

**CITY OF ROCKWALL**

**ORDINANCE NO. 02-33**

**AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO CHANGE THE ZONING ON A TRACT OF LAND LOCATED ON THE WEST SIDE OF FM 740 SOUTH OF SUMMIT RIDGE, D. ATKINS ABSTRACT NO. 1, TRACTS 23, 20, 21, 29, 30, 12, 25, 13 AND 16, WHICH IS MORE FULLY DESCRIBED HEREIN, FROM "SF-10" SINGLE FAMILY RESIDENTIAL TO "PD", PLANNED DEVELOPMENT DISTRICT NO.53; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING 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 are hereby amended by amending the zoning map of the City of Rockwall so as to change the zoning on a tract of land which is more fully described herein as Exhibit "A" from "SF-10", Single Family Residential to "PD", Planned Development District No. 53, and;

**Section 2.** That the property described herein shall be used only in the manner and for the purposes provided for in 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 and subject to the following additional conditions:

1. That the Planned Development be subject to the requirements and uses listed in the "R-O", Residential Office District and all uses, site and building plans shall comply with the requirements as specified in Article III of the Comprehensive Zoning Ordinance and the Scenic Overlay District development guidelines.
2. That joint or shared driveways and access to rear parking be required on all adjoining lots as one of the properties is used for office purposes or any of the uses listed in the "R-O", Residential Office District.
3. That a single family residential use be allowed in addition to any of the uses listed in the "R-O", Residential Office District, one single family residential unit per property.
4. That parking in the front yard area of any property within this Planned Development

District is prohibited and all parking for those uses listed in the "R-O", Residential Office District be located behind the front facade of the main building structure.

5. That the parking requirement for office and professional buildings comply with Section 5.5 of the Comprehensive Zoning Ordinance (Ord. No. 83-23).
7. That all properties within the Planned Development District shall be subject to site plan review if changing to other than residential use and all requirements related to redevelopment as per the City of Rockwall.

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

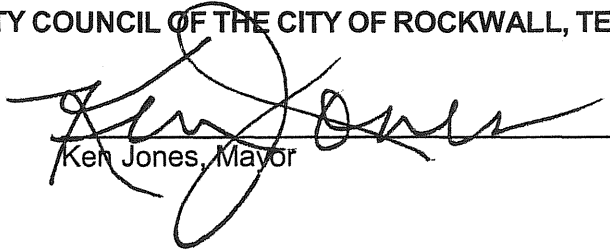
**Section 4.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate 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 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 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 cases provides.

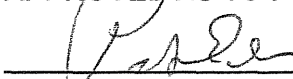
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 1<sup>st</sup> day of July, 2002.**

  
Ken Jones, Mayor

**ATTEST:**

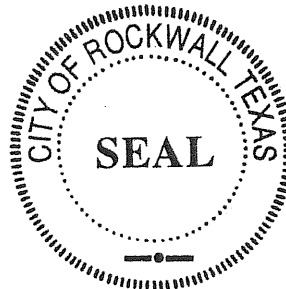
  
Dorothy Brooks, City Secretary

**APPROVED AS TO FORM:**

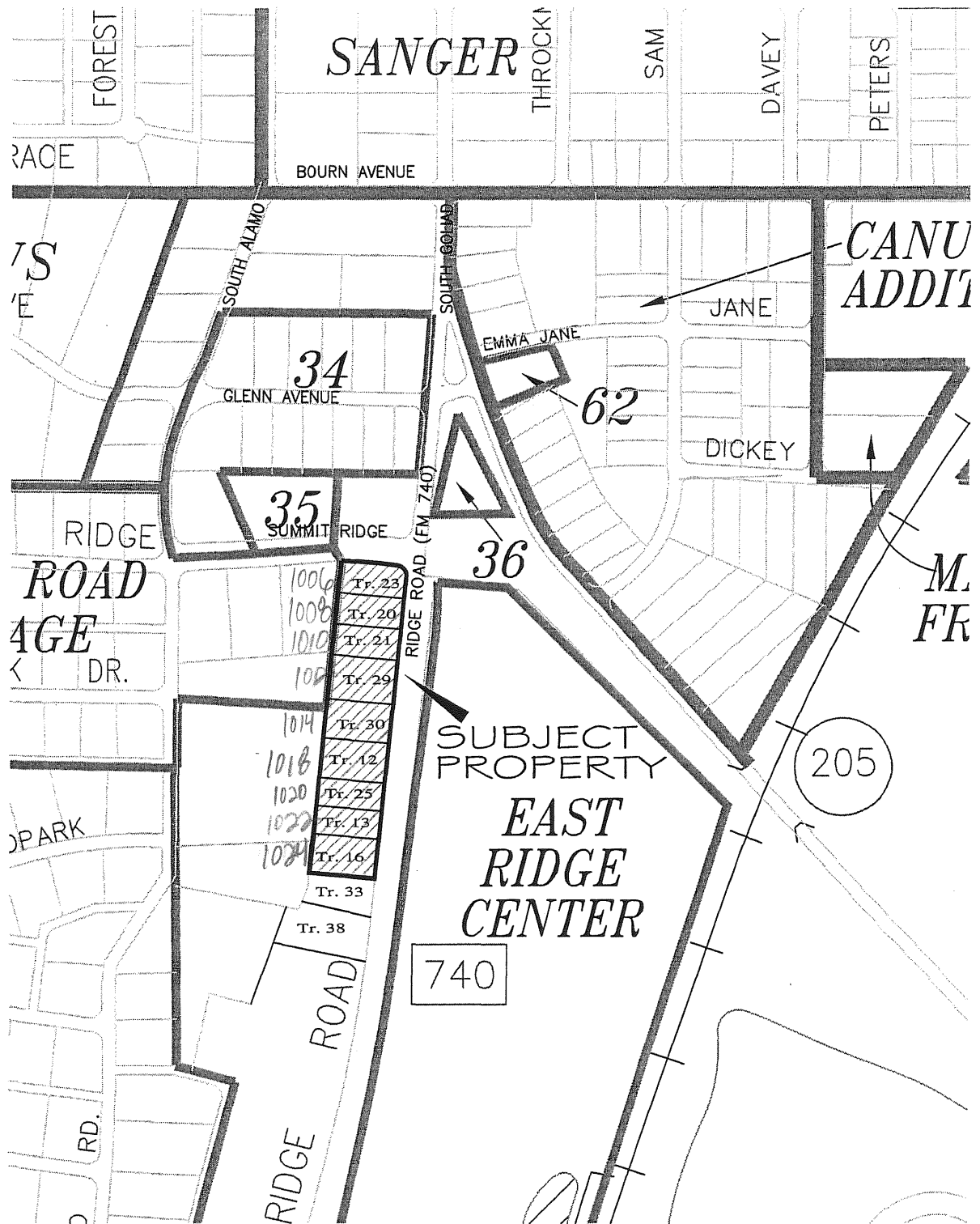
  
Pete Eckert, City Attorney

1<sup>st</sup> Reading: June 17, 2003

2<sup>nd</sup> Reading: July 1, 2003



# EXHIBIT "A"



2002-33 – zoning change  
 “SF-10” to Planned Development No. 53 –  
 “PD-53” – Vines

(1 OF 1)

EXHIBIT “A”

Book 02-38

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS

COUNTY OF DALLAS

Before me, a Notary Public in and for Dallas County, this day personally appeared Lewis Cline, Sales Assistant for the DALLAS MORNING NEWS being duly sworn by oath, states the attached advertisement of:

CITY OF ROCKWALL (CPN 1104)

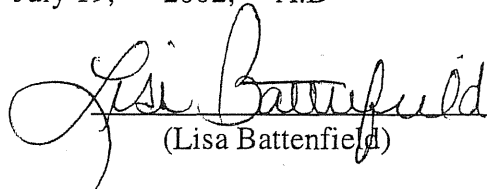
as published in THE ROCKWALL MORNING NEWS on: July 19, 2002

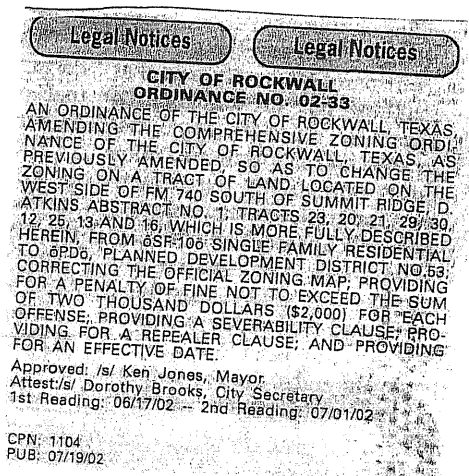
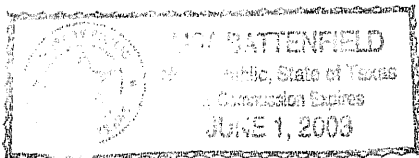


(C. Lewis Cline)

Sworn to and subscribed before me this

July 19, 2002, A.D.

  
(Lisa Battenfield)



CITY OF ROCKWALL

ORDINANCE NO. 14-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 53 (PD-53) [ORDINANCE NO. 02-33] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM A SINGLE FAMILY 10 (SF-10) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 53 (PD-53) AND TO AMEND THE BOUNDARIES OF PLANNED DEVELOPMENT DISTRICT 53 (PD-53) AS ESTABLISHED IN ORDINANCE 02-33 TO INCLUDE A 0.651-ACRE PARCEL OF LAND IDENTIFIED AS LOT 3, BLOCK A, LEE RHOADES SUBDIVISION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS [1002 RIDGE ROAD] AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR 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; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City has received a request by Dewayne Cain on behalf of the Cain Family Revocable Trust for the approval of an amendment to Planned Development District 53 (PD-53) [Ordinance No. 02-33] and the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall to adopt a zoning change from a Single Family 10 (SF-10) District to Planned Development District (PD-53) and to amend the boundaries of Planned Development District 53 (PD-53) as established in Ordinance No. 02-33 to include a 0.651-acre parcel of land addressed as 1002 Ridge Road, further identified as Lot 3, Block A, Lee Rhoades Subdivision, City of Rockwall, Rockwall County, Texas, and more specifically described in Exhibit 'A' of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; 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, and the governing body in the exercise of its legislative discretion, has concluded that Planned Development District 53 [Ordinance No. 02-33] and the Unified Development Code [Ordinance No. 04-38] should be amended as follows:

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

**Section 1.** That Planned Development District 53 (PD-53) [Ordinance No. 02-33] and the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall, Rockwall County, Texas, as heretofore amended, be and the same are hereby amended by amending the zoning map of the City of Rockwall so as to change the zoning of the *Subject Property* from a Single Family 10 (SF-10) District to Planned Development District 53 (PD-53);

**Section 2.** That the *Subject Property* shall be used only in the manner and for the purposes provided for a property located within a Residential Office (RO) District as stipulated by Section 1.1,

"Use of Land and Buildings," of Article IV, "Permissible Uses" and Section 4.2, "Residential Office (RO) District", of Article V, "District Development Standards", of the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as maybe amended in the future;

**Section 3.** That in addition to the requirements stipulated in the Unified Development Code [Ordinance No. 04-38] the *Subject Property* shall be subject to the following additional conditions:

1. The *Subject Property* shall comply with all the requirements specified by Section 6.8, *Scenic Overlay (SOV) District*, of Article IV, *District Development Standards*, of the Unified Development Code [Ordinance No. 04-38],
2. In addition to the uses permitted in the Residential Office (RO) District that the *Subject Property* shall be permitted to be used as a single-family residence; however, only one (1) single family dwelling unit shall be permitted on each lot,
3. All parking provided on the *Subject Property* shall be located behind the primary structure and no parking may be provided adjacent to or visible from Ridge Road. For the purposes of the draft ordinance parking maybe visible, accessible and adjacent to Summit Ridge Drive on the Subject Property,
4. The parking requirement for the *Subject Property* shall be one (1) parking space per 500 square feet of floor area for an office and/or professional use. All other uses shall comply with the parking requirements stipulated in Article VI, *Parking and Loading Standards*, of the Unified Development Code [Ordinance 04-38],
5. A six (6) foot, wood fence constructed to a residential standard is required adjacent to all single family residential adjacencies (*i.e. the northern and western property lines*) for the purpose of screening the parking area,
6. Prior to the *Subject Property* being utilized for any use other than a single family residential dwelling a site plan must be submitted, reviewed and approved by the Director of Planning or his designee, and

**Section 4.** The *Official Zoning Map* of the City of Rockwall, Texas shall be amended to reflect the change in zoning for the *Subject Property* as described in this ordinance;

**Section 5.** That 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 6.** That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code, 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;

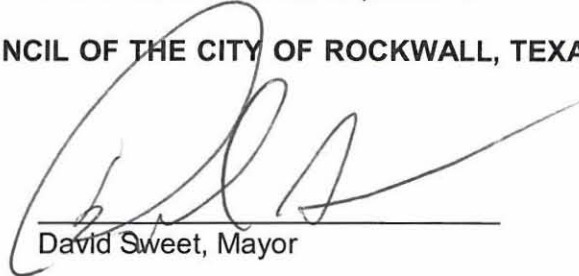
**Section 7.** The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code,



ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code (including references to the *Unified Development Code*), and references to overlay districts, in this ordinance or any of the Exhibits hereto are those in effect on the date this ordinance was passed and approved by the City Council of the City of Rockwall, Texas;

**Section 8.** 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;

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS THE 2<sup>ND</sup> DAY OF JUNE, 2014.**



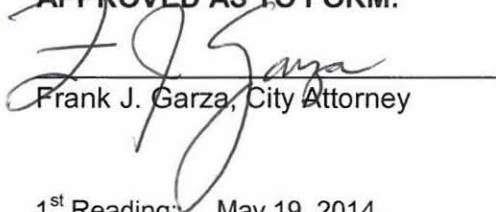
David Sweet, Mayor

**ATTEST:**



Kristy Ashberry, City Secretary

**APPROVED AS TO FORM:**



Frank J. Garza, City Attorney

1<sup>st</sup> Reading: May 19, 2014

2<sup>nd</sup> Reading: June 2, 2014



**Exhibit 'A':**  
*Legal Description*

Description of Lot 3, Block "A"  
Amended Plat of the Lee Rhodes Subdivision

BEING all of Lot 3, Block A, AMENDED PLAT LEE RHODES SUBDIVISION, LOT 2 & 3, BLOCK A, an Addition to the City of Rockwall, Rockwall County, Texas, according to the Plat thereof recorded in Cabinet H, Slide 151, of the Plat Records of Rockwall County, Texas, and also the residue of a tract of land as described as Tract 3 in a Warranty deed from Ted Cain and Maurine Cain to The Cain Revocable Family Trust, dated January 28, 1998 and being recorded in Volume 1328, Page 78 of the Real Property Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for corner in the north right-of-way line of Summit Ridge Drive, a 80 foot right-of-way, said point being at the southwest corner of said Lot 3, Block A;

THENCE N. 05 deg. 06 min. 23 sec. W. along the west line of Lot 3, a distance of 120.03 feet to a 1/2" iron rod found for corner at the northwest corner of Lot 3 and in the south line of a 10 foot alley per plat of Lawhorn and Williams Addition, as recorded in Volume 47, Page 209 of the Deed Records of Rockwall County, Texas;

THENCE N. 89 deg. 39 min. 13 sec. E. along the north line of Lot 3 and the south line of said alley, a distance of 238.36 feet to a 1/2" iron rod found for corner in the west right-of-way line of Ridge Road FM 740;

THENCE S. 05 deg. 36 min. 58 sec. W. along said right-of-way line, a distance of 115.91 feet to a 1/2" iron rod found for corner;

THENCE S. 48 deg. 42 min. 42 sec. W. along said right-of-way line, a distance of 27.11 feet to a 1/2" iron rod found for corner at the intersection of said right-of-way line with the north right-of-way line of Summit Ridge Drive;

THENCE N. 85 deg. 40 min. 17 sec. W. along the north right-of-way line of Summit Ridge Drive, a distance of 185.63 feet to a 1/2" iron rod found for corner;

THENCE S. 80 deg. 47 min. 43 sec. W. along said right-of-way line, a distance of 11.00 feet to the POINT OF BEGINNING and containing 28,339 square feet or 0.65 acres of land.



[illegible]