

CITY OF ROCKWALL

ORDINANCE NO. 22-32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT AND COMMERCIAL (C) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT 96 (PD-96) FOR LIMITED COMMERCIAL (C) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 13.55-ACRE TRACT OF LAND IDENTIFIED AS LOTS 8R, 9R, & 10 OF THE RAINBOW ACRES SUBDIVISION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' AND DEPICTED HEREIN BY EXHIBIT 'B'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Fred Gans of CDC Equities, LLC for a change in zoning from an Agricultural (AG) District and Commercial (C) District to a Planned Development District for limited Commercial (C) District land uses for a 13.55-acre tract of land identified as Lots 8R, 9R, & 10 of the Rainbow Acres Subdivision, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Commercial (C) District, and more fully described in *Exhibit 'A'* and depicted in *Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [*Ordinance No. 20-02*] should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

SECTION 1. That the *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. 20-02*] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future;

SECTION 2. That development of the *Subject Property* shall generally be in accordance with the *Concept Plan*, depicted 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 3. That development of any buildings on the *Subject Property* shall generally be in accordance with the *Concept Building Elevations*, depicted in *Exhibit 'D'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'D'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

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

SECTION 5. That the official zoning map of the City be corrected to reflect the changes in the zoning described herein;


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;

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 6TH DAY OF JUNE, 2022.



Kevin Fowler, Mayor

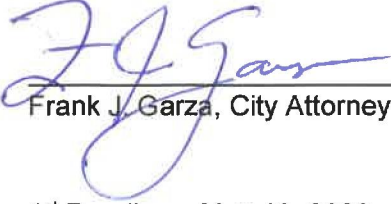
ATTEST:



Kristy Teague, City Secretary



APPROVED AS TO FORM:



Frank J. Garza, City Attorney

1st Reading: May 16, 2022

2nd Reading: June 6, 2022

Exhibit 'A':
Legal Description

BEING a 13.541-acre tract of land situate in the W.W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, and a portion of a 70.06-acre tract of land described by deed conveyed to J. A. Wilkerson, Jr. dated March 29, 1941, from J. H. Weddington, recorded in Vol. 36, Page 522, Deed Records, Rockwall County, Texas (D.R.R.C.T.), said 13.541-acre tract of land being more particularly described as follows:

Lots 8R & 9R, Replat of Rainbo Acres Addition, Lots 8 and 9, an Addition to the City of Rockwall, Rockwall County, Texas, according to the plat thereof recorded in Cabinet F, Slides 377 and 378, Plat Records, Rockwall County, Texas (P.R.R.C.T.);

Together with, Lots 10 and 11 of Rainbo Acres Subdivision as shown by Plat recorded in Cabinet A, Slide 20, Plat Records of Rockwall County, Texas (P.R.R.C.T.), and being further described by metes and bound as follows:

BEGINNING at a ½" iron rod found being common to the westerly corner of said Lot 8R Rainbo Acres Addition and the southerly corner of Lot 7 shown in said Cabinet A, Slide 20, said iron rod also being on the northeasterly right-of-way line of F.M. 3097 Horizon Road (a 100 foot width public right-of-way);

THENCE departing said right-of-way line, North 44°39'29" East, along the line common with the northwesterly line of said Lot 8R and the southeasterly line of Lots 7 & 12 of said Rainbo Acres Subdivision, Cabinet A, Slide 20, 812.02 feet to a ½" iron rod found for the easterly corner of said Lot 12 and the southerly corner of Lot 25, in accordance with the Replat of Rainbo Acres, Inst.#2021000007850, Plat Records, Rockwall County, Texas (P.R.R.C.T.);

THENCE North 44°10'42" East, along the line common with the northwesterly line of said Lot 8R and the southeasterly line of said Lot 25, 266.49 feet to a ½" iron rod found for the northerly corner of said Lot 8R and the easterly corner of said Lot 25, said point being on the westerly line of a tract of land described by deed to Wallace Land Partners, recorded in Vol. 2017, Page 76, Deed Records, Rockwall County, Texas (D.R.R.C.T.);

THENCE South 00°36'51" East, along the line common with the westerly line of said Wallace Land Partners and the easterly line of said Lots 8R & 9R, 682.52 feet to a ½" iron rod found for the easterly corner of said Lot 9R and the northerly corner of said Lot 10, Rainbo Acres Subdivision, said point being on the westerly line of said Wallace Land Partners tract;

THENCE South 00°58'38" East, along the line common with the westerly line of said Wallace Land Partners, the westerly line of a tract of land described by deed to Patricia Lou Wallace Luecke, recorded in Vol. 186, Page 11, Deed Records, Rockwall County, Texas (D.R.R.C.T.) and the easterly line of said Lots 10 & 11, Rainbo Acres Subdivision, 862.18 feet to a ½" iron rod found for the southerly corner of said Lot 11 and the westerly corner of said Patricia Lou Wallace Luecke tract, said point being on the northeasterly right-of-way line of F.M. 3097 Horizon Road (a 100 foot width public right-of-way);

THENCE North 45°05'54" West, along the line common with said northeasterly right-of-way line and the southwestery line of said Lots 11 & 10, Rainbo Acres Subdivision and said Lots 9R & 8R, Rainbo Acres Addition, 1099.06 feet to the *POINT OF BEGINNING* and containing 13.541 acres of land, more or less.

Reference bearing basis being grid north, Texas state plane coordinates, north central zone, NAD83 (adjustment 2011, epoch date 2010), determined by GPS observations.

Exhibit 'B': Survey

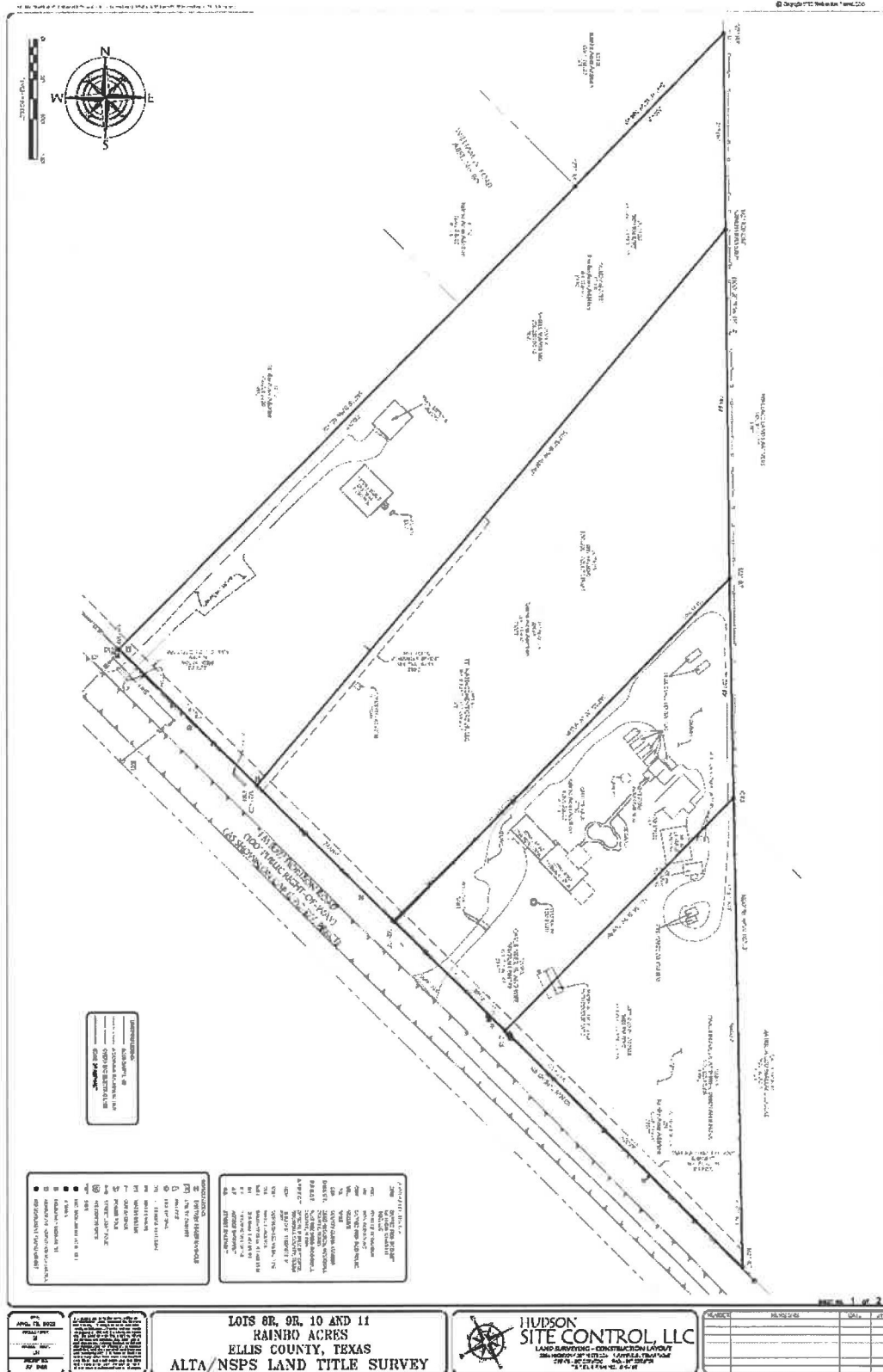
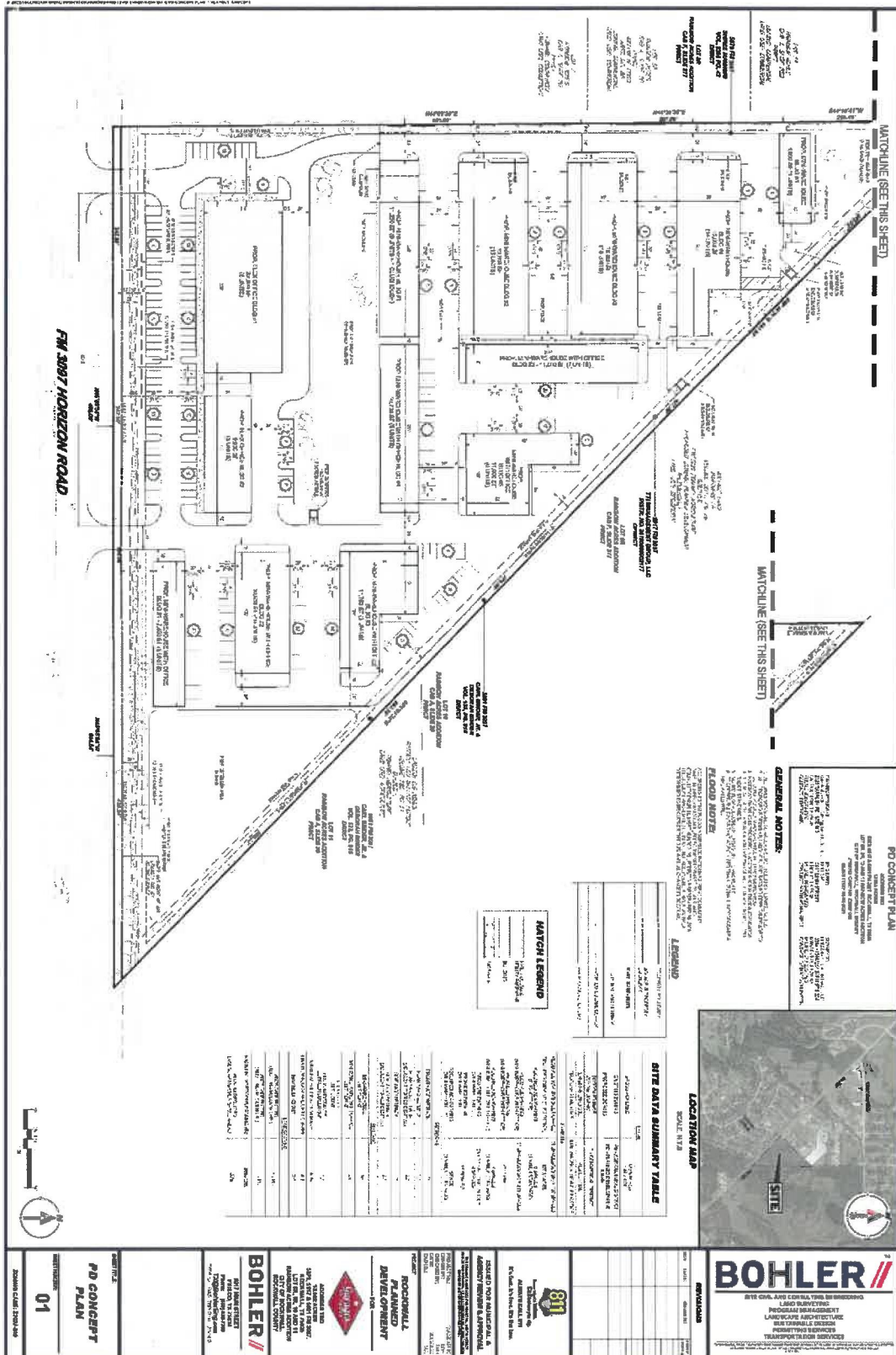


Exhibit 'C': Concept Plan



GENERAL NOTES:

1. ALL PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ROCKWALL ZONING ORDINANCES AND THE TEXAS LAND SURVEYING ACT.
2. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ROCKWALL SUBDIVISION ORDINANCES AND THE TEXAS LAND SURVEYING ACT.
3. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ROCKWALL UTILITY ORDINANCES AND THE TEXAS LAND SURVEYING ACT.
4. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ROCKWALL ENVIRONMENTAL ORDINANCES AND THE TEXAS LAND SURVEYING ACT.
5. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ROCKWALL PLANNING ORDINANCES AND THE TEXAS LAND SURVEYING ACT.

FLOOD NOTES:

1. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ROCKWALL FLOOD ORDINANCES AND THE TEXAS LAND SURVEYING ACT.

PD CONCEPT PLAN

DATE: 01/15/2022

PROJECT: PD CONCEPT PLAN

CLIENT: BOHLER

LOCATION: 3807 HORIZON ROAD, ROCKWALL, TX 75087

SCALE: AS SHOWN

LEGEND

PROPOSED CONSTRUCTION	EXISTING CONSTRUCTION
PROPOSED PAVEMENT	EXISTING PAVEMENT
PROPOSED UTILITY	EXISTING UTILITY
PROPOSED FENCE	EXISTING FENCE
PROPOSED SIGN	EXISTING SIGN
PROPOSED LANDSCAPE	EXISTING LANDSCAPE



SITE DATA SUMMARY TABLE

ITEM	DESCRIPTION	QUANTITY	REMARKS
1	PROPOSED CONSTRUCTION	1	AS SHOWN
2	EXISTING CONSTRUCTION	1	AS SHOWN
3	PROPOSED PAVEMENT	1	AS SHOWN
4	EXISTING PAVEMENT	1	AS SHOWN
5	PROPOSED UTILITY	1	AS SHOWN
6	EXISTING UTILITY	1	AS SHOWN
7	PROPOSED FENCE	1	AS SHOWN
8	EXISTING FENCE	1	AS SHOWN
9	PROPOSED SIGN	1	AS SHOWN
10	EXISTING SIGN	1	AS SHOWN
11	PROPOSED LANDSCAPE	1	AS SHOWN
12	EXISTING LANDSCAPE	1	AS SHOWN



BOHLER

811

ROCKWALL PLANNING DEPARTMENT

01

PD CONCEPT PLAN

3807 HORIZON ROAD

Exhibit 'D':
Concept Building Elevations



Exhibit 'E':
Development Standards

All development occurring within the boundaries of the *Subject Property* shall conform to the development and land use standards contained in this Planned Development District ordinance. Development and land use standards not explicitly mentioned in this ordinance shall be governed by *Ordinance No. 20-02* and be subject to all pertinent development and land use standards for a Commercial (C) District as specified by the Unified Development Code (UDC). All sections of the Unified Development Code (UDC) referenced in this section of the Planned Development District Ordinance shall be as is and as amended in the future.

E.1 PURPOSE.

The purpose of this Planned Development District is to provide provisions that control the development of a *Mini-Warehouse Facility* and *Office/Warehouse Buildings* on the subject property.

E.2 LAND USE AND DEVELOPMENT STANDARDS.

(1) *Permitted Uses*. Unless specifically provided for by this Planned Development District Ordinance, only those uses permitted within the Commercial (C) District, as stipulated by Article 04, *Permissible Uses*, of the Unified Development Code (UDC), as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future; however, the following conditions shall apply:

(a) The following land uses shall be permitted *By-Right*:

- Mini-Warehouse¹
- Warehouse²

Notes:

⁽¹⁾: The following *Conditional Land Use Standards* are required with the establishment of this land use:

- (1) A caretakers quarters shall prohibited in conjunction with the *Mini-Warehouse* land use.
- (2) The front, side and rear building setback areas shall be landscaped. Landscaping should be clustered, creating interesting relief from the large industrial nature of the buildings. This will be reviewed at the time of site plan for conformance.
- (3) The commercial operation of rental trucks and trailers shall be prohibited.
- (4) Businesses shall be permitted to operate in the individual units; however, the business shall conform to the permitted uses as specified in this Planned Development District Ordinance.
- (5) No outside storage of any kind shall be allowed.
- (6) Lighting standards shall be limited to 20-feet.

⁽²⁾: As an accessory use to an office.

(b) The following land uses shall be expressly *Prohibited*:

- Agricultural Uses on Unplatted Land
- Animal Boarding/Kennel without Outside Pens
- Animal Clinic for Small Animals without Outdoor Pens
- Animal Hospital or Clinic
- Community Garden
- Urban Farm
- Covenant, Monastery, or Temple
- Limited Service Hotel

Exhibit 'E':
Development Standards

- Full-Service Hotel
- Residence Hotel
- Motel
- Assisted Living Facility
- Blood Plasma Donor Center
- Cemetery/Mausoleum
- Church/House of Worship
- College, University, or Seminary
- Convalescent Care Facility/Nursing Home
- Congregate Care Facility/Elderly Housing
- Daycare Facility
- Emergency Ground Ambulance Services
- Government Facility
- Hospice
- Hospital
- Public Library
- Mortuary or Funeral Chapel
- Local Post Office
- Regional Post Office
- Public or Private School
- Financial Institution with a Drive-Through
- Temporary Carnival, Circus, or Amusement Ride
- Indoor Commercial Amusement/Recreation
- Outdoor Commercial Amusement/Recreation
- Public or Private Community or Recreation Club as an Accessory Use
- Private Country Club
- Golf Driving Range
- Temporary Fundraising Events by Non-Profit
- Indoor Gun Club with Skeet or Target Range
- Health Club or Gym
- Private Club, Lodge or Fraternal Organization
- Private Sports Arena, Stadium, and/or Track
- Tennis Courts (*i.e. Not Accessory to a Public or Private Country Club*)
- Theater
- Antique/Collectible Store
- Astrologer, Hypnotist, or Psychic
- Banquet Facility/Event Hall
- Portable Beverage Service Facility
- Brew Pub
- Business School
- Catering Service
- Temporary Christmas Tree Sales Lot and/or Similar
- Copy Center
- Craft/Micro Brewery, Distillery and/or Winery
- Incidental Display
- Food Trucks/Trailers
- Garden Supply/Plant Nursery
- General Personal Service
- Hair Salon and/or Manicurist
- Laundromat with Dropoff/Pickup Services
- Self Service Laundromat
- Massage Therapist
- Private Museum or Art Gallery

Exhibit 'E':
Development Standards

- Night Club, Discotheque, or Dance Hall
- Pawn Shop
- Permanent Cosmetics
- Pet Shop
- Temporary Real Estate Sales Office
- Rental Store without Outside Storage and/or Display
- Restaurant with less than 2,000 SF with Drive-Through or Drive-In
- Restaurant with less than 2,000 SF without Drive-Through or Drive-In
- Restaurant with 2,000 SF or more with Drive-Through or Drive-In
- Restaurant with 2,000 SF or more without Drive-Through or Drive-In
- Retail Store with Gasoline Sales that has Two (2) or less Dispensers (*i.e. a Maximum of Four [4] Vehicles*)
- Retail Store with Gasoline Sales that has more than Two (2) Dispensers
- Secondhand Dealer
- Tailor, Clothing, and/or Apparel Shop
- Bail Bond Service
- Building and Landscape Material with Outside Storage
- Electrical, Watch, Clock, Jewelry and/or Similar Repair
- Furniture Upholstery/Refinishing and Resale
- Rental, Sales and Service of Heavy Machinery and Equipment
- Locksmith
- Shoe and Boot Repair and Sales
- Trade School
- Minor Automotive Repair Garage
- Automobile Rental
- New or Used Boat and Trailer Dealership
- Full Service Car Wash and Auto Detail
- Self Service Car Wash
- New Motor Vehicle Dealership for Cars and Light Trucks
- Used Motor Vehicle Dealership for Cars and Light Trucks
- Commercial Parking
- Recreational Vehicle (RV) Sales and Service
- Service Station
- Temporary Asphalt or Concrete Batch Plant
- Mining and Extraction of Sand, Gravel, Oil and/or Other Materials
- Commercial Antenna
- Antenna for an Amateur Radio
- Radio Broadcasting

(2) *Density and Dimensional Requirements*. Unless specifically provided by this Planned Development District ordinance, the density and dimensional standards stipulated by the Commercial (C) District, as specified by Article 05, *District Development Standards*, of the Unified Development Code (UDC) are applicable to all development of the *Subject Property*. All development shall also conform to the following additional standards:

(a) *Building Height*. The building height for all buildings shall be limited to a maximum height of 36-feet.

(3) *Architectural and Building Standards*. Unless specifically provided by this Planned Development District ordinance, the development standards stipulated by the Commercial (C) District, as specified by Article 05, *District Development Standards*, of the Unified Development Code (UDC) are applicable to all development of the

Exhibit 'E':
Development Standards

Subject Property; however, the buildings shall generally adhere to the *Concept Building Elevations contained in Exhibit 'D'*. In addition, buildings fronting onto or that have visibility from Horizon Road (FM-3097) shall meet the *General Overlay District Standards* stipulated by Section 06, *Overlay Districts*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC). These standards shall only apply to the building façades front onto or that have visibility from Horizon Road (FM-3097).

- (4) *Landscaping and Hardscape Standards*. Unless specifically provided by this Planned Development District ordinance, the landscape and hardscape standards stipulated by Article 05, *District Development Standards*, and Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC) are applicable to all development of the *Subject Property*. In addition, the landscape buffer requirements for the development of the *Subject Property* shall be as follows:
 - (a) *Landscape Buffer and Sidewalk (Horizon Road)*. A minimum of a 20-foot landscape buffer shall be provided along Horizon Road (FM-3097) (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* undulating berm and shrubbery along the entire length of the frontage. Berms and shrubbery shall have a minimum height of 30-inches. In addition, three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. A meandering/curvilinear six (6) foot trail shall be constructed within the 20-foot landscape buffer.
 - (b) *Landscape Areas Adjacent to the Eastern Property Line*. A minimum of a ten (10) foot landscape buffer shall be provided adjacent to the eastern boundary (*i.e. adjacent to Tracts 44-01 & 45-5 of the W. W. Ford Survey, Abstract No. 80*), and shall incorporate ground cover and a shrubbery along the entire length of the frontage. Within this buffer the applicant shall provide canopy trees on 20-foot centers along the entire adjacency.
- (5) *Variances*. The variance procedures and standards for approval that are set forth in the Unified Development Code (UDC) shall apply to any application for variances to this ordinance.