

CITY OF ROCKWALL

ORDINANCE NO. 05-51

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 CHANGE THE ZONING FROM (AG) AGRICULTURAL DISTRICT TO (PD-63) PLANNED DEVELOPMENT NO. 63 DISTRICT ON AN 139.354-ACRE TRACT KNOWN AS TRACTS 1 AND 7, ABSTRACT 123, A. JOHNSON SURVEY AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a zoning change from (Ag) Agricultural district to (PD-63) Planned Development No. 63 district has been requested by Tim Thompson of Realty Capital Corporation for an 139.354-acre tract of land known as Tracts 1 and 7, Abstract 123, A. Johnson Survey, and more specifically described as 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, and 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 (Ord. No. 04-38) of the City of Rockwall, Texas, as heretofore amended, be and the same are hereby amended by amending the zoning map of the City of Rockwall so as to change the zoning on a tract of land which is more fully described herein as Exhibit "A" from (Ag) Agricultural district to (PD-63) Planned Development No. 63 district, and;

Section 2. That development in the area described herein as **Exhibit "A"**, attached hereto, shall be subject to the approved concept plan, **Exhibit "B,"** and shall be subject to the following conditions:

- A. The approved concept plan attached hereto as Exhibit "B" shall control the development of the Planned Development district, and any and all such development shall be in strict accordance with such concept plan.
- B. Prior to or concurrently with submittal of a master 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, a site/landscape plan(s) for all open space, pocket parks, trail systems, street buffers and entry features. The development plan and preliminary plat shall also be reviewed by the City's Parks Board.

- C. The maximum density for the Planned Development district shall not exceed 1.99 dwelling units per gross acre of land, or 276 units.
- D. That development in the area indicated as **Area 1 on Exhibit "B" (i.e. 90' x 140' lots)**, attached hereto, shall be subject to the permitted uses and area requirements of **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, 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 – 12,600 square feet
 2. Maximum number of lots in Area 1 - 117
 3. Minimum lot frontage on a public street – 90 feet
 - a. Minimum lot frontage on a cul-de-sac or curvilinear street measured at front building line - 85 feet
 4. Minimum side yard setback:
 - a. Internal lot – 6 feet
 - b. Abutting a street – 10 feet
 - c. Abutting an arterial / collector – 20 feet
 5. Minimum rear yard setback – 10 feet, except for those lots with double frontage (i.e. FM 549) which shall have a minimum rear setback of 15 feet
 6. Minimum square footage per dwelling unit – 2,250 square feet of living area, not including eaves, porches, garages and breezeways.
- E. That development in the area indicated as **Area 2 on Exhibit "B" (i.e. 80' x 130' lots)**, attached hereto, shall be subject to the permitted uses and area requirements of **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, 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 – 10,000 square feet
 2. Maximum number of lots in Area 2 – 111
 3. Minimum lot frontage on a public street – 80 feet
 - a. Minimum lot frontage on a cul-de-sac or curvilinear street measured at front building line - 75 feet
 4. Minimum side yard setback:
 - a. Internal lot – 6 feet
 - b. Abutting a street – 10 feet
 - c. Abutting an arterial / collector – 20 feet
 5. Minimum square footage per dwelling unit – 2,000 square feet of living area, not including eaves, porches, garages and breezeways.

- F. That development in the area indicated as **Area 3 on Exhibit "B" (i.e. 70' x 120' lots)**, attached hereto, shall be subject to the permitted uses and area requirements of **Article V, Section 3.5 (SF-8.4) Single Family Residential District**, of the City of Rockwall Unified Development Code (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 – 8,400 square feet
 2. Maximum number of lots in Area 3 – 48
 3. Minimum lot frontage on a public street – 70 feet
 - a. Minimum lot frontage on a cul-de-sac or curvilinear street measured at front building line - 65 feet
 4. Minimum side yard setback:
 - a. Internal lot – 6 feet
 - b. Abutting a street – 10 feet
 - c. Abutting an arterial / collector – 20 feet
 5. Minimum square footage per dwelling unit – 1,750 square feet of living area, not including eaves, porches, garages and breezeways.
- G. All common areas and dedicated landscape easements and open space areas, including areas of landscaping along public right-of-ways, 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).
- H. An anti-monotony restriction shall not allow the same structure in terms of materials and elevation on either side of the street without at least three (3) intervening lots.
- I. Permanent subdivision identification signage shall be permitted at all major entry points as per the requirements of the City of Rockwall sign ordinance.
- J. For any side or rear yard of any lot that faces an open space or public street, wrought iron or tubular steel fencing shall be used. No solid fencing shall be allowed.
- K. One (1) canopy tree shall be planted per 50-linear feet along the north-south collector road and the east-west collector road, in addition to any trees required to be planted on each lot resulting from tree mitigation and/or landscaping requirements. The approximate location and species shall be determined with the development plan.
- L. A landscape buffer with a minimum width of 20-ft shall be provided along FM 549, outside of and beyond any required right-of-way dedication. Landscape plantings within the buffer shall be approved at the time of development plan and should include a combination of trees, shrubs, groundcover and berming.

Section 3. A homeowners' 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 4. No substantial change in development of "PD" 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 Unified Development Code.

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 or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation, or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation, or circumstance, nor shall adjudication affect any other section or provision of the Unified Development Code 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 of this ordinance shall remain in full force and effect.

Section 8. That all ordinances of the City of Rockwall in conflict with the provisions of this be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

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 3rd day of October, 2005.




William R. Cecil, Mayor

ATTEST:



Dorothy Brooks, City Secretary

APPROVED AS TO FORM:



Pete Eckert, City Attorney

1st Reading: 9-19-05
2nd Reading: 10-3-05

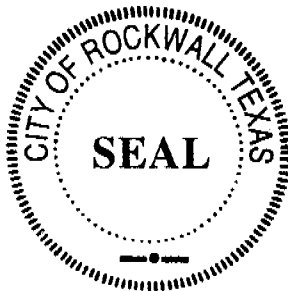
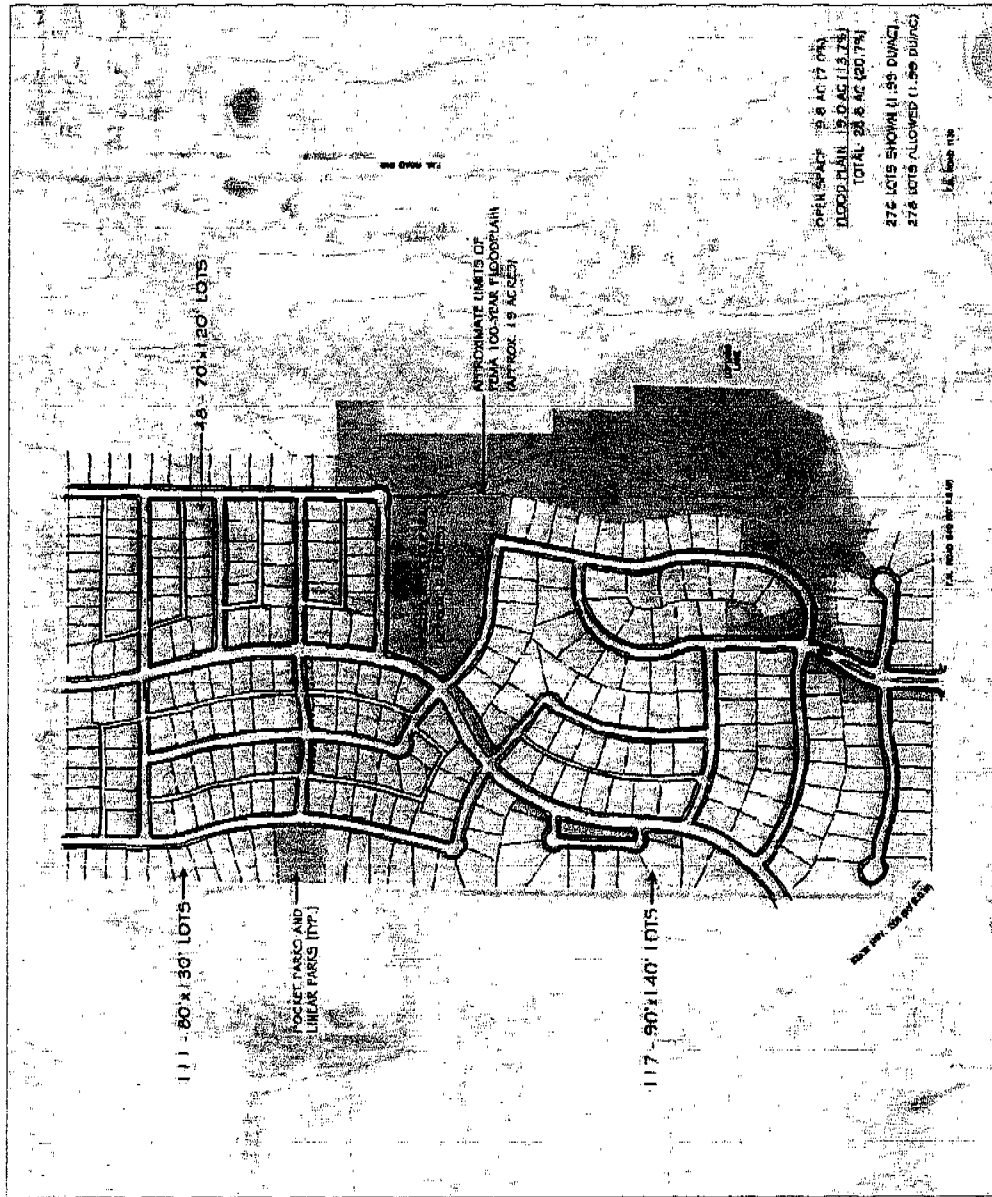


EXHIBIT "B" CONCEPT PLAN



LAKES OF SOMERSET
139 ACRES IN ROCKWALL, TEXAS



DATE: SEPT. 7, 2005

Advertising Receipt

Rockwall County News

316 S Goliad, Ste 107
PO BOX 819
Rockwall, TX 75087
Phone: 972-722-3099
Fax: 972-722-3096

ROCKWALL, CITY OF-LEGALS ®
ATTN: DOROTHY BROOKS
385 SOUTH GOLIAD
ROCKWALL, TX 75087

Cust#: 01100978-000
Ad#: 17532050
Phone: (972)771-7700
Date: 10/04/05

Ad taker: 15 **Salesperson:** 6 **Classification:** 001

Description	Start	Stop	Ins.	Cost/Day	Surcharges	Total
09 ROCKWALL COUNTY NEWS	10/05/05	10/05/05	1	63.00		63.00

Payment Reference:

L 323274

Total: 63.00
Tax: 0.00
Net: 63.00
Prepaid: 0.00

Total Due 63.00

PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS COUNTY OF ROCKWALL

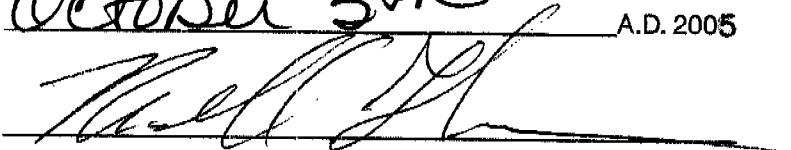
Before me, the undersigned authority, on this day personally appeared Michael Gresham, who being by me duly sworn deposes and says that he is the Publisher of *Rockwall County News* and that said newspaper meets the requirements of Section 2051.044 of the Texas Government Code, to wit:

1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published;
4. it has been published regularly and continuously since 1985; and
5. it is generally circulated within Rockwall County.

Clipping (s)

Publisher further deposes and says that the attached notice was published in said newspaper on the following date(s) to wit:

October 5th A.D. 2005



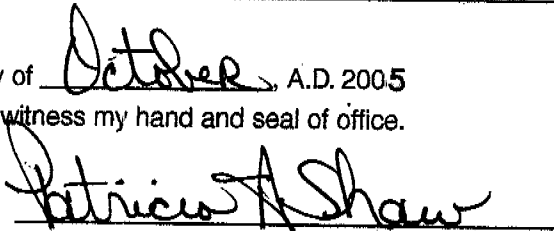
Michael Gresham
Editor and Publisher

SUBSCRIBED AND SWORN BEFORE ME

by Michael Gresham, who

- a) is personally known to me, or
 b) provided the following evidence to establish his/her identity. _____

on the 10th day of October, A.D. 2005
to certify which witness my hand and seal of office.



Notary Public, State of Texas



NEWS

Legal Notices

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/s/ William R. Cecil, Mayor

/s/ Dorothy Brooks, City Secretary

1st Reading: 9-19-05

2nd Reading: 10-3-05

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