

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO GRANT A ZONING CHANGE ON A TRACT OF LAND MORE FULLY DESCRIBED HEREIN; ORDERING A CHANGE IN THE USE OF SAID PROPERTY FROM "MF-15" MULTIFAMILY TO "PD" PLANNED DEVELOPMENT NO. 27; PROVIDING SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the state of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Comprehensive Zoning Ordinance of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas:

Section 1. That the Comprehensive Zoning Ordinance of the City of Rockwall, Texas, as heretofore amended, be and the same is hereby amended by amending the zoning map of the City of Rockwall so as to approve a zoning change and grant Planned Development District Number 27 on the property described in Exhibit "A", attached hereto and made a part hereof.

Section 2. That Planned Development District Number 27 shall be used only in the manner and for the purposes authorized by the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended hereby, provided that the granting of Planned Development District No. 27 to the above described tract of land is subject to the following special conditions:

A. Approved uses shall include a residential retirement community with accessory uses as listed on Exhibit "B" attached hereto and made a part hereof.

B. Development of Planned Development No. 27 shall generally be in conformance with the approved preliminary plan shown on Exhibit "C" and shall be regulated by the area requirements in

Exhibit "D". Area requirements not specifically addressed in this ordinance shall be regulated by the requirements set forth in the "MF-15" classification as applicable to the land uses approved under this ordinance.

C. Prior to issuance of any building permit in Planned Development District No. 27 a comprehensive development plan shall be filed with the Planning and Zoning Commission, and after hearing, the City Council shall approve a final development plan, which shall be filed and included as Exhibit "E" and made a part of this ordinance for all purposes. Such development plan shall set forth in detail the requirements for ingress and egress to the property, public or private streets or drives, with adequate right-of-way to conform to the Thoroughfare Plan of the City of Rockwall, sidewalks, utilities, drainage, parking space, height of buildings, maximum lot coverage, yards and open spaces, screening walls or fences and other development and protective requirements considered necessary by the City Council so as to create a reasonable transition to and protection of the adjacent property.

D. All development of property covered by Planned Development District No. 27 shall be in accordance with the provisions of this ordinance and the finally approved comprehensive development plan and no substantial change in the development shall be permitted except after obtaining approval of the changes and amendments to the Comprehensive Zoning Ordinance.

Section 3. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of ONE THOUSAND DOLLARS (\$1,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

Section 4. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation, or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation, or circumstance, nor shall adjudication affect any other section or provision of the Comprehensive Zoning Ordinance No. 8323 of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable.

Section 5. That all other ordinances of the City of Rockwall in conflict with the provisions of this be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 6. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED this 1st day of June, 1987. .

APPROVED:

Attest:

*Th K Miller*  
Mayor

By: *Julie Couch*

1st reading 5/18/87  
2nd reading 6/1/87

EXHIBIT "A"

M.F.-15 TO PLANNED DEVELOPMENT

STATE OF TEXAS  
COUNTY OF ROCKWALL

BEING a tract of land situated in the B.J.T. Lewis Survey, Abstract No. 225, City of Rockwall, Rockwall County, Texas, and being part of that 24.15 acre tract of land conveyed to G.C. Rochell, Jr., by E.W. Titus and wife, Elizabeth Titus, by deed dated March 30, 1943, and also being part of that 0.50 acre tract of land as conveyed to G.C. Rochell, Jr., by deed recorded in the Deed Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at the West corner of the hereinabove mentioned 24.15 acre tract; said point also being on the Southeast right-of-way line of the M.K. & T. Railroad;  
THENCE: North  $18^{\circ} 50' 31''$  East along the Southeast right-of-way line of the M.K. & T. Railroad a distance of 905.38 feet to a point for a corner;  
THENCE: South  $62^{\circ} 43' 05''$  East a distance of 881.70 feet to a point for a corner;  
THENCE: North  $21^{\circ} 19' 02''$  East a distance of 187.90 feet to a point for a corner on the Southwest right-of-way line of State Highway No. 205;  
THENCE: South  $42^{\circ} 22' 14''$  East a distance of 55.78 feet along Southwest line of said State Highway No. 205 to a point for a corner;  
THENCE: South  $21^{\circ} 19' 02''$  West a distance of 228.73 feet to a point for a corner;  
THENCE: North  $62^{\circ} 43' 05''$  West a distance of 273.69 feet to the point of curvature of a circular curve to the left having a central angle of  $91^{\circ} 47' 02''$  and a radius of 120.00 feet;  
THENCE: Along said curve an arc distance of 192.23 feet to a point for a corner;  
THENCE: North  $62^{\circ} 50' 12''$  West a distance of 0.64 feet to a point for a corner;  
THENCE: South  $19^{\circ} 37' 31''$  West a distance of 468.94 feet to a point for a corner;  
THENCE: North  $62^{\circ} 49' 50''$  West a distance of 170.99 feet to a point for a corner;  
THENCE: South  $19^{\circ} 37' 31''$  West a distance of 367.57 feet to a point for a corner;  
THENCE: North  $44^{\circ} 14' 32''$  West a distance of 370.64 feet to the Point of Beginning and Containing 10.8995 Acres of Land.

EXHIBIT "B" ORDINANCE NO. \_\_\_\_\_

APPROVED USE

Primary Use -

Multifamily residential retirement community not to exceed 14 units per acre

Accessory Uses -

Private restaurant (without liquor)

Private health facilities

Private meeting room

Private hair care facilities

Private laundry rooms

Private pool and hot tub

Private tennis court

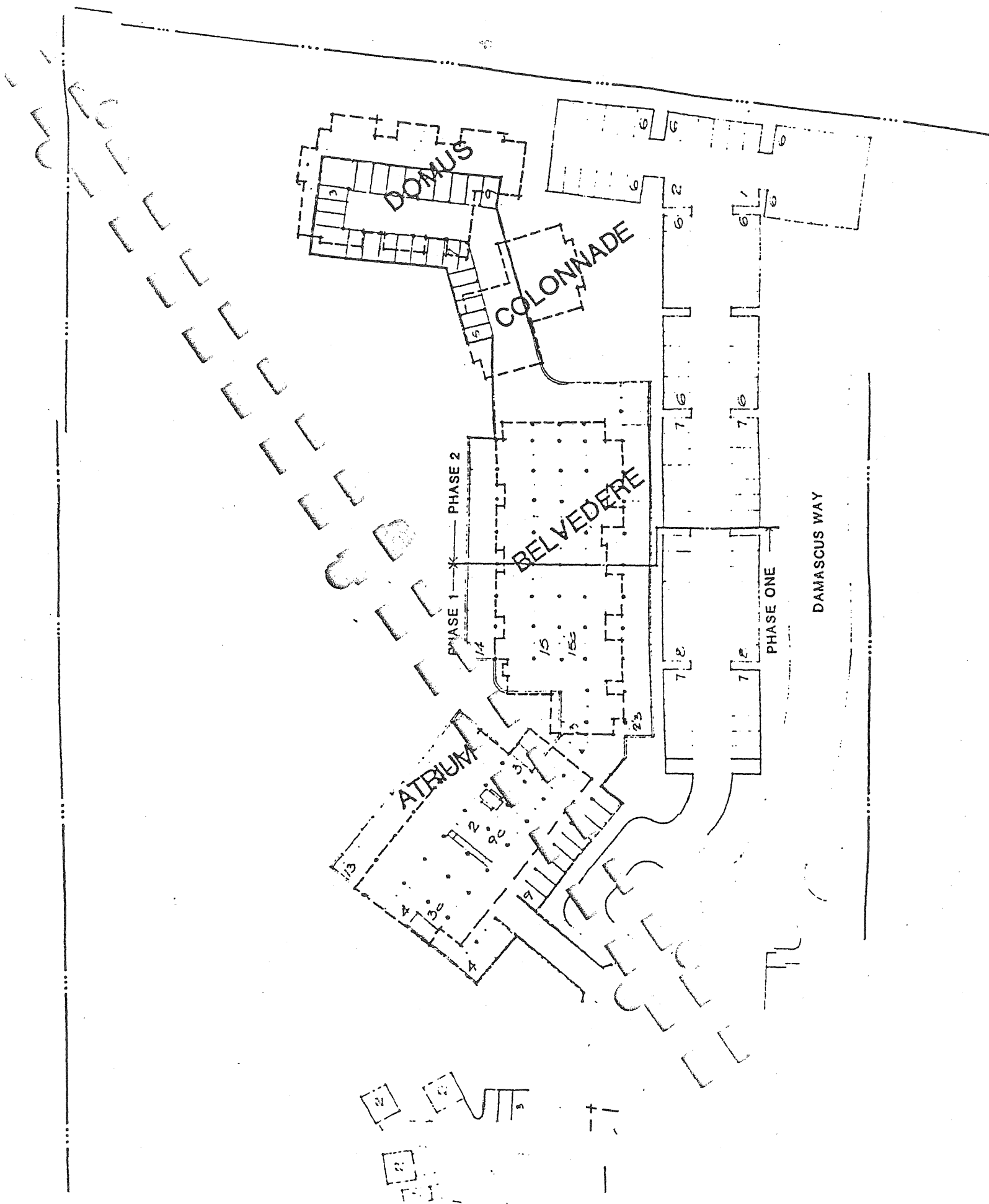
Private lawn sports area

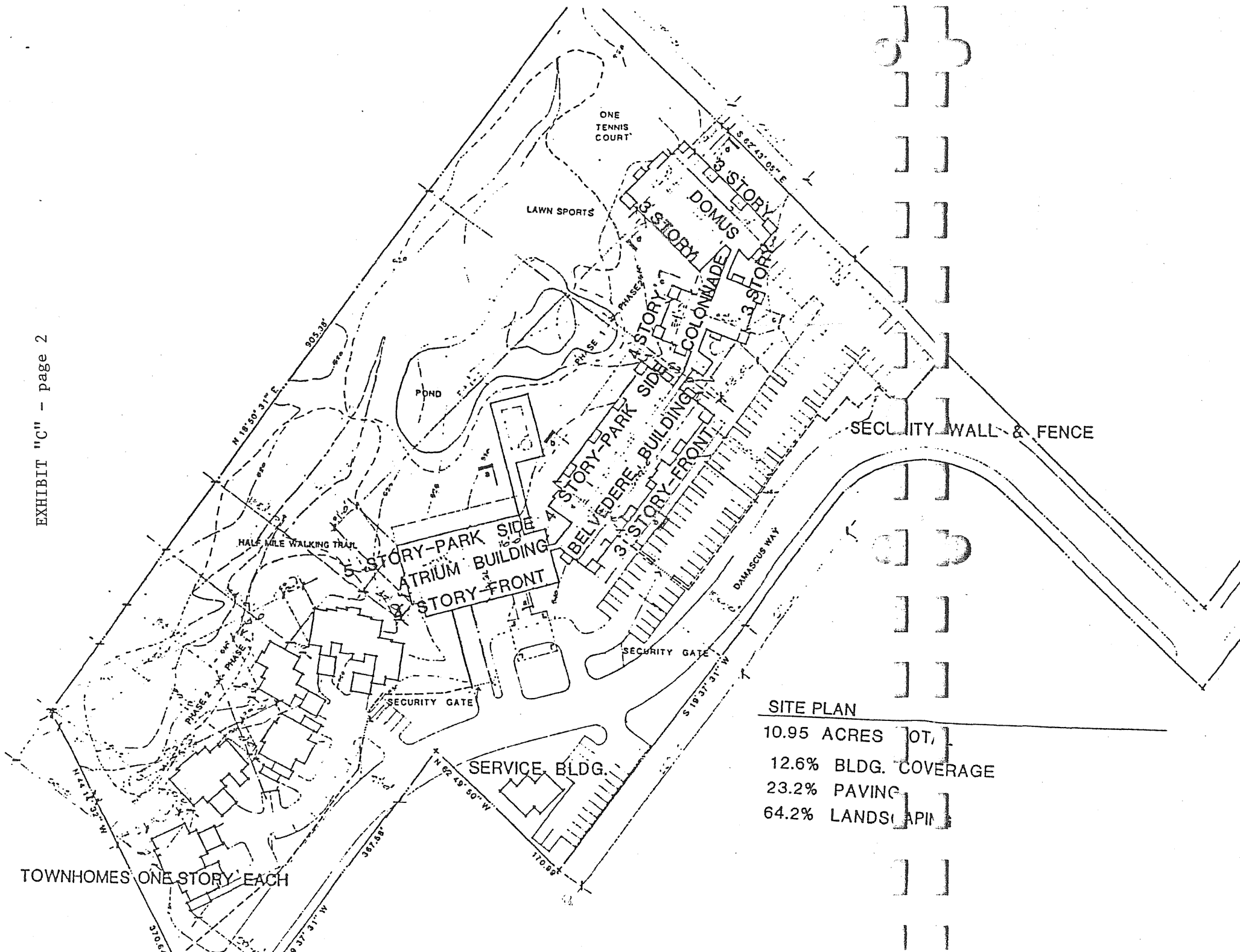
Private hiking/jogging trail

Small (160 sq. ft.) non-profit convenience store for use of residents only

Private hobby and crafts rooms

"Private" includes residents, Staff and guests.





# SITE PLAN

10.95 ACRES TOTAL  
 12.6% BLDG. COVERAGE  
 23.2% PAVING  
 64.2% LANDSCAPING

EXHIBIT "D" ORDINANCE NO. \_\_\_\_\_

AREA REQUIREMENTS

1. Minimum site area - 10,000 square feet
2. Minimum lot area - 2,000 square feet of lot per unit
3. Maximum density per gross acre - 14 units/acre
4. Minimum lot frontage on a public street - 60 feet
5. Minimum lot depth - 100 feet
6. Minimum depth of front setback - 25 feet
7. 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.
8. 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) Abutting Street - 15 feet
  - d) abutting an arterial - 20 feet
9. 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

10. Maximum building coverage as a percentage of lot area - 45%

Each development containing over 100 dwelling units shall provide 300 square feet of open space per 2 and 3 bedroom unit, with at least one open area with the minimum dimensions of 200 feet by 150 feet. Swimming pools, tennis courts and other recreational facilities can be counted toward the overall open space requirement, but not toward the required 200 feet by 150 feet area.

11. Minimum amount of permanent, landscaped open space

20% of total lot area, with 30% of total requirement located in front and alongside buildings along street frontages. Any parking lot, excluding underground garages, with more than 2 rows of spaces shall have a minimum of 2% of the interior of the parking lot in landscaping. Such landscaping shall be counted toward the 20% total landscaping requirement. 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.

13. Maximum height of structures - Phase I (as shown on Exhibit "C") - 62.5 feet; Phase II (as shown on Exhibit "C") limited to 4 stories

14. Minimum requirements for construction materials

Exterior walls - a minimum of 75% of each building wall shall consist of masonry material as defined, excluding stucco

15. 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.

## **CITY OF ROCKWALL**

### **ORDINANCE NO. 04-43**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AND ORDINANCE NO. 87-31, AS HERETOFORE AMENDED, SO AS TO AMEND "PD-27" PLANNED DEVELOPMENT DISTRICT NO. 27 SPECIFICALLY TO ALLOW FOR RECREATIONAL USES IN CONJUNCTION WITH A SCHOOL ON AN APPROXIMATE 10.8-ACRE TRACT OF LAND KNOWN AS TRACT 31, ABSTRACT 255, B.J.T. LEWIS SURVEY AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A DEVELOPMENT PLAN; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND EVERY DAY THE OFFENSE CONTINUES SHALL BE DEEMED A SEPARATE OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City has received a request from Rick Dirkse of Heritage Christian Academy, for an amendment to PD-27, Planned Development District No. 27 to allow for recreational uses in conjunction with a school on an approximate 10.8-acre tract known as Tract 31, Abstract 255, B.J.T. Lewis Survey and more specifically described in Exhibit "A" attached hereto and made a part hereof for all purposes; and

**WHEREAS**, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Comprehensive Zoning Ordinance of the City of Rockwall should be amended as follows:

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

**Section 1.** That the Comprehensive Zoning Ordinance (Ord. No. 04-38) and Ordinance No. 87-31 of the City of Rockwall, Texas, as heretofore amended, be and the same is hereby amended so as to allow for recreational uses in conjunction with a school on the property more specifically described in Exhibit "A" attached hereto.

**Section 2.** That Planned Development District No. 27 as described above shall be used only in the manner and for the purposes authorized by the Comprehensive Zoning Ordinance (Ord. No. 04-38) and Ordinance No. 87-31 of the City of Rockwall, as heretofore amended, as amended herein by granting of this zoning change, as may be amended in the future and subject to the following additional conditions:

1. Submittal of a plat of the subject property to include dedication of Damascus Road and the realignment with Justin Drive and the dedication of a firelane / emergency access into Waterstone Estates. Plat submission of the property, which contains the requirements for the dedication and construction of Damascus Road, shall occur within 60 days of the final approval of this ordinance.
2. Compliance with all development standards of the City of Rockwall including site plan review, tree survey / mitigation plan, construction of Damascus Rd, realignment / construction of the connection of Damascus Rd with Justin Dr, and construction of the fire lane/emergency access into Waterstone Estates shall occur within 36 months of the final approval of this ordinance. Should an application for a building permit be sought for any permanent building or structure on this property or the Heritage Christian Academy property prior to the lapse of the 36 months, compliance with all development standards, as stated above, shall apply.

**Section 3.** Any person, firm or corporation violating any of the provisions of this ordinance shall be punished by a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

**Section 4.** If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

**Section 5.** This ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this ordinance.

**Section 6.** That this ordinance shall take effect immediately from and after its passage and approval, and it is so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
ROCKWALL, TEXAS, this 19<sup>th</sup> day of July, 2004.

ATTEST:

  
Dorothy Brooks, City Secretary

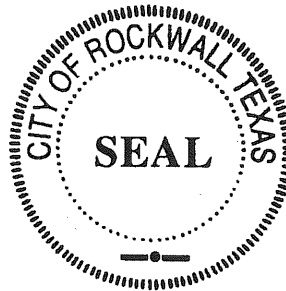
  
Ken Jones, Mayor

APPROVED AS TO FORM:

  
Pete Eckert, City Attorney

1<sup>st</sup> Reading: July 6, 2004

2<sup>nd</sup> Reading: July 19, 2004



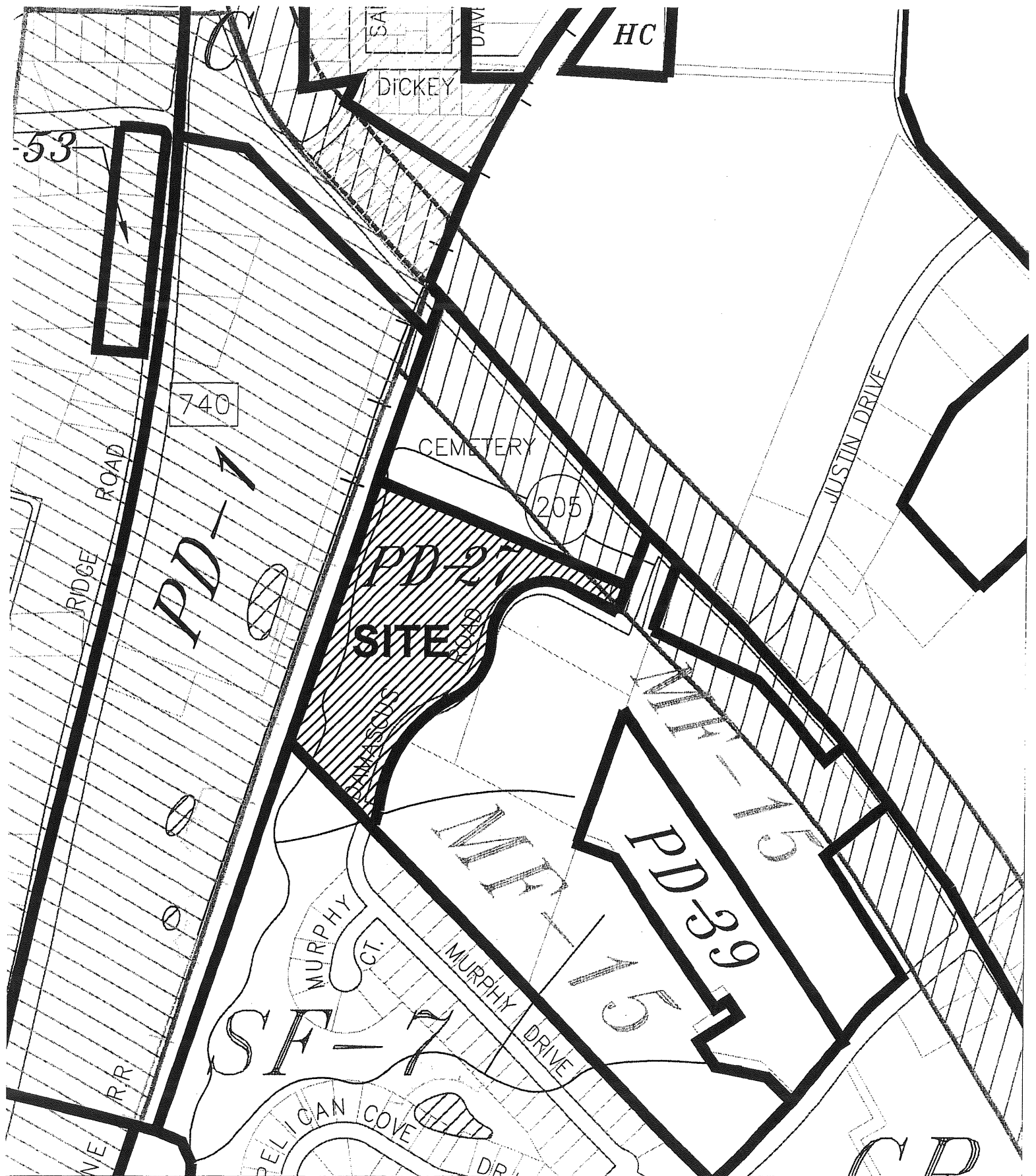


Exhibit "A"  
Z2004-021

PD-27 Amendment to allow for Recreational Uses in conjunction  
with a school (Heritage Christian Academy)



1" = 400'