

CITY OF ROCKWALL

ORDINANCE NO. 14-50

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 76 (PD-76) FOR SINGLE FAMILY 1 (SF-1) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 138.79-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1 OF THE J. LOCKHART SURVEY, ABSTRACT NO. 137, 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 Dub Douphrate of Douphrate & Associates, Inc. on behalf of Barry Luff of L2 Properties, LLC for an amendment to the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall for the purpose of changing the zoning from an Agricultural (AG) District to Planned Development District 76 (PD-76) for Single Family 1 (SF-1) District land uses, for a 138.79-acre tract of land identified as Tract 1 of the J. Lockhart Survey, Abstract No. 137, City of Rockwall, Rockwall County, Texas and more fully described in *Exhibit 'A'* 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 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 Unified Development Code [Ordinance No. 04-38], as heretofore amended, shall be further amended by amending the zoning map of the City of Rockwall so as to change the zoning district classification for the *Subject Property* from an Agricultural (AG) District to Planned Development District 76 (PD-76) for Single Family 1 (SF-1) District land uses.

**SECTION 2.** That the *Subject Property* shall be used only in the manner and for the purposes authorized by this 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 the *Subject Property* shall be developed and/or used only in the manner and for the purposes described within this ordinance, and unless specifically modified within this ordinance the *Subject Property* shall adhere to all development standards stipulated by the Single Family 1

(SF-1) District as specified in Section 3.2-1, *Single-Family One (SF-1) District*, of Article V, *District Development Standards*, of the Unified Development Code [Ordinance No. 04-38] as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future;

**SECTION 4.** That development of the *Subject Property* shall generally be in accordance with the *Planned Development Concept Plan*, described in *Exhibit 'B'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'B'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

**SECTION 5.** 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 8.** That development of the *Subject Property* shall be in conformance with the schedule listed below (*except as set forth below with regard to simultaneous processing and approvals*).

- (1) *PD Site Plan.* A *PD Site Plan* covering all of the *Subject Property* 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 *Preliminary Plat Application* for the development.
- (2) *Preliminary Plat.* A *Preliminary Plat* covering all of the *Subject Property* shall be submitted and shall include a *Treescape Plan*. A *Preliminary Plat Application* may be processed by the *City* concurrently with a *PD Site Plan Application* for the development.
- (3) *Final Plat.* Prior to the issuance of any building permits, a *Final Plat*, conforming to the *Preliminary Plat*, for all of the *Subject Property* shall be submitted for approval.

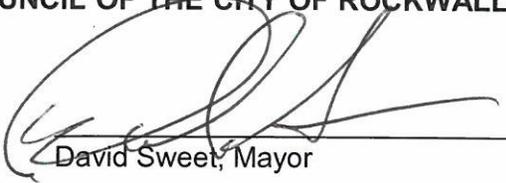
**SECTION 9.** That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars* (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

**SECTION 10.** 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;

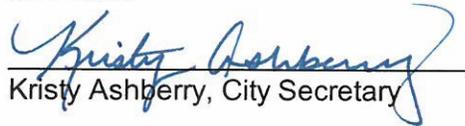
**SECTION 11.** The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different 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 12.** 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;

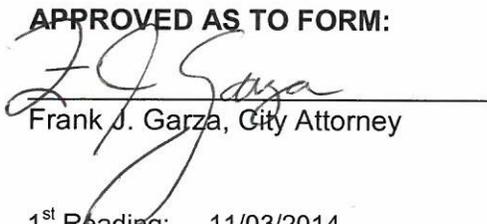
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS THE 17<sup>TH</sup> DAY OF NOVEMBER, 2014.**

  
\_\_\_\_\_  
David Sweet, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kristy Ashberry, City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Frank J. Garza, City Attorney



1<sup>st</sup> Reading: 11/03/2014

2<sup>nd</sup> Reading: 11/17/2014

**Exhibit 'A':**  
*Legal Description*

Legal Description of 138.79-Acre Tract

Located in the John Lockhart Survey, Abstract 137, and the Newell Survey, Abstract No. 167, Rockwall, Texas

All that certain lot, tract or parcel of land situated in the JOHN LOCKHART SURVEY, ABSTRACT NO. 137 and H. K. NEWELL SURVEY, ABSTRACT NO. 167, Rockwall County, Texas, and being all of that 138.781 acres tract of land as described in a Warranty deed from Farm Credit Bank of Texas to Allen Anderson and wife, Loretta Anderson, dated November 27, 1991 and being recorded in Volume 657, Page 303 of the Real Property Records of Rockwall County, Texas, and the same tract as conveyed to L2 Properties, LLC by Deed recorded in Volume 4096, Page 237 of the Official Public Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 112" iron rod found for corner at the base of a fence corner post at the Northeast corner of the above cited tract of land;

THENCE S. 00 deg. 19 min. sec. E. along the fenced East line of said tract, a distance of 1207.96 feet to a 112" iron rod found for corner;

THENCE S. 00 deg. 37 min. 17 sec. E. along the fenced East line of said tract, a distance of 286.47 feet to a 1/2" iron rod found for corner at the base of a fence corner post;

THENCE S. 31 deg. 44 min. 42 sec. W. along the fenced East line of said tract, a distance of 16.52 feet to a 112" iron rod found for corner at the base of a fence corner post;

THENCE N. 80 deg. 40 min. 29 sec. W. along the fenced boundary line of said tract, a distance of 55.86 feet to a 1/2" iron rod found for corner at the base of a fence corner post;

THENCE S. 37 deg. 34 min. 16 sec. W. along the fenced boundary line of said tract, a distance of 390.25 feet to a 112" iron rod found for corner at the base of a fence corner post at the Southeast corner of said tract and being at the Southwest corner of a 1.275 acres tract as described in a Deed to Paul Liechty, et al as recorded in Volume 240, Page 546 of the Real Property Records of Rockwall County, Texas;

THENCE S. 89 deg. 42 min. 38 sec. W. (Controlling bearing line) along the South line of said 138.781 acres tract, a distance of 3070.62 feet to a 112" iron rod found for corner in the East edge of Dowell Road;

THENCE N. 00 deg. 03 min. 28 sec. W. along the East edge of Dowell Road, a distance of 211.73 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner;

THENCE N. 89 deg. 29 min. 31 sec. W. crossing said Dowell Road, a distance of 34.26 feet to a 112" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner in the West margin of said road;

THENCE N. 00 deg. 04 min. 32 sec. W. along the West margin of said road, a distance of 194.53 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner;

THENCE N. 21 deg. 45 min. 35 sec. W. along the West margin of said road, a distance of 123.31 feet to a 112" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner;

THENCE N. 31 deg. 14 min. 48 sec. W. along the West margin of said road, a distance of 98.94 feet to a 112" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner;

THENCE N. 89 deg. 44 min. 09 sec. E. crossing said Dowell Road, a distance of 131.11 feet to a 112" iron rod found for corner;

THENCE N. 00 deg. 03 min. 43 sec. W. a distance of 1195.77 feet to a 112" iron rod found for corner at the Northwest corner of said 138.781 acres tract;

THENCE N. 89 deg. 37 min. 22 sec. E. along the North line of said tract, a distance of 3364.45 feet to the POINT OF BEGINNING and containing 138.79 acres of land.



**Exhibit 'C':**  
*Development Standards*

**Development Standards.**

1. *Permitted Uses.* Unless specifically provided by this Planned Development ordinance, only those uses permitted within the Single Family 1 (SF-1) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC), are allowed on the *Subject Property*.
2. *Density and Dimensional Requirements.* The maximum permissible density for the *Subject Property* shall not exceed one (1) dwelling unit per gross acre of land; however, in no case should the proposed development exceed 107 units. All lots shall conform to the standards depicted in *Table 1* below unless specifically provided for in *Table 2* below.

Table 1: Lot Dimensional Requirements

<i>Minimum Lot Width</i> <sup>(1)</sup>	150'
<i>Minimum Lot Depth</i>	250'
<i>Minimum Lot Area</i>	43,560 SF
<i>Minimum Front Yard Setback</i> <sup>(2)</sup>	40'
<i>Minimum Side Yard Setback</i>	25'
<i>Minimum Side Yard Setback (Adjacent to a Street)</i>	25'
<i>Minimum Length of Driveway Pavement (Rear and Side Yard Only)</i>	25'
<i>Maximum Height</i> <sup>(3)</sup>	36'
<i>Minimum Rear Yard Setback</i> <sup>(4)</sup>	25'
<i>Minimum Area/Dwelling Unit (SF)</i> <sup>(5)</sup>	2,600 SF
<i>Maximum Lot Coverage</i>	45%
<i>Minimum Number of Paved Off-Street Parking Spaces</i>	2 Spaces
<i>Minimum Distance Between Buildings</i>	10'

General Notes:

- <sup>1</sup>: The minimum lot width shall be measured at the *Front Yard Building Setback*.
- <sup>2</sup>: The location of the *Front Yard Building Setback* as measured from the front property line.
- <sup>3</sup>: The *Maximum Height* shall be measured to the eave or top plate (whichever is greater) of the single family home.
- <sup>4</sup>: As measured from the rear yard property line.
- <sup>5</sup>: The minimum area/dwelling unit only includes air conditioned square space.

Table 2: Lot Exceptions

<i>Lot/Block Number</i>	<i>Width</i>	<i>Depth</i>	<i>Lot Area</i>
<i>Lot 1, Block B</i>	149.47'	291'	43,560 SF
<i>Lot 2, Block B</i>	149.04'	291.85'	43,560 SF
<i>Lot 3, Block B</i>	148.61'	292.70'	43,560 SF
<i>Lot 16, Block C</i>	142.70'	250'	43,560 SF
<i>Lot 7, Block F</i>	149.92'	290.23'	43,560 SF
<i>Lot 9, Block E</i>	143.01'	250'	43,926 SF

*Note. All lots are as depicted in Exhibit 'B' of this ordinance. Changes to the dimensions of these lots can be administratively approved by the Director of Planning or his/her designee, but at no point should the lot area be less than 43,560 SF.*

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 80%. For the purposes of this ordinance the masonry requirement shall be limited to full width brick, natural stone, cast stone, cementaceous fiberboard

**Exhibit 'C':**  
*Development Standards*

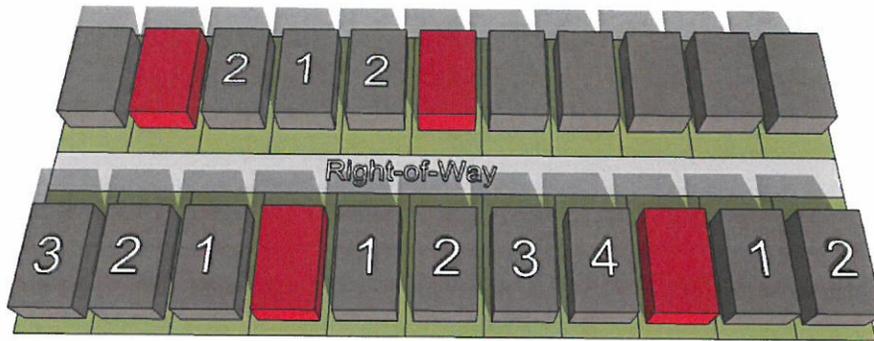
horizontal lap-siding (e.g. *HardiBoard* or *Hardy Plank*), and stucco (i.e. *three [3] part stucco* or a comparable -- to be determined by staff). Cementaceous products (e.g. *HardiBoard*, *Hardy Plank*, *Stucco*, etcetera) shall be limited to 50% of the masonry requirement.

- (b) *Roof Pitch*. A minimum of an 8:12 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 shall be accessed from a traditional 'J'-Swing or Swing type driveway arrangement. A second, single garage door facing the street is permitted behind the width of the required double door garage that is accessed from a traditional 'J'-Swing or Swing configuration.
4. *Anti-Monotony Restrictions*. The development shall adhere to the following *Anti-Monotony* restrictions (for spacing requirements see the illustration below):
- (1) Exterior wall materials must comply with the *Masonry Requirements* listed in *Section 3.(a)*. Additionally, all chimneys are required to utilize masonry materials.
  - (2) 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.
  - (3) Front building elevations shall not repeat along any block face without at least five (5) intervening homes of differing appearance on the same side of the street and two (2) intervening homes of differing appearance on the opposite side of the street. The rear elevation of homes backing to open spaces or on Dowell Road shall not repeat without at least two (2) intervening homes of differing appearance. Homes are consider to have a differing appearance if any of the following two (2) items deviate:
    - (a) Number of Stories
    - (b) Garage Location
    - (c) Roof Type and Layout
    - (d) Articulation of the Front Façade
  - (4) Crown molding will be installed in all living and family rooms, unless vaulted or pop-up ceilings are utilized. No *Formica* countertops maybe installed in kitchens and/or bathrooms, and vinyl flooring and blown acoustic ceilings are prohibited.
  - (5) Each phase of the subdivision will allow for a maximum of four (4) compatible roof colors, and all roof shingles shall be an architectural or dimensional shingle (*3-Tab Roofing Shingles are prohibited*).

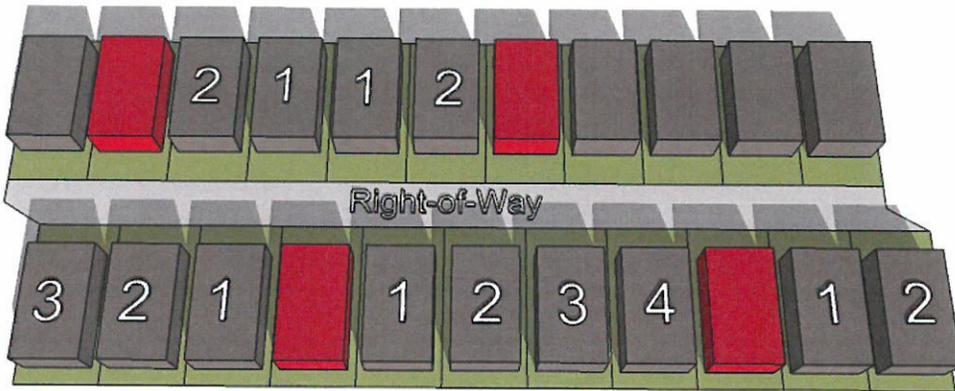
*See the Illustrations on the following page.*

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

**Exhibit 'C':**  
*Development Standards*



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



5. *Fencing Standards.* Fences are not mandatory for any lot within this subdivision; however, if a property owner chooses to construct a fence it will need to adhere to the following standards:
  - (a) *Solid Residential Fencing.* All solid residential fencing shall be cedar standard fencing material (minimum ½" thickness) or better (*spruce fencing is not allowed*). All cedar pickets shall be placed on the *public side* facing the street or neighboring property.
  - (b) *Wrought-Iron/Tubular Steel Fencing.* Lots located along perimeter roadways (*i.e. Dowell Road and Streets 'E' & 'A'*) and abutting open spaces, greenbelts and/or parks shall be required to install tubular steel fencing.
  - (c) *Common Area Fencing.* All common areas and perimeter fencing shall be maintained by a Homeowners Association (HOA) as specified by the *Subdivision Regulations* contained in *Chapter 38* of the City's *Municipal Code of Ordinances*. Common area fencing shall be constructed of tubular steel and not exceed four (4) feet in height.
  
6. *Landscaping.* At the time of final inspection, all single-family lots shall be landscaped with large canopy trees as follows:
  - (a) Two (2) minimum three (3) inch caliper trees, as measured six (6) inches above the root ball, shall be planted in the front yard of all interior lots.
  - (b) Two (2) minimum three (3) inch caliper trees, as measured six (6) inches above the root ball, shall be planted in the front yard of all corner lots and two (20 additional trees shall be planted in the side yard facing the street.

**Exhibit 'C':**  
*Development Standards*

*Note. Any existing trees that are in conformance with the tree mitigation requirements stipulated by Article IX, Tree Preservation, of the Unified Development Code, which can be preserved, will be counted as credits towards all required landscaping requirements.*

7. *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.
8. *Streets.* The street cross sections shall be as depicted within *Exhibit 'B'* of this ordinance. The property owner (with direct adjacency) shall be responsible for maintaining the area between edge of pavement and their property line (*i.e. the bar ditches/drainage areas*).
9. *Sidewalks.* Sidewalks shall be required to be located along the northern boundary of *Street 'C'* as depicted in *Exhibit 'B'* of this ordinance, and shall begin two (2) feet behind the right-of-way line and be a minimum of five (5') feet in width.
10. *On-Site Sewage Facilities. Septic Systems* are permitted on all lots within this subdivision pending conformance to the following standards:
  - (a) All *Septic Systems* shall be designed by a licensed *On-Site Sewage Facility (OSSF)* professional (*e.g. licensed engineer, sanitarian, and etcetera*).
  - (b) A stamped and signed copy of the *Septic System* plans indicating the full limits of the septic field shall be submitted to the city at the time of building permit on a *lot-by-lot* basis.
  - (c) All *Septic Systems* shall be inspected and approved by the City's chosen inspector.
11. *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 relocate existing overhead power-lines along the perimeter of the *Subject Property*.
12. *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.
13. *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, screening fences associated with this development.
14. *Variances.* The variance procedures and standards for approval that are set forth in the Unified Development Code shall apply to any application for variances to this ordinance.