

CITY OF ROCKWALL

ORDINANCE NO. 17-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 68 (PD-68) 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 TO ALLOW FOR THE INCORPORATION OF A SINGLE-FAMILY SUBDIVISION FOR A ~14.475-ACRE PORTION OF THE 25.45-ACRE PLANNED DEVELOPMENT DISTRICT BEING IDENTIFIED AS LOTS 1-7, BLOCK A, EASTSHORE ADDITION, 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 received a request by the Dub Douphrate of Douphrate & Associates, Inc. on behalf of the owner East Shore Joint Venture for the approval of an amendment to Planned Development District 68 (PD-68) being a 25.45-acre tract of land identified as Lots 1-7, Block A, Eastshore Addition, City of Rockwall, Rockwall County, Texas and more fully described in *Exhibit 'A' & 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 68 (PD-680 [Ordinance No. 06-32] 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. 06-32*;

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 Plans*, contained 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 the *Subject Property* shall generally be in accordance with the *Development Standards*, described 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 5. That development of *Area 3* as depicted in *Exhibit 'B'* of this ordinance shall be in conformance with the schedule listed below (*except as set forth below 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(f) below*), shall be the exclusive procedures applicable to the subdivision and platting of *Area 3* as depicted in *Exhibit 'B'* of this ordinance.
- (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 period specified in *Section 212.009* of the *Texas Local Government Code*.
 - (1) Open Space Master Plan
 - (2) Master Plat
 - (3) Preliminary Plat
 - (4) PD Site Plan
 - (5) Final Plat
- (c) *Open Space Master Plan.* An *Open Space Master Plan* for *Area 3* as depicted in *Exhibit 'B'* of this ordinance, prepared in accordance with this ordinance and consistent with the *Exhibit 'C'* of this ordinance, and shall be considered for approval by the City Council following recommendation of the Parks and Recreation Board.
- (d) *Master Plat.* A *Master Plat* for *Area 3* as depicted in *Exhibit 'B'* of this ordinance shall be submitted and shall identify the proposed timing of each phase of the proposed development. A *Master Plat* application may be processed by the City concurrently with an *Open Space Master Plan* for the development.
- (e) *Preliminary Plat.* A *Preliminary Plat* covering all of *Area 3* as depicted in *Exhibit 'B'* of this ordinance shall be submitted and shall include a *Treescape Plan*. A *Preliminary Plat Application* may be processed by the City concurrently with a *Master Plat* and an *Open Space Master Plan Application* for the development.
- (f) *PD Site Plan.* A *PD Site Plan* covering all of *Area 3* as depicted in *Exhibit 'B'* of this ordinance shall be submitted and shall identify all site/landscape/hardscape plan(s) for all open space, neighborhood parks, trail systems, street buffers and entry features. A *PD Site Plan* application may be processed by the City concurrently with a *Final Plat Application* for the development.
- (g) *Final Plat.* Prior to the issuance of any building permits, a *Final Plat*, conforming to the *Preliminary Plat*, for all of *Area 3* as depicted in *Exhibit 'B'* of this ordinance shall be submitted for approval.

Section 6. 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

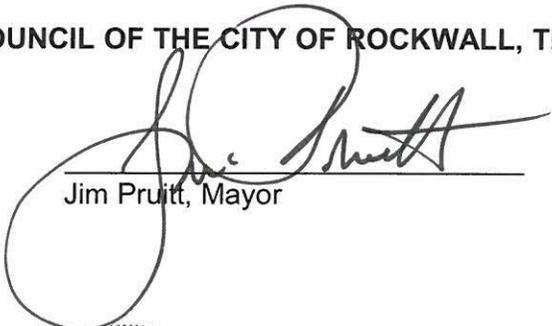
penalty of fine not to exceed the sum of *Two Thousand Dollars* (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

Section 7. 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 8. 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;

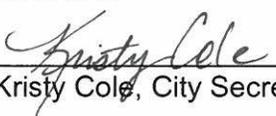
Section 9. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides;

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 17th DAY OF JANUARY, 2017.**



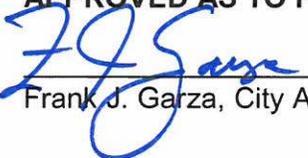
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: 01-03-2017

2nd Reading: 01-17-2017

Exhibit 'A':
Legal Description

Being a 25.45-acre tract of land in the B. J. T. Lewis Survey, Abstract No. 255, and being part of the same tract of land conveyed to N. L. Lofland by deed recorded in *Volume 24, Page 437, Deed Records*, Rockwall County, Texas and said tract being more particularly described as follows:

BEGINNING at a point for a corner at the intersection of the southeast right-of-way line of the M. K. & T. Railroad and the northeast right-of-way line of State Highway 205 [*N. Goliad Street*], said point also being on a curve to the right having a central angle of 10 Degrees 02 Minutes 59 Seconds, a radius of 3,769.72-feet and a chord that bears North 27 Degrees 53 Minutes 16 Seconds East, a distance of 660.36-feet;

THENCE around said curve in a northeasterly direction with the southeast right-of-way line of said railroad, an arc distance of 661.21 feet to a point for a corner;

THENCE South 88 Degrees 12 Minutes 53 Seconds East, a distance of 1,042.46-feet to an iron rod for a corner in a fence line;

THENCE South 23 Degrees 03 Minutes 24 Seconds West along said fence, a distance of 306.93 feet to a point for a corner;

THENCE South 21 Degrees 37 Minutes 22 Seconds West along said fence, a distance of 1,216.35-feet to an iron rod for a corner on the northeast right-of-way line of State Highway No. 205 [*N. Goliad Street*];

THENCE North 42 Degrees 13 Minutes 47 Seconds West with said right-of-way line, a distance of 1,164.12-feet to the *POINT OF BEGINNING* and containing 25.45 acres of land, which includes 0.61-acres in easements, leaving a net of 24.84-acres of land.

Exhibit 'B':
Location Map

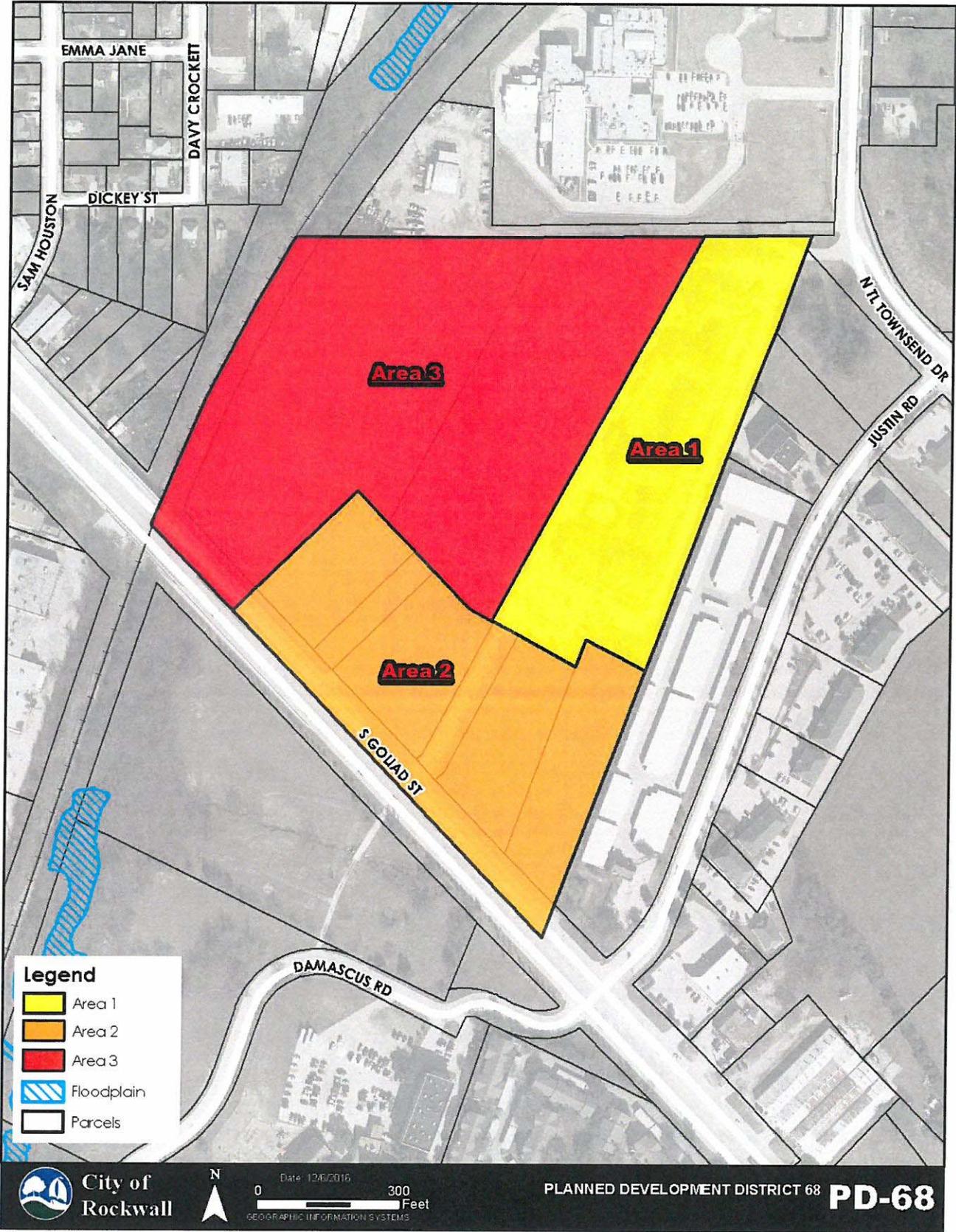


Exhibit 'C':
Concept Plan: Areas 1 & 2



Evergreen at Rockwall

August 2, 2006



Exhibit 'C':
Concept Plan: Area 3



Exhibit 'D':
PD Development Standards

PD Development Standards.

Area 1: Evergreen Senior Community (~6.5749-Acres)

- (1) *Permitted Uses.* Area 1 as depicted in *Exhibit 'B'* of this ordinance shall be subject to the development standards and land uses permitted in the Commercial (C) District as stipulated by Article IV, *Permissible Uses*, and Article V, *District Development Standards*, 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, with the following additions:

Permitted By-Right. The following uses are permitted *by-right*:

- (a) *Age Restricted Senior Housing.* Age Restricted Senior Housing -- which shall be defined in accordance with the State of Texas Federal Fair Housing Laws -- shall include but not be limited to the following:

- All of the occupied units are occupied by at least one (1) person who is 55-years of age or older, or handicapped.
- The housing facility or community publishes and adheres to policies and procedures that demonstrate their intent to meet all provisions of the *Housing for Older Persons Act* of 1995.
- The housing facility or community complies with all rules issued by the *Secretary of Housing and Urban Development* for verification of occupancy.
- The housing facility has significant facilities and services specifically designated to meet the physical or social needs of older persons.

- (b) *Private Streets.*

Permitted as Accessory Uses. The following uses shall be permitted as accessory uses to *Age Restricted Senior Housing*:

- Barber and Beauty Shop
- Cafeteria/Common dining facilities
- Chapel
- Community Center
- Drug Store or Pharmacy
- Game Court
- Greenhouse
- Handcraft or Art Work Studio
- Health Studio
- Instructional Art Studio
- Medical Treatment Services (*e.g. medical clinic, physical therapy services, inhalation therapy, and other related uses*)
- Office
- Private Recreation Club or Area
- Retail store with Food and Personal Goods
- Snack Bar
- Swimming Pool

Specific Uses. The following uses shall be permitted by Specific Use Permit:

- Retail Store with Gasoline Sales with more than two (2) dispenser (*i.e. servicing four [4] vehicles*). This may also include a car wash as an accessory use.

Prohibited Uses. The following uses shall be prohibited:

- Animal Boarding/Kennel with or without Outside Pens
- Cemetery

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- Billiard Parlor or Pool Hall
 - Carnival, Circus or Amusement Ride
 - Commercial Amusement Recreation (*Outside*)
 - Gun Club, Skeet or Target Range (*Indoor*)
 - Astrologer, Hypnotist or Psychic
 - Night Club, Discotheque or Dance Hall
 - Pawn Shop
 - Secondhand Dealer
 - Building and Landscape Material Sales with or without Outside Storage
 - Research and Technology/ Light Assembly
 - Auto Repair Garage (Minor)
 - Boat and Trailer Dealership (New and Used)
 - Car Wash with Auto Detail
 - Self Service Car Wash
 - Motor Vehicle Dealership (New or Used)
 - RV Sales and Service
 - Service Station
 - Mining and Extraction (e.g. Sand, Gravel, Oil and/or Other)
 - Helipad
 - Railroad Yard or Shop
- (2) *Number of Units.* The maximum number of *Age Restricted Senior Housing* units shall not exceed 145 units.
- (3) *Unit Size.* The minimum unit size shall not be less than 700 SF and the average unit size shall not be less than 800 SF.
- (4) *Building Height.* The maximum building height shall be 60-feet. Building with multiple stories shall be required to provide interior elevators.
- (5) *Lot Coverage.* The maximum lot coverage shall be 45%.
- (6) *Masonry Requirement.* All buildings shall be consist 95% masonry -- *excluding windows and doors* -- and shall adhere to the building elevations contained in *Exhibit 'E'* of this ordinance. For the purposes of this ordinance, masonry shall be defined as brick, stone, cultured stone, cementaceous fiberboard (*i.e. HardiPlank, HardiBoard or similar; nine (9) inches or smaller in width*) and cementaceous stucco. The masonry requirements for all building facades shall include a minimum of 20% natural or quarried stone.
- (7) *Articulation.* The buildings shall be highly articulated in a similar manner to the building elevations contained in *Exhibit 'E'* of this ordinance.
- (8) *Parking.* No less than 1.2 parking spaces per unit shall be provided. Any attached or detached garages or carports shall be approved during the review of the site plan (*with building elevations*), and shall be constructed with materials matching the primary structure.
- (9) *Common Recreation Amenity.* The *Age Restricted Senior Housing* area (*i.e. Area 1*) shall have a clubhouse facility including residence dining areas and a kitchen. In addition, other amenities such as an exercise club and pool shall be provided.
- (10) *Parks.* All development within *Area 1* shall be subject to review by the City of Rockwall's Parks Board at the time of *PD Site Plan* and/or platting. The Parks Board shall make recommendations to the City Council regarding trail requirements, parkland dedication requirements and pro-rata equipment fees for the development.

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- (11) *Open Space.* A minimum of 20% of Area 1 shall be developed as open space, which may include landscaping buffers and islands, landscaped detention areas, hardscape gathering areas, and pool and other outdoor recreational areas.
- (12) *Phasing.* No phasing of *Age Restricted Senior Housing* shall be permitted.
- (13) *Screening from Adjacent Land Uses.* Additional landscaping and/or screening shall be provided on all perimeter property lines adjacent to other uses. This may consist of solid landscaping such as hedgerows or a combination of iron (*i.e. tubular steel*) fencing and landscaping, or as otherwise approved by the Planning and Zoning Commission. A detail of this screening shall be indicated on the *PD Site Plan*.
- (14) *PD Site Plan.* The Planning and Zoning Commission shall review the *PD Site Plan* for Area 1 and forward its recommendation to the City Council who shall review the final *PD Site Plan* and shall approve, conditionally approve, or deny the *PD Site Plan*. All required off-site improvements such as fire lanes and access, utility and drainage facilities, and open space shall be approved as part of the *PD Site Plan* for Area 1.

Area 2: Property Adjacent to SH-205 [N. Goliad Street] (~4.3998-Acres)

- (1) *Permitted Uses.* Area 2 as depicted in *Exhibit 'B'* of this ordinance shall be subject to the development standards and land uses permitted in the Commercial (C) District as stipulated by Article IV, *Permissible Uses*, and Article V, *District Development Standards*, 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, with the following additions:

Specific Uses. The following uses shall be permitted by Specific Use Permit:

- Retail Store with Gasoline Sales with more than two (2) dispenser (*i.e. servicing four [4] vehicles*). This may also include a car wash as an accessory use.

Prohibited Uses. The following uses shall be prohibited:

- Animal Boarding/Kennel with or without Outside Pens
- Cemetery
- Billiard Parlor or Pool Hall
- Carnival, Circus or Amusement Ride
- Commercial Amusement Recreation (*Outside*)
- Gun Club, Skeet or Target Range (*Indoor*)
- Astrologer, Hypnotist or Psychic
- Night Club, Discotheque or Dance Hall
- Pawn Shop
- Secondhand Dealer
- Building and Landscape Material Sales with or without Outside Storage
- Research and Technology/ Light Assembly
- Auto Repair Garage (Minor)
- Boat and Trailer Dealership (New and Used)
- Car Wash with Auto Detail
- Self Service Car Wash
- Motor Vehicle Dealership (New or Used)
- RV Sales and Service
- Service Station
- Mining and Extraction (e.g. Sand, Gravel, Oil and/or Other)
- Helipad
- Railroad Yard or Shop

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- (2) *PD Development Plan.* All property within Area 2 shall require the approval of a *PD Development Plan* in accordance with Article X, *Planned Development Regulation*, of the Unified Development Code [*Ordinance No. 04-38*]. Each *PD Development Plan* shall be reviewed for its conformity with the spirit and intent of this ordinance and to ensure overall connectivity within the *Planned Development District*.
- (3) *PD Site Plan.* A *PD Site Plan* shall be required for all development in Area 2 in accordance with Article X, *Planned Development Regulation*, of the Unified Development Code [*Ordinance No. 04-38*] prior to any application for a building permit. The *PD Site Plan* will be reviewed for its conformity with the spirit and intent of this ordinance.
- (4) *Architectural Review Board (ARB).* All development within the PD shall be subject to Architectural Review Board's (*ARB*) recommendation as part of the approval of the *PD Site Plan*. All development shall adhere to architectural symmetry and design features that encourage connectivity and consistency with similar design themes.
- (5) *Buried Utilities.* All overhead utilities shall be placed under ground except as otherwise approved by the City of Rockwall.
- (6) *Lighting.* No light pole shall exceed 20-feet in height. All light fixtures shall focus light downward and all light shall be contained on-site.
- (7) *Open Space.* A minimum of 20% of each site shall be developed as open space, which may include landscaping buffers and islands, landscaped detention areas, and hardscape gathering areas.
- (8) *Conformity with Other Ordinances.* Unless in conflict with the standards herein, development shall comply with the standards and procedures established by the City that are in effect at the time.
- (9) *Additional Provisions.* Any additional provisions not covered within these requirements shall refer to the Unified Development Code [*Ordinance No. 04-38*].

Area 3: Fireside Village (~14.4753-Acres)

- (1) *Permitted Uses.* Unless specifically provided by this Planned Development ordinance, only those uses permitted within the Single Family 7 (SF-7) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC) as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future, with the following restriction:
 - (a) *Age Restricted Senior Housing.* Age Restricted Senior Housing -- which shall be defined in accordance with the State of Texas Federal Fair Housing Laws -- shall include but not be limited to the following:
 - ☑ All of the occupied units are occupied by at least one (1) person who is 55-years of age or older, or handicapped.
 - ☑ The community publishes and adheres to policies and procedures that demonstrate their intent to meet all provisions of the *Housing for Older Persons Act* of 1995.
 - ☑ The housing facility or community complies with all rules issued by the *Secretary of Housing and Urban Development* for verification of occupancy.
 - ☑ The housing facility has significant facilities and services specifically designated to meet the physical or social needs of older persons.
- (2) *Density and Dimensional Requirements.* The maximum permissible density for the *Subject Property* shall not exceed 3.6-units/acre; however, in no case should the

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proposed development exceed 46 single-family, residential lots. All lots shall conform to the standards depicted in *Table 1* below.

Table 1: Lot Dimensional Requirements

Minimum Lot Width ⁽¹⁾	65'
Minimum Lot Depth	82'
Minimum Lot Area	5,330 SF
Minimum Front Yard Setback ⁽²⁾	20'
Minimum Side Yard Setback	6'
Minimum Side Yard Setback (Adjacent to a Street)	13'
Minimum Length of Driveway Pavement (Rear and Side Yard Only)	20'
Maximum Height ⁽³⁾	36'
Minimum Rear Yard Setback ⁽⁴⁾	10'
Minimum Area/Dwelling Unit (SF) ⁽⁵⁾	1,300 SF
Maximum Lot Coverage	45%
Minimum Number of Paved Off-Street Parking Spaces	2 Spaces
Minimum Distance Between Buildings	10'

General 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: As measured from the rear yard property line.
- ⁵: The minimum area/dwelling unit only includes air conditioned square space.

- (3) **Building Standards.** All development shall adhere to the following building standards:
- (A) **Masonry Requirement.** The minimum masonry requirement for the exterior façades of all buildings shall be 100%. For the purposes of this ordinance the masonry requirement shall be limited to full width brick, natural stone, and cultured stone. Cementaceous fiberboard horizontal lap-siding (e.g. *HardiBoard* or *Hardy Plank*) and/or stucco (i.e. *three [3] part stucco* or a comparable -- to be determined by staff) shall be permitted to be used to meet up to 20% of the masonry requirement.
 - (B) **Roof Pitch.** A minimum of a 10:12 roof pitch is required on all structures with the exception of porches, which shall have a minimum of a 4:12 roof pitch.
 - (C) **Garage Orientation.** Garages are permitted to be in a front-entry format (i.e. *even with the front façade of the primary structure*). In addition, the garage may encroach the front-yard building setback (i.e. *extend beyond the front façade of the primary structure towards the front property line*) by a distance not to exceed five (5) feet.
 - (D) **Anti-Monotony Restrictions.** The development shall adhere to the following Anti-Monotony requirements (for spacing requirements see the illustration on the following page):
 - (1) Identical brick blends or paint colors may not occur on adjacent (side-by-side) properties along any block face without at least four (4) intervening homes of differing materials on the same side of the street beginning with the adjacent property and two (2) intervening homes of differing materials on the opposite side of the street.
 - (2) Front building elevations shall not repeat along any block face without at least four (4) intervening homes of differing appearance on the same side of the

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street and two (2) intervening homes of differing appearance on the opposite side of the street. Homes are considered to have a differing appearance if any of the following two (2) items deviate:

- (a) Number of Stories
 - (b) Brick Color
 - (c) Roof Type and Layout
 - (d) Articulation of the Front Façade
- (3) Crown molding shall be installed in all living rooms, family rooms and master bedrooms, unless vaulted or pop-up ceilings are utilized. No Formica countertops may be installed in kitchens and/or bathrooms, and vinyl flooring and blown acoustic ceilings shall be prohibited.
- (4) All roof shingles shall be weathered wood color, an architectural or dimensional shingle, and have a 30-year rating. (*3-Tab Roofing Shingles are prohibited*).

Illustration 1: Properties line up on the opposite side of the street. Where RED are the same.

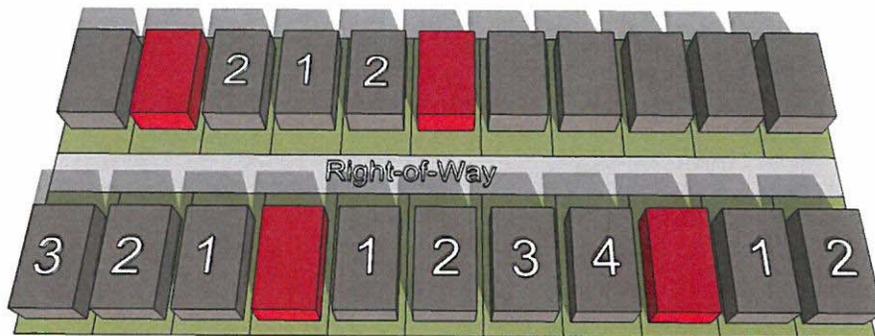
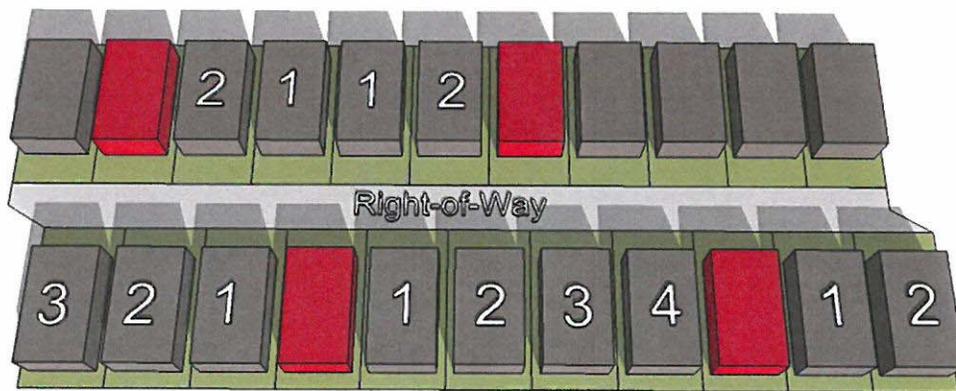


Illustration 2: Properties do not line up on opposite side of the street. Where RED are the same.



- (E) *Fencing Standards.* All residential fencing shall be four (4) foot wrought iron/tubular steel fencing.
- (F) *Landscape and Hardscape Standards.*
- (1) *Residential Landscape.* Landscaping shall be reviewed and approved with the *PD Site Plan*. All *Canopy/Shade Trees* planted within the residential development shall be a minimum of three (3) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in

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total height unless otherwise provided within this document. Prior to the issuance of a Certificate of Occupancy (CO) all single-family lots shall have a minimum of two (2), three (3) inch caliper trees, as measured at breast height [i.e. the diameter in inches of a tree as measured through the main trunk at a point of four and one-half (4½) inches above the natural ground level]. These trees may be planted in the front and/or backyard of all interior lots.

Note: For the purposes of this section only, the term "front yard" includes the area within the dedicated right-of-way for a parkway immediately adjoining the front yard of the lot.

- (2) *Landscape Buffers.* All landscape buffers and plantings located within the buffers shall be maintained by the Homeowner's Association (HOA).
 - (a) *Landscape Buffer (SH-205).* A minimum of a 20-foot landscape buffer shall be provided along the frontage of SH-205, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Shrubby shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least two (2) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. In addition, all buffer-strip planting requirements shall conform to the requirements of Section 6.7, *SH-205 Corridor Overlay (SH-205 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code (i.e. *minimum four [4] inch caliper trees required*).
- (3) *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 and shall be maintained by the Homeowner's Association (HOA).
- (4) *Hardscape.* Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the *PD Site Plan*.
- (G) *Lighting.* Light poles shall not exceed 20-feet in total height (i.e. *base and lighting standard*). All fixtures shall be directed downward and be positioned to contain all light within the development area.
- (H) *Sidewalks.* Sidewalks shall be a minimum of five (5) feet in width and begin two (2) feet inside the right-of-way line.
- (I) *Streets.* With the exception of *Street B* as indicated in *Exhibit 'C'* of this ordinance, all streets shall have a minimum of 50-feet of right-of-way and incorporate a 29-foot *back-to-back* street. *Street B* as indicated in *Exhibit 'C'* of this ordinance shall be allowed to reduce the right-of-way width to a minimum of 37-feet of right-of-way; however a 29-foot *back-to-back* street will need to be provided.
- (J) *Cross Access.* Cross access from *Street A* to Lots 4 & 6 -- which are depicted in *Exhibit 'C'* of this ordinance -- shall be required and indicated on the *PD Site Plan*.

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- (K) *Open Space.* The development shall consist of a minimum of 20% open space as calculated from the gross land area, and generally conform to the *Concept Plan* contained in *Exhibit 'C'* of this ordinance. The Homeowner's Association (HOA) shall maintain all open space areas.
- (L) *Neighborhood Signage.* Permanent subdivision identification signage shall be permitted at all major entry points for the proposed subdivision. Final design and location of any entry features shall be reviewed and approved with the *PD Site Plan*.
- (M) *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, trails, open space and common areas, irrigation, landscaping, amenity centers, screening fences associated with this development.
- (N) *Buried Utilities.* New distribution power-lines required to serve the *Subject Property* shall be placed underground, whether such lines are located internally or along the perimeter of the *Subject Property*, unless otherwise authorized by the City Council. New transmission power-lines, or distribution lines of a size not typically or cost effectively placed underground (*3-phase lines*), or additional lines that are added to existing poles, may be above ground, if located along the perimeter of the *Subject Property*. The *Developer* shall not be required to re-locate existing overhead power-lines along the perimeter of the *Subject Property*. Temporary power-lines constructed across undeveloped portions of the *Subject Property* to facilitate development phasing and looping may be allowed above ground, but shall not be considered existing lines at the time the area is developed, and if they are to become permanent facilities, such lines shall be placed underground pursuant to this paragraph. Franchise utilities shall be placed within a ten (10) foot public utility easement behind the sidewalk, between the home and the property line.
- (O) *Variances.* The variance procedures and standards for approval that are set forth in the Unified Development Code [*Ordinance No. 04-38*] shall apply to any application for variances to this ordinance.

Exhibit 'E':
Evergreen Building Elevations



Exhibit 'E':
Evergreen Building Elevations

7-31-06

Evergreen at Rockwall
 Rockwall, Texas

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