

CITY OF ROCKWALL

ORDINANCE NO. 17-25

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 84 (PD- 84) FOR SINGLE FAMILY 7 (SF-7) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 30.36-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 1-01 OF THE S. R. BARNES SURVEY, ABSTRACT NO. 13, 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 from Rich Darragh of the Skorburg Company on behalf of the owner of the property, Bradley Joe Gideon, for the approval of a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 7 (SF-7) District land uses, on a 30.36-acre tract of land identified as a portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13, 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 *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 2. 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 3. That development of the *Subject Property* shall generally be in accordance with the *Development Standards*, described in *Exhibit 'C'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'C'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

Section 4. That development of the *Subject Property* 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 4(b) through 4(g) below*), shall be the exclusive procedures applicable to the subdivision and platting of the *Subject Property*.
- (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) PD Site Plan
 - (4) Preliminary Plat
 - (5) Final Plat
- (c) *Open Space Master Plan*. An *Open Space Master Plan* for the *Subject Property*, prepared in accordance with this ordinance and consistent with the *Planned Development Concept Plan*, (*Open Space Master Plan*) shall be considered for approval by the City Council following recommendation of the Parks and Recreation Board.
- (d) *Master Plat*. A *Master Plat* for the *Subject Property* 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 a *Open Space Master Plan* for the development.
- (e) *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.
- (f) *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.
- (g) *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 5. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars* (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

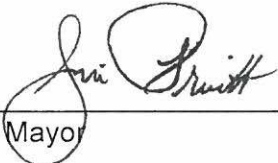
Section 6. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code, and the City Council declares that it would have adopted the valid portions and

applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

Section 7. The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code (including references to the *Unified Development Code*), and references to overlay districts, in this ordinance or any of the Exhibits hereto are those in effect on the date this ordinance was passed and approved by the City Council of the City of Rockwall, Texas;

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

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 1st DAY OF MAY, 2017.**



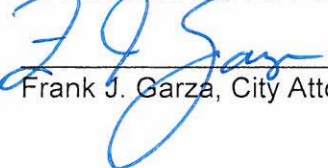
Jim Pruitt, Mayor

ATTEST:



Kristy Cole City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: April 17, 2017

2nd Reading: May 1, 2017

Exhibit 'A':
Legal Description

A tract of land in the S.R. Barnes Survey, Abstract No.13, Rockwall County, Texas, part of that called 80 acres described in a deed to Lonnie L. Gideon recorded in Volume 307, Page 256 of the Deed Records of Rockwall County, Texas, and further described as follows:

Beginning at the intersection of the west line of said 80 acres with the south line of S.H. 205 By-Pass, said point bearing South 01 deg. 23 min. 44 sec. East, 885.84 feet from a 3/8 inch steel rod found at the northwest corner of said 80 acres;

Thence along the line of S.H. 205 By-Pass as follows:

South 72 deg. 05 min. 21 sec. East 225.92 feet to a 1/2 inch steel rod set at a point of curve;

Southeasterly 1274.04 feet along a curve to the right having a radius of 1040.00 feet and a central angle of 70 deg. 11 min. 23 sec. (*Chord bears South 36 deg. 59 min. 40 sec. East, 1195.86 feet*) to a 1/2 inch steel rod

set; South 01 deg. 53 min. 59 sec. East 243.24 feet to a 1/2 inch steel rod set;

South 02 deg. 35 min. 02 sec. West 140.71 feet to a 1/2 inch steel rod set;

South 01 deg. 53 min. 59 sec. East 41.83 feet to a 1/2 inch steel rod set;

Southeasterly 191.03 feet along a curve to the left having a radius of 1571.00 feet and a central angle of 06 deg. 58 min. 01 sec. (*Chord bears South 05 deg. 22 min. 59 sec. East, 190.91 feet*) to a 1/2 inch steel rod set;

South 81 deg. 07 min. 40 sec. West 25.65 feet to a point;

South 10 deg. 47 min. 13 sec. East 26.00 feet to a point;

South 79 deg. 12 min. 47 sec. West 17.32 feet to a point;

Southwesterly 131.03 feet along a curve to the right having a radius of 742.50 feet and a central angle of 10 deg. 06 min. 40 sec. (*Chord bears South 84 deg. 16 min. 07 sec. West, 130.86 feet*) to a point;

South 83 deg. 33 min. 59 sec. West 82.52 feet to a point;

South 00 deg. 46 min. 04 sec. East 24.30 feet to a P-K nail set in the pavement of Quail Run Road;

South 89 deg. 22 min. 58 sec. West 664.18 feet along Quail Run Road to a point in the center of same, being the southwest corner of said 80 acres, a 1/2 inch steel rod set North 01 deg. 23 min. 44 sec. West 30.00 feet for witness;

Thence North 01 deg. 23 min. 44 sec. West 1727.17 feet along the west line of said 80 acres to the point of beginning, containing 30.337 acres of land, more or less.

Exhibit 'B': Concept Plan

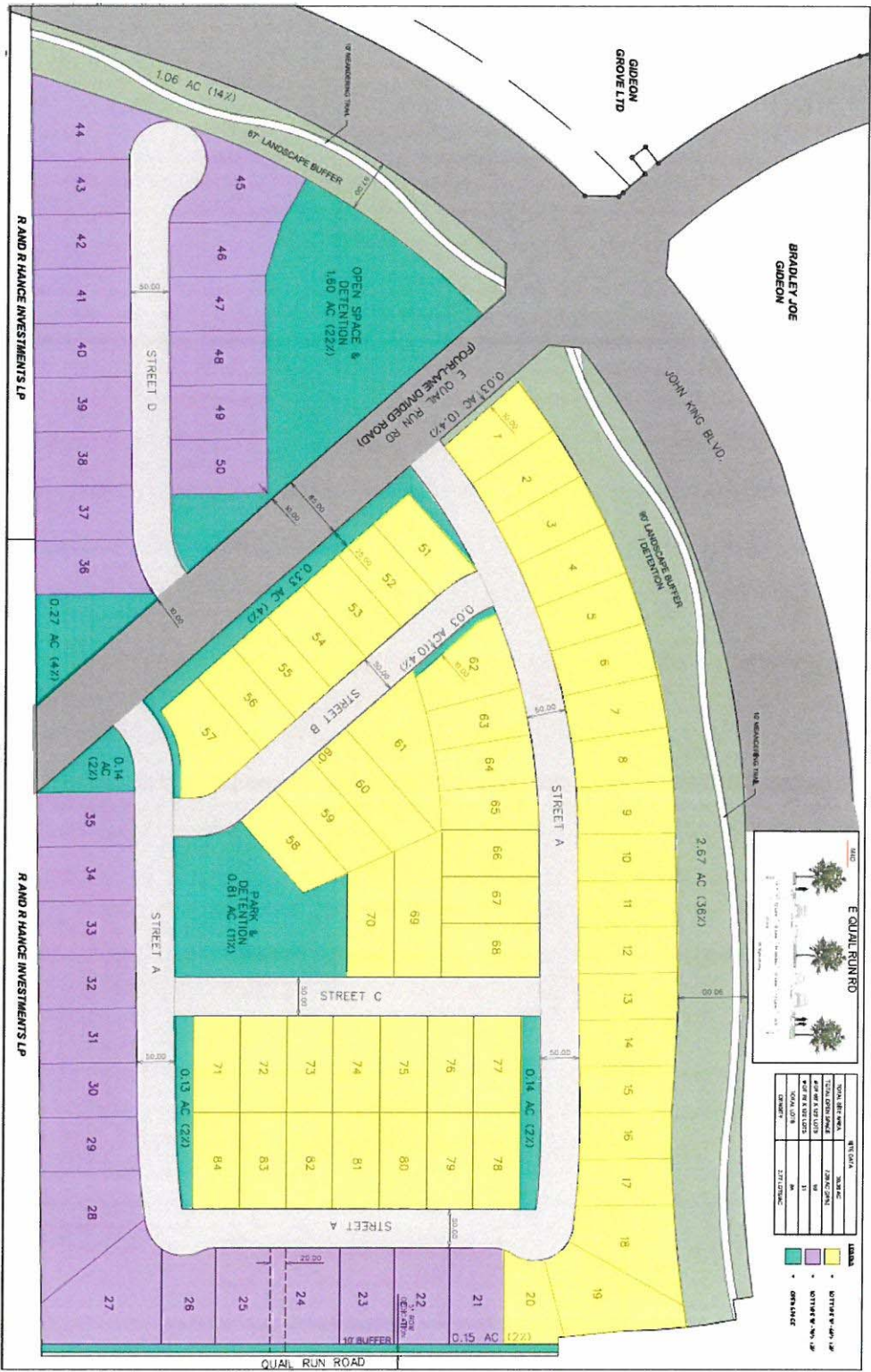


Exhibit 'C':
PD Development Standards

A. GENERAL REQUIREMENTS

Development Standards.

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), are allowed on the *Subject Property*.
2. *Lot Composition and Layout.* The lot layout and composition shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* and stated in *Table 1*, which is as follows:

Table 1: Lot Composition

<i>Lot Type</i>	<i>Minimum Lot Size (FT)</i>	<i>Minimum Lot Size (SF)</i>	<i>Dwelling Units (#)</i>	<i>Dwelling Units (%)</i>
A	60' x 120'	7,000 SF	53	63.10%
B	70' x 120'	8,400 SF	31	36.90%

Maximum Permitted Units: 84 100.00%

3. *Density and Dimensional Requirements.* Unless specifically provided by this Planned Development ordinance, the development standards stipulated by the Single Family 7 (SF-7) District, as specified by Article V, *District Development Standards*, of the Unified Development Code are applicable to all development on the *Subject Property*. The maximum permissible density for the *Subject Property* shall not exceed 2.77 dwelling units per gross acre of land; however, in no case should the proposed development exceed 84 units. All lots shall conform to the standards depicted in *Table 2*, which is as follows:

Table 2: Lot Dimensional Requirements

<i>Lot Type (see Concept Plan) ►</i>	<i>A</i>	<i>B</i>
<i>Minimum Lot Width/Frontage</i> ⁽¹⁾	60'	70'
<i>Minimum Lot Depth</i>	120'	120'
<i>Minimum Lot Area</i>	7,000 SF	8,400 SF
<i>Minimum Front Yard Setback</i> ⁽²⁾	20'	20'
<i>Minimum Side Yard Setback</i>	5'	5'
<i>Minimum Side Yard Setback (Adjacent to a Street)</i>	10'	10'
<i>Minimum Length of Driveway Pavement</i>	20'	20'
<i>Maximum Height</i>	36'	36'
<i>Minimum Rear Yard Setback</i>	10'	10'
<i>Minimum Area/Dwelling Unit (SF)</i>	1,500 SF	1,500 SF
<i>Maximum Lot Coverage</i>	65%	65%

General Notes:

- ¹: Lots fronting onto curvilinear streets, cul-de-sacs and eyebrows may have the front lot width reduced by 20% as measured at the front property line provided that the lot width will be met at the front building line. Additionally, the lot depth on lots fronting onto curvilinear streets, cul-de-sacs and eyebrows may be reduced by up to 10%, but shall meet the minimum lot size for each lot type as referenced within *Table 1*.
- ²: The Director of Planning or his designee may grant a reduction in the required 20-foot front yard building setback of up to five (5) feet for lots situated along cul-de-sacs or curvilinear streets, or where a 20-foot front yard building setback would create an undue hardship on the property.

4. *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 90%. For the purposes of this ordinance the masonry requirement shall be limited to full width brick, natural stone, cast stone, cementaceous fiberboard

Exhibit 'C':
PD 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).

- (b) *Roof Pitch.* A minimum of an 8:12 roof pitch is required on all structures with the exception of sunrooms and porches, which shall have a minimum of a 4:12 roof pitch. Rear elevations may have 6:12 roof pitch.
- (c) *Garage Orientation.* No more than 35% of garages will be allowed to be accessed from the street in a front entry format (i.e. *facing the street even with the front façade of the primary structure*); however, a minimum driveway length of 20-feet must be provided. The remaining garages will be in a “traditional swing” or “j-swing” format or have a garage door that is a minimum of 20-feet behind the front façade of the primary structure. No two (2) adjacent lots on the same side of the street may have front entry only garages facing the street.
5. *Anti-Monotony Restrictions.* The development shall adhere to the *Anti-Monotony Matrix* depicted in *Table 3* below (for spacing requirements see the illustration below).

Table 3 : Anti-Monotony Matrix

<i>Lot Type</i>	<i>Minimum Lot Size</i>	<i>Elevation Features</i>
A	60' x 120'	(1), (2), (3)
B	70' x 120'	(1), (2), (3)

- (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 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 John King Boulevard shall not repeat without at least five (5) intervening homes of differing appearance. Homes are considered to have a differing appearance if any of the following two (2) items deviate:
- (a) Number of Stories
 - (b) Permitted Encroachment Type and Layout
 - (c) Roof Type and Layout
 - (d) Articulation of the Front Façade
- (3) 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 1 & 2 on the following page.

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

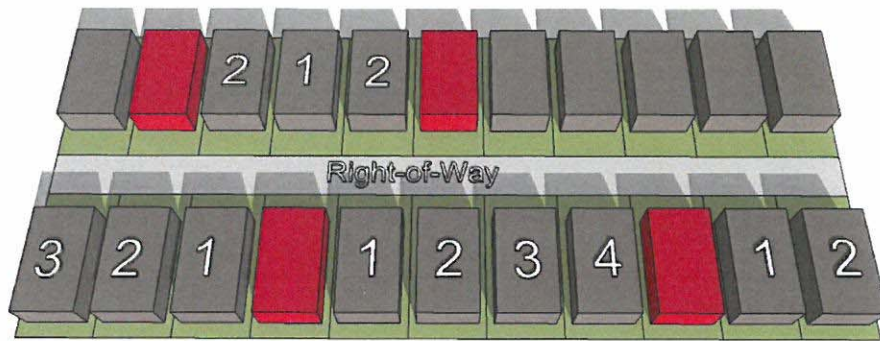
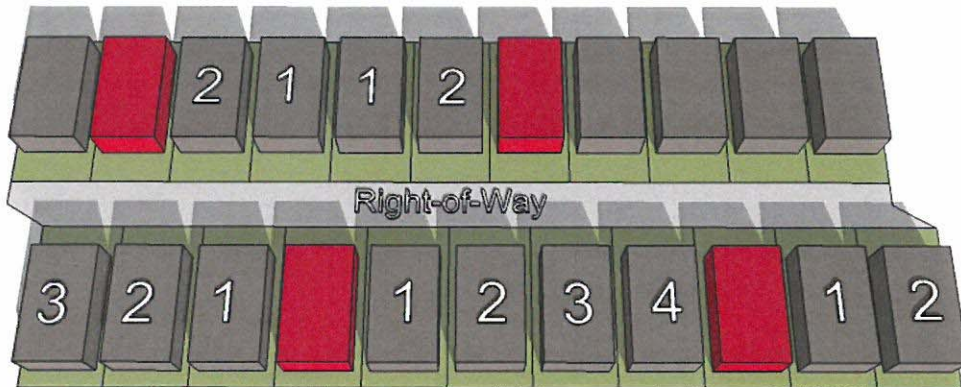


Illustration 2: Properties do not line up on opposite side of the street. Where RED are the same.



6. **Fencing Standards.** All individual residential fencing and walls shall be architecturally compatible with the design, materials and colors of the primary structure on the same lot, and meet the following standards:
- (a) **Wood Fences.** All wood fences shall be constructed of a standard fencing material (*minimum of ½" thickness or better; spruce fencing will not be allowed*), and use fasteners that are hot dipped galvanized or stainless steel. Generally, the Wood Fences shall be cedar, with a maximum height of 6 feet, with metal posts. Wood fences facing onto a street shall be painted and/or stained and sealed with all pickets being placed on the *public side* facing the street. All wood fences shall be smooth-finished, free of burs and splinters, and be a maximum of six (6) feet in height.
 - (b) **Wrought Iron/Tubular Steel.** Lots located along the perimeter of roadways, abutting open spaces, greenbelts and parks shall be required to install a wrought iron or tubular steel fence. Wrought iron/tubular steel fences can be a maximum of six (6) feet in height.
 - (c) **Corner Lots.** Corner lots fences (*i.e. adjacent to the street*) shall provide masonry columns at 45-feet off center spacing that begins at the rear of the property line. A maximum of six (6) foot solid *board-on-board panel* fence constructed utilizing cedar fencing shall be allowed between the masonry columns along the side and/or rear lot adjacent to a street. In addition, the fencing shall be setback from the side property line adjacent to a street a minimum of five (5) feet. The property owner shall be required to maintain both sides of the fence.
 - (d) **Solid Fences (including Wood Fences).** All solid fences shall incorporate a decorative top rail or cap detailing into the design of the fence.

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7. *Landscape and Hardscape Standards.*

- (1) *Landscape.* Landscaping shall be reviewed and approved with the PD Site Plan. All *Canopy/Shade Trees* planted within this development, unless specifically provided by this PD Ordinance, shall be a minimum of three (3) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of three (3) feet in total height. The following tree species are approved for planting within this subdivision:
 - (a) *Canopy/Shade Trees.* Bald Cypress, Cedar Elm, Texas Red Oak, Homestead Elm, Lace Bark Elm, Alle Elm, Chinese Pistachio, Shumard Oak, Sycamore, and Burr Oak.
 - (b) *Accent/Ornamental/Under-Story Trees.* Texas Redbud, Eve's Necklace, Mexican Plum, Downy Hawthorn, Crepe Myrtle, Texas Mountain Laurel, Vitex, and Desert Willow.
- (2) *Landscape Buffers.* All landscape buffers and plantings located within the buffers shall be maintained by the Homeowner's Association (HOA).
 - (a) *Landscape Buffer and Sidewalks (John King Boulevard).* A minimum of a 50-foot landscape buffer shall be provided along the frontage of John King Boulevard (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. The developer shall also be responsible for the construction of a ten (10) foot sidewalk situated within the 50-foot landscape buffer adjacent to John King Boulevard.
 - (b) *Landscape Buffer (E. Quail Run Road).* A minimum of a 25-foot landscape buffer shall be provided along the frontage of E. Quail Run Road (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, and shrubbery 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 one (1), three (3) inch canopy tree shall be planted per 50-feet of linear frontage.
 - (c) *Landscape Buffer ("Old" E. Quail Run Road).* A minimum of a 10-foot landscape buffer shall be provided along the frontage of "Old" E. Quail Run Road [located along the southern boundary of the development (*outside of and beyond any required right-of-way dedication*)], and shall incorporate ground cover, and shrubbery 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 one (1), three (3) inch canopy tree shall be planted per 25-feet of linear frontage.
- (3) *Streetscape Landscaping.* Prior to the issuance of a Certificate of Occupancy (CO), all residential, single family lots situated within the proposed subdivision shall be landscaped with canopy trees from the list stipulated by *Section 7(1)* of this ordinance in the following sizes and proportions:
 - (i) Two (2), three (3) inch trees measured six (6) inches above the root ball shall be planted in the front yard of an interior lot.

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- (ii) Two (2), three (3) inch trees measured six (6) inches above the root ball shall be planted in the front yard of a corner lot and two (2), three (3) inch caliper trees shall be planted in the side yard facing the street.

Note: For the purposes of this section only [i.e. Section 7(3)], the term "front yard" includes the area within the dedicated right-of-way for a parkway immediately adjoining the front yard of the lot.

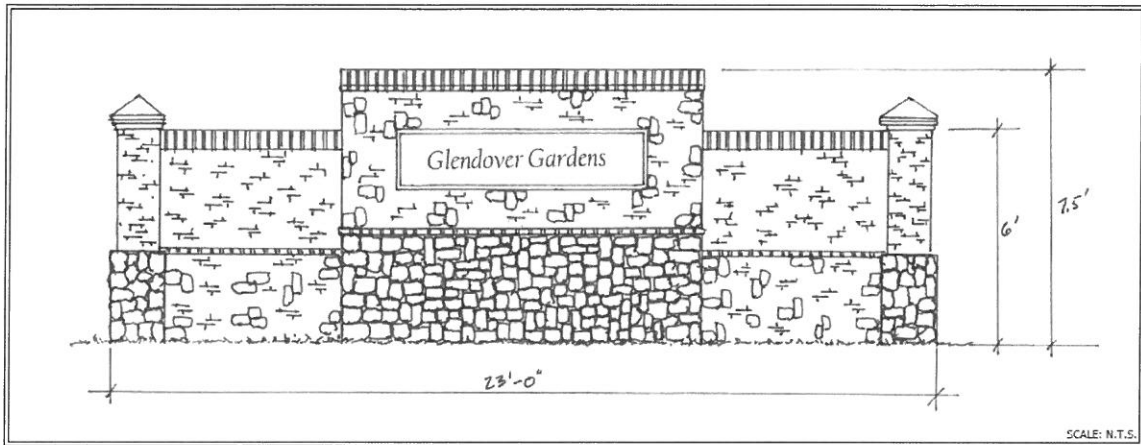
- (4) *Irrigation Requirements.* Irrigation shall be installed for all required landscaping located within common areas, landscape buffers and/or open space. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect and shall be maintained by the Homeowner's Association.
- (5) *Hardscape.* Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the PD Site Plan.
- 8. *Street.* All streets (*excluding drives, fire lanes and private parking areas*) shall be built according to City street standards.
- 9. *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.
- 10. *Sidewalks.* At a minimum, all sidewalks located on lay down curb section streets shall begin four (4) feet behind the back of curb and be a minimum of five (5) feet in overall width.
- 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 (*i.e. 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*, except along John King Boulevard. 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.
- 12. *Open Space.* The development shall consist of a minimum of 24.2% open space (*or 7.36-acres*), and generally conform to the *Open Space Plan* contained in *Exhibit 'B'* of this ordinance. All open space areas shall be maintained by the Homeowner's Association (HOA).
- 13. *Neighborhood Signage.* Permanent subdivision identification signage shall be permitted at all major entry points for the proposed subdivision and shall generally conform to the signage depicted in *Figure 1 (below)*. Final design and location of any entry features shall be reviewed and approved with the *PD Site Plan*.

See the following illustration [Figure 1] below.

Exhibit 'C':
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Figure 2: Example of Subdivision Signage Design
Standard

MONUMENT SIGNAGE



14. *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.
15. *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.