoned for this use shall have or provide for water, wastewater, drainage and access to paved streets based on single-family use required by the allowed density.
3. It is intended for areas that are properly buffered from non-residential uses, and protected from pollution and/or environmental hazards or from high volume of non-single family traffic.

B. Permitted Uses

In general, single-family dwellings together with public, denominational and private schools, churches and public parks essential to create basic neighborhood units, may be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article IV Permissible Uses*.

C. Development Standards

1. Minimum **lot area** – 8,400 square feet
2. Maximum number of single-family detached **dwellings units per lot** - 1
3. Minimum **square footage** per dwelling unit – 2,500 sq. ft.
4. Minimum **lot frontage** on a public street - 70 feet
5. Minimum **lot depth** - 100 feet
6. Minimum **depth of front yard setback** - 20 feet
7. Minimum depth of **rear yard setback** - 10 feet
8. Minimum width of **side yard setback**
 - a. Internal lot – 6 feet
9. Minimum **distance between separate buildings** on the same lot or parcel of land - 10 feet
10. Minimum **length of driveway** pavement from public right-of-way for rear and side yard - 20 feet
11. Maximum **building coverage** as a percentage of lot area - 45 percent
12. Maximum **building height** - 36 feet
13. Minimum number of paved **off-street parking** spaces required for
 - a. One single-family dwelling unit – 2. An enclosed garage shall not be considered in meeting the off-street parking requirements.
 - b. For all other uses see *Article VI Parking and Loading*.

D. Other Minimum Development Standards

1. **Density Standards for Residential Use.** The (SF-1) District shall allow a density of only one unit per gross acre with a minimum requirement of 20% open space.

E. Open Space Standards

1. **Public and Private Open Space.** Unless otherwise provided by this Ordinance, a minimum of twenty percent (20%) of the gross land area within the entire Single Family One (SF-1) District over five (5) acres shall be devoted to open space, except where floodplain exists in the proposed development in which case the dedicated floodplain shall count for up to fifty percent (50%) of the twenty percent (20%) open space requirement and shall be consistent with the open space requirements of the City's Parks and Open Space Plan. Open space requirements for SF-1 Districts may be satisfied by public open space, or by a combination of public and private open space. Public open space shall be dedicated to the City, and shall be approved by the Parks Board and City Council during the platting process.
2. Open space requirements specified in this subsection are in addition to requirements for site landscaping and buffering.

F. Anti- Monotony Standards.

1. Exterior wall materials must comply with Section 3.1, General Residential District Standards, of Article V of this Code. Additionally, masonry chimneys shall be required on all homes.
2. Front elevations shall not repeat along any block face without at least four (4) intervening homes of differing appearance on the same side of the street and two (2) intervening homes of differing appearance on the opposite side of the street. The rear elevation of homes backing to open spaces or thoroughfares shall not repeat without at least two (2) intervening homes of differing appearance. Identical brick blends may not occur on adjacent (side by side) properties. Homes may differ in appearance in any two of the following ways:
 - a. Number of Stories
 - b. Garage location
 - c. Roof type and layout
 - d. Articulation of the front facade

G. Fencing Standards.

1. Solid fencing shall be cedar standard fencing material (minimum ½" thickness or more). Spruce fencing will not be allowed. All cedar pickets shall be placed on the "public side" facing a street or an alley. All posts and framing shall be placed on the "private side" of the fence. Other types of solid fencing (such as vinyl) may be considered on a case-by-case basis by the Planning and Zoning Commission at the time of final platting.
2. Tubular steel or wrought-iron type fencing shall also be allowed.

3. Tubular steel or wrought-iron type fencing shall be **required** on all lots located adjacent to perimeter roadways, open spaces, greenbelts and parks.
4. Split rail fencing shall be allowed on lots containing 20,000 square feet or more.
5. Fencing on corner lots constructed adjacent to the street shall provide masonry columns at forty-five feet (45') off-center spacing that begins at the rear property line corner and terminates at least fifteen feet (15') behind the front yard building setback line. A maximum six (6') foot high, solid board-on-board "panel" cedar fencing or wrought iron-type fencing shall be allowed between the masonry columns along the side and/or rear yard adjacent to a street.
 - a. On corner lots which have rear lot lines adjacent to alleys or other rear lot lines, fences may be constructed along the side yard adjacent to the street, subject to a minimum five feet (5') setback from the right-of-way. The property owner shall maintain that portion of the property outside of the fence.
 - b. On corner lots which have rear lot lines adjacent to a side lot line of an adjoining lot(s), only tubular steel or wrought iron-type fences not exceeding forty-two inches (42") in height may be constructed beyond the building line. Fences constructed on or behind the building line shall comply with the materials requirement in Section G.5 above.
6. All common areas and perimeter fencing shall be maintained by a Homeowners Association as specified in the City's Subdivision Regulations. Perimeter fencing shall be constructed of six foot (6') tall tubular steel or wrought iron type fencing with masonry columns and entry features. The Planning and Zoning Commission may consider alternative perimeter screening such as earthen berms with landscaping at the time of platting.

(Ord. No. 07-18, 06-04-2007)

3.3 SINGLE FAMILY RESIDENTIAL (SF-16) DISTRICT

A. Purpose

1. This district is considered to be the proper zoning classification for large lot developments for single-family dwelling use. It is intended to be composed of single-family dwellings together with public, denominational and private schools, churches and public parks essential to create basic neighborhood units.
2. Areas that are zoned for this use shall have or provide for water, wastewater, drainage and access to paved streets based on single-family use required by the allowed density.
3. It is intended for areas that are properly buffered from non-residential uses, and protected from pollution and/or environmental hazards or from high volume of non-single family traffic.

B. Permitted Uses

In general, single-family dwellings together with public, denominational and private schools, churches and public parks essential to create basic neighborhood units, may be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article IV Permissible Uses*.

C. Development Standards

1. Minimum **lot area** - 16,000 square feet
2. Maximum number of single-family detached **dwellings units per lot** - 1
3. Minimum **square footage** per dwelling unit - 1,800 square feet
4. Minimum **lot frontage** on a public street - 90 feet
5. Minimum **lot depth** - 100 feet
6. Minimum **depth of front yard setback** - 25 feet
7. Minimum depth of **rear yard setback** - 10 feet
8. Minimum width of **side yard setback** (*Ord. No. 06-14, 04-17-06*)
 - a. Internal lot – 8 feet
9. Minimum **distance between separate buildings** on the same lot or parcel of land - 10 feet
10. Minimum **length of driveway** pavement from public right-of-way for rear and side yard - 20 feet
11. Maximum **building coverage** as a percentage of lot area - 45 percent
12. Maximum **building height** - 36 feet
13. Minimum number of paved **off-street parking spaces** required for
 - a. One single-family dwelling unit – 2. An enclosed garage shall not be considered in meeting the off-street parking requirements.
 - b. For all other uses see *Article VI Parking and Loading*.

3.4 SINGLE FAMILY RESIDENTIAL (SF-10) DISTRICT

A. Purpose

1. This district comprises a major portion of the existing single-family dwelling development of the City. It is intended to be composed of single-family dwellings together with public, denominational and private schools, churches and public parks essential to create basic neighborhood units.
2. Areas that are zoned for this use shall have or provide for water, wastewater, drainage and transportation capacities based on single-family use required by the allowed density.
3. It is intended for areas that are properly buffered from non-residential uses, and protected from pollution and/or environmental hazards or from high volume of non-single family traffic.

B. Permitted Uses

In general, single-family dwellings together with public, denominational and private schools, churches and public parks essential to create basic neighborhood units, may be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article IV Permissible Uses*.

C. Development Standards

1. Minimum **lot area** - 10,000 square feet
2. Maximum number of single-family detached **dwellings units per lot** - 1
3. Minimum **square footage** per dwelling unit - 1,500 square feet
4. Minimum **lot frontage** on a public street - 80 feet
5. Minimum **lot depth** - 100 feet
6. Minimum **depth of front yard setback** - 20 feet
7. Minimum depth of **rear yard setback** - 10 feet
8. Minimum width of **side yard setback** (*Ord. No. 06-14, 04-17-06*)
 - a. Internal lot – 6 feet
9. Minimum **distance between separate buildings** on the same lot or parcel of land - 10 feet
10. Minimum **length of driveway** pavement from public right-of-way for rear and side yard - 20 feet
11. Maximum **building coverage** as a percentage of lot area - 45 percent
12. Maximum **building height** - 36 feet
13. Minimum number of paved **off-street parking spaces** required for
 - a. One single-family dwelling unit – 2. An enclosed garage shall not be considered in meeting the off-street parking requirements.
 - b. For all other uses see *Article VI Parking and Loading*.

3.5 SINGLE FAMILY RESIDENTIAL (SF-8.4) DISTRICT

A. Purpose

1. This district is considered to be the proper zoning classification for areas of the undeveloped land remaining in the City appropriate for single-family dwelling use. It is intended to be composed of single-family dwellings together with public, denominational and private schools, churches and public parks essential to create basic neighborhood units.
2. Areas that are zoned for this use shall have or provide for water, wastewater, drainage and transportation capacities based on single-family use required by the allowed density.
3. It is intended for areas that are properly buffered from non-residential uses, and protected from pollution and/or environmental hazards or from high volume of non-single family traffic.

B. Permitted Uses

In general, single-family dwellings together with public, denominational and private schools, churches and public parks essential to create basic neighborhood units, may be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article IV Permissible Uses*.

C. Development Standards

1. Minimum **lot area** – 8,400 square feet
2. Maximum number of single-family detached **dwellings units per lot** - 1
3. Minimum **square footage** per dwelling unit – 1,500 sq. ft.
4. Minimum **lot frontage** on a public street - 70 feet
5. Minimum **lot depth** - 100 feet
6. Minimum **depth of front yard setback** - 20 feet
7. Minimum depth of **rear yard setback** - 10 feet
8. Minimum width of **side yard setback** (*Ord. No. 06-14, 04-17-06*)
 - a. Internal lot – 6 feet
9. Minimum **distance between separate buildings** on the same lot or parcel of land - 10 feet
10. Minimum **length of driveway** pavement from public right-of-way for rear and side yard - 20 feet
11. Maximum **building coverage** as a percentage of lot area - 45 percent
12. Maximum **building height** - 36 feet
13. Minimum number of paved **off-street parking** spaces required for
 - a. One single-family dwelling unit – 2. An enclosed garage shall not be considered in meeting the off-street parking requirements.
 - b. For all other uses see *Article VI Parking and Loading*.

3.6 SINGLE FAMILY RESIDENTIAL (SF-7) DISTRICT

A. Purpose

1. This district is considered to be the proper zoning classification for smaller lot developments for a single-family dwelling use. It is intended to be composed of single-family dwellings together with public, denominational and private schools, churches and public parks essential to create basic neighborhood units.
2. Areas that are zoned for this use shall have or provide for water, wastewater, drainage and transportation capacities based on single-family use required by the allowed density.
3. It is intended for areas that are properly buffered from non-residential uses, and protected from pollution and/or environmental hazards or from high volume of non-single family traffic.

B. Permitted Uses

In general, single-family dwellings together with public, denominational and private schools, churches and public parks essential to create basic neighborhood units, may be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article IV Permissible Uses*.

C. Development Standards

1. Minimum **lot area** - *7,000 square feet*
2. Maximum number of single-family detached **dwellings units per lot** - *1*
3. Minimum **square footage** per dwelling unit - *1,100 sq. ft.*
4. Minimum **lot frontage** on a public street - *60 feet*
5. Minimum **lot depth** - *100 feet*
6. Minimum depth of **front yard setback** - *20 feet*
7. Minimum depth of **rear yard setback** - *10 feet*
8. Minimum width of **side yard setback** (*Ord. No. 06-14, 04-17-06*)
 - a. Internal lot – *6 feet*
9. Minimum **distance between separate buildings** on the same lot or parcel of land - *10 feet*
10. Minimum **length of driveway** pavement from public right-of-way for rear and side yard - *20 feet*
11. Maximum **building coverage** as a percentage of lot area - *45 percent*
12. Maximum **building height** - *32 feet*
13. Minimum number of paved **off-street parking spaces** required for
 - a. One single-family dwelling unit – 2. An enclosed garage shall not be considered in meeting the off-street parking requirements.
 - b. For all other uses see *Article VI Parking and Loading*.

3.7 ZERO LOT LINE RESIDENTIAL (ZL-5) DISTRICT

A. Purpose

1. The Zero Lot Line Residential District is established to provide adequate space and site diversification for medium-density residential development that is single-family, on separate lots, and typically owner occupied.
2. Zero Lot Line development is a medium density use. The increased requirements for street, water and fire protection, wastewater, drainage, and adequate open space should be met or provided for before zoning to this district.
3. Zero Lot Line developments must be properly buffered from non-residential uses, and protected from high volumes of non-single family traffic, or from pollution and/or environmental hazards.

B. Permitted Uses

In general, single-family dwellings together with public, denominational and private schools, churches and public parks essential to create basic neighborhood units, may be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article IV Permissible Uses*.

C. Development Standards

1. Minimum **lot area** - 5,000 square feet
2. Maximum number of single-family **dwellings units per lot** - 1
3. Minimum **square footage** per dwelling unit - 1,000 sq. ft.
4. Minimum **lot frontage** on a public street - 50 feet
5. Minimum **lot depth** - 90 feet
6. Minimum **front yard setback** - 20 feet
7. Minimum **rear yard setback** - 10 feet
8. Minimum width of **side yard setback** (*Ord. No. 06-14, 04-17-06*)
 - a. Zero lot line side – 0 feet
 - b. Maintenance easement side - 10 feet
9. Minimum **maintenance easement** on the **non-zero** lot line side, when adjacent to another lot in the same zoning district– 5 feet
(This easement shall be maintained as an open space except upon a finding by the Building Official that the proposed improvements do not impede the use of said easement for maintenance of the adjoining structure).
10. Minimum **distance between buildings** on the same lot or parcel of ground - 10 feet
11. Minimum **length of driveway** pavement from public right-of-way for rear and side yard - 20 feet
12. Maximum **building coverage** as a percentage of lot area - 50 percent
13. Maximum **building height** - 30 feet
14. Minimum number of paved **off-street parking** spaces
 - a. One single-family dwelling unit - 2 spaces plus a 2-car garage
 - b. For all other uses see *Article VI Parking and Loading*.

3.8 DUPLEX (TWO-FAMILY) RESIDENTIAL (2F) DISTRICT

A. Purpose

1. The Duplex Residential District is established to provide adequate space and site diversification for medium-density, duplex type residential development with two dwelling units per lot, and at almost twice the density of a typical single-family development, and to adjust the development standards accordingly.
2. Duplex type development is a low to medium density use, and additional requirements for streets, water and fire protection, wastewater, drainage, and adequate open space shall be met before development to such use.
3. Duplex developments are not necessarily a buffer between single-family and commercial uses, and should be properly buffered from non-residential uses, and protected from high volumes of non-residential traffic, or from pollution and/or environmental hazards.

B. Permitted Uses

In general, single-family and duplex dwellings together with public, denominational and private schools, churches and public parks essential to create basic neighborhood units, may be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article IV Permissible Uses*.

C. Development Standards

1. Minimum **lot area** – 7,000 square feet
2. Maximum number of single-family attached **dwellings units per lot** - 2
3. Minimum **square footage** per dwelling unit - 800 sq. ft.
4. Minimum **lot frontage** on a public street - 60 feet
5. Minimum **lot depth** - 100 feet
6. Minimum depth of **front yard setback** - 20 feet
7. Minimum depth of **rear yard setback** - 10 feet
8. Minimum width of **side yard setback** (*Ord. No. 06-14, 04-17-06*)
 - a. Abutting structures – separated by fire retardant walls - 0 feet
 - b. Internal Lot - 6 feet*

* Townhouses separated by firewall meeting the requirements of the building code may build to the property line where such structures abut.
9. Minimum **distance between buildings** on the same lot or parcel of ground - 10 feet
10. Minimum length of driveway pavement from public right-of-way for rear and side yard - 20 feet
11. Maximum **building coverage** as a percentage of lot area - 45 percent
12. Maximum **building height** - 32 feet
13. Minimum number of paved **off-street parking spaces**
 - a. Each residential dwelling unit - 2 off street spaces plus one garage parking space for each dwelling unit.
 - b. For all other uses see *Article VI Parking and Loading*.

3.9 MULTI-FAMILY RESIDENTIAL (MF-14) DISTRICT

A. Purpose

1. The Multi-Family Residential District is established to provide adequate space and site diversification for medium density areas.
2. Multi-family districts should be located within 1,200 feet of retail and other services; and no more than 500 units should be located within one mile of each other. These standards will help support a strong market for the units, and consequently on-going reinvestment, while helping to make sure that inappropriate concentrations of multi-family units are not created. The Downtown area is exempted from the spacing standard.
3. This zone allows medium density developments, and should be located where additional requirements for streets, water and fire protection, wastewater, drainage, and adequate open spaces are met. MF-14 uses should not run traffic through single-family neighborhoods, and should be located close to arterial or collectors capable of carrying the additional traffic.
4. Multi-Family developments are not necessarily a buffer between single-family and commercial uses, and should be property buffered from non-residential land uses and traffic, as well as from pollution and/or environmental hazards.

B. Permitted Uses

In general, duplex and apartment dwellings together with public, denominational and private schools, churches and public parks essential to create basic neighborhood units, may be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article IV Permissible Uses*.

C. Development Standards

1. **Duplexes** shall meet the requirements of the 2-F District, with only one duplex per lot.
2. Minimum **site area** - 10,000 square feet
3. Minimum **lot area** - 2,000 square feet of lot per unit
4. Maximum **density per gross acre** - 14 units/acre
5. Minimum **lot frontage** on a public street - 60 feet
6. Minimum **lot depth** - 100 feet
7. Minimum depth of **front yard setback** - 25 feet
8. Minimum depth of **rear yard setback***
 - a. Abutting a single-family, townhouse, or duplex district
 - one story structure - 25 feet
 - two story structure - 50 feet
 - three story structure - 75 feet
 - b. Abutting any other district - 10 feet

*Unenclosed carports may be built up to within 5 feet of any property line that abuts an alley and no closer than 20 feet from any street intersection.

9. Minimum width of **side yard setback** (*Ord. No. 06-14, 04-17-06*)
 - a. Abutting a single-family, townhouse, or duplex district
one story structure - *25 feet*
two story structure - *50 feet*
three story structure - *75 feet*
 - b. Internal lot - *10 feet for a one story structure or 15 feet for structures two or more stories in height*
10. Minimum **distance between buildings** on the same lot or parcel of land
 - a. *10 feet* from main to accessory buildings
 - b. *20 feet* for 2 main buildings with doors or windows in facing walls
 - c. *15 feet* for 2 main buildings without doors or windows in facing walls
11. Maximum **building coverage** as a percentage of lot area - *45%*

Each development containing over 100 dwelling units shall provide 300 square feet of open space per 2 and 3 bedroom unit, with at least one open area with the minimum dimensions of 200 feet by 150 feet.

Swimming pools, tennis courts and other recreational facilities can be counted toward the overall open space requirement, but not toward the required 200 feet by 150 feet area.
12. Minimum amount of permanent, **landscaped open space** – *20% of total lot area*, with 30% of total requirement located in front and alongside buildings along street frontages. See *Article VIII.5.12 Required Landscaping*.

Any parking lot with more than 2 rows of spaces shall have a minimum of 2% of the interior of the parking lot in landscaping. Such landscaping shall be counted toward the 20% total landscaping requirement.

All required landscaped areas shall be permanently maintained and shall have an irrigation system installed meeting all applicable City codes, and approved by the Building Official.

Also, see *Article VIII Landscape Standards*.
13. Maximum **building height** - *36 feet*
14. For Required **off-street parking**, see *Article VI Parking and Loading*.
15. Lots with more than five (5) dwelling units that are contiguous to a single family, townhouse, or duplex district, must be separated by a buffer as established in *Article VIII Landscape Standards*. The required buffer shall be reviewed and approved by City Council. (*Ord. No. 09-23, 06-15-09*)

SECTION 4 COMMERCIAL DISTRICTS

4.1 GENERAL COMMERCIAL DISTRICT STANDARDS

A. Construction Materials

1. Exterior Walls - Each exterior wall shall consist of 90% masonry materials as defined in *Article XIII Definitions - Masonry*, excluding doors and windows, on walls which are visible from a public street or open space, including a minimum of 20% stone.

All buildings shall have exterior walls constructed of stone, brick, glass block, tile, cast metal, cast or cultured stone, or a combination of those materials. The use of other cementaceous products (e.g. stucco, Hardy Plank, or other similar materials approved by the Building Official) shall be limited to 50% of the buildings exterior finishes where it is deemed important as a design feature and where it will be applied under the highest standards for quality and durability. However, stucco may not be located in the first 8 feet above grade on a façade visible from a street or public area.

Exceptions to this requirement may be permitted on a case by case basis by the Council upon submission and approval of elevation drawings of the subject structure, and material samples.

B. Maximum Building Height

1. **All Districts.** The height limit for all structures shall be as established in the Districts governing the property on which the structures are located, and the exceptions to height setback standards below.
2. **Building Height and Setback Exceptions for Commercial Districts.**

Exceptions. The following features may be constructed 12 feet higher than the maximum height requirement of the zoning district in which the structure is located:

- a. Chimneys, church spires, elevator shafts, and similar appendages not intended as places of occupancy or storage.
- b. Flag poles and similar devices.
- c. Heating and air conditioning equipment, solar collectors and similar equipment, fixtures, and devices.

Provided that they are:

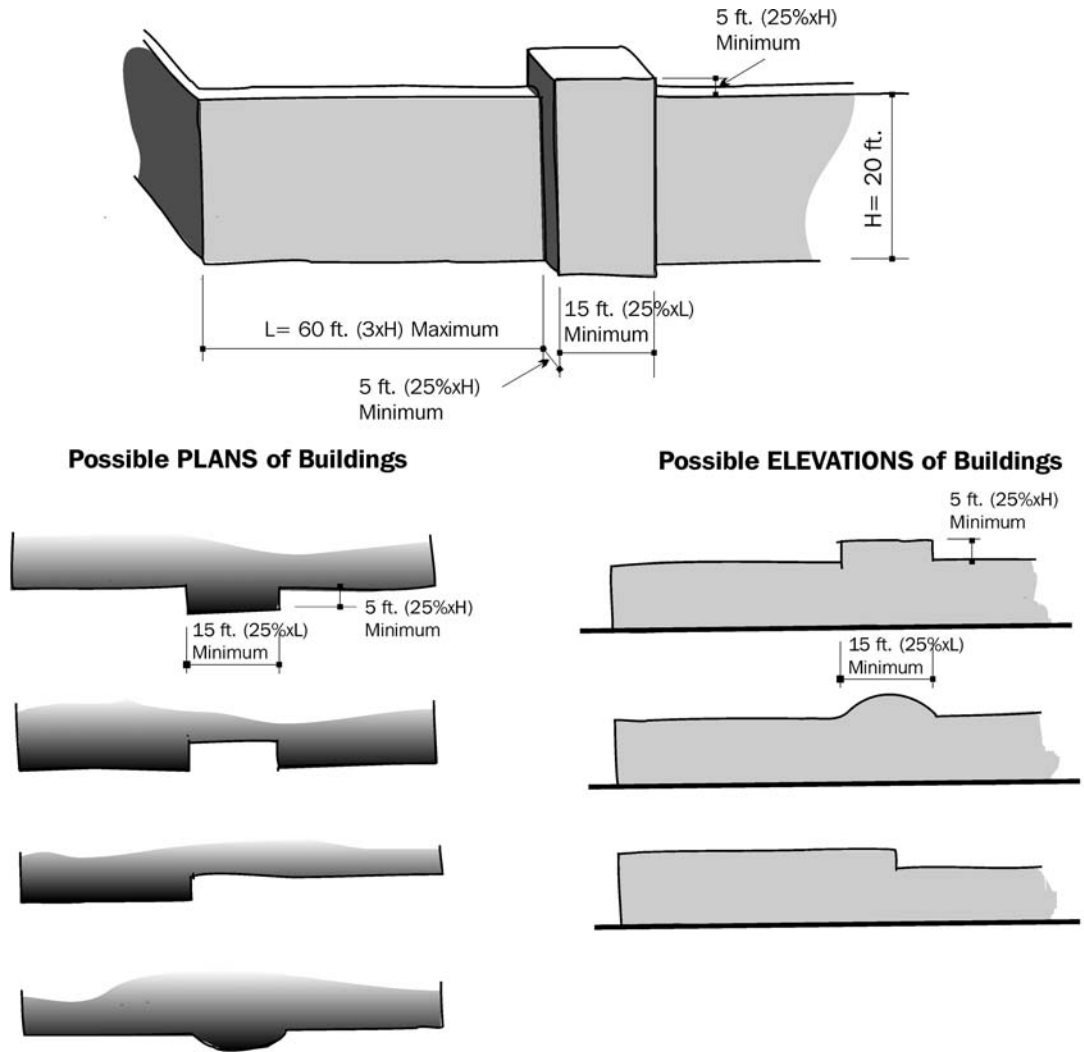
- a. Not more than one-third of the total roof area; and
- b. Set back from the edge of the roof a minimum distance of two feet for every foot by which such features extend above the roof surface of the building to which they are attached.

C. Building Articulation

1. **Requirements.** Facades shall meet the following minimum standards for articulation:
 - a. **Horizontal Articulation.** No building wall shall extend for a distance equal to 3 times the wall's height without having an off-set of 25% of the wall's height, and that new plane shall extend for a distance equal to at least 25% of the maximum length of the first plane.

b. **Vertical Articulation.** No horizontal wall shall extend for a distance greater than 3 times the height of the wall without changing height by a minimum of 25% of the wall's height.

FIGURE 1 COMMERCIAL BUILDING ARTICULATION EXAMPLE



C. Buildings Greater than 25,000 S.F.

1. These criteria shall apply to new retail/commercial building construction in General Retail and Commercial districts only. These criteria shall not apply to the use, re-use, modification or consolidation of existing retail and/or commercial space developed as of April 2, 2001 or to the expansion of existing retail space existing as of April 2, 2001 by no greater than 10% of the existing ground floor area.
2. Ninety percent (90%) of the area of all exterior facades shall consist of clay-fired brick, native stone, cast stone, integral-colored architectural split-faced concrete block, plaster, stucco or a combination of these materials. Each façade shall not contain more than seventy five percent (75%) of any single material.
3. Loading docks shall not be oriented towards residential zoning districts. Where loading areas are located parallel to residential zoning districts, they must be screened by an architecturally integrated minimum 14-foot tall wall the entire length of the loading space.
4. On-Site Circulation
 - a. On site circulation standards should try to minimize the conflict between pedestrians and vehicles by placing driveways and service areas in locations that reduce the chance of interrupting on-site vehicle movement.
 - b. Buildings should be placed in a manner that screens the drive-through lane and creates pedestrian pathways and spaces.
 - c. In order to maintain on-site circulation, each drive-through lane is to be separate from pump islands and from routes necessary for entering and exiting the property.
5. Where the property immediately abuts a residential zoning district, unless separated by a MD4 or larger thoroughfare, a minimum 10-foot wide landscaped edge must be installed for buildings 25,000 square feet to 50,000 square feet in area, a minimum 15-foot wide landscaped edge for buildings 50,001 square feet to 79,999 square feet in area and a minimum 30-foot wide landscaped edge for buildings 80,000 square feet and greater in area in addition to the screening required by the Landscape Regulations of the City of Rockwall for all aforementioned building sizes. The landscaped edge must include a combination of berms, evergreen shrubs, and a mix of evergreen and deciduous trees (minimum 4" caliper) placed a minimum 25 feet on center. Planting may be grouped.
6. Open storage areas shall be connected to the building and screened with the same building materials.
7. For those buildings over 80,000 square feet in area, the applicant must demonstrate that the building can be subdivided in a reasonable manner by submitting a plan indicating potential entrances and exits and loading areas for multiple tenants.

4.2 RESIDENTIAL OFFICE (RO) DISTRICT

A. Purpose

The “R-O”, District recognizes the existence of older residential areas of the city where larger houses have been or can be converted from single-family and two-family residences to low-intensity office uses in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization. The intent of this district is to allow for low intensity office development providing professional, medical and other office services to residents in adjacent neighborhoods. R-O districts shall have principle access to major or secondary thoroughfares and may serve as an area of transition between residential and high-intensity non-residential uses or busy arterial thoroughfares

B. Permitted Uses

In general, low intensity office development providing professional, medical and other office services to residents in adjacent neighborhoods, may be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article IV Permissible Uses*.

C. Development Standards

1. Minimum **lot area** – *6,000 square feet*
2. Maximum **lot area** – *43,560 square feet*.
3. Minimum **lot frontage** on a public street - *60 feet*
4. Minimum **lot depth** - *100 feet*
5. Minimum depth of **front yard setback** - *25 feet* (from future ROW as shown on the adopted thoroughfare plan or as actually exists, whichever is greater) in those instances where an existing structure is converted into an office use.
6. Minimum width of side yard setback - *10 feet*, except if the adjacent property is predominantly residentially zoned or residentially used, in which case the setback shall be 20 feet. (*Ord. No. 06-14, 04-17-06*)
7. Minimum depth of **rear yard setback** - *30 feet*
8. Minimum **distance between detached buildings** on the same lot or parcel of land -
 - a. Without fire retardant wall – *15 feet*
 - b. With fire retardant wall – *0 feet*
9. Minimum requirement for **construction materials**. For existing structures, no change to exterior walls shall be required. For new structures, each exterior wall shall consist of 90% masonry material excluding doors and windows.
10. Maximum **building coverage** as a percentage of lot area – *40%*
11. Maximum **floor-area ratio (FAR)** - *0.33 FAR*
12. Maximum amount of **impervious coverage** as a percentage of lot area – *75-80%*.

13. Minimum **amount of landscaped areas** - all development shall comply with *Article VIII.5.12 Required Landscaping*. Amenity open space: 7% of the interior of the parking lot, not including the setback and buffer development standards, shall be previous land area in association with plantings.
14. Maximum **building height** - 36 feet.
15. Minimum number of paved **off-street parking** spaces required - See *Article VI Parking and Loading*. Off-street parking shall not be permitted in the required setback in this district
16. Maximum **number of entrances** and/or exits -
 - a. **Arterial streets** - 1 per each 200 feet of street frontage per site, or as approved by the City Council.
 - b. **Collector streets** - 1 per each 100 feet of street frontage per site, or as approved by the City Council.
 - c. **Local streets** - 1 per each 50 feet of street frontage per site, or as approved by the City Council.
17. **Residential Adjacency**. Lots with non-residential uses that have a side or rear contiguous or separated only by an alley, or easement or street, from any residential district must be separated from such residential district by a buffer as defined in *Article VIII Landscape Standards*, or as approved by the Planning and Zoning Commission.
18. **Building Code**. The building code may impose more restrictive development standards depending on the size, use and construction of the structures.

4.3 NEIGHBORHOOD SERVICE (NS) DISTRICT

A. Purpose

1. The (NS) Neighborhood Service District is established as a limited retail category intended for use near neighborhood areas for the purpose of supplying day-to-day retail needs of the residents in the area, such as food, drugs and personal services.
2. The NS district occurs at limited corner locations on arterials in existing developments and is intended for small service areas in new developments. The average site is from ½ to one acre, up to 2 acres.
3. Since the site is typically small, and surrounded by residential type land uses, this zoning would have the appearance of a spot zone. It is not an illegal spot zone, however, if it is called for in the comprehensive plan, or if it serves a need in the neighborhood. A similar neighborhood convenience center within 1/4 mile of a proposed center would be an indication that the need for such a center is already being met.
4. While the uses allowed in this district are intended to be located within or adjacent to residential areas, care must be taken to insure that adjacent residential uses are protected. Uses with excessive amounts of traffic, noise, or litter are not intended for this district. Areas where two or more corners of an intersection are intended to have shopping facilities should be zoned a less restrictive district. The centers should be located at the intersection of collector type streets or larger that are capable of handling the additional traffic. The area, landscaping, and buffering requirements are more restrictive in this district in order to protect adjacent uses.

B. Permitted Uses

In general, retail businesses which supply day-to-day retail needs of the residents in adjacent neighborhoods, such as food, pharmaceuticals and personal services, may be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article IV Permissible Uses*.

C. Development Standards

1. Minimum **site size** - *6,000 square feet*
2. Minimum **site frontage** on a public street - *60 feet*
3. Minimum **site depth** - *100 feet*
4. Minimum depth of **front yard setback** - *15 feet. Parking should not be located between the front façade and the property line.*
5. Minimum width of **side yard setback** -
 - a. Without fire retardant wall - *5 feet*
 - b. With fire retardant wall - *0 feet*
 - c. Abutting residentially zoned property - *20 feet*
6. Minimum depth of **rear yard setback** -
 - a. Abutting non-residentially zoned property, with fire retardant wall and alley separating - *0 feet*

- b. Without fire retardant wall, or alley - *20 feet*
- c. Abutting residentially zoned property - *20 feet*
- 7. Minimum **distance between detached buildings** on the same lot or parcel of land -
 - a. Without fire retardant wall - *15 feet*
 - b. With fire retardant wall - *0 feet*
- 8. Maximum Building Size – 5,000 square feet in area, unless otherwise approved as a Specific Use Permit (SUP) by the Planning and Zoning Commission and City Council (*Ord. No. 06-14, 04-17-06*)
- 9. Maximum **building coverage** as a percentage of lot area – *40%*
- 10. Maximum amount of **impervious coverage** as a percentage of lot area -*80-85%*. See *Article VIII.5.12 Required Landscaping*.
- 11. Minimum amount of **landscaped area** - all development shall comply with the City's Landscaping Regulations in *Article VIII Landscape Standards*
- 12. Maximum **building height** - *36 feet*.
- 13. Minimum number of paved **off-street parking spaces** required - See *Article VI Parking and Loading*.
- 14. Maximum **number of entrances** and/or exits -
 - a. Arterial streets - *1 per each 200 feet* of street frontage per site, or as approved by the City Council.
 - b. Collector streets - *1 per each 100 feet* of street frontage per site, or as approved by the City Council.
 - c. Local streets - *1 per each 50 feet* of street frontage per site, or as approved by the City Council.
- 15. **Residential Adjacency.** Neighborhood Service uses that have a side or rear contiguous or separated only by an alley, or easement or street, from any residential district must be separated from such residential district by a buffer as defined in *Article VIII Landscape Standards*, or as approved by the City Council.
- 16. **Building Code.** The building code may impose more restrictive development standards depending on the size, use and construction of the structures.

4.4 GENERAL RETAIL (GR) DISTRICT

A. Purpose

1. The General Retail District is established to provide limited retail and service uses for one or more neighborhoods. The uses specified in this district include most types of retail activity and are located on, or at the intersections of, major thoroughfares. This district does not include strip commercial, large shopping centers, wholesaling operations, lumber yards, contractor yards, and warehousing with high volumes of truck traffic and low volumes of retail type traffic.
2. This district will not be a major retail district, and will try to avoid intensive commercial uses and large volumes of retail traffic. The noise, traffic, litter, late night hours, and other influences that could be harmful to residential areas require adequate buffering from residential areas, and the traffic from such uses should not pass through residential areas, except on arterial or major collectors. There are restrictions on access to prevent traffic congestion or an adverse effect on major thoroughfares.
3. Areas should not be zoned to this use unless they are located on or close to arterial or major collectors capable of carrying the additional traffic they will generate, and in areas where there is increased water, fire protection, wastewater and drainage capacity.
4. This zone is a light retail zone, and it is intended that limited commercial uses fall in this district. Since the zone will be located close to residential areas, the development standards are stringent and require as high a standard of development as the RO and NS districts.

B. Permitted Uses

In general, retail and service uses for one or more neighborhoods may be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article IV Permissible Uses*.

C. Development Standards

1. Minimum **site size** - *6,000 square feet*; 1 acre when adjacent to Interstate 30
2. Minimum **site frontage** on a public street - *60 feet*; *200 feet when adjacent to Interstate 30*
3. Minimum **site depth** - *100 feet*; *200 feet when adjacent to Interstate 30*
4. Minimum depth of **front yard setback** - *15 feet* from the future ROW as shown on the adopted thoroughfare plan or as actually exists, whichever is greater. Parking should not be located between the front façade and the property line.
5. Minimum width of **side yard setback** (*Ord. No. 06-14, 04-17-06*)
 - a. Without fire retardant wall - *10 feet, or as required by building and/or fire codes*
 - b. With fire retardant wall - *0 feet*
 - c. Abutting residentially zoned property - *20 feet plus ½ the building height over 36 feet*
 - d. In no case shall more than a 50 foot setback be required

6. Minimum depth of **rear yard setback** -
 - a. Abutting non-residentially zoned property, with fire retardant wall and alley separating - *0 feet*
 - b. Without fire retardant wall, or alley - *10 feet, or as required by building and/or fire codes*
 - c. Abutting residentially zoned property - *20 feet plus ½ the building height over 36 feet.*
 - d. In no case shall more than a 50 foot setback be required.
7. Minimum **distance between detached buildings** on the same lot or parcel of land -
 - a. Without fire retardant wall - *15 feet*
 - b. With fire retardant wall - *0 feet*
8. Maximum Building Size – 25,000 square feet in area, unless otherwise approved as a Specific Use Permit (SUP) by the Planning and Zoning Commission and City Council (*Ord. No. 06-14, 04-17-06*)
9. Maximum **building coverage** as a percentage of lot area – *40%*
10. Maximum amount of **impervious coverage** as a percentage of lot area – *85-90%. See Article VIII.5.12 Required Landscaping.*
11. Minimum amount of **landscaped area** - all development shall comply with *Article VIII Landscape Standards.*
12. Maximum **floor area ratio (FAR)** - *2:1 (FAR)*
13. Maximum **building height** - *60 feet.* Any structure over 36 feet shall require a Specific Use Permit.
14. Minimum number of paved **off-street parking spaces** required - See *Article VI Parking and Loading.*
15. Maximum **number of entrances** and/or exits -
 - a. Arterial streets - 1 per each 200 feet of street frontage per site, or as approved by the City Council.
 - b. Collector streets - 1 per each 100 feet of street frontage per site, or as approved by the City Council.
 - c. Local streets - 1 per each 50 feet of street frontage per site, or as approved by the City Council.
16. **Residential Adjacency.** Lots with non-residential uses that have a side or rear contiguous or separated only by an alley, or easement or street, from any residential district must be separated from such residential district by a buffer as defined in *Article VIII Landscape Standards*, or as approved by the City Council.
17. **Building Code.** The building code may impose more restrictive development standards depending on the size, use and construction of the structures.

4.5 COMMERCIAL (C) DISTRICT

A. Purpose

1. The Commercial District is established to provide adequate space and site diversification for most types of commercial development in the City of Rockwall. Larger shopping centers and most of the existing commercial strips along major arterial roadways would be included in this district. The uses specified in this district include most types of retail activity and some wholesale with the exception of those uses which are not compatible with the retail shopping function. For example, lumberyards, contractor yards, and warehousing with high volumes of truck traffic and low volumes of retail type traffic are not included in this district.
2. This district will be the major retail district, with intensive commercial uses and large volumes of retail traffic. The noise, traffic, litter, late night hours, and other influences that could be harmful to residential areas require adequate buffering from residential areas, and the traffic from such uses should not pass through residential areas, except on arterial or major collectors.
3. Areas should not be zoned to this use unless they are located on or close to arterial or major collectors capable of carrying the additional traffic they will generate, and in areas where there is increased water, fire protection, wastewater and drainage capacity.
4. This zone is the general business zone, and it is intended that most commercial uses fall in this district, with the exception of the heavy commercial type uses. Since the zone is of a general nature, the development standards are less stringent and do not require as high a standard of development as the RO, NS and GR districts.

B. Permitted Uses

In general, any retail business, personal service, professional service, or business service conducted within a completely enclosed building, excluding high truck traffic uses, may be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article IV Permissible Uses*.

C. Development Standards

1. Minimum **site size** - *10,000 square feet; 1-acre when adjacent to Interstate 30*
2. Minimum **site frontage** on a public street - *60 feet; 200 feet when adjacent to Interstate 30*
3. Minimum **site depth** - *100 feet; 200 feet when adjacent to Interstate 30*
4. Minimum depth of **front yard setback** - *15 feet* from the future ROW as shown on the adopted thoroughfare plan or as actually exists, whichever is greater. Parking should not be located between the front façade and the property line.
5. Minimum width of **side yard setback** (*Ord. No. 06-14, 04-17-06*)
 - a. Without fire retardant wall - *10 feet, or as required by building and/or fire codes*

- b. With fire retardant wall - *0 feet*
 - c. Abutting residentially zoned property - *20 feet plus ½ the building height over 36 feet*
 - d. In no case shall more than a 50 foot setback be required.
6. Minimum depth of **rear yard setback** -
- a. Abutting non-residentially zoned property, with fire retardant wall and alley separating - *0 feet*
 - b. Without fire retardant wall, or alley - *10 feet, or as required by building and/or fire codes*
 - c. Abutting residentially zoned property - *20 feet plus ½ the building height over 36 feet.*
 - d. In no case shall more than a 50 foot setback be required.
7. Minimum **distance between detached buildings** on the same lot or parcel of land -
- a. Without fire retardant wall - *15 feet*
 - b. With fire retardant wall - *0 feet*
8. Maximum building coverage as a percentage of lot area – 60%
9. Maximum amount of **impervious coverage** as a percentage of lot area – 85-90%. See *Article VIII.5.12 Required Landscaping.*
10. Minimum amount of **landscaped area** - all development shall comply with *Article VIII Landscape Standards.*
11. Maximum **floor area ratio (FAR)** - *4:1 (FAR)*
12. Maximum **building height** - *240 feet.* Any structure over 60 feet shall require a Specific Use Permit.
13. Minimum number of paved **off-street parking spaces** required - See *Article VI Parking and Loading.*
14. Maximum **number of entrances** and/or exits -
- a. Arterial streets - *1 per each 200 feet* of street frontage per site, or as approved by the City Council.
 - b. Collector streets - *1 per each 100 feet* of street frontage per site, or as approved by the City Council.
 - c. Local streets - *1 per each 50 feet* of street frontage per site, or as approved by the City Council.
15. **Residential Adjacency.** Lots with non-residential uses that have a side or rear contiguous or separated only by an alley, or easement or street, from any residential district must be separated from such residential district by a buffer as defined in *Article VIII Landscape Standards,* or as approved by the City Council.
16. **Building Code.** The building code may impose more restrictive development standards depending on the size, use and construction of the structures.

D. Special Standards

1. **Sale of Goods.** All business establishments other than those selling a service, shall be retail or wholesale service establishments dealing directly with customers. All goods produced on the premises shall be sold on premises where they are produced.
2. **Business Operations and Storage.** All business operations including storage shall be conducted within a completely enclosed building unless specifically authorized for the use as listed. This excludes off street parking and loading, incidental display of retail items for sale, retail outlets where gasoline products are sold and drive-in businesses.

4.6 CENTRAL BUSINESS (CBD) DISTRICT

(NOTE: THIS SECTION DELETED VIA ORD. NO. 10-14, 7-6-2010)

4.7 HEAVY COMMERCIAL (HC) DISTRICT

A. Purpose

1. The Heavy Commercial District is established to provide adequate space and site diversification for commercial establishments may involve uses that would be objectionable in the other commercial districts or adjacent to residential districts. Included in this district are commercial uses that involve large volumes of truck traffic, outside operations and storage of materials and equipment, either for sale or as part of the business, excessive noise from heavy service operations, or any other possibly adverse influences.
2. This district is commercial in nature, but has some aspects that are similar to industrial uses. The noise, traffic, litter, late night hours, outside storage of materials and equipment, and other influences that could be harmful to residential areas require adequate buffering from residential areas, and the traffic from such uses should not pass through residential areas at all, if possible. These areas should not be located in close proximity to residential areas of any type.
3. Areas should not be zoned to this use unless they are located on or close to arterials capable of carrying commercial and truck traffic. They should be located close to major truck routes. Internal streets in such developments should be sized and strengthened to accommodate truck traffic. Fire protection should be adequate for large warehouse type operations, and the water, wastewater, and drainage systems should have enough existing capacity to support such development.

B. Permitted Uses

In general, commercial uses that may involve large volumes of truck traffic, outside operations and storage of materials and equipment may be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article IV Permissible Uses*.

C. Development Standards

1. Minimum **site size** – *12,500 square feet; 1-acre when adjacent to Interstate 30*
2. Minimum **site frontage** on a public street – 100 feet; 200 feet when adjacent to Interstate 30
3. Minimum **site depth** - *125 feet; 200 feet when adjacent to Interstate 30*
4. Minimum depth of **front yard setback** - *25 feet from the future ROW as shown on the adopted thoroughfare plan or as actually exists, whichever is greater*
5. Minimum width of **side yard setback** (*Ord. No. 06-14, 04-17-06*)
 - a. Without fire retardant wall - *15 feet plus ½ of the building height over 36 feet*
 - b. With fire retardant wall - *0 feet plus ½ of the building height over 36 feet*
 - c. Abutting residentially zoned property - *20 feet plus ½ the building height over 36 feet*
 - d. In no case shall more than a 50 foot setback be required.

6. Minimum depth of **rear yard setback** -
 - a. Abutting non-residentially zoned property, with fire retardant wall and alley separating - *0 feet plus ½ the building height over 36 feet*
 - b. Without fire retardant wall, or alley - *20 feet*
 - c. Abutting residentially zoned property - *20 feet plus ½ the building height over 36 feet.*
 - d. In no case shall more than a 50 foot setback be required.
7. Minimum **distance between detached buildings** on the same lot or parcel of land -
 - a. Without fire retardant wall - *15 feet plus ½ the building height over 36 feet*
 - b. With fire retardant wall - *0 feet plus ½ the building height over 36 feet*
 - c. In no case shall more than a 50 foot setback be required.
8. Maximum **building coverage** as a percentage of lot area – *60%*
9. Maximum amount of **impervious coverage** as a percentage of lot area – *90-95%. See Article VIII.5.12 Required Landscaping.*
10. Minimum amount of **landscaped area** - all development shall comply with *Article VIII Landscape Standards.*
11. Maximum **floor area ratio (FAR)** - *4:1 (FAR)*
12. Maximum **building height** - *240 feet.* Any structure over 60 feet shall require a Specific Use Permit.
13. Minimum number of paved **off-street parking spaces** required - See *Article VI Parking and Loading.*
14. Maximum **number of entrances** and/or exits -
 - a. Arterial streets - *1 per each 200 feet* of street frontage per site, or as approved by the City Council.
 - b. Collector streets - *1 per each 100 feet* of street frontage per site, or as approved by the City Council.
 - c. Local streets - *1 per each 50 feet* of street frontage per site, or as approved by the City Council.
15. **Residential Adjacency.** Lots with non-residential uses that have a side or rear contiguous or separated only by an alley, or easement or street, from any residential district must be separated from such residential district by a buffer as defined in *Article VIII Landscape Standards*, or as approved by the City Council.
16. **Building Code.** The building code may impose more restrictive development standards depending on the size, use and construction of the structures.
17. **Outside Storage.**
 - a. All outside storage shall be placed behind the front façade of the main structure. This does not apply to uses that allow incidental display, in which case only the amount of goods necessary for display purposes shall be exempt from this requirement.
 - b. All outside storage shall be screened from streets and public areas.

4.8 DOWNTOWN (DT) DISTRICT

I. PURPOSE, GOALS AND INTENT

A. PURPOSE

The purpose of the Downtown District is to implement the adopted recommendations of the Comprehensive Plan and Downtown Plan by encouraging new development and redevelopment in the Downtown area.

The **goals** of this Zoning District are

1. To make the Downtown area a sustainable “Great Place” within the region that will attract high quality investment and reinvestment over time.
2. To capitalize on the existing historic character of the Downtown and provide Rockwall with a thriving Downtown center.
3. To provide development and land use flexibility within the framework of a form-based development Zoning District.
4. To provide a mix of residential, retail and office uses in a pedestrian-friendly environment.

The **intent** of this Zoning District is

1. To provide a comfortable and attractive environment for pedestrians which include such things as buildings framing public space, street trees, lighting and awnings that will attract pedestrians.
2. To construct continuous building frontage along block faces except where it is desirable to provide for pedestrian and auto pass-throughs to parking at mid block.
3. To provide shared and consolidated parking both on-street and in the center of blocks that will benefit the entire district.
4. To contribute to the definition and use of public sidewalks, parks and plazas.
5. To design and build an infrastructure of buildings to accommodate a range of uses over time without the need to destroy older buildings and rebuild them for each successive use.
6. To design streets and buildings which will contribute to creating a safe environment.

II. DEFINITIONS

For the purposes of the Downtown District Ordinance, the following definitions shall apply.

Downtown District Engineering and Landscape Standards (District Standards). Any approved City standards which govern such items as street, streetscape, drainage, signage and other public improvements in the Downtown District.

Building Façade, Primary. Any façade that faces a public street or open space.

Entry, Primary. The main entry to a building on a block face. There must be at least one main building entry for each ground floor use, tenant or lobby on each block face which contains the use or tenant. Any additional building entries may be considered a *Secondary Entry*.

Feature Buildings. Buildings which are located on axis with a terminating street or open space, or at the intersection of streets. Such buildings shall incorporate architectural features which address height and articulation that emphasize the importance of such a location.



FEATURE BUILDING EXAMPLES

Historic Core. See Regulating Plan for Historic Core Boundaries.

Parking, Long Term. Customer or tenant parking which is intended for the primary use of vehicles parked for a duration of more than two hours and neither priced nor managed to encourage turnover.

Parking, Reserved. Parking which is assigned or reserved for tenants or visitors of a building or business.

Parking, Shared. Parking which is shared by tenants, visitors and the public. Hours of availability may be further defined in cooperation with the City.

Parking, Short Term. Customer or tenant parking which is intended to serve commercial businesses or residential uses that has a regular turnover of two hours or less.

Regulating Plan. The plan approved by the City which applies the Downtown District and which identifies certain sub-districts and the location of required retail at grade, among other items.

Stoop. A structure that is located approximately at the level of the first floor of the structure and intended to provide access to a residential unit.

Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above the floor of such story. This includes any mezzanine or loft which may comprise only a portion of a full floor plate.

Waiver to Design Standards, Major (Major Waiver). A significant change to both the standards and intent of this Zoning District, and involves Planning and Zoning Commission and City Council approval.

Waiver to Design Standards, Minor (Minor Waiver). A minor change to the standards, but not the intent, of this Zoning District and involves staff approval.

III. GENERAL DISTRICT STANDARDS

A. REGULATING PLAN

1. Authority

A Regulating Plan is the coding key for application of this district's provisions to properties, and shall be considered part of this Zoning District. It may establish such things as:

- a. Major street types within the district;
- b. Sub-district areas;
- c. Required at-grade retail construction;
- d. Public open space and plazas; and
- e. Regional Hike and Bike Corridors.

2. Zoning of Property

- a. **Downtown Development Plan Required.** An approved Downtown Development Plan which is consistent with this ordinance and the Regulating Plan shall be required prior to issuance of any Building Permit.
- b. **Non-Conformity.** Uses which are legal and conforming at the time of rezoning to the Downtown District shall continue as legal conforming uses under their current standards until those uses are deemed abandoned, e.g.—
 - i. They have been replaced with a conforming use, or
 - ii. Such building or structure is or hereafter becomes vacant and remains unoccupied or out of use for a continuous period of six months, or the special equipment and furnishings peculiar to the nonconforming use have been removed from the premises and have not been replaced within such six-month period, or
 - iii. The intention of the owner to permanently discontinue the use is apparent.

B. WAIVERS OF DESIGN STANDARDS

In order to provide flexibility and create high quality projects, certain standards in the Downtown District may receive a waiver. (See Sub-section VIII.B *Waivers*, below, for applicability, processes and procedures.)

Minor Waivers include:

- Depth or height of required retail space
- Requirement to line a parking garage with buildings
- Requirement for continuous building frontage
- Establishment of Build-to Line
- Encroachment into the Build-to line
- Residential landscape requirement
- Increased building height for "feature" buildings

- Design of buildings without tri-partite architecture
- Required frequency of building entries along a street edge
- Window detailing
- Exterior building materials
- Exterior building color
- Retail at grade design standards
- Balcony and patio railing
- Landscape standards
- Location of bicycle parking

Major Waivers include:

- Required retail construction
- Building height for non-feature buildings
- Exceeding the maximum leasable retail area
- Required setback of the 4th floor and above
- Residential at grade design standards
- Parking requirements
- Parking garage design standards

C. FUNCTION/LAND USE

1. Land Use

- a. Retail, Personal Service, Residential and Office uses shall be allowed throughout the District.

For a specific list of permitted uses, see *Article IV, Permissible Uses, Table 1, Land Use Tables*.

- b. Where “Required Retail Construction” is designated on the Regulating Plan, the ground floor adjacent to the street shall be constructed to retail building standards for a depth of at least 50 feet, however a smaller depth may be allowed if the retail is serving as a “liner” use which is masking a parking garage by Minor Waiver.
- c. All access drives shall require a Minor Waiver.

D. BLOCK FACE

It is intended that building walls should be continuous along block faces to create a strong edge to the street and contribute to creating an attractive and active pedestrian environment. Contributing to that goal however, is to allow some limited variation and opportunities for outside dining, pocket parks and special building entry features.

- 1. **Block length.** The length of new blocks should not be less than 200 feet, nor more than 600 feet.
- 2. Block faces shall contain **continuous building frontage** with the exception of a mid-block access to parking which is no greater than 34 feet in width and 16 feet in height.

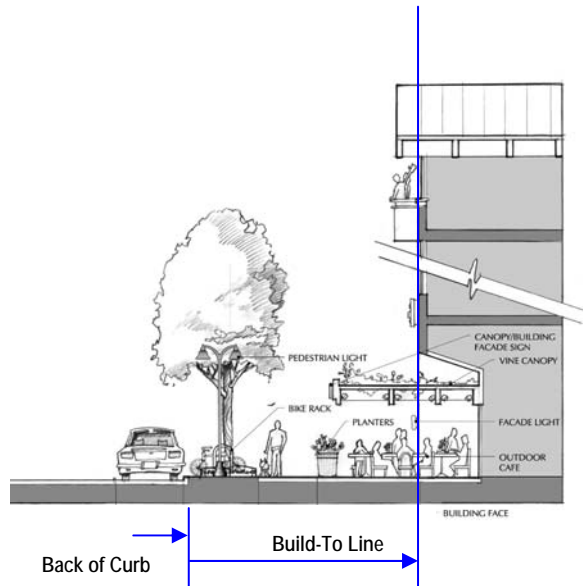
“Continuous building frontage” will be considered to be met if the primary building façade is located within 5 feet of the build-to line requirement. However, administrative approval of a Minor Waiver will permit up to 15% of the building frontage to be up to 15 feet behind the build-to line provided that it results in an attractive outdoor dining area, building entry feature or other amenity which contributes to the streetscape. A greater increase shall require approval of a Major Waiver.



OUTDOOR DINING

3. Facades shall generally be built **parallel to the street frontage**, except at street intersections, where a corner façade containing a primary building entrance may be curved or angled toward an intersection.
4. **Build-to Lines (Setbacks)**

- a. Build-to lines shall be measured from the planned street back-of-curb, as established on the approved Regulating Plan for the district and the standards in this ordinance (see *Table 1 Downtown District Standards* below), or the City’s approved Thoroughfare Plan. The entire area between the back-of-curb and the primary building façade shall be dedicated as public right-of-way or have a public easement placed upon it.



- b. Awnings may encroach above the public sidewalk without limit, provided they leave a minimum clearance of 7.5 feet above the sidewalk, and are set back a minimum of 18-inches from the back of curb and will not impede street tree growth.

E. STREETScape AND LANDSCAPE

1. **Streetscape standards** shall be established by the City for sidewalk paving, street trees, tree grates, lighting fixtures, trash receptacles and benches for both residential and non-residential ground-level frontages.
2. **Non-Residential ground floor frontages** shall not be required to provide additional landscaping beyond that required in the *Downtown District Engineering and Landscape Standards*.
3. **Residential ground floor frontages** shall be required to landscape a minimum of five (5) feet between the edge of sidewalk and the primary building façade, excluding access to sidewalks, stairs, stoops, porches and patios. This area may be landscaped with ground cover, low shrubs, ornamental trees and street trees. In addition, street tree wells may also be landscaped. Landscaping for tree wells is limited to ground cover and low shrubs.

TABLE 1: DOWNTOWN DISTRICT STANDARDS

STANDARD	BLOCKS FACING THE SQUARE	BLOCKS FACING SINGLE FAMILY ZONING	ALL OTHER BLOCKS
Building Height ^{1, 3}	Max 4 stories Min. 2 stories	Max 2 stories ¹ Min. 2 stories	Max 4 stories Min. 2 stories
Build-to Line ²			
Goliad and Alamo ⁴	20 feet	20 feet	18 feet
Rusk, Washington and Dennison ⁵	20 feet	20 feet	24 feet
All Other Roads	18 feet	18 feet	18 feet
Pedestrian Walkway Width			
Non-Residential	10	10	10 ⁵
Residential ⁶	6	6	6

- Notes:**
- ¹ Maximum of 2 stories when the building is within 200 feet of single family zoned property.
 - ² Build-to lines are measured from the “back of curb” of the planned street as set out in the approved *Regulating Plan* for the district. The setback range is established for the *Block Face*. (See *Sub-section III.D Block Face* above.)
 - ³ Increased height for feature buildings may be approved as part of Site Plan approval by Minor Waiver. Additional height for other buildings shall be considered a Major Waiver.
 - ⁴ Except along Goliad between Washington and Kaufman, where existing building lines will be enforced.
 - ⁵ Sidewalk tables may be allowed by the City in retail areas
 - ⁶ Except Rusk between St. Augustine and Alamo Streets where existing historic building lines will be enforced.

IV. BUILDINGS

A. INTENT

It is the intent of this Zoning District to create an attractive and active village style district and the size, disposition, function, and design of buildings, play an important role in achieving that goal.

1. Buildings should directly contribute to the attractiveness, safety and function of the street and other public areas.
2. Buildings that accommodate retail at grade should feature the retail activity over the building's Architecture.
3. Buildings should be constructed in a manner, and with materials, that are highly durable and will continue to endure and be attractive over a long time, especially adjacent to public and pedestrian areas.
4. It is intended by this Zoning District to encourage a variety of building and design solutions in response to the standards and regulations outlined herein.



RETAIL SHOULD BE EMPHASIZED OVER THE BUILDING ARCHITECTURE WHERE IT IS PRESENT

B. BUILDING STANDARDS

1. Building Form

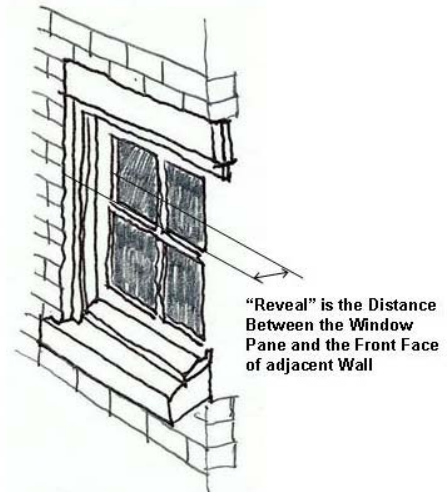
- a. The **maximum retail area** allowed for a single user shall be 40,000 sf. Any lease which exceeds this size shall require approval of a Major Waiver.
- b. All buildings shall be designed and constructed in **tri-partite architecture** so that they have a distinct base, middle and top.
- c. Buildings which are located on axis with a terminating street or at the intersection of streets shall be considered a **Feature Building**. Such buildings shall be designed with features which take advantage of that location, such as an accentuated entry and a unique building articulation which is off-set from the front wall planes and goes above the main building eave or parapet line.



TRI-PARTITE ARCHITECTURE: BUILDINGS WITH A "BASE," "MIDDLE" AND "TOP"

2. Architectural Features

- a. Buildings which are **greater than three (3) stories** in height must be set back at the 4th floor at least 8 feet behind the building face of the first 3 floors along street frontages. Any change to this standard shall be considered a Major Waiver.
- b. **Windows** shall have at least a 4-inch reveal and except for retail at grade, shall be vertical in proportion.
- c. No **glass curtain wall** shall be permitted except by approval of Major Waiver.
- d. Each building and separate lease space at grade along the street edge shall have a functioning **Primary Entry** from the sidewalk. Such entries must be inset from the front building plane by at least 5 feet. Secondary Entries may be set back as little as 3 feet. Functioning entries must be located no greater than 30 feet apart. Corner entries may count as a Primary Entry for both intersecting street frontages.
- e. **Architectural elements** of the primary building façade may encroach beyond the build-to line by up to five (5) feet provided that pedestrian flow will not be significantly impeded, with a Minor Waiver. These elements may include stoops, porches, bay windows, eaves, planters and light wells for a below-grade floor. Balconies, canopies and awnings are not limited in their encroachment, provided that they do not substantially interfere with pedestrian movement and street tree growth. This does not apply to the *Historic Core*.



3. External Façade Materials

The following shall apply to all exterior walls of buildings and parking structures which are clearly visible from a public street, walkway or open space:

- a. **Ground floor exterior walls**, excluding windows, doors, and other openings, shall be constructed of one hundred percent (100%) brick, natural or cast stone on the exterior façade.
- b. **Overall**, a minimum of eighty-five percent (85%) of exterior walls which face on a street right-of-way, plaza or open space, excluding windows, doors, and other openings, shall be constructed of brick,

natural or cast stone. Where such a wall turns a corner, the surface materials shall continue around the corner a minimum of eight feet.

- c. The remainder may be constructed of noncombustible materials including exterior stucco and Class PB Exterior Insulating and Finishing Systems (EIFS). Stucco and EIFS shall be used only for walls, architectural features, and embellishments not subject to pedestrian contact. On wholly residential structures, cementitious fiberboard may be used for up to 10% of the façade provided it is above the ground floor.
- d. Unpainted metal, or metal subject to ordinary rusting shall not be used as a building material. Factory finished metal elements as well as metals that develop an attractive oxidized finish, such as copper, galvanized metal, stainless steel or weathering steel, may be used as architectural accents by Minor Waiver approval.
- e. Windows and glazing shall be a minimum of 30% up to a maximum of seventy percent (70%) of each building elevation. (See 6.b below for special requirements for retail at grade.)
- f. A variation of up to 15% of the standards above, and the material type may be approved by administrative approval of a Minor Waiver, provided that the change will result in an improved architectural design without degrading the quality of public areas or increasing the need for maintenance.

4. Color

- a. The dominant color of all buildings (including above grade parking structures shall be muted shades of warm gray, red, green, beige and/or brown. Black, gold and stark white shall not be used except as an accent color.

There are no restrictions on accent colors which comprise less than 1.0% of the building face, except that florescent colors are prohibited.

- b. Roof colors shall be a shade of cool gray, warm gray, brown or red.

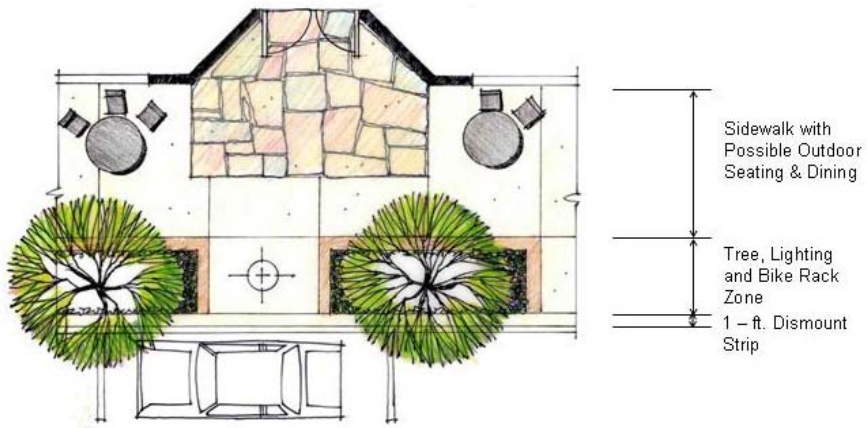
5. Residential at Grade

- a. All buildings which are constructed for residential units at grade shall include a primary front door entrance into the unit which may be accessed from the sidewalk. Any change to this standard shall be considered a Major Waiver.
- b. The entry shall be located a minimum of two (2) feet above the sidewalk elevation and include a minimum 24 sf. stoop. Any change to this standard shall be considered a Major Waiver.
- c. Units must also include windows which provide residents a view of the street and sidewalk area. Any change to this standard shall be considered a Major Waiver.
- d. Lobbies to upper stories may be located at grade level.
- e. Balcony and patio railings and fences shall be constructed of wrought iron or metal. Wood fences and railings and chain-link fencing are prohibited. Masonry columns may be used on patios provided that they are used as accents.



6. Non-Residential at Grade

- a. The ground floor entry must be located at the approximate elevation of the adjacent sidewalk.
- b. **Retail uses adjacent to the sidewalk at grade** shall:
 - i. Be constructed to meet fire code separation from any other uses constructed above;
 - ii. Have a minimum clear height of 16 feet between finished floor and the bottom of the structure above. Mezzanines within the retail space shall be allowed per Building Code;
 - iii. Have a canopy which extends at least 6 feet over the sidewalk for at least 75% of the frontage on any portion of a building located on the north, east or west side of a street and public sidewalk; and
 - iv. Have clear glass windows for at least 60%, but no greater than 80%, of the ground floor façade.
 - v. No outdoor storage is permitted. Outdoor retail display or sales shall require a permit from the City.



V. PARKING

A. AUTOMOBILE PARKING

1. Intent

The following is the intent of the City's parking policies and the Downtown Zoning District:

- a. Support the creation of Shared Parking in order to enable visitors to park once at a convenient location and to access a variety of commercial enterprises in a pedestrian-friendly environment.
- b. Manage parking so that it is convenient and efficient, and supports an active and vibrant retail environment.
- c. Ensure visibility and ease of access to parking.
- d. Maximize on-street parking.
- e. Provide flexibility for changes in land uses which have different parking requirements within the District.
- f. Provide flexibility for the redevelopment of small sites.
- g. Design parking structures so that they do not dominate the public environment by lining the edge of structures with residential or commercial uses.
- h. Avoid diffused, inefficient single-purpose reserved parking.
- i. Avoid adverse parking impacts on residential neighborhoods.

2. Parking Requirements

Off-street and on-street facilities shall be provided as required in Article VI of the UDC.

a. Parking Reductions:

- i. Properties in the Historic Core shall receive a credit for the number of parking spaces which would normally be required for retail use on the ground floor of any existing or new structure. To achieve this credit however, retail or restaurant use must be located on the ground floor.
- ii. In the remainder of the District, on-street parking which is directly in front of the development site may be counted toward the parking requirement for the development.

b. Achieving Automobile Parking

- i. Parking requirements may be met on-site, curb-side, by lease from the City or its designated authority or by payment of cash-in-lieu of parking to the City or its designated authority.
- ii. Due to the limited land area within the Historic Core and the need to provide off-site parking, development shall be eligible to receive a reduction in the cost for the payment to the city for the required cash fee or the lease payments. The amount and the terms of the reduction shall be determined by the City Manager or his designee by individual agreements.
- iii. The City Manager or designee shall annually establish the following:

- The leasing rates for city-provided parking spaces as a result of the need to provide such spaces for new development; and
 - The cost of construction of a parking space in a parking structure for the purposes of establishing cash-in-lieu payments.
- c. **Parking Location.** All off-street parking shall be located behind buildings which face on a street or public open space. Any change to this standard shall be considered a Major Waiver.
- d. **At-Grade Parking.** Any at-grade parking lots fronting roadways which may be approved shall be set back not less than ten feet from the right-of-way line of such roadways, and screened from view as outlined in *Subsection VII. Landscaping*.
- e. **Parking Garages.** Parking garages that have frontage on public streets shall comply with all setback and build-to standards as established in *Table 1 Downtown District Standards* and *Subsection IV.B.3 External Façade Materials*. However,
- i. Parking garages which are adjacent to a street shall be set back a minimum of 50 feet and lined with buildings containing any permitted use but parking.
 - ii. All parking garages shall be constructed with flat parking decks for ease in re-use of all or portions of the structure when parking demand wanes, unless otherwise approved by Major Waiver.
 - iii. Off-street below grade parking is permitted to the lot lines, but must be designed to allow for utilities and planting of landscape as defined in *Subsection VII. Landscaping*.
- f. **Shared parking**
- i. Uses may join in establishing shared parking areas if it can be demonstrated that the parking for two or more specific uses occurs at alternating time periods. Required parking shall be determined based on parking demand for the peak parking period, as determined by a parking analysis study approved by the City's Director of Planning.
 - ii. Shared parking shall be clearly designated with signs and markings.

B. BICYCLE PARKING

1. Goals

Bicycle parking is required in order to encourage the use of bicycles by providing safe and convenient places to park bicycles.

2. Required Bicycle Parking

Bicycle parking shall be provided based on at least one (1) space for each 10 automobile parking spaces required as part of the Base Parking requirements above.

3. Bicycle Parking Standards

a. Location

- i. Required bicycle parking must be located within 50 feet of an entrance to the building. With approval of a Minor Waiver, bicycle parking may be located in the public right-of-way.

- ii. Bicycle parking may be provided within a building, but the location must be easily accessible to bicycles.

b. Covered Spaces

If covered spaces for motor vehicles are provided on-site, then 50% of the bicycle parking shall also be covered, unless otherwise approved by Minor Waiver.

c. Signs

If the bicycle parking is not visible from the street, then a sign must be posted indicating the location of the bicycle parking facilities.

d. Rack types and required areas

Bicycle racks and the area required for parking and maneuvering must meet the *Downtown District Engineering and Landscape Standards* or be approved by Minor Waiver (see below). Bicycle lockers may also be allowed as part of meeting the Bicycle parking requirement, but must be approved as to type and location.

4. Standards for Bicycle Rack Types and Dimensions

a. Rack Type

- i. Bicycle rack types and standards shall be approved by the City.

b. Parking Space Dimensions

- i. Bicycle parking spaces must be at least 6 feet long and 2 feet wide, and in covered situations, the overhead clearance must be at least 7 feet.
- ii. An aisle for bicycle maneuvering must be provided and maintained beside or between each row of bicycle parking. This aisle must be at least 5 feet wide.
- iii. Each required bicycle parking space must be accessible without moving another bicycle.
- iv. Areas set aside for bicycle parking must be clearly marked and reserved for bicycle parking only.

VI. STREETScape, LIGHTING AND MECHANICAL

A. INTENT

1. It is the intent of this Zoning District to provide a level and consistency of lighting that supports pedestrian activity and promotes safety.
2. The entire District shall utilize the basic fixtures and furnishings in the public areas as may be approved by the City for this District.
3. Mechanical equipment shall not be clearly visible from the street or other public area.

B. STANDARDS

1. For **Streetscape and Lighting** specifications, see the *Downtown District Engineering and Landscape Standards* in Section IX.
2. Lighting elements shall be incandescent, metal Halide, or halogen only. No HID or fluorescent lights (except fluorescent bulbs that screw into standard socket fixtures) may be used on the exterior of buildings.
3. All lighting shall be focused downward or narrowly focused on its intended target such as signing, parking and pedestrian walkways. No lighting source from a commercial activity shall be visible by a residential unit.
4. **Mechanical and electrical equipment, transformers, meters, garbage containers and loading areas** shall be located and screened so that they are not visible from the street or other public area.
 - a. Mechanical equipment shall be screened from view from all public roadways and located to minimize noise intrusion to adjacent properties. The required screening must be composed of the same exterior materials as the buildings on the lot, or through the use of masonry walls, ornamental fence (80 percent opaque), evergreen landscape material, or combination thereof.
 - b. All roof-mounted mechanical elements must be screened from view from the public right-of-way and neighboring properties. Screening must be architecturally compatible with the building design.
 - c. Loading, service and trash storage areas shall be screened from all public roadways. Refuse containers must be placed on a designed, reinforced concrete pad and approach. The required screening must be composed of the same exterior materials as the buildings on the lot, or through the use of masonry walls, ornamental fence (80 percent opaque), evergreen landscape material, or combination thereof.
5. Any bicycle parking in the public right-of-way shall be located within the band created by street trees and pedestrian street lights; however, it must be placed in a manner that avoids conflicts with pedestrian and vehicular paths.

VII. LANDSCAPE REQUIREMENTS

Landscaping within the Downtown District shall comply with the provisions in this Subsection, the City's streetscape standards and the standards contained in *Article VIII, Landscaping Standards* of the City's *Unified Development Code*. Where conflicts exist between this District and *Article VIII*, the requirements in this District shall be applied.

A. STREET TREES

Street trees shall be large shade tree species having a minimum caliper of four inches, selected in accordance with the City's landscape standards. Street trees shall be planted at least 20-feet on center.

B. PLANT MATERIAL

Front yards shall be landscaped adjacent to residential at grade per the diagram in *subsection IV.B.5 Residential at Grade* above. Plant materials shall consist of shade trees, ornamental trees, shrubs, evergreen ground covers, vines, and seasonal color.

C. PAVING MATERIAL

1. Paving material shall be warm toned, natural materials such as brick, stone and concrete. Asphalt may be approved as part of a Minor Waiver.
2. Gravel as a paving material is prohibited.

D. PARKING LOT LANDSCAPE

1. Landscaping of the internal surface parking area shall not be required unless it is planned to serve as long term parking. In which case, such long term surface parking areas shall meet the requirements of *subsection VII Landscaping*. For the purpose of this sub-section, long term parking shall be determined by the Director of Planning, and may include parking which has a likelihood of being in place for a period of 10 years or more.
2. Surface parking lots shall be screened from all adjacent public streets and neighboring sites. The screen must extend along all edges of the parking lot and must be three feet in height, 80 percent opaque, and may be accomplished through the use of masonry walls, ornamental metal, evergreen plant materials, or a combination thereof. Planting beds for screen planting shall be a minimum of three feet in width.
3. Interior parking lot landscape shall be consistent with *Article VIII Landscape Standards* of the *Unified Development Code*.
4. Parking spaces shall not exceed ten spaces in a row without being interrupted by a landscaped island (nine-foot minimum). Islands shall be planted with a minimum of one shade tree for every ten cars.

VIII. ADMINISTRATION

A. INTENT

It is the intent that a developer or builder who wishes to develop under this Zoning District will be processed in an expedited manner with administrative approvals, and may in fact qualify for incentives under other separate City programs. However, if there are substantial Major Waivers requested, additional approvals shall be required which may delay development progress.

B. WAIVERS OF DESIGN STANDARDS

1. For the purposes of this District, there shall be two types of Waivers of Design Standards — Minor and Major. Requests for waivers shall not be subject to review or decision by the Zoning Board of Adjustment. A waiver request may only be made in conjunction with an application for a Downtown Development Plan.
2. **Minor Waivers** are those changes to design standards in the Downtown District identified in *Subsection III.B*. Minor Waivers may be approved administratively by the Director of Planning or his designee in conjunction with a decision on an application for approval of a Downtown Development Plan. All Minor Waivers must meet the full intent of this Zoning District as stated in *Section I*.
3. **Major Waivers** are major changes to the design standards in the Downtown District, including any change not identified in *Subsection III.C*. Major Waivers may only be approved by the City Council, following a recommendation by the Planning and Zoning Commission, in conjunction with a decision on an application for approval of a Downtown Development Plan. In order to approve a Major Waiver, the City Council must find that the waiver:
 - a. Meets the general intent of this District in which the property is located, and
 - b. Will result in an improved project which will be an attractive contribution to the District; and
 - c. Will not prevent the realization of the intent of this District.
4. The City may impose conditions on granting any Waiver to mitigate negative impacts neighboring properties or public streets or open space.

C. DOWNTOWN DEVELOPMENT PLAN APPROVAL

1. Prior to obtaining a Building Permit, a Downtown Development Plan must be approved by the Director of Planning or his designee, to certify that it meets the purpose, intent and standards contained in this Zoning District.
2. Downtown Development Plans must include the following information:
 - a. Site Plan
 - b. Building Elevations and Sections
 - c. Building Function/Proposed Use
 - d. Parking Standards being met
 - e. Landscape Plan
 - f. Any Waivers being requested.

3. Applications for Downtown Development Plan Approval shall be reviewed within 30 days of being formally accepted by the City. At such time, the approval, approval with conditions or denial shall be forwarded to the Applicant. However, applications including a request for a Major Waiver shall be scheduled for Planning and Zoning Commission and City Council action.
4. Denial of a Downtown Development Plan may be appealed to the Planning and Zoning Commission and City Council within 30 days of notification of such denial.

D. LAPSE OF APPROVAL

If a Building Permit has not been obtained within two (2) years following approval of the Downtown Development Plan, such plan shall lapse unless the property owner requests an extension prior to the expiration of the two-year period. The request for extension shall be considered by the Planning Director, or he may at his discretion refer the decision to the Planning and Zoning Commission and City Council in the same manner as for approval of the Downtown Development Plan. The Director (or Council, upon recommendation by the Commission) may grant an extension of the time for expiration of the Downtown Development Plan for a period not to exceed one (1) year from the date of initial approval of the application. Every request for extension shall include a statement of the reasons why the expiration date should be extended. The decision-maker may grant a request for extension upon demonstration that circumstances beyond the control of the applicant have resulted in the applicant's inability to perform the tasks necessary to prevent the Downtown Development Plan from expiring before the lapse date. The Commission or the Council also may terminate the Downtown Development Plan or may attach additional conditions to the extension of the plan.

E. PLATTING IN THE DOWNTOWN DISTRICT

Plats in the Downtown District shall ensure public access easements over sidewalk areas and shared drive access.

IX. DOWNTOWN DISTRICT ENGINEERING AND LANDSCAPE STANDARDS

A. DOWNTOWN PLAN

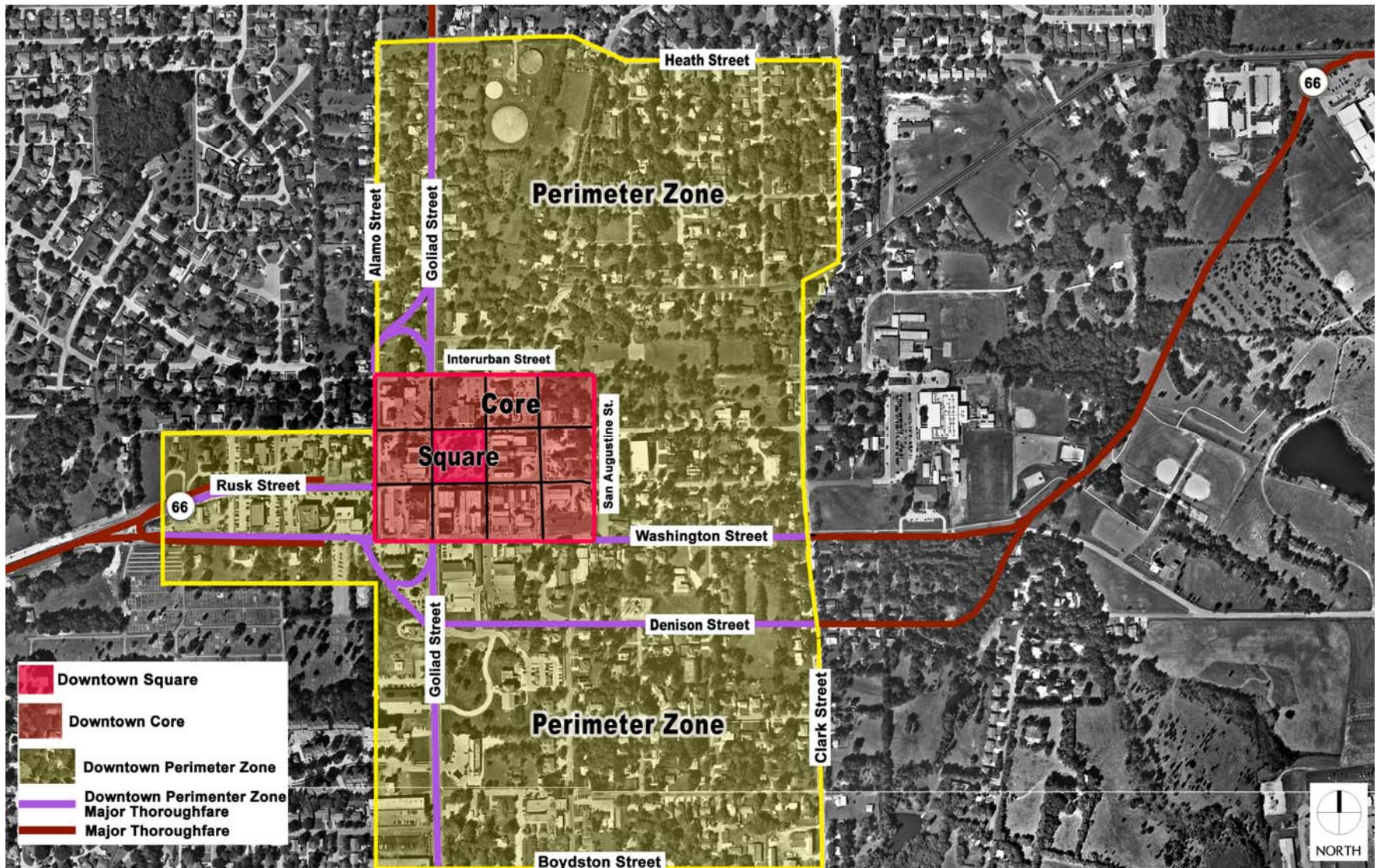
The Downtown District Engineering and Landscape Standards shall be in accordance with the approved Rockwall Downtown Plan.

B. STREET TREES

1. Trees which may be planted adjacent to sidewalks, Alleys and Streets are limited to:
 - a. Cedar Elm,
 - b. Texas Red Oak,
 - c. Homestead Elm,
 - d. Lace Bark Elm,
 - e. Bald Cypress,
 - f. Chinese Pistachio, and
 - g. October Glory Maple.
 - h. Pecan,
 - i. Texas Ash,
 - j. Live Oak,
 - k. Southern Magnolia,
 - l. Bald Cypress
 - m. "Little Gem" Magnolia.
 - n. Chinquapin Oak,
 - o. Sycamore,
 - p. Burr Oak,
 - q. Eve's Necklace,
 - r. Eastern Red Cedar and
 - s. various native under-story trees such as Texas Redbud, Mexican Plum, Downy Hawthorn, and Wax Myrtle.
2. Shade trees shall be used for all formal street tree planting unless prohibit by TxDOT, in which case smaller ornamental trees may be used.
3. Each street shall be planted with a focus on one specie to reinforce street character.

C. STREET FURNITURE

1. The Downtown District shall utilize the following "street furniture" in accordance with the following map:



Downtown (DT)

Article V. District Development Standards

	Streetscape Element	Images	Streetscape Element Symbol / General Location	Catalog Number	Description
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Note to Product Specifier: All streetscape elements described here within, are not intended to be the final product specification. The electrical engineer, architect, landscape architect or other professional designer should verify the product color, material and style number, prior to placing the final streetscape element order with manufacturer and supplier. Lighting fixture and traffic signal electrical voltage supply, circuiting, photometrics and final fixture location needs to be specified by a registered electrical engineer, with all fixture footings checked by a registered structural engineer, prior to installation.

I Downtown Square and Core Streets

1 Light standard



A1 –
All commercial streets of the Core

AAL / 2-PRMN
H3 or H5 / 150 to 175 watt MH lamp (voltage) / 2-TRA5U arms / DB6 base with 4"round 15' ht. pole / PN A50596-1

Architectural Area Lighting (AAL); Promenade Series,

Fixture: 2-PRMS Double Pedestrian Light Standard with a H3 or H5 horizontal lamp reflector, 150 watt to 175 watt metal halide lamp, medium base socket for use with E - 17 lamps; (voltage); CHM glass chimney, with brass holder, and DBZ dark bronze color.

Arm: # 2-TRA5U Period Arm, one piece cast aluminum, and DBZ dark bronze color.

Pole, Base and Pole Cap : DB6 4R16-125, 4" OD round straight aluminum, 15' tall (special) with a DB6 base, 36" ht. x 15" base diameter; P/N A50596-1, Small cast finial at pole top, DBZ dark bronze color.

2 Light standard



A2 –
Limited to Downtown Square and San Jacinto St. Pedestrian way

Same as A1 above except with the optional BPS – fixture struts are finished in a brass colored powder coating.

Valmont Traffic Structures.

Pole / Base / Pole Sphere Finial : Tapered, round standard galvanized steel pole, with an aluminum ball finial on the pole top (Ball Top "FCA-BL Series # FCA / BL / A / (Estimate a 10" diameter ball, verify final size with top diameter range at top of pole / DB, dark bronze) ; pole base has an ornamental cast nut cover, color of complete traffic structure is a galvanized + powder coated finish, color = dark bronze to match Historic District street sign blades.

Arm: Tapered, round standard arm, with an aluminum ball finial on the end of the arm (Ball Top "FCA-BL Series # FCA / BL / A / (Estimate a 5" diameter ball, verify final size with top diameter range at the end of the arm after arm length is specified) / DBZ, dark bronze color.

Signals: TXDOT standard signal, black color with black silhouettes, mount tightly to signal arm with black connections, so as to eliminate any visible gaps between silhouette and arm.

Street Sign: Sign blade to match historic district colors, font and sign format.



D1 –
 All commercial streets of the Core, if needed

3 Traffic signal



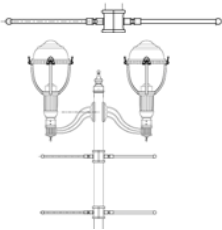


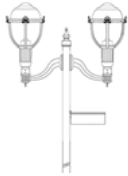
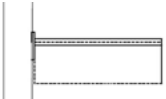
D2 –
 All commercial streets of the Core, if needed


4 Traffic signal with light standard

Same as D1 traffic signal, except pole is "typical "Standard Combination Structure" with AAL (B2 type) light; Arm is a (Modified) WMA 12 "Sheppard's Crook" contemporary arm modified to accept the Valmont pole, DBZ, dark bronze color.



Downtown (DT)

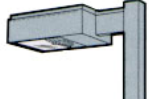
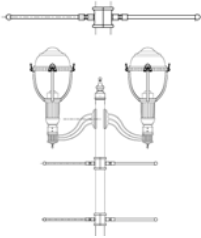

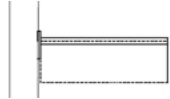
Article V. District Development Standards

	Streetscape Element	Images	Streetscape Element Symbol / General Location	Catalog Number	Description
5	Light standard banner brackets		At selected streets		<p>Architectural Area Lighting (AAL). Breakaway banner arm 2-BBD4-18, clamps onto a 4" O.D. pole and adjustable to desired position. (Banner size should not exceed 5 sq/ft. - Maximum 70 MPH Wind. (Verify banner bracket locations and mounting height); DBZ, dark bronze color, polyester powder finish.</p>
6	Benches		All commercial streets of the Core	Du Mor Bench # 140 - 60 & # 140-80	<p>Du Mor Site Furnishings. Bench 140 - in 6 ft. and 8 ft. lengths, All welded seat assembly, Seating Surface: 1/4" x 1 1/2" HR steel bar 2-3/8" O.D. Sch 40 steel pipe, cast iron supports, bracing 1 1/16" O.D. steel pipe, stainless steel fasteners, dark bronze color polyester powder finish.</p>
7	Trash receptacles		All commercial streets of the Core	Du Mor Receptacle 84-22DM	<p>Du Mor Site Furnishings. Trash Receptacle 84-22, 22 gallon all steel Receptacle, 150 lbs., top edge: 5/8" diameter steel bar; Vertical straps: 1/4" x 3" steel bar with a 22 gallon plastic liner, cover; Spun 14 gauge steel with vinyl coated cable; and a Dome Top , dark bronze color in a polyester powder finish.</p>
8	Street sign blades		At non signalized intersections, street signs can be mounted to light standard poles.		<p>Match Historic District street sign blades (dark bronze color with white lettering)</p>
9	Street sign brackets		At non signalized intersections, street signs can be mounted to light standard poles.		<p>Architectural Area Lighting (AAL). (Special) Each bracket is bolted to pole, dark bronze color to match fixture in polyester powder finish. (Verify bracket size with sign blade used as well as sign mounting height)</p>

10	Street regulatory signs and poles	No sign / pole illustration		Paint the backs of all sign blades and all poles, dark bronze color to match the Historic District street sign blades.
11	Bollards		Limited to Downtown Square	<p>Sternberg Vintage Lighting, Ornamental Bollard #4501</p> <p>Sternberg Vintage Lighting. Ornamental Steel Bollard # 4501, 5 1/4" diameter straight tubing (no fluting), 30" high, 8" dia. base, no internal light, DBZ, dark bronze color to match the Historic District street sign blades.</p>

II Downtown Perimeter Zone Streets

1	Light standard		<p>B1 –</p> <p>All neighborhood residential streets</p>	<p>Same as A1 above except as a single headed fixture.</p>
2	Light standard		<p>B2 –</p> <p>Limited to north & south sections of Goliad St. inside the Downtown Zone, and at intersections on Clark, Washington and Denison Streets inside the Downtown Zone.</p>	<p>AAL / PRM2 (H2, H3, H4, H5) / 250 watt MH horizontal lamp (Voltage) / ARM: (modified) SLA 4 arm to accept the 5" dia. post / tendon / 5" O.D. smooth round aluminum pole / DB 10 base / P/N A50575 Large Cast Finial.</p> <p>Architectural Area Lighting (AAL). Promenade Series,</p> <p>Fixture: PRM2 - (H2, H3,H4 and H5), 250 watt Metal Halide Horizontal lamp, (Voltage), DBZ dark bronze color,</p> <p>Arm : (Modified) SLA 4 arm (Sheppard's Crook) to accept the 5" dia. post/tendon, DBZ, dark bronze color, polester power finish.</p> <p>Pole, Base and Pole Cap : 5" O.D. diameter, smooth round aluminum pole, with a DB 10 ornamental base that is 48" high with an 18" base diameter, Large Cast Finial # P/N A50575 20" high x 5 1/2" O.D. that fits on top of pole, DBZ dark bronze color, polester powder finish.</p>

	Streetscape Element	Images	Streetscape Element Symbol / General Location	Catalog Number	Description
3	Light standard		<p>C – Current Standards. All thoroughfares (SH 66, Goliad, Washington and Denison Streets) inside the Downtown Perimeter Zone (existing & new routed thoroughfares)</p>		Existing "Shoe Box" Style Light Standard
4	Light standard banner brackets		At selected streets	AAL – Banner Arm 2-BBD4-18	<p>Architectural Area Lighting (AAL). Breakaway banner arm 2-BBD4-18, clamps onto a 4" O.D. pole and adjustable to desired position. (Banner size should not exceed 5 sq/ft. - Maximum 70 MPH Wind., (Verify banner bracket locations and mounting height) DBZ dark bronze color.</p>
5	Street sign blades		At non signalized intersections, street signs can be mounted to light standard poles.		Match Historic District street sign blades (dark bronze color with white lettering)
6	Street sign brackets		At non signalized intersections, street signs can be mounted to light standard poles.		<p>Architectural Area Lighting (AAL). (Special) Each bracket is bolted to pole, dark bronze color to match fixture in polyester powder finish. (Verify bracket size with sign blade used as well as sign mounting height)</p>

7	Street regulatory signs and poles	No sign / pole illustration	Paint the backs of all sign blades and all poles, dark bronze to match the Historic District street sign blades.
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III Major Thoroughfares and Parkways

1	Lighting		C – Current standards	Existing "Shoe Box" Style Light Standard painted dark bronze.
2	Street signs	No sign / pole illustration		Paint the backs of all sign blades and all poles, dark bronze to match the Historic District street sign blades.

SECTION 5 INDUSTRIAL DISTRICTS

5.1 GENERAL INDUSTRIAL DISTRICT STANDARDS

A. Construction Materials

1. Exterior Walls - Each exterior wall shall consist of 90% masonry materials as defined in *Article XIII Definitions - Masonry*, excluding doors and windows, on walls which are visible from a public street or open space, including a minimum of 20% stone.

All buildings shall have exterior walls constructed of stone, brick, glass block, tile, cast metal, cast or cultured stone, or a combination of those materials. The use of other cementaceous products (e.g. stucco, Hardy Plank, or other similar materials approved by the Building Official) shall be limited to 50% of the buildings exterior finishes where it is deemed important as a design feature and where it will be applied under the highest standards for quality and durability. However, stucco may not be located in the first 8 feet above grade on a façade visible from a street or public area.

Exceptions to this requirement, including allowing concrete tilt-up walls, may be permitted on a case by case basis by the Council upon submission and approval of elevation drawings of the subject structure, and material samples.

B. Maximum Building Height

1. All Districts. The height limit for all structures shall be as established in the Districts governing the property on which the structures are located, and the exceptions to height setback standards below.
2. Building Height and Setback Exceptions for Industrial Districts.

Exceptions. The following features may be constructed 12 feet higher than the maximum height requirement of the zoning district in which the structure is located:

- a. Chimneys, church spires, elevator shafts, and similar appendages not intended as places of occupancy or storage.
- b. Flag poles and similar devices.
- c. Heating and air conditioning equipment, solar collectors and similar equipment, fixtures, and devices.

Provided that they are:

- a. Not more than one-third of the total roof area; and
- b. Set back from the edge of the roof a minimum distance of two feet for every foot by which such features extend above the roof surface of the building to which they are attached.

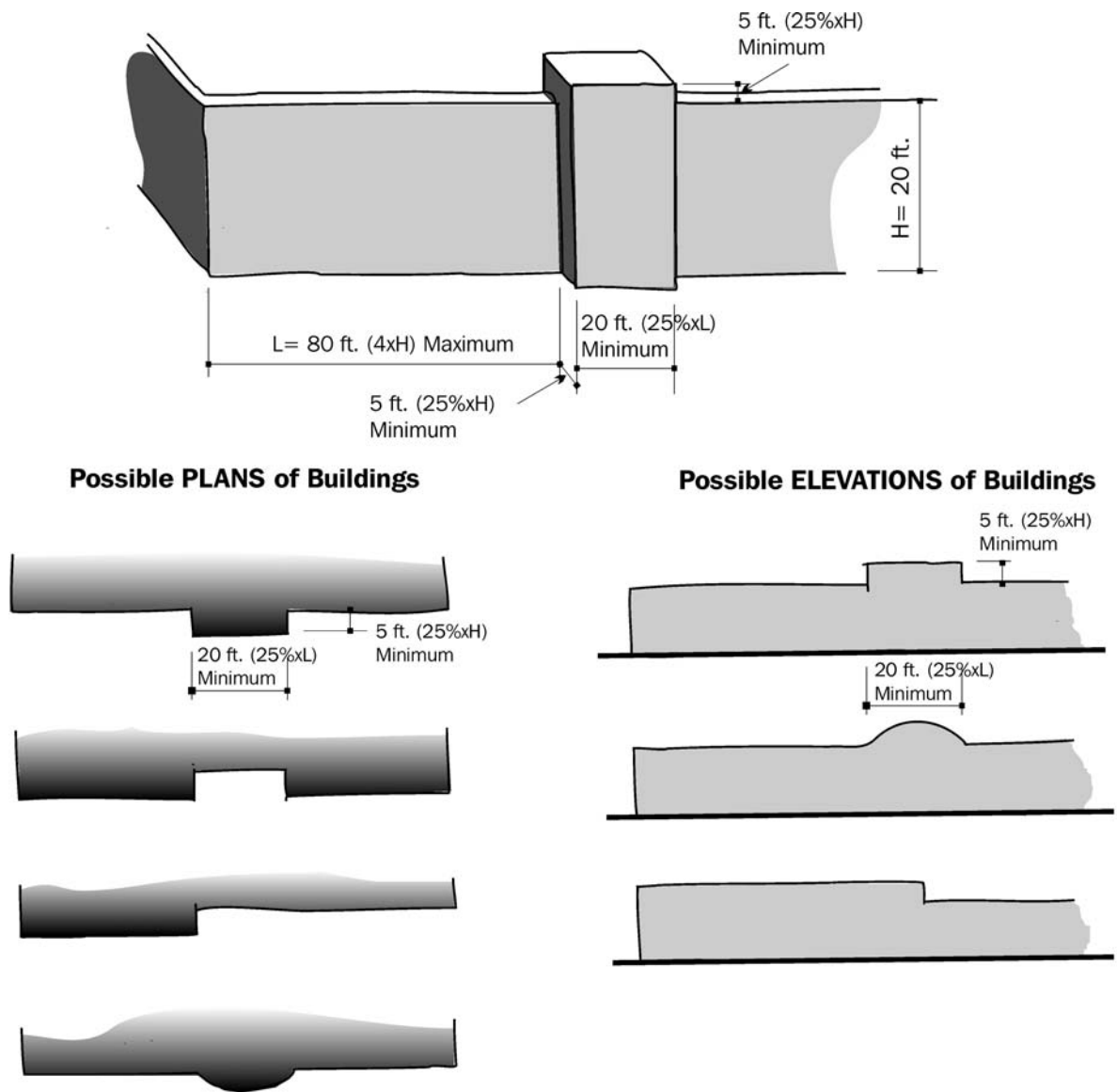
C. Building Articulation

1. **Requirements.** Facades which face streets shall meet the following minimum standards for articulation:
 - a. **Horizontal Articulation.** No building wall shall extend for a distance equal to 4 times the wall's height without having an off-set of 25% of the

wall's height, and that new plane shall extend for a distance equal to at least 20% of the maximum length of the first plane.

- b. **Vertical Articulation.** No horizontal wall shall extend for a distance greater than 4 times the height of the wall without changing height by a minimum of 25% of the wall's height.

FIGURE 1 INDUSTRIAL BUILDING ARTICULATION EXAMPLE



5.2 RESEARCH TECHNOLOGY (RT) DISTRICT

A. Purpose

1. The purpose of the Research Technology district is to create a light office/industrial zone that provides for the modern type of office and technology park development that would include research and development as well as light manufacturing and assembly. Limitations are placed on the uses in this district to significantly restrict the outside activities and storage of materials, noise, vibration, smoke, pollution, fire and explosive hazard, glare and any other potentially adverse influences.
2. The light manufacturing and assembly uses should be conducted within a totally enclosed building. The sites for such uses are typically a minimum of two acres and average 5 to 10 acres, with a significant amount of land dedicated to landscaping.
3. Because this is a light industrial zone with substantial screening and buffering requirements, these uses are suitable for high visibility locations such as along the freeway, or within a reasonable distance of residential areas. Residential uses should be discouraged from locating near the industrial district to protect the industries from residential complaints.
4. Though truck traffic should be minimal, areas zoned for this use should be located with access to arterials capable of accommodating some truck traffic. Each industry should work with the City to insure the water pressure and capacity is adequate to provide fire protection for that particular industry before such industry is developed. Industries should also work with the City to insure that the water, wastewater, and drainage capacity is adequate before the industry is developed.

B. Permitted Uses

In general, office, research and development as well as light manufacturing and assembly uses are allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article IV Permissible Uses*.

C. Development Standards

1. Minimum **site size** – *12,500 square feet; adjacent to IH-30 - 1 acre*
2. Minimum **site frontage** on a public street – *100 feet; adjacent to IH-30 - 200 feet*
3. Minimum **site depth** - *125 feet; adjacent to IH-30 - 200 feet*
4. Minimum depth of **front yard setback** - *25 feet* from the future ROW as shown on the adopted thoroughfare plan or as actually exists, whichever is greater
5. Minimum width of **side yard setback** (*Ord. No. 06-14, 04-17-06*)
 - a. Without fire retardant wall - *15 feet plus ½ of the building height over 36 feet*
 - b. With fire retardant wall - *0 feet plus ½ of the building height over 36 feet*
 - c. Abutting residentially zoned property - *20 feet plus ½ the building height over 36 feet*
 - d. In no case shall more than a 50 foot setback be required.

6. Minimum depth of **rear yard setback** -
 - a. Abutting non-residentially zoned property, with fire retardant wall and alley separating - *0 feet plus ½ the building height over 36 feet*
 - b. Without fire retardant wall, or alley - *10 feet, or as required by building and/or fire codes*
 - c. Abutting residentially zoned property - *20 feet plus ½ the building height over 36 feet.*
 - d. In no case shall more than a 50 foot setback be required.
7. Minimum **distance between detached buildings** on the same lot or parcel of land -
 - a. Without fire retardant wall - *15 feet plus ½ the building height over 36 feet*
 - b. With fire retardant wall - *0 feet plus ½ the building height over 36 feet*
 - c. In no case shall more than a 50 foot setback be required.
8. Maximum **building coverage** as a percentage of lot area – *60%*
9. Maximum amount of **impervious coverage** as a percentage of lot area – *80-85%. See Article VIII.5.12 Required Landscaping.*
10. Minimum amount of **landscaped areas** - all development shall comply with *Article VIII Landscape Standards.*
11. Maximum **floor area ratio** - *2:1 FAR*
12. Maximum **building height** - *120 feet.* Any structure over 60 feet shall require a Specific Use Permit.
13. Minimum number of **paved off-street parking spaces** required - See *Article VI Parking and Loading.*
14. Maximum **number of entrances** and/or exits -
 - a. Arterial streets - *1 per each 200 feet* of street frontage per site, or as approved by the City Council.
 - b. Collector streets - *1 per each 100 feet* of street frontage per site, or as approved by the City Council.
 - c. Local streets - *1 per each 50 feet* of street frontage per site, or as approved by the City Council.
15. **Residential Adjacency.** Lots with non-residential uses that have a side or rear contiguous or separated only by an alley, or easement or street, from any residential district must be separated from such residential district by a buffer as defined in *Article VIII Landscape Standards*, or as approved by the City Council.
16. **Building Code.** The building code may impose more restrictive development standards depending on the size, use and construction of the structures.

D. Special Requirements

1. **Manufacturing Operations and Storage.** All business and light assembly and manufacturing operations including storage shall be conducted within a completely enclosed building.

5.3 LIGHT INDUSTRIAL (LI) DISTRICT

A. Purpose

1. The purpose of the Light Industrial district is to create a limited industrial zone that provides for the modern type of industrial uses or industrial park. With the exception of hazardous materials manufacture, this zone allows the same uses as the HI, Heavy Industrial District. Limitations are placed on the uses in this district to significantly restrict the outside activities and storage of materials, noise, vibration, smoke, pollution, fire and explosive hazard, glare and any other potentially adverse influences.
2. This zone is intended for industrial parks and larger, cleaner types of industries. The manufacturing uses should be conducted within a totally enclosed building. Any activities conducted outside should be screened and buffered, and no external effects such as excessive noise or odor should extend beyond the property lines. The sites for such uses are typically a minimum of two acres and average 5 to 10 acres, with a significant amount of land dedicated to landscaping.
3. Because this is a limited industrial zone with substantial screening and buffering requirements, limited industrial uses are suitable for high visibility locations such as along the freeway, or within a reasonable distance of residential areas. Residential uses should be discouraged from locating near the industrial district to protect the industries from residential complaints.
4. Areas should not be zoned to this use unless they are located on or close to arterial capable of carrying commercial and truck traffic. They should be located close to major truck routes. Internal streets in such developments should be sized and strengthened to accommodate truck traffic. Each industry should work with the City to insure the water pressure and capacity is adequate to provide fire protection for that particular industry before such industry is developed. Industries should also work with the City to insure that the water, wastewater, and drainage capacity is adequate before the industry is developed.

B. Permitted Uses

In general, industrial parks and larger, cleaner types of industrial uses are allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article IV Permissible Uses*.

C. Development Standards

1. Minimum **site size** – 12,500 square feet; adjacent to IH-30 - 1 acre
2. Minimum **site frontage** on a public street – 100 feet; adjacent to IH-30 - 200 feet
3. Minimum **site depth** - 125 feet; adjacent to IH-30 - 200 feet
4. Minimum depth of **front yard setback** - 25 feet from the future ROW as shown on the adopted thoroughfare plan or as actually exists, whichever is greater

5. Minimum width of **side yard setback** (*Ord. No. 06-14, 04-17-06*)
 - a. Without fire retardant wall - *15 feet plus ½ of the building height over 36 feet*
 - b. With fire retardant wall - *0 feet plus ½ of the building height over 36 feet*
 - c. Abutting residentially zoned property - *20 feet plus ½ the building height over 36 feet*
 - d. In no case shall more than a 50 foot setback be required.
6. Minimum depth of **rear yard setback** -
 - a. Abutting non-residentially zoned property, with fire retardant wall and alley separating - *0 feet plus ½ the building height over 36 feet*
 - b. Without fire retardant wall, or alley - *10 feet, or as required by building and/or fire codes*
 - c. Abutting residentially zoned property - *20 feet plus ½ the building height over 36 feet.*
 - d. In no case shall more than a 50 foot setback be required.
7. Minimum **distance between detached buildings** on the same lot or parcel of land -
 - a. Without fire retardant wall - *15 feet plus ½ the building height over 36 feet*
 - b. With fire retardant wall - *0 feet plus ½ the building height over 36 feet*
 - c. In no case shall more than a 50 foot setback be required.
8. Maximum **building coverage** as a percentage of lot area – *60%*
9. Maximum amount of **impervious coverage** as a percentage of lot area – *90-95%. See Article VIII.5.12 Required Landscaping.*
10. Minimum amount of **landscaped areas** - all development shall comply with *Article VIII Landscape Standards.*
11. Maximum **floor area ratio** - *2:1 FAR*
12. Maximum **building height** - *120 feet.* Any structure over 60 feet shall require a Specific Use Permit.
13. Minimum number of **paved off-street parking spaces** required - See *Article VI Parking and Loading.*
14. Maximum **number of entrances** and/or exits -
 - a. Arterial streets - *1 per each 200 feet* of street frontage per site, or as approved by the City Council.
 - b. Collector streets - *1 per each 100 feet* of street frontage per site, or as approved by the City Council.
 - c. Local streets - *1 per each 50 feet* of street frontage per site, or as approved by the City Council.
15. **Residential Adjacency.** Lots with non-residential uses that have a side or rear contiguous or separated only by an alley, or easement or street, from any residential district must be separated from such residential district by a buffer as defined in *Article VIII Landscape Standards*, or as approved by the City Council.

16. **Building Code.** The building code may impose more restrictive development standards depending on the size, use and construction of the structures.

D. Special Requirements

1. **Manufacturing Operations and Storage.** All business and manufacturing operations including storage shall be conducted within a completely enclosed building unless specifically authorized for the use as listed.

5.4 HEAVY INDUSTRIAL (HI) DISTRICT

A. Purpose

1. The City of Rockwall recognizes that some industrial uses including fabrication processes, cannot be conducted within a totally enclosed building, are not visually attractive, may involve hazardous materials, and could have adverse impacts due to noise, odor, pollution and truck traffic. The Heavy Industrial District is intended to provide adequate space and site diversification for such types of developments.
2. The development standards in this district are minimal, and will allow both large and small industrial uses either on separate small lots or as part of a park. Some screening is required, but because of the potential for hazardous or possibly adverse uses, this district should not be located close to residential areas of any type.
3. Areas should not be zoned to this use unless they are located on or close to arterial roadways capable of carrying commercial and truck traffic. They should be located close to major truck routes. Internal streets in such developments should be sized and strengthened to accommodate truck traffic. Each industry should work with the City to insure the water pressure and capacity is adequate to provide fire protection for that particular industry before such industry is developed.

B. Permitted Uses

In general, industrial uses which cannot be conducted within an enclosed building, and which may involve hazardous materials, and could have adverse impacts due to noise, odor, pollution and truck traffic, are allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article IV Permissible Uses*.

C. Development Standards

1. Minimum **site size** – 2 Acres
2. Minimum **site frontage** on a public street – 200 feet
3. Minimum **site depth** - 350 feet
4. Minimum depth of **front yard setback** - 25 feet plus $\frac{1}{2}$ the building height over 36 feet, but in no case shall more than a 50 foot front yard setback be required.
Adjacent to IH-30 - 50 feet from the future width of right-of-way as shown on the adopted Thoroughfare Plan or as actually exists, whichever is greater.
5. Minimum width of **side yard setback** (Ord. No. 06-14, 04-17-06)
 - a. Without fire retardant wall - 15 feet plus $\frac{1}{2}$ of the building height over 36 feet
 - b. With fire retardant wall - 8 feet plus $\frac{1}{2}$ of the building height over 36 feet
 - c. Abutting residentially zoned property - 50 feet
 - d. In no case shall more than a 50 foot setback be required.
6. Minimum depth of **rear yard setback** -
 - a. Abutting non-residentially zoned property, with fire retardant wall and alley separating - 8 feet plus $\frac{1}{2}$ the building height over 36 feet

- b. Without fire retardant wall, or alley - *20 feet plus ½ the building height over 36 feet*
 - c. Abutting residentially zoned property - *50 feet plus ½ the building height over 36 feet.*
 - d. In no case shall more than a 50 foot setback be required.
7. Minimum **distance between detached buildings** on the same lot or parcel of land -
- a. Without fire retardant wall - *25 feet plus ½ the building height over 36 feet*
 - b. With fire retardant wall - *16 feet plus ½ the building height over 36 feet*
 - c. In no case shall more than a 50 foot setback be required.
8. Maximum **building coverage** as a percentage of lot area – 85%
9. Maximum amount of **impervious coverage** as a percentage of lot area – 90-95%. See *Article VIII.5.12 Required Landscaping.*
10. Minimum amount of **landscaped area** - all development shall comply with *Article VIII Landscape Standards.*
11. Required **screening** - All outside storage shall be screened as herein defined from all public streets and neighboring zoning districts.
12. Maximum **floor area ratio** - 4:1 FAR.
13. Maximum **building height** - *120 feet.* Any structure over 60 feet shall require a Specific Use Permit.
14. Minimum number of paved **off-street parking spaces** required - See *Article VI Parking and Loading.*
15. Maximum **number of entrances** and/or exits -
- a. Arterial streets - *1 per each 200 feet* of street frontage per site, or as approved by the City Council.
 - b. Collector streets - *1 per each 100 feet* of street frontage per site, or as approved by the City Council.
 - c. Local streets - *1 per each 50 feet* of street frontage per site, or as approved by the City Council.
16. **Residential Adjacency.** Lots with non-residential uses that have a side or rear contiguous or separated only by an alley, or easement or street, from any residential district must be separated from such residential district by a buffer as defined in *Article VIII Landscape Standards,* or as approved by the City Council.
17. **Building Code.** The building code may impose more restrictive development standards depending on the size, use and construction of the structures.

SECTION 6 OVERLAY DISTRICTS

6.1 GENERAL OVERLAY DISTRICT STANDARDS

A. Applicability

Overlay districts are applied to land which has a traditional district already applied. It establishes additional uses and standards which may be either more or less restrictive than the underlying zoning district. The overlay district governs in all cases where it sets out a particular use or standard. Otherwise, standards and uses in the underlying district will govern.

6.2 HISTORIC OVERLAY (HO) DISTRICT

(AMENDED 12-05-05, ORD. NO. 05-60)

A. Purpose

The protection, enhancement and perpetuation of districts and landmarks of historical and cultural importance and significance are necessary to promote the economic, cultural, educational and general welfare of the public. It is recognized that within the City of Rockwall numerous areas, sites and structures represent the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural and cultural resources that constitute their heritage, and therefore this overlay district is intended to:

1. Protect and enhance the district and landmarks which represent distinctive elements of Rockwall's historic, architectural and cultural heritage;
2. Foster civic pride in the accomplishments of the past;
3. Protect and enhance Rockwall's attractiveness to visitors and the support and stimulus to the economy thereby provided;
4. Insure the harmonious, orderly and efficient growth and development of the City;
5. Promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the City;
6. Stabilize and improve values of such properties.
7. Promote education of significance and importance of historical preservation including the exploration of tax incentives (federal, state or local) that may apply to individual property owners or properties within the historic district as a whole; and
8. Provide guidance to property owners restoring and/or rehabilitating historic significant in an effort to maintain the historical integrity of the area.

B. Terms and Definitions

The following terms and definitions are used in the Historic District Ordinance and the Historic Guidelines.

Applicable Property, Applicable Structure. The term used for properties that meet the following criteria, and are subject to the provisions of this ordinance:

1. Either be a designated historical landmark or be wholly or partially located within a designated historic district, and
2. Either be a contributing property as defined in Section B or be located within 200 feet of a contributing property.

Board: The Rockwall Historic Preservation Advisory Board.

Certificate of Appropriateness (COA). A document approved by the Board certifying that the proposed actions meet the intent of the Ordinance and Guidelines, or that a waiver has been granted.

Contributing Structure. A building, site, structure or object which adds to the historical architectural qualities, historical associations or archaeological value for which a property or district is significant because

1. It was present during the period of significance and possesses historical integrity reflecting its character at that time or is capable of yielding important information about the period, or
2. It independently meets the National Register criteria. The level by which a property is "contributing" (high-, medium- and low-contributing property) was originally determined by a historic survey of the properties within the (HO) Historic Overlay District implemented by the City of Rockwall Community Development Department through the Spring and Summer of 2000. This Survey may be amended from time to time.

District. A designated area within the Preservation District or elsewhere in the City subject to the requirements and standards of the Historic District Ordinance. An identifying name will precede the word "district".

Guidelines. The adopted Historic District Design Guidelines.

Landmark Property. A property or structure(s), not contiguous to or part of an existing historic district that is deemed worthy of preserving.

Non-Contributing Structure. A building, site, structure, or object which does not add to the historical architectural qualities, historical associations, or archaeological value for which a property or district is significant because

1. It was not present during the period of significance, or
2. Due to alterations, disturbances, additions, or other changes it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period, or
3. It does not independently meet the National Register criteria.

Preservation District. The area designated as having structures which may be suitable for inclusion in a historic district or districts.

C. Historic Preservation Officer

The Historic Preservation Officer shall administer this ordinance and advise the Historic Preservation Advisory Board on matters submitted to it.

D. Designation Criteria

The Board may recommend to the Commission and the City Council that certain properties be "Landmark Districts" and that specific areas be designated as "Historic Districts" as provided for in this Ordinance. Any such designation must comply with all limitations expressed Sub-Sections E.5 and E.6 below. Such a property or district shall bear the word "landmark" or "historic" in their zoning designation.

E. Designation Procedures

1. The City Council may designate by zoning ordinance certain areas as landmark or historic districts, providing they meet the criteria in Sub-Sections E.5 and E.6. When so designated, the area shall bear the word "historic" or "landmark" in their zoning designation.
2. The following steps shall be followed at every level in the recommendation and approval process:
 - a. Public hearings shall be held and notices of same shall be posted, advertised, and notices sent in the manner prescribed under Sub-

Section G.6, and other procedures specifically provided in the City's Unified Development Code.

- b. Property owners and other interested parties may present testimony or documentary evidence that will become part of a record regarding the historic, architectural, or cultural importance of the proposed district. The record also may contain staff reports, public comments, or other evidence offered outside of the hearing and entered into the record.
3. The Board shall make its recommendation to the Planning and Zoning Commission within a reasonable time period, allowing for deliberations and strict adherence to timeframes required for public hearings. The Planning and Zoning Commission shall schedule a public hearing to be held within forty-five (45) days of receiving the Board's recommendation.
4. Upon designation of an area as a landmark or historic district, the designation should be recorded in the tax records of the City of Rockwall, and the City official zoning maps. All zoning maps should indicate the designated districts by an appropriate mark.
5. A historic landmark property may be a single property or structure not contiguous to or part of an existing historic district, but is deemed worth of preserving. A landmark district may be designated if the property meets one of the following:
 - a. Possesses significance in history, architecture, archeology, and/or culture;
 - b. Is associated with events that made a significant contribution to the broad patterns of local, regional, state and/or national history;
 - c. Is associated with the lives of persons significant in the City of Rockwall's past;
 - d. Embodies the distinctive characteristics of a type, period, and/or method of construction;
 - e. Represents the work of a master designer, builder, and/or craftsman; or
 - f. Represents an established and familiar visual historical feature of the City.
6. The Board may recommend a historic district to the Council to be designated if it:
 - a. Contains a significant number of properties which meet one or more of the criteria for designation of a landmark as outlined in Sub-Section E.5 above, or
 - b. Constitutes a distinct historical section of the City.
7. The boundaries of each designated historic district shall be specified in written detail and shall be filed in the City Secretary's office for public inspection.

F. Certificate of Appropriateness for Alteration or New Construction

1. Applicability of Ordinance

- a. **Included Properties.** The provisions of this ordinance shall apply only to those properties, hereinafter referred to as "Applicable Properties", which meet the following criteria:

- i. Either be a designated historical landmark or be wholly or partially located within a designated historic district, and
 - ii. Either be a contributing property as defined in Sub-Section B or be located within 200 feet of a contributing property.
- b. **Excluded properties.** Properties owned by a religious institution or used for religious purposes shall not be considered eligible for designation as a contributing property (and shall not be effected by adjacent contributing properties) unless they derive primary significance from either architectural distinction or historical importance

2. COA does not Replace other Codes

The COA is in addition to and does not replace any other City permits or codes that must be followed.

3. Examples

These are examples of situations that require a Certificate of Appropriateness (COA) for work performed on an Applicable Property. Additional information is located in the *Design Guidelines* as referenced.

- a. Construction of a new building. (Section III)
- b. Demolition or removal of an existing structure. (Sections VI and VII)
- c. Alterations to the façade, including additions and removals that will be visible from a public street. (Section III)
- d. New improvements that would substantially obstruct the view of the main or front elevation as seen from a public street.
- e. Painting of a masonry surface not previously painted. For other painting, see Design Guidelines, residential properties Section III.M.

Any addition or deletion of landscape materials or landscape design elements need not receive a Certificate of Appropriateness from the Council. It is recommended, however, that all proposed landscaping used in the District be extracted from the "Recommended Plant List" as provided in the Landscape Ordinance of the City of Rockwall. City staff shall maintain a list of plant material that is appropriate for all designated historic areas.

Any person wishing to paint a structure within a historic district may do so without receiving a Certificate of Appropriateness from the Board. City staff and/or the Board shall provide review and comment as requested by the property owner about color selection and design. Such review and comment, however, shall not be binding.

The Board may recommend guidelines to enable the Historic Preservation Officer to issue a Certificate of Appropriateness for exterior restorations and renovations requiring a building permit.

G Application Procedure

1. Application Form

Prior to the commencement of any work requiring a COA the owner shall file with the Historic Preservation Officer an application for such a certificate. The application, a copy of which is available as EXHIBIT (2) of the Historic *Design Guidelines*, shall contain:

- a. Name, address, telephone number of applicant, detailed description of proposed work.
- b. Location of the proposed work (street address) and photographs of the property and adjacent properties. (Historical photographs also may be helpful.)
- c. Elevation drawings of the proposed changes, if available, and preferably in color.
- d. Samples of materials to be used, if requested by the Board.
- e. If applicable, a scale drawing of any signs showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination (if any), and a plan showing the sign's location on the property.
- f. Site plan in accordance with the Unified Development Code, if applicable.
- g. Any other information which the Board may deem necessary in order to visualize the proposed work, and any additional material the applicant wishes to submit.

2. Building Permit

A COA issued by the Board is required before a building permit will be issued for any work.

3. Time Frame for Actions

The Board shall deny, approve, or approve the COA with modifications within 60 days from receipt of the completed application and supporting documentation. The Board shall hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views.

Should the Board not take action within the sixty (60) day period, the COA shall be automatically referred to the City Council for their approval or denial, following a public hearing.

4. Written Decisions

All decisions of the Board shall be in writing. An approved Certificate of Appropriateness shall be sent to the applicant and a copy filed with the City Secretary's office for public inspection. The Board's decision shall state the reasons for denying or modifying any application.

5. Standards for Approval

The Historic Preservation Advisory Board must approve the application for a Certificate of Appropriateness if it determines that:

- a. For contributing structures, the application will not adversely affect the character of the site; and the proposed work is consistent with the regulations contained in this section and proposed preservation criteria; or
- b. For non-contributing structures, the proposed work is compatible with the historic district.

6. Public Hearing

A public hearing before the Board is required as defined in Section E.6 before a decision can be made on a zoning recommendation forwarded to the Planning and Zoning Commission.

- a. The Board shall hold a Public Hearing on all actions considered and appeals made to it. Said public hearing shall be held, when necessary, on the Third Thursday of the Month. In cases where this "regularly scheduled" meeting date is not appropriate (e.g., in cases as set forth under Section I, Emergency Procedure) an alternative meeting date will be set.
- b. Written notice of the public hearing shall be sent to the applicant, all persons who are owners of real property lying within two hundred (200) feet of the subject property and to all other persons deemed by the Board to be affected.
- c. Written notice shall be given not less than ten (10) days before the date set for the public hearing to all such owners of record as the ownership appears on the current on-line tax roll. The notice may be served by deposition of the same, properly addressed and postage paid, in the U.S. Post Office.

H. Actions After Board Decision

1. Appeal Process

If the Certificate of Appropriateness is denied, the applicant may appeal to the City Council by filing a written notice with the Historic Preservation Officer within ten (10) business days after the decision of the Board. In considering an appeal, the sole issue before the City Council shall be whether the Board erred in its decision. The City Council shall consider the same standards and evidence that was considered in making the decision. Appeal to the Council constitutes the final administrative remedy.

If the Certificate of Appropriateness is approved, any property owner within the subject historic district aggrieved by any decision of the Board may appeal to the City Council. Said appeals may be made by filing a written notice with the Historic Preservation Officer within ten (10) business days after the decision of Board.

2. Reapplication

If an appeal is denied by both the Board and the Council, no further applications may be considered for the subject matter of the denied Certificate of Appropriateness for one (1) year from the date of the final decision unless:

- a. The Certificate of Appropriateness has been denied without prejudice; or
- b. The Board waives the time limitation because it that there are changes or circumstances sufficient to warrant a new hearing. A simple majority vote by the Board is required to grant the request for the waiver of the time limitation.

3. Suspension of Work

After the work authorized by the Certificate of Appropriateness is commenced, the applicant must make continuous progress towards

completion of the work, and shall not suspend or abandon the work for a period of more than 180 days. The Historic Preservation Officer and/or Building Official may, in writing, authorize a suspension of work for a period greater than 180 days upon written request by the applicant showing circumstances beyond his control.

I. Emergency Procedure

If any Applicable Structure is damaged and the building official determines that it is a public safety hazard or will suffer additional damage without immediate repair, the building official may allow the property owner to temporarily protect the structure whether or not the materials used conform to the Guidelines. However, in such a case, the property owner must then apply for a Certificate of Appropriateness for the restoration, rebuilding, remodeling, demolition or removal of the structure within ten (10) days of the occurrence that caused the damage. The temporary protection authorized under this subsection must not permanently alter the architectural features of the structure.

J. Demolition

1. Requires a Certificate of Appropriateness.

A Certificate of Appropriateness is required prior to receiving a permit for demolition of a property within a historic district, including secondary buildings. An application for demolition of a contributing structure on the grounds of hardship may be filed. The applicant must establish the following elements to prove hardship:

- a. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible; and
- b. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
- c. Efforts to find a purchaser interested in acquiring the property and preserving it have failed; and/or
- d. The structure or property is in such condition as to be irreparably damaged and as such poses a nuisance to the surrounding area and is a "threat" to the health, safety and general welfare of the community.

2. Demolition Delay (*Ord. No. 10-32, 12-06-2010*)

The historic preservation officer upon receipt of an application for a demolition permit of a subject property designation as a historic landmark or located within a designated historic district shall forward on the application for demolition to the historic preservation advisory board for consideration at their next regularly scheduled meeting.

- a. The issuing of a demolition permit shall be delayed for up to 60 days from the date of approval of an application by the Historic Preservation Advisory Board.
- b. During this 60-day delay, the historic preservation officer shall work with the historic preservation advisory board to notify all potentially interested parties of the pending demolition in order to

allow such parties to take whatever steps they deem appropriate to accomplish the preservation of the subject property.

- c. If it is determined by the director of planning in consultation with the historic preservation officer that a property poses an immediate threat to the public health and safety, this determination shall be reported to the city manager who may instruct the building official to issue a demolition permit without delay.

3. Expiration

A Certificate of Appropriateness for the demolition or removal expires if the work authorized by the Certificate for demolition or removal is not commenced within 180 days from that date of the issuance of the Certificate for demolition.

K. Enforcement

All work performed pursuant to a Certificate of Appropriateness (COA) issued under this ordinance shall conform to all requirements included therein. It shall be the duty of the Building Inspection Department to periodically inspect any such work to assure compliance. In the event work is found that is not being performed in accordance with the COA, the Building Inspection Department may suspend the COA, issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. A Certificate of Appropriateness may be reinstated, any stop work order lifted, and work may resume upon assurance that compliance will henceforth exist.

L. Ordinary Maintenance

Nothing in this ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district that does not involve a change in design or material. In-kind replacement or repair is included in this definition of ordinary maintenance.

M. Preservation Incentives

To promote the goal of stabilizing and improving values of properties within the District, and encourage the rehabilitation and stabilization of structures, the City Council by Resolution may offer tax incentives.

6.2-1 NORTH GOLIAD CORRIDOR OVERLAY (NGC OV) DISTRICT

A. Purpose

The North Goliad Corridor Overlay District is a specialized zoning district overlay along North Goliad Street beginning north of the Downtown District and terminating at Live Oak Street. This Corridor has been identified as one of the important entry points into the City of Rockwall. The District has been established to protect scenic and historic qualities through the use of additional development criteria. The District establishes design standards to guide the new construction and rehabilitation of buildings, streetscapes and architectural styles consistent with the existing historic residential homes and businesses located along the corridor.

B. Application and Boundaries

The boundaries of the North Goliad Corridor Overlay District are as established in the Official Zoning Map of the City of Rockwall. The boundary generally extends from Olive Street north to Live Oak and being more particularly described herein as Exhibit "A" [Ord. No. 07-30]. This Section applies to any site improvements, development, use or change of use within the North Goliad Corridor Overlay District.

All property developed within the Overlay District must meet both the terms and requirements of the underlying zoning classification applicable to the property and the provisions set forth in the Overlay District. The most restrictive requirement applicable to the property shall apply.

C. Architectural Standards

Most of the historic architecture of the District does not follow one specific style, but is influenced by many. The development along the corridor is an eclectic mix of buildings, but there is a similar vocabulary in the building design and construction materials. The development for the residential and commercial buildings shall generally fit within one or more of the following architectural styles.

Bungalow

Bungalow



The Bungalow style is a unique house type that borrows from other cultures, but is a truly American design. Developed on the west coast, the Bungalow reduces the distinction between inside and outside space, reflecting open practical living. It is generally a low, small house that used natural materials and relied on

simplified design. The roof structure is most often broad gables, often with a separate lower gable covering the porch, although hipped roof structures are also common. There is little ornamentation, and what is found is of simplified design. The first Bungalow development period was from 1895 to 1915.

Cottage

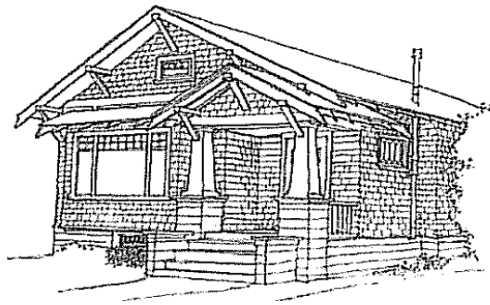
Cottage



A Cottage is basically a small frame single-family home that does not use any particular architectural style or ornamentation pattern. Roof styles vary, but most often use gable, hip or a combination of the two. This is a style that often borrows elements from classic styles, but does not incorporate other elements that make the style unique.

Craftsman

Craftsman



An extension of the early Bungalow, the Craftsman design included a low-pitched gabled roof with a wide, unenclosed eave overhang. Roof rafters are usually exposed and decorative beams or braces are commonly added under gables. Porches are either full or partial-width, with a roof often supported by tapered square columns. The most distinctive features of this are the junctions where the roof joins the wall, where the most ornamentation occurs. This was the dominant style for smaller homes from 1905 to early 1920's. The popularity of the style faded quickly, however, and few were built after 1930.

Folk Victorian

Folk Victorian



The Folk Victorian style uses a simple, folk type house style that is often one story and has a roof that is gabled or hipped (pyramidal). It lacks the intricate, irregular roof structure of the Queen Anne style, but includes ornamentation common to Victorian-style detailing, especially spindle work. Facades are generally symmetrical.

Queen Anne

Queen Anne



The Queen Anne architectural style was common from about 1880 to 1910. Identifying features include a steeply pitched, irregular shaped roof, often with a dominant front-facing gable, patterned shingles, cutaway bay windows, and other features to avoid a smooth walled appearance. The decorative detailing is usually of two types:

1. Spindle work includes turned posts and may also include decorative gables and ornamentation under the wall overhangs.
2. Free classic detailing uses classical columns, instead of delicate turned posts, and other ornamentation is less “lacy” and delicate than that found in spindle work. This style became common after 1890.

D. Building Design

The height of new buildings shall not exceed the Unified Development Code standards: generally one and two stories are allowed (36 feet maximum). New building additions and alterations should be compatible with the adjoining area and not exceed height, lot coverage and floor area ratio requirements as specified in the Unified Development Code.

The use of consistent architectural styles from the years 1870 to 1940 is strongly encouraged rather than additions or alterations from more recent or different design styles (see Architectural Styles for examples).

New construction should include elements such as cladding, roofing material, roof structure and ornamentation common to the district.

The existing pattern of building facades generally respecting pedestrian or human scale design should be incorporated into new development projects. Roof types generally associated with residential buildings such as gable, hip or gambrel are also appropriate for structures within the North Goliad Corridor Overlay District.

All decorative fixtures, including awnings, signs and lighting, shall be integrated with other design elements of the structures.

Building elevations shall be submitted as part of the development application for review by Historic Preservation Advisory Board who shall make its recommendations to Planning and Zoning Commission. Perspectives, accurate sections or a model of the project may be required to depict the height, mass and scale of the proposed project with respect to its setting and adjacent development.

E. Parking Area Restrictions

Any surface parking shall be provided in well-screened parking lots at the rear or behind the main façade of the building. All parking structures shall adhere to the standards of the Unified Development Code and any additional requirements of the underlying zoning district.

F. Cross Access

Cross access easements may be required by the Planning Commission and/or City Council at the time of site plan approval or platting to ensure access between adjoining properties and to reduce the number of needed curb cuts.

G. Accessory Buildings

New accessory or outbuildings, including garages and enclosures for service areas, trash or recycle containers, or storage structures should be compatible with materials, textures, colors and architectural styles of the principle buildings.

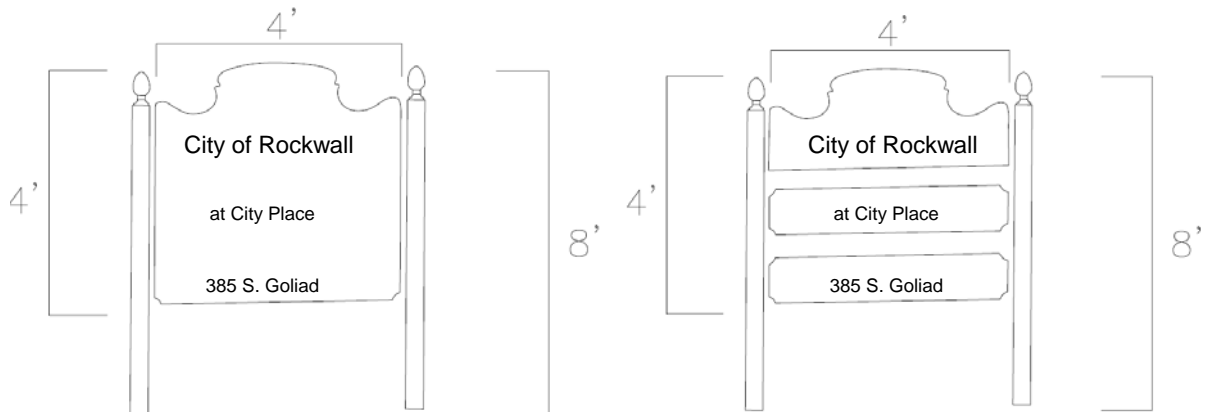
H. Landscaping Standards

Existing trees should be retained where possible. Street trees and other sidewalk area landscaping shall be incorporated if pedestrian circulation will not be obstructed. Front yards should be landscaped compatible with the majority of neighboring properties. All sites shall, as a minimum, meet the requirements of Article VIII Landscape Standards.

I. Signs

All signs shall comply with the sign ordinance and the underlying zoning district that applies to the North Goliad Corridor Overlay District and to the following additional standards. Signs shall be freestanding with two support standards. The maximum size shall be sixteen (16) square feet and shall not impede pedestrian or motor vehicle traffic. Monument signs are not allowed. All lighted signs shall be indirectly light no direct or internally light sign shall be allowed. All lighting elements such as wires, junction boxes, transformers, switches and panel boxes shall be concealed from view.

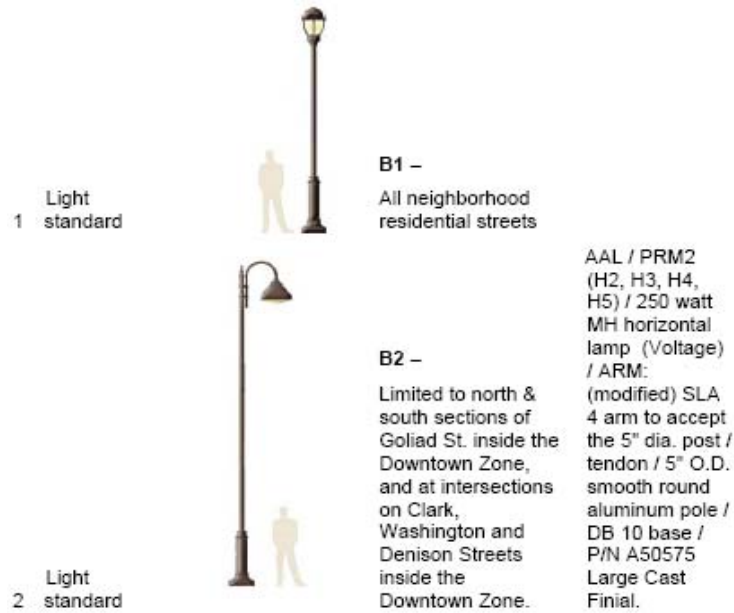
Preferred Signage



J. Lighting Standards

In addition to the requirements of the outdoor lighting requirements no light pole, pole base or combination thereof shall exceed twenty (20) feet in the North Goliad Corridor Overlay District. All lighting fixtures shall focus light downward and be contained on the site. Lighting elements shall be incandescent, metal Halide, or halogen only. No HID or fluorescent lights (except fluorescent bulbs that screw into standard socket fixtures) may be used on the exterior of buildings. All street lighting shall meet the specifications contained in **Article V, Section 4.8 Downtown (DT) District** included in Section VI, Streetscape, Lighting and Mechanical and as attached herein.

Permissible Pole Lighting



K. Variance

The City Council may, upon request from the applicant, grant a variance to any provision of this ordinance where unique or extraordinary conditions exist or where strict adherence to the provisions of this ordinance would create a hardship. Approval of any variance to any provision of this ordinance shall require City Council approval by a three-quarter (3/4) majority vote of those City Council members present with a minimum of four (4) affirmative votes.

(Ord. No. 07-30, August 20, 2007)

6.3 NEIGHBORHOOD PRESERVATION OVERLAY (NPO) DISTRICT

A. Purpose

Neighborhood preservation districts may be designated in certain established neighborhoods. The purpose of such districts will be to preserve the cultural importance and neighborhood uniqueness in order to promote economic, cultural, educational, and general welfare of the City. It is recognized that within the City of Rockwall numerous areas, neighborhood sites and structures represent the distinguishing characteristics of a period style or method of construction that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural and cultural resources that constitute their heritage, and therefore this overlay district is intended to:

1. Protect, identify, enhance and preserve neighborhoods with historical, architectural, and cultural characteristics and landmarks which represent distinctive cultural, social, economic, political, and architectural history of Rockwall;
2. Foster civic pride in the accomplishments of the past;
3. Protect and enhance Rockwall's attractiveness to visitors and the support and stimulus to the economy thereby provided;
4. Insure the harmonious, orderly and efficient growth and development of the City;
5. Promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the City; and,
6. Stabilize and improve values of such properties.

B. Neighborhood Preservation Officer

The Neighborhood Preservation Officer shall administer this ordinance and advise the Board on matters submitted to it.

C. Standards

Standards are established for each Historic District which is created. Please refer to the Zoning Ordinance establishing the district for detailed standards which must be complied with.

D. Designation of Neighborhood Preservation Overlay Districts

1. The City Council may designate by zoning ordinance, certain areas as neighborhood preservation districts. Such districts shall bear the word "neighborhood" in their zoning designation.
2. The City Council may recommend designation of qualified areas within the City after conducting public hearings and determination that neighborhood preservation designation is appropriate. Property owners within a proposed neighborhood district shall be notified prior to the Planning & Zoning Commission and City Council hearing to consider such designation. At the public hearing, owners, and interested parties may present testimony or documentary evidence which will become part of a record regarding the neighborhood enhancement, historic, architectural, or cultural importance of the proposed neighborhood preservation district. The record also may contain staff reports, public comments, or other evidence offered outside of the hearing.

Upon recommendation of the Neighborhood Preservation Officer, the proposed neighborhood preservation district shall be submitted to the Planning and Zoning Commission for review and recommendation. The Planning and Zoning Commission shall give notice, conduct a public hearing, and make recommendations to the City Council according to the same procedures as specifically provided in other Sections of this ordinance.

If designation consideration has been requested by a citizen, property owner, or other interested party, the Neighborhood Preservation Officer shall make its recommendation, to be forwarded to the Planning & Zoning Commission, within thirty (30) days from the date of submittal of designation request. The Planning and Zoning Commission shall schedule a public hearing to be held within forty-five (45) days of receipt of such recommendation from the neighborhood Preservation Officer and City Manager.

Upon designation of an area as a neighborhood preservation district by action of the Rockwall City Council, the designation should be recorded on the official zoning maps. All zoning maps should indicate the designated districts by an appropriate mark.

A neighborhood preservation district may be designated if an area meets one or more of the following:

- a. It possesses significance in history, architecture, archeology, and/or culture.
- b. It is associated with events that made a significant contribution to the broad patterns of local, regional, state and/or national history.
- c. It is associated with the lives of persons significant in the City's past.
- d. It embodies the distinctive characteristics of a type, period, and/or method of construction.
- e. It represents the work of a master designer, builder, and/or craftsman.
- f. It represents an established and familiar visual feature of the City.
- g. It constitutes a district Section of the City.
- h. A specific enhancement effort is underway for the neighborhood.

The boundaries of each designated neighborhood preservation district henceforth shall be specified in detail and shall be filed, in writing, in the City Secretary's office for public inspection.

E. Additional Standards

The City Council may consider special requests in furtherance of neighborhood preservation and enhancement within an established neighborhood preservation overlay district. Such requests may include, but not necessarily be limited to, neighborhood signage plans, use of building materials not otherwise allowed, authorization of specific land uses not otherwise allowed, or other requests submitted for consideration.

Upon receipt of such special requests, the City Council shall review same and forward its recommendation to the Planning and Zoning Commission for consideration. Upon recommendations from the Planning and Zoning Commission, the City Council may approve said requests by amendment of the ordinance designating such neighborhood district. Any such amendment shall preempt any other underlying zoning restrictions in the Unified Development Code. Such special requests may be denied by the City Council by passage of a motion to deny. *(Revised via Ord 10-14, 7-6-2010)*

6.4 SOUTHSIDE RESIDENTIAL NEIGHBORHOOD OVERLAY (SRO) DISTRICT

A. Purpose

This overlay district is considered to be the proper zoning classification for smaller lot developments for a single-family dwelling use. It is intended to allow the flexibility necessary for redevelopment while protecting the integrity of the neighborhood.

B. Other Requirements

Any requirements necessary for residential development or use not specifically stated in this Section shall comply with the SF-7 district requirements.

C. Area Requirements

1. Minimum **lot area** - *5,000 square feet*
2. Maximum number of **single-family detached dwellings** units per lot - 1
3. Minimum **square footage** per dwelling unit - *900 square feet*
4. Minimum **lot frontage** on a public street - *50 feet**
5. Minimum **lot depth** - *100 feet**
6. Minimum depth of **front yard setback** - *20 feet**
7. Minimum depth of **rear yard setback** - *10 feet**
8. Minimum width of **side yard setback** -
 - (a) Internal lot - *6 feet**
 - (b) Abutting street - *15 feet**
 - (c) Abutting an arterial - *20 feet**

[* These setbacks may be varied by the Planning and Zoning Commission and City Council upon request of the applicant.]
9. Minimum **distance between separate buildings** on the same lot or parcel of land - *10 feet*
10. Minimum **length of driveway** pavement from the public right-of-way for rear or side yards - *20 feet*
11. Maximum **building coverage** as a percentage of lot area - *40 percent*
12. Maximum **building height** - *32 feet*
13. Minimum number of paved **off-street parking spaces** required for -
 - (a) One single-family dwelling unit – 2. An enclosed garage shall not be considered in meeting the off-street parking requirements.
 - (b) For all other uses see Article V Parking and Loading
14. See Article VIII, Sections 8.1 to 8.4 for further clarification, and exceptions and modifications.

D. Consideration of Special Request in Furtherance of Neighborhood Preservation

The City Council may consider special requests in furtherance of neighborhood preservation and enhancement within the established neighborhood preservation overlay district. Such requests may include, but not necessarily be

Southside Residential Neighborhood Overlay (SRO)
Article V. District Development Standards

limited to, neighborhood signage plans, use of building materials not otherwise allowed, authorization of specific land uses not otherwise allowed, or other requests submitted for consideration.

Upon receipt of such special requests, the City Council shall review same and forward its recommendation to the Planning and Zoning Commission for consideration. Upon recommendations from the Planning and Zoning Commission, the City Council may approve requests by amendment of the ordinance designating the neighborhood district. Any such amendment shall preempt any other underlying zoning restrictions in the Unified Development Code. Such special requests may be denied by the City Council by passage of a motion to deny. *(Revised via Ord 10-14, 7-6-2010)*

6.5 MIXED USE OVERLAY (MUO) DISTRICT

A. Purpose

The Mixed Use Overlay District applies to those areas specified in the Comprehensive Plan as “Mixed Use”. These areas may be developed as a pedestrian-oriented district which includes “urban residential” uses. Urban residential uses include residential development which at least partly face streets or public sidewalks, or are located above retail, office or service uses. Ground floor urban residential should have direct access to a sidewalk via a stoop or landing, and a majority of parking should be located in a structure.

B. Application and Boundaries

1. It is intended that the Mixed Use Overlay District be applied at the time that development is imminent.
2. Mixed Use standards will be applied using the Planned Development (PD) process as specified in the City’s Unified Development Code, and modified by this ordinance. *(Revised via Ord 10-14, 7-6-2010)*
3. The zoning application shall include a minimum of 10 acres.
4. At the time of PD application, a traffic impact analysis must be submitted to establish impacts on site access points and surrounding roadways and intersections.

C. Permitted Uses

Allowed uses may include town homes, urban housing, retail, office, recreation and entertainment. A list of allowed uses, shall be specified in the PD application.

D. District Standards

1. **Residential.** Residential uses shall be governed by the following standards:
 - a. They must be integrated with retail and/or office uses in terms of site planning. The separate uses must not be perceived as separate or discrete developments.
 - b. They may not exceed 4 s.f. of residential use for at least 1 s.f. of non-residential use (unless approved as part of the PD) for each phase of development.
2. **Open Space.** A minimum of 20% of the site shall be devoted to open space. This requirement may be satisfied by either public or by a combination of public and private open space. Open space shall be satisfied with each phase of development, or the developer must execute a reservation of open space in a form that will assure the City that such open space will be provided.
3. **Enhancements**
 - a. Pedestrian areas shall be enhanced with trees, decorative paving and pedestrian-level lighting.
 - b. Public and private open space shall be developed to the extent reflected in the plan.

4. **Height.** The development should average 2-3 stories in height, but not exceed 3 stories unless otherwise approved as part of the PD. If adjacent to single family zoned areas, this height should taper down to 2 stories if development is close to the property line.
5. **Parking.** Parking shall meet the following standards:
 - a. Parking required for a building shall primarily be located behind the building. On-street parking may be allowed to partially meet the required parking for a building or use.
 - b. A majority of parking shall be structured or decked to minimize the amount of land given over to parking.
 - c. Site access and non-residential use parking shall be shared between non-residential uses.
 - d. The minimum amount of required parking may be 10% below the city's standard requirement for all uses allowed within the PD.
 - e. The minimum amount of parking may be further reduced where parking is shared by multiple uses and is justified by the applicant.

E. Procedures

There are three types of plans that may be required as part of the development process within a PD District. Each successive plan may modify the previous plan provided that it does not substantially change the general intent of the original PD district. Each successive plan becomes part of the zoning ordinance governing the property and replaces the previously approved plan.

1. **PD Concept Plan.** The PD Concept Plan is mandatory and is intended to be used as the first step in the PD development process. It establishes the most general guidelines for the PD District by identifying the land uses and intensities, thoroughfare locations, and open space boundaries (including public trail systems). It may include images of intended style and type of development. The Concept Plan illustrates the integration of these elements into a master plan for the whole PD District. The PD Concept Plan, as incorporated in the PD ordinance and together with the text of the ordinance, establishes the development standards for the PD district.
2. **PD Development Plan.** A PD Development Plan is optional and is intended to be used where appropriate as the second step of the PD development process. It may be required by the PD ordinance, or it may be submitted voluntarily by the property owner. A PD Development Plan constitutes an amendment to the approved PD Concept Plan and PD Ordinance and may be used where the developer requests, or the Council requires, certain standards for the PD District to be specified after initial establishment of the PD District. A PD Development Plan includes more detailed information as to the specific land uses and their boundaries. The purposes of a PD Development Plan are to allow flexibility in the development process by deferring specification of all development standards at the time of PD District creation and to enable developers to satisfy conditions imposed on creation of the District prior to submittal of a PD Site Plan.
3. **PD Site Plan.** A PD Site Plan is mandatory and is the final step of the PD development process. The purposes of a PD Site Plan are to assure that the development of individual building lots, parcels, or tracts within the PD

District are consistent with the approved Concept Plan and Development Plan, if any, and to assure that the standards applicable within the PD District are met for each such lot, parcel or tract. A PD Site Plan shall continue to be valid for a period of three years after it is approved by the Commission; however, such period may be extended by the Council upon recommendation of the Planning Commission.

- a. The Site Plan shall be accompanied by building elevations and landscape and master sign plans, which shall be reviewed by the Architectural Review Board for consistency with the overall objectives of the district. The Board's recommendation shall be forwarded to the Planning & Zoning Commission for consideration in their recommendation to City Council.
- b. A PD Site Plan shall terminate at the end of such three-year period (or extended period if approved by the Council) unless, within such period, a preliminary plat has been filed with the City for all of the land covered by the PD Site Plan. In which case, the Site Plan will remain valid as long as there is an approved plat for the property. If a PD Site Plan terminates, development of the land covered by the terminated plan cannot occur until a new PD Site Plan has been approved for the land as provided by this Article.

6.6 IH-30 OVERLAY (IH-30 OV) DISTRICT

(AMENDED 9-19-05, ORD. NO 05-49)

A. Purpose

The intent of the IH-30 Corridor Overlay District is to provide for consistent development of office, retail and commercial areas in concert with the most efficient and aesthetically pleasing appearance of the frontage which serves as the initial impression to those visiting, as well as to those passing through, the City of Rockwall area. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility will be reviewed through an Architectural Review Committee. These development requirements shall apply to non-residential uses only, residential uses shall be excluded from these standards.

B. Application and Boundaries

The IH-30 Corridor Overlay District includes the entirety of all properties which adjoin or are located within 500 feet of the future right-of-way of IH-30. The IH-30 Corridor Overlay Zone spans east to west along IH-30 from the eastern city limits (approximately 3600' east of FM 549), west to the western city limit on Lake Ray Hubbard. The standards and regulations set forth in the IH-30 Corridor Overlay Zone are superimposed and shall supersede the standards and regulations of any underlying zoning district which are in conflict.

C. Architectural Standards:

1. **Masonry Requirements.** Each exterior wall shall consist of 90% masonry materials, excluding doors and windows, as defined in Article XII Definitions – Masonry, excluding cast stone and cultured stone, on walls which are visible from a public street or open space, including a minimum of 20% natural or quarried stone.
 - a. Primary exterior materials shall include natural or quarried stone, brick, glass block or glass, tile, cast metal and custom concrete masonry units. The use of other cementaceous products (e.g. stucco, Hardy Plank, or other similar materials approved by the Building Official) shall be limited to 50% of the buildings exterior finishes where it is deemed important as a design feature and where it will be applied under the highest standards for quality and durability. However, stucco may not be located in the first 4 feet above grade on a façade visible from a street or public area. Each elevation's masonry requirement shall incorporate accent bricks or stones. As the term is used, an "accent brick or stone" is one that provides a contrast by color, shape, size, and/or texture to the field of primary bricks or stones in an elevation.
 - b. Secondary materials used on the façade of a building are those that comprise less than 10% of an elevation area. Permitted secondary materials are all primary materials, aluminum or other metal, EIFS, cast stone, cultured stone or other materials as approved by the Director of Planning or his/her designee.
2. **Roof Design Standards.** Rooftop mechanical equipment and other appurtenances must be properly screened. All structures having a footprint of 6,000 square feet or less shall be constructed with a pitched roof system.

Those structures having a footprint greater than 6,000 square feet shall be constructed with either a pitched, parapet, or mansard roof system (enclosed on all sides). Standing seam metal roofs shall be constructed of a factory-treated, non-metallic, matte finish. Metal roofs with lapped seam construction, bituminous built-up roofs, and flat, membrane-type roofs which are visible from adjacent public right-of-way shall be prohibited.

3. **Mechanical Equipment Screening.** All buildings must be designed such that no mechanical equipment, HVAC, or satellite dishes shall be visible from any direction. This shall include equipment located on the roof, on the ground, or otherwise attached to the building or located on the site.
 - a. Screening of rooftop mechanical equipment and/or other rooftop appurtenances shall be accomplished by either the construction of (a), the construction of the roof systems described in Paragraph C.2 above, or (b), an architectural feature which is integral to the building's design and ensures that such equipment is not visible from adjacent public right-of-way. The fencing or enclosing of individual mechanical units shall not be permitted except as described above.
 - b. All rooftop mechanical equipment or architectural features described herein shall be shown on the required building elevations and submitted along with the site plan for approval.
4. All buildings shall be designed to incorporate no less than four (4) of the architectural elements from the list below. Buildings over fifty thousand (50,000) square feet must include a minimum of six (6) of the referenced architectural elements. Buildings over one hundred thousand (100,000) square feet must include a minimum of seven (7) of the referenced architectural elements:
 - Canopies, awnings, or porticos;
 - Recesses/projections;
 - Arcades;
 - Peaked roof forms;
 - Arches;
 - Outdoor patios;
 - Display windows;
 - Architectural details (such as tile work and moldings) integrated into the building facade;
 - Articulated ground floor levels or base;
 - Articulated cornice line;
 - Integrated planters or wing walls that incorporate landscape and sitting areas;
 - Offsets, reveals or projecting rib used to express architectural or structural bays;
 - Varied roof heights;
 - Or other architectural features approved by the Director of Planning or his/her designee.
5. All retail/commercial buildings shall be architecturally finished on all four (4) sides with same materials, detailing, and features with one (1) row of trees planted on the perimeter behind the building.

6. Windows shall have a maximum exterior visible reflectivity of 20%. Color of glass shall be reviewed and approved by the Director of Planning or his/her designee.
7. All buildings within a common retail/commercial development, as shown on a Concept Plan or Site Plan, shall have similar architectural styles, materials, and colors.
 - a. Conceptual facade plans and sample boards shall be submitted with the Site Plan application for all non-residential uses. The purpose of the conceptual facade plan is to ensure consistency and compatibility for all buildings within a single development. Facade plans will be used only to ensure minimum standards are met.
8. Corporate identities that conflict with the building design criteria shall be reviewed as a variance as defined in this ordinance and reviewed on a case-by-case basis by the Planning & Zoning Commission and approved by the City Council.

D. Site Design Standards

1. **Building Setback.** All lots within the IH-30 Corridor Overlay District shall maintain a minimum building setback of 25 feet from the front property line when adjacent to IH-30. All other building setback regulations shall be the same as set forth in the underlying zoning district except as otherwise noted herein.
2. **Parking Area Restrictions.** No more than 1 full parking bay (2 rows of parking with a driving aisle) shall be allowed between the primary building and the IH-30 right-of-way. (*Ord. No. 06-14, 04-17-06*)
3. **Access/Ingress/Egress.** To minimize potential vehicular and pedestrian conflicts particular attention must be given to the location of median breaks along major thoroughfares; number and location of entry/exit drives; design of entry/exit drives in relationship to the parking areas; and sight distances.
 - a. **Further Guidelines:**
 - Driveways should typically be spaced a minimum of 100 feet from the intersection of a major thoroughfare;
 - The ingress and egress drives shall have a minimum radius of 30 feet;
 - Driveways should maintain an appropriate sight distance triangle at all perimeter entrances and exits;
 - Main entrance drives should generally be located at median breaks providing left turn access to and from the site;
 - Main entrance drives should connect to a “straightaway” aisle that does not dead end or require an immediate turn to approach the main building;
 - Aisles intersecting with entrance drives should be spaced at a minimum of 20 feet from the property line to provide for smooth turning movements.
 - b. **Cross access.** Cross access easements may be required by the City Council at the time of the site plan approval to ensure access to future median breaks and to reduce the number of needed curb cuts.

4. **Loading and Service Areas.** Loading and service areas shall be located on the rear and side of buildings whenever possible. In the event that a loading or service area faces IH-30, additional screening of the area may be required. A minimum ten (10) foot solid screening wall shall be required to screen views of loading docks and loading spaces intended for tractor/semi-trailer delivery from any public right-of-way. This ten-foot wall must screen the entire loading dock or space. Screening materials shall utilize similar masonry materials to the front façade. The accommodation of adequate access for service delivery trucks may be evaluated to determine the extent of screening required.
5. **Trash Receptacles and Recycling Receptacles.** Trash and recycling receptacles shall be four sided with a gate and located outside buffer-strips, and to the side or rear of the primary building. The receptacles shall be screened by a minimum eight (8) foot solid masonry screen and shall utilize similar masonry materials to the principal structure. Every effort shall be made in order to screen trash/recycling receptacles from IH-30.
6. **Play Structures.** Play structures shall not be placed between the primary building and any adjacent public right-of-way.
7. **Plan Review.** In addition to other factors set out in the Unified Development Code, Concept Plans, Development Plans, and Site Plans shall be reviewed for:
 - a. Meeting the intent of the Landscape Ordinance: *Article VIII. Landscape Standards*, as amended, and the screening provisions therein.
 - b. Achieving the intent of the Architectural Standards and Site Design Standards.
 - c. Proper site entry identification and cross-access circulation to avoid congestion at ingress and egress points.

E. Landscape Standards

All sites shall, as a minimum, meet the following standards and the standards set out in *Article VIII. Landscape Standards*. Where the following standards conflict with the Landscape Ordinance, these requirements shall prevail:

1. **Buffer-strips.** The buffer-strip shall be a minimum of twenty (20) feet wide and include a “built-up” berm and/or shrubbery or a combination of both along the entire length of the subject property’s frontage along the IH-30 right-of-way. The minimum required height of the aforementioned berm and/or shrubbery or a combination thereof is thirty (30) inches and shall not exceed a maximum height of forty-eight (48) inches.
2. **Buffer-strip Plantings.** Three (3) canopy trees, along with four (4) accent trees shall be required per one hundred (100) feet of the IH-30 right-of-way as set out below.
3. **Plant Material Sizes.** The following minimum sizes shall be required:
 - Canopy Trees:** four (4) inch caliper
 - Accent Trees:** Four (4) feet height
 - Shrubs:** Deciduous: Fifteen (15) inches - 2 gallon minimum
Evergreen: Twelve (12) inches – 2 gallon minimum

4. **Plant Material Selections.** The following materials are recommended for planting in the buffer-strip; however, other materials may be acceptable:
 - Canopy Trees:** Bur Oak, Red Oak, Live Oak, Cedar Elm, Lacebark Elm, Leyland Cypress
 - Accent Trees:** Tree Yaupon, Red Bud, Eldarica Pine, Wax Myrtle, Ornamental Pear, Mexican Plum, Possumhaw
5. **Erosion Control/Retaining Walls.** Any slope embankments or retaining walls within the public right-of-way or within the required buffer-strip must be terraced every four (4) feet in height (maximum) with a minimum of a two (2) foot planting area provided between each vertical plane. Materials used for the vertical elements shall be natural stone or any masonry material which matches the masonry material used on the front façade of the primary building. The planting area must contain plant materials other than grass.
- F. **Signs.** All signage shall conform to the Sign Ordinance. Approval of any variance to the sign standards for property included in the IH-30 Corridor Overlay District shall require City Council approval by a three-quarter (3/4) majority vote.
- G. **Variance.** The City Council may, upon request from the applicant, grant a variance to any provision of this ordinance where unique or extraordinary conditions exist or where strict adherence to the provisions of this ordinance would create a hardship. Approval of any variance to any provision of this ordinance shall require City Council approval by a three-quarter (3/4) majority vote of those City Council members present with a minimum of four (4) affirmative votes.

6.7 SH 205 OVERLAY (SH 205 OV) DISTRICT

(AMENDED 8-15-05, ORD. NO 05-40)

A. Purpose

The intent of the SH 205 Corridor Overlay District is to provide for consistent development of office, retail and commercial areas in concert with the most efficient and aesthetically pleasing appearance of the frontage which serves as the initial impression to those visiting, as well as to those passing through, the City of Rockwall area. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility will be reviewed through an Architectural Review Committee. These development requirements shall apply to non-residential uses only, residential uses shall be excluded from these standards.

B. Application and Boundaries

The SH 205 Corridor Overlay District includes the entirety of all properties which adjoin or are located within 200 feet of the future right-of-way of SH 205. The SH-205 Corridor Overlay Zone spans north to south along SH 205 from the intersection point of SH 205 and FM 740, south to the southern city limits (approximately 2,800' south of FM 1139). The standards and regulations set forth in the SH 205 Corridor Overlay Zone are superimposed and shall supersede the standards and regulations of any underlying zoning district which are in conflict.

C. Architectural Standards

1. **Masonry Requirements.** Each exterior wall shall consist of 90% masonry materials, excluding doors and windows, as defined in Article XII Definitions – Masonry, excluding cast stone and cultured stone, on walls which are visible from a public street or open space, including a minimum of 20% natural or quarried stone.
 - a. Primary exterior materials shall include natural or quarried stone, brick, glass block or glass, tile, cast metal and custom concrete masonry units. The use of other cementaceous products (e.g. stucco, Hardy Plank, or other similar materials approved by the Building Official) shall be limited to 50% of the buildings exterior finishes where it is deemed important as a design feature and where it will be applied under the highest standards for quality and durability. However, stucco may not be located in the first 4 feet above grade on a façade visible from a street or public area. Each elevation's masonry requirement shall incorporate accent bricks or stones. As the term is used, an "accent brick or stone" is one that provides a contrast by color, shape, size, and/or texture to the field of primary bricks or stones in an elevation.
 - b. Secondary materials used on the façade of a building are those that comprise less than 10% of an elevation area. Permitted secondary materials are all primary materials, aluminum or other metal, EIFS, cast stone, cultured stone or other materials as approved by the Director of Planning or his/her designee.
2. **Roof Design Standards.** Rooftop mechanical equipment and other appurtenances must be properly screened. All structures having a footprint

of 6,000 square feet or less shall be constructed with a pitched roof system. Those structures having a footprint greater than 6,000 square feet shall be constructed with either a pitched, parapet, or mansard roof system (enclosed on all sides). Standing seam metal roofs shall be constructed of a factory-treated, non-metallic, matte finish. Metal roofs with lapped seam construction, bituminous built-up roofs, and flat, membrane-type roofs which are visible from adjacent public right-of-way shall be prohibited.

3. **Mechanical Equipment Screening.** All buildings must be designed such that no mechanical equipment, HVAC, or satellite dishes shall be visible from any direction. This shall include equipment located on the roof, on the ground, or otherwise attached to the building or located on the site.

Screening of rooftop mechanical equipment and/or other rooftop appurtenances screening shall be accomplished by either, a) the construction of the roof systems described in *Subsection C.2* above, or b), an architectural feature which is integral to the building's design and ensures that such equipment is not visible from adjacent public right-of-way. The fencing or enclosing of individual mechanical units shall not be permitted except as described above.

All rooftop mechanical equipment or architectural features described herein shall be shown on the required building elevations and submitted along with the site plan for approval.

4. All buildings shall be designed to incorporate no less than four (4) of the architectural elements from the list below. Buildings over fifty thousand (50,000) square feet must include a minimum of six (6) of the referenced architectural elements. Buildings over one hundred thousand (100,000) square feet must include a minimum of seven (7) of the referenced architectural elements:
 - Canopies, awnings, or porticos;
 - Recesses/projections;
 - Arcades;
 - Peaked roof forms;
 - Arches;
 - Outdoor patios;
 - Display windows;
 - Architectural details (such as tile work and moldings) integrated into the building facade;
 - Articulated ground floor levels or base;
 - Articulated cornice line;
 - Integrated planters or wing walls that incorporate landscape and sitting areas;
 - Offsets, reveals or projecting rib used to express architectural or structural bays;
 - Varied roof heights;
 - Or other architectural features approved by the Director of Planning or his/her designee.

5. All retail/commercial buildings shall be architecturally finished on all four (4) sides with same materials, detailing, and features with one (1) row of trees planted on the perimeter behind the building.
6. Windows shall have a maximum exterior visible reflectivity of 20%. Color of glass shall be reviewed and approved by the Director of Planning or his/her designee.
7. All buildings within a common retail/commercial development, as shown on a Concept Plan or Site Plan, shall have similar architectural styles, materials, and colors.
 - a. Conceptual facade plans and sample boards shall be submitted with the Site Plan application for all non-residential uses. The purpose of the conceptual facade plan is to ensure consistency and compatibility for all buildings within a single development. Facade plans will be used only to ensure minimum standards are met.
8. Corporate identities that conflict with the building design criteria shall be reviewed as a variance as defined in this ordinance and reviewed on a case-by-case basis by the Planning & Zoning Commission and approved by the City Council.

D. Site Design Standards:

1. **Building Setback.** All lots within the SH 205 Corridor Overlay District shall maintain a minimum building setback of 25 feet from the front property line adjacent to SH 205. All other building setback regulations shall be the same as set forth in the underlying zoning district except as otherwise noted herein.
2. **Parking Area Restrictions.** No more than two rows of parking shall be allowed between the primary building and the SH 205 right-of-way. (*Ord. No. 06-14, 04-17-06*)
3. **Access/Ingress/Egress.** To minimize potential vehicular and pedestrian conflicts particular attention must be given to the location of median breaks along major thoroughfares, number and location of entry/exit drives, design of entry/exit drives in relationship to the parking areas, and sight distances.

Further Guidelines:

- a. Driveways should typically be spaced a minimum of 100 feet from the intersection of a major thoroughfare or as per the Texas Department of Transportation on State maintained roads;
- b. The ingress and egress drives shall have a minimum radius of 30 feet;
- c. Driveways should maintain an appropriate sight distance triangle at all perimeter entrances and exits;
- d. Main entrance drives should generally be located at median breaks providing left turn access to and from the site;
- e. Main entrance drives should connect to a "straightaway" aisle that does not dead end or require an immediate turn to approach the main building;
- f. Aisles intersecting with entrance drives should be spaced at a minimum of 20 feet from the property line to provide for smooth turning movements.

Cross access. Cross access easements may be required by the City Council at the time of the site plan approval to ensure access to future median breaks and to reduce the number of needed curb cuts.

4. **Loading and Service Areas.** Loading and service areas shall be located on the rear and side of buildings whenever possible. In the event that a loading or service area faces SH 205, additional screening of the area may be required. A minimum ten (10) foot solid screening wall shall be required to screen views of loading docks and loading spaces intended for tractor/semi-trailer delivery from any public right-of-way. This ten-foot wall must screen the entire loading dock or space. Screening materials shall utilize similar masonry materials to the front façade. The accommodation of adequate access for service delivery trucks may be evaluated to determine the extent of screening required.
 5. **Trash Receptacles and Recycling Receptacles.** Trash and recycling receptacles shall be four sided with a gate and located outside buffer-strips, and to the side or rear of the primary building. The receptacles shall be screened by a minimum eight (8) foot solid masonry screen and shall utilize similar masonry materials to the principal structure. Every effort shall be made in order to screen trash/recycling receptacles from SH 205.
 6. **Play Structures.** Play structures shall not be placed between the primary building and any adjacent public right-of-way.
 7. **Plan Review.** In addition to other factors set out in the Unified Development Code, Concept Plans, Development Plans, and Site Plans shall be reviewed for:
 - a. Meeting the intent of *Article VIII Landscape Standards*, and the screening provisions below.
 - b. Achieving the intent of the Architectural and Site Design Standards.
 - c. Proper site entry identification and cross-access circulation to avoid congestion at ingress and egress points.
- E. **Landscape Standards.** All sites shall, as a minimum, meet the following standards and the requirements of *Article VIII Landscape Standards*. Where the following standards conflict with the *Article VIII*, these requirements shall prevail:
1. The buffer-strip shall be a minimum of twenty (20) feet wide and include a “built-up” berm and/or shrubbery or a combination of both along the entire length of the subject property’s frontage along the SH 205 right-of-way. The minimum required height of the aforementioned berm and/or shrubbery or a combination thereof is thirty (30) inches and shall not exceed a maximum height of forty-eight (48) inches.
 2. **Buffer-strip Plantings.** Three (3) canopy trees, along with four (4) accent trees shall be required per one hundred (100) feet of the SH 205 right-of-way. Canopy trees, accent trees, and shrubs as defined, along with sizes and types are included in *Subsections E.3* and *E.4*.

Plant Material Sizes. The following size requirements shall be required:

- | | |
|----------------------|---|
| Canopy Trees: | four (4) inch caliper |
| Accent Trees: | Four (4) feet height |
| Shrubs: | Deciduous: Fifteen (15) inches – 2 gallon minimum |

Evergreen: Twelve (12) inches – 2 gallon minimum

3. **Plant Material Selections.** The following materials are recommended for planting in the buffer-strip; however, other materials may be acceptable:

Canopy Trees: Bur Oak, Red Oak, Live Oak, Cedar Elm, Lacebark Elm, Leyland Cypress

Accent Trees: Tree Yaupon, Red Bud, Eldarica Pine, Wax Myrtle, Ornamental Pear, Mexican Plum, Possumhaw

- F. **Erosion Control/Retaining Walls.** Any slope embankments or retaining walls within the public right-of-way or within the required buffer-strip must be terraced every four (4) feet in height (maximum) with a minimum of a two (2) foot planting area provided between each vertical plane. Materials used for the vertical elements shall be natural stone or any masonry material which matches the masonry material used on the front façade of the primary building. The planting area must contain plant materials other than grass.
- G. **Signs.** All permanent free standing signs located in the SH 205 Corridor Overlay District shall be monument signs adhering to the City of Rockwall Sign Ordinance as heretofore amended and as maybe amended in future. Building materials and colors utilized for construction of the monument base shall be the same as the primary building materials and colors found on the main building, unless otherwise approved by the City Council. Approval of any variance to the Sign Ordinance for property included the SH 205 Corridor Overlay District shall require City Council approval by a three-quarter (3/4) majority vote.
- H. **Variance.** The City Council may, upon request from the applicant, grant a variance to any provision of this ordinance where unique or extraordinary conditions exist or where strict adherence to the provisions of this ordinance would create a hardship. Approval of any variance to any provision of this ordinance shall require City Council approval by a three-quarter (3/4) majority vote of those City Council members present with a minimum of four (4) affirmative votes.

6.8 SCENIC OVERLAY (SOV) DISTRICT

(AMENDED 9-19-05, ORD. NO 05-49)

A. Purpose

1. The Scenic Overlay District is a specialized zoning district overlay along FM-740 which has been identified in the Comprehensive Land Use Plan as a scenic thoroughfare. The identified scenic aspects of FM-740 include views of the Lake, existing natural topography, and existing natural landscaping. The District has been established to protect scenic or historic qualities through the use of additional development criteria and by requiring uses compatible with both existing uses and with the visual environment. The development requirements for non-residential uses are more restrictive than in other commercial classifications in order to encourage development that will protect and enhance the existing views, topography, landscape and quality of development.
2. This district is designed to be primarily an office and retail/commercial shopping district with an intensity of uses normally found along a major thoroughfare. These uses may, however, be located close to residential areas. The type of allowed uses and the more restrictive development requirements provide protection for residential areas.
3. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility will be reviewed through an Architectural Review Committee.

B. Application and Boundaries

This Overlay District shall apply to all property located within the established boundary along FM-740 as set forth on Exhibit A of Ordinance No. 87-64. Property that has been zoned, platted and site planned at the time of adoption of this ordinance shall be exempted from the provisions of this ordinance unless and until an application for zoning, platting, or site planning is re-submitted on the property.

All property developed within the Overlay District must meet both the terms and requirements of the underlying zoning classification applicable to the property and the provisions set forth in the Overlay District. The most restrictive requirement applicable to the property shall apply.

C. Special Use Standards

All development within the Scenic Overlay District shall comply with the Land Use Tables in Article IV, Permissible Uses, as amended; however, the following uses may be considered on a case-by-case basis only and shall require a Specific Use Permit.

1. Gasoline service stations, and retail outlets where gasoline products are sold as an accessory to a retail use, subject to the conditions established in *Article IV Permissible Uses*.
2. Car Wash (all types), subject to conditions of Article IV Permissible Uses.
3. Any structure over 36 feet in height.

D. Architectural Standards

1. **Masonry Requirements.** Each exterior wall shall consist of 90% masonry materials, excluding doors and windows, as defined in Article XII Definitions

– Masonry, excluding cast stone and cultured stone, on walls which are visible from a public street or open space, including a minimum of 20% natural or quarried stone.

- a. Primary exterior materials shall include natural or quarried stone, brick, glass block or glass, tile, cast metal and custom concrete masonry units. The use of other cementaceous products (e.g. stucco, Hardy Plank, or other similar materials approved by the Building Official) shall be limited to 50% of the buildings exterior finishes where it is deemed important as a design feature and where it will be applied under the highest standards for quality and durability. However, stucco may not be located in the first 4 feet above grade on a façade visible from a street or public area. Each elevation's masonry requirement shall incorporate accent bricks or stones. As the term is used, an "accent brick or stone" is one that provides a contrast by color, shape, size, and/or texture to the field of primary bricks or stones in an elevation.
- b. Secondary materials used on the façade of a building are those that comprise less than 10% of an elevation area. Permitted secondary materials are all primary materials, aluminum or other metal, EIFS, cast stone, cultured stone or other materials as approved by the Director of Planning or his/her designee.

2. **Roof Design Standards.** Rooftop mechanical equipment and other appurtenances must be properly screened. All structures having a footprint of 6,000 square feet or less shall be constructed with a pitched roof system. Those structures having a footprint greater than 6,000 square feet shall be constructed with either a pitched, parapet, or mansard roof system (enclosed on all sides). Standing seam metal roofs shall be constructed of a factory-treated, non-metallic, matte finish. Metal roofs with lapped seam construction, bituminous built-up roofs, and flat, membrane-type roofs which are visible from adjacent public right-of-way shall be prohibited.

3. **Mechanical Equipment Screening.** All buildings must be designed such that no mechanical equipment, HVAC, or satellite dishes shall be visible from any direction. This shall include equipment located on the roof, on the ground, or otherwise attached to the building or located on the site.

Screening of rooftop mechanical equipment and/or other rooftop appurtenances screening shall be accomplished by either, a) the construction of the roof systems described in Subsection D.2 above, or b), an architectural feature which is integral to the building's design and ensures that such equipment is not visible from adjacent public right-of-way. The fencing or enclosing of individual mechanical units shall not be permitted except as described above.

All rooftop mechanical equipment or architectural features described herein shall be shown on the required building elevations and submitted along with the site plan for approval.

4. All buildings shall be designed to incorporate no less than four (4) of the architectural elements from the list below. Buildings over fifty thousand (50,000) square feet must include a minimum of six (6) of the referenced architectural elements. Buildings over one hundred thousand (100,000) square feet must include a minimum of seven (7) of the referenced architectural elements:

- Canopies, awnings, or porticos;

- Recesses/projections;
 - Arcades;
 - Peaked roof forms;
 - Arches;
 - Outdoor patios;
 - Display windows;
 - Architectural details (such as tile work and moldings) integrated into the building facade;
 - Articulated ground floor levels or base;
 - Articulated cornice line;
 - Integrated planters or wing walls that incorporate landscape and sitting areas;
 - Offsets, reveals or projecting rib used to express architectural or structural bays;
 - Varied roof heights;
 - Or other architectural features approved by the Director of Planning or his/her designee.
5. All retail/commercial buildings shall be architecturally finished on all four (4) sides with same materials, detailing, and features with one (1) row of trees planted on the perimeter behind the building.
 6. Windows shall have a maximum exterior visible reflectivity of 20%. Color of glass shall be reviewed and approved by the Director of Planning or his/her designee.
 7. All buildings within a common retail/commercial development, as shown on a Concept Plan or Site Plan, shall have similar architectural styles, materials, and colors.
 - a. Conceptual facade plans and sample boards shall be submitted with the Site Plan application for all non-residential uses. The purpose of the conceptual facade plan is to ensure consistency and compatibility for all buildings within a single development. Facade plans will be used only to ensure minimum standards are met.
 8. Corporate identities that conflict with the building design criteria shall be reviewed as a variance as defined in this ordinance and reviewed on a case-by-case basis by the Planning & Zoning Commission and approved by the City Council.

E. Site Design Standards:

1. **Building Setback.** All lots within the Scenic Overlay District shall maintain a minimum building setback of 15 feet from the front property line adjacent to FM 740. All other building setback regulations shall be the same as set forth in the underlying zoning district except as otherwise noted herein.
2. **Parking Area Restrictions.** No more than two rows of parking shall be allowed between the primary building and the FM 740 right-of-way. (*Ord. No. 06-14, 04-17-06*)
3. **Access/Ingress/Egress.** To minimize potential vehicular and pedestrian conflicts particular attention must be given to the location of median breaks along major thoroughfares, number and location of entry/exit drives, design of entry/exit drives in relationship to the parking areas, and sight distances.

Further Guidelines:

- a. Driveways should typically be spaced a minimum of 100 feet from the intersection of a major thoroughfare or as per the Texas Department of Transportation on State maintained roads;
 - b. The ingress and egress drives shall have a minimum radius of 30 feet;
 - c. Driveways should maintain an appropriate sight distance triangle at all perimeter entrances and exits;
 - d. Main entrance drives should generally be located at median breaks providing left turn access to and from the site;
 - e. Main entrance drives should connect to a “straightaway” aisle that does not dead end or require an immediate turn to approach the main building;
 - f. Aisles intersecting with entrance drives should be spaced at a minimum of 20 feet from the property line to provide for smooth turning movements.
4. **Cross access.** Cross access easements may be required by the City Council at the time of the site plan approval to ensure access to future median breaks and to reduce the number of needed curb cuts.
 5. **Shared Parking.** In master planned retail centers, cross-access and shared parking agreements are required for final platting.
 6. **Loading and Service Areas.** Loading and service areas shall be located on the rear and side of buildings whenever possible. In the event that a loading or service area faces FM 740, additional screening of the area may be required. A minimum ten (10) foot solid screening wall shall be required to screen views of loading docks and loading spaces intended for tractor/semi-trailer delivery from any public right-of-way. This ten-foot wall must screen the entire loading dock or space. Screening materials shall utilize similar masonry materials to the front façade. The accommodation of adequate access for service delivery trucks may be evaluated to determine the extent of screening required.
 7. **Trash Receptacles and Recycling Receptacles.** Trash and recycling receptacles shall be four sided with a gate and located outside buffer-strips, and to the side or rear of the primary building. The receptacles shall be screened by a minimum eight (8) foot solid masonry screen and shall utilize similar masonry materials to the principal structure. Every effort shall be made in order to screen trash/recycling receptacles from FM 740.
 8. **Play Structures.** Play structures shall not be placed between the primary building and any adjacent public right-of-way.
 9. **Plan Review.** In addition to other factors set out in the Unified Development Code, Concept Plans, Development Plans, and Site Plans shall be reviewed for:
 - a. Meeting the intent of Article VIII Landscape Standards, and the screening provisions below.
 - b. Achieving the intent of the Architectural and Site Design Standards.
 - c. Proper site entry identification and cross-access circulation to avoid congestion at ingress and egress points.
- F. Landscape Standards.** All sites shall, as a minimum, meet the following standards and the requirements of Article VIII Landscape Standards. Where the following standards conflict with the Article VIII, these requirements shall prevail:

1. The buffer-strip shall be a minimum of twenty (20) feet wide and include a "built-up" berm and/or shrubbery or a combination of both along the entire length of the subject property's frontage along the FM 740 right-of-way. The minimum required height of the aforementioned berm and/or shrubbery or a combination thereof is thirty (30) inches and shall not exceed a maximum height of forty-eight (48) inches.
 2. **Buffer-strip Plantings.** Three (3) canopy trees, along with four (4) accent trees shall be required per one hundred (100) feet of the FM 740 right-of-way. Canopy trees, accent trees, and shrubs as defined, along with sizes and types are included in Subsections F.3 and F.4.
 3. **Plant Material Sizes.** The following size requirements shall be required:
 - Canopy Trees:** Four (4) inch caliper
 - Accent Trees:** Four (4) feet height
 - Shrubs:** Deciduous: Fifteen (15) inches – 2 gallon minimum
Evergreen: Twelve (12) inches – 2 gallon minimum
 4. **Plant Material Selections.** The following materials are recommended for planting in the buffer-strip; however, other materials may be acceptable:
 - Canopy Trees:** Bur Oak, Red Oak, Live Oak, Cedar Elm, Lacebark Elm, Leyland Cypress
 - Accent Trees:** Tree Yaupon, Red Bud, Eldarica Pine, Wax Myrtle, Ornamental Pear, Mexican Plum, Possumhaw
 5. **Erosion Control/Retaining Walls.** Any slope embankments or retaining walls within the public right-of-way or within the required buffer-strip must be terraced every four (4) feet in height (maximum) with a minimum of a two (2) foot planting area provided between each vertical plane. Materials used for the vertical elements shall be natural stone or any masonry material which matches the masonry material used on the front façade of the primary building. The planting area must contain plant materials other than grass.
- G. Signs.** All permanent free standing signs located in the Scenic Overlay District shall be monument signs (except at the intersection with Interstate 30) adhering to the City of Rockwall Sign Ordinance as heretofore amended and as may be amended in future. Building materials and colors utilized for construction of the monument base shall be the same as the primary building materials and colors found on the main building, unless otherwise approved by the City Council. Approval of any variance to the Sign Ordinance for property included in the Scenic Overlay District shall require City Council approval by a three-quarter (3/4) majority vote.
- H. Lighting Standards.** In addition to the requirements of the outdoor lighting requirements no light pole, pole base or combination thereof shall exceed twenty (20) feet in the Scenic Overlay District. All lighting fixtures shall focus light downward and be contained on the site.
- I. Utility Placement.** All overhead utilities within the Scenic Overlay District shall be placed underground.
- J. Variance.** The City Council may, upon request from the applicant, grant a variance to any provision of this ordinance where unique or extraordinary conditions exist or where strict adherence to the provisions of this ordinance would create a hardship. Approval of any variance to any provision of this ordinance shall require City Council approval by a three-quarter (3/4) majority vote of those City Council members present with a minimum of four (4) affirmative votes.

6.9 SH 66 OVERLAY (SH 66 OV) DISTRICT

(AMENDED 9-19-05, ORD. NO 05-49)

A. Purpose

1. The S.H. 66 Overlay District is a specialized zoning district overlay along S.H. 66 and Washington Street between Lake Ray Hubbard and S. H. 205 which has been identified as one of the important entry points into the City of Rockwall. The identified important scenic aspects of this corridor include views of the Lake, existing natural topography, and existing natural landscaping and adjacent residential neighborhoods. The District has been established to protect scenic or historic qualities through the use of additional development criteria and by requiring uses compatible with both existing uses and with the visual environment. The development requirements for non-residential uses are more restrictive than in other commercial classifications in order to encourage development that will protect and enhance the existing views, topography, landscape and quality of development.
2. This district is designed to be primarily an office and retail/commercial district with an intensity of uses normally found along a major thoroughfare. These uses may, however, be located close to residential areas. The type of allowed uses and the more restrictive development requirements provide protection for residential areas.
3. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility will be reviewed through an Architectural Review Committee.

B. Application and Boundaries

This Overlay District shall apply to all property located within the established boundary along SH 66 and Washington Street between Lake Ray Hubbard and SH 205 as set forth on Exhibit A of Ordinance No. 01-18. Property that has been zoned, platted and site planned at the time of adoption of this ordinance shall be exempted from the provisions of this ordinance unless and until an application for zoning, platting, or site planning is re-submitted on the property.

All property developed within the Overlay District must meet both the terms and requirements of the underlying zoning classification applicable to the property and the provisions set forth in the Overlay District. The most restrictive requirement applicable to the property shall apply.

C. Special Use Standards

All development within the SH 66 Overlay District shall comply with the Land Use Tables in Article IV, Permissible Uses, as amended; however, the following uses may be considered on a case-by-case basis only and shall require a Specific Use Permit.

1. Gasoline service stations, and retail outlets where gasoline products are sold as an accessory to a retail use, subject to the conditions established in *Article IV Permissible Uses*.
2. Car Wash (all types), subject to conditions of Article IV Permissible Uses.
3. Any structure over 36 feet in height.

D. Architectural Standards

1. **Masonry Requirements.** Each exterior wall shall consist of 90% masonry materials, excluding doors and windows, as defined in Article XII Definitions – Masonry, excluding cast stone and cultured stone, on walls which are visible from a public street or open space, including a minimum of 20% natural or quarried stone.
 - a. Primary exterior materials shall include natural or quarried stone, brick, glass block or glass, tile, cast metal and custom concrete masonry units. The use of other cementaceous products (e.g. stucco, Hardy Plank, or other similar materials approved by the Building Official) shall be limited to 50% of the buildings exterior finishes where it is deemed important as a design feature and where it will be applied under the highest standards for quality and durability. However, stucco may not be located in the first 4 feet above grade on a façade visible from a street or public area. Each elevation's masonry requirement shall incorporate accent bricks or stones. As the term is used, an "accent brick or stone" is one that provides a contrast by color, shape, size, and/or texture to the field of primary bricks or stones in an elevation.
 - b. Secondary materials used on the façade of a building are those that comprise less than 10% of an elevation area. Permitted secondary materials are all primary materials, aluminum or other metal, EIFS, cast stone, cultured stone or other materials as approved by the Director of Planning or his/her designee.
2. **Roof Design Standards.** Rooftop mechanical equipment and other appurtenances must be properly screened. All structures having a footprint of 6,000 square feet or less shall be constructed with a pitched roof system. Those structures having a footprint greater than 6,000 square feet shall be constructed with either a pitched, parapet, or mansard roof system (enclosed on all sides). Standing seam metal roofs shall be constructed of a factory-treated, non-metallic, matte finish. Metal roofs with lapped seam construction, bituminous built-up roofs, and flat, membrane-type roofs which are visible from adjacent public right-of-way shall be prohibited.
3. **Mechanical Equipment Screening.** All buildings must be designed such that no mechanical equipment, HVAC, or satellite dishes shall be visible from any direction. This shall include equipment located on the roof, on the ground, or otherwise attached to the building or located on the site.

Screening of rooftop mechanical equipment and/or other rooftop appurtenances screening shall be accomplished by either, a) the construction of the roof systems described in Subsection D.2 above, or b), an architectural feature which is integral to the building's design and ensures that such equipment is not visible from adjacent public right-of-way. The fencing or enclosing of individual mechanical units shall not be permitted except as described above.

All rooftop mechanical equipment or architectural features described herein shall be shown on the required building elevations and submitted along with the site plan for approval.

4. All buildings shall be designed to incorporate no less than four (4) of the architectural elements from the list below. Buildings over fifty thousand (50,000) square feet must include a minimum of six (6) of the referenced architectural elements. Buildings over one hundred thousand (100,000) square feet must

include a minimum of seven (7) of the referenced architectural elements:

- Canopies, awnings, or porticos;
 - Recesses/projections;
 - Arcades;
 - Peaked roof forms;
 - Arches;
 - Outdoor patios;
 - Display windows;
 - Architectural details (such as tile work and moldings) integrated into the building facade;
 - Articulated ground floor levels or base;
 - Articulated cornice line;
 - Integrated planters or wing walls that incorporate landscape and sitting areas;
 - Offsets, reveals or projecting rib used to express architectural or structural bays;
 - Varied roof heights;
 - Or other architectural features approved by the Director of Planning or his/her designee.
5. All retail/commercial buildings shall be architecturally finished on all four (4) sides with same materials, detailing, and features with one (1) row of trees planted on the perimeter behind the building.
 6. Windows shall have a maximum exterior visible reflectivity of 20%. Color of glass shall be reviewed and approved by the Director of Planning or his/her designee.
 7. All buildings within a common retail/commercial development, as shown on a Concept Plan or Site Plan, shall have similar architectural styles, materials, and colors.
 - a. Conceptual facade plans and sample boards shall be submitted with the Site Plan application for all non-residential uses. The purpose of the conceptual facade plan is to ensure consistency and compatibility for all buildings within a single development. Facade plans will be used only to ensure minimum standards are met.
 8. Corporate identities that conflict with the building design criteria shall be reviewed as a variance as defined in this ordinance and reviewed on a case-by-case basis by the Planning & Zoning Commission and approved by the City Council.

E. Site Design Standards:

1. **Building Setback.** All lots within the SH 66 Overlay District shall maintain a minimum building setback of 15 feet from the front property line adjacent to SH 66. All other building setback regulations shall be the same as set forth in the underlying zoning district except as otherwise noted herein.

2. **Parking Area Restrictions.** No more than two rows of parking shall be allowed between the primary building and the SH 66 right-of-way. (*Ord. No. 06-14, 04-17-06*)
3. **Access/Ingress/Egress.** To minimize potential vehicular and pedestrian conflicts particular attention must be given to the location of median breaks along major thoroughfares, number and location of entry/exit drives, design of entry/exit drives in relationship to the parking areas, and sight distances.

Further Guidelines:

- a. Driveways should typically be spaced a minimum of 100 feet from the intersection of a major thoroughfare or as per the Texas Department of Transportation on State maintained roads;
 - b. The ingress and egress drives shall have a minimum radius of 30 feet;
 - c. Driveways should maintain an appropriate sight distance triangle at all perimeter entrances and exits;
 - d. Main entrance drives should generally be located at median breaks providing left turn access to and from the site;
 - e. Main entrance drives should connect to a “straightaway” aisle that does not dead end or require an immediate turn to approach the main building;
 - f. Aisles intersecting with entrance drives should be spaced at a minimum of 20 feet from the property line to provide for smooth turning movements.
4. **Cross access.** Cross access easements may be required by the City Council at the time of the site plan approval to ensure access to future median breaks and to reduce the number of needed curb cuts.
 5. **Shared Parking.** In master planned retail centers, cross-access and shared parking agreements are required for final platting.
 6. **Loading and Service Areas.** Loading and service areas shall be located on the rear and side of buildings whenever possible. In the event that a loading or service area faces SH 66, additional screening of the area may be required. A minimum ten (10) foot solid screening wall shall be required to screen views of loading docks and loading spaces intended for tractor/semi-trailer delivery from any public right-of-way. This ten-foot wall must screen the entire loading dock or space. Screening materials shall utilize similar masonry materials to the front façade. The accommodation of adequate access for service delivery trucks may be evaluated to determine the extent of screening required.
 7. **Trash Receptacles and Recycling Receptacles.** Trash and recycling receptacles shall be four sided with a gate and located outside buffer-strips, and to the side or rear of the primary building. The receptacles shall be screened by a minimum eight (8) foot solid masonry screen and shall utilize similar masonry materials to the principal structure. Every effort shall be made in order to screen trash/recycling receptacles from SH 66.
 8. **Play Structures.** Play structures shall not be placed between the primary building and any adjacent public right-of-way.
 9. **Plan Review.** In addition to other factors set out in the Unified Development Code, Concept Plans, Development Plans, and Site Plans shall be reviewed for:
 - a. Meeting the intent of Article VIII Landscape Standards, and the screening provisions below.
 - b. Achieving the intent of the Architectural and Site Design Standards.

- c. Proper site entry identification and cross-access circulation to avoid congestion at ingress and egress points.

F. Landscape Standards. All sites shall, as a minimum, meet the following standards and the requirements of Article VIII Landscape Standards. Where the following standards conflict with the Article VIII, these requirements shall prevail:

1. The buffer-strip shall be a minimum of twenty (20) feet wide and include a "built-up" berm and/or shrubbery or a combination of both along the entire length of the subject property's frontage along the SH 66 right-of-way. The minimum required height of the aforementioned berm and/or shrubbery or a combination thereof is thirty (30) inches and shall not exceed a maximum height of forty-eight (48) inches.
2. **Buffer-strip Plantings.** Three (3) canopy trees, along with four (4) accent trees shall be required per one hundred (100) feet of the SH 66 right-of-way. Canopy trees, accent trees, and shrubs as defined, along with sizes and types are included in Subsections F.3 and F.4.
3. **Plant Material Sizes.** The following size requirements shall be required:
 - Canopy Trees: Four (4) inch caliper
 - Accent Trees: Four (4) feet height
 - Shrubs: Deciduous: Fifteen (15) inches – 2 gallon minimum
Evergreen: Twelve (12) inches – 2 gallon minimum
4. **Plant Material Selections.** The following materials are recommended for planting in the buffer-strip; however, other materials may be acceptable:
 - Canopy Trees: Bur Oak, Red Oak, Live Oak, Cedar Elm, Lacebark Elm, Leyland Cypress
 - Accent Trees: Tree Yaupon, Red Bud, Eldarica Pine, Wax Myrtle, Ornamental Pear, Mexican Plum, Possumhaw
5. **Erosion Control/Retaining Walls.** Any slope embankments or retaining walls within the public right-of-way or within the required buffer-strip must be terraced every four (4) feet in height (maximum) with a minimum of a two (2) foot planting area provided between each vertical plane. Materials used for the vertical elements shall be natural stone or any masonry material which matches the masonry material used on the front façade of the primary building. The planting area must contain plant materials other than grass.

G. Signs. All permanent free standing signs located in the SH 66 Overlay District shall be monument signs (except at the intersection with Interstate 30) adhering to the City of Rockwall Sign Ordinance as heretofore amended and as may be amended in future. Building materials and colors utilized for construction of the monument base shall be the same as the primary building materials and colors found on the main building, unless otherwise approved by the City Council. Approval of any variance to the Sign Ordinance for property included in the SH 66 Overlay District shall require City Council approval by a three-quarter (3/4) majority vote.

H. Lighting Standards. In addition to the requirements of the outdoor lighting requirements no light pole, pole base or combination thereof shall exceed twenty (20) feet in the SH 66 Overlay District. All lighting fixtures shall focus light downward and be contained on the site.

I. Utility Placement. All overhead utilities within the SH 66 Overlay District shall be placed underground.

- J. Variance.** The City Council may, upon request from the applicant, grant a variance to any provision of this ordinance where unique or extraordinary conditions exist or where strict adherence to the provisions of this ordinance would create a hardship. Approval of any variance to any provision of this ordinance shall require City Council approval by a three-quarter (3/4) majority vote of those City Council members present with a minimum of four (4) affirmative votes.

6.10 205 BY-PASS CORRIDOR OVERLAY (205 BY-OV) DISTRICT

(AMENDED 9-19-05, ORD. NO 05-49)

A. Purpose

The intent of the 205 Bypass Corridor Overlay District is to provide for consistent development of office, retail and commercial areas in concert with the most efficient and aesthetically pleasing appearance of the frontage which serves as the initial impression to those visiting, as well as to those passing through, the City of Rockwall area. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility and plan review shall be conducted through an Architectural Review Committee. These development requirements shall apply to non-residential and multi family uses only. All other residential uses shall be excluded from these standards except has otherwise stated.

B. Application and Boundaries:

The 205 Bypass Corridor Overlay District includes the entirety of all properties which adjoin or are located within 500 feet of the current and future right-of-way of John King Blvd. The 205 Bypass Corridor Overlay Zone extends along the current and future right-of-way of John King Blvd to the existing city limits. The standards and regulations set forth in the 205 Bypass Corridor Overlay District are superimposed and shall supersede the standards and regulations of any underlying zoning district which are in conflict. *(Revised via Ord 10-14, 7-6-2010)*

C. Architectural Standards

1. **Masonry Requirements:** Each exterior wall shall consist of 90% masonry materials, excluding doors and windows, as defined in Article XIII Definitions – Masonry, excluding cast stone and cultured stone, on walls which are visible from a public street or open space, including a minimum of 20% natural or quarried stone.
 - a. Primary exterior materials shall include natural or quarried stone, brick, glass block or glass, tile, cast metal and custom concrete masonry units. The use of other cementaceous products (e.g. stucco, Hardy Plank, or other similar materials approved by the Building Official) shall be limited to 50% of the buildings exterior finishes where it is deemed important as a design feature and where it will be applied under the highest standards for quality and durability. However, stucco may not be located in the first 4 feet above grade on a façade visible from a street or public area. Each elevation's masonry requirement shall incorporate accent bricks or stones. As the term is used, an "accent brick or stone" is one that provides a contrast by color, shape, size, and/or texture to the field of primary bricks or stones in an elevation.
 - b. Secondary materials used on the façade of a building are those that comprise less than 10% of an elevation area. Permitted secondary materials are all primary materials, aluminum or other metal, EIFS, cast stone, cultured stone or other materials as approved by the Director of Planning or his/her designee.
2. **Roof Design Standards:** Rooftop mechanical equipment and other appurtenances must be properly screened. All structures having a footprint

of 6,000 square feet or less shall be constructed with a pitched roof system. Those structures having a footprint greater than 6,000 square feet shall be constructed with either a pitched, parapet, or mansard roof system (enclosed on all sides). Standing seam metal roofs shall be constructed of a factory-finish. Metal roofs with lapped seam construction, bituminous built-up roofs, and flat, membrane-type roofs which are visible from adjacent public right-of-way shall be prohibited.

- 3. Mechanical Equipment Screening:** All buildings must be designed such that no mechanical equipment, HVAC, or satellite dishes shall be visible from any direction. This shall include equipment located on the roof, on the ground, or otherwise attached to the building or located on the site.

Screening of rooftop mechanical equipment and/or other rooftop appurtenances screening shall be accomplished by either, a) the construction of the roof systems described in Paragraph C.2 above, or b), an architectural feature which is integral to the building's design and ensures that such equipment is not visible from adjacent public right-of-way. The fencing or enclosing of individual mechanical units shall not be permitted except as described above.

All rooftop mechanical equipment or architectural features described herein shall be shown on the required building elevations and submitted along with the site plan for approval.

4. All buildings shall be designed to incorporate no less than four (4) of the architectural elements from the list below. Buildings over fifty thousand (50,000) square feet must include a minimum of six (6) of the referenced architectural elements. Buildings over one hundred thousand (100,000) square feet must include a minimum of seven (7) of the referenced architectural elements:
- Canopies, awnings, or porticos;
 - Recesses/projections;
 - Arcades;
 - Peaked roof forms;
 - Arches;
 - Outdoor patios;
 - Display windows;
 - Architectural details (such as tile work and moldings) integrated into the building facade;
 - Articulated ground floor levels or base;
 - Articulated cornice line;
 - Integrated planters or wing walls that incorporate landscape and sitting areas;
 - Offsets, reveals or projecting rib used to express architectural or structural bays;
 - Varied roof heights;
 - Or other architectural features approved by the Director of Planning or his/her designee.
5. All retail/commercial buildings shall be architecturally finished on all four (4) sides with same materials, detailing, and features with one (1) row of trees

planted on the perimeter behind the building.

6. Windows shall have a maximum exterior visible reflectivity of 20%. Color of glass shall be reviewed and approved by the Director of Planning or his/her designee.
7. All buildings within a common retail/commercial development, as shown on a Concept Plan or Site Plan, shall have similar architectural styles, materials, and colors.
 - a. Conceptual facade plans and sample boards shall be submitted with the Site Plan application for all non-residential uses. The purpose of the conceptual facade plan is to ensure consistency and compatibility for all buildings within a single development. Facade plans will be used only to ensure minimum standards are met.
8. Corporate identities that conflict with the building design criteria shall be reviewed as a variance as defined in this ordinance and reviewed on a case-by-case basis by the Planning & Zoning Commission and approved by the City Council.

D. Site Design Standards:

1. **Building Setback.** All lots within the 205 Bypass Corridor Overlay District shall maintain the following minimum building setbacks;

Residential:

- SH 205 (South) to SH 276 – 25 feet
- SH 276 to I-30 – 25 feet
- I-30 to Quail Run Road – 25 feet
- Quail Run Road to SH 205 (North) – 30 feet

Retail/Commercial:

- SH 205 (South) to SH 276 – 15 feet
- SH 276 to I-30 – 15 feet
- I-30 to Quail Run Road – 15 feet
- Quail Run Road to SH 205 (North) – 15 feet

Industrial/Office/Technology:

- SH 205 (South) to SH 276 – 50 feet
- SH 276 to I-30 – 50 feet
- I-30 to Quail Run Road – 50 feet
- Quail Run Road to SH 205 (North) – 50 feet

All other building setback regulations shall be the same as set forth in the underlying zoning district except as otherwise noted herein.

2. **Parking Area Restrictions.** No more than two rows of parking, approximately 60 feet in width, shall be allowed between the primary building and the John King Blvd right-of-way. (*Ord. No. 06-14, 04-17-06*); (*Revised via Ord 10-14, 7-6-2010*)
3. **Access/Ingress/Egress.** To minimize potential vehicular and pedestrian conflicts particular attention must be given to the location of median breaks along major thoroughfares, number and location of entry/exit drives, design

of entry/exit drives in relationship to the parking areas, and sight distances. In addition:

- a. Driveways should typically be spaced a minimum of 100 feet from the intersection of a major thoroughfare or as per the Texas Department of Transportation on State maintained roads;
 - b. The ingress and egress drives shall have a minimum radius of 30 feet;
 - c. Driveways should maintain an appropriate sight distance triangle at all perimeter entrances and exits;
 - d. Main entrance drives should generally be located at median breaks providing left turn access to and from the site;
 - e. Main entrance drives should connect to a “straightaway” aisle that does not dead end or require an immediate turn to approach the main building;
 - f. Aisles intersecting with entrance drives should be spaced at a minimum of 20 feet from the property line to provide for smooth turning movements.
4. **Cross access.** Cross access easements may be required by the City Council at the time of the site plan approval to ensure access to future median breaks and to reduce the number of needed curb cuts.
 5. **Shared parking.** In master planned retail centers, cross-access and shared parking agreements are required for final platting.
 6. **Loading and Service Areas.** Loading and service areas shall be located on the rear and side of buildings whenever possible. In the event that a loading or service area faces John King Blvd, additional screening of the area may be required. A minimum ten (10) foot solid screening wall shall be required to screen views of loading docks and loading spaces intended for tractor/semi-trailer delivery from any public right-of-way. This ten-foot wall must screen the entire loading dock or space. Screening materials shall utilize similar masonry materials to the front façade. The accommodation of adequate access for service delivery trucks may be evaluated to determine the extent of screening required. *(Revised via Ord 10-14, 7-6-2010)*
 7. **Trash Receptacles and Recycling Receptacles.** Trash and recycling receptacles shall be four sided with a gate and located outside buffer-strips, and to the side or rear of the primary building. The receptacles shall be screened by a minimum eight (8) foot solid masonry screen and shall utilize similar masonry materials to the principal structure. Every effort shall be made in order to screen trash/recycling receptacles from John King Blvd. *(Revised via Ord 10-14, 7-6-2010)*
 8. **Play Structures.** Play structures shall not be placed between the primary building and any adjacent public right-of-way.
 9. **Plan Review.** In addition to other factors set out in the Unified Development Code, any Concept Plans, Development Plans, and Site Plans shall be reviewed for:
 - a. Meeting the intent of the Landscape Ordinance: *Article VIII Landscape Standards*, as amended, and the screening provisions herein.
 - b. Achieving the intent of the Architectural Standards and Site Design Standards.

- c. Proper site entry identification and cross-access circulation to avoid congestion at ingress and egress points.

E. Landscape Standards

All sites shall, as a minimum, meet the following standards and the standards set out in the Landscape Ordinance, Article VIII Landscape Standards. Where the following standards conflict with the Landscape Ordinance, these requirements shall prevail:

1. The **buffer-strip** shall be a minimum of fifteen (15) feet wide for retail/commercial use; twenty-five (25) feet wide for residential use with the exception of a thirty (30) foot wide buffer from Quail Run Road to SH 205 North; and fifty (50) feet wide for office, research-technology and industrial use, and include a "built-up" berm and/or shrubbery or a combination of both along the entire length of the subject property's frontage along the John King Blvd right-of-way. The minimum required height of the aforementioned berm and/or shrubbery or a combination thereof is thirty (30) inches and shall not exceed a maximum height of forty-eight (48) inches. *(Revised via Ord 10-14, 7-6-2010)*
2. **Buffer-strip Plantings.** Three (3) canopy trees, along with four (4) accent trees shall be required per one hundred (100) feet of the John King Blvd right-of-way. Canopy trees, accent trees, and shrubs as defined, along with sizes and types are included in Section E – (3) and (4). The area of John King Blvd from Quail Run Road to SH 205 North shall include an average of one (1) cedar tree for each hundred (100) feet of frontage planted in clusters of three (3) to five (5) trees. *(Revised via Ord 10-14, 7-6-2010)*
3. **Plant Material Sizes.** The following size requirements shall be required:
 - Canopy Trees:** Four (4) inch caliper
 - Accent Trees:** Four (4) feet height
 - Shrubs:** Deciduous: Fifteen (15) inches / **2 gallon minimum**
Evergreen: Twelve (12) inches / **2 gallon minimum**
4. **Plant Material Selections.** The following materials are recommended for planting in the buffer-strip; however, other materials may be acceptable:
 - Canopy Trees:** Bur Oak, Red Oak, Live Oak, Cedar Elm, Lacebark Elm, Leyland Cypress
 - Accent Trees:** Tree Yaupon, Red Bud, Eldarica Pine, Wax Myrtle, Ornamental Pear, Mexican Plum, Possumhaw
5. **Erosion Control/Retaining Walls.** Any slope embankments or retaining walls within the public right-of-way or within the required buffer-strip must be terraced every four (4) feet in height (maximum) with a minimum of a two (2) foot planting area provided between each vertical plane. Materials used for the vertical elements shall be natural stone or any masonry material which matches the masonry material used on the front façade of the primary building. The planting area must contain plant materials other than grass.

F. Sign Standards

All permanent free standing signs located in the 205 Bypass Corridor Overlay District shall be monument signs (except at the intersection with Interstate 30) adhering to the City of Rockwall Sign Ordinance as heretofore amended and as

may be amended in future. Building materials and colors utilized for construction of the monument base shall be the same as the primary building materials and colors found on the main building, unless otherwise approved by the City Council. Approval of any variance to the Sign Ordinance for property included in the 205 By-Pass Corridor Overlay District shall require City Council approval by a three-quarter (3/4) majority vote.

G. Lighting Standards

In addition to the requirements of the outdoor lighting requirements no light pole, pole base or combination thereof shall exceed twenty (20) feet in the 205 Bypass Overlay District. All lighting fixtures shall focus light downward and be contained on the site.

H. Utility Placement

All overhead utilities within the 205 Bypass Corridor Overlay District shall be placed underground.

I. Residential Standards

No screening walls shall be erected adjacent to the John King Blvd right-of-way in conjunction with any residential development. Eyebrow drives with clusters of lots (5-12 homes) shall be utilized along the John King Blvd right-of-way for residential development or a 50 foot landscape buffer can be used as an alternative to the eyebrow drive design. Farm fencing, including wood rail type and metal pipe and cable fencing, is allowed within the 50 foot landscape buffer.
(Revised via Ord 10-14, 7-6-2010)

J. Variance

The City Council may, upon request from the applicant, grant a variance to any provision of this ordinance where unique or extraordinary conditions exist or where strict adherence to the provisions of this ordinance would create a hardship. Approval of any variance to any provision of this ordinance shall require City Council approval by a three-quarter (3/4) majority vote of those City Council members present with a minimum of four (4) affirmative votes.

6.11 NORTH SH 205 CORRIDOR OVERLAY (N-SH 205 OV) DISTRICT

(AMENDED 9-19-05, ORD. NO 05-49)

A. Purpose:

The intent of the North SH 205 Corridor Overlay District is to provide for consistent development of office, retail and commercial areas in concert with the most efficient and aesthetically pleasing appearance of the frontage which serves as the initial impression to those visiting, as well as to those passing through, the City of Rockwall area. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility and plan review shall be conducted through an Architectural Review Committee. These development requirements shall apply to non-residential and multi family uses only. All other residential uses shall be excluded from these standards except as otherwise stated.

B. Application and Boundaries:

The North SH 205 Corridor Overlay District includes the entirety of all properties which adjoin or are located within 500 feet of the current or future right-of-way of North SH 205. The North SH-205 Corridor Overlay Zone spans north to south along SH 205 from the northern city limits (approximately 4,200' north of FM 552), south to the intersection point of SH 205 and Heath Street. The standards and regulations set forth in the North SH 205 Corridor Overlay District are superimposed and shall supersede the standards and regulations of any underlying zoning district which are in conflict.

C. Architectural Standards

1. **Masonry Requirements:** Each exterior wall shall consist of 90% masonry materials, excluding doors and windows, as defined in Article XIII Definitions – Masonry, excluding cast stone and cultured stone, on walls which are visible from a public street or open space, including a minimum of 20% natural or quarried stone.
 - a. Primary exterior materials shall include natural or quarried stone, brick, glass block or glass, tile, cast metal and custom concrete masonry units. The use of other cementaceous products (e.g. stucco, Hardy Plank, or other similar materials approved by the Building Official) shall be limited to 50% of the buildings exterior finishes where it is deemed important as a design feature and where it will be applied under the highest standards for quality and durability. However, stucco may not be located in the first 4 feet above grade on a façade visible from a street or public area. Each elevation's masonry requirement shall incorporate accent bricks or stones. As the term is used, an "accent brick or stone" is one that provides a contrast by color, shape, size, and/or texture to the field of primary bricks or stones in an elevation.
 - b. Secondary materials used on the façade of a building are those that comprise less than 10% of an elevation area. Permitted secondary materials are all primary materials, aluminum or other metal, EIFS, cast stone, cultured stone or other materials as approved by the Director of Planning or his/her designee.

2. **Roof Design Standards:** Rooftop mechanical equipment and other appurtenances, must be properly screened. All structures having a footprint of 6,000 square feet or less shall be constructed with a pitched roof system. Those structures having a footprint greater than 6,000 square feet shall be constructed with either a pitched, parapet, or mansard roof system (enclosed on all sides). Standing seam metal roofs shall be constructed of a factory-finish. Metal roofs with lapped seam construction, bituminous built-up roofs, and flat, membrane-type roofs which are visible from adjacent public right-of-way shall be prohibited.

3. **Mechanical Equipment Screening:** All buildings must be designed such that no mechanical equipment, HVAC, or satellite dishes shall be visible from any direction. This shall include equipment located on the roof, on the ground, or otherwise attached to the building or located on the site.

Screening of rooftop mechanical equipment and/or other rooftop appurtenances screening shall be accomplished by either, a) the construction of the roof systems described in Paragraph C.2 above, or b), an architectural feature which is integral to the building's design and ensures that such equipment is not visible from adjacent public right-of-way. The fencing or enclosing of individual mechanical units shall not be permitted except as described above.

All rooftop mechanical equipment or architectural features described herein shall be shown on the required building elevations and submitted along with the site plan for approval.

4. All buildings shall be designed to incorporate no less than four (4) of the architectural elements from the list below. Buildings over fifty thousand (50,000) square feet must include a minimum of six (6) of the referenced architectural elements. Buildings over one hundred thousand (100,000) square feet must include a minimum of seven (7) of the referenced architectural elements:

- Canopies, awnings, or porticos;
- Recesses/projections;
- Arcades;
- Peaked roof forms;
- Arches;
- Outdoor patios;
- Display windows;
- Architectural details (such as tile work and moldings) integrated into the building facade;
- Articulated ground floor levels or base;
- Articulated cornice line;
- Integrated planters or wing walls that incorporate landscape and sitting areas;
- Offsets, reveals or projecting rib used to express architectural or structural bays;
- Varied roof heights;
- Or other architectural features approved by the Director of Planning or his/her designee.

5. All retail/commercial buildings shall be architecturally finished on all four (4) sides with same materials, detailing, and features with one (1) row of trees planted on the perimeter behind the building.
6. Windows shall have a maximum exterior visible reflectivity of 20%. Color of glass shall be reviewed and approved by the Director of Planning or his/her designee.
7. All buildings within a common retail/commercial development, as shown on a Concept Plan or Site Plan, shall have similar architectural styles, materials, and colors.
 - a. Conceptual facade plans and sample boards shall be submitted with the Site Plan application for all non-residential uses. The purpose of the conceptual facade plan is to ensure consistency and compatibility for all buildings within a single development. Facade plans will be used only to ensure minimum standards are met.
8. Corporate identities that conflict with the building design criteria shall be reviewed as a variance as defined in this ordinance and reviewed on a case-by-case basis by the Planning & Zoning Commission and approved by the City Council.

D. Site Design Standards

1. **Building Setback.** All lots within the North SH 205 Corridor Overlay District shall maintain a minimum building setback of 25 feet from the front property line adjacent to North SH 205. All other building setback regulations shall be the same as set forth in the underlying zoning district except as otherwise noted herein.
2. **Parking Area Restrictions.** No more than two rows of parking, approximately 60 feet in width, shall be allowed between the primary building and the SH 205 right-of-way. (*Ord. No. 06-14, 04-17-06*)
3. **Access/Ingress/Egress.** To minimize potential vehicular and pedestrian conflicts particular attention must be given to the location of median breaks along major thoroughfares, number and location of entry/exit drives, design of entry/exit drives in relationship to the parking areas, and sight distances. In addition,
 - a. Driveways should typically be spaced a minimum of 100 feet from the intersection of a major thoroughfare or as per the Texas Department of Transportation on State maintained roads;
 - b. The ingress and egress drives shall have a minimum radius of 30 feet;
 - c. Driveways should maintain an appropriate sight distance triangle at all perimeter entrances and exits;
 - d. Main entrance drives should generally be located at median breaks providing left turn access to and from the site;
 - e. Main entrance drives should connect to a "straightaway" aisle that does not dead end or require an immediate turn to approach the main building;
 - f. Aisles intersecting with entrance drives should be spaced at a minimum of 20 feet from the property line to provide for smooth turning movements.

4. **Cross access.** Cross access easements may be required by the City Council at the time of the site plan approval to ensure access to future median breaks and to reduce the number of needed curb cuts.
5. **Shared parking.** In master planned retail centers, cross-access and shared parking agreements are required for final platting.
6. **Loading and Service Areas.** Loading and service areas shall be located on the rear and side of buildings whenever possible. In the event that a loading or service area faces North SH 205, additional screening of the area may be required. A minimum ten (10) foot solid screening wall shall be required to screen views of loading docks and loading spaces intended for tractor/semi-trailer delivery from any public right-of-way. This ten-foot wall must screen the entire loading dock or space. Screening materials shall utilize similar masonry materials to the front façade. The accommodation of adequate access for service delivery trucks may be evaluated to determine the extent of screening required.
7. **Trash Receptacles and Recycling Receptacles.** Trash and recycling receptacles shall be four sided with a gate and located outside buffer-strips, and to the side or rear of the primary building. The receptacles shall be screened by a minimum eight (8) foot solid masonry screen and shall utilize similar masonry materials to the principal structure. Every effort shall be made in order to screen trash/recycling receptacles from North SH 205.
8. **Play Structures.** Play structures shall not be placed between the primary building and any adjacent public right-of-way.
9. **Plan Review.** In addition to other factors set out in the Unified Development Code, any Concept Plans, Development Plans, and Site Plans shall be reviewed for:
 - a. Meeting the intent of the Landscape Ordinance: *Article VIII Landscape Standards*, as amended, and the screening provisions herein.
 - b. Achieving the intent of the Architectural Standards and Site Design Standards.
 - c. Proper site entry identification and cross-access circulation to avoid congestion at ingress and egress points.

E. Landscape Standards

All sites shall, as a minimum, meet the following standards and the standards set out in the Landscape Ordinance: *Article VIII Landscape Standards*. Where the following standards conflict with the Landscape Ordinance, these requirements shall prevail:

1. The **buffer-strip** shall be a minimum of twenty (20) feet wide and include a "built-up" berm and/or shrubbery or a combination of both along the entire length of the subject property's frontage along the North SH 205 right-of-way. The minimum required height of the aforementioned berm and/or shrubbery or a combination thereof is thirty (30) inches and shall not exceed a maximum height of forty-eight (48) inches.
2. **Buffer-strip Plantings.** Three (3) canopy trees, along with four (4) accent trees shall be required per one hundred (100) feet of the North SH 205 right-of-way. Canopy trees, accent trees, and shrubs as defined, along with sizes and types are included in Section E – (3) and (4).

3. **Plant Material Sizes.** The following size requirements shall be required:

- Canopy Trees:** Four (4) inch caliper
- Accent Trees:** Four (4) feet height
- Shrubs:** Deciduous: Fifteen (15) inches / **2 gallon minimum**
Evergreen: Twelve (12) inches / **2 gallon minimum**

4. **Plant Material Selections.** The following materials are recommended for planting in the buffer-strip; however, other materials may be acceptable:

- Canopy Trees:** Bur Oak, Red Oak, Live Oak, Cedar Elm, Lacebark Elm, Leyland Cypress
- Accent Trees:** Tree Yaupon, Red Bud, Eldarica Pine, Wax Myrtle, Ornamental Pear, Mexican Plum, Possumhaw

5. **Erosion Control/Retaining Walls.** Any slope embankments or retaining walls within the public right-of-way or within the required buffer-strip must be terraced every four (4) feet in height (maximum) with a minimum of a two (2) foot planting area provided between each vertical plane. Materials used for the vertical elements shall be natural stone or any masonry material which matches the masonry material used on the front façade of the primary building. The planting area must contain plant materials other than grass.

F. Sign Standards

All permanent free standing signs located in the North SH 205 Corridor Overlay District shall be monument signs adhering to the City of Rockwall Sign Ordinance as heretofore amended and as maybe amended in future. Building materials and colors utilized for construction of the monument base shall be the same as the primary building materials and colors found on the main building, unless otherwise approved by the City Council. Approval of any variance to the Sign Ordinance for property included in the North SH 205 Corridor Overlay District shall require City Council approval by a three-quarter (3/4) majority vote.

G. Lighting Standards

In addition to the requirements of the outdoor lighting requirements no light pole, pole base or combination thereof shall exceed twenty (20) feet in the North SH 205 Overlay District. All lighting fixtures shall focus light downward and be contained on the site.

H. Utility Placement

All overhead utilities within the North SH 205 Corridor Overlay District shall be placed underground.

I. Residential Standards

No wall, screening or otherwise, shall be erected adjacent to the North SH 205 right-of-way in conjunction with any residential development. Eyebrow drives with clusters of lots (5-12 homes) shall be utilized along the North SH 205 right-of-way for residential development or a 50 foot landscape buffer can be used as an alternative to the eyebrow drive design. Farm fencing, including wood rail type and metal pipe and cable fencing, is allowed within the 50 foot landscape buffer.

J. Variance

The City Council may, upon request from the applicant, grant a variance to any provision of this ordinance where unique or extraordinary conditions exist or where strict adherence to the provisions of this ordinance would create a hardship. Approval of any variance to any provision of this ordinance shall require City Council approval by a three-quarter (3/4) majority vote of those City Council members present with a minimum of four (4) affirmative votes.

6.12 EAST SH 66 CORRIDOR OVERLAY (E-SH 66 OV) DISTRICT

(AMENDED 9-19-05, ORD. NO 05-49)

A. Purpose

The intent of the East SH 66 Corridor Overlay District is to provide for consistent development of office, retail and commercial areas in concert with the most efficient and aesthetically pleasing appearance of the frontage which serves as the initial impression to those visiting, as well as to those passing through, the City of Rockwall area. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility and plan review shall be conducted through an Architectural Review Committee. These development requirements shall apply to non-residential and multi family uses. All other residential uses shall be excluded from these standards except has otherwise stated.

B. Application and Boundaries:

The East SH 66 Corridor Overlay District includes the entirety of all properties which adjoin or are located within 500 feet of the current or future right-of-way of East SH 66. The East SH 66 Corridor Overlay Zone extends from FM 1141 to the east approximately 2,700 feet, and on property that lies within five hundred (500) feet of the south right-of-way line of SH 66 beginning at a point approximately 2,700 feet east of FM 1141 and then continuing east to FM 549. The standards and regulations set forth in the East SH 66 Corridor Overlay District are superimposed and shall supersede the standards and regulations of any underlying zoning district which are in conflict.

C. Architectural Standards

1. **Masonry Requirements.** Each exterior wall shall consist of 90% masonry materials, excluding doors and windows, as defined in Article XIII Definitions – Masonry, excluding cast stone and cultured stone, on walls which are visible from a public street or open space, including a minimum of 20% natural or quarried stone.
 - a. Primary exterior materials shall include natural or quarried stone, brick, glass block or glass, tile, cast metal and custom concrete masonry units. The use of other cementaceous products (e.g. stucco, Hardy Plank, or other similar materials approved by the Building Official) shall be limited to 50% of the buildings exterior finishes where it is deemed important as a design feature and where it will be applied under the highest standards for quality and durability. However, stucco may not be located in the first 4 feet above grade on a façade visible from a street or public area. Each elevation's masonry requirement shall incorporate accent bricks or stones. As the term is used, an "accent brick or stone" is one that provides a contrast by color, shape, size, and/or texture to the field of primary bricks or stones in an elevation.
 - b. Secondary materials used on the façade of a building are those that comprise less than 10% of an elevation area. Permitted secondary materials are all primary materials, aluminum or other metal, EIFS, cast stone, cultured stone or other materials as approved by the Director of Planning or his/her designee.

2. Roof Design Standards. Rooftop mechanical equipment and other appurtenances, must be properly screened. All structures having a footprint of 6,000 square feet or less shall be constructed with a pitched roof system. Those structures having a footprint greater than 6,000 square feet shall be constructed with either a pitched, parapet, or mansard roof system (enclosed on all sides). Standing seam metal roofs shall be constructed of a factory finish. Metal roofs with lapped seam construction, bituminous built-up roofs, and flat, membrane-type roofs which are visible from adjacent public right-of-way shall be prohibited.

3. Mechanical Equipment Screening. All buildings must be designed such that no mechanical equipment, HVAC, or satellite dishes shall be visible from any direction. This shall include equipment located on the roof, on the ground, or otherwise attached to the building or located on the site.

Screening of rooftop mechanical equipment and/or other rooftop appurtenances screening shall be accomplished by either, a) the construction of the roof systems described in Paragraph C.2 above, or b), an architectural feature which is integral to the building's design and ensures that such equipment is not visible from adjacent public right-of-way. The fencing or enclosing of individual mechanical units shall not be permitted except as described above.

All rooftop mechanical equipment or architectural features described herein shall be shown on the required building elevations and submitted along with the site plan for approval.

4. All buildings shall be designed to incorporate no less than four (4) of the architectural elements from the list below. Buildings over fifty thousand (50,000) square feet must include a minimum of six (6) of the referenced architectural elements. Buildings over one hundred thousand (100,000) square feet must include a minimum of seven (7) of the referenced architectural elements:

- Canopies, awnings, or porticos;
- Recesses/projections;
- Arcades;
- Peaked roof forms;
- Arches;
- Outdoor patios;
- Display windows;
- Architectural details (such as tile work and moldings) integrated into the building facade;
- Articulated ground floor levels or base;
- Articulated cornice line;
- Integrated planters or wing walls that incorporate landscape and sitting areas;
- Offsets, reveals or projecting rib used to express architectural or structural bays;
- Varied roof heights;
- Or other architectural features approved by the Director of Planning or his/her designee.

5. All retail/commercial buildings shall be architecturally finished on all four (4) sides with same materials, detailing, and features with one (1) row of trees planted on the perimeter behind the building.
6. Windows shall have a maximum exterior visible reflectivity of 20%. Color of glass shall be reviewed and approved by the Director of Planning or his/her designee.
7. All buildings within a common retail/commercial development, as shown on a Concept Plan or Site Plan, shall have similar architectural styles, materials, and colors.
 - a. Conceptual facade plans and sample boards shall be submitted with the Site Plan application for all non-residential uses. The purpose of the conceptual facade plan is to ensure consistency and compatibility for all buildings within a single development. Facade plans will be used only to ensure minimum standards are met.
8. Corporate identities that conflict with the building design criteria shall be reviewed as a variance as defined in this ordinance and reviewed on a case-by-case basis by the Planning & Zoning Commission and approved by the City Council.

D. Site Design Standards:

1. **Building Setback.** All lots within the East SH 66 Corridor Overlay District shall maintain the following minimum front building setbacks:

Residential – 25'

Retail/Commercial – 15'

Industrial/Office/Technology – 50'

All other building setback regulations shall be the same as set forth in the underlying zoning district except as otherwise noted herein.

2. **Parking Area Restrictions.** No more than two rows of parking, approximately 60 feet in width, shall be allowed between the primary building and East SH 66 right-of-way. (*Ord. No. 06-14, 04-17-06*)
3. **Access/Ingress/Egress.** To minimize potential vehicular and pedestrian conflicts particular attention must be given to the location of median breaks along major thoroughfares, number and location of entry/exit drives, design of entry/exit drives in relationship to the parking areas, and sight distances. In addition,
 - a. Driveways should typically be spaced a minimum of 100 feet from the intersection of a major thoroughfare or as per the Texas Department of Transportation on State maintained roads;
 - b. The ingress and egress drives shall have a minimum radius of 30 feet;
 - c. Driveways should maintain an appropriate sight distance triangle at all perimeter entrances and exits;
 - d. Main entrance drives should generally be located at median breaks providing left turn access to and from the site;
 - e. Main entrance drives should connect to a "straightaway" aisle that does not dead end or require an immediate turn to approach the main building;
 - f. Aisles intersecting with entrance drives should be spaced at a minimum of 20 feet from the property line to provide for smooth turning movements.

4. **Cross access.** Cross access easements may be required by the City Council at the time of the site plan approval to ensure access to future median breaks and to reduce the number of needed curb cuts.
5. **Shared parking.** In master planned retail centers, cross-access and shared parking agreements are required for final platting.
6. **Loading and Service Areas.** Loading and service areas shall be located on the rear and side of buildings whenever possible. In the event that a loading or service area faces East SH 66, additional screening of the area may be required. A minimum ten (10) foot solid screening wall shall be required to screen views of loading docks and loading spaces intended for tractor/semi-trailer delivery from any public right-of-way. This ten-foot wall must screen the entire loading dock or space. Screening materials shall utilize similar masonry materials to the front façade. The accommodation of adequate access for service delivery trucks may be evaluated to determine the extent of screening required.
7. **Trash Receptacles and Recycling Receptacles.** Trash and recycling receptacles shall be four sided with a gate and located outside buffer-strips, and to the side or rear of the primary building. The receptacles shall be screened by a minimum eight (8) foot solid masonry screen and shall utilize similar masonry materials to the principal structure. Every effort shall be made in order to screen trash/recycling receptacles from East SH 66.
8. **Play Structures.** Play structures shall not be placed between the primary building and any adjacent public right-of-way.
9. **Plan Review.** In addition to other factors set out in the Unified Development Code, any Concept Plans, Development Plans, and Site Plans shall be reviewed for:
 - a. Meeting the intent of the Landscape Ordinance *Article VIII Landscape Standards*, as amended, and the screening provisions herein.
 - b. Achieving the intent of the Architectural Standards and Site Design Standards.
 - c. Proper site entry identification and cross-access circulation to avoid congestion at ingress and egress points.

E. Landscape Standards

1. The **buffer-strip** shall be a minimum of fifteen (15) feet wide for retail/commercial use; twenty-five (25) feet wide for residential use; and fifty (50) feet for office, research-technology and industrial use and include a “built-up” berm and/or shrubbery or a combination of both along the entire length of the subject property’s frontage along East SH 66. The minimum required height of the aforementioned berm and/or shrubbery or a combination thereof is thirty (30) inches and shall not exceed a maximum height of forty-eight (48) inches.
2. **Buffer-strip Plantings.** Three (3) canopy trees, along with four (4) accent trees shall be required per one hundred (100) feet of the East SH 66 right-of-way. Canopy trees, accent trees, and shrubs as defined, along with sizes and types are included in Section E – (3) and (4). The East SH 66 Corridor Overlay shall include an average of one (1) cedar tree for each hundred (100) feet of frontage planted in clusters of three (3) to five (5) trees.
3. **Plant Material Sizes.** The following size requirements shall be required:

Canopy Trees: Four (4) inch caliper

Accent Trees: Four (4) feet height

Shrubs: Deciduous: Fifteen (15) inches / **2 gallon minimum**
Evergreen: Twelve (12) inches / **2 gallon minimum**

4. **Plant Material Selections.** The following materials are recommended for planting in the buffer-strip; however, other materials may be acceptable:

Canopy Trees: Bur Oak, Red Oak, Live Oak, Cedar Elm, Lacebark Elm, Leyland Cypress

Accent Trees: Tree Yaupon, Red Bud, Eldarica Pine, Wax Myrtle, Ornamental Pear, Mexican Plum, Possumhaw

5. **Erosion Control/Retaining Walls.** Any slope embankments or retaining walls within the public right-of-way or within the required buffer-strip must be terraced every four (4) feet in height (maximum) with a minimum of a two (2) foot planting area provided between each vertical plane. Materials used for the vertical elements shall be natural stone or any masonry material which matches the masonry material used on the front façade of the primary building. The planting area must contain plant materials other than grass.

F. Sign Standards

All permanent free standing signs located in the East SH 66 Corridor Overlay District shall be monument signs adhering to the City of Rockwall Sign Ordinance as heretofore amended and as maybe amended in future. Building materials and colors utilized for construction of the monument base shall be the same as the primary building materials and colors found on the main building, unless otherwise approved by the City Council. Approval of any variance to the Sign Ordinance for property included the East SH 66 Corridor Overlay District shall require City Council approval by a three-quarter (3/4) majority vote.

G. Lighting Standards

In addition to the requirements of the outdoor lighting requirements no light pole, pole base or combination thereof shall exceed twenty (20) feet in the East SH 66 Corridor Overlay District. All lighting fixtures shall focus light downward and be contained on the site.

H. Utility Placement

All overhead utilities within the East SH 66 Corridor Overlay District shall be placed underground.

I. Residential Standards

No screening walls shall be erected adjacent to the East SH 66 right-of-way in conjunction with any residential development. Eyebrow drives with clusters of lots (5-12 homes) shall be utilized along the East SH 66 right-of-way for residential development or a 50 foot landscape buffer can be used as an alternative to the eyebrow drive design. Farm fencing, including wood rail type and metal pipe and cable fencing, is allowed within the 50 foot landscape buffer.

J. Variance

The City Council may, upon request from the applicant, grant a variance to any provision of this ordinance where unique or extraordinary conditions exist or where strict adherence to the provisions of this ordinance would create a hardship. Approval of any variance to any provision of this ordinance shall require City Council approval by a three-quarter (3/4) majority vote of those City Council members present with a minimum of four (4) affirmative votes.

6.13 FM 549 CORRIDOR OVERLAY (FM 549 OV) DISTRICT

(AMENDED 9-19-05, ORD. NO 05-49)

A. Purpose

The intent of the FM 549 Corridor Overlay District is to provide for consistent development of office, retail and commercial areas in concert with the most efficient and aesthetically pleasing appearance of the frontage which serves as the initial impression to those visiting, as well as to those passing through, the City of Rockwall area. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility and plan review shall be conducted through an Architectural Review Committee. These development requirements shall apply to non-residential and multi family uses only. All other residential uses shall be excluded from these standards except has otherwise stated.

B. Application and Boundaries:

The FM 549 Corridor Overlay District includes the entirety of all properties which adjoin or are located within 500 feet of the current or future right-of-way of FM 549. The FM 549 Corridor Overlay Zone extends from SH 276 to a point approximately 800 feet north of I-30 and on property that lies within five hundred (500) feet of the west right-of-way line of FM 549 from a point approximately 800 feet north of I-30 to SH 66. The standards and regulations set forth in the FM 549 Corridor Overlay District are superimposed and shall supersede the standards and regulations of any underlying zoning district which are in conflict.

C. Architectural Standards

1. **Masonry Requirements:** Each exterior wall shall consist of 90% masonry materials, excluding doors and windows, as defined in Article XIII Definitions – Masonry, excluding cast stone and cultured stone, on walls which are visible from a public street or open space, including a minimum of 20% natural or quarried stone.
 - a. Primary exterior materials shall include natural or quarried stone, brick, glass block or glass, tile, cast metal and custom concrete masonry units. The use of other cementaceous products (e.g. stucco, Hardy Plank, or other similar materials approved by the Building Official) shall be limited to 50% of the buildings exterior finishes where it is deemed important as a design feature and where it will be applied under the highest standards for quality and durability. However, stucco may not be located in the first 4 feet above grade on a façade visible from a street or public area. Each elevation's masonry requirement shall incorporate accent bricks or stones. As the term is used, an "accent brick or stone" is one that provides a contrast by color, shape, size, and/or texture to the field of primary bricks or stones in an elevation.
 - b. Secondary materials used on the façade of a building are those that comprise less than 10% of an elevation area. Permitted secondary materials are all primary materials, aluminum or other metal, EIFS, cast stone, cultured stone or other materials as approved by the Director of Planning or his/her designee.

2. **Roof Design Standards.** Rooftop mechanical equipment and other appurtenances must be properly screened. All structures having a footprint of 6,000 square feet or less shall be constructed with a pitched roof system. Those structures having a footprint greater than 6,000 square feet shall be constructed with either a pitched, parapet, or mansard roof system (enclosed on all sides). Standing seam metal roofs shall be constructed of a factory finish. Metal roofs with lapped seam construction, bituminous built-up roofs, and flat, membrane-type roofs which are visible from adjacent public right-of-way shall be prohibited.

3. **Mechanical Equipment Screening.** All buildings must be designed such that no mechanical equipment, HVAC, or satellite dishes shall be visible from any direction. This shall include equipment located on the roof, on the ground, or otherwise attached to the building or located on the site.

Screening of rooftop mechanical equipment and/or other rooftop appurtenances screening shall be accomplished by either, a) the construction of the roof systems described in Paragraph C.2 above, or b), an architectural feature which is integral to the building's design and ensures that such equipment is not visible from adjacent public right-of-way. The fencing or enclosing of individual mechanical units shall not be permitted except as described above.

All rooftop mechanical equipment or architectural features described herein shall be shown on the required building elevations and submitted along with the site plan for approval.

4. All buildings shall be designed to incorporate no less than four (4) of the architectural elements from the list below. Buildings over fifty thousand (50,000) square feet must include a minimum of six (6) of the referenced architectural elements. Buildings over one hundred thousand (100,000) square feet must include a minimum of seven (7) of the referenced architectural elements:

- Canopies, awnings, or porticos;
- Recesses/projections;
- Arcades;
- Peaked roof forms;
- Arches;
- Outdoor patios;
- Display windows;
- Architectural details (such as tile work and moldings) integrated into the building facade;
- Articulated ground floor levels or base;
- Articulated cornice line;
- Integrated planters or wing walls that incorporate landscape and sitting areas;
- Offsets, reveals or projecting rib used to express architectural or structural bays;
- Varied roof heights;
- Or other architectural features approved by the Director of Planning or his/her designee.

5. All retail/commercial buildings shall be architecturally finished on all four (4) sides with same materials, detailing, and features with one (1) row of trees planted on the perimeter behind the building.
6. Windows shall have a maximum exterior visible reflectivity of 20%. Color of glass shall be reviewed and approved by the Director of Planning or his/her designee.
7. All buildings within a common retail/commercial development, as shown on a Concept Plan or Site Plan, shall have similar architectural styles, materials, and colors.
 - a. Conceptual facade plans and sample boards shall be submitted with the Site Plan application for all non-residential uses. The purpose of the conceptual facade plan is to ensure consistency and compatibility for all buildings within a single development. Facade plans will be used only to ensure minimum standards are met.
8. Corporate identities that conflict with the building design criteria shall be reviewed as a variance as defined in this ordinance and reviewed on a case-by-case basis by the Planning & Zoning Commission and approved by the City Council.

D. Site Design Standards:

1. **Building Setback.** All lots within the FM 549 Corridor Overlay District shall maintain the following minimum front building setbacks:

Residential – 25'

Retail/Commercial – 15'

Industrial/Office/Technology – 50'

All other building setback regulations shall be the same as set forth in the underlying zoning district except as otherwise noted herein.

2. **Parking Area Restrictions.** No more than two rows of parking, approximately 60 feet in width, shall be allowed between the primary building and FM 549 right-of-way. (*Ord. No. 06-14, 04-17-06*)
3. **Access/Ingress/Egress.** To minimize potential vehicular and pedestrian conflicts particular attention must be given to the location of median breaks along major thoroughfares, number and location of entry/exit drives, design of entry/exit drives in relationship to the parking areas, and sight distances.
4. **Further Guidelines**
 - a. Driveways should typically be spaced a minimum of 100 feet from the intersection of a major thoroughfare or as per the Texas Department of Transportation on State maintained roads;
 - b. The ingress and egress drives shall have a minimum radius of 30 feet;
 - c. Driveways should maintain an appropriate sight distance triangle at all perimeter entrances and exits;
 - d. Main entrance drives should generally be located at median breaks providing left turn access to and from the site;

- e. Main entrance drives should connect to a “straightaway” aisle that does not dead end or require an immediate turn to approach the main building;
 - f. Aisles intersecting with entrance drives should be spaced at a minimum of 20 feet from the property line to provide for smooth turning movements.
5. **Cross access.** Cross access easements may be required by the City Council at the time of the site plan approval to ensure access to future median breaks and to reduce the number of needed curb cuts.
 6. **Shared parking.** In master planned retail centers, cross-access and shared parking agreements are required for final platting.
 7. **Loading and Service Areas.** Loading and service areas shall be located on the rear and side of buildings whenever possible. In the event that a loading or service area faces FM 549, additional screening of the area may be required. A minimum ten (10) foot solid screening wall shall be required to screen views of loading docks and loading spaces intended for tractor/semi-trailer delivery from any public right-of-way. This ten-foot wall must screen the entire loading dock or space. Screening materials shall utilize similar masonry materials to the front façade. The accommodation of adequate access for service delivery trucks may be evaluated to determine the extent of screening required.
 8. **Trash Receptacles and Recycling Receptacles.** Trash and recycling receptacles shall be four sided with a gate and located outside buffer-strips, and to the side or rear of the primary building. The receptacles shall be screened by a minimum eight (8) foot solid masonry screen and shall utilize similar masonry materials to the principal structure. Every effort shall be made in order to screen trash/recycling receptacles from SH 276.
 9. **Play Structures.** Play structures shall not be placed between the primary building and any adjacent public right-of-way.
 10. **Plan Review.** In addition to other factors set out in the Unified Development Code, any Concept Plans, Development Plans, and Site Plans shall be reviewed for:
 - a. Meeting the intent of the Landscape Ordinance: Article VIII Landscape Standards, as amended, and the screening provisions herein.
 - b. Achieving the intent of the Architectural Standards and Site Design Standards.
 - c. Proper site entry identification and cross-access circulation to avoid congestion at ingress and egress points.

E. Landscape Standards

All sites shall, as a minimum, meet the following standards and the standards set out in the Landscape Ordinance: Article VIII Landscape Standards. Where the following standards conflict with the Landscape Ordinance, these requirements shall prevail:

1. The **buffer-strip** shall be a minimum of fifteen (15) feet wide for retail/commercial use; twenty-five (25) feet wide for residential use; and fifty (50) feet for office, research-technology and industrial use and include a

“built-up” berm and/or shrubbery or a combination of both along the entire length of the subject property’s frontage along FM 549. The minimum required height of the aforementioned berm and/or shrubbery or a combination thereof is thirty (30) inches and shall not exceed a maximum height of forty-eight (48) inches.

2. **Buffer-strip Plantings.** Three (3) canopy trees, along with four (4) accent trees shall be required per one hundred (100) feet of the FM 549 right-of-way. Canopy trees, accent trees, and shrubs as defined, along with sizes and types are included in Section E – (3) and (4). The area of the FM 549 Corridor Overlay from Airport Road to SH 66 shall include an average of one (1) cedar tree for each hundred (100) feet of frontage planted in clusters of three (3) to five (5) trees.
3. **Plant Material Sizes.** The following size requirements shall be required:
 - Canopy Trees:** Four (4) inch caliper
 - Accent Trees:** Four (4) feet height
 - Shrubs:** Deciduous: Fifteen (15) inches / **2 gallon minimum**
Evergreen: Twelve (12) inches / **2 gallon minimum**
4. **Plant Material Selections.** The following materials are recommended for planting in the buffer-strip; however, other materials may be acceptable:
 - Canopy Trees:** Bur Oak, Red Oak, Live Oak, Cedar Elm, Lacebark Elm, Leyland Cypress
 - Accent Trees:** Tree Yaupon, Red Bud, Eldarica Pine, Wax Myrtle, Ornamental Pear, Mexican Plum, Possumhaw
5. **Erosion Control/Retaining Walls.** Any slope embankments or retaining walls within the public right-of-way or within the required buffer-strip must be terraced every four (4) feet in height (maximum) with a minimum of a two (2) foot planting area provided between each vertical plane. Materials used for the vertical elements shall be natural stone or any masonry material which matches the masonry material used on the front façade of the primary building. The planting area must contain plant materials other than grass.

F. Sign Standards

All permanent free standing signs located in the FM 549 Corridor Overlay District shall be monument signs (except at the intersection with Interstate 30) adhering to the City of Rockwall Sign Ordinance as heretofore amended and as maybe amended in future. Building materials and colors utilized for construction of the monument base shall be the same as the primary building materials and colors found on the main building, unless otherwise approved by the City Council. Approval of any variance to the Sign Ordinance for property included the FM 549 Corridor Overlay District shall require City Council approval by a three-quarter (3/4) majority vote.

G. Lighting Standards

In addition to the requirements of the outdoor lighting requirements no light pole, pole base or combination thereof shall exceed twenty (20) feet in the FM 549 Corridor Overlay District. All lighting fixtures shall focus light downward and be contained on the site.

H. Utility Placement

All overhead utilities within the FM 549 Corridor Overlay District shall be placed underground.

I. Residential Standards

No wall, screening or otherwise, shall be erected adjacent to the FM 549 right-of-way in conjunction with any residential development. Eyebrow drives with clusters of lots (5-12 homes) shall be utilized along the FM 549 right-of-way for residential development or a 50 foot landscape buffer can be used as an alternative to the eyebrow drive design. Farm fencing, including wood rail type and metal pipe and cable fencing, is allowed within the 50 foot landscape buffer.

J. Variance

The City Council may, upon request from the applicant, grant a variance to any provision of this ordinance where unique or extraordinary conditions exist or where strict adherence to the provisions of this ordinance would create a hardship. Approval of any variance to any provision of this ordinance shall require City Council approval by a three-quarter (3/4) majority vote of those City Council members present with a minimum of four (4) affirmative votes.

6.14 SH 276 CORRIDOR OVERLAY (SH 276 OV) DISTRICT

(AMENDED 9-19-05, ORD. NO 05-49)

A. Purpose:

The intent of the SH 276 Corridor Overlay District is to provide for consistent development of office, retail and commercial areas in concert with the most efficient and aesthetically pleasing appearance of the frontage which serves as the initial impression to those visiting, as well as to those passing through, the City of Rockwall area. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility and plan review shall be conducted through an Architectural Review Committee. These development requirements shall apply to non-residential and multi family uses only. All other residential uses shall be excluded from these standards except has otherwise stated.

B. Application and Boundaries:

The SH 276 Corridor Overlay District includes the entirety of all properties which adjoin or are located within 500 feet of the current or future right-of-way of SH 276. The SH 276 Corridor Overlay Zone extends from SH 205 east to the eastern city limits line, as may be extended with future annexation(s). The standards and regulations set forth in the SH 276 Corridor Overlay District are superimposed and shall supersede the standards and regulations of any underlying zoning district which are in conflict. (Ord. No. 06-14, 04-17-06)

C. Architectural Standards

1. **Masonry Requirements.** Each exterior wall shall consist of 90% masonry materials, excluding doors and windows, as defined in Article XIII Definitions – Masonry, excluding cast stone and cultured stone, on walls which are visible from a public street or open space, including a minimum of 20% natural or quarried stone.
 - a. Primary exterior materials shall include natural or quarried stone, brick, glass block or glass, tile, cast metal and custom concrete masonry units. The use of other cementaceous products (e.g. stucco, Hardy Plank, or other similar materials approved by the Building Official) shall be limited to 50% of the buildings exterior finishes where it is deemed important as a design feature and where it will be applied under the highest standards for quality and durability. However, stucco may not be located in the first 4 feet above grade on a façade visible from a street or public area. Each elevation's masonry requirement shall incorporate accent bricks or stones. As the term is used, an "accent brick or stone" is one that provides a contrast by color, shape, size, and/or texture to the field of primary bricks or stones in an elevation.
 - b. Secondary materials used on the façade of a building are those that comprise less than 10% of an elevation area. Permitted secondary materials are all primary materials, aluminum or other metal, EIFS, cast stone, cultured stone or other materials as approved by the Director of Planning or his/her designee.
2. **Roof Design Standards.** Rooftop mechanical equipment and other appurtenances, must be properly screened. All structures having a footprint

of 6,000 square feet or less shall be constructed with a pitched roof system. Those structures having a footprint greater than 6,000 square feet shall be constructed with either a pitched, parapet, or mansard roof system (enclosed on all sides). Standing seam metal roofs shall be constructed of a factory finish. Metal roofs with lapped seam construction, bituminous built-up roofs, and flat, membrane-type roofs which are visible from adjacent public right-of-way shall be prohibited.

3. **Mechanical Equipment Screening.** All buildings must be designed such that no mechanical equipment, HVAC, or satellite dishes shall be visible from any direction. This shall include equipment located on the roof, on the ground, or otherwise attached to the building or located on the site.

Screening of rooftop mechanical equipment and/or other rooftop appurtenances screening shall be accomplished by either, a) the construction of the roof systems described in Paragraph C.2 above, or b), an architectural feature which is integral to the building's design and ensures that such equipment is not visible from adjacent public right-of-way. The fencing or enclosing of individual mechanical units shall not be permitted except as described above.

All rooftop mechanical equipment or architectural features described herein shall be shown on the required building elevations and submitted along with the site plan for approval.

4. All buildings shall be designed to incorporate no less than four (4) of the architectural elements from the list below. Buildings over fifty thousand (50,000) square feet must include a minimum of six (6) of the referenced architectural elements. Buildings over one hundred thousand (100,000) square feet must include a minimum of seven (7) of the referenced architectural elements:
- Canopies, awnings, or porticos;
 - Recesses/projections;
 - Arcades;
 - Peaked roof forms;
 - Arches;
 - Outdoor patios;
 - Display windows;
 - Architectural details (such as tile work and moldings) integrated into the building facade;
 - Articulated ground floor levels or base;
 - Articulated cornice line;
 - Integrated planters or wing walls that incorporate landscape and sitting areas;
 - Offsets, reveals or projecting rib used to express architectural or structural bays;
 - Varied roof heights;
 - Or other architectural features approved by the Director of Planning or his/her designee.

5. All retail/commercial buildings shall be architecturally finished on all four (4) sides with same materials, detailing, and features with one (1) row of trees planted on the perimeter behind the building.
6. Windows shall have a maximum exterior visible reflectivity of 20%. Color of glass shall be reviewed and approved by the Director of Planning or his/her designee.
7. All buildings within a common retail/commercial development, as shown on a Concept Plan or Site Plan, shall have similar architectural styles, materials, and colors.
 - a. Conceptual facade plans and sample boards shall be submitted with the Site Plan application for all non-residential uses. The purpose of the conceptual facade plan is to ensure consistency and compatibility for all buildings within a single development. Facade plans will be used only to ensure minimum standards are met.
8. Corporate identities that conflict with the building design criteria shall be reviewed as a variance as defined in this ordinance and reviewed on a case-by-case basis by the Planning & Zoning Commission and approved by the City Council.

D. Site Design Standards

1. **Building Setback.** All lots within the SH 276 Corridor Overlay District shall maintain the following minimum front building setbacks;
 - Residential – 25'**
 - Retail/Commercial – 15'**
 - Industrial/Office/Technology – 50'**All other building setback regulations shall be the same as set forth in the underlying zoning district except as otherwise noted herein.
2. **Parking Area Restrictions.** No more than two rows of parking, approximately 60 feet in width, shall be allowed between the primary building and SH 276 right-of-way. (*Ord. No. 06-14, 04-17-06*)
3. **Access/Ingress/Egress.** To minimize potential vehicular and pedestrian conflicts particular attention must be given to the location of median breaks along major thoroughfares, number and location of entry/exit drives, design of entry/exit drives in relationship to the parking areas, and sight distances.
4. **Further Guidelines**
 - a. Driveways should typically be spaced a minimum of 100 feet from the intersection of a major thoroughfare or as per the Texas Department of Transportation on State maintained roads;
 - b. The ingress and egress drives shall have a minimum radius of 30 feet;
 - c. Driveways should maintain an appropriate sight distance triangle at all perimeter entrances and exits;
 - d. Main entrance drives should generally be located at median breaks providing left turn access to and from the site;
 - e. Main entrance drives should connect to a “straightaway” aisle that does not dead end or require an immediate turn to approach the main building;

- f. Aisles intersecting with entrance drives should be spaced at a minimum of 20 feet from the property line to provide for smooth turning movements.
5. **Cross access.** Cross access easements may be required by the City Council at the time of the site plan approval to ensure access to future median breaks and to reduce the number of needed curb cuts.
6. **Shared parking.** In master planned retail centers, cross-access and shared parking agreements are required for final platting.
7. **Loading and Service Areas.** Loading and service areas shall be located on the rear and side of buildings whenever possible. In the event that a loading or service area faces SH 276, additional screening of the area may be required. A minimum ten (10) foot solid screening wall shall be required to screen views of loading docks and loading spaces intended for tractor/semi-trailer delivery from any public right-of-way. This ten-foot wall must screen the entire loading dock or space. Screening materials shall utilize similar masonry materials to the front façade. The accommodation of adequate access for service delivery trucks may be evaluated to determine the extent of screening required.
8. **Trash Receptacles and Recycling Receptacles.** Trash and recycling receptacles shall be four sided with a gate and located outside buffer-strips, and to the side or rear of the primary building. The receptacles shall be screened by a minimum eight (8) foot solid masonry screen and shall utilize similar masonry materials to the principal structure. Every effort shall be made in order to screen trash/recycling receptacles from SH 276.
9. **Play Structures.** Play structures shall not be placed between the primary building and any adjacent public right-of-way.
10. **Plan Review.** In addition to other factors set out in the Unified Development Code, any Concept Plans, Development Plans, and Site Plans shall be reviewed for:
 - a. Meeting the intent of the Landscape Ordinance: *Article VIII Landscape Standards*, as amended, and the screening provisions herein.
 - b. Achieving the intent of the Architectural Standards and Site Design Standards.
 - c. Proper site entry identification and cross-access circulation to avoid congestion at ingress and egress points.

E. Landscape Standards

All sites shall, as a minimum, meet the following standards and the standards set out in the Landscape Ordinance: *Article VIII Landscape Standards*. Where the following standards conflict with the Landscape Ordinance, these requirements shall prevail:

1. The **buffer-strip** shall be a minimum of fifteen (15) feet wide for retail/commercial use; twenty-five (25) feet wide for residential use; and fifty (50) feet for office, research-technology and industrial use and include a "built-up" berm and/or shrubbery or a combination of both along the entire length of the subject property's frontage along SH 276. The minimum required height of the aforementioned berm and/or shrubbery or a combination thereof is thirty (30) inches and shall not exceed a maximum height of forty-eight (48) inches.

2. **Buffer-strip Plantings.** Three (3) canopy trees, along with four (4) accent trees shall be required per one hundred (100) feet of the SH 276 right-of-way. Canopy trees, accent trees, and shrubs as defined, along with sizes and types are included in Section E – (3) and (4).
3. **Plant Material Sizes.** The following size requirements shall be required:
 - Canopy Trees:** Four (4) inch caliper
 - Accent Trees:** Four (4) feet height
 - Shrubs:** Deciduous: Fifteen (15) inches / **2 gallon minimum**
Evergreen: Twelve (12) inches / **2 gallon minimum**
4. **Plant Material Selections.** The following materials are recommended for planting in the buffer-strip; however, other materials may be acceptable:
 - Canopy Trees:** Bur Oak, Red Oak, Live Oak, Cedar Elm, Lacebark Elm, Leyland Cypress
 - Accent Trees:** Tree Yaupon, Red Bud, Eldarica Pine, Wax Myrtle, Ornamental Pear, Mexican Plum, Possumhaw
5. **Erosion Control/Retaining Walls.** Any slope embankments or retaining walls within the public right-of-way or within the required buffer-strip must be terraced every four (4) feet in height (maximum) with a minimum of a two (2) foot planting area provided between each vertical plane. Materials used for the vertical elements shall be natural stone or any masonry material which matches the masonry material used on the front façade of the primary building. The planting area must contain plant materials other than grass.

F. Sign Standards:

All permanent free standing signs located in the SH 276 Corridor Overlay District shall be monument signs adhering to the City of Rockwall Sign Ordinance as heretofore amended and as maybe amended in future. Building materials and colors utilized for construction of the monument base shall be the same as the primary building materials and colors found on the main building, unless otherwise approved by the City Council. Approval of any variance to the Sign Ordinance for property included the SH 276 Corridor Overlay District shall require City Council approval by a three-quarter (3/4) majority vote.

G. Lighting Standards

In addition to the requirements of the outdoor lighting requirements, no light pole, pole base or combination thereof shall exceed twenty (20) feet in the SH 276 Corridor Overlay District. All lighting fixtures shall focus light downward and be contained on the site.

H. Utility Placement

All overhead utilities within the SH 276 Corridor Overlay District shall be placed underground.

I. Residential Standards

For any residential development adjacent to SH 276, a 7 foot wall comprised of masonry and wrought iron style fencing set back at least 25 feet from the right-of-way is required in addition to landscaping of the area. At least 10% of the wall shall be a wrought iron style. Such walls adjacent to SH 276 shall be off-set by at least 8 feet for at least 16 feet for every 100 feet of length.

J. Variance

The City Council may, upon request from the applicant, grant a variance to any provision of this ordinance where unique or extraordinary conditions exist or where strict adherence to the provisions of this ordinance would create a hardship. Approval of any variance to any provision of this ordinance shall require City Council approval by a three-quarter (3/4) majority vote of those City Council members present with a minimum of four (4) affirmative votes.

6.15 LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT

A. Purpose

The purpose of this zoning district is to permit the development of property along the shoreline of Lake Ray Hubbard under certain regulatory conditions governing permitted uses and development standards, setting forth procedures for the development of said property and establishing an appeals process for the terms of this ordinance. This zoning district has its basis in and is intended to serve as one implementation tool for the Lake Ray Hubbard Master Plan, adopted by the City of Dallas on _____; the Lake Ray Hubbard Interlocal Agreement as approved by those municipalities comprising the Lake Cities Coalition (Garland, Rockwall, and Rowlett, Texas) and the City of Dallas, Texas; and the Comprehensive Plan for the City of Rockwall, adopted on December 17, 2001. The adoption of this Zoning district is intended to provide a means for the protection of water quality, water supply, and the preservation of the natural environment and to enhance the quality of the Lake Ray Hubbard shoreline through regulation of manmade facilities. This ordinance is to be used in conjunction and in addition to the erosion control and engineering standards and residential sub-lease agreement conditions as well as other development related ordinances, such as but not limited to, landscaping ordinance, tree preservation ordinance and outdoor lighting.

B. Application and Boundaries:

The Lake Ray Hubbard Takeline Overlay District includes all property that is located between the City of Dallas "Take Line" as shown on the boundary map for Lake Ray Hubbard (File 612D-1 on file in the City of Dallas Records Vault) and the meanders of the contour line 435.5 feet Mean Sea Level Elevation, and being more particularly described herein as "Exhibit A."

The standards set forth within this section shall apply only to those lots within the Lake Ray Hubbard Takeline Overlay district that are zoned and used for detached, Single-Family residential uses and have a minimum lot width of forty-five (45) feet when measured at the front building line, or have a minimum lot width of thirty-five (35) feet at the front building line when located on a curved street or cul-de-sac.

The City Council shall have the authority to consider special exceptions to the eligibility standards set forth within this section that apply to those lots within the Lake Ray Hubbard Takeline Overlay district that are zoned and used for detached, attached or zero lot line Single-Family residential uses and meet the minimum lot width requirements as prescribed within this section."

(Revised via Ord. No. 07-35, September 4, 2007)

C. Definitions

The terms herein used shall be defined as in the City of Rockwall Unified Development Code, the Lake Ray Hubbard Interlocal Agreement and the sublease agreement prepared by the City of Rockwall. In addition, the following terms shall be defined as follows:

Barbecue pit: A barbecue pit is a permanent fireplace structure over which meat, poultry and other foods are roasted.

Boathouse: A boathouse is a roofed structure with supporting fixed piers with a main waterside opening with an operating boatlift(s) contained within the structure and the structure built to house and protect watercraft and boat related equipment and with the boathouse structure built at the end or towards the end of an adjoining fixed pier.

Catwalk: The narrow walkway of a dock providing people access to moored watercraft.

Centerline: An established line that is equidistant from the surface or sides of something, such as parcel boundaries.

Cleat: A metal fitting with two projecting horns used to wrap a rope around to secure a watercraft in position.

Deck/patio: A deck/patio is an anchored or concrete paved float floored roofless surface built either beside the normal pool elevation shoreline or incorporated into a promontory in the Takeline Area.

Deck/patio Cover – Pergola: A deck/patio cover – pergola is a permanent stand-alone roofed structure opened on all sides often built as a shade structure over a deck or patio. The pergola has supporting, vertical posts with rafters across the top. These are usually open and flat, running at regular intervals horizontally across the structure, and supported by side rafters. Their sides being square or rectangular in shape, they have straight lines as the basis of their structure. (Ord. No. 10-32, 12-06-2010)

Dock: A lake structure used expressly for mooring and landing watercrafts and for embarking and disembarking passengers. A dock can include a fixed pier.

Dock Deck: A dock deck is a flat floor surface area built over the Lake water adjoining the end of a fixed pier supported by approved pilings.

Dredging: The process of deepening a waterway for the safe and efficient movement of watercraft by the removal of dirt either by digging or by suction.

Fixed pier: A fixed pier is a structure supported by approved pilings with a catwalk on top that extends from the shoreline out into the body of water with the structure being used to moor (no more than one hundred and fifty-six (156) consecutive hours) and land watercraft.

Gazebo: A gazebo is a permanent stand-alone roofed trellis structure opened on all sides, typically with places for sitting.

Habitable structure: A structure fit for human habitation usually containing amenities such as a fireplace, furniture, plumbing, bathing facilities, and cooking facilities. Structures allowed by this ordinance shall not be habitable structures and may not contain such amenities.

Lake: Refers to Lake Ray Hubbard.

Lake Area: The City of Dallas property, know as Lake Ray Hubbard, that is normally submerged by the Lake at normal Lake pool elevation (property at or below elevation 435.5 feet mean sea level).

Landing/Stairs: A landing is defined as the level part of staircase, as at the end of a flight of stairs. A stairs is a series of steps for passing from one level to another.

Landscaping: Landscaping is the minor modification or altering of the surrounding Take Area terrain and shoreline with trees, shrubs, ground cover, and native stone or interlocking brick retaining walls.

Leased Area: Means the Take Area that is within the City Limits of Rockwall, or where the Take Line is directly adjacent to the City Limits of Rockwall.

Lift: A temporary means of elevating a watercraft out of the water by use of a hoist.

Linear feet : A type of measurement in which dimensions of a specific item are taken together from one noted point to another noted point in a straight line rather than following the curvature of the specific item's boundary.

Lockerbox: A secured chest fixed onto a dock used for storage of watercraft equipment.

Takeline Overlay

Article V. District Development Standards

Moor: Securing a watercraft to a fixed object such as a fixed cleat on a seawall while the watercraft is still in the water.

Mooring: A place where a watercraft can be tied up and secured while in the water, such as a slip (not more than one hundred and fifty-six (156) consecutive hours).

Outdoor lighting: Outdoor lighting is a structure or a system of structures, fixtures, and devices used to provide artificial nighttime lighting over a defined broad area, on buildings and monuments, and to emphasize landscaping, but not directed to the detriment of the traveling public or surrounding residents in the light's path.

Power source Station: Used as a power supply and for lighting dock just below watercraft level.

Private Play Structures: Private play structures are permanent structures used by children for play installed by private property owners.

Private Utilities: A private utility is a system or systems of underground cable lines, pipelines, and wiring installed by the leasing property owner to maintain and operate improvements in the Takeline Area and to support recreation and enjoyment.

Private walks: Private walks can be a single path or a network of paths installed by the leasing property owner in the Take Area.

Shoreline: Refers to the line along the shore of the Lake, established by the normal Lake pool elevation (435.5 feet mean sea level).

Slip: A watercraft's berth between two piers or between finger piers.

Sprinkler systems: A sprinkler system is an underground irrigation network used to water and maintain trees, shrubs, grounds and the foundations of improvements.

Take Line: Means the perimeter boundary of Dallas' property at the Lake.

Take Area: Refers to the land owned by Dallas between the Take Line and the normal Lake pool elevation (435.5 feet mean sea level).

Treated Wood: Wood treated by the impregnation or application of chemical solutions or chemical mixtures for the purpose of retarding or preventing deterioration or destruction caused by insects, fungi, bacteria, or other wood destroying organisms.

View corridor: A sight passage recognized as holding an intangible asset for a property owner and for a community due to the unique visual qualities of distant terrain, woodlands, wetlands, grasslands, skylines, and manmade lakes expressed through a view preservation angle from either a generally recognized centerpoint or various centerpoints along a road corridor or public viewing area.

View clear zone: Area within the view preservation angle where no new structures or plantings shall exceed six (6) feet above the existing grade to maintain neighboring views.

View preservation angle: Determined as the centerpoint of the leasing property owner's backyard with a 36 degree total visual angle using the property owner's owned property centerline and extending outward towards the Lake.

Watercraft: A craft for water transport; a boat.

(A) Motorized boats - A boat propelled by an internal combustion engine.

(B) Sailboat - A boat with a mast and sail propelled by the wind.

Water Resistant Wood: Naturally untreated hard wood such as cedar, redwood, or Ironwood.

D. Permitted Uses, in accordance with the specifications set forth in “Table A” of this ordinance. All permitted uses shall meet all other applicable City of Rockwall codes and permitting requirements.

1. Barbeque pit
2. Boat tie-ups with the installation of cleats or other approved method of providing a safe, protective means of securing a boat to a seawall.
3. Landscaping
4. Outdoor Lighting
5. Private Play Structures
6. Private Utilities
7. Private Walks
8. Fencing
9. Sprinkler / Irrigation Systems
10. Decks / patios with a maximum height of twelve (12) inches above existing ground at the highest elevation point
11. Gazebo, with a maximum height of fifteen (15) feet
12. The following boat-related structures on single-family lots along the normal elevation shoreline (435.5 feet mean sea level):
 - a. Dock Deck
 - b. Fixed Pier
 - c. Boathouse
13. Landing/Stairs
14. Deck/Patio Cover – Pergola

E. Uses requiring a Specific Use Permit (SUP), in accordance with the specifications set forth in “Table A” of this ordinance. All specific uses shall meet all other applicable City of Rockwall codes and permitting requirements.

1. Decks / patios exceeding the maximum requirements
2. Gazebo exceeding the maximum requirements
3. Landing/Stairs exceeding the maximum requirements

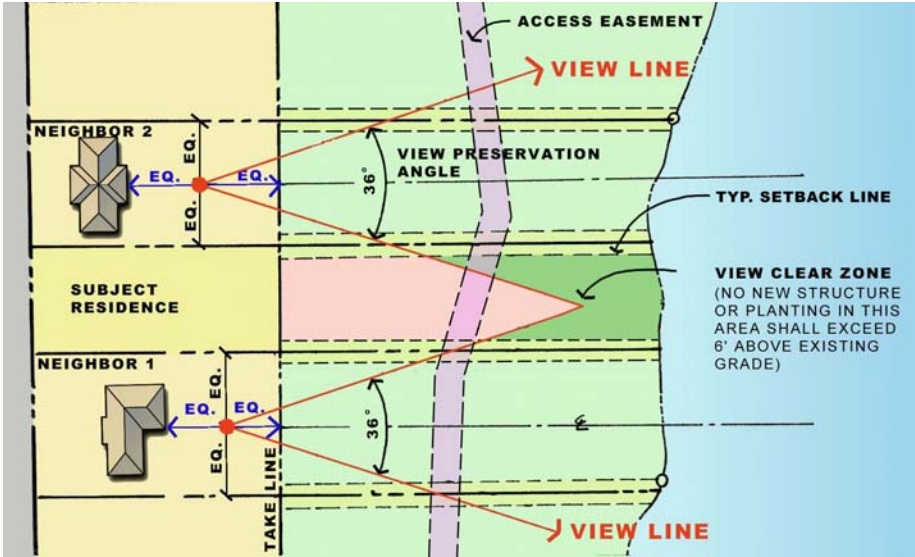
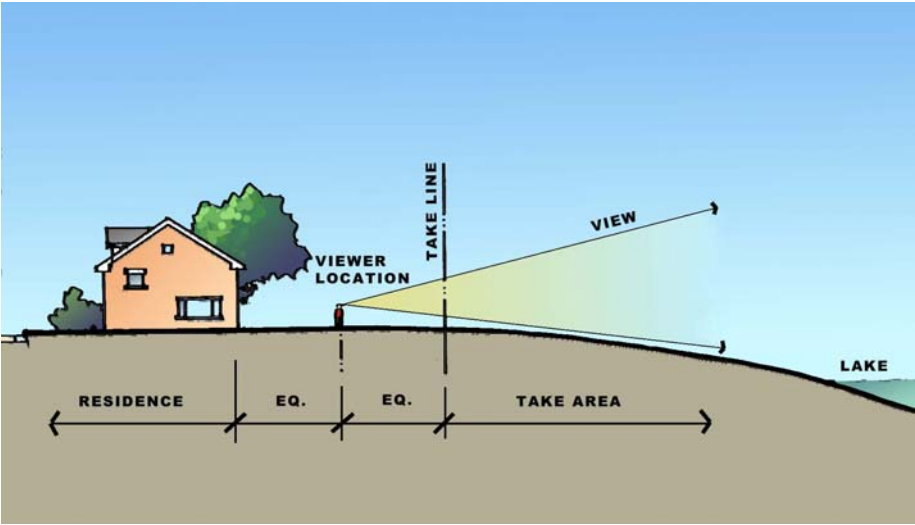
(Ord. No. 05-31, July 5, 2005)

(Revised via Ord. No. 07-12, May 7, 2007)

(Revised via Ord. No. 07-35, September 4, 2007)

(Revised via Ord. No. 10-32, December 6, 2010)

"TABLE A"

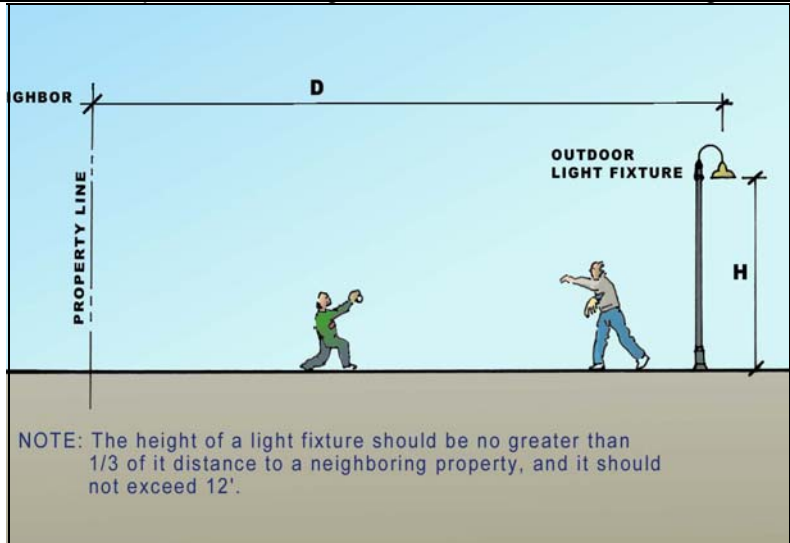
ITEM	REGULATION
Visual Measurements and Overall Regulations	
<p>Visual Measurements</p> <p>View Corridors</p>	<ul style="list-style-type: none"> View corridors are established to protect property owner's views of the Lake. The view corridor is defined by the View Preservation Angle - determined as the centerpoint of the leasing property owner's backyard with a 36 degree total visual angle using the property owner's owned property centerline and extending outward towards the Lake. Those areas on the Take Area's adjacent properties that fall into the View Preservation Angle will be restricted from any type of new improvements or plantings exceeding six (6) feet in height. <div style="text-align: center;">  </div> <div style="text-align: center; margin-top: 20px;">  </div>

<p>Visual measurements</p> <p>Maintenance access gates and fences/walls</p>	<ul style="list-style-type: none">• Maintenance access gates and fences/walls will be designed as physical barriers and to limit access into the Take Area residential areas and between the Take Area residential area subdivisions only to utility personnel and their vehicles, to emergency personnel and their vehicles, to public service and maintenance personnel and their vehicles, and to public inspectors and their vehicles.• Maintenance access gates and fences/walls will be developed from the Take Line down to 438.0 feet mean sea level to serve as a physical barrier while accounting for lake fluctuations and water movement during flood stages.• Placement of residence street address sign centered on main waterside end of the lake with six (6) inch black letters on white background to be recognizable for main waterside public safety and emergency personnel.• Maintenance access gates and fences/walls will be placed at access entry points located at the following locations:<ol style="list-style-type: none">1) At the northern property boundary of the Harbor Bay Marina;2) Immediately north of the property line of Lot 25, Block A, Stonebridge Meadows Phase V;3) At the northern property line of the area located immediately north of the SH 66 Boat Ramp property;4) At the southern property line of the Shores Country Club.
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Specifications for Permitted Uses

Barbecue Pit	
Description	<ul style="list-style-type: none"> • A barbecue pit is a permanent fireplace structure over which meat, poultry and other foods are roasted
Allowances and disallowances	<ul style="list-style-type: none"> • A barbecue pit can only be fueled by charcoal or wood products • A barbecue pit will not be fueled by any permanently buried gas products
Building materials	<ul style="list-style-type: none"> • A barbecue pit must be built using any combination of native stone, brick, concrete, and iron grating
Height and depth regulations	<ul style="list-style-type: none"> • A barbecue pit shall not exceed six (6) feet in height
Take Line setback	<ul style="list-style-type: none"> • No setback requirements
Side yard setback	<ul style="list-style-type: none"> • There will be a six (6) foot setback landside on both side yards
Normal pool elevation setback (Landside)	<ul style="list-style-type: none"> • A barbecue pit will not be allowed below 438.0 feet mean sea level • The footprint of the exterior sides of a barbecue pit ranges from a minimum size of three (3) feet length x three (3) feet width and the maximum size eight (8) feet length x three (3) feet width
Normal pool elevation setback (Waterside)	<ul style="list-style-type: none"> • No barbecue pits will be allowed at, upon or over the Lake
Additional requirements	<ul style="list-style-type: none"> • A barbecue pit will not hinder the clear view zone of an adjacent neighbors' view corridor. • Earth work construction of a barbecue pit must comply with the erosion control standards set in the Interlocal Agreement and Lease • A barbecue pit must comply with all other City of Rockwall codes.

Landscaping	
Description	<ul style="list-style-type: none"> • Landscaping is the minor modification or altering of the surrounding Take Area terrain and shoreline with trees, shrubs, ground cover, and native stone or interlocking brick retaining walls
Allowances and disallowances	<ul style="list-style-type: none"> • The use of native stone retaining walls is allowable above 435.5 feet mean sea level elevation only • Hedgerows and shrub rows are not allowed • Landscaping requiring the use of pesticides, herbicides, fungicides, or preservatives is not allowed • Landscaping that can lead to lake siltation and/or shoreline erosion is not allowed • Mulch is prohibited below 438.0 feet mean sea level
Building materials	<ul style="list-style-type: none"> • The use of any railroad ties or treated wood is prohibited. • The use of brick is prohibited, except for private walks • The use of crushed rock or pea gravel is prohibited, except as a base • The use of native stone is allowed for retaining walls and private walks
Height and depth regulations	<ul style="list-style-type: none"> • Retaining walls as part of landscaping will be limited to three (3) feet in height
Take Line setback	<ul style="list-style-type: none"> • No setback requirements
Side yard setback	<ul style="list-style-type: none"> • There will be a six (6) foot setback on both side yards
Normal pool elevation setback (Landside)	<ul style="list-style-type: none"> • Minor landscaping will be allowed provided it does not further lake siltation, shoreline erosion, water quality, or retain water • Remedial landscaping for maintaining the integrity of the shoreline is allowed • Landscaping will be allowed within twenty (20) feet of the normal pool elevation shoreline (435.5 feet mean sea level), provided the landscaping does not block public safety personnel and their vehicles access for responding to emergencies, provided the landscaping does not block public maintenance personnel and their vehicles access for clearing the shoreline, and provided the landscaping trees, hedges, and shrubs are not placed in the view clear zone of a neighbor's view corridor.
Normal pool elevation setback (Waterside)	<ul style="list-style-type: none"> • Remedial landscaping for maintaining the integrity of the shoreline is allowed
Additional requirements	<ul style="list-style-type: none"> • Landscaping must complement and be integrated into the existing woodlands and wetlands • Trees will be interspersed • Earth work construction involved with landscaping must comply with the erosion control standards set in the Interlocal Agreement and Lease • Landscaping will not hinder the clear view zone of an adjacent neighbors' view corridor. • Landscaping must comply with all other City of Rockwall codes.

Outdoor Lighting	
Description	<ul style="list-style-type: none"> Outdoor lighting is a structure or a system of structures, fixtures, and devices used to provide artificial nighttime lighting over a defined broad area, on buildings and monuments, and to emphasize landscaping, but not directed to the detriment of the traveling public or surrounding residents in the light's path The definitions and requirements from the City of Rockwall Outdoor Lighting Ordinance shall also apply to properties within the Take Area.
Allowances and disallowances	<ul style="list-style-type: none"> Systems and structures associated with outdoor lighting including artificial landscape lighting, monument lighting, and flood lights Cobra lighting fixtures not allowed on poled structures Fluorescent lighting fixtures are not allowed on poled structures It shall be unlawful to display an unshielded light source (including bare bulbs) above 15 watts, except for temporary holiday lighting. The operation of search lighting is prohibited.
Visual Measurements	<p style="text-align: center;"><u>Standards for poled outdoor light fixture on leased Take Area grounds</u></p>  <p style="text-align: center;">NOTE: The height of a light fixture should be no greater than 1/3 of its distance to a neighboring property, and it should not exceed 12'.</p>
Building materials	<ul style="list-style-type: none"> Poles used for outdoor lighting must be either aluminum or steel Wood or concrete poles used for outdoor lighting are not allowed
Height and depth regulations	<ul style="list-style-type: none"> The height of outdoor lighting will range from light fixtures embedded into catwalk periphery to twelve (12) feet maximum for post structures for broader illumination
Take Line setback	<ul style="list-style-type: none"> No setback requirements
Side yard setback	<ul style="list-style-type: none"> There will be a twenty (20) foot setback on both side yards
Normal pool elevation setback (Landside)	<ul style="list-style-type: none"> Outdoor lighting will not be allowed below 438.0 feet mean sea level Outdoor lighting will be allowed within twenty (20) feet of the normal pool elevation shoreline (435.5 feet mean sea level), provided the outdoor lighting fixture(s) does not block public safety personnel and their vehicles access for responding to emergencies, provided the outdoor lighting fixture(s) does not block public maintenance personnel and their vehicles access for clearing the shoreline, and provided the outdoor lighting fixture(s) is not placed in the view clear zone or a neighbor's view corridor.

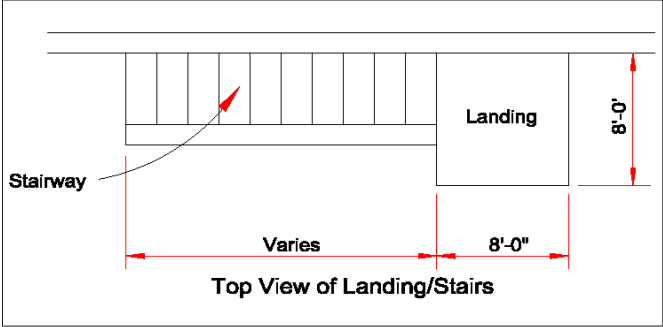
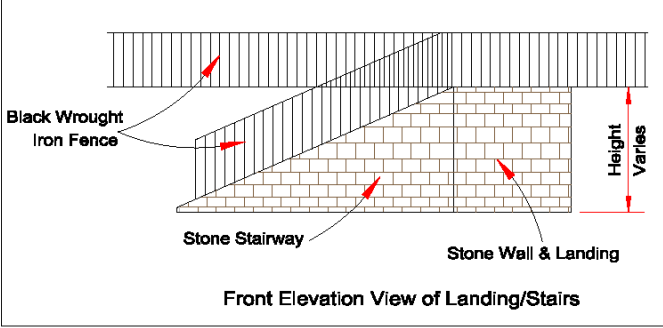
<p>Additional requirements</p>	<ul style="list-style-type: none">• Outdoor lighting structures will not hinder the view clear zone of an adjacent neighbors' view corridor.• Unwanted brightness and glare from outdoor lighting will not hinder the views of surrounding property owners• Outdoor lighting will not interfere with the safety of the traveling public or negatively impact surrounding residents with unwanted brightness and glare• The candlepower used on outdoor lighting will comply with Rockwall's Outdoor Lighting ordinance• Earth work construction involved with outdoor lighting must comply with the erosion control standards set in the Interlocal Agreement and Lease• Light sources shall be directed down and shall be of an indirect, diffused or shielded type luminaire and so installed as not to produce harsh, bright light or direct illumination across the property line from a visible source of illumination.• All building and pole mounted luminaries exceeding fifteen (15) watts shall be directed down with either a partial cut-off or full cut-off source, as illustrated in Exhibits "A" and "B" within the City of Rockwall Outdoor Lighting Ordinance.• A photometric plan describing compliance with the provisions of this ordinance shall be submitted to the Director of Planning prior to the issuance of any building permit or certificate of occupancy that proposes additional lighting. This plan shall be prepared by an appropriate lighting professional such as a lighting engineer, architect or other qualified lighting designer. Upon installation of the lighting, the designer shall provide a letter certifying that the lighting is installed in accordance with the approved design and this ordinance. The Director of Planning shall have the authority to interpret and determine compliance with this ordinance. The Planning and Zoning Commission may grant exemptions to the provisions of this ordinance when strict compliance with the requirements of this Article will result in substantial financial hardship or inequity, so long as said exemption is without harm to the public. Decisions of the Planning and Zoning Commission may be appealed to the City Council.• Lighting installed by or for a governmental agency for a public benefit that is used for activities for the public benefit such as Right-of-way, ball fields, airports and parks. However, parking lot lighting for these activities shall meet the requirements of this ordinance.• Outdoor lighting must comply with all other City of Rockwall codes.
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Private Play Structures	
Description	<ul style="list-style-type: none"> Private play structures are permanent structures used by children for play installed by private property owners
Allowances and disallowances	<ul style="list-style-type: none"> Private play structures can consist of arched ladders, vertical ladders, horizontal ladders, clatter bridge, timber structures, slides, fort and slide playset, climber, play wall, play climbers, playpods, moon house, jungle gym, see-saw, merry-go-round, dome, rocket rider, tire swing, buoy ball, monkey bars, drums, chin-up bar, trampoline and rock wall (<i>Ord. No. 07-12; May 7, 2007</i>) Sand boxes and sand play areas will not be allowed
Building materials	<ul style="list-style-type: none"> Private play structures can be built using aluminum, galvanized steel, rubber, and water resistant wood Private play structures will not be built using railroad ties and treated wood
Height and depth regulations	<ul style="list-style-type: none"> The height of a private play structures will be up to eight (8) feet maximum
Take Line setback	<ul style="list-style-type: none"> No setback requirements
Side yard setback	<ul style="list-style-type: none"> There will be a twenty (20) foot setback on both side yards
Normal pool elevation setback (Landside)	<ul style="list-style-type: none"> Private play structures will not be allowed below 438.0 feet mean sea level Private play structures will be situated in a collected area no larger than one thousand (1,000) square feet maximum Private play structures will be allowed within twenty (20) feet of the normal pool elevation shoreline (435.5 feet mean sea level), provided the private play structure does not block public safety personnel and their vehicles access for responding to emergencies, provided the private play structure does not block public maintenance personnel and their vehicles access for clearing the shoreline, and provided the private play structure is not placed in the view clear zone of a neighbor's view corridor.
Normal pool elevation setback (Waterside)	<ul style="list-style-type: none"> No private play structures will be allowed at, upon or over the Lake
Additional requirements	<ul style="list-style-type: none"> Private play structures will not hinder the view clear zone of an adjacent neighbors' view corridor. Private play structure must be anchored into the ground The exterior color of the play structure should blend and incorporate the hues and tones of the surrounding landscape Earth work construction involved with private play structures must comply with the erosion control standards set in the Interlocal Agreement and Lease Private play structures must comply with all other City of Rockwall codes.

Private Utilities	
Description	<ul style="list-style-type: none"> • Private utilities is system of underground cable lines, pipelines, and wiring installed by the leasing property owner to maintain and operate improvements in the Take Area and to support recreation and enjoyment
Allowances and disallowances	<ul style="list-style-type: none"> • Buried private utilities are allowed • No overhead private utilities lines are allowed
Building materials	<ul style="list-style-type: none"> • All building materials must meet the City of Rockwall's adopted building codes and all other applicable ordinances
Height and depth regulations	<ul style="list-style-type: none"> • All private utilities will be buried according to standards set in the City of Rockwall Subdivision ordinance
Take Line setback	<ul style="list-style-type: none"> • No setback requirements
Side yard setback	<ul style="list-style-type: none"> • There will be a twenty (20) foot setback on both side yards
Normal pool elevation setback (Landside)	<ul style="list-style-type: none"> • Private utilities will be allowed within twenty (20) feet of the normal pool elevation shoreline (435.5 feet mean sea level), provided the utilities are built to handle load factors associated with emergency and service vehicles • Private utilities containing electricity and communication lines built into boat-related uses will not be allowed below 436.5 feet mean sea level • Private utilities containing natural gas, propane, gasoline, oil, diesel, or similar types of compounds will not be allowed • Private utilities containing wastewater or any type of septic lines will not be allowed
Normal pool elevation setback (Waterside)	<ul style="list-style-type: none"> • No private utilities containing electricity and communication lines and built into boat-related uses for dock lighting and tying into connections with power stations will be allowed at, upon or over the Lake • No private utilities containing natural gas, propane, gasoline, oil, diesel, or similar types of compounds will be allowed at, upon or over the Lake • No private utilities containing wastewater or any type of septic lines will be allowed at, upon or over the Lake
Easement protection	<ul style="list-style-type: none"> • Private utilities will have to be developed in consideration of existing easement/right-of-way or identified future easement/right-of-way or identified or set aside access paths, and built to handle load factors associated with emergency and service vehicles • An existing and future easement running through a leased property will be allowed to substitute for the twelve (12) foot wide primary access right-of-way path provided it is twelve (12) feet wide, suitable for access, and will connect to adjacent access paths
Additional requirements	<ul style="list-style-type: none"> • Earth work for the construction of a private utilities must comply with the erosion control standards set in the Interlocal Agreement and Lease • Private utilities must comply with all other City of Rockwall codes.

Private Walks	
Description	<ul style="list-style-type: none"> Private walks can be a single path or a network of paths installed by the leasing property owner in the Take Area no greater than 48-inches in width
Allowances and disallowances	<ul style="list-style-type: none"> Steps are allowed with private walks Walks parallel with the shoreline are prohibited without approved Erosion Control Structure
Building materials	<ul style="list-style-type: none"> Private walks will be built using native stone, brick, and/or rectangular concrete pavers Private walks will not consist of loose stone, gravel, sand, asphalt, or concrete
Height and depth regulations	<ul style="list-style-type: none"> Private walks must be flushed with the level surrounding terrain, or work within the gradient present in the surrounding terrain
Take Line setback	<ul style="list-style-type: none"> No setback requirements
Side yard setback	<ul style="list-style-type: none"> There will be a ten (10) foot setback on both side yards
Normal pool elevation setback (Landside)	<ul style="list-style-type: none"> A private walk will be allowed up to three (3) feet from the normal pool elevation (435.5 feet mean sea level), with twelve (12) feet dedicated for emergency, service, and utility access and the private walk constructed to handle the load of heavy emergency and maintenance vehicles
Normal pool elevation setback (Waterside)	<ul style="list-style-type: none"> No private walk will be allowed going into the Lake
Easement protection	<ul style="list-style-type: none"> Private walks may encroach into an existing easement/right-of-way, encroach into an identified future easement/right-of-way, or encroach into an identified or set aside access path, provided that the property owner or sublease is responsible for repair and/or replacement of the walks in the event they are damaged or removed by the City or other public entity as a result of the necessary use of, or work within or around, such easements. An existing and future easement running through a leased property will be allowed to substitute for the twelve (12) foot wide primary access right-of-way path provided it is twelve (12) feet wide, suitable for access, and will connect to adjacent access paths
Additional requirements	<ul style="list-style-type: none"> Earth work construction involved with private walks must comply with the erosion control standards set in the Interlocal Agreement and Lease Private walks must comply with all other City of Rockwall codes

Fencing <i>(Ord. No. 07-12; May 7, 2007)</i>	
Description	<ul style="list-style-type: none"> • A fence is a permanent barrier intended to prevent escape or intrusion or to mark a boundary.
Allowances and disallowances	<ul style="list-style-type: none"> • A fence is only allowed to enclose a area of the takeline that is measured a maximum of forty-five (45) feet from the existing rear lot property corners along the projected lease lines
Building materials	<ul style="list-style-type: none"> • A fence will not consist of wood or plastic • A fence will not be a chain-linked fence • A fence will be built of wrought iron or tubular steel posts with less than four (4) inch spacing and no greater than two (2) inches in width
Height and depth regulations	<ul style="list-style-type: none"> • The height of a fence shall not exceed forty eight (48) inches as measured from adjacent grade.
Take Line setback	<ul style="list-style-type: none"> • No setback requirements
Side yard setback	<ul style="list-style-type: none"> • No setback requirements
Normal pool elevation setback (Landside)	<ul style="list-style-type: none"> • No setback requirements
Normal pool elevation setback (Waterside)	<ul style="list-style-type: none"> • No fence will be allowed at, upon or over the Lake
Easement protection	<ul style="list-style-type: none"> • A fence will not encroach into an existing designated drainage way or drainage easement or right-of-way, encroach into an identified future drainage way or drainage easement or right-of-way, or encroach into an identified or set aside access path • An existing and future easement running through a leased property will be allowed to substitute for the twelve (12) foot wide primary access right-of-way path provided it is twelve (12) feet wide, suitable for access, and will connect to adjacent access paths
Additional requirements	<ul style="list-style-type: none"> • The exterior color of a fence will be black. • A fence will not hinder the clear view zone of an adjacent neighbor's view corridor. • A fence must comply with all other City of Rockwall codes and require a building permit.

Landing/Stairs (connected to a retaining wall) <i>(Ord. No. 07-12; May 7, 2007)</i>	
Description	<ul style="list-style-type: none"> A landing is defined as the level part of a staircase, as at the end of a flight of stairs. A stairs is a series of steps for passing from one level to another.
Allowances and disallowances	<ul style="list-style-type: none"> Stairs with a landing shall be allowed to be constructed in conjunction with a retaining wall if the retaining wall exceeds three (3) feet in height measured from adjacent grade to the top of the wall. A landing with stairs exceeding the maximum requirements shall require a Specific Use Permit.
Building materials	<ul style="list-style-type: none"> A landing with stairs shall be constructed with exterior material of natural stone and iron railings.
Height and depth regulations	<ul style="list-style-type: none"> A landing with stairs will be limited to eight (8) feet by eight (8) feet measured at the top of the adjacent retaining wall and the staircase shall be parallel to the retaining wall with a maximum width of six (6) feet. <div style="text-align: center;">  <p>Top View of Landing/Stairs</p>  <p>Front Elevation View of Landing/Stairs</p> </div>
Take Line setback	<ul style="list-style-type: none"> No setback required.
Side yard setback	<ul style="list-style-type: none"> There will be a five (5) foot minimum setback on both side yards
Normal pool elevation setback (Landside)	<ul style="list-style-type: none"> A landing with stairs will be allowed within twenty (20) feet of the normal pool elevation shoreline (435.5 feet mean sea level).
Normal pool elevation setback (Waterside)	<ul style="list-style-type: none"> A landing with stairs will be allowed beside the Lake, but not upon or over the Lake
Additional requirements	<ul style="list-style-type: none"> A landing with stairs will not hinder the view clear zone of an adjacent neighbor's view corridor. Earth work construction of a landing with a stairs must comply with the erosion control standards set in the Interlocal Agreement and Lease A landing with stairs must comply with all other City of Rockwall codes.

Sprinkler / Irrigation Systems	
Description	<ul style="list-style-type: none"> • A sprinkler system is an underground irrigation network used to water and maintain trees, shrubs, grounds and the foundations of improvements
Allowances and disallowances	<ul style="list-style-type: none"> • A sprinkler system will be allowed throughout most of the Take Area
Building materials	<ul style="list-style-type: none"> • Sprinkler systems will be built using Schedule 40 PVC pipe • Sprinkler systems will not be built using metal pipe • All above ground risers will be made of copper
Height and depth regulations	<ul style="list-style-type: none"> • Sprinkler systems used for shrubs will be no higher than three (3) feet in height from the average base of the surrounding terrain (within a three (3) foot radius)
Take Line setback	<ul style="list-style-type: none"> • No setback requirements
Side yard setback	<ul style="list-style-type: none"> • A sprinkler system can be placed up to the side yard centerlines
Normal pool elevation setback (Landside)	<ul style="list-style-type: none"> • A sprinkler system will be allowed up to one (1) foot of the normal pool elevation shoreline (435.5 feet mean sea level) provided no part of the system could potentially result in lake siltation or shoreline erosion
Normal pool elevation setback (Waterside)	<ul style="list-style-type: none"> • No sprinkler system will be allowed at, upon or over the Lake
Easement protection	<ul style="list-style-type: none"> • An existing and future easement running through a leased property will be allowed to substitute for the twelve (12) foot wide primary access right-of-way path provided it is twelve (12) feet wide, suitable for access, and will connect to adjacent access paths
Additional requirements	<ul style="list-style-type: none"> • Sprinkler system must be connected to the resident's existing water supply source with approved backflow prevention devices • Any damage or destruction to any part of a sprinkler system by public safety, utility, maintenance, or inspection personnel and their vehicles will be the responsibility of the leasing property owner • Earth work for the construction of a sprinkler system must comply with the erosion control standards set in the Interlocal Agreement and Lease • A sprinkler system must comply with all other City of Rockwall codes

Deck/patio	
Description	<ul style="list-style-type: none"> • A deck/patio is an anchored or concrete-paved, flat-floored roofless surface built either beside the normal pool elevation shoreline or incorporated into a promontory in the Take Area, with a maximum area of 1,000 square feet.
Allowances and disallowances	<ul style="list-style-type: none"> • Stairs with handrails made of water resistant wood will be allowed in conjunction with a deck/patio • A deck/patio exceeding the maximum requirements shall require a Specific Use Permit. (<i>Ord. No. 07-12; May 7, 2007</i>)
Building materials	<ul style="list-style-type: none"> • A deck/patio must be built using water resistant wood and/or native stone • Any railing built on a deck/patio will have a water resistant wood picket with steel tubing railings or water resistant wood.
Height and depth regulations	<ul style="list-style-type: none"> • A deck/patio will be limited to twelve (12) inches above the highest elevation at which the deck is located
Take Line setback	<ul style="list-style-type: none"> • No setback requirements
Side yard setback	<ul style="list-style-type: none"> • There will be a twenty (20) foot setback on both side yards
Normal pool elevation setback (Landside)	<ul style="list-style-type: none"> • A deck/patio must be anchored into the ground • A deck/patio will be allowed within twenty (20) feet of the normal pool elevation shoreline (435.5 feet mean sea level), provided a deck/patio does not block public safety personnel and their vehicles access for responding to emergencies, provided a deck/patio does not block public maintenance personnel and their vehicles access for clearing the shoreline, and provided a deck/patio is not placed in the view clear zone of a neighbor's view corridor.
Normal pool elevation setback (Waterside)	<ul style="list-style-type: none"> • A deck/patio will be allowed beside the Lake, but not upon or over the Lake
Additional requirements	<ul style="list-style-type: none"> • A deck/patio will not hinder the view clear zone of an adjacent neighbors' view corridor. • Earth work construction of a deck/patio must comply with the erosion control standards set in the Interlocal Agreement and Lease • A deck/patio must comply with all other City of Rockwall codes.

Deck/Patio Cover – Pergola <i>(Ord. No. 10-32; December 6, 2010)</i>	
Description	<ul style="list-style-type: none"> • A deck/patio cover - pergola is a permanent stand-alone roofed structure opened on all sides often built as a shade structure over a deck or patio. The pergola has supporting, vertical posts with rafters across the top. These are usually open and flat, running at regular intervals horizontally across the structure, and supported by side rafters. Their sides being square or rectangular in shape, they have straight lines as the basis of their structure.
Allowances and disallowances	<ul style="list-style-type: none"> • A deck/patio cover - pergola will not be used as a habitable dwelling structure • A deck/patio cover - pergola will not be used as a storage facility • A deck/patio cover - pergola will not be used as a shelter for domestic or wild animals • A deck/patio cover - pergola will not exceed one story • A deck/patio cover - pergola will not have an overhang greater than one (1) foot, six (6) inches • A deck/patio cover - pergola will have a pergola style roof with rafters across the top • A deck/patio cover - pergola roof will not be used as a deck
Building materials	<ul style="list-style-type: none"> • The building materials shall consist of cedar, redwood, ironwood or composite materials which may include a wood composite (natural timber fibers mixed with a high tech plastic material), fiberglass, vinyl, urethane and cellular PVC • Pressure treated pine, railroad ties and other treated wood products are not allowed
Height and depth regulations	<ul style="list-style-type: none"> • The height of a deck/patio cover - pergola will be a maximum of twelve (12) feet <div style="text-align: center;"> <p style="color: blue; font-weight: bold; font-size: 1.2em;">PERGOLA DETAIL</p> </div>
Take Line setback	<ul style="list-style-type: none"> • No setback requirements
Side yard setback	<ul style="list-style-type: none"> • There will be a twenty (20) foot setback on both side yards

Normal pool elevation setback (Landside)	<ul style="list-style-type: none">• A deck/patio cover - pergola will be allowed below 438.0 feet mean sea level; however, it shall not hinder the clear view zone of an adjacent neighbors' view corridor.• The exterior of a deck/patio cover - pergola will measure twelve (12) feet x twenty (20) feet maximum with a maximum height of twelve (12) feet.• A deck/patio cover - pergola will be allowed within twenty (20) feet of the normal pool elevation shoreline (435.5 feet mean sea level), provided the deck/patio cover - pergola does not block public safety personnel and their vehicles access for responding to emergencies, provided the deck/patio cover - pergola does not block public maintenance personnel and their vehicles access for clearing the shoreline, and provided the deck/patio cover - pergola is not placed in the view clear zone of a neighbor's view corridor.
Normal pool elevation setback (Waterside)	<ul style="list-style-type: none">• A deck/patio cover - pergola will not be allowed at, upon or over the Lake
Additional Requirements	<ul style="list-style-type: none">• Earth work construction of a deck/patio cover - pergola must comply with the erosion control standards set in the Interlocal Agreement and Lease• A deck/patio cover - pergola must comply with all other City of Rockwall codes

Gazebo	
Description	<ul style="list-style-type: none"> • A gazebo is a permanent stand-alone roofed trellis structure opened on all sides with places for sitting
Allowances and disallowances	<ul style="list-style-type: none"> • A gazebo will not be used as a habitable dwelling structure • A gazebo will not be used as a storage facility • A gazebo will not be used as a shelter for domestic or wild animals • A gazebo will not exceed one story • A gazebo will not have an overhang greater than one (1) foot, six (6) inches • A gazebo will have a hip roof with a slope of 2:1 ratio • A gazebo will have one cupola centered at the top of the main hip roof • A gazebo roof will not be used as a deck • A gazebo will not contain a balcony • A Gazebo exceeding the maximum requirements shall require a Specific Use Permit. <i>(Ord. No. 07-12; May 7, 2007)</i>
Building materials	<ul style="list-style-type: none"> • A gazebo will be built using steel reinforced concrete piers • The side trellis of a gazebo will be built using wood • The roof of a gazebo can match the roof of the Take Area leasing property owner's housing structure; otherwise, the roof of a gazebo will be built using a pre-finish standing seam galvanized roof.
Height and depth regulations	<ul style="list-style-type: none"> • The height of a gazebo will be a maximum of fifteen (15) feet.
Take Line setback	<ul style="list-style-type: none"> • No setback requirements
Side yard setback	<ul style="list-style-type: none"> • There will be a twenty (20) foot setback on both side yards
Normal pool elevation setback (Landside)	<ul style="list-style-type: none"> • A gazebo will not be allowed below 438.0 feet mean sea level • The exterior of a gazebo will measure ten (10) feet x ten (10) feet maximum with a maximum height of fifteen (15) feet. • A gazebo will be allowed within twenty (20) feet of the normal pool elevation shoreline (435.5 feet mean sea level), provided the gazebo does not block public safety personnel and their vehicles access for responding to emergencies, provided the gazebo does not block public maintenance personnel and their vehicles access for clearing the shoreline, and provided the gazebo is not place in the view clear zone of a neighbor's view corridor.
Normal pool elevation setback (Waterside)	<ul style="list-style-type: none"> • A gazebo will not be allowed at, upon or over the Lake
Additional requirements	<ul style="list-style-type: none"> • A gazebo will not hinder the clear view zone of an adjacent neighbors' view corridor. • Earth work construction of a gazebo must comply with the erosion control standards set in the Interlocal Agreement and Lease • A gazebo must comply with all other City of Rockwall codes

Specifications for Boat-Related Uses

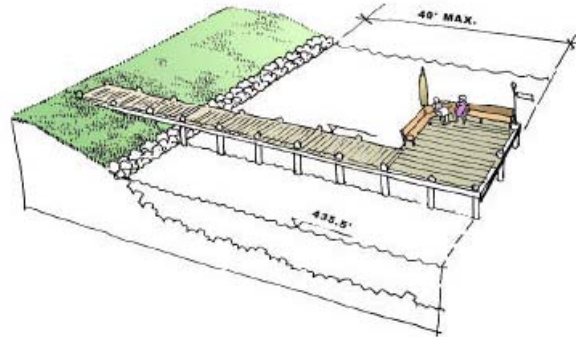
(Ord. No. 05-31, July 5, 2005; Revised via Ord. No. 07-12, May 7, 2007 and Ord. No. 08-30, July 7, 2008)

Standards for ALL boat-related uses (*As Permitted by City of Dallas*)

Descriptions and Visual Measurements

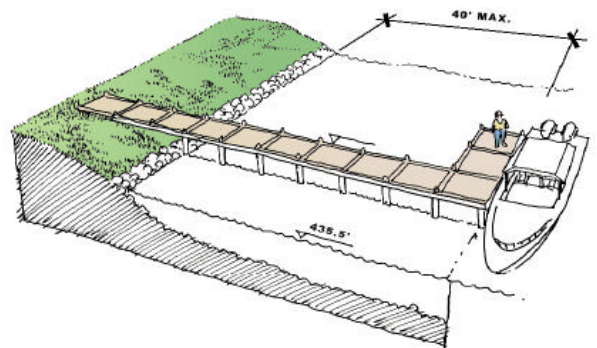
A dock deck is a flat floor surface area built over the Lake water adjoining the end of a fixed pier:

Dock deck adjoining a fixed pier



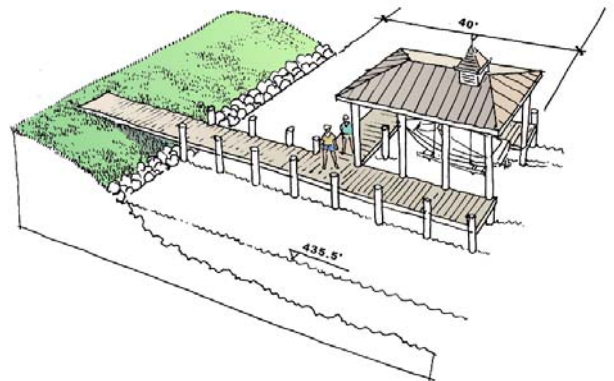
A fixed pier is a structure with a catwalk on top that extends from the shoreline out into the body of water with the structure being used to moor and land watercraft:

Fixed pier



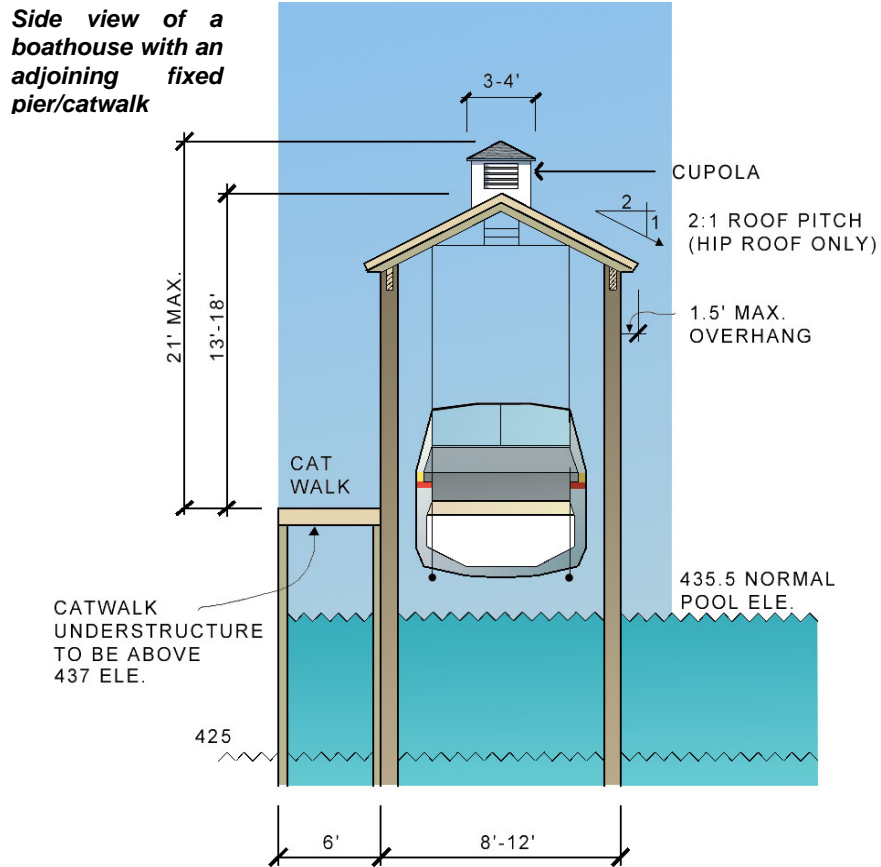
A boathouse is a roofed structure with a main waterside opening with an operating boatlift(s) contained within the structure and the structure built to house and protect watercraft and boat related equipment and with the boathouse structure built at the end or toward the end of an adjoining fixed pier

Boathouse adjoining a fixed pier on leased property



Boathouse Elevation

Side view of a boathouse with an adjoining fixed pier/catwalk



Allowances and disallowances

General Requirements:

- Each eligible parcel adjacent to the Takeline will be permitted one fixed pier with an adjoining dock deck and/or boathouse.
- Any combination of a fixed pier, dock deck and/or boathouse shall not exceed thirty (30) feet in total width
- View corridor restrictions do not apply to dock decks, fixed piers or boathouses
- No boat-related structure will be used as a habitable structure
- No boat-related structure will be used as a shelter for domestic or wild animals

Structure Specific Requirements:

Dock Decks

- Items that can be securely attached to the edge of a dock deck include the following: personal watercraft swing lift, benches, dock deck lighting (embedded and poled), lockerbox, and power source station
- A securely attached table can be placed on the edge or in the center of a dock deck

Fixed Pier

- A fixed pier can be designed to be 'I' shaped, 'T' shaped, 'L' shaped or 'U' shaped.
- Items that can be securely attached to the top edges of a catwalk of a fixed pier include the following: personal watercraft swing lift, bench,

	<p>cleats, dock ladder, dock lighting, lockerbox, and power source station</p> <ul style="list-style-type: none"> • Watercraft are only allowed to moor at any portion of a fixed pier for no greater than 156 hours during an entire week • Stairs with handrails made of water resistant wood are allowed at the landside end of a fixed pier <p><u>Boathouse</u></p> <ul style="list-style-type: none"> • A boathouse will not exceed one story • A boathouse will have a hip roof with either one cupola with a hip roof centered at the top of the main hip roof or two cupolas each with hip roofs at either end of the top of the main hip roof, with cupola(s) measuring from three (3) feet to four (4) feet in width • A boathouse cupola will be designed to allow updraft air and winds to vent outward • A boathouse shall be built with a 2:1 roof pitch • A boathouse roof will not be used as a deck • A boathouse will not have an overhang greater than eighteen (18) inches • A boathouse will not be used for storing any other type of items except boats and boat-related equipment • A deck ladder will be allowed inside a boathouse • A boathouse can incorporate one storage unit measuring 72" length x 20" depth x 20" height placed on the outer dock-side to be used only for storing boat-related equipment, except fossil-fuels and hazardous materials • A boathouse must contain an operating boatlift built within the boathouse structure • A boathouse must incorporate either one regular boat lift OR two personal watercraft boat lifts, and all stored watercraft must be covered by the boathouse roof • A boatlift(s) built within a boathouse must be able to hoist a watercraft(s) above 438.0 feet mean sea level • Boat engines with a fuel efficiency rating of 95% or less will be restricted from boathouses • A boathouse can be used for storing sailboats
<p>Building materials</p>	<ul style="list-style-type: none"> • Boat-related structures constructed below 437.0 feet mean sea level must use only pilings and materials approved by the City of Dallas. • A dock deck or fixed pier will be constructed above 437.0 feet mean sea level using only Ironwood, composite materials that are equivalent to or exceed Trex brand specifications, or powder-coated aluminum with a minimum color rating of AAMA 2604. • A boathouse will be constructed above 437.0 feet mean sea level using only structural galvanized steel and Ironwood, composite materials that are equivalent to or exceed Trex brand specifications, or powder-coated aluminum with a minimum color rating of AAMA 2604 (for decking, encasing, and on all fascias). • Water repellant sealants shall not be used to treat Ironwood on any boat-related structure. • Any benches built on a fixed pier or dock deck shall be constructed of water resistant materials (wood is not permitted) • All fasteners binding wood must be made of stainless steel • A boathouse shall have a roof constructed of standing seam metal with a pre-finished color to be selected from Appendix 1 of Table A

<p>Height and depth regulations</p>	<ul style="list-style-type: none"> • The approved pilings used to support a dock deck, fixed pier, or boathouse must be built up to at least seventeen (17) inches above the normal pool elevation (435.5 feet mean sea level) • The flat floor surface or catwalk for all structures must be no more and no less than eighteen (18) inches above the normal pool elevation (435.5 feet mean sea level) • Dredging of the lake area is allowed for the berthing of a motorized boat into a fixed pier or boathouse provided that dredging does not exacerbate shoreline erosion, lake siltation, water quality degradation, wetlands instability, or the integrity of any built structure, and the dredged channel is maintained for boating maneuverability to a depth of 425.0 feet mean sea level and a width area allowable for safe boating maneuverability • Proper authorization to dredge must be obtained from the City of Rockwall, City of Dallas, U.S. Army Corps of Engineers, and Texas Parks and Wildlife • Disposal of dredge material must be handled by a licensed establishment, properly treated and disposed of at an offsite location or disposed onsite only as part of land reclamation working under City of Dallas guidelines and supervision • The maximum height for boat-related structures shall be as follows: <ul style="list-style-type: none"> • Dock Deck = Up to four (4) pole structures incorporated into dock deck are allowed with a maximum height of 8-feet above the flat floor surface • Fixed Pier = Up to two (2) pole structures incorporated into fixed pier are allowed with a maximum height of 8-feet above the catwalk • A boathouse’s height will range from sixteen (16) feet minimum to twenty-one (21) feet maximum measured from the top of the fixed pier’s catwalk to the vertex of boathouse’s cupola roof
<p>Takeline setback</p>	<ul style="list-style-type: none"> • No setback requirements
<p>Side yard setback</p>	<ul style="list-style-type: none"> • All boat-related structures permitted by this ordinance shall have a side yard setback of at least ten (10) feet
<p>Normal pool elevation setback (Landside)</p>	<ul style="list-style-type: none"> • A dock deck or boathouse will not be allowed on land • A fixed pier catwalk will be allowed within nine (9) feet of the normal pool elevation shoreline (435.5 feet mean sea level)
<p>Normal pool elevation setback (Waterside)</p>	<ul style="list-style-type: none"> • The farthest point of each dock deck, fixed pier, or boathouse, or combination thereof as allowed by this ordinance, will not extend more than forty (40) linear feet into the water measured from the seawall • No dock deck, fixed pier, or boathouse shall be designed so as to prevent public access to an area of water <p><u>Size Requirements</u></p> <ul style="list-style-type: none"> • Dock Deck: The footprint of the exterior sides of a dock deck adjoining a fixed pier will measure 8-ft x 10-ft minimum and will measure 12-ft x 30-ft maximum • Fixed Pier: The catwalk of a fixed pier will be a maximum of 6-ft in width, as measured at a 90-degree angle to the main fixed pier’s length, and will not enclose any portion of the water to allow the free movement of water underneath. • The footprint of the exterior sides of a boathouse structure will measure eight (8) feet width x thirty (30) feet length minimum and will measure twelve (12) feet width x thirty (30) feet length maximum

Easement Protection	<ul style="list-style-type: none"> • No dock deck, fixed pier or boathouse shall encroach into an existing or identified future easement, right-of-way, access road or path
Additional Requirements	<ul style="list-style-type: none"> • All boat-related structures shall be designed to discourage swimming • All boat-related structures must comply with the most recent City of Rockwall codes • All boat-related structures as defined in this ordinance must be durable, having a base foundation construction of approved piling piers placed to a depth per structural engineer • Vertical rub rails are required on all concrete piers • The exterior color of all dock decks and fixed piers shall be a neutral or earthtone color subject to approval by the City of Rockwall • Accessories placed on the flat floor surface of a dock deck or catwalk of a fixed pier must be placed in an orderly manner that allows for the safe movement of people • All dock decks and fixed piers shall be designed to be clearly visible during all seasons of the year and fluctuations in pool elevation • All structures shall be designed with safety reflectors to be clearly visible on three sides on the main waterside end of the structure. Safety reflectors are required on either side of the main waterside end and the two sides at a minimum increment of ten (10) feet starting at the structure's main waterside end and working back to the shoreline. Safety reflectors will be white, blue, or red and no less than three (3) inches diameter or square in size, kept clean, firmly attached to the structure, and maintained in good condition. • The placement of a residence street address sign with six-inch black letters on white background must be displayed outward towards the main body of the Lake to be recognizable for waterside public safety and emergency personnel is required on all boat-related structures (or combination thereof) • Interior and exterior lighting for any boat-related structure shall not hinder adjacent neighbors' lake area views, negatively impact surrounding residents with unwanted brightness and glare, or interfere with the safety of the traveling public • Interior lighting for a boathouse will be directed to the ceiling of the structure and the stored watercraft • Exterior lighting for a boathouse will be directed downwards toward the fixed pier with light fixtures incorporated either into the roof's overhang or the structure's columns • Safety lighting may be placed onto the interior edges of the flat floor surface of a dock deck or the catwalk of a fixed pier at ten (10) foot increments, with the cover housing the lighting source no higher than six (6) inches maximum • Two (2) light post structures with a maximum height of eight (8) feet can be placed along the periphery of a dock deck or at the end of a fixed pier

Appendix 1

Pre-finished Standing Seam Metal Roof Colors for Boathouse

*Note: The colors below have been selected from the *Residential Metal Roofing 2007 Catalog* as published by Mueller, Inc. Like colors from other manufacturers may be used subject to review and approval by the Director of Planning at the time of building permit. (Ord. No. 07-12, May 7, 2007)



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ARTICLE VI. PARKING AND LOADING

SECTION 1 PURPOSE

1.1 PARKING

The purpose of this Article is to regulate the number of required off-street vehicular parking spaces so as:

- to provide for the needs of occupants, customers, visitors or others involved in the use or occupancy of any building, structural improvement or place of assembly;
- to eliminate undue use of the street system for parking purposes;
- to avoid the occurrence of nonresident on-street parking in adjoining neighborhoods;
- to protect the environment by promoting trip reduction and efficient land use through an analytic process in which the amount of parking may be limited to what is realistically needed for the uses on the site, thus reducing concrete/asphalt areas, heat islands and air pollution;
- to promote and protect the public health, safety, comfort, convenience and general welfare; and,
- to grant and define the administrative powers and duties necessary to enforce this Article.

1.2 LOADING

It is also the purpose of this Article to require allocation of sufficient off-street/on-site loading facilities by businesses and industry to ensure that the loading and unloading of vehicles will not interfere with traffic flow or block roadways or fire lanes.

SECTION 2 APPLICABILITY

2.1 CONSTRUCTION OR CREATION OF USE

Any building, improvement, or use of land approved or erected shall include the necessary off-street parking spaces, and require off-street/on-site loading facilities subject to the standards established in this Article.

2.2 CHANGE OF USE

Whenever any building, improvement, or use of land is proposed to be changed to a new use, the provision of off-street parking and loading shall be required for the new use in accordance with this Article.

2.3 EXPANSION OF AN EXISTING USE

If any building, improvement, or use of land is expanded, the provisions for parking and loading shall be provided for the portion of land use and/or building that has been added.

2.4 RENOVATION OR REDEVELOPMENT

Notwithstanding *Subsection 2.2* above, if any building, improvement, or use of land is repaired, renovated, altered, expanded or redeveloped, and the cost of such changes exceed fifty (50%) percent of the fair market value of the building improvement prior to the subject improvements, the parking and loading facilities set forth in this Article shall be made conforming, unless a Specific Use Permit has been approved for such reduction in the provision of parking or loading.

SECTION 3 GENERAL PROVISIONS

3.1 CALCULATION OF SPACES

- A. Fractional Number of Spaces.** In determining the required number of parking spaces, fractional spaces shall be counted to the nearest whole space. Parking spaces located in buildings used for repair garages or auto laundries shall not be counted as meeting the required minimum parking.
- B. Parking Structures Excluded.** Floor area of structures devoted to off-street parking of vehicles shall be excluded in computing the floor area for off-street parking requirements.
- C. Requirements for Uses Not Listed.** The off-street parking requirements for a use not specifically listed in the schedule below shall be the same as required for a use of a similar nature as determined by the Director of Planning.

3.2 PAVING MATERIALS

All required parking and loading areas, public and private drives, and fire lanes shall be constructed of concrete, but may have a surface treatment of brick, stone or other similar material. However, cast interlocking concrete, brick, or stone pavers installed on a prepared base may be used in parking areas and on public and private drives where approved by the City Engineer.

3.3 LOCATION OF COMMERCIAL PARKING AND LOADING SPACES

The required off-street parking and loading spaces shall be located on the same lot as the building or use served; except, off-street parking may also be located as follows:

A. Parking May be Located Off-site.

1. When an increase in the number of off-street parking spaces is required by a change or enlargement of use, or where off-street parking spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required off-street parking spaces may be located at a distance not to exceed four hundred (400) feet from the building being served; provided, however, that a written agreement thereto is properly executed and filed as provided below.
2. The distance from the land use requiring parking to the off site parking site shall be measured along the shortest legal pedestrian path between one site and the other.
3. All off-site parking must first be approved by City Council.

B. Joint Use of Parking. Parking adjustments may be allowed according to the following percentages by time of day:

FIGURE 1 PARKING ADJUSTMENT
 PERCENTAGES BY TIME OF DAY

TIME OF DAY	OFFICE	RETAIL	RESTAURANT	THEATER	HOTEL
6 AM - 12 Noon	1.00	0.97	0.50	0.30	1.00
12 Noon - 1 PM	0.90	1.00	0.70	0.70	0.30
1 PM - 4 PM	0.97	0.97	0.60	0.70	0.45
4 PM - 6 PM	0.47	0.82	0.90	0.80	0.70
6 PM - 8 PM	0.07	0.89	1.00	1.00	1.00
8 PM - 12 Midnight	0.03	0.61	1.00	1.00	1.00

FIGURE 2 JOINT USE PARKING EXAMPLE:

1. A sample mixed use Development comprised of
 - Office at 50,000 sf
 - Retail at 20,000 sf
 - Restaurant at 8,000 sf

2. Individual Parking Requirements =
 - Office at 1 space per 300 = $50,000 / 300 = 167$
 - Retail at 1 space per 250 = $20,000 / 250 = 80$
 - Restaurant at 1 space per 100 = $8,000 / 100 = 80$
 - 327

3. Shared Parking Requirement =

TIME OF DAY	OFFICE	RETAIL	RESTAURANT	TOTAL
6 AM - 12 Noon	$1.00 \times 167 = 167$	$0.97 \times 80 = 78$	$0.50 \times 80 = 40$	285
12 Noon - 1 PM	$0.90 \times 167 = 150$	$1.00 \times 80 = 80$	$0.70 \times 80 = 56$	286
1 PM - 4 PM	$0.97 \times 167 = 162$	$0.97 \times 80 = 78$	$0.60 \times 80 = 48$	288
4 PM - 6 PM	$0.47 \times 167 = 78$	$0.82 \times 80 = 66$	$0.90 \times 80 = 72$	216
6 PM - 8 PM	$0.07 \times 167 = 12$	$0.89 \times 80 = 71$	$1.00 \times 80 = 80$	163
8 PM - 12 Midnight	$0.03 \times 167 = 5$	$0.61 \times 80 = 49$	$1.00 \times 80 = 80$	134

4. **Parking Required = 288 spaces.** (Highest total for any time period.) This is a reduction of 39 spaces (11.9%) over the individual parking requirements.

C. Off-Site Parking Agreement.

1. When the required off-street parking spaces are not located on the same lot with the building or use served, or when the required off-street parking spaces are provided collectively or used jointly by two (2) or more establishments, a written agreement which assures the retention of such spaces for this purpose, and for a period of not less than 2 years, shall be drawn and executed by the parties concerned, approved as to form by the City Attorney, and filed with the application for a Building Permit or Certificate of Occupancy if a change in use is involved.
2. If the off site parking is terminated for any reason, then alternative parking meeting the standards of this Article, shall be required, or the property shall lose its Certificate of Occupancy.

D. Parking in Front Yards of Residential and Agriculture. No required off-street parking space shall be located in the required front yard in any residential or agricultural district.

E. Parking in Front Yards of Non-Residential. In any non-residential district, the required off-street parking space may be located in the required front yard provided that it meets landscaping and screening requirements in *Article VIII Landscape Standards*.

3.4 LIGHTING OF PARKING AND LOADING AREAS

A. Spill-Over Lighting. All lighting facilities shall be so arranged as to reflect the illumination away from any adjacent property. Such lighting facilities shall provide illumination within parking areas not to exceed a maintained average of one (1.5) foot-candle at ground level, and shall distribute not more than two-tenths (0.2) of one foot-candle of light upon any adjacent residential property. (Also, see *Article VII, Section 3 Glare and Spill-Over Lighting*.)

B. Lighting as a Nuisance or Safety Hazard. All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not intrude on residential property or create a hazard to motorists on any street, alley or other public way

3.5 PAY PARKING LOTS

No charge may be made for at-grade visitor parking spaces, unless approved by City Council as part of a Specific Use Permit.

3.6 SHARED PARKING/CROSS ACCESS

In master planned retail centers, cross-access and shared parking agreements are required for final platting.

SECTION 4 RESIDENTIAL PARKING

4.1 LOTS LESS THAN FIVE ACRES

- A. Location.** All required residential parking shall be located onsite except in the Downtown District. (*Ord. No 08-23, 5-5-08*)
- B. Garages.** In single family or duplex districts, parking garages must be located at least 20 feet behind the front building façade for front entry garages, unless it is a “J-Swing” garage where the garage door is perpendicular to the street.
- C. Storage of Vehicles.** On lots less than five (5) acres, motor homes, camper cabins, non-street legal motorcycles (including all-terrain vehicles, dirt or moto-cross bikes, or similar type vehicles) boats, farm machinery, or similar equipment, excluding golf carts, shall not be parked or stored on any residential or agricultural lot or the adjacent street except when in conformance with the following provisions:
1. Such equipment shall be located beside or behind the primary structure and back from the nearest corner of the front façade of the house a minimum of 10 feet, (if such equipment is 6 feet or less in height, the 10 feet minimum setback shall not apply); and
 2. On lots less than one and one-half (1.5) acres such equipment shall be screened from view of public street rights-of-way with a minimum 6-foot solid fence or equivalent landscaping; and
 3. On lots less than one and one-half (1.5) acres, equipment taller than 8 feet above grade shall respect a 3 foot setback from all side and rear property lines; and
 4. If located on a lot which is less than one and one-half (1.5) acres, it shall be parked on an approved surface of concrete, asphalt or stabilized gravel.
 5. Property owners with recreational vehicles over eight (8) feet in height, who were in compliance with the City of Rockwall Zoning Ordinance (Ord. 83-23) prior to the adoption of the Unified Development Code (Ord. 04-38) on June 7, 2004, and who file an affidavit with the Building Official no later than April 1, 2005, shall register their property for “exception status” to the storage requirements for Recreational Vehicles over eight (8) feet in height. However, no Recreational Vehicle of any height shall be allowed to be stored in front of any portion of the façade of the primary residential structure, including lots with two frontages, and shall not encroach into the minimum 3 foot setback from all side and rear property lines, as required in this section. (*Ord. No 05-06, 2-7-05*), (*Ord. No 08-23, 5-5-08*)
- D. Loading and Unloading.** Notwithstanding other requirements of this Section, such equipment may be parked anywhere on a residential, agricultural or commercial premises not to exceed 48 hours for the purpose of loading and unloading only.
- E. Living or Sleeping.** No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on any lot not approved for such purposes.
- F. Carports.** In single family or duplex districts, carports must be located at least 20 feet behind the front building façade and be architecturally integrated with the main residential structure.

SECTION 5 OFF-STREET PARKING REQUIREMENTS

5.1 OFF-STREET PARKING REQUIREMENTS

The Schedule of Off-Street Parking Requirements in Table 3 establishes parking requirements for all zoning districts.

5.2 CONVENTIONS USED IN PARKING REQUIREMENT SCHEDULE

- A. Square Feet.** "s.f." means gross square feet of building, unless otherwise noted.
- B. Site Area Parking Requirements.** The parking requirement for a use of site area is based on the net site area exclusive of parking and buildings.
- C. Land Uses.** Land uses listed under "Permitted Uses" in the accompanying schedule does not mean that this use is permitted within the City. Please refer to *Article IV Permissible Uses*.

5.3 OFF-STREET PARKING STANDARDS

- A. Head-In Parking.** An off-street parking space shall not be located on a public street. Head-in parking adjacent to a public street wherein the maneuvering of the vehicle in parking or leaving a parking space is done directly onto a public street, shall not be allowed in non-residential zoning districts nor shall it be allowed in conjunction with multi-family residential land uses unless specifically approved as part of a special district zoning ordinance such as for the downtown.
- B. Parking Spaces and Aisle Surfaces.** All parking spaces, aisles and maneuvering areas shall have an all-weather surface, whether enclosed or unenclosed, and shall be connected by an all-weather surfaced driveway to a street or alley.
- C. Parking Space and Aisle Dimensions.** All parking spaces and aisle dimensions shall conform to the off-street parking requirements in Section 2.19 of the City's Standards of Design and Construction (Ord. No. 03-27), as amended, unless otherwise approved by the Planning and Zoning Commission and City Council. (*Ord. No. 06-14, 04-17-06*)
- D. Site Access for Vehicles.** Access to a lot or tract shall conform to the Access Control Guidelines in the Driveway Ordinance. A driveway conforming to City Driveway Standards shall be constructed for each approved access point. A permit must be obtained from the City to construct a driveway within the City.

5.4 HANDICAPPED PARKING

In each parking facility, a portion of the total number of parking spaces shall be specifically designated as handicapped accessible parking spaces and reserved for vehicles licensed by the State for use by the handicapped. The following parking and passenger loading standards shall apply to any new construction within the City.

A. Spaces Required:

FIGURE 4 HANDICAPPED PARKING SPACE REQUIREMENT

TOTAL REQUIRED PARKING IN LOT	REQUIRED NUMBER OF HANDICAPPED SPACES
1-25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 - 1,000	2 % of Total
1,001 and over	20 Plus 1 for each 100 over 1,000

B. Construction Standards. Parking spaces and facilities intended for use by the handicapped shall be designed and constructed in accordance with the standards established by State Law, City Ordinances and the American Disabilities Act (ADA).

C. Size of Spaces. Accessible parking spaces shall be at least 108 inches wide and shall be served by a pedestrian maneuvering access aisle at least 60 inches wide. The access aisle shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle. Accessible parking spaces and access aisles shall be level with surface slopes not exceeding 2% in any direction.

D. Van Accessible Spaces. One in every eight accessible spaces, but not less than one, shall be served by an access aisle not less than 108 inches wide and provide a minimum vertical clearance of 98 inches at the parking space and along at least one vehicle access route to such parking space from site entrance and exit. All such spaces shall be designated "Van Accessible" and may be grouped on one level of a parking structure.

E. Sign Handicapped Accessible Spaces. Accessible spaces shall be designated as reserved by a sign showing a symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

- F. Accessible Routes to the Building or Facility.** At least one accessible route within the boundary of a site shall be provided from public transportation stops (if available), accessible parking and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public.
- G. Accessible Routes on Site.** At least one accessible route shall connect accessible buildings, facilities, elements and spaces that are on the same site.
- H. Accessible Route Design Standards.** An accessible route shall have a minimum clear width of 36 inches and provide adequate space for a wheel chair turn around. If an accessible route has less than 60 inches clear width, then passing spaces of at least 60 inches by 60 inches shall be located at reasonable intervals, not to exceed 200 feet. A "T" intersection of two corridors or walks is an acceptable passing place.

SECTION 6 OFF-STREET LOADING REQUIREMENTS

6.1 APPLICABILITY

All non-residential structures which contain a gross floor area of 10,000 square feet or more shall provide and maintain off-street loading facilities on the same lot. Such off-street loading facilities shall be located adjacent to a public way or private service drive, in accordance with the following requirements:

- A. Unless an alternative is supported by design standards and approved as part of the Detailed Site Plan, no area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
- B. Any loading dock or loading area must provide a maneuvering area located entirely on private property, and shall not utilize any public right-of-way, and shall not block any drive, aisle or fire lane.
- C. Loading docks that are within 400 feet of a residential district shall be equipped with noise attenuation devices and screened from view of adjacent residential lots.

6.2 LIGHTING OF LOADING AREAS

All lighting facilities shall be so arranged as to reflect the illumination away from any adjacent property. Such lighting facilities shall provide illumination within loading areas not to exceed one (1.5) foot-candle at ground level, and shall distribute not more than two-tenths (0.2) of one foot-candle of light upon any adjacent property.

All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not intrude on residential property or create a hazard to motorists on any street alley or other public way.

6.3 DUMPSTER TRASH RECEPTACLES

All driveways to trash receptacles shall be designed to accommodate the weight of a 56,000 gross vehicular weight (G.V.W.) sanitation truck. Lifting aprons shall be provided in front of each trash receptacle location to accommodate the front wheels of the sanitation truck. Access to the trash receptacle and lift apron shall be in a "straight in" manner, or other manner as approved by the City Engineer. Trash receptacles shall not be located beneath any overhead utility line.

6.4 SIZE

Loading spaces shall be a minimum of twelve (12) feet in width, sixty-five (65) feet in length, and fourteen (14) feet in height except as may otherwise be approved by the City Engineer.

6.5 OFF-STREET LOADING REQUIREMENTS

Any use that receives or distributes material, supplies or merchandise by motor vehicle shall provide off-street loading space in accordance with the following requirements.

A. Retail, Commercial and Industrial Uses.

FIGURE 6 COMMERCIAL OFF-STREET LOADING
REQUIREMENTS

GROSS FLOOR AREA (S.F.)	MINIMUM REQUIRED LOADING SPACES
0 to 10,000	None
10,001 to 40,000	1
40,001 to 100,000	2
100,001 to 160,000	3
160,001 to 240,000	4
240,001 to 320,000	5
320,001 to 400,000	6
400,001 +	Special Parking Study

B. Auditoriums, Exhibitions Halls, Hotels, Restaurants and Sports Arenas.

FIGURE 7 RESTAURANTS AND PUBLIC
FACILITIES LOADING REQUIREMENTS

GROSS FLOOR AREA (S.F.)	MINIMUM REQUIRED LOADING SPACES
0 to 10,000	None
10,000 to 150,000	2
150,001 to 300,000	4
300,001 to 600,000	5
600,000 +	Special Parking Study

Table 3 Parking Requirement Schedule

LAND USE	MINIMUM PARKING REQUIRED
Agricultural	
Agricultural Uses on Un-Platted Land	No Requirement if 25 acres or more
Animal Hospital, Clinic	1 for each 500 s.f.
Animal Production	1 for each 200 square feet of office space
Crop Production	No Requirement
Horse Corral or Stable (Commercial)	1 for each 2 stalls
Horse Corral or Stable (Private)	1 for each 2 stalls
Wholesale Nursery (Growing only)	No Requirement
Residential	
Boarding or Rooming House	1 for each 75 s.f. of sleeping area
Duplex	2 for each Dwelling Unit
Guest Quarters/Domestic or Security Unit	1.5 for each unit
Multi-Family	Efficiency or 1 Bedroom Unit: 1.5 for each unit
	2 Bedroom Dwelling Unit: 2.0 for each unit
	3 or more Bedroom Dwelling Unit: 2.5 for each unit
Servants/Caretakers Quarters	1 for each bedroom
Single Family Attached	2 for each Dwelling Unit
Single Family Detached	2 for each Dwelling Unit
Single Family Townhouse	2 for each Dwelling Unit
Single Family Zero Lot Line	2 for each Dwelling Unit
Institutional & Community Service	
Auditorium or Assembly Hall	1 for each 3 seats or 1 for each 100 s.f., which ever is greater
Church / House of Worship	1 for each 4 seats in the sanctuary or auditorium
College, University or Seminary	1 for each 4 day students
Community Center	1 for each 200 square feet
Convalescent Care Facility	1 for each bed, and 1 for each employee on the largest shift
Nursing Home	1 for each 6 beds, and 1 for each employee on the largest shift
Daycare (7 or more)	1/300 s.f. + 1 drive loading area, min 4 cars
Emergency Ambulance Service	1 for each 300 square feet and 1 for each 750 square feet of site area
Government Facility	1 for each 300 square feet
Hospice	1 for each 6 beds, and 1 for each employee on the largest shift
Hospital	1 for each bed, or as determined by the Director of Planning
Library, Art Gallery or Museum (Public)	1 for each 350 square feet of public area
Post Office (Governmental)	1 for each 300 square feet and customer service area, plus 1 for each
Retirement Home	1 for each bedroom
Residential Care Facility	1 for each 6 beds, and 1 for each employee on the largest shift
School (Vocational)	1 for each student
School, Elementary (Public or Private)	1 for each 25 students
School, High (Public or Private)	1 for each 5 students
School, Junior (Public or Private)	1 for each 18 students
Office & Professional	
Financial Institution	1 for each 300 square feet
Clinic/ Medical or Dental Office	1 for each 200 square feet
Office, General	1 for each 300 square feet

LAND USE	MINIMUM PARKING REQUIRED
Recreation, Entertainment & Amusement	
Billiard Parlor or Pool Hall	1 for each 100 square feet, or 1 for each 4 seats, whichever is greater
Commercial Amusement (Indoor)	1 for each 3 persons accommodated (design capacity)
Community or Recreation Club (Public or Private)	3 for each Game Court or Bowling Lane; 1 for each 250 square feet of Assembly area; 25% of Required Parking may be on a Pervious Surface
Golf Course (Public or Private)	5 for each golf green
Park or Playground	1 for each 1000 square feet of site area
Recreation Facility, Health Studio	3 for each game court, and 1 for each 200 square feet of remaining area
Sports Arena, Stadium or Track	1 for each 3 seats
Private Club	1 for each 100 square feet, or 1 for each 4 seats, which ever is greater
Theater	1 for each 3 seats
Retail & Personal Service	
Antique / Collectible Store	1 for each 250 square feet
Auto/Truck Parts and Accessories	1 for each 250 square feet
Hair Salon, Manicurist, Barbershop	1 for each 250 square feet
Hotel	1 for each unit plus 50% of the requirement for accessory uses such as restaurants and meeting rooms which are attached
Motel	1 for each unit plus 50% of the requirement for accessory uses such as restaurants and meeting rooms which are attached
Laundry/Dry Cleaning (Drop-off/Pick-up)	1 for each 250 square feet
Mailing Service (Private)	1 for each 300 square feet
Museum or Art Gallery	1 for each 500 square feet, 5 spaces minimum
Restaurant/Cafe	1 for each 100 square feet, or 1 for each 4 seats, which ever is greater
Retail Store with Gasoline Product sales	1 for each 250 square feet
Retail Stores - General	1 for each 250 square feet
Service Station	3 for each repair bay, and 1 for each employee
Studio - Art, Photography or Music	1 for each 250 square feet
Veterinarian (No hospital or clinic)	1 for each 300 square feet
Commercial & Business Service	
Building & Landscape Material	1 for each 250 square feet, 5 spaces minimum
Commercial other than Listed	As Determined by the Director of Planning
<i>Exhibit Hall</i>	1 for each 100 s.f.
Medical or Scientific Research Laboratory	As Determined by the Director of Planning
Mortuary or Funeral Home	1 for each 300 s.f. of floor space, plus 1 for each 100 s.f. of floor area in Chapel
Research and Technology	1 for each 500 s.f. or 1 for each employee, which ever is greater
Shoe and Boot Repair and Sales	1 for each 250 square feet
Trade School	1 for each 20 square feet of classroom seating area
Auto & Marine	
Auto Body Repair	2 for each Service Bay (Service Bay is not a parking spot)
Auto Mechanical Repair	2 for each Service Bay (Service Bay is not a parking spot)
Quick Lube/Oil Change	2 for each Service Bay (Service Bay is not a parking spot)
Truck Stop with Fuel & Accessory Service	1 for each 200 square feet of retail or restaurant, plus 2 for each Service Bay (Bay is not a parking spot). Director of Planning will Determine mix of truck and car stalls
Truck/Trailer Rental	1 for each 200 square feet, 5 spaces minimum

LAND USE	MINIMUM PARKING REQUIRED
Industrial & Manufacturing	
Apparel Manufacturing	1 for each 200 square feet
Asphalt or Concrete Batch Plant	As determined by the Director of Planning
Industrial & Manufacturing, Other Than Listed	As determined by the Director of Planning
Light Assembly & Fabrication	1 for each 500 square feet or 0.75 for each employee on largest shift, which ever is greater
Manufacturing, Heavy	1 for each 500 square feet or 0.75 for each employee on largest shift, which ever is greater
Printing, Engraving and related Reproductive Services	1 for each 300 square feet or 1 for each employee, whichever is greater
Welding Repair	1 for each 500 square feet or 1 for each 2 employees, whichever is greater
Wholesale Distribution & Storage	
Distribution of Books/Other Printed Material	1 for each 1000 square feet or 1 for each 2 employees, whichever is greater
Gas/Chemical Bulk Storage	1 for each 2000 square feet of site area
Mini-Warehouse	3 spaces plus 1 for each 100 units
Packaging and /or Distribution	1 for each 2000 square feet of site area or 1 for each 2 employees, whichever is greater
Recycling Collection Center and/or Storage	1 for each 1000 square feet or 1 for each employee, whichever is greater
Warehouse/Storage (Inside)	1 for each 1000 square feet
Outside Storage	As determined by the Director of Planning
Warehouse Distribution Center	-
Utilities, Transportation & Communication	
Antenna, Commercial	1 space
Telephone Switching Station	1 space
Electrical Substation	1 space
Utility Shop and Storage	1 space for each 2000 square feet of site area
Airport, Heliport or Landing Field	As determined by the Director of Planning
Helistop	5 spaces for Commercial, 3 spaces for Non-Commercial Helistop

ARTICLE VII. ENVIRONMENTAL PERFORMANCE

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ARTICLE VII. ENVIRONMENTAL PERFORMANCE

SECTION 1 PURPOSE

The purpose of this Article is to set forth regulations which protect the public from the potential negative effects of industrial and intense commercial development by regulating smoke and particulate matter, odorous matter, fire or explosive materials, toxic and noxious matter, vibration, open storage, glare and fuel supply in the vicinity of such sites.

SECTION 2 APPLICABILITY

The following performance standards shall apply to all zoning districts in the City of Rockwall.

SECTION 3 OUTDOOR LIGHTING FOR NON-RESIDENTIAL PROPERTIES

3.1 DEFINITIONS.

Candela means a measurement quantified in unit(s) of luminous intensity in any given direction. It is also commonly referred to as candlepower(s).

Floodlight means an artificial illumination in broad beam, above fifteen (15) watts with a light source that extends more than (2) inches below the horizontal plane of the lamina.

Foot candle (or FC) means the amount of illumination provided by one (1) lumen uniformly distributed on one (1) square foot of surface.

Full Cut-Off means a light source that does not extend below the horizontal plan of the luminaire.

Light Source means the device which produces visible energy, such as a bulb.

Lumen means the quantity of luminous flux intercepted by a surface of one (1) square foot, all points of which are one (1) foot from a uniform source of one (1) candela. A one-candela source provides 12.57 lumens.

Luminaire means a complete lighting unit including a light source and all necessary mechanical, electrical, reflective, and decorative parts.

Partial Cut-Off means a light source that extends no more than one (1) inch below the horizontal plan of luminaire.

Standard means the light pole and base.

Temporary Holiday Lighting means the type of lighting typically used during the holiday periods.

3.2 PROHIBITED LIGHTING.

It shall be unlawful to display or operate the following:

- A. An unshielded light source, including bare bulbs, above 15 watts, except for temporary holiday lighting.
- B. The operation of search lighting is prohibited except it shall be permitted for a period not to exceed fourteen (14) days from grand openings and promotional events with permission of the Building Official.

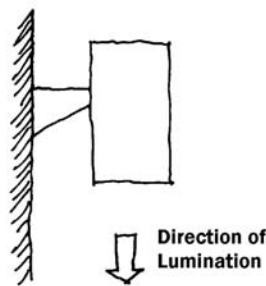
3.3 MINIMUM REQUIREMENTS.

- A. **Glare.** In order to preserve the night sky and to reduce glare on roadways, pedestrian areas and adjacent development, light sources (e.g. light bulbs) shall be oriented down and toward the center of the site or shielded so as to not be visible from the property line. This applies to refractory lenses which extend beyond the lighting fixture and are designed to redirect the lighting source horizontally. This does not apply to neon or internally lit signs, or to decorative lighting with 15 watts or less per bulb.
- B. **Light at Residential Property Line.** The allowable maximum light intensity measured at the property line of a residentially zoned lot shall be 0.2 of one foot candle.
- C. **Light at Non-Residential Property Line.** The allowable maximum light intensity measured at the property line of any non-residentially zoned lot shall be 0.2 of one foot candle. For planned shopping centers or other

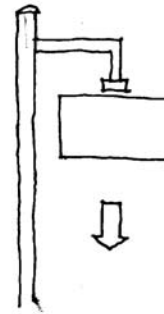
commercial developments that contain more than one lot, the Planning and Zoning Commission may consider lighting plans that are intended to increase lighting efficiency and reduce the number of overall light fixtures, but result in light spillover across common lot lines *within* the same development. However, in no case shall light levels exceed 0.2-FC at the property lines adjacent to the street and/or along the perimeter of the development. (Ord No. 10-14, 7-6-2010)

- D. **Height.** No light pole, base or combination thereof shall exceed thirty (30) feet, unless further restricted within an Overlay District as specified in Article V of this Code. (Ord. No. 06-14, 04-17-06)
- E. **Building and Pole Mounted Lighting.** All building and pole mounted luminaries exceeding fifteen (15) watts shall be directed down with either a partial cut-off or full cut-off source. See Lighting Exhibits A and B.

Exhibit A

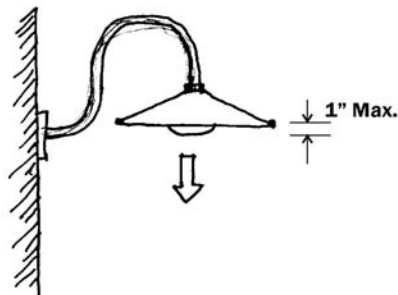


**EXAMPLE OF FULL CUT-OFF
BUILDING MOUNTED FIXTURE**

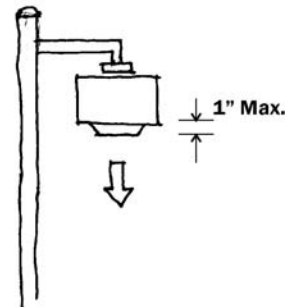


**EXAMPLE OF FULL CUT-OFF
LIGHT STANDARDS**

Exhibit B



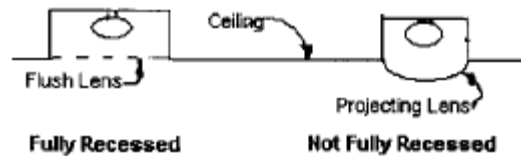
**EXAMPLE OF PARTIAL CUT-OFF
BUILDING MOUNTED FIXTURE**



**EXAMPLE OF PARTIAL CUT-OFF
LIGHT STANDARD**

- F. **Under-Canopy Lighting.** All under-canopy lighting, including but not limited to those fixtures utilized at fueling stations, drive-through lanes, and covered parking structures, shall be fully recessed into the canopy (See Lighting Exhibit C). (Ord No. 10-14, 7-6-2010)

Lighting Exhibit C



EXAMPLES OF UNDER-CANOPY LIGHTING

- G. **Illumination.** The maximum outdoor maintained, computed and measured illumination level within any non-residential development shall not exceed 20-FC outdoors at any point on the site, with the following exceptions:
1. Under-canopy lighting (e.g. fuel stations, drive-through lanes and covered parking structures) shall not exceed 35-FC. The remainder of the property shall comply with the 20-FC maximum.
 2. Lighting for motor vehicle dealerships shall not exceed 30-FC within the front yard(s) of the development. The remainder of the property shall comply with the 20-FC maximum.
- (Ord No. 10-14, 7-6-2010)
- H. **Exemptions.** Historic or antique-style pedestrian light fixtures approved by the Planning and Zoning Commission are excluded from these standards.

3.4 PLAN REQUIRED.

A photometric plan describing compliance with the provisions of this ordinance shall be submitted to the Director of Planning prior to the issuance of any building permit or certificate of occupancy that proposes additional lighting. This plan shall be prepared by an appropriate lighting designer such as a lighting engineer, architect or other qualified lighting designer. Upon installation of the lighting, the designer shall provide a letter certifying that the lighting is installed in accordance with the approved design and this ordinance. The Director of Planning shall have the authority to interpret and determine compliance with this ordinance. The Planning and Zoning Commission may grant exemptions to the provisions of this Article if compliance will result in substantial financial hardship or inequity, so long as said exemption is without harm to the public. Decisions of the Planning and Zoning Commission may be appealed to the City Council.

3.5 NONCONFORMING LIGHTING.

Luminaries installed prior to the adoption of this ordinance shall be exempt from the requirements herein.

3.6 EXEMPTIONS.

Lighting installed by or for a governmental agency for the public benefit that is used for activities for the public benefit such as right of way, ball fields, airports and parks. However, parking lot lighting for these activities shall be meet the requirements of the ordinance.

SECTION 4 NOISE

4.1. NOISE, GENERAL

Refer to Section 18-5 of the City of Rockwall Code of Ordinances for noise regulations. (*Ord. No. 09-23, 06-15-09*)

SECTION 5 SMOKE AND PARTICULATE MATTER

5.1 STANDARDS

No industrial operation or use shall cause, create, or allow the emission for more than three minutes in any one hour, of air contaminants which at the emission point or within the bounds of the property are:

- A. In violation of the standards specified by the Texas Natural Resource Conservation Commission, or subsequent agency; or
- B. Of such capacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in "A" above except that, when the presence of steam is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the outside atmosphere, performance shall be considered to comply with this Section.

5.2 COMBINED STANDARDS

The emission of particulate matter from all sources in a district subject to this Article shall not exceed the level specified by the Texas Natural Resource Conservation Commission, or subsequent agency.

5.3 STANDARDS MEASURED AT PROPERTY LINE

Open storage and open processing operations, including on-site transportation movements which are the source of wind or airborne dust or other particulate matter; or which involve dust or other particulate air contaminant generating equipment including but not limited to paint spraying, grain handling, sand or gravel processing or storage or sand blasting shall be so conducted such that dust and other particulate matter so generated are not transported across the boundary property line or the tract on which the use is located in concentrations exceeding standards set by the Texas Natural Resource Conservation Commission.

SECTION 6 ODOROUS MATTER

6.1 APPLICABILITY

No use shall be operated in any zoning district in such a manner that the emission of odorous matter occurs in such quantity or volume as to produce a nuisance, source of discomfort or hazard beyond the bounding property lines of such use.

6.2 DETERMINATION

The odor threshold as herein referred to shall be determined by observation by a person or persons designated by the City Council. In any case, where the operator of an odor-emitting use may disagree with the enforcing officer where specific measurement of odor concentration is required, the method and procedures specified by the American Society for Testing Materials ASTM D 1391-57 entitled Standard Method for Measuring Odors in Atmosphere shall be used.

SECTION 7 TOXIC AND NOXIOUS MATTER

No industrial operation or other use shall emit toxic or noxious matter in any concentration across the bounding property line of the tract on which operation or use is located. The requirements of the Texas Air Control Board shall be met.

SECTION 8 VIBRATION

Any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent property line, earthborn vibrations in excess of the limits set forth in Column I (below) are prohibited. In addition, any industrial operation or activity which shall cause at any time and at any point along a zone boundary line, earthborn vibrations in excess of the limits set forth in Column II are prohibited. Vibrations shall be expressed as resultant displacement in inches.

Figure 1 Vibration Standards

Frequency (Cycles-per-Second)	Displacement I (Inches)	Displacement II (Inches)
0 - 10	0.0008	0.0004
10 - 20	0.0005	0.0002
20 - 30	0.0002	0.0001
30 - 40	0.0002	0.0001
40 and over	0.0001	0.0001

This tabulation is for steady state vibration; which is defined as continuous vibration in contrast to discrete pulses. Impact vibration, that is, discrete pulses which do not exceed 100 pulses per minute, shall not produce in excess of twice (2 times) the displacement stipulated above.

SECTION 9 FIRE OR EXPLOSIVE HAZARD MATERIAL

9.1 EXPLOSIVE AND/OR FLAMMABLE MATERIAL

The storage, manufacture and/or use of all explosive and/or flammable liquids, solids or gases shall be permitted only when such storage, manufacture or use conforms to the standards and regulations established in Chapter 10 of the City of Rockwall Code of Ordinances, as well as all other applicable City codes.

SECTION 10 WATER AND WASTE POLLUTION

10.1 WATER POLLUTION:

No operation or activity shall discharge or cause to be discharged, liquid or solid waste into public waters unless in conformance with the provisions of the Texas Water Quality Board.

10.2 LIQUID OR SOLID WASTE:

No discharge at any point will be allowed into any public sewer, private sewer disposal system, or stream or into the ground, except in accordance with standards approved by the State Health Department or standards equivalent to those approved by such department, for similar uses, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements. All discharges shall comply with all applicable City Ordinances.

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ARTICLE VIII LANDSCAPE STANDARDS

SECTION 1 PURPOSE

The process of development with its alteration of the natural topography, vegetation, and creation of impervious cover can have a negative effect on the ecological balance of an area by causing increases in air temperatures and accelerating the processes of runoff, erosion, and sedimentation. The economic base of the City can and should be protected through the preservation and enhancement of the unique natural beauty, environment, and vegetative space in this area. Recognizing that the general objectives of this article are to promote and protect the health, safety and welfare of the public, the City Council further declares that this article is adopted for the following specific purposes:

1. To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, ground-water recharge, and storm water runoff retardation, while at the same time aiding in noise, glare, and heat abatement.
2. To provide visual buffering between land uses of differing character.
3. To enhance the beautification of the City.
4. To safeguard and enhance property values and to protect public and private investment.
5. To conserve energy.

SECTION 2 APPLICATION OF ARTICLE

2.1 APPLICABILITY

A. This article **does not apply** to:

1. Any property with a previously approved landscape and/or site plan prior to adoption of this ordinance, unless such plan is required to be resubmitted for consideration,
2. Lots containing only single-family and/or duplex uses, and
3. Lots zoned Downtown ("DT") as defined in the Unified Development Code. *(Revised via Ord 10-14, 7-6-2010)*

B. This Article **does Apply** to:

Except as otherwise provided in *Subsection 2.1.A*, this article applies to all uses on a lot when an application for a building permit for work on the lot is made, unless the application is for:

1. Restoration of a building that has been damaged by fire, flood, explosion, riot, act of the public enemy, other natural disaster, or accident of any kind, if said structure may be restored under the nonconforming use provisions of the Unified Development Code. For purposes of this Subsection, restoration means the act of putting back into a former or original state; or

2. Construction work on an existing structure that does not increase:
 - a. the number of stories in a building on the lot;
 - b. the total floor area of all buildings on the lot by more than 10 percent or 10,000 square feet, whichever is less; or
 - c. the non-permeable coverage of the lot by more than 2,000 square feet.

C. Planned Development Districts

Landscaping requirements consistent with the standards and purposes of this article shall be a part of all ordinances establishing or amending planned development districts, unless otherwise approved by the City Council.

D. Special Exceptions

The Planning and Zoning Commission and City Council may grant a special exception to the landscaping requirements of this article upon making a special finding that the resulting landscape will provide an improved amenity for both the general public and users of the facility being landscaped.

SECTION 3 DEFINITIONS

CALIPER means the diameter of the trunk measured six inches above ground level up to and including four inch caliper size, and measured 12 inches above ground level if the measurement taken at six inches above ground level exceeds four inches. If a tree is of a multi-trunk variety, the caliper of the tree is the total caliper of all of its trunks at the elevation being measured.

CANOPY OR SHADE TREE means a species of tree which normally bears crown foliage no lower than six feet above ground level upon maturity.

ENHANCED PAVEMENT means any permeable or non-permeable decorative pavement material intended for pedestrian or vehicular use. Examples of enhanced pavement include brick or stone pavers, grass paver, exposed aggregate concrete, and stamped and stained concrete.

EVERGREEN TREE OR SHRUB means a tree or shrub of a species which normally retains its leaves throughout the year.

GROUND COVER means natural mulch or plants of species which normally reach a height of less than two feet upon maturity, installed in such a manner so as to form a continuous cover over the ground.

LANDSCAPE ARCHITECT means a person licensed to practice or teach landscape architecture in the State of Texas pursuant to State law.

LANDSCAPE BUFFER STRIP means a strip of land:

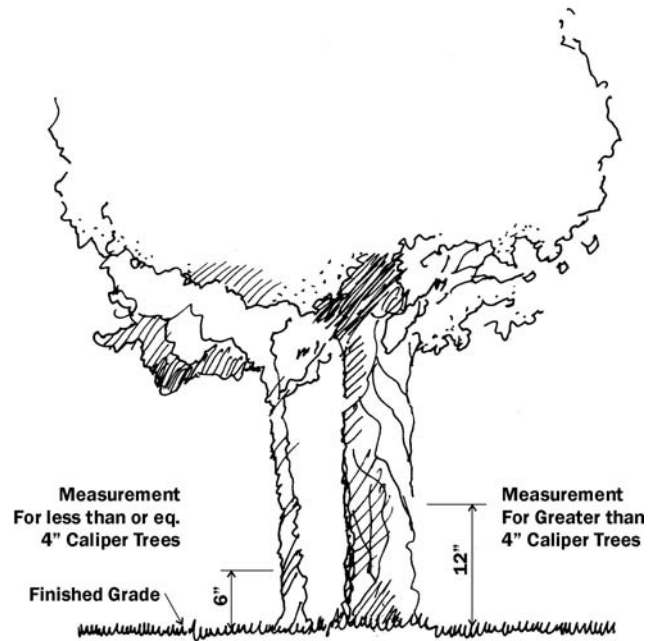
- a. Which serves a buffer function on the perimeter of a building site adjacent to another building site or to a public or private street or alley; and
- b. At least 80 percent of which is covered by natural grass, ground cover, or other natural plant materials (excluding screening).

LARGE SHRUB means a shrub which normally reaches a height of six feet or more upon maturity.

LARGE TREE means a tree of a species which normally reaches a height of 30 feet or more upon maturity.

NON-PERMEABLE COVERAGE means coverage with non-permeable pavement.

SCREENING means screening that complies with the construction and maintenance regulations in Section 5. Mandatory Provisions, except as those regulations may be expressly modified in this article.



Definitions

Article VIII. Landscape Standards

SMALL TREE means a tree of a species which normally reaches a height of less than 30 feet.

SOIL means a medium that plants will grow in.

VISIBILITY TRIANGLE means the term “visibility triangle” as defined in Section 8 of this Article.

SECTION 4 LANDSCAPE PLAN SUBMISSION

4.1 PLAN SUBMITTAL

Landscape plans shall be submitted to the Director of Planning on all sites required to submit a site plan for approval by the Planning and Zoning Commission and City Council.

4.2 APPROVAL OF LANDSCAPE PLAN.

Landscape plans shall be approved or denied by the Director of Planning or, at his discretion, referred to the Planning and Zoning Commission for approval or denial.

4.3 PLAN CONTENT.

The landscape plan shall be submitted in the form and number as prescribed by the City and must contain the following information:

- A. Date, scale, north arrow, and the names, addresses, and telephone numbers of both the property owner and the person preparing the plan.
- B. Project name, street address, and lot and block description.
- C. Location of existing boundary lines and dimensions of the lot, street address, approximate centerline of existing water courses and the location of the 100-year flood plain, if applicable; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, utility easements, driveways and sidewalks on or adjacent to the lot.
- D. Location, height, and material of proposed screening and fencing (with berms to be delineated by one-foot contours).
- E. Locations and dimensions of proposed landscape buffer strips.
- F. Complete description of plant materials shown on the plan, including names, locations, quantities, container or caliper sizes at installation, heights, spread, and spacing. The location and type of all existing trees on the lot over six inches in caliper must be specifically indicated.
- G. Complete description of landscaping and screening to be provided in or near off-street parking and loading areas, including information as to the amount (in square feet) of landscape area to be provided internal to parking areas, the total square footage included in the parking area, and the number and location of required off-street parking and loading spaces.
- H. Location and description, by type and size, of existing trees proposed to be retained. Such trees shall be marked and drip-line of said trees shall be protected prior to and during all construction, including all dirt work.
- I. Size, height, location and material of proposed seating, lighting, planters, sculptures, water features and landscape paving and other site amenities.
- J. Identification of visibility triangles on the lot for all driveway intersections with public streets.

SECTION 5 MANDATORY PROVISIONS

5.1 LANDSCAPE BUFFER STRIP.

A minimum 10 foot wide landscape buffer strip must be provided along the entire length of the portion of the perimeter of any commercial or industrial lot that abuts, without an alley or drive separation, or is directly across a public street from a residential zoning district, exclusive of driveways and access-ways.

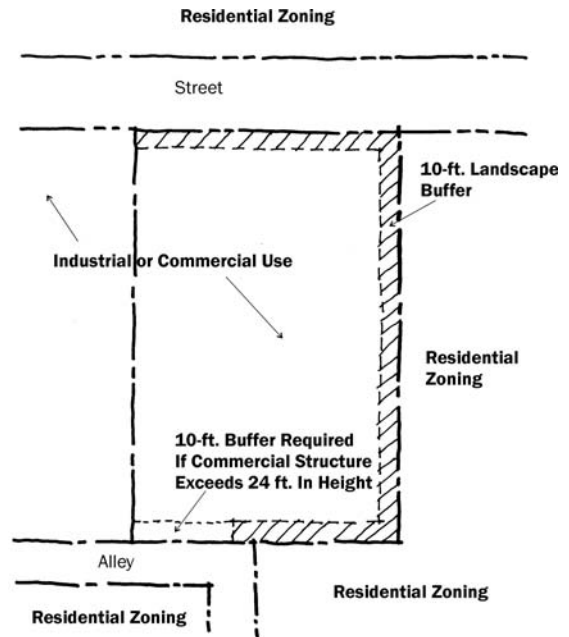
If the proposed commercial structures exceed twenty-four (24) feet in height adjacent to an alley, a 10 foot buffer shall also be required along the length of the alley.

5.2 SCREENING OF OFF-STREET LOADING DOCKS

- A. Off-street loading docks in commercial zoning classifications must be screened from:
1. All public streets; and
 2. Any residential district that abuts or is directly across a public street or alley from the lot.
- B. Off-street loading docks in industrial zoning classifications must be screened from:
1. Arterial streets, as indicated on the City's Thoroughfare Plan, and
 2. Any residential district that abuts or is directly across a public street or alley from the lot.
- C. The screening required under *Subsections 5.2.A and B* must be at least six feet in height and may be provided by using any of the methods for providing screening described in this section.

5.3 ACCEPTABLE LANDSCAPE MATERIALS

- A. No artificial plant materials may be used to satisfy the requirements of this article.
- B. Plant materials used to satisfy the requirements of this article must comply with the following minimum size requirements at the time of installation:
- Large trees must have a minimum caliper of three inches, or a minimum height of six feet, depending on the standard measuring technique for the species.
- C. For purposes of this section, "height" is measured from the root crown or, if the plant is in a container, from the soil level in the container.
- D. In satisfying the landscaping requirements of this article, the use of high-quality, hardy plant materials on the approved plant list below is recommended and encouraged. Plants found on the disapproved plant list below shall not be placed within the ROW or within the required building setback along a street.
(Ord. No. 06-14, 04-17-06)



E. Trees Allowed in Street Landscape Buffer Areas

The following trees are allowed within the Street Landscape Buffers along public streets:

1. Cedar Elm
2. Texas Red Oak
3. Homestead Elm
4. Lace Bark Elm
5. Bald Cypress
6. Chinese Pistachio
7. October Glory Maple.
8. Pecan
9. Texas Ash
10. Live Oak.
11. Chinquapin Oak
12. Burr Oak

And various native understory trees such as:

1. Texas Redbud
2. Mexican Plum
3. Downy Hawthorn, and
4. Wax Myrtle.
5. Yaupon
6. Deciduous Yaupon

F. Trees Not Allowed in Street Landscape Buffer Areas

The following plants shall not be placed in public ROW or within the required Street Landscape Buffers along public streets:

1. Silver Maple (Acer Saccharinum)
2. Box Elder (Acer Negundo)
3. Mimosa (Albizia Julibrissin)
4. Catalpa (Catalpa sp.)
5. Hackberry, Sugarberry (Celtis sp.)
6. Honeylocust (Gleditsia Triacanthos)
7. Tulip tree (Liriodendron Tulipifera)
8. Chinaberry (Melia Azedarach)
9. Sycamore (Platanus Occidentalis)
10. Cottonwood, Poplar (Populus sp.)
11. Willows (Salix sp.)
12. American Elm (Ulmus Americana)
13. Siberian Elm (Ulmus Pumilia)
14. Jerusalem Thorn/Petuma (Parkinsonia Aculeata)
15. Bois D'Arc (Maclura Pomifera)
16. Flowering Crabapple varieties (Malus sp.)
17. Ginko Tree (Ginko Biloba)
18. Peach/Plum varieties
19. Mulberry varieties (Morus sp.)
20. Texas Mountain Laurel (Sophora Secundiflora)
21. Lilac Chaste Tree (Vitex Agnuscastus)
22. Pine Tree Varieties (Pinus sp.)

5.4 PROTECTION OF LANDSCAPE AREAS

Required landscape areas must be protected from vehicular traffic through the use of concrete curbs, or other permanent barriers. Vehicular wheels shall be prevented from extending into landscaped areas.

5.5 IRRIGATION REQUIREMENTS

A. General

The owner shall be responsible for the health and vitality of plant material through irrigation of all landscaped areas, turf and plant materials, and shall

1. Provide a moisture level in an amount and frequency adequate to sustain growth of the plant materials on a permanent basis.
2. Be in place and operational at the time of the landscape inspection for Certificate of Occupancy.
3. Be maintained and kept operational at all times to provide for efficient water distribution.

B Irrigation Methods

1. **Landscaped Areas.** One of the following irrigation methods shall be used to ensure adequate watering of plant material in landscaped areas:
 - a. **Conventional System.** An automatic or manual underground irrigation system which may be a conventional spray or bubbler type heads.
 - b. **Drip or Leaky-Pipe System.** An automatic or manual underground irrigation system in conjunction with a water-saving system such as a drip or a leaky pipe system.
 - c. **Temporary and Above Ground Watering.** Landscape areas utilizing xeriscape plants and installation techniques, including areas planted with native grasses and wildflowers, may use a temporary and above ground system, and shall be required to provide irrigation for the first two growing seasons only.
2. **Natural and Undisturbed Areas.** No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.
3. **Compliance with State Law.** All irrigation systems shall comply with the Irrigation Code of Article XIV, Chapter 6, of the City of Rockwall Code of Ordinances, and all applicable state laws, as may be amended.
(Ord. No. 09-23, 06-15-09)

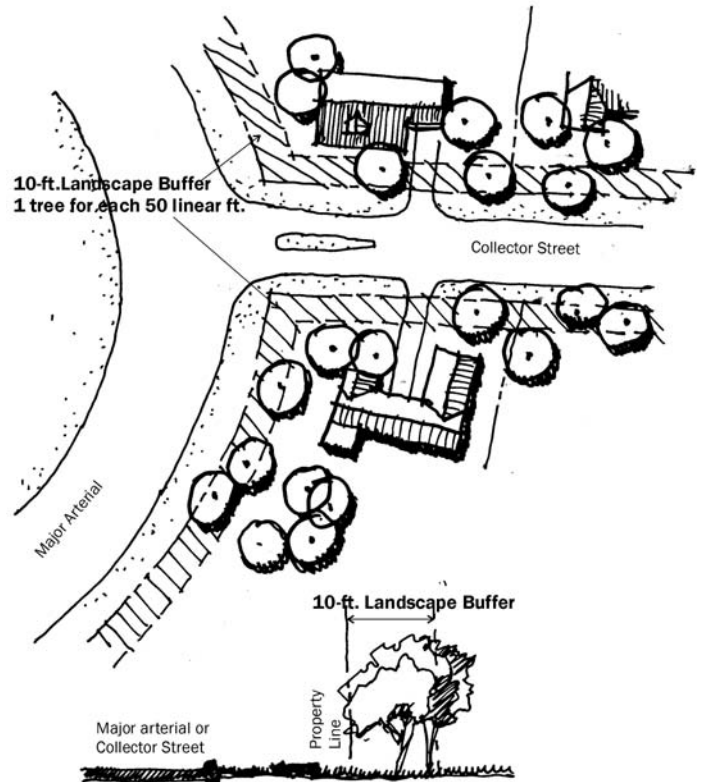
5.6 SCREENING FROM RESIDENTIAL USES

- A. Any commercial or industrial use or parking lot that has a side or rear contiguous to any residential district, OR any multifamily use with more than 5 dwelling units or parking lot that has a side or rear contiguous to any single family, townhouse, or duplex district, shall be screened with a masonry fence (excluding tilt wall or concrete block unless approved by the City Council), six (6) feet in height, unless otherwise approved by the City Council. Berms in conjunction with a fence can be utilized to meet this requirement. The screen shall be located no closer to the street than the property line. Any ordinances concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a street or driveway.

- B. Prior to construction of any required screens, complete plans showing type of material, depth of beam, and structural support shall be analyzed by the Building Permit Office to determine whether or not:
 - 1. The screen will withstand the pressures of time and nature;
 - 2. The screen adequately accomplishes the purpose for which it was intended.
 - 3. Plans shall be sealed by a Registered Engineer or they shall conform to the City's standard design for screening walls.
- D. Such screen shall be constructed prior to the issuance of a Certificate of Occupancy for any building or portion thereof.
- E. The areas adjacent to the required screening wall, or areas adjacent to a public street or right-of-way, shall be maintained by the property owner in a clean and orderly condition, free of debris and trash in accordance with the applicable codes of the City.

5.7 STREET LANDSCAPING

A Street Landscape Buffer strip with a minimum width of 10 feet, must be provided along the entire length of the property to be developed that is adjacent to a major arterial or collector street, as defined in the City's Thoroughfare Plan, exclusive of driveways and access-ways. Large trees, as herein defined, shall be provided in the required buffer in numbers equal to one tree for each fifty feet of street frontage.



5.8 RIGHT-OF-WAY LANDSCAPING REQUIREMENTS

All street rights-of-way located adjacent to the proposed development shall be improved with grass or ground cover material and shall be maintained. It shall be the responsibility of the developer to design the irrigation system within the lot to ensure that the grass placed in the right-of-way is watered and maintained and to ensure that minimal water will enter the street itself. The designer of the irrigation system shall base the design on the ultimate proposed width of the street when designing the system. The plans for design of the irrigation system shall be approved by the City prior to installation.

5.9 PARKING LOT LANDSCAPING

- A. Any parking lot with more than 2 rows of spaces shall have a minimum of 5% or 200 sq. ft., whichever is greater, in the interior of the parking lot in landscaping. Such landscaping shall be counted toward the total landscaping.

- B. If the parking and maneuvering space exceeds 20,000 square feet one large canopy tree for every ten required parking spaces shall be required internal to the parking lot. No tree shall be planted closer than 2 ½ feet to the pavement.
 - 1. No required parking space may be located more than 80 feet from the trunk of a large canopy tree.
 - 2. No tree may be planted closer than 2 ½ feet to the pavement.
 - 3. All trees must be internal to the parking lot.

5.10 DELETED (*Ord. No. 06-14, 04-17-06*)

5.11 DIMENSIONS OF LANDSCAPING

All required landscaping shall be no less than 5 feet wide and a minimum of 25 square feet in area unless it is within 10 feet of the building.

5.12 REQUIRED LANDSCAPING

A. Amount of Landscaping

- 1. Minimum square footage requirements for landscaping shall be provided and maintained in the zoning districts set forth as follows. The requirements shall be applied to the total site area to be developed:

DISTRICT	% REQUIREMENT	NET % REQUIREMENT W/ MAXIMUM CREDITS
Multifamily	25%	20%
Residential-Office	25%	20%
Neighborhood Service	20%	15%
Research / Technology	20%	15%
General Retail	15%	10%
Commercial	15%	10%
Heavy Commercial	10%	5%
Light Industrial	10%	5%
Heavy Industrial	10%	5%

- 2. The total site area required for landscaping may be reduced by no more than 5% in accordance with the provisions of Section 6. For example, the required percentage of 15% for Commercial zoning could be reduced to a total of 10% under the terms of Section 6.

B. Location of Landscaping

No less than 50% of the total requirement shall be located in front of and along side buildings with street frontage in the following zoning districts: "MF-14", "RO", "NS", "GR", "C" and "RT." 100% of the total requirement shall be located in front of and along side buildings with street frontage in the following zoning districts: "HC," "LI", "HI." (*Ord. No. 06-14, 04-17-06*)

C. Detention Basins

Detention basins shall be landscaped in a natural manner using ground cover, grasses, shrubs and trees in all dry land areas. There shall be a minimum of 1 tree for each 750 square feet of dry land area. (*Ord. No. 06-14, 04-17-06*)

SECTION 6 LANDSCAPE CREDITS

Credits toward achieving landscape requirements may be achieved as follows.

6.1 CREDIT FOR REQUIRED LANDSCAPE BUFFER STRIPS BETWEEN RESIDENTIAL AND NONRESIDENTIAL ZONING

The overall landscaping requirement may be reduced by 2.5% when the buffer strip, whether required or not, has a minimum average width of 15 feet or greater and contains at least one large tree every 40 feet, or large shrubs at least every 10 feet the entire length of the perimeter adjacent to property with residential zoning. This perimeter must equal at least 25% of the total perimeter of all adjacent private property.

6.2 CREDIT FOR SURFACE PARKING SCREENING

The overall landscaping requirement may be reduced by 2.5% when a surface parking lot located adjacent to a public street is screened as follows:

- A. The screen must be voluntary, not required by this ordinance.
- B. The screening must be located along the entire length of street frontage of the parking lot, exclusive of driveways, access-ways, and visibility triangles. Visibility triangles will be maintained at all driveway intersections.
- C. The screening must be at least three feet in height utilizing only evergreen planting materials, berms, and/or masonry walls.
- D. The adjacent street must be generally at the same grade level of the parking lot or below for such credit to qualify.

6.3 CREDIT FOR RIGHT-OF-WAY LANDSCAPING

The overall landscaping requirement may be reduced by 2.5% when the public right-of-way adjacent to a proposed development is landscaped meeting the following requirements:

- A. All landscaping in the right-of-way shall be provided sufficient irrigation for maintenance.
- B. Plants used in landscaping in the right-of-way shall only be varieties included on the approved plant list.
- C. The plan for landscaping in right-of-way shall be submitted and approved by the City prior to any work being done in the right-of-way.
- D. In certain cases, the City may determine that landscaping in the right-of-way may be infeasible and in such cases this credit shall not apply.
- E. Landscaping shall include ground cover, shrubs, trees and/or other plant materials and must cover at least 50% of the adjacent ROW, exclusive of driveways, to qualify for this credit. Grass alone shall not qualify for this credit.
- F. If the City has an adopted landscape plan for the street adjacent to the proposed project, any proposed improvements must be in compliance with said plan.

SECTION 7 COMPLETION OF LANDSCAPING

7.1 IN ACCORDANCE WITH APPROVED PLANS

Except as otherwise provided in *Subsection 7.2*, all landscaping must be completed in accordance with the approved landscape plan before a Certificate of Occupancy may be issued for any building on the lot.

7.2 ESCROW AND ASSURANCE

If, due to circumstances beyond the property owner's control, the required landscaping cannot be installed prior to completion of the building and if the property owner provides the building official with documented assurance that the landscaping will be completed within six months and the funds required to complete the project are placed in escrow with the City, the building official may issue one six-month temporary Certificate of Occupancy and permit the property owner to complete his landscaping during the six month period. For purposes of this Subsection, "documented assurance" means a copy of a valid contract to install the landscaping in accordance with the landscape plan within the six month period. The City shall hold the funds in escrow until such time as the landscaping is completed in accordance with the approved plan.

7.3 FORFEITURE OF ESCROW

If a temporary Certificate of Occupancy is issued under *Subsection 7.2* and, at the end of the six month period, no permanent Certificate of Occupancy has been issued because the landscaping has not been installed in accordance with the landscape plan, the property owner shall be deemed in violation of this ordinance, the funds placed in escrow shall be forfeited, and the City shall issue a citation for said violation, unless an extension is granted by the City Manager.

(Note: Section 8 Deleted; Relocated to Article V, Section 1.9 via Ord. No. 10-14, 7-6-2010)

SECTION 9 GENERAL MAINTENANCE

9.1 MAINTENANCE REQUIREMENT

Required landscaping must be maintained in a healthy, growing condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigation, fertilizing, pruning, or other maintenance of all plantings as needed. Any plant that dies must be replaced with another approved plant variety, generally of the same size, that complies with the approved landscape plan within 90 days after notification by the City.

9.2 UTILITY LINES AND RIGHTS-OF-WAY

Any damage to utility lines resulting from the negligence of the property owner, his agents, or employees in the installation and maintenance of required landscaping in a utility easement is the responsibility of the property owner. If a public utility disturbs a landscaped area in a utility easement, it shall make every reasonable effort to preserve the landscaping materials, and return them to their prior locations after the utility work. If, nevertheless, some plant materials die, it is the obligation of the property owner to replace the plant materials.

ARTICLE IX TREE PRESERVATION

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ARTICLE IX TREE PRESERVATION

SECTION I PURPOSE AND APPLICABILITY

1.1 Purpose

The purpose of the tree preservation ordinance is the preservation of mature, healthy trees and natural areas and to consider protected trees during the design of streets, alleys, utilities, drainage and proposed structures that are part of any development and to require replacement of trees when removal is necessary. It is intended to protect trees during construction, development and redevelopment, and to control the removal of protected trees when necessary. It also establishes rules for replacement and replanting of trees that have been necessarily removed during construction. The ordinance shall protect any property from indiscriminate clearing and maintain and enhance a positive image as well as attract new business enterprises to the city.

The terms and provisions of this ordinance apply to all real property within the City's corporate limits as follows:

1. All new subdivisions of land at the time of preliminary and or final platting;
2. All replatting of undeveloped land;
3. All unplatted and undeveloped residential tracts of land greater than three (3) acres
4. All unplatted and undeveloped non-residential tracts of land greater than one acre;
5. All non-residential parcels of land at the time of site plan approval.

1.2 Plan Required

No person, directly or indirectly, shall cut down, destroy, remove or move or effectively destroy through damaging, any protected or feature tree situated on a property regulated by this ordinance without first submitting and receiving approval of a treescape plan unless otherwise specified in this ordinance.

1.3 Builders/Contractors

All builders/contractors should verify if there is a treescape plan approved on a parcel of land before work begins. All builders /contractors who have not submitted a request for a building permit as of the effective date of this ordinance are subject to the requirements herein.

SECTION 2 EXEMPTIONS

Tree protection and replacement requirements shall **not** be required if the following conditions exist.

- A. **Agricultural.** Property zoned Agricultural (AG) and being actively used for agricultural purposes shall be exempt from the requirements specified herein. Clear-cutting of land, as defined herein, zoned Agricultural (AG) that is not being actively used for agricultural purposes is prohibited.
- B. **Damaged/Diseased Trees.** The tree is dead, diseased, damaged beyond the point of recovery, or in danger of falling.
- C. **Homeowners.** The owner of a residence shall be exempt from the tree protection and replacement requirements of this ordinance as it pertains to that property on which the home is located.
- D. **Public Safety.** The tree creates unsafe vision clearance or conflicts with other ordinances or regulations, or the tree is determined to be in a hazardous or dangerous condition so as to endanger the public health, safety or welfare.
- E. **Utility Service Interruption.** The tree has disrupted a public utility service due to tornado, flood or other act of God. Removal shall be limited to the part of the tree which is found necessary to be removed to reestablish and maintain the utility service.
- F. **Utility Companies, Utility Service and or Distribution/Transmission Lines.** Utility companies shall not be subject to the tree protection or replacement requirements in this ordinance when establishing distribution and transmission lines. When establishing new utility service, services should be routed between the service pole or transmission and distribution lines and the building being served in a manner that does not require the removal of protected trees. All rights of ways, easements or similar types of public property maintained by utility companies shall not be subject to the tree protection or replacement requirements in this ordinance.
- G. **Public Property.** All rights of ways, easements or similar types of public property maintained by the City shall not be subject to the tree protection or replacement requirements in this ordinance.

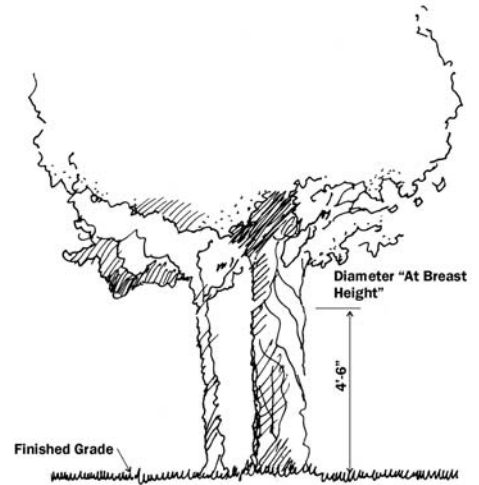
SECTION 3 DEFINITIONS

BUILDABLE AREA. That portion of a building site exclusive of the required yard areas on which a structure or building improvements may be erected and including the actual structure, driveway, parking lot, pool and other construction as shown on a site plan.

BUILDING PAD. The actual foundation area of a building and a reasonable area around the foundation necessary for construction and grade transitions.

CONSTRUCTION DRAWINGS. Engineering or architectural drawings which have been prepared by an authorized individual and approved by the authorized authority, that describe in detail by measurements and specifications the method and manner in which a building, structure, utility, street or physical alteration to land or structure is to be accomplished.

CRITICAL ROOT ZONE (CRZ) The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line but not less than one foot radius for each one inch dbh.



CLEAR-CUTTING The removal of all trees or a significant majority of the trees within an area.

DIAMETER AT BREAST HEIGHT (DBH). The diameter in inches of a tree as measured through the main trunk at a point four and one-half feet (4.5') above the natural ground level.

DRIP LINE. A vertical line run through the outermost portion of the crown of a tree and extending down to the ground.

FEATURE TREE. Any Oak, Pecan or Elm that has a DBH of four (4) inches or greater or any tree that has a DBH of thirty (30) inches or greater. Feature trees may not be removed without approval of the Planning and Zoning Commission. Feature trees shall not include the following species: Bois d'Arc, Willow, Cottonwood, Locust and Chinaberry.

LIMITS OF CONSTRUCTION. A delineation on the treescape plan which shows the boundary of the area within which all construction activity will occur.

PROTECTIVE/TEMPORARY FENCING. Snow fencing, chain link fencing, orange vinyl construction fencing or similar fencing with a four (4') foot approximate height. The Director of Planning and Zoning, or his designee, shall determine the appropriate type of fencing for any particular property or portion thereof.

REPLACEMENT TREE. A tree from the replacement tree list with a minimum caliper size of three inches (3") and height of seven feet (7'). For the purpose of determining size, Replacement Trees should be measured at a point six (6") above the ground.

TREE. Any self-supporting woody perennial plant which will attain a trunk diameter of three inches (3") DBH and normally attains an overall height of at least fifteen (15)

Definitions

Article IX. Tree Preservation

feet at maturity, usually with one (1) main stem or trunk and many branches. It may appear to have stems or trunks as in several varieties of oaks.

TREE, PROTECTED. A tree which has a diameter of four inches (4") DBH or larger. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk at DBH to one-half the diameter of each additional trunk. Protected or feature trees shall not include the following species: Bois d'Arc, Willow, Cottonwood, Locust and Chinaberry. In addition, Hackberry and Cedar trees that are less than 11" DBH shall not be considered a protected tree.

TREESCAPE PLAN. A graphic representation drawn to the largest scale practical showing the exact location, size (trunk diameter and height) and common name of all protected and feature trees and indication of which trees are to be removed and or replaced. The treescape plan should include the following:

1. Location of all existing or proposed structures, or building pads as shown on the grading plan and all improvements properly dimensioned and referenced to property lines.
2. Setback and yard requirements.
3. Existing and proposed site elevations, grades, major contour and limits of construction.
4. Location of existing or proposed utilities and easements.
5. Location of all protected trees and trees to be removed from the site and the location of all replacement trees.
6. Columnar listing of all protected trees by species, location key shown on the plat, diameter breast height (DBH), physical condition of tree, and an indication of whether or not the applicant is proposing to remove that tree. Each column with numeric values shall be totaled.
7. Title block stating street address, lot and block, subdivision name, and date.
8. Name, address, and phone number of person preparing the plan.

SECTION 4 PLAN REVIEW AND APPROVAL

4.1 Authority of Review and Approval

The Director of Planning or his/her designee will review the treescape plan, report and make recommendations to the Planning and Zoning Commission. As part of the treescape plan review, the City has the right to request changes or adjustments in the layout and design of the development to save protected and feature trees. The Planning and Zoning Commission will review and approve or disapprove the treescape plan. The decision of the Planning and Zoning Commission may be appealed to the City Council.

4.2 Treescape Plan Application Required/Application Process

Consideration of a treescape plan shall be obtained by making application to the Director of Community Development or his/her designee. The application and treescape plan shall be accompanied by a written document indicating the reasons for removal of any protected trees. The required treescape plan will accompany all preliminary plats, final plats, site plans and landscape plans. In those instances where very few protected trees exist on a property, the treescape plan can be incorporated and shown on the preliminary plat, site plan or landscape plan and the fee can be waived at the discretion of the staff.

4.3 No Protected Trees

For property being platted or site planned, the property owner may submit a letter certifying that there are no protected trees on the property. This letter will be submitted with the understanding that if it is determined that there are protected trees on the property, the violation provisions and fines adopted as part of this ordinance will be in full force and effect.

4.4 Appeals

Decisions of the Planning and Zoning Commission may be appealed to the City Council.

4.5 Treescape Plan Expiration

Plans shall be valid for two (2) years after the approval date. Treescape plans which are approved in conjunction with preliminary plats, final plats, site plans, or building permits shall be valid for the same amount of time as those corresponding plans and permits.

4.6 Building Permit

All builders/contractors should determine if there is an approved treescape plan before work begins on a parcel. The City will verify this statement. No building permit shall be issued unless the applicant signs an application for permit request which states that all construction activities shall meet the requirements of the tree preservation ordinance. Before issuing the building permit, the City shall obtain a signature from applicant acknowledging receipt of the Tree Preservation Ordinance.

SECTION 5 TREE REMOVAL PERMIT

5.1 Tree Removal Permit

Once a treescape plan is approved, a tree removal permit will be required under the following conditions:

- A. If it is determined by the property owner that a protected tree needs to be removed; except as covered in Section 2.C Exemptions.
- B. An addition to an existing non-residential structure requires that a protected tree be removed.

Tree removal permits will be approved administratively by the Director of Planning and Zoning or his/her designee. Feature trees may not be removed without approval of the Planning and Zoning Commission. All trees removed through this process will require replacement as described in Section 6 below.

SECTION 6 TREE REPLACEMENT & PLANTING REQUIREMENTS

If it is necessary to remove protected or feature tree(s), the applicant as condition of approval will be required to replace the tree(s) being removed with trees selected from the list of approved trees on the replacement tree list. Replacement trees must be a minimum of 3 caliper inches measured 6" above the root ball when planted. The following replacement rules apply:

- A. Protected tree(s) measuring 4" through 29" DBH shall be replaced with caliper inches equal to the total diameters of the tree(s) removed, except as shown in item F below.
- B. Protected feature tree(s) (30" DBH and larger) if approved for removal will be replaced with twice the number of inches as the tree(s) removed.
- C. The replacement tree must be maintained in a healthy growing condition for a minimum of 2 years after planting.
- D. A replacement tree shall not be planted within an area such that the mature root zone will interfere with underground public utility lines, and/or where the mature canopy of the tree will interfere with overhead utility lines.
- E. No tree shall be planted within 5' of a fire hydrant, water or sewer line.
- F. Hackberry and Cedar trees that are 11" DBH or larger, shall be replaced at 50% of the total caliper inches being removed. Protected or feature trees shall not include the following species: Bois d'Arc, Willow, Cottonwood, Locust and Chinaberry. In addition, Hackberry and Cedar trees that are less than 11" DBH shall not be considered a protected tree.

SECTION 7 TREE REPLACEMENT CREDITS

Tree replacement credits may be granted to reduce the number of replacement inches required. The following guidelines apply.

- A. **Preservation Credits.** Each saved oak (any type), pecan or elm tree(s) 24" DBH or greater will earn a credit. The maximum credit under this provision is 20% of the total replacement inches in the development.
- B. **Locations for Planting Replacement Trees.** The preferred location for the planting of replacement trees is the development from which trees were removed. However, if the site is too small to accommodate the number of replacement trees required, credits can be earned for trees planted elsewhere within the corporate City limits. Credit on an inch-per-inch basis will be granted for trees planted in parks, medians, street rights-of-way, or other areas determined by the Parks and Recreation Department. The location shall be within one mile of the area where the trees are being removed.
- C. **Purchase of Credits.** Tree replacement credits not exceeding 20% of the total replacement inches can also be purchased. Payments of \$125 per caliper inch may be paid to the City of Rockwall Tree Fund. Funds will be used for planting of trees, but not limited to City parks, medians, and along street rights-of-way more than one mile from the area where the trees are being removed. Replacement credits purchased in a private community development with no public streets or parks can be used for the planting of trees elsewhere in that development.
- D. **Types of Trees.** Replacement trees shall be selected from the following list and shall be a minimum of 3 caliper inches as measured 6" above the root ball.

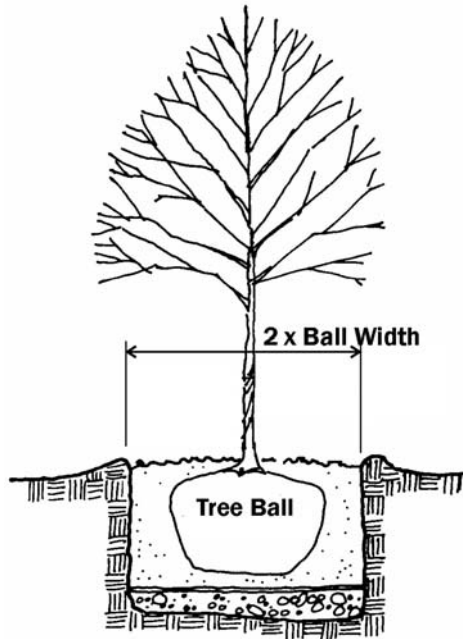
Evergreen: Afghan Pine
Eastern Red Cedar
Japanese Black Pine
Live Oak
Magnolia

Deciduous: Bald Cypress
Burr Oak
Cedar Elm
Chinese Pistachio
Chinquapin Oak
Eve's Necklace
Lace Bark Elm
Aristocrat Pear
Pecan
Sweet Gum
Sycamore
Texas Ash
Texas Red Oak
Possumhaw Holly

SECTION 8 TREE TRANSPLANTING

Existing trees of the variety listed in Section 7.D above can be transplanted to meet the replacement requirements under the following conditions.

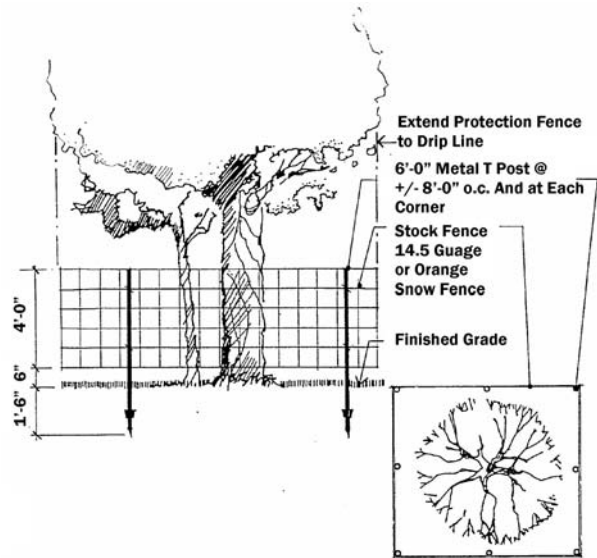
1. Trees of at least three caliper inches (3") but not exceeding six inches (6") DBH are eligible for transplanting.
2. Transplanted trees must survive and be in a healthy condition for a period of two years. The developer who received the transplanting credit must replace trees that do not meet these criteria.
3. Transplanted protected trees will be listed in the tree survey with the notation that they are being transplanted.



SECTION 9 TREE PROTECTION PRIOR TO AND DURING CONSTRUCTION

9.1 Tree Protection

- A. Prior to any construction or land development, the developer shall mark with an aluminum tag which indicates its relationship to the Treescape Plan and clearly flag with bright fluorescent red vinyl tape all protected trees. The red tape should be wrapped around the main trunk of the protected tree at a height of approximately 5 feet so that the tape is clearly visible during construction. In those instances where a protected tree is so close to the construction area that construction equipment could possibly damage the tree, a protective fence shall be required. The protective fence must be maintained during all construction phases until project is finished.



- B. Property owner shall be responsible for protecting feature trees including the use of an arborist, as necessary.

9.2 Material and Equipment Storage

The developer or contractor shall not store any material or equipment under the canopy of any protected tree. During the construction stage of the development no cleaning or storage of equipment or material shall be allowed within the drip line of a protected tree. Those materials include but are not limited to oils, solvents, mortar, asphalt and concrete.

9.3 Signs

No signs, wire or other attachments shall be attached to the protected trees.

9.4 Traffic

No vehicular traffic, construction equipment traffic or parking shall take place within the drip line of a protected tree other than on an existing street pavement. This restriction does not apply to single incident access for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine mowing operations.

9.5 Grade

No grade change in excess of two inches (2") shall be allowed within the drip line of any protected tree unless adequate construction methods are approved beforehand. If approved, major grade changes (i.e. two inches (2") or greater) within the critical root zone of a protected tree will require additional measures to maintain proper oxygen and water exchange with the roots. Root pruning will be required when disturbance will result in root exposure.

9.6 Tree Flagging

At the time of submittal of the treescape plan all protected trees should be marked with an aluminum tag which indicates its relationship to the Treescape Plan and clearly flagged with bright fluorescent red vinyl tape. The red tape should be wrapped around the main trunk of the protected tree at a height of approximately 4 feet so that the tape is clearly visible.

9.7 Boring

Boring of utilities under protected trees shall be required in those circumstances where it is not possible to trench around the critical root zone of a protected tree. When required, the length of the bore shall be the width of the critical root zone plus two feet (2') on either side of the critical root zone and shall be at a minimum depth of 48 inches.

9.8 Damage

Any physical damage to a tree preserved for credit that is considered to place the survival of the tree in doubt shall be eliminated as a credited tree and will require additional trees to be planted in its place at the required ratio. A certified arborist shall be consulted to determine whether physical damage to a tree places the survival of the tree in doubt.

SECTION 10 TREE PRUNING

10.1 General

No protected tree shall be pruned in a manner, which significantly disfigures the tree, or in any manner which would reasonably lead to the death of the tree.

10.2 Permit Requirement

Utility companies may prune trees as necessary to reestablish disrupted service or maintain existing service without obtaining a permit. Utility companies shall inform the City of their routine pruning schedules and are encouraged to prune trees in accordance with the National Arborist Association standards for pruning shade trees.

10.3 Allowed Pruning

A protected tree may be pruned in cases where it is necessary to remove branches broken during the course of construction, or where protected trees must be pruned to allow construction of a structure. Pruning should be done in manner that does not significantly disfigure the tree.

10.4 Required Pruning

The owner of all trees adjacent to public R.O.W. shall be required to maintain a minimum clearance of twelve feet (12') above traveled pavement or curb of a public street. The City shall also have the right to prune trees overhanging the public R.O.W. as necessary to preserve public safety. Trees shall be pruned to allow signs to be seen.

SECTION 11 TREE FUND

11.1. Tree Fund Administration

The City shall administer the tree fund. The funds shall be used to purchase, plant and maintain trees on public property utilizing either city staff or contract labor, to acquire wooded property that remains in a naturalistic state in perpetuity, to perform and maintain a City wide tree inventory and to educate citizens and developers on the benefits and value of trees. The City Council shall have the ability to adopt alternative methods of creating tree credits and methods of distribution of trees and/ or funds for purchasing trees. (*Ord. No. 09-23, 06-15-09*)

11.2 Collection of Money

Money contributed to the Tree Fund shall be paid prior to the issuance of any construction or building permit and prior to filing of a Final Plat.

SECTION 12 VIOLATIONS

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction hereof shall be fined \$500.00 for each offense. A separate offense shall be deemed committed on each day during which a violation occurs. The unlawful damage, destruction or removal of each protected tree shall be considered a separate incident and each incident subjects the violator to the maximum penalty of \$500 for the first tree with each subsequent tree increasing by \$500 increments.

No acceptance of public improvements shall be authorized and no Certificates of Occupancy (CO) shall be issued until all fines for violations of this ordinance have been paid to the City.

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ARTICLE X. PLANNED DEVELOPMENT REGULATIONS

SECTION I PLANNED DEVELOPMENT - GENERAL

1.1 PURPOSE

The purpose of this Article is to provide for the creation of planned development zoning districts ("PD Districts"). PD Districts are intended to provide for the development of land as an integral unit for single or mixed use in accordance with a PD Concept Plan that may include uses, regulations and other requirements that vary from the City's Unified Development Code or from other ordinances, rules or regulations of the City. PD Districts are intended to implement the goals and objectives of the City's Comprehensive Plan, but may be accompanied by specific amendments to provisions of the Comprehensive Plan, the Parks and Open Space Plan or the Thoroughfare Plan. PD Districts are also intended to encourage flexible and creative planning, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

- to provide for a superior design of lots or buildings;
- to provide for increased recreation and/or open space opportunities for public use;
- to provide amenities or features that would be of special benefit to the property users or community;
- to protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes or hills and view corridors;
- to protect or preserve existing historical buildings, structures, features or places; or
- to provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services.

1.2 NATURE OF PD DISTRICTS AND MINIMUM STANDARDS

Each PD District is intended to be a free-standing zoning district in which land uses and intensities of land use may be tailored to fit the physical features of the site and to achieve compatibility with existing and planned adjacent uses. In order to ensure that a PD District implements the policies of the Comprehensive Plan, and to further ensure that the PD District is in accordance with a comprehensive plan of zoning regulation, it is necessary to establish minimum standards for residential and non-residential uses proposed for the PD District that must be incorporated within an ordinance adopted by the Council (the "PD Ordinance").

A. Land Use

- 1. Uses.** Unless otherwise provided by the PD Ordinance, only those uses authorized by the City's Unified Development Code are permitted in PD Districts.
- 2. Location.** The location of all authorized uses shall be consistent with the PD Concept Plan and PD Site Plan.

B. Open Space Standards

Public and Private Open Space. Unless otherwise provided by the PD Ordinance, a minimum of twenty percent (20%) of the gross land area within the entire PD District shall be devoted to open space, except where floodplain exists in the proposed development in which case the dedicated floodplain shall be allowed to count for up to fifty percent (50%) of the twenty percent (20%) open space requirement, and shall be consistent with the open space requirements of the City's Parks and Open Space Plan. Open space for PD Districts may be satisfied by either public or by a combination of public and private open space. Open space requirements specified in this subsection are in addition to requirements for site landscaping and buffering. Public open space shall be dedicated to the City. *(Ord. No. 07-18, 06-04-2007)*

1. **Preservation of Natural Features.** Unless otherwise provided by the PD Ordinance or PD Concept Plan:
 - a) Floodplain areas shall be preserved and maintained as open space; and
 - b) Significant stands of native trees and shrubs shall be preserved and protected from destruction or alteration.
2. **Open Space Allocation.** Open space requirements shall be satisfied for each phase of a multi-phased residential development. If open space is not to be provided proportionally among phases of development, the applicant must execute a reservation of open space in a form that will assure the City that such open space will be provided. The City may require that all open space within the district must be provided prior to completion of development within the district.

In a residential Planned Development, all lots less than 12,000-sf shall be located within 800 feet of a neighborhood-oriented park or open space corridor, which shall be landscaped and serve as a visual amenity and/or gathering place for socializing with neighbors. *(Ord. No. 07-18, 06-04-2007)*

C. Other Minimum Development Standards

1. **Dimensional and Area Standards.** Unless otherwise provided by the PD Ordinance, dimensional and area standards for uses shall be the most restrictive standards authorized by the City's Unified Development Code for the same or similar uses.
2. **Density Standards for Residential Use.** Unless otherwise provided by the PD Ordinance, a residential Planned Development shall allow for a density greater than one (1) unit per gross acre and up to two (2) units per gross acre with a mixture of uses and residential unit size with no minimum lot size. The Planned Development zoning may be allowed based on the following:
 - Topographic conditions that will result in quality open space and building arrangements
 - Mix of unit types to accommodate elements of "life-cycle" housing
 - Amount and distribution of open space to enhance value-creation
 - The overall master plan and arrangement of buildings and uses

- The property should be 50-acres or more in size to adequately accommodate the transition to surrounding development

Additionally, in a residential Planned Development, a density up to two and one-half (2.5) units per gross acre may be allowed with the dedication and/or development of additional amenities that would exceed the minimum standards for residential Planned Developments which could include:

- Parks and open space
- Golf course
- Neighborhood amenity/recreation center
- Integration of schools into the community fabric
- Development of trails and parks in flood plains
- Development of municipal parks and recreation facilities

3. Anti- Monotony Standards for Residential Use.

- a) Exterior wall materials must comply with Section 3.1, General Residential District Standards, of Article V of this Code. Additionally, masonry chimneys shall be required on all homes.
- b) Front elevations shall not repeat along any block face without at least four (4) intervening homes of differing appearance on the same side of the street and two (2) intervening homes of differing appearance on the opposite side of the street. The rear elevation of homes backing to open spaces or thoroughfares shall not repeat without at least two (2) intervening homes of differing appearance. Identical brick blends may not occur on adjacent (side by side) properties. Homes may differ in appearance in any two of the following ways:
 - Number of Stories
 - Garage location
 - Roof type and layout
 - Articulation of the front facade

4. Fencing Standards.

- a) Solid fencing shall be cedar standard fencing material (minimum ½” thickness or more). Spruce fencing will not be allowed. All cedar pickets shall be placed on the “public side” facing a street or an alley. All posts and framing shall be placed on the “private side” of the fence. Other types of solid fencing (such as vinyl) may be considered on a case-by-case basis during the review of the PD Development Plan.
- b) Tubular steel or wrought-iron type fencing shall also be allowed.
- c) Tubular steel or wrought-iron type fencing shall be required on all lots located adjacent to perimeter roadways, open spaces, greenbelts and parks.
- d) Split rail fencing shall be allowed on lots containing 20,000 square feet or more.

- e) Fencing on corner lots constructed adjacent to the street shall provide masonry columns at forty-five feet (45') off-center spacing that begins at the rear property line corner and terminates at least fifteen feet (15') behind the front yard building setback line. A maximum six (6') foot high, solid board-on-board "panel" cedar fencing or wrought iron-type fencing shall be allowed between the masonry columns along the side and/or rear yard adjacent to a street.
- On corner lots which have rear lot lines adjacent to alleys or other rear lot lines, fences may be constructed along the side yard adjacent to the street, subject to a minimum five feet (5') setback from the right-of-way. The property owner shall maintain that portion of the property outside of the fence.
 - On corner lots which have rear lot lines adjacent to a side lot line of an adjoining lot(s), only tubular steel or wrought iron-type fences not exceeding forty-two inches (42") in height may be constructed beyond the building line. Fences constructed on or behind the building line shall comply with the materials requirement in Section 4.e above.
- f) All common areas and perimeter fencing shall be maintained by a Homeowners Association as specified in the City's Subdivision Regulations. Perimeter fencing shall be constructed of six foot (6') tall tubular steel or wrought iron type fencing with masonry columns and entry features. The Planning and Zoning Commission may consider alternative perimeter screening such as earthen berms with landscaping during the review of the PD Development Plan.

(Ord. No. 07-18, 06-04-2007)

1.3 PD PLANS REQUIRED

There are three types of plans that may be required as part of the development process within a PD District. Each successive plan may modify the previous plan provided that it does not substantially change the general intent of the original PD district. Each successive plan becomes part of the Zoning Ordinance governing the property and replaces the previously approved plan.

A. PD Concept Plan. The PD Concept Plan is mandatory and is intended to be used as the first step in the PD development process. It establishes the most general guidelines for the PD District by identifying the land uses and intensities, thoroughfare locations, and open space boundaries (including public trail systems). It may include images of intended style and type of development. The Concept Plan illustrates the integration of these elements into a master plan for the whole PD District. The PD Concept Plan establishes the development standards for the PD district.

B. PD Development Plan. A PD Development Plan is optional and is intended to be used where appropriate as the second step of the PD development process. It may be required by the PD ordinance, or it may be submitted voluntarily by the property owner. A PD Development Plan constitutes an amendment to the approved PD Concept Plan and PD Ordinance and may be used where the developer requests, or the Council requires, certain standards for the PD District to be specified after initial establishment of the PD District. A PD Development Plan includes more detailed information as to the specific development standards and land uses, including their boundaries. The purposes of a PD

Development Plan are to allow flexibility in the development process by deferring specification of all development standards at the time of PD District creation and to enable developers to satisfy conditions imposed on creation of the District prior to submittal of a PD Site Plan.

C. PD Site Plan. A PD Site Plan is mandatory and is the final step of the PD development process. The purposes of a PD Site Plan are to assure that the development of individual building lots, parcels, or tracts within the PD District are consistent with the approved Concept Plan and Development Plan, if any, and to assure that the standards applicable within the PD District are met for each such lot, parcel or tract. A PD Site Plan shall continue to be valid for a period of two years after it is approved by the Commission; however, such period may be extended by the Council upon recommendation of the Planning Commission.

1. The Site Plan shall be accompanied by building elevations and landscape and master sign plans, which shall be reviewed by the Architectural Review Board for consistency with the overall objectives of the district. The Board's recommendation shall be forwarded to the Planning & Zoning Commission for consideration in their recommendation to City Council, if applicable.
2. A PD Site Plan shall terminate at the end of a two-year period (or more with an extension approved by the City Council) unless, within such period, a preliminary or master plat as required by the City's Subdivision Ordinance has been filed with the City for all of the land covered by the PD Site Plan. In which case, the Site Plan will remain valid as long as there is an approved plat for the property. If a PD Site Plan terminates, development of the land covered by the terminated plan cannot occur until a new PD Site Plan has been approved for the land as provided by this Article.

(Ord. No. 06-14, 04-17-06)

1.4 PD COMPLIANCE WITH APPROVED PLANS

Except as otherwise provided by the subdivision provisions of the City's Unified Development Code, no development shall begin and no building permit shall be issued for any land within a PD District until a PD Site Plan that is consistent with the PD Concept Plan and applicable PD Development Plan has been approved. Each PD District shall be developed, used, and maintained in compliance with the approved PD Site Plans for the district. Compliance with the PD Ordinance shall be construed as a condition precedent to granting of Certificates of Occupancy.

SECTION 2 PLANNED DEVELOPMENT PROCEDURES

2.1 ESTABLISHMENT OF A PD DISTRICT

A. Zoning Amendment. An application for the establishment of a PD District shall be made to the Commission. The application shall:

1. Be accompanied by a PD Concept Plan;
2. Be accompanied by a list of proposed PD District development standards;
3. Identify the City's then-current zoning district which shall apply to the extent not otherwise provided by the PD Concept Plan or by the proposed PD District development standards;
4. Be accompanied by a Concept Plan informational statement, and traffic impact analysis unless waived by the Council.

Except to the extent provided by the PD Concept Plan and the PD Ordinance, development within the PD District shall be governed by all of the ordinances, rules, and regulations of the City in effect at the time of such development (including the standards of the City's zoning district so identified in the application). In the event of any conflict between (i) the PD Concept Plan and the PD Ordinance and (ii) the then-current ordinances, rules, and regulations of the City, the terms, provisions, and intent of the PD Concept Plan and PD Ordinance shall control. In addition, prior to action by the Commission on the establishment of the PD District, the applicant shall submit a traffic impact analysis.

B. PD Concept Plan. A PD Concept Plan (or, at the applicant's option, a PD Development Plan) shall be processed simultaneously with the zoning amendment application, and if the zoning amendment application is approved, the PD Concept Plan (or PD Development Plan) shall be incorporated as part of the PD Ordinance. The graphic depictions contained on a PD Concept Plan shall be considered as regulatory standards. Each PD Concept Plan shall be prepared on one or more standard sheets of sizes of 30" x 42" or 24" x 36" and at an engineering scale of 1"=100' or larger. If multiple sheets are required, an overall plan shall be submitted as well (which may be to any scale). Unless waived by the Council on recommendation of the Zoning Administrator, each PD Concept Plan shall graphically depict the following:

1. A diagram or drawing of the boundaries of the proposed PD District;
2. Proposed and existing land uses by category (including, if applicable, proposed and existing land uses by category for any sub-areas to be developed within the PD District);
3. Proposed density by type of residential uses, including the maximum numbers of dwelling units for residential uses other than single-family detached, and lot sizes for single-family detached;
4. Proposed estimated total floor area and floor area ratios by category of non-residential uses, together with residential view analysis, if any;
5. Proposed configuration of public and private open space serving the development, showing the relationship to the City's Parks and Open Space Plan, including trail system and access points to the trail system, estimated dimensions and approximate area, and areas to be dedicated to the public or to a private maintenance organization, if known;

6. Proposed and existing thoroughfares, boulevards and roadways;
7. To the extent known for adjoining land, existing land uses (by zoning district), existing thoroughfares; and existing open space for such adjoining land; and
8. A general plan for circulation of traffic and pedestrians within and external to the development, including designated points of access.

C. Concept Plan Informational Statement. A PD Concept Plan shall be accompanied by an informational statement containing the information set forth below. If the zoning amendment application is approved, the informational statement shall not be binding on the applicant or the land owner and shall not be considered part of the PD Concept Plan or the PD Ordinance. Informational statements shall be updated concurrently with any amendment to the PD Concept Plan and with each PD Development Plan. Each statement shall include the following:

1. A general statement setting forth how the proposed PD District will relate to the City's Comprehensive Plan;
2. The total acreage within the proposed PD District;
3. If the development is to occur in phases, a conceptual phasing plan that identifies the currently anticipated general sequence of development, including the currently anticipated general sequence for installation of major capital improvements to serve the development; and
4. An aerial photograph with the boundaries of the PD Concept Plan clearly delineated.

D. Proposed PD Development Standards. Proposed PD District development standards shall be processed simultaneously with the zoning amendment application, and if the zoning amendment application is approved, such standards shall be incorporated as part of the PD Ordinance. Such proposed development standards may include (but shall not be limited to) uses; density; lot size; lot dimensions; setbacks; coverage; height; landscaping; lighting, fencing, parking and loading; signage; open space; drainage; and utility and street standards. Any graphic depictions used to illustrate such standards, unless otherwise provided in the PD Ordinance, shall be considered as regulatory standards.

E. Traffic Impact Analysis. Prior to or simultaneous with submission of an application for the establishment of a PD District, the applicant shall submit to the City's transportation engineer a traffic impact analysis for the proposed PD District, unless waived by Council. The analysis must be approved by the Council prior to or concurrently with the approval by the Council of the PD District. The traffic analysis shall not be considered part of the PD Concept Plan or the PD Ordinance but may be used to condition the density or intensity of uses or the timing of development within the District based upon the existence of a supporting roadway network adequate to accommodate the traffic expected to be generated. The traffic impact analysis shall be updated with each PD Site Plan.

F. Complete Application. No application for the establishment of a PD District shall be deemed to be filed with the City until the Zoning Administrator has determined that the PD Concept Plan is complete, that the proposed PD District development standards have been identified, a traffic impact analysis has been

submitted, and that the informational statement is complete. Fifteen (15) copies of all such materials shall be submitted.

- G. Commission Recommendation.** The Commission, after notice and public hearing in accordance with the City's Unified Development Code procedures, shall formulate its recommendation with respect to establishment of a PD District. The recommendation of the Commission shall be forwarded to the Council for decision.
- H. Council Decision.** Following receipt of the Commission's recommendation, the Council, after notice and public hearing in accordance with the City's Unified Development Code procedures, shall conduct a public hearing and shall approve, approve with conditions, or deny the application for establishment of the PD District.
- I. Approval Criteria.** Based upon the PD Concept Plan, the Commission, in making its recommendations to the Council, and the Council, in determining whether the PD District should be established, shall consider whether the following criteria have been met:
1. The plan of development is generally consistent with the City's Comprehensive Plan (as such plan may be amended prior to or concurrently with approval of the PD District);
 2. Proposed uses and the configuration of uses are compatible with existing and planned adjoining uses;
 3. The general arrangement of streets conforms to the City's Thoroughfare Plan (as such plan may be amended prior to or concurrently with approval of the PD District);
 4. Proposed uses, development densities and intensities, and development regulations are generally consistent with this Article;
 5. The configuration of the proposed open space serving the development is consistent with the City's Parks and Open Space Plan (as such plan may be amended prior to or concurrently with approval of the PD District);
 6. The amenities proposed justify proposed densities or intensities;
 7. The proposed plan of development furthers the public health, safety and general welfare of the community; and
 8. The traffic impact analysis demonstrates that the capacity of the proposed roadways shown on the proposed PD Concept Plan, together with any roadways within related PD Districts and the supporting roadway network, are adequate to accommodate the traffic expected to be generated by the uses, densities and intensities of use shown on the PD Concept Plan in and authorized in the PD Ordinance in a timely and efficient manner.
- J. Conditions.** The Commission may recommend, and the Council may require, such conditions to the establishment of a PD District and to the approval of a PD Concept Plan as are reasonably necessary to assure that the purposes of the District and the approval criteria for the PD Concept Plan are met. Such conditions may include the requirement of a PD Development Plan.
- K. Adopting Ordinance.** The PD Ordinance shall include the PD Concept Plan as an exhibit to the ordinance and shall include the following:
1. A statement of the purpose and intent of the PD District;

2. A metes and bounds description of the land within the PD District;
3. A list of the specific land uses permitted within the PD District, together with a description of the sub-areas, if any, in which such uses are allowed;
4. The maximum density or intensity of each permitted land use;
5. A list of all the PD District development standards, together with necessary graphic illustrations;
6. Identification of the City's then-current zoning district standards that shall apply to the extent not otherwise provided by the PD Concept Plan or PD Ordinance;
7. Identification of the development standards, if any (whether in the PD Ordinance or in the then-existing ordinances, rules, or regulations of the City), that may be deferred for specification until approval of a PD Development Plan or that may be varied by the Council as part of the approval process for a PD Site Plan
8. Unless otherwise identified on the PD Concept Plan, the general location and size of open space serving the development; including any proposed dedication of open space to the public or to a maintenance organization.
9. Provisions governing amenities, if any, to justify densities or intensities.
10. Such additional conditions as are established by the Council to assure that the PD District and PD Concept Plan are consistent with the purposes of the District and the approval criteria for the Concept Plan.

2.2 PD DEVELOPMENT PLANS

If the Council requires as a condition of establishing the PD District and approving a PD Concept Plan that PD Development Plans be submitted prior to submittal of a PD Site Plan, a PD Development Plan may be prepared and submitted for the entire development at one time or for individual phases of development. Each required copy of the PD Development Plan shall be accompanied by (i) a development plan informational statement and (ii) a preliminary drainage study for the area covered by the proposed plan. If deemed necessary by the City's Transportation Engineer or Zoning Administrator, the applicant for a PD Development Plan shall also submit an updated traffic impact analysis prior to Commission action.

A. Submittal Requirements for PD Development Plans

1. Approximations of the following: site boundaries and dimensions, lot lines, site acreage and square footage, and distances to the nearest cross streets;
2. Location map, north arrow, title block and site data summary table;
3. Existing land uses and zoning classifications on adjacent properties;
4. Preliminary tree survey.
5. Any features omitted from the PD Concept Plan upon Council authorization; and
6. Such additional features as are necessary to assure compliance with conditions established by the Council to be satisfied by the Development Plan.

B. PD Development Standards. Development standards that were not specified in the PD Ordinance, as authorized by the Council, shall be submitted and approved as an amendment to the PD Ordinance and incorporated therein, in conjunction with approval of the PD Development Plan.

C. Development Plan Informational Statement. Each PD Development Plan shall be accompanied by an informational statement containing the information set forth below. Informational statements shall be updated concurrently with any amendment to a PD Development Plan and with each PD Site Plan. Each informational statement shall include the following:

1. Name and address of landowner and date of preparation of the PD Development Plan;
2. Name and address of architect, landscape architect, planner, engineer, surveyor, or other persons involved in the preparation of the PD Development Plan;
3. A table listing the specific permitted uses proposed for the property, and, if appropriate, the boundaries of the different land uses and the boundary dimensions;
4. Development standards for each proposed land use, as follows:
 - a) Minimum lot area;
 - b) Minimum lot width and depth;
 - c) Minimum front, side, and rear yard areas;
 - d) Maximum height of building; and
 - e) Maximum building coverage.
5. A list of the development standards, if any (whether in the PD Ordinance or in the then-existing ordinances, rules, or regulations of the City that apply to development within the PD District), for which the applicant is seeking amendment by the Council as part of the PD Development Plan approval process.
6. If Council approval of any height increase is being requested, a view analysis of the impact of such requested variance on adjacent residential areas of the City.
7. Preliminary and approximate building locations and building footprints;
8. Preliminary elevations and perspectives to show the relationship of building heights to surrounding topography;
9. Location of parking areas and structures for multi-family and non-residential uses, including areas for off-street parking;
10. A detailed description of how open space serving the development will be satisfied for the phase of development represented by the PD Development Plan, including any proposed dedications of open space to the public or to a private maintenance organization;
11. If the PD Development Plan is a phase of the project (as described in the applicant's original informational statement submitted with the PD Concept Plan), depiction of the area subject to the development in relation to the then-current phasing plan, together with any updates of the then-current

phasing plan that was submitted as part of the applicant's original informational statement; and

12. A list identifying each proposed addition or amendment to the PD ordinance.

D. Preliminary Drainage Study. Each PD Development Plan shall be accompanied by a preliminary drainage study for the area covered by the study. The study shall be prepared by a professional engineer licensed in the State of Texas and experienced in the study of drainage issues.

1. **Purpose.** The purposes of the drainage design policies are to prevent flooding of adjacent properties, owned by third parties and to regulate water surface elevations and peak discharges. Development within the PD District shall not produce any increase in the water surface elevation (either upstream or downstream) due to a 5-year, 10-year, 50-year, or 100-year storm. If the discharge from the area proposed for development would increase the water surface elevation above predevelopment conditions on any property owned by third parties due to any of such storms, then such peak discharge must be regulated to the extent necessary to eliminate the increased water surface elevation. The regulation of discharges to eliminate such increases may be achieved using either on-site or off-site storm water management facilities (such as detention areas, retention areas, and infiltration and sedimentation ponds).

2. **Content.** The preliminary drainage study shall

- a) Contain a topographical map of the area proposed for development to a scale not smaller than 1 inch = 200 feet;
- b) Generally describe how the proposed development will comply with the drainage design policies set forth below;
- c) Include all information deemed necessary by the preparing engineer to support his or her determination that the proposed development will comply with the drainage design policies; and
- d) Include all information reasonably requested by the City Engineer to support his or her review of the preliminary drainage study.

E. Updated Traffic Impact Analysis. If deemed necessary by the City's transportation engineer or if required by the PD Ordinance, the applicant for a proposed PD Development Plan shall submit an updated traffic impact analysis prior to action by the Commission. The purpose of the updated analysis is to determine whether the traffic estimated to be generated by the development shown on the proposed PD Development Plan will necessitate specific on-site or adjacent traffic improvements (e.g., turn lanes, stacking lanes, signalization, etc.) and to determine whether conditions attached to the Concept Plan based on the original traffic impact analysis have been met.

F. Commission Recommendation. The Commission, after notice and public hearing in accordance with the City's Unified Development Code procedures, shall recommend to the Council whether to approve, approve with conditions, or disapprove each PD Development Plan, together with each proposed amendments to the PD Ordinance.

G. Council Decision. Upon receipt of the Commission's recommendation, the Council, after notice and public hearing in accordance with the City's Unified Development Code procedures, shall approve, approve with conditions, or

disapprove each PD Development Plan and each proposed addition or amendment to the PD Ordinance.

H. Approval Criteria. The Commission, in making its recommendation to the Council, and the Council, in acting upon each PD Development Plan and proposed addition or amendment to the PD Ordinance, shall determine whether the proposed PD Development Plan and ordinance addition or amendment meets the following criteria:

1. The plan generally is consistent with the approved PD Concept Plan (including open space, trails, and thoroughfares);
2. The plan generally is consistent with the development standards set forth in the PD Ordinance;
3. The plan satisfies any conditions established by the Council in the PD Ordinance relating to Development Plan approval;
4. The plan is generally consistent with the standards and conditions of the Unified Development Code and of other ordinances, rules and regulations of the City (to the extent that such standards and conditions are applicable to development within the PD District);
5. The traffic estimated to be generated by the plan is generally consistent with the original, Council approved traffic impact analysis and any conditions to be satisfied at the time of the Development Plan approval have been met;
6. The plan includes the necessary on-site or adjacent traffic improvements to accommodate traffic generated by the plan (e.g., turn lanes, stacking lanes, signalization, etc.); and
7. The preliminary drainage study for the plan indicates that the proposed development can be achieved without increasing the upstream or downstream water surface elevation on property owned by third parties and that detention and drainage areas can be improved in a natural manner.

I. Conditions. The Commission may recommend, and the Council may require, such conditions to the approval of a PD Development Plan as are reasonably necessary to assure that the approval criteria are met.

J. Approving Ordinance. The Development Plan shall be incorporated within an ordinance amending the PD Ordinance and the Concept Plan. The amending ordinance shall set forth all standards necessary for development of the land subject to the Development Plan that were not included in the PD Ordinance. The amending ordinance also shall repeal or amend any conditions that were attached to the PD Ordinance that have been satisfied as a result of approving the Development Plan and associated amendments.

2.3 PD SITE PLANS

A. Delegation to Commission. The Commission hereby is delegated the authority to approve, conditionally approve, or deny PD Site Plans and all amendments thereto, subject to appeal to the Council. Any Site Plan subject to a request for variances or other modifications that are reserved for the Council by these PD regulations shall be decided by the Council upon recommendation of the Commission.

B. Submittal Requirements. The following requirements apply to each application for PD Site Plan approval:

1. **Size.** PD Site Plans shall be prepared on one or more standard sheets of sizes of 30" x 42" or 24" x 36" and at an engineering scale of 1"=100' or larger. If multiple sheets are required, an overall plan shall be submitted as well (which may be to any scale). PD Site Plans shall be prepared by a registered engineer, architect, or landscape architect.
2. **General Information.**
 - a) North Arrow;
 - b) Total site acreage;
 - c) Submission date;
 - d) Scale (written and graphic);
 - e) Vicinity map;
 - f) Names, addresses, and telephone numbers of designer, engineer, developer, and owner;
 - g) A boundary survey of the site with the location of proposed land uses;
 - h) Adjacent subdivision names and property lines; and
 - i) Adjacent land uses and structures.
3. **Structures**
 - a) Location, dimensions, and use of all existing facilities and proposed building sites;
 - b) Setback and separation distances between building sites;
 - c) Proposed construction type and facade materials for all multi-family and non-residential buildings (the Commission may require elevations and perspective drawings);
 - d) Proposed density of each use;
 - e) Proposed location of screening along public roadways shown on the PD Concept Plan;
 - f) Location and types of signs, including lighting and heights;
 - g) Elevation drawings citing proposed exterior finish materials; and
 - h) Location of solid waste collection facilities.
4. **Streets and Sidewalks**
 - a) Location and width of all rights-of-way and easements;
 - b) Location and dimensions of all pavement and curbing;
 - c) Location and width of all sidewalks;
 - d) Location and width of all ingress/egress points;
 - e) Location and width of all medians and median breaks;
 - f) Location of any special traffic regulation facilities;
 - g) Location of Fire Lanes; and
 - h) Street names on proposed streets.
5. **Off-Street Parking and Loading Areas**
 - a) Number, location, and dimension of spaces;
 - b) Type of surface material of parking facility;

- c) Dimension of aisles, driveways, maneuvering areas, and curb return radii;
- d) Distance between spaces and adjacent rights-of-way;
- e) Location of all existing and proposed fire lanes and hydrants; and
- f) Proposed lighting diagram.

6. Landscaping

- a) Location and size of major tree groupings and existing hardwood trees of 4" caliper or greater, and other protected trees as specified in Article IX, Tree Preservation, noting whether they are to be removed or retained; (*Ord. No. 06-14, 04-17-06*)
- b) Location and size of proposed plant materials, including paving, together with type and species of plants;
- c) Number and type of each landscape element;
- d) Height and type of all fencing or buffering;
- e) Height of all planters, sculptures, and decorative screens;
- f) Location and type of trash receptacle screening;
- g) Location and type of lighting for streets, signage, and parking areas; and
- h) Location of visibility triangles where required.

7. Drainage

- a) Direction of water flow;
- b) Quantity of on and off-site water generation;
- c) Topographic contours at a minimum of 5 foot intervals;
- d) Points of concentrated water discharge;
- e) Areas where special design and construction may be necessary due to slope or soil conditions;
- f) Location and design of all water detention and drainage areas; and
- g) Drainage ways, creeks, and limits of the 100 year floodplain and floodway as shown on current FEMA mapping or the City's master drainage plan, including location and acreage, together with a general plan for accommodating flood waters and drainage.

8. Preliminary Service Plan

- a) A preliminary drainage plan of the area showing the size and location of each existing and proposed drainage way and retention or detention area. If no Development Plan has been required and approved by the Council, the drainage plan shall incorporate the requirements of the preliminary drainage study;
- b) The proposed method of providing water and sewer service; and
- c) If no Development Plan has been required and approved by the Council, an updated traffic impact analysis.

9. Special Exceptions. A list of the development standards, if any (whether in the PD Ordinance or in the then-existing ordinances, rules, or regulations of the City that apply to development within the PD District), for which the

applicant is seeking a special exception by the Council as part of the PD Site Plan approval process.

- C. Commission Decision.** The Commission shall approve, approve subject to conditions, or deny each PD Site Plan. (*Ord. No. 06-14, 04-17-06*)
- D. Approval Criteria.** The Commission, in approving, conditionally approving, or denying a PD Site Plan, shall consider the following criteria:
1. The plan complies with the applicable PD Concept Plan or Development Plan, if any, and with the PD Ordinance, expressly including conditions attached to the Concept Plan, Development Plan or PD Ordinance.
 2. The plan complies with the standards and conditions of the Unified Development Code and of other ordinances, as well as other rules and regulations of the City (to the extent that such standards and conditions are applicable to development within the PD District);
 3. If no Development Plan was required and approved by the Council, the traffic estimated to be generated by the plan is generally consistent with the original Council-approved traffic impact analysis;
 4. If no Development Plan was required and approved by the Council, the plan includes the necessary on-site or adjacent traffic improvements to accommodate traffic generated by the plan (e.g., turn lanes, stacking lanes, signalization, etc.);
 5. If no Development Plan was required and approved by the Council, the preliminary drainage study for the plan indicates that the proposed development can be achieved without increasing the upstream or downstream water surface elevation on property owned by third parties and that detention and drainage areas can be improved in a manner approved by the Council; and
 6. Landscaping promotes continuity and unity consistent with the landscape plan for the development and encourages views to public open space and public landmarks.
- E. Conditions.** The Commission, or the Council on appeal, may establish such conditions to the approval of a PD Site Plan as are reasonably necessary to assure that the approval criteria are met.
- F. Appeal from Commission Action.** If the Commission approves a PD Site Plan with conditions or if it disapproves a PD Site Plan, the applicant may appeal the decision to the Council by filing a written request with the City Secretary within ten (10) days after the Commission's decision.
- G. Variances.** The granting of variances for Planned Development District regulations shall be the purview of City Council, not the Board of Adjustment. If the applicant requests a variance from PD Ordinance standards or other ordinance requirements, the variance request will be forwarded to the Council with the Commission's recommendation for decision. Procedures and criteria for approval shall be those applicable to special exceptions under *Article 11.8.5 Criteria for Granting Special Exceptions*. (*Ord. No. 06-14, 04-17-06*)

2.4 AMENDMENT OF PD PLANS

- A. PD Concept Plans.** PD Concept Plans (excluding informational statements) are considered part of the PD Ordinance. Any amendment to a PD Concept Plan

shall be considered a zoning change, and the provisions of Chapter 211 of the Texas Local Government Code relating to notices, public hearings, and written protests for changes in zoning districts or regulations shall apply. If a PD District is established subject to approval of PD Development Plans, the provisions of this *Subsection 2.4.A* shall apply to such PD Development Plan.

B. PD Site Plans.

PD Site Plans are not considered part of a PD Ordinance. Except as otherwise provided, any amendment to an approved PD Site Plan must be approved by the Commission. However, "minor modifications" to any PD Site Plan may be approved by the Zoning Administrator. If the Zoning Administrator believes that a request for minor modification entails a significant change in the Site Plan, he may refer the request to the Commission for determination. A "minor modification" to a PD Site Plan is defined as any modification that does not:

1. alter the basic relationship of proposed development to adjacent property;
2. change the uses permitted;
3. increase the maximum density, floor area, or height;
4. decrease the amount of off-street parking, unless parking remains sufficient in number and conforms to ordinance requirements; or
5. reduce the minimum yards or setbacks.

2.5 PERIODIC REVIEW

A. Applicability. Each tract of land not yet fully developed, for which (PD) Planned Development District Zoning has been granted, shall be reviewed by the Planning and Zoning Commission in order to make inquiry and ascertain the following:

1. Whether a Preliminary Plan and/or Development Plan can reasonably be expected to be filed;
2. If a Preliminary Plan and/or Development Plan can be reasonably expected to be filed at any time within the two (2) year interval as set out herein;
3. Whether the granted uses for the tract of land under consideration continues to have a desired relationship with the surrounding area; and
4. If such density and other design standards originally granted are in accordance with the current community growth patterns and values.

B. Determination. If, upon inquiry and review, the Planning and Zoning Commission finds that a particular tract of land zoned (PD) Planned Development is not reflective of current community growth patterns or community design policies, or is not in accordance with the Comprehensive Plan, it may request the City Council to initiate hearings on the particular tract of land to consider 1) reform or modification of the PD District on the particular tract; or 2) change the zoning to a more suitable land use classification.

C. Frequency. The Planning and Zoning Commission shall review each tract of land for which Planned Development zoning has been granted beginning in January of each year, at least on two year intervals. The Planning and Zoning Commission may review certain tracts (for which Planned Development zoning has been granted) more frequently if it determines such review is necessary.

SECTION 3 EFFECT ON EXISTING PDS

3.1 DISTRICT AMENDMENTS

If an amendment is proposed after the effective date of this Article to any Concept Plan, Development Plan, Site Plan or planned development ordinance approved prior to the effective date of this ordinance under prior development regulations, the provisions of this Article shall apply to those amendments.

3.2 SITE PLANS

For any PD District established under prior planned development regulations for which at least one Site Plan has been approved pursuant to such prior regulations, the provisions of this Article shall not apply, except that procedures related to approval of PD Site Plans pursuant to this ordinance shall apply to any application for PD Site Plan approval submitted more than thirty (30) days after the effective date of this Article.

SECTION 4 AMENDMENTS TO APPROVED PD APPLICATIONS

4.1 PROCESSING AMENDMENTS

1. Amendments to all applications and approvals shall be processed in the same manner as the original application. However, the applicant shall submit a summary of all elements that are proposed to be changed along with the revised plans and application.
2. Notwithstanding the above, the Zoning Administrator may approve minor modifications in an approved Site Plan or PD Site Plan administratively, provided that they do not:
 - a) Alter the basic relationship of proposed development to adjacent property;
 - b) Change the uses permitted;
 - c) Increase the maximum density, floor area, or height;
 - d) Decrease the amount of off-street parking, unless parking remains sufficient in number and conforms to ordinance requirements;
 - e) Reduce the minimum yards or setbacks; or
 - f) Detrimentally change or alter the characteristics of the elevation drawings or Site Plan as approved, but rather allow for some flexibility in minor modification to same.

ARTICLE XI. ZONING-RELATED APPLICATIONS

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ARTICLE XI. ZONING-RELATED APPLICATIONS

SECTION I GENERAL

1.1 Filing of an Application

A. Pre-application Conference.

1. An applicant for a change in zoning is encouraged to request a pre-application conference with a City official or the Zoning Administrator prior to formal application.
2. At the pre-application conference, the applicant should present a draft Concept Plan with as much detail as possible.
3. Based on the information presented, the City representative will provide initial comments concerning the merits of the proposed development and inform the applicant of any additional requirements for preparation of the formal zoning application.

B. Application Requirements. No application shall be reviewed which is not complete and accompanied by the payment of fees as established in this Code or other ordinances of the City of Rockwall. All applications shall be filed with the City on forms available in the City of Rockwall offices.

C. Timing. Applications for Rezoning and Plan Approvals shall be submitted at least one month prior to the first scheduled hearing date. Special Exception and Variance applications shall be submitted at least 2 weeks prior to the first scheduled hearing date.

1.2 Submission of Plans

A. Preparation. All plans submitted pursuant to this Unified Development Code shall be prepared by a registered architect, engineer, landscape architect, or certified city planner.

B. Quantity Required. Plans shall be submitted in the form and number as required by the Zoning Administrator.

1.3 Considerations in Review and Approval of Rezoning

- A. Consistency with the Comprehensive Plan.
- B. Potential impact on adjacent development.
- C. Availability of utilities and access.
- D. Site conditions such as vegetation, topography, drainage and flood plain.
- E. Timing of development as it relates to the City's Capital Improvement Plan.
- F. Other issues as may be deemed important.

SECTION 2 REQUIRED SITE PLAN (NON-PD)

2.1 Purpose

The purpose of a Site Plan is to ensure that all provisions of the Unified Development Code of the City are adhered to while providing for design flexibility; that sensitive environmental issues such as slopes and vegetation are accommodated; and that services and facilities necessary to support the proposed development will be available on an appropriate time schedule.

2.2 General

- A. **Applicability.** Site Plans are required for all new developments except individual single family and duplex lots, and for expansion of existing development by 50% or more of the gross floor area.
- B. Site plans shall be accompanied by a completed application form and a proposed development schedule.
- C. **No Permits without Site Plan.** Site Plans may be submitted at the time of Building Permit application, but no permit shall be issued for site grading or construction until a Site Plan has been approved.
- D. **Notification.** No public notification is required for consideration of a Site Plan, or amendment, beyond posting as an agenda item for the Planning and Zoning Commission, if appealed or referred to it. This provision does not apply to PD Site Plans.

2.3 Site Plan Submittal Requirements

The following requirements apply to each application for non-PD Site Plan approval:

- 1. **Size.** Site Plans shall be prepared on one or more standard sheets of sizes of 30" x 42" or 24" x 36" and at an engineering scale of 1"=100' or larger. If multiple sheets are required, an overall plan shall be submitted as well (which may be to any scale). PD Site Plans shall be prepared by a registered engineer, architect, or landscape architect.
- 2. **General Information.**
 - a) North Arrow;
 - b) Total site acreage;
 - c) Submission date;
 - d) Scale (written and graphic);
 - e) Vicinity map;
 - f) Names, addresses, and telephone numbers of designer, engineer, developer, and owner;
 - g) A boundary survey of the site with the location of proposed land uses;
 - h) Adjacent subdivision names and property lines; and
 - i) Adjacent land uses and structures.
- 3. **Structures**
 - a) Location, dimensions, and use of all existing facilities and proposed buildings;
 - b) Setback and separation distances between buildings;

- c) Proposed construction type and facade materials for all multi-family and non-residential buildings (the Commission may require elevations and perspective drawings);
- d) Proposed density of each use;
- e) Proposed location of screening along public roadways shown on the PD Concept Plan;
- f) Location and types of signs, including lighting and heights;
- g) Elevation drawings citing proposed exterior finish materials; and
- h) Location of solid waste collection facilities.

4. Streets and Sidewalks

- a) Location and width of all rights-of-way and easements;
- b) Location and dimensions of all pavement and curbing;
- c) Location and width of all sidewalks;
- d) Location and width of all ingress/egress points;
- e) Location and width of all medians and median breaks;
- f) Location of any special traffic regulation facilities;
- g) Location of Fire Lanes; and
- h) Street names on proposed streets

5. Off-Street Parking and Loading Areas

- a) Number, location, and dimension of spaces;
- b) Type of surface material of parking facility;
- c) Dimension of aisles, driveways, maneuvering areas, and curb return radii;
- d) Distance between spaces and adjacent rights-of-way;
- e) Location of all existing and proposed fire lanes and hydrants; and
- f) Proposed lighting diagram.

6. Landscaping

- a) Tree survey of major tree groupings and existing trees of 6" caliper or greater , noting species and whether they are to be removed or retained;
- b) Location and size of proposed plant materials, including paving, together with type and species of plants;
- c) Number and type of each landscape element;
- d) Height and type of all fencing or buffering;
- e) Height of all planters, sculptures, and decorative screens;
- f) Location and type of trash receptacle screening;
- g) Location and type of lighting for streets, signage, and parking areas; and
- h) Location of visibility triangles where required.

7. Drainage

- a) Direction of water flow;

- b) Quantity of on and off-site water generation;
- c) Topographic contours at a minimum of 5 foot intervals;
- d) Points of concentrated water discharge;
- e) Areas where special design and construction may be necessary due to slope or soil conditions;
- f) Location and design of all water detention and drainage areas; and
- g) Drainage ways, creeks, and limits of the 100 year floodplain and floodway as shown on current FEMA mapping or the City's master drainage plan, including location and acreage, together with a general plan for accommodating flood waters and drainage.

2.4 Site Plan Review

A. Procedure. Site Plans shall be reviewed, and a decision rendered, by the Zoning Administrator, or at his prerogative the Planning and Zoning Commission, taking into consideration comments from the Plan Review Committee. The applicant may appeal the decision of the Administrator to the Planning and Zoning Commission whose decision shall be final. Such appeal must be made in writing to the Administrator within 10 business days of the Zoning Administrator's notification of decision to the applicant.

B. Criteria for Site Plan Review. In approving or denying a Site Plan under this Article, the following criteria shall be considered:

1. The extent to which the Site Plan fulfills the goals, objectives and standards in the City's Comprehensive Plan, Parks and Open Space Plan and Thoroughfare Plan.
2. Safety of the motoring and pedestrian public using the facility and area surrounding the site.
3. Safety from fire hazards and measures of fire control.
4. Protection from flooding and water damage.
5. Noise and lighting glare effects on adjacent neighbors.
6. Relations of signs to traffic control and their affect on adjacent properties.
7. Adequacy of streets to accommodate the traffic generation of the proposed development.
8. Adequacy of off-street parking and loading facilities for the uses specified.
9. Landscaping and screening provisions appropriately placed per code requirements.
10. Siting structures and other improvements relative to required setbacks, height limitations, and other density and dimensional requirements.
11. The impact of the proposed development on slopes, protected vegetation, the open space system, and adjacent properties.
12. Such other measures as might secure and protect the public health, safety, morals and general welfare.

2.5 Effect of Site Plan Approval

A. Site Plan Expiration. If development of a lot or tract with an approved site plan has not been completed within 2 years, or more with an extension, of its final

approval, the site plan shall be deemed to have expired and a new review and approval of a site plan for development of the property shall be undertaken, and this new approval shall be required before a building permit is issued for development. This review and approval shall be evaluated according to the standards of this ordinance, taking into account all changes to the ordinance which has occurred subsequent to the prior site plan approval.

- B. Phasing Plan Expiration.** If the site plan is submitted in conjunction with an approved phasing plan for development of the lot or tract, the site plan shall be deemed to have expired if any phase is not completed within the time period approved for such phase. No site plan phase may be planned to exceed three years unless specifically authorized by the Planning and Zoning Commission and City Council when demonstrated that due to the size or complexity of the site the three year time period would create a hardship. If any phase is not completed within the time period approved, the entire remaining uncompleted site plan shall be deemed to have expired and the provisions of *Subsection A* above shall be followed.
- C. Extension of Site Plan.** Extension of an approved site plan may be granted by the Planning and Zoning Commission and City Council upon submission of a request for such extension by the property owner at least 90 days prior to the expiration of the plan. The Planning and Zoning Commission and City Council shall take into consideration any changes that have occurred in this ordinance subsequent to original approval of the plan and the property owner may be required to bring such plan into compliance with the current requirements. The period of time approved for any such extension shall be indicated in any approval, but in no case, shall the period for extension exceed 3 years.

2.6 Amendment of Site Plans

"Minor modifications" to any Site Plan may be approved by the Zoning Administrator. However, if the Zoning Administrator believes that a request for minor modification entails a significant change in the Site Plan, he may refer the request to the Commission for determination. A "minor modification" to a PD Site Plan is defined as any modification that **does not**:

1. Alter the basic relationship of proposed development to adjacent property;
2. Change the character of the development;
3. Change the uses permitted;
4. Increase the maximum density, floor area, or height;
5. Decrease the amount of off-street parking, unless parking remains sufficient in number and conforms to ordinance requirements; or
6. Reduce the minimum yards or setbacks.

SECTION 3 CERTIFICATES OF APPROPRIATENESS (COA)

3.1 General

A. Applicability. Prior to the commencement of any work in a Historic Overlay District which requires a Certificate of Appropriateness, the owner shall file with the Historic Preservation Officer an application for such a certificate.

B. No Permits without COA. No permit shall be issued for site improvement or construction until a COA has been approved by the Historic Preservation Board.

3.2 COA Submittal Requirements

The procedures and requirements for a Certificate of Appropriateness are outlined in Article V, Section 6.2, (HO) Historic Overlay District. (*Ord. No. 06-14, 04-17-06*)

SECTION 4 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS

4.1 Purpose and Authority

The City Council may, from time to time, on its own motion, or by request of the Planning and Zoning Commission, the Zoning Administrator or the City Engineer, amend, supplement, or change the regulations established in the Unified Development Code.

4.2 Procedures

A. Action by the Planning and Zoning Commission.

The Planning and Zoning Commission shall give appropriate notice and hold a public hearing. The commission shall approve, deny or modify the amendment and forward its report and recommendation to the City Council.

B. Action by the City Council.

The Council shall give appropriate notice and hold a public hearing and has final authority to adopt or deny any proposed amendment.

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ARTICLE XII ENFORCEMENT

SECTION 1 PENALTIES

1.1 COMPLIANCE AND FINES

Any person who violates or fails to comply with the requirements of this Ordinance or who builds or alters any building in violation of any plan or statement submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than two thousand dollars (\$2,000.00). Each day such violation shall be permitted to exist shall constitute a separate offense. The owner of any building or premises or part thereof, where anything in violation of this ordinance shall be placed or shall exist shall be guilty of a separate offense and upon conviction thereof shall be fined as herein provided. (Ord. 87-50)

1.2 OTHER ACTIONS

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 2 STOP WORK ORDER

2.1 STOP WORK ORDER

When the City determines that there has been non-compliance with any material term, condition or requirement of this Ordinance, the City may order any person having a proprietary interest in the property or any person engaged in the development or construction on the property to cease and desist from engaging in any further development or construction activities on the site. The Stop Work Order shall be in writing and shall be posted on the site. The order shall specifically state the nature of the non-compliance and the acts prohibited.

The City may bring suit in a court of competent jurisdiction to restrain and enjoin any person attempting or allowing development or construction without a permit or other authorization or who fails to cease and desist from further development or construction after notice of a Stop Work Order has been posted in accordance with this Article.

When the City determines that there has been non-compliance with this Ordinance which constitutes a health or safety hazard, a Stop Work Order shall be issued and shall remain in effect until there has been compliance with this Ordinance. This Article shall not override the County Health Director or designee's ability to suspend, or reinstate food or child care permits in conformance with state and federal laws.

2.2 APPEAL PROCESS

Appeal of a Stop Work Order, suspension or revocation may be made to the City Council or the appropriate Council, by any person aggrieved, by giving written notice no later than three (3) days after the Stop Work Order is posted, or notice of the suspension or revocation is received. The notice shall state:

- A. The name and address of the person making the appeal;
- B. The facts surrounding of particular appeal;
- C. The nature of the Stop Work Order, suspension or revocation; and
- D. The reasons why the ruling should be set aside.
- E. The City Council or appropriate Council shall hear the appeal at its next regularly scheduled meeting following receipt of the notice of appeal provided that the appeal is received at least three (3) working days prior to that meeting. The City Council or appropriate Council shall either affirm or reverse the decision appealed no later than seven (7) days after the close of the hearing.
- F. An appeal brought under this section shall not stay the Stop Work Order, suspension or revocation.

SECTION 3 OCCUPANCY, BUILDING AND USE PERMITS

3.1 BUILDING PERMITS REQUIRED

No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Building Official, as required by Chapter 6 of the City's Code of Ordinances. A building permit shall not be issued except in conformity with the provisions of this Ordinance, unless otherwise authorized by the Board of Adjustment in the form of a variance as provided by this Ordinance. *(Revised via Ord. No. 10-14, 7-6-2010)*

3.2 CERTIFICATES OF OCCUPANCY FOR NEW, ALTERED, OR NONCONFORMING USES

- A. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or both, or part thereof, hereafter created, erected, changed, converted or altered or enlarged in its use or structure, nor will permanent utility connections to serve the premises be made until a certificate of occupancy is issued by the Zoning Administrator or his authorized representative stating that the proposed use of the land conforms to the requirements of this Ordinance.
- B. Failure to obtain a certificate of occupancy shall be a violation of this ordinance, and punishable under the provisions of this Ordinance.
- C. A certificate of occupancy shall be issued within ten (10) days after the erection or structural alteration of such building has been completed in conformity with the provisions of this and other applicable ordinances.
- D. A temporary certificate of occupancy may be issued by the Zoning Administrator or his authorized representative for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public. Such temporary certificates shall not be construed as in any way altering the respective rights, duties, or obligations of the owners or of the City relating to the use or occupancy of the premises, or any other matter covered by this Ordinance.

3.3 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, AND PERMITS

A. Revocation of Building Permit

A building permit may be revoked by the Building Official at any time prior to the completion of the building or structure for which it was issued, when it appears that there is a departure from the plans, specifications or conditions as required under terms of the permit; that it was procured by false representation; that it was issued by mistake; or that any of the provisions of the Unified Development Code are being violated.

B. Stop Work Order

Upon the failure, refusal or neglect of any owner, his agent, contractor or duly authorized representative to secure such permit and pay the prescribed fee, the Building Inspector may issue a Stop Work order; provided, however, twenty-four hours written notice of such revocation or order to stop has been served upon the owner, his agent or contractor, or upon any person employed upon the building or structure for which permit was issued. After such notification, all construction must cease.

SECTION 4 EFFECT ON EXISTING PERMITS, AGREEMENTS, RIGHTS, ETC.

This Ordinance is not intended to abrogate or annul:

1. Any permits issued before the effective date of this Ordinance, or
2. Any easement, covenant, or any other private agreement.

SECTION 5 PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES

By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless such use falls specifically within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty, or forfeiture, either civil or criminal, shall be discharged or affected by the adoption of this Ordinance; but prosecution and suits for such offenses, liabilities, penalties, or forfeitures may be instituted, or causes presently pending be proceeded with in all respects as if such prior ordinance had not been repealed.

ARTICLE XIII. DEFINITIONS

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ARTICLE XIII. DEFINITIONS

SECTION 1 USAGE

- A. For the purpose of these regulations, certain numbers, abbreviations, terms, and words shall be used, interpreted and defined as set forth in this Ordinance.
- B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular.
- C. The word "shall" wherever used in this Article will be interpreted in its mandatory sense; the word "may" shall be deemed as permissive.
- D. The word "building" includes the word "structure", the word "lot" also means "plot" or "tract".
- E. The term "used for" includes the meaning "designed for" or "intended for".

SECTION 2 DEFINITIONS

Accessory Building or Use. A subordinate building having a use customarily incident to and located on the lot occupied by the main building; or a use customarily incident to the main use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.

Adopted Policies. A written administrative directive discussed at a public meeting and officially adopted by a majority vote of the City Council.

Agriculture. The planting, cultivating, harvesting and storage of grains, hay or plants, or vineyards, commonly grown in Rockwall County.

The raising and feeding of livestock and poultry shall be considered an agricultural venture if the area in which the livestock or poultry is kept is three (3) acres or more in area, and if such raising of livestock and poultry is incidental or supplemental to the raising of crops and is not primarily for the raising or fattening of livestock. A feed lot exclusively for the fattening of livestock is not considered an agricultural use.

Alley. A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street; it is also public space or way, 20 feet or less in width, which has been dedicated or deeded for public use.

Alteration. Any addition, removal, extension, or change in the location of any exterior wall of a main building or accessory building, or change or modification in construction or occupancy.

Apartment. A room or suite of rooms within an apartment house arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit and who do their cooking therein. (See Dwelling Unit)

Apartment House or Building. A building arranged, intended or designed for more than two families. (See Dwelling Unit, Multiple)

Associated Recreation. Recreational uses which are an integral part of a common ownership or associated with high density residential development (example: Homeowners Association with a private club, swimming pool, and tennis courts).

Authorized Agent. An architect, builder, developer, or other person empowered to act on behalf of other persons.

Automobile Repair, Minor. Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil spark plugs, and filter changing; tire alignment; tune-ups, emergency road service; replacement of starters, alternators, hoses, brake parts, mufflers; performing state inspections and making minor repairs necessary to pass said inspection; servicing of air-conditioning systems, and similar minor services for motor vehicles except heavy land vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use. All work must be performed inside an enclosed building. Vehicles shall not be stored on site for longer than 14 days. (Ord. 93-26)

Automobile Repair, Major. Major repair, rebuilding or reconditioning of engines, transmissions, or other major components for motor vehicles; collision services including body, frame, or fender straightening or repair; customizing; overall painting or paint shop; automotive glass and upholstery; those uses

listed under "Automobile Repair, Minor", and other similar uses. All repair work shall be performed inside an enclosed building. Vehicles shall not be stored on site no longer than 90 days. (Ord. 93-22)

Bar, Cocktail Lounge, Tavern, Saloon, Cantina. An establishment where alcoholic beverages are sold for on-premises consumption, other than a restaurant as defined in this Section.

Basement or Cellar. A story having more than one-half ($\frac{1}{2}$) of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for the purposes of height measurement.

Bed and Breakfast. A single family owner-occupied house offering rooms with breakfast on a nightly basis for a fee.

Block. A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Building Official shall determine the outline of the block.

Boarding House or Lodging House. A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

Buffer. A visual screen constructed of wood, concrete block, masonry, or landscape material including earthen berms in such a manner that adjacent property will be screened from the use contemplated, so noise, solid waste, or other objectionable influences will be avoided. Such buffer shall be horizontal to the ground, opaque, and a minimum of six (6) feet in height.

Building. An enclosed structure, anchored to permanent foundation, and having exterior or party walls and a roof, designed for the shelter of persons, animals, or property. When divided by other than common or contiguous walls, each portion or Section of such building shall be regarded as a separate building, except that two buildings connected by a breeze way shall be deemed as one building. Parking structures shall not be considered as buildings when calculating building coverage.

Buildable Area. The "buildable area" of the lot is the maximum amount of allowable space upon which a structure or building may be erected, after meeting the coverage, yard and other requirements of this Ordinance.

Building Area. The building area of the lot is the gross area covered by the structures when placed on the lot.

Building Coverage. Percentage of the lot that is occupied by the building area, including parking structures and accessory buildings. (Ord. No. 06-14, 04-17-06)

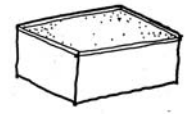
Building Height. The height of the building shall be measured from the average elevation of the finished grade along the front of the building to the highest point of the roof or parapet of the building if it is a flat, mansard or shed roof; or to the midpoint of the roof if it is gable, hip or gambrel roof.



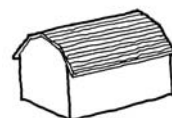
Mansard



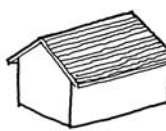
Hip



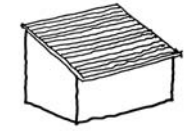
Flat



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Gable

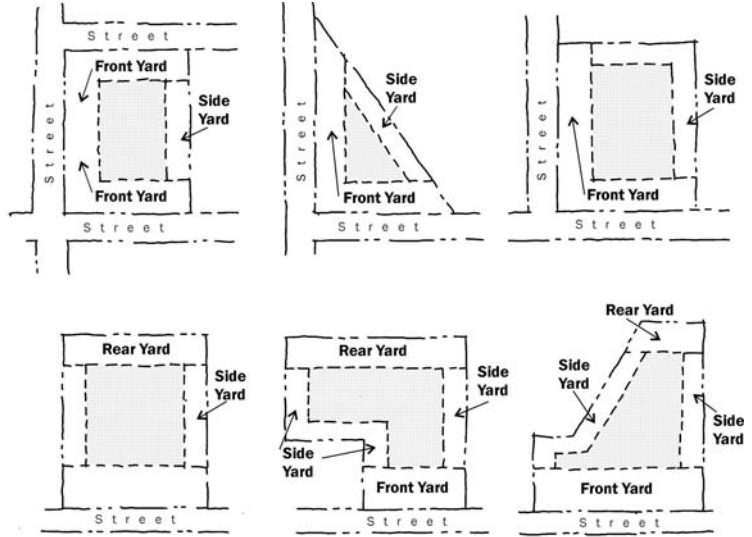


Shed

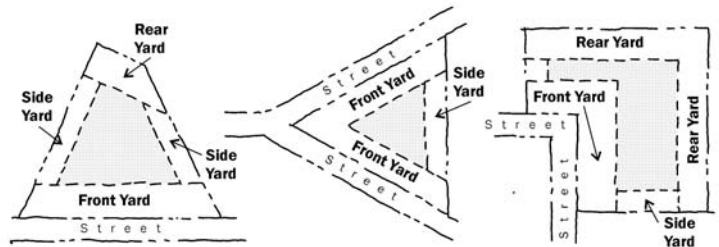
Building Official. The duly authorized employee or representative of the City charged with implementation, inspection and enforcement of the building codes.

Building, Principal. A principal building is one in which a main use of the lot on which it is located is conducted.

Building Setback Line. A line defining an area on the building lot between the street right-of-way line and all other property lines and the building line within which no building or structure shall be constructed (also referred to as a “yard”), encroach or project except as specifically authorized in an adopted ordinance of the City of Rockwall. In the GR, C, DT, HC, RT, LI, HI districts, underground parking garages shall not be required to meet side or rear setback requirements, but may be constructed from lot line to lot line. (Ord. No. 10-14, 7-6-10)



a. **Front Building Setback Line (defining a Front Yard):** A line parallel to the street right-of-way line which the building faces, and takes its primary access from. Where lots have multiple frontages on one or more streets, the required front yard shall be provided on each street (see examples->). (Ord. No. 06-14, 04-17-06)



Buildable Area

b. **Side Building Setback Line (defining a Side Yard):** A line parallel to an adjacent lot which the building sides up to. (Ord. No. 06-14, 04-17-06)

c. **Rear Building Setback Line (defining a Rear Yard):** A line parallel to an adjacent lot or alley, which the building backs up to and has its rear or secondary access from. (Ord. No. 06-14, 04-17-06)

Carpport. A structure which is open on at least 2 sides, covered with a roof and constructed specifically for the storage of one or more automobiles; utility room may be included.

Certificate of Occupancy. A certificate issued by the Zoning Administrator or his authorized representative stating that the proposed use of the land and/or building conforms to the requirements of this Ordinance.

City. The City of Rockwall, Texas.

- Clinic.** An institution, public or private, or a station for the examination and treatment of outpatients by a group of doctors, dentists, opticians, ophthalmologists, orthopedists, or other similar professional physicians.
- Cluster Development.** A method of development of land that permits variation in lot sizes without an increase in overall density of population or development. The use of permanent, open space may be one method used to offset the increased density of smaller residential lots.
- Cold Storage Plant.** A commercial establishment where foods are stored either in lockers, rented or leased, or in vaults in bulk for distribution to the home or other commercial businesses. There is no slaughtering of animals on the premises.
- Commission.** The Planning and Zoning Commission of the City of Rockwall, Texas.
- Comprehensive Plan.** The Comprehensive Plan of the City of Rockwall and includes any unit or a part of such unit separately adopted and any amendment to such plan or parts thereof.
- Condominium.** A multifamily dwelling unit, within which designated dwelling units are conveyed fee simple title, with an undivided interest in the building's common elements, to include, but not be limited to, halls, stairs, elevators, roof, parking space, and the land when the building is not constructed on leased land.
- Court.** An open unoccupied space, other than a yard, on the same lot with a building and which is bounded on two (2) or more sides by the building.
- Curb Level.** The level of the established curb in front of the building measured at the center of such front, or in the case of a corner lot, along the abutting street where the mean curb level is the highest. Where no curb has been established, the City Engineer shall establish such curb or its equivalent for the purpose of this Ordinance.
- Day Care Center or Day Nursery.** A place for the care of children. Services usually include a staff nurse and a hot meal is normally served.
- Density.** The ratio of dwelling units per gross acre of platted area being developed.
- District.** A zone or geographic area within the municipality within which certain zoning or development regulations apply.
- Drive-In Eating Establishments.** Any structure and premises specifically designed for the preparation and dispensing of food and meals for consumption either indoors or in a vehicle parked on the premises or taken away for consumption in the home or other places.
- Dwelling Unit.** Any building or portion thereof which is designed for or used primarily for residential occupancy, but not including hotels, boarding houses or mobile homes, trailers, motor coaches or other recreational vehicles.
- a. **Single-Family:** A building designed for and/or occupied exclusively by one (1) family as a separate dwelling unit.
 - b. **Duplex:** A building designed and/or occupied exclusively by two (2) families living independently of each other.
 - c. **Triplex:** A building designed for and/or occupied exclusively by three (3) families living independently of each other.
 - d. **Fourplex:** A building designed for and/or occupied exclusively by four (4) families living independently of each other.

- e. **Multiple:** A building designed for and/or occupied exclusively by five (5) or more families living independently of each other.
- f. The determination of whether one family is living independently of another is based on one or more of the following criteria:
 - 1) Separate sanitary facilities.
 - 2) Separate kitchen facilities.
 - 3) Separate entrances.
 - 4) Separate utilities.

Dwelling Unit, Minimum Square Footage. The minimum square footage required in each zoning district shall not include garages, porches, patios, eaves and/or other areas not part of the main, air-conditioned living space of the dwelling unit. (*Ord. No. 06-14, 04-17-06*)

Family One (1) or more persons who are related by blood, adoption or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than five (5) (excluding servants) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a nonprofit, cost-sharing basis.

Filling, Retail Service Station. An establishment where gasoline, oil and grease, or automobile accessories are sold, supplied or dispensed to the vehicle trade or where motor vehicles received limited repair, are equipped for service, or where electric storage batteries are recharged and cared for, or a place where any two or more such activities are carried on or conducted as the principal use of the establishment. (The storage, sale, lease, or rental of more than one [1] boat or mobile home, or more than five [5] hauling trailers is prohibited.)

Floor Area Ratio. The relationship of the gross floor area of all buildings on a lot to the total lot area. Parking structures shall be excluded in the calculation of the floor area ratio.

Frontage. All the property abutting on one (1) side of a street between two (2) intersecting streets, measured along the street line.

Garage Apartment. A dwelling unit attached to a private garage.

Garage, Community. A building or portion thereof, other than a public, private or storage garage as defined below, providing storage for motor vehicles with facilities for washing, but no other services, such garage to be in lieu of private garages within a block or portion of a block.

Garage, Commercial. A commercial garage is any premises and structures used for housing more than three (3) motor driven vehicles or where any vehicles are kept for remuneration, hire, or sale and where a retail service station may be maintained as a secondary use.

Garage, Detached or Private. An accessory building for storage only of motor vehicles and home laundry.

Garage, Public. A building or portion thereof, designed or used for the storage, sale, hiring, care or repair of motor vehicles, which is operated for commercial purposes.

Garage, storage. A building or portion thereof, except those defined as private, a public, or a community garage providing storage for more than four (4) motor vehicles, with facilities for washing but no other services.

Group Housing Project. A dwelling project consisting of three (3) or more buildings, to be constructed on a plot of ground which is not subdivided into customary streets or lots, or where the existing or contemplated street or

streets or lot layouts make it impractical to apply the requirements of this Ordinance to the individual building units in such housing project.

Guest House. An accessory building designed for the temporary occupancy of guests of the primary dwelling for which there is no remuneration and is not rented or otherwise used as a separate domicile.

Height of Yard or Court. The vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.

Home Occupations. A "home occupation" is a commercial use customarily carried on in the home by members of the occupant family without structural alterations in the principal building or any of its rooms, without offering any commodity or service for sale on premises, without the installations of machinery or additional equipment other than that customary to normal household operations, without the employment of additional persons, without the use of a sign to advertise the occupations, and which does not cause the generation of other than normal noise, and pedestrian and vehicular traffic.

Hospital, Sanitarium, Nursing or Convalescent Homes. A building or any portion thereof, used or designed for the housing or treatment of the sick, mentally ill, injured, convalescent or infirm persons; provided that this definition shall not include rooms in any residential dwelling, hotel, apartment hotel not ordinarily intended to be occupied by said persons.

Hotel. A building or group of buildings used as a temporary dwelling place for individuals in exchange of financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Hotel room units are accessed through doorways into an internal hallway, courtyard, or lobby. Financial consideration for hotel room units is generally calculated on a nightly basis. *(Ord. 08-56)*

Hotel, Full Service. A building or group of buildings designed for and occupied as a temporary dwelling place. Access to guest rooms shall be restricted exclusively to interior corridors, that shall be accessed via the main lobby of the building or entryways individually equipped with some form of security controlled access system. Customary hotel services such as linen, maid service, telephone, and other guest amenities are provided and may also contain various personal service shops. A Full Service Hotel shall also include the following:

- a) a minimum room count of 250 rooms
- b) each guestroom shall have a minimum area of three hundred eighty (380) square feet
- c) a full service restaurant with full kitchen facilities and which provides service to the general public
- d) on site staff required 24-hours a day, seven days a week
- e) the following amenities are required to be provided:
 1. a minimum of 10,000 square feet of meeting or conference room space; and
 2. a swimming pool with a minimum area of 1,000 square feet

(Ord. 08-56)

Hotel, Residence. A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Residence Hotel room units are designed to be suitable for long-term

occupancy with financial consideration being calculated on a nightly, weekly, and/or monthly basis. Typical Residence Hotel attributes include, but are not limited to, kitchen facilities, two-story design, and external doorways into room units. (Ord. 08-56)

Impervious Cover. Roads, parking areas, buildings and other impermeable construction covering the natural land surface that prevent absorption of the water. Water quality basins, swells and other conveyances for overland drainage shall not be calculated as impervious cover.

Institutional Use. A nonprofit organization or building, public or private, for the benefit of the public including YMCA, YWCA, Boys Clubs, Scouts; educational facilities and schools, including day care centers and kindergartens; churches, temples, cemeteries, mausoleums or crematories for the deposit of the human dead; hospitals, civic clubs, private parks, private libraries, museums, etc.

Kennel. Any premises in which more than 3 dogs or 3 cats or 3 other domesticated animals over the age of three months, not including livestock or poultry, are housed, boarded, raised, or trained as a commercial enterprise. This definition does not include pet shops. (Ord. 90-5)

Kindergarten. A school for more than five (5) children of preschool age, in which constructive endeavors, object lessons or educational games are prominent features of the curriculum.

Landscaping. Trees, shrubs, ground cover, earthen berms, vines, grass, water, decorative features such as fountains, or other material approved by the City Council.

Legislative or Governing Body: The City Council of the City of Rockwall, Texas.

Loading Space. A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of trucks and having a minimum dimension of twelve (12) by sixty-five (65) feet and a vertical clearance of at least fourteen (14) feet. (Ord. No. 06-14, 04-17-06)

Lot. An undivided tract or parcel of land having frontage on a public street, or upon an approved open space, having direct street access, and which is, or in the future may be, offered for sale, conveyance, transfer, or improvement, which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.

Lot Area, Minimum. Includes internal sidewalks, recreation areas, floor space, parking area, open space and utility easements, but does not include any public right-of-way street easements, or alley easements.

Lot, Corner. A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Building Official, or as specified on an approved plat.

Lot Depth. The length of a line connecting the midpoints of the front and rear lot lines.

Lot Double Frontage or Through Lot. A lot abutting on two (2) nonintersecting public streets as distinguished from a corner lot.

Lot, Frontage. The length of street frontage between property lines.

Lot, Interior. A lot whose side lot lines do not abut upon any street.

Lot, Irregular. Any lot not having equal front and rear lot lines, or equal side lot lines; a lot, the opposite lot lines of which vary in dimension and the corners of which have an angle of either more or less than ninety (90) degrees. A lot fronting on a sharp curve or cul-de-sac.

Lot Lines. The lines bounding a lot as defined herein.

- a. **Front Lot Line.** The property line between the front yard(s) and the contiguous street right-of-way boundary. (*Ord. No. 06-14, 04-17-06*)
- b. **Rear Lot Line:** The boundary line which is opposite and most distinct from the front street line; except that in the case of uncertainty the Building Inspector shall determine the rear line.
- c. **Side Lot Line:** The property line between two adjacent lots. Where lots have multiple frontages on one or more streets, the required front yard shall be provided on each street. (*Ord. No. 06-14, 04-17-06*)

Lot, Reverse Corner. A corner lot whose front line faces at right angles to the front lot lines of the interior lots or whose rear lot line abuts the side lot lines of interior lots.

Lot Width. The horizontal distance between side property lines, measured at the front setback line.

Lot of Record. A parcel of land which is part of a subdivision, the map or plat of which has been recorded in the office of the County Clerk of Rockwall County; or a parcel of land not a part of an urban or town lot subdivision, the deed of which has been recorded in the office of the County Clerk of Rockwall County prior to the adoption date of this Ordinance, which has not been divided since recording.

Lots in Separate Ownership at the Time of the Passage of this Ordinance. A lot whose boundary lines, along their entire length touched lands under other ownership as shown by plat or deed recorded in the office of the County Clerk of Rockwall County on or before the date of the adoption of this ordinance.

Maneuvering Space. The space entirely on private property required for maneuvering vehicles in such a manner as to preclude the backing of any vehicle into any street right-of-way.

Manufactured Home, or HUD-code manufactured home. A dwelling structure meeting the definitions and requirements specified in Chapter 1201 of the State of Texas Occupational Code. (*Ord. No. 10-14, 7-6-10*)

Masonry. Masonry construction shall be defined as construction composed of materials in the categories listed below and shall not include hollow clay tile or exposed lightweight block such as cinder block.

Modular:

- Brick
- Natural or quarried stone
- Cast or cultured stone
- Glass block or glass
- Tile
- Custom concrete masonry units (normal or heavy weight blocks with an integral color that is sandblasted, burnished or has a split face)

Mini-warehouses. Small individual storage units for rent or lease, restricted to the storage of items that are not for sale on the premises.

Definitions

Article XIII Definitions

Mobile Home. A dwelling structure meeting the definitions and requirements specified in Chapter 1201 of the State of Texas Occupational Code. (*Ord. No. 10-14, 7-6-10*)

Modular Homes. Any permanent, single family dwelling unit which has been prefabricated or factory constructed as a single unit or in Sections or modules, and assembled at the factory or construction site and moved to a permanent location as a unit or in Sections or modules, as a permanent single family dwelling unit placed on a permanent foundation at such site and connected with all required utility services.

Motel. A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Each motel room unit has direct access to the outside. Financial consideration for motel room units is generally calculated on a nightly basis. (*Ord. 08-56*)

Municipal Uses. Facilities owned or controlled by the City of Rockwall including but not limited to: office buildings, maintenance shops, treatment plants, community centers.

Nightclub, Discotheque, Disco or Dance hall. An establishment whose primary activity is the provision of facilities for dancing, including a dance floor and live entertainment or amplified music. Such establishment may or may not provide on-premises consumption of alcoholic beverages. Schools of dance are exempted from this definition.

Nonconforming Use, Building or Yard. A use, building or yard, which does not, by reason of design, use or dimensions, conform to the regulations of the district in which it is situated. It is a legal nonconforming use if established prior to the passage of this Ordinance.

Parking Area. Space used exclusively for the parking of vehicles and where no other business is conducted paved to City specifications.

Parking Space. Area, not closer than six (6) feet from the back edge of the curb, the width and length of which shall exceed by a minimum of two (2) feet the dimensions of the type of vehicle normally to be parked in the space, and connected to a street or alley by a driveway affording satisfactory ingress and egress. The minimum dimension of a parking space shall be in accordance with the adopted ordinances of the City of Rockwall regarding off-street parking.

Patio Home. A single family, residential dwelling unit that is most often a one story L-shaped or U-shaped home utilizing the entire lot with an enclosed garden court for open space area. Fire retardant walls are utilized and additional open space is often provided by clustering the units.

Paving. Material which provides an all weather surface for the parking of vehicles. All required paving shall meet the standards specified by applicable City specifications.

Permitted Use. A use specifically allowed in one or more of the various districts without the necessity of obtaining a use permit.

Person. Any individual, association, firm, corporation, governmental agency or political subdivision.

Personal Service Shop: An establishment for the purpose of supplying limited personal services such as, but not limited to, barber, shoe, boot, saddle, shine shop.

Place. An open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.

Planning Consultant. A private practitioner in planning, who is a member of the American Institute of Certified Planners (AICP).

Planned Shopping Center. A group of architecturally unified commercial establishments built on a site which is planned, developed, owned and managed as one operating unit related in its location, size, and type of shops to the trade area that the unit serves. The unit provides on-site parking in definite relationship to the types and total size of the stores.

Planned Development (PD). Includes a combination of different dwelling types and/or a variety of land uses which creatively complement each other and harmonize with existing and proposed land uses in the vicinity, and comply with provisions of the ordinances governing planned developments.

Plat. A map of a subdivision or site plan that represents a tract of land, showing the boundaries and location of individual properties and streets.

Portable Building: A temporary building that may or may not have a foundation and is transportable. (Ord. 86-56)

Private Club. An establishment providing social and dining facilities as well as alcoholic beverage service to an association of persons and otherwise falling within the definition of and permitted under the provisions of that portion of Title 3, Chapter 32, VTCA, Alcoholic Beverage Code, as it be hereafter amended and as it pertains to the operation of private clubs.

Recreational Vehicle or Travel Trailer: A vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. (Ord. No. 10-14, 7-6-10)

Restaurant or Café: A building or portion of a building, where the primary business is the on-premises sale of prepared food, with adequate facilities for the preparation of the food to be sold, the adequacy of said kitchen facilities to be based upon the seating capacity of the restaurant and the type of menu offered.

Restaurant (Limited Service): A building or portion of a building, where the primary business is the on-premises sale of prepared food where patrons generally order or select items and pay before eating. Food and drink may be consumed on premises, taken out, or delivered to customers' location. Drive-through "pickup/order" window permitted provided that there is no public address system or speakers.

Retail. The sale of goods directly to a consumer. Engaged in, pertaining to, or relating to the sale of merchandise at retail. To sell by individual items or by the piece, directly to a consumer.

Retail Food Store. A retail establishment selling meats, fruits, vegetables, bakery products, light hardware, and other similar items which are purchased for use and consumption off the premises (may be drive-in or supermarket type).

Right-of-Way Line. A dividing line between a lot, tract, or parcel of land and the public right-of-way.

Self-Storage facility. Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited. One caretaker/security residence shall be permitted in association with a self-storage facility.

Semi-Public Uses. Public facilities including sanitary landfills, water treatment and supply facilities, and wastewater treatment facilities, but not including facilities owned or controlled by the City.

Servant's Quarters. An accessory building or portion of a main building located on the same lot as the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.

Setback: See Building Setback Line.

Sign. A name, identification, image, description, display or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business which is visible from any street, right-of-way, sidewalk, alley, park or other public property. Customary displays of merchandise or objects and material without lettering placed behind a store window are not signs.

Site. A combination of continuous lots that may or may not be owned separately, that will be developed under one unified plan, as if it were a single parcel of land.

Site Plan. The development plan for one or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, flood plain, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting, and screening devices; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

Space. A plot of ground within a mobile home or recreational vehicle park designated for the accommodation of one mobile home or one recreational vehicle, together with such open space as required by this chapter.

Storage. The accumulation, stocking, or depositing of materials or items. These may include materials for the eventual use or sale in a commercial enterprise; but does not include the storing of a personal car or truck on an individual residential lot.

Storage Building. Any building either portable or constructed on site, utilized for storage purposes, and not requiring plumbing and electrical wiring, and not used for residential purposes.

Story. That part of a building included between the surface of one floor and the surface of the floor next above, or, if there be no floor above, that part of the

building which is above the surface of a floor and the ceiling next above. A top story attic is a half-story, when the main line of the eaves is not above the middle of the interior height of such story. The first story is a full story when over fifty percent of its exterior walls are exposed to outside light and air entirely above grade and which exterior walls contain windows or doors permitting entrance of daylight and outside air.

Street. A public or approved private thoroughfare which affords the principal means of access to abutting property, excluding alleys, and as defined in the City's Thoroughfare Plan.

Street Line. The dividing line between the street right-of-way and the abutting property.

Structure. Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground; including, but not limited to, signs, and excluding utility poles, fences and retaining walls.

Structural Alterations. Any alteration involving a change in or addition to the supporting members of a building, such as bearing walls, columns, beams or girders.

Subdivision. The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale, development or lease.

Townhouse. A single-family dwelling unit constructed in a series, or a group of units having common walls, each on a separate lot.

Variance. Relief from or variation of the provisions of these regulations, other than Use Regulations, as applied to a specific piece of property, as distinct from rezoning, as further set out hereinafter in powers and duties of the Board of Adjustment.

Veterinary Clinic. An establishment where animals and pets are admitted for examination and medical treatment and boarding of animals is limited to short term care incidental and subordinate to the clinic use. (Ord. 90-5)

Wall, Exterior. Any wall or element of a wall, or any member or group of members, which defines the exterior boundaries or courts of a building and which has a slope of 60 degrees or greater with the horizontal plane.

Wholesale. The sale of commodities for the purpose of resale, as to retailers or jobbers rather than to consumers directly; opposed to retail. Of, pertaining to, or engaged in sale at wholesale.

Zero Lot Line House. A single family detached residential dwelling unit with one side wall coincident with the side lot line and a 5 foot maintenance easement coincident with the opposite side lot line.

APPENDIX A. LIST OF APPROVED PLANNED DEVELOPMENTS (PD)

Planned Development No.	Ordinance No.(s)	Approval Date(s)	Notes, Restrictions, etc
PD-1 <i>(Eastridge Shopping Center; Rockwall Commons Mixed Use)</i>	Ord. 72-2	Prior to 1972	Shopping Center (General Retail Uses) and Multiple Family Dwellings
	Ord. 83-21	May 2, 1983	Added Office Uses
	Ord. 02-49	Nov. 4, 2002	Mixed Use
PD-2 <i>(Lakeside Village and Turtle Cove)</i>	Ord. 72-2	Prior to 1972	Lakeside Village (SF, MF, zero-lot line, cluster homes, etc)
	Ord. 73-33	Sept. 4, 1973	Lakeside Village VI (later to be known as Turtle Cove)
	Ord. 80-19	1980	Allow a cable TV monitor station
	Ord. 84-53	Nov. 5, 1984	Revised Area requirements, development plan for Lakeside Village Phases I thru IV
	Ord. 85-16	Mar. 18, 1985	Turtle Cove (Revised plan, area requirements, etc)
	Ord. 86-28	Apr. 21, 1986	Amended PD-2 for a private club as an accessory to a general restaurant
	Ord. 96-6	Mar. 4, 1996	Turtle Cove (Revised plan, additional standards, open space, etc)
PD-3 <i>(The Shores)</i>	Ord. 72-2	Prior to 1972	The Shores (SF, Cluster housing, etc)
	Ord. 73-2	1973	439.70 Acre development (various uses)
	Ord. 77-19A	Oct. 3, 1977	586.8 Acre development (various uses)
	Ord. 80-33	1983	Thoroughfare phasing plan
	Ord. 84-59	Dec. 3, 1984	RV Storage Area
	Ord. 86-23	Apr. 8, 1986	Private Club (The Shores Clubhouse)

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PD-3 (cont.) <i>(The Shores)</i>	Ord. 86-39	May 19, 1986	30.35-acre tract (SF uses)
	Ord. 86-61	July 21, 1986	Revised Thoroughfare phasing plan
	Ord. 89-4	Mar. 20, 1989	Amended Development plan, area requirements, etc
	Ord. 96-23	June 24, 1996	Amended development plan, area requirements, entry features, etc
PD-4 <i>(FM 740 & railroad)</i>	Ord. 72-3	Jan. 27, 1972	Subject to "NS" and "GR" uses and requirements, except for certain uses not permitted (i.e. private clubs, gasoline stations, drive-in restaurants, laundry and cleaning, etc)
	Ord. 01-26	June 18, 2001	Designated tract for "GR" uses only, with exceptions specified in Ord. 72-3
PD-5 <i>(YMCA tract, Caruth Lakes, Quail Run Valley, Quail Run Retail, etc)</i>	Ord. 73-31	Sept. 4, 1973	Development plan for 539.329 Acres, including SF, cluster homes, duplexes, townhouses, MF, NS, GR, church, school, park, community center and golf course, etc
	Ord. 87-23	May 18, 1987	Amended development plan and area requirements for 501.9 acres (excl. 45.96 acre YMCA)
	Ord. 88-11	Apr. 4, 1988	Amended portion of PD-5 to "SF-10" zoning designation
	Ord. 96-25	July 1, 1996	"GR", "SF-7", "SF-8.4" and "ZL-5" areas
	Ord. 00-28	Oct. 2, 2000	"GR" + pharmacy, restaurants w/ drive-through & outdoor seating, convenience store w/ 6 gas pump dispensers, etc
PD-6	-	-	<i>Does Not Exist</i>

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PD-7 <i>(The Harbor)</i>	Ord. 73-47	Nov. 12, 1973	41.2 acres to include Neighborhood Service, Single-family, townhouses, Multiple-family, water recreation uses
	Ord. 82-36	Aug. 2, 1982	Revised site plan, hotel use, etc
	Ord. 87-11	Apr. 6, 1987	Revised site plan, removed Multi-family
PD-8 <i>(Chandler's Landing)</i>	Ord. 73-48	Nov. 12, 1973	Original Master Plan of Chandlers Landing
	Ord. 84-04	Jan. 9, 1984	Revised Master Plan
	Ord. 84-16	Apr. 2, 1984	Revised master plan for "Tract I-A" (aka Harbor Landing) – "SF-10" and "SF-7" detached development *Also see resolutions 87-19, 87-20 for agreement settlements
	Ord. 84-19	Apr. 2, 1984	Revised master plan (marina)
	Ord. 85-43	Aug. 26, 1985	Revised master plan (Chandlers Landing Phases 14, 18 Section 1, 19 and 20) + conditions regarding FM 740 improvements
	Ord. 86-04	Jan. 20, 1986	Revised master plan (Part of Chandlers Landing Phase 16, including zero lot line area requirements)
	Ord. 86-64	July 28, 1986	Revised master plan (portion of Chandlers Landing Phases 15, 16)
	Ord. 86-87	Nov. 3, 1986	Revised master plan, amenities, park and recreation facilities, etc.
	Ord. 87-45	Aug. 17, 1987	Revised master plan (Chandlers Landing Phase 17 - zero lot line)
	Ord. 88-17	May 2, 1988	Added Lot 2, Scenic Estates (aka Rutledge Tract) to PD-8 for recreation, play area, community center, etc. with additional conditions
	Ord. 88-51	Oct. 3, 1988	Revised master plan (part of Chandlers Landing Ph 18, Sct 2 for SF detached)

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PD-8 (cont.) (Chandler's Landing)	Ord. 90-38	Nov. 5, 1990	Revised master plan (Cabanas)
	Ord. 91-43	Oct. 7, 1991	Revised master plan (Chandlers Landing Phase 17, 18 Section 1, and 18 Section 2 for "SF-10" development)
	Ord. 92-39	Oct. 19, 1992	Revised master plan to change from MF to zero lot line (Marina Village)
	Ord. 92-41	Nov. 16, 1992	Revised master plan (Chandlers Landing Phase 15 - changed from Zero lot line to Single Family detached)
	Ord. 92-43	Dec. 7, 1992	Revised master plan - Chandlers Landing 18, Section 1 (3 lots) - changed from townhouse to SF detached
	Ord. 02-50	Nov. 4, 2002	Provided for limited storage/sales of boats and limited storage of RVs
	Ord. 05-30	July 5, 2005	"SF-7" uses and standards on Lot 2, Scenic Estates (1.21-acres), no access to/from FM 740
PD-9 (Foxchase, Rainbow Lake Estates, Horizon Ridge, etc)	Ord. 73-49	Nov. 12, 1973	Original Master plan
	Ord. 86-55	June 16, 1986	<u>Repealed Ord. 73-49</u> ; Revised master plan for single-family, general retail, office/warehouse and "O" uses
	Ord. 87-30	June 1, 1987	Revised 'office/warehouse tract'
	Ord. 88-13	May 2, 1988	Added 'garden centers' as approved use
	Ord. 88-20	June 6, 1988	Changed "SF-12.5" to "SF-10" (1.7-acre tract only); removal of 7-acre amenities area; addition of 3.5-acre park, etc
	Ord. 95-17	June 5, 1995	Added minimum requirements for construction materials
	Ord. 01-43	Sept. 17, 2001	Allowances for 4-pump gasoline convenience store as accessory to grocery retail facility, with conditions
	Ord. 04-02	Jan. 5, 2004	Added 36.54-acres (part of Rainbow Lake Estates and Foxchase 7)

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PD-10 <i>(Cambridge Properties, Meadowcreek Estates, Hickory Ridge, etc.)</i>	Ord. 74-32	Nov. 4, 1974	Established master plan for 16 tracts, including "LI", "C", "GR", "MF-1", "SF-2", townhouse, cluster home, "O" and recreational areas, etc.
	Ord. 96-3	Feb. 19, 1996	Revised master plan for south of Hwy 276 (Meadowcreek Estates, Hickory Ridge, 6 commercial tracts, fire station)
	Ord. 00-08	Apr 3, 2000	Revised master plan, area requirements for Hickory Ridge area
	Ord. 04-25	Apr. 5, 2004	Amended zoning for property north of Hwy 276, including settlement agreement & development standards (includes multi-family, townhouses, age-restricted, commercial, park areas, etc)
	Ord. 04-40	June 21, 2004	Revised area requirements to allow for 45% maximum building coverage in Hickory Ridge Phase 4 (233 lots)
PD-11 <i>(Hillcrest Shores)</i>	Ord. 73-52	Dec. 3, 1973	Original master plan
	Ord. 80-13	July 7, 1980	Revised plan (Tracts I and II are "SF-2"; Tracts III, IV and V to be "PD-11")
	Ord. 93-11	June 7, 1993	Revised plan – all tracts to comply to "SF-10" standards with add'l conditions
	Ord. 01-08	Mar. 19, 2001	Revised standards and added 9+ acres to PD-11 (Hillcrest Shores Phase 3)
	Ord. 04-37	June 7, 2004	Revised area requirements to allow for 20-ft front yard setback
PD-12 <i>(S. Alamo)</i>	Ord. 80-14	July 7, 1980	0.723 acres, 7 lots (Residential development @ southeast corner of Boydston and S. Alamo Rd)
	Ord. 06-46	Nov 6, 2006	Added 108 Ross Ave (2 lots)

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PD-13 <i>(Windmill Ridge, Our Savior Lutheran Church Addition)</i>	Ord. 81-5	Feb. 2, 1981	149.97-acre tract w/ Single-family, two-family attached, local retail, park, church, etc... + other conditions
	Ord. 84-43	Sept 10, 1984	Temporary metal classroom building at Lutheran Church property
	Ord. 94-41	Dec. 19, 1994	Changed duplex and general retail tract to single-family detached (Windmill Ridge 4 and 4B)
PD-14 <i>(Rockwall Business Park East)</i>	Ord. 82-2	Jan. 4, 1982	56.08-acre development including office, retail, light industrial, warehousing, hotel, medical facilities and restaurants
	Ord. 83-60	Dec. 5, 1983	Revised site plan, including requirements for landscaping plan, noncombustible materials, etc *Rezoned "C" via Ord. 09-42
PD-15 <i>(Signal Ridge)</i>	Ord. 82-14	Feb. 1, 1982	Master plan for single-family, condominium residential uses, w/ masonry standards, roofing, max. density, max. height, etc.
	Ord. 83-19	Apr. 4, 1983	Added 20 acres to original plan
	Ord. 83-62	Dec. 5, 1983	Amended site plan
PD-16	Ord. 82-22	May 3, 1982	"GR" uses allowed on Lot 1, Isaac Brown and Lot 28, Lake Ridge Estates *Rezoned to "GR" via Ord. 85-24
PD-17 <i>(Lynden Park Estates)</i>	Ord. 82-26	May 17, 1982	32.328-acre tract
	Ord. 95-50	Dec. 4, 1995	Revised site plan (103.79 acres total development) for SF uses & 12-ac park
	Ord. 03-24	Aug. 4, 2003	Amendment to allow for 45% maximum building coverage on Lynden Park Estates Phases 3 and 4

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PD-18 <i>(Lago Vista, Rockwall Assisted Living, and Community Bank Addition)</i>	Ord. 82-32	July 6, 1982	39.559-acres; Phase I = "O" and "GR" uses;
	Ord. 85-23	Apr. 8, 1985	General Retail, Zero lot line and townhouse development plan
	Ord. 94-18	May 2, 1994	Changed portion to "SF-10" (Lago Vista)
PD-19	Ord. 82-37	Aug. 2, 1982	Residential condominiums not to exceed 15 units/acre
	Ord. 87-37	July 20, 1987	Revised plan to allow for zero lot line residential development
PD-20 <i>(Orleans on the Lake)</i>	Ord. 82-38	Aug. 2, 1982	Residential condominiums not to exceed 15 units/acre
	Ord. 84-34	July 2, 1984	Revised plan to allow for zero lot line residential development (6.9 units/acre)
	Ord. 87-38	July 20, 1987	Repealed ordinance 84-34 and amended Ord. 82-38, providing a development plan for zero lot line dev.
PD-21 <i>(St. Mary's Place)</i>	Ord. 83-11	Mar. 7, 1983	Zero lot line residential not to exceed 9 units / acre
PD-22 <i>(Portofino site)</i>	Ord. 83-18	Apr. 4, 1983	Established 6.89-acre development plan for marina, retail, office, condos, restaurant, hotel, etc; Max. height of 10 stories
	Ord. 84-52	Nov. 5, 1984	Amended plan including "Lake Ray Hubbard Hotel & Conference Resort"

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PD-23 <i>(Waggoner Gardens)</i>	Ord. 85-15	Mar. 18, 1985	Established site plan for "Garden Center" with additional conditions *Rezoned to "C" via Ord. 89-36
PD-24 <i>(Ed Rich Development)</i>	Ord. 86-17	Mar. 3, 1986	Hardware / Lumberyard with outside storage *Rezoned to "LI" via Ord. 89-42
PD-25 <i>(Jim Pannell)</i>	Ord. 86-59	July 21, 1986	Restaurant / Private Club *Rezoned to "C" via Ord. 89-6
PD-26 <i>(Lane Business Park @ 1520 E I-30)</i>	Ord. 87-5	Feb. 16, 1987	"LI" uses + contractor's yard, auto sales, paint & body shop, accessory outside storage; with additional conditions and development plan
PD-27 <i>(Cameron Gardens, Heritage Christian Academy)</i>	Ord. 87-31	June 1, 1987	10.9-Ac development for MF retirement community, w/ accessory uses
	Ord. 04-43	July 19, 2004	Amended to allow for recreational uses in conjunction with a school. Included requirement for final plat within 60 days, and construction of emergency access, Damascus Rd, etc within 3 years
PD-28 <i>("Total Car Care")</i>	Ord. 87-61	Sept. 28, 1987	*Rezoned to "C" via Ord. 89-1
PD-29 <i>(Lakeview Summit)</i>	Ord. 87-66	Oct. 19, 1987	"SF-7" development w/ 1500-sf min dwelling unit, etc
	Ord. 96-02	Feb. 5, 1996	Amended and expanded PD to allow for 610 total lots to adhere to "SF-10" standards with 50% 10,000-sf lots, 30% 8,000-sf lots and 20% 7,000-sf lots, etc

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PD-30 <i>(Lots 1-4, Block D, Sanger Bros. Addn)</i>	Ord. 88-55	Nov. 7, 1988	"2F" duplex development with additional requirements for storage buildings <i>(Rockwall Housing Authority)</i>
PD-31 <i>(WH Myre; south side of I-30 W of Commerce St)</i>	Ord. 89-2	Mar. 6, 1989	"HC" area requirements including office, outside storage of heavy equip / trucks, landscaping material, nursery, retail automotive repair, fuel storage, etc.
PD-32 <i>(The Harbor "Hillside" - SW of Horizon Rd; NW of Ridge Rd; including Summer Lee Extension)</i>	Ord. 89-20	June 19, 1989	"C" standards, and CUP required for gas sales, auto repair, etc.
	Ord. 02-55	Dec. 2, 2002	Amended / expanded PD, designating tract under "GR" uses, excluding gasoline sales; with view protection standards, Architectural Review, etc.
	Ord. 08-11	Feb 4, 2008	Expanded PD-32 to include IH-30 frontage; Outlines permitted uses throughout PD
PD-33 <i>(Newman Center)</i>	Ord. 90-9	Apr. 23, 1990	"C" zoning standards, plus wholesale trades; wood working / cabinet shop; warehousing and storage; tool, dye, gauge and machine shop; Excluding outside storage *Rezoned "C" via Ord. 00-22
PD-34 <i>(Yahoo Addition)</i>	Ord. 91-9	Feb. 18, 1991	"LI" uses + fencing and construction materials, outside display of fence materials; Storage to meet "HwyC" Highway Commercial standards, etc. *Rezoned "LI" via Ord. 04-65
PD-35 <i>(Granite & Marble Consultants, Inc.)</i>	Ord. 91-29	July 1, 1991	"LI" zoning standards and uses; outside storage allowed in conjunction with stone fabricating operation only; plus additional landscaping and building improvements *Rezoned "LI" via Ord. 09-43

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<p>PD-36 <i>(North side of I-30, W of Enterprise Dr)</i></p>	<p>Ord. 92-36</p>	<p>Oct. 5, 1992</p>	<p>“HwyC” Highway Commercial uses and standards, plus automotive, paint & body, and other repair services, excluding wrecking yards; tool, dye, gauge and machine shop; warehousing and storage; electronic component assembly; outside storage to comply with “HwyC” standards.</p> <p>*Rezoned “LI” via Ord. 04-65</p>
<p>PD-37 <i>(Dirkse and Woodall properties near N. Goliad and Dalton)</i></p>	<p>Ord. 92-44</p>	<p>Dec. 7, 1992</p>	<p>“SF-16” uses and standards w/ home office standards</p>
	<p>Ord. 99-44</p>	<p>Oct. 18, 1999</p>	<p>Allows up to 4 horses on entire property</p>
<p>PD-38 <i>(East corner of Sids & Mims)</i></p>	<p>Ord. 93-10</p>	<p>June 7, 1993</p>	<p>“HC” zoning standards and uses, plus “cast stone fabrication”</p>
<p>PD-39 <i>(Canyon Ridge)</i></p>	<p>Ord. 93-45</p>	<p>Dec. 20, 1993</p>	<p>“MF-15” zoning standards w/ max. density of 22.3 units/acre and as-built site plan</p>
<p>PD-40 <i>(Benton Woods, Benton Court)</i></p>	<p>Ord. 94-7</p>	<p>Feb. 7, 1994</p>	<p>“SF-10” zoning standards w/ min. 2500-sf dwelling size, landscaping and decorative walks, 50-ft building line, etc.</p>
<p>PD-41 <i>(The Preserve, formerly known as Hillcrest Meadows)</i></p>	<p>Ord. 94-15</p>	<p>Apr. 4, 1994</p>	<p>145.744-acre single-family development plan with road improvements, parkland requirements, etc.</p>
	<p>Ord. 01-27</p>	<p>June 18, 2001</p>	<p>Revised development plan and area requirements</p>

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PD-42 <i>(Barton on Boydston)</i>	Ord. 95-14	May 1, 1995	Artist studio/artist retreat, art gallery and single-family home
	Ord. 01-31	July 16, 2001	Revised site plan and addition of "Of" district uses, specifically office buildings for professional occupations (excluding medical offices)
PD-43 <i>(Sids Rd)</i>	Ord. 96-37	Oct. 15, 1996	"C" zoning standards and uses, plus warehousing and light assembly uses
PD-44 <i>(Helwig property)</i>	Ord. 97-28	Nov. 3, 1997	"C" zoning standards and uses, plus commercial trucking operation and outdoor storage of vehicles in association with trucking operation
	Ord. 09-03	Feb 2, 2009	Expanded PD to allow area (1.5-acres) for "Truck Driver Training" w/ no outdoor storage
PD-45 <i>(Lofland Farms)</i>	Ord. 98-16	Apr. 20, 1998	172.854-acre development including two "GR" tracts, two "SF-8.4" tracts and one "SF-10" tract; Including screening, landscaping, masonry standards, etc.
PD-46 <i>(FM 549, Springer Rd)</i>	Ord. 99-05	Mar. 1, 1999	"C" zoning standards, plus special exterior materials requirements, etc
PD-47 <i>(FM 740, White Rd)</i>	Ord. 99-17	June 7, 1999	"SF-10" standards w/ minimum 3000-sf dwelling size, etc.
	Ord. 07-04	Jan 16, 2007	Amended to allow for Cell Antenna inside Church Steeple
PD-48 <i>(NWC SH 66 and Lakeshore Dr)</i>	Ord. 99-21	July 6, 1999	"GR" zoning standards, + concept plan requirements; additional requirements for gas/convenience store development

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PD-49 <i>(Walmart Neigh. Market)</i>	Ord. 01-12	Apr. 2, 2001	“GR” zoning standards (see ordinance for excluded uses), plus landscaping standards, architectural controls, and other special requirements
PD-50 <i>(N. Goliad Residential-Office)</i>	Ord. 01-53	Aug. 5, 2002	“RO” standards / uses, plus compliance with “Commercial Guidelines” of Rockwall Historic District; mutual access & no front yard parking; office parking = 1 space per 500-sf; site plan review, etc.
	Ord. 02-46	Aug. 6, 2002	Expanded PD to include west side of N. Goliad (i.e. 401-505)
	Ord. 04-24	Apr. 5, 2004	Add “studio – art, music & photography” and “massage therapist” uses
	Ord. 04-39	June 21, 2004	Expanded PD to include properties addressed as 902 - 912 N. Goliad (approx. 2.19-acres)
	Ord. 05-03	January 18, 2005	Expanded PD to include property at 507 N. Goliad
	Ord. 05-08	April 4, 2005	Expanded PD to include property at 603 N. Goliad
	Ord. 05-18	April 18, 2005	Allowed “Antiques/Collectable Sales” with a Specific Use Permit (SUP), maximum building size of 2,000-sf, prohibition of new/used clothing sales and individual lease areas within store
	Ord. 05-35	August 1, 2005	Expanded PD to include properties on west side of N. Goliad from 703 N. Goliad to 925 N. Goliad
	Ord. 07-29	August 20, 2007	Removed reference to “Old Town Rockwall Historic District Guidelines
PD-51 <i>(Oaks of Buffalo Way 2)</i>	Ord. 01-61	Nov. 19, 2001	“SF-E” zoning standards, w/ attached development plan

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PD-52 <i>(Boydston & Clark)</i>	Ord. 02-14	Mar. 18, 2002	"HC" zoning standards, with use and screening requirements as specified in PD ordinance
PD-53 <i>(Ridge Rd south of Summit Ridge)</i>	Ord. 02-33	July 1, 2002	"R-O" zoning standards, plus joint access requirements; SF dwelling allowed as accessory use; no parking in front of building; site plan review, etc.
PD-54 <i>(Flagstone Creek)</i>	Ord. 02-52	Dec. 2, 2002	"SF-10" zoning standards, with max. 121 SF lots; avg lot size of 11,792-sf; minimum 2000-sf dwelling size; anti-monotony; etc
	Ord. 04-31	May 3, 2004	Amended development plan to include 12-acres of office/retail development along Ralph Hall Pkwy, with special requirements; and "SF-10" tract reduced to 87 lots, avg lot size = 11,620-sf, etc
PD-55 <i>(Tropical John's)</i>	Ord. 03-40	Oct. 6, 2003	"GR" zoning standards; use limited to a plant nursery or garden center *Rezoned "DT" via Ord. 07-34
PD-56 <i>(Burks Addition)</i>	Ord. 04-30	May 3, 2004	"GR" zoning standards, with limited uses, open space requirements, etc
PD-57 <i>(Alliance Addition)</i>	Ord. 04-48	August 16, 2004	"C" zoning standards with concept plan, Architectural standards, etc
PD-58 <i>(Dalton Ranch)</i>	Ord. 04-54	September 7, 2004	"SF-10" with concept plan, maximum density of 2 units/acre, landscaping standards, etc.

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PD-59 <i>(Park Place West)</i>	Ord. 04-59	October 18, 2004	"NS," "SF-7" zoning standards, plus specified accessory uses, special neighborhood standards and open space requirements, etc
	Ord. 06-51	Dec. 11, 2006	Amended to increase the maximum lot coverage to 60% and to allow for front yard fences
PD-60 <i>(Mims Rd)</i>	Ord. 05-05	March 7, 2005	"RO" zoning standards, with limited uses, 20-ft landscape buffer, limited to single-story, signage and lighting restrictions, etc.
PD-61 <i>(Valley Drive)</i>	Ord. 05-19	April 18, 2005	Zero lot line with development plan, architectural standards, sidewalk and open space requirements, etc. *Rezoned "SF-10" via Ord. 07-10
PD-62 <i>(S. Goliad and Bourn)</i>	Ord. 05-42	September 6, 2005	"GR," "ZL-5" and "SF-10" zoning standards with concept plan, alley and parking requirements, signage restrictions, etc
PD-63 <i>(Lakes of Somerset)</i>	Ord. 05-51	October 3, 2005	"SF" (3 lot sizes) with development plan, open space and park dedication requirements, anti-monotony, etc
PD-64 <i>(Fontanna)</i>	Ord. 05-58	November 7, 2005	"SF" (min. 12,000-sf, 2250-sf dwelling unit, etc) with development plan, open space and park dedication, fencing restrictions, anti-monotony, etc
PD-65 <i>(North Lakeshore Valley)</i>	Ord. 06-02	Jan 3, 2006	"GR" zoning standards, with limited uses, building size and height restrictions, no outside display, etc.
	Ord. 08-02	Jan 7, 2008	Amended Concept Plan

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PD-66 <i>The Highlands (aka Firenze)</i>	Ord. 06-20	June 5, 2006	"SF" (3 lot types) and "NS" as defined with open space, landscaping, fencing and building standards
PD-67 <i>(Fontanna Phase 3)</i>	Ord. 06-21	June 5, 2006	"SF" (min. 12,000-sf, 2250-sf dwelling unit, etc) with development plan, open space and park dedication, fencing restrictions, anti-monotony, etc
PD-68 <i>(Evergreen at Rockwall)</i>	Ord. 06-32	August 21, 2006	"C" with use limitations, plus "Age-Restricted Senior Housing" on 6.3-acres with special conditions
PD-69 <i>(Green Valley "RO")</i>	Ord. 07-09	March 5, 2007	"RO" with defined uses, parking restrictions, etc
PD-70 <i>(Stone Creek – Residential & Retail)</i>	Ord. 07-13	April 2, 2007	935 SF lots, mixed lot sizes, Retail at SH 205/FM 552, Open space requirements, school site, etc
	Ord. 09-01	Jan 5, 2009	PD Development Plan for Stone Creek Retail (Tom Thumb, retail center)
	Ord. 09-44	Oct 19, 2009	Amended PD to reduce lot count to 918 SF lots, added 7-acres "retail" at SW corner of development, etc
PD-71 <i>(Rockwall Property Corp.)</i>	Ord. 07-19	June 18, 2007	"C" with use limitations
	Ord. 08-45	Sept. 2, 2008	Added 0.7-acre tract into PD
PD-72 <i>(Watson Estates)</i>	Ord. 08-34	July 7, 2008	"SF-E/4.0" standards, except minimum lot frontage is 60-ft (3 lots maximum per PD Concept Plan)

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PD-73 <i>(Rockwall Technology Park)</i>	Ord. 09-09	March 2, 2009	"C" zoning with use limitations, special requirements, etc
PD-74 <i>(Breezy Hill – 405 Acres)</i>	Ord. 09-19	April 20, 2009	658 SF lots, mixed lot sizes, 50-acres of retail at John King Blvd and FM 552 w/ Development Plan requirement, designated open space and school tracts, etc
PD-75 <i>(Lake Rockwall Estates)</i>	Ord. 09-37	Sept 21, 2009	"SF-7" + special standards (e.g. 5000-sf minimum lot size, fencing, masonry requirements, waiver provision, etc); restrictions for "one-time replacement" of manufactured home in Area 2; Designated Open Space areas
PD-76			<i>Reserved for future use</i>
PD-77			<i>Reserved for future use</i>
PD-78			<i>Reserved for future use</i>
PD-79			<i>Reserved for future use</i>
PD-80			<i>Reserved for future use</i>

APPENDIX B. LIST OF APPROVED SPECIFIC USE PERMITS (SUPS)

Specific Use Permit No.	Ordinance No.(s)	Approval Date(s)	Notes, Restrictions, etc
SUP-1			Municipal Airport
SUP-2		Sept. 4, 1973	Day Care Center (915 N. Goliad St)
SUP-3		Oct. 4, 1973	
SUP-4	74-32	Nov. 3, 1974	Recreational area(s) within Cambridge Co. Property
SUP-5	76-6	May 3, 1976	Home Occupation of Selling Hamburgers (i.e. Boots Burgers)
SUP-6	77-19	Oct. 3, 1977	Auto-laundry
SUP 7	78-10	Mar. 6, 1978	Mini-warehouse
SUP-8	79-16	Sept 10, 1979	Sewage treatment plant
SUP-9	80-18	Aug. 4, 1980	Concrete Batching Plant
SUP-10	82-31	July 6, 1982	Daycare Center (302 E. Boydston)
SUP-11	83-1	Dec. 13, 1982	Private Club (Bejar's)
SUP-12	83-22		
SUP-13	04-45	Aug 2, 2004	Accessory Building – 5135 Bear Claw
SUP-14	04-46	Aug 2, 2004	Restaurant < 2000-sf – 804 N. Goliad
SUP-15	04-53	Sept 7, 2004	Detached Garage – 12 Crestview Circle
SUP-16	04-60	Nov. 1, 2004	Detached Garage – 2716 S FM 549
SUP-17	04-61	Nov. 1, 2004	Accessory Building – 2548 S FM 549
SUP-18	05-15	April 4, 2005	Temporary Portable Beverage Facility (Ice Train) – 907 S. Goliad

List of Approved SUPs
Appendix B. Specific Use Permits

SUP-19	05-20	May 16, 2005	Auto-Repair, Minor (stand alone lube center) – Horizon Rd Lube
SUP-20	05-23	June 6, 2005	Accessory Building – 2625 Rolling Meadows
SUP-21	05-24	June 6, 2005	Auto-Repair, Minor (stand alone lube center) – Marlyn Roberts
SUP-22	05-26	June 6, 2005	Antiques/Collectable Sales, with conditions – 502 N. Goliad
	07-01	Jan. 2, 2007	Amended to specify Outside Display
SUP-23	05-34	July 18, 2005	Wireless Communication Towers (2) – 1411 S. Goliad
SUP-24	05-55	Oct. 17, 2005	Drive-thru restaurant – Panda Express
SUP-25	06-07	Feb 6, 2006	Accessory Building – 241 Willowcrest
SUP-26	06-11	April 3, 2006	Temporary Portable Beverage Facility (Ice Train) – 907 S. Goliad
SUP-27	06-12	April 3, 2006	Deck/Patio within Takeline Overlay district – 1160 Crestcove Drive (Brown)
SUP-28	06-18	June 5, 2006	Auto Rental (Enterprise) – 710 E I-30
SUP-29	06-26	July 17, 2006	Towing and Impound – 291 National Dr
SUP-30	06-30	August 7, 2006	Deck/Patio within Takeline Overlay district – 1170 Crestcove Drive (Walker)
SUP-31	06-34	Sept 6, 2006	Hair Salon - 802 N Goliad
SUP-32	06-41	Oct 2, 2006	Detached Garage > 900-sf (2364 Saddlebrook)
SUP-33	06-48	November 6, 2006	Carport not meeting Art. IV Standards (711 Stillwater)
SUP-34	06-52	December 11, 2006	Restaurant < 2000-sf (Sterling Tea) – 506 N. Goliad
SUP-35	07-11	April 2, 2007	Temporary Portable Beverage Facility with Annual Renewal (907 S. Goliad)

List of Approved SUPs
Appendix B. Specific Use Permits

SUP-36	07-23	July 16, 2007	Retail store with gasoline product sales > 2 dispensers (7-11 at SH 205/FM 552)
SUP-37	07-21	July 16, 2007	Landing/Stairs exceeding max. req'ts in Takeline (1320 Coastal)
SUP-38	07-20	July 16, 2007	Deck/Patio exceeding max. req'ts in Takeline (1320 Coastal)
SUP-39	07-22	July 16, 2007	Landing/Stairs exceeding max. req'ts in Takeline (1290 Coastal)
SUP-40	07-25	Aug. 6, 2007	Landing/Stairs exceeding max. req'ts in Takeline (1340 Coastal)
SUP-41	07-26, 10-12	Aug. 6, 2007	Motor Vehicle Dealership, New (Honda)
SUP-42	07-44	Nov 5, 2007	Auto Repair Garage, Minor @ 306 E. Washington St (Archer's) – 2 Year Expiration
SUP-43	07-45	Nov 5, 2007	Animal Boarding Kennel w/o Outside Pens
SUP-44	07-47	Nov 5, 2007	Landing/Stairs exceeding max. req'ts in Takeline (1200 Crestcove)
SUP-45	07-54	Dec 3, 2007	Boat and Trailer Dealership (w/ accessory Boat / RV storage)
SUP-46	07-50	Dec 3, 2007	Auto Repair Garage, Minor (Firestone)
SUP-47	08-10	Feb 4, 2008	Accessory Bldg (2040 Broken Lance)
SUP-48	08-14	March 3, 2008	General Retail Store in PD-50 (Embroidery / Graphics – 909 N Goliad)
SUP-49	08-22	May 5, 2008	Restaurant w/ drive-thru or drive-in (Sonic @ 3260 N Goliad)
SUP-50	08-25	June 2, 2008	Restaurant w/ drive-thru or drive-in (Sonic @ 2215 SH 276)
SUP-51	08-29	July 7, 2008	Landing/Stairs exceeding max. req'ts in Takeline (1160 Crestcove)
SUP-52	08-31	July 7, 2008	Deck/Patio exceeding max req'ts in Takeline (1200 Crestcove)

List of Approved SUPs
Appendix B. Specific Use Permits

SUP-53	08-33	July 7, 2008	Utility other than Listed (Wind Turbine) @ 1903 S. FM 549
SUP-54	08-36	July 21, 2008	Tennis Court, Private (530 Cullins Rd)
SUP-55	08-37	Aug 4, 2008	Structure > 36-ft in height (Comfort Suites)
SUP-56	08-38	Aug 4, 2008	RV Sales & Service (2260 IH 30)
SUP-57	08-39	Aug 4, 2008	Daycare use w/ special conditions
SUP-58	08-40	Aug 4, 2008	Garden Supply / Plant Nursery
SUP-59	08-46	Sept 2, 2008	Accessory Bldg (507 Wildwood Ln)
SUP-60	08-51	Sept 15, 2008	RV Sales & Service (within existing storage facility - 1750 E IH-30)
SUP-61	08-55	Oct 6, 2008	Accessory Bldg (2855 Rolling Meadows)
SUP-62	08-58	Nov 3, 2008	Animal Grazing area reduction (2625 Rolling Meadows Dr)
SUP-63	08-59	Nov 3, 2008	Auto Repair Garage, Minor (NTB @ Horizon Village Addition)
SUP-64	08-61	Nov 3, 2008	Utility Other than Listed (Wind Turbine) (Sids Rd – Rayburn Country Electric)
SUP-65	09-18	April 6, 2009	Temporary Portable Beverage Facility (Ice Train) – 901 S. Goliad
SUP-66	09-26	July 20, 2009	Accessory Structure Exceeding 15-ft in height (3815 Pinebluff)
SUP-67	09-27	Aug 3, 2009	Utility Other than Listed (Solar Panels) – 606 Shoreview
SUP-68	09-28	Aug 3, 2009	Hair Salon with parking conditions, chair limitations, etc (907 N. Goliad)
SUP-69	09-34	Sept 7, 2009	Temporary Educational Buildings (1408 S. Goliad <i>(Expires 9-7-2010)</i>)
SUP-70	09-45	Nov 2, 2009	Utility Other than Listed (Solar Panels) – 748 Black Oak Ln

List of Approved SUPs
Appendix B. Specific Use Permits

SUP-71	10-05	March 1, 2010	Accessory Building not meeting Exterior Materials requirements (315 Rolling Meadows)
SUP-72	10-09	April 19, 2010	Retail Store w/ more than two (2) Gas Dispensers (7-Eleven)
SUP-73	10-15	July 6, 2010	Antiques / Collectibles (201 N. Alamo)
SUP-74	10-16	July 6, 2010	Antiques / Collectibles (106 S. Goliad)
SUP-75			<i>Reserved for future use</i>
SUP-76			<i>Reserved for future use</i>
SUP-77			<i>Reserved for future use</i>
SUP-78			<i>Reserved for future use</i>
SUP-79			<i>Reserved for future use</i>
SUP-80			<i>Reserved for future use</i>
SUP-81			<i>Reserved for future use</i>

APPENDIX C.
SIGN ORDINANCE

(Attached to Unified Development Code for information and reference only)

Please see Code Enforcement Department web page at

<http://www.rockwall.com/CodeEnforcement/Documents/Sign%20Ordinance.pdf>

or call (972) 771-7708 for updated Sign Ordinance and/or information

APPENDIX D. HISTORIC PRESERVATION GUIDELINES

Introduction

These Guidelines have been compiled for the residents and property owners of City of Rockwall designated historic properties located within the Old Town Rockwall Historic District. The preservation, rehabilitation and adaptive reuse of old buildings contribute to the community aesthetically and economically. Rehabilitation is often less expensive than demolition or new construction. This guide was created to aid property owners in rehabilitating and maintaining their property in order to assist the City of Rockwall and the Old Town Rockwall residents in their effort of “**Preserving the Past for the Future.**”

City of Rockwall Historic Preservation Advisory Board

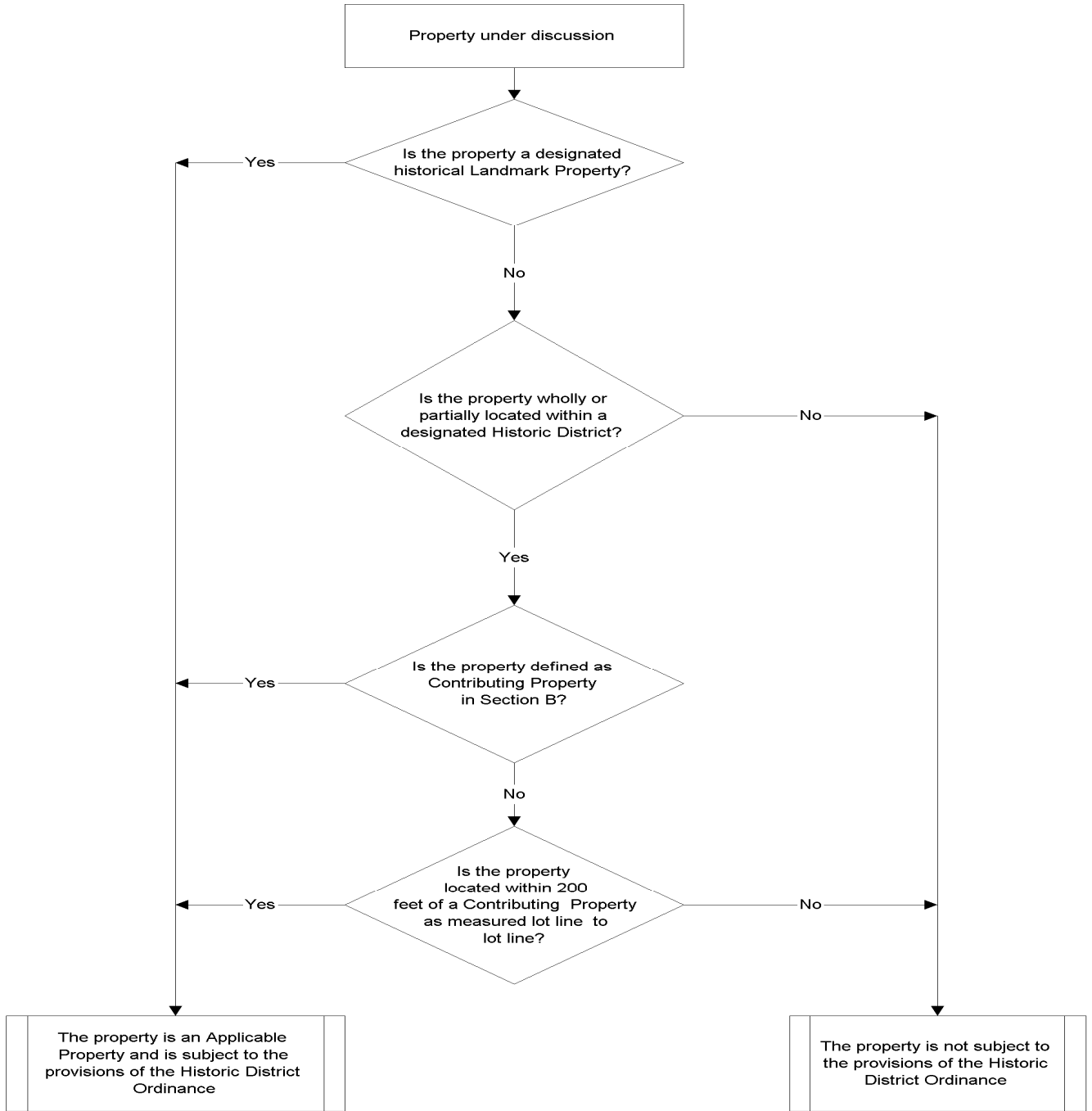
The City of Rockwall Historic Preservation Advisory Board was created June 17, 1991 (Ordinance 91-25, Section 2.20.C.2. and Ordinance No. 92-25) to serve as an advisory body to the City Council. The seven members of the Board are appointed for a term of two years by the City Council. Functions of the Advisory Board include maintaining the Historic District Register and reviewing applications for construction, alteration, removal, or demolition affecting proposed or designated historic district properties, and approving or denying Certificates of Appropriateness.

Purpose

The City Council of the City of Rockwall, Texas declared that as a matter of public policy the protection, enhancement and perpetuation of districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational and general welfare of the public. It is recognized that numerous areas, sites and structures within the City of Rockwall represent the distinguishing characteristics of a period style or method of construction that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural and cultural resources that constitute their heritage. Therefore this policy is intended to:

1. Protect, identify and enhance distinctive historical and architectural characteristics and landmarks, which represent distinctive cultural, social, economic, political, and architectural history of Rockwall;
2. Foster civic pride in the accomplishments of the past;
3. Protect and enhance Rockwall's attractiveness to visitors and the support and stimulus to the economy thereby provided;
4. Insure the harmonious, orderly and efficient growth and development of the City;
5. Promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the City;
6. Stabilize and improve values of such properties; and,
7. Promote education of significance and importance of historical preservation including the exploration of tax incentives (federal, state or local) that may apply to individual property owners or properties within the historic district as a whole; and,
8. Provide guidance to property owners restoring and/or rehabilitating historic significant properties with discretion and flexibility in an effort to maintain the historical integrity of the area with a corresponding understanding of the economic realities of these types of restorative efforts.

“Applicable Property/Structure” Flowchart



Definitions

'Alteration' means any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, exterior remodeling, painting, or removal of any structure.

'Applicable Property'/'Applicable Structure' are the terms used for properties that meet the following criteria, and are subject to the provisions of the historic district ordinance and these Guidelines:

- a. **Either be a designated historical landmark or be wholly or partially located within a designated historic district,**

AND

- b. **Either be a contributing property as defined in Section B or be located within 200 feet of a contributing property.**

'Buffer yard' means the ten (10) foot landscape buffer that is generally required along the street frontage adjacent to a commercially-developed property as per Article VIII, Landscape Standards, of the City's Unified Development Code.

'Certificate of Appropriateness' means a signed and dated document evidencing the approval for work proposed by an owner or applicant.

'Contributing Structure' means a building, site, structure or object which adds to the historical architectural qualities, historical associations or archaeological value for which a property or district is significant because it was present during the period of significance. It also possesses historical integrity reflecting its character at that time or is capable of yielding important information about the period, or it independently meets the National Register criteria. The level by which a property is "contributing" (high-, medium- and low-contributing property) was originally determined by a historic survey of the properties within the (HO) Historic Overlay District implemented by the City of Rockwall Community Development Department through the spring and summer of 2000.

'Demolition' means an act or process (notwithstanding acts of God, criminal activity, etc.) which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.

'Design Guidelines' are the Guidelines in this document which are adopted by the Historic Preservation Advisory Board and City Council for property designated as a heritage resource or heritage resource district to protect, perpetuate and enhance the historical, cultural, architectural or archeological character of an object, site or structure.

'District' means a designated area within the Preservation District or elsewhere in the City subject to the requirements and standards of the Historic District Ordinance. An identifying name will precede the word "district."

'Fenestration' means the arrangement, proportioning, and design of windows and doors in a structure.

'Hearing' see *Public Hearing*.

'Board' or 'Historic Preservation Advisory Board' means the Historic Preservation Advisory Board of the City of Rockwall, Texas, established in accordance with Article II, Section 12, of the Unified Development Code of the City of Rockwall.

'Historic Preservation Officer (HPO)' means a staff person for the City of Rockwall whose duties encompass all historic preservation activities for the City as established in accordance with Article II, Section 15, of the Unified Development Code of the City of Rockwall.

'Historic Preservation' means the identification, evaluation, recordation, documentation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance and reconstruction of historic structures or property, or any combination of the foregoing activities.

'Historic Property' means full range of properties identified in Historic surveys and/or special studies which are significant in history, pre-history, architecture, engineering, archeology and culture, including properties significant to the whole nation or those significant at the state, regional or local level.

'Landmark' means a structure or property which is of value in preserving the historical, cultural, architectural or archeological heritage, or an outstanding example of design or a site closely related to an important personage, act or event in history.

'Minor In-Kind Repairs' means small-scale repairs to correct minor problems or damage to the exterior. Minor in-kind repairs do not include a change in design, material or outward appearance, only in-kind replacement or repair. Examples of minor in-kind repair include, but are not limited to: touch up painting, replacement of a windowpane, caulking, securing loose boards, etc.

'Non-Contributing Structure' means a building, site, structure, or object which does not add to the historical architectural qualities, historical associations, or archaeological value for which a property or district is significant because it was not present during the period of significance. Due to alterations, disturbances, additions, or other changes it no longer possesses historic integrity reflecting its character at that time, is incapable of yielding important information about the period, or it does not independently meet the National Register criteria.

'Porte cochere' means a roofed extension of a building over a driveway that shelters passengers getting into and out of vehicles.

'Preservation District' means the area designated as having structures which may be suitable for inclusion in a historic district or districts.

'Public Hearing' means an opportunity for public comment in accordance with the City of Rockwall's Unified Development Code if to be held by the Historic Preservation Advisory Board or Planning and Zoning Commission, or applicable laws and procedures if to be held by the City Council.

'Reasonable rate of return' means a reasonable profit or capital appreciation which may accrue from the use or ownership of a structure or property as the result of an investment or labor.

'Rehabilitation' means the act or process of returning a structure or property to a state of utility through repair, remodeling or alteration that makes possible an efficient contemporary use while preserving those portions or features of the structure or property which are significant to its historical, cultural, architectural or archeological values.

'Resource' means a source or collection of objects, sites, structures, or property, which exemplifies the cultural, social, economic, political, archeological or architectural history of the nation, state or city.

'Restoration' means the act or process of accurately recovering the form and details of a structure or property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

'Routine Maintenance' means any work to correct deterioration or decay of or damage to a structure or property, or any part thereof, and to restore it as nearly as practicable, to its condition, using the same materials or those materials available which are as close as possible to the original. The materials and manner the work is performed must comply with applicable codes and ordinances. Routine maintenance does not include a change in design, material or outward appearance, but does include in-kind replacement or repair. Examples of routine maintenance include, but are not limited to: repainting, replacement of roofing materials or other minor architectural features, etc.

'Secretary of the Interior's Standards for Rehabilitation' means the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, reported at 36 Code of Federal Regulations 67.7, or as recodified.

'Stabilization' means the act or process of applying measures designed to re-establish a weather resistant enclosure and the structural stability of an unsafe or deteriorated structure or property while maintaining the essential form as it presently exists.

'Structure' means anything constructed or erected, the use of which requires permanent or temporary location in the ground, including, but without limiting the generality of the foregoing; buildings, fences, gazebos, advertising signs, billboards, backstops for sports courts or fields, radio or television antenna, including supporting towers, and swimming pools.

The Guidelines are to be used by the Board as well as property owners who are not familiar with development requirements in the City of Rockwall. The Guidelines are intended to make these users aware of other information that may have bearing on their project and serve as a reminder to request additional materials if needed. Some information in the Guidelines repeats material that is available elsewhere and restates information, requirements and standards that are found in ordinances and code.

I. IMPLEMENTATION

These Guidelines provide the general standards for acceptable physical characteristics of each building or structure and site, and any modifications thereto within the Old Town Rockwall Historic District. The goal is to achieve maximum adherence to the Guidelines with a minimum of delay or confusion to designated Historic District property owners.

The Guidelines are designed to provide as much flexibility as possible while continuing to promote the objectives set forth in the Ordinance.

- A. A Committee of the Old Town Rockwall Historic District residents is available to serve in an advisory role for individual projects in the District. The Old Town Rockwall Historic District Committee is established as a standing committee of the Rockwall Historic Preservation Advisory Board. The Old Town Rockwall Historic District Committee will also be available to assist Board at their request.
- B. The “contributing” historic structures and “non-contributing” properties within the designated Historic District are listed in Appendix “A.”
- C. Historic properties fifty years (50) of age or older are deemed to have acquired historical significance in their own right and are eligible to be included in the Old Town Rockwall Historic District Registry. Nomination applications may be obtained from the Department of Community Development. Completed forms should be submitted to the Historic Preservation Advisory Board for historic district designation approval. Forms delivered to the Historic Preservation Officer will be forwarded to the Board chair.

II. DEVELOPMENT STANDARDS

- A. The development standards in the City of Rockwall Building Codes shall apply to all "Applicable Properties" within the District as shown on the map in Appendix B.
- B. All City ordinances, building codes must be followed, including the Landscape Ordinance, the Lighting and Landscape Ordinances for commercial development. In addition, these guidelines will serve as reference material to insure the approval of a Certificate of Appropriateness. In the event of a conflict or absent a specific directive in these Guidelines, the provisions determined by the Historic Preservation Advisory Board to be historically beneficial shall control.

III. BUILDING STANDARDS

New additions to existing buildings or structures, including the construction of an additional free-standing building or structure on a lot, or new construction which utilizes existing party walls, should be accomplished as outlined in these Guidelines if the definition of an "Applicable Property" is met.

For new construction on any vacant lot, the scale, mass, volume, period and style shall be compatible with other historic buildings or structures in the Historic District.

A. Height

All new buildings and additions shall be constructed to a height and number of stories which are consistent and compatible with existing neighboring historic buildings or structures on the same block face.

B. Building Setback and Orientation

1. All new additions, alterations, infill and new infill construction should recognize and maintain the established historic home site orientation, and side and front side setbacks within the block face, thereby being visually compatible and maintaining the established rhythm and setback spacing.
2. Consideration will be given to the historic precedence for previous site configuration. Out buildings such as garages and storage buildings are historically set upon the lot line in this District, therefore this configuration is proper.
3. New structures should be built to maintain an elevation with a “pier-and-beam” appearance.
4. A new commercial structure should not be oriented toward a residential block face. Residential block for new construction is defined as a block face having at least fifty percent (50%) residential use at the time the new structure is proposed.

C. Building Facades and Materials

In cases where the original exterior façade materials are unavailable, complementary exterior materials may be used.

1. All exterior wood and masonry materials and their use should be compatible to the style and period of the building or structure.
2. The existing building facade materials on a building should be respected and not be changed or concealed by the introduction of a different material.
3. When the existing facade materials are not the original type, then materials may be replaced with, or returned to the original type.
4. Exterior building columns should be of a style and materials typical of the period and style of the building.
5. All new chimneys should be of a style, proportion and materials compatible with the period and style of the building. Any new construction or additions should not conceal or destroy existing chimneys.
6. Materials, structural and decorative elements and the manner in which they are used, applied or joined together should be typical of the style and period of the existing structure. New additions, alterations and new construction should be visually compatible with neighboring historic buildings or structures.
7. The overall relationship of the size, width, height and number of doors and windows on the exterior building facades should be typical of the style and period of the structure. These elements should be proportionally balanced, sized and located in a manner typical of the style and period of the structure and compatible with neighboring historic buildings or structures.
8. Storm doors and storm windows are permitted so long as they do not damage or conceal significant features and are visually compatible in size, style and color with the structure. Finishes or should be consistent with the historical materials of the property.
9. Metal and corrugated or slatted plastic awnings are not permitted except where these awnings are a historical feature of the property. The shape, size and color of awnings shall be compatible with the structure and not conceal or damage any significant architectural details.

D. Roofs

1. Roof shape, form and design should be typical of or consistent with the style and period of the architecture of buildings within the Historic District.
2. The accepted roof overhang for a new structure should be typical of a structure of similar style and period. Replacement, addition or alteration to an

existing roof should have the same overhang as the existing roof

3. The eaves or soffit heights of a structure should be consistent with the heights of neighboring contributing structures or with those in the closest block face with buildings of a similar period and style and the same number of stories.
4. Roof materials/colors should be visually compatible and compliment the style and period of the structure. Where historically typical materials are no longer available, compatible alternatives will be allowed.
5. The degree and direction of roof slope and pitch should be consistent with the style and period of the historic structure.
6. Mechanical equipment placed on the roof should not to be visible from the street.

E. Front Yards

1. The front yard is defined as a yard across the full width of a lot extending from the front line of the main building to the front street line of the lot.
2. Generally, the use of the front yard will be reserved for landscaping with the purpose of enhancing the structures on the lot with plant material.
3. Any paving in the front yard should be consistent with the historic character of the property or nearby contributing properties. As a general rule, the following standards will be followed:
 - a. A paved walkway from the front lot line to the front or, on a corner lot, from the side lot line to a side entry of the structure. In all cases, the walkway should not be wider than the entry steps and in no instance should the walkway be wider than ten (10) feet.
 - b. A paved walkway is allowed from the driveway to the front and/or side entry walkway, with a maximum width of three (3) feet.
 - c. In no instance will the front yard of any lot be paved or graveled except for an appropriate driveway or walkways.
 - d. No residential front yard area will be designated as a vehicle parking area unless previously paved as such.

F. Side Yards

1. The side yard is defined as a yard between the building and the side line of the lot, extending from the front yard to the rear yard.
2. Unless previously used for a driveway, the side yard shall is to be used for landscaping with the purpose of enhancing the structures with plant material.
3. Parking of vehicles on the side yard will not be allowed, except on paved driveways as outlined in Section I.

G. Rear Yards

1. The rear yard is the area extending across the full width of the lot and measured between the rear lot line and rear line of the main building.
2. Garages, storage buildings and out buildings are allowed in the rear yard to the extent permitted by City of Rockwall Unified Development Code. These structures should reflect the character of the existing residence and be compatible in terms of scale, height, size, roof shape, materials and detailing.
3. Consideration should be given to the historic precedence for previous site configuration. Outbuildings such as garages and storage buildings are historically set upon the lot line in this Historic District. This configuration is proper for new additions, alterations, infill and new infill construction. The location of these buildings should be sensitive to the character, site and environment of any adjacent contributing structures, especially when the rear yard is on a corner lot visible from street public rights-of-way.

H. Fences

A fence in the front, side, or rear yards should meet all applicable city codes. Most fences require only a fence permit; however, a fence requiring a building permit will also be reviewed and approved by the Board. Any fence that requires review must be architecturally compatible in height, materials, color, texture and design with the style and period of the main structure on the lot.

I. Driveways

1. The purpose of the driveway shall be to create a paved surface for the movement of vehicles to parking areas. The driveway is defined as the paved area within the property line extending from the back of the sidewalk or lot line to the garage, out building or porte cochere.
2. The driveway should not exceed a width of ten (10) feet.
3. The driveway may extend along the side of the residence or structure, through the porte cochere (if applicable) to the rear yard.
4. Front or side yard circular driveways will not be allowed, unless consistent with the historic character or features of the property or nearby contributing properties.
5. On a corner lot, the driveway may extend from the side street to the garage if the garage is faces the side street. All other width and approach regulations will apply to driveways on corner lots.
6. Ribbon driveways are allowed if the paved ribbons are at least one (1) foot wide, and no greater than two (2) feet wide.
7. Any new driveway constructed through a front yard should be a minimum of ten (10) feet from an existing driveway on the adjacent lot, except in the instances of "shared" driveways.
8. Parking should be on "improved" surfaces only, thereby maintaining the integrity of the front, side and rear yards of the property.

J. Paving Materials

1. Driveway and sidewalks should be paved with concrete, brick, cut stone, pavers, natural rock or asphalt.
2. All new sidewalks and driveways should be constructed to be compatible in texture, color, style and size with the main structure on the lot.

K. Parking Areas for Commercial Development

1. *Design Standards*

Off-street parking should be provided behind the front façade of the main structure on the property. The number of spaces and design of the parking spaces shall conform to the Off-Street Parking Requirements as set forth in Article VI of the City of Rockwall Unified Development Code.
2. *Screening*
 - (a) All parking lots for more than five vehicles and having frontage on a public street should be screened from the street by an evergreen hedge not lower than three feet nor higher than four feet tall. If a hedge is not desired, then an earthen berm, masonry wall, or combination thereof may be substituted, provided the stated heights are observed.
 - (b) A visibility triangle with a minimum base of four (4) feet shall be provided at entrances.

L. Lighting of Yards and Parking Areas

1. These Guidelines regulate the spillover of light and glare on operators of

motor vehicles, pedestrians, and nearby property. The nuisance and hazard aspects of glare are regulated.

2. No flickering or flashing lights shall be permitted.
3. Light sources shall not be located in the buffer yard except on pedestrian walkways. No light shall spill across the property line of an adjacent residential property.
4. Outdoor security lights should be placed so that no light spills across the adjacent property line.

M. Paint and Color

1. Brick, stone or other naturally or historically unpainted materials should not be painted unless the material has been painted before.
2. Florescent and metallic colors are not recommended on the exterior of any structure. Paint does not require a building permit and therefore is not subject to Board review. Appropriate colors complimentary to the style and period of the structure and to neighboring historic structures are preferred; however, specific approval of paint colors is not required.
3. For new commercial construction and for additions requiring site plan approval, finishes and color may be a part of the review.

N. Signage, General

1. An unlighted sign with the address or name of the occupant of the residence may be attached or detached and should not measure more than one square foot.
2. Signs should not obscure significant architectural features of a building or structure. The material, shape, color, design and lettering style of all signs should be compatible with the style and period of the structure and the Historic District as a whole.

O. Signage for Commercial Properties

1. No signs other than those identifying the property where they are installed or identifying the business conducted therein should be permitted. All lighting elements such as wires, junction boxes, transformers, ballasts, switches and panel boxes should be concealed from view.
2. In a building of more than two floors, no sign is permitted above the second floor.
3. Size should be in proportion to the architecture and scale of the building. Horizontal signs should not exceed ten percent (10%) of the total front elevation of the building.
4. Horizontal signs should be located in the area defined by the first floor cornice and the vertical supports. A horizontal sign should not cover tops of first floor windows. Horizontal signs should not project more than twelve (12) inches from the surface of the building.
 - a. Attached signs should be placed below the cornice line of the first floor no higher than the bottom of the second story windows, or not less than eleven (11) feet above grade level. An awning or canopy should be subjected to the same requirements as an attached sign. An awning or canopy and an attached sign combined should not exceed the total area permitted for a wall sign.
 - b. Projecting signs should not extend higher than the bottom of the second story windows or not less than eleven (11) feet above grade level. Projecting signs should not extend more than two feet beyond the building surface.

5. Lighted signs will receive approval from the City of Rockwall Historic Preservation Advisory Board on a case-by-case basis.
6. Roof top signs are not permitted. Banners signs are permitted for thirty (30) days and "special event" banners are allowed for two (2) weeks. The City of Rockwall Sign Ordinance requires permits for banners.
7. Flashing, flickering or moving signs are not permitted.
8. Temporary signs may be permitted for no longer than thirty (30) days.
9. Display window signs will not occupy more than twenty percent (20%) of the window area. This window area includes signs, which are placed within three (3) feet of the window and visible from the outside.
10. Signs on a residential structure converted to commercial should be a single free-standing and/or "swinging" sign with one or two support standards. The maximum size is sixteen (16) square feet and it should not impede pedestrian or motor vehicle traffic. Monument signs should not be permitted. Detached signs will be approved the City of Rockwall Historic Preservation Advisory Board on a case-by-case basis.

IV. MAINTENANCE AND REPAIRS:

Nothing in these Guidelines should be construed to prevent routine maintenance or repair of any exterior architectural feature of a property. Repairs should be made in accordance with these Guidelines.

The Historic Preservation Officer will answer inquiries as to what is "routine maintenance" where no Certificate of Appropriateness is required. Examples of routine maintenance include, but are not limited to, touch-up painting, spot replacement of shingles, or replacement of a pane of glass. If there is doubt that an activity is "routine maintenance," the Historic Preservation Officer should be consulted.

V. RELOCATION CRITERIA

- A. Structures relocated within the District should be rebuilt in compliance with these Guidelines and retain and maintain the original architectural details, materials, design and character.
- B. A structure may be relocated into the Historic District if it possesses architectural character similar to existing historic structures on the block face.
- C. A structure may be moved from one site to another in the Historic District if:
 1. The integrity of location and setting of the building in its original location has been lost or is seriously threatened; and
 2. The new location will be similar in setting and siting; and
 3. The structure will be compatible with the buildings adjacent to the new location; and
 4. The relocation of the building will not result in a negative visual impact on the site and any surrounding historic structures in the area from which it will be removed.

VI. DEMOLITION CRITERIA

Demolition of a structure which contributes historically or architecturally to the Historic District should be prohibited, except as provided below.

Demolition of a structure would be allowed if:

1. The building has lost its architectural and historical integrity and importance, and its removal will not result in a negative, less appropriate visual effect on

the Historic District; or

2. A structure does not contribute to the historical or architectural character and importance of the Historic District (such as a non-contributing structure), and its removal will result in a positive, appropriate visual effect on the Historic District; or
3. There is an imminent threat to the health, safety and welfare to the surrounding residents and/or property because of an unsafe condition that constitutes an emergency (See Section VII, Demolition-by-Neglect).

VII. DEMOLITION-BY-NEGLECT

Although the Property Maintenance Code should prevent this situation from occurring in the future, there may be some properties to which this section could apply.

A. Definition

Demolition-by-neglect is the absence of maintenance of any structure that results in the deterioration and threatens the preservation of the structure.

B. Purpose

The demolition-by-neglect procedure serves as a mechanism that allows the City Staff and the Historic Preservation Advisory Board to work with property owners to encourage maintenance and stabilization of the structure and identify possible resources available before any enforcement is taken.

C. Request for Investigation

Any interested party may request that the Historic Preservation Officer or appropriate City investigate whether a property is being “demolished-by-neglect.”

D. Certification and Notice

Following the investigation, a report will be made detailing the issues and a determination made whether to follow steps required to secure a “Certificate of Appropriateness” or to follow the procedure under the Property Maintenance Code.

VIII. HISTORIC TREES

In addition to the protection offered our trees through the City of Rockwall “Tree Preservation” Ordinance, individual trees located on an historic property which are considered historic landmarks in our community may be registered as “Historic Trees.” The Registry Application in Exhibit 1 should be completed and submitted to the Historic Preservation Officer to forward to the Board Chair.

A registered tree will not be removed under any circumstances unless the tree becomes unhealthy or damaged. The “Historic Trees” will be listed within an Appendix “C” to be attached to these Guidelines.

APPENDIX E. SCENIC OVERLAY (FM 740) DESIGN GUIDELINES

The following guidelines have been developed by the Architectural Board of Review and approved by the Rockwall City Council on August 7, 1989, for the use by developers and builders for development within the Scenic Overlay District. These guidelines are based on the provisions of the Scenic Overlay District Zoning classification within the Unified Development Code and are designed to provide builders and developers within the District with an outline of the goals and objectives of the City in regard to development within the district.

Use Appropriateness:

The Board may offer review and comment on the appropriateness of a proposed development only when formal approval of the use by the Planning and Zoning Commission and Council is part of the request as submitted. If use is a consideration in the review process the following guidelines will be used by the Board in formulating its recommendation:

- a. Is the use indicated in the Master Land Use Plan?
- b. Is the existing road system adequate to handle the proposed development?
- c. Is the use compatible with surrounding uses?
- d. Is there adequate buffering between the proposed site and the adjacent uses?
- e. Can existing utilities handle the proposed development?

Regardless of whether the Board determines to offer a recommendation on the proposed land use or what that recommendation is, the Board will develop recommendations on the proposed development in accordance with the following guidelines.

Site Plan:

Submission

The following items shall be submitted for all development applications located in the Overlay District. Additional information may be required during the review of the plan.

1. A complete site plan and application with all required information shall be submitted in the form and number required.
2. Landscape plans meeting the requirements of the City's current landscape ordinance shall accompany or be included on any site plan submissions.
3. Building elevations showing all sides of any proposed structure shall accompany all site plan submissions within the District in accordance with the guidelines.

Guidelines

The following guidelines shall be followed in the development of all site plans within the Overlay District:

1. Proposed development within the district should utilize the existing topography to the extent reasonable.

2. All driveways should be kept to a minimum width and shared access should be utilized to the extent reasonable.
3. All exterior lighting and signage materials shall blend with the main structure in color and design. All lighting shall be designed so that the light does not glare into any adjacent street or across adjacent property lines. All pole mounted lights should be constructed of metal and should generally not exceed a height of twenty (20) feet.

Evaluation

Evaluation of development plans within the district shall include the following factors;

1. Compliance with the City's current zoning, subdivision, and landscape requirements.
2. Adequate circulation both within the site and between adjacent sites if applicable.
3. Adequate access into and out of the proposed site.
4. Impact of the proposed development on existing views from the site or from adjacent sites.
5. How well the proposed development utilizes the existing topography.
6. How well existing trees on the site are preserved.
7. Compatibility of the proposed exterior lighting with the proposed development and with surrounding development.
8. Adequacy of drainage both from and through the site.

Building Plan / Elevations:

Submission

Building plans and elevations drawings shall include the following;

1. All information required on the site plan application for submittal to the City.
2. The elevations shall be drawn to scale and shall include the following minimum information;
 - a. Proposed exterior wall materials and colors
 - b. Design of proposed fascia treatment including materials and color (if applicable).
 - c. Design of proposed window and door openings.
 - d. Design of proposed wall signage (if applicable).
 - e. Design of any proposed unique architectural features.
 - f. Proposed roof design and proposed roof materials.
 - g. Typical front wall cross section.

Guidelines

Exterior Building Materials -

The following materials are recognized by the City Council and the Architectural Board of Review as meeting the standards of the masonry requirement of the district.

1. Brick (excluding concrete block brick)

2. Stone, granite, marble, and other built up panels of these materials.
3. Glass in conjunction with the above materials

Tilt or poured in place concrete walls, or stucco or any other similar synthetic plaster such as Synergy or Drivet, or 100% glass materials are generally discouraged for use within the district.

Roof Design -

The following roof designs are recognized by the City Council and the Architectural Board of Review as meeting the standards of the Overlay District;

1. Hip roof
2. Gable roof
3. Mansard roof

Visible flat roof designs are generally discouraged within the Overlay District, however screening elements on all sides would be considered.

Generally, typical residential roofing materials such as wood shingles and composition shingles are discouraged from within the District for non residential uses.

Evaluation

Evaluation of the proposed building plans and elevations shall include the following factors;

1. Does the proposed building comply with the City's existing ordinances?
2. How well does the proposed building blend with the existing development architecturally.

Signage:

Signs located in the Overlay District shall comply with the provisions of the City's Sign Ordinance. Generally, free standing permanent signs are required to be constructed as monument signs not exceeding five (5) feet in height.

Submission

The following items regarding proposed signage shall be included on the site plan;

1. Typical design of all free standing and wall signs including dimensions, materials, colors and type of lighting.
2. Proposed location of all free standing signs.

Guidelines

Signage within the Overlay District shall meet the following guidelines;

1. Signage should blend with the main structures in color, design and size.
2. Lighting of signage should generally be accomplished by back lighting or with accent lighting only.

Evaluation

Evaluation of signage shall include the following factors;

1. Compliance with the current Sign Ordinance of the City.
2. Acceptable blending of the proposed signage with the main structures and the overall development.

Landscaping:

Submission

The following items regarding landscaping shall be included with the site plan.

1. Landscape plan meeting the requirements of the current Landscaping Ordinance and the Unified Development Code.

Guidelines

Adequate landscaping will enhance the view as seen by vehicular traffic within the Overlay District, as well as contribute to the aesthetics and development quality of individual tracts within the District and is therefore strongly encouraged. Large trees equal to one for every 30 feet of frontage on all roadways designated as collectors or arterials shall be provided.

Evaluation

1. Compliance with the current landscaping regulations of the City.
2. Optimum use of existing landscaping and protection of existing trees.
3. Enhancement of the overall development and blend with existing surrounding landscaping.

Development Standards:

Development proposed within the district shall comply with all development standards of the City of Rockwall, including the Subdivision Standards of Design and the Standards found in the Unified Development Code.

Guidelines

The following items shall be considered in site plan design within the Overlay District

1. Future median breaks will be generally located as shown on the approved median design. Development of driveway locations and shared access should conform to the approved design.