

CITY OF ROCKWALL

ORDINANCE NO. 06-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO CHANGE THE ZONING FROM (AG) AGRICULTURAL DISTRICT TO (PD-67) PLANNED DEVELOPMENT NO. 67 DISTRICT ON A 27.939-ACRE TRACT KNOWN AS TRACT 19, ABSTRACT 186, J.A. RAMSEY SURVEY, BEING MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR SPECIAL CONDITIONS; 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-67) Planned Development No. 67 district has been requested by Randell Curington of Spring Haven Investments, Inc., for a 27.939-acre tract of land known as Tract 19, 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-67) Planned Development No. 67 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 – 52
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
9. Minimum width of side yard setback –
  - a. Internal lot – 8 feet

- b. Abutting street – 15 feet
- c. Abutting an arterial – 20 feet
- 10. Minimum distance between separate buildings on the same lot or parcel of land – 10 feet
- 11. Minimum length of driveway pavement from public right-of-way for rear and side yard – 20 feet
- 12. Maximum building coverage as a percentage of lot area – 45 percent
- 13. Maximum building height – 36 feet
- 14. Minimum of two (2) paved off-street parking spaces required for each residence.
- 15. 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 areas of landscaping in the public right-of-way.
  - c. 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.
  - d. All linear open space not dedicated to the City 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.

**Section 4.** No substantial change in development of "PD-67" 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.

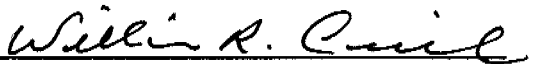
**Section 6.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offence and each and every day such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

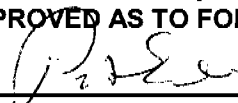
**Section 8.** That all ordinances of the City of Rockwall in conflict with the provisions of this be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

**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 5<sup>TH</sup> day of June, 2006.**

  
\_\_\_\_\_  
William R. Cecil, Mayor

ATTEST:  
  
\_\_\_\_\_  
Dorothy Brooks, City Secretary

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Pete Eckert, City Attorney

1<sup>st</sup> Reading: 05-15-06  
2<sup>nd</sup> Reading: 06-05-06

# EXHIBIT "A"

## FIELD NOTES:

Being a tract of land situated in the John A. Ramsey Survey, Abstract No. 186, and being the same tract of land described by deed to Larry Wayne Starling and Mildred P. Starling recorded in Volume 515, Page 276, of the Deed Records of Rockwall County, Texas (D.R.R.C.T.), and being more particularly described as follows:

**BE**GINNING at a 1/2 inch iron rod found at the southwest corner of said Starling tract, also lying on the easterly line of F.M. Highway No. 549 (variable width right-of-way);

**T**HENCE North 00 degrees 23 minutes 57 seconds East along the easterly line of said F.M. Highway No. 549, also along the west line of said Starling tract, for a distance of 429.11 feet to a 5/8 inch iron rod with cap stamped R.P.L.S. 5430 set for the northwest corner of said Starling tract, also for the southwest corner of a tract of land described by deed to James Kenneth Ingram recorded in Volume 74, Page 323, D.R.R.C.T., and from which a 1/2 inch iron rod with cap stamped R.P.L.S. 3688 found bears South 83 degrees 55 minutes 51 seconds East, 3.53 feet;

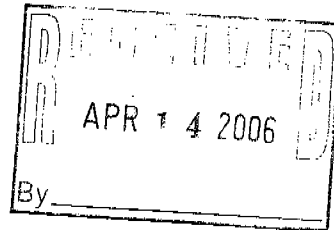
**T**HENCE South 89 degrees 29 minutes 00 seconds East along the common line of said Starling and Ingram tracts and generally along a fence, for a distance of 2833.89 feet to a 3/8 inch iron rod found at the northeast corner of said Starling tract, and also lying on the west line of Lot 12 of Ridge Haven Addition, an addition to Rockwall County according to the Plat recorded in Cabinet A, Slide 213 of the Plat Records of said county, and from which a 1/2 inch iron rod found bears South 18 degrees 44 minutes 42 seconds East, 3.03 feet;

**T**HENCE South 00 degrees 17 minutes 29 seconds West along the east line of said Starling tract and the west line of said Ridge Haven Addition, for a distance of 428.83 feet to a 1/2 inch iron rod found at the southeast corner of said Starling tract;

**T**HENCE North 89 degrees 32 minutes 54 seconds West along the southerly line of said Starling tract and the north line of Willow Ridge Subdivision, an addition to said Rockwall County according to the Plat recorded in Cabinet B, Slide 204 of the Plat Records of Rockwall County, Texas, for a distance of 752.94 feet to a 1/2 inch iron rod found at the northwest corner of said Willow Ridge Subdivision, also for the northeast corner of J.D. Crocker Addition, an addition to said County according to the Plat recorded in Cabinet B, Slide 79 of the Plat Records of Rockwall County, Texas;

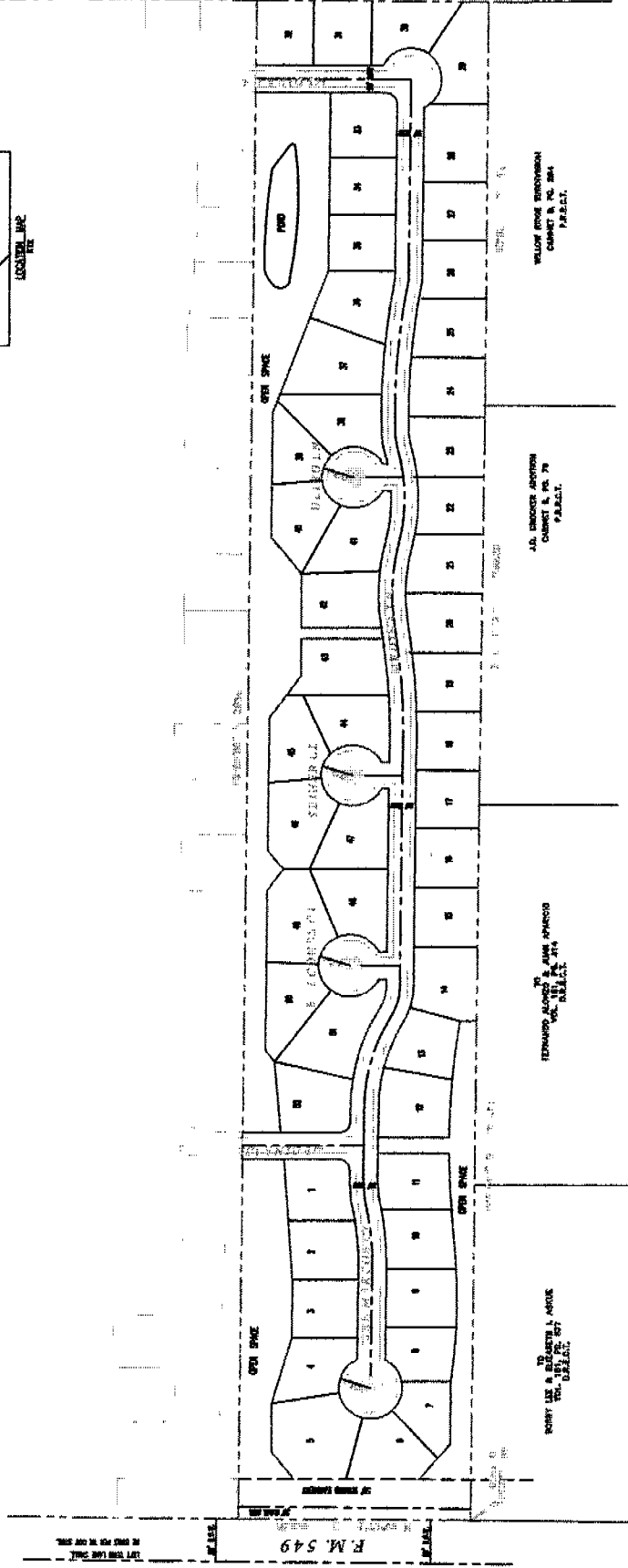
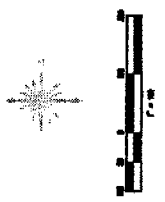
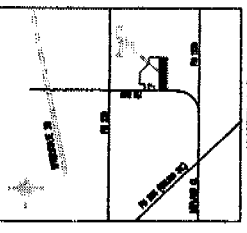
**T**HENCE North 89 degrees 28 minutes 35 seconds West along the common line of said Starling tract and said J.D. Crocker Addition generally along a fence passing at a distance of 66.95 feet a 1/2 inch iron rod with cap stamped R.P.L.S. 5034 found, and continuing along said common line, and generally along a fence, for a total distance of 745.44 feet to a 1/2 inch iron rod found at the northwest corner of said J.D. Crocker Addition and the northeast corner of a tract of land described by deed to Fernando Alonzo and Juan Aparicio according to the deed recorded in Volume 161, Page 414, D.R.R.C.T.;

**T**HENCE North 89 degrees 27 minutes 46 seconds West continuing along the southerly line of said Starling tract and generally along a fence, for a distance of 1336.32 feet to the PLACE OF BEGINNING, and containing 1,217,047 square feet or 27.939 acres of land more or less.



FILE COPY

EXHIBIT "B"



52 Lots  
**Concept Plan**  
**Fontanna Ranch - Phase III**  
**27.89 Acre Tract Situated in the**  
**City of Rockwall, Rockwall County, Texas**

Prepared by:  
 Spring Haven Investments, Inc.  
 4775 Spring Hill Rd., Suite 100 • Rockwall, Texas 75087 • 972.961.1111

Prepared for:  
 F.C. Cozy Corporation  
 5700 West Loop West, Suite 1000 • Houston, Texas 77056 • 281.416.1111

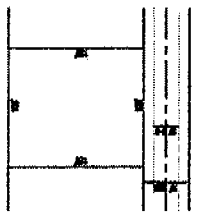
APR 2006  
 Scale: 1" = 100'

**AREA TABLE**

Total Acreage	27.89 Ac.
Net Dev. Acreage	22.19 Ac.
Open Space Acreage (Dedicated to BOD)	5.70 Ac.
Total No. Single Family	52

**FD INFORMATION**

Existing Zoning	Agriculture
Proposed Zoning	Planned Development
Minimum Lot Size	12,000 Square Feet
Minimum S.F. Dwelling	2,000 Square Feet
Proposed Uses	S.F. Reside/Retail
Open Space	Maintainance 20%
Development Sub.	SP-10 & SP16



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2006 009

MAY 04 2006

BY

# Advertising Receipt

**Terrell Tribune**  
Rockwall County News  
150 9th Street, P.O. Box 669  
Terrell, TX 75160  
Phone: (972) 563-6476  
Fax: (972) 563-0340

ROCKWALL, CITY OF-LEGALS ®  
c/o Dorothy Brooks, City Secretary  
385 SOUTH GOLIAD  
ROCKWALL, TX 75087

**Cust#:** 01100978-000  
**Ad#:** 03550183  
**Phone:** (972)771-7700  
**Date:** 06/06/06

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

Description	Start	Stop	Ins.	Cost/Day	Surcharges	Total
09 ROCKWALL COUNTY NEWS	06/14/06	06/14/06	1	60.00		60.00

**Payment Reference:**

LG#223201  
ORDINANCE #06-21  
6/14

**Total:** 60.00  
**Tax:** 0.00  
**Net:** 60.00  
**Prepaid:** 0.00

**Total Due** 60.00


# PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS  
COUNTY OF ROCKWALL

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

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

June 14 A.D. 2006  


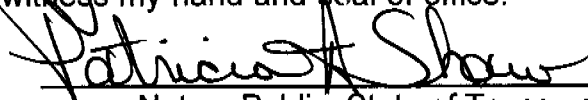
William Jordan  
Editor and Publisher

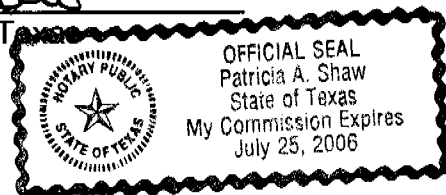
### SUBSCRIBED AND SWORN BEFORE ME

by William Jordan who

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

on the 15th day of June, A.D. 2006  
to certify which witness my hand and seal of office.

  
Notary Public, State of Texas



## CITY OF ROCKWALL ORDINANCE NO. 06-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO CHANGE THE ZONING FROM (AG) AGRICULTURAL DISTRICT TO (PD-67) PLANNED DEVELOPMENT NO. 67 DISTRICT ON A 27.939-ACRE TRACT KNOWN AS TRACT 19, ABSTRACT 186, J.A. RAMSEY SURVEY, BEING MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR SPECIAL CONDITIONS; 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.

/s/ William R. Cecil, Mayor  
/s/ Dorothy Brooks, City Secretary  
1st Reading: 05-15-06  
2nd Reading: 06-05-06