



City of Rowlett

Official Copy

4000 Main Street
Rowlett, TX 75088
www.rowlett.com

Ordinance: ORD-026-20

AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING THE CODE OF ORDINANCES, THE CITY OF ROWLETT, TEXAS, AMENDING THE FORM-BASED CODE OF THE CITY OF ROWLETT BY AMENDING ARTICLE 1.4 (“ADMINISTRATION”) OF ARTICLE 1 (“GENERAL PROVISIONS”), BY AMENDING SUBSECTIONS 2.4.2(c), 2.6.2(c)(2)(i), AND 2.7.2(c) OF ARTICLE 2 (“FORM BASED DISTRICT STANDARDS”), BY AMENDING ARTICLE 6 (“DEFINITIONS”), BY AMENDING APPENDIX 1.1 (“TABLE OF ALLOWED USES”); BY AMENDING THE NORTH SHORE FRAMEWORK PLANS, TO REQUIRE SPECIAL USE PERMITS FOR DEFINED MULTI-FAMILY DWELLING BUILDINGS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Rowlett and the governing body of the City of Rowlett, in compliance with the laws of the State of Texas and the ordinances of the City of Rowlett, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing and where the governing body in the exercise of its legislative discretion has concluded that the Form-Based Code of the Zoning Ordinance of the City of Rowlett and the North Shore Framework Plans should be amended.

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

SECTION 1: That the Form-Based Code of the City of Rowlett, Texas, adopted on November 6, 2012 and as amended, be and is hereby amended to require special use permits for multi-family dwelling buildings by amending Article 1.4 (“Administration”) of Article 1 (“General Provisions”), by amending subsections 2.4.2, 2.6.2, And 2.7.2 of Article 2 (“Form Based District Standards”), by amending Article 6 (“Definitions”), and by amending Appendix 1.1 (“Table of Allowed Uses”), to read in relevant part as follows:

“ARTICLE 1. GENERAL PROVISIONS

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Article 1.4 Administration

...

1.4.10 Special Use Permit

- a. A Special Use Permit (SUP) is a formal zoning action encouraging public engagement and comment of the use and site development features. An SUP is required for multi-family dwellings in all subdistricts where multi-family residential dwellings are allowed. This additional analysis is intended to ensure proposed uses will not present significant adverse impacts on the surrounding land uses, infrastructure, transportation corridors, or on the larger community. The purpose of an SUP is not to relieve particular hardships, nor to confer special privileges or rights for a particular project. The SUP review and approval procedure provides a discretionary approval process for development and uses having unique or widely varying characteristics or unusual site development features. Additionally, a Special Use Permit is not be used to legitimize nonconforming structures or uses, nor is it used when a variance, deviation, waiver or minor modification could be used to achieve the same result.

- b. The review, approval, public hearing, and notice procedures set forth in Section 77.206 of the Rowlett Development Code, as amended, shall apply to Special Use Permits.

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ARTICLE 2 FORM BASED DISTRICT STANDARDS

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Article 2.4 Urban Village (UV) Standards

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2.4.2 General

a. Building Types

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- 5. The Mixed Residential Building Type will require a Special Use Permit.

...

Article 2.6 Urban Neighborhood (UN) Standards

...

2.6.2 General

...

c. **Building Type Mix**

...

2 Distribution of Building Types. Within the Urban Neighborhood FB District, a minimum mix of Building types will be required.

i. At least 20 percent of the total units constructed will be comprised of any combination of the following Building Types: Mixed-Residential, Shopfront and Mixed-Use. The Mixed Residential building type will require a Special Use Permit.

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Article 2.7 Commercial Center (CC) Standards

...

2.7.2 General

...

c. **Building Types**

...

5. Mixed Residential units will require a Special Use Permit, will be evaluated as part of a larger mixed-use development, and may only occupy 25 percent of the land area (excluding parks and streets) or building square footage in a Regulating Plan/Phased Development Plan or Development Plan.

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ARTICLE 6 DEFINITIONS

As used in this Chapter, the following terms have the meanings ascribed to them, unless the context clearly indicates otherwise.

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Dwelling, Multi-Family: a single building or structure containing more than two residential units and is inclusive of Mixed Residential structures, apartments, garden apartments, lofts, condominiums, and other multi-family and mixed use structures that are at least two stories in height, but shall not include townhomes.

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Special Use Permit: a development approval that permits a use that is not consistent with a provision or the intent of this Chapter. Special Use Permits are granted only by the City Council, upon recommendation by the Planning and Zoning Commission, and in accordance with the procedures stated in the Rowlett Development Code.

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APPENDIX 1. LAND USE

1.1 TABLE OF ALLOWABLE USES

A = Allowed Use S = Special Use	C = Conditional Use	MajW= Major Warrant	New Neighborhood	Urban Village	Rural Neighborhood	Urban Neighborhood	Commercial Center	Use-Specific Requirements
General/Use Categories	Specific Use Types <i>*afa = gross floor area</i>							
RESIDENTIAL USES								
Household Living	Dwelling, multi-family			S			S	S Subchapter 77-302A.3

...

SECTION 2: That the North Shore Framework Plans, The North Shore Center for Commerce and Industry Framework Plan and the North Shore South Framework Plan, adopted on or about April 15, 2014, be and are hereby amended to require special use permits for multi-family dwelling buildings, as follows:

North Shore Center for Commerce and Industry & North Shore South Framework Plans

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Urban Village District

Building Types.

Within Overlay A, the following Urban Village Building Types in the Form-Based Code are allowed: Commercial, Mixed-Use, Shopfront and Mixed Residential (**with SUP**).

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Commercial Center District

Building Types.

Within Overlay B, the following Commercial Center Building Types in the Form-Based Code are allowed: Commercial, Flex Employment, Mixed-Use, Shopfront and Mixed Residential (**with SUP**).

Where Overlay B is not designated, all Commercial Center Building Types in the Form-Based Code are allowed.

...”

SECTION 3: That all ordinances of the City of Rowlett, Texas, in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of Rowlett not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4: That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 5: That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof, other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 6: That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Rowlett, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two-thousand dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7: That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

At a meeting of the City Council on November 5, 2020 this Resolution be adopted. The motion carried by the following vote:

Ayes: 7 Mayor Dana-Bashian, Mayor Pro Tem Grubisich, Deputy Mayor Pro Tem Bell, Councilmember Margolis, Councilmember Sherrill, Councilmember Laning and Councilmember Brown

Approved by Tommy Dan Bashkin Date November 5, 2020
Mayor

Approved to form by David M. Berman Date November 5, 2020
City Attorney

Certified by Sandra Hallmark Date November 5, 2020
City Secretary

