

CITY OF ROCKWALL

ORDINANCE NO. 04-54

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED SO AS TO APPROVE A CHANGE IN ZONING FROM (AG), AGRICULTURAL DISTRICT TO (PD-58), PLANNED DEVELOPMENT DISTRICT FOR A 74.522-ACRE TRACT KNOWN AS A PART OF TRACT 1, J.M. GASS SURVEY, ABSTRACT NO. 88, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETOFORE AND MADE A PART HEREOF; 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 zoning change from (Ag), Agricultural District to (PD-58), Planned Development No. 58 District has been requested by John Freese of JFA Rockwall Land, Ltd., for a 74.522 acre tract of land located along the south side of FM 552 and west side of FM 1141, known as a part of Tract 1, J.M. Gass Survey, Abstract No. 88, and more specifically described in Exhibit "A" attached hereto and made a part hereof; 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 Comprehensive Zoning Ordinance 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 Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, be and the same is hereby amended by the approval of a zoning change from (Ag), Agricultural District to (PD-58), Planned Development No. 58 District, for a 74.522 acre tract of land known as a part of Tract 1, J.M. Gass Survey, Abstract No. 88, and more specifically described in Exhibit "A" attached hereto and made a part hereof.

Section 2. That the tract of land described in the attached Exhibit "A" shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Rockwall as heretofore amended, as amended herein by granting of this approval shall affect only the property described in the attached Exhibit "A" and said property shall be limited to the uses, density, area, setback and other requirements set forth herein.

Section 3. That development in the area indicated as **Exhibit "A"**, attached hereto, shall be subject to the approved concept/preliminary plan, **Exhibit "B"**, and shall be subject to the permitted uses of **Article IV, Permissible Uses and Article V, District Development Standards for Section 3.4 (SF-10) Single-Family Residential District** of the City of Rockwall Comprehensive Zoning Ordinance as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, (Ordinance No. 04-38), with the following additional conditions and restrictions:

1. That the approved concept plan attached hereto as Exhibit "B", shall control the development of Planned Development District No. 58 and any and all such development shall be in strict accordance with such concept plan and development criteria.
2. No substantial change in development of "PD-58" shall be permitted except after obtaining approval of the change of such development through amendment of the concept plan in the manner required for changes or amendments to the Comprehensive Zoning Ordinance.
3. Maximum density – *Less than 2 dwelling units per acre of land (gross)*
4. Minimum square footage per dwelling unit – *1,800 sq. ft. of living area only, not to include eaves, porches, garages and breezeways.*
5. Minimum lot frontage on a public street – *80 feet*
 - a. Minimum lot frontage on a cul-de-sac or curvilinear street measured at the front building setback line – *75 feet*
6. An anti-monotony restriction shall be developed so as not to allow the same structure in terms of materials and elevation any closer than five (5) houses apart on either side of the street.
7. All common areas and dedicated landscape easements and open space areas shall be maintained by a Homeowner's Association, including areas of landscaping in the public right-of-way. Permanent subdivision identification signage shall be permitted at all major entry points as per the requirements of the City of Rockwall sign ordinance.
8. A landscape/screening buffer shall be required along FM 552, FM 1141 and North Country Lane and those areas along the North/South collector street as per the attached concept plan (Exhibit "B"). The buffer shall include tree plantings at one per thirty feet from the City of Rockwall approved tree replacement list, and a 6 foot high tubular steel fence with masonry columns and shrubs as indicated on the concept plan.

9. For any premises located in this Planned Development District , the premise shall have one (1) shade tree located within 15 feet of the front lot line for each fifty (50) feet of lot width or portion thereof, measured along the front lot line. Trees may be clustered or spaced linearly and need not be placed evenly at 50-foot intervals.
10. The required trees and landscaping shall be installed prior to issuance of a Certificate of Occupancy for the premises, and shall be maintained in a living and growing condition by the owner of the premises. The required trees shall be a minimum of three-inch (3") caliper measured forty-eight inches (48") above the ground, with a required minimum height of seven feet (7'). If the tree is located on a slope, measurement shall be from the highest side of the slope. The trees shall be selected from the current City of Rockwall approved tree replacement list.
11. No wood fences shall be allowed along the side and/or rear yard of any lot adjacent to a street.
12. A homeowner's association duly incorporated in the State of Texas shall be incorporated and each lot/homeowner shall be a mandatory member. This association shall be established to ensure the proper maintenance of all common areas, either public or private, as desired, to be maintained by the association. The bylaws of this association shall establish a system of payment of dues, a system of enforcement of its rules and regulations; a clear and distinct definition of the responsibility of each member, and such other provisions as are reasonably deemed appropriate to secure a sound and stable association. The bylaws shall be submitted to the Director of Planning for review and approval prior to construction.

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

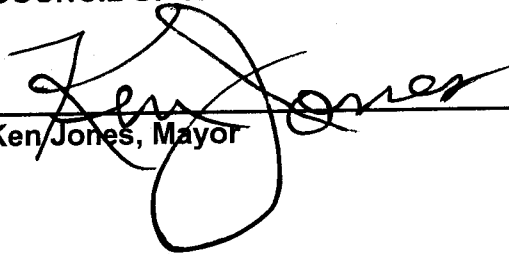
Section 6. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

Section 7. 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 Comprehensive Zoning Ordinance 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.

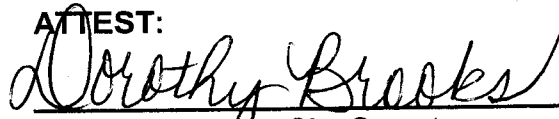
Section 8. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

Section 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.

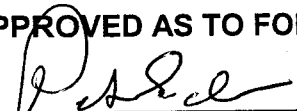
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 7th day of September, 2004.



Ken Jones, Mayor

ATTEST:


Dorothy Brooks, City Secretary

APPROVED AS TO FORM:


Pete Eckert, City Attorney

1st Reading: 8-16-04 _____

2nd Reading: 9-07-04 _____

