

CITY OF ROCKWALL

ORDINANCE NO. 05-58

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-64) PLANNED DEVELOPMENT NO. 64 DISTRICT ON AN 83.30-ACRE TRACT KNOWN AS A PART OF LOT 2 AND ALL OF LOT 1, THE MCLENDON COMPANIES ADDITION, AND TRACTS 4 AND 5, ABSTRACT 186, J.A. RAMSEY SURVEY, BEING 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-64) Planned Development No. 64 district has been requested by Chris Cuny of F.C. Cuny Corporation for an 83.30-acre tract of land known as a part of Lot 2 and all of Lot 1, The McLendon Companies Addition, and Tracts 4 and 5, Abstract 186, J.A. Ramsey 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-64) Planned Development No. 64 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 permitted uses of **Article IV, Permissible Uses and Article V, District Development Standards for Section 3.3 (SF-16) Single-Family Residential District** of the City of Rockwall Unified Development Code and the following additional conditions:

1. Minimum lot area – 12,000 square feet
2. Maximum number of residential lots – 144
3. Maximum number of single-family detached dwelling units per lot – 1

4. Minimum square footage per dwelling unit - 2,250 square feet
5. Minimum lot frontage on a public street – 80 feet
6. Minimum lot depth – 100 feet
7. Minimum depth of front yard setback – 20 feet
8. Minimum depth of rear yard setback – 10 feet, except for Lots 1, 2, 3, 4 and 5 abutting the 5.0-acres of Lot 2, McLendon Companies Addition, which shall have a minimum rear yard setback of 25-ft.
9. Minimum width of side yard setback –
 - a. Internal lot – 8 feet
 - b. Abutting street – 15 feet
 - c. Abutting an arterial – 20 feet
10. The proposed school site shall have a minimum 100-ft building setback from the 5.0-acre Lot 2, McLendon Companies Addition. Additionally, a 20-ft landscape buffer shall be provided, which shall include (i) a 6-ft masonry screening fence, (ii) a 5-ft high landscape berm, OR (iii) shrubs at landscaper's recommended intervals with a minimum height of 30-inches at time of planting. Additionally, there shall be one (1) canopy tree per 30 linear feet with a minimum of size of three inch (3") caliper and a minimum height of seven (7) feet at time of planting.
11. Minimum distance between separate buildings on the same lot or parcel of land – 10 feet
12. Minimum length of driveway pavement from public right-of-way for rear and side yard – 20 feet
13. Maximum building coverage as a percentage of lot area – 45 percent
14. Maximum building height – 36 feet
15. Minimum of two (2) paved off-street parking spaces required for each residence.
16. All roofs shall be constructed with a minimum pitch of 6:12 over the main body of the structure, including garages. A minimum 4:12 roof pitch is required for all projections or porches not covered in the 6:12 requirement.

Section 3. That development in the area described herein as **Exhibit "A"**, shall also be subject to the following design standards:

1. Exterior Wall Materials
 - a. All buildings of 100 square feet or more and over nine feet (9') tall shall have exterior walls constructed of masonry construction. Exterior walls for all buildings of 100 square feet or more and over 9 feet tall, shall be constructed of at least eighty percent (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. Hardy Plank or similar cementaceous material may be used for up to 50% of the masonry

requirement. Buildings with less than 80% masonry construction shall require approval of the Planning and Zoning Commission.

- b. Buildings less than 100 square feet and under 9 feet in height may be constructed with non-masonry materials, or may be all metal with a baked-on painted surface.
2. Garages shall all be a minimum of two-car garages per dwelling unit.
 3. There will be no requirement for alleys. Garages must be located at least 20 feet behind the front building façade for front entry garages, unless it is a “J-swing” garage where the garage door is perpendicular to the street, or rear-facing. Additionally, all garage doors that face a street shall be limited to 8-ft in width with an intervening column(s) between doors for garages that accommodate two or more vehicles.
 4. An anti-monotony restriction shall be developed so as not to allow the same structure in terms of brick color scheme or elevation on either side of the street without at least four (4) intervening lots.
 5. All fencing either siding or backing onto any designated open space shall be tubular steel or iron (no wood fences allowed). If a lot contains both a side yard and rear yard that is adjacent to any open space, the side yard fence can be either tubular steel or iron, or constructed with maximum 6-ft high, board-on-board “panel” wood fencing with masonry columns at 45-ft O.C. spacing that begins at the rear property line corner and terminates 10-ft behind the front yard setback.
 6. All fencing in side yards on corner lots shall not encroach beyond the side yard setback. In situations where the side yard setback is adjacent to and abutting a front yard setback, the side yard fence shall not encroach beyond the adjacent front yard setback. In addition, the corner lot fencing (adjacent to the street) shall provide masonry columns at 45-ft O.C. spacing that begins at the rear property line corner and terminates 10-ft behind the front yard setback. A maximum 6-ft high, board-on-board “panel” wood fencing or tubular steel / wrought iron shall be allowed between the masonry columns along the side and/or rear yard lot adjacent to a street.
 7. 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. One (1) shade tree shall also be required for each fifty (50) feet or portion thereof along the side property line when adjacent to a street. Trees may be clustered or spaced linearly and need not be placed evenly at 50-foot intervals.
 8. 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 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.
 9. Greenspace/Open Space
 - a. 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.

- b. All common areas and dedicated landscape easements and open space areas shall be maintained by a homeowners' association, including area of landscaping in the public right-of-way.
- c. Permanent subdivision identification signage shall be permitted at all major entry points subject to the requirements of the City of Rockwall sign ordinance.
- d. There will be a minimum of a 20-ft greenbelt along F. M. 549. This greenbelt will be landscaped with an irrigation system, with either decorative iron/metal fencing or split rail style fencing along F.M. 549. Additionally, there will be trees planted at random distances from F.M. 549 at a maximum separation of 30-ft.
- e. Each entry from F.M. 549 will have a median opening with a minimum width of 15-ft and a minimum length of 60-ft. Each median will be landscaped with an irrigation system. Additionally, each median will have an entry signage monument.
- f. All linear open space, not dedicated to the City or school, shall be landscaped with pedestrian access. The landscaping may either consist of traditional irrigated landscaping or xeriscaping (xeriscaping shall be designed and installed by a credentialed xeriscape landscape architect). This area will be maintained by the Homeowners Association.
- g. The open space/park area adjacent to the school site will be dedicated to and maintained by the City of Rockwall. Dedicated open space shall count towards the City's parkland dedication requirements; however, pro-rata equipment fees shall be required for the applicable neighborhood park district, subject to review by the City's Parks Board.

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 7th day of November, 2005.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary

APPROVED AS TO FORM:


Pete Eckert, City Attorney

1st Reading: 10-17-05
2nd Reading: 11-07-05

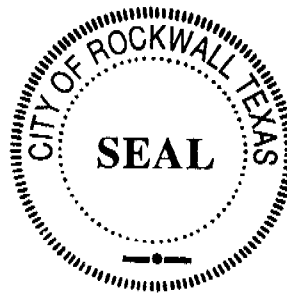


EXHIBIT "A"

LEGAL DESCRIPTION

being an 83.30 acre tract of land situated in the J.A. Ramsey Survey, Abstract No. 186, in the City of Rockwall, Rockwall County, Texas, being a portion of that certain called 58.823 acre tract of land conveyed to James Kenneth Ingram by deed recorded in Volume 74, Page 323, of the Deed Records of Rockwall County, Texas, and being a part of Lot 1, and a portion of Lot 2, of The McLendon Companies Addition, an addition to the City of Rockwall, Rockwall County, Texas, according to the plat thereof recorded in Cabinet A, Slide 153 and 154, of the Plat Records of Rockwall County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found in the east right-of-way line of F.M. Road No. 549, said point being the southwest corner of said Ingram tract, and being the northwest corner of a called 27.925 acre tract of land conveyed to Larry Wayne Starling, et ux, by deed recorded in Volume 515, Page 276, of the Deed Records of Rockwall County, Texas;

THENCE North 00°30'18" East, along the common line of said Ingram tract, and the east right-of-way line of said F.M. Road No. 549, a distance of 433.20 feet to a point for corner;

THENCE South 88°58'24" East, through the interior of said Ingram tract, a distance of 375.00 feet to a point for corner;

THENCE North 00°30'18" East, continuing through the interior of said Ingram tract, a distance of 30000 feet to a point for corner;

THENCE South 88°58'24" East, continuing through the interior of said Ingram tract, a distance of 187.69 feet to a 1/2 inch iron rod found for corner;

THENCE North 00°35'00" East, continuing through the interior of said Ingram tract, a distance of 176.65 feet to a 1/2 inch iron rod found for corner; said point being in the south line of said Lot 1, same being in the north line of said Ingram tract

THENCE North 89°25'00" West, along the common line of said Ingram tract, and said Lot 1, a distance of 542.91 feet to a 5/8 inch iron rod found for the southwest corner of said Lot 1, same being in the east right-of-way line of said F.M. Road No. 549;

THENCE North 00°17'09" East, along the common line of said Lot 1, and the east right-of-way line of said F.M. Road No. 549, a distance of 350.00 feet to a point for corner, said point being the northwest corner of said Lot 1, same being the southwest corner of said Lot 2;

THENCE South 89°26'02" East, along the common line of said Lot 1, and said Lot 2, a distance of 533.86 feet to a point for corner;

THENCE North 00°17'09" East, through the interior of said Lot 2, a distance of 408.91 feet to a point for corner, said point being in the north line of said Lot 2, same being in the south line of Lot 3, of said The McLendon Companies Addition;

THENCE South 89°42'51" East, along the common line of said Lot 2, and said Lot 3, a distance of 1003.60 feet to a point for corner, said point being the northeast corner of said Lot 2, same being the southeast corner of said Lot 3, same being in the southwesterly line of a called 39.259 acre tract of land conveyed to Fairchild KLIF, Inc. by deed recorded in Volume 100, Page 732, of the Deed Records of Rockwall, Texas;

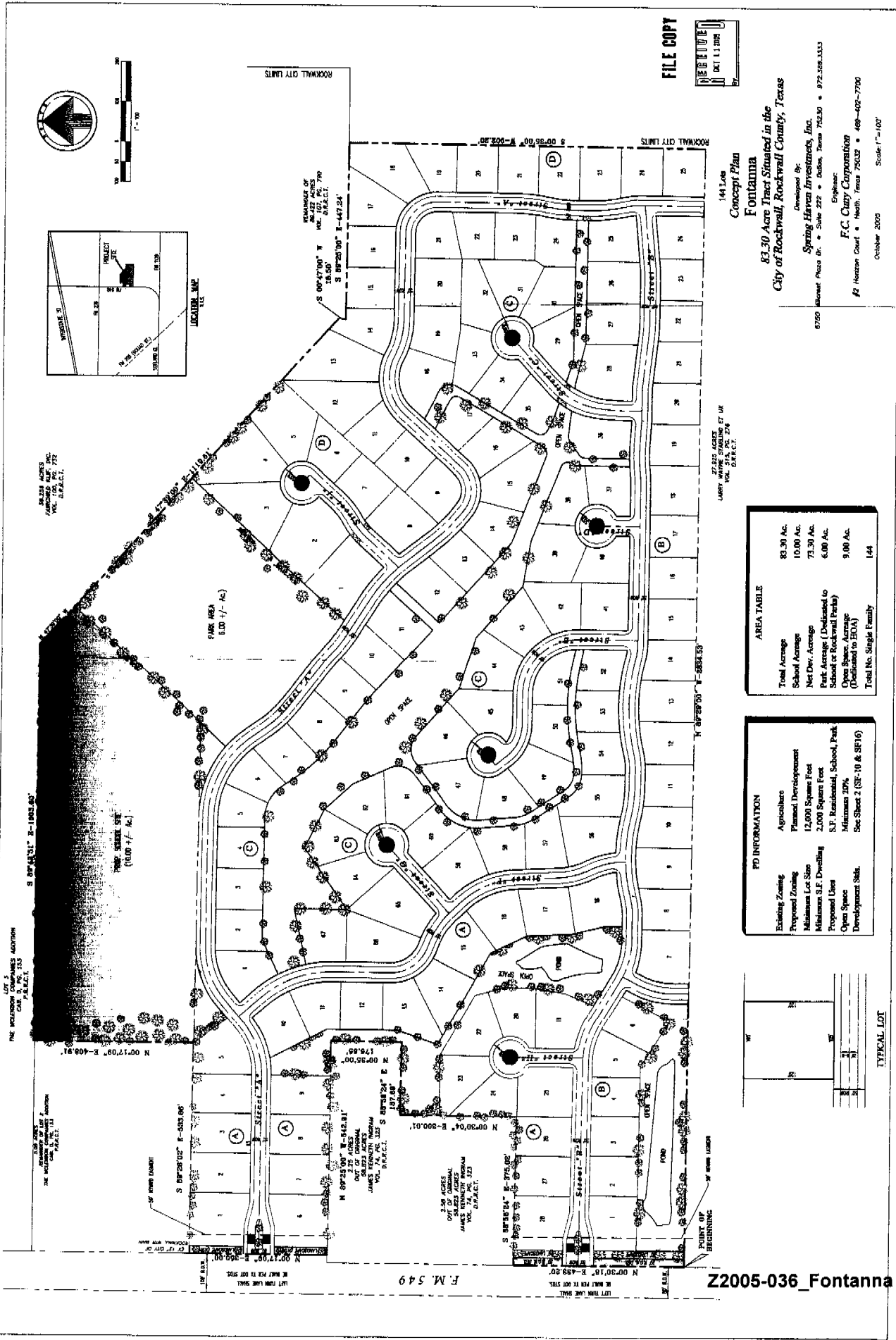
THENCE South 47°39'00" East, along the common line of said Lot 2, and said Fairchild tract, passing the southeast corner of said Lot 2, same being the most northerly northeast corner of said Lot 1, and continuing a total distance of 1119.61 feet to a 1/2 inch iron rod found for corner, said point being the most easterly northeast corner of said Lot 1, same being the most southerly corner of said Fairchild tract;

THENCE South 00°47'00" West, along the east line of said Lot 1, a distance of 18.50 feet to a 1/2 inch iron rod found for corner, said point being the southeast corner of said Lot 1, same being in the north line of said Ingram tract;

THENCE South 89°25'00" East, along the north line of said Ingram tract, a distance of 447.24 feet to a 3/8 inch iron rod found for corner, said point being the northeast corner of said Ingram tract;

THENCE South 00°35'00" West, along the east line of said Ingram tract, a distance of 902.20 feet to a 1/2 inch iron rod found for corner, said point being the southeast corner of said Ingram tract, same being the northeast corner of said Starling tract;

THENCE North 89°29'00" West, along the common line of said Ingram tract, and said Starling tract, a distance of 2834.53 feet to the POINT OF BEGINNING and containing 3,628,487 square feet or 83.30 acres of computed land.



144 Lots
Fontanna
 Concept Plan
 83.30 Acre Tract Situated in the
 City of Rockwall, Rockwall County, Texas

Developed by:
 Spring Haven Investments, Inc.
 6750 Monnet Place Dr. • Suite 222 • Dallas, Texas 75230 • 972-398-3333

Engineer:
 F.C. Chazy Corporation
 P.O. Box 1000 • Heath, Texas 75032 • 409-402-7700

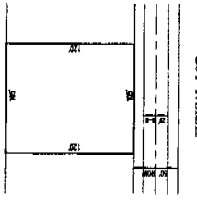
October 2005
 Scale: 1"=100'

AREA TABLE

Total Acreage	83.30 Ac.
School Acreage	10.00 Ac.
Net Dev. Acreage	73.30 Ac.
Park Acreage (Dedicated to School or Rockwall Parks)	6.00 Ac.
Open Space Acreage (Dedicated to BOA)	9.00 Ac.
Total No. Single Family	144

PD INFORMATION

Existing Zoning	Applicable
Proposed Zoning	Planned Development
Minimum Lot Size	12,000 Square Feet
Proposed Uses	2,000 Square Feet S.F. Residential, School, Park
Open Space	Minimum 20%
Development Shts.	See Sheet 2 (SE-10 & SF10)



Z2005-036 Fontanna PD-69

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#: 17533261
Phone: (972)771-7700
Date: 11/21/05

Ad taker: 11 **Salesperson:** 6 **Classification:** 001

Description	Start	Stop	Ins.	Cost/Day	Surcharges	Total
09 ROCKWALL COUNTY NEWS	11/23/05	11/23/05	1	72.00		72.00

Payment Reference:

L 323217

Total: 72.00
Tax: 0.00
Net: 72.00
Prepaid: 0.00

Total Due 72.00

PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS COUNTY OF KAUFMAN

Before me, the undersigned authority, on this day personally appeared William Jordan, who being by me duly sworn, deposes and says that he is the Publisher of **Rockwall County News** 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;

Clipping (s)

2. it is published at least once each week;

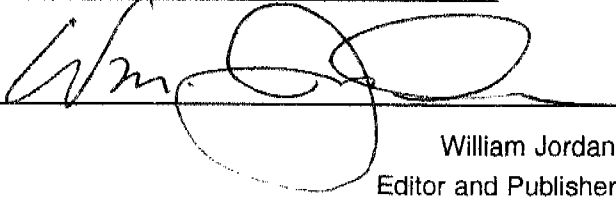
3. it is entered as second-class postal matter in the county where it is published;

4. it has been published regularly and continuously since 1916; and

5. it is generally circulated within Kaufman County.

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

November 23rd A.D. 2005

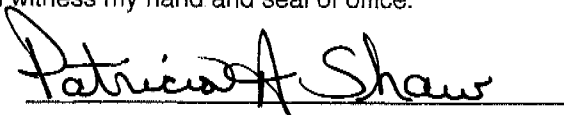

William Jordan
Editor and Publisher

SUBSCRIBED AND SWORN BEFORE ME

by William Jordan, who

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

on the 30th day of November, A.D. 2005
to certify which witness my hand and seal of office.


Patricia A. Shaw

Notary Public, State of Texas



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ORDINANCE NO. 05-58**

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/s/William R. Cecil, Mayor

/s/ Dorothy Brooks, City Secretary

1st Reading: 10-17-05

2nd Reading: 11-07-05

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