

City of Rockwall
Comprehensive Zoning Ordinance
Ordinance No. 83 - 23

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WHEREAS ART. 1011 a-1 Texas Civil Statute Ann., empowers the city to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS THE CITY, pursuant to the provisions of Art. 1011 f Texas Civil Statutes Ann., has appointed a Planning and Zoning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

WHEREAS THE CITY, pursuant to the provisions of Art. 1011 g Texas Civil Statutes Ann., has appointed a Board of Adjustment to make, in appropriate cases and subject to appropriate conditions and safeguards, special exceptions to the terms of this ordinance in harmony with its general purpose and intent in accordance with general or specific rules herein contained, and

WHEREAS THE PLANNING AND ZONING COMMISSION has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan required and designed to expedite traffic flow; to secure safety from fire, panic and other danger; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land and abutting traffic ways; to avoid undue concentrations of populations; to facilitate the economic and adequate provision of transportation, water, sewerage, schools, parks, and other public facilities, and

WHEREAS THE CITY desires through this ordinance to provide an attractive and orderly environment for all its citizens and visitors, and

WHEREAS THE PLANNING AND ZONING COMMISSION has given reasonable consideration to, among other factors, the character of the districts and their unique buildings and has encouraged the most appropriate use of land throughout the municipality, and

WHEREAS THE CITY COUNCIL has given due public notice of hearings relating to zoning districts, regulations, and restrictions, and has held such public hearings, and

WHEREAS all requirements of Art. 1011 f Texas Civil Statutes Ann., with regard to the preparation of the report of the Planning and Zoning Commission and subsequent action by the City Council have been met.

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

ARTICLE I USE DISTRICTS, GENERAL

SECTION 1.1. SHORT TITLE.

These regulations shall be known and may be cited as the Zoning Ordinance of Rockwall, Texas.

SECTION 1.2. DIVISION OF CITY INTO USE DISTRICTS.

For the purpose of regulating and restricting the use of land and the erection, construction, reconstruction,, alterations, moving or use of buildings, structures or land, all lands within the corporate limits of Rockwall are hereby divided into the following districts:

District (Ag)	Agricultural District
District (SF-16)	Single-Family Residential District - Minimum lot size 16,000 square feet
District (SF-10)	Single-Family Residential District - Minimum lot size 10,000 square feet
District (SF-7)	Single-Family Residential District - Minimum lot size 7,000 square feet
District (T-H)	Townhouse Residential District
District (2F)	Duplex Residential District
District (MF-15)	Medium Density Multi-Family District maximum density 15 units per acre
District (MF-20)	Higher Density Multi-Family Residential District maximum density 20 units per acre
District (Of)	Office District
District (NS)	Neighborhood Service District
District (GR)	General Retail District
District (C)	Commercial District
District (CBD)	Central Business District
District (HC)	Heavy Commercial District
District (LI)	Light Industrial District
District (HI)	Heavy Industrial District
District (PD)	Planned Development District

Any use not listed herein may be placed in a suitable district classification by the governing body, after recommendation of the Planning and Zoning Commission as specified in Section 11.3.

SECTION 1.3. OFFICIAL ZONING MAP.

The City is hereby divided into the above zones, or districts, as shown on the official zoning map, which, together with all explanatory matters thereon, is hereby adopted by reference and declared to be a part of this ordinance.

SECTION 1.4. LAND AND STRUCTURES TO BE USED AS REQUIRED BY DISTRICT REGULATIONS.

- A. The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.
- B. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building or use for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building or use.
- D. Every building hereafter erected or altered shall be located on a lot as herein defined.

SECTION 1.5. NEWLY ANNEXED TERRITORY.

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 therefor from the building official as may be required in applicable city ordinances.

SECTION 1.6. PURPOSE OF THE USE DISTRICTS.

The purpose of the Use Districts described herein is to group together into districts those uses that are reasonably compatible with one another according to their normal characteristics of operation:

- A. To permit, in connection with these uses, those customary and necessary accessory activities which are incidental to the principal use; and
- B. To permit certain other uses which may be established in some situations and subject to specific conditions so that such special uses will also be compatible with the uses allowed as a matter of right.
- C. To promote orderly, timely, economical growth and to recognize current land-use conditions.
- D. To provide sufficient space in appropriate locations for development to meet the present and future growth needs of the City, with allowance for a diversity of sites.
- E. To protect use areas, as far as possible, against heavy and unnecessary through traffic.
- F. To protect use areas against pollution, environmental hazards, and other objectionable influences.
- G. To protect use areas against congestion, as far as possible, by managing the density of population in and around them; by providing for proper off-street parking spaces; and by providing open areas for rest and recreation and to break the monotony of continuous building bulk, thus providing a more desirable environment.
- H. To provide for privacy and access of light and air to windows and to all devices that are powered or heated by the sun, as far as possible, through controls over the spacing and height of buildings and other structures.
- I. To promote the most appropriate use of land and direction of building development which is not in conflict with the Comprehensive Plan or the adopted policies of the City; to promote stability of development; to protect the character of the districts; to conserve the value of land and buildings; and to protect the city's tax base.

- J. To promote the most efficient use of city facilities and services.
- K. To protect against fire and explosions and other safety hazards, and to provide for fire protection and access by fire equipment and vehicles.
- L. To accommodate use activities and operations whose external physical effects are restricted to the area of the district, and in no manner affect in a detrimental way any of the surrounding districts.
- M. To preserve and protect the favorable and unique quality of life enjoyed by the citizens of Rockwall.

ARTICLE II USE DISTRICTS

SECTION 2.1 (Ag) AGRICULTURAL DISTRICT.

A. Purpose:

1. The Agricultural District is to be used to promote orderly, timely, economical growth and to recognize current land-use conditions. The 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. 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.
2. The zone is also to be used:
 - a) To protect those areas that are unsuitable for development because of physical problems or potential health or safety hazards such as flooding. The usage 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.
 - b) 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:

1. Farming, ranching, related activities, and accessory uses including the owner's single family dwelling on more than 10 acres.
2. Home occupations.
3. Signs in accordance with all applicable ordinances.
4. All municipally owned or controlled facilities, utilities and uses.
5. Temporary concrete batching plants limited to the period of construction, upon approval of location and operation by the Building Official.

C. Conditional Uses: (Require Use Permits, See Article IV)

1. Single-family dwelling and accessory uses on property of less than 10 acres that has not been subdivided or sold off in pieces since the effective date of this ordinance or the date of annexation, whichever is later.

2. A mobile home on an unsubdivided tract of five acres or more, subject to the conditions established in Article IV.
3. Broadcast towers for radio, television, or microwave.
4. Extraction and drilling activities, including the removing, screening, crushing, washing and storage of ore, sand, clay, stone, gravel or other similar material.
5. Landing strips.
6. Facilities for the raising of animals in accordance with all applicable City of Rockwall Ordinances.
7. 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.
8. Facilities for railroads or those utilities holding a franchise under the City of Rockwall.
9. Semi-public uses including Scouts, YMCA, YWCA, Boys Club facilities and other similar uses, as defined.
10. Institutional uses including sanitary landfill, water treatment and supply facilities, wastewater treatment facilities, as defined.
11. Wholesale nursery for the growing of plants not for retail sale on the premises.
12. Other uses which, as determined by the Planning and Zoning Commission, are not contrary to the purposes established for this district.

D. Prohibited Uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.
2. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

E. Area Requirements:

1. Minimum lot area - 43,560 square feet
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
 - a) Internal lot - 6 feet
 - b) Sideyard setback abutting street - 15 feet
 - c) Abutting an arterial - 20 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*

*Where a structure exceeds the thirty-six (36) foot height maximum, it shall be setback one (1) additional foot for each foot above thirty-six (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 Off-street Parking, Article V
12. See Article VIII, Sections 8.1 to 8.4 for further clarification, and exceptions and modifications.

SECTION 2.2 (SF-16) SINGLE-FAMILY RESIDENTIAL DISTRICT.

A. Purpose:

1. This district is considered to be the proper zoning classification for large lot developments for single-family dwelling use. This district 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 usage 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:

1. One detached single-family dwelling per lot.
2. Agricultural uses on unplatted land, in accordance with all other adopted ordinances.
3. One portable building per lot not larger than two hundred, twenty-five (225) square feet of floor area and ten (10) feet in height as an accessory to a residential use on the same lot.
4. Storage buildings not larger than two hundred, twenty-five (225) square feet of floor area nor taller than ten (10) feet in height as an accessory to a residential use on the same lot.
5. Temporary real estate sales offices located on property being sold, limited to the period of sale of the lots with a two-year initial period and one year extensions being authorized by the Planning and Zoning Commission, such sales offices to be maintained at all times.
6. Temporary on site construction offices, limited to the period of construction, with a two year initial period and one year extensions being authorized by the Planning and Zoning Commission, such offices to be maintained at all times.
7. Nurseries, greenhouses and gardens, as an accessory to a residential use on the same lot where the products are not to be sold.

8. Day care centers with less than 4 children enrolled at any one time.
9. Home occupations.
10. Paved automobile parking areas which are necessary to the uses permitted in this district.
11. All municipally owned or controlled facilities, utilities, and uses.
12. Private residential swimming pools as an accessory to a residential use.
13. Private unlighted residential tennis courts on the same lot as an accessory to a residential use.
14. An accessory use customarily related to a principal use authorized in this district.
15. Temporary concrete batching plants limited to the period of construction, upon approval of location and operation, by the Building Official.

C. Conditional Uses: (Require Use Permits, See Article IV)

1. Semi-public uses as defined.
2. Institutional uses, including day care centers with more than 4 children enrolled at any one time as defined.
3. Associated recreation and/or community clubs.
4. Guest houses, or separate servant quarters.
5. A mobile home on an unsubdivided tract of five acres or more, subject to the conditions established in Article IV.
6. Storage building or larger than two hundred twenty-five (225) square feet nor taller than ten (10) feet in height used as an accessory to a residential use on the same lot.
7. Facilities for railroads or those utilities holding a franchise under the City of Rockwall.
8. Paved parking facilities for nonresidential uses that are not allowed in this district if properly screened, buffered, and landscaped.
9. A private residential tennis court used as an accessory to a residential use if not located on the same lot or utilizing lights.

D. Prohibited Uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.
2. The storage of equipment, material or vehicles, including abandoned vehicles which are not necessary to the uses permitted in this district.
3. A driveway or walk, as distinct from a dedicated street, to provide access to premises in a commercial or industrial district.
4. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

E. Area Requirements:

1. Minimum lot area -
 - a) With sewer - 16,000 square feet
 - b) Without sewer - 65,340 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 - 80 feet
5. Minimum lot depth - 100 feet
6. Minimum depth of front setback - 25 feet
7. Minimum depth of rear setback - 10 feet
8. Minimum width of side setback -
 - a) Internal lot - 8 feet
 - b) Sideyard setback abutting street - 15 feet
 - c) Abutting an arterial - 20 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 height of structures - 36 feet*

*When a structure exceeds twenty-five (25) feet in height, each unit shall be set back from the front property line one (1) additional foot for each foot over twenty-five (25) 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) All other uses (see Off-street Parking, Article V)
14. See Article VIII, Sections 8.1 to 8.4 for further clarification, and exceptions and modifications.

SECTION 2.3 (SF-10) SINGLE-FAMILY RESIDENTIAL DISTRICT.

A. Purpose:

1. This district comprises a major portion of the existing single-family dwelling development of the city and is considered to be the proper zoning classification for large areas of the undeveloped land remaining in the city appropriate for single-family dwelling use. This district 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 usage 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:

1. One detached single-family dwelling per lot.
2. Agricultural uses on unplatted land, in accordance with all other adopted ordinances.
3. One portable building per lot not larger than two hundred twenty-five (225) square feet of floor area nor taller than ten (10) feet in height as an accessory to a residential use on the same lot.
4. Storage buildings not larger than two hundred twenty-five (225) square feet of floor area nor taller than ten (10) feet in height, as an accessory to a residential use on the same lot.
5. Temporary real estate sales offices located on property being sold, limited to the period of sale of the lots with a two year initial period and one year extensions being granted by the Planning and Zoning Commission, such offices to be maintained at all times.
6. Temporary on site construction offices limited to the period of construction, with a two year initial period and one year extensions being granted by the Planning and Zoning Commission, such offices to be maintained at all times.

7. Nurseries, greenhouses and gardens, as an accessory to a residential use on the same lot where the products are not to be sold.
8. Day care centers with less than 4 children enrolled at any one time.
9. Home occupations as defined by this ordinance.
10. Paved automobile parking areas which are necessary to the uses permitted in this district.
11. All municipally owned or controlled facilities, utilities, and uses.
12. Private residential swimming pools as an accessory to a residential use.
13. Private unlighted tennis courts on the same lot, as an accessory to a residential use.
14. An accessory use customarily related to a principal use authorized in this district.
15. Temporary concrete batching plants limited to the period of construction, upon approval of location and operation, of the Building Official.

C. Conditional Uses: (Require Use Permits, See Article IV)

1. Semi-public uses as defined.
2. Institutional uses, including day care centers with more than 4 children enrolled at any one time as defined.
3. Associated recreation and/or community clubs.
4. Guest houses, or separate servant quarters.
5. A mobile home on an unsubdivided tract of five acres or more subject to the conditions established in Article IV.
6. Storage building larger than two hundred twenty-five (225) square feet and ten (10) feet in height as an accessory to a residential use on the same lot.
7. Facilities for railroads or those utilities holding a franchise under the City of Rockwall.
8. Paved parking facilities for nonresidential uses that are not allowed in this district if properly screened, buffered, and landscaped.
9. A private residential tennis court used as an accessory to a residential use if not located on the same lot or utilizing lights.

D. Prohibited Uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.
2. The storage of equipment, material or vehicles, including abandoned vehicles which are not necessary to the uses permitted in this district.
3. A driveway or crosswalk way, as distinct from a dedicated street, to provide access to premises in a Commercial or Industrial District.
4. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

E. Area Requirements:

1. Minimum lot area -
 - a) With sewer - 10,000 square feet
 - b) Without sewer - 65,340 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 - 60 feet
5. Minimum lot depth - 100 feet
6. Minimum depth of front setback - 20 feet
7. Minimum depth of rear setback - 10 feet
8. Minimum width of side setback -
 - a) Internal lot - 6 feet
 - b) Sidyard setback abutting street - 15 feet
 - c) Abutting an arterial - 20 feet
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 and side yard - 18 feet
11. Maximum building coverage as a percentage of lot area - 35 percent

12. Maximum height of structures - 36 feet

*Where a structure exceeds twenty-five (25) feet in height, each unit shall be set back from the front property line one (1) additional foot for each foot above twenty-five (25) 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) All other uses (see Off-street Parking, Article V)

14. See Article VIII, Sections 8.1 to 8.4 for further clarification, and exceptions and modifications.

SECTION 2.4 (SF-7) SINGLE-FAMILY RESIDENTIAL DISTRICT.

A. Purpose:

1. This district is considered to be the proper zoning classification for smaller lot developments for single-family dwelling use. This district 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 usage 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:

1. One detached single-family dwelling per lot.
2. Agricultural uses on unplatted land, in accordance with all other adopted ordinances.
3. One portable building per lot not larger than two hundred twenty-five (225) square feet in floor area nor taller than ten (10) feet in height, as an accessory to a residential use on the same lot.
4. Storage buildings not larger than two hundred twenty-five (225) square feet of floor area nor taller than ten (10) feet in height, as an accessory to a residential use on the same lot.
5. Temporary real estate sales offices located on property being sold, limited to the period of sale of the lots with a two year initial period and one year extensions being authorized by the Planning and Zoning Commission, such offices to be maintained at all times.
6. Temporary on site construction offices limited to the period of construction, with a two year initial period and one year extensions being authorized by the Planning and Zoning Commission, such offices to be maintained at all times.

7. Nurseries, greenhouses and gardens, as an accessory to a residential use of the same lot where the products are not to be sold.
8. Day care centers with less than 4 children enrolled at any one time.
9. Home occupations as defined by this ordinance.
10. Paved automobile parking areas which are necessary to the uses permitted in this district.
11. All municipally owned or controlled facilities, utilities, and uses.
12. Private residential swimming pools as an accessory to a residential use.
13. Private unlighted residential tennis courts on the same lot, as an accessory to a residential use.
14. An accessory use customarily related to a principal use authorized in this district.
15. Temporary concrete batching plants limited to the period of construction, upon approval of location and operation of the Building Official.

C. Conditional Uses: (Require Use Permits, See Article IV)

1. Semi-public uses as defined.
2. Institutional uses, including day care centers with more than 4 children as defined.
3. Associated recreation and/or community clubs.
4. Guest houses, or separate servant quarters.
5. A mobile home on an unsubdivided tract of five acres or more, subject to the conditions established in Article IV.
6. Storage building larger than two hundred twenty-five (225) square feet and ten (10) feet in height used as accessory to a residential use on the same lot.
7. Facilities for railroads or those utilities holding a franchise under the City of Rockwall.
8. Paved parking facilities for nonresidential uses that are not allowed in this district if properly screened, buffered, and landscaped.
9. Private residential tennis court used as an accessory to a residential use if not located on the same lot or utilizing lights.

D. Prohibited Uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.
2. The storage of equipment, material or vehicles, including abandoned vehicles which are not necessary to the uses permitted in this district.
3. A driveway or crosswalk way, as distinct from a dedicated street, to provide access to premises in a Commercial or Industrial District.
4. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

E. Area Requirements:

1. Minimum lot area -
 - a) With sewer - 7,000 square feet
 - b) Without sewer - 65,340 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 - 60 feet
5. Minimum lot depth - 100 feet
6. Minimum depth of front setback - 20 feet
7. Minimum depth of rear setback - 10 feet
8. Minimum width of side setback -
 - a) Internal lot - 6 feet
 - b) Sideyard setback abutting street - 15 feet
 - c) Abutting an arterial - 20 feet
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

8. Nurseries, greenhouses, and gardens, as an accessory to a residential use on the same lot where the products are not to be sold.
9. Day care centers with less than 4 full time children enrolled at any time except in townhouses.
10. Paved automobile parking areas which are necessary to the uses permitted in this district.
11. Home occupations as defined in this ordinance.
12. All municipally owned or controlled facilities, utilities, and uses.
13. Private residential swimming pool as an accessory to a residential use.
14. Private unlighted residential tennis court on the same lot, as an accessory to a residential use.
15. An accessory use cutomarily related to a principal use authorized in this district.
16. Temporary concrete batching plants limited to the period of construction, upon approval of location and operation of the Building Official.

C. Conditional Uses: (Require Use Permits, See Article IV)

1. Semi-public uses as defined.
2. Institutional uses , including day care centers with 4 children or more, except in townhouses as defined.
3. Associated recreation and/or community clubs.
4. Guest houses, or separate servants quarters.
5. A mobile home on an unsubdivided tract of five acres or more, subject to the conditions established in Article IV.
6. Facilities for railroads or those utilities holding a franchise under the City.
7. Storage buildings larger than two hundred twenty-five (225) square feet and ten (10) feet in height used as an accessory to a residential use on the same lot.
8. Paved parking facilities for nonresidential uses that are not allowed in this district provided they are properly screened, buffered and landscaped.
9. Construction offices occupying mobile homes.

9. Private residential tennis court used as an accessory to a residential use if not located on the same lot or utilizing lights.

D. Prohibited Uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.
2. The storage of equipment, material or vehicles, including abandoned vehicles, which are not necessary to the uses permitted in this district.
3. A driveway or crosswalk way, as distinct from a dedicated street to provide access to premises in a Commercial or Industrial District.
4. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

E. Area Requirements

1. Minimum lot area - 3,000 square feet
2. Maximum number of single family dwelling units per lot - 1
3. Minimum square footage per dwelling unit - 800 square feet
4. Minimum lot frontage on a public street -
 - a) Internal lot - 25 feet
 - b) Corner lot - 30 feet
5. Minimum lot depth - 100 feet
6. Minimum depth of front setback -
 - a) Front Entry Garage - 20 feet
 - b) Rear or Side Entry Garage - 15 feet
7. Minimum depth of rear setback - 7½ feet
8. Minimum width of side setback* -
 - a) Abutting Structures separated by fire retardant walls - 0 feet
 - b) Internal lot - 5 feet
 - c) Zero lot line abutting adjacent side yard - 0 feet

d) Side yard setback abutting street - 10 feet

e) Abutting an arterial - 20 feet

*Townhouses separated by fire retardant walls meeting the requirements of the building code may build to the property line where such structures abut.

9. Minimum separation between attached buildings - every 250 feet there shall be a minimum of 20 feet between buildings.
10. Minimum distance between buildings on the same lot or parcel of land - 10 feet
11. Minimum length of driveway pavement from the public right-of-way on side or rear yard - 20 feet
12. Maximum building coverage as a percentage of lot area - 60%
13. Minimum amount of permanent, landscaped open space - 10% of total lot
14. Maximum number of attached units - 8 units up to a maximum of 250 feet.
15. Maximum density - 8 units per gross acre.
16. Maximum height of structures - 36 feet

*Where a structure exceeds twenty-five (25) feet in height, each unit shall be set back from the front property line one (1) additional foot for each foot above twenty-five (25) feet.
17. Minimum number of off-street parking spaces required for
 - a) One single family attached or detached dwelling unit-
 - 1) Rear or Side Entry Garage - 2 spaces
 - 2) Front Entry Garage - 2.5 spaces
An enclosed garage shall not be considered in meeting the off street parking requirements.
 - b) All other uses - See Off-street Parking, Article V .
18. See Article VIII, Sections 8.1 to 8.4 for further clarification, and exceptions and modifications.

SECTION 2.6 (2-F) DUPLEX RESIDENTIAL 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 almost twice the density of a typical single family development, and to adjust the area requirements 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 nonresidential uses, and protected from high volumes of non-residential traffic, or from pollution and/or environmental hazards.

B. Permitted Uses:

1. One single family detached dwelling, except guest houses on a lot. Structures must meet the requirements of the SF-7 District.
2. One duplex on a lot with fire retardant walls separate utility meters, and separate sewer lines.
3. One attached townhouse unit with fire walls on an individual lot with a maximum of two attached units on two separate lots and meeting the requirements of the T-H District.
4. One Duplex (two units) Condominium on a lot with fire retardant walls and separate utilities.
5. One portable building per dwelling unit not larger than one hundred (100) square feet of floor area nor taller than ten (10) feet in height, used as an accessory to a residential use on the same lot.
6. Storage buildings not larger than one hundred (100) square feet of floor area nor taller than ten (10) feet in height, used as an accessory to a residential use on the same lot.
7. Temporary real estate sales offices located on property being sold, limited to the period of sale with a two year initial period and one year extension being authorized by the Planning and Zoning Commission, such offices to be maintained at all times.

8. Temporary on site construction offices, limited to the period of construction, with a two year initial period and one year extension being authorized by the Planning and Zoning Commission, such offices to be maintained at all times.
 9. Nurseries, greenhouses and gardens, accessory to a residential use on the same lot where the products are not to be sold.
 10. Day care centers with less than four full time children enrolled at any one time, except in townhouses.
 11. Paved automobile parking areas which are necessary to the uses permitted in this district.
 12. All municipally owned or controlled facilities, utilities, and uses.
 13. Private residential swimming pool as an accessory to a residential use.
 14. Private unlighted tennis court on the same lot, as an accessory to a residential use.
 15. Home occupations as defined in this ordinance.
 16. An accessory use customarily related to a principal use authorized in this district.
 17. Temporary concrete batching plants limited to the period of construction, upon approval of location and operation of the Building Official.
- C. Conditional Uses: (Require Use Permits, See Article IV)
1. Semi-public uses as defined.
 2. Institutional uses , including day care centers with 4 children or more, except in townhouses as defined.
 3. Associated recreation and/or community clubs.
 4. Guest houses, or separate servant quarters.
 5. A mobile home on an unsubdivided tract of five acres or more, subject to the conditions established in Article IV.
 6. Facilities for railroads or those utilities holding a franchise under the City.
 7. Paved parking facilities for nonresidential uses that are not allowed in this district if properly screened, buffered, and landscaped.

8. Private residential tennis court used as an accessory to a residential use if not located on the same lot or utilizing lights.

D. Prohibited Uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.
2. The storage of equipment, material or vehicles, including abandoned vehicles, which are not necessary to the uses permitted in this district.
3. A driveway or crosswalk way, as distinct from a dedicated street, to provide access to premises in a Commercial or Industrial District.
4. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage, or density per gross acre as required.

E. Area Requirements

1. Single family detached units shall meet the area requirements of the SF-7 district.
2. Townhouses shall meet the area requirements of the T-H District.
3. Minimum lot area - 7,000 square feet
4. Maximum number of single family detached dwelling units per lot - 1
5. Minimum square footage per dwelling unit - 800 square feet
6. Minimum lot frontage on a public street - 60 feet
7. Minimum lot depth - 100 feet
8. Minimum depth of front setback - 20 feet
9. Minimum depth of rear setback - 10 feet
10. Minimum width of side setback -
 - a) Abutting Structures - separated by fire retardant walls - 0 feet
 - b) Internal lot - 6 feet*

*Townhouses separated by firewalls meeting the requirements of the building code may build to the property line where such structures abut.

- c) Sideyard setback abutting street - 15 feet
- d) Sideyard setback abutting an arterial - 20 feet
- 11. Minimum distance between buildings on the same lot or parcel of land - 10 feet
- 12. Minimum length of driveway pavement from the public right-of-way on a side or rear yard - 20 feet
- 13. Maximum building coverage as a percentage of lot area - 45% of lot area.
- n. Maximum height of structures - 36 feet*

*Where a structure exceeds twenty-five (25) feet in height, each unit shall be set back from the front property line one (1) additional foot for each foot above twenty-five (25) feet.

- 14. Minimum number of paved parking spaces required for
 - a) Each residential dwelling unit - 2 spaces
An enclosed garage shall not be considered in meeting the off street parking requirements.
 - b) All other uses - See Off-street Parking, Article V
- 15. See Article VIII, Sections 8.1 to 8.4 for further clarification, and exceptions and modifications.

SECTION 2.7 (MF-15) MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

A. Purpose:

1. The (MF-15) Medium Density Multi-family District is established to provide adequate space and site diversification for medium density areas.
2. This zone allows medium density developments, and should be located where additional requirements for streets, water and fire protection, wastewater, drainage, and adequate open space are met. MF-15 uses should not run traffic over long distances of single-family residential sized streets, or through single family neighborhoods, and should be located close to arterials or collectors capable of carrying the additional traffic.
3. Multi-family developments are not necessarily a buffer between single family and commercial uses, and should be properly buffered from nonresidential land uses and traffic, or from pollution and/or environmental hazards.

B. Permitted Uses:

1. Duplexes meeting the requirements of the (2-F) Duplex Residential District.
2. One Townhouse, patio home, or zero lot line home per lot. Structures must meet the area requirements of T-H District.
3. Triplexes, quadraplexes.
4. Condominiums providing evidence of meeting all state regime requirements.
5. Apartments.
6. Storage buildings used as an accessory to a residential use on the same lot.
7. Temporary real estate sales offices located on property being sold, limited to the period of sale of the lots with a two year initial period and one year extensions being authorized by the Planning and Zoning Commission, such office to be maintained at all times.
8. Temporary on site construction offices limited to the period of construction, with a two year initial period and one year extension being authorized by the Planning and Zoning Commission, such office to be maintained at all times.
8. Nurseries, greenhouses and gardens, where the products are not to be sold.

10. Day Care centers with less than 4 full time children enrolled at any one time except in townhouses and apartments.
11. Paved automobile parking areas which are necessary to the uses permitted in this district.
12. Home occupations as defined in this ordinance.
13. Municipally owned or controlled facilities, utilities, and uses.
14. An accessory use customarily related to a principal use authorized in this district.
15. Accessory recreational uses such as tennis courts, swimming pools, designed for use by residents of a specific project. Lighting for such uses shall be designed so as not to glare across property lines, nor glare into residential areas on the same property.
16. Temporary concrete batching plants limited to the period of construction, upon approval of location and operation of the Building Official.

C. Conditional Uses: (Require Use Permits. See Article IV)

1. Single family residential uses.
2. Institutional uses as defined herein.
3. Semi-public uses as defined herein.
4. Associated recreation and/or community clubs. Such uses shall be included in calculating the coverage requirements of this district.
5. A mobile home on an unsubdivided tract of five acres or more, meeting the conditions established in Article IV.
6. Facilities for railroads or those utilities holding a franchise under the City of Rockwall.
7. Portable buildings on the same lot.
8. Retail area to serve only the residents of a specific multi-family development in projects over 500 units.
9. Paved parking facilities for nonresidential uses not allowed in this district, if properly screened, buffered, and landscaped.
10. On-site construction offices occupying mobile homes.

11. Day care centers with more than 4 full time children enrolled at any one time except in townhouses and apartments.

D. Prohibited Uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.
2. The storage of equipment, material or vehicles, including abandoned vehicles, which are not necessary to the uses permitted in this district.
3. A driveway or crosswalk way, as distinct from a dedicated street, to provide access to premises in a Commercial or Industrial District.
4. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

E. Area Requirements:

1. Townhouses shall meet the requirements of the T-H District. Only one townhouse will be allowed per lot.
2. Duplexes shall meet the requirements of the 2-F District, with only one duplex per lot.
3. Minimum site area - 10,000 square feet
4. Minimum lot area - 2,000 square feet of lot per unit
5. Maximum density per gross acre - 15 units/acre
6. Minimum lot frontage on a public street - 60 feet
7. Minimum lot depth - 100 feet
8. Minimum depth of front setback - 25 feet
9. Minimum depth of rear 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.

10. Minimum width of side 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) Internal lot - 10 feet for a one story structure or 15 feet for structures two or more stories in height.
 - c) Sideyard setback abutting street - 15 feet
 - d) Abutting an arterial - 20 feet
11. Minimum distance between buildings on the same lot or parcel of land -

10 feet from main to accessory buildings
20 feet for 2 main buildings with doors or windows in facing walls
15 feet for 2 main buildings without doors or windows in facing walls
12. Maximum building coverage as a percentage of lot area - 45%
13. Minimum amount of permanent, landscaped open space - 20% of total lot area, with 30% of total requirement located in the required front yard as defined. All required landscaped areas shall be permanently maintained and shall have a irrigation system installed meeting all applicable City codes, and approved by the Building Official.
14. Maximum height of structures - 36 feet
15. Minimum requirements for construction materials
 - a) exterior facade - a minimum of 75% of each building face shall consist of masonry material as defined.
16. Minimum number of paved, striped, off-street parking spaces required for -
 - a) 0 bedroom or efficiency dwelling unit - 1.5 spaces per unit
 - b) 1 bedroom dwelling units - 1.5 spaces per unit
 - c) 2 bedroom dwelling units - 2 spaces per unit
 - d) 3 or more bedroom dwelling units - 2.5 spaces per unit

- e) The average number of parking spaces for the total development shall not be less than 2 spaces per unit.
 - f) All other uses - See Off-street Parking, Article V
17. Lots with more than 5 dwelling units that have a side or rear contiguous to an SF-16, SF-10, SF-7, T-H, 2-F district, must be separated by a buffer as established in Article VI.
18. See Article VIII, for clarifications, modifications and exceptions.

F. Required Conditions:

1. Any owner, builder, or developer of a multiple-family or condominium dwelling complex of eight (8) units or more on a single lot or parcel or eight (8) or more single-family townhouse attached units, shall submit to the Planning and Zoning Commission for review and approval, the site and building plan for the proposed development at the time the zoning request is made. In any case, a site plan shall be submitted and approved prior to an application for a building permit. The contents of this site plan shall contain drawings to scale to indicate as needed:
- a) Location of all structures proposed and existing on the subject property and within twenty (20) feet on adjoining property;
 - b) Landscaping and/or fencing of yards and setback areas and proposed changes;
 - c) Design of ingress and egress;
 - d) Location of adjacent zoning districts;
 - e) Off-street parking and loading facilities;
 - f) Height of all structures;
 - g) Proposed uses;
 - h) Location and types of all signs, including lighting and heights;
 - i) Location and type of lighting;
 - j) Fire lanes;
 - k) Solid waste facilities; and
 - l) Utility service locations.

2. The purpose of the site plan review is:
 - a) To insure compliance with the Zoning Ordinance, while allowing for design flexibility;
 - b) To assist in the orderly and harmonious development of the city;
 - c) To protect adjacent uses from obstructions to light, air, and visibility;
 - d) To provide protection from fire;
 - e) To avoid undue concentrations of population and overcrowding of land; and
 - f) To facilitate the adequate provision of transportation, water, sewage, drainage and other public requirements.
3. The Planning and Zoning Commission shall approve an application for a multiple-family dwelling complex if the proposed development meets all the minimum standards established in this ordinance and other applicable ordinances, and if the Commission finds that the proposed development will not be detrimental to the health, safety, or welfare of the surrounding neighborhood or its occupants, or be substantially or permanently injurious to neighboring property. It shall disapprove or conditionally approve any application which fails to meet the above criteria or is in conflict with the Comprehensive Plan or the adopted growth policies of the City.
4. The site plan shall be submitted to the Zoning Administrator or his duly authorized representative prior to the submission to the Planning and Zoning Commission for review as established by the Planning and Zoning Commission. The Zoning Administrator or his designee shall review these plans as quickly as possible, but in no case shall he delay submission beyond one (1) Planning and Zoning Commission meeting.
5. Appeals of the decision of the Planning and Zoning Commission shall be in accordance with Section 13.3, Article XIII.

SECTION 2.8 (MF-20) HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

A. Purpose:

1. The (MF-20) High Density Multi-Family District is established to provide adequate space and site diversification for higher density apartment complexes, and complexes with a number of buildings on the same tract of land.
2. This is a zone for areas that have large unbroken tracts of land suitable for development as large complexes. It is not intended for areas already subdivided into lots, and it is anticipated that developments in this zone will have to plat the property as a whole as part of the development process.
3. Traditional area requirements are inappropriate for this district, so setbacks from lot lines are minimal and there are no restrictions as to the number of residential buildings that may be placed on a lot.
4. This zone allows higher density developments, and should be located where internal streets are wider than single family sized streets, and where there is increased water capacity, fire protection, wastewater and drainage capacity. Adequate open space should be within walking distance (approximately 1/4 mile). Areas should not be zoned to this usage unless they are located on or close to arterials or collectors capable of carrying the additional traffic they will generate. The traffic generated by such uses should not travel through lower density residential areas.
5. Higher density multi-family developments are not a buffer between single family and commercial uses, and should be properly buffered from nonresidential uses, and protected from high volumes of nonresidential traffic, or from pollution and/or environmental hazards.

B. Permitted Uses:

1. One duplex per lot meeting the requirements of the (2-F) duplex residential district.
2. Triplex or quadraplex.
3. One Townhouse per lot. Structures must meet area requirements of T-H District.
4. Condominiums, providing evidence of meeting all State regime requirements.
5. Apartments.

6. Paved parking lots for Multi-Family Residential Use, and other uses permitted in this district.
7. Storage buildings used as an accessory to a residential use on the same lot.
8. Temporary real estate sales offices located on property being sold, limited to the period of sale of the lots with a two year initial period and one year extensions being authorized by the Planning and Zoning Commission, such offices to be maintained at all times.
9. Temporary on site construction offices limited to the period of construction, with a two year initial period and one year extension being authorized by the Planning and Zoning Commission, such offices to be maintained at all times.
10. Nurseries, greenhouses and gardens, where the products are not to be sold.
11. Day care centers with less than 4 full time children enrolled at any one time, except in townhouses, condominiums and apartments.
12. Home occupations as defined by this ordinance.
13. Municipally owned or controlled facilities, utilities or uses.
14. Temporary concrete batching plants limited to the period of construction, upon approval of the Building Official.
15. An accessory use customarily related to a principal use authorized in this district.
16. Accessory recreational uses such as swimming pools, tennis courts designed for use by a specific project's residents. Lighting for such uses shall be designed so as not to glare across property lines, nor glare into residential areas on the same property.

C. Conditional Uses: (Require Use Permits, See Article IV)

1. Institutional uses as defined herein.
2. Semi-public uses as defined herein.
3. Associated recreation and/or community clubs. Such uses shall be included in calculating the coverage requirements of this district.
4. A mobile home on an unsubdivided tract of five acres or more meeting the conditions established in Article IV.
5. Facilities for railroads or those utilities holding a franchise under the City.

6. Retail service areas designed to serve only the residents of a specific multi-family development in projects over 500 units.
7. Portable buildings on the same lot.
8. Paved parking facilities for non-residential uses.
9. On-site construction offices occupying mobile homes.
10. Day care centers with more than 4 full time children enrolled at any one time, except in townhouses, condominiums and apartments.

D. Prohibited Uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.
2. The storage of equipment, material or vehicles, including abandoned vehicles which are not necessary to the uses permitted in this district.
3. A driveway or crosswalk way, as distinct from a dedicated street, to provide access to premises in a Commercial or Industrial District.
4. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

E. Area Requirements:

1. Townhouses shall meet the area requirements of the T-H District. Only one townhouse will be allowed per lot.
2. Duplexes shall meet the area requirements of the 2F Duplex District, only one duplex will be allowed per lot.
3. Minimum site area - 16,000 square feet
4. Minimum lot area per dwelling units per lot
 - a) 0 bedroom or efficiency dwelling units - 1,000 square feet of lot area per unit
 - b) 1 bedroom dwelling units - 1,400 square feet of lot per unit
 - c) 2 bedroom dwelling units - 1,800 square feet of lot per unit
 - d) 3 or more bedroom dwelling units - 2,000 square feet per unit

5. Maximum density per gross acre* - 20 units per acre

*For densities exceeding the maximum in this zone, a PD, Planned Development Zoning will have to be obtained.

6. Minimum lot frontage on a public street - 80 feet

7. Minimum lot depth - 100 feet

8. Minimum depth of front setback - 25 feet

9. Minimum depth of rear setback*

a) abutting 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 - 15 feet

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

10. Minimum width of side 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) Internal lot -

10 feet for one story building

15 feet for all others

c) Sidyard setback abutting street - 15 feet

d) Abutting an arterial - 20 feet

11. Minimum distance between buildings on the same lot or parcel of land -

10 feet from main to accessory buildings

20 feet for 2 main buildings with doors or windows in facing walls

15 feet for 2 main buildings without doors or windows in facing walls

12. Maximum building coverage as a percentage of lot area - 60%

13. Minimum amount of permanent, landscaped open space - 20%, of the total lot area with 30% of the total requirement located in the required front yard as defined. 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.
14. Maximum height of structures - 36 feet.
15. Minimum requirements for construction materials
 - a) exterior facade - a minimum of 75% of each building face shall consist of masonry material as defined.
16. Minimum number of paved, striped off-street parking spaces required for -
 - a) 0 bedroom or efficiency dwelling unit - 1.5 spaces per unit
 - b) 1 bedroom dwelling units - 1.5 spaces per unit
 - c) 2 bedroom dwelling units - 2.0 spaces per unit
 - d) 3 or more bedroom dwelling units - 2.5 spaces per unit
 - e) The average number of parking spaces for the total development shall not be less than 2 spaces per unit.
 - f) All other uses - See Off-street Parking Ordinance, Article V
17. Lots with more than 5 dwelling units that have a side or rear contiguous to an SF-16, SF-10, SF-7, T-H, 2-F district, must be separated by a buffer as established in Article VI.
18. See Article VIII for clarifications, modifications and exceptions.

F. Required Conditions:

1. Any owner, builder, or developer of a multiple-family or condominium dwelling complex of eight (8) units or more on a single lot or parcel or eight (8) or more single-family townhouse attached units, shall submit to the Planning and Zoning Commission for a review and approval, the site and building plan for the proposed development at the time the zoning request is made. In any case, a site plan shall be submitted and approved prior to an application for a building permit.

- a) Location of all structures proposed and existing on the subject property and within twenty (20) feet on adjoining property;
 - b) Landscaping and/or fencing of yards and setback areas and proposed changes;
 - c) Design of ingress and egress;
 - d) Location of adjacent zoning districts;
 - e) Off-street parking and loading facilities;
 - f) Height of all structures;
 - g) Proposed uses;
 - h) Location and types of all signs, including lighting and heights;
 - i) Location and type of lighting;
 - j) Fire lanes;
 - k) Utility locations; and
 - l) Utility service locations.
2. The purpose of the site plan review is:
- a) To insure compliance with the Zoning Ordinance, while allowing for design flexibility;
 - b) To assist in the orderly and harmonious development of the city;
 - c) To protect adjacent uses from obstructions to light, air, and visibility;
 - d) To provide protection from fire;
 - e) To avoid undue concentrations of population and overcrowding of land; and
 - f) To facilitate the adequate provision of transportation, water, sewage, drainage and other public requirements.
3. The Planning and Zoning Commission shall approve an application for a multiple-family dwelling complex if the proposed development meets all the minimum standards established in this ordinance and other applicable ordinances, and if the Commission finds that the proposed development will not be detrimental to the health, safety, or welfare of the surrounding neighborhood or its

occupants, or be substantially or permanently injurious to neighboring property. It shall disapprove or conditionally approve any application which fails to meet the above criteria or is in conflict with the Comprehensive Plan or the adopted growth policies of the City.

4. The site plan shall be submitted to the Zoning Administration or his duly authorized representative prior to the submission to the Planning and Zoning Commission for review as established by the Planning and Zoning Commission. The Building Official or his designee shall review these plans as quickly as possible, but in no case shall he delay submission beyond one (1) Planning and Zoning Commission Meeting.
5. Appeals of the decision of the Planning and Zoning Commission shall be in accordance with Section 13.3, Article XIII.

SECTION 2.9 (Of) OFFICE DISTRICT.

A. Purpose:

1. The Office District (Of) is established to create a restrictive district for "clean," attractive, low intensity office or professional uses, and is considered the "highest" commercial district.
2. The uses allowed in this district should not have an adverse effect on adjacent residential areas, and may be located close to all types of residential uses, with appropriate buffers and landscaping. Uses with excessive amounts of traffic, noise, or litter, or with late night hours are not suitable for this district.
3. Because the uses in this district are intended to be low intensity uses that are compatible with residential areas and will not create excessive amounts of traffic, it may be suitable for shallow depth lots or residential sized lots along a major thoroughfare when developed in accordance with the comprehensive plan. Uses in this district may also be located on streets with potential congestion problems.
4. The low intensity commercial uses allowed in this district are still more intensive than nearly all types of residential developments. Areas should not be zoned to this usage unless they are located on or close to arterials or collectors capable of carrying the additional traffic they will generate, and where there is increased water, fire protection, wastewater, and drainage capacity. Although such uses may locate adjacent to residential areas, they still must be buffered and landscaped to protect such adjacent areas. The traffic from such uses should not travel any long distances over residential sized streets or through residential areas.
5. In order to encourage a high standard of office development and to make sure such uses are compatible with adjacent residential districts, the area requirements are more restrictive than for office development in other districts, especially when such uses abut residential areas.

B. Permitted Uses:

1. Office buildings for professional occupations including: executive, administrative, legal, accounting, writing, clerical, stenographic, drafting, and real estate.
2. Medical offices, including clinics, where activities are conducted within a totally enclosed building.

3. Banks, credit unions, savings and loan associations.
4. Municipally owned or controlled facilities, utilities, and uses.
5. Other uses similar to the above.
6. An accessory use customarily related to a principal use authorized in this district such as a pharmacy or apothecary shop, stores limited to corrective garments or bandages, or optical company or eating establishments excluding private clubs for the sale of alcoholic beverages accessory to the office complex for the convenience of the occupants and clients may be permitted, provided it is within the building to which it is accessory and does not have a direct outside entrance for customers.
7. Drive-in windows that are accessory to permitted uses in this district.
8. Paved parking lots, not including commercial parking lots.
9. Agricultural uses on unplatted land, in accordance with all other adopted ordinances.
10. Institutional uses as defined herein.
11. Temporary concrete batching plant limited to the period of construction, upon approval of location and operation by the Building Official.
12. Temporary on site construction offices, limited to the period of construction, upon approval of the Building Official.

C. Conditional Uses: (Require Use Permits, See Article IV.)

1. Buildings with exterior facing having more than 10% combustible materials or structural construction materials of a combustible nature.
2. Any structure over 36 feet in height.
3. Residential uses incorporated in the structure as accessory uses to the main uses in this district.
4. A mobile home on an unsubdivided tract of five acres or more, or used as a temporary office.
5. Semi-public uses as defined herein.
6. Funeral homes.

7. Facilities for railroads or those utilities holding a franchise under the City of Rockwall not allowed as permitted uses.

D. Required Conditions

1. All business operations including storage shall be conducted within a completely enclosed building (except for off street parking or loading).
2. Any owner, builder, or developer of a tract or parcel of land fronting on or adjacent to any roadway designated by the City Council as a principal roadway including Interstate 30, FM 740, Highway 205 and Highway 66, shall submit, prior to issuance of a building permit, to the Planning and Zoning Commission and the City Council for review and approval, a site and building plan for the proposed development. The contents of this site and building plan shall comply with the requirements as specified in Article III. Upon approval, such development shall comply with approved site plan.

E. Prohibited Uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.
2. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

F. Area Requirements:

1. Minimum site size - 6,000 square feet
Adjacent to Interstate 30 - 1 acre
2. Minimum site frontage on a public street - 50 feet
Adjacent to Interstate 30 - 200 ft.
3. Minimum site depth - 100 feet
Adjacent to Interstate 30 - 200 feet
4. Minimum depth of front setback - 25 feet
Adjacent to Interstate 30 or other arterial - 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 setback -
 - a) Without fire retardant wall - 6 feet
 - b) With fire retardant wall - 0 feet
 - c) Abutting residentially zoned property - 20 feet
 - d) Abutting I-30 or arterial - 25 feet from future ROW as shown on the adopted thoroughfare plan or as actually exists, whichever is greater
 - e) Abutting all other streets - 20 feet
6. Minimum depth of rear setback -
 - a) Abutting non-residentially zoned property, with fire retardant wall and alley separating - 0 feet
 - b) Without fire retardant wall, or alley, or abutting residential 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. Minimum requirement for construction materials -
 - a) Structures - all structural materials shall consist of 100% non-combustible materials
 - b) Exterior building facing - each building facing shall consist of 90% masonry materials as defined herein.
9. Maximum building coverage as a percentage of lot area - 40%
10. Maximum amount of impervious coverage as a percentage of lot area - 80%
11. Minimum amount of landscaped areas as a percentage of total lot area - 20%, with 20% of the total requirement located in the required front yard. All required landscaped areas shall be permanently maintained and shall have irrigation system installed meeting all applicable City codes and approved by the Building Official.
12. Maximum floor area ratio - 2:1
13. Maximum height of structures - 60 feet. Any structure over 36 feet shall require a conditional use permit. If

building height exceeds 36 ft., the building shall be set back 1/2 the height of the building which exceeds 36 feet from all lot lines abutting residentially zoned property. In no case shall more than a 50 foot set back be required.

14. Minimum number of paved off-street parking spaces required - See Off-street Parking, Article V. Off street parking shall not be permitted in the required front yard in this district.
15. Maximum number of entrances and/or exits -
 - a) On arterial streets - 1 per each 200 feet of street frontage per site.
 - b) On collector streets - 1 per each 100 feet of street frontage per site.
 - c) on local streets - 1 per each 50 feet of street frontage per site.
16. 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.
17. The building code may impose more restrictive area requirements depending on the size, use and construction of the structures. See Article VIII, for further clarification, exceptions, and modification.

SECTION 2.10 (NS) NEIGHBORHOOD SERVICE 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. The City will not zone for NS usage in advance unless asked to do so by the property owner. This district could, therefore, be considered a "floating zone".
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 1/2 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:

Planned neighborhood convenience centers with any of the following permitted uses, provided the site is not larger than two (2) acres.

1. Generally recognized retail businesses which supply commodities on the premises for persons residing in adjacent residential areas, such as groceries, meats, dairy products, baked goods, clothing and notions, or hardware and similar uses.
2. Personal services establishments that perform services on the premises such as: repair shops (watches, radios, TV,

shoes, etc.), tailor shops, beauty parlors or barber shops, photographic studios and self-service laundries; and similar uses but not including automotive repair services, and similar type uses.

3. Dry cleaning establishments or pickup stations dealing directly with consumers. Central dry cleaning plants servicing more than one retail outlet are not permitted.
4. Personal services including the following: outpatient medical clinics, offices of doctors, dentists, osteopaths and similar or allied professions.
5. Agricultural use of unplatted land in accordance with all other adopted ordinances.
6. Temporary construction office limited to the period of construction, upon approval of the Building Official.
7. An accessory use customarily related to a principal use authorized in this district.
8. Other uses similar to the above.
9. Paved parking lots for permitted uses.

C. Conditional Uses: (Require Use Permits, See Article IV)

1. Residential uses incorporated in the structure as accessory uses to the main uses in this district.
2. Any structure over one story in height.
3. Buildings with exterior facing with more than 10% combustible materials or structural construction materials of a combustible nature.

D. Required Conditions:

1. All business establishments other than those selling a service shall be retail service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail prices on premises where produced.
2. All business operations including storage shall be conducted within a completely enclosed building (except for off-street parking or loading).
3. Any owner, builder, or developer of a tract or parcel of land fronting on a roadway designated by the City Council as a principal roadway including Interstate 30, FM 740, Highway 205, and Highway 66, shall submit, prior to issuance of a building permit, to the Planning and Zoning Commission and the City Council for review and approval,

- b) Exterior building facing - each building facing shall consist of 90% masonry materials as defined herein.
9. Maximum building coverage as a percentage of lot area - 40%
10. Maximum amount of impervious coverage as a percentage of lot area - 80%
11. Minimum amount of landscaped areas as a percentage of lot area - 20% with 20% of total requirement located in the required front yard. All required landscaped areas shall be permanently landscaped and shall have an irrigation system installed meeting all applicable City codes and approved by the Building Official.
12. Maximum height of structures - 36 feet. Any structure over one story shall require a conditional use permit.
13. Minimum number of paved off-street parking spaces required - See Off-street Parking, Article V
14. Maximum number of entrances and/or exits -
- a) Arterial streets - 1 per site per each 200 feet of street frontage per site
 - b) Collector streets - 1 per site per each 100 feet of street frontage per site
 - c) Local streets - 1 per site per each 50 feet of street frontage per site.
15. 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 residential district by a buffer as defined.
16. The building code may impose more restrictive area requirements depending on the size, use and construction of the structures. See Article VIII, for further clarification, exceptions, and modification.

SECTION 2.11 (GR) GENERAL RETAIL 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. 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 are not included in this district.
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 arterials or major collectors. There will be restrictions on access to prevent traffic congestion or an adverse effect on major thoroughfares.
3. Areas should not be zoned to this usage unless they are located on or close to arterials 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. It is not intended that this district should be utilized along Interstate 30.
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 area requirements are stringent and require as high a standard of development as the O and NS districts.

B. Permitted Uses:

1. Office buildings.
2. Any retail businesses, personal services, professional service, or business service conducted within a completely enclosed building, except the following: lumberyards or contractor yards, farm equipment or other heavy equipment sales or service, farm products warehousing and storage or stockyards, general warehousing or storage.
3. Planned shopping centers of less than 10 acres and neighborhood convenience centers.
4. Eating establishments without drive in facilities excluding private clubs for the sale of alcoholic beverages.

2. Minimum site frontage on a public street - 60 feet
adjacent to I-30 - 200 feet
3. Minimum site depth - 100 feet
adjacent to I-30 - 200 feet
4. Minimum depth of front setback - 20 feet from the future
R.O.W. as shown on the adopted thoroughfare plan, or as
actually exists, whichever is greater.
5. Minimum width of side setback -
 - a) Without fire retardant wall - 15 feet
 - b) With a fire retardant wall - 0 feet
 - c) Abutting residentially zoned property - 20 feet
 - d) Abutting I-30 or an arterial - 20 feet from the
future R.O.W. as shown on the adopted thoroughfare
plan, or as actually exists, whichever is greater.
 - e) Abutting all other streets - 15 feet
6. Minimum depth of rear setback -
 - a) Abutting non-residentially zoned property, with fire
retardant wall and alley separating - 0 feet
 - b) Without fire retardant wall or alley, or abutting
residential 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. Minimum requirement for construction materials -
 - a) Structures - all structural materials shall consist
of 100% non-combustible materials.
 - b) Exterior building facing - each building facing
shall consist of 90% masonry materials as defined
herein.
9. Maximum building coverage as a percentage of lot area -
40%
10. Maximum amount of impervious coverage as a percentage of
lot area - 90%

11. Minimum amount of landscaped areas as a percentage of lot area - 10% with 20% of the total requirement located in the required front yard. 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.
12. Maximum floor area ratio - 2:1
13. Maximum height of structures - 120 feet. Any structure which exceeds 60 feet shall require a conditional use permit. If the building height exceeds 36 feet, the building shall be set back 1/2 the height of the building which exceeds 36 feet from any lot line that abuts residentially zoned property. In no case shall more than a 50 foot setback be required.
14. Minimum number of paved off-street parking spaces required - See Off-street Parking Article V
15. Maximum number of entrances and/or exits -
 - a) Arterial streets - 1 per each 200 feet of street frontage.
 - b) Collector streets - 1 per each 100 feet of street frontage.
 - c) Local streets - 1 per each 50 feet of street frontage per site.
16. Lots with non-residential uses that have a side or rear contiguous to or separated only by an alley, easement or street, from any residential district must be separated from such district by a buffer as defined.
17. The building code may impose more restrictive area requirements, depending on the size, use and construction of the structures.
See Article VIII, for further clarification, exceptions and modifications.

SECTION 2.12 (C) COMMERCIAL 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 arterials 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, lumber yards, 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 arterials or major collectors.
3. Areas should not be zoned to this usage unless they are located on or close to arterials 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 area requirements are less stringent and do not require as high a standard of development as the OF, NS and GR districts.

B. Permitted Uses:

1. Office buildings and accessory uses.
2. Any retail businesses, personal services, professional service, business services conducted within a completely enclosed building, except the following: lumberyards or contractor yards, farm equipment or other heavy equipment sales or service, farm products warehousing and storage or stockyards, general warehousing or storage.
3. Planned shopping centers and neighborhood convenience centers.

4. Hotel, motel.
5. Eating establishments excluding private clubs for the sale of alcoholic beverages.
6. Institutional uses as defined herein.
7. Drive-in businesses.
8. Municipally owned or controlled facilities, utilities, and uses.
9. Printing, publishing, and allied products manufacturing accessory to such use.
10. Rail and motor vehicle transportation passenger terminals.
11. Gasoline service stations, or retail outlets where gasoline products are sold.
12. Telephone, telegraph, television, radio or similar media stations, centers, studios, but not including public microwave, radio, and television towers.
13. Any wholesale trade, or wholesale trade accessory to any permitted retail operation except the following: raw cotton grain, hide, skins and raw furs, tobacco, wool or mohair, livestock, commercial or industrial machinery or supplies, building supplies and lumberyards, metals and minerals, petroleum bulk stations and terminals, scrap or junk waste materials.
14. Automotive repair, accessory to a permitted retail use, provided all work is conducted wholly within a completely enclosed building. That portion of the land used for open storage of vehicles shall be paved according to applicable city codes, and totally obscured by a wall or fence.
15. Agricultural use of unplatted land in accordance with all other adopted ordinances.
16. Temporary concrete batching plant limited to the period of construction upon approval of location and operation by the Building Official.
17. Temporary on site construction offices limited to the period of construction and approved by the Building Official.
18. Other uses similar to the above.
19. Paved parking lots, not including commercial parking lots.

20. An accessory use customarily related to a principal use authorized in this district.
21. Car wash, auto laundry.
22. Funeral homes.

C. Conditional Uses: (Require Use Permits, See Article IV).

1. New car dealership.
2. Amusement parks, circus or carnival grounds, commercial amusement or recreation developments, in accordance with all other applicable ordinances, and located more than 300 feet from any residentially zoned land.
3. Semi-public uses as defined herein.
4. Microwave, radio and television towers.
5. Any structure over 120 feet in height.
6. Buildings with exterior facing with more than 10% combustible materials, or structural construction materials of a combustible nature.
7. A mobile home on an unsubdivided tract of five acres or more or used as a temporary construction office
8. Facilities for railroads or those utilities holding a franchise under the City of Rockwall not allowed as permitted use.

D. Required Conditions:

1. 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 produced.
2. All business operations including storage shall be conducted within a completely enclosed building (except for off street parking and loading, and incidental display of retail items for sale) excluding retail outlets where gasoline products are sold and drive in businesses.
3. Any owner, builder, or developer of a tract or parcel of land fronting on or adjacent to a roadway designated by the City Council as a principal roadway, including Interstate 30, FM 740, Highway 205, and Highway 66, shall submit, prior to issuance of a building permit, to the Planning and Zoning Commission and the City Council for review and approval, a site and building plan for the proposed development. The contents of this site and

building plan shall comply with the requirements as specified in Article III. Upon approval such development shall comply with approved site plan.

E. Prohibited Uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.
2. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.
3. The storage, sale, lease, or rental of more than one (1) boat, or more than five (5) hauling trailers is prohibited.

F. Area Requirements:

1. Minimum site size - 10,000 square feet
Adjacent to Interstate 30 - 1 acre
2. Minimum site frontage on a public street - 60 feet
Adjacent to Interstate 30 - 200 feet
3. Minimum site depth - 100 feet
Adjacent to Interstate 30 - 200 feet
4. Minimum depth of front setback - 25' from the future right-of-way as shown on the adopted thoroughfare plan, or as actually exists, whichever is greater.
5. Minimum width of side setback -
 - a) Without fire retardant wall - 15 feet
 - b) With a fire retardant wall - 0 feet
 - c) Abutting residentially zoned property - 20 feet
 - d) Abutting Interstate 30 or an arterial street - 25 feet from the future width of the right-of-way as shown on the adopted thoroughfare plan, or as actually exists, whichever is greater.
 - e) Abutting all other streets - 15 feet from the future width of the right-of-way as shown on the adopted thoroughfare plan, or as actually exists, whichever is greater.
6. Minimum depth of rear setback -
 - a) Abutting non-residentially zoned property, with retardant wall and alley separating - 0 feet

- b) Without fire retardant wall or alley or 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. Minimum requirement for construction materials -
 - a) Structures - all structural material shall consist of 100% non-combustible materials.
 - b) Exterior building facing - each building shall consist of 90% masonry materials as defined herein.
- 9. Maximum building coverage as a percentage of lot area - 60%
- 10. Maximum amount of impervious coverage as a percentage of lot area - 95%
- 11. Minimum amount of landscaped areas as a percentage of lot area - 5% with 20% of total requirement located in the required front yard. 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.
- 12. Maximum floor area ratio - 4:1
- 13. Maximum height of structures - 240 feet. Any structure exceeding 120 feet in height shall require a conditional use permit. If building height exceeds 36 feet, the building shall be set back 1/2 the building height from any lot line abutting residentially zoned property. In no case shall more than a 50 foot setback be required.
- 14. Minimum number of paved off-street parking spaces required - See Off-street Parking Article V.
- 15. Maximum number of entrances and/or exits -
 - a) Arterial streets - 1 per each 200 feet of street frontage per site.
 - b) Collector streets - 1 per each 100 feet of street frontage per site.
 - c) Local streets - 1 per each 50 feet of street frontage per site.

16. Lots with non-residential uses that have a side or rear contiguous to or separated only by an alley, easement or street, from any residential district must be separated from such district by a buffer as defined.
17. The building code may impose more restrictive area requirements, depending on the size, use and construction of the structures. See Article VIII for further clarification, exceptions and modifications.

SECTION 2.13 (CBD) CENTRAL BUSINESS DISTRICT

A. Purpose:

1. The Central Business District is established to accommodate the existing development in the central area of the city, and to protect the character of the CBD. It recognizes the unique characteristics of the downtown and its space limitations.
2. The use of this district should be limited to those areas that are currently developed as the downtown. Areas that do not have additional on-street parking, or have sufficient room for off-street parking, or that do not have any trouble meeting the requirements of the General Retail District, or that are on the fringe of the CBD should be zoned General Retail District, and meet the additional area requirements.
3. Existing uses that are part of the Central Business District require less area and off-street parking requirements since the properties in this district have a very high floor area ratio, and very little additional land for landscaping, off-street parking, and setbacks.

B. Permitted Uses:

1. Generally recognized retail businesses which supply commodities on the premises, such as groceries, meats, dairy products, baked goods, clothing and notions, or hardware and similar uses.
2. Personal services establishments which perform services on the premises such as: repair shops (watches, radios, TV, shoes, etc.), tailor shops, beauty parlors or barber shops, photographic studios and similar uses but not including automotive repair services.
3. Small job printing and newspaper printing shops.
4. Dry cleaning establishments or pickup stations dealing directly with consumers. Central dry cleaning plants servicing more than one retail outlet are not permitted.
5. Personal services including the following: outpatient medical clinics, offices of physicians, dentists, osteopaths and similar or allied professions.
6. Office buildings for professional occupations including: executive, administrative, legal, accounting, writing, clerical, stenographic, drafting, and real estate, and related accessory uses.

7. Institutional uses as defined herein.
8. Theatres, auditoriums and other similar entertainment facilities.
9. Restaurants excluding private clubs for the sale of alcoholic beverages.
10. Municipally owned or controlled facilities, utilities and uses.
11. Hotels and motels
12. Paved parking lots, including commercial parking lots.
13. Accessory warehousing of goods and materials that are used in the operation of or are for retail sale on the site of any use permitted in this district.
14. Other uses similar to the above.
15. An accessory use customarily related to a principal use authorized in this district.
16. Temporary concrete batching plant limited to the period of construction, upon approval of location and operation by the Building Official.
17. Temporary on site construction offices limited to the period of construction and approved by the Building Official.

C. Conditional Uses: (Require Use Permits, See Article IV)

1. Self service laundries.
2. Residential uses incorporated into the structure as an accessory use to the main uses in this district.
3. Automotive repair garages.
4. Semi-public uses as defined herein.
5. Drive-in business establishments that use a driveway approach or parking spaces for motor vehicles to service patrons while in motor vehicles, rather than within a building or structure, including drive-in restaurants.
6. Any structure which exceeds 120 feet in height.
7. Building with exterior facing with more than 10% combustible materials, or structural construction materials of a combustible nature.

8. Facilities for railroads or those utilities holding a franchise under the City of Rockwall not allowed as permitted uses.

D. Required Conditions:

1. All business establishments other than those selling a service shall be retail service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail prices on premises where produced.
2. All businesses servicing or processing shall be conducted with a completely enclosed building (except for off-street parking or loading and incidental display of retail items for sale).
3. Any owner, builder, or developer of a tract or parcel of land fronting on or adjacent to a roadway designated by the City Council as a principal roadway including Interstate 30, FM 740, Highway 205, and Highway 66, shall submit, prior to issuance of a building permit, to the Planning and Zoning Commission and the City Council for review and approval, a site and building plan for the proposed development. The contents of this site and building plan shall comply with the requirements as specified in Article III. Upon approval, such development shall comply with approved site plan.
4. Veterinary hospitals and clinics are subject to the limitation that all activities be conducted within a totally enclosed building with no open area impoundment and no external effects such as noise or odor which could adversely extend beyond the property lines.

E. Prohibited Uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.
2. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimensions, and/or lot width; or exceeds the maximum height, building coverage, or density per gross acre as required.
3. The storage, sale, lease, or rental of boats, mobile homes, or trailers is prohibited.

F. Area Requirements:

1. Minimum site size - N/A
2. Minimum site frontage on a public street - N/A

3. Minimum site depth - N/A
4. Minimum depth of front setback - 0 feet
5. Minimum width of side setback -
 - a) With fire retardant wall - 0 feet
 - b) Without a fire retardant wall - 15 feet
 - c) Abutting residentially zoned property - 20 feet
 - d) Abutting a street - 15 feet
6. Minimum depth of rear setback -
 - a) Abutting non-residentially zoned property - with fire retardant wall and alley separating - 0 feet
 - b) Without a 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. Minimum requirement for construction materials -
 - a) Structure - all structural materials shall consist of 100% non-combustible materials
 - b) Exterior building facing - each building shall consist of 90% masonry materials as defined herein.
9. Maximum coverage as a percentage of lot area - 100%
10. Maximum amount of impervious coverage as a percentage of lot area - 100%
11. Minimum amount of landscaped areas as a percentage of lot area - N/A
12. Maximum floor area ratio - 10:1
13. Maximum height of structures - 240 feet. Any structure exceeding 120 feet in height shall require a conditional use permit. If building height exceeds 36 feet, the building shall be set back 1/2 the building height which exceeds 36 feet from any lot line abutting residentially zoned property. In no case shall more than a 50 foot setback be required.

14. Minimum number of paved off-street parking spaces required* - See Off-street Parking, Section V

* Uses in this district requiring less than 20 parking spaces are exempt from the off-street parking requirements.

15. Maximum number of entrances and/or exits -

- a) Arterial streets - 1 per each 200 feet of street frontage per site
 - b) Collector streets - 1 per each 100 feet of street frontage per site
 - c) Local streets - 1 per each 50 feet of street frontage per site
16. Lots with nonresidential uses that have a side or rear contiguous to or separated only by an alley, easement or street, from any residential district must be separated from such district by a buffer as defined.
17. The building code may impose more restrictive area requirements, depending on the size, use and construction of the structures. See Article VIII, for further clarification, exceptions and modifications.

SECTION 2.14 (HC) HEAVY COMMERCIAL DISTRICT

A. Purpose:

1. The Heavy Commercial District is established to provide adequate space and site diversification for commercial establishments which would involve influences 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. Residences and apartments should be discouraged from locating in this district.
3. Areas should not be zoned to this usage 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:

1. Office buildings and accessory uses.
2. Any retail business, personal services, professional services business services.
3. Planned shopping centers and neighborhood convenience centers.
4. Hotel, motel.
5. Restaurants excluding private clubs for the sale of alcoholic beverages.
6. Municipally owned or controlled facilities, utilities, or uses.

7. Institutional uses as defined herein.
8. Drive-in businesses.
9. Car wash, auto laundry.
10. Automotive vehicle sales and service.
11. Gasoline service stations, automotive and other repair services, paint and body shops, excluding wrecking yards.
12. Lumberyards or contractor yards, general warehousing and storage, farm equipment or other heavy equipment sales and service, farm products, warehousing and storage, including miniwarehouses for storage purposes only.
13. Printing, publishing, and allied products manufacturing.
14. Telephone, telegraph, television, radio or similar media stations, centers, studios, but not including public microwave tower, radio and television towers.
15. Rail and motor vehicle transportation passenger and freight terminals, and service centers.
16. Any wholesale trades excluding: raw cotton, grain, hides, skins and raw furs, tobacco, wool or mohair, livestock, commercial or industrial machinery or synthetics, metals and minerals, petroleum bulk stations and terminals scrap or junk waste materials and other raw material processing operations such as cotton gins.
17. Those uses of a commercial, retail or wholesale nature requiring large outdoor loading areas, generating heavy truck or rail traffic and requiring access to major transportation channels and/or creating influences not acceptable in the C District.
18. Accessory structures and uses customarily related incident to the above principal uses authorized in this district.
19. Other uses of similar character.
20. Agricultural uses of unplatted land in accordance with all other adopted ordinances.
21. Temporary concrete batching plants limited to the period of construction upon approval of location and operation by the Building Official.
22. Temporary on site construction offices limited to the period of construction and approval by the Building Official.

23. Paved parking lots including commercial parking lots.

C. Conditional Uses: (Require Use Permits, See Article IV)

1. Radio, television, microwave towers.
2. A mobile home on a unsubdivided tract of five acres or more, or used as a temporary construction office.
3. Amusement parks, circus or carnival grounds, commercial amusement or recreation developments, or tents or other temporary structures for meetings, in accordance with all other applicable ordinances, and located more than 300 feet from any residentially zoned land.
4. Semi-public uses as defined herein.
5. Any structure which exceeds 120 feet in height.
6. Buildings with exterior facing with more than 10% combustible material, or structural construction materials of a combustible nature.
7. Facilities for railroads or those utilities holding a franchise under the City of Rockwall not allowed as permitted uses.

E. Prohibited Uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.
2. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

F. Area Requirements:

1. Minimum site size - 12,500 square feet
Adjacent to I-30 - 1 acre
2. Minimum site frontage on a public street - 100 feet
Adjacent to I-30 - 200 feet
3. Minimum site depth - 125 feet
Adjacent to I-30 - 200 feet
4. Minimum depth of front setback - 50 feet from the future right of way, as shown on the adopted thoroughfare plan, or as actually exists, whichever is greater.

5. Minimum width of side setback -
- a) Without fire retardant wall - 15 feet plus 1/2 the building height over 36 feet,
 - b) With fire retardant wall - 0 feet plus 1/2 the building height over 36 feet,
 - c) Abutting residentially zoned property or sideyards adjacent to streets - 20 feet plus 1/2 the building height over 36 feet,
 - d) Abutting Interstate 30 or an arterial street - 20 feet from the future right-of-way as shown on the adopted thoroughfare plan or as actually exists, whichever is greater, plus 1/2 the building height over 36 feet
 - e) Abutting all other streets - 15 feet from the future right-of-way as shown on the adopted thoroughfare plan, or as actually exists, whichever is greater, plus 1/2 the building height over 36 feet
 - f) In no case shall more than a 50 feet side setback be required.
6. Minimum depth of rear setback -
- a) Abutting non-residentially zoned property, with fire retardant wall and alley separating - 0 feet plus 1/2 the building height over 36 feet.
 - b) Without fire retardant wall or alley or abutting residential property - 20 feet plus 1/2 the building height over 36 feet.
 - c) In no case shall more than a 50 foot rear 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 1/2 the building height over 36 feet,
 - b) With fire retardant wall - 0 feet plus 1/2 the building height over 36 feet,
 - c) In no case shall more than a 50 foot distance between buildings be required.
8. Minimum requirement for construction materials -
- a) Structures - all structural materials shall consist of 100% non-combustible materials.

- b) Exterior building facing - each building shall consist of 90% masonry materials as defined herein.
9. Maximum building coverage as a percentage of lot area - 60%
10. Maximum amount of impervious coverage as a percentage of lot area - 95%
11. Minimum amount of landscaped areas as a percentage of lot area - 5% with 20% of the total requirement located in the required front yard. 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.
12. Maximum floor area ratio - 4:1
13. Maximum height of structures - 240 feet. Any structure exceeding 120 feet in height shall require a conditional use permit. If building height exceeds 36 feet the building shall be set back 1/2 the building height which exceeds 36 feet from all lot lines adjacent to residentially zoned property.
14. Minimum number of paved off-street parking spaces required - See Off-street Parking Article V
15. Maximum number of entrances and/or exits -
- a) Arterial streets - 1 per each 200 feet of street frontage per site
- b) Collector streets - 1 per each 100 feet of street frontage per site
- c) Local streets - 1 per each 50 feet of street frontage per site
16. Lots with non-residential uses that have a side or rear contiguous to or are separated only by an alley, easement or street, from any residential district must be separated from such district by a buffer as defined.
17. The building code may impose more restrictive area requirements, depending on the site, use and construction of the structures. See Article VIII, for further clarification, exceptions and modifications.

SECTION 2.15 (LI) LIGHT INDUSTRIAL DISTRICT

A. Purpose:

1. Industrial development represents a viable part of the economic base in Rockwall, and more is desired. The rapidly changing variety of industry found in Rockwall and the development of modern technology make it appropriate and desirable to provide for standards of industrial performance rather than to attempt to categorize by name. The purpose of this 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. These limitations create a zone that could be considered the "highest and cleanest" industrial zone.
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 within the industrial district to protect the industries from residential complaints.
4. Areas should not be zoned to this usage 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. 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:

1. Any of the following uses when the manufacturing, compounding, or processing of previously prepared materials is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding or processing or for truck loading and unloading shall be totally obscured by a wall on those sides abutting a residentially zoned district, an OF, NS, GR C, or CBD District or adjacent to a street.
 - a) The manufacturing, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, pharmaceutical, plastics, toiletries, food products, hardware and cutlery;
 - b) The manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding saw and planing mills) and yarns;
 - c) The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas, or other fuels that do not pollute;
 - d) Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small molded rubber products;
 - e) Manufacture or assembly of electrical appliances, electronic instruments and devices, radios, and phonographs;
 - f) Laboratories-experimental, film or testing;
 - g) Manufacture and repair of electric or neon signs, sheet metal products, including heating and ventilating equipment, cornices, eaves and the like;
2. Tool, dye, gauge and machine shops.
3. All public utilities, including buildings, necessary structures, storage yards and other related uses.
4. Any retail business, personal services, professional services, or business services.
5. Planned shopping centers and neighborhood convenience centers.

6. Office buildings and accessory uses.
7. Municipally owned or controlled facilities, utilities and uses.
8. Institutional uses, as defined herein.
9. Printing, publishing, and allied products manufacturing.
10. Restaurants excluding private clubs for the sale of alcoholic beverages.
11. Drive in businesses.
12. Gasoline service stations, or retail outlets, where gasoline products are sold.
13. Automotive and other repair services, excluding wrecking yards.
14. Telephone, telegraph, television, radio or similar media stations, studios, but not including public microwave, radio and television towers.
15. Warehousing, miniwarehouses for storage purposes only, and storage.
16. Paved parking lots, including commercial parking lots.
17. Any wholesale trades conducted in an enclosed building.
18. Agricultural uses of unplatted land in accordance with all other ordinances.
19. Other uses of a similar and no more objectionable character to those principal uses permitted subject to any and all provisions of ordinance relating to the use of property within the City of Rockwall.
20. Accessory structures and uses customarily related to the above principal uses authorized in this district, including the residence for a night watchman or caretaker employed on the premises.
21. Temporary concrete batching plants limited to the period of construction upon approval of the location and operation by the Building Official.
22. Temporary on site construction offices limited to the period of construction and approved by the Building Official.

C. Conditional Uses: (Require Use Permits, See Article IV)

1. New car dealerships.
2. Car wash, auto laundry.
3. A mobile home used as the residence of a watchman or caretaker employed on the premises.
4. Amusement parks, circus or carnival grounds, commercial amusements or recreational developments or tents or other temporary structures used for meetings, in accordance with all other applicable ordinances, and located more than 300 feet from the nearest residentially zoned land.
5. Semi-public uses as defined herein.
6. Radio, television and microwave towers.
7. A mobile home on an unsubdivided tract of five acres or more or used as an office.
8. Facilities for railroads or those utilities holding a franchise under the City of Rockwall not allowed as permitted use.

D. Required Conditions

1. All business and manufacturing operations including storage shall be conducted within a completely enclosed building (except for off street parking or loading, and incidental display of wares for sale) excluding retail outlets where gasoline products are sold, unless specifically authorized for the use as listed.
2. Any owner, builder, or developer of a tract or parcel of land fronting on or adjacent to a roadway designated by the City Council as a principal roadway, including Interstate 30, FM 740, Highway 205, and Highway 66, shall submit, prior to issuance of a building permit, to the Planning and Zoning Commission and the City Council for review and approval, a site and building plan for the proposed development. The contents of this site and building plan shall comply with the requirements as specified in Article III. Upon approval, such development shall comply with approved site plan.

E. Prohibited Uses:

1. Any manufacturing use that involves the use and/or storage of substantial amounts of hazardous or flammable materials, such as petroleum products, that in the opinion of the Fire Marshall is a potential hazard based on current fire codes.

2. Any building erected or land used for other than one or more of the preceding specified uses.
3. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.
4. Any use that exceeds the Performance Standards listed in Article IX, or whose external effects create excessive noise, vibration, odor, smoke, pollution, or glare extending beyond the property line.

F. Area Requirements:

1. Minimum site size - 12,500 feet
Adjacent to I-30 - 1 acre
2. Minimum site frontage on a public street - 100 feet
Adjacent to I-30 - 200 feet
3. Minimum site depth - 125 feet
Adjacent to I-30 - 200 feet
4. Minimum depth of front setback - 25 feet from the future width of right-of-way shown on the adopted thoroughfare plan or as actually exists, whichever is greater, plus 1/2 the building height over 36 feet, with a 50-foot maximum.
5. Minimum width of side setback -
 - a) With or without fire retardant wall - 15 feet plus 1/2 the building height over 36 feet.
 - b) Abutting residentially zoned property - 30 feet plus 1/2 the building height over 36 feet.
 - c) Abutting Interstate 30 or an arterial - 20 feet plus 1/2 the building height over 36 feet.
 - d) Abutting all other streets - 15 feet plus 1/2 the building height over 36 feet.
 - e) In no case shall more than a 50 foot side setback be required.
6. Minimum depth of rear setback -
 - a) Abutting non-residentially zoned property, - 15 feet plus 1/2 the building height over 36 feet.
 - b) Abutting residentially zoned property - 30 feet plus 1/2 the building height over 36 feet.

- c) In no case shall more than a 50 foot rear 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 1/2 the building height over 36 feet.
 - b) With fire retardant wall - 0 feet plus 1/2 the building height over 36 feet.
 - c) In no case shall more than a 50 foot distance between buildings be required.
- 8. Minimum requirement for construction materials - Portions of buildings fronting on public streets and within 25 feet of the building line shall have 90% masonry facings as defined herein. All structural materials shall be 100% non-combustible materials.
- 9. Maximum building coverage as a percentage of lot area - 60%
- 10. Maximum amount of impervious coverage as a percentage of lot area - 90%
- 11. Minimum amount of landscape areas as a percentage of lot area - 10% with 20% of the total requirement located within the required front yard. 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.
- 12. Maximum floor area ratio - 2:1
- 13. Maximum height of structures - 120 feet
- 14. Minimum number off-street parking spaces required - See Off-street Parking Article V
- 15. Maximum number of entrances and/or exits -
 - a) Arterial streets - 1 per each 200 feet of street frontage per site.
 - b) Collector streets - 1 per each 100 feet of street frontage per site.
 - c) Local streets - 1 per each 50 feet of street frontage per site.
- 16. Lots with nonresidential uses that have a side or rear contiguous to or separated only by an alley, easement or street, from any residential district must be separated from such district by a buffer as defined.

17. The building code may impose more restrictive area requirements, depending on the size, use and construction of the structures. See Article VIII, for further clarification, exceptions and modifications.

SECTION 2.16 (HI) HEAVY INDUSTRIAL 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, etc. The Heavy Industrial District is intended to provide adequate space and site diversification for such types of developments.
2. The area requirements 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. Residential uses should not be allowed within the district for the same reasons.
3. Areas should not be zoned to this usage 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. 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:

1. Any manufacturing or processing use, including those whose operations are not conducted within a totally enclosed building.
2. The outside storage of materials or equipment that is not screened except when the property abuts a residentially zoned district, an Of, GR, C, CBD, HC or LI District or is adjacent to an arterial or collector street other than an interior street within a project.
3. Laboratories experimental film or testing.
4. All public utilities, including buildings, necessary structures, storage yards, and other related uses.
5. Any retail business, personal services, professional services, or business services.
6. Planned shopping centers and neighborhood convenience centers.

7. Office buildings and accessory uses.
 8. Printing, publishing and allied products manufacturing.
 9. Institutional uses as defined herein.
 10. Car wash, auto laundry.
 11. Restaurants excluding private clubs for the sale of alcoholic beverages.
 12. Drive in businesses.
 13. Gasoline service stations, or retail outlets where gasoline products are sold.
 14. Paved parking lots, including commercial parking lots.
 15. Automotive and other repair services.
 16. Automotive and equipment sales and services.
 17. Telephone, telegraph, television, radio or similar media stations, studios, public microwave, radio and television towers.
 18. Warehousing, miniwarehouses for storage purposes only, and storage.
 19. The residence of a nightwatchman or caretaker employed on the premises, including mobile home.
 20. Any wholesale trades including raw cotton, grain, hides, skins and raw furs, tobacco, wool or mohair, commercial or industrial machinery or synthetics, metals and minerals, and petroleum bulk stations and terminals, but excluding livestock, and slaughterhouses.
 21. Agricultural uses of unplatted land in accordance with all other ordinances.
 22. Accessory uses and structures customarily related to the above principal uses authorized in this district, including a portable structure, used as an office.
 23. Temporary on site construction offices limited to the period of construction upon approval of the Building Official.
- C. Conditional Uses: (Require Use Permits, See Article IV)
1. Semi-public uses as defined herein.
 2. Wrecking and salvage yards when completely screened and buffered from any public street and adjacent property.

The front 25% of the total lot width shall be paved to City specification.

3. Amusement parks, circus or carnival grounds, commercial amusement or recreation developments, or tents or other temporary structures used for meetints, in accordance with all other applicable ordinances, and more than 300 feet from residentially zoned land.
4. The use of hazardous materials in manufacturing or processing operations except for those uses which the Planning and Zoning Commission and/or City Council deems detrimental to the health, safety and/or general welfare of the citizens of Rockwall.

D. Required Conditions

Any owner, builder or developer of a tract or parcel of land fronting on or adjacent to a roadway designated by the City Council as a principal roadway, including Interstate 30, FM 740, Highway 205 and Highway 66, shall submit, prior to the issuance of a building permit, to the Planning and Zoning Commission and the City Council for review and approval, a site and building plan for the proposed development. The contents of this site and building plan shall comply with the requirements as specified in Article III, upon approval, such development shall comply with the approved site plan.

E. Prohibited Uses:

1. Those uses, which in the opinion of the Planning and Zoning Commission and/or City Council would be detrimental to the health, safety, or general welfare of the citizens of Rockwall or to adjacent development.
2. Any building erected or land used for other than one or more of the proceeding specified uses.
3. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.
4. Any use that exceeds the performance standards listed in Article IX, or whose external effects such as excessive noise, vibration, odor, smoke, pollution, or glare extend beyond the property line.

F. Area Requirements:

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 setback - 25 feet plus 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 I-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 setback -
 - a) Without a fire retardant wall - 15 feet plus 1/2 the building height over 36 feet,
 - b) With fire retardant wall - 8 feet plus 1/2 the building height over 36 feet,
 - c) Abutting residential property - 50 feet plus 1/2 the building height over 36 feet,
 - d) Abutting Interstate 30 or an arterial - 25 feet plus 1/2 the building height over 36 feet,
 - e) Abutting all other streets - 15 feet plus 1/2 the building height over 36 feet.
 - f) In no case shall more than a 50 foot side setback be required.
6. Minimum depth of rear setback -
 - a) Abutting non-residentially zoned property, with fire retardant wall and alley separating - 8 feet plus 1/2 the building height over 36 feet,
 - b) Without fire retardant wall or alley - 20 feet plus 1/2 the building height over 36 feet,
 - c) Abutting residential property - 50 feet plus 1/2 the building height over 36 feet,
 - d) In no case shall more than a 50 foot rear 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 1/2 the building height over 36 feet,
 - b) With fire retardant wall - 16 feet plus 1/2 the building height over 36 feet,

- c) In no case shall more than a 50 foot distance between buildings be required.
8. Minimum requirement for construction materials - Portions of buildings fronting on public streets and within 25 feet of the building line shall have 90% masonry facings as defined herein. All structural materials shall be 100% non-combustible materials.
 9. Maximum building coverage as a percentage of lot area - 85%
 10. Maximum amount of impervious coverage as a percentage of lot area - 95%
 11. Minimum amount of landscaped areas as a percentage of lot area - 5% with 20% of the total requirement located within the required front yard.
 12. Required screening - All outside storage shall be screened as herein defined from all public streets.
 13. Maximum floor area ratio - 4:1
 14. Maximum height of structures - 120 feet
 15. Minimum number of off-street parking spaces required - See Off-street Parking Article V
 16. Maximum number of entrances and/or exits -
 - a) Arterial streets - 1 per each 200 feet of street frontage per site
 - b) Collector streets - 1 per each 100 feet of street frontage per site
 - c) Local streets - 1 per each 50 feet of street frontage per site
 17. Lots with nonresidential uses that have a side or rear contiguous to or separated only by an alley, easement, or street, from any residential district must be separated from such district by a buffer as defined.
 18. The building code may impose more restrictive area requirements, depending on the size, use and construction of the structures. See Article VIII, for further clarification, exceptions and modifications.

SECTION 2.17 (PD) PLANNED DEVELOPMENT DISTRICT

A. Purpose:

In certain instances the purposes of the zoning ordinance may be achieved by the development of planned units which do not conform in all respects with the land use pattern designated on the zoning map or the district regulations prescribed by this ordinance or the subdivision ordinance. A planned development (PD) is generally on tracts of land of 5 acres or more any may include 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. The purpose of the district is to encourage creative development of the land, provide locations for well planned comprehensive developments, and provide for variety and flexibility in the development patterns of the City which conform with the purposes of the general plan. The City Council is empowered to grant permits for planned developments only after review and recommendation by the Planning and Zoning Commission under the procedure established herein.

B. Permitted Uses:

The following uses are permitted as part of an approved Planned Development:

1. All uses permitted in all previous districts including, but not limited to:
2. Cluster or zero lot line housing
3. High rise apartments
4. Mobile homes, modular homes, and recreational vehicles
5. Shopping centers
6. Office parks
7. Industrial parks
8. Civic Centers or Community Centers
9. Medical Centers or hospitals
10. Any combination of uses that are compatible with one another
11. Other such uses that lend themselves to planning concepts that may not be allowed in other zoning districts.
12. For purposes of this ordinance, land use designations in a Planned Development will reflect a specific zone classification in determining allowed uses. Other uses

may be considered by the Planning and Zoning Commission and the City Council at the time the ordinance is approved if the additional uses are shown to be compatible to other uses in the development and the surrounding land uses.

C. Prohibited Uses:

1. Any building erected or land used for other than the use shown on the planned development plan, as approved by the City Council, and as recorded with the Building Official.
2. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width, or exceeds the maximum height, building coverage or density per gross acreage as shown in the development's recorded development plan, as approved by the City Council.
3. Any use deemed by the City Council as being detrimental to the health, safety or general welfare of the citizens of Rockwall.

D. Area Requirements:

1. Area requirements for each use shall meet or exceed the maximum and minimum standards applicable to such uses as if those uses were situated in the least restrictive district in which such uses are permitted, or demonstrate that the intent of the standards has been met in accordance with good planning practices.
2. Modification of the area requirements contained in this ordinance may be allowed by the Planning and Zoning Commission and the City Council when all of the following circumstances are met:
 - a) The proposed modifications substantially meet the intent of the Zoning and Subdivision Ordinances and the Comprehensive Plan.
 - b) The proposed modification provides for better project design.
 - c) The combination of different dwelling types and/or the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity.
 - d) The development will not generate more traffic than the streets in the vicinity can carry without congestion and the development will not overload utilities as determined by the City Engineer/Planner.

- e) Financial reasons shall not be the sole reason for modification of standards.
3. In approving the Planned Development Ordinance and Preliminary and/or Development Plan, the City Council shall, after recommendations by the Planning and Zoning Commission, specify such land uses, maximum height, floor area ratios, density, minimum off-street parking and loading standards, setbacks, site coverage, building spacing, access, screening walls or landscaping, building area, open space, pedestrian ways, public or private streets, alleys, and other development and protective requirements considered necessary to protect the health, safety and general welfare, and to create a reasonable transition to and protection from property adjacent to a Planned Development District. Such standards shall be specified in the ordinance establishing the district, and in the Preliminary and the Development Plan.

E. Application Process:

An application for a Planned Development District shall be made to the Planning and Zoning Commission in the same manner that an application for a zone change is made. An application shall include and be accompanied by a Preliminary Plan as required by this section, which shall become a part of the Amending Ordinance. A complete Development Plan as set out in Subsection 2e of this section, may be substituted for a preliminary plan, and will constitute both the preliminary and the development plan. In addition to the requirements outlined in paragraphs 1b and 2e of this section, the Planning and Zoning Commission and City Council may require additional information or special plans related to specific elements of the Planned Development. Upon receipt of the application and Preliminary Plan, the Zoning Administrator or his designated representative shall follow notification requirements for a public hearing as specified in Article XI, Section 11.1.

1. Preliminary Plan

- a) An applicant may submit a Preliminary Plan with the application for a Planned Development District if the applicant is not ready to begin development of part or all of the site. The Preliminary Plan shall contain all information that may be necessary to insure that the development complies with all applicable regulations and requirements.
- b) The Preliminary Plan shall be prepared on a site topography base map at a scale of 1" = 100', or at a scale to be specified by the City Staff, with no less than 5' contour intervals and shall include:
 - (1) A metes and bounds description of the entire Planned Development tract.

- (2) A drawing locating flood plain areas, water bodies, creeks, drainage areas, and significant natural features such as major tree groupings and important view corridors.
- (3) Sufficient evidence to establish that the applicants are in fact all the owners or have control of all outstanding interest of the land and structures thereon.
- (4) A drawing locating all land use areas, showing proposed gross acreages of each use, maximum lot coverages, maximum height, minimum setbacks, residential densities, approximate gross floor area and floor area ratio for all commercial, industrial and office uses.
- (5) Location of all major access points, thoroughfares, and collectors within the development.
- (6) Identification of all major land use classifications and the approximate acreages within the development as related to current zoning district designations or the specific purpose. The designated usage will not be assumed to establish area requirements as established within the zoning district, but these requirements shall be used as guidelines in the final determination of area requirements.
- (7) Indication of each phase of development if the proposed Planned Development is to be in separate phases.
- (8) Indication by acreage or percentage of total development all major areas planned for public and private open space.
- (9) Land area included with the site and the land area of all abutting sites with the zoning classifications thereon, and dimensions and locations of all public and private rights-of-way and easements bounding and intersecting the site.
- (10) Estimates of traffic volumes and turning movements may be required.
- (11) The preliminary plan shall be signed by the applicant's engineer and planner. A location map shall accompany the concept plan, showing the relationship of the planned development to adjacent properties and the land uses and thoroughfares shown on the comprehensive plan and intended for the area.

- c) The application by the owner or owners to the Planning and Zoning Commission for approval of the Preliminary Plan shall be handled in the same manner as any zoning change under the Zoning Ordinance. The applicant shall submit copies of the Preliminary Plan to the Zoning Administrator or his designated representative. After receiving his recommendation, the Planning and Zoning Commission shall make a recommendation to the City Council to either approve or deny the rezoning to Planned Development, and to either approve, modify, or deny the Preliminary Plan and conditions. Upon appeal and hearing before the City Council the City Council may approve or deny the rezoning request and may approve, deny or modify the Preliminary Plan. The Zoning Administrator shall prepare a check list of items to be included on the preliminary plan as submitted to the Planning and Zoning Commission and City Council.

2. Development Plan

- a) An applicant must submit a final development plan which shall be recorded and kept on file by the City. The development plan must conform to the approved Preliminary Plan, either for the total Planned Development District, or for each phase. Consideration of a development plan which does not deviate from the approved Preliminary Plan will not require additional public hearings.
- b) The development plan shall be submitted to the Zoning Administrator in such a manner as prescribed by the officially adopted policies of the Planning and Zoning Commission and shall include a check list of items to be included on the Development Plan as submitted to the Planning and Zoning Commission and City Council.
- c) Major Changes in the development plan shall be considered the same as amendments to the Zoning Ordinance and Preliminary Plan approval and shall be processed as required. The following changes are not considered major changes:
 - 1) Changes that do not alter the basic relationship of the proposed development to adjacent property.
 - 2) Changes that retain the character of the development.
 - 3) Changes that do not significantly alter the uses permitted, or increase the density, setbacks, height, or coverage of the site.

- 4) Changes that do not increase the problems of traffic, circulation, safety, or utility requirements.
- d) Changes that meet these criteria may be approved by the Planning and Zoning Commission and the City Council without public hearing.
- e) If the development plan deviates from the approved preliminary plan and ordinance, the Planning and Zoning Commission and City Council shall reject and disapprove such a plan and conditions and require a new application, filing fee, and advertised public hearing.
- f) The development plan, in addition to those items included in the preliminary plan, shall include or show:
 - 1) The development plan of the entire planned development or of the proposed phase at a scale of 1" = 100', or as specified by city staff and showing the proposed finished grade of the area at 2 foot intervals.
 - 2) In addition to data and drawings prescribed, the application shall be accompanied by a tabulation of the area proposed to be devoted to each land use and a tabulation of the average population density per net acre and per gross acre in the area or areas proposed to be devoted to residential use.
 - 3) A description of the proposed lot or lots and the boundaries thereof, and proposed setbacks on the lots.
 - 4) With the exception of single family dwellings, the location of each existing and each proposed structure in the development, the use or uses to be contained therein, the number of stories, the gross floor area, and the location of entrances and loading points thereof. If a particular type structure is to be built a number of times, a typical lot layout may be substituted.
 - 5) All public rights-of-way, curb cuts, driving lanes, parking areas, loading areas, public transportation areas, and illumination facilities for the same, including existing facilities to be relocated. Design criteria for illumination facilities may be required.

- 6) All pedestrian walks, malls, and open areas for use by tenants or visitors.
- 7) All reservations for public uses, including parks, playgrounds, schools and other open spaces.
- 8) The location and height of each wall, fence and screen planting used as a buffer between uses and from adjacent property owners.
- 9) All landscaped areas, including any reserved open space to be retained. Detailed landscaping plans may be required when necessary.
- 10) The location, size, height, and orientation of each sign, except signs that are flat on building facades and that do not directly face property in a residential district, or directional signs.
- 11) Facilities for waste disposal on other than single family uses.
- 12) Proposed street names for all public and private roads.
- 13) Elevations and/or perspective drawings may be required in order that the relationship of the buildings to adjacent property, open spaces and to other features of the development plan may be determined. This subsection does not apply to single family, duplex and townhouse lots.
- 14) Any or all of the required features may be incorporated on a single drawing if such drawing is clear and suitable for evaluation by the City Staff and City officials.
- 15) A legal instrument establishing a plan for permanent care and maintenance of any common areas or communally owned facility must be submitted before the development plan will be approved. All such instruments shall be approved by the City attorney as to legal form, and by the Planning and Zoning Commission and City Council as to suitability for the proposed use of the common area.
- 16) The title page of each application and set of plans shall be signed by the applicant's architect, planner, landscape architect, engineer and/or land surveyor if these services are required. In addition to an engineer and a planner, the applicant's submittal may be

required to contain the professional services of at least two of the remaining three professionals involved in the design and construction of the environment.

g) Phase developments:

The preliminary plan shall be divided into sections of proposed development so that in any section of an approved final development plan, there will be definitely established lines showing the resulting boundaries of the reduced P0 District:

- (1) Should the unused portion of the site area be rezoned to its previous classification, and
- (2) A minimum of damage to the unused portion of the site from the standpoint of its usability for use following rezoning.

h) Effects of Recording

All final development plans approved hereunder shall be binding upon the applicant, their successors and assignees, shall limit and control the issuance and validity of all permits, and shall restrict and limit the construction, locations, use and operation of all land and structures included within such plans to all conditions and limitations set forth in such plans.

i) Issuance of Permit

- (1) Upon, but not before, the approval, of the development plan as herein set forth, and completion of platting requirements as set forth in the subdivision ordinance of the City of Rockwall, the applicant(s) for said plan shall be entitled to apply for such permits and certificates as are necessary to proceed with the accomplishment of such plan.
- (2) Upon the approval of the Preliminary plan and rezoning of a land parcel to PD, Planned Development District, and upon the approval of the development plan, the applicant shall proceed with the accomplishment of said development plan in accordance with all other ordinances of the City of Rockwall.

j) Compliance with Development Plan

- (1) The Zoning Administrator shall ensure compliance with this Ordinance, the Preliminary Plan and the Development Plan. He shall:

- (a) Make inspections to determine compliance with the provisions of this Ordinance and the Concept Plan and Development Plan, and initiate appropriate action if necessary.
- (b) Investigate thoroughly any complaints of noncompliance concerning the Development Plan and keep a record of all complaints, indicating any action taken.
- (c) Upon determination of noncompliance with the Development Plan, the Zoning Administrator shall take action as follows:
 - (a) Give written notice to the property owner of the nature of the violation, the necessary action to remedy the violation, and the time period, not less than ten (10) days nor more than thirty (30) days after the date of notification, within which to comply.
 - (b) Notify the Planning and Zoning Commission of the noncompliance if the violations have not been corrected within the prescribed time period.

F. Coordination with Subdivision Ordinance

- a. It is the intent of this ordinance that subdivision review under the subdivision regulations be carried out simultaneously with the review of a planned development under this section of the zoning ordinance.
- b. The final development plans required under this section of this ordinance may be submitted in a form which will satisfy the requirements of the subdivision ordinance for the preliminary and final plans required under those regulations.

G. Continuation of Existing Planned Developments

All Planned Development Districts approved prior to adoption of this ordinance or approved in accordance with the provisions of this Section in its original form or by subsequent amendments thereto shall be referenced on the Zoning District map, and a list of such Planned Development Districts together with the category of uses permitted therein shall be maintained in the Appendix of this Ordinance.

ARTICLE III - SITE PLAN APPROVALS

SECTION 3.1 SITE PLAN APPROVALS

- A. Purpose: The purpose of the site plan is to ensure compliance with the zoning ordinance and to assist in the orderly and harmonious development of the City, to protect and enhance the general welfare, and to help prevent the impairment or depreciation of land values and development by the erection of structures, additions, or alteration thereto without proper attention to site planning.

The purpose of the site plan review is:

1. To ensure compliance with the zoning ordinance, while allowing for design flexibility;
 2. To assist in the orderly and harmonious development of the City;
 3. To protect adjacent uses from obstructions to light, air, and visibility;
 4. To provide protection from fire;
 5. To avoid undue concentrations of population and overcrowding of land; and
 6. To facilitate the adequate provision of transportation, water, sewage, drainage and other public requirements.
- B. When Required: If, in the determination of the Zoning Administrator, the Planning and Zoning Commission or City Council, a site plan is deemed necessary in order to evaluate a proposed use, or as required under any other provision of this ordinance, such site plan shall be submitted in the form and number as required by the Planning and Zoning Commission.
- C. Contents: The site plan shall contain drawings to scale to indicate as needed:
1. The location of all existing and planned structures on the subject property and approximate locations of structures on adjoining property within 100 feet;
 2. Landscaping lighting and/or fencing and/or screening of yards and setback areas and proposed changes;
 3. Design of ingress and egress;
 4. Off-street parking and loading facilities;
 5. Height of all structures;

6. Proposed uses;
 7. The location and types of all signs, including lighting and heights;
 8. Elevation drawings citing proposed exterior finish materials, street names or proposed streets.
 9. Street names on proposed streets.
 10. Such additional information and detail as the Zoning Administrator deems necessary.
- D. The City Council, after review and recommendation by the Planning and Zoning Commission may approve a site plan if the proposed development meets all the minimum standards established in this ordinance and other applicable ordinances, and if the City Council finds that the proposed development will not be detrimental to the health, safety, or welfare of the surrounding neighborhood or its occupants, or be substantially or permanently injurious to neighboring property. It shall disapprove or conditionally approve any application which fails to meet the above criteria or is in conflict with the Comprehensive Plan or the adopted growth policies of the City.
- E. The site plan shall be submitted to the Zoning Administrator or his duly authorized representative prior to the submission to the Planning and Zoning Commission for review. The Building Official or his designee shall review these plans as quickly as possible, but in no case shall he delay submission beyond one (1) Planning and Zoning Commission meeting.

ARTICLE IV CONDITIONAL USE PERMITS:

SECTION 4.1 PERMIT REQUIREMENTS

The purpose of the regulations described by this article is to allow the compatible and orderly development, within the City, of uses which may be suitable only in certain locations in a zoning district, if developed in a specific way or only for a limited period of time.

- A. Permit Required: A use permit is required for all conditional uses as set forth in the conditional use paragraph of each zoning district. At no time may a structure or property be adapted to a conditional use without first obtaining a conditional use permit. A permit may not be issued for any conditional uses not specified in the zoning district without first amending the Zoning Ordinance to permit such conditional use.
- B. Approval, Procedure, Responsibility, and Appeals: Conditional use permits shall be considered for approval as an amendment to the Zoning Ordinance and shall be approved as provided in Article XI, Section 11.1.
- C. Application, Filing Procedures, and Fees: The property owner or certified agent shall make application on a form prescribed by the City and such application shall provide drawings as set forth in Site Plans Approvals, Section 3.1. Obtaining a Use Permit does not exempt the applicant from complying with requirements of the Building Code or other ordinances. The fee for a Use Permit shall be recommended by the City Planning and Zoning Commission and approved by the City Council. Payment of such fees shall not be refundable in whole or in part.
- D. Requirements for Approval
 1. The City Council may permit a conditional use after review and recommendation by the Planning and Zoning Commission subject to appropriate conditions and safeguards when the Council finds:
 - a. That the proposed use meets all the minimum standards established in this Ordinance and other applicable ordinances.
 - b. That the proposed use meets the intent of the district in which it is located, and is in accordance with the comprehensive plan.
 - c. That the proposed use will not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to the neighboring property.

- E. Development, Revocation, and/or Automatic Cancellation of Permit: If a conditional use permit has not been used within six (6) months after the date granted, the permit is automatically cancelled and the zoning shall revert to the original zoning.
- F. Period of Conditional Use and Renewal: A Conditional Use Permit shall have a time limit of not more than one (1) year unless otherwise approved by the City Council. If the Conditional Use Permit does have a time limitation attached, the expiration date shall be set forth. Any permittee wishing a renewal of such permit for successive time periods shall make application for renewal to the Zoning Administrator or his designated representative, not less than twenty (20) days before the permit expires. If, after proper inspection, the staff finds that the conditions of the original permit are being met, and there have not been any complaints of non-compliance, the permit may be renewed by the staff for the same time period as approved by the City Council originally. If there is evidence of, or complaints of noncompliance, then renewal of the permit must follow the same procedures and notification as the issuance of a new permit, and may be renewed by the Planning and Zoning Commission and City Council.
- G. Conditions of Conditional Use
1. Mobile Homes or Portable Buildings
 - a. One mobile home may be placed on an unsubdivided tract of land when (1) it is to be occupied by the owner; (2) the tract is five (5) acres or larger, and (3) the only use of the land is for agricultural purposes.
 - b. The mobile home or portable building must be located in such a manner as to have access to public right-of-way within two hundred (200) feet.
 - c. The mobile home must be connected to an approved water distribution and sewage disposal system. A portable building, if approved for occupancy by industrial, commercial, or residential uses, must have an approved water distribution and sewage disposal system available for its use.
 - d. There must be a provision for garbage and trash collection and disposal.
 - e. The mobile home must be tied down and meet all other applicable ordinances relating to mobile homes.
 - f. The mobile home shall be approved only on a temporary basis with a one-year initial period and one-year extensions being authorized by the Planning and Zoning Commission.

2. Guest Houses, Garage Apartments, and Separate Servants' Quarters
 - a. They must comply with all area requirements of the district in which they are located.
 - b. None of the above mentioned uses may be made available or used for lease, rent, or hire, and the owner of such use may not receive remuneration for the use of one of the above. In addition, in no district shall such uses be sold or conveyed separately without meeting the requirements of the subdivision ordinance.
 3. Existing railroads and private utilities, including telephone service, may continue to be operated and maintained in residential and commercial districts but no new railroad or utility structure other than the usual poles, wires, underground utilities and lift stations shall be established in such district without a conditional use permit.
 4. Churches, schools, railroads and other conditional uses automatically allowed in each district by state law, but required within a district to obtain a conditional use permit, must be issued a conditional use permit subject to the use meeting reasonable requirements imposed under this Article.
 5. The Planning and Zoning Commission and City Council may impose additional restrictions or conditions to carry out the spirit and intent of this Ordinance and to mitigate adverse effects of the proposed use. These requirements may include, but are not limited to, increased open space, loading and parking requirements, suitable landscaping, and additional improvements such as curbing and sidewalks.
- H. Prior to the passage of this Ordinance, the City Council had established various Specific Use Permits which are to be continued in full force ad effect until such time of expiration as may be set forth in each such ordinance granting the Specific Use Permit. The ordinances, or applicable parts of ordinances listed in the Appendix, are carried forth in full force and effect as Specific Use Permits and are the conditions and regulations which apply to the respective Specific Use Permits indicated on the Zoning Map at the date of passage of this ordinance.

ARTICLE V. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 5.1 PURPOSE.

It is the purpose of this section to state the guidelines for providing off-street parking space consistent with the proposed land use in order to: (1) eliminate occurrence of nonresident on-street parking in adjoining neighborhoods; (2) avoid the traffic congestion and public safety hazards caused by a failure to provide such parking space; and (3) expedite the movement of traffic on public thoroughfares by prohibiting curb parking.

SECTION 5.2 OFF-STREET PARKING SPACES REQUIRED.

In all districts, for every use, there shall be provided at the time any building or structure is erected or enlarged or increased in capacity, or at the time any other use is established, off-street parking spaces for automobiles in accordance with the requirements specified herein.

SECTION 5.3 NUMBER OF OFF-STREET PARKING SPACES REQUIRED.

The number of off-street parking spaces required shall be determined in the requirements of the individual district, and as follows. The classification of uses referred to shall be deemed to include and apply to all uses. If for any reason the classification of any use, for the purpose of determining the amount of off-street parking space to be provided by such use, is not readily determinable hereunder, the classification and requirements for such use shall be determined by the Planning and Zoning Commission.

SECTION 5.4 RESIDENTIAL PARKING REQUIRED

1. Two (2) paved parking spaces per dwelling unit shall be provided for the following, with the parking area located on the same lot as the main building or buildings, except as otherwise provided:
 - a) Single-family dwellings, including townhouses and mobile homes.
 - b) Two-family (duplex) dwellings.
 - c) Three-family (triplex) dwellings
 - d) Four-family (fourplex) dwellings
2. Two and one-half (2½) paved parking spaces per dwelling unit shall be provided for townhouse dwellings with front entry garages.
3. An enclosed garage shall not be considered toward meeting the off street parking requirements.

4. The minimum number of paved, striped off-street parking spaces per dwelling unit required for multi-family dwelling units or condominiums:
 - a) 0 bedroom or efficiency dwelling unit - 1.5 spaces per unit
 - b) 1 bedroom dwelling units - 1.5 spaces per unit
 - c) 2 bedroom dwelling units - 2.0 spaces per unit
 - d) 3 or more bedroom dwelling units - 2.5 spaces per unit
 - e) The average number of parking spaces for the total development shall not be less than 2 spaces per unit.
5. One (1) parking space for each 75 square feet of sleeping area shall be provided for the following establishments.
 - a) Dormitory
 - b) Lodging House
 - c) Rooming house
 - d) Other similar group quarters

SECTION 5.5 NONRESIDENTIAL PARKING REQUIREMENTS

1. Commercial uses, office and professional buildings outside of the central business district, unless otherwise mentioned in this section, shall be required to have three (3) paved parking spaces for up to 300 square feet of floor area, plus one (1) space for each additional 300 square feet of floor area.
2. Restaurants, night club, cafe or similar recreation or amusement establishment - One (1) parking space for each 100 square feet of floor area, or one (1) space for each 4 seats, whichever is greater.
3. Theaters, auditoriums, churches, temples, assembly halls, sports arenas, stadiums - one space for each 3 seats in the main auditorium or seating area.
4. Video game parlors and other similar indoor amusement establishments - one (1) parking space for each 100 square feet of floor area.
5. Dance, assembly and exhibition halls without fixed seats - One space for each 100 square feet used for assembly or dancing.
6. Hotel or motel - First 250 rooms - one parking space for each sleeping room or suites.

For 250 rooms and over - 3/4 space per sleeping room, plus one space for each 100 square feet of commercial floor area contained therein.

7. Hospital - One (1) parking space for each bed, or for each 300 square feet, whichever is greater.
8. Sanitorium, convalescent home, home for the aged or similar institution - One (1) parking space for each six (6) beds plus one space for each employee position.
9. Medical or dental clinics - One space for each 150 square feet.
10. Bowling Alley - One space for each 100 square feet.
11. Mortuary or funeral home - One (1) parking space for each 300 square feet of floor space plus one (1) space for each 100 square feet of floor area in chapel.
12. Day nurseries, day care centers, and kindergartens with over four (4) children - One (1) parking space for each 300 square feet of floor area, plus an off-street drive and loading space for a minimum of four (4) cars for the transferring of passengers.
13. Accessory recreation or community buildings within multifamily residential projects - 1 space for each 100 square feet of area.
14. Schools (except high school or college) - One and one-half (1-1/2) spaces for each classroom.
15. High schools - One (1) parking space for each three (3) students.
16. Technical or junior college - .3 of a space per each 7 square feet of seating area.
17. College - .4 of a space per each 7 square feet of seating area.
18. Manufacturing plants, research laboratories - One (1) space for each 500 square feet of floor area.
19. Warehouses - One (1) space for each 1,000 square feet of floor area.
20. Terminal facilities, truck terminals, and other similar personal and/or material facilities - One (1) space for each 1,000 square feet of floor area.
21. Bus depots - One (1) parking space for each 100 square feet of floor area.

22. Lumber yards and wholesale establishments - One (1) for each 150 square feet of sales floor area, plus one (1) for each warehouse employee.
23. Exceptions - Groups of uses requiring vehicle parking space may join in establishing group parking areas with capacity aggregating that required for each particular use. Where it can be established before the Building Inspector that parking for two specific uses occurs at alternating periods, the parking space requirements of the use requiring the greater number of spaces may be applied to both uses in a combined parking area. Such parking shall be within 100 feet from lot to lot of all uses to be served by such parking. Example: Church and professional office building.

SECTION 5.6 OFF-PREMISES LOCATION OF PARKING

- A. Off-Premises Location: For any new use, building or structure where the required off-street parking cannot be provided on the premises because of the size or the location of the lot, such parking may be provided on other property under the same ownership not more than 200 feet distant from the building lot and provided the proposed parking area is located in a district where parking lots are permitted.

SECTION 5.7 CLARIFICATION, EXCEPTION AND MODIFICATION OF OFF-STREET PARKING REQUIREMENTS.

- A. No parking space located on a public street or alley may be included in the calculation of off-street parking requirements.
- B. Parking spaces used for the parking of trucks or buses shall not be counted towards meeting the requirements of this section.
- C. When the computation for the number of parking spaces required under this Ordinance results in the requirement of a fractional space, the fractional space requirement shall be satisfied by adding one additional space to the whole-space total.
- D. When a lot is used for a combination of uses, the off-street parking requirements are the sum of the requirements for each use, and no off-street parking space for one use is included in the calculation of off-street parking requirements for any other use, except as provided in Section 5.5 (23)
- E. Except for single-family, duplex, townhouse and mobile home uses, head-in parking adjacent to a public street where the maneuvering of the vehicle in parking or leaving the parking space is done on a public street is prohibited, and on all existing uses is excluded in computing off-street parking requirements.

- F. The parking space required for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- G. After the effective date of this chapter, whenever a property is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this chapter is enlarged to the extent of fifty (50) percent or more in floor area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
- H. Parking and storage of vehicles shall be in accordance with the City's abandoned and junk vehicle ordinance.
- I. For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored in a residential district except in a car port or enclosed building or behind the portion of a building nearest to a street, provided, however, that such equipment may be parked anywhere on residential premises for not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use, except as specified in this ordinance.

SECTION 5.8 OFF-STREET LOADING REQUIREMENTS

All retail, commercial and industrial structures shall provide and maintain off-street facilities for the loading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive in accordance with the following requirements.

Any department store, industrial plant, manufacturing establishment, retail establishment, storage warehouse, or wholesale establishment, which has an aggregate gross floor area of 10,000 square feet or more, arranged, intended or designed for such use shall be provided with off-street truck loading or unloading berths at least 12 feet wide, 14 feet high, and 35 feet long in accordance with the following table. There shall be sufficient space to insure that all maneuvering required to utilize such loading space will not include street right-of-way.

<u>Square feet of aggregate gross floor area:</u>	<u>Required number of berths:</u>
10,000 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 to 490,000	7
For each additional 90,000 over 490,000	1 additional

SECTION 5.9 DESIGN AND CONSTRUCTION STANDARDS OF OFF-STREET PARKING

- A. All parking areas and spaces shall be designed and constructed in accordance with the following requirements:
1. All parking areas and spaces shall be designed and constructed so as to have free ingress and egress at all times.
 2. No parking space or parking area shall be designed so as to require a vehicle to back into a public street or across a public sidewalk, except in the case of one- and two-family dwelling units.
 3. Minimum Dimensions for Off-Street Parking
 - a) Ninety-degree angle parking. Each parking space shall not be less than nine (9) feet in width and eighteen (18) in length. Maneuvering shall be not less than twenty-four (24) feet. Designated small car parking spaces shall not be less than 8' in width and 16' in length.
 - b) Sixty-degree angle parking. Each parking space shall be not less than nine (9) feet wide perpendicular to the parking angle nor less than twenty (20) feet in length when measured at right angles to the building or parking line. Maneuvering space shall be not less than sixteen (16) feet perpendicular to the building or parking line. Designated small car parking spaces shall not be less than 8' in width and 18' in length.
 - c) Forty-five-degree angle parking. Each parking space shall be not less than nine (9) feet wide perpendicular to the parking angle nor less than eighteen and one-half (18½) feet in length when measured at right angles to the building or parking line. Maneuvering space shall be not less than twelve (12) feet perpendicular to the building or parking line.

Designated small car parking spaces shall not be less than 8' in width and 10' in length.

- d) When off-street parking facilities are located adjacent to a public alley, the width of said alley may be utilized as a portion of the maneuvering space requirement, provided the alley is paved.
 - e) 20% of the total parking requirements may be used as small car parking with 80% of that total being grouped and designated for that use.
 - f) When off-street parking facilities are provided in excess of minimum amounts herein specified, or when off-street parking facilities are provided, but not required by this chapter, said off-street parking facilities shall comply with the minimum requirements for parking and maneuvering space herein specified.
4. Pavement Standards: Unless otherwise approved by the City Council, all parking lots shall be paved according to City standards and specifications. The parking lanes must be clearly marked by approved paint, buttons or other material. All driveway approaches in the MF-15, MF-20, Of, NS, GR, C, CBD, HC, LI, and HI shall be constructed of concrete and shall be curbed to City standards.
 5. No parking area shall be designed or constructed which ends in a dead end, if more than three (3) parking spaces in depth, unless adequate turnaround space is provided.
 6. All entrances or exits in a parking lot shall be a minimum of thirty (30) feet from the beginning point of any corner radius.
 7. All entrances or exits in a parking lot shall be a minimum of twenty-four (24) feet and a maximum of forty-five (45) feet in width, unless one-way, in which case they shall both be a minimum of twelve (12) feet.
 8. The driveway approach angle to any parking area shall be a maximum of sixteen (16) degrees, the departure angle a maximum of ten (10) degrees, the ramp angle a maximum of eleven (11) degrees, or otherwise shall be approved by the City Engineer.
 9. No parking areas or parking spaces shall be allowed to pave over or utilize public right-of-way, with the exception of approved entrances and exits, unless an exception is granted by the Board of Adjustment.
 10. Any lighting used to illuminate any off-street parking area shall be so designed and constructed as to direct

the light to the property and away from any adjoining property or street.

11. All multifamily and commercial parking areas and parking spaces shall be designed and constructed to protect adjacent residences from the direct glare of headlights of vehicles using the parking area. In accordance, all off-street parking areas shall be effectively screened on each side by a buffer as herein defined, from any adjoining property zoned single-family, townhouse, or duplex.
12. No occupancy permit shall be issued by the Chief Building Inspector of the City until the terms and conditions of this Ordinance have been met.

ARTICLE VI - LANDSCAPING AND BUFFERING

SECTION 6.1 GENERAL REQUIREMENTS

- A. Any commercial or industrial use or parking lot that has a side or rear contiguous to any residential use or zone and any multifamily use or parking lot with more than 5 dwelling units that has a side or rear contiguous to any single family, townhouse, or duplex district, shall be buffered as defined herein. Where such contiguous use is separated by only a street and such contiguous uses side-up to or face the use for which the buffer is required, a fence or landscape berm six (6) feet in height is required. 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 thoroughway.
- B. Prior to construction of buffers, as defined, complete plans showing type of material, depth of beam, and structural support shall be submitted to the building permit office for analysis 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.
- C. All required landscaped or buffered areas in the MF-15, MF-20, Of, NS, GR, C, CBD, HC, LI, HI, shall be maintained at all times and shall have irrigation systems installed meeting all applicable City Codes and approved by the Building Official.

ARTICLE VII Reserved for Future Editions

ARTICLE VIII EXCEPTIONS AND MODIFICATIONS TO DISTRICT REQUIREMENTS

The regulations and requirements as to height of buildings and area of lots which may be occupied by buildings, front yards, side yards, rear yards and other regulations and requirements in the foregoing sections of this ordinance, shall be subject to the following exceptions and additional regulations.

SECTION 8.1 SETBACKS.

A. General

1. At the time of submission of any original or amended subdivision plat to the Planning and Zoning Commission and City Council for approval, the City Council, upon recommendation by the Planning and Zoning Commission, shall have the power and authority to accept and approve any building setback lines projected on said plat or plats, even though said building setback lines may be more excessive than the requirements set out in the Ordinance. Minimum setback lines shall be shown on subdivision plats on all cul-de-sacs and irregular shaped lots.
2. Where setbacks were established by the City Council on a plat of record, those setbacks shall be enforced even though they are more excessive than the restrictions set forth in this ordinance.
3. The City Council has the power to pass an ordinance establishing a setback line greater than required in this ordinance where exceptional conditions so require.

- a) Projections into Required Yard or a Court: 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 side 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.

B. Front Yards:

1. When fifty percent (50%) or more of the frontage on one side of a street on any one block is improved with buildings that have a front yard which is greater than the required front yard in the district, no new building shall project beyond the least depth of any such front yard or the front yard setback set by the Ordinance, whichever is greater, without a variance from the Board of Adjustments.
2. On lots having double frontage, the required front yard shall be provided on both streets.
3. Filling station pumps and pump islands vacuum service islands may be located within a required yard provided they are not less than thirteen (13) feet from any property line or twenty (20) feet from the curb, whichever is greater, and not less than one hundred (100) feet from any residential district boundary.

C. Side Yards

1. No accessory building shall project into or be located within a required yard.
2. A porte-cochere or canopy may project into a required side yard provided every part of such porte-cochere or canopy is unenclosed and not less than five (5) feet from any side lot line.
3. Where a lot of record at the time of the effective date of this Ordinance is less than fifty (50) feet in width, the required side yard, other than a sideyard adjacent to a street, may be reduced to ten percent (10%) of the width of the lot, provided that no side yard shall be less than three and one-half (3½) feet, and that the owner of the lot of record is not the owner of any adjacent lots. A corner lot must have a minimum of 10 feet side yard on the side adjacent to a street.

D. Rear Yards:

1. An accessory building not exceeding the maximum allowed height or twenty (20) feet in height, whichever is greater, may occupy not more than thirty percent (30%) of the rear yard. They may be located no closer than 10 feet to the property line with no alley and 3 feet with an alley.

SECTION 8.2 MAXIMUM HEIGHT

A. General:

1. In any district all city facilities shall be exempt from the height requirements of the district in which they are located. Public and semi-public buildings, such as hospitals, churches, sanitariums or schools, either public or private, where permitted may exceed the height requirement provided that such buildings shall have yards which shall be increased one (1) foot on all sides for each additional foot that such buildings exceed the specified height limit as established by the regulations of the district in which such buildings are situated.
2. Parapet walls and false mansards shall not extend more than six (6) feet above the height limit. Flagpoles, chimneys, finials, gas tanks, stacks, monuments, cupolas, domes, spires, standpipes, and necessary mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy may be erected in accordance with existing or hereafter enacted laws affecting the same.
3. Cooling towers, elevator bulkheads, penthouses, grain elevators, storage towers, and ornamental towers may extend more than six (6) feet above the height limit subject to the issuance of a conditional use permit in accordance with Article IV.

SECTION 8.3 MINIMUM LOT AREA AND SIZE

A. Minimum Area per Family:

1. For any building providing jointly for hotel and apartment uses, the number of apartment units permitted by the square footage requirements per unit shall be reduced in the same proportion as the total floor area devoted to hotel or non-housekeeping rooms bears to the total floor area devoted to both uses.
2. For any building used jointly for business and dwelling purposes, or industry and dwelling purposes, the number of dwelling units permitted by the lot area requirements per unit shall be reduced in the same proportion as the floor area devoted to business or industry bears to the entire floor area of the building, provided that floor area below the first floor of such building shall not be included in any calculation under this provision.

B. Minimum Lot Size:

1. The intention of this ordinance is that each lot shall be of sufficient size and dimension and with access to a

public right-of-way and utilities for its intended use after complying with the requirements set forth in this and other applicable ordinances and is compatible with those uses around it.

SECTION 8.4 MISCELLANEOUS REQUIREMENTS

- A. Through Lot: A through lot having one end abutting a limited access highway, with no access permitted to that lot from said highway, shall be deemed to front upon the street which gives access to that lot.
- B. Structures to Have Access: Every building hereafter erected, placed, or moved shall be on a lot with direct access on a public street, or with access to a municipally approved private street. All structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required on-site parking.
- C. Visibility at Intersections in Residential Districts: On a corner lot in any residential district, nothing shall be erected or placed in such a manner as materially to impede vehicle drivers' vision at intersections.
- D. Mobile Homes and Recreational Vehicles:
 - 1. A recreational vehicle may be parked or stored off-street on any lot or space meeting the requirements of Section 5.7(J) and in a district approved for such use, provided that the vehicle is not occupied or connected to utilities for occupancy. Such vehicle must meet the setback requirements of the district when parked on a space or lot. When parked in storage areas, all vehicles must be at least four feet apart.
 - 2. Mobile homes are only allowed:
 - a) With a conditional use permit for only those uses specified in each district, or in a "PD" Planned Development District.
 - b) In commercial or industrial districts where such use is allowed when they are unoccupied and are for sale, being repaired, or being stored on a site whose main business relates to mobile homes. When parked in storage areas, all vehicles must be at least four feet apart.

ARTICLE IX PERFORMANCE STANDARDS

SECTION 9.1 GENERAL.

- A. The following performance standards apply to all uses permitted.
- B. Performance Standards
1. Smoke: The requirements of the Texas Air Control Board
 2. Particulate matter: The requirements of the Texas Air Control Board.
 3. Odor: No operation shall permit odors to be released which are detectable at the property line in Commercial or Light Industrial Districts or at the zone boundary line in Heavy Industrial Districts and which offensively affect the sense of smell.
 4. Toxic Material: The emission of toxic and noxious materials shall not produce concentrations exceeding 10% of threshold limit values for toxic materials in industry as set forth in "Threshold Limit Values" for the current year as adopted at the annual meeting of the American Conference of Governmental Industrial Hygenists, at a zone boundary line.
 5. Glare: All artificial light sources shall be shielded so as to prevent direct rays of light from crossing a zoning district boundary line.
 6. Vibration: Any industrial operation or activity which property shall cause at any time and at any point along the nearest adjacent property line, earthborne 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, earthborne vibrations in excess of the limits set forth in Column II are prohibited. Vibrations shall be expressed as resultant displacement in inches.

TABLE A.1

Frequency (Cycles per Second)	Displacement	Displacement
	Inches I	Inches II
Below 10	.0008	.0004
10-20	.0005	.0002
20-30	.0002	.0001
30-40	.0002	.0001
40 and over	.0001	.0001

This tabulation is for steady state vibration; this 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.

7. Noise: At no point either on the boundary of the zone or at 125 feet from the property line of the plant or operation, whichever distance is greater, shall the sound pressure level of any operation of plant (other than background noises produced by sources not under control of these covenants, such as the operation of motor vehicles or other transportation facilities) exceed the decibel limits in the octave bands designated below.

TABLE A.2

Octave Band Frequency (Cycles per Second)	Maximum Permitted Sound Level in Decibels Along Residence District Boundaries or 125 feet from Plant or Operation Lot Line	Maximum Permitted Sound Level in Decibels Along Residence District Boundaries or 125 feet from Plant or Operation Lot Line
0 to 75	67	73
75 to 150	62	68
150 to 300	58	64
300 to 600	54	60
600 to 1200	49	55
1200 to 2400	45	51
2400 to 4800	41	47
Above 4800	37	43

Sound levels shall be measured with a sound-level meter and associated octave band filter, manufactured and calibrated according to standards prescribed by the American Standards Association. Measurements shall be made using the flat or C network of the sound level meter and the fast meter movement of the octave band analyzer. Impulsive type noises shall be subject to the performance standards hereinafter prescribed provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured, shall be those noises which cause rapid fluctuations of the needle of the sound-level meter with a variation of no more than plus or minus two (2) decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent users.

8. Fire Hazards: The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted in accordance with applicable City codes and ordinances. The storage, utilization or manufacture of solid materials or products

ranging from free or active burning to intense burning is permitted in accordance with applicable City codes and ordinances provided the following condition is met:

Said materials or products shall be stored, utilized or manufactured within complete enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors, shall be permitted in accordance with Table A.3 (exclusive of storage of finished products in original sealed containers) and the City's fire prevention code as interpreted by the city Fire Marshall.

Table A.3

Industries Engaged in Storage and Distribution of Such Materials	Prohibited Above Ground	100,000 gals. Under Ground
Materials having a flash point above 190 degrees Fahrenheit	Prohibited	100,000 gals.
From and including 105 degrees Fahrenheit and including 190 degrees Fahrenheit	Prohibited	40,000 gals.
Materials having a flash point below 105 degrees Fahrenheit	Prohibited	20,000 gals.
Industries Engaged in Utilization and Manufacture of Such Materials		
Materials having a flash point above 190 degrees Fahrenheit	10,000	50,000 gals.
From and including 105 degrees Fahrenheit to and including 190 degrees Fahrenheit	1,000	20,000 gals.
Materials having a flash point below 105 degrees Fahrenheit	500	10,000 gals.

9. 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. 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.

ARTICLE X NONCONFORMING USES

SECTION 10.1 GENERAL.

The general public, the City Council and the Planning and Zoning Commission are directed to take note that nonconformities in the use and development of land and buildings are to be avoided, or eliminated where now existing, wherever and whenever possible, EXCEPT:

- 1) When necessary to preserve property rights established prior to the date these regulations become effective as to the property in question, and
- 2) When necessary to promote the general welfare and to protect the character of the surrounding property.

Except as hereinafter specified, 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 such use, building or structure may not conform with the provisions of this ordinance for the district in which it is located.

- A. Nonconforming uses continued or changed: The right to continue such nonconforming uses shall be subject to regulations prohibiting the creation of a nuisance and regulations reasonably protecting adjacent property.
- B. Conditional Uses: Any use existing on the effective date of this ordinance which is listed as a conditional use in the district where it is located shall be and shall remain a nonconforming use until a conditional use permit is obtained as provided in this ordinance. If such use is discontinued or abandoned for one hundred eighty (180) days during any three year period, the use shall meet the requirements of this ordinance and shall obtain a use permit before it is continued.
- C. Alteration of Nonconforming Uses:
 1. 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 thereof is changed to a use that is permitted in the district in which such building or premises is located, and except as follows:
 2. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a more restrictive classification, or to a conforming use, provided that such use shall not thereafter be changed to a nonconforming use of less restrictive classification.

3. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.
 4. When authorized by the Board of Adjustments in accordance with the provisions of Article XIII, enlargement or completion of a building devoted to a nonconforming use may be made upon the lot occupied by such building, where such extension is necessary and incidental to the existing use of such building and does not exceed 25% of its area of nonconformity.
 5. When authorized by the Board of Adjustments in accordance with the provisions of Article XIII, 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 such use of said building became nonconforming, if no structural alterations, except those required by law, are made therein.
 6. The provisions of this ordinance shall not apply to prevent the extension of any building existing in any district at the time of the adoption of this ordinance, to the height to which the walls, foundation and frame work of such existing building originally were intended, designed and constructed to carry; provided, however, that the actual construction of the extensions in height permitted by this paragraph shall have been duly commenced within two (2) years from the date of the adoption of this ordinance.
- D. Cessation of Use of Building or Land: For the purposes of the succeeding subsections, a use shall be deemed to have ceased when it has been discontinued for six (6) months during any three (3) year period whether with the intent to abandon said use or not.
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 six (6) months 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.
 3. 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.

- E. Construction Approved Prior to Ordinance: Nothing herein 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 thereof, conforming with such 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 months' period, with no interruption, except for reasons beyond the builder's control.
- F. Unsafe Buildings, Repair of: 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.
- G. Damage or Destruction: 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 such happening. 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 such restoration or reconstruction is completed within twelve (12) months of the damaging event, the twelve (12) month period not including any necessary litigation.
- H. 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-loadbearing 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.

- I. Moving of Nonconforming Structure or Building: No non-conforming building or structure shall be moved in whole or in part to any other location on the lot, or on any other lot, unless every portion of such building or structure is made to conform to all the regulations of the district.

- J. Nonconforming Lot Sizes: Nothing in this ordinance shall be construed to prohibit the use of a lot that does not meet the minimum lot area of the district it is located in, provided that the lot was previously, zoned for similar type uses, that the lot was a lot of record prior to the adoption of this ordinance and that the lot has not been rezoned to a different use since the adoption of this ordinance.

ARTICLE XI ADMINISTRATIVE PROVISIONS

SECTION 11.1 PROCEDURE FOR AMENDING THIS ORDINANCE.

A. General: The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, modified, or repealed upon initiation by the Planning and Zoning Commission, the City Council or by a petition of a property owner or of their authorized agents, provided however, that no such action may be taken until:

1. Application has been made and duly filed upon the forms prescribed by the City Council and the filing fee as prescribed from time to time by the City Council has been submitted to the Zoning Administrator.
2. The question has been referred to the Planning and Zoning Commission for consideration and public hearing on the question and their recommendations received; and until
3. A public hearing has been held in relation thereto, before the City Council at which parties in interest and citizens shall have an opportunity to be heard.

B. Hearing before the Zoning Commission:

1. 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 clearing 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 which hearing shall be published one time in a newspaper of general circulation in the City, not less than 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 10 days prior to the public hearing.

Notice of hearings on proposed changes in the text of the Zoning Ordinance shall be accomplished by one publication not less than fifteen (15) days prior thereto in the official newspaper of the City.

2. Any hearing may be continued for good cause at the request of the applicant, or at the discretion of the Planning and Zoning Commission noted in writing in its minutes. In the event any hearing is continued or recessed or a matter tabled for any reason other than lack of proper notice, further notice to surrounding property owners shall not be required. Such continuation date and time shall be set at that meeting.

3. The same procedure for notifying adjacent property owners shall be followed by the Commission for hearings on rezoning petitions and for conditional use permit applications, unless otherwise provided.
4. Upon the final hearing of such application, the Commission shall recommend approval or denial of the same and a report of such action, shall be made by the Commission to the City Council.

C. Hearing before the City Council:

1. Before acting upon any application for amendment, the City Council shall hold a public hearing, notice of which hearing shall be published at least one time in a newspaper of general circulation in the city, not less than fifteen (15) days prior to the date of such hearing.
2. Recommendations for revision or amendment of the ordinance, including the zoning district map, may also be made by the Planning and Zoning Commission upon its own motion, for final determination by the City Council. Likewise, the City Council may revise, modify or amend the ordinance, including the zoning district map, upon its own motion, provided however, such proposed changes shall first be submitted to the Planning and Zoning Commission for recommendation and report. In either case, final action thereon shall be taken only upon notice and hearing, as provided herein.
3. In case of a written protest against such change, signed by the owners of 20 percent or more, either of the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extending 200 feet therefrom, or if such change is denied by the Planning and Zoning Commission, such change shall not become effective except by the favorable vote of threefourths (3/4) of all members of the City Council of Rockwall.
4. The City Council shall, unless otherwise stated in the motion, make all denials of zone changes with prejudice. If the request is denied with prejudice, no additional application shall be accepted which involves all or any part of the property within a period of 12 months except:
 - a. At the request of the City Council.
 - b. On written request by the applicant to the City Council, with pertinent facts which the City Council may deem sufficient to warrant a new hearing. Such request shall not be set for public hearing unless approved by a majority vote of the City Council. If a rehearing is granted by the City Council, then the procedure thereon will be the same as that given an

original application for zoning change filed with the Commission.

5. 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.

SECTION 11.2 FORMAT OF ZONING MAP AND PROCEDURES FOR AMENDING

A. The Zoning Map:

1. The official zoning map shall be identified by the signature of the Mayor, attested by the City Secretary and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 1.3 of Ordinance Number _____ of the City of Rockwall, Texas," (together with the date of the adoption of this ordinance). If, in accordance with the provisions of this ordinance and Art. 1011 e Texas Civil Statutes Ann., as amended, 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 promptly after the amendment has been approved by the City Council.
2. All changes made in the official zoning map will also note on the map the ordinance number and date of final passage of such ordinance authorizing the map change. No amendment to this ordinance which involves matter portrayed on the official zoning map shall become effective until after such change and entry has been made on said map.
3. 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 and punishable as provided for hereafter.
4. Regardless of the existence of copies of the official zoning map which may from time to time be made or published, the official zoning map, which shall be located in the office of the Zoning Administrator shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.
5. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature and/or number of changes and additions, the City

Council may, by resolution, adopt a new official zoning map, which shall supersede the prior official zoning map, but no such 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 Clerk, and bearing the seal of the City and date under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the original official zoning map referred to in Section 1.3 of Ordinance No. 83-23 of the City of Rockwall, Texas."

6. 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.
- B. Rules for Interpretation of District Boundaries: Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:
1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
 2. Boundaries indicated as approximately following platted lot lines shall be construed following such lot lines;
 3. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
 4. Boundaries indicated as following railroad lines shall be construed to be midway between the rails of the main tracks;
 5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
 6. Boundaries indicated as parallel to or extensions of features indicated in subsection (1) through (5) above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
 7. 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 (1) through (6) above, the Board of Adjustments shall interpret the district boundaries.

8. When streets or alleys on the ground differ from the streets or alleys as shown on the zoning district map, the zoning administrator may apply the district designations on the map to the streets or alleys on the ground in such a manner as to conform to the intent and purpose of this ordinance.
9. Whenever any street or alley is vacated, the particular district in which the adjacent property lies shall be automatically extended to the center line of any such street or alley.

SECTION 11.3 CLASSIFICATION OF NEW AND UNLISTED USES

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the City of Rockwall. In order to provide for such changes and contingencies a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- A. The Zoning Administrator shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting an interpretation as the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales processing, type of product, storage, and amount or nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.
- B. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the purpose of and the uses permitted in the various districts within which such use should be permitted.
- C. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall by resolution approve the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate.

SECTION 11.4 ADMINISTRATION AND ENFORCEMENT; PENALTY FOR VIOLATION BUILDING PERMITS; CERTIFICATES OF ZONING COMPLIANCE; AND OCCUPANCY AND USE PERMITS

- A. Administration and Enforcement: The Zoning Administrator or another administrative official of the city shall be designated by the City Administrator to administer the provisions of this ordinance.

1. If the Zoning Administrator or his authorized representative shall find, or if any person files with him a complaint in writing alleging that any of the provisions of this ordinance are being violated, he shall immediately investigate and when necessary give written notice to the person responsible to cease such violations, forthwith.
2. Right to Enter: The Zoning Administrator or any duly authorized person shall have the right to enter upon any premises at any reasonable time for the purpose of making inspection of buildings or premises necessary to carry out the duties in the enforcement of this Ordinance.
3. Notice may be delivered in person or by certified mail to the violator or to any person owning or leasing a property where violation is occurring.

B. Penalty for Violation:

1. 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 hundred dollars (\$200.00). 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.
2. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.
3. Stop Orders: Whenever any building work is being done contrary to the provisions of this Ordinance, the City Zoning Administrator or his duly authorized representative may order the work stopped by notice in writing served on the owner or contractor doing the work or causing such work to be done, and any such person shall forthwith stop such work until authorized to proceed with such work.

C. Occupancy, Building, and Use Permits:

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. A building permit shall not be issued except in conformity with the provisions of this ordinance, unless otherwise authorized by the Board of Adjustments in the form of a variance as provided by this ordinance.

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 wholly or partly altered or enlarged in its use or structure nor will permanent utility connections to serve the premises be made until a certificate of occupancy shall have been issued therefor 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 shall have 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. Construction and Use to be as Provided in Applications, Plans, And Permits: A building permit may be revoked by the Building Official at any time prior to the completion of the building or structure for which the same was issued, when it shall appear that there is a departure from the plans, specifications or conditions as required under terms of the permit, that the same was procured by false representation, or was issued by mistake, or that any of the provisions of the zoning ordinance are being violated. 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 therefor, as herein provided, the Building Inspector may issue a stop order; provided, however, twenty-four hours written notice of such revocation or order to stop shall be served upon the owner, his agent or contractor,

or upon any person employed upon the building or structure for which such permit was issued, and thereafter no such construction shall proceed.

SECTION 11.5 COMPLETION OF BUILDINGS

- A. Nothing herein contained shall require any change in the plans, construction or designated use of a building, the foundation for which has been completely constructed at the time of the adoption of this ordinance, and the remaining construction of which shall have been completed within one (1) year of the date of the adoption of this ordinance. In addition, any commercial or industrial building or structure, for which a building permit has been approved by the city not more than twelve months prior to the adoption of this ordinance may be constructed according to the terms of that building permit.

SECTION 11.6 EFFECT UPON EXISTING PERMITS, AGREEMENTS, RIGHTS, ETC.

- A. Existing Permits and Private Agreements: 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.
- B. 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.

SECTION 11.7 SCHEDULE OF FEES, CHARGES, AND EXPENSES

- A. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.
- B. Fees: The Planning and Zoning Commission, with the concurrence and approval of the City Council shall determine and set forth a fee schedule for the purpose of recovering the ad-

ministrative cost of processing zoning and subdivision 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 and/or to generate revenue for other than recovery of actual administrative cost incurred by the City. Immediately upon receipt of such application and fee, the Zoning Administrator shall note thereon the date of filing, and make a permanent record thereof.

ARTICLE XII PLANNING AND ZONING COMMISSION

SECTION 12.1 ORGANIZATION AND DUTIES

- A. Created; Composition: There is hereby created a city Planning and Zoning Commission which shall function by making plans and acting as a zoning commission. Such commission shall be composed of seven (7) members to be appointed by the City Council. The Zoning Administrator is automatically an Ex-Officio member of the Planning and Zoning Commission without the right to vote.
- B. Duration of Terms of Office; Transition Procedure; Filling of Vacancies; Reappointment: The members of the Planning and Zoning Commission shall be appointed for a term of two (2) 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. In the event that a vacancy occurs on the Planning and Zoning Commission prior to the expiration of a full term, the City Council shall appoint a new member to complete the unexpired term. Any member of the Commission may be reappointed by the City Council upon completion of a full term.
- C. 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.
- D. Duties generally: The Planning and Zoning Commission shall, from time to time, either at its discretion or as requested by the City Council submit its reports, plans and recommendations for the orderly growth, development and welfare of the city in accordance with Chapter 283, Acts of the Regular Session of the Legislature, 1927, being Articles 1011a to 1011j, Vernon's Annotated Civil Statutes. Such commission shall also perform other duties as may be prescribed by ordinance or state law; or as follows:
1. To recommend the boundaries of the various districts and appropriate regulations to be enforced therein under this ordinance, the Ordinances of the City of Rockwall or the laws of the State of Texas, to the City Council of the City of Rockwall and to recommend approval or denial of zoning changes and regulations under this ordinance, the Ordinances of the City of Rockwall or the laws of the State of Texas.
 2. To hear, recommend, or determine any matter relating to zoning, planning or subdivision control as may be specified or required under this ordinance, the Ordinances of the City of Rockwall, or the laws of the State of Texas.

3. To exercise such duties and powers as may be now or hereafter conferred by this ordinance, the Ordinances of the City of Rockwall, or applicable laws of the State of Texas.
- E. Citizen of Rockwall: Each member of the Planning and Zoning Commission shall be a resident citizen of the City of Rockwall at the time of his appointment. A member of the Planning and Zoning Commission ceasing to reside in the City during his term of office shall immediately forfeit his office.
 - F. 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 said 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.
 - G. Attendance: Three consecutive absences that are not excused by the Planning and Zoning Commission, or the absence of a regular member from more than 50% of the meetings in any calendar year, will automatically remove a member from the Planning and Zoning Commission.
 - H. Officers: The Planning and Zoning Commission shall elect a Chairman, Vice-Chairman at the first meeting in September for a term of one (1) year. The Vice-Chairman is to preside in the absence of the Chairman. The Zoning Administrator shall be Secretary of the Planning and Zoning Commission. Exception: Upon enactment of this ordinance the enumerated officers shall be elected at the first regular meeting of the Planning and Zoning Commission.
 - I. Meetings:
 1. 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. 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 Chairman and at such other times as the Commission may determine.
 - J. Rules of Procedure: Whenever a public hearing is closed, it shall be proper for the Commission to take the matter under advisement and announce its decision at some subsequent meeting

which is open to the public. No hearing, however, will be continued without setting a definite date when such hearing will be resumed where a matter is taken under advisement.

ARTICLE XIII BOARD OF ADJUSTMENT

SECTION 13.1 ORGANIZATION OF BOARD OF ADJUSTMENT

- A. A Board of Adjustment is hereby 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 two (2) alternate members of the board who shall serve in the absence of one or more of the regular members. All cases to be heard by the Board of Adjustment shall be heard by the minimum number of four (4) 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. 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 the person by whom such notices were delivered to the mailing clerk, post office or mail box 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.
- C. The Secretary of the Board shall forthwith notify in writing the City Council, the Planning and Zoning Commission and the City Building Inspector of each decision, interpretation, special exception and variance granted under the provisions of this ordinance.
- D. The Board of Adjustment shall annually select one of its members to be the Chairman, and the Vice Chairman to act in the absence of the Chairman.

SECTION 13.2 OPERATIONAL PROCEDURE.

A. General:

1. The Board shall adopt rules to govern its proceedings, provided, however, that such rules are not inconsistent

with this ordinance or state law. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oath and compel the attendance of witnesses.

2. All meetings of the Board shall be open to the public. 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 record of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
3. Appeals to the Board may be made by any person aggrieved, or by any municipal officer, department, or board affected by any decision of the Zoning Administrator. Such appeal shall be filed with the board by the Zoning Administrator within fifteen (15) days after the original decision is rendered. The appeal shall be accompanied by all papers constituting the record pertaining to such appeal. Formal notice of the appeal shall be issued by the Zoning Administrator, such notice to specify the grounds upon which the appeal is made. The Board shall set a reasonable time for the hearing of the appeal.
4. An appeal shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certified to the Board after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
5. Fees: Upon notice of appeal being given to the Zoning Administrator, the applicant must file a fee with such notice of appeal to the board. The Board of Adjustments, with the concurrence and approval of the City Council shall determine and set forth a fee schedule for the purpose of recovering the administrative cost of processing requests and appeals 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 and/or to generate revenue for other than recovery of actual administrative cost incurred by the City. Immediately upon receipt of such application and fee, the Zoning Administrator shall note thereon the date of filing, and make a permanent record thereof.

6. No appeal to the Board for the same or related variance on the same piece of property shall be allowed prior to the expiration of six (6) months from a previous ruling by the Board on any appeal to such body unless other property in the immediate vicinity has, within the said six (6) months' period, been changed or acted on by the Board or City Council so as to alter the facts and conditions on which the previous board action was based. Such change of circumstances shall permit the rehearing of an appeal by the Board prior to the expiration of six (6) months period, but such conditions shall in no way have any force in law to compel the Board, after a hearing, to grant a subsequent appeal. Such subsequent appeal shall be considered entirely on its merits and the peculiar and specific conditions related to the property on which the appeal is brought.
7. At a public hearing relative to any appeal, any interested party may appear in person or by agent or by attorney. The burden of proof shall be on the applicant to establish the necessary facts to warrant favorable action of the Board on any appeal. Any special exception or variance granted or authorized by the Board under the provisions of this ordinance shall authorize the issuance of a building permit or a certificate of occupancy, as the case may be, for a period of ninety (90) days from the date of the favorable action of the Board, unless said Board shall have in its action approved a longer period of time and has so shown such specific longer period in the minutes of its action. If the building permit and/or certificate of occupancy, shall not have been applied for within said ninety (90) day period or such extended period as the Board may have specifically granted, then the special exception or variance shall be deemed to have been waived and all rights thereunder terminated. Such termination and waiver shall be without prejudice to a subsequent appeal and such subsequent appeal shall be subject to the same regulations and requirements for hearing as herein specified for the original appeal.

B. Actions of the Board:

1. In exercising its powers, the Board may, on conformity with the provisions of the statutes of the State of Texas as existing or hereafter amended, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken. The Board shall have the power to impose reasonable conditions to be complied with by the applicant.

2. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, 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 effect any variance in said ordinance.
3. Any person or persons, jointly or severally aggrieved by any decision of the Board, or any taxpayer or officer, department or Board of the municipality may present to a court of record (district court) a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the Board and not thereafter.

C. Notice of Hearing Before the Board Required:

1. The Board shall hold a public hearing on all appeals made to it and written notice of such public hearing shall be sent to the applicant, all persons who are owners of real property lying within two hundred (200) feet of the property on which the appeal is made, and all other persons deemed by the Board to be affected thereby.
2. Such notice shall be given not less than ten (10) days before the date set for hearing to all such owners who have rendered their said property for city taxes as the ownership appears on the last city tax roll. Such notice may be served by deposition of the same, properly addressed and postage paid, in the U.S. Post Office.
3. Notice shall also be given by publishing the same in official publication of the city at least one (1) time and at least fifteen (15) days prior to the date set for the hearing, which shall state the time and place of such hearing.

D. Jurisdiction of the Board:

1. Exceptions and Variances Distinguished

- a) A special exception is a permission given by the Board properly authorized by this ordinance in specific cases for an applicant to use his property in a manner contrary to the provisions of this ordinance provided such use subserves the general welfare and preserves the community interest.
- b) A variance is an authorization by the Board granting relief and doing substantial justice in the use of the applicant's property by a property owner where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship.

2. Special Exceptions

a) A special exception may be granted an applicant when the Board finds:

(1) That the granting of such exception will not be injurious or otherwise detrimental or injurious to the public health, safety, morals and general welfare of the general public, and

(2) That the granting of such exception will not be detrimental or injurious to the property or improvements in such zone or neighborhood in which the property is located, and

(3) That the granting of such exception will be in harmony with the general purpose and intent of this ordinance.

b) In determining its finding, the Board shall take into account the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in such building or upon such land, traffic conditions in the vicinity, and the conformance of such area to the zoning map and general plan.

c) The Board may, after public hearing and subject to the conditions and safeguards herein contained, authorize special exceptions to this ordinance as follows:

3. Permit such modification of a yard, lot area or lot width regulation requirements as may be necessary to secure appropriate improvement of a parcel of land where such parcel was separately owned on the effective date of this ordinance, and is not adjacent to another parcel of the same ownership and where such parcel is of such size that it cannot be improved without such modification or of such restricted area that it cannot be appropriately improved without such modification.

a) May grant a permit for the extension of a use, height, or area regulation into an adjoining district for a distance of not more than twenty-five (25) feet, where the boundary line of the district divides a lot in single ownership as of the effective date of this ordinance.

b) In granting any special exception under the provisions of this ordinance, the Board may designate such conditions in connection therewith which, in its opinion, will secure substantially the purpose and intent of this ordinance.

3. Variances

- a) A variance may be granted to an applicant when the Board finds:
- (1) That there are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to lands or buildings in the same zone or neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or building; and
 - (2) That the granting of such variance will not be detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located, and
 - (3) That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
 - (4) That the literal enforcement and strict application of the provisions of this ordinance will result in an unnecessary hardship inconsistent with the general provisions and intent of this ordinance and that in granting such variance the spirit of the ordinance will be preserved and substantial justice done; and
 - (5) In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board, in determining its findings, shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.
- b) The Board may, after public notice and hearing and subject to the conditions and safeguards herein contained, vary or adapt the strict application of any of the terms of this ordinance under the power and authority herein granted and consistent with Section 13.2, subsection D..
- c) In granting any variance under the provision of this ordinance, the Board may designate such conditions in connection therewith which, in its opinion, will

secure substantially the purpose and intent of this ordinance.

- d) The Board may permit the change of occupancy from one nonconforming use to another nonconforming use when the extent of the second nonconforming use is found to be less detrimental to the environment than the first.
 - e) The Board may permit the remodeling or enlargement of a nonconforming use only when the remodeling or enlargement will not prolong the life of the nonconforming use. A specific period of time for the return to conformity can be required.
 - f) The Board may permit the reconstruction of a nonconforming structure or building on the lot or tract occupied by such building, provided such reconstruction does not, in the judgment of the Board, prevent the return of such property to a conforming use or increase the nonconformity of a nonconforming structure.
 - g) The Board may permit such variance of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum setback standards, off-street parking or off-street loading regulations where the literal enforcement of the provisions of this ordinance would result in an unnecessary hardship, and where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district. A variation from the standard established by this ordinance shall not be granted to relieve a self-created or personal hardship, nor for financial reason only, nor shall such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this ordinance to other parcels of land in the district.
- 4. The Board shall hear and decide appeals where it is alleged that there is error on any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this ordinance.
 - 5. The Board shall interpret the intent of the zoning district map where uncertainty exists because the physical features on the ground vary from those on the zoning districts map and none of the rules of this ordinance set forth in Section 11.2 apply.

E. Appeals from the Board of Adjustment

1. Any person or persons, or any board, taxpayer, department, board or bureau of the city aggrieved by any decision of the Board may seek review by a court of record of such decision, in the manner provided by the laws of this state.
2. Upon presentation of such petition referred to in Section 13.2, subsection B3, the court of record may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decisions appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order.
3. The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
4. If, upon hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a reference to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm wholly or partly, or may modify the decision brought up for review.
5. Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.
6. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.

SECTION 13.3 RESPONSIBILITIES OF THE ZONING ADMINISTRATOR, BOARD OF ADJUSTMENT, AND CITY COUNCIL ON MATTERS OF APPEAL.

A. Intent:

1. It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator and that recourse from the decisions of the Board shall be to the courts as provided by law.
2. It is further the intent of this ordinance that the duties of the City Council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in Article XIII, Section 13.2 of this ordinance.

B. Duties: Under this ordinance, the City Council shall have only the duties:

1. Of considering and adopting or rejecting proposed amendments or the repeal of this ordinance, as provided by law;
2. Of establishing a schedule of fees and charges;
3. Of appointing members of the Board and Planning and Zoning Commission; and
4. Of hearing appeals regarding recommendations from the Planning and Zoning Commission.

ARTICLE XIV DEFINITIONS

SECTION 14.1 GENERAL.

For the purpose of this ordinance, the following words and terms as used herein are defined to mean the following:

Words used in the present tense include the future; words in the singular number include the plural; and words in the plural number include the singular; the word "structure" includes the word "building"; the word "shall" or the word "Must" is mandatory; the term "used for" includes the meaning "designed for" or "intended for;" the word "lot" includes the word "plot."

1. 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.
2. Adopted Policies: A written administrative directive discussed at a public meeting and officially adopted by a majority vote of the City Council.
3. 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.

4. 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.
5. 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.
6. 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.)

7. Apartment House or Building: A building arranged, intended or designed for more than two families (See Dwelling Unit, Multiple.)
8. Apartment Hotel: An apartment house which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.
9. 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).
10. Authorized Agent: An architect, builder, developer, or other person empowered to act on behalf of other persons.
11. 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.
12. Basement or Cellar: A story having more than one-half (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.
13. 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.
14. Board: The Board of Adjustment of the city.
15. 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.
16. 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.
17. 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 breezeway shall be deemed as one building. Parking structures

shall not be considered as buildings when calculating building coverage.

18. 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.
19. Building Area: The building area of the lot is the gross area covered by the structures when placed on the lot.
20. Building Coverage: Percentage of the lot that is occupied by the building area. Parking structures shall not be included in the calculations for coverage requirements.
21. Building, Height Of: 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 of the building.
22. Building Official: The duly authorized employee or representative of the City charged with implementation, inspection and enforcement of the building codes.
23. Building, Principal: A principal building is one in which a main use of the lot on which it is located is conducted.
24. 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, encroach or project except as specifically authorized in an adopted ordinance of the City of Rockwall. In the Of, GR, C, CBD, HC, 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.
 - a. Front Building Setback Line: A line parallel to the street right-of-way line which the building faces, and takes its primary access from.
 - b. Side Building Setback Line: A line parallel to an adjacent lot or street right-of-way on a corner lot, which the building sides up to.
 - c. Rear Building Setback Line: A line parallel to an adjacent lot, alley, or street in the case of double frontage lots, which the building backs up to and has its rear or secondary access from.
25. Carport: A structure with a wall on one or more sides, covered with a roof and constructed specifically for the storage of one or more automobiles; utility room may be included.

26. 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.
27. City: The City of Rockwall, Texas.
28. 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.
29. 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.
30. Commercial Amusement: Any enterprise whose main purpose is to provide the general public with a variety of amusing or entertaining activities, where tickets are sold or fees collected at the gates of the various rides, contests, games, exhibits, or other similar activities within the confines of the area or structure by such activities. Commercial amusements include zoos, exhibitions, expositions, athletic contests, rodeos, tent shows, ferris wheels, children's rides, roller coasters, skating rinks, ice rinks, travelling shows, bowling alleys, pool parlors and similar enterprises but does not include theatres and auditoriums.
31. Commission: The Planning and Zoning Commission of the City of Rockwall, Texas.
32. 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.
33. Conditional Use: A use which may be suitable in certain locations in a zoning district if developed and operated under specific conditions and/or for a limited period of time.
- Conditional Use Permit: A non-transferable permit issued by the governing body, allowing a specified conditional use in a district at a specific location and under certain conditions and/or for a limited period of time.
34. 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.

35. 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.
36. 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.
37. Day Care Center and Day Nursery: A place for the care of children. Services usually include a staff nurse and a hot meal is normally served.
38. Density: The ratio of dwelling units per gross acre of platted area being developed.
39. District: A zone or geographic area within the municipality within which certain zoning or development regulations apply.
40. Drive-in Eating Establishment: 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.
41. 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.
42. 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.
43. 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 receive 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.
44. Frontage: All the property abutting on one (1) side of a street between two (2) intersecting streets, measured along the street line.
45. Garage Apartment: A dwelling unit attached to a private garage.
46. 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.
47. 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.

48. Garage, Detached or Private: An accessory building for storage only of motor vehicles and home laundry.
49. 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.
50. 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.
51. 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.
52. 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.
53. 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.
54. 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.
55. 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.
56. Hotel: A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged, with or without meals, and in which there are more than twelve sleeping rooms, and no provisions for cooking in individual rooms.
57. Impervious Cover: Roads, parking areas, buildings and other impermeable construction covering the natural land surface

that prevent absorption of the water. Water quality basins, swales and other conveyances for overland drainage shall not be calculated as impervious cover.

58. 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.
59. 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.
60. Landscaping: Trees, shrubs, ground cover, earthen berms, vines, or grass for the purpose of fulfilling the requirements of this chapter.
61. Legislative or Governing Body: The City Council of the City of Rockwall, Texas.
62. 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 thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet.
63. 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.
64. 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.
65. 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.
66. Lot Depth: The length of a line connecting the midpoints of the front and rear lot lines.
67. Lot Double Frontage or Through Lot: A lot abutting on two (2) nonintersecting public streets as distinguished from a corner lot.

68. Lot, Frontage: The length of street frontage between property lines.
69. Lot, Interior: A lot whose side lot lines do not abut upon any street.
70. 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 a cul-de-sac.
71. Lot Lines: The lines bounding a lot as defined herein.
- a. Front Lot Line: The property line between the front yard and the contiguous street right-of-way boundary.
- b. Rear Lot Line: The boundary line which is opposite and most distant 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 or between the side yard and the contiguous street right-of-way boundary on corner lots.
72. Reverse Corner Lot: 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.
73. Lot Width: The horizontal distance between side property lines, measured at the front setback line.
74. 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.
75. 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.
76. Masonry: may include brick, stucco, or glass, stone, granite, marble, concrete block, tilt wall and other concrete materials. Stucco shall not be considered as masonry material in determining masonry requirements for the MF-15 and MF-20 District Classifications.

77. 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.
78. Miniwarehouses: Small individual storage units for rent or lease, restricted to the storage of items that are not for sale on the premises.
79. Mobile Home: A movable or portable dwelling which is constructed on a chassis, and which is designed to be towed over Texas roads and highways under special permit, designed for year-round occupancy, designed primarily to be used without a permanent foundation, but which may sit on a permanent foundation, and designed to be connected to utilities. It may consist of one or more units that can be telescoped when transported and expanded later for additional capacity, or of two or more units, separately transportable, but designed to be joined together into one integral unit. The following shall not be included in this definition:
- a. Travel trailers, pickup coaches, motor homes, camping trailers, or other recreational vehicles.
 - b. Manufactured modular housing which is designed to be set on a permanent foundation, and which uses standard sheathing, roofing, siding, and electrical plumbing, and heating systems which comply with Rockwall Ordinances and Codes.
80. 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.
81. Motel: A building or group of two or more detached, semi-detached, or attached buildings containing guest rooms or apartments with automobile storage space provided in connection therewith, which building or group is designed, intended or used primarily for the accommodation of automobile travelers; including group designated as auto cabins, motor courts, motels and similar designations.
82. Municipal Uses: Facilities owned or controlled by the City of Rockwall including but not limited to: office buildings, maintenance shops, treatment plants, community centers.
83. Nightclub, Discotheque, Disco or Dancehall: 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.

84. 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.
85. Parking Area: Space used exclusively for the parking of vehicles and where no other business is conducted paved to City specifications.
86. Parking Space: A 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. An enclosed garage meeting the required dimensions shall not be utilized in meeting off street parking requirements.
87. Patio Home: A single family, attached, 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.
88. 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.
89. Permitted Use: A use specifically allowed in one or more of the various districts without the necessity of obtaining a use permit.
90. Person: Any individual, association, firm, corporation, governmental agency or political subdivision.
91. 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.
92. 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.
93. Planning Consultant: A private practitioner in planning, as planning is defined by the American Planning Association.
94. 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.

95. 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.
96. 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.
97. Portable Building: A temporary building that does not have a foundation and is transportable.
98. Recreational Vehicle or Travel Trailer: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a travel trailer by the manufacturer of the trailer and, when factory equipped for the road, it shall have a body width not exceeding eight (8) feet and a body length not exceeding state maximums.
99. Restaurant or Cafe: 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.
100. 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.
101. 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).
102. Right-of-way Line: A dividing line between a lot, tract, or parcel of land and the public right-of-way.
103. 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.
104. 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 ofr servants employed on the premises and not rented or other-wise used as a separate domicile.
105. Setback: See Building Setback Line.
106. 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.

107. 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.
108. 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, floodplains, 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 reasonable may be required in order that an informed decision can be made by the approving authority.
109. 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.
110. 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 single car or truck on an individual residential lot.
111. 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.
112. 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.
113. Street: A public or approved private thoroughfare which affords the principal means of access to abutting property, excluding alleys, and including:
 - a. Street, Arterial: A thoroughfare designated as a freeway, expressway, major arterial, or minor arterial in the

most recently adopted City thoroughfare plan. The primary function of an arterial is to carry traffic through the city, and is designed for as high a speed as possible, to carry as much traffic as possible. Also known as a major thoroughfare.

- b. Street, Collector: A street that primarily carries traffic from local or residential streets to major thoroughfares and highways, including the principal entrance streets for circulation to schools, parks, and other community facilities within such a development, and also including all streets which carry traffic through or adjacent to commercial or industrial areas.
 - c. Street, Local or Residential: A street that is used primarily for access to abutting residential property and circulation of traffic within residential neighborhoods. It is of a width and design to discourage through traffic, thereby protecting the residential area. A local street serves the same purpose in a commercial or industrial district.
 - d. Street, Frontage: A local street lying parallel to and adjoining a major street right-of-way, which provides access to abutting properties.
- 114. Street Line: The dividing line between the street and the abutting property.
 - 115. 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.
 - 116. 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.
 - 117. 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.
 - 118. Townhouse: A single-family dwelling unit constructed in a series, or a group of units having common walls, each on a separate lot.
 - 119. Travel Trailers: Any vehicular, portable structure designed as a temporary dwelling for travel, recreational and vacation uses, and includes folding, hardtop campers transported behind a motor vehicle, truck mounted campers attached to and transported behind a motor vehicle or pickup, camper, converted bus, tent trailer, tent or similar device used for temporary, portable housing, or a similar type of temporary dwelling intended for short term occupancy, travel, and/or recreation.

120. 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.
121. 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.

ARTICLE XV INTERPRETATION, PURPOSE AND CONFLICT.

In interpreting and applying the provisions of this Ordinance, they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, or any statute, local ordinance or regulations, except that if this ordinance imposes a greater restriction, or higher standard, this ordinance shall control.

ARTICLE XVI SAVINGS CLAUSE.

All rights or remedies of the city are expressly saved as to any and all violations of previous zoning regulations or amendments thereto, of said city that have accrued at the time of the effective date of this ordinance; and to such accrued violations, the city and the courts shall have all the powers that existed prior to the effective date of this ordinance: and that all existing violations of previous zoning regulations which would otherwise become nonconforming uses under this ordinance shall not become legal nonconforming uses under this ordinance, but shall be violations of this ordinance in the same manner that they were violations of prior zoning regulations.

ARTICLE XVII SEPARABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE XVIII REPEAL OF CONFLICTING ORDINANCES.

Ordinance 72-2 and all other ordinances or parts of ordinances in conflict or inconsistent with any of the provisions of this ordinance are hereby repealed insofar as the same are in conflict with the provisions hereof and insofar as necessary to give this ordinance full force and effect.

ARTICLE XIX PUBLICATION.

It is hereby ordered that a descriptive caption, stating in summary the purpose of the Ordinance and the penalty for violation thereof be published in the official newspaper of the City, as the law in such cases provides.

ARTICLE XV EFFECTIVE DATE.

This ordinance shall take force and effect from and after the date of the publication of the caption in the official newspaper.

PASSED, ADOPTED, APPROVED AND ORDERED PUBLISHED on the 16th day of May, 1983.

CITY OF ROCKWALL

/s/ Leon Tuttle
Mayor

ATTEST:

City Secretary

DATE OF PUBLICATION: May 20, 1983

APPENDIX A

PLANNED DEVELOPMENT ORDINANCES CARRIED FORTH

1. The following ordinances, or applicable parts of the ordinances, are carried forth in full force and effect and are the conditions, restrictions, and regulations which apply to the respective Planned Development Districts shown on the Zoning Map at the date of adoption of this Ordinance.
2. Planned Development Ordinances carried forth:

<u>Zoning Map No.</u>	<u>Applicable Ordinance No.</u>
1	72-2 (See attached ordinance provisions; all references to MF-2 shall not refer to the MF-20 District Classification.) 83-21.
2	72-2 (See attached ordinance provisions) 73-33
3	72-2 (See attached ordinance provisions)
4	72-3
5	73-21 (All references to SF-1, SF-2, and SF-3 shall now refer to the SF-16, SF-10, and SF-7 District Classifications respectively)
7	73-47 82-36
8	73-48 (Reference to Section 9 - 602 (2) and (3) of Ordinance 72-2 shall now refer to the appropriate set back requirements established for the MF-15 District Classification) 74-7 (Reference to Section 9 - 602 (2) and (3) of Ordinance 72-2 shall now refer to the appropriate set back requirements established for the MF-15 District Classification)
9	73-49
10	74-32
11	80-13

Zoning Map No.

Applicable Ordinance No.

12	80-14
13	81-5
14	82-2
15	82-14
16	82-22
17	82-26
18	82-32
19	82-37
20	82-38
21	83-11
22	83-18

APPENDIX B

SPECIFIC USE PERMITS CARRIED FORTH

1. The following ordinances, or applicable parts of the ordinances, are carried forth in full force and effect as Specific Use Permits and are the conditions, restrictions, and regulations which apply to the respective Specific Use Permits shown on the Zoning Map at the date of adoption of this ordinance.
2. Specific Use Permit Ordinances Carried Forth:

<u>Zoning Map No.</u>	<u>Applicable Ordinance No.</u>
S-1	Municipal Airport
S-2	Day Care Center
S-3	10-4-73
S-4	74-32
S-5	76-6
S-6	77-19
S-7	78-10
S-8	79-16
S-9	80-18
S-10	82-18
S-11	82-31
S-12	83-22

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AFFIDAVIT OF PUBLICATION

STATE OF TEXAS
COUNTY OF ROCKWALL


BEFORE ME, the undersigned authority, on this day personally appeared Kim R. Crowell, who, being duly sworn, says upon her oath that she is the Advertising Manager of THE ROCKWALL SUCCESS, a newspaper of general circulation in Rockwall County, Rockwall, Texas; and that a true and correct copy of: ORDINANCE 83-23, clippings of which are attached to this Affidavit, was published in said newspaper on the following date:

MAY 20, 1983.



Kim R. Crowell

SUBSCRIBED AND SWORN TO BEFORE ME this the 9th day of June, 1983.



(Jane Bounds) NOTARY PUBLIC IN AND FOR
ROCKWALL COUNTY, TEXAS

My Commission Expires: 2-16-85.

(SEAL)

(ATTACH CLIPPING)