

ORDINANCE NO. 98-16

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AND ORDINANCE NO, 87-23 AS HERETOFORE AMENDED SO AS TO APPROVE ZONING AND A PRELIMINARY PLAN FOR PD- 45 ATTACHING THE AMENDING PRELIMINARY PLAN; 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; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a request for the change in zoning from Agriculture to a Planned Development and the creation of PD - 45, as described in Exhibit "A" has been submitted by Mike Davis; 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 the approval of the zoning and Preliminary Plan for PD - 45 for those areas identified in Exhibit "A". That said Preliminary Plans are attached hereto and made apart hereof for all purposes.

SECTION 2. That the tracts identified in Exhibit "A" shall be used only in the manner and for the purposes and with the conditions provided for herein and the Comprehensive Zoning Ordinance of the City of Rockwall as heretofore amended, as amended herein by granting this approval of this Preliminary Plan for PD - 45 shall affect only the property described in Exhibit "A" and said property shall be limited to the uses, density, area, setback and other requirements set forth herein.

SECTION 3. No substantial change in development of the areas as shown in Exhibit "A"

shall be permitted except after obtaining approval of the change of such development through amendment of the Preliminary Plan in the manner required for changes or amendments to the Comprehensive Zoning Ordinance.

SECTION 4. Prior to or in conjunction with any plat submittal, a concept plan must be submitted for review and approval by the Planning and Zoning Commission and City Council. The concept plan shall include the following items.

SECTION 5. Prior to any final plat approval of the first phase of the development, the owner(s) of the property must execute and file an instrument creating a Homeowners Association for the residential areas shown in Exhibit "A". The Homeowners Association will be responsible for the maintenance of all common areas, screening walls and features, landscape areas; recreation center; deed restriction enforcement; and all other functions required to maintain the quality of the development.

SECTION 6. Items not specifically addressed in this ordinance shall comply with the Zoning Ordinance No. 83.23, Subdivision Ordinance, Engineering Standards of Design, Code of Ordinances, as amended or as may be amended in the future and any other development related ordinances as currently approved or as may be amended or approved in the future.

SECTION 7. The General Retail tracts (tracts 4 and 5) as described in Exhibit "A" shall be limited to those uses and requirements listed in the General Retail district of the Comprehensive Zoning Ordinance and subject to site plan approval by the Planning and Zoning Commission and City Council. In addition all development in these tracts shall conform to the following condition:

1. All roof mounted equipment shall be screened from view from all four sides.

SECTION 8. The tracts shown in Exhibit "A" as tracts 1, & 2 shall comply with the area, use and all other requirements of the Single-Family 8,400 zoning district requirements of the Comprehensive Zoning Ordinance as currently adopted or as may hereafter amended. In addition all development in these tracts shall conform to the following condition:

1. In addition to the 6' masonry fence along S.H. 276 a 10' landscape buffer will be provided.

SECTION 9. The tract shown in Exhibit "A" as tracts 3 shall comply with the area, use and all other requirements of the Single-Family 10,000 zoning district requirements of the Comprehensive Zoning Ordinance as currently adopted or as may hereafter amended. In addition all development in these tracts shall conform to the following condition:

1. In addition to the 6' masonry fence along S.H. 276 a 10' landscape buffer will be provided.

SECTION 10. The tract shown in Exhibit "A" as the recreation and clubhouse tract 1.3 acres shall comply with the area, use and all other requirements of the Single-Family 10,000 zoning district requirements of the Comprehensive Zoning Ordinance as currently adopted or as may hereafter amended. In addition all development in these tracts shall conform to the following conditions:

1. Site plan - site plan approval in conjunction with final plat. Parking requirements to be determined with site plan. Fencing and screening will be determined with the site plan.
2. Buildings - Minimum 60% masonry construction . Minimum 1400 square feet.
3. Landscaping - A minimum 10' landscape buffer strip along perimeter of the site. Minimum of 15% of the site grass and ground cover. Minimum of 7 trees along the street frontage. Trees will be minimum 3" caliper trees. Parking lot will be screened

SECTION 11. 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 12. 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 13. 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 14. 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 20th day of April , 1998

ATTEST:

APPROVED:

BY Cindy Kindsred

[Signature]
Mayor

1st reading 4/6/98

2nd reading 4/20/98

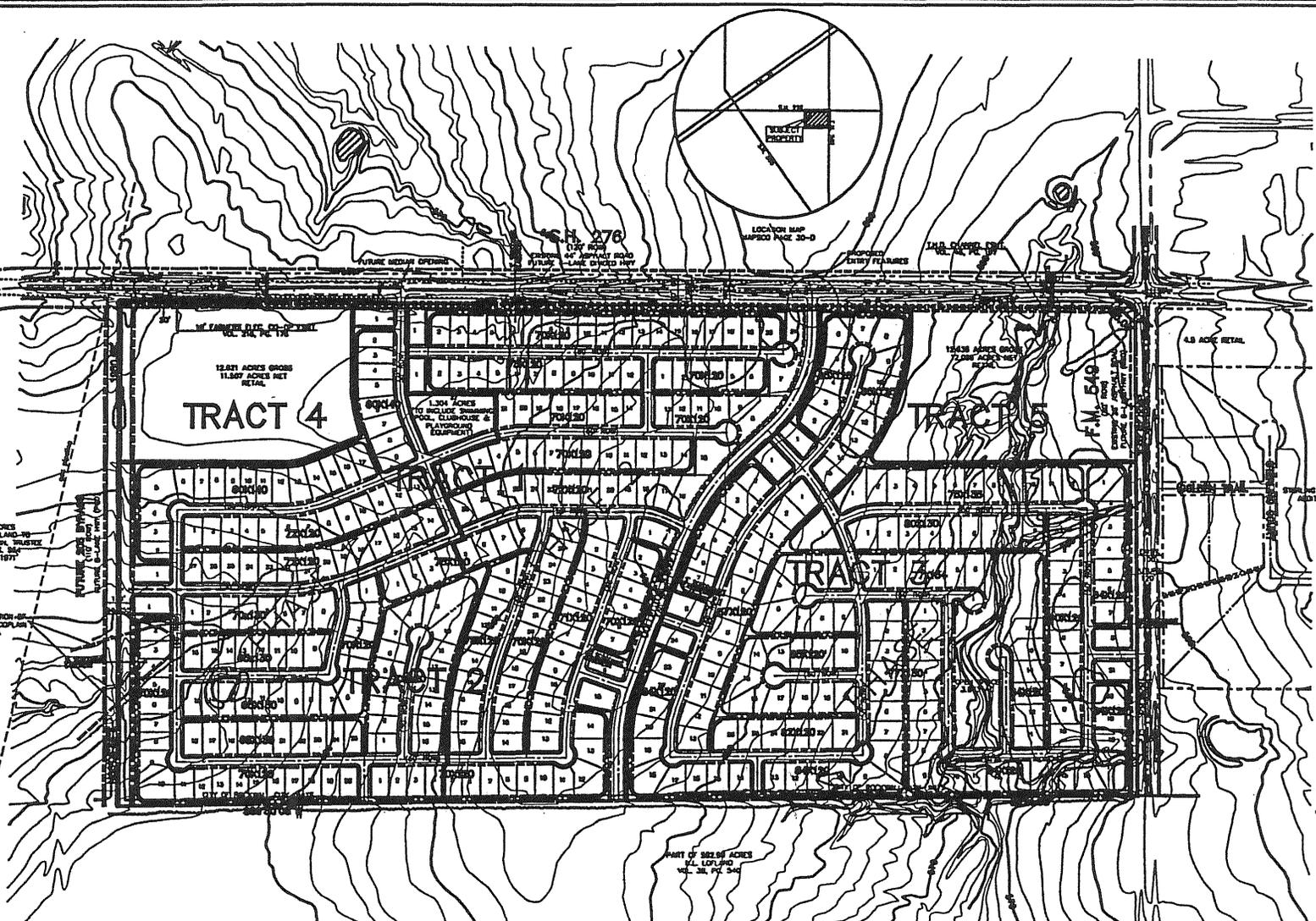


EXHIBIT "A"

98-86

OWNER:
 ROCKWALL 173, L.P.
 BY SPIREHAVEN INVESTMENTS, INC., IT'S GENERAL PARTNER
 9330 LBJ FREEWAY #250
 DALLAS, TEXAS 75243

DEVELOPER
 DAVIS DEVELOPMENT & QHR, INC.
 P.O. BOX 116425
 CARROLLTON, TEXAS 75012
 (972) 492-0988



SINGLE FAMILY LOT TABULATION

TRACT #	ACREAGE		MIN. LOT SIZE SQ. FT.	PLAN LOT COUNT	DENSITY UNITS/ACRE
	GROSS	NET			
1	42,848	8,400	135	3.15	
2	44,886	8,400	144	3.21	
3	59,863	10,000	158	2.64	
TOTALS	147,597		437	2.96	

EXISTING ZONING - NONE
 PROPOSED ZONING - PD

PHASE 1 - 44.360 ACRES - 138 LOTS
 PHASE 2 - 43.374 ACRES - 141 LOTS
 PHASE 3 - 59.863 ACRES - 158 LOTS

Winkelmann & Associates, Inc.
 ARCHITECTS

1700 W. WILSON STREET
 SUITE 200
 CARROLLTON, TEXAS 75006

**CONCEPT PLAN
 LOFLAND FARMS
 172,854 ACRES
 ROCKWALL, TEXAS**

SHEET 1
 OF 2
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