

CITY OF ROCKWALL

ORDINANCE NO. 04-59

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 (SF-7) SINGLE FAMILY RESIDENTIAL DISTRICT, (LI) LIGHT INDUSTRIAL DISTRICT, (C) COMMERCIAL DISTRICT, (HC) HEAVY COMMERCIAL, AND (PD-52) PLANNED DEVELOPMENT DISTRICT NO. 52 TO (PD-59) PLANNED DEVELOPMENT NO. 59 DISTRICT FOR A 55.8-ACRE TRACT OF LAND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; 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 (SF-7) Single Family Residential district, (LI) Light Industrial district, (C) Commercial district, (HC) Heavy Commercial, and (PD-52) Planned Development district to (PD-59) Planned Development No. 59 district has been request by Ramsay Ivy Co., L.C., for a 55.8-acre tract of land bounded by Washington Street and Aluminum Plant Road to the north, Renfro Street and T.L. Townsend Drive to the west, and the railroad to the south, 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 (SF-7) Single Family Residential district, (LI) Light Industrial district, (C) Commercial district, (HC) Heavy Commercial, and (PD-52) Planned Development district to (PD-59) Planned Development No. 59 district has been request by Ramsay Ivy Co., L.C., for a 55.8-acre tract of land bounded by Washington Street and Aluminum Plant Road to the north, Renfro Street and T.L. Townsend Drive to the west, and the railroad to the south, 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 (Ord. No. 04-38) 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 "B" and said property shall be limited to the uses, density, area, setback and other requirements set forth herein.

Section 3. Prior to or concurrently with submittal of a preliminary plat for the subject property, a final development plan shall be required so that the City can review details of the project including, but not limited to, the following:

1. Street lighting that shall be compatible with neo-traditional design methods, the Old Town Rockwall Historic District guidelines, and any proposed guidelines for the City's Downtown Plan.
2. Street signage and traffic control methods that are compatible with neo-traditional design and complement the surrounding historic areas of the City.
3. Alternative street and alley cross-sections, paving methods, use of street trees, and other proposed engineering details.
4. Details for private parks and open space as indicated on Exhibit "B", shall be subject to the following requirements and approved as part of the development plan, including:
 - a. A site/landscape plan(s) for all open space, pocket parks, the community center and trail systems. The development plan and/or preliminary plat shall also be reviewed by the City's Parks Board.
 - b. All city-required trails and public sidewalks shall be constructed with concrete and meet all City standards.
 - c. Drainage area trails, which shall be maintained by the HOA, may be constructed with asphalt.
 - d. A screening fence shall be installed by the developer adjacent to the railroad along the south boundary of the subject property. The exact location, construction material(s) and height of the screening fence shall be reviewed and approved as part of the required development plan.

Section 4. That development in the area indicated as **Area 1 on Exhibit "B"**, attached hereto, shall be subject to the permitted uses and area requirements of **Article V, Section 4.3 (NS) Neighborhood Service District**, of the City of Rockwall Comprehensive Zoning Ordinance (Ord. No. 04-38) as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, with the following additional conditions and restrictions:

1. All proposed developments within Area 1 shall be subject to future site plan and Architectural review.
2. A minimum 10 foot landscape buffer shall be required along all street frontages. The buffer shall include a minimum tree planting of one tree per thirty linear feet from the City of Rockwall approved tree list.
3. Permanent, free standing signage for the entire 1.8-acre tract shall be limited to one (1) monument sign not exceeding five (5) feet in height or a maximum of sixty (60) square feet in area. All other signage shall be subject to the standards set forth in the City's Sign Ordinance.
4. In addition to the requirements of the outdoor lighting requirements of the comprehensive zoning ordinance, no light pole, pole base or combination thereof shall exceed twenty (20) feet. All lighting fixtures shall focus light downward and be contained on the site.

5. All structures having a footprint of 6,000 square feet or less shall be constructed with a pitched roof system.

Section 5. That development in the area indicated as **Area 2 on Exhibit "B"**, attached hereto, shall be subject to the permitted uses and area requirements of **Article V, Section 3.6 (SF-7) Single Family Residential District**, of the City of Rockwall Comprehensive Zoning Ordinance (Ord. No. 04-38) as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, with the following additional conditions and restrictions:

1. Minimum lot size – 4,000 square feet
2. Minimum average lot size – 7,000 square feet
3. Maximum number of lots in Area 2– 146
4. Minimum lot frontage on a public street – 40 feet
5. Minimum front yard setback – 10 feet
6. Minimum rear yard setback – 10 feet, except for those lots with double frontage (i.e. along Renfro Street) which shall have a minimum rear setback of 15 feet
7. Minimum side yard setback –
 - a. 5 feet for an internal lot, and for any lot abutting an open space or HOA common area
 - b. 10 feet for any lot abutting a street
8. Lots with rear yards that abut Renfro Street shall not have access from Renfro Street
9. Housing type and construction shall generally adhere to the architectural styles as provided within Exhibit "C" attached hereto.
10. Exterior walls for all buildings 100-sf or more shall be constructed of at least 80% standard masonry construction, excluding windows and doors, unless the wall is on a porch, patio, courtyard or breezeway, in which event, the wall may be of non-masonry construction.
11. An anti-monotony restriction shall not allow the same structure in terms of materials and elevation any closer than five (5) houses apart on either side of the street.
12. All common areas and dedicated landscape easements and open space areas shall be maintained by a Homeowner's Association, which shall be created subject to the requirements of the City of Rockwall Subdivision Ordinance and filed prior to approval of the final plat(s).
13. Guest Quarters or a secondary living unit shall be permitted by right within Area 2 provided that is ancillary to the primary use and that only one such facility is provided, and subject to the following conditions:
 - a. The area of such quarters shall not exceed 30% of the area of the main structure.
 - b. The area of such quarters shall also be restricted by the maximum building coverage requirements for the overall lot.

- c. No such use may be sold or conveyed separately without meeting the requirements of the zoning district and the Subdivision Ordinance.
- a. Such quarters shall be designed for the temporary occupancy of guests of the primary dwelling, or as a secondary living unit for the "family" – as defined by the Rockwall Code of Ordinances – of the primary dwelling, for which there is no remuneration and is not rented.

Section 6. That development in the area indicated as **Area 3 on Exhibit "B"**, attached hereto, shall be subject to the permitted uses and area requirements of **Article V, Section 3.6 (SF-7) Single Family Residential District**, of the City of Rockwall Comprehensive Zoning Ordinance (Ord. No. 04-38) as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, with the following additional conditions and restrictions:

1. Minimum lot size – 4,000 square feet
2. Minimum average lot size – 7,000 square feet
3. Maximum number of lots in Area 3– 19
4. Minimum lot frontage on a public street – 40 feet
5. Minimum front yard setback – 10 feet
6. Minimum rear yard setback – 10 feet, except for those lots with double frontage shall have a minimum rear setback of 15 feet
7. Minimum side yard setback –
 - a. 5 feet for an internal lot, and for any lot abutting an open space or HOA common area
 - b. 10 feet for any lot abutting a street
8. Housing type and construction shall generally adhere to the architectural styles as provided within Exhibit "C" attached hereto.
9. Exterior walls for all buildings 100-sf or more shall be constructed of at least 80% standard masonry construction, excluding windows and doors, unless the wall is on a porch, patio, courtyard or breezeway, in which event, the wall may be of non-masonry construction.
10. An anti-monotony restriction shall not allow the same structure in terms of materials and elevation any closer than five (5) houses apart on either side of the street.
11. All common areas and dedicated landscape easements and open space areas shall be maintained by a Homeowner's Association, which shall be created subject to the requirements of the City of Rockwall Subdivision Ordinance and filed prior to approval of the final plat(s).
12. Guest Quarters or a secondary living unit shall be permitted by right within Area 3 provided that is ancillary to the primary use and that only one such facility is provided, and subject to the following conditions:
 - a. The area of such quarters shall not exceed 30% of the area of the main structure.

- b. The area of such quarters shall also be restricted by the maximum building coverage requirements for the overall lot.
 - c. No such use may be sold or conveyed separately without meeting the requirements of the zoning district and the Subdivision Ordinance.
 - d. Such quarters shall be designed for the temporary occupancy of guests of the primary dwelling, or as a secondary living unit for the "family" – as defined by the Rockwall Code of Ordinances – of the primary dwelling, for which there is no remuneration and is not rented.
13. The permitted uses for Area 3 shall be in accordance with those allowed for the (SF-7) Single Family Residential district as outlined in **Article IV, Table 1, Land Use Tables**, of the Comprehensive Zoning Ordinance (Ord. No. 04-38), as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, with allowances for the following additional uses as an accessory to the primary residential use:
- a. General office of less than 500 square feet, excluding medical office.
 - b. Hypnotist office of less than 500 square feet.
 - c. Massage therapist with less than 500 square feet.
 - d. Studio - art, photography or music - less than 1,000 square feet.
14. Parking requirements for Area 3 shall be as follows:
- a. Two (2) parking spaces per lot for single-family uses
 - b. One (1) additional space per 500 square feet of non-residential use as permitted by this ordinance. Off-site common or shared parking agreements shall be considered for Area 3, subject to review of the proposed parking area(s) with the required development plan.

Section 7. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

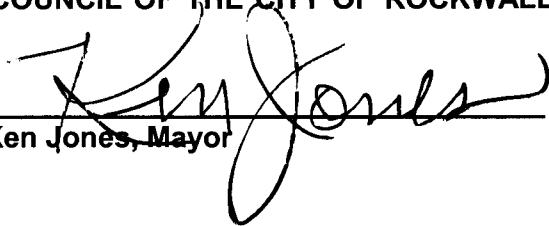
Section 8. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

Section 9. 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 10. 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 11. 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, and it is so ordained.

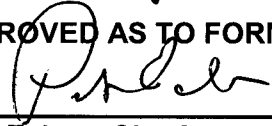
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 18th day of October, 2004.



Ken Jones, Mayor

ATTEST:


Dorothy Brooks, City Secretary

APPROVED AS TO FORM:


Pete Eckert, City Attorney



1st Reading: October 4, 2004

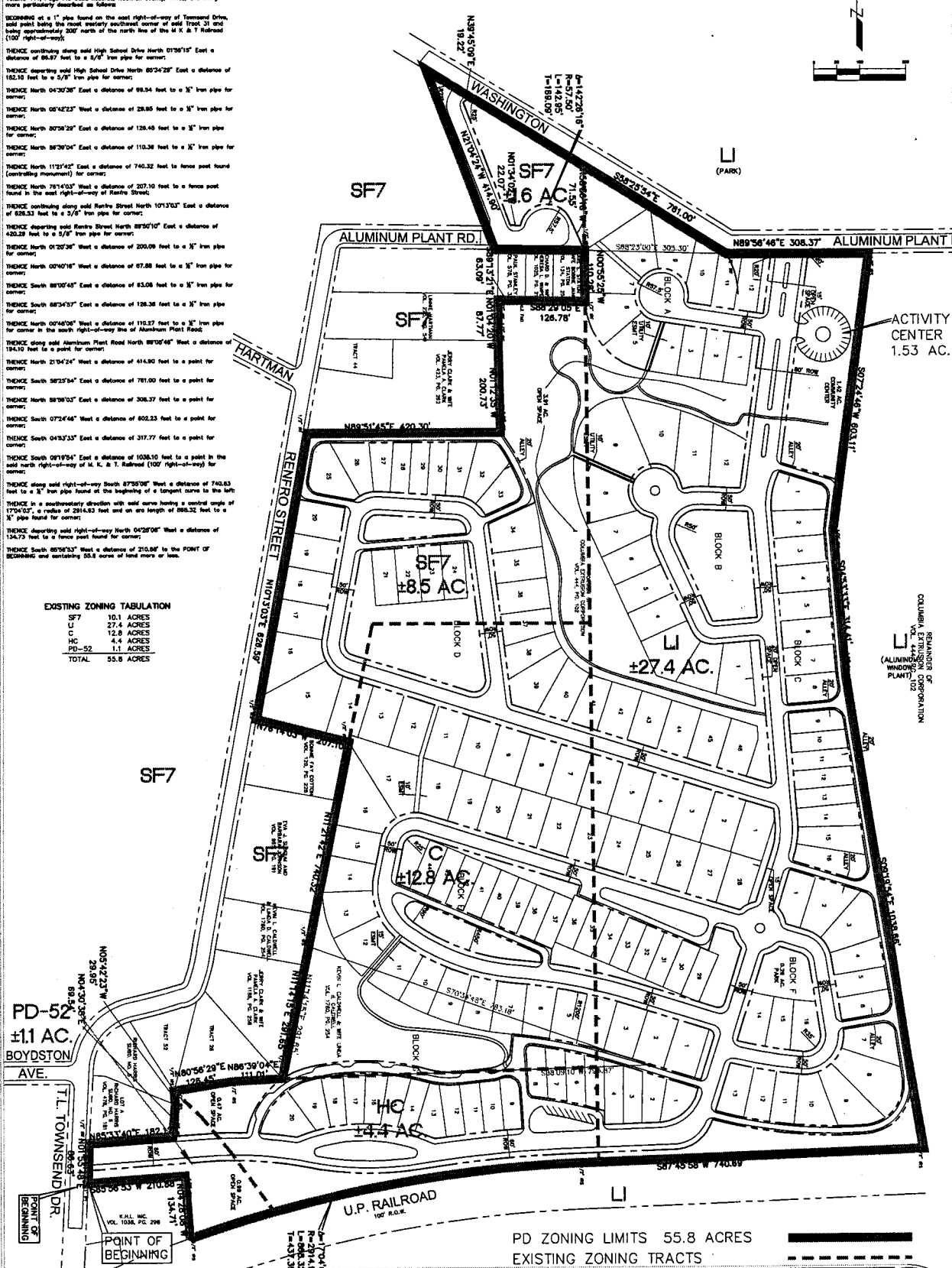
2nd Reading: October 18, 2004

REVISED 09/08/04 TPJ
REVISED 10/15/04 TPJ

Zoning Description
BEING a tract of land situated in the R. Ballard Survey, Abstract Number 25, in the City of Rockwall, Rockwall County, Texas, and being a part of Tract 31 as recorded in Volume 444, Page 102, and all of Tract 32 as recorded in Volume 444, Page 146, both in Rockwall County, Texas, and being more particularly described as follows:
BEGINNING at a 1" pipe found on the east right-of-way of Townsend Drive, said point being the most westerly southwest corner of said Tract 31 and being approximately 200' north of the north line of the M & T Railroad (100' right-of-way);
THENCE continuing along said High School Drive North 07°30'15" East a distance of 88.97 feet to a 5/8" iron pipe for corner;
THENCE departing said High School Drive North 80°24'25" East a distance of 182.10 feet to a 5/8" iron pipe for corner;
THENCE North 04°30'36" East a distance of 89.34 feet to a 3/4" iron pipe for corner;
THENCE North 05°42'23" West a distance of 28.85 feet to a 3/4" iron pipe for corner;
THENCE North 80°38'29" East a distance of 128.48 feet to a 3/4" iron pipe for corner;
THENCE North 86°30'04" East a distance of 113.38 feet to a 3/4" iron pipe for corner;
THENCE North 11°21'45" East a distance of 740.32 feet to a fence post found (Contracting monument) for corner;
THENCE North 79°41'05" West a distance of 307.10 feet to a fence post found in the east right-of-way of Runko Street;
THENCE continuing along said Runko Street North 107°13'02" East a distance of 828.33 feet to a 5/8" iron pipe for corner;
THENCE departing said Runko Street North 88°10'10" East a distance of 432.29 feet to a 5/8" iron pipe for corner;
THENCE North 07°20'36" West a distance of 200.09 feet to a 3/4" iron pipe for corner;
THENCE North 00°40'18" West a distance of 87.88 feet to a 3/4" iron pipe for corner;
THENCE South 88°00'45" East a distance of 83.08 feet to a 3/4" iron pipe for corner;
THENCE South 88°34'57" East a distance of 128.38 feet to a 3/4" iron pipe for corner;
THENCE North 02°48'08" West a distance of 110.27 feet to a 3/4" iron pipe for corner in the east right-of-way line of Aluminum Plant Road;
THENCE along said Aluminum Plant Road North 88°00'48" West a distance of 184.10 feet to a point for corner;
THENCE North 21°04'24" West a distance of 414.80 feet to a point for corner;
THENCE South 88°25'54" East a distance of 781.00 feet to a point for corner;
THENCE North 88°18'03" East a distance of 308.27 feet to a point for corner;
THENCE South 07°24'48" West a distance of 802.23 feet to a point for corner;
THENCE South 04°15'23" East a distance of 317.77 feet to a point for corner;
THENCE South 08°19'04" East a distance of 1008.10 feet to a point in the east north right-of-way of M. K. & T. Railroad (100' right-of-way) for corner;
THENCE along said right-of-way South 87°35'08" West a distance of 740.33 feet to a 3/4" iron pipe found at the beginning of a tangent curve to the left;
THENCE in a southeasterly direction with said curve having a central angle of 170°03', a radius of 2314.83 feet and an arc length of 886.32 feet to a 3/4" iron pipe found for corner;
THENCE departing said right-of-way North 04°28'08" West a distance of 134.73 feet to a fence post found for corner;
THENCE South 88°16'53" West a distance of 210.88' to the POINT OF BEGINNING and containing 55.8 acres of land more or less.

EXISTING ZONING TABULATION

SF7	10.1 ACRES
PD-52	27.4 ACRES
HC	12.8 ACRES
AL	4.4 ACRES
PD-52	1.1 ACRES
TOTAL	55.8 ACRES



DATE
June 30, 2004
PROJECT
Z2004-034

Park Place
Rockwall Texas
ZONING PLAN

TOMDEN ENGINEERING, L.L.P.
12655 N. Central Expy., Suite 1016
Dallas, Texas 75243
Ph: 972.386.6446 Fax: 972.386.6409
mail@tomden.com

EXHIBIT "A" - ZONING EXHIBIT
Z2004-034: Park Place

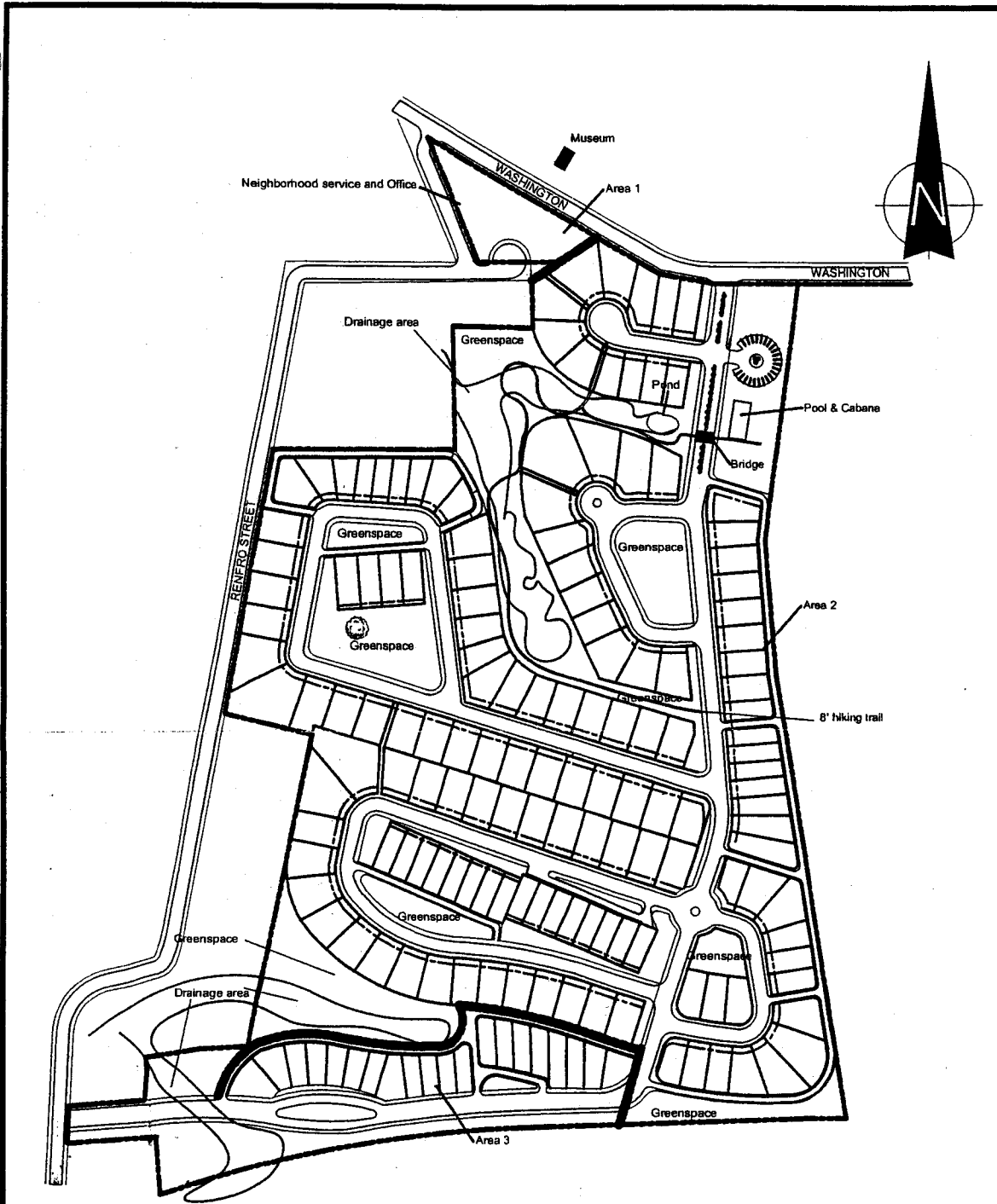


EXHIBIT "B" – CONCEPT PLAN
Z2004-034: Park Place

DATE
 APRIL 8, 2004
 PROJECT
 0303

Park Place
 Rockwall Texas



**RAMSAY
 IVY COMPANY, LC**
 2235 RIDGE ROAD, SUITE 104 ROCKWALL, TEXAS 75087
 PH: 972.771.0090

