

CITY OF ROCKWALL

ORDINANCE NO. 16-45

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING PLANNED DEVELOPMENT DISTRICT 52 (PD-52) [ORDINANCE NO. 02-14] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE IN ZONING BY AMENDING PLANNED DEVELOPMENT DISTRICT 52 (PD-52) TO ALLOW TOWNHOMES ON A 2.048-ACRE TRACT OF LAND IDENTIFIED AS LOT 1, BLOCK 1, ALLEN HOGUE SUBDIVISION (0.791-ACRES) AND LOTS 67 & 68, BLOCK B, B. F. BOYDSTUN ADDITION (1.257-ACRES), CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS BEING A PORTION OF A LARGER ~24.17-ACRE ZONING DISTRICT IDENTIFIED AS PLANNED DEVELOPMENT DISTRICT 52 (PD-52) WHICH IS MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A 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 Mike Hogue for the approval of an amendment to Planned Development District 52 (PD-52) [Ordinance No. 02-14] and the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall for the purpose of allowing townhomes on a 2.048-acre tract of land identified as Lot 1, Block 1, Allen Hogue Subdivision (0.791-acres) and Lots 67 & 68, Block B, B. F. Boydston Addition (1.257-acres) being a portion of a larger Planned Development District described as ~24.17-acres of land situated within the City of Rockwall, Rockwall County, Texas, identified as Planned Development District 52 (PD-52), and more fully described in *Exhibit 'A'* and depicted in *Exhibit 'B'* 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 52 (PD-52) [Ordinance No. 02-14] 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 for Planned Development District 52 (PD-52) as approved by *Ordinance No. 02-14*;

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 *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 4. That development of *Area 2* as depicted in the *Area Location Map* in *Exhibit 'B'* of this ordinance -- *which is attached hereto and incorporate herein by reference as Exhibit 'B'* -- shall be in conformance with the schedule listed below (except as set forth with regard to *simultaneous processing and approvals*).

- (a) The procedures set forth in the City's subdivision regulations on the date this ordinance is approved by the City, as amended by this ordinance [*including Subsections 5(b) through 5(e) below*], shall be the exclusive procedures applicable to the subdivision and platting of *Area 2*.
- (b) The following plans and plats shall be required in the order listed below (except as set forth below with regard to *simultaneous processing and approvals*). The City Council shall act on an application for an *Open Space Master Plan* in accordance with the time specified in *Section 212.009* of the *Texas Local Government Code*.
 - (1) Open Space Master Plan
 - (2) PD Site Plan
 - (3) Final Plat
- (c) *Open Space Master Plan.* An *Open Space Master Plan* for *Area 2*, prepared in accordance with this ordinance and consistent with the *Planned Development Concept Plan* contained in *Exhibit 'D'* of this ordinance -- *which is attached hereto and incorporate herein by reference as Exhibit 'D'* -- shall be considered for approval by the City Council following recommendation of the Parks and Recreation Board. The *Open Space Master Plan* can be submitted simultaneously with the *PD Site Plan*.
- (d) *PD Site Plan.* A *PD Site Plan* covering all of *Area 2* shall be submitted and shall identify all site/landscape/hardscape plan(s) for all open space, street buffers and entry features.
- (e) *Final Plat.* Prior to the issuance of any building permits, a *Final Plat* for all of *Area 2* shall be submitted for approval.

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;

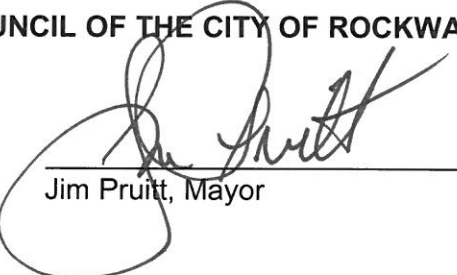
Section 8. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides;

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 15TH DAY OF AUGUST, 2016.**

ATTEST:

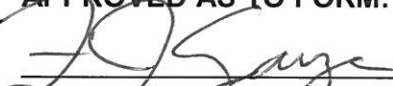


Kristy Cole, City Secretary



Jim Pruitt, Mayor

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: 08-01-2016

2nd Reading: 08-15-2016

Exhibit 'A':
Legal Description

BEGINNING at the point of intersection of the north line of Dickey Street with the east line of Davy Crockett Street and proceeding east along the north line of Dickey Street to the *Union Pacific Railroad* tracks;

THENCE, north and east along the existing railroad tracks to the point of intersection of the centerline of Townsend Drive and the *Union Pacific Railroad* (UPRR) [*i.e. formerly MKT*] tracks and continuing along said UPRR line to the point of intersection with the south prong of Squabble Creek;

THENCE, north and west along the centerline of the south prong of Squabble Creek to the centerline of the alignment for the proposed extension of E. Boydston Avenue;

THENCE, west along said centerline alignment to the point of intersection of E. Boydston Avenue, Townsend Drive and Renfro Street due south of the southeast corner of the property owned by Raymond & Marjorie Davis, Part of Block 67 of the B. F. Boydston Survey, Abstract No. 3140 (*i.e. 709 E. Boydston Avenue*);

THENCE, north along the east boundary line of the Davis tract to the northeast corner of the Davis tract;

THENCE, west along the north boundary of said Davis tract following along the north property lines of those properties fronting on E. Boydston (*including Part of Block 68 of the B. F. Boydston Survey, Abstract No. 3140 [i.e. 705 East Boydston] and Lot 1, Block 1 of the Allen Hogue Subdivision [i.e. 703 E. Boydston]*) to the centerline of S. Clark Street;

THENCE, north along the centerline of S. Clark Street to a point at the intersection of the centerline of St. Mary's Street with the centerline of S. Clark Street;

THENCE, west along the centerline of St. Mary's Street to a point due north of the northwest corner of a property owned by Greg Dean, Mill Company (*i.e. Block 3, Lot 25*);

THENCE, due south to the northwest corner of said Dean Tract and continuing along the west boundary line of said Dean Tract and those lots having frontage on S. Clark Street (*i.e. Mill Company; Lot 26, Block 3 [i.e. 604 South Clark], Mill Company; Lot 27, Block 3 [i.e. 606 South Clark], Block 71A of the B.F. Boydston Addition, Abstract No. 3140 [i.e. 610 South Clark], and the vacant lot situated on the northwest corner of the intersection of S. Clark Street and Boydston Avenue [owned by T.D. Ross and Madeline K. Gray], Block 71B of the B.F. Boydston Addition, Abstract No. 3140 [i.e. 619 E. Boydston Avenue]*) to a point at the southwest corner of said Ross/Gray Tract;

THENCE, due south to a point on the centerline of Boydston Avenue (*i.e. 274.00-feet west of the intersection of the west line of S. Clark Street and North line of Boydston Avenue*);

THENCE, west along the centerline of E. Boydston Avenue through the intersection of Boydston Avenue and S. Clark Street to a point (*i.e. 274.00-feet west of the intersection of the west line of S. Clark Street and north line of Boydston Avenue*) at a point due south of the southeast corner of a certain 1.50-acre lot known as Block 71B of the B. F. Boydston Survey, Abstract No. 3140, City of Rockwall, Rockwall County, Texas;

THENCE, west along the centerline of Boydston Avenue to a point due north of the northeast corner of the Gamez Addition, an addition of the City of Rockwall, Texas, according to the plat thereof recorded in *Cabinet C, Slide 42/43* of the *Plat Records* of Rockwall County, Texas;

THENCE, south across Boydston Avenue to the point on the northeast corner of the said Gamez Addition and continuing south and east along the east boundary line of said Gamez Addition and the east boundary line of the Ridgell Subdivision and the west boundary line of Lots A & C of said Ridgell Subdivision and continuing along the west line of those properties fronting on S. Clark Street to the point of intersection between the centerlines of S. Clark Street and E. Bourne Avenue;

Exhibit 'A':
Legal Description

THENCE, west along the centerline of E. Bourne Avenue to a point due north of the northeast corner of the property owned by Mary Walter, Tract 35 of the B. J. T. Lewis Survey, Abstract No. 255 (*i.e.* 408 Bourne Avenue);

THENCE, south from the centerline of E. Bourne Avenue to the northeast corner of said Walter Tract and continuing south along the east boundary line of the Walter Tract to the southeast corner of the Walter Tract and then east along the south boundary line of the Walter Tract to Davy Crockett Street;

THENCE, South along the east line of Davy Crockett Street to the **PLACE OF BEGINNING**.

Exhibit 'B':
Area Location Map

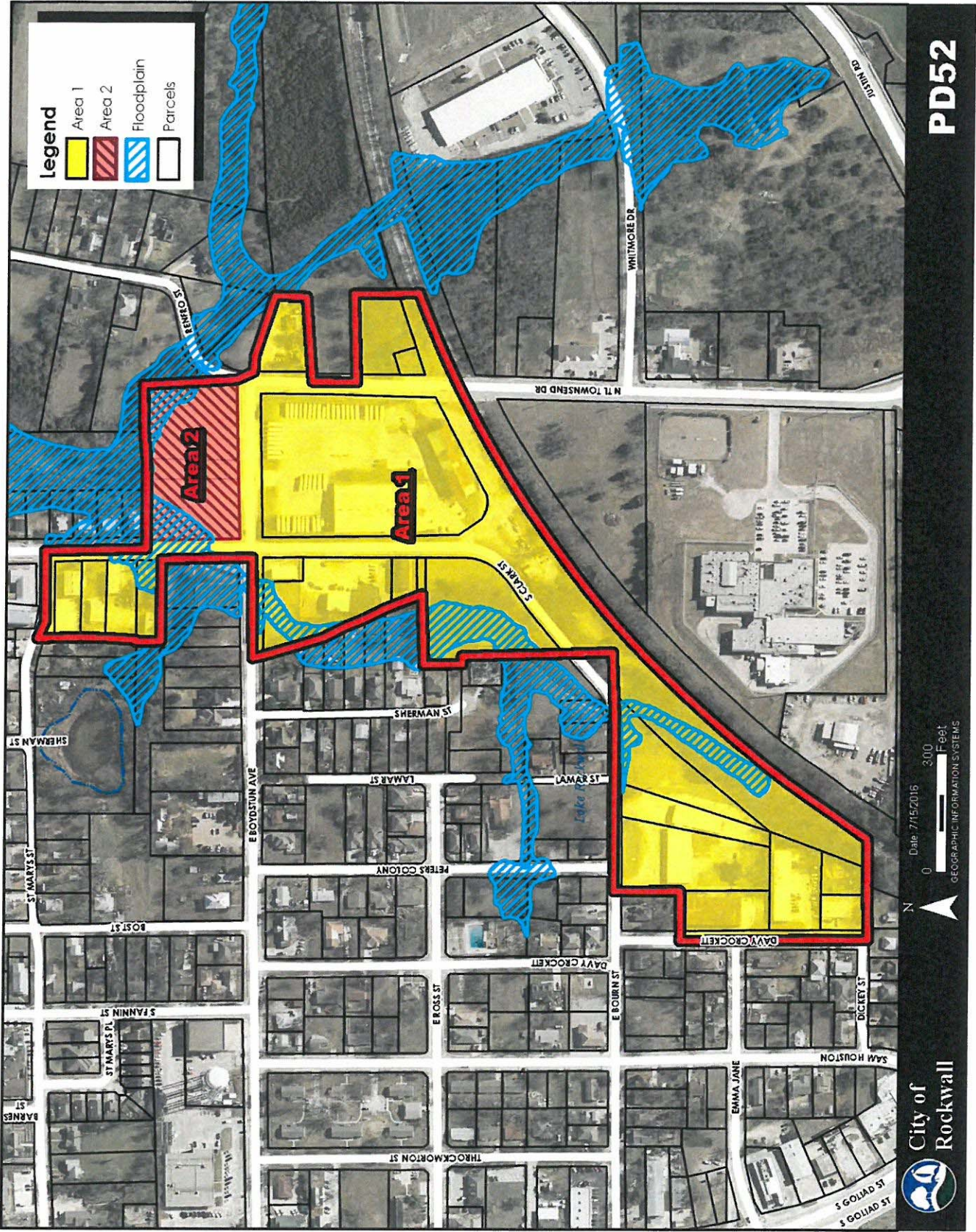


Exhibit 'C':
Development Standards

1. *Permitted Uses.* The permitted uses on the *Subject Property* shall be as follows:

(a) *Area 1.* The area identified as *Area 1* in *Exhibit 'B'* of this ordinance -- *which herein after shall be referred to as Area 1* -- shall be limited to the uses permitted for the Heavy Commercial (HC) District as set forth in Article IV, *Permissible Uses*, of the Unified Development Code (UDC) with the following exception, which shall be permitted by right (*pending conformance to the screening requirements stipulated in Section 2.(a) of this ordinance*):

- ☒ Agricultural uses of unplatted land in accordance with all other adopted ordinances.
- ☒ Retail business, personal services, professional services, and/or business services.
- ☒ Planned shopping centers and neighborhood convenience centers.
- ☒ Office buildings and accessory uses.
- ☒ Restaurants.
- ☒ Hotel/Motel.
- ☒ Paved parking lots including commercial parking lots.
- ☒ Nursery, greenhouse or garden center.
- ☒ Automotive and other repair services, paint and body shops, excluding wrecking yards (*if located South of Boydstun Avenue*).
- ☒ Carwash (*this use shall be exempt from the Comprehensive Zoning Ordinance Section 8.7, D. 6. (a) requirement of 150' separation requirement from a residential district*).
- ☒ Drive-in businesses.
- ☒ Printing, publishing, and allied products manufacturing.
- ☒ Any wholesale trades excluding: raw cotton, grain, hides, skins and raw furs, tobacco, wool or mohair, livestock, commercial or industrial machinery or synthetics, metals and minerals, petroleum bulk stations and terminals scrap or junk waste materials and other raw material processing operations such as cotton gins.
- ☒ Lumberyards or contractor yards, general warehousing and storage, warehousing and storage, including mini-warehouses for storage purposes only.
- ☒ Telephone, telegraph, television, radio or similar media stations, centers, studios, but not including public microwave tower, radio and television towers.
- ☒ Institutional uses.
- ☒ Municipally owned or controlled facilities, utilities, or uses.
- ☒ Other uses of similar character.
- ☒ Accessory structures and uses customarily related incident to the above principal uses authorized in this district.
- ☒ Temporary indoor and outdoor fund raising events sponsored by nonprofit organizations with permit and approval of the *Building Official*.
- ☒ Outdoor carnivals not exceeding two (2) weeks sponsored by and on the same site as a permanent business with permit and approval of the *Building Official*.
- ☒ Temporary on-site construction offices limited to the period of construction and approval by the *Building Official*.
- ☒ Temporary concrete batching plants limited to the period of construction upon approval of location and operation by the *Building Official*.

(b) *Area 2.* The area identified as *Area 2* in *Exhibit 'B'* of this ordinance -- *which herein after shall be referred to as Area 2* -- shall be limited to the uses permitted as of right or by Specific Use Permit (SUP) for the Two-Family (2F) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the UDC; however, the following conditions shall apply:

(i) The following additional uses shall be permitted as of right on the *Subject Property*:

- ☒ Townhouses

Exhibit 'C':
Development Standards

(ii) The following uses shall be prohibited on the *Subject Property*:

- ☒ Accessory Building
- ☒ Duplex
- ☒ Guest Quarters/Secondary Living Unit
- ☒ Portable Building

2. *Development Standards*. The development standards for the *Subject Property* shall be as follows:

(a) *Area 1*. *Area 1* shall be limited to the development standards stipulated for properties within a Heavy Commercial (HC) District as specified in Section 4.7, *Heavy Commercial (HC) District*, of Article V, *District Development Standards*, of the UDC; however, the additional permitted uses stipulated in Section 1.(a) of this ordinance shall be subject to the following screening requirements:

(1) Open storage of materials, commodities, or equipment shall comply with the following requirements:

- (i) Shall be located behind the front building line.
- (ii) Shall observe all setback requirements.
- (iii) A six (6) foot high solid screening fence constructed of wood, concrete block or masonry (or as otherwise approved by the City Council) shall be provided.

(b) *Area 2*. *Area 2* shall be limited to the following development standards:

(1) *Density and Dimensional Requirements*. The maximum permissible density for *Area 2* shall not exceed 5.86 dwelling units per gross acre of land; however in no case should the proposed development exceed 11 units. All development within *Area 2* shall conform to the standards in *Table 2: Lot Dimensional Requirements* and generally conform to *Exhibit 'D'* of this ordinance.

Table 2: Lot Dimensional Requirements

<i>Minimum Lot Width</i>	24'
<i>Minimum Lot Depth</i>	75'
<i>Minimum Lot Area</i>	1,800 SF
<i>Minimum Front Yard Setback</i>	15'
<i>Minimum Side Yard Setback</i>	0'
<i>Minimum Side Yard Setback (Adjacent to a Street)</i>	20'
<i>Minimum Length of Driveway Pavement from Rear Property Line</i>	20'
<i>Maximum Height</i> ⁽¹⁾	39'
<i>Minimum Rear Yard Setback</i>	10'
<i>Minimum Area/Dwelling Unit (SF) [Sum of All Floor Area's]</i>	2,200 SF
<i>Maximum Lot Coverage</i>	75%
<i>Permitted Encroachment into Required Setbacks</i> ⁽²⁾	5'

General Notes:

¹: The Maximum Height shall be measured to the midpoint of the roof of the single family home.

²: Porches, stoops, bay windows, balconies, eaves and similar architectural features may encroach beyond the *Front Yard Building Setback* by up to five (5) feet for any property; however, the encroachment shall not exceed five (5) feet on *Side Yard Setbacks* where appropriate for such use and shall not encroach into public right-of-way.

Exhibit 'C':
Development Standards

- (2) *Garage Orientation.* All garages are required to be rear entry and shall generally conform to the *Concept Plan* depicted in *Exhibit 'D'* of this ordinance.
- (3) *Building Standards.* The building elevations shall generally conform to the *Conceptual Building Elevations* depicted in *Exhibit 'E'* of this ordinance; however, all development shall adhere to the following building standards:
 - (i) *Masonry Requirements.* The minimum masonry requirement for the exterior façades of all buildings shall be 90%. For the purposes of this ordinance, the masonry requirement shall be limited to full width brick, natural stone, and cast stone. Cementaceous fiberboard horizontal lap-siding (e.g. *HardiBoard* or *Hardy Plank*) and, stucco (i.e. *three [3] part stucco* or a comparable -- to be determined by staff) may be used for up to 70% of the exterior of the building and shall be limited to the anti-monotony restrictions as outlined in this ordinance. Stucco may not be used within the first four (4) feet above grade on a façade visible from a public street or open space.
 - (ii) *Roof Design Requirements.* All buildings shall be designed such that no roof mounted mechanical equipment (i.e. *HVAC, satellite, vents, etc.*) shall be visible from any direction. *Note: Screening of mechanical equipment is necessary for all equipment regardless of location (i.e. roof mounted, ground mounted, or otherwise attached to the building and/or located on the site).*
 - (iii) *Architectural Requirements.* All units shall be architecturally finished on all sides of the building that are visible from a public right-of-way or open space with the same materials, detailing and features.
- (4) *Anti-Monotony Restrictions.* The development shall generally conform to development scheme portrayed in the *Conceptual Building Elevations* depicted in *Exhibit 'E'* of this ordinance; however, all development shall adhere to the following anti-monotony restrictions:
 - (i) Identical brick blends, paint colors and, cementaceous products (i.e. *Hardy Plank lap siding, etc.*) may not occur on adjacent (i.e. *side-by-side*) properties within the development without at least two (2) intervening townhomes of differing materials on the same side of the adjacent townhome beginning with the adjacent property.
 - (ii) Front building elevations shall not repeat along any block face without at least two (2) intervening homes of differing appearance on the same block face within the development.
 - (iii) The rear elevation of homes backing to open space or the private park are shall not repeat without at least two (2) (i.e. *side-by-side*) intervening homes of differing appearance. Homes are considered to have a differing appearance if any of the following two (2) items deviate:
 - a) Front Encroachment (i.e. *Porch and/or Sunroom*) Type and Layout
 - b) Roof Type and Layout
 - c) Articulation of the Front Façade
 - d) Differing Primary Exterior Materials

Exhibit 'C':
Development Standards

(5) *Landscaping Standards.*

- (i) *Landscape Requirements.* Landscaping shall be reviewed and approved with the *PD Site Plan*. All *Canopy/Shade Trees* planted within this development shall be a minimum of four (4) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height. The following tree species are approved for planting within this development:
 - a) *Canopy/Shade Trees.* Afghan Pine, Bald Cypress, Bur Oak, Cedar Elm, Eastern Red Cedar, Homestead Elm, Lacebark Elm, Little Gem Magnolia, Live Oak, October Glory Maple, Red Oak, Texas Ash, Texas Red Oak.
 - b) *Accent/Ornamental/Under-Story Trees.* Desert Willow, Eastern Redbud, Eves Necklace, Mexican Buckeye, Possumhaw Holly, Shangtung Maple, Yaupon Holly.
 - (ii) *Landscape Buffers.* A minimum of a ten (10) foot landscape buffer shall be provided along the frontage of S. Clark Street and Boydstun Avenue, and shall incorporate a minimum of one (1) canopy tree per 50-feet of linear frontage.
 - (iii) *Irrigation Requirements.* Irrigation shall be installed for all required landscaping located within common areas, landscape buffers and/or open space. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect.
- (6) *Trash Dumpster Enclosure.* Trash dumpster enclosures shall be four (4) sided, with eight (8) foot walls constructed and clad with materials matching the primary structures, and have a self-latching opaque gate. All trash dumpster enclosures shall be internal to the site and not be situated within any established building setbacks or landscape buffers.
- (7) *Fence Standards.* All fences shall be required to be wrought iron or a tubular steel fence. Wrought iron/tubular steel fences shall be a minimum of four (4) feet in height; however, may not exceed a maximum of eight (8) feet in height.
- (8) *Open Space.* The open space shall generally conform to the *Concept Plan* contained in *Exhibit 'B'* of this ordinance. The Homeowner's Association (HOA) shall maintain all open space areas.
- (9) *Homeowner's Association (HOA).* A Homeowner's Association shall be created to enforce the restrictions established in accordance with the requirements of *Section 38-15* of the *Subdivision Regulations* contained within the *Municipal Code of Ordinances* of the City of Rockwall. The HOA shall also maintain all neighborhood parks, open space and common areas, irrigation, landscaping, screening fences and the private roadway, drive aisles and drive approaches for the subject property associated with this development.
- (10) *Variances.* The variance procedures and standards for approval that are set forth in the UDC shall apply to any application for variances to this ordinance.

Exhibit 'D': Concept Plan (Area 2)

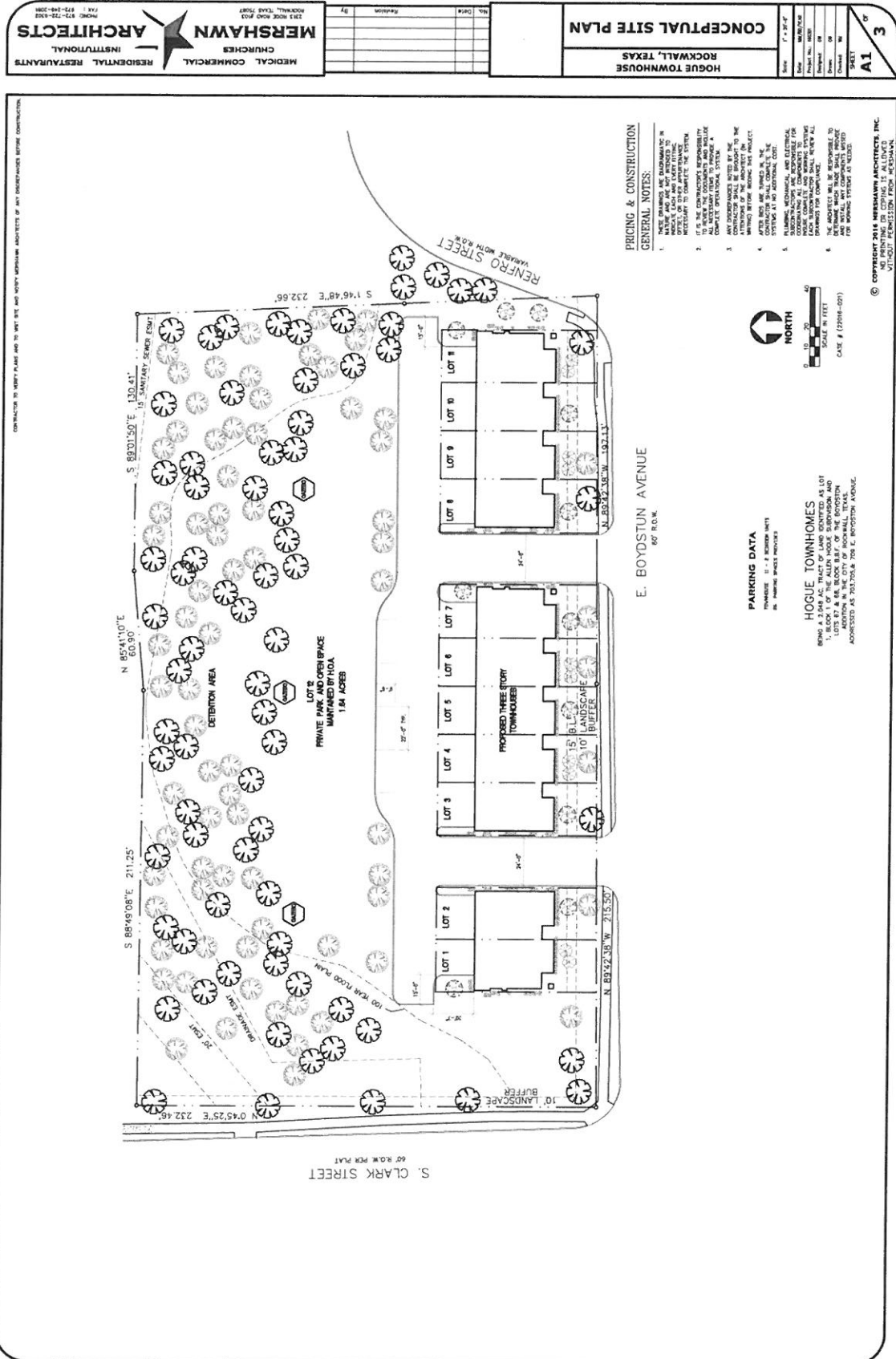


Exhibit 'E':
Conceptual Building Elevations

