

CITY OF ROCKWALL

ORDINANCE NO. 09-37

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 APPROVE A CHANGE IN ZONING FROM (AG) AGRICULTURAL DISTRICT TO (PD-75) PLANNED DEVELOPMENT DISTRICT NO. 75, ON A TRACT OF LAND CONTAINING APPROXIMATELY 329.53-ACRE AND KNOWN AS LAKE ROCKWALL ESTATES, LOCATED ALONG THE SOUTH SIDE OF TUBBS ROAD, EAST SIDE OF HORIZON ROAD (FM 3097) AND NORTH SIDE OF COUNTY LINE ROAD AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; 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-75) Planned Development District No. 75 has been initiated by the City of Rockwall on a tract of land containing approximately 329.53 acres, known as Lake Rockwall Estates, and located along the south side of Tubbs Road, east side of Horizon Road (FM 3097) and the north side of County Line and more specifically described herein as Exhibit "A"; 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 from (AG) Agricultural district to (PD-75) Planned Development District No. 75 on a 329.53-acre tract of land known as Lake Rockwall Estates and located along the south side of Tubbs Road, east side of Horizon Road (FM 3097) and the north side of County Line and the north side of County Line and more specifically described herein as Exhibit "A"; and

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 Unified Development Code (Ord. No. 04-38) of the City of Rockwall as heretofore amended, and said property shall be limited to the uses, density, area, setback and other requirements set forth herein attached as Exhibit "B".

Section 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

Section 4. 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 5. 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 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 for this ordinance are declared to be severable.

Section 6. 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 7. 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.

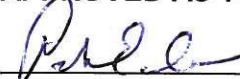
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 21st day of September, 2009.


William R. Cecil, Mayor

ATTEST:


Kristy Ashberry, City Secretary

APPROVED AS TO FORM:


Pete Eckert, City Attorney

1st Reading: 09/08/09

2nd Reading: 09/21/09



Exhibit "A"
Legal Description
Zoning Case No. Z2009-008
Lake Rockwall Estates Proposed "PD"
City and County of Rockwall, Texas

BEING a 329.53 acre tract of land, in the G. Wells Survey, Abstract No. 219, in Rockwall County, Texas, said tract being more particularly described by metes and bounds as follows;

BEGINNING at a point at the intersection of the Centerline of Tubbs Road and the South Right of Way line of F.M. 3097 (Horizon Road);

THENCE N 44° 03' 32.586" E, along the Centerline of said Tubbs Road, for a distance of 3196.715 feet to a point for a corner;

THENCE S 45° 18' 40.548" E, departing said line Tubbs Road for a distance of 987.963 feet to a point for a corner;

THENCE S 45° 01' 47.969" E, for a distance of 305.802 feet to a point for a corner;

THENCE S 57° 46' 29.390" E, a distance of 618.885 feet to a point for a corner;

THENCE N 89° 29' 58.294" E, a distance of 2177.687 feet to a point for a corner in the North line of Rockwall Lake Estates No. 2;

THENCE S 0° 20' 12.986" E, along the Easterly most line of Rockwall Lake Estates No. 2 for a distance of 2420.324 feet to a point for a corner in the North line of County Line Road;

THENCE S 88° 49' 05.513" W, along the said North line of County Line Road for a distance of 3751.248 feet to a point for a corner;




THENCE S 77° 48' 25.087" W, continuing along the said North line of County Line Road for a distance of 388.521 feet to a point for a corner in the Northeast line of said Horizon Road;

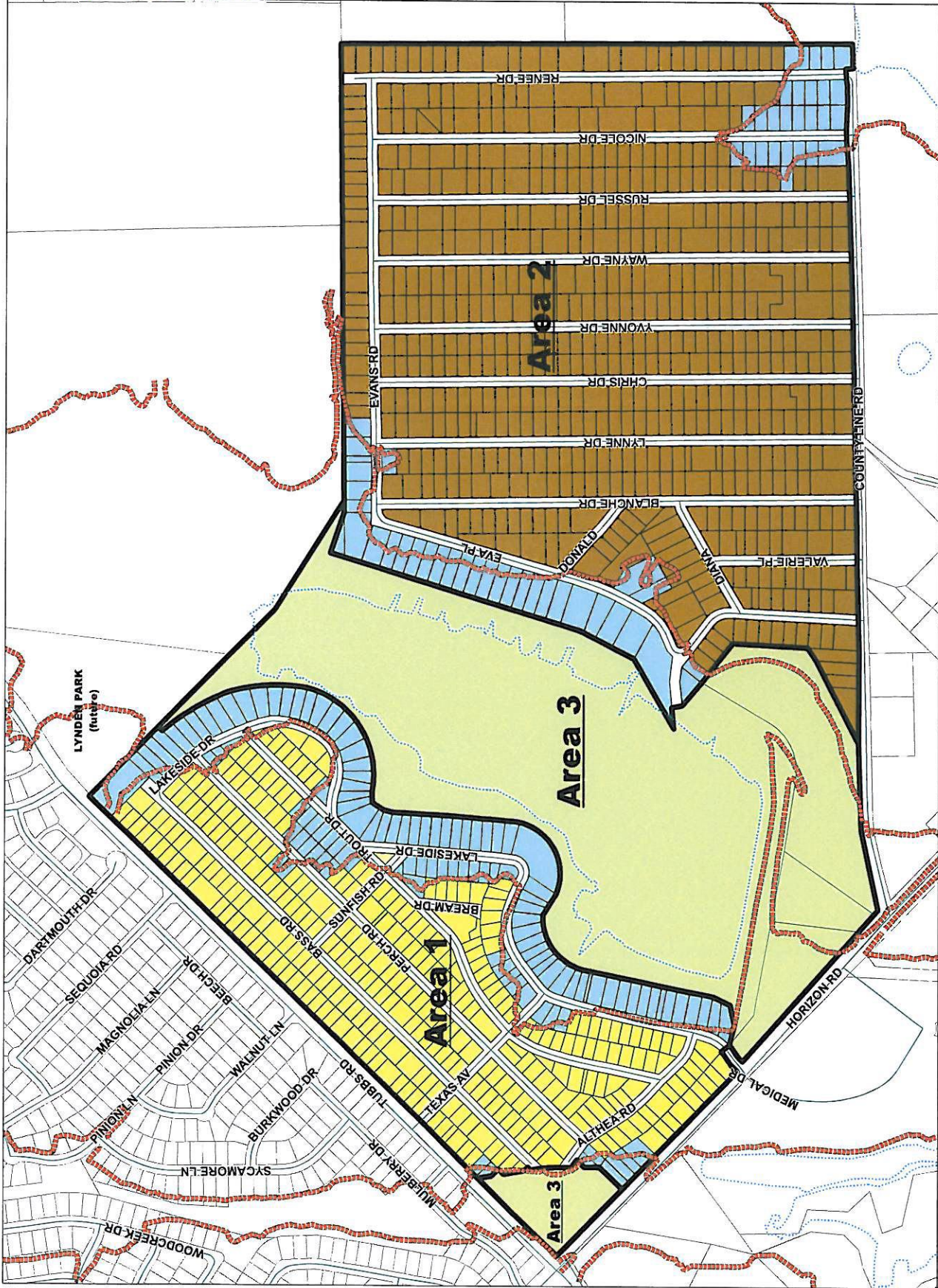
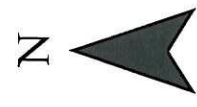
THENCE N 49° 33' 00" W, along said Northeast line of Horizon Road for a distance of 231.08 feet to a point for a corner;

THENCE S 39° 24' 11.999" W, crossing Horizon Road for a distance of 100.00 feet to a point for a corner;

THENCE N 46° 5' 44.798" W, continuing along the South Right of Way line of Horizon Road for a distance of 2064.651 feet to the Point of Beginning and containing 329.53 acres and 14,354,361.518 square feet of land more or less.

Legend

-  FLOODPLAIN
- LAND USE**
-  EXIST LOTS IN FLOODPLAIN
-  AREA 1
-  AREA 2
-  AREA 3



PD Zoning Exhibit B Lake Rockwall Estates

The City of Rockwell GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwell makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

**Exhibit “C” – PD-75 Development Standards
Lake Rockwall Estates**

Area 1

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 3.6 (SF-7) 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 the following additional conditions and restrictions:

A. Development Standards

1. Minimum **lot area** - *5,000 square feet*
 2. Maximum number of single-family detached **dwelling units per lot** – 1
 3. Minimum **square footage** per dwelling unit - *1,100 sq. ft.*
 4. Minimum **lot frontage** on a public street - *50 feet**
 5. Minimum **lot depth** - *100 feet**
 6. Minimum depth of **front yard setback** - *20 feet**
 7. Minimum depth of **rear yard setback** - *10 feet**
 8. Minimum width of **side yard setback**
 - a. Internal lot – *5 feet*
- [* These setbacks and frontage requirements may be varied by the Planning and Zoning Commission and City Council upon request of the applicant.]*
9. Minimum **distance between separate buildings** on the same lot or parcel of land - *10 feet*
 10. Minimum **length of driveway** pavement from public right-of-way for rear and side yard - *20 feet*
 11. Maximum **building coverage** as a percentage of lot area - *45 percent*
 12. Maximum **building height** - *32 feet*
 13. Minimum number of paved **off-street parking spaces** required for
 - a. One single-family dwelling unit – 2. An enclosed garage shall not be considered in meeting the off-street parking requirements.
 - b. For all other uses, see *Article VI Parking and Loading.*

**Exhibit “C” – PD-75 Development Standards
Lake Rockwall Estates**

Area 2

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 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, subject to the additional following conditions and restrictions:

A. Development Standards

1. Minimum **lot area** - *5,000 square feet*
 2. Maximum number of single-family detached **dwelling units per lot** – 1
 3. Minimum **square footage** per dwelling unit - *1,100 sq. ft.*
 4. Minimum **lot frontage** on a public street - *50 feet**
 5. Minimum **lot depth** - *100 feet**
 6. Minimum depth of **front yard setback** - *20 feet**
 7. Minimum depth of **rear yard setback** - *10 feet**
 8. Minimum width of **side yard setback**
 - a. Internal lot – *5 feet*
- [* These setbacks and frontage requirements may be varied by the Planning and Zoning Commission and City Council upon request of the applicant.]*
9. Minimum **distance between separate buildings** on the same lot or parcel of land - *10 feet*
 10. Minimum **length of driveway** pavement from public right-of-way for rear and side yard - *20 feet*
 11. Maximum **building coverage** as a percentage of lot area - *45 percent*
 12. Maximum **building height** - *32 feet*
 13. Minimum number of paved **off-street parking spaces** required for
 - a. One single-family dwelling unit – 2. An enclosed garage shall not be considered in meeting the off-street parking requirements.
 - b. For all other uses, see *Article VI Parking and Loading* or as required in section C. Additional Development Standards.

**Exhibit “C” – PD-75 Development Standards
Lake Rockwall Estates**

B. Manufactured Home Replacement Minimum Standards:

These standards only apply to **Area 2** of the Lake Rockwall Estates Planned Development District.

As of the effective date of this ordinance, if an existing property located in **Area 2** of the Lake Rockwall Estates Planned Development District contained an habitable mobile home or HUD-code manufactured home, as defined by state law, then the **one time replacement** installation of a new or used HUD-code manufactured home shall be allowed if such manufactured home meets the following minimum standards:

1. The manufactured home shall be permanently attached to a concrete foundation.
2. The primary roof pitch must be at least 3 in 12 inches.
3. At least ninety percent (90%) of the exterior materials, including the skirting material, excluding doors and windows, must be comprised of Hardi-board lap siding, “Cemplank” lap siding or a similar cementaceous durable lap siding material with a minimum width of six and one-quarter inches (6 ¼”).

Alternatively, the one-time replacement installation may meet the minimum masonry requirements as specified in **Article V, Section 3.1, General Residential Standards**, of the City of Rockwall Unified Development Code.

4. The one time replacement HUD-code manufactured home shall be a newer manufactured home and is at least as large in living space as the prior manufactured home.

**Exhibit “C” – PD-75 Development Standards
Lake Rockwall Estates**

Additional Standards for Areas 1 and 2

A. Lake Rockwall Estates Fencing Requirements

All fences within (PD-75) Planned Development No. 75 District shall be required to meet all the regulations and requirements of Chapter 6, Article IX of the Rockwall Code of Ordinances with the following exceptions:

1. Construction of fences in the required front yard.

Fences constructed in the required front yard of residentially zoned property within (PD-75) Planned Development No.75 District shall not require a special permit by the City Council, but shall meet all regulations and requirements of Chapter 6, Article IX of the City of Rockwall Code of Ordinances, and as they may be amended in the future. Exceptions to the height requirements for front yard fences shall be appealed to the City Council, but shall not require a public hearing.

2. Construction of chain link fences in side and rear yards.

All properties within Area 1 and 2 shall be permitted to construct a chain-link fence along the side and rear property lines, provided said fence complies with the maximum height and all other requirements of Chapter 6, Article IX of the City’s Code of Ordinances.

B. Exterior Wall Materials

All buildings of 120-sf or more and over ten feet (10’) tall shall have exterior walls constructed of masonry construction. Exterior walls for all buildings of 120-sf or more and over 10 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 materials or building exceeding the 50% Hardy Plank shall require a recommendation of the Planning and Zoning Commission and approval of the City Council.

Buildings less than 120-sf and under 10 feet in height may be constructed with non-masonry materials, or may be all metal with a baked-on pre-painted surface.

C. Consideration of Special Request

The City Council may consider special requests in the Lake Rockwall Planned Development District in Areas 1 and 2. Such requests may include, but not necessarily be limited to, the use of building materials not otherwise allowed, authorization of specific land uses not otherwise allowed, or other requests submitted for consideration.

Upon receipt of such special requests, the Planning and Zoning Commission shall review the same and forward its recommendation to the City Council for consideration. The City Council may approve special requests and any such approval shall preempt any other underlying zoning restrictions in the Zoning Ordinance. Such special requests may be denied by the City Council by passage of a motion to deny.

**Exhibit "C" – PD-75 Development Standards
Lake Rockwall Estates**

Area 3

That the area indicated as **Area 3 (Open Space/Drainage)** on **Exhibit "B,"** attached hereto, shall be restricted to open space and drainage. Development in this area shall be prohibited.