



# City of Rowlett

## Official Copy

Ordinance: ORD-012-22

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

**AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROWLETT, TEXAS, BY AMENDING SECTION 77-803(F) OF CHAPTER 77-800 ("REVIEW AND APPROVAL PROCEDURES") OF CHAPTER 77 (THE "ROWLETT DEVELOPMENT CODE") TO REVISE SUBPARTS (3) , (4), (5), AND (6) OF SECTION 77-803(F) TO REVISE REGULATIONS RELATING TO PUBLIC NOTICE; 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 (\$2,000.00) 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 Zoning Ordinance of the City of Rowlett should be amended.

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

**SECTION 1:** That the Code of Ordinances of the City of Rowlett, Texas, be and is hereby amended by amending subparts (3), (4), (5), and (6) of Section 77-803(F) of Chapter 77-800 ("Review and Approval Procedures") of Chapter 77 (the "Rowlett Development Code"), without amendment, repeal or change to any other subsection or subpart of Section 77-803(F), to revise regulations relating to public hearing notices such that Section 77-803(F) subparts (3), (4), (5), and (6) shall read as follows:

**"CHAPTER 77**

**DEVELOPMENT CODE**

...

**CHAPTER 77-800. REVIEW AND APPROVAL PROCEDURES**

...

**Sec. 77-803. – Common procedures.**

...

**F. Notice**

...

- 3. *Mailed notice.*
  - (a) *Required mailed notice.* When Table 8.3-1 requires that written notice be provided, the Director of Community Development or designee shall

deposit such notice into first class mail to property owners within 200 feet of the subject property before the 10<sup>th</sup> day before the hearing date of the Planning and Zoning Commission or Board of Adjustment. Written notice shall be provided to all persons listed on the current records of the municipal tax assessor as owners of land subject to the application or as owners of the parcels within 200 feet of the outer boundary of the land subject to the application as the mailing addresses of such persons in the records of the municipal tax assessor. Due to the Super Majority rule under Chapter 211 of the Texas Local Government Code, responses received later than the publication of the City Council meeting agenda to consider and take action on the zoning matter shall not be counted in the record of response.

(b) *Courtesy mailed notice.* When Table 8.3-1 requires that written notice be provided, the Director of Community Development or designee shall deposit such notice into first class mail to property owners within 500 feet of the subject property, before the 10<sup>th</sup> day before the hearing date of the Planning and Zoning Commission or Board of Adjustment. Written notice shall be provided to all persons listed on the current records of the municipal tax assessor as owners of land subject to the application or as owners of the parcels within 500 feet of the outer boundary of the land subject to the application as the mailing addresses of such persons in the records of the municipal tax assessor.

4. *Published notice. Required Published Notice.* When Table 8.3-1 requires that notice be published, the Director of Community Development or designee shall cause a notice to be published in a newspaper of general circulation before the 15<sup>th</sup> day before the date of scheduled meeting of the approving body.

5. *Posted notice.*

(a) *Required Posted Notice.* When Table 8.3-1 requires that notice be posted, the applicant shall place or caused to be placed on the subject property a sign 10 days before the date of scheduled meeting of the Planning and Zoning Commission, and the sign shall remain until after the final action has been taken on the application by the approving body.

(b) *Responsibility for placement and removal of sign.* The applicant is responsible for the fabrication and placement of the required sign on the subject property in accordance with the Development Guide. The sign shall be removed no more than 3 days after the action taken by the approving body upon the subject application.

(c) *Required affidavit.* No less than 10 days prior to the day of public hearing before the Planning and Zoning Commission, the applicant shall submit to the Director of Community Development or designee an affidavit signed by the applicant and/or the person who placed the required sign on the subject property affirming posted notice as set forth in this subsection was duly and correctly performed. The affidavit shall be completed using a form prepared and provided by the Community Development Department and notarized. A digital photograph showing the required sign on the subject property with date stamp indicating the placement of the sign in compliance with this subsection shall accompany the affidavit. Should the required affidavit not be provided in conformance with this section, the consideration of the request will be postponed until the required affidavit is provided.

6. *Constructive notice.*

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- (a) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements under the Texas Local Government Code and this Code. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. Minor defects shall not include failure to meet the time specifications for all required notices or inaccuracy in specifying the time, date, and place of a public hearing. The Director of Community Development or designee shall, upon request, make a formal finding as to whether there was substantial compliance with the notice requirements of this Code, and such finding shall be made available to the decision-making body prior to final action on the request.–
- (b) When the records of the city document the publication, mailing, and posting of notices as required by this subsection, it shall be presumed that notice of a public hearing was given as required by this subsection.

**SECTION 2:** 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 3:** 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 4:** 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 5:** 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 6:** 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 May 3, 2022 this Resolution be adopted. The motion carried by the following vote:

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**Ayes: 6** Mayor Pro Tem Grubisich, Deputy Mayor Pro Tem Sherrill, Councilmember Margolis, Councilmember Laning and Councilmember Bell

**Absent: 1** Councilmember Brown

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Approved by *Mark Hill*  
Mayor Pro Tem

Date May 3, 2022

Approved to form by *[Signature]*  
City Attorney

Date May 3, 2022

Approved by *Saura Hallmark*  
City Secretary

Date May 3, 2022



TABLE 8.3-1: NOTICE REQUIREMENTS

✓ = Notice Required

Type of Application or Procedure	Chapter	Mailed Notice (See subsection 6c. below)	Published Notice (See subsection 6d. below)	Sign Posted (See subsection 6e. below)
Amendments to Text of this Code	77-804	—	✓	—
Rezoning	77-805	✓	✓	✓
Platting: Preliminary and Final Plats	77-806	—	—	—
Platting: Replatting (excluding minor)	77-806, D	✓	✓	—
Platting: Amendments to Approved Plants	77-806, E	✓	—	—
Platting: Minor Subdivision	77-806, F	—	—	—
Conditional Use Permit	77-807	✓	—	—
Development Plans, Administrative	77-808, C	—	—	—
Development Plans, Review by P&Z	77-808	—	—	—
Building Permits and Certificates of Occupancy	77-809	—	—	—
Temporary Use Permits	77-810	—	—	—
Variances	77-812	✓	—	—
Appeals of Administrative Decisions	77-813	✓	—	—
Tree Removal Permits	77-504, 4(c)	—	—	—
Special Use Permit	77-206	✓	✓	✓