

## ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 14 – ZONING, ARTICLE 14.02 ZONING ORDINANCE, DIVISION 2 ZONING DISTRICTS AND REGULATIONS BY ADDING SECTION 14.02.069 DAY CARE CENTERS, SECTION 14.02.070 HOME OCCUPATIONS, SECTION 14.02.071 CLASSIFICATION OF NEW AND UNLISTED USES, AND SECTION 14.02.078 ALLOWED USE TABLE, OF THE CODE OF ORDINANCES OF THE CITY OF ROCKDALE, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the City Council (“Council”) is the governing body for the City of Rockdale, Texas, and therefore, it must bear the initial responsibility for the integrity of governance; and

**WHEREAS**, the public health, safety and welfare, require the adoption and enforcement of codes governing the issuance of permits for, inspection and completion of construction, plumbing, electrical work and buildings within the City of Rockdale, Texas; and

**WHEREAS**, the public health, safety and welfare will be served by updating certain codes heretofore adopted by the City;

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

**Section 1. Findings of Fact.** The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

**Section 2. Addition of Section 14.02.069 DAY CARE CENTERS.** Section 14.02.069 Day Care Centers is hereby added as follows:

### **Sec. 14.02.069 Day Care Centers**

- (a) **Purpose.** A day care center is considered a commercial operation that is licensed by the State of Texas under public or private usage where the day care is provided for six or more individuals who are apart from their own family or relations during a part of the day.
- (b) **Required Conditions.** The day care must be in a commercially zoned area.
- (c) Any passenger unloading or loading areas and outdoor areas must be located in an area that avoids conflict with vehicular traffic.
- (d) Play areas must have an enclosed fence or solid wall at a minimum of three (3) feet in height.

**Section 3. Addition of Section 14.02.070 HOME OCCUPATIONS.** Section 14.02.070 Home Occupations is hereby added as follows:

## **Sec. 14.02.070 Home Occupations**

- (a) Purpose. The purpose of this section is to provide types of occupational uses within a residential district.
- (b) Permitted Uses. A home must be used as a principal residency before being used as a business. The home occupation must be operated on the premises that it is primarily a residential use.
- (c) General Requirements. Permitted home occupations are listed on the Use table.
- (d) Required Conditions:
  - (1) The home occupation must be subordinate to the residential use and must be owner occupied.
  - (2) No more than one home occupation is allowed in a single dwelling unit.
  - (3) The home occupation cannot be open to the public at any time and can only allow one external customer at a time.
  - (4) Any outdoor storage of materials used for the home occupation is prohibited.
  - (5) The exterior of the single dwelling unit may not be altered to alter the residential characteristics of the structure. The only exception is a non-illuminated sign not exceeding one square foot in area.
  - (6) The delivery of any materials or goods to a home occupation must not be delivered on a vehicle larger than two tons with a maximum of six (6) wheels.
  - (7) A home occupation must not interfere with the residential quality of life in the surrounding area. Any excessive noise, vibration, smoke, dust, odors, or heat that is detectable beyond the walls or property line will be a violation of this section.
  - (8) Any home occupation may not create an increase in traffic to a residential area.

**Section 4. Addition of Section 14.02.071 CLASSIFICATION OF NEW AND UNLISTED USES.** Section 14.02.071 Classification of New and Unlisted Uses is hereby added as follows:

### **Sec. 14.02.071 Classification of New and Unlisted Uses**

- (a) Purpose. In order to classify a land use not already listed in the use table, a determination of the appropriate classification of any new or unlisted land use must occur as follows:
  - (1) The new or unlisted use must first be referred to the Planning & Zoning Commission requesting an interpretation for the appropriate zoning classification.
  - (2) The new or unlisted use must submit to the Planning & Zoning Commission a statement of facts that list the nature of the use whether it involves dwelling activity, sales, processing, types of products, amount and nature of storage, transportation requirements, and the amount of smoke, dust, smell, toxic material, and vibration that will likely be generated from the use.

- (3) The Planning & Zoning Commission must then consider the nature and description of the proposed new or unlisted use to properly compare to other uses permitted in various districts.
- (4) If recommended for approval, the Planning & Zoning Commission must amend the Use Table and submit the amended Use Table to City Council for final approval.

**Section 5. Addition of Section 14.02.078 ALLOWED USE TABLE.** Section 14.02.078 Allowed Use Table is hereby added as follows:

**Sec. 14.02.078            Allowed Use Table**

*See "Exhibit A" for Allowed Use Table*

**Section 6. Repeal of Conflicting Ordinances.** All ordinances or parts of ordinances, and sections of the City Code of Ordinances, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict; provided, however, that all other provisions of said ordinances not in conflict herewith shall remain in full force and effect. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provision of this ordinance shall govern.

**Section 7. Severability.** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, unlawful, unenforceable, or unconstitutional, the same shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**Section 8. Savings Clause.** All rights and remedies of the City of Rockdale are expressly saved as to any and all violations of the provisions of any ordinances affecting zoning and all other codes affected hereby including permit issuance, or vendor registration within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**Section 9. Effective Date.** This ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the City Charter and the Texas Local Government Code.

**Section 10. Open Meeting Act.** It is officially found and determine that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code.

**PASSED AND APPROVED** on first reading on this the 13<sup>th</sup> day of December, 2021.

**PASSED AND APPROVED** on second reading on this the 13<sup>th</sup> day of December, 2021.

**THE CITY OF ROCKDALE, TEXAS**

**ATTEST**

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Terry Blanchard, TRMC  
City Secretary

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John E. King, Mayor

**“EXHIBIT A”**

**Allowed Use Table**

**Sec. 14.02.078. Allowed Use Table**

USE GROUP Use Category Use Sub- Category Specific Uses	R1	R1C	R1E	R2	R3	M1	M2	C1	C2	GOV	CA	I	A	PUD	IR Overlay	Use Standards
<b>RESIDENTIAL</b>																
<b>Household Living</b>																
Apartment Hotel					X			X	X		X			P		
Apartment House					X						X			P		
Assisted Living					X				X					X		
Bed and Breakfast Homestay Establishment	X	X	X								X					
Bed and Breakfast Inn					X						X					
Boarding House					X						X			P		
Crisis Center (6 or fewer)	S	S	S	S	S									P		
Four-Plex					X						X			P		
Fraternity, Sorority or Group Student Housing					X						X			P		
Group or Community Home (6 or fewer residents)	X	X	X	X	X									P		
Group or Community Home (7 or more residents)					X									P		
Halfway House					S									P		
Manufactured Home Park							X							P		
Manufactured Home Subdivision						X								P		
Modular Component/Industrialized Housing	X	X	X	X							X			P	X	
Multiple Family Dwelling					X						X			P		
Nursing Home					X				X					P		
Recreational Vehicle Park									X			X		P		
Rescue Mission/Home					S									P		
Short Term Rental I	X	X	X								X			P		
Short Term Rental II	X	X	X	X							X					
Short Term Rental III					X						X					

**Sec. 14.02.078. Allowed Use Table**

USE GROUP Use Category Use Sub- Category Specific Uses	R1	R1C	R1E	R2	R3	M1	M2	C1	C2	GOV	CA	I	A	PUD	IR Overlay	Use Standards
Single-Family Residence, Attached				X	X						X			P	X	
Single-Family Residence, Detached	X	X	X	X							X			P		
Skilled Nursing Home/Rehabilitation					X				X					P		
Townhouse				X	X						X			P		
Two-Family Duplex				X							X			P		
Zero Lot Line		X		X	X						X			P	X	
<b>Child Day-Care Operations</b>																
Listed Family Home	X	X	X	X	X									P		
Registered Child-Care Home	X	X	X	X	X									P		
Licensed Child-Care Home	X	X	X	X	X									P		
Child-Care Center								X	X							
<b>Home occupation</b>																
Art Studio	X	X	X	X	X									P		
Barber/Beauty Shop (one chair)	X	X	X	X	X									P		
Craft, Ceramic, Art Workshop	X	X	X	X	X									P		
Photography Studio	X	X	X	X	X									P		
Piano Lessons	X	X	X	X	X									P		
Swim Lessons	X	X	X	X	X									P		
Tailor/Seamstress	X	X	X	X	X									P		
<b>PUBLIC/CIVIC</b>																
Cultural Facilities and Libraries	S	S	S	X	X		X	X	X	X	X	X	X	P		
<b>Correctional Detention Facility</b>												S				
<b>Cultural Facilities, Libraries</b>										X	X	X		P		
<b>Hospital</b>								S	S	S	S	S		P		
<b>Parks and Open Space</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	P		
Ampitheater								X	X	X	X	X		P		
Animal Park	S	S	S	X	X			X	X	X	X	X	X	P		
Concerts, Fairs, Festivals								T	T	T	T	T	T			Allowed by right if city sponsored.
Fairgrounds/Exhibition (Permanent)												X	X			
Golf Course	X	X	X	X	X	X	X							P		
Public/Private Park	X	X	X	X	X	X	X	X	X	X	X	X	X	P		

**Sec. 14.02.078. Allowed Use Table**

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Race Track (Horse/Dog)												P	P	P		
Rodeo Grounds									P	X		X	X	P		
Zoo								S	S	S	S	S	S	P		
<b>Public Facilities</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	P		
Major Utilities	S	S	S	S	S	S	S	S	S	S	S	S	S	P		
Minor Utilities	X	X	X	X	X	X	X	X	X	X	X	X	X	P		
Post Office	X	X	X	X	X	X	X	X	X	X	X	X	X	P		
Public Safety (Police/Fire)	X	X	X	X	X	X	X	X	X	X	X	X	X	P		
<b>Religious Assembly</b>																
Church, Temple, Synagogue, Mosque	X	X	X	X	X	X	X	X	X	X	X	X	X	P		
Church Activity/Recreational Center	X	X	X	X	X	X	X	X	X	X	X	X	X	P		
<b>School</b>																
College or University								X	X	X	X	X	X	P		
College Dormitory (Off- Campus)					X						X			P		
College Fraternity/Sorority House					X			X	X	X	X	X	X	P		
High School	X	X	X	X	X	X	X	X	X	X	X			P		
Elementary School	X	X	X	X	X	X	X	X	X	X	X			P		
Junior High or High School	X	X	X	X	X	X	X	X	X	X	X			P		
Pre-School/Kindergarten	X	X	X	X	X	X	X	X	X	X	X			P		
School Student/Activity Center/Field(Public)	X	X	X	X	X	X	X	X	X	X	X		X	P		
<b>AGRICULTURAL</b>																
Animal Shelter (public or private)												X	S			
Bulk grain or feed storage													X			
Concentrated Animal Feed Operation													S			
Farm or Ranch													X			
Greenhouse or Nursery (wholesale)													X			
Hatchery, fish, shrimp or fish farm													X			
Hatchery, poultry												X	X			
Hay, grain or feed sales												X	X			
Kennel without vet hospital								X	X					S		
Livestock Auction														S		
Orchard or Garden, Commercial														X		
Stables, Commercial														X		
Veterinarian with exterior cages												X	X			

**Sec. 14.02.078. Allowed Use Table**

USE GROUP Use Category Use Sub- Category Specific Uses	R1	R1C	R1E	R2	R3	M1	M2	C1	C2	GOV	CA	I	A	PUD	IR Overlay	Use Standards
<b>COMMERCIAL</b>																
<b>Animal Services</b>																
Kennel (Commercial)									X			X				
Pet Grooming								X	X		X	X	X			
Pet Shop								X	X		X	X	X			
Veterinary Clinic									X		X	X	X			
<b>Automobile Sales and Service</b>																
Automobile Dealership									X		X	X		P		
RV Dealership									X		X	X		P		
<b>Banks and Financial Services</b>															X	
Automatic Teller Machine (ATM)								X	X	X	X	X		X	X	
Bank								X	X	X	X	X		X	X	
Credit Union/Bureau								X	X	X	X	X		X	X	
Pawn Brokerage Shop									X	X	X	X		X	X	
Savings and Loan								X	X	X	X	X		X	X	
Bail Bonds									X	X	X	X		X		
<b>Construction Sales and Service</b>																
Bldg. Material/Home Supply Store									X		X	X		P		
Bldg. Material/Home Supply Store with outdoor storage									X		P	X		P		
Cabinet/Woodwork Shop								X	X	X	X	X		P		
Contractor's Shop/Storage Yard									P		P	X		P		
Electrical Plumbing, A/C Heat (Wholesale)									X	X	X	X		P		
Lumber/Building Materials Sales Yard									P		P	X		P		
Plumbing shop									X	X	X	X		P		
<b>Eating and Drinking Establishments</b>																
All alcoholic beverages, 75% or more revenue from alcohol									S		S	S		P		
All alcoholic beverages, >50% & <75% revenue from alcohol								S	X		X	X		P		
All alcoholic beverages 50% or less revenue from alcohol								X	X		X	X		P		
Beer & Wine only, less than 75% revenue from alcohol								X	X		X	X		P		

**Sec. 14.02.078. Allowed Use Table**

USE GROUP Use Category Use Sub- Category Specific Uses	R1	R1C	R1E	R2	R3	M1	M2	C1	C2	GOV	CA	I	A	PUD	IR Overlay	Use Standards
Beer & Wine only, more than 75% revenue from alcohol									X		X	X		P		
Restaurant (Drive in)									X		X	X		P		
Restaurant (Not Drive in)									X		X	X		P		
<b>Entertainment</b>																
Ampitheater								S	X		X	X	P	P		
Club/Social Organization								X	X		X	X		P		Subject to noise
Concert Facility									X		P	X	X	P		
Country Club								P	X			X	P	P		
Dance hall, Nightclub, Disco									X		X	X		P		
Theater, Cinema \								X	X		X	X		P		Subject to noise
Theater - Drive In									X			X		P		
Theater, Playhouse								X	X		X	X		P		
<b>Funeral and Interment Service</b>																
Cemetery, Mausoleum								P	P	P	P	P	P	P		
Columbarium								X	X	X	X	X	X	P		
Monument Sales Lot									X		X			P		
Mortuary/Funeral Home/Crematory								X	X	X	X	X	X	P		
<b>Gas Station</b>								X	X	X	X	X		P		
<b>Heavy Equipment</b>																
Boat Sales									X			X		P		
Heavy Equipment/Machinery Rental Yard									S			X		P		
Heavy Machinery Dealership									S			X		P		
Trailer/ Truck Rental												X		P		
Trailer/ Truck Repair												X		P		
Tractor Sales and Rental									S			X		P		
<b>Hotel/Motel/Resort</b>								X	X	X	X	X		P		
<b>Office (All Types)</b>								X	X	X	X	X		P		
<b>Parking Garage/Lot (Commercial)</b>								X	X	X	X	X		P		
<b>Personal and Consumer Services</b>																
Art Studio								X	X		X	X		P		
Barber/Beauty Shop								X	X		X	X		P		
Business, Professional School									X	X	X	X		P		
Catering Service								X	X		X	X		P		
Craft, Ceramic, Art Workshop								X	X		X	X		P		
Dry Cleaning								X	X	X	X			P		

**Sec. 14.02.078. Allowed Use Table**

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Framing Shop								X	X		X	X		P		
Laundromats								X	X	X	X			P		
Optical/Eyeware Store								X	X		X			P		
Photography Studio								X	X		X	X	P	P		
Piano Lessons	S	S	S	S	S	S	S	X	X		X	X		P		
Swim Lessons	S	S	S	S	S	S	S	X	X	X			S	P		
Tailor/Seamstress								X	X		X			P		
Tattoo Studio								X	X			X		P		
Wedding Venue								X	X	X	X		P	P		
<b>Retail Sales and Service</b>																
Antique Shop, Sales Indoors								X	X		X			P		Outdoor display with permit
Appliance Rental								X	X		X			P		
Art Supply Store								X	X		X			P		
Bakery or confectionary (wholesale)								X	X		X	X		P		
Banking, ATM								X	X	X	X	X		P		
Book, Stationery Shop or Newsstand								X	X		X			P		
Building Material Sales									X			X		P		
Cabinet/Furniture Shop									X			X		P		
Cleaning, dyeing or laundry plant												X		P		
Computer Sales or Service								X	X	X	X	X		P		
Contractor storage or equipment yard										S		X		P		
Consignment Store (inside)								X	X		X			P		
Copy Shop								X	X	X	X			P		
Custom Manufacture and Assembly Shop						X		X	X	X	X			P		
Custom Personal Service Shop								X	X		X			P		
Day Care Center (Child or Adult)								X	X		X	X		P		
Discount or Department Store									X		X	X		P		
Drapery, Needlework or Weaving Shop								X	X		X	X		P		
Drug Store or Pharmacy								X	X	X	X			P		
Flea market (indoors)								X	X			X		P		
Flea Market (outdoors)									S			S		P		
Florist Shop								X	X		X			P		
Lithographic or print shop								X	X		X	X		P		
Maintenance and repair service for building												X		P		
Mini-storage warehouse									X			X		P		
Open storage of furniture, app., or machinery									S			X		P		

**Sec. 14.02.078. Allowed Use Table**

USE GROUP	Use Category	Use Sub-Category	R1	R1C	R1E	R2	R3	M1	M2	C1	C2	GOV	CA	I	A	PUD	IR Overlay	Use Standards
	Paint shop									X	X		X	X		P		
	Retal Bakery									X	X	X	X			P		
	Upholstery shop									X	X			X		P		
	Welding shop													X		P		
<b>Entertainment</b>																		
<b>Indoor</b>																		
	Club/Social Organization		S	S	S	S	S				X	X	X			P		
	Country Club (Private)		S	S	S	S	S	S	S	S	S	S	S			P		
<b>Outdoor</b>																		
<b>Funeral and Internment Service</b>																		
	Cemetery, Mausoleum (Per State Law:		S	S	S	S	S	S	S			S		S		P		
	Columbarium		P	P	P	P	P	P	P	P	P	P	P	P	P	P		Accessory to religious assembly
	Mortuary/Funeral Home/Crematory										X							
<b>INDUSTRIAL</b>																		
<b>General</b>																		
	Auto/Truck Assembly/Manufacturing Plant													X		P		
	Boat Assembly/Manufacturing Plant													X		P		
	Concrete/Asphalt Plant													X		P		
	High Risk/Hazardous Materials													S		P		
	Fertilizer Plant													S		P		
	Grain/Feed Processing Plant													X	X	P		
	Foundry/Metals Manufacturing Plant													X		P		
	Home Appliance Manufacturing Plant													X		P		
	Industrial/Commercial Equipment Plant													X		P		
	Oil & Gas Exploration (Drilling Activity)		S	S	S	S	S	S	S	S	S	S	S	S	S	S		
	Oil & Gas Exploration (Producing Well)		S	S	S	S	S	S	S	S	S	S	S	S	S	S		
	Sand/Gravel Extraction		S	S	S	S	S	S	S	S	S	S	S	S	S	S		
	Wood Products Manufacturing Plant													X		P		
<b>Recycling Facilities</b>																		
	Recycling Center/Collection										X	X		X		P		
	Recycling Center (Hazardous Material)													S		P		
	Building Material Salvage Yard													X		P		
	Recycling Plant													X		P		
<b>Warehousing</b>																		

**Sec. 14.02.078. Allowed Use Table**

USE GROUP Use Category Use Sub- Category Specific Uses	R1	R1C	R1E	R2	R3	M1	M2	C1	C2	GOV	CA	I	A	PUD	IR Overlay	Use Standards
Hauling and Storage Facility												X		P		
Warehouse and Distribution Center												X		P		
<b>OTHER</b>																
Accessory Uses	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Accessory Structures	X	X	X	X	X	X	X	X	X	X	X	X	X	P		
Community Center (Public or Private)								X	X	X	X					
<b>Temporary</b>																
Carnivals/Circuses								T	T	T	T	T	T	T		Subject to noise
Concert, Outdoor (Temp.)	T	T	T	T	T	T	T	T	T	T	T	T	T	T		
Farmers Market	T	T	T	T	T	T	T	T	T	T	T	T	T	T		
Festivals	T	T	T	T	T	T	T	T	T	T	T	T	T	T		Subject to noise ordinance
Model Home	X	X	X	X	X	X	X	X	X	X	X	X	X	P		
Revival (Outdoor)	T	T	T	T	T	T	T	T	T	T	T	T	T	T		Subject to noise ordinance