

ORDINANCE NO. 2025-05-12 (11)

AN ORDINANCE AMENDING CHAPTER 14 - ZONING, BY AMENDING SECTION 14.02.124 CONDITIONAL USE PERMITS, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; 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 initial responsibility for the integrity of governance; and

WHEREAS, the zoning ordinance establishes zoning classifications to protect the compatibility of adjacent land uses with newly proposed uses; and

WHEREAS, the Allowed Use Table establishes allowed uses within each zoning district to protect current land uses and continue to promote compatible land development; and

WHEREAS, the Allowed Use Table does not allow all uses by right and instead requires a conditional use permit; and

WHEREAS, the City Council desires to amend the uses that require a conditional use permit and the standards in which they are approved;

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.

Section 2. Amendment of Section 14.02.124 Conditional Use Permits. Section 14.02.124 Conditional Use Permits is hereby amended as follows:

§ 14.02.124. Conditional use permits.

(a) Purpose. The city council may by ordinance, adopted by four (4) affirmative votes after receiving the recommendation of the Planning Commission, grant a conditional use permit in compliance with this section for the conditional uses as listed in Sec 14.02.072 "Allowed Use Table". All applicable uses to receive a conditional use permit within this table are listed with the letter "C". The city council may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect the comprehensive plan and to conserve and protect property and property values in the neighborhood.

(b) Procedure. Before authorization of any conditional use, public notice shall be given and public hearings shall be held as required by the Texas Local Government Code. The City Council shall receive a report and recommendation from the Planning Commission concerning the effect of the proposed use on adjacent neighboring properties.

(1) Permit required. No conditional use shall be established, operated, or maintained except as authorized by a conditional use permit issued in accordance with the requirements of this section.

(2) Conditional use permit issued by city council. A conditional use permit may be issued only for the conditional uses specified in the allowed use table, and only for the district where it is authorized.

(3) The city council shall determine whether the proposed conditional use complies with each of the general criteria in subsection (c) of this section and with each of the criteria for the district applicable to the proposed use and shall make separate findings thereon or adopt the findings made by the commission.

(4) The city council may condition its approval of an application on the applicant's adoption of specified changes, additions, limitations, safeguards, or effective time periods designed to assure compliance with the criteria.

(5) Application. An application for a conditional use permit shall be made in writing in a form prescribed by the city secretary and shall be accompanied by such information as may be requested in order to properly review the proposed use. Such information may include, but is not limited to, site and building plans, drawings and elevations, and operational data.

(c) General criteria applicable to all special uses. A proposed conditional use permit must comply with all the following criteria:

(1) The appearance, size, density and operating characteristics of the proposed conditional use are compatible with the surrounding neighborhood and uses;

(2) The proposed use will not have an adverse effect on the value of surrounding properties nor impede their proper development;

(3) The proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of his property or operation of his business;

(4) The traffic that the proposed use can reasonably be expected to generate on existing streets will not create nor add significantly to congestion, a safety hazard, or a parking problem in the area, nor will it disturb the peace and quiet of the neighborhood; and

(5) The proposed use complies with all other applicable ordinances and regulations.

Section 3. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances, and sections of the City Code of Ordinances, in conflict with this ordinance are hereby repealed to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

Section 4. 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 application 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 5. 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 6. 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 7. 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 April 14th, 2025.

PASSED AND APPROVED on second reading on this the May 12th, 2025.

ATTEST



Shanna Johnson
City Secretary

THE CITY OF ROCKDALE



Ward Roddam, Mayor