

CITY OF ROCKWALL

ORDINANCE NO. 08-39

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A "DAYCARE (7 OR MORE CHILDREN)" ON A 2.96-ACRE TRACT ZONED (PD-41) PLANNED DEVELOPMENT NO. 41 DISTRICT AND (SF-10) SINGLE FAMILY RESIDENTIAL DISTRICT, AND INCLUDING ALL OF LOT 1, BLOCK S, THE PRESERVE PHASE 3 ADDITION AND A 1.4376-ACRE TRACT DESCRIBED AS TRACT 12, ABSTRACT 98, A. HANNA SURVEY, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HEREIN; 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**, a request by Tim Spiars of Spiars Engineering, Inc., has been received for a Specific Use Permit (SUP) to allow for a "Daycare (7 or More Children)" on a 2.96-acre tract zoned (PD-41) Planned Development No. 41 district and (SF-10) Single Family Residential district, and including all of Lot 1, Block S, The Preserve Phase 3 Addition and a 1.4376-acre tract described as Tract 12, Abstract 98, A. Hanna Survey, and more specifically described in Exhibit "A" attached 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, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code of the City of Rockwall should be amended as follows:

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Rockwall, Texas:

**Section 1.** That the Unified Development Code of the City of Rockwall, as heretofore amended, be and the same is hereby amended by the approval of a Specific Use Permit to allow for a "Daycare (7 or More Children)" on a 2.96-acre tract zoned (PD-41) Planned Development No. 41 district and (SF-10) Single Family Residential district, and including all of Lot 1, Block S, The Preserve Phase 3 Addition and a 1.4376-acre tract described as Tract 12, Abstract 98, A. Hanna Survey, and more specifically described in Exhibit "A" attached herein; and

**Section 2.** That the Specific Use Permit shall be subject to the conditions set forth in **Ordinance No. 01-27 (PD-41)** and **Article V, Section 3.4, (SF-10) Single Family Residential District** of the City of Rockwall Unified Development Code (Ord. No. 04-38) as heretofore amended and as may be amended in the future, and shall be subject to the additional following additions:

1. That future development of a daycare shall be subject to site plan review, including Architectural Review, and shall comply with all requirements of the Unified Development Code.

2. That special design consideration shall be given to the existing conditions of the site during the site plan review process, including the preservation of existing topography and/or tree cover to the extent possible, with the intent to maintain the existing natural qualities of the site and minimize impact to adjacent residential neighborhoods.
3. That a minimum 10-ft landscape buffer strip shall be required along the frontage of North Lakeshore Drive and Old Alamo Road. Additionally, at least one (1) evergreen canopy tree per thirty (30) linear feet shall be required, along with a combination of berms, shrubs and accent trees to ensure appropriate screening of the parking area(s) from adjacent residential uses.
4. That all permanent free standing signs shall be limited to monument signs not exceeding five (5) feet in height or a maximum of sixty (60) square feet in area per sign face.
5. That in addition to the requirements of the outdoor lighting ordinance, no light pole (including base) or wall-mounted light fixture shall exceed fifteen feet in height, and all lighting fixtures shall focus light downward and be contained entirely on the site.
6. That any daycare constructed on this site shall be limited to single story, and shall be designed with a pitched roof system.
7. That all outdoor play areas shall be located towards the rear of the building as depicted on the conceptual site plan.
8. The existing "prescriptive" right-of-way of the original Alamo Road shall be corrected prior to or concurrently with the final replat of the subject property.

**Section 3.** That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

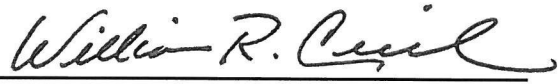
**Section 4.** That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

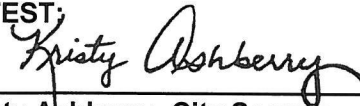
**Section 5.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.


**Section 6.** 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 No. 04-38 of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable.

**Section 7.** 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 4<sup>th</sup> day of August, 2008.

  
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William R. Cecil, Mayor

ATTEST:  
  
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Kristy Ashberry, City Secretary

APPROVED AS TO FORM:  
  
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Pete Eckert, City Attorney



1<sup>st</sup> Reading: 07-21-08  
2<sup>nd</sup> Reading: 08-04-08

