

CITY OF ROCKWALL

ORDINANCE NO. 22-39

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO AMEND PLANNED DEVELOPMENT DISTRICT 59 (PD-59) [ORDINANCE NO. 19-08] BEING A 56.70-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF THE R. BALLARD SURVEY, ABSTRACT NO. 29, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' AND DEPICTED HEREIN BY EXHIBIT 'B'; 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 from Bill Bricker of Columbia Development Company, LLC requesting the approval of an amendment to Planned Development District 59 (PD-59) being a 56.70-acre tract of land identified as a portion of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 59 (PD-59) [*Ordinance No. 19-08*], located between W. Washington Street and T. L. Townsend Drive, 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 59 (PD-59) [*Ordinance No. 19-08*] and the Unified Development Code [*Ordinance No. 20-02*] 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. 19-08*;

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 (UDC) [*Ordinance No. 20-02*] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future;

SECTION 3. That development of the *Subject Property* shall be in accordance with the *Planned Development Concept Plan*, contained in *Exhibit 'D'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'D'*, 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 be in accordance with the

Development Standards, described in *Exhibit 'F'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'F'*, 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;

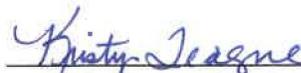
SECTION 8. That this ordinance shall take effect immediately from and after its passage;

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 1ST DAY OF AUGUST, 2022.



Kevin Fowler, Mayor

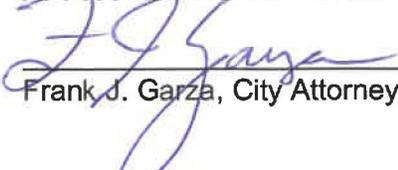
ATTEST:



Kristy Teague, City Secretary



APPROVED AS TO FORM:



Frank J. Garza, City Attorney

1st Reading: July 18, 2022

2nd Reading: August 1, 2022

Exhibit 'A':
Legal Description

BEING a tract of land situated in the R. Ballard Survey, Abstract Number 29, in the City of Rockwall, Rockwall County, Texas, and being a part of Tract 31, as recorded in Volume 444, Page 102, and all of Tract 32 as recorded in Volume 444, Page 146 Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1" pipe found on the east right-of-way of Townsend Drive, said point being the most westerly southwest corner of said Tract 31 and being approximately 200' north of the north line of the M K & T Railroad (100' right-of-way);

THENCE continuing along said High School Drive North 01°56'15" East a distance of 86.67 feet to a 5/8" iron pipe for corner;

THENCE departing said High School Drive North 85°34'29" East a distance of 182.10 feet to a 5/8" iron pipe for corner;

THENCE North 04°30'38" East a distance of 69.54 feet to a 1/2" iron pipe for corner;

THENCE North 05°42'23" West a distance of 29.95 feet to a 1/2" iron pipe for corner;

THENCE North 80°56'29" East a distance of 126.45 feet to a 1/2" iron pipe for corner;

THENCE North 86°39'04" East a distance of 110.36 feet to a 1/2" iron pipe for corner;

THENCE North 11°21'42" East a distance of 740.32 feet to fence post found (controlling monument) for corner;

THENCE North 76°14'03" West a distance of 207.10 feet to a fence post found in the east right-of-way of Renfro Street;

THENCE continuing along said Renfro Street North 10°13'03" East a distance of 626.53 feet to a 5/8" iron pipe for corner;

THENCE departing said Renfro Street North 89°50'10" East a distance of 420.29 feet to a 5/8" iron pipe for corner;

THENCE North 01°20'36" West a distance of 200.09 feet to a 1/2" iron pipe for corner;

THENCE North 00°40'16" West a distance of 87.88 feet to a 1/2" iron pipe for corner;

THENCE South 89°00' 45" East a distance of 63.08 feet to a 1/2" iron pipe for corner;

THENCE South 88°34'57" East a distance of 126.36 feet to a 1/2" iron pipe for corner;

THENCE North 00°48'06" West a distance of 110.27 feet to a 1/2" iron pipe for corner in the south right-of-way line of Aluminum Plant Road;

THENCE along said Aluminum Plant Road North 89°08'46" West a distance of 194.10 feet to a point for corner;

THENCE North 21°04'24" West a distance of 414.90 feet to a point for corner;

THENCE South 58°25'54" East a distance of 761.00 feet to a point for corner;

THENCE North 89°56'03" East a distance of 308.37 feet to a point for corner;

THENCE South 07°24' 46" West a distance of 602.23 feet to a point for corner;

THENCE South 04°53'33" East a distance of 317.77 feet to a point for corner;

THENCE South 09°19'54" East a distance of 1038.10 feet to a point in the said north right-of-way of M. K. & T. Railroad (100' right-of-way) for corner;

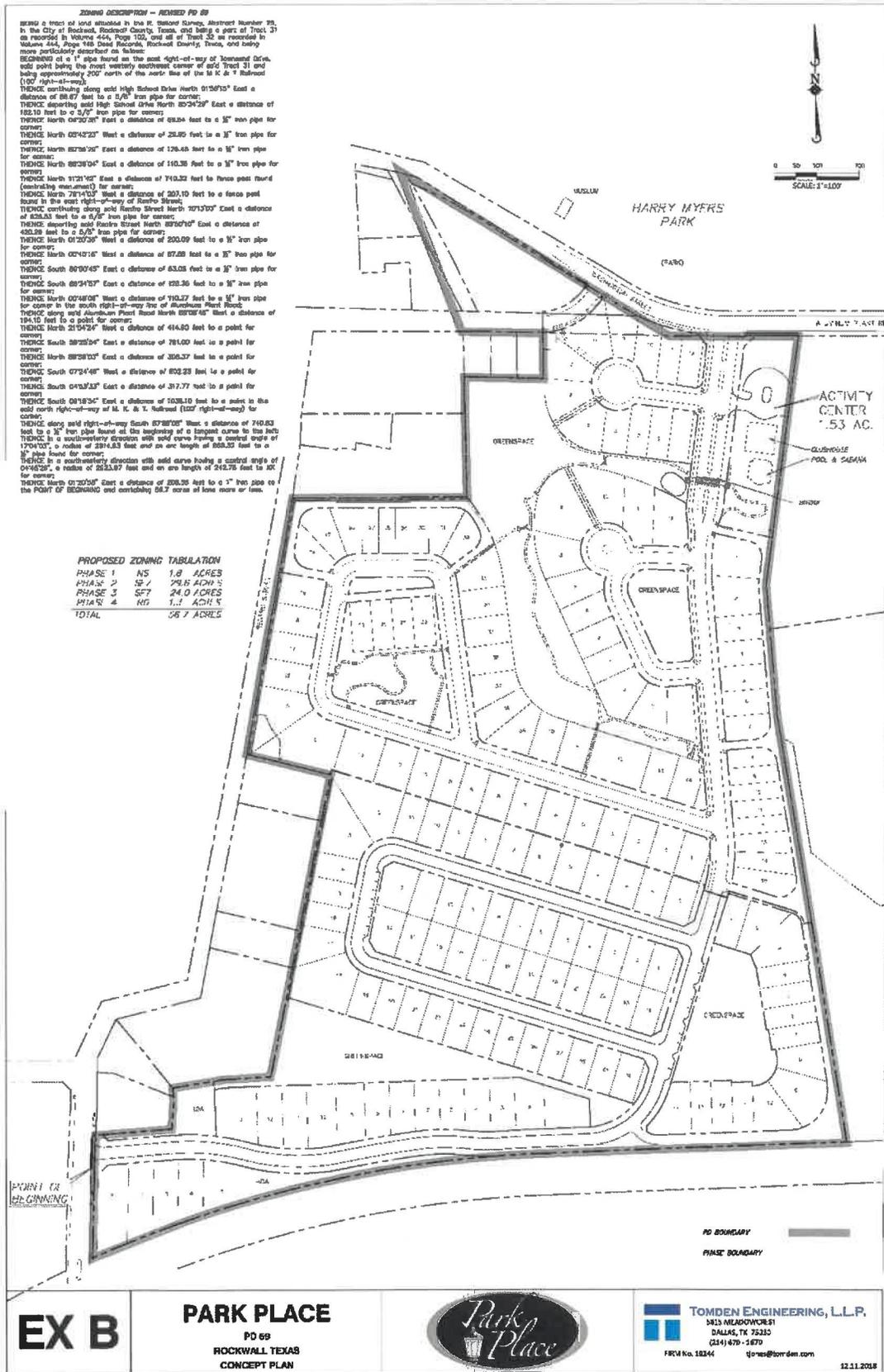
THENCE along said right-of-way South 87°55'08" West a distance of 740.83 feet to a 1/2" iron pipe found at the beginning of a tangent curve to the left;

THENCE in a southwesterly direction with said curve having a central angle of 17°04'03", a radius of 2914.93 feet and an arc length of 868.32 feet to a 1/2" pipe found for corner;

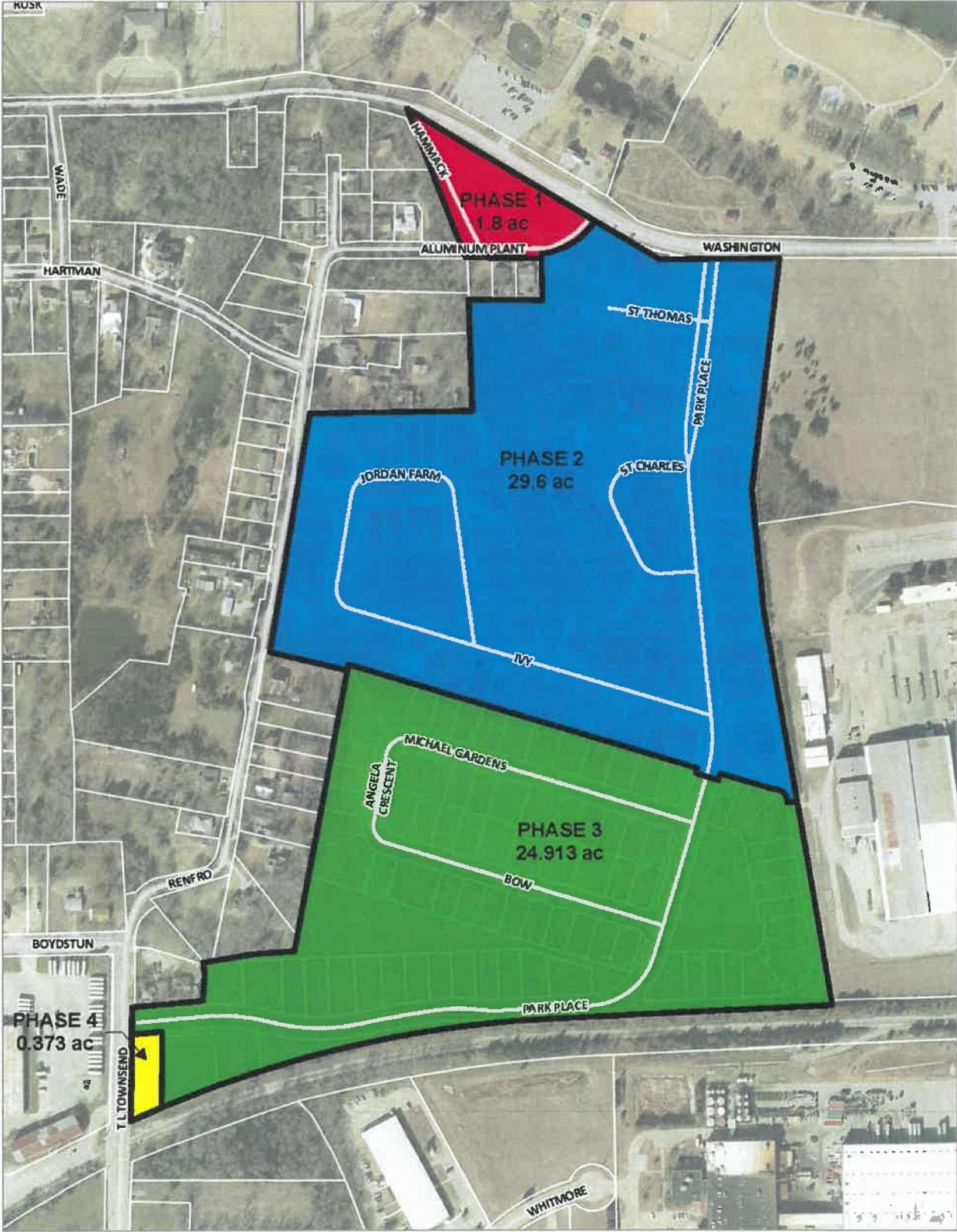
THENCE In a southwesterly direction with said curve having a central angle of 04°45'26", a radius of 2923.97 feet and an arc length of 242.78 feet to XX for corner;

THENCE North 01°20'58" East a distance of 208.56 feet to a 1" iron pipe to the POINT OF BEGINNING and containing 56.7 acres of land more or less.

Exhibit 'B': Survey



**Exhibit 'C':
Area Map**



**Exhibit 'D':
Concept Plan**

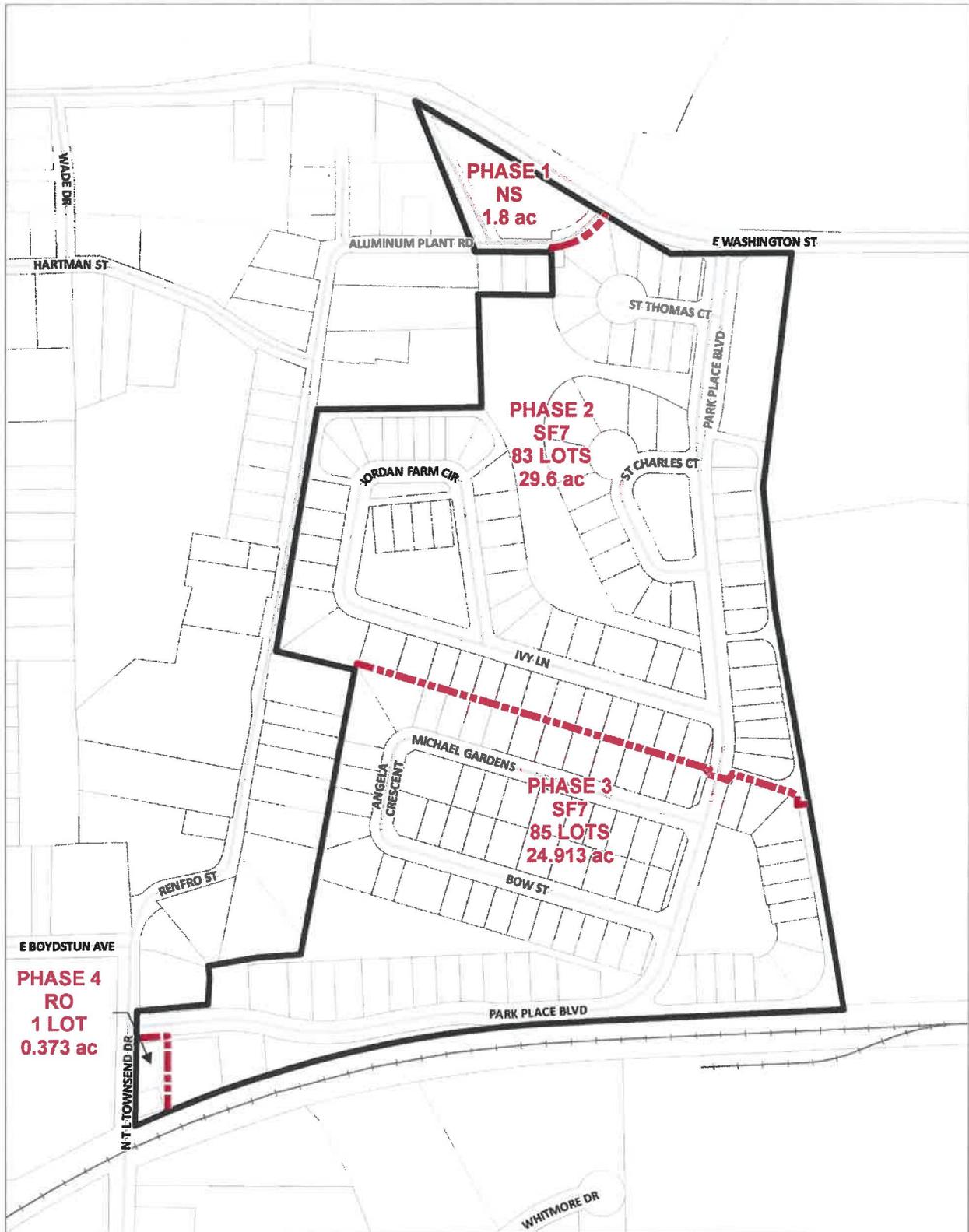
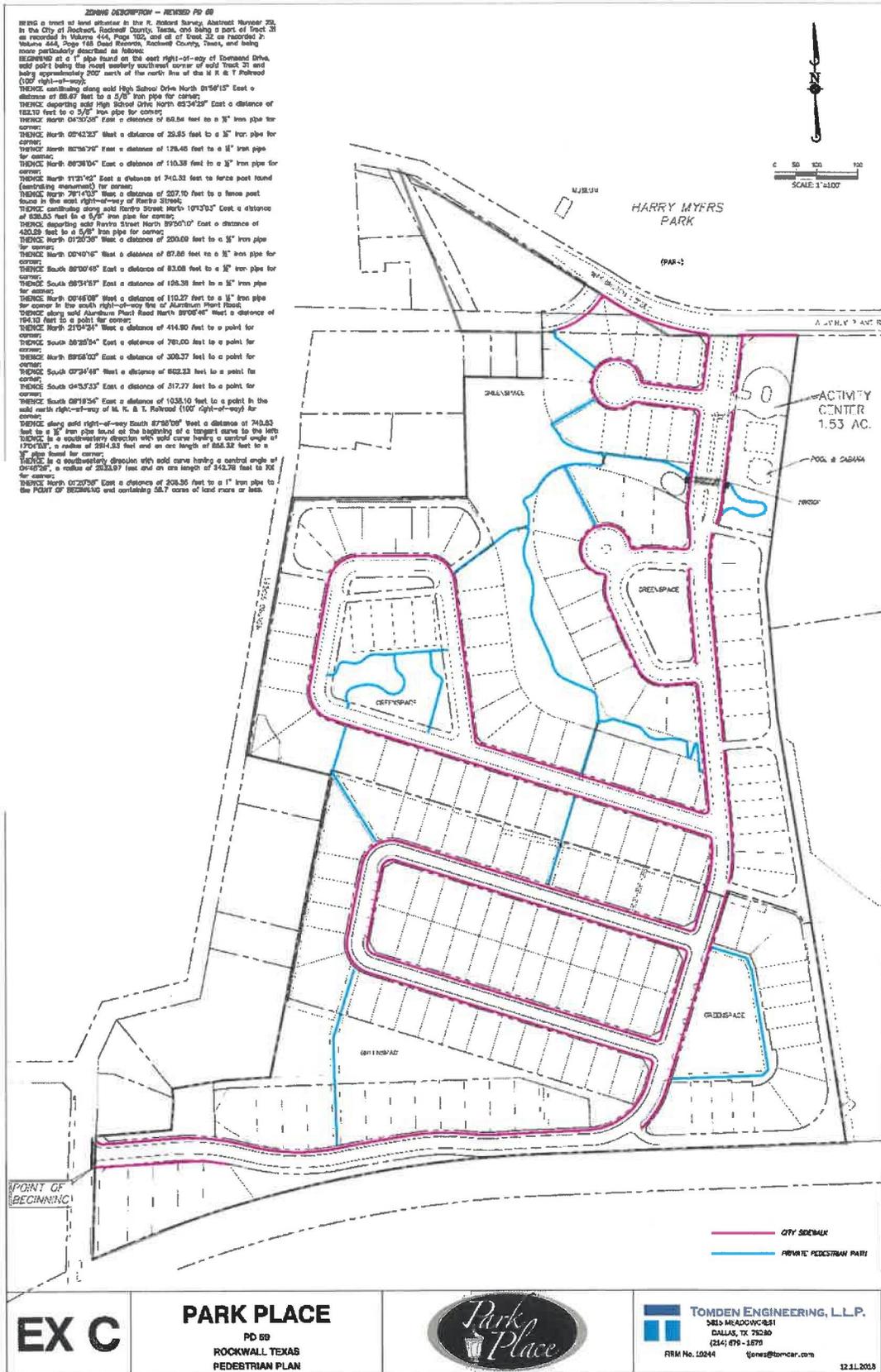


Exhibit 'E': Hardscape Plan



**Exhibit 'E':
Hardscape Plan**

Phases 1-4 (56.586-Acres): Development Standards for all Phases

- (1) Streetscape Standards. The following aspects of development shall be reviewed in conjunction with a preliminary plat and/or site plan:
 - (a) Street Lighting. Street lighting shall be compatible with neo-traditional design methods, the Old Town Rockwall Historic District guidelines, and any proposed guidelines for the City's Downtown Plan.
 - (b) Street Signage and Traffic Control. Signage and traffic control methods shall be compatible with neo-traditional design and complement the surrounding historic areas of the City.
 - (c) Street Sections. A PD Development Plan shall include any alternative street and alley cross-sections, paving methods, use of street trees, and other proposed engineering details.

- (2) Private Parks and Open Space. Details for private parks and open space as indicated in *Exhibit 'B'* shall be subject to the following requirements and approved as part of the preliminary plat and/or site plan:
 - (a) A site/landscape plan for all open space, pocket parks, the community center, and trail systems. The development plan and/or preliminary plat shall also be reviewed by the City's Parks and Recreation Board.
 - (b) All city-required trails and public sidewalks shall be constructed with concrete and meet all City standards.
 - (c) Drainage area trails, which shall be maintained by the HOA, may be constructed with asphalt.
 - (d) The developer shall install a screening fence adjacent to the railroad along the south boundary of the subject property. The exact location, construction material(s), and height of the screening fence shall be reviewed and approved as part of the required site plan.

- (3) Hardscape. Hardscape plans--depicted in *Exhibit 'E'*--indicating the location of all sidewalks and trails shall be reviewed and approved with the preliminary plat and/or final plat.

- (4) Fence Standards. All fences shall be required to be wrought iron or tubular steel and vinyl shall be a minimum of four (4) feet in height; however, may not exceed a maximum of eight (8) feet in height unless situated in the front yard. Front yard fences shall meet the following requirements:
 - (a) No front yard fences shall be located within a public right-of-way;
 - (b) The maximum height for a front yard fence is 42-inches (*i.e.* 3 ½ feet); and
 - (c) All front yard fences shall be open or *picket-style* fencing constructed of wrought iron, tubular steel, or vinyl.

Phase 1: Neighborhood Services (1.8-Acres)

- (1) Permitted Uses. Unless specifically provided by this Planned Development ordinance, *Phase 1* as depicted in *Exhibits 'C' & 'D'* of this ordinance shall be subject to the land uses permitted for the Neighborhood Services (NS) District as stipulated by the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future.

**Exhibit 'E':
Hardscape Plan**

- (2) Density and Dimensional Requirements. Unless specifically provided by this Planned Development ordinance, Phase 1 as depicted in Exhibits 'C' & 'D' of this ordinance shall be subject to the development standards for the Neighborhood Services (NS) District as stipulated in Article 05, *District Development Standards*, of the Unified Development Code [Ordinance No. 20-02] as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future. All lots shall conform to the standards depicted in Table 1, which are as follows:

TABLE 1: DENSITY AND DIMENSIONAL REQUIREMENTS

Minimum Lot Width ⁽¹⁾	60'
Minimum Lot Depth	100'
Minimum Lot Area	6,000 SF
Minimum Front Yard Setback ⁽²⁾	15'
Minimum Side Yard Setback	20'
Minimum Distance Between Buildings	15'
Maximum Height	36'
Minimum Rear Yard Setback	20'
Maximum Lot Coverage	60%
Maximum Building Size	5,000 SF

NOTES:

¹: The minimum lot width shall be measured at the *Front Yard Building Setback*.

²: The location of the *Front Yard Building Setback* as measured from the front property line.

- (3) Building Standards. All development shall be subject to site plan and Architectural Review Board (ARB) review and shall adhere to the following building standards:
- (a) Masonry Requirements. The minimum masonry requirement for the exterior façades of all buildings shall be 80%. For the purposes of this ordinance, the masonry requirement shall be limited to full width brick, natural stone, and cast stone. Cementitious fiberboard horizontal lap-siding (e.g. *HardiBoard* or *Hardy Plank*) and/or similar cementitious products may be used for up to 100% of the exterior of the building pending conformance with the anti-monotony restrictions outlined in this ordinance. Stucco (i.e. *three [3] part stucco* or *similar*) shall be prohibited.
 - (b) Roof Design Requirements. All structures having a footprint of 6,000 SF or less shall be constructed with a pitched roof system.
 - (c) 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. This should include the detailing and features. This will be reviewed by the Architectural Review Board (ARB) for conformance.
- (4) Landscape Buffer. A minimum ten (10) foot landscape buffer shall be required along all street frontages. The buffer shall include a minimum of one (1) tree per 30 linear feet.
- (5) Signage. Permanent, free-standing signage for Phase 1 shall be limited to one (1) monument not exceeding five (5) feet in height or a maximum of 60 SF in area.
- (6) Lighting. In addition to the outdoor lighting requirements stipulated in Article 07, Environmental Performance, of the Unified Development Code (UDC), no light pole, pole base, or combination thereof shall exceed 20-feet in height. All lighting fixtures shall focus downward and be contained on the subject property

**Exhibit 'E':
Hardscape Plan**

Phases 2 & 3: Single-Family 7 (54.513-Acres)

- (1) **Permitted Uses.** Unless specifically provided by this Planned Development ordinance, *Phases 2 & 3* as depicted in *Exhibits 'C' & 'D'* of this ordinance shall be subject to the land uses permitted for the Single-Family 7 (SF-7) District as stipulated by the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future.
- (2) **Density and Dimensional Requirements.** Any development on *Phases 2 & 3* as depicted in *Exhibits 'C' & 'D'* of this ordinance shall be subject to the development standards required for properties in a Single-Family 7 (SF-7) District as stipulated by Article 05, *District Development Standards*, of the Unified Development Code [*Ordinance No. 20-02*] as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future.

TABLE 2: SF-7 LOT DIMENSIONAL REQUIREMENTS

Minimum Lot Width ⁽¹⁾	40'
Minimum Lot Area	4,000 SF
Minimum Average Lot Area	7,000 SF
Minimum Front Yard Setback ^{(2) & (3)}	10'
Minimum Side Yard Setback ⁽⁴⁾	5'
Minimum Side Yard Adjacent to a Street	10'
Minimum Distance Between Buildings	15'
Maximum Height ⁽³⁾	36'
Minimum Rear Yard Setback ^{(4) & (5)}	10'
Maximum Lot Coverage	60%

NOTES:

- 1: The minimum lot width shall be measured at the *Front Yard Building Setback*.
- 2: The location of the *Front Yard Building Setback* as measured from the front property line.
- 3: The *Maximum Height* shall be measured to the eave or top plate (*whichever is greater*) of the single-family home.
- 4: The minimum side yard setback for an internal lot or a lot abutting open space or HOA common area is five (5) feet. For yards abutting a street, the minimum side yard setback shall be 10-feet.
- 5: Lots with double frontage shall have a minimum rear yard setback of 15 feet.

- (3) **Building Standards.** Housing type and construction shall generally conform to the *Architectural Styles* depicted in *Exhibit 'G'* of this ordinance; however, all development shall adhere to the following building standards:
 - (a) **Masonry Requirements.** The minimum masonry requirement for all exterior façades (*excluding walls on a porch, patio, courtyard, or breezeway*) greater than 100 SF shall be 80%. For the purposes of this ordinance, the masonry requirement shall be limited to full width brick, natural stone, and cast stone. Cementitious fiberboard horizontal lap-siding (*e.g. HardiBoard or Hardy Plank*) and/or similar cementitious products may be used for up to 100% of the exterior of the building pending conformance with the anti-monotony restrictions outlined in this ordinance. Stucco (*i.e. three [3] part stucco or similar*) shall be prohibited.
 - (b) **Anti-Monotony Standards.** An anti-monotony standard shall not allow the same structure - *in terms of materials and elevation* -- any closer than five (5) houses apart on either side of the street.
 - (c) **Common Areas and Open Space.** All common areas, dedicated landscape easements, and open space areas shall be maintained by a Homeowner's Association, which shall be created subject to the requirements of the City's Subdivision Ordinance and filed prior to approval of the final plat(s).

Exhibit 'E':
Hardscape Plan

- (d) Guest Quarters/Secondary Living Unit. A guest quarters/secondary living unit shall be permitted by-right within Phases 2 & 3 and subject to the following conditions:
- (1) Such quarters must be ancillary to the primary use;
 - (2) The area of such quarters shall not exceed 30% of the area of the main structure;
 - (3) The area of such quarters shall also conform to the maximum lot coverage for the overall lot;
 - (4) No such use may be sold or conveyed separately without meeting the requirements of the zoning district and the *Subdivision Ordinance*; and
 - (5) Such quarters shall be designed for temporary occupancy or as a secondary living unit. These structures are not to be used as rental accommodations.
- (4) Access. Lots with rear yards that abut Renfro Street shall not have access from Renfro Street.

Phase 4: Residential-Office (0.373-Acres)

- (1) Permitted Uses. Unless specifically provided by this Planned Development District Ordinance, *Phase 4* as depicted in *Exhibits 'C' & 'D'* of this ordinance shall be subject to the land uses permitted for the Residential-Office (RO) District as stipulated by the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future; however, the following conditions shall apply:

The following land uses shall be expressly prohibited on the *Phase 4*:

- Accessory Building
- Bed and Breakfast
- Convent or Monastery
- Daycare (7 or more children)
- Residential Care Facility
- Assisted Living Facility
- Convalescent Care Facility/Nursing Home
- Congregate Care Facility
- General Retail Store¹
- Group or Community Home
- Halfway House
- Library, Art Gallery, or Museum (Public)
- Railroad Yard or Shop
- Studio-Art, Photography, or Music
- Shoe and Boot Repair and Sales
- Transit Passenger Facility
- Antenna, Accessory
- Antenna, Commercial
- Antenna, Amateur Radio
- Antenna, Dish
- Wireless Communication Tower
- Utilities (Non-Municipally Owned or Controlled), Including Sanitary Landfill and Wastewater Treatment
- Municipally Owned or Controlled Facilities, Utilities, and Use

**Exhibit 'E':
Hardscape Plan**

NOTES:

¹: *General Retail Store* less than 2,000 SF shall be allowed by-right. *General Retail Stores* larger than 2,000 SF shall require a Specific Use Permit (SUP).

The following land uses shall be permitted by Specific Use Permit (SUP) on the *Phase 4*:

- General Retail Store¹
- Hair Salon, Manicurist
- Office Building, 5,000 SF or More
- Restaurant, Less Than 2,000 SF w/o Drive-Thru
- Solar Energy Collector Panels and Systems

NOTES:

¹: *General Retail Store* less than 2,000 SF shall be allowed by-right. *General Retail Stores* larger than 2,000 SF shall require a Specific Use Permit (SUP).

- (2) ***Density and Dimensional Requirements.*** Any development on *Phase 4* as depicted in Exhibits 'C' & 'D' of this ordinance shall be subject to the development standards required for properties in a Residential-Office (RO) District as stipulated by Article 05, *District Development Standards*, of the Unified Development Code [*Ordinance No. 20-02*] as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future; however, all development shall adhere to the following building standards:

TABLE 3: DENSITY AND DIMENSIONAL REQUIREMENTS

<i>Minimum Lot Width</i> ⁽¹⁾	60'
<i>Minimum Lot Depth</i>	100'
<i>Minimum Lot Area</i>	6,000 SF
<i>Minimum Front Yard Setback</i> ⁽²⁾	10'
<i>Minimum Side Yard Setback</i>	5'
<i>Minimum Distance Between Buildings</i>	15'
<i>Maximum Height</i> ⁽³⁾	36'
<i>Minimum Rear Yard Setback</i>	10'
<i>Maximum Lot Coverage</i>	60%

NOTES:

¹: The minimum lot width shall be measured at the *Front Yard Building Setback*.

²: The location of the *Front Yard Building Setback* as measured from the front property line.

³: The *Maximum Height* shall be measured to the eave or top plate (*whichever is greater*) of the residential-office structure.

- (3) ***Building Standards.*** *Building Standards.* Housing type and construction shall generally conform to the *Architectural Styles* depicted in *Exhibit 'G'* of this ordinance; however, all development shall adhere to the following building standards:

(a) ***Masonry Requirements.*** The minimum masonry requirement for all exterior façades (*excluding walls on a porch, patio, courtyard, or breezeway*) greater than 100 SF shall be 90%. For the purposes of this ordinance, the masonry requirement shall be limited to full width brick, natural stone, and cast stone. Cementitious fiberboard horizontal lap-siding (*e.g. HardiBoard or Hardy Plank*) and/or similar cementitious products may be used for up to 100% of the exterior of the building pending conformance with the anti-monotony restrictions outlined in this ordinance. Stucco (*i.e. three [3] part stucco or similar*) shall be prohibited.

(b) ***Anti-Monotony.*** An anti-monotony standard shall not allow the same structure—in terms of materials and elevation—any closer than five (5) houses apart on either side of the street.

Exhibit 'E':
Hardscape Plan

- (c) Common Areas and Open Space. All common areas, dedicated landscape easements, and open space areas shall be maintained by a Homeowner's Association, which shall be created subject to the requirements of the City's Subdivision Ordinance and filed prior to approval of the final plat(s).
- (d) Guest Quarters/Secondary Living Unit. A guest quarters/secondary living unit shall be permitted by-right within Phases 2 & 3 and subject to the following conditions:
 - (i) Such quarters must be ancillary to the primary use;
 - (ii) The area of such quarters shall not exceed 30% of the area of the main structure;
 - (iii) The area of such quarters shall also conform to the maximum lot coverage for the overall lot; and
 - (iv) No such use may be sold or conveyed separately without meeting the requirements of the zoning district and the *Subdivision Ordinance*.
 - (v) Such quarters shall be designed for temporary occupancy or as a secondary living unit. These structures are not to be used as rental accommodations.
- (4) Access. Lots with rear yards that abut Renfro Street shall not have access from Renfro Street.
- (5) Parking Requirements. Parking requirements for Phase 4 shall be all follows:
 - (a) Two (2) parking spaces per lot for single-family uses.
 - (b) One (1) additional space per 500 SF for non-residential uses as permitted by this ordinance. Off-site common or shared parking agreements shall be considered for Phase 4, subject the review of the proposed parking area(s) with the required development plan.