

CITY OF ROCKWALL

ORDINANCE NO. 06-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO CHANGE THE ZONING FROM (AG) AGRICULTURAL DISTRICT TO (PD-66) PLANNED DEVELOPMENT NO. 66 DISTRICT ON A 234.70-ACRE TRACT KNOWN AS TRACTS 1-1, 2 AND 2-1, ABSTRACT 182, J.H. ROBNETT SURVEY, BEING 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-66) Planned Development No. 66 district has been requested by Randell Curington of Spring Haven Investments, Inc., for an 234.70-acre tract of land known as Tracts 1-1, 2 and 2-1, Abstract 182, J.H. Robnett 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-66) Planned Development No. 66 district, and;

Section 2. That development in the area described herein as **Exhibit "B"** shall be subject to the following conditions:

- A. All residential and non-residential development located within the PD shall be subject to the SH 276 Overlay Standards.
- B. The maximum density for the Planned Development district shall not exceed 1.73 dwelling units per gross acre of land, or 399 units. The concept plan shows the following lot mixes:
 - 176 lots = Area 2 (8,400-sf minimum)
 - 113 lots = Area 3 (12,000-sf minimum)
 - 110 lots = Area 4 (16,000-sf minimum)

The allocation of lot types may deviate up to 5% from the lot mix shown on the concept plan, provided that the maximum allowable total dwelling units does not exceed 399 units.

- C. All lots fronting on the primary north/south arterial shall be a minimum of 12,000 sq.-ft. in size.

Section 3. That development in the area indicated as **Area 1 on Exhibit "A"**, attached hereto, shall be subject to the approved concept plan, **Exhibit "B"**, shall be subject to the permitted uses and area requirements of **Article V, Section 4.3 (NS) Neighborhood Service District**, of the City of Rockwall Comprehensive Zoning Ordinance (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. All proposed developments within Area 1 shall be subject to future site plan and Architectural review.
2. Permanent, free standing signage on each platted lot shall be limited to one (1) monument sign not exceeding five (5) feet in height or a maximum of sixty (60) square feet in area. All other signage shall be subject to the standards set forth in the City's Sign Ordinance

Section 4. That development in the area indicated as **Area 2 on Exhibit "A"**, attached hereto, shall be subject to the approved concept plan, **Exhibit "B"**, 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. Minimum square footage per dwelling unit – 2,000 square feet
3. Minimum lot frontage on a public street – 72 feet
4. Minimum lot depth – 100 feet
5. Minimum depth of front yard setback – 20 feet
6. Minimum depth of rear yard setback – 10 feet
7. Minimum side yard setback:
 - a. Internal lot – 6 feet
 - b. Abutting a street – 15 feet
 - c. Abutting an arterial / collector – 20 feet
8. Minimum distance between separate buildings on the same lot or parcel of land – 10 feet
9. Minimum length of driveway pavement from public right-of-way for rear and side yard – 20 feet
10. Maximum building coverage as a percentage of lot area – 45 percent

11. Maximum building height – 36 feet
12. Minimum of two (2) paved off-street parking spaces required for each residence

Section 5. That development in the area indicated as **Area 3 on Exhibit “A”**, attached hereto, shall be subject to the approved concept plan, **Exhibit “B”**, and shall be subject to the permitted uses of **Article IV, Permissible Uses and Article V, District Development Standards for Section 3.3 (SF-16) 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 area – 12,000 square feet
2. Minimum square footage per dwelling unit - 2,250 square feet
3. Minimum lot frontage on a public street – 80 feet
4. Minimum lot depth – 100 feet
5. Minimum depth of front yard setback – 20 feet
6. Minimum depth of rear yard setback – 10 feet
7. Minimum width of side yard setback –
 - a. Internal lot – 8 feet
 - b. Abutting street – 15 feet
 - c. Abutting an arterial – 20 feet
8. Minimum distance between separate buildings on the same lot or parcel of land – 10 feet
9. Minimum length of driveway pavement from public right-of-way for rear and side yard – 20 feet
10. Maximum building coverage as a percentage of lot area – 45 percent
11. Maximum building height – 36 feet
12. Minimum of two (2) paved off-street parking spaces required for each residence.

Section 6. That development in the area indicated as **Area 4 on Exhibit “A”**, attached hereto, shall be subject to the approved concept plan, **Exhibit “B”**, and shall be subject to the permitted uses of **Article IV, Permissible Uses and Article V, District Development Standards for Section 3.3 (SF-16) 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 area – 16,000 square feet
2. Minimum square footage per dwelling unit - 2,500 square feet
3. Minimum lot frontage on a public street – 90 feet

4. Minimum lot depth – 100 feet
5. Minimum depth of front yard setback – 20 feet
6. Minimum depth of rear yard setback – 10 feet
7. Minimum width of side yard setback –
 - a. Internal lot – 8 feet
 - b. Abutting street – 15 feet
 - c. Abutting an arterial – 20 feet
8. Minimum distance between separate buildings on the same lot or parcel of land – 10 feet
9. Minimum length of driveway pavement from public right-of-way for rear and side yard – 20 feet
10. Maximum building coverage as a percentage of lot area – 45 percent
11. Maximum building height – 36 feet
12. Minimum of two (2) paved off-street parking spaces required for each residence.

Section 7. That all residential development in the area described herein as **Exhibit “A”**, shall also be subject to the following design standards:

1. Exterior Wall Materials
 - a. All buildings of 120 square feet or more and over ten feet (10') tall shall have exterior walls constructed of masonry construction. Exterior walls for all buildings of 120 square feet or more and over 10 feet tall, shall be constructed of at least eighty percent (80%) standard masonry construction, excluding windows and doors, unless the wall is on a porch, patio, courtyard, or breezeway, in which event, the wall may be of non-masonry construction. Hardy Plank or similar cementaceous material may be used for up to 50% of the masonry requirement. Buildings with less than 80% masonry construction shall require approval of the Planning and Zoning Commission.
 - b. Buildings less than 120 square feet and under 10 feet in height may be constructed with non-masonry materials, or may be all metal with a baked-on painted surface.
2. Garages shall all be a minimum of two-car garages per dwelling unit.
3. There will be no requirement for alleys in Area 3 (SF-12) Single Family and Area 4 (SF-16) Single Family. Garages must be located at least 20 feet behind the front building façade for front entry garages, unless it is a “J-swing” garage where the garage door is perpendicular to the street, or rear-facing. Additionally, all garage doors that face the street shall be limited to 8-ft in width with an intervening column(s) between doors for garages that accommodate two (2) or more vehicles.

4. An anti-monotony restriction shall be developed so as not to allow the same structure in terms of brick color scheme or elevation on either side of the street without at least four (4) intervening lots.
5. All roofs shall be constructed with a minimum pitch of 8:12 over the main body of the structure, including garages. A minimum 4:12 roof pitch is required for all projections or porches not covered in the 8:12 requirement. All roof materials will be a minimum 30 year rated dimensional shingle or other material.
6. All fencing either siding or backing onto any designated open space shall be tubular steel or iron (no wood fences allowed). If a lot contains both a side yard and rear yard that is adjacent to any open space, the side yard fence can be either tubular steel or iron, or constructed with 6-ft high, board-on-board "panel" wood fencing with masonry columns at 45-ft O.C. spacing that begins at the rear property line corner and terminates 10-ft behind the front yard setback.
7. All fencing in side yards on corner lots where the side yard setback is in line with a front yard setback shall be contained within the side yard setback.
8. Corner lot fencing (adjacent to the street) shall provide masonry columns at 45-ft O.C. spacing that begins at the rear property line corner and terminates no later than 10-ft behind the front setback. A maximum 6-ft high, board-on-board panel fencing or tubular steel/wrought iron shall be allowed between masonry columns along the side and/or rear yard adjacent to the street.
9. For any premises located in this Planned Development District, the premise shall have one (1) shade tree located within 15 feet of the front lot line for each fifty (50) feet of lot width or portion thereof, measured along the front lot line. One (1) shade tree shall also be required for each fifty (50) feet or portion thereof along the side property line when adjacent to a street. Trees may be clustered or spaced linearly and need not be placed evenly at 50-foot intervals.
10. The required trees and landscaping shall be installed prior to issuance of a Certificate of Occupancy for the premises and shall be maintained in a living and growing condition by the owner of the premises. The required trees shall be a minimum of three-inch (3") caliper measured forty-eight inches (48") above the ground, with a required minimum height of seven feet (7'). If the tree is located on a slope, measurement shall be from the highest side of the slope. The trees shall be selected from the current City of Rockwall approved tree replacement list.
11. Greenspace/Open Space
 - a. 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.

- b. All common areas and dedicated landscape easements and open space areas shall be maintained by a homeowners' association, including area of landscaping in the public right-of-way.
- c. Permanent subdivision identification signage shall be permitted at all major entry points subject to the requirements of the City of Rockwall sign ordinance.
- d. There will be a minimum of a 40' landscaped, and irrigated greenbelt along S. H. 276. A 7 foot wall comprised of masonry and wrought iron style fencing set back at least 25 feet from the right-of-way is required in addition to landscaping of the area. At least 10% of the wall shall be a wrought iron style. Such walls adjacent to SH 276 shall be off-set by at least 8 feet for at least 16 feet for every 100 feet of length. Additionally, there will be trees planted at random distances from S.H. 276 at a maximum separation of 30'.
- e. Each entry from S.H. 276 will have a median opening with a minimum width of 20' and a minimum length of 100'. Each median will be landscaped with an irrigation system. Additionally, each median will have an entry signage monument.
- f. All linear open space, not dedicated to the City or school, shall be landscaped with pedestrian access. The landscaping may either consist of traditional irrigated landscaping or xeriscaping (xeriscaping shall be designed and installed by a credentialed xeriscape landscape architect). This area will be maintained by the Homeowners Association.

Section 8. No substantial change in development of "PD-66" 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 9. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

Section 10. 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 11. 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 12. 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 13. 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 5th day of June, 2006.



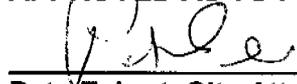
William R. Cecil, Mayor

ATTEST:



Dorothy Brooks, City Secretary

APPROVED AS TO FORM:



Pete Eckert, City Attorney

1st Reading: 05-15-06

2nd Reading: 06-05-06
