

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 SINGLE FAMILY TO "PD" PLANNED DEVELOPMENT NO. 29 ; PROVIDING SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) 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 grant a zoning change from Single Family-10 to "PD" Planned Development District Number 29 on the property specifically described in Exhibit "A".

SECTION 2. That Planned Development District Number 29 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 and as amended hereby, provided that the granting of Planned Development District No. 29 to the above described tract of land is subject to the following special conditions:

- A. Prior to the issuance of any building permit in Planned Development District No. 28 a comprehensive development plan shall be filed with the Planning and Zoning Commission, and after appropriate recommendation by the Commission, and after hearing, the City Council shall approve a final development plan, which shall be filed and included as Exhibit "B" 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.
- B. All development of property covered by Planned Development District No. 28 shall be in accordance with the provisions of this ordinance and the finally approved comprehensive site plan and list of approved uses, and no substantial change in the development shall be permitted, except after obtaining approval of the change of such site plan in the manner required for changes and amendments to the Comprehensive Zoning Ordinance.
- C. Development of Planned Development District No. 29 shall be regulated by the following requirements:

1. a 1500 sq. ft. minimum dwelling size
2. meeting "SF-7" zoning area requirements
3. a minimum of 262 lots with the number and percentage of lots over 10,000 square feet as shown on the site plan
4. a maximum of 275 lots
5. 50% of any number of lots over 262, will be over 8,000 square feet
6. prior to platting, dedication of area surrounding the sewer treatment plant and flood plain indicated as park area
7. prior to platting, determination regarding the final alignment of North Lakeshore Drive
8. prior to platting, submittal of the phasing plan if development is planned in phases

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 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, subsection, sentence, phrase, paragraph, provision of this ordinance or the application of that section, subsection, sentence, phrase, paragraph, or provision to any person, firm, corporation, situation, circumstance is for any reason judged invalid, the adjudication shall not affect any other section, sentence, phrase, word, paragraph or provision of this

ordinance or the application of any other section, subsection, sentence, phrase, paragraph or provision to any other person, firm, corporation, situation, or circumstance, nor shall adjudication affect any other section, subsection, sentence, phrase, paragraph, or provision of the Comprehensive Zoning Ordinance No. 83-23 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 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 19th day of October, 1987.

APPROVED:

  
Mayor

ATTEST:

By 

1st reading 10/5/87

2nd reading 10/19/87

EXHIBIT A

LEGAL DESCRIPTION

BEING a tract of land situated in the J.H.B. Jones Survey, Abstract No. 124, the Nathan Butler Survey, Abstract No. 21, the Thomas Dean Survey, Abstract No. 69, and the Samuel King Survey, Abstract No. 131, Rockwall County, Texas, and being that tract of land referred to as Tract 2 in Deed of Trust from L.S. Thompson to J. Percival, et al, recorded in Volume 24, Page 117, Deed of Trust Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod set in the center of a County Road and at the Southeast corner of said Tract 2, said iron rod bears South 0° 03' 22" East a distance of 25.23 feet from an iron rod found at the Southwest corner of that tract of land designated as Tract A and conveyed to Bob Coats from Capital BancShares, by Warranty Deed executed April 18, 1984;

THENCE: South 88° 30' 50" West a distance of 571.54 feet along the center of said County Road to an iron rod set for the most Southerly Southwest corner of said Tract 2;

THENCE: North 2° 12' 05" West a distance of 411.06 feet along a fence line to a fence corner post for a corner;

THENCE: South 89° 59' 39" West a distance of 469.61 feet along a fence line to a fence corner post for a corner;

THENCE: North 2° 02' 08" West a distance of 877.39 feet along a fence line to an iron rod set for a corner;

THENCE: North 3° 05' 11" West a distance of 1760.85 feet continuing generally along said fence line to an iron rod set for a corner near a fence corner;

THENCE: North 80° 08' 31" West a distance of 873.40 feet along a fence line to an iron rod found for a corner at the most Northerly Southwest corner of said Tract 2;

THENCE: North 1° 33' 32" West a distance of 449.41 feet to an iron rod found for a corner at a fence corner and at the most Westerly Northwest corner of said Tract 2;

THENCE: North 89° 54' 16" East a distance of 529.12 feet along a fence line to an iron rod set for a corner near a fence corner post;

THENCE: North 4° 11' 25" East a distance of 391.83 feet along a fence line to the center of Squabble Creek;

THENCE: Along the meanders of Squabble Creek as follows:

South 86° 34' 02" East a distance of 185.60 feet;

North 57° 04' 58" East a distance of 142.00 feet;

South 78° 59' 02" East a distance of 114.00 feet;

South 17° 41' 02" East a distance of 160.00 feet;

South 65° 59' 02" East a distance of 231.00 feet;

South 35° 12' 02" East a distance of 95.50 feet;

South 89° 59' 02" East a distance of 130.00 feet;

South 69° 14' 02" East a distance of 175.00 feet;

South 09° 52' 02" East a distance of 171.00 feet;

South 69° 50' 02" East a distance of 107.50 feet;

South 34° 37' 02" East a distance of 188.00 feet;

South 82° 23' 02" East a distance of 136.00 feet;

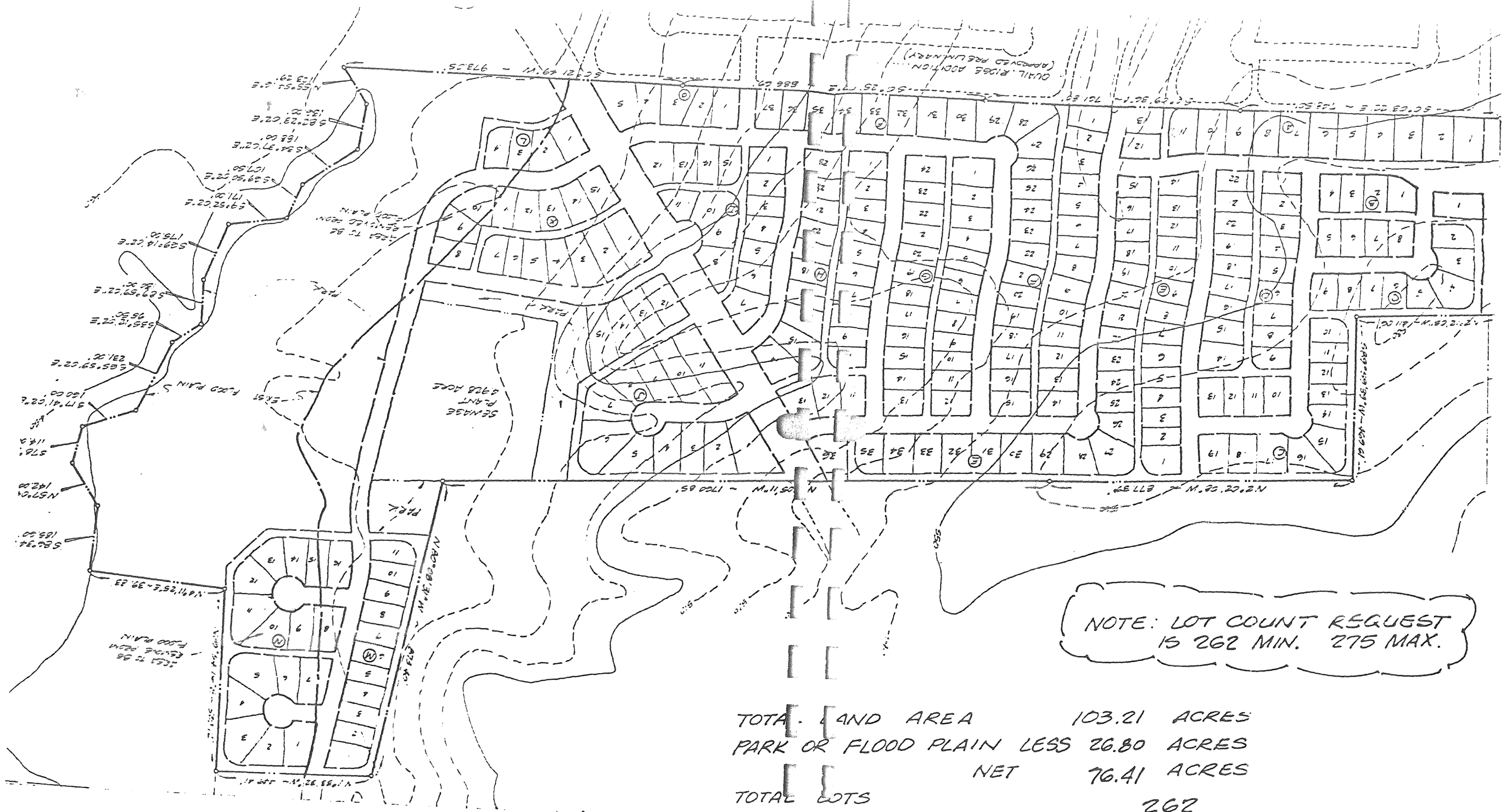
North 55° 54' 16" East a distance of 123.29 feet to the Northeast corner of said Tract 2;

THENCE: South 0° 21' 49" West, passing at 24.5 feet an axle found in a fence, and passing at 633.67 feet the Northwest corner of the previously mentioned Tract A conveyed to Bob Coats and continuing a total distance of 973.05 feet along a fence line to an iron rod found for a corner;

THENCE: South 0° 25' 57" East a distance of 886.69 feet along a fence line to an iron rod found for a corner;

THENCE: South 0° 09' 36" West a distance of 761.80 feet along said fence line to an iron rod for a corner;

THENCE: South 0° 03' 22" East a distance of 748.50 feet along said fence line to the Point of Beginning and Containing 103.212 Acres of Land, including 29.570 Acres of Land contained within easements for a sanitary sewage treatment plant site and related facilities, roads, and 100-Year flood plain.



TOTAL LAND AREA	103.21 ACRES
PARK OR FLOOD PLAIN LESS	26.80 ACRES
NET	76.41 ACRES
TOTAL LOTS	262
LOTS PER ACRE	3.43

ORDINANCE NO. . 96-02

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO CHANGE THE ZONING ON A TRACT OF LAND WHICH IS MORE FULLY DESCRIBED IN EXHIBIT "A" HEREIN FROM "SF-10", "COMMERCIAL", "PLANNED DEVELOPMENT 29" TO PD-29" TO ALLOW THE USES SPECIFICALLY DESCRIBED HEREIN; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a change in the classification of a zoning district has been requested by The Fennegan Group for the property more specifically described in Exhibit "A" attached hereto; 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 of the City of Rockwall, as heretofore amended, be and the same is hereby amended by amending the zoning map of the City of Rockwall so as to give "PD-29" classification to the tract of land described in Exhibit "A".

SECTION 2. That the property described in Exhibit "A" shall be used only in the manner and for the purposes and with the conditions provided for in Exhibits "B", "C", "D" and "E" and the Comprehensive Zoning Ordinance of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future.

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 4. 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 5. 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 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 of this ordinance shall remain in full force and effect.

SECTION 6. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be and the same are hereby repealed to the extent of that conflict.

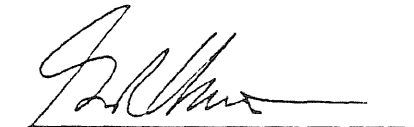
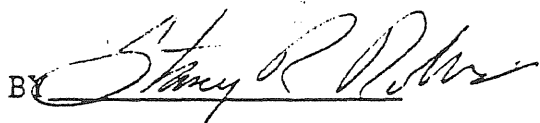
SECTION 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such case provides.

DULY PASSED AND APPROVED this 5th day of February, 1996

ATTEST:

APPROVED:

BY

  
Mayor

1st reading 1-15-96

2nd reading 2-5-96



BOUNDARY DESCRIPTION  
EXHIBIT "A"

BEING a tract of land situated in the Nathan Butler Survey, Abstract No. 21, the Thomas Dean Survey, Abstract No. 69, the A. Hanna Survey, Abstract No. 98, the J.H.B. Jones Survey, Abstract No. 124 and in the Samuel King Survey, Abstract No. 131 in the City of Rockwall, Rockwall County, Texas and being more particularly described as follows:

BEGINNING at a point for corner on the north line of North Alamo Road (a variable width right-of-way), said point being the southwest corner of Tracts "A", "C" and "G" according to the deed recorded in Volume 577, Page 008 of the Deed Records of Rockwall County, Texas;

THENCE along the said north line of North Alamo Road the following courses and distances; S. 00°06'22" W., 24.28 feet to a point for corner;

THENCE S. 88°27'40" W., 572.00 feet to a point for corner;

THENCE N. 02°08'54" W., 23.85 feet to a point for corner;

THENCE S. 89°17'14" W., 552.60 feet to a point for corner;

THENCE N. 85°14'22" W., 200.25 feet to a point for corner;

THENCE N. 63°39'16" W., 135.37 feet continuing along the said north line of North Alamo Road to a point for corner;

THENCE N. 00°34'04" E., 881.15 feet leaving the said north line of North Alamo Road to a point for corner;

THENCE N. 87°22'40" W., 276.63 feet to a point for corner;

THENCE N. 00°03'07" E., 279.38 feet to a point for corner;

THENCE N. 88°38'53" W., 229.10 feet to a point for corner;

THENCE N. 60°33'25" W., 141.06 feet to a point for corner;

THENCE N. 00°40'44" E., 1005.64 feet to a point for corner;

THENCE S. 89°08'20" E., 200.00 feet to a point for corner;

THENCE N. 00°51'40" E., 326.70 feet to a point for corner;

THENCE N. 89°08'20" W., 200.04 feet to a point for corner;

THENCE N. 00°51'33" E., 523.02 feet to a point for corner;

THENCE N. 01°24'32" W., 449.50 feet to a point for corner;

THENCE S. 89°56'44" E., 529.12 feet to a point for corner;

THENCE N. 04°20'25" E., 391.83 feet to a point for corner;

THENCE S. 86°34'02" E., 185.60 feet to a point for corner;

THENCE N. 57°04'58" E., 142.00 feet to a point for corner;

THENCE S. 78°59'02" E., 114.00 feet to a point for corner;

THENCE S. 17°41'02" E., 160.00 feet to a point for corner;

THENCE S. 65°59'02" E., 231.00 feet to a point for corner;

THENCE S. 35°12'02" E., 95.50 feet to a point for corner;

THENCE S. 89°59'02" E., 130.00 feet to a point for corner;

THENCE S. 69°14'02" E., 175.00 feet to a point for corner;

THENCE S. 09°52'02" E., 171.00 feet to a point for corner;

THENCE S. 69°50'02" E., 107.50 feet to a point for corner;

THENCE S. 34°37'02" E., 188.00 feet to a point for corner;

THENCE S. 82°23'02" E., 136.00 feet to a point for corner;

THENCE N. 55°52'27" E., 122.35 feet to a point for corner;

THENCE S. 00°28'28" W., 633.71 feet to a point for corner;  
THENCE S. 71°54'11" E., 835.18 feet to a point for corner;  
THENCE S. 70°23'08" E., 564.83 feet to a point for corner;  
THENCE S. 89°40'32" W., 46.84 feet to a point for corner;  
THENCE S. 13°23'41" E., 324.14 feet to a point for corner;  
THENCE N. 80°31'35" W., 123.19 feet to a point for corner;  
THENCE S. 00°05'51" E., 269.35 feet to a point for corner;  
THENCE S. 00°21'55" W., 555.55 feet to a point for corner;  
THENCE S. 00°30'44" W., 821.88 feet to a point for corner;  
THENCE S. 01°10'55" W., 236.70 feet to a point for corner;  
THENCE S. 04°38'43" W., 218.38 feet to a point for corner, said point being on the  
said north line of North Alamo Road;

THENCE along the said north line of North Alamo Road the following courses and  
distances; N. 76°58'08" W., 74.07 feet;

THENCE N. 70°46'03" W., 102.33 feet to a point for corner;

THENCE N. 59°17'16" W., 100.62 feet to a point for corner, said point being the  
beginning of a curve to the left having a central angle of 30°55'37" and a radius of 250.00 feet;

THENCE along said curve 134.94 feet to the end of said curve, a point for corner;

THENCE S. 89°48'30" W., 908.90 feet continuing along the said north line of North  
Alamo Road to the Point of Beginning and containing 234.125 gross acres (10,198,474 square  
feet) of land, save and except an easement to the City of Rockwall for a sewage treatment plant  
site containing 4.928 acres, leaving a net area of 229.197 acres of land.

## Exhibit "B"

### A. Development Standards - Single Family residential District (Tract 1 see exhibit "C")

1. Unless otherwise stated in this document, this tract will be used for single family detached dwellings and residential accessory buildings and uses as permitted by the "SF-10" zoning district, ordinance No. 83.23., currently approved or as may be amended in the future.

2. The minimum lot area requirements for tract one will conform the following:

<u>Lot Square Footage</u>	<u>Units</u>	<u>% of Tract 1</u>
10,000	305	50
8,000	180	30
7,000	<u>125</u>	<u>20</u>

610 total lots                      100

3. Minimum dwelling units requirements: 1,500 square feet for lots less than 10,000 square feet, 1,800 square feet for lots equal to or greater than 10,000 square feet.

4. Minimum lot frontage on a public street: 60 feet for lots with less than 10,000 square feet, 70 feet for lots equal to or greater than 10,000 square feet, 60 feet for all cul-de-sac lots. Lot frontage measured at the building line.

5. Minimum lot Depth: 100 feet

6. Minimum Depth of Front Setback: 25 feet, 20 feet on cul-de-sac lots

7. Minimum Width of Side Setback:

- a. Internal lot 6 feet
- b. Abutting street 15 feet
- c. abutting an arterial 20 feet

8. Additional area, setback and allowed uses as permitted in the SF-10 zoning district in the Zoning Ordinance No. 83.23.

9. The submitted phasing exhibit (attached) is conceptual. The developer will build a minimum of ½ or two lanes of North Lakeshore Dr. with each phase adjacent to North Lakeshore Dr. Regardless of the phasing there will be no gaps in North Lakeshore and a minimum of ½ or two lanes of North Lakeshore will be built to connect the phases.

10. No lots with less than 10,000 square feet will be adjacent to Alamo Road or The Shores development and the east boundary of this PD.

11. Homeowners Association. Prior to final plat approval of the first phase of the development, the owner(s) of the property must execute an instrument creating a mandatory Homeowners Association for the entire Planned Development. This Homeowners Association will be responsible for the maintenance of all common areas, screening walls, landscape areas; deed restriction enforcement; and for all other functions required to maintain the quality of the development.

B. Development Standards - City Park District (Tract 2)

1. The park area will consist of not less than 33.5 acres dedicated by the developer.
2. Each corner of the park land (not in the center of the creek) shall be permanently monumented with 3/4" iron pins and the pins shall be located and identified on a recordable land survey.

C. Development Standards - Restricted Professional Building District - RPB (Tract 3)

1. This district will consists of approximately 10 acres and shall be used for the following purposes:
  - A. School
  - B. Church
  - C. Dental, Medical, Osteopathic or other licensed health practitioner clinic or laboratory with no overnight patients
  - D. Day Care Center
  - E. Assisted Care Facility
  - F. Legal or Title Insurance, Real Estate, or other Insurance Agencies
  - G. Engineering, Bookkeeping, Architect or Accounting Firm
  - H. Banking (automated teller only)
  - I. Uses allowed under the SF-10 zoning district.
2. Minimum Depth of rear setback: 50 feet adjacent to waste water treatment plant
3. Maximum height of Structures: One (1) Story maximum height of 36 feet. Schools and churches may exceed one (1) story with approval from the Planning and Zoning Commission and City Council.
4. Exterior construction shall be residential in character, similar to homes built in the single family districts. Flat roofs are not allowed. Any non-residential use

shall meet the masonry requirements of the General Retail zoning district. Any other requirements not specifically mentioned herein shall meet the requirements of the General Retail zoning district.

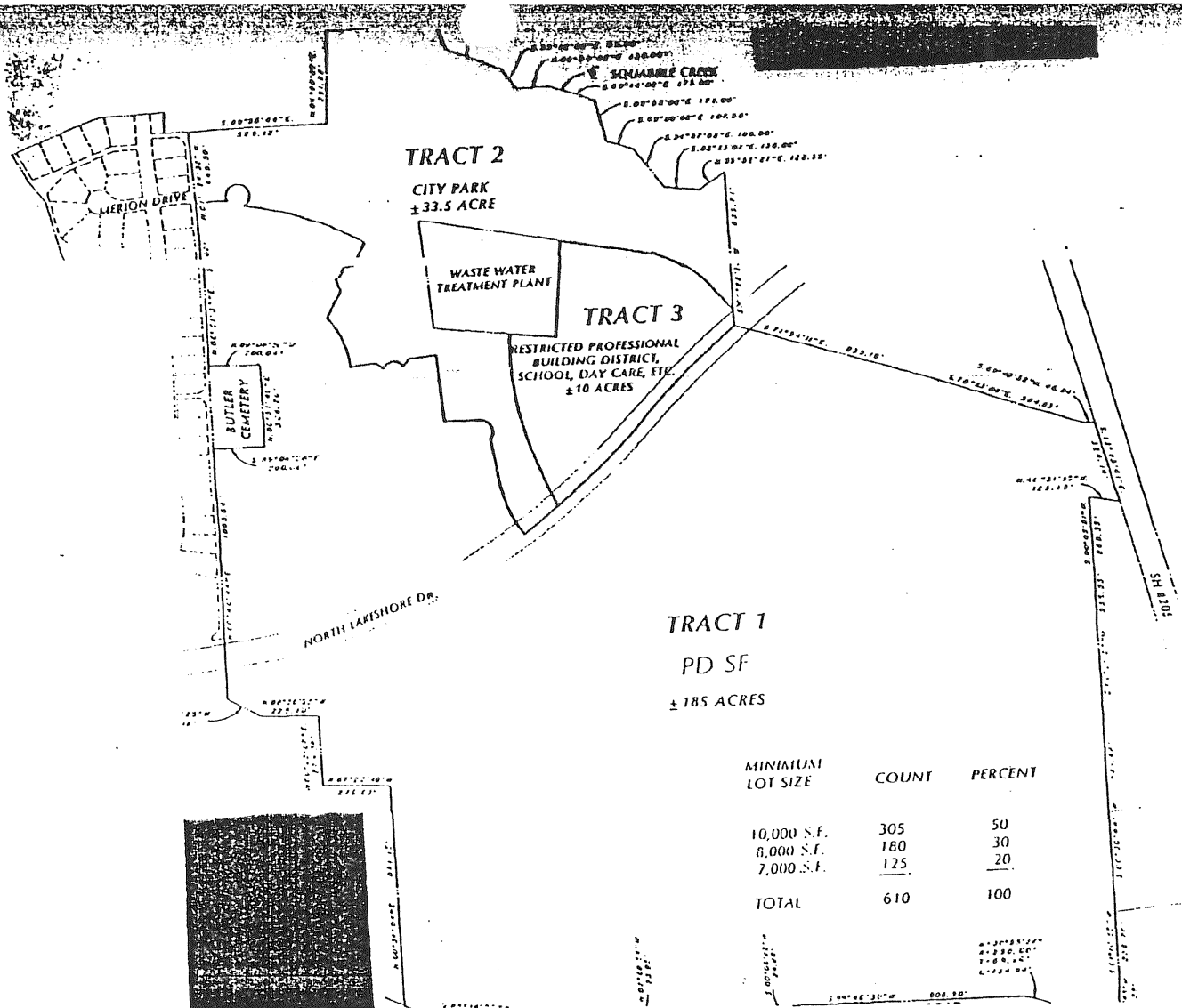
5. If any portion of this tract develops with a non-residential use, single family will not be allowed on this tract.

6. Items not specifically addressed in this PD shall comply with the Zoning Ordinance No. 83.23 as amended, Engineering Standards of Design and Code of Ordinances, as currently approved or as may be amended in the future.

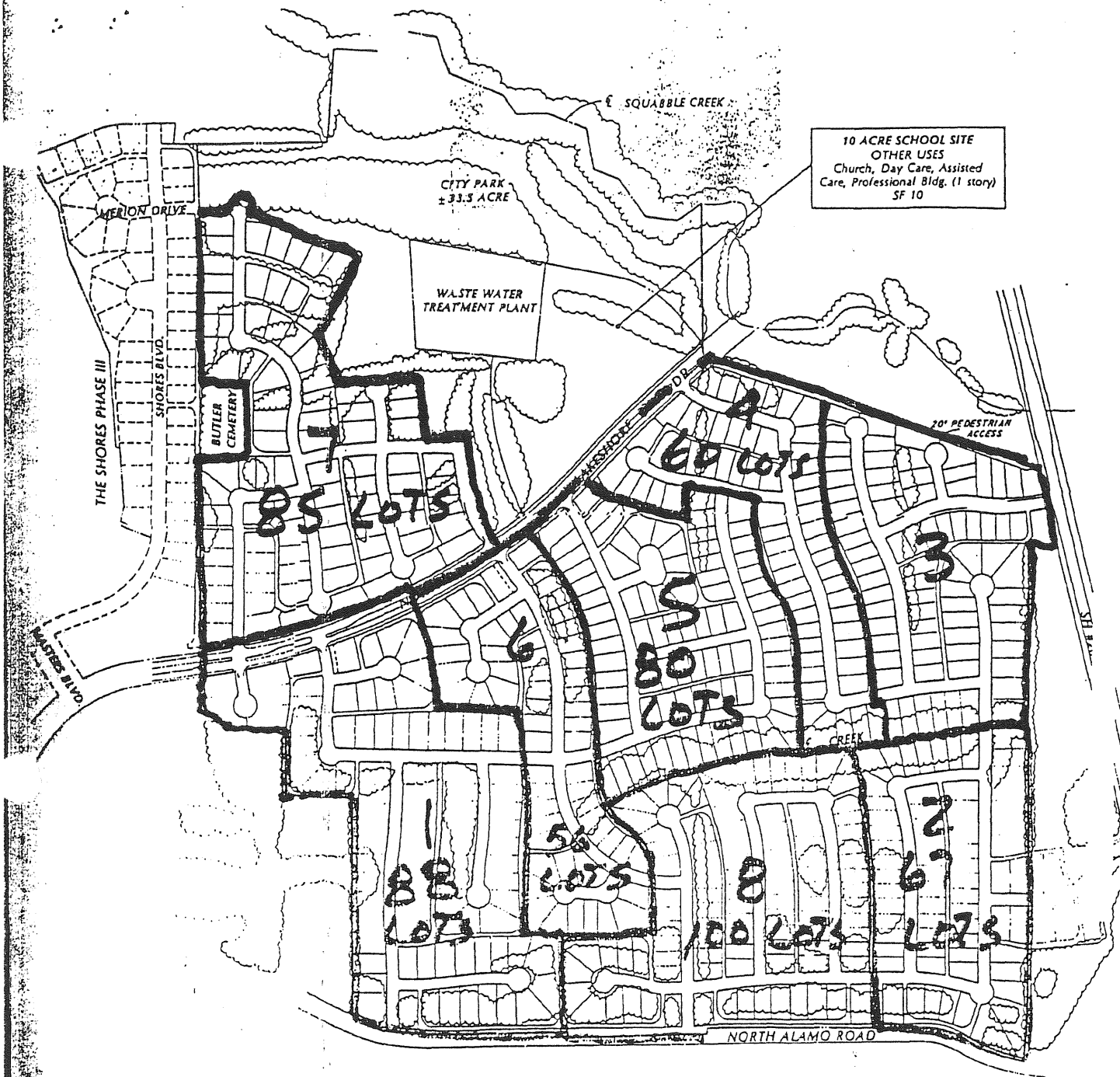
#### D. Additional Conditions

1. The applicant pay for a traffic impact analysis prior to the final plat approval for each phase of development.
2. Screening along Lakeshore Drive and Alamo Road as shown in Exhibit "E".
3. Determination for areas that will not be required to have alleys will be made at the time Treescape Plans and Final Plats are submitted for each phase.

EXHIBIT "C" 192  
TRACTS 1-3



MINIMUM LOT SIZE	COUNT	PERCENT
10,000 S.F.	305	50
8,000 S.F.	180	30
7,000 S.F.	125	20
TOTAL	610	100



# EXHIBIT "D" PHASING PLAN

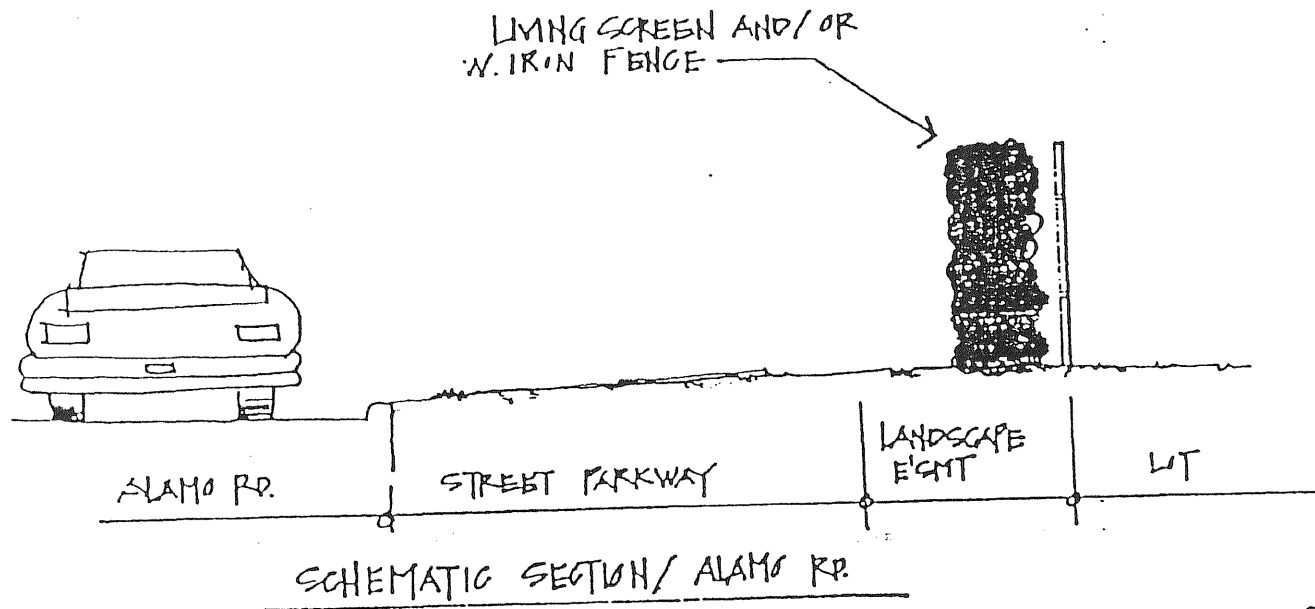
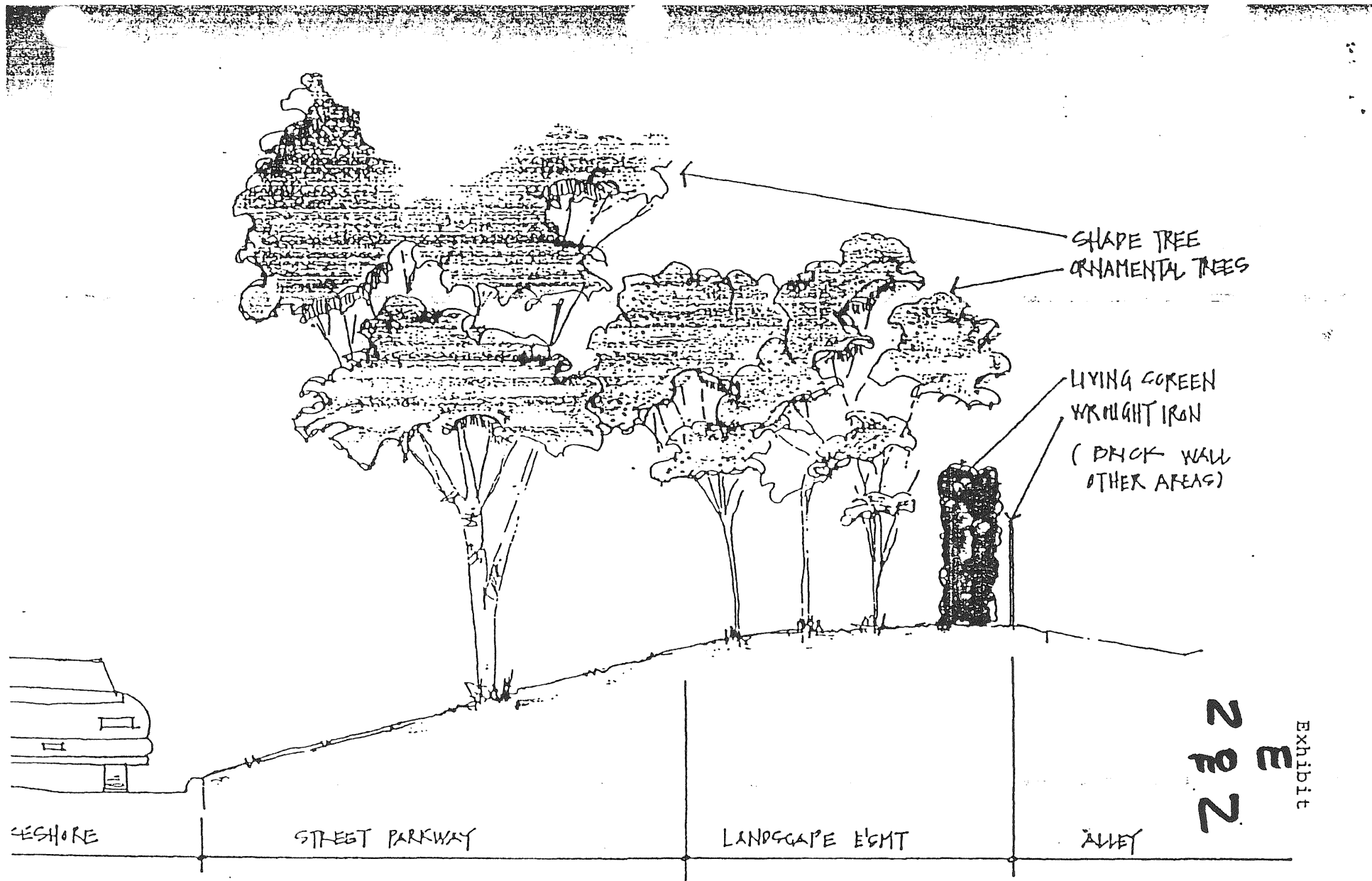


Exhibit  
"E"  
102





SCHEMATIC SECTION / LAKE SHORE