

**CITY OF ROCKWALL**

**ORDINANCE NO. 05-51**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS AS PREVIOUSLY AMENDED, SO AS TO CHANGE THE ZONING FROM (AG) AGRICULTURAL DISTRICT TO (PD-63) PLANNED DEVELOPMENT NO. 63 DISTRICT ON AN 139.354-ACRE TRACT KNOWN AS TRACTS 1 AND 7, ABSTRACT 123, A. JOHNSON SURVEY AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; 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**, a zoning change from (Ag) Agricultural district to (PD-63) Planned Development No. 63 district has been requested by Tim Thompson of Realty Capital Corporation for an 139.354-acre tract of land known as Tracts 1 and 7, Abstract 123, A. Johnson Survey, and more specifically described as Exhibit "A" attached hereto and made a part hereof; 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 the Unified Development Code 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 Unified Development Code (Ord. No. 04-38) 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 (Ag) Agricultural district to (PD-63) Planned Development No. 63 district, and;

**Section 2.** That development in the area described herein as **Exhibit "A"**, attached hereto, shall be subject to the approved concept plan, **Exhibit "B,"** and shall be subject to the following conditions:

- A. The approved concept plan attached hereto as Exhibit "B" shall control the development of the Planned Development district, and any and all such development shall be in strict accordance with such concept plan.
- B. Prior to or concurrently with submittal of a master plat for the subject property, a final development plan shall be required so that the City can review details of the project including, but not limited to, a site/landscape plan(s) for all open space, pocket parks, trail systems, street buffers and entry features. The development plan and preliminary plat shall also be reviewed by the City's Parks Board.

- C. The maximum density for the Planned Development district shall not exceed 1.99 dwelling units per gross acre of land, or 276 units.
- D. That development in the area indicated as **Area 1 on Exhibit "B" (i.e. 90' x 140' lots)**, attached hereto, shall be subject to the permitted uses and area requirements of **Article V, Section 3.4 (SF-10) Single Family Residential District**, of the City of Rockwall Unified Development Code (Ord. No. 04-38) as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, with the following additional conditions and restrictions:
1. Minimum lot size – 12,600 square feet
  2. Maximum number of lots in Area 1 - 117
  3. Minimum lot frontage on a public street – 90 feet
    - a. Minimum lot frontage on a cul-de-sac or curvilinear street measured at front building line - 85 feet
  4. Minimum side yard setback:
    - a. Internal lot – 6 feet
    - b. Abutting a street – 10 feet
    - c. Abutting an arterial / collector – 20 feet
  5. Minimum rear yard setback – 10 feet, except for those lots with double frontage (i.e. FM 549) which shall have a minimum rear setback of 15 feet
  6. Minimum square footage per dwelling unit – 2,250 square feet of living area, not including eaves, porches, garages and breezeways.
- E. That development in the area indicated as **Area 2 on Exhibit "B" (i.e. 80' x 130' lots)**, attached hereto, shall be subject to the permitted uses and area requirements of **Article V, Section 3.4 (SF-10) Single Family Residential District**, of the City of Rockwall Unified Development Code (Ord. No. 04-38) as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, with the following additional conditions and restrictions:
1. Minimum lot size – 10,000 square feet
  2. Maximum number of lots in Area 2 – 111
  3. Minimum lot frontage on a public street – 80 feet
    - a. Minimum lot frontage on a cul-de-sac or curvilinear street measured at front building line - 75 feet
  4. Minimum side yard setback:
    - a. Internal lot – 6 feet
    - b. Abutting a street – 10 feet
    - c. Abutting an arterial / collector – 20 feet
  5. Minimum square footage per dwelling unit – 2,000 square feet of living area, not including eaves, porches, garages and breezeways.

- F. That development in the area indicated as **Area 3 on Exhibit "B"** (i.e. 70' x 120' lots), attached hereto, shall be subject to the permitted uses and area requirements of **Article V, Section 3.5 (SF-8.4) Single Family Residential District**, of the City of Rockwall Unified Development Code (Ord. No. 04-38) as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, with the following additional conditions and restrictions:
1. Minimum lot size – 8,400 square feet
  2. Maximum number of lots in Area 3 – 48
  3. Minimum lot frontage on a public street – 70 feet
    - a. Minimum lot frontage on a cul-de-sac or curvilinear street measured at front building line - 65 feet
  4. Minimum side yard setback:
    - a. Internal lot – 6 feet
    - b. Abutting a street – 10 feet
    - c. Abutting an arterial / collector – 20 feet
  5. Minimum square footage per dwelling unit – 1,750 square feet of living area, not including eaves, porches, garages and breezeways.
- G. All common areas and dedicated landscape easements and open space areas, including areas of landscaping along public right-of-ways, shall be maintained by a Homeowner's Association, which shall be created subject to the requirements of the City of Rockwall Subdivision Ordinance and filed prior to approval of the final plat(s).
- H. An anti-monotony restriction shall not allow the same structure in terms of materials and elevation on either side of the street without at least three (3) intervening lots.
- I. Permanent subdivision identification signage shall be permitted at all major entry points as per the requirements of the City of Rockwall sign ordinance.
- J. For any side or rear yard of any lot that faces an open space or public street, wrought iron or tubular steel fencing shall be used. No solid fencing shall be allowed.
- K. One (1) canopy tree shall be planted per 50-linear feet along the north-south collector road and the east-west collector road, in addition to any trees required to be planted on each lot resulting from tree mitigation and/or landscaping requirements. The approximate location and species shall be determined with the development plan.
- L. A landscape buffer with a minimum width of 20-ft shall be provided along FM 549, outside of and beyond any required right-of-way dedication. Landscape plantings within the buffer shall be approved at the time of development plan and should include a combination of trees, shrubs, groundcover and berming.

**Section 3.** A homeowners' association duly incorporated in the State of Texas shall be incorporated, and each lot/homeowner shall be a mandatory member. This association shall be established to ensure the proper maintenance of all common areas, either public or private, as desired, to be maintained by the association. The bylaws of this association shall establish a system of payment of dues; a system of enforcement of its rules and regulations; a clear and distinct definition of the responsibility of each member; and such other provisions as are reasonably deemed

appropriate to secure a sound and stable association. The bylaws shall be submitted to the Director of Planning for review and approval prior to construction.

**Section 4.** No substantial change in development of "PD" shall be permitted except after obtaining approval of the change of such development through amendment of the concept plan in the manner required for changes or amendments to the Unified Development Code.

**Section 5.** That the official zoning map of the City be corrected to reflect the changes in zoning described herein.


**Section 6.** 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 offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

**Section 7.** 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 Unified Development Code 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 8.** 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 9.** 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 3<sup>rd</sup> day of October, 2005.**

  
William R. Cecil, Mayor

ATTEST:

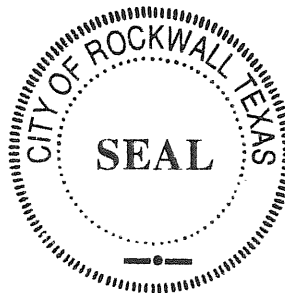
  
Dorothy Brooks, City Secretary

APPROVED AS TO FORM:

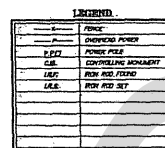
  
Pete Eckert, City Attorney

1<sup>st</sup> Reading: 9-19-05

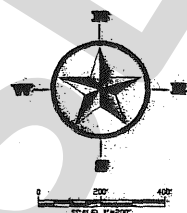
2<sup>nd</sup> Reading: 10-3-05



Z2005-030: Lakes of Somerset\_Ag to PD



LEGEND	
—	POWER
—	OVERHEAD POWER
P.P.T.	POWER POLE
C.B.	CONTROLLING MOVEMENT
W.F.	IRON ROD FOUND
W.S.	IRON ROD SET



THE IRON RODS SET (I.R.S.) ARE 1/2 INCH IN DIAMETER WITH A YELLOW CAP MARKED "R.L.P.S. 3005" AND ARE NOTED ALONG LOT 1, BLOCK 4 OF EDWARDS ACRES SUBDIVISION, NEAR THE INTERSECTION OF HIGHWAY 10 AND HIGHWAY 100.

THE RECORDS OF EARNINGS IS EDWARDS ACRES SUBDIVISION, AS RECORDED IN CABINET F, PAGE 88 OF THE PLAT RECORDS OF ROCKWALL COUNTY, TEXAS.

THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A CURRENT TITLE COMMITMENT FURNISHED BY STEWART TITLE COMPANY, GENERAL FEE NUMBER 200020048, EFFECTIVE DATE 01/27/2004. THE SURVEYOR HAS REVIEWED THE MATTERS OF RECORD IN WHOLE, HAVE NOT BEEN ADVISED OF ANY NOT BE SHOWN.

SURVEY NOT VALID UNLESS SIGNED BY SURVEYOR IN RED INK AND SURVEYORS SEAL EXPOSED ON SURVEY.

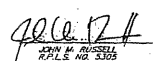
ALL FEATURES SHOWN AREA VISIBLE ONLY, NO UNDERGROUND FEATURES HEREIN LOCATED OR IDENTIFIED.

TO: STEWART TITLE COMPANY

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY DESCRIBED HEREON AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, EASEMENTS OR RIGHT OF WAY THAT I HAVE BEEN ADVISED OF EXCEPT AS SHOWN HEREON, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DESIGNATED ROADWAY.

TO: STEWART TITLE COMPANY

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY DESCRIBED HEREON AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, EASEMENTS OR RIGHT OF WAY THAT I HAVE BEEN ADVISED OF EXCEPT AS SHOWN HEREON, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DESIGNATED ROADWAY.



Being a 139.354 acre tract of land situated in the A. Johnson Survey, Abstract No. 121 Rockwall County, Texas, and being the remainder portion of a called 469.637 acre tract of land as described in deed to EN MARK PARENT CORPORATION, as restated, in Volume 1430, Page 139-86 of the Deed Records of Rockwall County, Texas, said 139.354 acre being more particularly described as follows:

beginning at a 1/2 inch iron rod found for the northeast corner of Lot called 145,637 acre tract, and being the northwest corner of Lot 7, Block 1 of Lot 1 and Lot 2, Estates Addition, according to the map as plat thereof recorded in Cabinet G, Page 231 of the Public Records of the County of Santa Clara, State of California, and continuing easterly along the line of said Lot 7, Block 1 of Lot 1 and Lot 2, Estates Addition, to the southeast corner of said Lot 7, Block 1 of Lot 1 and Lot 2, Estates Addition, as recorded in Volume 8, Page 544 of said Gold Record.

THENCE SOUTH 01 degrees 43 minutes 45 seconds West, along the west line of said Lot 7, Block 1 of Lot 1 and Lot 2, Estates Addition, to the west line of Lot 7, Block 1 of Lot 1 and Lot 2, Estates Addition, passing at a distance of 494.54 feet from the northeast corner of said Lot 7, Block 1 of Lot 1 and Lot 2, Estates Addition, to the southeast corner of Lot 6 of said Addition, and passing at a distance of 688.54 feet from a 1/2 inch iron rod found for the southwest corner of said Lot 6 and the northwest corner of Lot 5 of said Addition, to the southeast corner of said Lot 6, and continuing easterly along the line of said Lot 6, to a 3/8 inch iron rod found for the southwest corner of Lot 6 of said Addition.

THENCE North 88 degrees 17 minutes 09 seconds East, along the south line of said Lot 4, a distance of 218.66 feet to a 1/2 inch iron rod found for the northwest corner of Lot 3 of said Addition;

THENCE South 00 degrees 34 minutes 08 seconds West, along the west line of said Lot 1 a distance of 199.85 feet to a 7/2 inch iron rod found for the southwest corner of said Lot 3 and being in the north line of Lot 2 of said Addition;

THENCE South 86 degrees 35 minutes 04 seconds West, along the north line of said Lot 2, a distance of 128.24 feet to a 3/8 inch iron rod found for the northwest corner of said lot 2, from which a 3/8 inch iron rod found bears South 12 degrees 12 minutes 09 seconds West, a distance of 112 feet;

THENCE South 00 degrees 21 minutes 30 seconds West, along the west line of Lots 2, 1, and 1A of said Addition, a distance of 650.86 feet to a 1/2 inch iron rod found for the southwest corner of said Lot 1A and being North 89 degrees 57 minutes 46 seconds East, a distance of 19.93 feet from a 1/2 inch iron rod found.

THENCE North 85 degrees 43 minutes 30 seconds East, along the south line of said Lot 1A, a distance of 93.68 feet to a 1/2 inch iron rod found for the northwest corner of Lot 1 of Lolland Lake Estates No. 2; Addition, according to the map or plat thereof recorded in Cabinet C, Page 251 of said Plat Records.

THENCE South 00 degrees 24 minutes 35 seconds West, along the west line, of said Lot 1 and the west line of Lot 2 of said No. 2 Addition, a distance of 330.41 feet to a point in Lolland Lake and being the southwest corner of said Lot 2 of said No. 2 Addition;

THENCE North 86 degrees, 25 minutes, 23 seconds East, along the south line of said Lot 2 and over and across said Lolland Lake, a distance of 100.24 feet to a point in Lolland Lake and being the northeast corner of Lot 3 of said No. 2 Addition;

THENCE South 01 degrees 38 minutes 41 seconds West, along the west line of Lots 3, 4, 5, and 8 of said No. 2 Addition, a distance of 537.35 feet to a point in Leland lake and being the westernmost southwest corner of Lot 8 of said No. 2 Addition, said corner also being the northernmost corner of Lot 4, Block A, of Edwards Acres, Subdivision, according to the map or plat thereof recorded in Cabinet F, Page 86 of said 'Plat Records;

THENCE along Lot 1, Block A the following calls:

South 29 degrees 00 minutes 17 seconds West; a distance of 252.65 feet to a 1/2 inch iron rod set with yellow plastic cap marked "R.P.L.S. 5305".

South 69-degrees 49-minutes 34-seconds West a distance of 467.19 feet to a 1/2 inch iron rod set with yellow plastic cap marked "R.P.L.S. 5305".

South 00 degrees 16 minutes 03 seconds East, passing at a distance of 247.13 feet a 1/2-inch iron rod set with yellow plastic cap marked "R.P.L.S. 5305" for all corner of a 20 foot wide right-of-way dedication per said Edwards Acres Subdivision, is at a distance of 267.13 feet to a 1/2-inch iron rod set with yellow plastic cap, marked "R.P.L.S. 5305" for the southernmost southeast corner of the herein described tract and being in the north-right-of-way line of F.M. Road 54 (a variable width right-of-way).

THESE South 89 degrees 43 minutes 37 seconds West, along the south side of road, corner 148.637 acres (left) and the north right-of-way line of FM Road 549, a distance of 1306.1 feet, to a five-foot wide strip of the southeast corner of a quarter section called 148.637 acre (left), and being the intersection of the north right-of-way line of FM Road 549 with the northeast right-of-way line of State Highway 205, (a variable width-of-way), said corner also being the beginning of a non-tangent curve, to the right having a central angle of 91 degrees 35 minutes 08 seconds, a radius of 5000.10 feet, a chord length of North 43 degrees 48 minutes 29 seconds West, and a chord distance of 139.93 feet.

THENCE along said, non-tangent curve to the right and along the northeast right-of-way line of State Highway 205, an arc distance of 139.83 feet to a fence corner past found the south corner of remainder portion of a tract of land to N.L. Lofton;

THENCE along the west line of said called "49.632" across tract the following calls:

North 00 degrees 24 minutes 15 seconds East; a distance of 1060.00 feet to a 1/2 inch iron rod found.

North 00 degrees 10 minutes 34 seconds West, a distance of 873.29 feet to a 1/2  
inch iron rod found;

South 82 degrees 54 minutes 34 seconds East, a distance of 10.58 feet to a fence corner post;

North 01 degree 03 minutes 04 seconds East a distance of 1403.28 feet to a fence corner post for the northwest corner of said called 149.637 acre tract as being in the south line of aforesaid Newman-Laford tract.

THENCE North 89 degrees 41 minutes 41 seconds East, along the north line of said  
colled 149.637 acre tract, a distance of 1671.81 feet to the POINT OF BEGINNING  
containing 139.354 acres of land more or less.

139.354 ACRES

A. JOHNSON SURVEY, ABSTRACT NO. 123  
ROCKWALL COUNTY, TEXAS

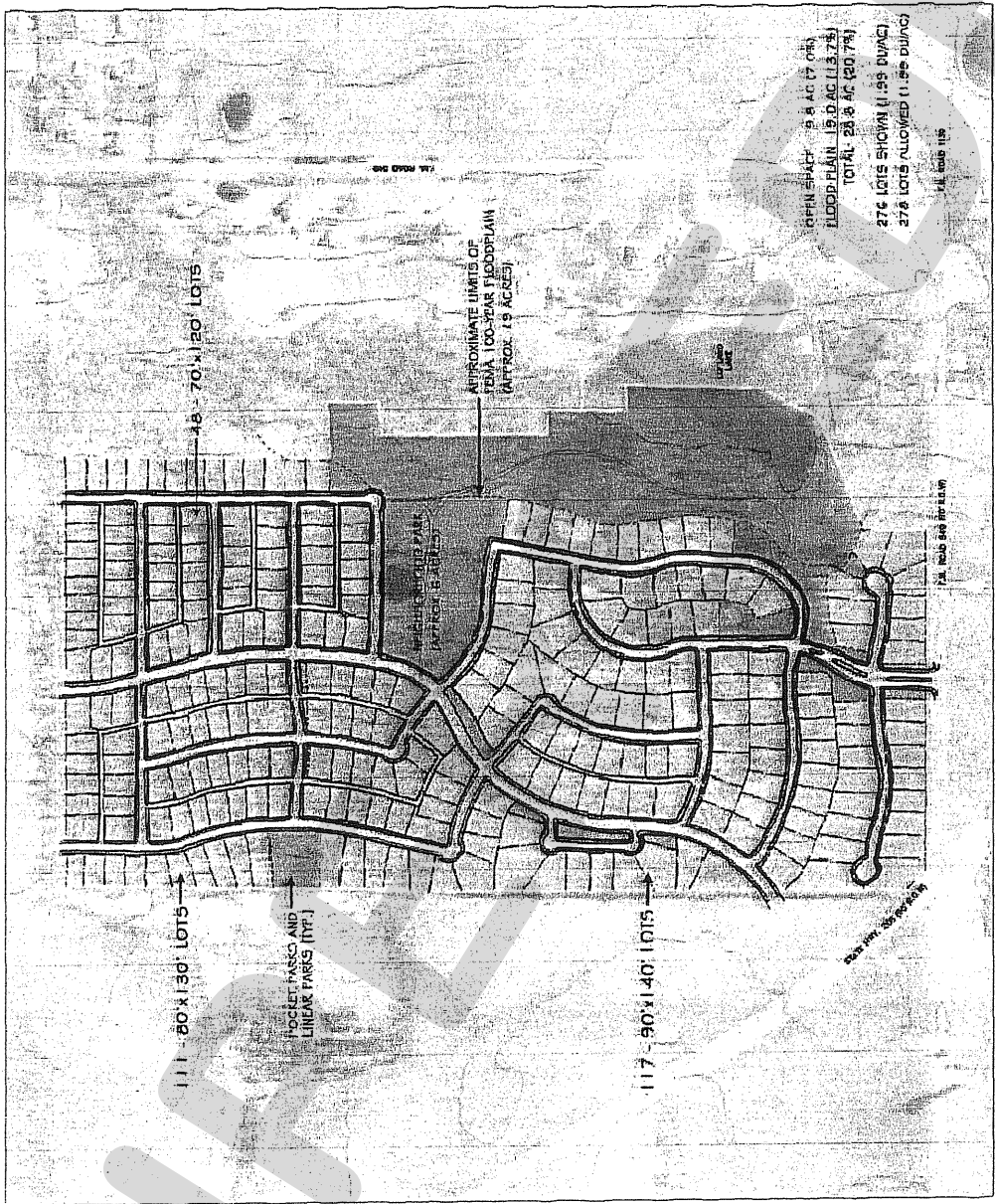


309-A CALLOWAY, SUITE 107, MESQUITE, TEXAS 76067 PAGE 090



# EXHIBIT "B"

## CONCEPT PLAN



**LAKES OF SOMERSET**  
139 ACRES IN ROCKWALL, TEXAS