

CITY OF ROCKWALL

ORDINANCE NO. 16-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75 [ORDINANCE NO. 09-37] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING EXHIBIT 'B' AND EXHIBIT 'C' OF ORDINANCE NO. 09-37, BEING A 329.53.00-ACRE TRACT OF LAND IDENTIFIED AS THE LAKE ROCKWALL ESTATES SUBDIVISION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A'; 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 initiated a zoning change for the Lake Rockwall Estates Subdivision for the purpose of updating the *PD Concept Plan* in *Exhibit 'B'* and amending the development standards in *Exhibit 'C'* of *Ordinance No. 09-37* for a 329.53-acre tract of land, zoned Planned Development District 75 (PD-75) [*Ordinance No. 09-37*], situated within the G. Wells Survey, Abstract No. 219, City of Rockwall, Rockwall County, Texas and more fully 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 75 (PD-75) [*Ordinance No. 09-37*] 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 the approval of this ordinance shall supersede all requirements stipulated in *Ordinance No. 09-37*;

Section 2. That the *Subject Property* shall be used only in the manner and for the purposes authorized by this Planned Development District Ordinance and the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future;

Section 3. That development of the *Subject Property* shall generally be in accordance with the *Planned Development Concept Plan*, described in *Exhibit 'B'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'B'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

Section 4. That development of the *Subject Property* shall generally be in accordance

with the *Development Standards*, described in *Exhibit 'C'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'C'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

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 4TH DAY OF JANUARY, 2016.**



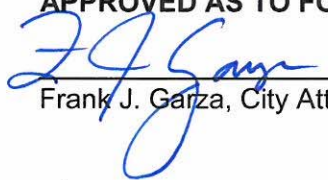
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: 12-21-2015

2nd Reading: 01-04-2016

Exhibit 'A':
Legal Description

Lake Rockwall Estates Subdivision:

BEING a 329.53 acre tract of land, in the G. Wells Survey, Abstract No. 219, in Rockwall County, Texas, said tract being more particularly described by metes and bounds as follows;

BEGINNING at a point at the intersection of the Centerline of Tubbs Road and the South Right of Way line of FM-3097 (*Horizon Road*);

THENCE N 44° 03' 32.586" E, along the Centerline of said Tubbs Road, for a distance of 3196.715 feet to a point for a corner;

THENCE S 45° 18' 40.548" E, departing said line Tubbs Road for a distance of 987.963 feet to a point for a corner;

THENCE S 45° 01' 47 .969" E, for a distance of 305.802 feet to a point for a corner; *THENCE* S 57° 46' 29.390" E, a distance of 618.885 feet to a point for a corner;

THENCE N 89° 29' 58.294" E, a distance of 2177 .687 feet to a point for a corner in the North line of Rockwall Lake Estates No. 2;

THENCE S 0° 20' 12.986" E, along the Easterly most line of Rockwall Lake Estates No. 2 for a distance of 2420.324 feet to a point for a corner in the North line of County Line Road;

THENCE S 88° 49' 05.513" W, along the said North line of County Line Road for a distance of 3751.248 feet to a point for a corner;

THENCE S 77° 48' 25.087" W, continuing along the said North line of County Line Road for a distance of 388.521-feet to a point for a corner in the Northeast line of said Horizon Road;

THENCE N 49 ° 33' 00" W, along said Northeast line of Horizon Road for a distance of 231.08-feet to a point for a corner;

THENCE S 39° 24' 11.999" W, crossing Horizon Road for a distance of 100.00 feet to a point for a corner;

THENCE N 46° 5' 44.798" W, continuing along the south right-of-way line of Horizon Road for a distance of 2,064.651-feet to the *Point of Beginning* and containing 329.53-acres and 14,354,361.518 square feet of land more or less.

Exhibit 'B':
Concept Plan



Exhibit 'C':
PD Development Standards

PD Development Standards.

1. **Density and Dimensional Requirements.** Development of Area 1 or Area 2 as depicted in Exhibit 'B' of this ordinance shall be subject to the land uses and development standards stipulated for properties within a Single Family 7 (SF-7) District as required by Section 3.6, Single Family Residential (SF-7) District, and Article IV, Permissible Uses, of the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future, and shall be subject to the following additional standards:

Table 2: Lot Dimensional Requirements

| Lot Type (see Concept Plan) ► | Area 1 | Area 2 |
|--|----------|----------|
| Minimum Number of Single Family Units Per Lot | 1 | 1 |
| Minimum Lot Width/Frontage ⁽¹⁾ | 50-Feet | 50-Feet |
| Minimum Lot Depth ⁽¹⁾ | 100-Feet | 100-Feet |
| Minimum Lot Area ⁽¹⁾ | 5,000-SF | 5,000-SF |
| Minimum Front Yard Setback ⁽¹⁾ | 20-Feet | 20-Feet |
| Minimum Side Yard Setback (Internal Lot) ⁽¹⁾ | 5-Feet | 5-Feet |
| Minimum Side Yard Setback (Adjacent to a Street) ⁽¹⁾ | 20-Feet | 20-Feet |
| Minimum Distance Between Buildings on the Same Lot | 10-Feet | 10-Feet |
| Minimum Length of Driveway Pavement ⁽²⁾ | 20-Feet | 20-Feet |
| Minimum Number of Off-Street Parking Spaces ^{(3) & (4)} | 2 | 2 |
| Maximum Height | 32-Feet | 32-Feet |
| Minimum Rear Yard Setback | 10-Feet | 10-Feet |
| Minimum Area/Dwelling Unit (SF) | 1,100-SF | 1,100-SF |
| Maximum Lot Coverage | 45 % | 45 % |

General Notes:

- ¹: These setbacks and frontage requirements may be varied in accordance with Section 3.C, *Consideration of a Special Request*, of this Ordinance.
- ²: The minimum length of the driveway pavement as measured from public right-of-way for the rear and side-yard.
- ³: An enclosed garage shall not be considered in meeting the off-street parking requirements.
- ⁴: Number denotes residential property only. For all other land uses, see Article VI, *Parking and Loading*, of the Unified Development Code.

2. **Manufactured Home Replacement.** This standard only applies to Area 2 as depicted in Exhibit 'B' of this ordinance. As of September 21, 2009, properties within Area 2 containing a habitable mobile/manufactured home, as defined by state law and the US Department of Housing and Urban Development's (HUD's) code, shall be permitted a *one-time* replacement of a new or used manufactured home (*conforming to HUD's standards*) pending the replacement manufactured home meets the following minimum standards:
- (a) The manufactured home shall be permanently attached to a concrete foundation.
- (b) The primary roof pitch is a minimum of 3:12 inches.
- (c) At least 90% of the exterior materials, including the skirting material, excluding doors and windows, must be comprised of Hardi-Board lap siding or a similar durable cementaceous lap siding material with a minimum width of 6¼-inches. Alternatively, the manufactured home may conform to the minimum masonry requirements as stipulated in Section 3.1, *General Residential Standards*, of the Unified Development Code.
- (d) The proposed manufactured home is newer and larger in living space than the prior manufactured home.

Exhibit 'C':
PD Development Standards

3. *Additional Standards for Area 1 and Area 2.* The following additional standards are required/permitted within *Area 1* and *Area 2*:

(a) *Fencing Requirements.* All fences within Planned Development District 75 (PD-75) shall be required to meet the regulations and requirements stipulated by the City of Rockwall *Municipal Code of Ordinances* with the following exceptions:

(i) *Front Yard Fences.* Fences constructed in the required front yard for residential properties shall not require a special exception by the City Council as long as they adhere to the requirements of the *Municipal Code of Ordinances*. Exceptions to the height requirements for front yard fences shall be appealed in accordance with Section 3.C, *Consideration of a Special Request*, of this Ordinance.

(ii) *Chain-Link Fences.* All properties within *Area 1* and *Area 2* shall be permitted to construct a chain-link fence along the rear and side yard property lines, provided said fence complies to the requirements of the *Municipal Code of Ordinances*.

(b) *Exterior Materials.* Buildings 120-SF of greater and over ten (10) feet in height shall have exterior walls constructed of a minimum of 80% standard masonry construction, excluding windows and doors. In the event that an exterior wall is on a porch, patio, courtyard, or breezeway the wall may be of non-masonry construction. Hardi-Board or similar cementaceous material may be used on up to 50% of the total masonry requirement. A building with less than 80% standard masonry construction or which utilizes an excess of 50% cementaceous material shall require approval by the City Council in accordance with Section 3.C, *Consideration of a Special Request*, of this Ordinance.

Buildings less than 120-SF and under ten (10) feet in height may be constructed with non-masonry materials or be metal with a baked-on enamel surface.

(c) *Consideration of a Special Request.* The City Council may consider special requests in the Lake Rockwall Estates Subdivision (*i.e. Area 1 and Area 2 as depicted in Exhibit 'B' of this ordinance*). Such request may include, but not necessarily be limited to the use of alternate building materials, reductions in the building setbacks, exceptions to the fencing requirements, or other requests submitted for consideration to the Planning and Zoning Department.

Upon receipt of such requests, the Planning and Zoning Commission shall review the case and forward a recommendation to the City Council for consideration. The City Council may approve special request. Any such approval shall preempt any other underlying zoning restrictions in the Unified Development Code. Such special requests may be denied by the City Council by the passage of a motion to deny.

Special requests shall not include any request to change the land use of a property.

4. *Area 3.* The area indicated as *Area 3* in *Exhibit 'B'* of this ordinance shall be restricted to open space and drainage, and development in this area shall be prohibited.