

## ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, April 17, 2023 - 5:00 PM

City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087

**I. Call Public Meeting to Order**

**II. Executive Session.**

The City of Rockwall City Council will Recess into Executive Session to discuss the following matter as authorized by Chapter 551 of the Texas Government Code:

1. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees - specifically the N. TX Municipal Water District (NTMWD) - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding process associated with filling upcoming vacancy for City Council Member - Place 4, pursuant to Section 551.074 (Personnel Matters) and Section §551.071 (Consultation with Attorney)
3. Discussion regarding status of *North TX Municipal Water District (NTMWD) v. City of Heath* lawsuit, pursuant to Section 551.071 (Consultation with Attorney)

**III. Adjourn Executive Session**

**IV. Reconvene Public Meeting (6:00 P.M.)**

**V. Invocation and Pledge of Allegiance - Councilmember Daniels**

**VI. Proclamations / Awards / Recognitions**

1. "Happy 103rd, Harvey!" Day Proclamation
2. Citizen Lifesaving Award - Gustavo Rubio, Rockwall Fire Department Explorer
3. Outstanding Unit Citation – Rockwall Fire Department, Engine 2 Shift A & Rockwall County EMS
  - Firefighter Michael Sauder
  - Firefighter Julio Peralta
  - Firefighter Bogdan Rusmanica

**VII. Open Forum**

*This is a time for anyone to address the Council and public on any topic not already listed on the agenda or set for a public hearing. Per Council policy, public comments should be limited to three minutes out of respect for other citizens' time. If you have a topic that warrants longer time, please contact the City Secretary at [kteague@rockwall.com](mailto:kteague@rockwall.com) to be placed on the Agenda during the "Appointment Items" portion of the meeting. This will allow your topic to be provided sufficient time for discussion and will permit proper notice to be given to the public. On topics raised during Open Forum, please know Council is not permitted to respond to your comments during the meeting since the topic has not been specifically listed on the agenda (the Texas Open Meetings Act requires that topics of discussion/deliberation be posted on an agenda not less than 72 hours in advance of the Council meeting). This, in part, is so that other citizens who may have the same concern may also be involved in the discussion.*

**VIII. Take any Action as a Result of Executive Session**

**IX. Consent Agenda**

*These agenda items are routine/administrative in nature, have previously been discussed at a prior City Council meeting, and/or they do not warrant Council deliberation. If you would like to discuss one of these items, please let the City Secretary know before the meeting starts so that you may speak during "Open Forum."*

1. Consider approval of the minutes from the April 3, 2023 regular city council meeting, and take any action necessary.

2. Consider approval of an **ordinance** amending Chapter 10. Building and Building Regulations, Articles III, IV, V, VI, VII, VIII, IX, X, and XI of the Municipal Code of Ordinances and adopting a new Article XVII, for the purpose of adopting the 2021 International Building, Residential, Mechanical, Plumbing, Fuel Gas, Energy Conservation, Electrical, Building, and Swimming Pool and Spa Codes, including reflecting local amendments, exceptions and related changes, and take any action necessary. **(2nd reading)**
3. Consider an **ordinance** repealing Article II. Fire Code Standards, Secs. 18-32 and 18-33 of Chapter 18. Fire Prevention and Protection of the Rockwall Municipal Code of Ordinances and adopting new Secs. 18-32 and 18-33 for the purpose of adopting the 2021 International Fire Code including certain Appendices (B, D, H, L and N) and reflecting local amendments, exceptions, and related changes while retaining Subsection (41) (2006 IFC, Section 903.2, as adopted by Ord. 11-24), and take any action necessary. **(2nd reading)**
4. Consider an **ordinance** amending Section 26-505, *Prohibited in Specific Places*, of Article VII, *Stopping, Standing, or Parking*, of Chapter 26, *Motor Vehicles & Traffic*, of the Municipal Code of Ordinances to include the prohibition of parking on N. Goliad Street from FM-552 to John King Boulevard and on Shenandoah Lane from All Angels Hill Lane to the eastern terminus of Shenandoah Lane, and take any action necessary. **(2nd reading)**
5. **P2023-006** - Consider a request by Matthew Deyermond on behalf of Donald Wallace for the approval of a *Final Plat* for Lots 1-3, Block A, Wallace Addition being a 8.17-acre tract of land being identified as all of Tracts 45-02 & 45-07 and a portion of Tract 44-01 of the W. W. Ford Survey, Abstract No. 80 of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 1.5 (SFE-1.5) District, generally located on the northside of Wallace Lane, and take any action necessary.
6. **P2023-007** - Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Bret Pedigo of TM Terraces, LCC for the approval of a *Final Plat* for the Terraces Subdivision consisting of 181 single-family residential lots on a 94.144-acre tract of land being identified as a portion of Tract 4 & 4-01 of the M. B. Jones Survey, Abstract No. 122 and Tracts 13 & 25 and a portion of Tracts 25-1 & 26 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Planned Development District 93 (PD-93) for Single-Family 10 (SF-10) District land uses, situated within the SH-66 Overlay (SH-66 OV) District, located south of the intersection of Cornelius Road and FM-1141, and take any action necessary.
7. Consider approval of a resolution affirming application for a 2023 Texas Parks and Wildlife Boating Access Grant in the amount of \$1,250,000.00 for parking expansion at the SH-66 Boat Ramp with City matching funds in the amount of \$312,500.00 to be funded by 'reserves,' and take any action necessary.

**X. Appointment Items**

1. Appointment with Planning & Zoning Commission representative to discuss and answer any questions regarding planning-related cases on the agenda.

**XI. Public Hearing Items**

*If you would like to speak regarding an item listed below, please turn in a (yellow) "Request to Address City Council" form to the City Secretary either before the meeting or as you approach the podium. The Mayor or Mayor Pro Tem will call upon you to come forth at the proper time. Please limit your comments to no more than three minutes.*

1. **Z2023-014** - Hold a public hearing to discuss and consider a request by Julius Waffer for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 1.0620-acre parcel of land identified as Lot 22 of the Canup Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 512 Dickey Street, and take any action necessary **(1st Reading)**.



2. **Z2023-015** - Hold a public hearing to discuss and consider a request by Martha Balleza and Ana Quezada for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.1650-acre parcel of land identified as Lot 1290 of the Lake Rockwall Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District, addressed as 223 Russell Drive, and take any action necessary **(1st Reading)**.
3. **Z2023-016** - Hold a public hearing to discuss and consider a request by Johnathan Martinez on behalf of Donna C. Pritchard for the approval of an **ordinance** for a *Specific Use Permit (SUP)* allowing a *Bail Bond Service* on a 0.423-acre parcel of land identified as Lot 1, Block 1, Garland Federal Savings & Loan Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1901 S. Goliad Street [SH-205], and take any action necessary **(1st Reading)**.
4. **Z2023-017** - Hold a public hearing to discuss and consider a request by Javier Silva on behalf of Nixon Estate and Judy Wible the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.16-acre parcel of land identified as Lot 11, Block C, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 711 Parks Avenue, and take any action necessary **(1st Reading)**.
5. **Z2023-019** - Hold a public hearing to discuss and consider the approval of an **ordinance** for a *Text Amendment* to Article 04, *Permissible Uses*, and Article 13, *Definitions*, of the Unified Development Code (UDC) to create a *Credit Access Businessland* use, and take any action necessary **(1st Reading)**.
6. **Z2023-020** - Hold a public hearing to discuss and consider the approval of an **ordinance** for an *Amendment* to the Comprehensive Plan for the purpose of adopting changes to the Master Thoroughfare Plan contained in Appendix 'C', *Maps*, and take any action necessary **(1st Reading)**.

## XII. Action Items

*If your comments are regarding an agenda item below, you are asked to wait until that particular agenda item is up for discussion, and the Mayor or Mayor Pro Tem will call you forth to the podium to hear your comments (please limit to 3 minutes or less). This allows for all public comments to be grouped with each specific agenda item for the Council to consider, and they are then easily referenced in meeting recordings.*

1. Discuss and consider the approval of an **ordinance** amending Article IV, *Noise*, of Chapter 16, *Environment*, of the Municipal Code of Ordinances for the purpose of extending the applicability of this section, and take any action necessary. **(1st reading)**

## XIII. Adjournment

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 771-7700 or FAX (972) 771-7727 for further information.

The City of Rockwall City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on the agenda above, as authorized by Texas Government Code ¶ 551.071 (Consultation with Attorney) ¶ 551.072 (Deliberations about Real Property) ¶ 551.074 (Personnel Matters) and ¶ 551.087 (Economic Development)

I, Kristy Teague, City Secretary for the City of Rockwall, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 14th day of April, 2023 at 4:00 p.m. and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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Kristy Teague, City Secretary  
or Margaret Delaney, Asst. to the City Sect.

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Date Removed

# Rockwall, Texas Proclamation

*Whereas*, Harvey Ladd is a first-generation American, born in Chicago in 1920, and one of four children of a Russian immigrant; and

*Whereas*, Harvey and his lovely wife, Rila have 3 children, 19 grandchildren and 15 great-grandchildren; and

*Whereas*, in his lifetime, Harvey has lived through the Great Depression; observed the rise and fall of multiple wars; witnessed the onset of planes and automobiles; fascinated over a plentitude of inventions, and experienced a global pandemic; and

*Whereas*, Harvey is a Navy veteran, a retired Dallas Reserve Officer, a world-traveler, a do-it-yourselfer, an adventure-seeker, a magnificent story-teller and a fantastic man; and

*Whereas*, Harvey has a wonderful sense of humor, a passion for learning, and a strong belief in taking care of others; and

*Whereas*, Harvey's endearing personality always brings out the best in those who are blessed to know and be around him.

*Now, Therefore*, I, Kevin Fowler, Mayor of the City of Rockwall, Texas, do hereby proclaim **April 17, 2023** as

## **"Happy 103<sup>rd</sup>, Harvey!" Day**

in the City of Rockwall and encourage all citizens to recognize and celebrate Mr. Harvey Ladd on this very special birthday occasion.

*In Witness Whereof*, I hereunto set my hand and official seal this 17<sup>th</sup> day of April, 2023.

  
\_\_\_\_\_  
Kevin Fowler, Mayor

# Citizen Lifesaving Award



ROCKWALL FIRE

## *Rockwall Fire Department*

*takes great pleasure in recognizing with pride and admiration*

*Rockwall Fire Department Explorer  
Gustavo Rubio*

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On March 22, 2023 Gustavo Rubio was in the cafeteria of North Forney High School when he noticed a fellow student who was choking. Recognizing the urgency of the situation, Rubio approached the student and performed the Heimlich maneuver dislodging the food that had been obstructing his airway.

Whereas Gustavo Rubio acted quickly and decisively in recognizing a serious medical condition and performed lifesaving measures that directly saved the life of a fellow student, and in doing so brought honor to himself the Rockwall Fire Department Explorer Post 1903, and the City of Rockwall, be it resolved that the Rockwall Fire Department is proud to recognize him with the department's Lifesaving Award.

*Given in grateful appreciation this 17<sup>th</sup> day of April 2023.*

*Kenneth D. Cullis*

Fire Chief

*4/17/23*

Date

# Unit Citation



ROCKWALL FIRE

## *Rockwall Fire Department*

*takes great pleasure in recognizing with pride and admiration the members of*

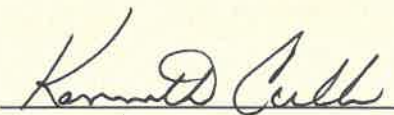
*Engine 02 "A" Shift  
FF Michael Sauder  
FF Julio Peralta  
FF Bogdan Rusmanica*

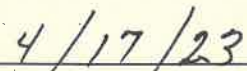
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March 9, 2023 at 1:00 PM the Rockwall Fire Department responded to a reported unconscious person at 3020 Ridge Road. Information indicated that the patient had been choking and was now unresponsive. Upon their arrival and rapid assessment of the patient the crew recognized the critical nature of the situation and began resuscitation efforts including rescue breathing with a bag valve mask and chest compressions. Medic Rescue having arrived a short time after Engine 02, the patient was moved to the ambulance where all responders continued rescue efforts before transporting to a nearby hospital.

Because of the professionalism and expertise displayed by all responders involved, the patient was discharged from the hospital the next having made a complete recovery.

*Given in grateful appreciation this 17<sup>th</sup> day of April 2023.*

  
\_\_\_\_\_  
Fire Chief

  
\_\_\_\_\_  
Date

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**ROCKWALL CITY COUNCIL REGULAR MEETING**

**Monday, April 03, 2023 - 5:30 PM**

**City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087**

**I. CALL PUBLIC MEETING TO ORDER**

Mayor Fowler called the meeting to order at 5:31 p.m. Present were Mayor Kevin Fowler and Councilmembers Dennis Lewis, Clarence Jorif, Anna Campbell, Bennie Daniels, and Mark Moeller. Also present were City Manager Mary Smith and Assistant City Manager Joey Boyd. Mayor Pro Tem Trace Johannesen was absent from the meeting, and City Attorney Frank Garza joined Ex. Session via video teleconference (“ZOOM”).

**II. EXECUTIVE SESSION.**

THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE FOLLOWING MATTER AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

1. Discussion regarding possible sale/purchase/lease of real property in the vicinity of the downtown area, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)

**III. ADJOURN EXECUTIVE SESSION**

**Council adjourned from Ex. Session at 5:57 p.m.**

**IV. RECONVENE PUBLIC MEETING (6:00 P.M.)**

**Mayor Fowler reconvened the public meeting at 6:00 p.m.**

**V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER CAMPBELL**

**Councilmember Campbell delivered the invocation and led the Pledge of Allegiance.**

**VI. PROCLAMATIONS / AWARDS / RECOGNITIONS**

1. Child Abuse Awareness & Prevention Month

Mayor Fowler called forth representatives of the local Child Advocacy Center, Court Appointed Special Advocates and Rainbow Room. He then read and presented a proclamation to bring awareness to this cause.

**VII. OPEN FORUM**

Mayor Fowler explained how Open Forum is conducted, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed Open Forum.

**VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**



## Council did not take any action as a result of Ex. Session.

### IX. CONSENT AGENDA

1. Consider approval of the minutes from the March 20, 2023, regular City Council meeting, and take any action necessary.
2. Consider approval of an **ordinance** cancelling the May 6, 2023 General (city council) Election, and take any action necessary. **(2nd reading)**
3. **Z2023-008** - Consider a request by Brad Helmer on behalf of Heritage Christian Academy for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing existing temporary educational buildings on a 6.64-acre parcel of land identified as Lot 1, Block A, Heritage Christian Academy Addition, City of Rockwall, Rockwall County, Texas, zoned Multi-Family 14 (MF-14) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1408 S. Goliad Street [SH-205], situated within the SH-205 Overlay (SH-205 OV) District, and take any action necessary **(2nd Reading)**.
4. **Z2023-009** - Consider a request by Jeff and Ginger Brock-Jones for the approval of an **ordinance** for a Specific Use Permit (SUP) to allow a *Guest Quarters/Detached Garage* on a 0.4170-acre parcel of land identified as all of Lot 1 and a portion of Lot 2, Block 2, Leonard and Adams Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 504 Nash Street, and take any action necessary **(2nd Reading)**.
5. **Z2023-011** - Consider a request by Javier Silva of JMS Custom Homes, LLC on behalf of Ruben Fragoso of RSR Capital LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* on a 0.24-acre parcel of land identified as Lot 5, Block 1, L & W Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 104 Glenn Avenue, and take any action necessary **(2nd Reading)**.
6. **Z2023-012** - Consider a request by Timothy S. and Susan M. Mack for the approval of an **ordinance** for a Specific Use Permit (SUP) to allow a *Detached Garage* on a one (1) acre parcel of land identified as all of Lot 9, Block A, Saddlebrook Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District, addressed as 2333 Saddlebrook Lane, and take any action necessary **(2nd Reading)**.
7. **Z2023-013** - Consider a request by Kevin Osornio of MBA Custom Homes for the approval of an **ordinance** for a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* on a 0.1650-acre parcel of land identified as Lot 837A of the Lake Rockwall Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District, addressed as 118 Blanche Drive, and take any action necessary **(2nd Reading)**.
8. Consider the approval of an **ordinance** for a text amendment to Chapter 38, *Subdivisions*, of the Municipal Code of Ordinances for the purpose of adopting a revised *Subdivision Ordinance*, and take any action necessary **(2nd Reading)**.
9. Consider an **ordinance** adopting the March 2023 updates to the Engineering Department's Standards of Design and Construction Manual, and take any action necessary. **(2nd reading)**
10. Consider an **ordinance** amending Section 26-505, *Prohibited in Specific Places*, of Article VII, *Stopping, Standing, or Parking*, of Chapter 26, *Motor Vehicles & Traffic*, of the Municipal Code of Ordinances to include the prohibition of parking on N. Goliad Street from FM-552 to John King Boulevard and on Shenandoah Lane from All Angels Hill Lane to the eastern terminus of Shenandoah Lane, and take any action necessary. **(1st reading)**
11. Consider authorizing the City Manager to execute a contract for the professional engineering services with KSA, to perform the engineering design services and specifications for the Davis Drive Water Line Project in an amount not to exceed \$155,680.00, to be funded out of the Water and Sewer Fund, and take any action necessary.



12. **P2023-005** - Consider a request by Josh Swiercinsky of 7.1 Ridge, LLC for the approval of a *Replat* for Lots 8-10, Block A, Sky Ridge Addition being a 2.293-acre tract of land identified as Lots 2-4, Block A, Sky Ridge Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, generally located at the southwest corner of the intersection of Yellow Jacket Lane and Ridge Road [*FM-740*], and take any action necessary.

Councilmember Jorif moved to approve the entire Consent Agenda, as presented (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12). Councilmember Campbell seconded the motion. The ordinance captions were read as follows:

CITY OF ROCKWALL, TEXAS  
ORDINANCE NO. 23-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS DECLARING UNOPPOSED CANDIDATES FOR THE OFFICES OF MAYOR AND CITY COUNCILMEMBER PLACE 1, CITY COUNCILMEMBER PLACE 3, AND CITY COUNCILMEMBER PLACE 5, AS ELECTED; PROVIDING THAT THE MAY 6, 2023 GENERAL MUNICIPAL ELECTION IS CANCELLED AND SHALL NOT BE HELD; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL  
ORDINANCE NO. 23-15  
SPECIFIC USE PERMIT NO. S-297

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW THREE (3) TEMPORARY EDUCATIONAL BUILDINGS ON A 6.64-ACRE PARCEL OF LAND ZONED MULTI-FAMILY 14 (MF-14) DISTRICT IDENTIFIED AS LOT 1, BLOCK A, HERITAGE CHRISTIAN ACADEMY ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR 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.

CITY OF ROCKWALL  
ORDINANCE NO. 23-16  
SPECIFIC USE PERMIT NO. S-298

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *GUEST QUARTERS/DETACHED GARAGE* ON A 0.4170-ACRE PARCEL OF LAND IDENTIFIED AS ALL OF LOT 1 AND A PORTION OF LOT 2, BLOCK 2, LEONARD AND ADAMS ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN

**EXHIBIT 'A' OF THIS ORDINANCE; 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.**

**CITY OF ROCKWALL  
ORDINANCE NO. 23-18  
SPECIFIC USE PERMIT NO. S-299**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.24-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 5, BLOCK 1, L & W ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; 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.**

**CITY OF ROCKWALL  
ORDINANCE NO. 23-19  
SPECIFIC USE PERMIT NO. S-300**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *DETACHED GARAGE* ON A ONE (1) ACRE PARCEL OF LAND IDENTIFIED AS LOT 9, BLOCK A, SADDLEBROOK ESTATES #2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; 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.**

**CITY OF ROCKWALL  
ORDINANCE NO. 23-20  
SPECIFIC USE PERMIT NO. S-301**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [ORDINANCE NO. 16-01] AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.1650-ACRE PARCEL OF LAND,**

IDENTIFIED AS LOT 847A OF THE LAKE ROCKWALL ESTATES #2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; 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.

CITY OF ROCKWALL  
ORDINANCE NO. 23-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REPEALING IN ITS ENTIRETY CHAPTER 38, *SUBDIVISIONS*, OF THE MUNICIPAL CODE OF ORDINANCES, AS HERETOFORE AMENDED, AND ADOPTING CHAPTER 38, *SUBDIVISIONS*, WHICH PROVIDES THE FOLLOWING RULES AND REGULATIONS RELATING TO APPLICATION PROCESSING PROCEDURES, SUBDIVISION AND PLATTING PROCEEDURES, ENGINEERING STANDARDS AND PROCEDURES, SUBDIVISION REQUIREMENTS, APPEALS AND RELIEF PROCEDURES, PARKLAND DEDICATION, DISASTER WARNING SIRENS, GRADING, EXCAVATION, EARTHWORK, AND EROSION CONTROL FOR THE PURPOSE OF PROTECTING THE PUBLIC'S HEALTH, SAFETY, AND GENERAL WELFARE INSIDE THE CITY'S CORPORATE LIMITS AND THE EXTRATERRITORIAL JURISDICTION (ETJ); 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.

CITY OF ROCKWALL  
ORDINANCE NO. 23-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REPEALING IN ITS ENTIRETY THE CITY'S *OCTOBER 2019 STANDARDS OF DESIGN AND CONSTRUCTION MANUAL* AND ADOPTING THE *MARCH 2023 STANDARDS OF DESIGN AND CONSTRUCTION MANUAL* FOR THE PURPOSE OF PROTECTING THE PUBLIC'S HEALTH, SAFETY, AND GENERAL WELFARE INSIDE THE CITY'S CORPORATE LIMITS AND THE EXTRATERRITORIAL JURISDICTION (ETJ); 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.

CITY OF ROCKWALL  
ORDINANCE NO. 23-\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE MUNICIPAL CODE ORDINANCES OF THE CITY OF ROCKWALL, BY AMENDING SECTION 26-505, *PROHIBITED IN SPECIFIC PLACES*, OF ARTICLE VII, *STOPPING, STANDING OR PARKING*, OF CHAPTER 26, *MOTOR VEHICLES AND TRAFFIC*, TO INCORPORATE ADDITIONAL STREETS SUBJECT TO THE PROHIBITED PARKING REQUIREMENTS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE;

**PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

The motion to approve the entire Consent Agenda passed by a vote of 6 to 0 (Johannesen being absent).

**X. ACTION ITEMS**

1. **Z2023-010** - Discuss and consider a request by Duane Piercy of Redeemer Church for the approval of an ordinance for a *Zoning Change* from an Agricultural (AG) District to Light Industrial (LI) District on a 6.17-acre tract of land identified as Tract 2-01 of the D Harr. Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the Airport Overlay (AP OV) District, addressed as 1760 Airport Road, and take any action necessary (**2nd Reading**).

Mayor Fowler recused himself from this agenda item. In the absence of Mayor Pro Tem Johannesen, Councilmember Campbell read the caption for the agenda item. There being no questions, Councilmember Daniels then moved to approve Z2023-010. Councilmember Lewis seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 23-17**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO LIGHT INDUSTRIAL (LI) DISTRICT FOR A 6.17-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2-01 OF THE D HARR. SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* AND FURTHER DEPICTED IN *EXHIBIT 'B'* OF THIS ORDINANCE; 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.**

The motion passed by a vote of 5 ayes with 1 recusal (Fowler) and 1 absence (Johannesen).

2. Discuss and consider approval of an ordinance amending Chapter 10. Building and Building Regulations, Articles III, IV, V, VI, VII, VIII, IX, X, and XI of the Municipal Code of Ordinances and adopting a new Article XVII, for the purpose of adopting the 2021 International Building, Residential, Mechanical, Plumbing, Fuel Gas, Energy Conservation, Electrical, Building, and Swimming Pool and Spa Codes, including reflecting local amendments, exceptions and related changes, and take any action necessary. (**1st reading**)

Building Official, Jeffrey Widmer came forth and briefed the Council on this agenda item. He indicated that International Codes get updated once every three years. The national codes are typically adopted with certain local amendments being reflected. Councilmember Lewis asked for clarification regarding the 'retaining walls' section – does the Council allow 'form liners.' Mr. Widmer indicated that, yes those are allowed. Councilmember Lewis then moved to approve the

ordinance, as presented. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 23-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 10 BUILDINGS AND BUILDING REGULATIONS, ARTICLES III, IV, V, VI, VII, VIII, IX AND X OF THE CODE OF ORDINANCES; REPEALING ARTICLES III, IV, V, VI, VII, VIII, IX, AND X IN THEIR ENTIRETY; AMENDING ARTICLE XI, DIVISION 2, SECTION 10-425; ADOPTING A NEW ARTICLE XVII. "SWIMMING POOL AND SPA CODE;" PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

The motion passed by a vote of 6 ayes with 1 absence (Johannesen).

3. Discuss and consider an **ordinance** repealing Article II. Fire Code Standards, Secs. 18-32 and 18-33 of Chapter 18. Fire Prevention and Protection of the Rockwall Municipal Code of Ordinances and adopting new Secs. 18-32 and 18-33 for the purpose of adopting the 2021 International Fire Code including certain Appendices (B, D, H, L and N) and reflecting local amendments, exceptions, and related changes while retaining Subsection (41) (2006 IFC, Section 903.2, as adopted by Ord. 11-24), and take any action necessary. **(1st reading)**

Fire Marshal, Ariana Kistner came forth and answered a couple of brief questions from Mayor Fowler. Councilmember Jorif then moved to approve the ordinance, as presented. Councilmember Moeller seconded the motion, and the ordinance caption was read as follows:

**CITY OF ROCKWALL, TEXAS  
ORDINANCE NO. 23-25**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REPEALING ARTICLE II. FIRE CODE STANDARDS, SEC. 18-32 AND SEC. 18-33 OF CHAPTER 18 FIRE PREVENTION AND PROTECTION OF THE ROCKWALL MUNICIPAL CODE OF ORDINANCES AND ADOPTING A NEW SEC. 18-32 AND A NEW SEC. 18-33 OF SAID CHAPTER AND ARTICLE, INCLUDING SPECIFIED LOCAL AMENDMENTS TO THE 2021 INTERNATIONAL FIRE CODE, INCLUDING APPENDICIES B, D, H, L, AND N WITH THE EXCEPTION OF SUBSECTION (41) (2006 IFC, SECTION 903.2, AS ADOPTED BY ORD. 11-24); PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**The motion passed by a vote of 6 ayes with 1 absence (Johannesen).**

**XI. CITY MANAGER'S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

- 1. Building Inspections Department Monthly Report - February 2023**
- 2. Fire Department Monthly Report - February 2023**
- 3. Parks & Recreation Department Monthly Report - February 2023**
- 4. Police Department Monthly Report - February 2023**

**Mrs. Smith, City Manager, reminded Council of the upcoming flag dedication ceremony the morning of April 15 at 9:30 AM. Also, Farmers Market will open May 6, and the first "Concerts by the Lake" begins May 4 with a philharmonic concert featuring Star Wars music.**

**XII. ADJOURNMENT**

**Mayor Fowler adjourned the meeting at 6:28 p.m.**

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 17th DAY OF APRIL, 2023.**

\_\_\_\_\_  
**KEVIN FOWLER, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**KRISTY TEAGUE, CITY SECRETARY**



**CITY OF ROCKWALL**  
**ORDINANCE NO. 23-24**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 10 BUILDINGS AND BUILDING REGULATIONS, ARTICLES III, IV, V, VI, VII, VIII, IX AND X OF THE CODE OF ORDINANCES; REPEALING ARTICLES III, IV, V, VI, VII, VIII, IX, AND X IN THEIR ENTIRETY; AMENDING ARTICLE XI, DIVISION 2, SECTION 10-425; ADOPTING A NEW ARTICLE XVII. "SWIMMING POOL AND SPA CODE;" PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:**

**Section 1.** That Chapter 10, Article III Building Code of the Code of Ordinances of the City of Rockwall is hereby repealed in its entirety and a new Article III Building Code is created and shall hereinafter read in its entirety as specified and attached hereto as "**Exhibit A,**" which is made part hereof for all purposes;

**Section 2.** That Chapter 10, Article IV Residential Code of the Code of Ordinances of the City of Rockwall are hereby repealed in its entirety and a new Article IV Residential Code, which is hereby adopted and shall hereinafter read as specified and attached hereto as "**Exhibit B,**" which is made part hereof for all purposes. Chapter 10, Article IV. Residential Code, Sec. 10-138, including retaining Appendix P, Section AP101 (2006 IRC, as amended and codified by city Ord. 11-24), which shall remain unchanged and in full force and effect as reflected and incorporated in "Exhibit B."

**Section 3.** That Chapter 10, Article V Mechanical Code of the Code of Ordinances of the City of Rockwall is hereby repealed in its entirety and a new Article V Mechanical Code is created and shall hereinafter read in its entirety as specified and attached hereto as "**Exhibit C,**" which is made part hereof for all purposes;

**Section 4** That Chapter 10, Article VI Plumbing Code of the Code of Ordinances of the City of Rockwall is hereby repealed in its entirety and a new Article VI Plumbing Code is created and shall hereinafter read in its entirety as specified and attached hereto as "**Exhibit D,**" which is made part hereof for all purposes;

**Section 5.** That Chapter 10, Article VII Fuel Gas Code of the Code of Ordinances of the City of Rockwall is hereby repealed in its entirety and a new Article VII Fuel Gas Code is created and shall hereinafter read in its entirety as specified and attached hereto as "**Exhibit E,**" which is made part hereof for all purposes;

**Section 6.** That Chapter 10, Article VIII Energy Conservation Code of the Code of Ordinances of the City of Rockwall is hereby repealed in its entirety and a new Article VIII Energy Conservation Code is created and shall hereinafter read in its entirety as specified and attached hereto as "**Exhibit F,**" which is made part hereof for all purposes;

**Section 7.** That Chapter 10, Article IX Electrical Code of the Code of Ordinances

of the City of Rockwall is hereby repealed in its entirety and a new Article IX Electrical Code is created and shall hereinafter read in its entirety as specified and attached hereto as “**Exhibit G,**” which is made part hereof for all purposes;

**Section 8.** That Chapter 10, Article X Existing Building Code of the Code of Ordinances of the City of Rockwall is hereby repealed in its entirety and a new Article X Existing Building Code is created and shall hereinafter read in its entirety as specified and attached hereto as “**Exhibit H,**” which is made part hereof for all purposes;

**Section 9.** That Chapter 10, Article XI. Fences of the Code of Ordinances of the City of Rockwall is hereby amended in Division 2. Construction Standards; Sec. 10-425 Swimming Pool, Spa and Hot Tub/Barrier Requirements and shall hereinafter read in its entirety as specified and attached hereto as “**Exhibit I,**” which is made part hereof for all purposes;

**Section 10.** That Chapter 10, Article XVII. Swimming Pool and Spa Code of the City of Rockwall is hereby newly adopted and shall hereinafter read in its entirety as specified and attached hereto as “**Exhibit J,**” which is made part hereof for all purposes;

**Section 11.** any person, firm or corporation violating any of the provisions of this ordinance shall be punished by a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

**Section 12.** That 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, 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 13.** That this ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this ordinance.

**Section 14.** That this ordinance shall take effect immediately from and after its passage and approval, and it is so ordained.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 17<sup>TH</sup> DAY OF APRIL, 2023.**

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Kevin Fowler, Mayor

**ATTEST:**

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Kristy Teague, City Secretary

1<sup>st</sup> Reading: 04-03-2023

2<sup>nd</sup> Reading: 04-17-2023

**APPROVED AS TO FORM:**

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Frank Garza, City Attorney

## **“EXHIBIT A”**

### **ARTICLE III. BUILDING CODE**

#### **Sec. 10-116. Adopted**

The International Building Code, 2021 edition, as amended by this chapter, is hereby adopted as the Building Code of the City of Rockwall, TX. A copy of such code will be kept in the Building Official's Office and shall be made available for public inspection during regular business hours via a scheduled appointment through the City Secretary's Office.

#### **Sec. 10-117 Amendments**

The following sections, paragraphs, and sentences of the International Building Code, 2021 edition, are hereby amended to read as follows:

##### **Section 101.4; change to read as follows:**

**101.4 Referenced codes.** The other codes listed in Sections 101.4.1 through 101.4.8 and referenced elsewhere in this code, when specifically adopted, shall be considered part of the requirements of this code to the prescribed extent of each such reference. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted.

##### **Section 101.4.4; change to read as follows:**

**101.4.4 Property maintenance.** The provisions of the Rockwall Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

##### **Section 101.4.8; add the following:**

**101.4.8 Electrical.** The provisions of the Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

##### **Section 102.6; change to read as follows:**

**102.6 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the International Existing Building Code, the Rockwall Property Maintenance Code or the International Fire Code.

##### **Section 102.6.2; change to read as follows:**

**[A] 102.6.2 Buildings previously occupied.** The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise

specifically provided in this code, the International Fire Code or Rockwall Property Maintenance Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

**Section 103.3; change to read as follows:**

**103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official. For the maintenance of existing properties, see the Rockwall Property Maintenance Code.

**Section [A] 104.2.1; delete the section**

**Section 104.10.1; delete the section**

**Section 105.2; change “Building” to read as follows:**

**Building:** [remainder unchanged]

7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
13. Movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

**Section 113; change title to read as follows: Section 113 - Construction Advisory and Appeals Board**

**Section 113.1; change to read as follows:**

113.1 General. The Construction Advisory and Appeals Board shall be in accordance with Chapter 10, Article II, Division 3, Subdivision I, Sections 10-61 to 10-115 of the City of Rockwall code of Ordinances.

**Sections 113.2, 113.3 and 113.4; Delete**

**Section 202; amend definition of Ambulatory Care Facility as follows:**

**AMBULATORY CARE FACILITY.** Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing or similar care on a less than 24-hour basis to persons who are rendered incapable of self-preservation by the services provided. This group may include but not be limited to the following:

- Dialysis centers
- Sedation dentistry
- Surgery centers
- Colonic centers
- Psychiatric centers

**Section 202; add definition of Assisting Living Facilities to read as follows.**

**ASSISTED LIVING FACILITIES.** A building or part thereof housing persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff.

**Section 202; add definition of Repair Garage as follows:**

**REPAIR GARAGE.** A building, structure or portion thereof used for servicing or repairing motor vehicles. This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement and other such minor repairs.

**Section 202; amend definition to read as follows:**

**SPECIAL INSPECTOR.** A qualified person employed or retained by an approved agency who shall prove to the satisfaction of the registered design professional in responsible charge and the Building Official as having the competence necessary to inspect a particular type of construction requiring special inspection.

**Section 202; amend definition to read as follows:**

**HIGH-RISE BUILDING.** A building with an occupied floor located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

**Section 403.1, Exception 3; change to read as follows:**

3. The open air portion of a building [remainder unchanged]

**Section 403.3, delete exception**

**Section 403.3.2; change to read as follows:**

**403.3.2** Water supply to required fire pumps. In buildings that are more than 120 feet in building height, required fire pumps shall be supplied by connections to no fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

**Section 404.10; change to read as follows:**

**Section 404.10** Exit Stairways in an atrium. Where an atrium contains an exit access stairway all the following shall be met:

[Remainder Unchanged]

**Section 406.3.3.1 Carport separation; change to read as follows:**

A fire separation is not required between a Group R-2 and U carport provided that the carport is entirely open on all sides and that the distance between the two is at least 10 feet (3048 mm).

**Section 423.5.1; add exception 3 to read as follows.:**

**Exception 3.** Where approved by the building official, the actual number of occupants for whom each occupied space, floor or building is designed, although less than those determined by occupant load calculation, shall be permitted to be used in the determination of the required design occupant capacity for the storm shelter.

**Section 502.1; change section to read as follows:**

**502.1 Address identification.** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property and from all rear alleyways / access. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. These numbers shall contrast with their background; color selection shall accommodate all lighting conditions. Address numbers shall be Arabic numbers or alphabetical letters. Street address numbers shall be a minimum of 12 inches high with a minimum stroke width of 0.5 inch (12.7 mm). Unit/suite/apartment/rear/alley numbers shall be a minimum of 4 inches high. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

**Exception:** Structures located within the historic district may utilize numbers a minimum of 6 inches high, as approved by the fire code official.

**Table 506.2; delete footnote i from table**

**Section 708.4.2; change sentence to read as follows:**

**708.4.2 Fireblocks and draftstops in combustible construction. [Body of text unchanged]**

1. **Exceptions:** Buildings equipped with an automatic sprinkler system installed throughout in accordance with Section 903.3.1.1, or in accordance with Section 903.3.1.2 provided that sprinkler protection is provided in the space between the top of the fire partition and the underside of the floor or roof sheathing, deck or slab above as required for systems complying with Section 903.3.1.1. Portions of buildings containing concealed spaces filled with noncombustible insulation as permitted for sprinkler omission shall not apply to this exception for draftstopping. [Remainder unchanged]

**Section 718.3; change sentence to read as follows:**

**718.3 Draftstopping in floors. [Body of text unchanged]**

**Exceptions:** Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1. and provided that in combustible construction, sprinkler protection is provided in the floor space.



**Section 718.4; change sentence to read as follows:**

**718.4 Draftstopping in attics. [Body of text unchanged]**

**Exceptions:** Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and provided that in combustible construction, sprinkler protection is provided in the attic space.

**Section 903.2 remains unamended from previous code adoptions, per Ordinance 11-24**

**Previous code adoption wording:**

**Section 903.2; add exception to read as follows:**

**903.2 Where Required.** Approved automatic fire sprinkler systems shall be installed in all new buildings, structures and additions with a fire flow calculation area of 5,000 square feet (464.5 m<sup>2</sup>) or greater and in all existing buildings, not including R-3, that are enlarged to have a fire flow calculation of 5,000 square feet (464.5 m<sup>2</sup>) or greater and in buildings that have a fire flow calculation greater than 5,000 square feet (464.5 m<sup>2</sup>) which are enlarged and all locations described in this section.

Approved automatic fire sprinkler systems shall be installed in all new R-3 buildings, structures and additions with a finished floor area of 5,000 square feet (464.5 m<sup>2</sup>) or greater and in all existing R-3 occupancies that have additions totaling more than 30% of the original finished floor area and exceeding a finished floor area of 5,000 square feet.

For the purpose of this provision, fire walls shall not define separate buildings.

**Exceptions:**

1. Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by fire barriers consisting of not less than 1-hour fire-resistance-rated walls and 2-hour fire-resistance-rated floor/ ceiling assemblies.
2. Group U
3. Temporary structures other than amusement buildings.
4. Group A-5, except as required by 903.2.1.5.
5. Open parking garages in compliance with Section 406.5 of the International Building Code, when all of the following conditions apply:
  - i. The structure is non-combustible construction.
  - ii. The structure has no other types of occupancies located above or below it.
  - iii. The structure does not contain any mixed uses, accessory uses, storage rooms, electrical rooms or spaces used or occupied for anything other than motor vehicle parking.
  - iv. The structure does not exceed 3 stories.
  - v. The structure has two complete sides unobstructed for fire department access by roadway or fire lane

**Section 903.2.9; add Section 903.2.9.3 to read as follows:**

**903.2.9.3 Self-service storage facility.** An automatic sprinkler system shall be installed throughout all self-service storage facilities.

**Exception:** One-story self-storage facilities that have no interior corridors and are less than 5,000 square feet.

**903.2.10 Group S-2 enclosed parking garages change to read as follows:**

### **903.2.10 Group S-2 parking garages.**

An automatic sprinkler system shall be provided throughout buildings classified as parking garages where any of the following conditions exists:

1. Where the fire area of the enclosed parking garage in accordance with Section 406.6 is 5,000 square feet or greater.
2. Where the enclosed parking garage in accordance with Section 406.6 is located beneath other groups.

**Exception:** Enclosed parking garages located beneath one- and two-family dwellings.

3. Where the fire area of the open parking garage in accordance with Section 406.5 exceeds 48,000 square feet (4460 m<sup>2</sup>).

### **Section 903.3.1.2.2; change to read as follows:**

**903.3.1.2.2 Corridors and balconies.** Sprinkler protection shall be provided in all corridors and for all balconies.

### **Section 903.3.1.2.3; add section to read as follows:**

#### **Section 903.3.1.3; change to read as follows:**

**903.3.1.3 NFPA 13D Sprinkler Systems.** *Automatic sprinkler systems* installed in one- and two-family *dwellings*; Group R-3; Group R-4, Condition 1; and *townhouses* shall be permitted to be installed throughout in accordance with NFPA 13D or in accordance with state law.

### **Section 903.3.1.4; add to read as follows:**

**903.3.1.4 Freeze protection.** Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.

**903.3.1.4.1 Attics.** Only dry pipe, preaction, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.

**Exception:** Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

1. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building, and
2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and
3. The attic space is a part of the building's thermal, or heat, envelope, such that insulation is provided at the roof deck, rather than at the ceiling level.

**903.3.1.4.2 Heat trace/insulation.** Heat trace/insulation shall only be allowed where approved by the fire code official for small sections of large diameter water-filled pipe.

### **Section 903.3.5; add a second paragraph to read as follows:**

**[F]** Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every water-based fire protection

system shall be designed with a 5 psi safety factor.

**Section 903.4.2; add second paragraph to read as follows:**

**[F]** The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.

**Section 903.4.3; change to read as follows:**

Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in high-rise-buildings.

**Section 904.3.5; change to read as follows:**

904.3.5 Monitoring. Where a building fire alarm system or a dedicated function fire alarm system is installed, automatic fire-extinguishing systems shall be monitored by the building fire alarm system or the dedicated function fire alarm system in accordance with NFPA 72.

**Section 905.3.9 change to read as follows:**

**[F] 905.3.9 Buildings exceeding 10,000 sq. ft.** In buildings exceeding 10,000 square feet in area per story and where any portion of the building's interior area is more than 200 feet (60960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class I standpipes shall be provided.

**Section 905.4; change Item #2 to read as follows:**

**905.4 Location of Class 1 standpipes hose connections.**

Class I standpipe hose connections shall be provided in all of the following locations:

1. {No Change}
2. On each side of the wall adjacent to the exit opening of a horizontal exit.

~~Exception: Where floor areas adjacent to a horizontal exit are reachable from an interior exit stairway hose connection by a 30-foot (9144 mm) hose stream from a nozzle attached to 100 feet (30 480 mm) of hose, a hose connection shall not be required at the horizontal exit.~~

Where all floor areas are reachable from an exit stairway hose connection on the same side of a horizontal exit within 200 ft (61 m) for sprinklered buildings or 130 ft (39.7 m) for nonsprinklered buildings, the hose connection on the other side of the horizontal exit shall be permitted to be omitted.

3. {No Change}
4. {No Change}
5. {No Change}
6. {No Change}

**Section 905.8; change to read as follows:**

**905.8 Dry standpipes.** Dry standpipes shall not be installed.

**Exception:** Where subject to freezing and in accordance with NFPA 14. Additionally, manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low Supervisory alarm.

**Section 907.6.1; add Section 907.6.1.1 to read as follows:**

**[F] 907.6.1.1 Wiring Installation.** All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be installed in such a way that a single open will not interfere with the operation of any addressable devices (Class A). Outgoing and return SLC conductors shall be installed in accordance with NFPA 72 requirements for Class A circuits and shall have a minimum of four feet separation horizontal and one foot vertical between supply and return circuit conductors. The initiating device circuit (IDC) from a signaling line circuit interface device may be wired Class B, provided the distance from the interface device to the initiating device is ten feet or less.

**Section 907.6.3; delete all four Exceptions.**

**Section 912; add Section 912.2.1.1 and 912.2.1.2 to read as follows:**

**912.2.1.1 Hydrant distance.** An approved fire hydrant shall be located within 100 feet of the fire department connection as the fire hose lays along an unobstructed path.

**912.2.1.2 Fire apparatus access roadway Distance.** An approved Fire apparatus access roadway shall be located within 50 feet of a fire department connection as the fire hose lays along an unobstructed path.

**Section 1006.2.1 change exception 3 to read as follows;**

**Section 1006.2.1 Egress based on occupant load and common path of egress travel distance.**

**Exceptions:**

3. Unoccupied rooftop mechanical rooms and penthouses are not required to comply with the common path of egress travel distance measurement.

**Section 1101.1 Scope. add exception to Section 1101.1 as follows:**

**Exception:** Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.

**Table 1505.1; delete footnote c and replace footnote b with the following:**

- b. Non-classified roof coverings shall be permitted on buildings of U occupancies having not more than 120 sq. ft. of protected roof area. When exceeding 120 sq. ft. of protected roof area, buildings of U occupancies may use non-rated non-combustible roof coverings.
- c. [delete]

**Section 1505.7; delete the section**

**Section 1809 .5.1 Frost Protection at required exits: delete this section.**

**Section 2702.5; add section to read as follows:**

**Section 2702.5 Designated Critical Operations Areas (DCOA):** In areas within a facility or site requiring continuous operation for the purpose of public safety, emergency management, national security or business continuity, the power systems shall comply with NFPA 70 Article 708.

**Section 2902.1; add a second paragraph to read as follows:**

In other than E Occupancies, the minimum number of fixtures in Table 2902.1 may be lowered, if requested in writing, by the applicant stating reasons for a reduced number and approved by the Building Official.

**Table 2902.1; add footnote g to read as follows:**

- g. Drinking fountains are not required in M Occupancies with an occupant load of 100 or less, B Occupancies with an occupant load of 25 or less, and for dining and/or drinking establishments.

Drinking fountains may be substituted by a water dispenser for an occupant load of 50 or less.

**Section 2902.1.1 Delete Exception 2**

**Section 2902.2 Delete Exception 6**

**Section 2902.6; change to read as follows:**

**2902.6 Small occupancies.** Drinking fountains shall not be required for an occupant load of 25 or fewer. Drinking fountains may be substituted by a water dispenser for an occupant load of 50 or less.

**Section 3109.1; change to read as follows:**

**3109.1 General.** The design and construction of swimming pools, spas and hot tubs shall comply with the 2021 International Swimming Pool and Spa Code and applicable state laws.

## **“EXHIBIT B”**

### **ARTICLE IV. RESIDENTIAL CODE**

#### **Sec 10-137. - Adopted**

The International Residential Code, 2021 edition is hereby adopted as the Residential Code of the City of Rockwall, TX. A copy of such code will be kept in the Building Official's Office and shall be made available for public inspection during regular business hours via a scheduled appointment through the City Secretary's Office.

#### **Sec. 10-138. - Amendments.**

The International Residential Code, 2021 edition is hereby amended as follows:

##### **Section R101.1; insert jurisdiction name as follows:**

*R101.1 Title.* These provisions shall be known as the Residential Code for One-and Two-family Dwellings of the City of Rockwall, and shall be cited as such and will be referred hereinafter referred to as "this code."

##### **Section R102.4; change to read as follows:**

*R102.4 Referenced codes and standards.* The codes, when specifically adopted, and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections R102.4.1 and R102.4.2. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted.

##### **Section R102.7; change to read as follows:**

*R102.7 Existing structures.* The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the Rockwall Property Maintenance Code or the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

##### **Section R104.10.1 Flood Hazard areas; delete this section.**

##### **Section R105.2; change "Building" to read as follows: Building:**

6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment.

Section R105.2; add text as follows:

11. Shingle replacement up to 25% of a roof area.

##### **Section R105.3.1.1 and R106.1.4; delete these sections.**

**Section R112; change title to read as follows: R112 - Construction Advisory and Appeals Board.**



**Section R112.1; change to read as follows:**

112.1 *General.* The Construction Advisory and Appeals Board shall be in accordance with Chapter 10, Article II, Division 3, Subdivision I, Sections 10-89 to 10-96 of the Code of Ordinances.

Section [A] 112.2, [A] 112.3 and [A] 112.4; Delete

**Section R202; change definition of "Townhouse" to read as follows:**

TOWNHOUSE. A single-family dwelling unit separated by property lines in townhomes that extends from foundation to roof and that has a yard or public way on not less than two sides.

**Table R301.2 (1); fill in as follows:**

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY <sup>f</sup>	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMPE <sup>e</sup>	ICE BARRIER UNDER-LAYMENT <sup>h</sup>	FLOOD HAZARD <sup>g</sup>	AIR FREEZING INDEX <sup>i</sup>	MEAN ANNUAL TEMPE <sup>j</sup>
	SPEED <sup>d</sup> (MPH)	Topographic Effects <sup>k</sup>	Special Wind Region <sup>l</sup>	Windborne Debris Zone <sup>m</sup>		Weathering <sup>a</sup>	Frost Line Depth <sup>b</sup>	Termite <sup>c</sup>					
5 lb/ft	115 (3 sec-gust)/ 76 fastest mile	No	No	No	A	Moderate	6"	Very Heavy	22 <sup>o</sup> F	No	Local Code	150	64.9 <sup>o</sup> F

**Delete remainder of table Manual J Design Criteria and footnote N**

**Section R302.2.2.6: delete exception #6:**

Exceptions: {previous exceptions unchanged}

**Section R303.3, Exception; amend to read as follows:**

**Exception:** {existing text unchanged} Spaces containing only a water closet or water closet and a lavatory may be ventilated with an approved mechanical recirculating fan or similar devices designed to remove odors from the air.

Section R302.3; add Exception #3 to read as follows: Exceptions:

1. {existing text unchanged}
2. {existing text unchanged}
3. Two-family dwelling units that are also divided by a property line through the structure shall be separated as required for townhouses.

**R302.5.1; change to read as follows:**

R302.5.1 Opening protection. Opening from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches (35 mm) in thickness, solid or honeycomb steel doors not less than 1 3/8inch (35 mm ) thick, or 20-minute fire-rated doors.

**Section R302.15; add the following:**

Appendix P, Section AP101 (2006 IRC, as amended and codified by city Ord. 11-24), is retained and reads as follows:

*AP101 Fire Sprinklers*

Approved automatic fire sprinkler systems shall be installed in all new R-3 buildings, structures and additions with a finished floor area of 5,000 square feet (464.5 m<sup>2</sup>) or greater and in all existing R-3 occupancies that have additions totaling more than 30% of the original finished floor area and exceeding a finished floor area of 5,000 square feet.

For the purpose of this provision, fire walls shall not define separate buildings.

For the purposes of this provision, finished floor area is defined as an enclosed area in a house (R-3) that is suitable for year-round use, embodying walls, floors, and ceilings that are similar to the rest of the house as defined by ANSI Z765-2003. Garages, porches, balconies, decks and other similar unfinished areas are not included in the finished floor area.

**Section R303.3, Exception; amend to read as follows:**

**Exception:** {existing text unchanged} Exhaust air from the space shall be exhaust out to the outdoors unless the space contains only a water closet, a lavatory, or water closet and a lavatory may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

**Section R309.3 Flood hazard areas; delete the section.**

**Section R309.5 Fire Sprinklers; delete the section.**

**Section R313.2; change exception to read as follows.**

*R313.2 One- and two-family dwellings automatic fire systems.*

**Exception:** Approved automatic fire sprinkler systems shall not be required in new one and two- family dwellings, structures and additions with a finished floor area of less than 5,000 square feet (464.5 m<sup>2</sup>) or in existing one- and two-family dwelling occupancies that have additions totaling less than 30% of the original finished floor area and not equaling a finished floor area of 5,000 square feet. For the purpose of this provision, fire walls shall not define separate buildings.

**Section R315.2.2 Alteration, repairs and additions; amend to read as follows:**

**Exception:**

1. {existing text remains}
2. Installation, alteration or repairs of all electrically powered mechanical systems or plumbing appliances.

**Section R322 Flood Resistant Construction; delete section.**

**Add Section 327.1.1; add to read as follows:**

**Section 327.1.1 Adjacency to Structural Foundation.** Depth of the swimming pool and spa shall maintain a ratio of 1:1 from the nearest building foundation or footing of a retaining wall.

**Exception:** A sealed engineered design drawing of the proposed new structure shall be submitted for approval.

**Section R401.2; amend by adding a new paragraph following the existing paragraph to read as follows:**

Section R401.2. Requirements. {existing text unchanged}...

Every foundation and/or footing, or any size addition to an existing foundation, regulated by this code shall be designed and sealed by a Texas-registered engineer.

**Section R404.4 Retaining walls; delete the section, add new text as follows:**

*Section R404.4 Retaining walls.* All retaining walls require a permit. Retaining walls must be masonry, stone, or reinforced concrete with stone face/form liner. Smooth concrete retaining walls shall not be installed. Retaining walls exceeding 3 feet in height must be designed and sealed by a Texas-licensed engineer.

**Add section 703.8.4.1.2 Veneer Ties for Wall Studs; to read as follows:**

**R703.8.4.1.2 Veneer Ties for Wall Studs.** In stud framed exterior walls, all ties may be anchored to studs as follows:

1. When studs are 16 in (407 mm) o.c., stud ties shall be spaced no further apart than 24 in (737 mm) vertically starting approximately 12 in (381 mm) from the foundation; or
2. When studs are 24 in (610 mm) o.c., stud ties shall be spaced no further apart than 16 in (483 mm) vertically starting approximately 8 in (254 mm) from the foundation.

**Add Section R1001.14.**

*R1001.14 Fire pits.* Permanently installed fire pits shall not be installed within 10 feet of a structure or combustible material. Fire pits shall conform to all building setback requirements for single family dwellings as found in the City of Rockwall Unified Development Code. The maximum diameter of a fire pit shall be 3 feet.

**Chapter 11 [RE] - Energy Efficiency; deleted in its entirety and replaced with the following:**

*N1101.1 Scope.* This chapter regulates the energy efficiency for the design and construction of buildings regulated by this code.

*N1101.2 Compliance.* Compliance shall be demonstrated by meeting the requirements of the residential provisions of 2021 International Energy Conservation Code.

**Section M1305.1.3; change to read as follows:**

**Section 1305.1.2; change to read as follows:**

**M1305.1.2 Appliances in attics.** Attics containing appliances shall be provided . . . {bulk of paragraph unchanged} . . . side of the appliance. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), and large enough to allow removal of the largest appliance. As a minimum, for access to the attic space, provide one of the following:

1. A permanent stair.
2. A pull down stair with a minimum 300 lb (136 kg) capacity.
3. An access door from an upper floor level.

**Section 1503.6; change to read as follows:**

**M1503.6 Makeup air required.** Where one or more gas, liquid or solid fuel-burning appliance that is neither direct-vent nor uses a mechanical draft venting system is located within a dwelling unit's air barrier, each exhaust system capable of exhausting in excess of 400 cubic feet per minute (0.19 m<sup>3</sup>/s) shall be mechanically or passively provided with makeup air at a rate approximately equal to the difference between exhaust air rate and 400 cubic feet per minute. Such makeup air systems shall be equipped with no fewer than one damper complying with Section M1503.6.2.

**Exception:** Makeup air is not required for exhaust systems installed for the exclusive purpose of space cooling and intended to be operated only when windows or other air inlets are open. Where all appliances in the house are of sealed combustion, power-vent, unvented, or electric, the exhaust hood system shall be permitted to exhaust up to 600 cubic feet per minute (0.28 m<sup>3</sup>/s) without providing makeup air. Exhaust hood systems capable of exhausting in excess of 600 cubic feet per minute (0.28 m<sup>3</sup>/s) shall be provided with a makeup air at a rate approximately to the difference between the exhaust air rate and 600 cubic feet per minute.

**Section M2005.2; change to read as follows:**

*M2005.2 Prohibited locations.* Fuel-fired water heaters shall not be installed in a room used as a storage closet. Water heaters located in a bedroom or bathroom shall be installed in a sealed enclosure so that combustion air will not be taken from the living space. Access to such enclosure may be from the bedroom or bathroom when through a solid door, weather-stripped in accordance with the exterior door air leakage requirements of the International Energy Conservation Code and equipped with an approved self-closing device. Installation of direct-vent water heaters within an enclosure is not required. Water heaters installed in an attic or above 1<sup>st</sup> story shall be equipped with an approved leak stop detection device.

**Section G2408.3 (305.5); delete.**

**Section G2415.2. (404.2.); add a second paragraph to read as follows:**

Both ends of each section of medium pressure gas piping shall identify its operating gas pressure with an approved tag. The tags are to be composed of aluminum or stainless steel and the following wording shall be stamped into the tag:

"WARNING: ½ to 5 psi gas pressure - Do Not Remove"

**Section G2415.12 (404.12); change to read as follows:**

*G2415.12 (404.12) Minimum burial depth.* Underground piping systems shall be installed a minimum depth of 18 inches (457 mm) below grade.

**Section 2415.12.1 (404.12.1) Individual outside appliances; delete.**

**Section G2417.4; change to read as follows:**

*G2417.4 (406.4) Test pressure measurement.* Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made.

**Section G2417.4.1; change to read as follows:**

*G2417.4.1 (406.4.1) Test pressure.* The test pressure to be used shall be no less than 3 psig (20 kPa gauge), or at the discretion of the Code Official, the piping and valves may be tested at a pressure of at least six (6) inches (152 mm) of mercury, measured with a manometer or slope gauge. For tests requiring a pressure of 3 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one half inches (3½"), a set hand, 1/10 pound incrementation and pressure range not to exceed 6 psi for tests requiring a pressure of 3 psig. For tests requiring a pressure of 10 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one-half inches (3½"), a set hand, a minimum of 2/10 pound incrementation and a pressure range not to exceed 20 psi. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa) (1/2 psi) and less than 200 inches of water column pressure (52.2 kPa) (7.5 psi), the test pressure shall not be less than ten (10) pounds per square inch (69.6 kPa). For piping carrying gas at a pressure that exceeds 200 inches of water column (52.2 kPa) (7.5 psi), the test pressure shall be not less than one and one-half times the proposed maximum working pressure. Diaphragm gauges used for testing must display a current calibration and be in good working condition. The appropriate test must be applied to the diaphragm gauge used for testing.

**Section G2417.4.2; change to read as follows:**

*G2417.4.2 (406.4.2) Test duration.* The test duration shall be held for a length of time satisfactory to the Building Official, but in no case for less than fifteen (15) minutes. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa), the test duration shall be held for a length of time satisfactory to the Building Official, but in no case for less than thirty (30) minutes.

**Section G2420.2 (409.2); change to read as follows:**

*G2420.2 Meter valve.* Every meter shall be equipped with a shutoff valve located on the supply side of the meter and an additional shutoff valve shall be provided where the piping system enters the building. A union shall be installed downstream from the shutoff valve at the building.

**Section G2421.1 (410.1); add text and exception to read as follows:**

*G2421.1 (410.1) Pressure regulators.* A line pressure regulator shall be ... {bulk of paragraph unchanged} ... approved for outdoor installation. Access to regulators shall comply with the requirements for access to appliances as specified in Section M1305.

Exception: A passageway or level service space is not required when the regulator is capable of being serviced and removed through the required attic opening.

**Section G2445.2 (621.2); add exception to read as follows:**

*G2445.2 (621.2) Prohibited use.* One or more unvented room heaters shall not be used as the sole source of comfort heating in a dwelling unit.

Exception: Existing approved unvented room heaters may continue to be used in dwelling units, in accordance with the code provisions in effect when installed, when approved by the Building Official unless an unsafe condition is determined to exist as described in International Fuel Gas Code Section 108.7 of the Fuel Gas Code.

**Section G2453.1 (635.1); change text to read as follows:**

*Section G2453.1 (635.1) Outdoor Decorative Appliances General.* Permanently fixed-in-place outdoor decorative appliances shall be tested in accordance with ANSI Z21.97 and shall be installed in accordance with the manufacturer's instructions. Outdoor decorative appliances shall be minimum 3 feet from combustibles and property lines or in accordance with manufacturer's clearance requirements, whichever is greatest.

**Section P2801.6.1; change to read as follows:**

*Section P2801.6.1 Pan size and drain.* The pan shall be not less than 1½ inches (38 mm) in depth and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe having a diameter of not less than ¾ inch (19 mm). Piping for safety pan drains shall be of those materials indicated in Table 2906.5.

**Section P2801.6.2; change to read as follows:**

*P2801.6.2 Pan drain termination.* The pan drain shall extend full-size and terminate over a suitably located indirect waste receptor or floor drain or extend to the exterior of the building and terminate not less than 6 inches (152 mm) and not more than 24 inches (610 mm) above the adjacent ground surface. With approval of the Code official; when technically infeasible to install a pan drain to an approved location, a device must be installed that will automatically shut off the water supply to the water heater when a water leak is detected.

**Section P2804.6.1; change to read as follows:**

*P2804.6.1 Requirements for discharge piping.* The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap.
3. Not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.

Exception: Multiple relief devices may be installed to a single T & P discharge piping system when approved by the administrative authority and permitted by the manufacturer's installation instructions and installed with those instructions. Where previously installed water heaters have been approved with the T&P discharge piping and pan drains combined, the T&P discharge piping and pan drains may remain combined, with the approval of the code official. All check valves must be removed from the piping.

5. Discharge to the pan serving the water heater or storage tank, to an indirect waste receptor or to the outdoors.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed so as to flow by gravity.
10. Not terminate less than 6 inches or more than 24 inches (152 mm) above grade nor more than 6 inches above the waste receptor flood level rim.
11. Not have a threaded connection at the end of such piping.
12. Not have valves or tee fittings.

13. Be constructed of those materials listed in Section P2906.5 or materials tested, rated and approved for such use in accordance with ASME A112.4.1.
14. Be one nominal size larger than the size of the relief-valve outlet, where the relief-valve discharge piping is constructed of PEX or PE-RT tubing. The outlet end of such tubing shall be fastened in place.

**Section P2902.5.3; Lawn irrigation systems, delete.**

**Section 3003.9.2; change to read as follows:**

**P3003.9.2 Solvent cementing.** Joint surfaces shall be clean and free from moisture. A purple primer that conforms to ASTM F 656 shall be applied. Solvent cement not purple in color and conforming to ASTM D 2564, CSA B137.3, CSA B181.2 or CSA B182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent cement joints shall be permitted above or below ground.

**Section P3005.2.3; change to read as follows:**

*P3005.2.3 Building drain and building sewer junction.* There shall be a two-way cleanout near the junction of the building drain and building sewer. The two-way cleanout shall be outside the building wall, and brought up to finish grade or to the lowest floor level. All two-way sewer cleanouts shall be equipped with relief valves on both cleanout openings.

**Section P3112.2; delete and replace with the following:**

*P3112.2 Installation.* Traps for island sinks and similar equipment shall be roughed in above the floor and may be vented by extending the vent as high as possible, but not less than the drainboard height and then returning it downward and connecting it to the horizontal sink drain immediately downstream from the vertical fixture drain. The return vent shall be connected to the horizontal drain through a wye-branch fitting and shall, in addition, be provided with a foot vent taken off the vertical fixture vent by means of a wye-branch immediately below the floor and extending to the nearest partition and then through the roof to the open air or may be connected to other vents at a point not less than six (6) inches (152 mm) above the flood level rim of the fixtures served. Drainage fittings shall be used on all parts of the vent below the floor level and a minimum slope of one-quarter ( $\frac{1}{4}$ ) inch per foot (20.9 mm/m) back to the drain shall be maintained. The return bend used under the drainboard shall be a one (1) piece fitting or an assembly of a forty-five (45) degree (0.79 radius), a ninety (90) degree (1.6 radius) and a forty-five (45) degree (0.79 radius) elbow in the order named. Pipe sizing shall be as elsewhere required in this Code. The island sink drain, upstream of the return vent, shall serve no other fixtures. An accessible cleanout shall be installed in the vertical portion of the foot vent.



## **“EXHIBIT C”**

### **ARTICLE V. MECHANICAL CODE**

#### **Sec. 10-158. - Adopted**

The International Mechanical Code, 2021 edition, as amended by this chapter, is hereby adopted as the Mechanical Code of the City of Rockwall, TX. A copy of such code will be kept in the Building Official's Office and shall be made available for public inspection during regular business hours via a scheduled appointment through the City Secretary's Office.

#### **Sec. 10-159. - Amendments.**

The International Mechanical Code, 2021 edition, is hereby amended as follows:

#### **Section 102.8; change to read as follows:**

**102.8 Referenced Codes and Standards.** The codes and standards referenced herein shall be those that are listed in Chapter 15 and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the adopted amendments. Any reference to NFPA 70 or the National Electrical Code (NEC) shall mean the Electrical Code as adopted.

#### **Section 114; Change title to read as follows: Construction Advisory and Appeals Board**

#### **Section 114.1 Change to read as follows:**

**114.1 General** The Construction Advisory and Appeals Board shall be in accordance with Chapter 10, Article II, Division 3, Subdivision I, Sections 10-89 to 10-96 of the Code of Ordinances.

#### **Sections 114.2 to 114.4; Delete:**

#### **Section 306.3; change to read as follows:**

**306.3 Appliances in Attics.** Attics containing appliances shall be provided . . . {bulk of paragraph unchanged} . . . side of the appliance. As a minimum, for access to the attic space, provide one of the following:

1. A permanent stair.
2. A pull down stair with a minimum 300 lb. (136 kg) capacity.
3. An access door from an upper floor level.
4. Access Panel may be used in lieu of items 1, 2, and 3 with prior approval of the code official due to building conditions.

**Exceptions:** unchanged

**Section 306.5; change to read as follows:**

**306.5 Equipment and Appliances on Roofs or Elevated Structures.** Where equipment requiring access or appliances are located on an elevated structure or the roof of a building such that personnel will have to climb higher than 16 feet (4877 mm) above grade to access, a permanent interior or exterior means of access shall be provided. Permanent exterior ladders providing roof access need not extend closer than 12 feet (2438 mm) to the finish grade or floor level below and shall extend to the equipment and appliances' level service space. Such access shall . . . {bulk of section to read the same} . . . on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope). ... {bulk of section to read the same}.

**Section 306.5.1; change to read as follows:**

**306.5.1 Sloped Roofs.** Where appliances, equipment, fans or other components that require service are installed on a roof having a slope of 3 units vertical in 12 units horizontal (25-percent slope) or greater and having an edge more than 30 inches (762 mm) above grade at such edge, a catwalk at least 16 inches in width with substantial cleats spaced not more than 16 inches apart shall be provided from the roof access to a level platform at the appliance. The level platform shall be provided on each side of the appliance to which access is required for service, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1067 mm) above the platform, shall be constructed so as to prevent the passage of a 21-inch- diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the International Building Code.

**Add Section 306.6 to read as follows:**

**306.6 Water Heaters Above Ground or Floor.** When the mezzanine or platform in which a water heater is installed is more than eight (8) feet (2438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building. Water heaters installed in an attic or above 1<sup>st</sup> story shall be equipped with an approved leak stop detection device.

**Exception:** A maximum 10-gallon water heater (or larger with approval) is capable of being accessed through a lay-in ceiling and the water heater installed is not more than ten (10) feet (3048 mm) above the ground or floor level and may be reached with a portable ladder.

**Section 403.2.1; add an item 5 to read as follows:**

5. Toilet rooms within private dwellings that contain only a water closet, lavatory, or combination thereof may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

**Section 501.3; add an exception 4 to read as follows:**

**Exceptions:**

4. Toilet room exhaust ducts may terminate in a warehouse or shop area when infiltration of outside air is present.

**Section 607.5.1; change to read as follows:**

**607.5.1 Fire Walls.** Ducts and air transfer openings permitted in fire walls in accordance with Section 705.11 of the International Building Code shall be protected with listed fire dampers installed in accordance with their listing. For hazardous exhaust systems see Section 510.1-510.9 IMC.

**“EXHIBIT D”**

**ARTICLE VI. PLUMBING CODE**

**Sec. 10-179. - Adopted**

The International Plumbing Code, 2021 edition, as amended by this chapter, is hereby adopted as the Plumbing Code of the City of Rockwall, TX. A copy of such code will be kept in the Building Official’s Office and shall be made available for public inspection during regular business hours via a scheduled appointment through the City Secretary’s Office.

**Sec. 10-180. - Amendments.**

The International Plumbing Code, 2021 edition, is hereby amended as follows:

**Table of Contents, Chapter 7, Section 713; change to read as follows:**

713 Engineered Drainage Design .....7-12

**Section 102.8; change to read as follows:**

**102.8 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Chapter 15 and such codes, when specifically adopted, and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference. Where the differences occur between provisions of this code and the referenced standards, the provisions of this code shall be the minimum requirements. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the adopted amendments. Any reference to NFPA 70 or the National Electrical Code (NEC) shall mean the Electrical Code as adopted.

**Section 109 FEES**

**Section 109.2; change to read as follows**

**109.2 Schedule of permit fees.** Where work requires a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by resolution of the Rockwall City Council.

**Section 114; Delete entire section and insert the following:**

**Section 114; Change title to read as follows:**

**Construction Advisory and Appeals Board**

**Section 114.1 Delete existing text, change to read as follows:**

**Section 114.1 General.** The Construction Advisory and Appeals Board shall be in accordance with Chapter 10, Article II, Division 3, Subdivision I, Sections 10-89 to 10-96 of the Code of Ordinances.

**Sections 114.2-114.4; Delete:**

**Section 305.4.1; change to read as follows:**

**305.4.1 Sewer depth.**

Building sewers shall be a minimum of 12 inches (304 mm) below grade.

**Section 305.7; change to read as follows:**

**305.7 Protection of components of plumbing system.** Components of a plumbing system installed within 2 feet along alleyways, driveways, parking garages or other locations in a manner in which they would be exposed to damage shall be recessed into the wall or otherwise protected in an approved manner.

**Sections 312.10.1 and 312.10.2; change to read as follows:**

**312.10.1 Inspections.** Annual inspections shall be made of all backflow prevention assemblies and air gaps to determine whether they are operable. In the absence of local provisions, the owner is responsible to ensure that testing is performed. All tests shall be performed by a State of Texas certified backflow tester. All testers shall be registered with the City of Rockwall. All test results shall be recorded on a City of Rockwall Backflow Prevention Assembly Test and Maintenance Report form and submitted to the Rockwall Engineering Department.

**312.10.2 Testing.** Reduced pressure principle backflow preventer assemblies, double check-valve assemblies, pressure vacuum breaker assemblies, reduced pressure detector fire protection backflow prevention assemblies, double check detector fire protection backflow prevention assemblies, hose connection backflow preventers, and spill-proof vacuum breakers shall be tested at the time of installation, immediately after repairs or relocation and at least annually. The testing procedure shall be performed in accordance with applicable local provisions and one of the following standards: {list of standards unchanged}

**Table 403.1; add footnote g to read as follows:**

Table 403.1

MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES<sup>g</sup>

g. Drinking fountains are not required in M Occupancies with an occupant load of 100 or less, B Occupancies with an occupant load of 25 or less, and for dining and/or drinking establishments. Drinking fountains may be substituted by a water dispenser for an occupant load of 50 or less.

**Section 403.1.1 Delete Exception 2**

**Section 403.2 Delete Exception 6**

**Section 410.2; change to read as follows:**

**410.2 Small occupancies.** Drinking fountains shall not be required for an occupant load of 25 or fewer. Drinking fountains may be substituted by a water dispenser for an occupant load of 50 or less.

**Section 502.3; change to read as follows:**

**502.3 Appliances in attics.** Attics containing ...paragraph unchanged.... Removal of the water heater. As a minimum, for access to the attic space, provide one of the following:

1. A permanent stair.
2. A pull down stair with a minimum 300 lb. (136 kg) capacity.
3. An access door from an upper floor level.
4. Access panel may be used in lieu of items 1, 2, and 3 with prior approval of the code official due to building conditions.

**Add Section 502.6 to read as follows:**

**502.6 Water heaters above ground or floor.** When the attic, roof, mezzanine or platform in which a water heater is installed is more than eight (8) feet (2438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building. Water heaters installed in an attic or above 1<sup>st</sup> story shall be equipped with an approved leak stop detection device.

**Exception:** A max 10 gallon water heater (or larger with approval) is capable of being accessed through a lay-in ceiling and a water heater is installed is not more than ten (10) feet (3048 mm) above the ground or floor level and may be reached with a portable ladder.

**Section 504.7.2 change to read as follows:**

**504.7.2 Pan drain termination.** The pan drain shall extend full-size and terminate over a suitably located indirect waste receptor or floor drain or extend to the exterior of the building and terminate not less than 6 inches (152 mm) and not more than 24 inches (610 mm) above the adjacent ground surface. With approval of the Code official; when technically infeasible to install a pan drain to an approved location, a device must be installed that will automatically shut off the water supply to the water heater when a water leak is detected.

**Section 603.1; change to read as follows:**

**603.1 Size of water service pipe.** The water service pipe shall be sized to supply water to the structure in the quantities and at the pressures required in this code. The minimum diameter of water service pipe shall be 1 inch and extend to the first fixture of not less than 20 fixture units.

**Add Section 606.1.2; as follows:**

**606.1.2 Service valve.** Every water service shall be provided with an accessible main shutoff valve installed on the water meter tailpiece. The valve shall be of a ball type and be equipped with a stainless steel handle. All service valves are to be installed within a plastic valve or meter box large enough so as to not hamper maintenance or operation.

**Section 608.1; change to read as follows:**

**608.1 General** All commercial potable water supply systems shall be protected against backflow by a double-check valve or a reduced pressure principle backflow preventer. Backflow preventer applications shall conform to, Table 608.1, except as specifically stated in Sections 608.2 through 608.17.10

**Section 608.17.5; Connections to lawn irrigation systems, delete**

**Section 608.18; change to read as follows:**

**608.18 Protection of individual water supplies.** An individual water supply shall be located and constructed so as to be safeguarded against contamination in accordance with applicable local regulations. Installation shall be in accordance with Sections 608.18.1 through 608.18.8

**Section 703.6; Delete**

**Section 705.10.2; change to read as follows:**

**705.10.2 Solvent cementing.** Joint surfaces shall be clean and free from moisture. A purple primer that conforms to ASTM F 656 shall be applied. Solvent cement not purple in color and conforming to ASTM D 2564, CSA B137.3, CSA B181.2 or CSA B182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent cement joints shall be permitted above or below ground.

**Section 713, 713.1; change to read as follows:**

**SECTION 713 ENGINEERED DRAINAGE DESIGN**

**713.1 Design of drainage system.** The sizing, design and layout of the drainage system shall be designed by a State of Texas registered engineer using approved design methods.

**Section 903.1; change to read as follows:**

903.1.1 Roof extension unprotected. Open vent pipes that extend through a roof shall terminate not less than six (6) inches (152 mm) above the roof.

**Section 1003.2; change to read as follows:**

**1003.2 Approval.** The size, type, and location of each interceptor and of each separator shall be designed and installed in accordance with the manufacturer's instructions, requirements of this section based on the anticipated conditions of use and in accordance with applicable local regulations. All interceptors shall be sized by an engineer. Wastes that do not require treatment or separation shall not be discharged into any interceptor or separator.

**Section 1109; delete this section.**

**Section 1202.1; delete Exceptions 1 and 2.**

*(Reason: State law already specifies that Med Gas systems must comply with NFPA 99.)*

**“EXHIBIT E”**

**ARTICLE VII. FUEL GAS CODE**

**Sec. 10-199. - Adopted.**

The International Fuel Gas Code, 2021 edition, as amended by this chapter, is hereby adopted as the Fuel Gas Code of the City of Rockwall, TX. A copy of such code will be kept in the Building Official’s Office and shall be made available for public inspection during regular business hours via a scheduled appointment through the City Secretary’s Office.

**Sec. 10-200. Amendments**

The International Fuel Gas Code, 2021 edition, is hereby amended as follows:

**Section 101.1; fill in the blank.**

**Section 101.1 Title.** These regulations shall be known as the Fuel Gas Code of Rockwall, hereinafter referred to as “this code”.

**Section 109.2; change to read as follows;**

**109.2 Fee schedule.**

Permit fees shall be established by resolution of the Rockwall City Council.

**Section 113; Change title to read as follows:**

Construction Advisory and Appeals Board

**Section 113.1 Change to read as follows:**

**113.1** The Construction Advisory and Appeals Board shall be in accordance with Chapter 10, Article II, Division 3, Subdivision I, Sections 10-89 to 10-96 of the Code of Ordinances.

**Sections 113.2 to 113.4; Delete:**

**Section 114; Delete:**

**Add Section 305.13; to read as follows:**

**305.13 Protection of components of plumbing system.** Components of a plumbing system installed within 2 feet along alleyways, driveways, parking garages or other locations in a manner in which they would be exposed to damage shall be recessed into the wall or otherwise protected in an approved manner.

**Section 306.3; change to read as follows:**

**[M] 306.3 Appliances in attics.** Attics containing appliances requiring access shall be provided . . . {bulk of paragraph unchanged} . . . side of the appliance. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), and large enough to allow removal of the largest appliance. As a minimum, for access to the attic space, provide one of the following:

1. A permanent stair.
2. A pull-down stair with a minimum 300 lb. (136 kg) capacity.
3. An access door from an upper floor level.



4. Access panel may be used in lieu of items 1, 2, and 3 with prior approval of the code official due to building conditions.

**Exceptions:**

1. The passageway and level service space are not required where the appliance is capable of being serviced and removed through the required opening.
2. Where the passageway is not less than ... {bulk of section to read the same}.

**Section 306.5; change to read as follows:**

**306.5 Equipment and Appliances on Roofs or Elevated Structures.** Where equipment requiring access or appliances are located on an elevated structure or the roof of a building such that personnel will have to climb higher than 16 feet (4877 mm) above grade to access, an a permanent interior or exterior means of access shall be provided. Permanent exterior ladders providing roof access need not extend closer than 12 feet (2438 mm) to the finish grade or floor level below and shall extend to the equipment and appliances' level service space. Such access shall . . . {bulk of section to read the same} . . . on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope). ... {bulk of section to read the same}.

**Section 306.5.1; change to read as follows:**

**306.5.1 Sloped Roofs.** Where appliances, equipment, fans or other components that require service are installed on a roof having a slope of 3 units vertical in 12 units horizontal (25-percent slope) or greater and having an edge more than 30 inches (762 mm) above grade at such edge, a catwalk at least 16 inches in width with substantial cleats spaced not more than 16 inches apart shall be provided from the roof access to a level platform at the appliance. The level platform shall be provided on each side of the appliance to which access is required for service, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1067 mm) above the platform, shall be constructed so as to prevent the passage of a 21-inch- diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the International Building Code.

**Section 401.5; add a second paragraph to read as follows:**

Both ends of each section of medium pressure gas piping shall identify its operating gas pressure with an approved tag. The tags are to be composed of aluminum or stainless steel and the following wording shall be stamped into the tag:

"WARNING 1/2 to 5 psi gas pressure Do Not Remove

**Section 404.12; change to read as follows:**

**404.12 Minimum burial depth.** Underground piping systems shall be installed a minimum depth of 18 inches (458 mm) top of pipe below grade.

**Section 404.12.1; Individual outside appliances, delete.**

**Section 406.4; change to read as follows:**

**406.4 Test pressure measurement.** Test pressure shall be measured with a monometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. Mechanical gauges used to measure test pressures shall have a range such that the highest end of the scale is not greater than five times the test pressure. Spring type gauges do not meet the requirement of a calibrated gauge.

**Section 406.4.1; change to read as follows:**

**406.4.1 Test pressure.** The test pressure to be used shall be no less than 3 psig (20 kPa gauge), or at the discretion of the Code Official, the piping and valves may be tested at a pressure of at

least six (6) inches (152 mm) of mercury, measured with a manometer or slope gauge. For tests requiring a pressure of 3 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three- and one-half inches (3 ½”), a set hand, 1/10 pound incrementation and pressure range not to exceed 15 psi for tests requiring a pressure of 3 psig. For tests requiring a pressure of 10 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one-half inches (3 ½”), a set hand, a minimum of 2/10 pound incrementation and a pressure range not to exceed 50 psi. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa) (½ psi) and less than 200 inches of water column pressure (52.2 kPa) (7.5 psi), the test pressure shall not be less than ten (10) pounds per square inch (69.6 kPa). For piping carrying gas at a pressure that exceeds 200 inches of water column (52.2 kPa) (7.5 psi), the test pressure shall be not less than one and one-half times the proposed maximum working pressure. Diaphragm gauges used for testing must display a current calibration and be in good working condition. The appropriate test must be applied to the diaphragm gauge used for testing.

**Section 406.4.2; change to read as follows:**

**406.4.2 Test duration.** Test duration shall be held for a length of time satisfactory to the Code Official, but in no case for less than fifteen (15) minutes. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa), the test duration shall be held for a length of time satisfactory to the Code Official, but in no case for less than thirty (30) minutes. (Delete remainder of section.)

**Section 409.2; change to read as follows:**

**409.2 Meter valve.** Every meter shall be equipped with a shutoff valve located on the supply side of the meter and an additional shutoff valve shall be provided where the piping system enters the building.

A union shall be installed downstream from the shutoff valve at the building.

**Section 410.1; add a second paragraph and exception to read as follows:**

Access to regulators shall comply with the requirements for access to appliances as specified in Section 306.

**Exception:** A passageway or level service space is not required when the regulator is capable of being serviced and removed through the required attic opening.

**Section 621.2; add exception as follows:**

**Exception:** Existing approved unvented heaters may continue to be used in dwelling units, in accordance with the code provisions in effect when installed, when approved by the Code Official unless an unsafe condition is determined to exist as described in Section 115.6

## **“EXHIBIT F”**

### **ARTICLE VIII. ENERGY CONSERVATION CODE**

#### **Sec. 10-223. Adopted.**

The International Energy Conservation Code, 2021 edition, as amended by this chapter, is hereby adopted as the Energy Conservation Code of the City of Rockwall, TX. A copy of such code will be kept in the Building Official’s Office and shall be made available for public inspection during regular business hours via a scheduled appointment through the City Secretary’s Office.

#### **Sec. 10-224. Amendments.**

The International Energy Conservation Code, 2021 edition, is hereby amended as follows:

#### **Section C102/R102; add Section C102.1.2 and R102.1.2 to read as follows:**

**C102.1.2 Alternative compliance.** A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance.

**R102.1.2 Alternative compliance.** A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance. Regardless of the program or the path to compliance, each 1- and 2-family dwelling shall be tested for air and duct leakage as prescribed in Section R402.4.1.2 and R403.3.3 respectively.

#### **Section C110; change title to read as follows:**

**C110.1-** Construction Advisory and Appeals Board

#### **Section R110; change title to read as follows:**

**R110.1-** Construction Advisory and Appeals Board

#### **Section C110.1; to read as follows:**

**C110.1 General.** The Construction Advisory and Appeals Board shall be in accordance with Chapter 10, Article II, Division 3, Subdivision I, Sections 10-89 to 10-96 of the Code of Ordinances.

#### **Section R110.1; to read as follows:**

**R110.1 General.** The Construction Advisory and Appeals Board shall be in accordance with Article II, Division 3, Chapter 10 of the Code of Ordinances, City of Rockwall.

#### **Section C110.2 and C110.3; delete**

#### **Section R110.2 and R110.3; delete**

#### **Section C202 and R202; add the following definition:**

**PROJECTION FACTOR.** The ratio of the horizontal depth of the overhang, eave or permanently attached shading device, divided by the distance measured vertically from the bottom of the fenestration glazing to the underside of the overhang, eave or permanently attached shading device.

**Section R202; add the following definition:**

**DYNAMIC GLAZING.** Any fenestration product that has the fully reversible ability to change its performance properties, including U-factor, solar heat gain coefficient (SHGC), or visible transmittance (VT).

**Section R401.2.5 Additional Energy efficiency; deleted in its entirety.**

**Table R402.1.2 Maximum Assembly/Climate Zone items: amend table as follows:**

Climate Zone	Fenestration U-Factor <sup>f</sup>	Ceiling U-Factor
2	.40	0.29
3	0.32	0.29

**Table R402.1.3 Insulation/Climate Zone items: amend table as follows.**

Climate Zone	Fenestration U-Factor <sup>b,i</sup>	Ceiling R-Value	Wood Frame Wall R-Value	Slab R-Value & Depth
2	.40	42	13 or 0 + 10	0
3	0.32	42	19 or 13 + 3ci, 0 + 15	0

**R402.4.1.2 Testing; Add a last paragraph to read as follows:**

Mandatory testing shall only be performed by individuals that are certified to perform air infiltration testing certified by national or state organizations as approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that constructs the structure.

**Section R402.4.6 Electrical and Communication outlet boxes. Delete after the first sentence to read as follows.**

R402.4.6 Electrical and communication outlet boxes (air-sealed boxes). Electrical and communication outlet boxes installed in the building thermal envelope shall be sealed to limit air leakage between conditioned and unconditioned spaces.

**R403.3.5 Duct Testing; Add a last paragraph to read as follows:**

Mandatory testing shall only be performed by individuals that are certified to perform duct testing leakage testing certified by national or state organizations as approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that constructs the structure.

**Section R404.2 Interior Lighting Controls; deleted in its entirety.**

**Section R405.6.2;** add the following sentence to the end of paragraph:

Acceptable performance software simulation tools may include, but are not limited to, REM Rate™, Energy Gauge and IC3. Other performance software programs accredited by RESNET BESTEST and having the ability to provide a report as outlined in R405.4.2 may also be deemed acceptable performance simulation programs and may be considered by the building official.

**TABLE R406.4 MAXIMUM ENERGY RATING INDEX;** amend to read as follows:

**TABLE R406.4 (N1106.4) <sup>2</sup>  
MAXIMUM ENERGY RATING INDEX**

CLIMATE ZONE	ENERGY RATING INDEX
2	59
3	59

<sup>2</sup> The table is effective from September 1, 2022 to August 31, 2025.

**TABLE R406.4 (N1106.4) <sup>3</sup>  
MAXIMUM ENERGY RATING INDEX**

CLIMATE ZONE	ENERGY RATING INDEX
2	57
3	57

<sup>3</sup> The table is effective from September 1, 2025 to August 31, 2028.

**TABLE R406.4 (N1106.4) <sup>3</sup>  
MAXIMUM ENERGY RATING INDEX**

CLIMATE ZONE	ENERGY RATING INDEX
2	55
3	55

<sup>4</sup> This table is effective on or after September 1, 2028.

*(Reason: The tables reflect the values and timetable set forth in HB 3215, 87<sup>th</sup> Regular Session Codified in Chapter 388 Texas Building Energy Performance Standards: §388.003.)*

**“EXHIBIT G”**

**ARTICLE IX. ELECTRICAL CODE**

**Sec. 10-244. - Adopted.**

The National Electric Code, 2020 edition, as amended by this chapter, is hereby adopted as the Electrical Code of the City of Rockwall, TX. A copy of such code will be kept in the Building Official's Office and shall be made available for public inspection during regular business hours via a scheduled appointment through the City Secretary's Office.

**Sec. 10-245. - Amendments.**

The National Electric Code, 2020 edition, is hereby amended as follows:

**Section 90.10 Construction Advisory and Appeals Board; add to read as follows:**

Section 90.10 Construction Advisory and Appeals Board

**Section 90.11; add to read as follows:**

**90.11 General.** The Construction Advisory and Appeals Board shall be in accordance with Article II, Division 3, Chapter 10 of the Code of Ordinances, City of Rockwall.

**Article 100; add the following to definitions:**

*Engineering Supervision.* Supervision by a Qualified State of Texas Licensed Professional Engineer engaged primarily in the design or maintenance of electrical installations.

## **“EXHIBIT H”**

### **ARTICLE X. EXISTING BUILDING CODE**

#### **Sec. 10-381. - Adopted**

The Existing Building Code, 2021 edition, as amended by this chapter, is hereby adopted as the Existing Building Code of the city. A copy of such code will be kept in the Building Official's Office and shall be made available for public inspection during regular business hours via a scheduled appointment through the City Secretary's Office.

#### **Sec. 10-382. - Amendments**

The Existing Building Code, 2021 edition, is hereby amended as follows:

##### **Section 101.1; Insert jurisdiction name as follows:**

**[A] 101.1 Title.** These regulations shall be known as the Existing Building Code of Rockwall, TX hereinafter referred to as “this code.”

##### **Section 101.4.2; change to read as follows:**

**[A] 101.4.2 Buildings previously occupied.** The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Fire Code, or the Rockwall Property Maintenance Code, or as is deemed necessary by the code official for the general safety and welfare of the occupants and the public.

##### **Section 102.4; change to read as follows:**

**[A] 102.4 Referenced codes and standards.** The codes, when specifically adopted, and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2. {No change to rest of section.}

##### **Section [A] 104.2.1; Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. Delete**

##### **Section [A] 104.10.1 Flood hazard areas. Delete**

##### **Section 105.2; change to read as follows:**

**[A] 105.2 Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

##### **Building:**

2. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
5. Window awnings supported by an exterior wall of Group R-3 or Group U occupancies.
6. Movable cases, counters, and partitions not over 69 inches (1753 mm) in height.



**Section 110.2; delete number 11 as follows:**

~~11. Where an automatic sprinkler system is provided, and whether an automatic sprinkler system is required.~~

**Section R112; change title to read as follows:**

**R112- Construction Advisory and Appeals Board**

**Section [A] R112.1; change to read as follows:**

**[A] 112.1 General.** The Construction Advisory and Appeals Board shall be in accordance with Chapter 10, Article II, Division 3, Subdivision I, Sections 10-89 to 10-96 of the Code of Ordinances.

**Section [A] 112.2, 112.3 and 112.4; Delete**

**Section 202; amend definition of Existing Building as follows:**

**Existing Building** - A building, structure, or space, with an approved final inspection issued under a code edition which is at least 2 published code editions preceding the currently adopted building code; or a change of occupancy.

**Section 306.1; add exceptions to read as follows:**

**Exceptions:**

1. Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.
2. If the cost of the project is less than \$50K, it must comply with ICC A117.1, or it shall be reviewed and inspected to the Texas Accessibility Standards by a Registered Accessibility Specialist.

**Section 306.2; add exception to read as follows:**

**Exception:** Projects subject to the Texas Accessibility Standards as adopted by the Texas Department of Licensing and Regulation are exempt from this section. Projects with a valuation of less than \$50,000.00 (which are subject to the Texas Accessibility Standards) may be accepted as equivalent to this section where reviewed and inspected to the Texas Accessibility Standards by a Texas Department of Licensing and Regulation Registered Accessibility Specialist when a plan review report and a compliant inspection report are provided to the building code official.

**Section 306.5.1; add to read as follows:**

*306.5.1 Complete change of occupancy. Where an entire building undergoes a change of occupancy, it shall have all of the following accessible features:*

1. *Not fewer than one accessible building entrance.*
2. *Not fewer than one accessible route from an accessible building entrance to primary function areas.*
3. *Signage complying with Section 1111 of the International Building Code.*

4. Accessible parking, where parking is being provided.
5. Not fewer than one accessible passenger loading zone, where loading zones are provided.
6. Not fewer than one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.
7. At least one accessible family or assisted use toilet room shall be provided in accordance with Chapter 11 of the International Building Code.

*Where it is technically infeasible to comply with the new construction standards for any of these requirements for a change of group or occupancy, Items 1 through 6 shall conform to the requirements to the maximum extent technically feasible.*

**Exception:** The accessible features listed in Items 1 through 6 are not required for an accessible route to Type B units.

**Section 401.3; Flood Hazard Areas; delete this section.**

**Section 405.2.6 Flood Hazard Areas; delete this section.**

**Section 502.3 Flood Hazard Areas; delete this section.**

**Section 503.2 Flood hazard areas; delete this section.**

**Section 507.3 Flood Hazard Areas; delete this section.**

**Section 701.3 Flood Hazard Areas; delete this section.**

**Section 803.1; add sentence to read as follows:**

For the purpose of fire sprinkler protection and fire alarm requirements included in this section, the work area shall be extended to include at least the entire tenant space or spaces bounded by walls capable of resisting the passage of smoke containing the subject work area, and if the work area includes a corridor, hallway, or other exit access, then such corridor, hallway, or other exit access shall be protected in its entirety on that particular floor level.

**Section 803.2.6; change Exception to read as follows:**

**Exception:** Supervision is not required where the Fire Code does not require such for new construction.

**Section 803.3; change section to read as follows:**

**803.3 Standpipes.** Refer to Section 1103.6 of the Fire Code for retroactive standpipe requirements.

{Delete rest of Section 803.3.}

**Section 804.2; Remove exception #1**

**Section 904.1; add sentence to read as follows:**

For the purpose of fire sprinkler protection and fire alarm requirements included in this section, the work area shall be extended to include at least the entire tenant space or spaces bounded by walls containing the subject work area, and if the work area includes a corridor, hallway, or other exit access, then such corridor, hallway, or other exit access shall be protected in its entirety on that particular floor level.

**Section 904.1; add sentence to read as follows:**

**904.1.1 High-rise buildings.** An automatic sprinkler system shall be provided in work areas of high-rise buildings.

**Section 1103.3 Flood Hazard areas. Delete:**

**Section 1201.4 Flood hazard areas. Delete**

**Section 1301.3.2; change to read as follows:**

**1301.3.2 Compliance with other codes.** Buildings that are evaluated in accordance with this section shall comply with the International Fire Code.

**“EXHIBIT I”**

**ARTICLE XI. FENCES**

**DIVISION 2. – CONSTRUCTION STANDARDS**

**Sec. 10-425. – Swimming pool, spa, and hot tub/barrier requirements**

**DELETE EXISTING LANGUAGE IN ITS ENTIRETY AND REPLACE WITH:**

For swimming pool, spa, and hot tub barrier requirements, see Article XVII. Swimming Pool and Spa Code

## “EXHIBIT J”

### ARTICLE XVII. SWIMMING POOL AND SPA CODE

#### Sec. 10-711. Adopted

The International Swimming Pool and Spa Code, 2021 edition, as amended by this chapter, is hereby adopted as the Swimming Pool and Spa Code of the City of Rockwall, TX. A copy of such code will be kept in the Building Official's office and shall be made available for public inspection during regular business hours via a scheduled appointment through the City Secretary's Office.

#### Sec. 10-712. Amendments.

The International Swimming Pool and Spa Code, 2021 edition, is hereby amended as follows:

##### **Section 102.9; Change to read as follows:**

**Section 102.9 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law, to include but not limited to:

1. Texas Department of State Health Services (TDSHS); *Standards for Public Pools and Spas*; §285.181 through §285.208, (TDSHS rules do not apply to pools serving one- and two-family dwellings or townhouses).
2. *Texas Department of Licensing and Regulation (TDLR); 2012 Texas Accessibility Standards (TAS)*, TAS provide the scoping and technical requirements for accessibility for Swimming Pool, wading pools and spas and shall comply with *2012 TAS, Section 242*. (TAS rules do not apply to pools serving one- and two-family dwellings or townhouses).

**Exception:** Elements regulated under Texas Department of Licensing and Regulation (TDLR) and built in accordance with TDLR approved plans, including any variances or waivers granted by the TDLR, shall be deemed to be in compliance with the requirements of this Chapter.

##### **Section 111; Change title to read as follows:**

#### **Section 111 Construction Advisory and Appeals Board**

##### **Change 111.1, to read as follows:**

**Section 111.1 General.** The Construction Advisory and Appeals Board shall be in accordance with Chapter 10, Article II, Division 3, Subdivision I, Sections 10-89 to 10-96 of the Code of Ordinances.

#### **Section 112 Board of Appeals, Delete**

##### **Section 305; Change to read as follows:**

#### **305.1 General.**

The provisions of this section shall apply to the design of barriers for restricting entry into areas

having pools and spas. In only one- and two-family dwellings and townhouses, where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346 the areas where those spas or hot tubs are located shall not be required to comply with Sections 305.2 through 305.7.

**Section 305.2.5. Add an exception to read as follows:**

**Exception:** Boards with a minimum 60-degree angle, cut and placed at the top of the horizontal fence members, may be used on existing fences that will become pool barriers. This exception does not apply to fences adjacent to public right of way.

**Add subsection 305.2.7.1; to read as follows:**

305.2.7.1 Chain link fencing prohibited. Chain link fencing is not permitted as a barrier in public pools built after January 1, 1994. (Ref: *Texas Health and Safety Code Chapter 757.003 (f).*)

**Section 305.3.5 Vehicular access gates; add to read as follows:**

Vehicular access gates may be considered part of the required pool barrier, provided the gate is self-closing and latching within 30 seconds from being fully opened.

**Section 305.4 structure wall as a barrier; Changes as follows:**

**305.4 Structure wall as a barrier.** Where a wall of a dwelling or structure of a one- and two-family dwelling or townhouse or its accessory structure serves as part of a barrier and where doors or windows provide direct access to the pool or spa through that wall, one of the following shall be required:

1. Remainder Unchanged
2. Remainder Unchanged
3. Remainder Unchanged
4. Remainder unchanged
5. Remainder unchanged
6. Remainder unchanged

(Ref: *Texas Health and Safety Code Chapter 757.007.*)

**Section 305.6; Change to read as follows:**

**305.6 Natural barriers used in a one- and two-family dwelling or townhouse.** In the case where the pool or spa area abuts the edge of a lake or other natural body of water, public access is not permitted or allowed along the shoreline, and required barriers extend to and beyond the water's edge a minimum of eighteen (18) inches, a barrier is not required between the natural body of water shoreline and the pool or spa.

(Reason: *Specific Texas statutes do not allow the use of natural barriers in lieu of fencing for public pools per Chapter 757.003.*)

**Section 307.1.4 Accessibility; Add exception to Section to 307.1.4 as follows:**

**Exception:** Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.

(Reason: *To accommodate buildings regulated under state law. Further clarified to mean Components that are specifically addressed by TDLR shall be exempt.*)

**Section 307.2.2.2; add to read as follows:**

**Section 307.2.2.2. Adjacency to Structural Foundation.** Depth of the swimming pool and spa shall maintain a ratio of 1:1 from the nearest building foundation or footing of a retaining wall.

**Exception:** A sealed engineered design drawing of the proposed new structure shall be submitted for approval.

*(Reason: To clarify specific distances for pools and spas, correlates with IRC 327.1.)*

**Section 310; Change to read as follows:**

**310.1 General.** Suction entrapment avoidance for pools and spas shall be provided in accordance with APSP 7 (ANSI/PHTA/ICC 7) or for public swimming pools in accordance with State of Texas Rules for Public Swimming Pools and Spas, Title 25 TAC Chapter 265 Subchapter L, Rule §265.190.

*[Remainder unchanged]*

*(Reason: To clarify specific Texas statutes which regulate public pools and spas.)*

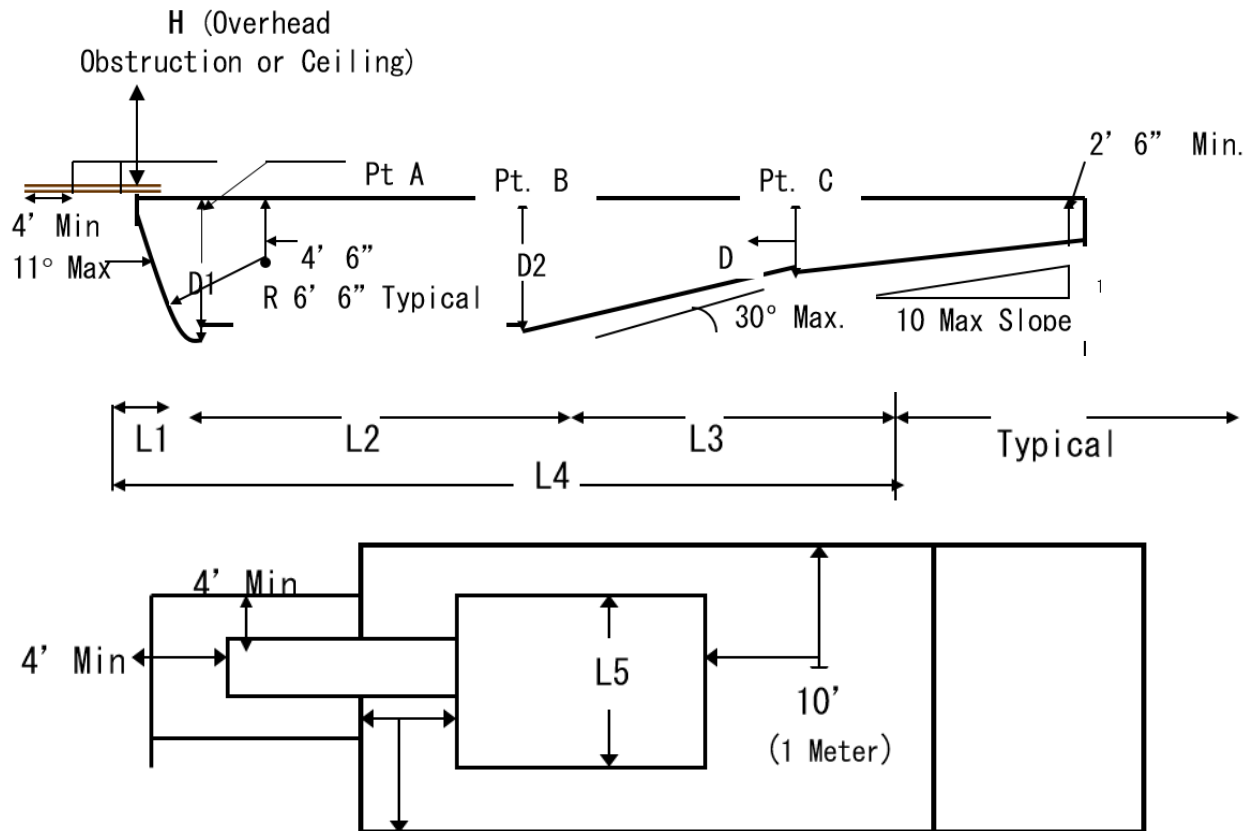
**Section 402.12; Change to read as follows:**

**402.12 Water envelopes.** The minimum diving water envelopes shall be in accordance with Table 402.12 Texas department of State Health services, Administrative Code Title 25, Chapter 265, Section 186 (e) and Figure: 25 TAC 256.186 (e) (6). (Delete Table 402.12 and Figure 402.12)

**ADD: Figure: 25 TAC §265.186 (e) (6)**

Maximum Diving Board Height Over Water	¾ Meter	1 Meter	3 Meters
Max. Diving Board Length	12 ft.	16 ft.	16 ft.
Minimum Diving Board Overhang	2 ft. 6 in.	5 ft.	5 ft.
D1 Minimum	8 ft. 6 in.	11 ft. 2 in.	12 ft. 2 in.
D2 Minimum	9 ft.	10 ft. 10 in.	11 ft. 10 in.
D3 Minimum	4 ft.	6 ft.	6 ft.
L1 Minimum	4 ft.	5 ft.	5 ft.
L2 Minimum	12 ft.	16 ft. 5 in.	19 ft. 9 in.
L3 Minimum	14 ft. 10 in.	13 ft. 2 in.	13 ft. 11 in.
L4 Minimum	30 ft. 10 in.	34 ft. 7 in.	38 ft. 8 in.
L5 Minimum	8 ft.	10 ft.	13 ft.
H Minimum	16 ft.	16 ft.	16 ft.
From Plummet to Pool Wall at Side	9 ft.	10 ft.	11 ft. 6 in.
From Plummet to Adjacent Plummet	10 ft.	10 ft.	10 ft.





(Reason: To avoid conflict with 25 TAC Chapter 265.)

**Section 411.2.1 & 411.2.2; Change to read as follows:**

**411.2.1 Tread dimensions and area.** Treads shall have a minimum unobstructed horizontal depth (i.e., horizontal run) of 12 inches and a minimum width of 20 inches.

**411.2.2 Risers.** Risers for steps shall have a maximum uniform height of 10 inches, with the bottom riser height allowed to taper to zero.

(Reason: To avoid conflict with 25 TAC Chapter 265.186 (c)(7)(A)& (B).)

**Section 411.5.1 & 411.5.2; Change to read as follows:**

**411.5.1 Swimouts.** Swimouts located in either the deep or shallow area of a pool, shall comply with all of the following:

1. Unchanged
2. Unchanged
3. Unchanged
4. The leading edge shall be visibly set apart and provided with a horizontal solid or broken stripe at least 1 inch wide on the top surface along the front leading edge of each step. This stripe shall be plainly visible to persons on the pool deck. The stripe shall be a contrasting color to the background on which it is applied, and the color shall be permanent in nature and shall be a slip-resistant surface.

**411.5.2 Underwater seats and benches.** Underwater seats and benches, whether used alone or in conjunction with pool stairs, shall comply with all of the following:

1. Unchanged
2. Unchanged
3. Unchanged
4. Unchanged
5. The leading edge shall be visually set apart and provided with a horizontal solid or broken stripe at least 1 inch wide on the top surface along the front leading edge of each step. This stripe shall be plainly visible to persons on the pool deck. The stripe shall be a contrasting color to the background on which it is applied, and the color shall be permanent in nature and shall be a slip-resistant surface.
6. Unchanged
7. Unchanged

*(Reason: To avoid conflict with 25 TAC Chapter 265.184 (u) & 265.186 (c) (10).)*

**Section 610.5.1; Change to read:**

**610.5.1 Uniform height of 10 inches.** Except for the bottom riser, risers at the centerline shall have a maximum uniform height of 10 inches (254 mm). The bottom riser height shall be permitted to vary from the other risers.

*(Reason: To avoid conflict with 25 TAC Chapter 265.186 (c)(7)(B).)*

**Section 804 Diving Water Envelopes; Change to read as follows:**

**Section 804.1 General.** The minimum diving water envelopes shall be in accordance with Table 804.1 and Figure 804.1, or the manufacturer's specifications, whichever is greater. Negative construction tolerances shall not be applied to the dimensions of the minimum diving water envelopes given in Table 804.1.

**CITY OF ROCKWALL, TEXAS  
ORDINANCE NO. 23-25**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REPEALING ARTICLE II. FIRE CODE STANDARDS, SEC. 18-32 AND SEC. 18-33 OF CHAPTER 18 FIRE PREVENTION AND PROTECTION OF THE ROCKWALL MUNICIPAL CODE OF ORDINANCES AND ADOPTING A NEW SEC. 18-32 AND A NEW SEC. 18-33 OF SAID CHAPTER AND ARTICLE, INCLUDING SPECIFIED LOCAL AMENDMENTS TO THE 2021 INTERNATIONAL FIRE CODE, INCLUDING APPENDICES B, D, H, L, AND N WITH THE EXCEPTION OF SUBSECTION (41) (2006 IFC, SECTION 903.2, AS ADOPTED BY ORD. 11-24); PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Rockwall, Texas:

**Section 1.** That Chapter 18 Fire Prevention and Protection, Article II. Fire Code Standards, Sec. 18-32 of the Code of Ordinances of the City of Rockwall is hereby repealed and that it shall hereinafter read in its entirety as follows:

**Sec. 18-32. Code adopted.**

**The International Fire Code, including Appendices B, D, H, L, and N, 2021 edition are hereby adopted and incorporated by reference as if fully set forth in this article as the fire code of the City of Rockwall, Texas. A copy of such code will be kept in the Fire Marshal's Office and shall be made available for public inspection during regular business hours via a scheduled appointment through the City Secretary's Office.**

**Section 2.** That Chapter 18 Fire Prevention and Protection, Article II. Fire Code Standards, Sec. 18-33 Amendments to adopted code is here by repealed in its entirety with the exception that current code of ordinances (city Ord. 11-24) subsection 41 (Sec. 18-33 (41), which is the 2006 IFC Section 903.2) shall remain unchanged and in full force and effect as reflected in the attached "**Exhibit A**" and that Sec. 18-33 shall hereinafter read in its entirety as reflected in "**Exhibit A,**" which is attached hereto and made part hereof for all purposes.

**Section 3.** That any person, firm or corporation violating any of the provisions of this ordinance shall be punished by a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

**Section 4.** That 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, 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 5.** That this ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this ordinance.

**Section 6.** That this ordinance shall take effect immediately from and after its passage and approval, and it is so ordained.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 17<sup>TH</sup> DAY OF APRIL, 2023.**

\_\_\_\_\_  
Kevin Fowler, Mayor

**ATTEST:**

\_\_\_\_\_  
Kristy Teague, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Frank Garza, City Attorney

1st Reading: 04-03-2023

2nd Reading: 04-17-2023

**EXHIBIT “A”**  
**Amendments to the**  
**2021 International Fire Code**

The following sections, paragraphs, and sentences of the *2021 International Fire Code* (IFC) are hereby amended as follows: Standard (unmodified) type is text from the IFC. Underlined type is text (locally) inserted. ~~Lined through type is (locally) deleted text from the IFC.~~

**Section 101.1; change to read as follows:**

**101.1 Title.** These regulations shall be known as the Fire Code of the City of Rockwall, hereinafter referred to as “this code.”

**Section 103.1; change to read as follows:**

**103.1 Creation of Agency.** The Rockwall Fire Department Fire Prevention, Education and Investigation Division is hereby created and the official in charge thereof shall be known as the fire code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

**Section 105.6; change to read as follows:**

**105.6 Required Construction Permits.** The fire code official is authorized to issue construction permits for work as set forth in Sections 105.6.1 through 105.6.245.

**Section 105.6.25; add to read as follows:**

**105.6.25 Electronic access control systems.** Construction permits are required to install or modify an electronic access control system, as specified in Chapter 10. A separate construction permit is required for to install or modify a fire alarm system that may be connected to the access control system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

**Section 112.4; change to read as follows:**

**112.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Class C Offense, punishable by a fine of not more than ~~[AMOUNT]~~ \$2,000-dollars. ~~or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment.~~ Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**Section 202; amend and add definitions to read as follows:**

**[B] AMBULATORY CARE FACILITY.** Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing, or similar care on a less than 24-hour basis to persons who are rendered incapable of self-preservation by the services provided or staff has accepted responsibility for care recipients already incapable. This group may include but not be limited to the following:

- Dialysis centers
- Procedures involving sedation
- Sedation dentistry
- Surgery centers
- Colonic centers
- Psychiatric centers

**[B] DEFEND IN PLACE.** A method of emergency response that engages building components and trained staff to provide occupant safety during an emergency. Emergency response involves remaining in place, relocating within the building, or both, without evacuating the building.

**HIGH-RISE BUILDING.** A building with an occupied floor located more than 75 ~~55~~ feet (~~22-860~~ 16 764)

mm) above the lowest level of fire department vehicle access.

**Section 307.2; change to read as follows:**

**307.2 Permit Required.** A permit shall be obtained from the *fire code official* in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or open burning-a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

**Section 308.1.6, change to read as follows:**

**308.1.6 Open-flame devices.** Torches and other devices, machines or processes liable to start or cause fire shall not be operated or used ~~in or on wildfire risk areas~~, except by a permit in accordance with Section 105.5 secured from the *fire code official*.

**Exception:** *unchanged*

**Section 308.1.6.2, Exception #3; change to read as follows:**

3. Torches or flame-producing devices in accordance with Section ~~308.4~~ 308.1.3.

**Section 308.2, change to read as follows:**

**308.2 Permits Required.** Permits shall be obtained from the fire code official in accordance with Section 105.5 prior to engaging in the following activities involving open flame, fire and burning:

1. Use of a torch or flame-producing device to remove paint from a structure.
2. Use of open flame, fire or burning in connection with Group A or E occupancies.
3. Use or operation of torches and other devices, machines or processes liable to start or cause fire ~~in or on wildfire risk areas~~.

**Section 503.2.1; change to read as follows:**

**503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than ~~20 24 feet (6096 mm 7315 mm)~~, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than ~~13 feet 6 inches (4115 mm)~~ 14 feet (4267 mm).

**Section 503.2.3; change to read as follows:**

**503.2.3 Surface.** Fire apparatus access roads shall be designed and maintained to support imposed loads of 85,000 Lbs. for fire apparatus and shall be surfaced so as to provide all-weather driving capabilities in accordance with the City of Rockwall Engineering Standards.

**Section 503.2.4; change to read as follows:**

**503.2.4 Turning radius.** The required turning radius of a fire apparatus access road shall be ~~determined by the fire code official~~ determined in accordance with the following:

1. For buildings less than 30-feet and less than 3 stories in height:
  - a. 20-feet (inside) for turns less than or equal to 90 degrees
  - b. 25-feet (inside) for turns greater than 90 degrees
2. For buildings 30-feet or more and/or 3 or more stories in height minimum interior turning radius of 30 feet

For purposes of this section, the building height is measured from the lowest finished grade of the fire access roads to the point of accessible roof level, including parapet walls. For buildings with pitched roofs, the height is measured to the roof plate.

**Section 503.2.7; change to read as follows:**

**503.2.7 Grade.** The grade of the fire apparatus access road shall ~~be within the limits established by the fire code official based on the fire department's apparatus.~~ not exceed 10% in grade change, with cross slope not exceeding 5% or as approved by the Fire Chief.

**Section 503.2.8; change to read as follows:**

**503.2.8 Angles of approach and departure.** The angles of approach and departure for fire apparatus access roads shall be within the limits established by the fire code official based on the fire department's apparatus shall not exceed 7 Degrees, (or 12 %) or as approved by the Fire Chief.

**Section 505.1; change to read as follows:**

**505.1 Address Identification.** New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than ~~4 inches (102 mm)~~ 12 inches (304.8 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road, buildings do not immediately front a street, and/or the building cannot be viewed from the public way, a monument, pole or other sign with approved 12 inch (304.8 mm) height building numerals or addresses and 4 inch (101.6 mm) height suite/apartment numerals of a color contrasting with the background of the building or other approved means shall be used to identify the structure. Numerals or addresses shall be posted on a minimum 20 inch (508 mm) by 30 inch (762 mm) background on border. Address identification shall be maintained.

**Exception:** Structures locate within the historic district may utilize a minimum of 6 inches (152.4 mm) high numbers as approved by the Fire Code Official.

**Section 506.1; change to read as follows:**

**506.1 Where required.** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, The fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official. An approved key box shall be provided on the following structures:

1. On new and existing structures at fire sprinkler riser/fire pump rooms, if one is provided, and at additional locations as required by the Fire Code Official.
2. On all existing commercial structures comprised of multiple tenant spaces. A single approved Key Box may serve multiple occupancies in a single building provided the box is located in an approved location and is adequately sized for the number of keys.

**Section 507.1; add a new paragraph to read as follows:**

**507.1 Required water supply.** An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises on which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. Existing fire hydrants on public streets are allowed to be considered as available where streets are not provided with median dividers which cannot be crossed by fire fighters pulling hose lines.)

**Section 507.4; change to read as follows:**

**507.4 Water Supply Test Date and Information.** The water supply test used for hydraulic calculation of fire protection systems shall be conducted in accordance with NFPA 291 "Recommended Practice for Fire Flow Testing and Marking of Hydrants" and within one year of sprinkler plan submittal. The fire code official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official or approved documentation of the test shall be provided to the fire code official prior to final approval of the water supply system. The exact location of the static/residual hydrant and the flow hydrant shall be indicated on the design drawings. All fire protection plan submittals shall be accompanied by a hard copy of the waterflow test report, or as approved by the fire code official. The report must indicate



the dominant water tank level at the time of the test and the maximum and minimum operating levels of the tank, as well, or identify applicable water supply fluctuation. The licensed contractor must then design the fire protection system based on this fluctuation information, as per the applicable referenced NFPA standard. Reference Section 903.3.5 for additional design requirements.

**Section 507.5.1.2; add new section to read as follows:**

**507.5.1.2 Location.** Fire hydrants shall be located within 6 ft. of the edge of the pavement unless the fire department determines another location is acceptable for fire department use.

**Section 507.5.1.3; add new section to read as follows:**

**507.5.1.3 Intersections.** Fire hydrants shall be at every street intersection, or as otherwise required by the fire code official.

**Section 509.1.2; add to read as follows:**

**509.1.2 Sign Requirements.** Unless more stringent requirements apply, lettering for signs required by this section shall have a minimum height of 2 inches (50.8 mm) when located inside a building and 4 inches (101.6 mm) when located outside, or as approved by the fire code official. The letters shall be of a color that contrasts with the background.

**Section 605.4 through 605.4.2.2 ; change to read as follows:**

**605.4 Fuel oil storage systems.** ~~Fuel oil storage systems for building heating systems~~ shall be installed and maintained in accordance with this code. Tanks and fuel-oil piping systems shall be installed in accordance with Chapter 13 of the *International Mechanical Code* and Chapter 57.

**605.4.1 Fuel oil storage in outside, above-ground tanks.** Where connected to a fuel-oil piping system, the maximum amount of fuel oil storage allowed outside above ground without additional protection shall be 660 gallons (2498 L). The storage of fuel oil above ground in quantities exceeding 660 gallons (2498 L) shall comply with NFPA 31 and Chapter 57.

**605.4.1.1 Approval.** Outdoor fuel oil storage tanks shall be in accordance with UL 142 or UL 2085, and also listed as double-wall/secondary containment tanks.

**605.4.2 Fuel oil storage inside buildings.** Fuel oil storage inside buildings shall comply with Sections 605.4.2.2 through 605.4.2.8 ~~or~~ and Chapter 57.

**605.4.2.1 Approval.** Indoor fuel oil storage tanks shall be in accordance with UL 80, UL 142 or UL 2085.

**605.4.2.2 Quantity limits.** One or more fuel oil storage tanks containing Class II or III *combustible liquid* shall be permitted in a building. The aggregate capacity of all tanks shall not exceed the following:

1. 660 gallons (2498 L) in unsprinklered buildings, where stored in a tank complying with UL 80, UL 142 or UL 2085, and also listed as a double-wall/secondary containment tank for Class II liquids.
2. 1,320 gallons (4996 L) in buildings equipped with an *automatic sprinkler* system in accordance with Section 903.3.1.1, where stored in a tank complying with UL 142 or UL 2085. The tank shall be listed as a secondary containment tank, and the secondary containment shall be monitored visually or automatically.
3. 3,000 gallons (11 356 L) in buildings equipped with an *automatic sprinkler* system in accordance with Section 903.3.1.1, where stored in protected above-ground tanks complying with UL 2085 and Section 5704.2.9.7. The tank shall be listed as a secondary containment tank, as required by UL 2085, and the secondary containment shall be monitored visually or automatically.

**Section 903.2 remains unamended from previous code adoptions, per Ordinance 11-24**



**903.2 Where Required.** Approved automatic fire sprinkler systems shall be installed in all new buildings, structures and additions with a fire flow calculation area of 5,000 square feet (464.5 m<sup>2</sup>) or greater and in all existing buildings, not including R-3, that are enlarged to have a fire flow calculation of 5,000 square feet (464.5 m<sup>2</sup>) or greater and in buildings that have a fire flow calculation greater than 5,000 square feet (464.5 m<sup>2</sup>) which are enlarged and all locations described in this section.

Approved automatic fire sprinkler systems shall be installed in all new R-3 buildings, structures and additions with a finished floor area of 5,000 square feet (464.5 m<sup>2</sup>) or greater and in all existing R-3 occupancies that have additions totaling more than 30% of the original finished floor area and exceeding a finished floor area of 5,000 square feet.

For the purpose of this provision, fire walls shall not define separate buildings.

**Exceptions:**

1. Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by fire barriers consisting of not less than 1-hour fire-resistance-rated walls and 2-hour fire-resistance-rated floor/ ceiling assemblies.
2. Group U
3. Temporary structures other than amusement buildings.
4. Group A-5, except as required by 903.2.1.5.
5. Open parking garages in compliance with Section 406.3 of the International Building Code, when all of the following conditions apply:
  - i. The structure is non-combustible construction.
  - ii. The structure has no other types of occupancies located above or below it.
  - iii. The structure does not contain any mixed uses, accessory uses, storage rooms, electrical rooms or spaces used or occupied for anything other than motor vehicle parking.
  - iv. The structure does not exceed 3 stories.
  - v. The structure has two complete sides unobstructed for fire department access by roadway or fire lane.

**Section 903.2.9.5; add to read as follows:**

**903.2.9.5 Self-Service Storage Facility.** An automatic sprinkler system shall be installed throughout all self-service storage facilities.

Exception: Self-service storage facilities not greater than one story above grade plane that have no interior corridors and are less than 5,000 square feet.

**Section 903.2.10; change to read as follows:**

**903.2.10 Group S-2 parking garages.** An automatic sprinkler system shall be provided throughout buildings classified as parking garages where any of the following conditions exist:

1. Where the fire area of the enclosed parking garage, in accordance with Section 406.6 of the International Building Code, ~~exceeds 12,000 square feet (1115 m<sup>2</sup>)~~ is 5,000 square feet or greater.
2. Where the enclosed parking garage, in accordance with Section 406.6 of the International Building Code, is located beneath other groups.  
Exception: Enclosed parking garages located beneath buildings that do not contain more than two dwelling units ~~Group R-3 occupancies.~~
3. Where the fire area of the open parking garage, in accordance with Section 406.5 of the International Building Code, exceeds 48,000 square feet (4460 m<sup>2</sup>).

**Section 903.3.1.2.2; change to read as follows:**

**903.3.1.2.2 Corridors and balconies in the means of egress.** Sprinkler protection shall be provided in all corridors and for all balconies. ~~in the means of egress where any of the following conditions apply: {Delete the rest of this section.}~~

**Section 903.3.1.3; change to read as follows:**

**903.3.1.3 NFPA 13D Sprinkler Systems.** Automatic sprinkler systems installed in one- and two-family dwellings; Group R-3; Group R-4, Condition 1; and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D or in accordance with state law.

**Section 903.3.1.4; add to read as follows:**

**903.3.1.4 Freeze protection.** Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.

**903.3.1.4.1 Attics.** Only dry-pipe, preaction, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.

**Exception:** Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

1. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building unless otherwise approved by the Fire Code Official, and
2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and
3. The attic space is a part of the building's thermal, or heat, envelope, such that insulation is provided at the roof deck, rather than at the ceiling level.

**903.3.1.4.2 Heat trace/insulation.** Heat trace/insulation shall only be allowed where approved by the fire code official for small sections of large diameter water-filled pipe.

**Section 903.3.5; add a second paragraph to read as follows:**

Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every water-based fire protection system shall be designed with a 5psi safety factor. Reference Section 507.4 for additional design requirements.

**Section 903.4.2; add second paragraph to read as follows:**

The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.

**\*Section 903.4.3; change to read as follows:**

Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor ~~in high-rise buildings.~~

**Section 904.3.5; change to read as follows:**

904.3.5 Monitoring. Where a building fire alarm system or a dedicated function fire alarm system is installed, automatic fire-extinguishing systems shall be monitored by the building fire alarm system or the dedicated function fire alarm system in accordance with NFPA 72.

**Section 905.3; change to read as follows:**

**905.3 Required Installations.** Standpipe systems shall be installed where required by Sections 905.3.1 through 905.3.89. Standpipe systems are allowed to be combined with automatic sprinkler systems.

Exception: Standpipe systems are not required in Group R-3 occupancies.

**Section 905.3.9; add Section 905.3.9 to read as follows:**

**905.3.9 Buildings Exceeding 10,000 sq. ft.** In buildings exceeding 10,000 square feet in area per story and having any portion of the building's interior area more than 200 feet (60960 mm) of travel, vertically or horizontally, from the nearest point of fire department vehicle access, Class I standpipes shall be provided.

**Section 905.4; change Item #2 to read as follows:**

**905.4 Location of Class 1 standpipes hose connections.**

Class I standpipe hose connections shall be provided in all of the following locations:

1. {No Change}
2. On each side of the wall adjacent to the exit opening of a horizontal exit.

~~Exception: Where floor areas adjacent to a horizontal exit are reachable from an interior exit stairway hose connection by a 30-foot (9144 mm) hose stream from a nozzle attached to 100 feet (30 480 mm) of hose, a hose connection shall not be required at the horizontal exit.~~

Where all floor areas are reachable from an exit stairway hose connection on the same side of a horizontal exit within 200 ft (61 m) for sprinklered buildings or 130 ft (39.7 m) for nonsprinklered buildings, the hose connection on the other side of the horizontal exit shall be permitted to be omitted.

3. {No Change}
4. {No Change}
5. {No Change}
6. {No Change}

**Section 907.6.1.1; add to read as follows:**

**907.6.1.1 Wiring Installation.** All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be installed in such a way that a single open will not interfere with the operation of any addressable devices (Class A). Outgoing and return SLC conductors shall be installed in accordance with NFPA 72 requirements for Class A circuits and shall have a minimum of four feet separation horizontal and one foot vertical between supply and return circuit conductors. The initiating device circuit (IDC) from a signaling line circuit interface device may be wired Class B, provided the distance from the interface device to the initiating device is ten feet or less.

**Section 907.6.3; change to read as follows:**

**Section 907.6.3 Initiating device identification.** The fire alarm system shall identify the specific initiating device address, location, device type, floor level where applicable and status including indication of normal, alarm, trouble and supervisory status, as appropriate.

~~Exceptions:~~

- ~~1. Fire alarm systems in single-story buildings less than 22,500 square feet (2090 m<sup>2</sup>) in area.~~
- ~~2. Fire alarm systems that only include manual fire alarm boxes, waterflow initiating devices and not more than 10 additional alarm-initiating devices.~~
- ~~3. Special initiating devices that do not support individual device identification.~~
- ~~4. Fire alarm systems or devices that are replacing existing equipment.~~

**Section 912.2.1.1; add to read as follows:**

**912.2.1.1 Hydrant Distance.** An approved fire hydrant shall be located within 100 feet of the fire department connection as the fire hose lays along an unobstructed path.

**912.2.1.2; add to read as follows:**

**912.2.1.2 Fire apparatus access roadway distance.** An approved Fire apparatus access roadway shall be located within 50 feet of the fire department connection as the fire hose lays along an unobstructed path

**Section 5601.1.3; change to read as follows:**

**5601.1.3 Fireworks.** The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

- ~~1. Storage and handling of fireworks as allowed in Section 5604.~~
- ~~2. Manufacture, assembly and testing of fireworks as allowed in Section 5605.~~
- ~~3. The use of fireworks for fireworks displays as allowed in Section 5608.~~
- ~~4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided that such fireworks and facilities comply with the 2006 edition of NFPA 1124, CPSC 16 CFR Parts 1500 and 1507, and DOTn 49 CFR Parts 100-185, as applicable for consumer fireworks.~~

**Section 5704.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): [JURISDICTION TO SPECIFY]**

**5704.2.9.6.1 Locations where above-ground tanks are prohibited.** Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited otherwise by City of Rockwall Ordinance.

**Section 5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): [JURISDICTION TO SPECIFY]**

**5706.2.4.4 Locations where above-ground tanks are prohibited.** The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by law as the limits of districts in which such storage is prohibited otherwise by City of Rockwall Ordinance.

**Section 5806.2 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): [JURISDICTION TO SPECIFY]**

**5806.2 Limitations.** Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited otherwise by City of Rockwall Ordinance.

**Appendix D, Section D102.1; change to read as follows:**

**D102.1 Access and loading.** Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing up to ~~75,000 pounds (34,050 kg)~~ 85,000 pounds (38,555 kg) in accordance with the City of Rockwall Engineering Standards.

**Appendix D, Section D103.1; change to read as follows:**

**D103.1 Access road width with a hydrant.** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be ~~26 feet (7925 mm)~~ 24 feet, exclusive of shoulders (see Figure D103.1).

**Appendix D, Section D103.2; change to read as follows:**

**D103.2 Grade.** Fire apparatus access roads shall not exceed 10 percent in grade and 5 percent in cross slope.

**Exception:** Grades steeper than 10 % as approved by the Fire Code Official.

**Appendix D, Section D103.3; change to read as follows:**

**D103.3 Turning radius.** The minimum turning radius shall be determined by the Fire Code Official and in accordance with the following:

1. For buildings less than 30-feet and less than 3 stories in height:

- a. 20-feet (inside) for turns less than or equal to 90 degrees
- b. 25-feet (inside) for turns greater than 90 degrees
2. For buildings 30-feet or more and/or 3 or more stories in height minimum interior turning radius of 30 feet

For purposes of this section, the building height is measured from the lowest finished grade of the fire access roads to the point of accessible roof level, including parapet walls. For buildings with pitched roofs, the height is measured to the roof plate.

**Appendix D, Section D103.4; change to read as follows:**

**D103.4 Dead ends.** Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

**TABLE D103.4  
REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS**

<b>LENGTH (feet)</b>	<b>WIDTH (feet)</b>	<b>TURNAROUNDS REQUIRED</b>
0–150	<del>20</del> <u>24</u>	None required
151–500	<del>20</del> <u>24</u>	120-foot Hammerhead, 60-foot “Y” or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501–750	26	120-foot Hammerhead, 60-foot “Y” or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

For SI: 1 foot = 304.8 mm.

**Appendix D, Section D103.5; change Item 1 to read as follows:**

**D103.5 Fire apparatus access road gates.** Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. ~~Where a single gate is provided, the gate width shall be not less than 20 feet (6096 mm). Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 12 feet (3658 mm).~~ Gates shall not obstruct the required minimum required widths of the fire apparatus access roadway.
2. ~~– 8. remain unchanged~~

**Appendix D, Section D103.6; change to read as follows:**

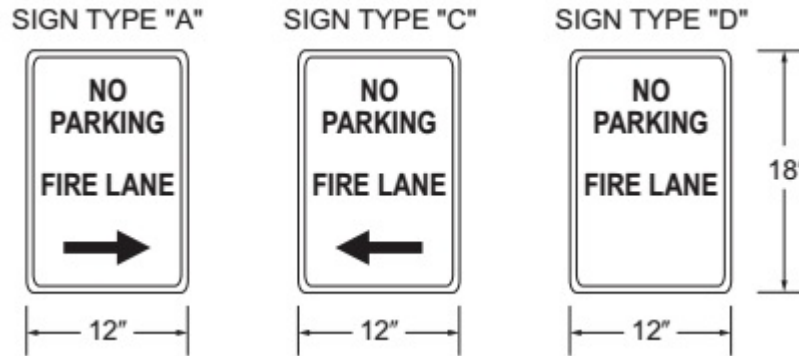
**D103.6 Signs–Marking.** Striping, signs, or other markings, when approved by the fire code official, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Striping, signs and other markings shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

(1) Striping – Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6”) in width to show the boundaries of the lane. The words “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” shall appear in four inch (4”) white letters at 25 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

(2) Signs – Signs shall read “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” and shall be

12" wide and 18" high (See Figure D103.6). Signs shall have red letters on a white reflective background, using not less than 2" lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6'6") above finished grade. Signs shall be spaced not more than fifty feet (50') apart along both sides of the fire lane. Signs may be installed on permanent buildings or walls or as approved by the Fire Chief.

Where required by the fire code official, fire apparatus access roads shall be marked with permanent "NO PARKING—FIRE LANE" signs complying with Figure D103.6, or other approved method. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.



**FIGURE D103.6  
FIRE LANE SIGNS**

**Appendix D, Section D103.6.1 and D103.6.2; delete sections as follows:**

**D103.6.1 Roads 20 to 26 feet in width.** *Fire lane signs as specified in Section D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6096 to 7925 mm).*

**D103.6.2 Roads more than 26 feet in width.** *Fire lane signs as specified in Section D103.6 shall be posted on one side of fire apparatus access roads more than 26 feet wide (7925 mm) and less than 32 feet wide (9754 mm).*

**Appendix D, Section D104.3; change to read as follows:**

**D104.3 Remoteness.** Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses, or as approved by the fire code official.

**Appendix D, Section D105.2; change to read as follows:**

**D105.2 Width.** Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 24 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

**Appendix D, Section D105.3; change to read as follows:**

**D105.3 Proximity to building.** Unless otherwise approved by the fire code official, one or more of the required access routes meeting this condition shall be located not less than 15 feet (4572 mm) and not greater than 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

**Appendix D, Section D106.3; change to read as follows:**

**D106.3 Remoteness.** Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses, or as approved by the



fire code official.

**Appendix D, Section D107.2; change to read as follows:**

**D107.2 Remoteness.** Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses, or as approved by the fire code official.

**Appendix L, Section L101.1; change to read as follows:**

Section L101.1 Scope. Fire fighter air replenishment systems (FARS) shall be provided in accordance with this appendix in new buildings when any of the following conditions occur:

1. Any new building 5 or more stories in height above the lowest level of fire department vehicle access.
2. Any new building with 2 or more floors below grade.
3. Any new building 500,000 square feet or more in size.

Each stairwell shall have a supply riser. SCBA fill panels shall be located on odd numbered floors commencing at the first level in the primary stairwell and on even numbered floors commencing at level 2 in the remaining stairwells. Fill panels in buildings over 500,000 square feet shall have the SCBA fill panels in locations as approved by the Fire Code Official.

~~The adopting ordinance shall specify building characteristics or special hazards that establish thresholds triggering a requirement for the installation of a FARS. The requirement shall be based on the fire department's capability of replenishing fire fighter breathing air during sustained emergency operations. Considerations shall include:~~

- ~~1. Building characteristics, such as number of stories above or below grade plane, floor area, type of construction and fire resistance of the primary structural frame to allow sustained fire fighting operations based on a rating of not less than 2 hours.~~
- ~~2. Special hazards, other than buildings, that require unique accommodations to allow the fire department to replenish fire fighter breathing air.~~
- ~~3. Fire department staffing level.~~
- ~~4. Availability of a fire department breathing air replenishment vehicle.~~

**Appendix L, Section L104.13.1; delete this section in its entirety.**

~~L104.13.1 Location. Fill stations for refilling breathing air cylinders shall be located as follows:~~

- ~~1. Fill stations shall be provided at the fifth floor above and below the ground level floor and every third floor level thereafter.~~
- ~~2. On floor levels requiring fill stations, one fill station shall be provided adjacent to a required exit stair at a location designated by the fire code official. In buildings required to have three or more exit stairs, additional fill stations shall be provided at a ratio of one fill station for every three stairways.~~

**Appendix L, Section L104.14; add paragraph to read as follows:**

The external mobile air connection shall be located with approved separation from the Fire Department Connection (FDC) to allow functionality of both devices by first responders; shall be visible from and within 50 ft. of a fire apparatus access road along an unobstructed path; and shall be located in an approved signed, secured cabinet.

CITY OF ROCKWALL

ORDINANCE NO. 23-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE MUNICIPAL CODE ORDINANCES OF THE CITY OF ROCKWALL, BY AMENDING SECTION 26-505, *PROHIBITED IN SPECIFIC PLACES*, OF ARTICLE VII, *STOPPING, STANDING OR PARKING*, OF CHAPTER 26, *MOTOR VEHICLES AND TRAFFIC*, TO INCORPORATE ADDITIONAL STREETS SUBJECT TO THE PROHIBITED PARKING REQUIREMENTS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Rockwall, Texas is a *Home Rule City* by State Law and the City's Charter is permitted to establish ordinances to protect the health, safety and general welfare of its residents; and,

**WHEREAS**, the City has exclusive control and power over the streets, alleys, and public grounds and highways of the City pursuant to Transportation Code §311.001, as it may be amended.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:**

**SECTION 1. Findings.** The recitals are hereby found to be true and correct and are hereby incorporated as part of this Ordinance.

**SECTION 2.** That the Section 26-505, *Prohibited in Specified Places*, of Article VII, *Stopping, Standing or Parking*, of Chapter 26, *Motor Vehicles and Traffic*, of the Code of Ordinances be hereby amended to henceforth to read in its entirety as follows:

**SECTION 26-505: Prohibited in specified places**

(a) An operator may not stop, stand, or park a vehicle:

- (1) On the roadway side of a vehicle stopped or parked at the edge or curb of a street;
- (2) On a sidewalk;
- (3) In an intersection;
- (4) On a crosswalk;
- (5) Between a safety zone and the adjacent curb or within 30 feet of a place on the curb immediately opposite the ends of a safety zone, unless the governing body of a municipality designates a different length by signs or markings;
- (6) Alongside or opposite a street excavation or obstruction if stopping, standing or parking the vehicle would obstruct traffic;
- (7) On a bridge or other elevated structure on a highway or in a highway tunnel;
- (8) On a railroad track;
- (9) Where an official sign prohibits stopping;
- (10) On Clark Street, between Williams and E. Boydston, or Fannin Street, between Washington and E. Boydston, except within the parking niches outside the main roadway lanes;
- (11) On either side of Summer Lee Drive from FM 740 (Ridge Road) west to the western right-of-way line of Bourbon Street Circle; or
- (12) On either side of Springer Road, Corporate Crossing, Discovery Boulevard, Data Drive, Capital Boulevard, Research Circle, Observation Trail, Science Place, Technology Way, and Innovation Drive.
- (13) On either side of South Lakeshore Drive from State Highway 66/West Rusk to the intersection of South Lakeshore Drive and Summit Ridge Drive, except within the parking niches outside the main roadway lanes.
- (14) On either side of Summit Ridge Drive from the Farm to Market 740/Ridge Road to the intersection of South Lakeshore Drive and Summit Ridge Drive, except within the parking niches outside the main roadway lanes.
- (15) N. Goliad Street [*SH-205*] from FM-552 to the John King Boulevard, and Shenandoah Lane from



All Angels Hill Lane to its eastern terminus of Shenandoah Lane.

- (b) All emergency vehicles shall be exempt from the restrictions set forth in subsection (a) of this section. Emergency vehicles shall include ambulances, fire trucks and equipment, paramedic vehicles, police vehicles and all governmental vehicles used for necessary governmental purposes.
- (c) Any vehicle actively used for construction or repair work in the Rockwall Technology Park shall be exempt from the restrictions set forth in subsection (a) of this section.
- (d) The City Manager or his designee shall provide for appropriate notice and signage for the parking restrictions as contained in this section. The City Manager or his designee shall also be authorized to issue citations and perform other enforcement provisions in accordance with this chapter.
- (e) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

**SECTION 3.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict;

**SECTION 4.** That the Code of the City of Rockwall, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance;

**SECTION 5.** That should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, and to this end the provisions of this ordinance are declared to be severable;

**SECTION 6.** That this ordinance shall take effect immediately from and after its passage;

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 17<sup>TH</sup> DAY OF APRIL, 2023.**

\_\_\_\_\_  
Kevin Fowler, Mayor

**ATTEST:**

\_\_\_\_\_  
Kristy Teague, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Frank J. Garza, City Attorney

1<sup>st</sup> Reading: April 3, 2023

2<sup>nd</sup> Reading: April 17, 2023



## MEMORANDUM

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**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

**FROM:** Ryan Miller, Director of Planning and Zoning

**DATE:** April 17, 2023

**SUBJECT:** P2023-006; FINAL PLAT FOR LOTS 1-3, BLOCK A, THE WALLACE ADDITION

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### Attachments

Case Memo  
Development Application  
Location Map  
Final Plat

### Summary/Background Information

Consider a request by Matthew Deyermond on behalf of Donald Wallace for the approval of a *Final Plat* for Lots 1-3, Block A, Wallace Addition being a 8.17-acre tract of land being identified as all of Tracts 45-02 & 45-07 and a portion of Tract 44-01 of the W. W. Ford Survey, Abstract No. 80 of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 1.5 (SFE-1.5) District, generally located on the northside of Wallace Lane, and take any action necessary.

### Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed Final Plat.



# CITY OF ROCKWALL

## CITY COUNCIL MEMORANDUM

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

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**TO:** Mayor and City Council  
**DATE:** April 11, 2023  
**APPLICANT:** Matthew Deyermond  
**CASE NUMBER:** P2023-006; *Final Plat for Lots 1-3, Block A, The Wallace Addition*

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### SUMMARY

Consider a request by Matthew Deyermond on behalf of Donald Wallace for the approval of a Final Plat for Lots 1-3, Block A, Wallace Addition being a 8.17-acre tract of land being identified as all of Tracts 45-02 & 45-07 and a portion of Tract 44-01 of the W. W. Ford Survey, Abstract No. 80 of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 1.5 (SFE-1.5) District, generally located on the northside of Wallace Lane, and take any action necessary.

### PLAT INFORMATION

- ☑ Purpose. The applicant is requesting the approval of a Final Plat for a 8.17-acre tract of land (*i.e. Tracts 45-02 & 45-07 and a portion of Tract 44-01 of the W. W. Ford Survey, Abstract No. 80*) for the purpose of creating three (3) parcel of land (*i.e. Lot 1-3, Block A, The Wallace Addition*). Currently, there is an existing 2,676 SF single-family home, situated on Tract 45-02, of the W.W. Ford Survey, Abstract No. 80, which was constructed in 1981.
- ☑ Background. The subject property was annexed on February 18, 2008 by *Ordinance No. 08-13 [Case No. A2008-001]*. At the time of annexation, the subject property was zoned Agricultural (AG) District. On August 3, 2020, the City Council approved a zoning change from Agricultural (AG) District to Single Family Estate 2.0 (SFE-2.0) District for a portion of Tract 44-01 of the W.W. Ford Survey, Abstract No. 80 by *Ordinance No. 20-31 [Case No. Z2020-029]*. On February 1, 2021, the City Council approved a zoning change from Agricultural (AG) District and Single-Family Estate 2.0 (SFE-2.0) District to Single-Family Estate 1.5 (SFE-1.5) District for the subject property by *Ordinance No. 21-12 [Case No. Z2020-060]*. The zoning has remained Single-Family Estate 1.5 (SFE-1.5) District since then.
- ☑ Parks Board. On April 4, 2023, the Parks and Recreation Board reviewed the Final Plat and made the following recommendations concerning the proposed subdivision:
  - (1) The property owner shall pay pro-rata equipment fees of \$566.00 (*i.e. \$283.00 x 2 Lots*), which will be due prior to the issuance of a building permit.
  - (2) The property owner shall pay cash-in-lieu of land fees of \$598.00 (*i.e. \$299.00 x 2 Lots*), which will be due prior to the issuance of a building permit.
- ☑ Conformance to the Subdivision Ordinance. The surveyor has completed the majority of the technical revisions requested by staff, and this plat -- *conforming to the requirements for plats as stipulated by the Chapter 38, Subdivisions, of the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- ☑ Conditional Approval. Conditional approval of this Final Plat by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.

## **CONDITIONS OF APPROVAL**

If the City Council chooses to approve the Final Plat for *Lots 1-3, Block A, The Wallace Addition* staff would propose the following conditions of approval:

- (1) All technical comments from the Engineering, Planning and Fire Departments shall be addressed prior to the filing of this Final Plat; and,
- (2) Any construction resulting from the approval of this Final Plat shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

## **PLANNING AND ZONING COMMISSION**

On April 11, 2023, the Planning and Zoning Commission approved a motion to approve the *Site Plan* by a vote of 6-0, with Commissioner Womble absent.



# DEVELOPMENT APPLICATION

City of Rockwall  
Planning and Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087

### STAFF USE ONLY

PLANNING & ZONING CASE NO. \_\_\_\_\_

**NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.**

DIRECTOR OF PLANNING: \_\_\_\_\_

CITY ENGINEER: \_\_\_\_\_

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST (SELECT ONLY ONE BOX):

#### PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE) <sup>1</sup>
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- FINAL PLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- REPLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

#### SITE PLAN APPLICATION FEES:

- SITE PLAN (\$250.00 + \$20.00 ACRE) <sup>1</sup>
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

#### ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) <sup>1 & 2</sup>
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) <sup>1</sup>

#### OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) <sup>2</sup>

#### NOTES:

<sup>1</sup>: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.  
<sup>2</sup>: A ~~\$1,000.00~~ FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

### PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS	330 Wallace Lane		
SUBDIVISION	AB 0080 WW Ford	LOT	Tr 48-07 BLOCK 8.17acs.
GENERAL LOCATION	W Wallace Lane + Collins Road		

### ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING	SFE 1.5	CURRENT USE	Residential + Vacant
PROPOSED ZONING		PROPOSED USE	Residential
ACREAGE	8.17	LOTS [CURRENT]	1
		LOTS [PROPOSED]	3

**SITE PLANS AND PLATS:** BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

### OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

<input type="checkbox"/> OWNER	Donald Wallace	<input checked="" type="checkbox"/> APPLICANT	Matthew Deyernod
CONTACT PERSON	Matthew Deyernod	CONTACT PERSON	
ADDRESS	330 W Wallace Lane	ADDRESS	558 Ezezial Ave
CITY, STATE & ZIP	Rockwall TX 75082	CITY, STATE & ZIP	Dallas TX 75217
PHONE	214-415-1882	PHONE	214-434-6528
E-MAIL	[REDACTED]	E-MAIL	[REDACTED]

### NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Donald Wallace [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

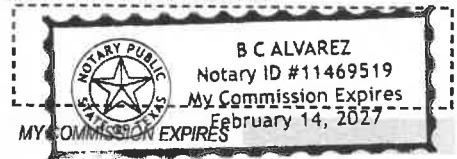
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 500.00 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 15th DAY OF March, 2023 BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 15th DAY OF March, 2023

OWNER'S SIGNATURE Donald Wallace

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

B.C. Alvarez





0 155 310 620 930 1,240 Feet

P2023-006: Lots 1-3, The Wallace Addition



Case Location Map =



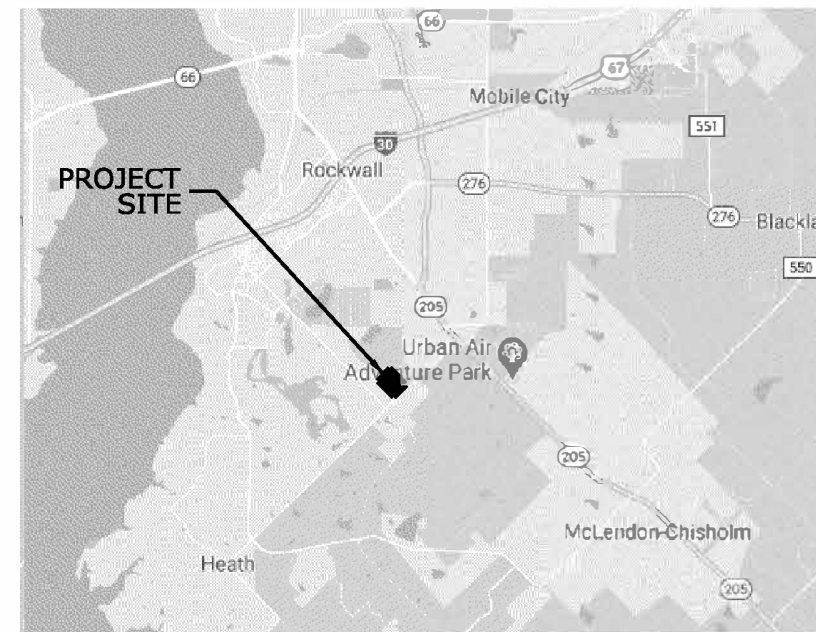
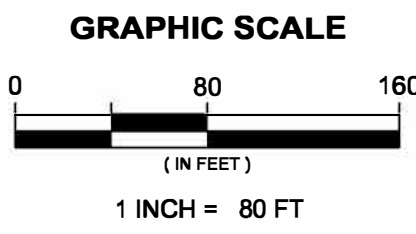
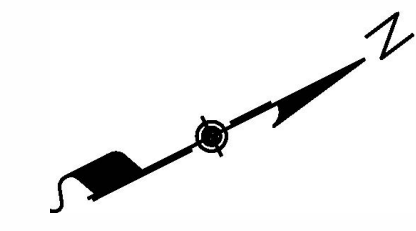
# City of Rockwall

Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087  
(P): (972) 771-7745  
(W): www.rockwall.com

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VICINITY MAP  
N.T.S.

NOTE:

1. ACCORDING TO FEMA MAP NO. 48397C0105L, DATED SEPTEMBER 26, 2008 THE ABOVE LOT LIES WITHIN THE 100 YEAR FLOOD PLAIN, ZONE AE AT THIS TIME.
2. SELLING A PORTION OF ANY LOT WITHIN THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF STATE LAW AND CITY ORDINANCE AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITY SERVICES AND BUILDING PERMITS.

LEGEND	
	PK NAIL SET
	1/2" YELLOW-CAPPED IRON ROD SET
	3/8" IRON ROD FOUND
	PK NAIL FOUND

OWNERS

DONALD J WALLACE  
330 H WALLACE LN  
ROCKWALL, TEXAS  
75032

SURVEYOR

ATTN: BRIAN RHODES, RPLS  
RHODES SURVEYING  
1529 E IH30, STE 106  
GARLAND, TEXAS 75043  
(972) 475-8940

CASE NO: \_\_\_\_\_

MORTON MARGARET ANNE WALLACE  
TRACT 45-03  
ABSTRACT NO. A0080  
D.R.R.C.T.

MORTON MARGARET ANNE WALLACE  
TRACT 45-06  
ABSTRACT Code: A0080  
D.R.R.C.T.

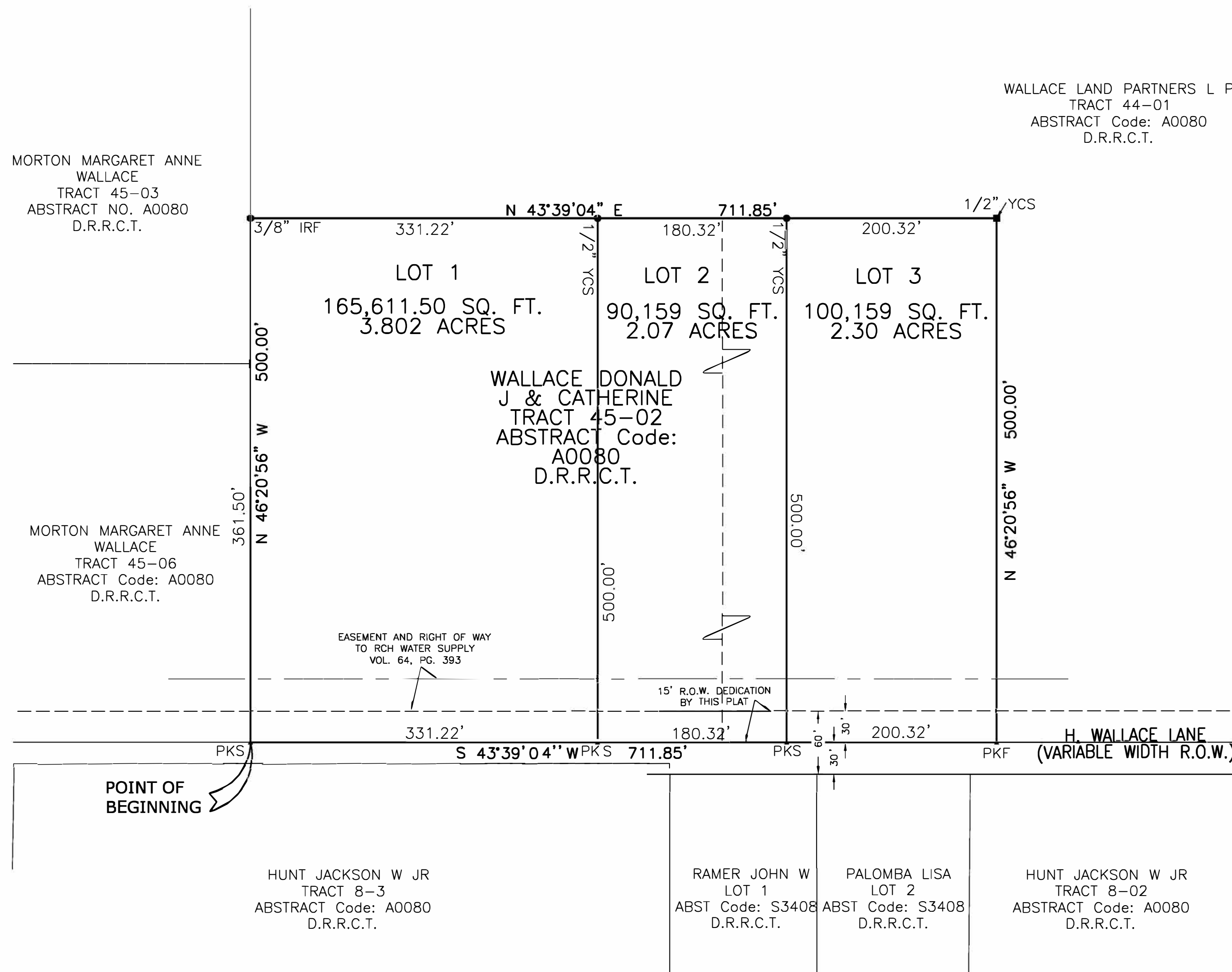
HUNT JACKSON W JR  
TRACT 8-3  
ABSTRACT Code: A0080  
D.R.R.C.T.

RAMER JOHN W  
LOT 1  
ABST Code: S3408  
D.R.R.C.T.

PALOMBA LISA  
LOT 2  
ABST Code: S3408  
D.R.R.C.T.

HUNT JACKSON W JR  
TRACT 8-02  
ABSTRACT Code: A0080  
D.R.R.C.T.

WALLACE LAND PARTNERS L P  
TRACT 44-01  
ABSTRACT Code: A0080  
D.R.R.C.T.



SURVEYOR'S STATEMENT

I, BRIAN RHODES, A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF TEXAS, AFFIRM THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, FROM RECORDED DOCUMENTATION, EVIDENCE COLLECTED ON THE GROUND DURING FIELD OPERATIONS AND OTHER RELIABLE DOCUMENTATION; AND THAT THIS PLAT SUBSTANTIALLY COMPLIES WITH THE RULES AND REGULATIONS OF THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYING, AND TEXAS LOCAL GOVERNMENT CODE, CHAPTER 212. I FURTHER AFFIRM THAT MONUMENTATION SHOWN HEREON WAS EITHER FOUND OR PLACED; AND THAT THE DIGITAL DRAWING FILE ACCOMPANYING THIS PLAT IS A PRECISE REPRESENTATION OF THE SIGNED FINAL PLAT.

DATED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 202 .

RELEASED FOR PRELIMINARY REVIEW. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSES AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

BRIAN RHODES  
TEXAS REGISTERED PROFESSIONAL LAND SURVEY NO. 5962

STATE OF TEXAS )  
COUNTY OF \_\_\_\_\_ )

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE ON THIS DAY APPEARS BRIAN RHODES, KNOWN TO ME TO BE THE PERSONS WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 202

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, MY COMMISSION EXPIRES \_\_\_\_\_

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY OF ROCKWALL, TEXAS AND IS HEREBY APPROVED BY SUCH.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202

BY \_\_\_\_\_  
CITY MANAGER

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

OWNER'S ACKNOWLEDGMENT AND DEDICATION

STATE OF TEXAS )  
COUNTY OF ROCKWALL )

Whereas DONALD J. & CATHERINE WALLACE are the sole owners of a tract of land situated in the WILLIAM W. FORD SURVEY, Abstract No. 80, in Rockwall County, Texas, being a portion of a tract of land conveyed to Donald J. Wallace (hereinafter referred to as "Wallace tract 750"), as recorded in Volume 177, Page 750, of the Deed Records of Rockwall County, Texas, and all of a tract of land conveyed to Donald J. & Catherine Wallace, as recorded in Volume 6568, Page 258, of the Deed Records of Rockwall County, Texas, as shown on survey, and being more particularly described by metes and bounds as follows:

BEGINNING at a PK nail set for corner, being the South corner of said "Wallace 750" tract, also being the East corner of a tract of land conveyed to Billy R. and Margaret Morton, as recorded in Volume 3603, Page 1, of the Deed Records of Rockwall County, Texas, and in the approximate center line of H. Wallace Lane;

THENCE North 46 degrees 20 minutes 56 seconds West, at a distance of 361.50 feet passing the North corner of said Morton tract, said corner also being the Easternmost corner of a tract of land conveyed to Margaret Wallace Morton as recorded in Volume 180, Page 592, of the Deed Records of Rockwall County, Texas, continuing for a total distance of 500.00 feet to a 3/8 inch iron rod found for corner, being the West corner of said "Wallace tract 750";

THENCE North 43 degrees 39 minutes 04 seconds East, a distance of 711.69 feet to 1/2 inch yellow-capped iron rod set for corner, being on the Northwest line of said "Wallace tract 750";

THENCE South 46 degrees 20 minutes 56 seconds East, a distance of 500.00 feet to a PK nail set for corner, from which a 1/2 inch orange-capped iron rod found for reference bears North 46 degrees 20 minutes 56 seconds East, a distance of 33.05 feet, and being in the approximate center line of H. Wallace Lane;

THENCE South 43 degrees 39 minutes 04 seconds West, a distance of 711.85 feet to the PLACE OF BEGINNING and containing 355853,018 square feet or 8.16 acres of land.

AND DESIGNATED HEREIN AS LOT 1, BLOCK A, WOODWARD ADDITION, AN ADDITION TO THE CITY OF HEATH, ROCKWALL COUNTY, TEXAS AND WHOSE NAMES ARE SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, RIGHTS-OF-WAY AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

THIS PLAT DOES NOT ALTER OR REMOVE EXISTING DEED RESTRICTIONS OR COVENANTS, IF ANY, ON THIS PROPERTY.

\_\_\_\_\_  
DONALD J WALLACE  
OWNER

\_\_\_\_\_  
CATHERINE WALLACE  
OWNER

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED DONALD J WALLACE, KNOWN TO ME TO BE THE PERSON WHOSE NAME IN SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, MY COMMISSION EXPIRES \_\_\_\_\_

\_\_\_\_\_  
DATE: \_\_\_\_\_

PRELIMINARY PLAT

*THE WALLACE ADDITION*  
*LOT 1-3*

NUMBER OF PROPOSED LOTS: 1.23  
TOTAL ACREAGE: 8.16  
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

THIS PLAT FILED IN INSTRUMENT NO. \_\_\_\_\_, DATE \_\_\_\_\_



## MEMORANDUM

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**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

**FROM:** Ryan Miller, Director of Planning and Zoning

**DATE:** April 17, 2023

**SUBJECT:** P2023-007; FINAL PLAT FOR THE TERRACES SUBDIVISION

---

### Attachments

Case Memo  
Development Application  
Location Map  
Final Plat  
Closure Report

### Summary/Background Information

Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Bret Pedigo of TM Terraces, LCC for the approval of a *Final Plat* for the Terraces Subdivision consisting of 181 single-family residential lots on a 94.144-acre tract of land being identified as a portion of Tract 4 & 4-01 of the M. B. Jones Survey, Abstract No. 122 and Tracts 13 & 25 and a portion of Tracts 25-1 & 26 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Planned Development District 93 (PD-93) for Single-Family 10 (SF-10) District land uses, situated within the SH-66 Overlay (SH-66 OV) District, located south of the intersection of Cornelius Road and FM-1141, and take any action necessary.

### Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed Final Plat.





# CITY OF ROCKWALL

## CITY COUNCIL CASE MEMO

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

---

**TO:** Mayor and City Council  
**DATE:** April 17, 2023  
**APPLICANT:** Ryan Joyce; *Michael Joyce Properties*  
**CASE NUMBER:** P2023-007; *Final Plat for the Terraces Subdivision*

---

### SUMMARY

Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Bret Pedigo of TM Terraces, LCC for the approval of a Final Plat for the Terraces Subdivision consisting of 181 single-family residential lots on a 94.144-acre tract of land being identified as a portion of Tract 4 & 4-01 of the M. B. Jones Survey, Abstract No. 122 and Tracts 13 & 25 and a portion of Tracts 25-1 & 26 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Planned Development District 93 (PD-93) for Single-Family 10 (SF-10) District land uses, situated within the SH-66 Overlay (SH-66 OV) District, located south of the intersection of Cornelius Road and FM-1141, and take any action necessary.

### PLAT INFORMATION

- ☑ Purpose. The applicant is requesting the approval of a Final Plat for a 94.144-acre parcel of land (*i.e. a portion of Tract 4 & 4-01 of the M. B. Jones Survey, Abstract No. 122 and Tracts 13 & 25 and a portion of Tracts 25-1 & 26 of the W. M. Dalton Survey, Abstract No. 72*) for the purpose of establishing Phase 1 of the Terraces Subdivision, which consists of 181 single-family residential lots and five (5) open space lots (*i.e. Lots 1-26, Block A; Lots 1-14, Block B; Lots 1-23, Block C; Lots 1-16, Block D; Lots 1-31, Block E; Lots 1-13, Block F; Lots 1-8, Block G; Lots 1-31, Block H; Lots 1-18, Block I; Lots 1-7, Block J, Terraces Subdivision*). Staff should note that the applicant has submitted a Site Plan [*i.e. Case No. SP2023-012*] concurrently with this Final Plat.
- ☑ Background. The subject property was annexed on March 16, 1998 by Ordinance No. 98-10 [*Case No. A1998-001*]. At the time of annexation, the subject property was zoned Agricultural (AG) District. According to the Rockwall Central Appraisal District (RCAD), currently situated on the subject property is: [1] a 2,500 SF single-family home constructed in 1958, [2] a ~1,856 SF covered porch constructed in 1958, [3] a 400 SF storage building constructed in 1900, and [4] a 96 SF storage building with a 240 SF covered canopy constructed in 2007. On April 18, 2022, the City Council approved a zoning change [*Case No. Z2022-010; Ordinance No. 22-22*] for the subject property from Agricultural (AG) District to Planned Development District 93 (PD-93) for Single-Family 10 (SF-10) District land uses. On May 16, 2022, the City Council approved a preliminary plat [*Case No. P2022-015*] and a master plat [*Case No. P2022-016*] for the subject property. On September 6, 2022, the City Council approved a zoning case [*Case No. Z2022-038*] that amended Planned Development District 93 (PD-93) to incorporate an additional 21.83-acres into the subdivision along with an additional 82 single-family residential lots. On October 17, 2022, the City Council approved a preliminary plat [*Case No. P2022-049*] and a master plat [*Case No. P2022-048*] for the subject property.
- ☑ Parks Board. On April 4, 2023, the Parks and Recreation Board reviewed the Final Plat and made the following recommendations concerning the proposed subdivision:
  - (1) The parks fees associated with this request include the pro-rata equipment fees of \$104,437.00 (*i.e. \$577.00 x 181 Lots*), and the cash-in-lieu of land fees of \$110,229.00 (*i.e. \$609.00 x 181 Lots*). In lieu of paying, the fees will be used to provide amenity to the four (4) acre tract of land (*i.e. Tract 13-01 of the W. M. Dalton Survey, Abstract No. 72*) owned by the City of Rockwall north of the subject property in accordance with Ordinance No. 22-22 (*i.e. Planned Development District 93 [PD-93]*).

(2) The property owner shall provide receipts to the Director of Parks and Recreation showing that the amenities provided are equal to or greater than the fees assessed.

Conformance to the Subdivision Ordinance. The surveyor has completed the majority of the technical revisions requested by staff, and this plat -- *conforming to the requirements for plats as stipulated by the Subdivision Ordinance in the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications, submittal requirements, and conformance to the items listed in the Conditions of Approval section of this case memo.

Conditions of Approval. Conditional approval of this Final Plat by the City Council shall constitute approval subject to the conditions stipulated in the Conditions of Approval section below.

### **CONDITIONS OF APPROVAL**

If the City Council chooses to approve the Final Plat for Phase 1 of the *Terraces Subdivision*, staff would propose the following conditions of approval:

- (1) All technical comments from City Staff (*i.e. Engineering, Planning and Fire Department*) shall be addressed prior to submittal of civil engineering plans; and,
- (2) The development shall adhere to the Parks and Recreation Department's recommendations as outlined above in this case memo; and,
- (3) Any construction resulting from the approval of this Final Plat shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

### **PLANNING AND ZONING COMMISSION**

On April 11, 2023, the Planning and Zoning Commission approved a motion to recommend approval of the Final Plat by a vote of 6-0, with Commissioner Womble absent.



# DEVELOPMENT APPLICATION

City of Rockwall  
Planning and Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087

STAFF USE ONLY

PLANNING & ZONING CASE NO. P2023-007

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING:

CITY ENGINEER:

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST (SELECT ONLY ONE BOX):

### PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE) <sup>1</sup>
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- FINAL PLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- REPLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

### SITE PLAN APPLICATION FEES:

- SITE PLAN (\$250.00 + \$20.00 ACRE)
- AMENDED SITE PLANELEVATIONS/LANDSCAPING PLAN (\$100.00)

### ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) <sup>1 & 2</sup>
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) <sup>1</sup>

### OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) <sup>2</sup>

### NOTES:

<sup>1</sup> IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.  
<sup>2</sup> A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

## PROPERTY INFORMATION (PLEASE PRINT)

ADDRESS 1649 FM 1141, Rockwall, 75087

SUBDIVISION ABS A0122, MB Jones, Tract 4-01 LOT \_\_\_\_\_ BLOCK \_\_\_\_\_

GENERAL LOCATION Approximately 1250 feet east of the intersection John King & FM 1141 South of 1141

## ZONING, SITE PLAN AND PLATTING INFORMATION (PLEASE PRINT)

CURRENT ZONING Planned Development PD-93 CURRENT USE Planned Development PD-93

PROPOSED ZONING \_\_\_\_\_ PROPOSED USE \_\_\_\_\_

ACREAGE 94.144 LOTS [CURRENT] 181 LOTS [PROPOSED] \_\_\_\_\_

**SITE PLANS AND PLATS:** BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

## OWNER/APPLICANT/AGENT INFORMATION (PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED)

<input type="checkbox"/> OWNER <u>TM Terraces, LLC</u>	<input checked="" type="checkbox"/> APPLICANT <u>Michael Joyce Properties</u>
CONTACT PERSON <u>Bret Pedigo</u>	CONTACT PERSON <u>Ryan Joyce</u>
ADDRESS <u>4416 W. Lovers Lane, Suite 200</u>	ADDRESS <u>767 Justin Road</u>
CITY, STATE & ZIP <u>Dallas, TX 76209</u>	CITY, STATE & ZIP <u>Rockwall, TX 75087</u>
PHONE _____	PHONE <u>512-965-6280</u>
E-MAIL _____	E-MAIL <u>ryan@michaeljoyceproperties.com</u>

## NOTARY VERIFICATION (REQUIRED)

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Bret Pedigo [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

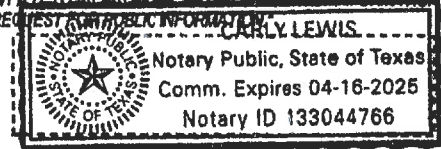
I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 2,182.50 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 17<sup>th</sup> DAY OF March 2023 BY SIGNING THIS APPLICATION. I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 17<sup>th</sup> DAY OF March 2023

OWNER'S SIGNATURE

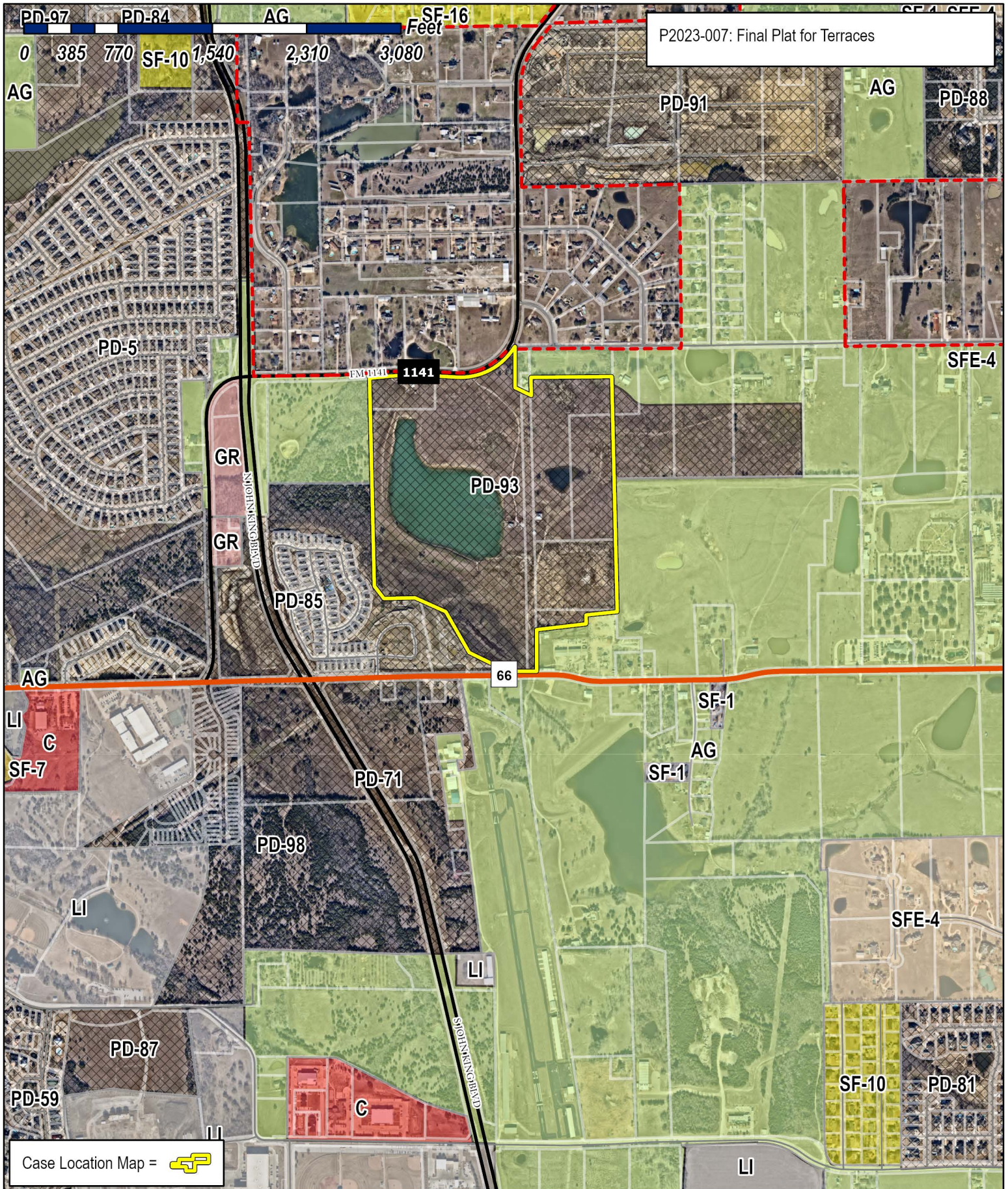
*Bret Pedigo*  
*Cary Lewis*

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



MY COMMISSION EXPIRES 4-16-25





P2023-007: Final Plat for Terraces

Case Location Map = 



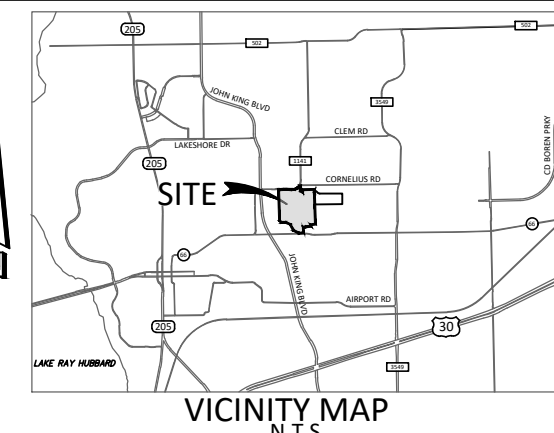
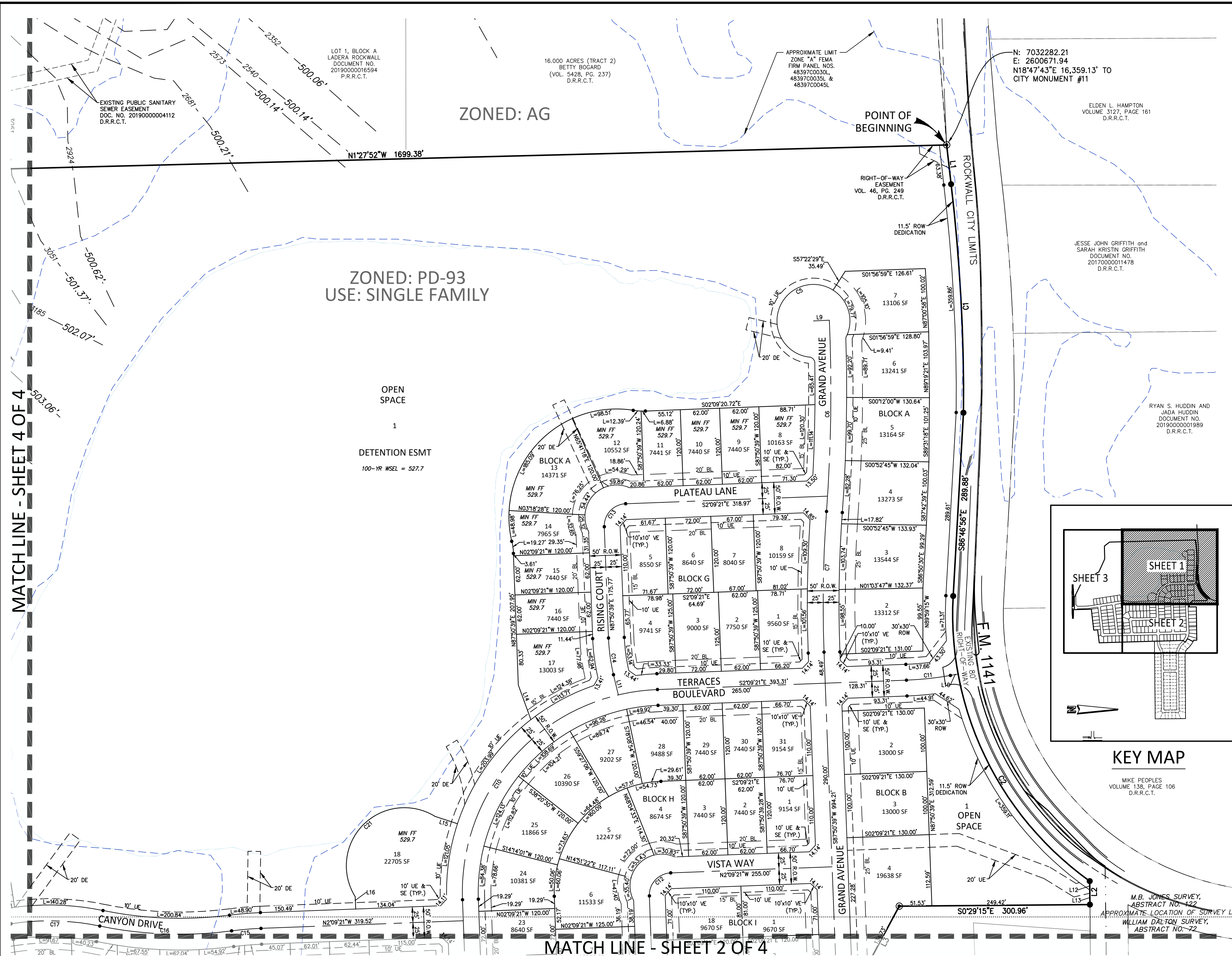
# City of Rockwall

Planning & Zoning Department  
 385 S. Goliad Street  
 Rockwall, Texas 75087  
 (P): (972) 771-7745  
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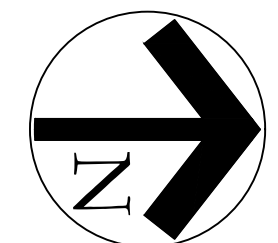
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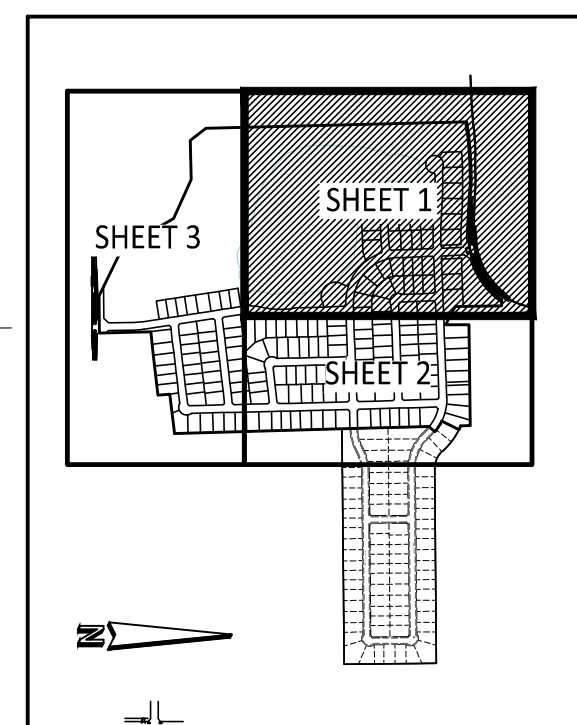


- LEGEND**
- Point of Curvature or Tangency on Center Line
  - 1/2" Iron rod set with a yellow plastic cap stamped "JVC" (unless otherwise noted)
  - 1/2" IRF (unless otherwise noted)
  - AC Acre
  - BL Building Line
  - C1 Curve No.
  - <CM> Control Monument
  - DE Drainage Easement
  - DUE Drainage Utility Easement
  - Esmt Easement
  - L1 Line No.
  - SF Square Feet
  - UE Utility Easement
  - VE Visibility Easement
  - SE Sidewalk Easement
  - D.R.R.C.T.= Deed Records of Rockwall County, Texas
  - P.R.R.C.T.= Plat Records of Rockwall County, Texas



SCALE 1" = 100'  
**FINAL PLAT TERRACES**

LOTS 1-26, BLOCK A; LOTS 1-14, BLOCK B;  
LOTS 1-23, BLOCK C; LOTS 1-16, BLOCK D;  
LOTS 1-31, BLOCK E; LOTS 1-13, BLOCK F;  
LOTS 1-8, BLOCK G; LOTS 1-31, BLOCK H;  
LOTS 1-18, BLOCK I; LOTS 1-7, BLOCK J;  
94.144 ACRES OR 4,100,893 SQ. FT.  
181 SINGLE FAMILY LOTS,  
5 OPEN SPACE LOTS AND  
1 AMENITY CENTER  
SITUATED WITHIN A PORTION OF TRACTS 25-1, 26,  
AND ALL OF TRACT 13 & 25 OF THE  
WILLIAM DALTON SURVEY, ABSTRACT NO. 72  
AND TRACT 4 & 4-01 OF THE  
M.B. JONES SURVEY, ABSTRACT NO. 122  
**CITY OF ROCKWALL,  
ROCKWALL COUNTY, TEXAS**  
P2022-049  
March 16, 2023  
EXIST. ZONING: PD-93  
LAND USE: SF  
SHEET 1 OF 4



MATCH LINE - SHEET 4 OF 4

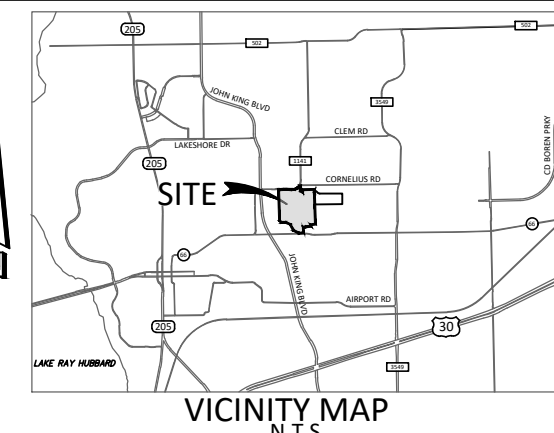
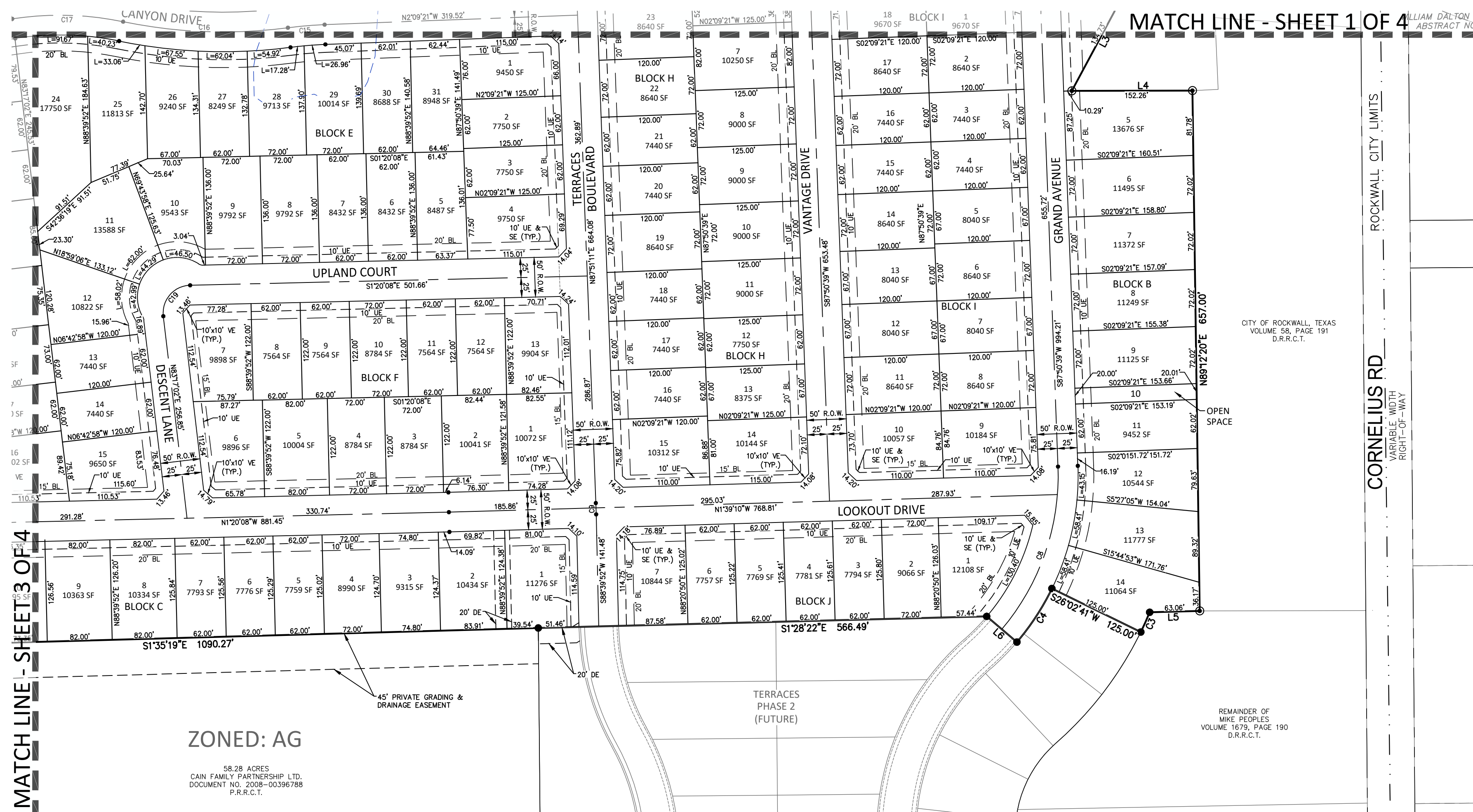
MATCH LINE - SHEET 2 OF 4

**Owner:**  
TM TERRACES, LLC  
4416 W. Lovers Lane, Ste. 200  
Dallas, Texas 75209  
Phone: 214-577-1431

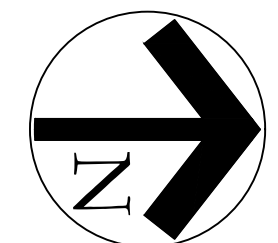
**Engineer/Surveyor:**  
Johnson Volk Consulting, Inc.  
704 Central Parkway East, Suite. 1200  
Plano, Texas 75074  
Phone: 972-201-3100  
Contact: Jay Volk, PE







- LEGEND**
- Point of Curvature or Tangency on Center Line
  - 1/2" Iron rod set with a yellow plastic cap stamped "JVC" (unless otherwise noted)
  - 1/2" IRF (unless otherwise noted)
  - AC Acre
  - BL Building Line
  - C1 Curve No.
  - <CM> Control Monument
  - DE Drainage Easement
  - DUE Drainage Utility Easement
  - Esmt Easement
  - L1 Line No.
  - SF Square Feet
  - UE Utility Easement
  - VE Visibility Easement
  - SE Sidewalk Easement
  - D.R.R.C.T. = Deed Records of Rockwall County, Texas
  - P.R.R.C.T. = Plat Records of Rockwall County, Texas



SCALE 1" = 100'

**FINAL PLAT TERRACES**

LOTS 1-26, BLOCK A; LOTS 1-14, BLOCK B; LOTS 1-23, BLOCK C; LOTS 1-16, BLOCK D; LOTS 1-31, BLOCK E; LOTS 1-13, BLOCK F; LOTS 1-8, BLOCK G; LOTS 1-31, BLOCK H; LOTS 1-18, BLOCK I; LOTS 1-7, BLOCK J; 94.144 ACRES OR 4,100,893 SQ. FT.  
181 SINGLE FAMILY LOTS,  
5 OPEN SPACE LOTS AND  
1 AMENITY CENTER  
SITUATED WITHIN A PORTION OF TRACTS 25-1, 26,  
AND ALL OF TRACT 13 & 25 OF THE  
WILLIAM DALTON SURVEY, ABSTRACT NO. 72  
AND TRACT 4 & 4-01 OF THE  
M.B. JONES SURVEY, ABSTRACT NO. 122  
**CITY OF ROCKWALL,  
ROCKWALL COUNTY, TEXAS**

P2022-049  
March 16, 2023  
EXIST. ZONING: PD-93  
LAND USE: SF  
SHEET 2 OF 4

**JOHNSON VOLK CONSULTING**  
 TBPELS: Engineering Firm No. 11962 / Land Surveying Firm No. 10194033  
 704 Central Parkway East | Suite 1200 | Plano, TX 75074 | 972.201.3100

MATCH LINE - SHEET 3 OF 4

MATCH LINE - SHEET 1 OF 4

ZONED: AG

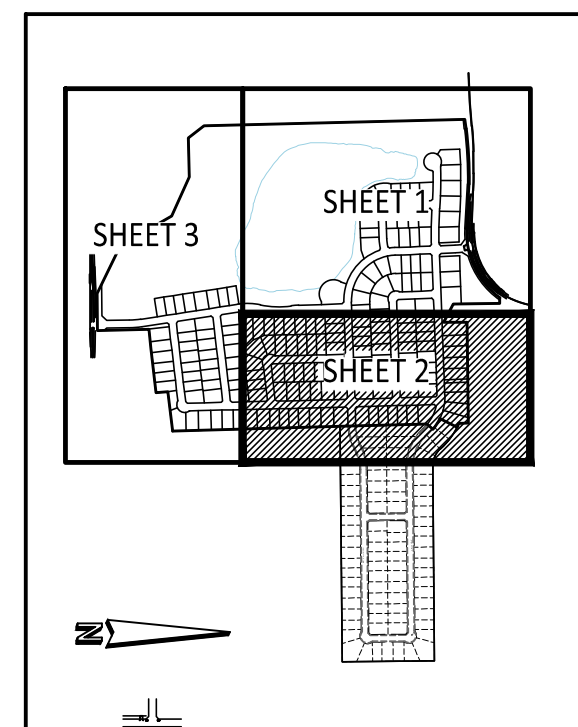
58.28 ACRES  
 CAIN FAMILY PARTNERSHIP LTD.  
 DOCUMENT NO. 2008-00396788  
 P.R.R.C.T.

REMAINDER OF  
 MIKE PEOPLES  
 VOLUME 1679, PAGE 190  
 D.R.R.C.T.

Line	Length	Direction
L1	62.35	N83° 33' 49"E
L2	37.01	N89° 31' 25"E
L3	134.73	S61° 44' 36"E
L4	152.26	N0° 05' 20"W
L5	63.06	S1° 28' 22"E
L6	50.00	S40° 18' 38"W
L7	78.43	S5° 53' 32"E
L8	128.78	N37° 46' 31"W
L9	25.18	S2° 26' 57"E
L10	12.35	S10° 09' 37"E
L11	32.71	N76° 39' 04"E
L12	37.01	N89° 31' 25"E
L13	22.86	N89° 31' 25"E
L14	33.02	N24° 51' 07"E
L15	82.98	S31° 11' 25"E
L16	15.01	S9° 05' 59"E
L17	36.56	S56° 50' 55"E
L18	43.16	N87° 50' 39"E

Curve #	Length	Radius	Delta	Chord Length	Chord Bearing
C1	361.57	2824.93	007°20'00"	361.32	N86° 53' 49"E
C2	520.55	517.68	057°36'49"	498.90	N64° 24' 40"E
C3	27.40	450.00	003°29'20"	27.40	S65° 41' 59"E
C4	80.92	325.00	014°15'57"	80.71	S56° 49' 20"E
C5	206.84	57.50	206°06'05"	112.03	S70° 18' 45"E
C6	302.10	2615.00	006°37'09"	301.94	N89° 09' 35"W
C7	222.86	2025.00	006°18'20"	222.74	S89° 00' 11"E
C8	222.35	300.00	042°27'59"	217.30	N70° 55' 21"W
C9	14.32	1000.00	000°49'13"	14.32	S88° 15' 16"W
C10	502.65	320.00	090°00'00"	452.55	S47° 09' 21"E
C11	69.85	500.00	008°00'17"	69.80	N06° 09' 29"W

Curve #	Length	Radius	Delta	Chord Length	Chord Bearing
C12	54.98	35.00	090°00'00"	49.50	S47° 09' 21"E
C13	54.98	35.00	090°00'00"	49.50	S47° 09' 21"E
C14	58.61	300.00	011°11'35"	58.51	N82° 14' 52"E
C15	46.57	500.00	005°20'11"	46.55	S04° 49' 26"E
C16	209.21	625.00	019°10'45"	208.24	N02° 05' 51"E
C17	140.82	395.00	020°25'33"	140.07	S01° 28' 27"W
C18	78.53	535.00	008°24'38"	78.46	N04° 32' 00"W
C19	58.26	35.00	095°22'50"	51.77	S49° 01' 33"E
C20	51.69	35.00	084°37'10"	47.12	N40° 58' 27"E
C21	121.40	57.00	122°01'52"	99.72	S29° 11' 47"E
C22	39.17	47.00	047°44'56"	38.04	S32° 58' 27"E



KEY MAP

**GENERAL NOTES:**

- ALL LOT CORNERS MONUMENTED WITH A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "JVC" UNLESS OTHERWISE NOTED.
- ALL UTILITY EASEMENTS AND DRAINAGE EASEMENTS WITHIN THIS PLATTED PROPERTY ARE CREATED BY THIS PLAT, UNLESS OTHERWISE NOTED.
- BASIS OF BEARING AND COORDINATES SHOWN HEREON REFER TO "TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES. DIRECTION FOR CONTROL ESTABLISHED THROUGH <CM1> AND <CM2> HAVING A BEARING AND DISTANCE OF S29°53'54"E, 2,758.60'.
- LOCATION OF 1% ANNUAL FLOOD CHANCE ESTIMATED FROM FEMA FIRM PANEL 48139C0325F DATED JUNE 3, 2013.
- LOTS ADJACENT TO FLOODPLAIN SHALL HAVE A MINIMUM FINISHED FLOOR ELEVATION 2' ABOVE THE 100-YR WSEL.
- IT SHALL BE THE POLICY OF THE CITY OF ROCKWALL TO WITHHOLD ISSUING BUILDING PERMITS UNTIL ALL STREETS, WATER, SEWER AND STORM DRAINAGE SYSTEMS HAVE BEEN ACCEPTED BY THE CITY. THE APPROVAL OF A PLAT BY THE CITY DOES NOT CONSTITUTE ANY REPRESENTATION, ASSURANCE OR GUARANTEE THAT ANY BUILDING WITHIN SUCH PLAT SHALL BE APPROVED, AUTHORIZED OR PERMIT THEREFORE ISSUED, NOR SHALL SUCH APPROVAL CONSTITUTE ANY REPRESENTATION, ASSURANCE OR GUARANTEE BY THE CITY OF THE ADEQUACY AND AVAILABILITY FOR WATER FOR PERSONAL USE AND FIRE PROTECTION WITHIN SUCH PLAT, AS REQUIRED UNDER ORDINANCE 83-54.
- PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTAINING, REPAIRING, AND REPLACING ALL SYSTEMS WITHIN THE DRAINAGE AND DETENTION EASEMENTS.
- ALL OPEN SPACE, PARKS & GREEN BELTS SHALL BE PRIVATE AND MAINTAINED, REPLACED AND REPAIRED BY HOA/PROPERTY OWNER.

Owner:  
 TM TERRACES, LLC  
 4416 W. Lovers Lane, Ste. 200  
 Dallas, Texas 75209  
 Phone: 214-577-1431

Engineer/Surveyor:  
 Johnson Volk Consulting, Inc.  
 704 Central Parkway East, Suite. 1200  
 Plano, Texas 75074  
 Phone: 972-201-3100  
 Contact: Jay Volk, PE







**LEGAL DESCRIPTION:**

BEING a tract of land situated in the WILLIAM DALTON SURVEY, ABSTRACT NO. 72 and the M.B. JONES SURVEY, ABSTRACT NO. 122, City of Rockwall, Rockwall County, Texas and being part of those tracts of land described in Deed to TM Terraces, LLC, as recorded in Document Nos. 2022-000012425 and 2022-000022185, Deed Records, Rockwall County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found in the south line of Farm to Market Road No. 1141, an 80 foot right-of-way, for the northwest corner of said TM Terraces, LLC tract recorded in Document No. 2022000012425;

THENCE Easterly, with said south line, the following four (4) courses and distances:

North 83 degrees 33 minutes 49 seconds East, a distance of 62.35 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" found for corner at the beginning of a curve to the right having a central angle of 07 degrees 20 minutes, a radius of 2,824.93 feet and a chord bearing and distance of North 86 degrees 53 minutes 49 seconds East, 361.32 feet;

Easterly, with said curve to the right, an arc distance of 361.57 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" found for corner;

South 86 degrees 46 minutes 56 seconds East, a distance of 289.88 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" found for corner at the beginning of a curve to the left having a central angle of 57 degrees 36 minutes 49 seconds, a radius of 517.68 feet and a chord bearing and distance of North 64 degrees 24 minutes 40 seconds East, 498.90 feet;

Northeasterly, with said curve to the left, an arc distance of 520.55 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" found for corner at the intersection of said south line with the south line of Cornelius Road, a 60 foot right-of-way;

THENCE North 89 degrees 31 minutes 25 seconds East, leaving said south line of Farm to Market Road No. 1141 and with said south line of Cornelius Road, a distance of 37.01 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" found for corner;

THENCE South 00 degrees 29 minutes 15 seconds East, leaving said south line and generally with an existing fence, a distance of 300.96 feet to a fence corner post found for corner;

THENCE South 61 degrees 44 minutes 36 seconds East, generally with an existing fence, a distance of 134.73 feet to a fence corner post found for corner;

THENCE North 00 degrees 05 minutes 20 seconds West, generally with an existing fence, a distance of 152.26 feet to a fence corner post found for an exterior ell corner of said TM Terraces, LLC tract recorded in Document No. 2022000012425 in the south line of that tract of land described in Deed to City of Rockwall, Texas, as recorded in Volume 58, Page 191, Deed Records, Rockwall County, Texas;

THENCE North 89 degrees 12 minutes 20 seconds East, with the common north line of said TM Terraces, LLC tract recorded in Document No. 2022000012425 and south line of said City of Rockwall, Texas tract and generally with an existing fence, a distance of 657.00 feet to a fence corner post found for the common northeast corner of said TM Terraces, LLC tract and southeast corner of said City of Rockwall, Texas tract;

THENCE South 01 degrees 28 minutes 22 seconds East, with the east line of said TM Terraces, LLC tract recorded in Document No. 2022000012425, a distance of 63.06 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" found for the northwest corner of the above mentioned TM Terraces, LLC tract recorded in Document No. 2022000022185 at the beginning of a non-tangent curve to the right having a central angle of 03 degrees 29 minutes 20 seconds, a radius of 450.00 feet and a chord bearing and distance of South 65 degrees 41 minutes 59 seconds East, 27.40 feet;

THENCE Southeasterly, leaving said common line and with the north line of said TM Terraces, LLC tract recorded in Document No. 2022000022185, an arc distance of 27.40 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 26 degrees 02 minutes 41 seconds West, leaving said north line, a distance of 125.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner at the beginning of a non-tangent curve to the right having a central angle of 14 degrees 15 minutes 57 seconds, a radius of 325.00 feet and a chord bearing and distance of South 56 degrees 49 minutes 20 seconds East, 80.71 feet;

THENCE Southeasterly, with said curve to the right, an arc distance of 80.92 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 40 degrees 18 minutes 38 seconds West, a distance of 50.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner in the common east line of said TM Terraces, LLC tract recorded in Document No. 2022000012425 and west line of said TM Terraces, LLC tract recorded in Document No. 2022000022185;

THENCE South 01 degrees 28 minutes 22 seconds East, with said common line, a distance of 566.49 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" found for the common southwest corner of said TM Terraces, LLC tract recorded in Document No. 2022000022185 and northwest corner of that tract of land described in Deed to Cain Family Partnership Ltd., as recorded in Document No. 2008-00396788, Deed Records, Rockwall County, Texas;

THENCE South 01 degrees 35 minutes 19 seconds East, a distance of 1,090.27 feet to a fence corner post found for the southeast corner of said TM Terraces, LLC tract recorded in Document No. 2022000012425 in the west line of said Cain Family Partnership Ltd. tract;

THENCE South 83 degrees 16 minutes 15 seconds West, leaving said west line and generally with an existing fence, a distance of 258.34 feet to a fence corner post found for corner;

THENCE South 05 degrees 53 minutes 32 seconds East, generally with an existing fence, a distance of 78.43 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 83 degrees 38 minutes 06 seconds West, a distance of 415.44 feet to a fence corner post found for corner;

THENCE South 01 degrees 18 minutes 41 seconds East, a distance of 334.84 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" found in the north line of State Highway No. 66, a variable width right-of-way, for the common southwest corner of that tract of land described in Deed to Michael L. Peoples, as recorded in Volume 1081, Page 151, Deed Records, Rockwall County, Texas and most southerly southeast corner of said TM Terraces, LLC tract recorded in Document No. 2022000012425;

THENCE South 89 degrees 38 minutes 42 seconds West, with said north line, a distance of 241.04 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" found for the southeast corner of Lot 1, Block A of LADERA ROCKWALL, an Addition to the City of Rockwall, Rockwall County, Texas according to the Plat thereof recorded in Document No. 2019000016594, Plat Records, Rockwall County, Texas;

THENCE Northwesterly, with the common south line of said TM Terraces, LLC tract recorded in Document No. 2022000012425 and north line of said Lot 1, the following five (5) courses and distances:

North 63 degrees 59 minutes 31 seconds West, leaving said north line of State Highway No. 66, a distance of 347.40 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" found for corner;

North 29 degrees 59 minutes 31 seconds West, a distance of 384.58 feet to a 1-inch red boundary marker stamped "G&A MCADAMS CO" found for corner;

North 65 degrees 59 minutes 31 seconds West, a distance of 278.64 feet to a 1-inch red boundary marker stamped "G&A MCADAMS CO" found for corner;

South 88 degrees 32 minutes 20 seconds West, a distance of 252.79 feet to a 1-inch red boundary marker stamped "G&A MCADAMS CO" found for corner;

North 37 degrees 46 minutes 31 seconds West, a distance of 128.78 feet to a 1-inch red boundary marker stamped "G&A MCADAMS CO" found for the common most westerly southwest corner of said TM Terraces, LLC tract recorded in Document No. 2022000012425 and an interior ell corner of said Lot 1;

THENCE North 01 degrees 27 minutes 52 seconds West, a distance of 1,699.38 feet to the POINT OF BEGINNING and containing 94.144 acres of land, more or less.

**OWNER'S CERTIFICATION:**

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

STATE OF TEXAS §  
COUNTY OF ROCKWALL §

I (we) the undersigned owner(s) of the land shown on this plat, and designated herein as the TERRACES subdivision to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever any streets, alleys, parks, water courses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. I (we) further certify that all other parties who have a mortgage or lien interest in the TERRACES subdivision have been notified and signed this plat. I (we) understand and do hereby reserve the easement strips shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same. I (we) also understand the following:

- 1. No buildings shall be constructed or placed upon, over, or across the utility easements as described herein.
- 2. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective system on any of these easement strips; and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement strips for purpose of construction, reconstruction, inspecting, patrolling, maintaining, and either adding to or removing all or part of these respective system without the necessity of, at any time, procuring the permission of anyone.
- 3. The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.
- 4. The developer and subdivision engineer shall bear total responsibility for storm drain improvements.
- 5. The developer shall be responsible for the necessary facilities to provide drainage patterns and drainage controls such that properties within the drainage area are not adversely affected by storm drainage from the development.
- 6. No house dwelling unit, or other structure shall be constructed on any lot in this addition by the owner or any other person until the developer and/or owner has complied with all requirements of the Subdivision Regulations of the City of Rockwall regarding improvements with respect to the entire block on the street or streets on which property abuts, including the actual installation of streets with the required base and paving, curb and gutter, water and sewer, drainage structures, storm sewers, and alleys all according to the specifications of the City of Rockwall; or

Until an escrow deposit, sufficient to pay for the cost of such improvements, as determined by the city's engineer and/or city administrator, computed on a private commercial rate basis, has been made with the city secretary, accompanied by an agreement signed by the developer and/or owner, authorizing the city to make such improvements at prevailing private commercial rates, or have the same made by a contractor and pay the same out of the escrow deposit, should the developer and/or owner fail to refuse to install the required improvements within the time stated in such written agreement, but in no case shall the City be obligated to make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making such improvements by making certified requisitions to the city secretary, supported by evidence of work done; or

Until the developer and/or owner files a corporate surety bond with the city secretary in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which shall be fixed by the city council of the City of Rockwall.

I (we) further acknowledge that the dedications and/or exactions made herein are proportional to the impact of the Subdivision upon the public services required in order that the development will comport with the present and future growth needs of the City; I (we), my (our) successors and assigns hereby waive any claim, damage, or cause of action that I (we) may have as a result of the dedication of exactions made herein.

Signature \_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_

STATE OF TEXAS §  
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_ of TM TERRACES, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein stated.

Given under my hand and seal of office, this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary public in and for the State of Texas My Commission Expires \_\_\_\_\_

**SURVEYOR'S CERTIFICATE:**

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT I, Ryan S. Reynolds, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

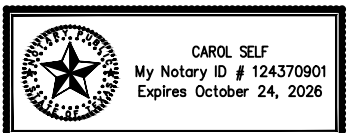
RYAN S. REYNOLDS, R.P.L.S.  
Texas Registered Professional Land Surveyor No. 6385.

STATE OF TEXAS §  
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, on this day personally appeared Ryan S. Reynolds, known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration expressed and in the capacity therein stated.

Given under my hand and seal of office, this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary public for and in the State of Texas



My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Planning & Zoning Commission, Chairperson Date \_\_\_\_\_

APPROVED:  
I hereby certify that the above and foregoing plat of an addition to the City of Rockwall, Texas be approved by the City Council of the City of Rockwall on \_\_\_\_ day of \_\_\_\_\_, 2023.

This approval shall be invalid unless the approved plat for such addition is recorded in the office of the County Clerk of Rockwall, County, Texas, within one hundred eighty (180) days from said date of approval.

WITNESS OUR HANDS, this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor, City of Rockwall City Secretary City Engineer

# FINAL PLAT TERRACES

LOTS 1-26, BLOCK A; LOTS 1-14, BLOCK B;  
LOTS 1-23, BLOCK C; LOTS 1-16, BLOCK D;  
LOTS 1-31, BLOCK E; LOTS 1-13, BLOCK F;  
LOTS 1-8, BLOCK G; LOTS 1-31, BLOCK H;  
LOTS 1-18, BLOCK I; LOTS 1-7, BLOCK J;  
94.144 ACRES OR 4,100,893 SQ. FT.

181 SINGLE FAMILY LOTS,  
5 OPEN SPACE LOTS AND  
1 AMENITY CENTER

SITUATED WITHIN A PORTION OF TRACTS 25-1, 26,

AND ALL OF TRACT 13 & 25 OF THE

WILLIAM DALTON SURVEY, ABSTRACT NO. 72

AND TRACT 4 & 4-01 OF THE

M.B. JONES SURVEY, ABSTRACT NO. 122

CITY OF ROCKWALL,

ROCKWALL COUNTY, TEXAS

P2022-049

March 16, 2023

EXIST. ZONING: PD-93

LAND USE: SF

SHEET 4 OF 4

Owner:  
TM TERRACES, LLC  
4416 W. Lovers Lane, Ste. 200  
Dallas, Texas 75209  
Phone: 214-577-1431

Engineer/Surveyor:  
Johnson Volk Consulting, Inc.  
704 Central Parkway East, Suite. 1200  
Plano, Texas 75074  
Phone: 972-201-3100  
Contact: Jay Volk, PE





## Mapcheck 1: TERRACES

### Closure Summary

Precision, 1 part in: 821673.942'  
Error distance: 0.011'  
Error direction: S69° 12' 34.20"W  
Area: 4100912.74 Sq. Ft.  
Square area: 4100912.735  
Perimeter: 8939.120'

### Point of Beginning

Easting: 2600676.3200'  
Northing: 7032279.2820'

### Side 1: Line

Direction: N83° 33' 49.00"E  
Angle: [-096.4364 (d)]  
Deflection angle: [083.5636 (d)]  
Distance: 62.350'  
Easting: 2600738.2770'  
Northing: 7032286.2714'

### Side 2: Curve

Curve direction: Clockwise  
Radius: [2824.943']  
Arc length: 361.570'  
Delta angle: 007.3333 (d)  
Tangent: 181.030'  
Chord direction: N86° 53' 49.00"E  
Chord angle: [-176.6667 (d)]  
Deflection angle: [003.3333 (d)]  
Chord distance: 361.320'  
Easting: 2601099.0672'  
Northing: 7032305.8304'

### Side 3: Line

Direction: S86° 46' 56.00"E  
Angle: [-177.3458 (d)]  
Deflection angle: [002.6542 (d)]  
Distance: 289.880'  
Easting: 2601388.4902'  
Northing: 7032289.5591'

### Side 4: Curve

Curve direction: Counter-clockwise  
Radius: [517.684']  
Arc length: 520.550'  
Delta angle: 057.6136 (d)  
Tangent: 284.680'

Chord direction: N64° 24' 40.00"E  
Chord angle: [151.1933 (d)]  
Deflection angle: [-028.8067 (d)]  
Chord distance: 498.900'  
Easting: 2601838.4562'  
Northing: 7032505.0394'

Side 5: Line

Direction: N89° 31' 25.00"E  
Angle: [-126.0807 (d)]  
Deflection angle: [053.9193 (d)]  
Distance: 37.010'  
Easting: 2601875.4650'  
Northing: 7032505.3471'

Side 6: Line

Direction: S00° 29' 15.00"E  
Angle: [-090.0111 (d)]  
Deflection angle: [089.9889 (d)]  
Distance: 300.960'  
Easting: 2601878.0256'  
Northing: 7032204.3980'

Side 7: Line

Direction: S61° 44' 36.00"E  
Angle: [118.7442 (d)]  
Deflection angle: [-061.2558 (d)]  
Distance: 134.730'  
Easting: 2601996.7006'  
Northing: 7032140.6139'

Side 8: Line

Direction: N00° 05' 20.00"W  
Angle: [061.6544 (d)]  
Deflection angle: [-118.3456 (d)]  
Distance: 152.260'  
Easting: 2601996.4644'  
Northing: 7032292.8737'

Side 9: Line

Direction: N89° 12' 20.00"E  
Angle: [-090.7056 (d)]  
Deflection angle: [089.2944 (d)]  
Distance: 657.000'  
Easting: 2602653.4013'  
Northing: 7032301.9831'

Side 10: Line

Direction: S01° 28' 22.00"E

Angle: [-90.6783 (d)]  
Deflection angle: [089.3217 (d)]  
Distance: 63.060'  
Easting: 2602655.0220'  
Northing: 7032238.9440'

Side 11: Curve

Curve direction: Clockwise  
Radius: [450.042']  
Arc length: 27.400'  
Delta angle: 003.4889 (d)  
Tangent: 13.710'  
Chord direction: S65° 41' 59.00"E  
Chord angle: [115.7731 (d)]  
Deflection angle: [-064.2269 (d)]  
Chord distance: 27.400'  
Easting: 2602679.9944'  
Northing: 7032227.6684'

Side 12: Line

Direction: S26° 02' 41.00"W  
Angle: [-090.0000 (d)]  
Deflection angle: [090.0000 (d)]  
Distance: 125.000'  
Easting: 2602625.1104'  
Northing: 7032115.3619'

Side 13: Curve

Curve direction: Clockwise  
Radius: [324.994']  
Arc length: 80.920'  
Delta angle: 014.2658 (d)  
Tangent: 40.670'  
Chord direction: S56° 49' 20.00"E  
Chord angle: [097.1331 (d)]  
Deflection angle: [-082.8669 (d)]  
Chord distance: 80.710'  
Easting: 2602692.6627'  
Northing: 7032071.1943'

Side 14: Line

Direction: S40° 18' 38.00"W  
Angle: [-090.0001 (d)]  
Deflection angle: [089.9999 (d)]  
Distance: 50.000'  
Easting: 2602660.3162'  
Northing: 7032033.0668'

Side 15: Line

Direction: S01° 28' 22.00"E  
Angle: [138.2167 (d)]  
Deflection angle: [-041.7833 (d)]  
Distance: 566.490'  
Easting: 2602674.8761'  
Northing: 7031466.7640'

Side 16: Line

Direction: S01° 35' 19.00"E  
Angle: [179.8842 (d)]  
Deflection angle: [-000.1158 (d)]  
Distance: 1090.270'  
Easting: 2602705.1016'  
Northing: 7030376.9130'

Side 17: Line

Direction: S83° 16' 15.00"W  
Angle: [-095.1406 (d)]  
Deflection angle: [084.8594 (d)]  
Distance: 258.340'  
Easting: 2602448.5413'  
Northing: 7030346.6417'

Side 18: Line

Direction: S05° 53' 32.00"E  
Angle: [090.8369 (d)]  
Deflection angle: [-089.1631 (d)]  
Distance: 78.430'  
Easting: 2602456.5927'  
Northing: 7030268.6260'

Side 19: Line

Direction: S83° 38' 06.00"W  
Angle: [-090.4728 (d)]  
Deflection angle: [089.5272 (d)]  
Distance: 290.290'  
Easting: 2602168.0921'  
Northing: 7030236.4440'

Side 20: Line

Direction: S83° 38' 06.00"W  
Angle: [180.0000 (d)]  
Deflection angle: [000.0000 (d)]  
Distance: 125.160'  
Easting: 2602043.7036'  
Northing: 7030222.5685'

Side 21: Line

Direction: S01° 18' 41.00"E  
Angle: [095.0536 (d)]  
Deflection angle: [-084.9464 (d)]  
Distance: 334.840'  
Easting: 2602051.3668'  
Northing: 7029887.8162'

Side 22: Line

Direction: S89° 38' 42.00"W  
Angle: [-089.0436 (d)]  
Deflection angle: [090.9564 (d)]  
Distance: 241.040'  
Easting: 2601810.3314'  
Northing: 7029886.3227'

Side 23: Line

Direction: N63° 59' 31.00"W  
Angle: [-153.6369 (d)]  
Deflection angle: [026.3631 (d)]  
Distance: 347.400'  
Easting: 2601498.1118'  
Northing: 7030038.6568'

Side 24: Line

Direction: N29° 59' 31.00"W  
Angle: [-146.0000 (d)]  
Deflection angle: [034.0000 (d)]  
Distance: 384.580'  
Easting: 2601305.8686'  
Northing: 7030371.7398'

Side 25: Line

Direction: N65° 59' 31.00"W  
Angle: [144.0000 (d)]  
Deflection angle: [-036.0000 (d)]  
Distance: 278.640'  
Easting: 2601051.3343'  
Northing: 7030485.1087'

Side 26: Line

Direction: S88° 32' 20.00"W  
Angle: [154.5308 (d)]  
Deflection angle: [-025.4692 (d)]  
Distance: 252.790'  
Easting: 2600798.6265'  
Northing: 7030478.6630'

Side 27: Line

Direction: N37° 46' 31.00"W

Angle: [-126.3142 (d)]  
Deflection angle: [053.6858 (d)]  
Distance: 128.780'  
Easting: 2600719.7402'  
Northing: 7030580.4532'

Side 28: Line

Direction: N01° 27' 52.00"W  
Angle: [-143.6892 (d)]  
Deflection angle: [036.3108 (d)]  
Distance: 1699.380'  
Easting: 2600676.3098'  
Northing: 7032279.2781'



## CITY OF ROCKWALL, TEXAS MEMORANDUM

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**TO:** Honorable Mayor and City Council

**CC:** Mary Smith, City Manager  
Joey Boyd, Assistant City Manager

**FROM:** Travis E. Sales, Director of Parks and Recreation

**DATE:** April 17, 2023

**SUBJECT:** Texas Parks and Wildlife 2023 Boating Access Grant

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The Rockwall Parks and Recreation Department is working with MHS Planning to apply for a \$1,250,000.00 boating access grant to expand the SH-66 Boat Ramp parking lot for improved access to the lake and to eliminate the many parking issues the site currently has.

This grant provides 75% of the funding by Texas Parks & Wildlife and the 25% of the funding by the City of Rockwall. The City of Rockwall would commit to providing \$312,500.00 (25%) of the \$1,250,000.00 (grant amount) if the grant is approved.

Grant breakdown:

- Design up to \$250,000.00 (75% TP&W and 25% City of Rockwall)
- Construction up to \$1,000,000.00 (75% TP&W and 25% City of Rockwall)

The City Council is requested to consider this resolution for approval that is required to apply for the grant funding that is due on May 1, 2023. Staff will be available to answer any questions.



CITY OF ROCKWALL, TEXAS

RESOLUTION NO. 23-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AFFIRMING APPLICATION FOR GRANT FUNDING THROUGH THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR CONSTRUCTION OF A BOATING ACCESS FACILITY ON LAKE RAY HUBBARD NEAR SH-66 AND N. LAKESHORE DRIVE; DESIGNATING CERTAIN OFFICIALS AS BEING RESPONSIBLE FOR, ACTING FOR, AND ON BEHALF OF THE “SPONSOR” IN DEALING WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT; PROVIDING FOR APPROPRIATIONS AND MATCHING FUNDS; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Rockwall, Texas (hereinafter the “Sponsor”) is desirous of providing for the construction of a boating parking lot expansion on Lake Ray Hubbard at a location near SH-66 and N. Lakeshore Drive; and desires to provide a park system which includes adequately sized and appropriately equipped Neighborhood Parks, and

**WHEREAS**, the State of Texas, acting through the Texas Parks and Wildlife Department (hereinafter the “Department”) under the authority of Section 11.033 and 31.141 of the Parks and Wildlife Code, would provide funding for such construction, and;

**WHEREAS**, the construction of such a facility would be of benefit to the citizens of the City of Rockwall, Rockwall County as well as transient recreational boaters from the State and other states; and

**WHEREAS**, the “Sponsor” is desirous of authorizing an official to represent and act for the “Sponsor” in dealing with the “Department” concerning the “Program.”

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THAT:**

**Section 1.** the Rockwall City Council, in meeting this 17<sup>th</sup> day of April 2023, is hereby eligible for assistance and will enter into a project agreement with the Department to provide for said construction on a reimbursement basis, with the Sponsor providing 25% by appropriations or in-kind services, and the Department providing 75% matching funds for work accomplished;

**Section 2.** that the “Sponsor” hereby authorizes and directs its City Manager, Mary Smith, to act for the “Sponsor” in dealing with the “Department” for the purpose of the “Program” and Mary Smith is hereby officially designated as the representative in this regard, and

**Section 3.** the Sponsor has matching funds available; and

**Section 4.** the Sponsor will operate said facility; perform all necessary maintenance and repairs to ensure public use, health and safety; and provide security surveillance to eliminate creations of nuisance or hazard to the public or adjacent property owners for the life of the facility (minimum 25 years); and

**Section 5.** said facility will be open at all reasonable times to the public, and that revenue from any user fees will only be used to offset operation and maintenance costs of any supported facilities.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
TEXAS THIS 17<sup>th</sup> day of April, 2023.**

\_\_\_\_\_  
**Kevin Fowler, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Kristy Teague, City Secretary**



## MEMORANDUM

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**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

**FROM:** Ryan Miller, Director of Planning and Zoning

**DATE:** April 17, 2023

**SUBJECT:** Z2023-014; SPECIFIC USE PERMIT (SUP) FOR A RESIDENTIAL INFILL FOR 512 DICKEY STREET

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### Attachments

Case Memo  
Development Application  
Location Map  
HOA Notification Map  
Neighborhood Notification Email  
Property Owner Notification Map  
Property Owner Notification List  
Public Notice  
Property Owner Notifications  
Building Elevations  
Residential Plot Plan  
Housing Analysis  
Draft Ordinance

### Summary/Background Information

Hold a public hearing to discuss and consider a request by Julius Waffer for the approval of a n **ordinance** for a *Specific Use Permit (SUP) for Residential Infill in an Established Subdivision* on a 1.0620-acre parcel of land identified as Lot 22 of the Canup Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 512 Dickey Street, and take any action necessary (**1st Reading**).

### Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed Specific Use Permit (SUP).



# CITY OF ROCKWALL

## CITY COUNCIL CASE MEMO

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

---

**TO:** Mayor and City Council  
**DATE:** April 17, 2023  
**APPLICANT:** Julius Waffer  
**CASE NUMBER:** Z2023-014; *Specific Use Permit (SUP) for a Residential Infill for 512 Dickey Street*

---

### SUMMARY

Hold a public hearing to discuss and consider a request by Julius Waffer for the approval of a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* on a 1.0620-acre parcel of land identified as Lot 22 of the Canup Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 512 Dickey Street, and take any action necessary.

### BACKGROUND

According to *Ordinance No. 59-02*, the subject property was annexed on June 20, 1959. The subject property was originally platted as Lot 22 of the Canup Subdivision on December 1, 1944. According to the City's historic zoning maps, the subject property was zoned Commercial (C) District as of January 3, 1972. Between May 16, 1983 and December 7, 1993, the subject property was rezoned from a Commercial (C) District to a Single-Family 7 (SF-7) District. Based on previous aerial imagery there was a single-family home situated on the subject property that was recently removed from the property; however, there is no record of a demolition permit. The subject property is currently vacant.

### PURPOSE

The applicant -- *Julius Waffer* -- is requesting the approval of a Specific Use Permit (SUP) for the purpose of constructing a single-family home on the subject property in accordance with Subsection 02.03(B)(11), *Residential Infill in or Adjacent to an Established Subdivision*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC).

### ADJACENT LAND USES AND ACCESS

The subject property is addressed as 512 Dickey Street. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property are three (3) lots (*i.e. 900, 901, & 903 Davy Crockett Street*) that are zoned Planned Development District 52 (PD-52). Beyond this is E. Bourn Street, which is classified as a R2 (*i.e. residential, two [2] lane, undivided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

South: Directly south of the subject property is a variable width right-of-way owned by the Missouri, Kansas & Texas Railroad. Beyond this is S. Goliad Street, which is classified as a P6D (*i.e. principal arterial, six [6] lane, divided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

East: Directly east of the subject property is a variable width right-of-way owned by the Missouri, Kansas & Texas Railroad. Beyond this are 47 single-family residential homes that make up The Standard Rockwall Subdivision, which was established on November 28, 2018. This subdivision is zoned Planned Development District 68 (PD-68) for Single-Family 7 (SF-7) District land uses. Beyond this is the Evergreen Apartments, which are zoned Planned Development District 68 (PD-68).

West: Directly west of the subject property are four (4) residential lots (*i.e.* 504, 506, 508, & 510 Dickey Street) and one (1) vacant lot identified as Lot 27 of the Canup Addition. All of these properties zoned Single-Family 7 (SF-7) District and are situated within the Southside Neighborhood Residential Overlay (SRO) District. Beyond this is Sam Houston Street, which is classified as a R2 (*i.e.* residential, two [2] lane, undivided roadway) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

**CHARACTERISTICS OF THE REQUEST AND CONFORMANCE TO THE CITY'S CODES**

Article 13, *Definitions*, of the Unified Development Code (UDC) defines *Residential Infill in or Adjacent to an Established Subdivision* as “(t)he new development of a single-family home or duplex on an existing vacant or undeveloped parcel of land or the redevelopment of a developed parcel of land for a new single-family home or duplex within an established subdivision that is mostly or entirely built-out.” An *established subdivision* is further defined in Subsection 02.03(B) (11) of Article 04, *Permissible Uses*, of the UDC as “...a subdivision that consists of five (5) or more lots, that is 90% developed, and that has been in existence for more than ten (10) years.” In this case, the subject property is located within the Canup’s Subdivision, which has been in existence since December 1, 1944, consists of 51 residential lots, and is more than 90% developed. The *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the UDC, requires a Specific Use Permit (SUP) for *Residential Infill in or Adjacent to an Established Subdivision* in all single-family zoning districts, the Two-Family (2F) District, the Downtown (DT) District, and the Residential-Office (RO) District. This property, being within an established subdivision, requires a Specific Use Permit (SUP).

In addition, Subsection 02.03(B)(11) of Article 04, *Permissible Uses*, of the UDC states that, “...the Planning and Zoning Commission and City Council shall consider the proposed size, location, and architecture of the home compared to the existing housing ... [and] (a)ll housing proposed under this section [*i.e.* *Residential Infill in or Adjacent to an Established Subdivision*] shall be constructed to be architecturally and visually similar or complimentary to the existing housing ...” The following is a summary of observations concerning the housing within close proximity of Dickey Street compared to the house proposed by the applicant:

Housing Design and Characteristics	Existing Housing on Dickey Street in a Close Proximity to the Subject Property	Proposed Housing
Building Height	One (1) Story	One (1) Story
Building Orientation	All of the homes are oriented toward the street they are built along.	The front elevation of the home will face Dickey Street.
Year Built	1947-2008	N/A
Building SF on Property	962 SF – 2,016 SF	1,662 SF
Building Architecture	Single Family Homes	Comparable Architecture to the surrounding Single-Family Homes
Building Setbacks:		
Front	The front yard setbacks appear to conform to the required 20-foot front yard setback.	20-Feet
Side	The side yard setbacks are estimated to be between zero (0) and greater than ten (10) feet.	6- Feet
Rear	The rear yard setbacks appear to be greater than ten (10) feet.	69-Feet
Building Materials	Brick and Siding	Brick and Siding
Paint and Color	Red, Blue, White, Gray, Brown	N/A
Roofs	Composite and Asphalt Shingles	Composite Shingle
Driveways/Garages	Driveways all front the same street the single-family home faces. Homes consist of front-facing, carports, or no garages.	The garage will be attached and located approximately 2'-3' behind of the front façade.

According to Section 04, *Residential Parking*, of Article 06, *Parking and Loading*, of the Unified Development Code (UDC), “(i)n single-family or duplex districts, parking garages must be located at least 20-feet behind the front façade for front entry garages ...” In this case, the applicant’s proposed garage is oriented in front of the front façade of the proposed single-family home; however, staff should point out that this is not atypical for this subdivision or properties located within the Southside Neighborhood Residential Overlay (SRO) District. A waiver to the garage orientation is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission. If this Specific Use Permit (SUP) request is approved by the Planning and Zoning Commission and City Council, the garage setback requirement will be waived. With the

exception of the garage orientation, the proposed single-family home meets all of the density and dimensional requirements as stipulated by the Unified Development Code (UDC) for a property in a Single-Family 7 (SF-7) District and the Southside Residential Neighborhood Overlay (SRO) District.

For the purpose of comparing the proposed home to the existing single-family housing located adjacent to or in the vicinity of the subject property, staff has provided photos of the properties along Dickey Street, Davy Crockett, Emma Jane, and Sam Houston and also provided the proposed building elevations in the attached packet. The approval of this request is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission and a finding that the proposed house will not have a negative impact on the existing subdivision.

## **NOTIFICATIONS**

On March 21, 2023, staff mailed 47 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Highridge Estates Homeowner's Association (HOA), which is the only HOA within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had received one (1) notice within the 500-foot buffer and one (1) email in favor of the applicant's request.

## **CONDITIONS OF APPROVAL**

If City Council chooses to approve of the applicant's request for a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision*, then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the Specific Use Permit (SUP) ordinance and which are detailed as follows:
  - (a) Development of the *Subject Property* shall generally conform to the *Residential Plot Plan* as depicted in *Exhibit 'A'* of the draft ordinance.
  - (b) Construction of a single-family home on the *Subject Property* shall generally conform to the *Building Elevations* depicted in *Exhibit 'B'* of the draft ordinance; and,
  - (c) Once construction of the single-family home has been completed, inspected, and accepted by the City, the Specific Use Permit (SUP) shall expire, and no further action by the property owner shall be required.
- (2) Any construction resulting from the approval of this Specific Use Permit (SUP) shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

## **PLANNING AND ZONING COMMISSION**

On April 11, 2023, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit by a vote of 6-0, with Commissioner Womble absent.





# DEVELOPMENT APPLICATION

City of Rockwall  
Planning and Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087

STAFF USE ONLY

PLANNING & ZONING CASE NO. \_\_\_\_\_

**NOTE:** THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING: \_\_\_\_\_

CITY ENGINEER: \_\_\_\_\_

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX]:

### PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE) <sup>1</sup>
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- FINAL PLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- REPLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

### SITE PLAN APPLICATION FEES:

- SITE PLAN (\$250.00 + \$20.00 ACRE) <sup>1</sup>
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

### ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) <sup>1</sup>
  - SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) <sup>1&2</sup>
  - PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- OTHER APPLICATION FEES:**
- TREE REMOVAL (\$75.00)
  - VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) <sup>2</sup>

**NOTES:**

<sup>1</sup>: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.  
<sup>2</sup>: A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

## PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 512 Dickey St., Rockwall, Tx. 75087

SUBDIVISION Canup LOT 22 BLOCK \_\_\_\_\_

GENERAL LOCATION An Addition to the town of Rockwall

## ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING Residential CURRENT USE \_\_\_\_\_

PROPOSED ZONING \_\_\_\_\_ PROPOSED USE \_\_\_\_\_

ACREAGE 1.0620 LOTS [CURRENT] \_\_\_\_\_ LOTS [PROPOSED] \_\_\_\_\_

**SITE PLANS AND PLATS:** BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

## OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

OWNER Julius Waffer  APPLICANT \_\_\_\_\_

CONTACT PERSON Julius Waffer CONTACT PERSON \_\_\_\_\_

ADDRESS 609 S. Goliad unit 2275 ADDRESS \_\_\_\_\_

CITY, STATE & ZIP Rockwall, Texas 75087 CITY, STATE & ZIP \_\_\_\_\_

PHONE 972-768-1196 PHONE \_\_\_\_\_

E-MAIL \_\_\_\_\_ E-MAIL \_\_\_\_\_

## NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Julius Waffer [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ \_\_\_\_\_ TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 13 DAY OF March 2023 BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

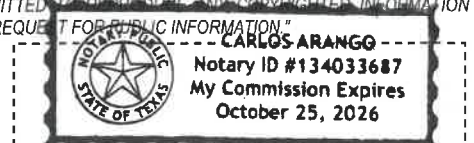
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 13 DAY OF March 2023

OWNER'S SIGNATURE

Julius Waffer

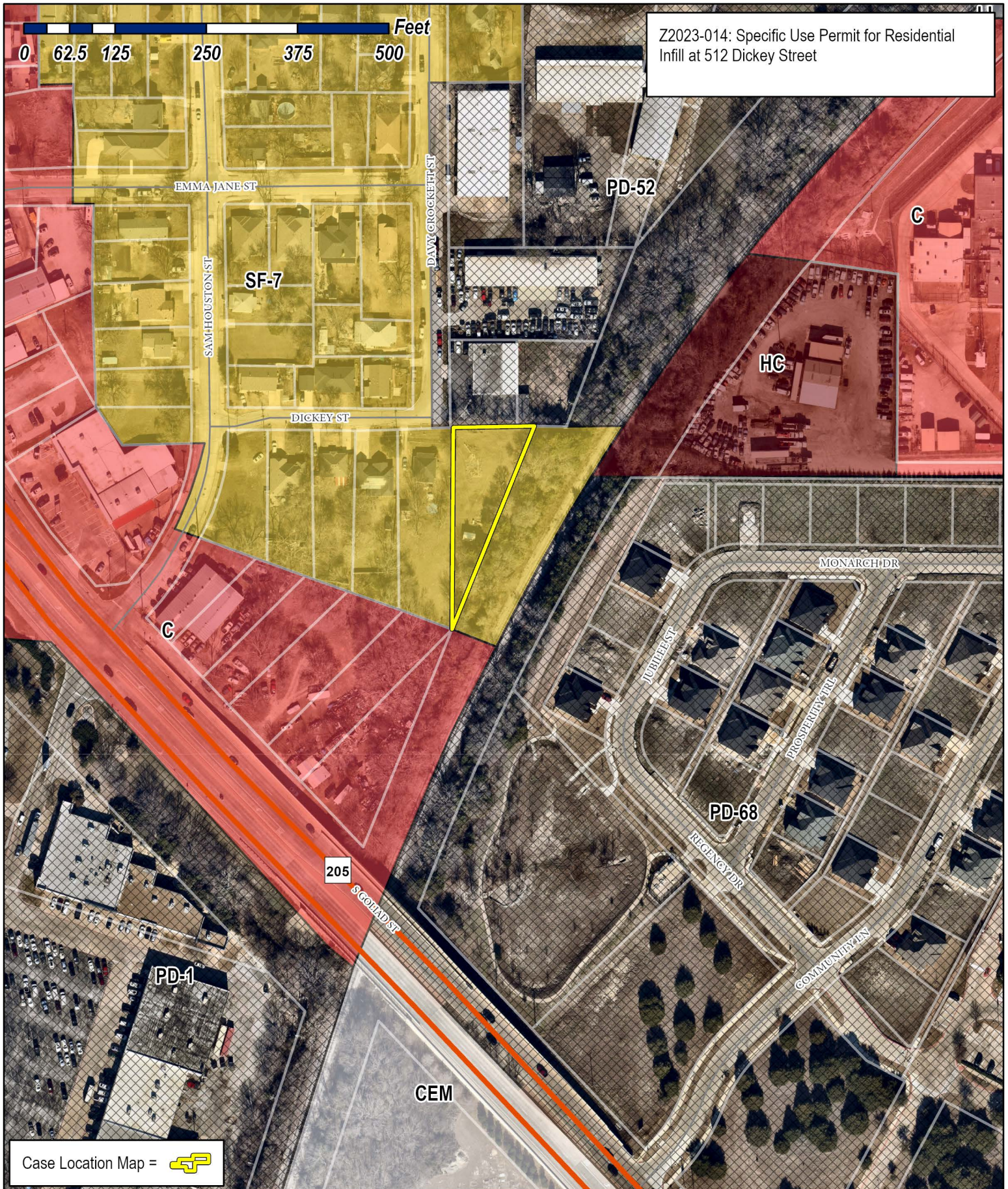
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS


Carlos Arango



MY COMMISSION EXPIRES 10-25-2026





Case Location Map = 



# City of Rockwall

Planning & Zoning Department  
 385 S. Goliad Street  
 Rockwall, Texas 75087  
 (P): (972) 771-7745  
 (W): www.rockwall.com

The City of Rockwall 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 Rockwall 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.



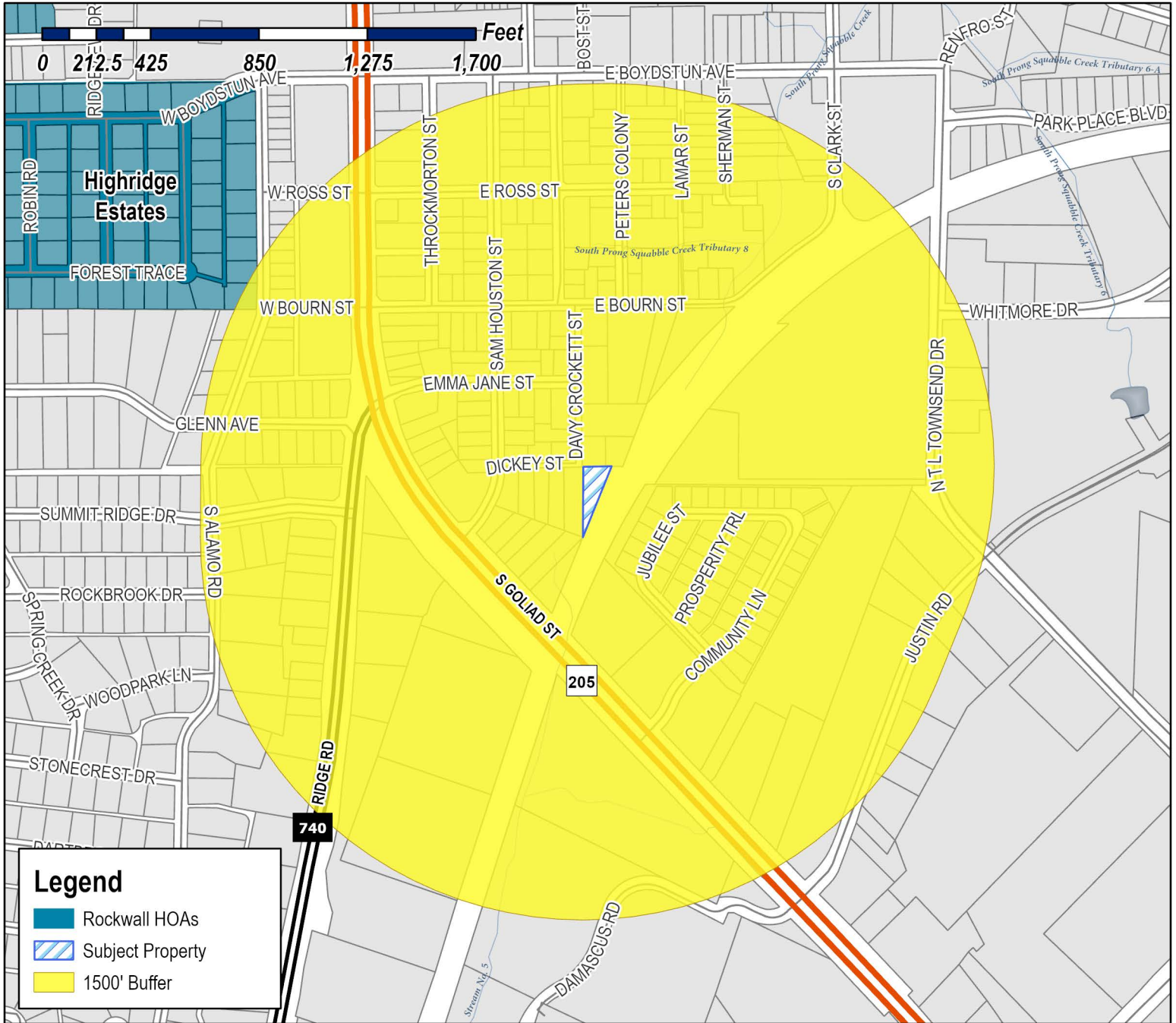




# City of Rockwall

Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087  
(P): (972) 771-7745  
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**Case Number:** Z2023-014  
**Case Name:** SUP for Residential Infill  
**Case Type:** Zoning  
**Zoning:** Single-Family 7 (SF-7) District  
**Case Address:** 512 Dickey Street

**Date Saved:** 3/14/2023  
 For Questions on this Case Call (972) 771-7745



**From:** [Guevara, Angelica](#)  
**Cc:** [Miller, Ryan](#); [Ross, Bethany](#); [Lee, Henry](#)  
**Bcc:** [REDACTED]  
**Subject:** Neighborhood Notification Program [Z2023-014]  
**Date:** Tuesday, March 21, 2023 2:37:43 PM  
**Attachments:** [Public Notice Z2023-014.pdf](#)  
[HOA Map Z2023-014.pdf](#)

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HOA/Neighborhood Association Representative:

Per your participation in the Neighborhood Notification Program, you are receiving this notice to inform your organization that a zoning case has been filed with the City of Rockwall that is located within 1,500-feet of the boundaries of your neighborhood. As the contact listed for your organization, you are encouraged to share this information with the residents of your subdivision. Please find the attached map detailing the property requesting to be rezoned in relation to your subdivision boundaries. Additionally, below is the summary of the zoning case that will be published in the Rockwall Herald Banner on March 24, 2023. The Planning and Zoning Commission will hold a public hearing on Tuesday, April 11, 2023 at 6:00 PM, and the City Council will hold a public hearing on Monday, April 17, 2023 at 6:00 PM. Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

All interested parties are encouraged to submit public comments via email to [Planning@rockwall.com](mailto:Planning@rockwall.com) at least 30 minutes in advance of the meeting. Please include your name, address, and the case number your comments are referring to. These comments will be read into the record during each of the public hearings. Additional information on all current development cases can be found on the City's website: <https://sites.google.com/site/rockwallplanning/development/development-cases>.

Z2023-014: SUP for Residential Infill at 512 Dickey Street

Hold a public hearing to discuss and consider a request by Julius Waffer for the approval of a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision on a 1.0620-acre parcel of land identified as Lot 22 of the Canup Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 512 Dickey Street, and take any action necessary.

Thank you,

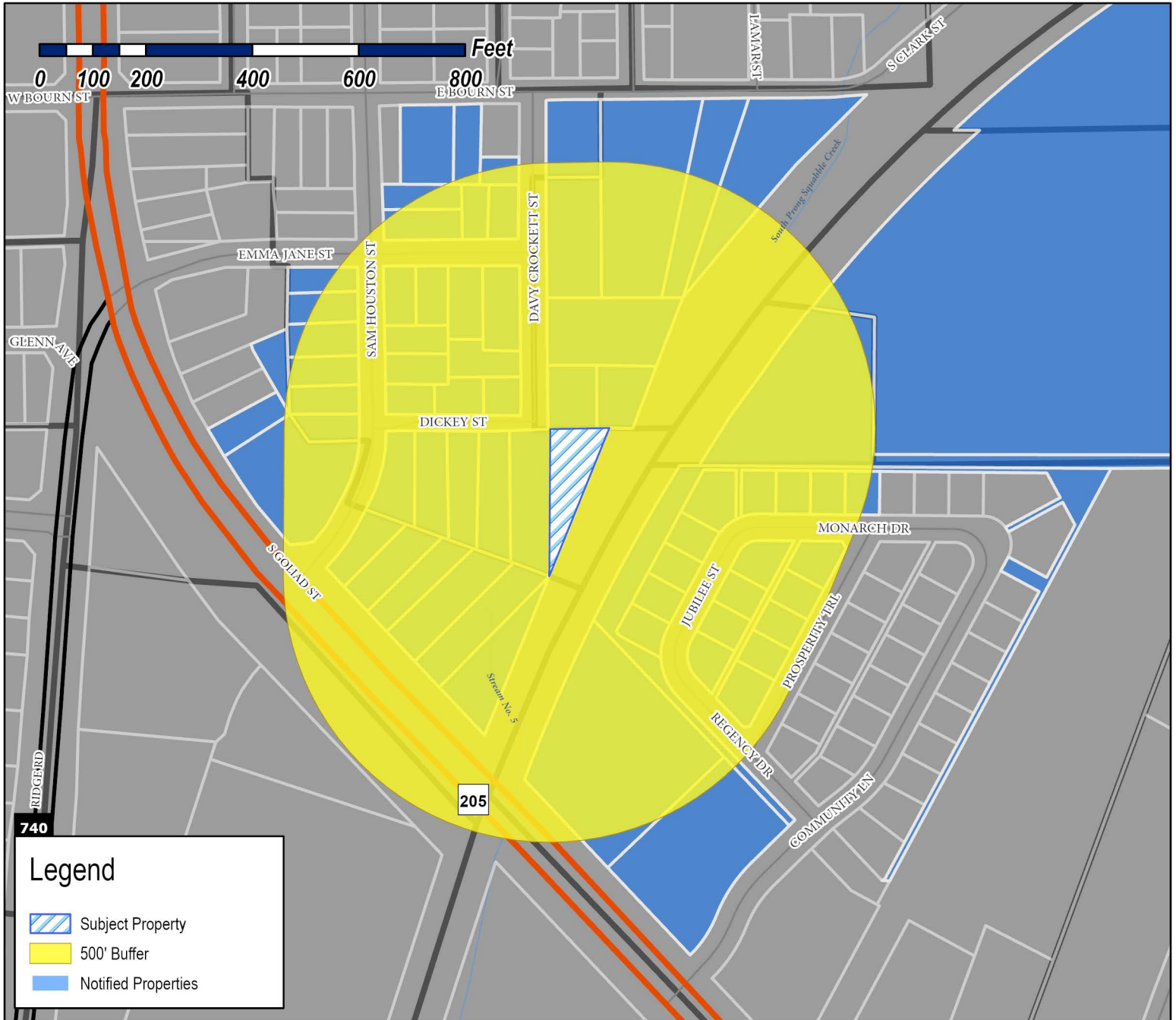
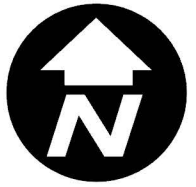
*Angelica Guevara*  
Planning Technician  
City of Rockwall Planning & Zoning  
385 S. Goliad Street  
Rockwall, TX 75087  
Office: 972-771-7745  
Direct: 972-772-6438



# City of Rockwall

Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087  
(P): (972) 771-7745  
(W): www.rockwall.com

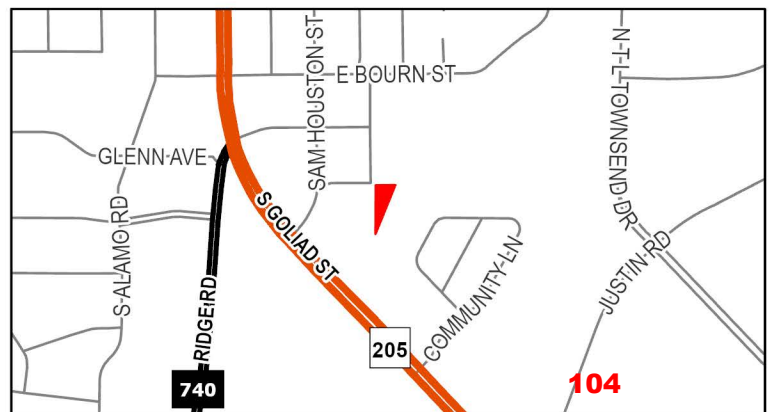
The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and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



**Case Number:** Z2023-014  
**Case Name:** SUP for Residential Infill  
**Case Type:** Zoning  
**Zoning:** Single-Family 7 (SF-7) District  
**Case Address:** 512 Dickey Street

**Date Saved:** 3/14/2023

For Questions on this Case Call: (972) 771-7746





RESIDENT  
1005 SAM HOUSTON  
ROCKWALL, TX 75087

REEDER PERRY R AND JIMMIE  
1006 DAVY CROCKETT ST  
ROCKWALL, TX 75087

MALAVE BRENDA L  
1006 SAM HOUSTON ST  
ROCKWALL, TX 75087

RESIDENT  
1007 SAM HOUSTON  
ROCKWALL, TX 75087

RESIDENT  
1008 SAM HOUSTON  
ROCKWALL, TX 75087

ANTHONY ARENIA ANN &  
WILMER HUMPHREY & CHARLOTTE M TRUETT &  
JAMES EARL BROWN  
1008 DAVY CROCKETT ST  
ROCKWALL, TX 75087

CASTILLO PEDRO  
1009 SAM HOUSTON ST  
ROCKWALL, TX 75087

ROCKWALL COUNTY  
C/O COUNTY TREASURER  
101 E RUSK ST SUITE 101  
ROCKWALL, TX 75087

RESIDENT  
1010 SAM HOUSTON  
ROCKWALL, TX 75087

RESIDENT  
1011 S GOLIAD ST  
ROCKWALL, TX 75087

RESIDENT  
1012 SAM HOUSTON  
ROCKWALL, TX 75087

RESIDENT  
1013 S GOLIAD  
ROCKWALL, TX 75087

BCL REAL ESTATE LLC  
103 GROSS RD  
MESQUITE, TX 75149

POTTS DANNY & VONDA  
1100 T L TOWNSEND DR  
ROCKWALL, TX 75087

RESIDENT  
1101 S GOLIAD  
ROCKWALL, TX 75087

RESIDENT  
1105 S GOLIAD  
ROCKWALL, TX 75087

LUKE LINDA FAYE  
1109 S GOLIAD ST  
ROCKWALL, TX 75087

ANDERSON ALLEN  
1208 S LAKESHORE DR  
ROCKWALL, TX 75087

ANDERSON ALLEN  
1208 S LAKESHORE DR  
ROCKWALL, TX 75087

RESIDENT  
1275 S GOLIAD ST  
ROCKWALL, TX 75087

MICHAEL WAYNE ROGERS GST TRUST DATED  
MAY 16TH, 2017  
MICHAEL WAYNE ROGERS- TRUSTEE  
1404 RIDGE ROAD  
ROCKWALL, TX 75087

EFENEY WILLIAM M  
1406 S LAKESHORE DR  
ROCKWALL, TX 75087

LRG GROUP LLC  
202 E RUSK ST  
ROCKWALL, TX 75087

RESIDENT  
206-207 EMMA JANE ST  
ROCKWALL, TX 75087

GE QIQING AND  
JINGJINGZHANG  
207 GASPAR  
IRVINE, CA 92618

JOBE BRYAN  
2432 BELLVIEW  
TYLER, TX 75709

WAFFER JULIUS  
3002 WELDON LN  
ROYSE CITY, TX 75189

RESIDENT  
302 EMMA JANE  
ROCKWALL, TX 75087

RESIDENT  
304 EMMA JANE  
ROCKWALL, TX 75087

HERNANDEZ SAMUEL AND VANESSA TYSON-  
HERNANDEZ  
304 E BOURN ST  
ROCKWALL, TX 75087

RESIDENT  
306 BOURN AVE  
ROCKWALL, TX 75087

ELLERD TERESA  
308 EMMA JANE ST  
ROCKWALL, TX 75087

BONNER JACK L AND VALERIE N  
309 EMMA JANE ST  
ROCKWALL, TX 75087

RESIDENT  
310 EMMA JANE  
ROCKWALL, TX 75087

JONES LENA EST  
C/O CHARLES R HUMPHREY  
405 ER ELLIS  
ROCKWALL, TX 75087

WALTER MARY  
408 E BOURN ST  
ROCKWALL, TX 75087

ANGULAR PIEDRA A/G  
418 E BOURN ST  
ROCKWALL, TX 75087

PIEDRA ANGULAR AG A CORP  
418 E BOURN ST  
ROCKWALL, TX 75087

ANGULAR PIEDRA A/G  
418 E BOURN ST  
ROCKWALL, TX 75087

LIU HOWARD HEYUN  
4577 JAGUAR DR  
PLANO, TX 75024

MATHIS DEBRA L  
504 DICKEY ST  
ROCKWALL, TX 75087

RUSZKOWSKI SKYLER E  
506 DICKEY STREET  
ROCKWALL, TX 75087

RODRIGUEZ MARIA  
507 DICKEY ST  
ROCKWALL, TX 75087

BROWN GEORGIA  
508 DICKEY ST  
ROCKWALL, TX 75087

SALGADO HAROLD G  
510 DICKIE ST  
ROCKWALL, TX 75087

RESIDENT  
512 DICKEY ST  
ROCKWALL, TX 75087

EAST SHORE J/V  
5499 GLEN LAKES DR STE 110  
DALLAS, TX 75231

THOMAS LOU BERTHA  
602 JUBILEE STREET  
ROCKWALL, TX 75087

RESIDENT  
603 JUBILEE ST  
ROCKWALL, TX 75087

RESIDENT  
604 PROSPERITY TR  
ROCKWALL, TX 75087

RESIDENT  
606 JUBILEE ST  
ROCKWALL, TX 75087

RESIDENT  
607 JUBILEE ST  
ROCKWALL, TX 75087

RESIDENT  
608 PROSPERITY TR  
ROCKWALL, TX 75087

RESIDENT  
610 JUBILEE ST  
ROCKWALL, TX 75087

RESIDENT  
611 JUBILEE ST  
ROCKWALL, TX 75087

ALFRED T WILLIAMS AND PATRICIA M WILLIAMS  
REVOCABLE LIVING TRUST  
PATRICIA M WILLIAMS - SURVIVOR TRUSTEE  
612 PROSPERITY TRL  
ROCKWALL, TX 75087

MARET WENDY A  
614 JUBILEE STREET  
ROCKWALL, TX 75087

RESIDENT  
615 JUBILEE ST  
ROCKWALL, TX 75087

RESIDENT  
616 PROSPERITY TR  
ROCKWALL, TX 75087

RESIDENT  
618 MONARCH DR  
ROCKWALL, TX 75087



WINCH TERRI L  
620 PROSPERITY TRAIL  
ROCKWALL, TX 75087

BRANNON ERMA LEE EST AND  
MARVIN RAY BRANNON ETAL  
6819 CLIFFWOOD DR  
DALLAS, TX 75237

RESIDENT  
703 MONARCH DR  
ROCKWALL, TX 75087

RESIDENT  
707 MONARCH DR  
ROCKWALL, TX 75087

RESIDENT  
711 MONARCH DR  
ROCKWALL, TX 75087

RESIDENT  
713 MONARCH DR  
ROCKWALL, TX 75087

EMMANUEL TABERNACLE CHURCH  
7903 FERGUSON RD  
DALLAS, TX 75228

THE STANDARD MCP LTD  
8235 DOUGLAS AVENUE SUITE 1030  
DALLAS, TX 75225

DENTON GLENDA K & LANCE  
900 DAVY CROCKETT  
ROCKWALL, TX 75087

JPH ROCKWALL LLC  
901 DAVY CROCKETT STREET  
ROCKWALL, TX 75087

RESIDENT  
902 DAVY CROCKETT  
ROCKWALL, TX 75087

RESIDENT  
903 DAVY CROCKETT  
ROCKWALL, TX 75087

DIXON MARSHALL WADE  
905 SAM HOUSTON  
ROCKWALL, TX 75087

RESIDENT  
907 SAM HOUSTON  
ROCKWALL, TX 75087

RESIDENT  
950 TOWNSEND RD  
ROCKWALL, TX 75087

CAIN REVOCABLE FAMILY TRUST AND  
CREDIT SHELTER TRUST AND SURVIVORS TRUST  
DEWAYNE CAIN TRUSTEE 305 STONEBRIDGE DR  
ROCKWALL, TX 75087

PAIGE RYAN PROPERTIES LLC  
P. O. BOX 853  
WYLIE, TX 75098

# PUBLIC NOTICE



CITY OF ROCKWALL  
PLANNING AND ZONING DEPARTMENT  
PHONE: (972) 771-7745  
EMAIL: PLANNING@ROCKWALL.COM

Property Owner and/or Resident of the City of Rockwall:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

**Z2023-014: SUP for Residential Infill at 512 Dickey Street**

Hold a public hearing to discuss and consider a request by Julius Waffer for the approval of a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision on a 1.0620-acre parcel of land identified as Lot 22 of the Canup Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 512 Dickey Street, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, April 11, 2023 at 6:00 PM, and the City Council will hold a public hearing on Monday, April 17, 2023 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

**Angelica Guevara**  
Rockwall Planning and Zoning Dept.  
385 S. Goliad Street  
Rockwall, TX 75087

You may also email your comments to the Planning Department at [planning@rockwall.com](mailto:planning@rockwall.com). If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by Monday, April 17, 2023 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

**Ryan Miller, AICP**  
Director of Planning & Zoning



MORE INFORMATION ON THIS CASE CAN BE FOUND AT: <https://sites.google.com/site/rockwallplanning/development/development-cases>

--- PLEASE RETURN THE BELOW FORM ---

**Case No. Z2023-014: SUP for Residential Infill at 512 Dickey Street**

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

[Redacted comment area]

Name: [Redacted]

Address: [Redacted]

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

Case No. Z2023-014: SUP for Residential Infill at 512 Dickey Street

Please place a check mark on the appropriate line below:

I am in favor of the request for the reasons listed below.

I am opposed to the request for the reasons listed below.

*I saw picture of the house to be built it would be an  
enhancement for the community.*  
*Jean Smith*

Name:

Address:

Tex. Loc. Gov. Code. Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

## Zavala, Melanie

---

**From:** Ethel Allen [REDACTED]  
**Sent:** Thursday, April 6, 2023 4:29 PM  
**To:** Planning  
**Subject:** Infield Construction in the Southside Neighborhood

I am a resident of the Southside community and I would like to go on record as being in full support of the pending construction for property owner Julius Wafer in the area of Dickey St. & Davy Crockett, as it will enhance the vitality of the community.

Regards,

Ethel (Jean) Allen  
[REDACTED]

Sent from my iPhone

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

sales

owner

owner

Any changes after \_\_\_\_\_ will result in a \$200 Change Order fee, or (b) a \$1000 Change Order fee for changes affecting the Elevations, Foundation, or Framing.



### FRONT ELEVATION

AREAS	
Heated Area	
1st Floor Livable	1662 SF
	1662 SF
Unheated Area	
Front Porch	37 SF
Garage	495 SF
Patio	205 SF
	737 SF
Total	2399 SF

SHEET INDEX	
SHEET NO.	SHEET NAME
0-Cover	
A0-CV	Cover
A-SITE	Site Plan
1-Architectural	
A1.0	Slab Plan
A1.1	1st Floor Plan
A1.1a	1st Floor - Room Finish
A1.1b	1st Floor Plan - Details
A1.1c	Thermal Envelope
A1.3	Interior Elevations
A1.5	Roof Plan
A1.6	Project Details
A1.7	Project Details
A2.0	Elevations
A2.1	Elevations
2-Electrical	
E-1.0	1st Floor Electrical Plan
3-Structural	
F-1.1	1st Floor Ceiling Framing
F-3.0	Roof Framing Plan

### EXTERIOR VENEER PERCENTAGES

Exterior Veneer Type	Area	% of Total Exterior Area
Brick Veneer	883 SF	59%
HardiePlank Siding - 8" Exposure	611 SF	41%
Grand total	1494 SF	

### NOTATIONS

### GENERAL NOTES

FLOOR PLAN		CABINETS	
SH.	SHELVES	3DB	3 DRAWER BASE
S & R	SHELF & ROD	BAC	BASE ANGLE CABINET
2S & 2R	2 SHELVES & 2 ROD	BEC	BASE END CABINET
LT.	LIGHT	BTC	BASE TRANSITIONAL CABINET
CLG.	CEILING	BC	BROOM CABINET
SLP.	SLOPE	BF	BASE FILLER
SR OPG.	SHEETROCK OPENING	BMWC	BASE MICROWAVE CABINET
REF.	REFRIGERATOR	BVB	BASE VEGETABLE BIN
1 PC. R&O	1 PIECE RANGE & OVEN	CP	CHEF'S PANTRY
DW	DISHWASHER	CDB	CORNER DRAWER BASE
DISP.	GARBAGE DISPOSAL	CTB	COOKTOP BASE w/ DRAWERS
SH	SINGLE HUNG WINDOW	CWCAG	CORNER APPLIANCE GARAGE
HS	HORIZONTAL SLIDER WINDOW	DSB	DIAGONAL SINK BASE
FX	FIXED GLASS	LHC	LINEN HAMPER CABINET
TEMP.	TEMPERED GLASS	LSB	LAZY SUSAN BASE
OBSC.	OBSCURE GLASS	PC	PANTRY CABINET
DL	DIVIDED LIGHT	PB	PENINSULA BASE
S.W.P.	STRUCTURED WIRE PANEL	RBB	REVERSIBLE BLIND BASE
W.D.P.	WATER DISTRIBUTION PANEL	REP	REFRIGERATOR END PANEL
		SB	SINK BASE
		TB	TRAY BASE (no drawer or shelves)
		UC	UTILITY CABINET
		UOC	UNIVERSAL OVEN CABINET
		-BPD	BI-PARTING DOORS
		-FAS	FULL ADJUSTABLE SHELF
		-FH	FULL HEIGHT DOOR (NO DRAWERS)
		-FF	FACE FRAME ONLY
		-HC	HANDICAP (6" TOE-KICK)
		-NS	NO SHELF
		-STK	SLIDE-OUT TRAY KITS
		-TC	TRASH CAN PULL-OUT
		-TOT	TILT-OUT TRAY
		-WBK	WICKER BASKET
		-SPO	SPICE PULL-OUT
		-UT	UTENSIL PULL-OUT
		CVSB	COMBINATION VANITY SINK BASE
		CVSD	COMBINATION VANITY SINK DRAWER
		FD	FILE DRAWER
		LHC	LINEN HAMPER CABINET
		VB	VANITY BASE (NO SINK)
		VDB	VANITY DRAWER BASE
		VDSK	VANITY DESK DRAWER
		VSB	VANITY SINK BASE
		VSDB	VANITY SINK DRAWER BASE

• EXTERIOR WALL DIMENSIONS ARE TO STUD AND REFLECT 1/2" INSET FROM EDGE OF SLAB OR MASONRY LEDGE. SEE SLAB PLAN FOR OVERALL DIMENSIONS.

### JOB SPECIFIC NOTES:

- SPRAY FOAM INSULATION
- SEE SPECS FOR SLAB START HEIGHT

FRAMING		ELEVATIONS		TILE LAYOUT OPTIONS	
U.F.A.	UNDER FLOOR ABOVE	F.F.	FINISH FLOOR	DIAGONAL	
U.W.A.	UNDER WALL ABOVE	PLT.	PLATE HEIGHT	OFFSET	
F.R.B.	FLOATING ROOF BRACE	T.POST	TURNED POST	STACKED	
O.H.D.	OVERHEAD DOOR	COL.	COLUMN		
P.S.F.	POUNDS PER SQUARE FOOT	DIA.	DIAMETER		
B.C.I.	BOISE CASCADE I-JOIST	6x6	6" SQUARE POST		
L.V.L.	LAMINATED VENEER LUMBER	EXP.	EXPANSION		
		ABV.	ABOVE		
		CLG.	CEILING		
		HDR.	HEADER		
		SLP. CLG.	SLOPE CEILING		
		RIDGE VENT	RIDGE MOUNTED ROOF VENT		

FILE COPY

4011

HARRISBURG A

FC-03/01/2023 RH

The measurements, dimensions, and other specifications shown on this document are guidelines for construction use only. The actual specifications of the finished structure may vary. This document may not be relied on as representation of what the completed structure will look like.

**TILSON**  
CUSTOM HOME BUILDERS

Tilson Home Corporation 2023, ©

MR. JULIUS WAFFER  
Job #1231019  
Rockwall County, City of Rockwall



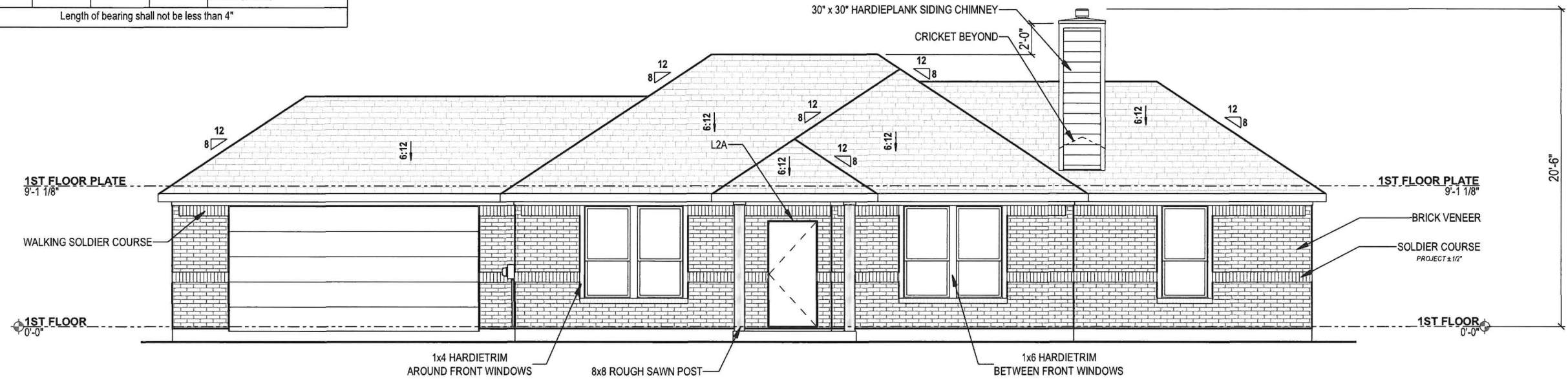
sales

owner  
owner

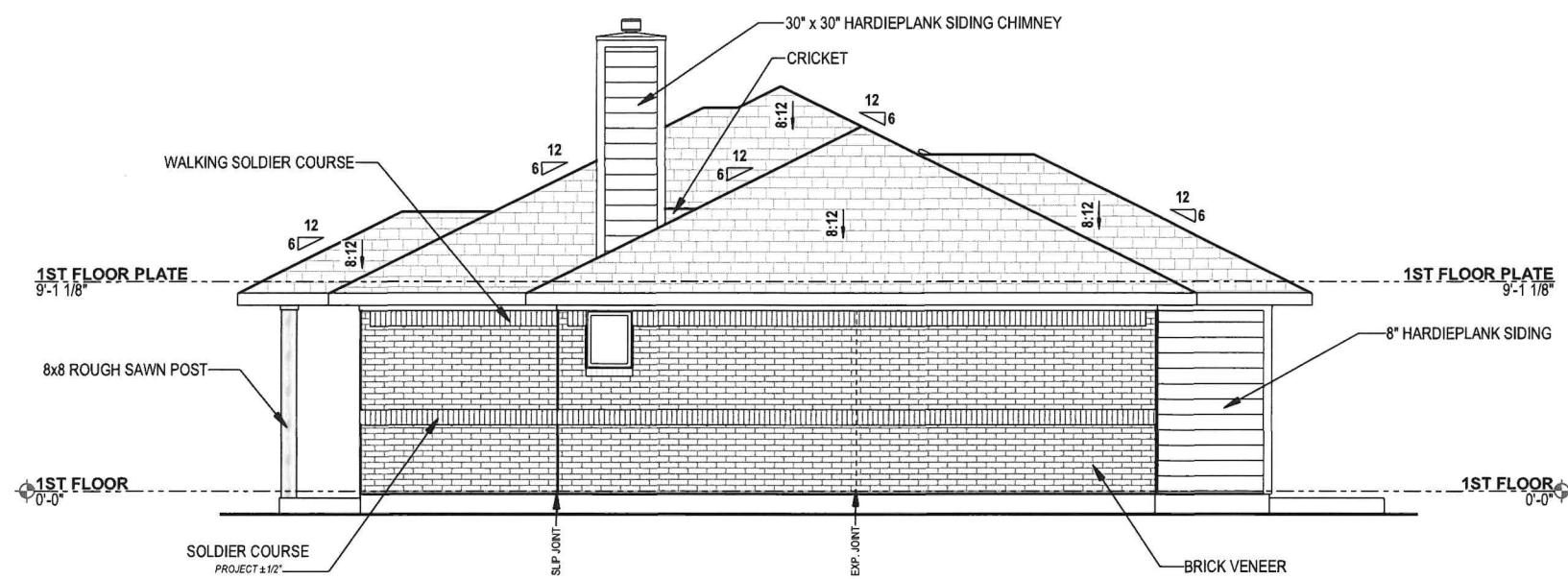
Any changes after \_\_\_\_\_ will result in a \$200 Change Order fee, or (b) a \$1000 Change Order fee for changes affecting the Elevations, Foundation, or Framing.

STEEL LINTEL SELECTION					
Type	Size	HEIGHT OF MASONRY ABOVE LINTEL			NOTES
		Up to 5'-0"	5'-1" to 12'	12'-1" to 20'	
MAXIMUM CLEAR SPAN OF LINTELS					
L1	3x3x1/4"	6'-0"	4'-6"	3'-0"	
L2	4x3x1/4"	8'-0"	6'-0"	4'-6"	
L2A	3x4x1/4"	6'-0"	4'-6"	3'-0"	Wide flange installed horizontally
L3	6x4x5/16"	14'-0"	9'-6"	7'-0"	18'-10" (for slopes less than 7:12)
L4	6x4x5/16" <small>(drilled for 1/2"x4-1/2" bolts @ 18" o.c.)</small>	18'-2"	18'-2"	18'-2"	
L5	6x4x5/16"	14'-0"	9'-6"	7'-0"	18'-10" (stops required on slopes 7:12 or greater)

Length of bearing shall not be less than 4"



**1 FRONT ELEVATION**  
1/8" = 1'-0"



**2 RIGHT ELEVATION**  
1/8" = 1'-0"

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4011  
HARRISBURGA

FC-03/01/2023 RH

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**TILSON**  
CUSTOM HOME BUILDERS

Tilson Home Corporation 2023 ©

MR. JULIUS WAFFER  
Job #1231019  
Rockwall County, City of Rockwall

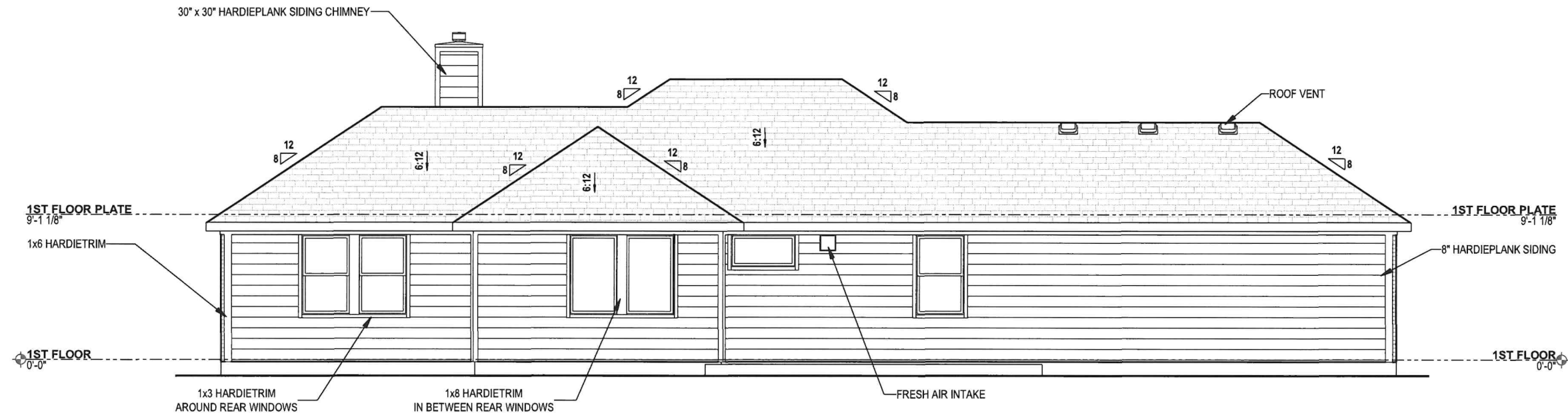


sales

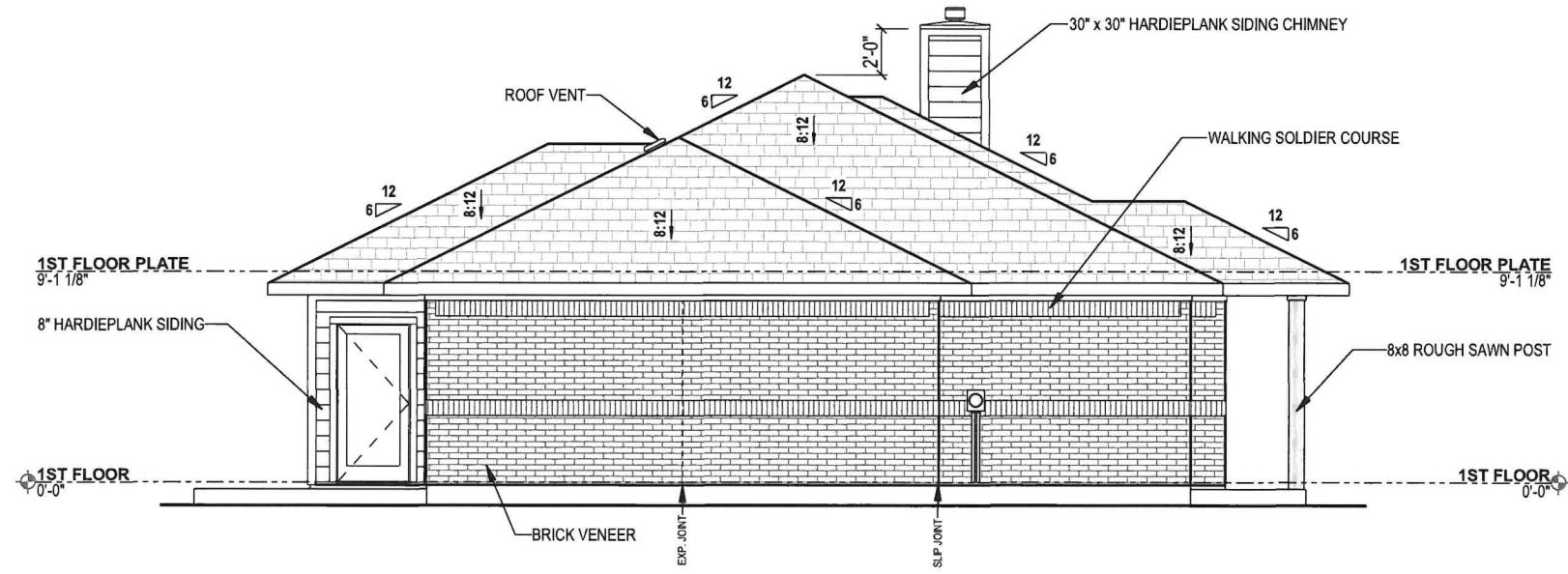
owner

owner

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**1 REAR ELEVATION**  
1/8" = 1'-0"



**2 LEFT ELEVATION**  
1/8" = 1'-0"

**FILE COPY**

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HARRISBURGA

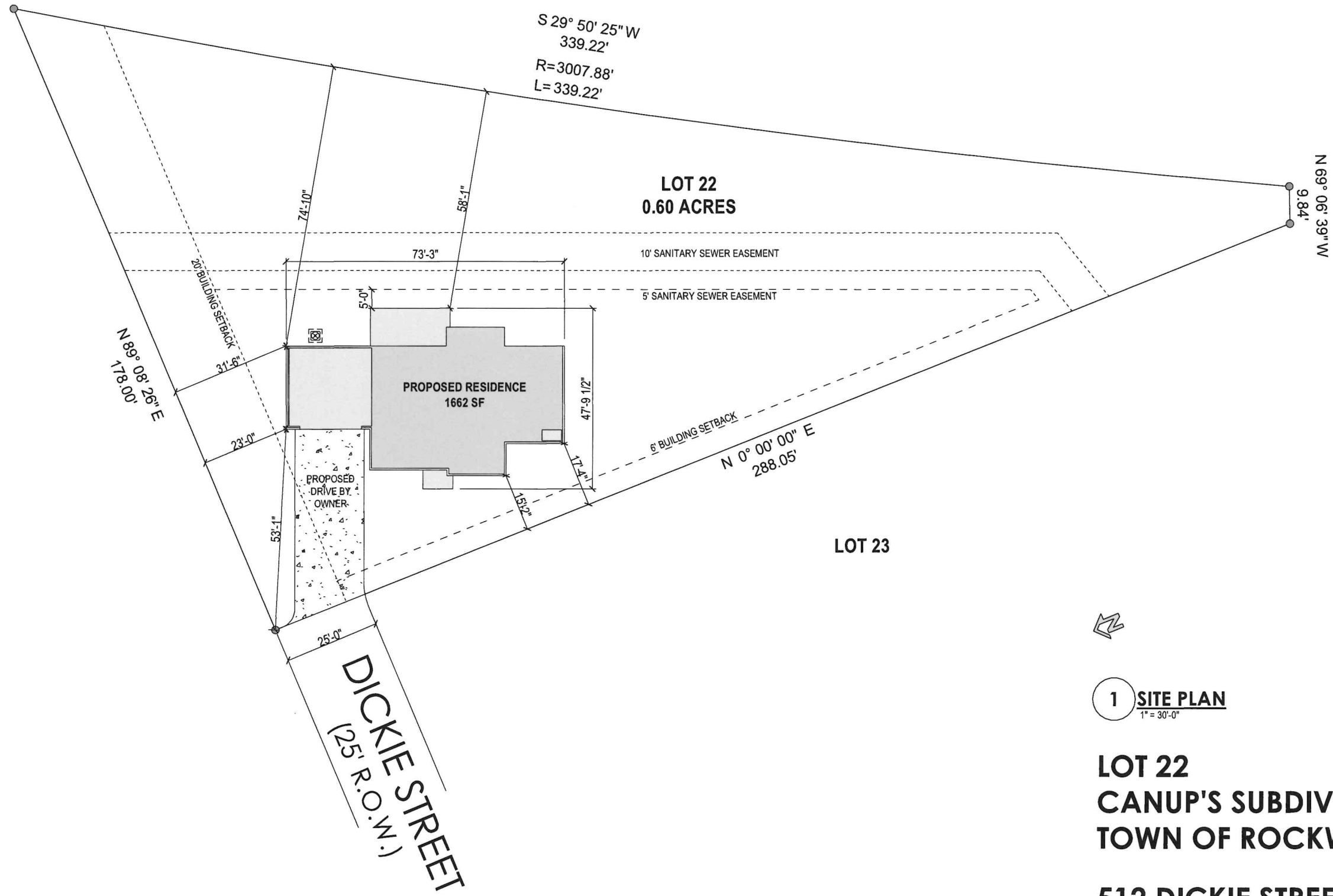
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**TILSON**  
CUSTOM HOME BUILDERS

Tilson Home Corporation, 2023, ©.

**MR. JULIUS WAFFER**  
Job #1231019  
Rockwall County, City of Rockwall



**LOT 22**  
0.60 ACRES

**PROPOSED RESIDENCE**  
1662 SF

**DICKIE STREET**  
(25' R.O.W.)

**1 SITE PLAN**  
1" = 30'-0"

**LOT 22**  
**CANUP'S SUBDIVISION**  
**TOWN OF ROCKWALL ADDITION**

**512 DICKIE STREET**  
**ROCKWALL, TX 75087**

**FINAL PLANS**  
4011  
HARRISBURG A

FC-03/01/2023.RH  
CHKOUT-03/24/2023-DJ

The measurements, dimensions, and other specifications shown on this document are guidelines for construction use only. The actual specifications of the finished structure may vary. This document may not be relied on as representation of what the completed structure will look like.

**TILSON**  
CUSTOM HOME BUILDERS

Tilson Home Corporation, 2022, D.

**MR. JULIUS WAFFER**  
Job #1231019  
Rockwall County, City of Rockwall



# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-014

## PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: [PLANNING@ROCKWALL.COM](mailto:PLANNING@ROCKWALL.COM)

### ADJACENT HOUSING ATTRIBUTES

ADDRESS	HOUSING TYPE	YEAR BUILT	HOUSE SF	ACCESSORY BUILDING	EXTERIOR MATERIALS
504 Dickey Street	Single-Family Home	2000	2,016	N/A	Brick
506 Dickey Street	Single-Family Home	2008	1,318	110	Siding
508 Dickey Street	Single-Family Home	2007	1,691	N/A	Brick
510 Dickey Street	Single-Family Home	1947	962	N/A	Siding
512 Dickey Street	Vacant	N/A	N/A	N/A	N/A
903 Davy Crockett Street	Commercial	1980	8,824	N/A	Stucco
901 Davy Crockett Street	Commercial	1983	9,050	N/A	Stucco
310 Emma Jane Street	Single-Family Home	1975	1,128	72	Siding
1006 Davy Crockett Street	Single-Family Home	1940	1,542	420	Siding
1008 Davy Crockett	Single-Family Home	1968	1,245	96	Siding
507 Dickey Street	Single-Family Home	2004	1,460	480	Brick
1009 Sam Houston	Single-Family Home	2004	1,500	80	Brick and Siding
	AVERAGES:	1983	2,794	210	





# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-014

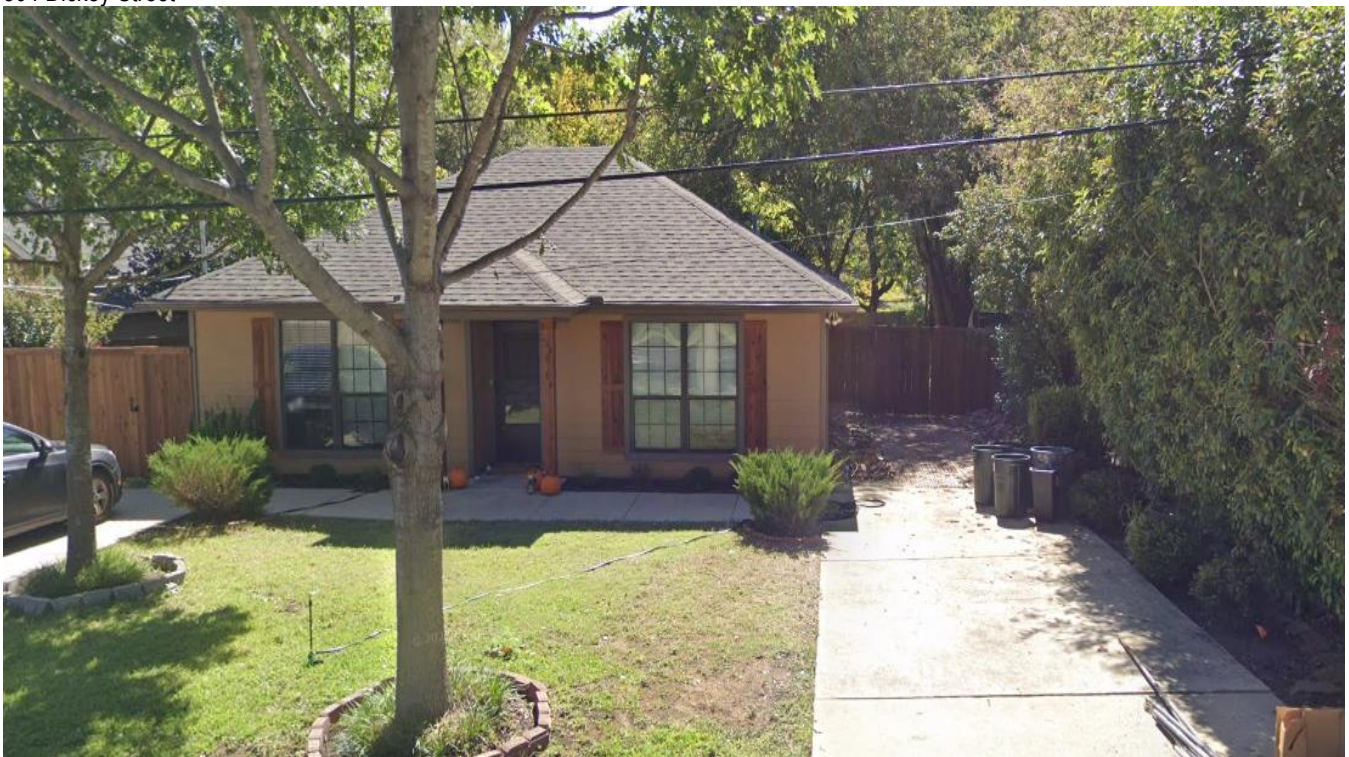
**PLANNING AND ZONING DEPARTMENT**

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: [PLANNING@ROCKWALL.COM](mailto:PLANNING@ROCKWALL.COM)



504 Dickey Street



506 Dickey Street





# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-014

## PLANNING AND ZONING DEPARTMENT

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508 Dickey Street



510 Dickey Street





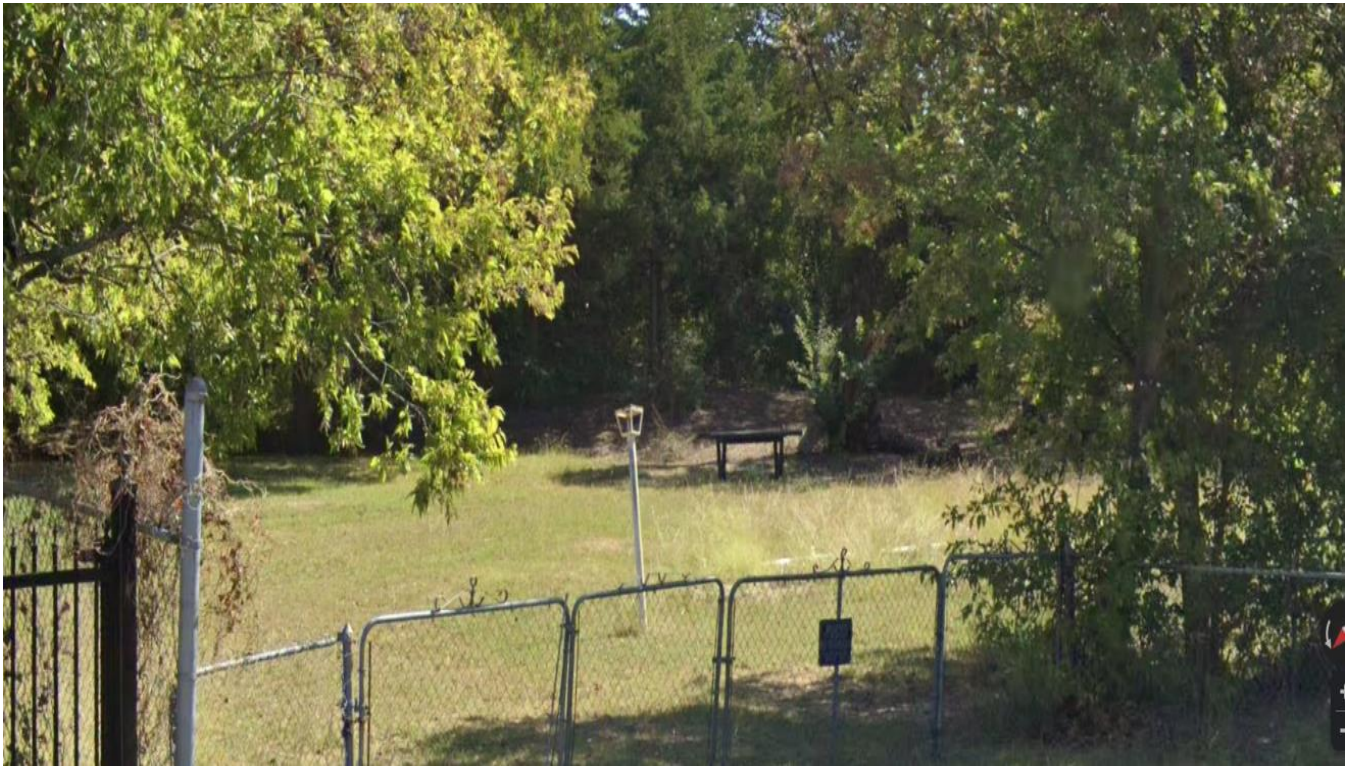
# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-014

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512 Dickey Street



903 Davy Crockett





# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-014

## PLANNING AND ZONING DEPARTMENT

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901 Davy Crockett



310 Emma Jane





# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-014

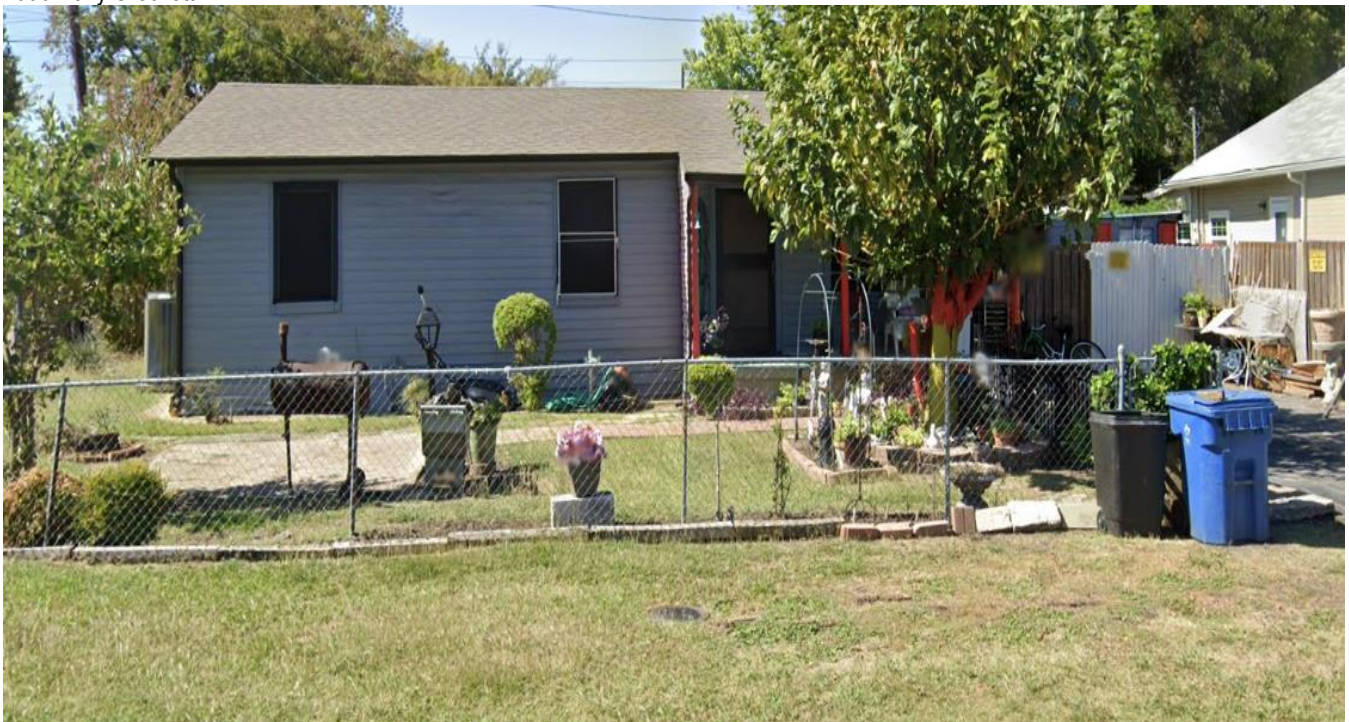
## PLANNING AND ZONING DEPARTMENT

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1006 Davy Crockett



1008 Davy Crockett





## CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-014

### PLANNING AND ZONING DEPARTMENT

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PHONE: (972) 771-7745 • EMAIL: [PLANNING@ROCKWALL.COM](mailto:PLANNING@ROCKWALL.COM)



507 Dickey Street



1009 Sam Houston



CITY OF ROCKWALL

ORDINANCE NO. 23-XX

SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 1.0620-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 22 OF THE CANUP ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; 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**, the City has received a request by Julius Waffer for the approval of a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* for the purpose of constructing a single-family home on a 1.0620-acre parcel of land identified as Lot 22 of the Canup Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 512 Dickey Street, and being more specifically described and depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; 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 Unified Development Code (UDC) [*Ordinance No. 20-02*] 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 (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* to allow for the construction of a single-family home in an established subdivision in accordance with Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

**SECTION 2.** That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 03.01, *General Residential District Standards*, and Subsection 03.09, *Single-Family 7 (SF-7) District*, of Article 05, *District Development Standards*, of the Unified Development Code

(UDC) [Ordinance No. 20-02] -- as heretofore amended and may be amended in the future -- and with the following conditions:

## 2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the construction of a single-family home on the *Subject Property* and conformance to these operational conditions are required:

- 1) The development of the *Subject Property* shall generally conform to the Residential Plot Plan as depicted in *Exhibit 'A'* of this ordinance.
- 2) The construction of a single-family home on the *Subject Property* shall generally conform to the Building Elevations depicted in *Exhibit 'B'* of this ordinance.
- 3) Once construction of the single-family home has been completed, inspected, and accepted by the City of Rockwall, this Specific Use Permit (SUP) shall expire, and no further action by the property owner shall be required.

## 2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)* of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require the *Subject Property* to comply with the following:

- 1) Upon obtaining a *Building Permit*, should the contractor operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Revision Procedures*, of the Unified Development Code (UDC) [Ordinance No. 20-02].

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

**SECTION 4.** 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 5.** 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 6.** 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, 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 7.** That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS THE 1<sup>st</sup> DAY OF MAY, 2023.

\_\_\_\_\_  
Kevin Fowler, *Mayor*

**ATTEST:**

\_\_\_\_\_  
Kristy Teague, *City Secretary*

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Frank J. Garza, *City Attorney*

1<sup>st</sup> Reading: April 17, 2023

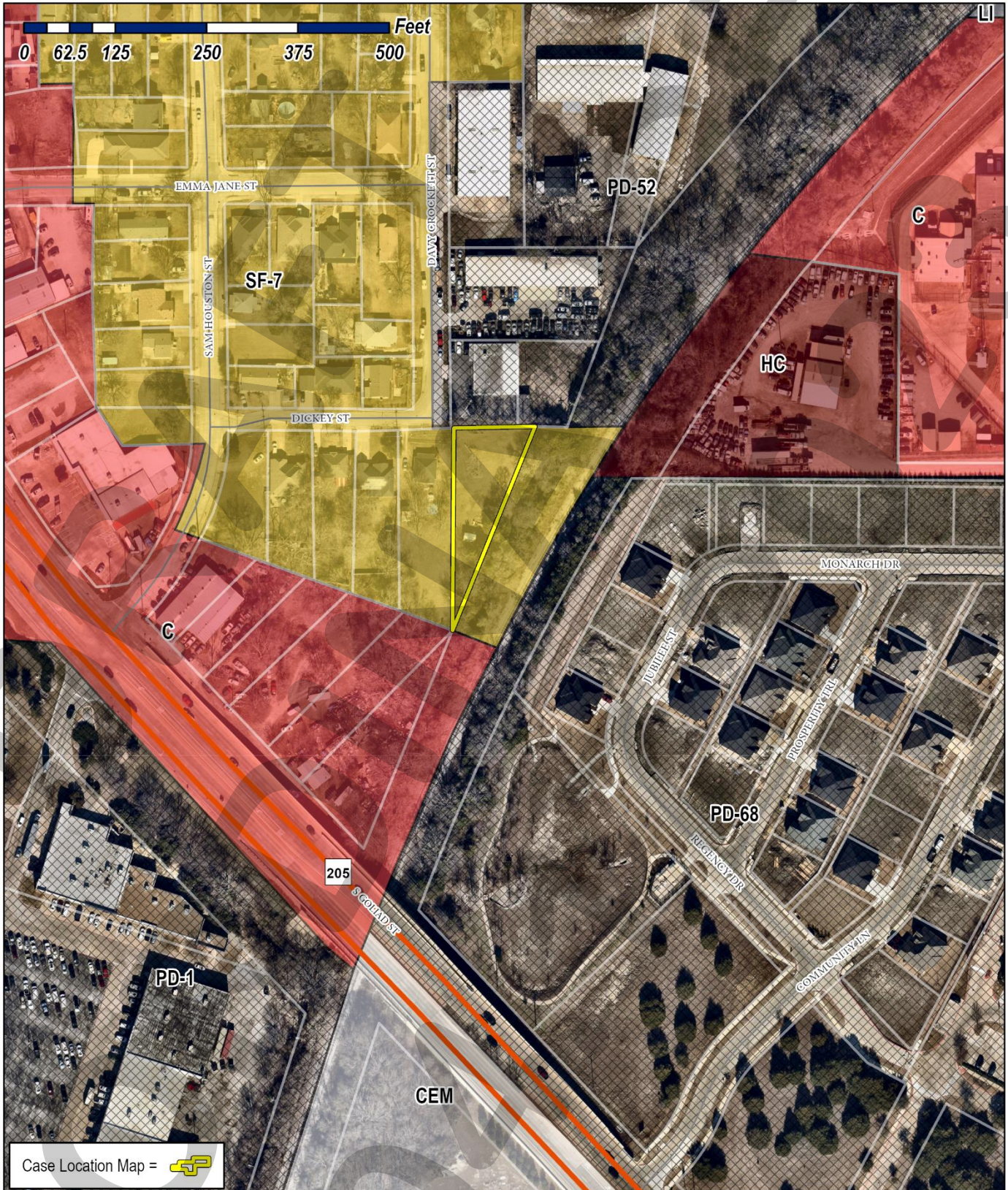
2<sup>nd</sup> Reading: May 1, 2023



**Exhibit 'A':**  
**Location Map and Residential Plot Plan**

Address: 512 Dickey Street

Legal Description: Lot 22, Canup Addition





**Exhibit 'A':**  
*Location Map and Residential Plot Plan*

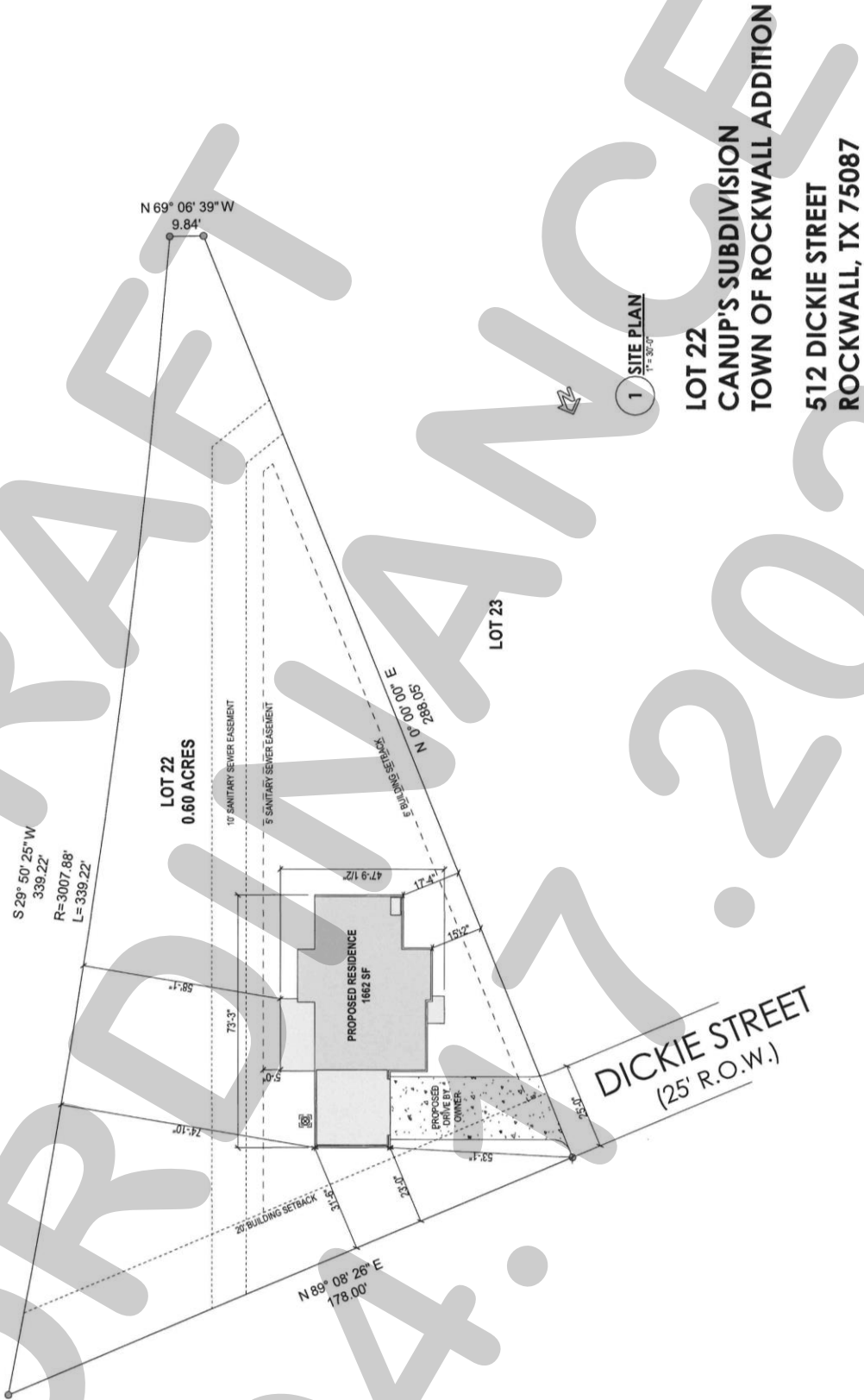
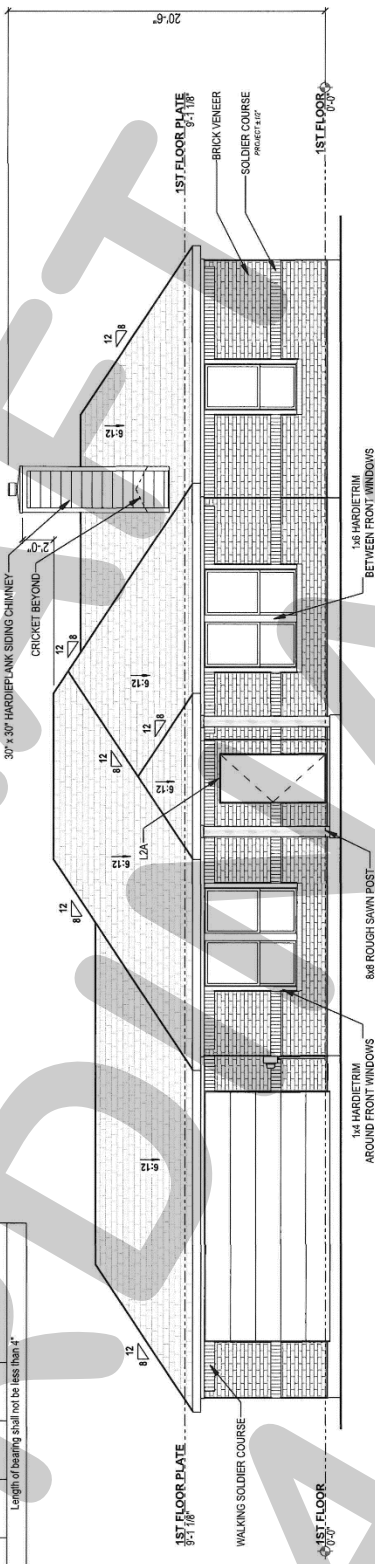


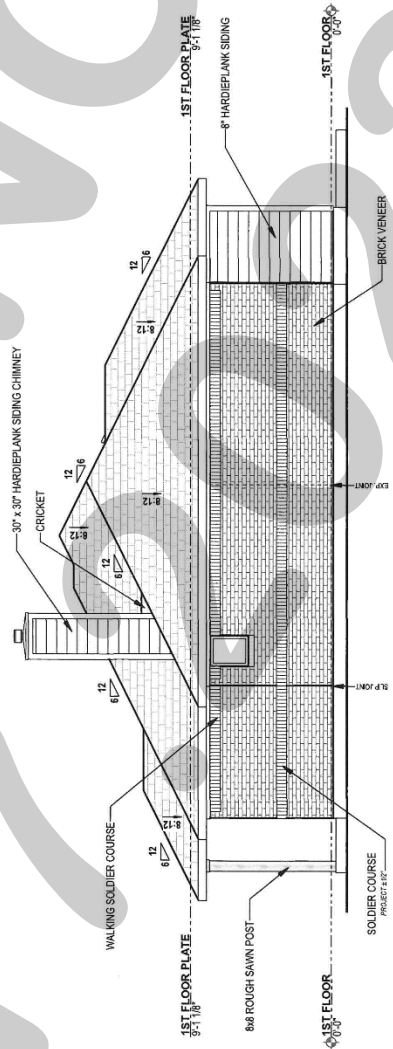
Exhibit 'B':  
Building Elevations

STEEL LINTEL SELECTION			
Type	Size	HEIGHT OF MASONRY ABOVE LINTEL	NOTES
		UP TO 5'-0"	5'-1" TO 12'-1"   12'-1" TO 20'
		MAXIMUM CLEAR SPAN OF LINTELS	
L1	3x6x1/4"	5'-0"	4'-6"
L2	4x6x1/4"	6'-0"	5'-0"
L2A	3x6x1/4"	6'-0"	4'-6"
L3	6x6x5/16"	14'-0"	9'-6"
L4	6x6x5/16"	18'-0"	10'-0"
L5	6x6x5/16"	14'-0"	9'-6"

Notes:  
 L2A: Wide flange installed horizontally  
 L3: 18"-10" (for slopes less than 7:12)  
 L4: 18"-2" (for slopes less than 7:12)  
 L5: 18"-10" (slopes required on slopes 7:12 or greater)  
 Length of bearing shall not be less than 4"

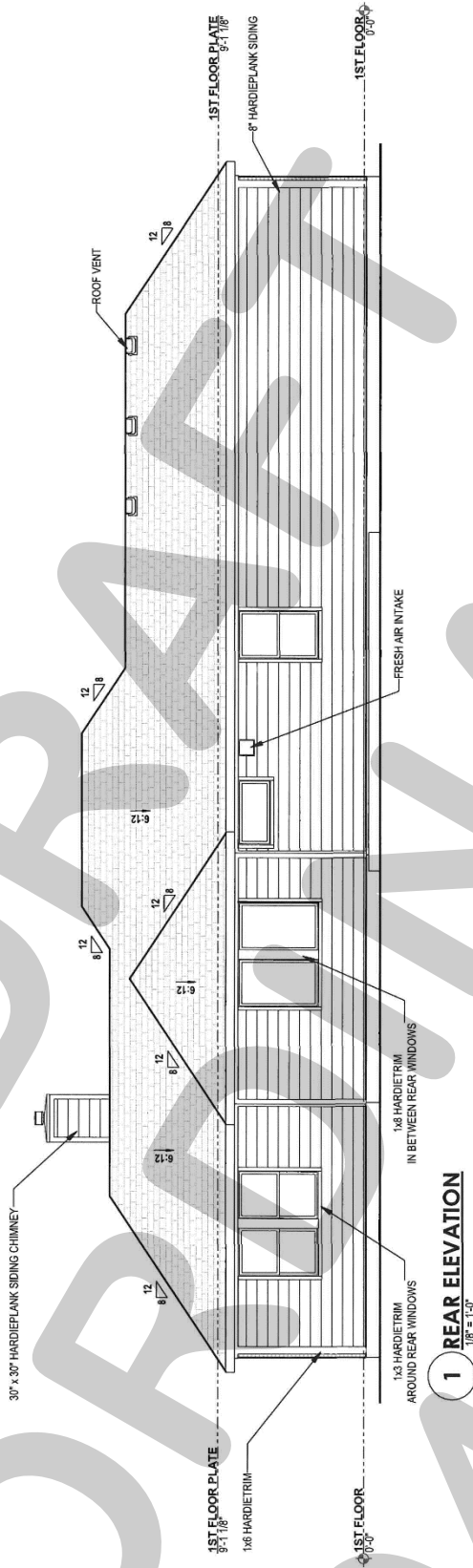


1 FRONT ELEVATION  
1/8" = 1'-0"

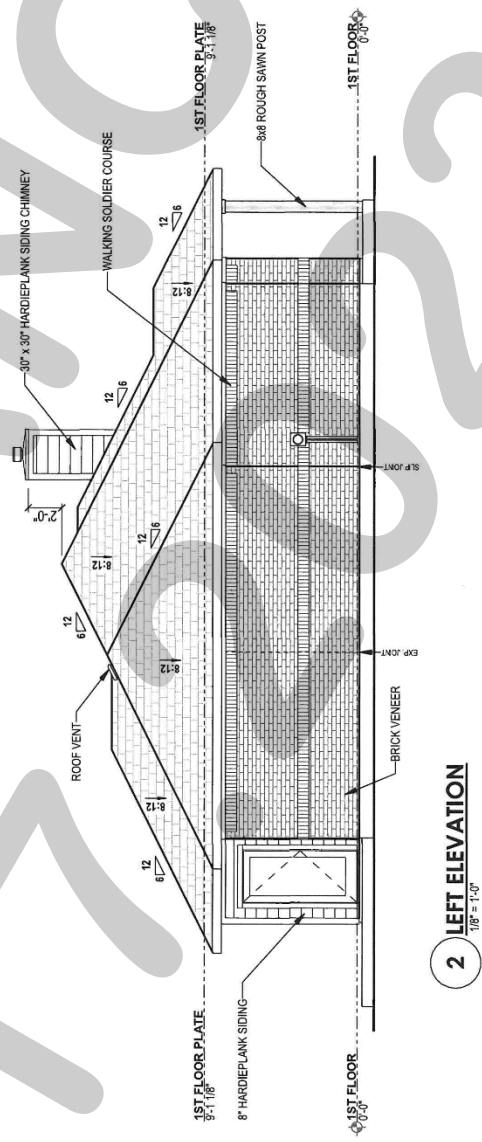


2 RIGHT ELEVATION  
1/8" = 1'-0"

Exhibit 'B':  
Building Elevations



**1 REAR ELEVATION**  
1/8" = 1'-0"



**2 LEFT ELEVATION**  
1/8" = 1'-0"



## MEMORANDUM

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**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

**FROM:** Ryan Miller, Director of Planning and Zoning

**DATE:** April 17, 2023

**SUBJECT:** Z2023-015; SPECIFIC USE PERMIT (SUP) FOR RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION AT 223 RUSSELL DRIVE

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### Attachments

Case Memo  
Development Application  
Location Map  
HOA Notification Map  
Property Owner Notification Map  
Property Owner Notification List  
Public Notice  
Property Owner Notifications  
Floor Plan  
Roof Plan  
Residential Plot Plan  
Building Elevations  
Detail Sheets  
Housing Analysis  
Draft Ordinance

### Summary/Background Information

Hold a public hearing to discuss and consider a request by Martha Balleza and Ana Quezada for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.1650-acre parcel of land identified as Lot 1290 of the Lake Rockwall Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District, addressed as 223 Russell Drive, and take any action necessary (**1st Reading**).

### Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed Specific Use Permit (SUP).





# CITY OF ROCKWALL

## CITY COUNCIL CASE MEMO

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

---

**TO:** Mayor and City Council  
**DATE:** April 17, 2023  
**APPLICANT:** Martha Balleza and Ana Quezada  
**CASE NUMBER:** Z2023-015; *Specific Use Permit (SUP) for Residential Infill in an Established Subdivision at 223 Russell Drive*

---

### SUMMARY

Hold a public hearing to discuss and consider a request for the approval of a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* for the purpose of constructing a single-family home a 0.1650-acre parcel of land identified as Lot 1290 of the Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 223 Russell Drive, and take any action necessary.

### BACKGROUND

The subject property was originally platted as Lot 1290 of the Rockwall Lake Estates #2 Addition on April 23, 1968. On February 17, 2009, the subject property -- *along with the rest of the Lake Rockwall Estates Subdivision* -- was annexed into the City of Rockwall by *Ordinance No. 09-07*. On September 21, 2009, the City Council rezoned the Lake Rockwall Estates Subdivision from an Agricultural (AG) District to Planned Development District 75 (PD-75) [*Ordinance No. 09-37*] for Single-Family 7 (SF-7) District land uses. On January 4, 2016, the City Council amended Planned Development District 75 (PD-75) with *Ordinance No. 16-01*, which made minor changes to the *Consideration of a Special Request* section of the ordinance. The subject property is currently vacant.

### PURPOSE

The applicants -- *Martha Balleza and Ana Quezada* -- are requesting the approval of a Specific Use Permit (SUP) for the purpose of constructing a single-family home on the subject property in accordance with Subsection 02.03(B)(11), *Residential Infill in or Adjacent to an Established Subdivision*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC).

### ADJACENT LAND USES AND ACCESS

The subject property is located at 223 Russell Drive. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property are several vacant lots that are zoned Planned Development District 75 (PD-75) for Single Family 7 (SF-7) District land uses. Beyond that is Evans Road, which is identified as a R2 (*i.e. residential, two [2] lane, undivided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

South: Directly south of the subject property are two (2) lots developed with modular homes that are zoned Planned Development District 75 (PD-75) for Single Family 7 (SF-7) District land uses. Beyond this is County Line Road, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

East: Directly east of the subject property Nicole Drive, which is identified as a R2 (*i.e. residential, two [2] lane, undivided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond that are several residential lots developed with modular homes that are zoned Planned Development District 75 (PD-75) for Single Family 7 (SF-7) District land uses.

West: Directly west of the subject property are several residential lots developed with modular homes that are zoned Planned Development District 75 (PD-75) for Single Family 7 (SF-7) District land uses. Beyond this is Wayne Drive, which is identified as a R2 (*i.e. residential, two [2] lane, undivided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

**CHARACTERISTICS OF THE REQUEST AND CONFORMANCE TO THE CITY'S CODES**

Article 13, *Definitions*, of the Unified Development Code (UDC) defines *Residential Infill in or Adjacent to an Established Subdivision* as “(t)he new development of a single-family home or duplex on an existing vacant or undeveloped parcel of land or the redevelopment of a developed parcel of land for a new single-family home or duplex within an established subdivision that is mostly or entirely built-out.” An established subdivision is further defined in Subsection 02.03(B)(11) of Article 04, *Permissible Uses*, of the UDC as “...a subdivision that consists of five (5) or more lots, that is 90% developed, and that has been in existence for more than ten (10) years.” In this case, the subject property is located within the Lake Rockwall Estates #2 Addition in the Lake Rockwall Estates Subdivision. This subdivision has been in existence since prior to 1968, consists of more than five (5) lots, and is considered to be more than 90% developed. The *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the UDC, requires a Specific Use Permit (SUP) for *Residential Infill in or Adjacent to an Established Subdivision* in all single-family zoning districts, the Two-Family (2F) District, the Downtown (DT) District, and the Residential-Office (RO) District. This property, being in Planned Development District 75 (PD-75) and designated for Single-Family 7 (SF-7) District land uses, requires a Specific Use Permit (SUP).

In addition, Subsection 02.03(B)(11) of Article 04, *Permissible Uses*, of the UDC states that, “...the Planning and Zoning Commission and City Council shall consider the proposed size, location, and architecture of the home compared to the existing housing ... [and] (a)ll housing proposed under this section [*i.e. Residential Infill in or Adjacent to an Established Subdivision*] shall be constructed to be architecturally and visually similar or complimentary to the existing housing ...” The following is a summary of observations concerning the housing on Russell Drive compared to the house proposed by the applicant:

Housing Design and Characteristics	Existing Housing on Russell Drive in a Close Proximity to the Subject Property	Proposed House
Building Height	One (1) story	One (1) Story
Building Orientation	Orientation differs.	The front elevation of the home will face onto Russell Drive.
Year Built	1978-1998	N/A
Building SF on Property	1,180 SF – 1,984 SF	2,817 SF
Building Architecture	Modular Homes and Single-Family homes	Comparable Architecture to the Surrounding Newer Single-Family Homes
Building Setbacks:		
Front	The front yard setbacks appear to conform to the required 20-foot front yard setback.	20-Feet
Side	The side yard setbacks appear to conform to the required five (5) foot side yard setback.	5-Feet
Rear	The rear yard setbacks appear conform to the required ten (10) feet rear yard setback.	10-Feet
Building Materials	Modular Panels, Metal, Brick	Brick, Board & Batten
Paint and Color	White, Gray, Tan, & Green	N/A
Roofs	Composite Shingles & Metal	Composite Shingles
Driveways/Garages	Carpools and Single-Family Homes without Garages	Front Entry Garage

According to Section 04, *Residential Parking*, of Article 06, *Parking and Loading*, of the Unified Development Code (UDC), “(i)n single-family or duplex districts, parking garages must be located at least 20-feet behind the front façade for front entry garages ...” In this case, the applicant’s proposed garage is oriented in front of the front façade of the proposed single-family home by six (6) feet, three (3) inches. Staff should point out that this is not atypical for this subdivision. A waiver to the garage orientation is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission. If approved as part of the Specific Use Permit (SUP) request, the City Council will be waiving the garage orientation requirement. With this being said, staff should point out -- *that with the exception of the garage orientation* -- the proposed single-family home

meets all of the density and dimensional requirements stipulated by Planned Development District 75 (PD-75) [*Ordinance No. 09-37*] and the Unified Development Code (UDC).

For the purpose of comparing the proposed home to the existing single-family housing located adjacent to or in the vicinity of the subject property, staff has provided photos of the properties along Russell Drive and also provided the proposed building elevations in the attached packet. The approval of this request is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission and a finding that the proposed house will not have a negative impact on the existing subdivision.

### **NOTIFICATIONS**

On March 21, 2023, staff mailed 147 notices to property owners and occupants within 500-feet of the subject property. There are no Homeowner's Associations (HOAs) or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff has received one (1) notification in favor of the request.

### **CONDITIONS OF APPROVAL**

If City Council chooses to approve of the applicant's request for a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision*, then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the Specific Use Permit (SUP) ordinance and which are detailed as follows:
  - (a) Development of the *Subject Property* shall generally conform to the Residential Plot Plan as depicted in *Exhibit 'A'* of the draft ordinance.
  - (b) Construction of a single-family home on the *Subject Property* shall generally conform to the Building Elevations depicted in *Exhibit 'B'* of the draft ordinance; and,
  - (c) Once construction of the single-family home has been completed, inspected, and accepted by the City, the Specific Use Permit (SUP) shall expire, and no further action by the property owner shall be required.
- (2) Any construction resulting from the approval of this Specific Use Permit (SUP) shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

### **PLANNING AND ZONING COMMISSION**

On April 11, 2023, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit by a vote of 6-0, with Commissioner Womble absent.



# DEVELOPMENT APPLICATION

City of Rockwall  
Planning and Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087

STAFF USE ONLY

PLANNING & ZONING CASE NO. \_\_\_\_\_

**NOTE:** THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING: \_\_\_\_\_

CITY ENGINEER: \_\_\_\_\_

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST (SELECT ONLY ONE BOX):

### PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE)<sup>1</sup>
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE)<sup>1</sup>
- FINAL PLAT (\$300.00 + \$20.00 ACRE)<sup>1</sup>
- REPLAT (\$300.00 + \$20.00 ACRE)<sup>1</sup>
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

### SITE PLAN APPLICATION FEES:

- SITE PLAN (\$250.00 + \$20.00 ACRE)<sup>1</sup>
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

### ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE)<sup>1</sup>
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE)<sup>1 & 2</sup>
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE)<sup>1</sup>

### OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00)<sup>2</sup>

#### NOTES:

<sup>1</sup>: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.

<sup>2</sup>: A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

## PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS: 223 Russell Dr.  
 SUBDIVISION: Rockwall Lake Est #2 LOT: 1290 BLOCK: \_\_\_\_\_  
 GENERAL LOCATION: " " " "

## ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING: vacant lot CURRENT USE: vacant lot  
 PROPOSED ZONING: residential home PROPOSED USE: residential  
 ACREAGE: .25 LOTS [CURRENT]: .25 LOTS [PROPOSED]: .25

**SITE PLANS AND PLATS:** BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

## OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

<input checked="" type="checkbox"/> OWNER	Martha Balleza / Ana Quezada	<input checked="" type="checkbox"/> APPLICANT	Martha Balleza / Ana Quezada
CONTACT PERSON	" "	CONTACT PERSON	" "
ADDRESS	4408 Aiken Trl.	ADDRESS	4408 Aiken Trl.
CITY, STATE & ZIP	Sachse, TX 75048	CITY, STATE & ZIP	Sachse, TX 75048
PHONE	214-984-7232	PHONE	214-984-7232
E-MAIL	[REDACTED]	E-MAIL	[REDACTED]

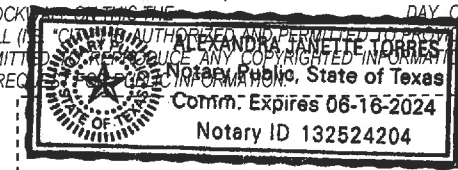
## NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Martha Balleza [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING: Ana Quezada

"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ \_\_\_\_\_ TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (ITSELF) IS AUTHORIZED AND PERMITTED TO REPRODUCE ANY INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION FROM THE PUBLIC, STATE OF TEXAS."

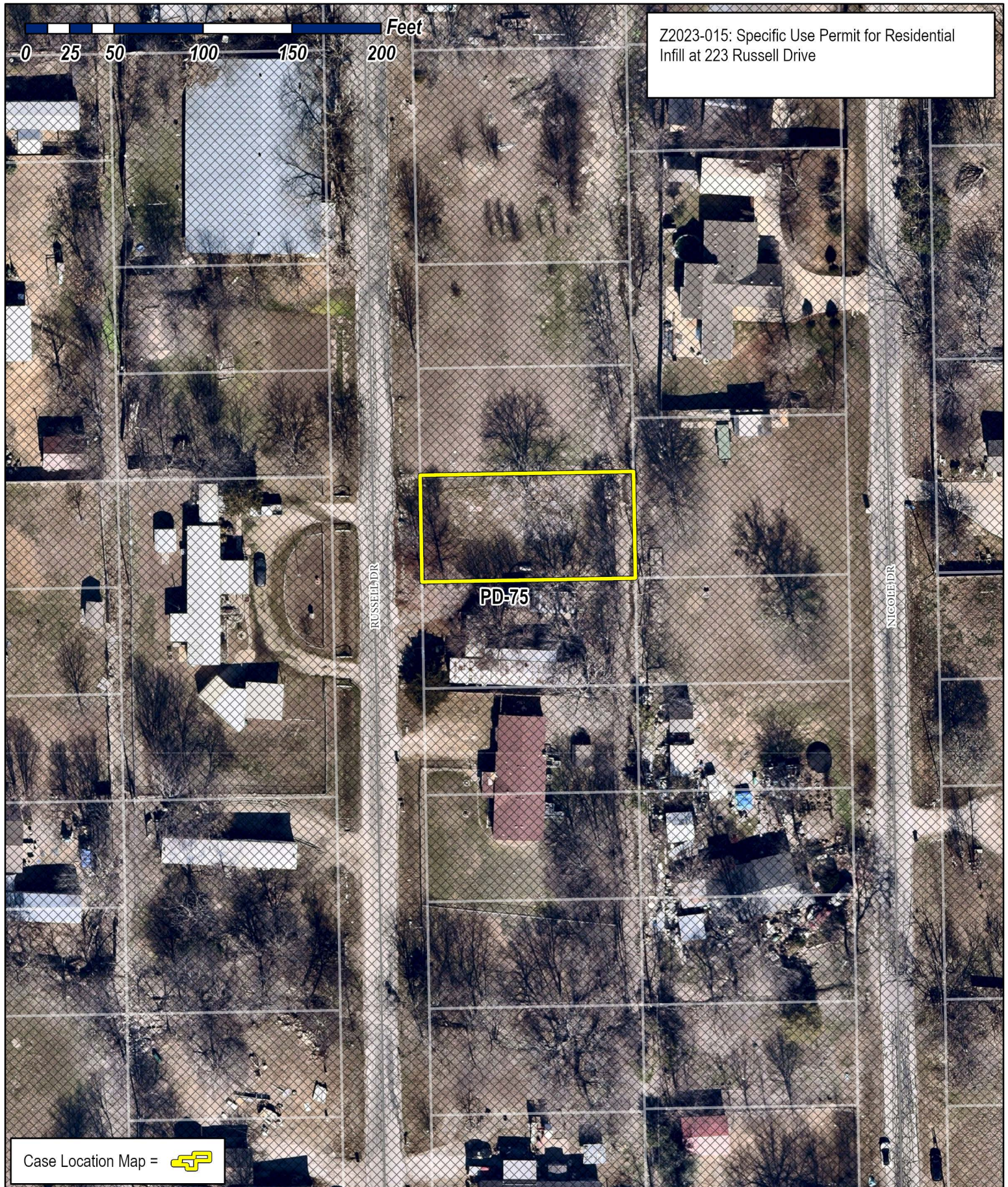
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 13<sup>th</sup> DAY OF March, 2023  
OWNER'S SIGNATURE: Martha Balleza / Ana Quezada

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS: Alexandra J. Torres



MY COMMISSION EXPIRES 06/16/2024





# City of Rockwall

Planning & Zoning Department  
 385 S. Goliad Street  
 Rockwall, Texas 75087  
 (P): (972) 771-7745  
 (W): www.rockwall.com

The City of Rockwall 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 Rockwall 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.



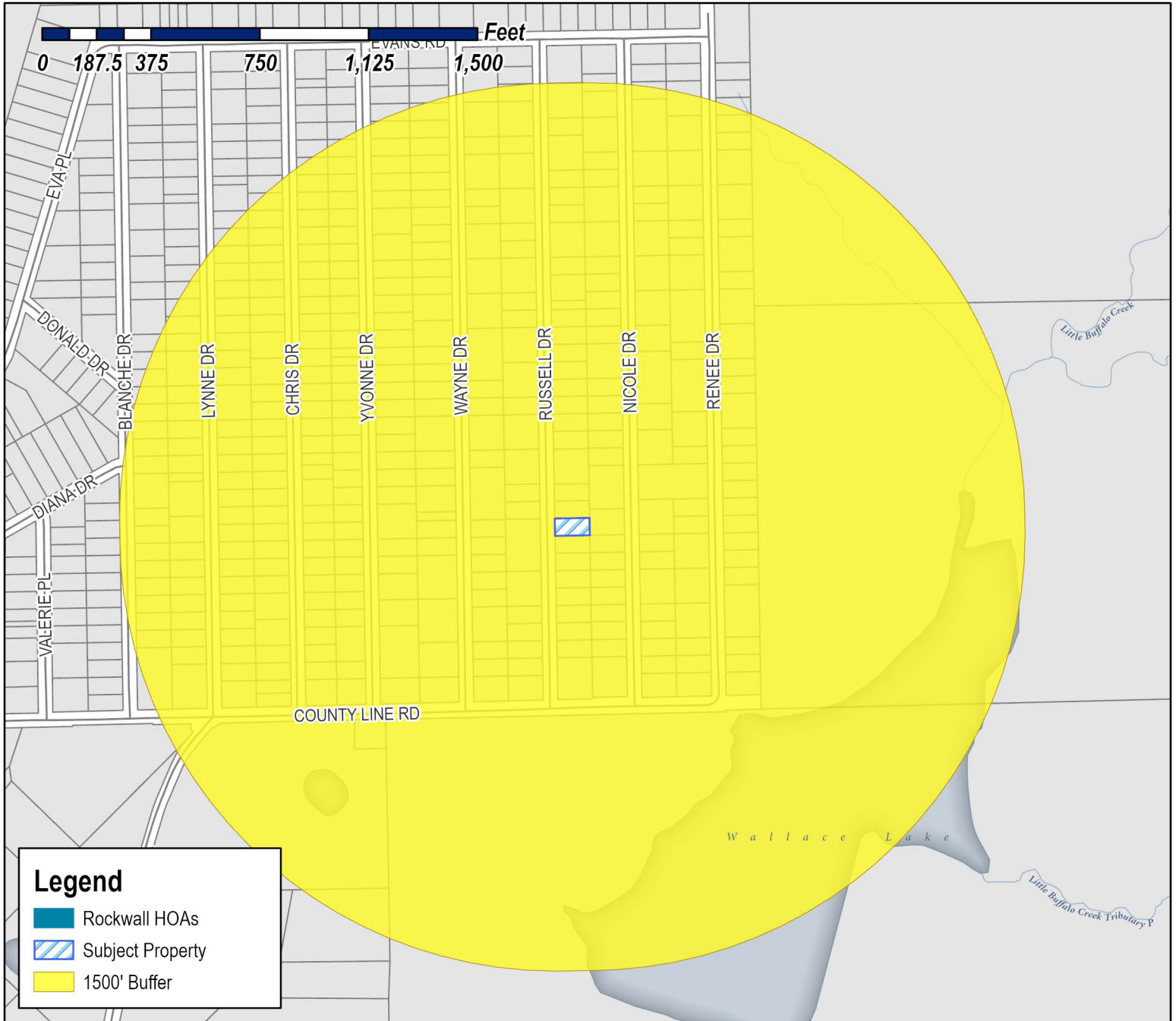




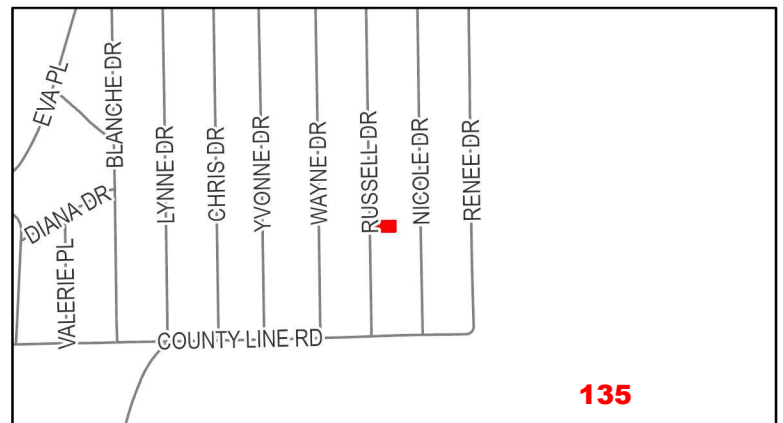
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**Case Number:** Z2023-015  
**Case Name:** SUP for Residential Infill  
**Case Type:** Zoning  
**Zoning:** Planned Development District 75 (PD-75)  
**Case Address:** 223 Russell Drive



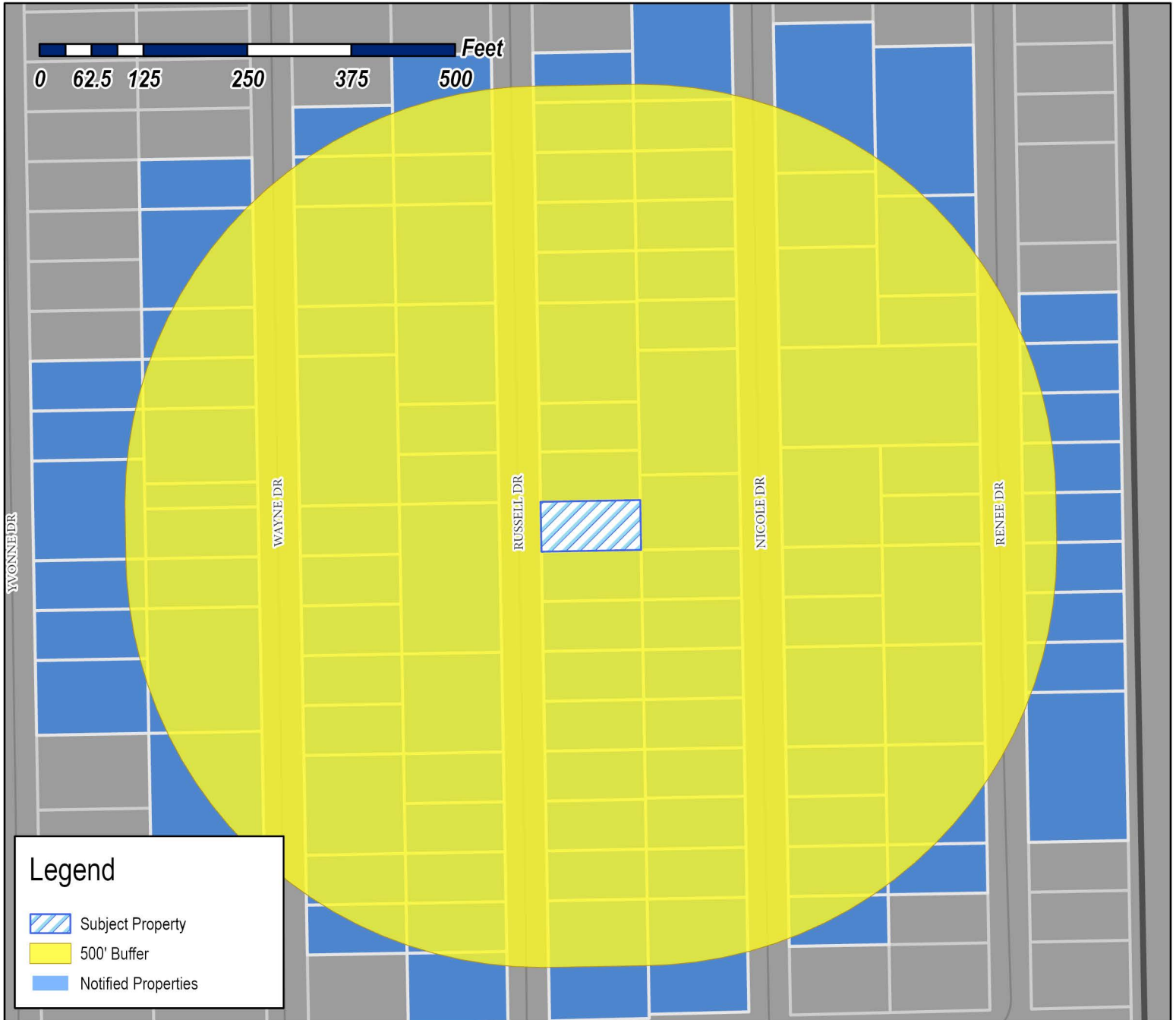
**Date Saved:** 3/14/2023  
 For Questions on this Case Call (972) 771-7745





# City of Rockwall

Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087  
(P): (972) 771-7745  
(W): www.rockwall.com

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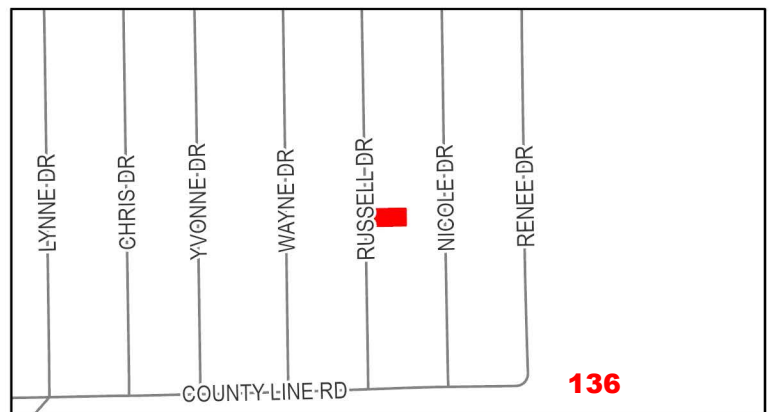
**Legend**

-  Subject Property
-  500' Buffer
-  Notified Properties

**Case Number:** Z2023-015  
**Case Name:** SUP for Residential Infill  
**Case Type:** Zoning  
**Zoning:** Planned Development District 75 (PD-75)  
**Case Address:** 223 Russell Drive

**Date Saved:** 3/14/2023

For Questions on this Case Call: (972) 771-7746



SHEPHERD PLACE HOMES INC  
10527 CHURCH RD # 201  
DALLAS, TX 75238

ROCKWALL HABITAT FOR HUMANITY  
1101 RIDGE RD  
ROCKWALL, TX 75087

DIAZ CARLOS O &  
YOVANA M CHAVEZ  
115 RUSSELL DR  
ROCKWALL, TX 75032

RESIDENT  
116 NICOLE  
ROCKWALL, TX 75032

RESIDENT  
116 RUSSELL DR  
ROCKWALL, TX 75032

OLIVARES JAIME  
1209 QUAIL DR  
GARLAND, TX 75040

RAMIREZ ZACARIAS  
1244 COUNTY RD 2278  
QUINLAN, TX 75474

SIERRA ZACARIAS RAMIREZ  
1244 COUNTY RD 2278  
QUINLAN, TX 75474

RESIDENT  
125 WAYNE DR  
ROCKWALL, TX 75032

VASQUEZ FRANZISCO  
125 NICOLE DR  
ROCKWALL, TX 75032

RESIDENT  
128 RUSSELL DR  
ROCKWALL, TX 75032

RESIDENT  
132 WAYNE DR  
ROCKWALL, TX 75032

RESIDENT  
133 RUSSELL DR  
ROCKWALL, TX 75032

RESIDENT  
137 NICOLE DR  
ROCKWALL, TX 75032

IBARRA MATEO CASTRO  
140 NICOLE DR  
ROCKWALL, TX 75032

RESIDENT  
142 RUSSELL DR  
ROCKWALL, TX 75032

CONTRERAS JOSE A  
142 RENEE DR  
ROCKWALL, TX 75032

RESIDENT  
143 RUSSELL DR  
ROCKWALL, TX 75032

RESIDENT  
143 WAYNE DR  
ROCKWALL, TX 75032

RESIDENT  
149 NICOLE DR  
ROCKWALL, TX 75032

RESIDENT  
152 NICOLE DR  
ROCKWALL, TX 75032

MARQUEZ FELIX C  
154 RUSSELL DR  
ROCKWALL, TX 75032

RESIDENT  
155 RUSSELL DR  
ROCKWALL, TX 75032

RESIDENT  
157 WAYNE DR  
ROCKWALL, TX 75032

RODRIGUEZ YUNIOR ARROYO  
158 WAYNE DR  
ROCKWALL, TX 75032

RESIDENT  
159 NICOLE DR  
ROCKWALL, TX 75032

VASQUEZ JESUS AND ROSA  
162 RENEE DR  
ROCKWALL, TX 75032

RESIDENT  
164 NICOLE DR  
ROCKWALL, TX 75032

RESIDENT  
167 RUSSELL DR  
ROCKWALL, TX 75032

VASQUEZ JESUS  
167 RENEE DR  
ROCKWALL, TX 75032



RESIDENT  
168 RUSSELL DR  
ROCKWALL, TX 75032

RESIDENT  
169 WAYNE DR  
ROCKWALL, TX 75032

RESIDENT  
176 NICOLE DR  
ROCKWALL, TX 75032

MEJIA JULIO & MARIA  
176 RENEE DR  
ROCKWALL, TX 75032

RESIDENT  
181 RUSSELL DR  
ROCKWALL, TX 75032

MEDRANO CESAR AND ANDREA MARTINEZ  
181 RENEE DR  
ROCKWALL, TX 75032

RESIDENT  
182 RUSSELL DR  
ROCKWALL, TX 75032

HERNANDEZ FELICITAS  
183 NICOLE DR  
ROCKWALL, TX 75032

YANEZ FERNANDO AND  
JUAN A YANEZ  
183 YVONNE  
ROCKWALL, TX 75032

UC JOSE LUIS GPE XOOL  
GELLY DELROSARIO  
186 NICOLE DR  
ROCKWALL, TX 75032

UC JOSE LUIS & GELLY DEL R  
186 NICOLE DR  
ROCKWALL, TX 75032

UC JOSE LUIS GPE XOOL  
GELLY DELROSARIO  
186 NICOLE DR  
ROCKWALL, TX 75032

UC JOSE LUIS & GELLY DEL R  
186 NICOLE DR  
ROCKWALL, TX 75032

JON & JOY CO., LLCN  
187 TEJAS TRAIL  
ROYSE CITY, TX 75189

RESIDENT  
191 RENEE DR  
ROCKWALL, TX 75032

AVILA LUZ MARIA  
1924 DEVONSHIRE  
GARLAND, TX 75041

FAST INVESTMENTS LLC  
193 RUSSELL DR  
ROCKWALL, TX 75032

MONTOYA YVONNE  
193 RUSSELL DRIVE  
ROCKWALL, TX 75032

CARMONA JOSE  
194 RENEE DRIVE  
ROCKWALL, TX 75032

RESIDENT  
195 NICOLE DR  
ROCKWALL, TX 75032

RESIDENT  
195 WAYNE DR  
ROCKWALL, TX 75032

RESIDENT  
196 NICOLE DR  
ROCKWALL, TX 75032

RESIDENT  
198 RUSSELL DR  
ROCKWALL, TX 75032

RAMIREZ RUBIN & MARTHA  
200 CHAMBERLAIN DR  
FATE, TX 75189

RUIZ SONIA  
2009 WORCESTER LN  
GARLAND, TX 75040

RUIZ SONIA  
2009 WORCESTER LN  
GARLAND, TX 75040

LEDEZMA J SOCORRO AGUILAR  
201 RENEE DRIVE  
ROCKWALL, TX 75032

LEDEZMA J SOCORRO AGUILAR  
201 RENEE DRIVE  
ROCKWALL, TX 75032

YANEZ JUAN  
201 YVONNE DR  
ROCKWALL, TX 75032

RESIDENT  
204 WAYNE DR  
ROCKWALL, TX 75032

RESIDENT  
207 NICOLE DR  
ROCKWALL, TX 75032

RESIDENT  
208 NICOLE DR  
ROCKWALL, TX 75032

PROCK CHARLES A AND EVELYN  
209 RUSSELL DR  
ROCKWALL, TX 75032

RESIDENT  
211 RENEE DR  
ROCKWALL, TX 75032

RESIDENT  
211 WAYNE DR  
ROCKWALL, TX 75032

RESIDENT  
215 YVONNE DR  
ROCKWALL, TX 75032

RESIDENT  
216 WAYNE DR  
ROCKWALL, TX 75032

PATINO SYLVIA AND  
ZEFERINO BUSTAMANTE  
2168 DOVE DR  
QUINLAN, TX 75474

RENO PATRICIA JEAN  
218 RUSSELL DRIVE  
ROCKWALL, TX 75032

RESIDENT  
221 RENEE DR  
ROCKWALL, TX 75032

CARMONA JOEL  
221 NICOLE DR  
ROCKWALL, TX 75032

RESIDENT  
222 NICOLE DR  
ROCKWALL, TX 75032

RESIDENT  
223 RUSSELL DR  
ROCKWALL, TX 75032

GURRUSQUIETA CELIA  
225 LYNNE DR  
ROCKWALL, TX 75032

RESIDENT  
226 WAYNE DR  
ROCKWALL, TX 75032

RESIDENT  
227 WAYNE DR  
ROCKWALL, TX 75032

KENDALL LEAH T  
227 YVONNE DR  
ROCKWALL, TX 75032

VAZQUEZ JORGE A AND SYLVIA  
230 RENEE DR  
ROCKWALL, TX 75032

VAZQUEZ JORGE A AND SYLVIA  
230 RENEE DR  
ROCKWALL, TX 75032

RESIDENT  
233 RENEE DR  
ROCKWALL, TX 75032

RESIDENT  
235 RUSSELL DR  
ROCKWALL, TX 75032

RESIDENT  
236 WAYNE DR  
ROCKWALL, TX 75032

RESIDENT  
238 RUSSELL DR  
ROCKWALL, TX 75032

MORENO IGNACIO & CRISPIN  
241 TROUT ST  
ROCKWALL, TX 75032

RESIDENT  
245 RENEE DR  
ROCKWALL, TX 75032

RESIDENT  
247 RUSSELL DR  
ROCKWALL, TX 75032

RESIDENT  
248 RUSSELL DR  
ROCKWALL, TX 75032

SANCHEZ PABLO  
248 NICOLE DR  
ROCKWALL, TX 75032

SMITH ROY  
248 WAYNE DR  
ROCKWALL, TX 75032

LINDOP N A JR  
248 WAYNE DR  
ROCKWALL, TX 75032

GARCIA ERIK URBINA AND ISABEL GONZALEZ  
249 YVONNE  
ROCKWALL, TX 75032

RESIDENT  
250 NICOLE DR  
ROCKWALL, TX 75032

RESIDENT  
250 RENEE DR  
ROCKWALL, TX 75032

NGO HA THAI  
2505 WESTBANK TRAIL  
GARLAND, TX 75042

NGO LINH T  
2505 WESTBANK TRAIL  
GARLAND, TX 75042

CERVANTES LUIS & ELSA  
251 WAYNE DR  
ROCKWALL, TX 75032

RESIDENT  
259 YVONNE DR  
ROCKWALL, TX 75032

RESIDENT  
262 RUSSELL DR  
ROCKWALL, TX 75032

CRUZ DEBRA J  
262 RENEE DR  
ROCKWALL, TX 75032

RESIDENT  
264 WAYNE DR  
ROCKWALL, TX 75032

AYALA FRANCISCO & MARIA L  
265 RENEE DR  
ROCKWALL, TX 75032

RESIDENT  
269 RUSSELL DR  
ROCKWALL, TX 75032

RESIDENT  
274 NICOLE DR  
ROCKWALL, TX 75032

LINDOP JOYCE ANN  
274 WAYNE DR  
ROCKWALL, TX 75032

ESPARZA MARCO & ANGELICA  
275 WAYNE DR  
ROCKWALL, TX 75032

RESIDENT  
283 NICOLE DR  
ROCKWALL, TX 75032

RESIDENT  
285 RUSSELL DR  
ROCKWALL, TX 75032

FLORES LISANDRA CONTRERAS  
288 NICOLE DRIVE  
ROCKWALL, TX 75032

RIVERA DORIS MABEL  
288 RENEE DR  
ROCKWALL, TX 75032

SOSA LORENA  
293 NICOLE DR  
ROCKWALL, TX 75032

GALLEGOS JOSE GUADALUPE  
296 RUSSELL DR  
ROCKWALL, TX 75032

GARCIA RICARDO  
298 WAYNE DR  
ROCKWALL, TX 75032

GUERRERO JUAN  
299 RUSSELL DR  
ROCKWALL, TX 75032

GUERRERO JUAN  
299 RUSSELL DR  
ROCKWALL, TX 75032

RESIDENT  
302 NICOLE DR  
ROCKWALL, TX 75032

MACIEL JENNIFER E  
303 WAYNE DR  
ROCKWALL, TX 75032

ARCINIEGA D ODIN A  
310 RUSSELL DR  
ROCKWALL, TX 75032

RESIDENT  
311 RUSSELL DR  
ROCKWALL, TX 75032

RESIDENT  
312 NICOLE DR  
ROCKWALL, TX 75032

ESPARZA MARCO  
312 RENEE  
ROCKWALL, TX 75032

RESIDENT  
313 WAYNE DR  
ROCKWALL, TX 75032

RESIDENT  
314 WAYNE DR  
ROCKWALL, TX 75032

RESIDENT  
321 RUSSELL DR  
ROCKWALL, TX 75032

RESIDENT  
321 WAYNE DR  
ROCKWALL, TX 75032

BENITES ROSA  
322 NICOLE DR  
ROCKWALL, TX 75032

RODARTE PASCUAL AND SARA I  
322 RUSSELL DR  
ROCKWALL, TX 75032

BRAGA GUILHERME CREDIDIO & YASMINI  
RAMOS IZIDORO  
327 NICOLE DRIVE  
ROCKWALL, TX 75032

RESIDENT  
335 RUSSELL DR  
ROCKWALL, TX 75032

ESPARZA ABEL AND MONICA CARMONA  
336 NICOLE DR  
ROCKWALL, TX 75032

MOLINA JAIME  
340 YVONNE DR  
ROCKWALL, TX 75032

DIAZ FRANCISCO & MANUELA  
352 WAYNE DR  
ROCKWALL, TX 75032

CARRENZA ALEJANDRO AND MARIA  
GUADALUPE  
382 PERCH RD  
ROCKWALL, TX 75032

SANCHEZ ARNULFO  
398 NICOLE DR  
ROCKWALL, TX 75032

SANCHEZ ARNULFO  
398 NICOLE DR  
ROCKWALL, TX 75032

SALAS MIGUEL ANGEL LEDEZMA AND  
YAJAIRA GUADALUPE GARCIA FERNANDEZ  
416 BASS RD  
ROCKWALL, TX 75032

CLEM MILFORD  
433 THISTLE DR  
GARLAND, TX 75043

GEMINI VL LLC &  
ROCKWALL LAKE PROP LLC  
5713 SECREST CT  
GOLDEN, CO 80403

GALICIA VANESSA  
5801 LAKE HUBBARD PKWY APT 103  
GARLAND, TX 75043

ACUNA NINFA  
703 T L TOWNSEND DR  
ROCKWALL, TX 75087

ESTRADA NOHEMA  
705 LAKESIDE DR  
ROCKWALL, TX 75032

ROCKWALL HOUSING DEV CORP  
A TEXAS NON-PROFIT CORP OF RW  
787 HAIL DR  
ROCKWALL, TX 75032

JUNFA USA, LLC  
910 MELISSA LN  
GARLAND, TX 75040

EMZ REAL ESTATE LLC  
9110 TAMPAS LANE  
DALLAS, TX 75227

M6 HOME LLC  
SEWDAT PERSAUD  
920 YOSEMITE TRAIL  
MESQUITE, TX 75149

HERNANDEZ FIDEL ESPINO  
9233 WHISKERS RD  
QUINLAN, TX 75474

BARRON GILDARDO  
P.O. BOX 2044  
ROCKWALL, TX 75087

GLEASON DIANE  
PO BOX 670041  
DALLAS, TX 75367



# PUBLIC NOTICE



CITY OF ROCKWALL  
PLANNING AND ZONING DEPARTMENT  
PHONE: (972) 771-7745  
EMAIL: PLANNING@ROCKWALL.COM

Property Owner and/or Resident of the City of Rockwall:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

**Z2023-015: SUP for Residential Infill at 223 Russell Drive**

Hold a public hearing to discuss and consider a request by Martha Balleza and Ana Quezada for the approval of a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision on a 0.1650-acre parcel of land identified as Lot 1290 of the Lake Rockwall Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District, addressed as 223 Russell Drive, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, April 11, 2023 at 6:00 PM, and the City Council will hold a public hearing on Monday, April 17, 2023 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

**Angelica Guevara**  
Rockwall Planning and Zoning Dept.  
385 S. Goliad Street  
Rockwall, TX 75087

You may also email your comments to the Planning Department at [planning@rockwall.com](mailto:planning@rockwall.com). If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by Monday, April 17, 2023 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

**Ryan Miller, AICP**  
Director of Planning & Zoning



MORE INFORMATION ON THIS CASE CAN BE FOUND AT: <https://sites.google.com/site/rockwallplanning/development/development-cases>

--- PLEASE RETURN THE BELOW FORM ---

**Case No. Z2023-015: SUP for Residential Infill at 223 Russell Drive**

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

[Redacted comment area]

Name: [Redacted]

Address: [Redacted]

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

# PUBLIC NOTICE



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PLANNING AND ZONING DEPARTMENT  
PHONE: (972) 771-7745  
EMAIL: PLANNING@ROCKWALL.COM

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**Ryan Miller, AICP**  
Director of Planning & Zoning



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PLEASE RETURN THE BELOW FORM

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Please place a check mark on the appropriate line below:

I am in favor of the request for the reasons listed below.

I am opposed to the request for the reasons listed below.

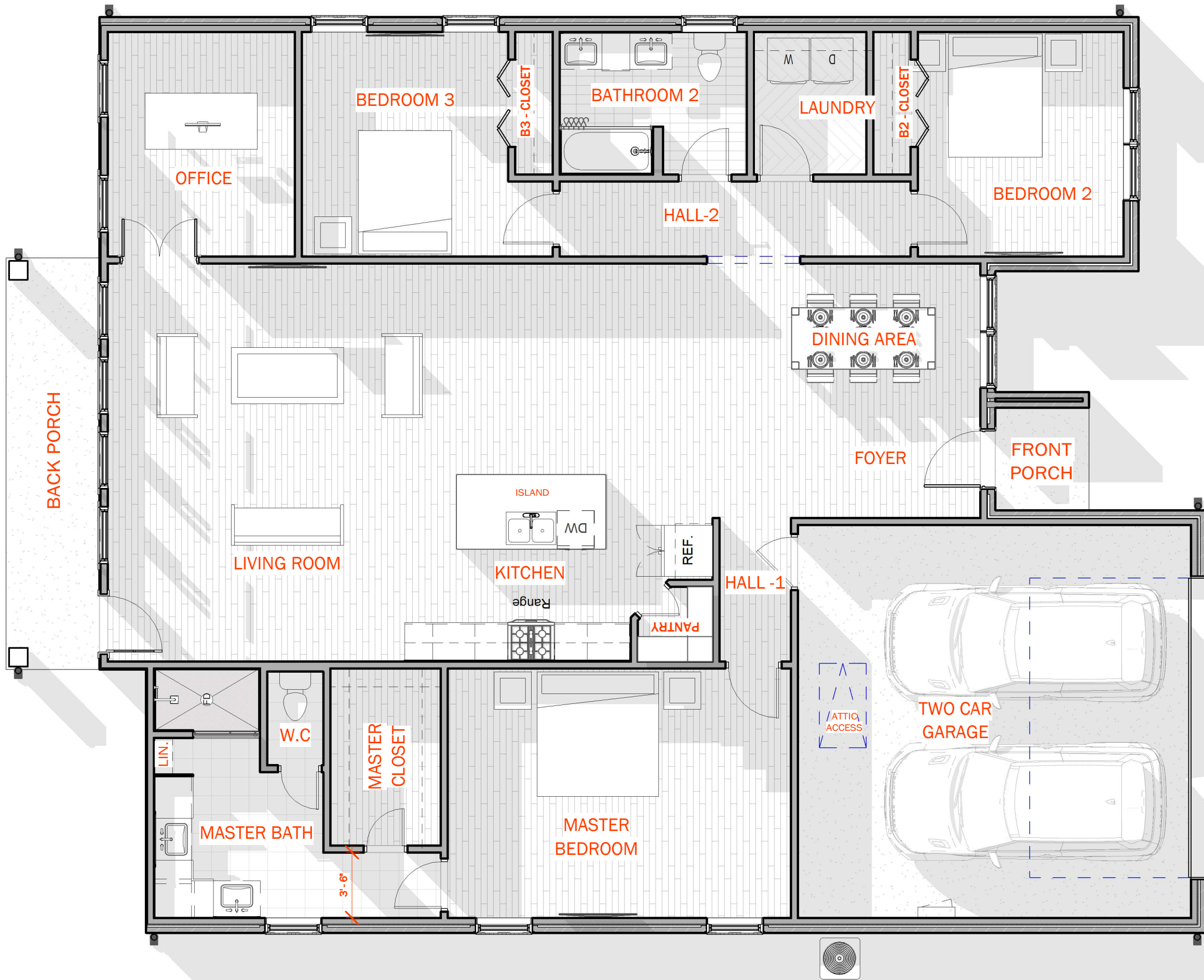
Name: **SHEPHERD PLACE HOMES, INC.**  
**DBA ROBBIE HALE HOMES**  
**972-475-1100**  
**10527 CHURCH RD #201**  
**DALLAS, TX 75238-2224**

Address: \_\_\_\_\_

*Robbie Hale, Pres 3/23/2023*

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

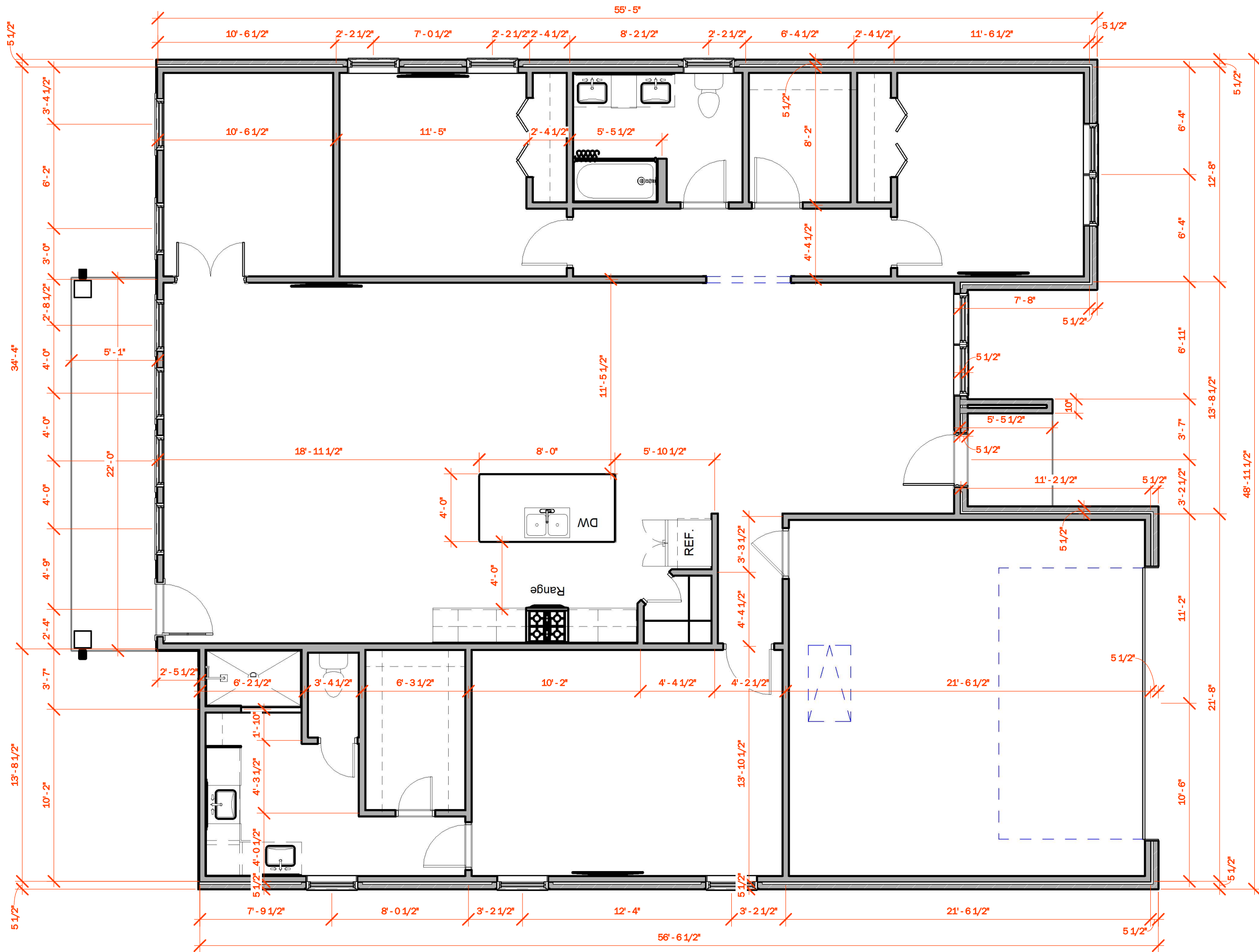
PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE



**1** Level 1  
SCALE: 3/16" = 1'-0"

**NOT FOR CONSTRUCTION**

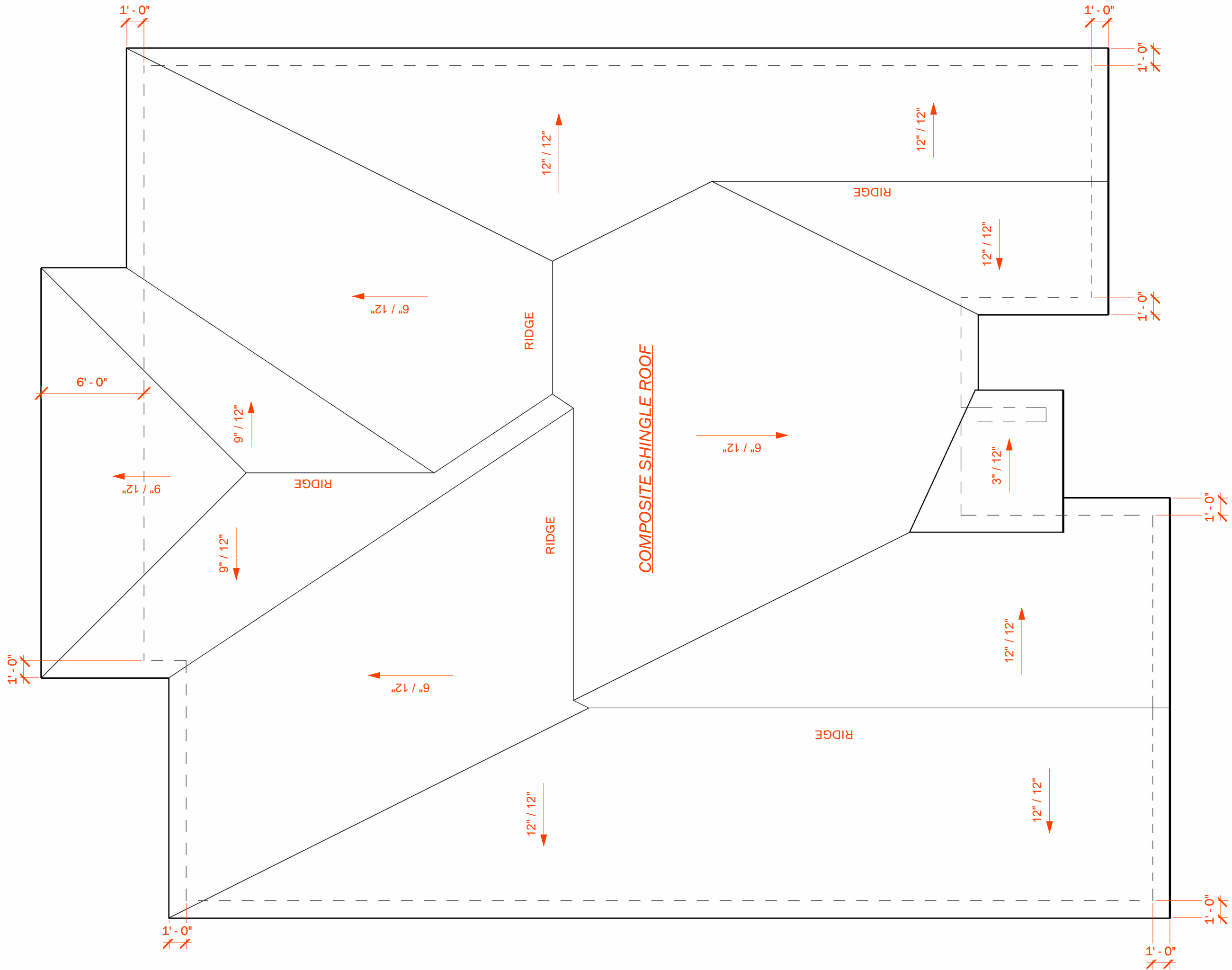




**1** Level 1 Dimensions  
 SCALE: 3/16" = 1'-0"

**NOT FOR CONSTRUCTION**





# 223 Russell Dr

223 Russell Dr.  
 Rockwall TX, 75032

Project No. CSC - 10348

03-31-2023

Revisions

Notes

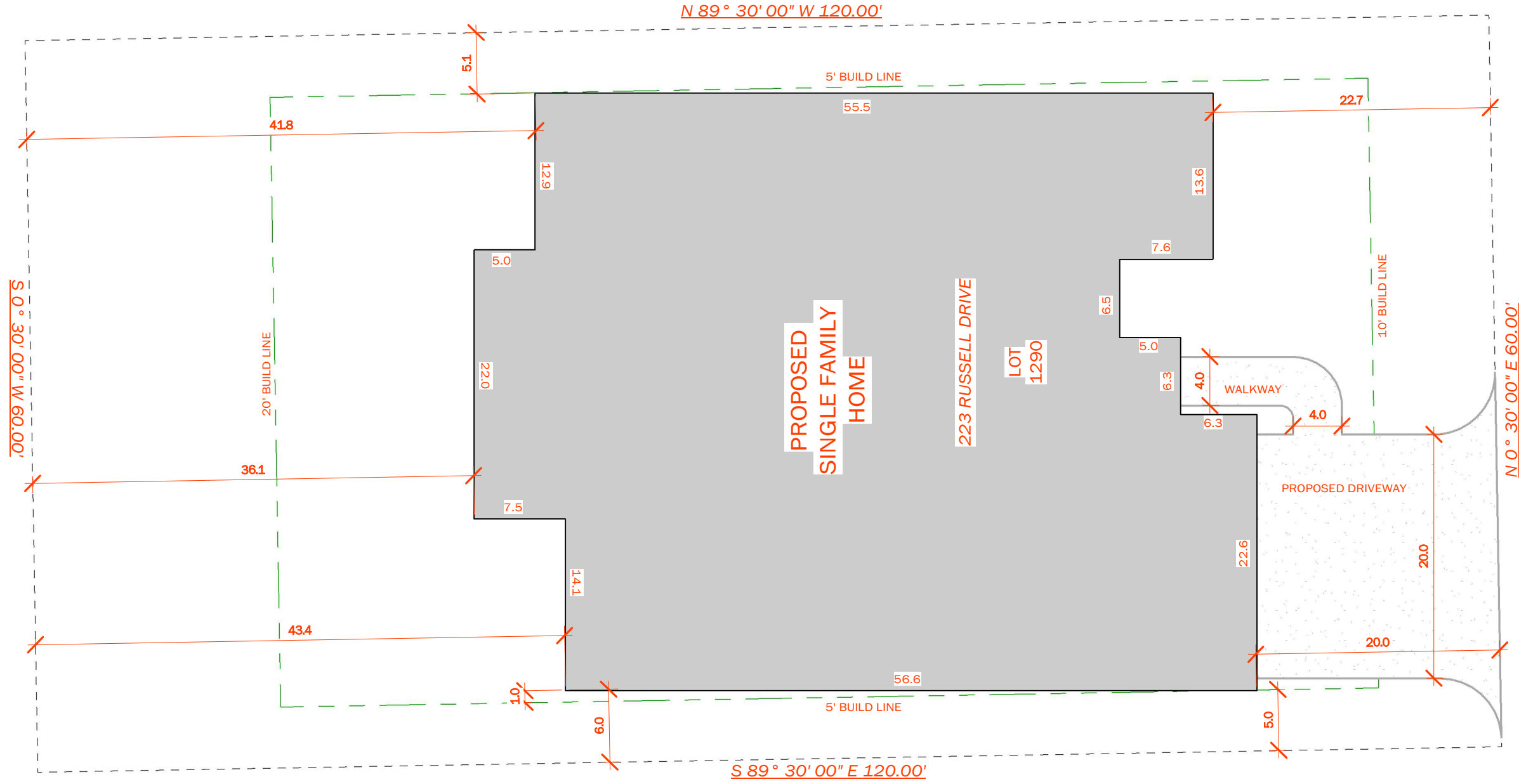
**NOT FOR CONSTRUCTION**

Scale 3/16" = 1'-0"

Roof Plan

**A102**  
 146

Drawn By KS



**1**  
**Site Plan**  
**SCALE: 1" = 10'-0"**

**NOT FOR CONSTRUCTION**

Roof  
+22' - 0 9/16"

10' - T.O.P.  
+10' - 0"

9' - T.O.P.  
+9' - 0"

Level 1  
+0' - 0"

Ground  
-1' - 0"

ELECTRIC METER  
(PEND.LOCATION)

A.C. CONDENSER

BRICK

BRICK

BRICK

10' T.O.P. REF. ROOM SCHED.

9' T.O.P. REF. ROOM SCHED.

1

### Front Elevation

SCALE: 3/16" = 1'-0"

Roof  
+22' - 0 9/16"

10' - T.O.P.  
+10' - 0"

9' - T.O.P.  
+9' - 0"

Level 1  
+0' - 0"

Ground  
-1' - 0"

10' T.O.P. REF. ROOM SCHED.

9' T.O.P. REF. ROOM SCHED.

ELECTRIC METER  
(PEND.LOCATION)

A.C. CONDENSER

BOARD & BATTEN  
SIDING

HARDI  
SIDING

BOARD & BATTEN  
SIDING

HARDI  
SIDING

BOARD & BATTEN  
SIDING

2

### Back Elevation

SCALE: 3/16" = 1'-0"

©2018



CHRISTIAN SERRANO  
DESIGN  
GROUP

# 223 Russell Dr

223 Russell Dr.  
Rockwall TX, 75032

Project No. CSC - 10348

03-31-2023

Revisions

NOT FOR CONSTRUCTION

Notes

CHRISTIAN SERRANO  
DESIGN GROUP

(469) 383 - 6084

WWW.CHRISTIANSERRANOCONSTRUCTION.COM



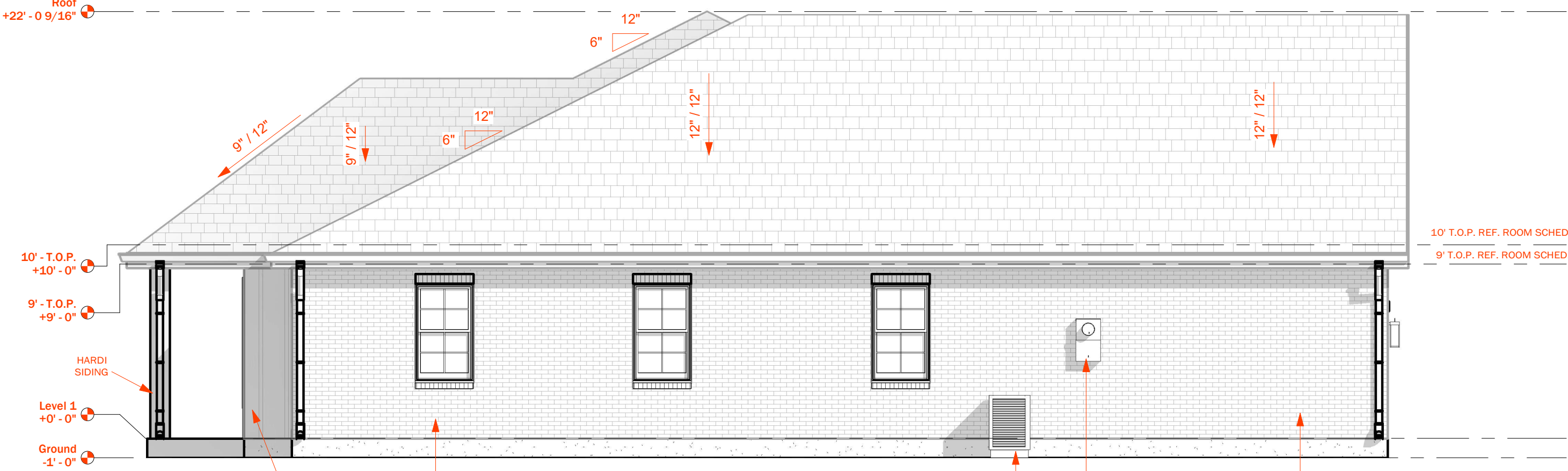
Scale 3/16" = 1'-0"

Front & Rear  
Elevations

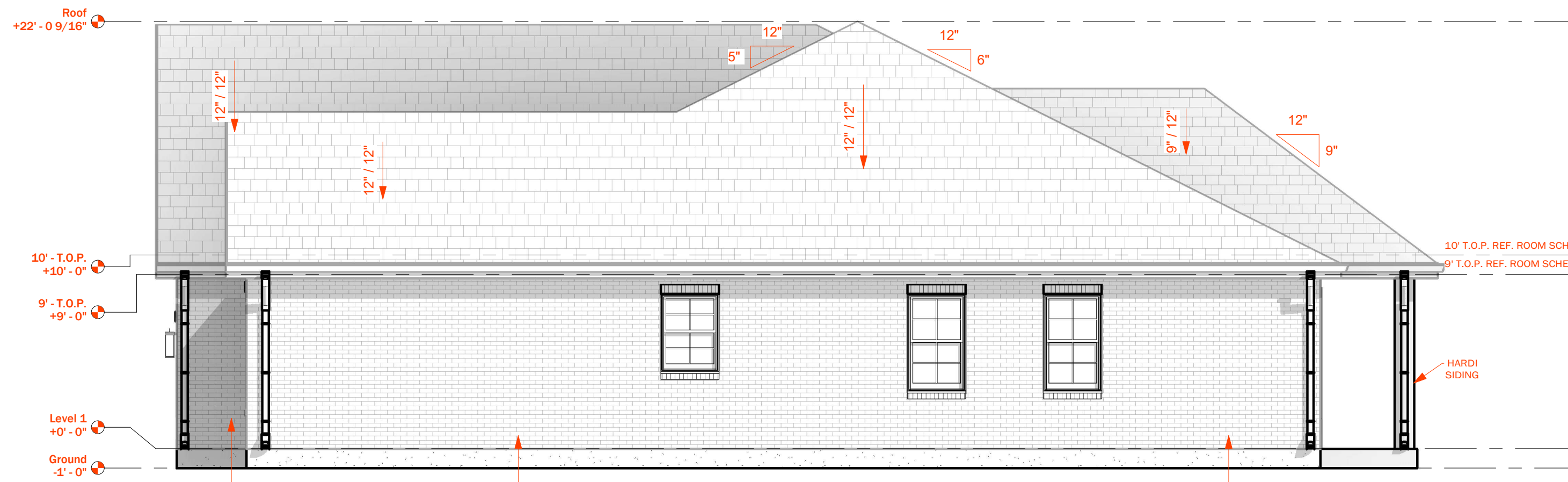
# A105.1

148

Drawn By KS



**1** Left Elevation  
SCALE: 3/16" = 1'-0"



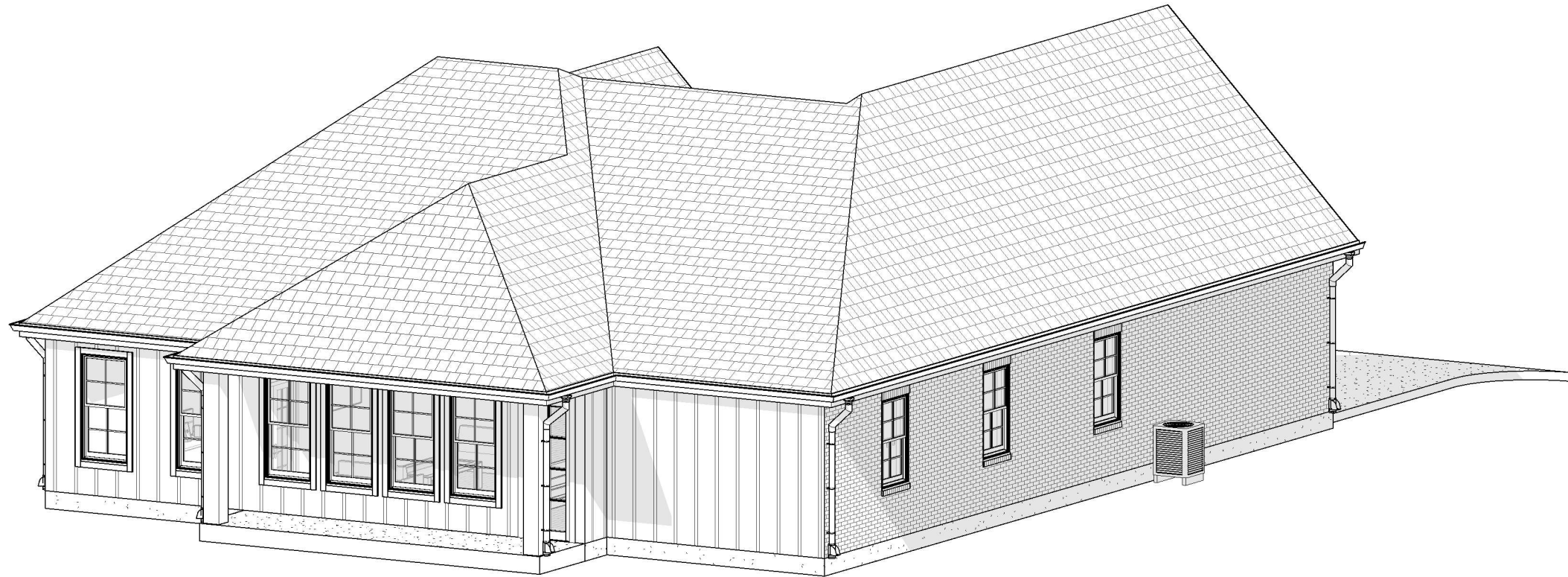
**2** Right Elevation  
SCALE: 3/16" = 1'-0"

NOT FOR CONSTRUCTION





**1** 3D View - 1  
SCALE:



**2** 3D View - 2  
SCALE:

**223 Russell Dr**

223 Russell Dr.  
Rockwall TX, 75032

Project No. CSC - 10348

12-07-2022

Revisions

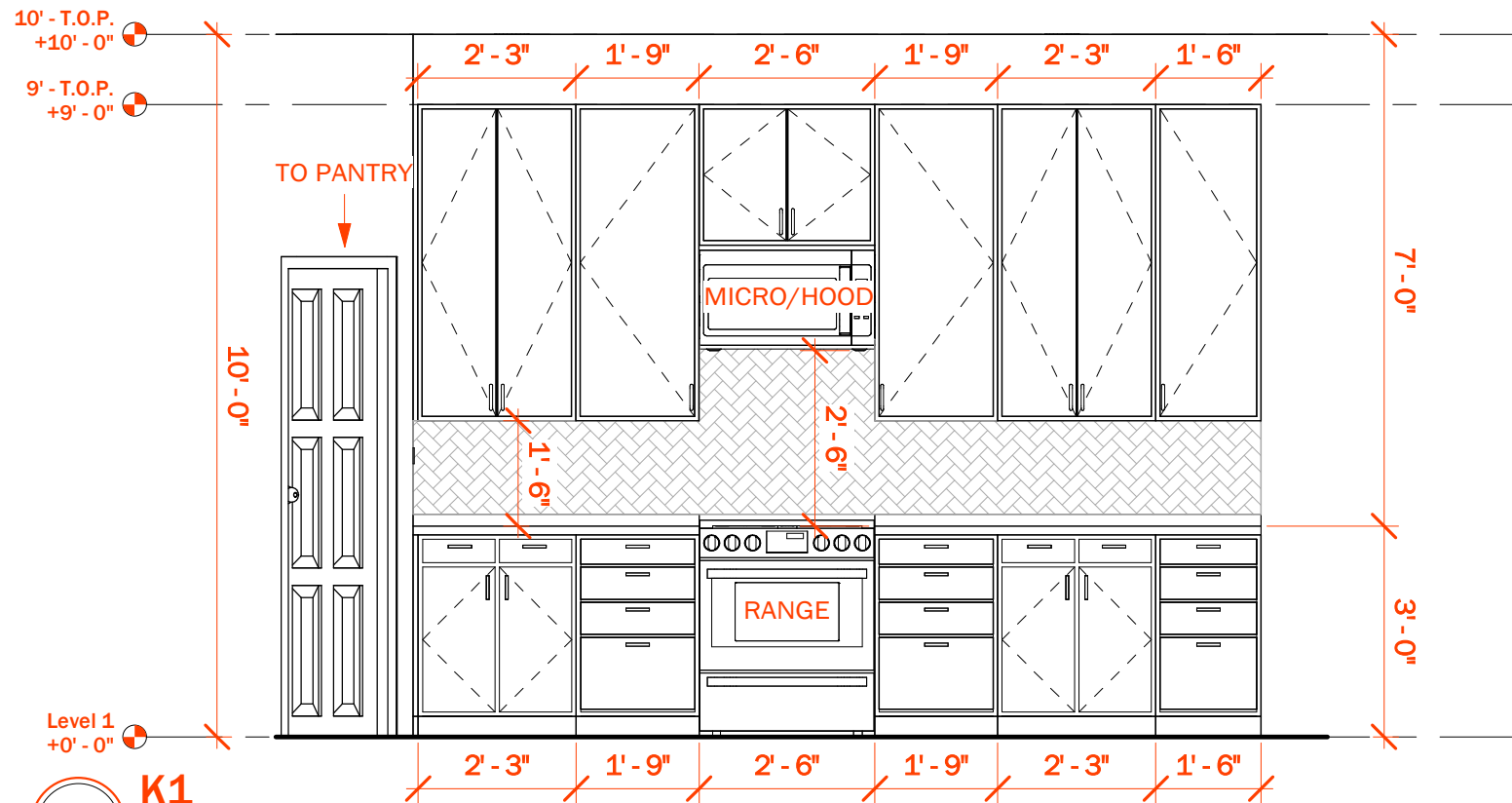
Notes

**NOT FOR CONSTRUCTION**

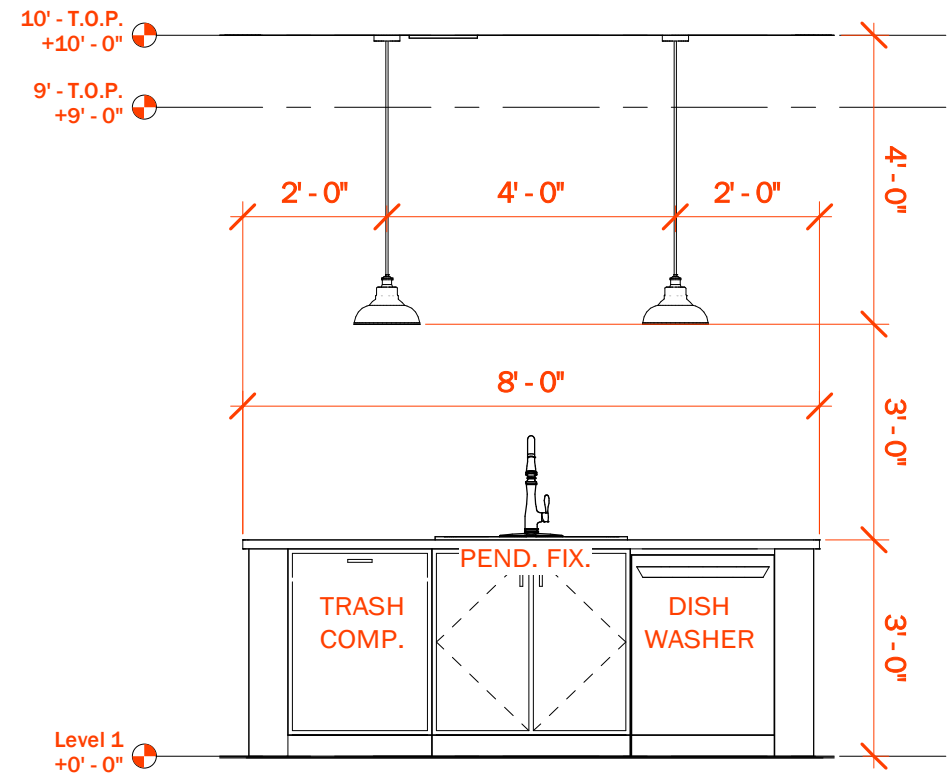
Scale

3D View

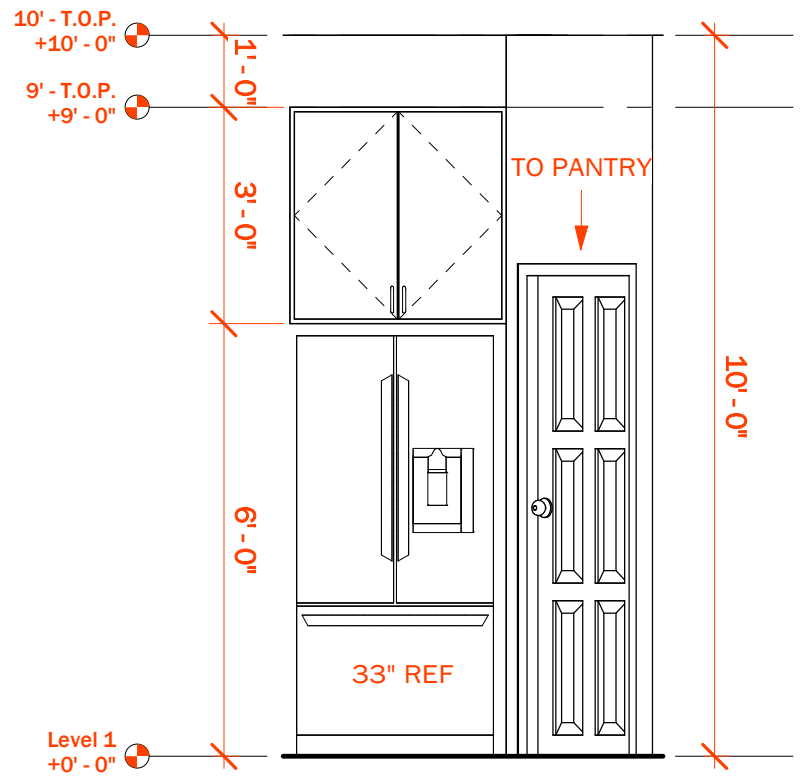
**A109**  
150



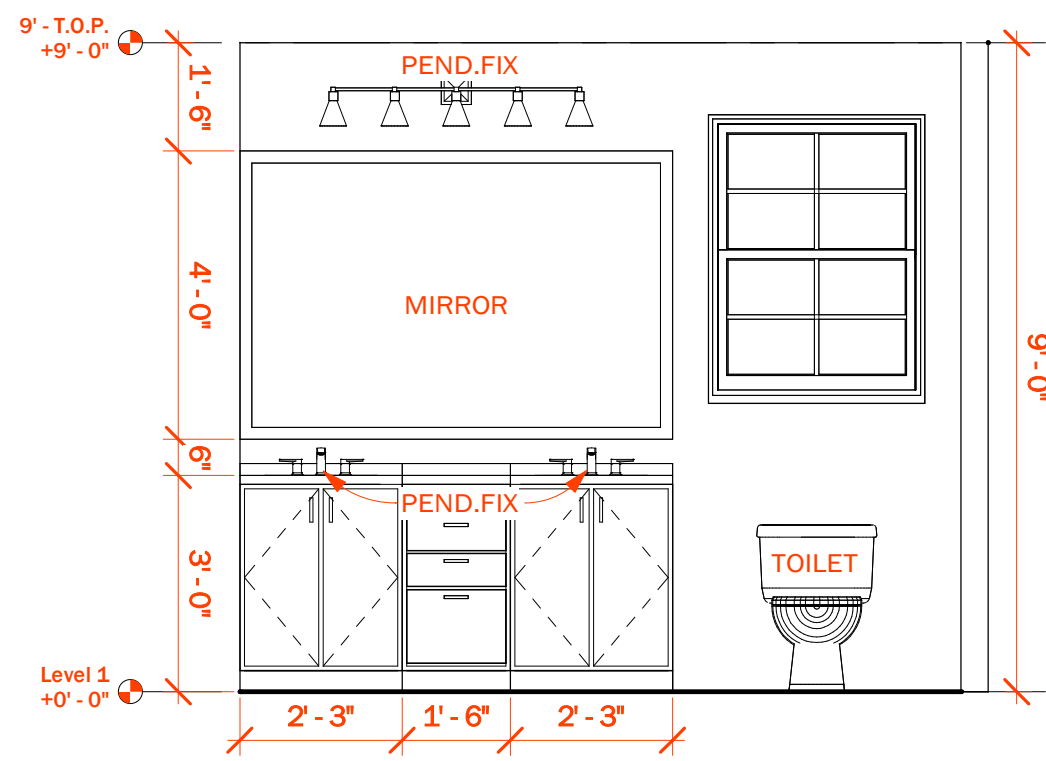
**1** K1  
SCALE: 3/8" = 1'-0"



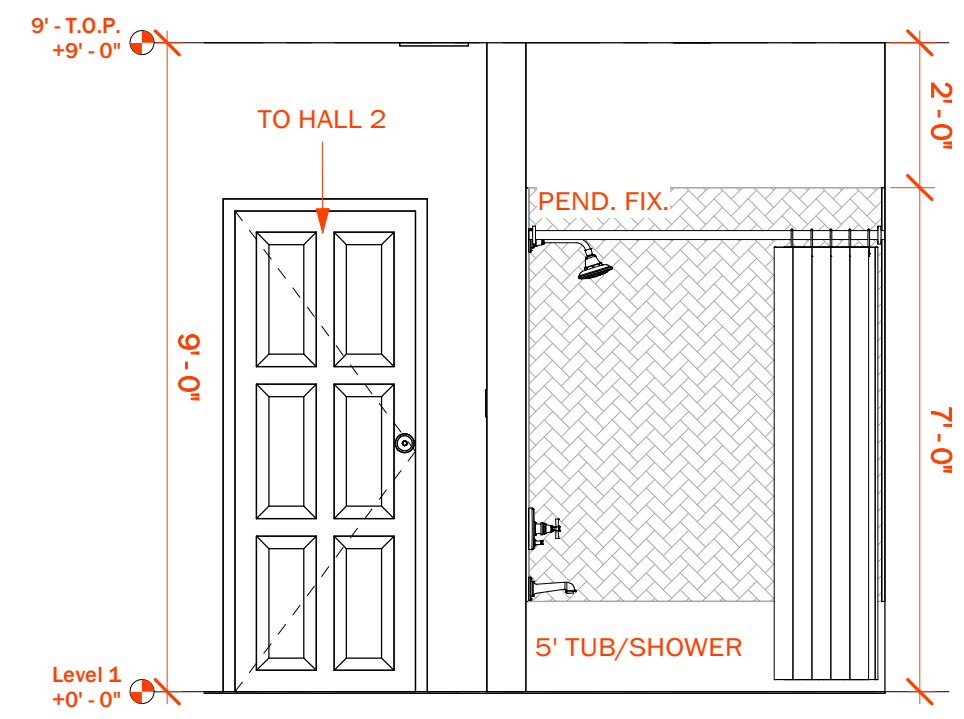
**2** K2  
SCALE: 3/8" = 1'-0"



**3** K3  
SCALE: 3/8" = 1'-0"



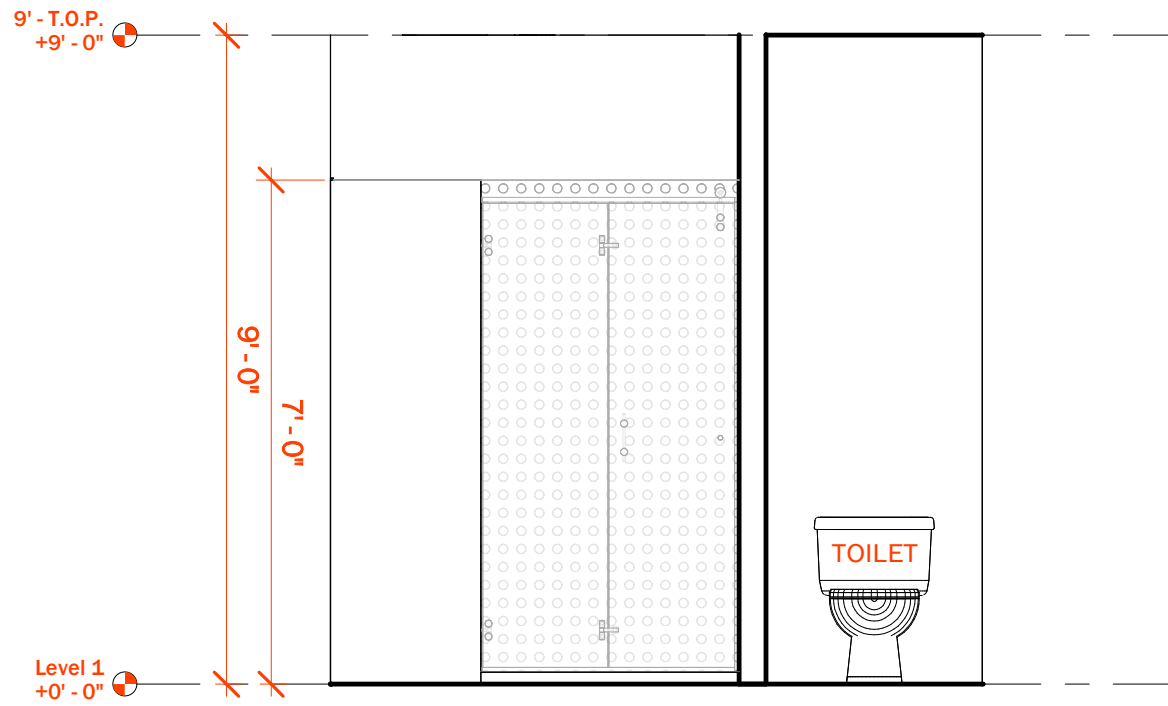
**4** B2-1  
SCALE: 3/8" = 1'-0"



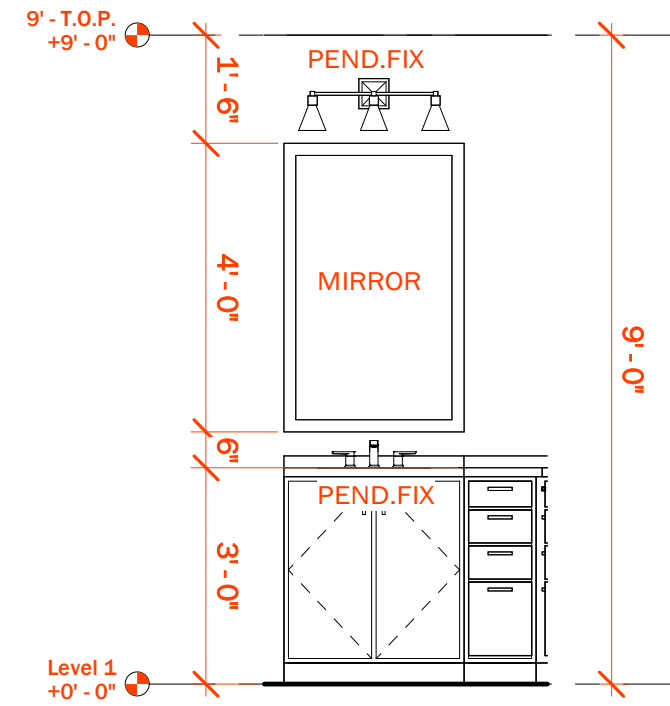
**5** B2-2  
SCALE: 3/8" = 1'-0"

NOT FOR CONSTRUCTION

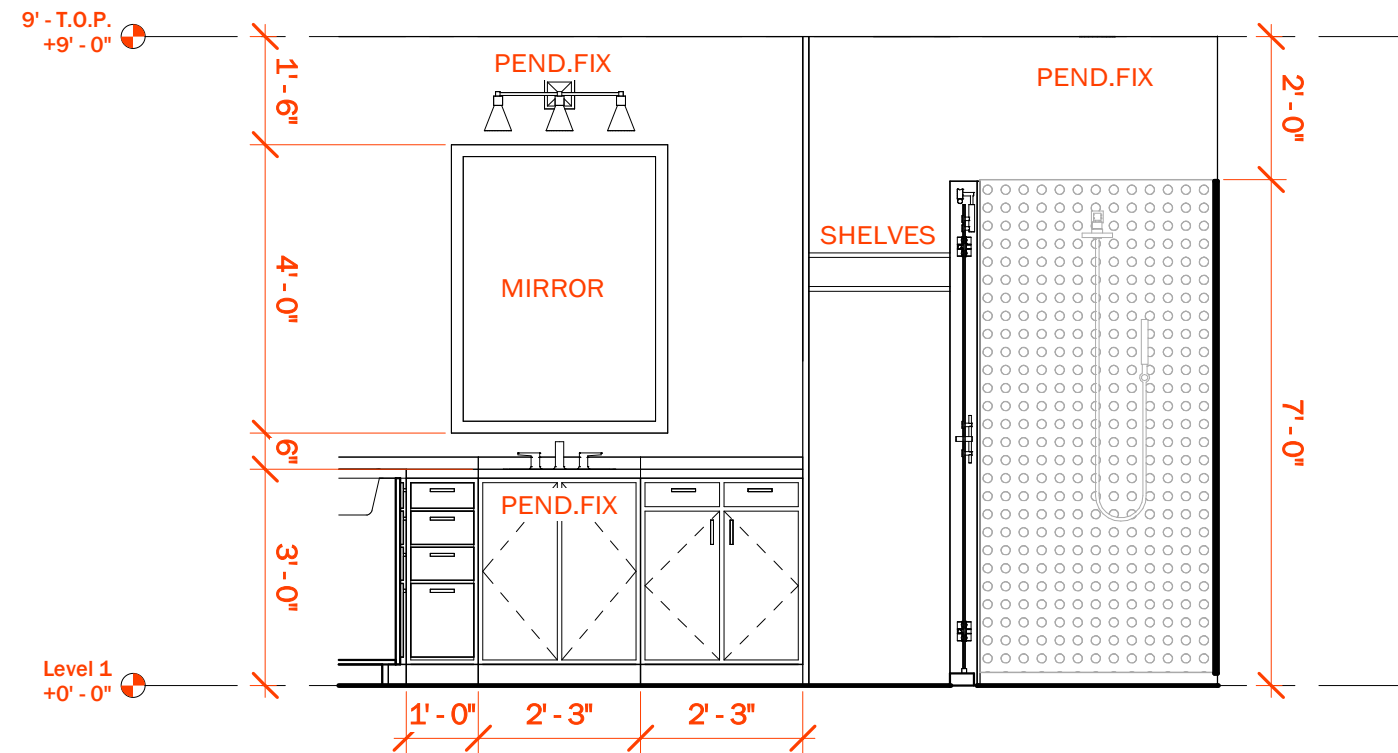




**1** MB 3  
SCALE: 3/8" = 1'-0"



**2** MB 1  
SCALE: 3/8" = 1'-0"



**3** MB 2  
SCALE: 3/8" = 1'-0"



223 Russell Dr

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Rockwall TX, 75032

Project No. CSC - 10348

12-07-2022

Revisions

Notes

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Scale

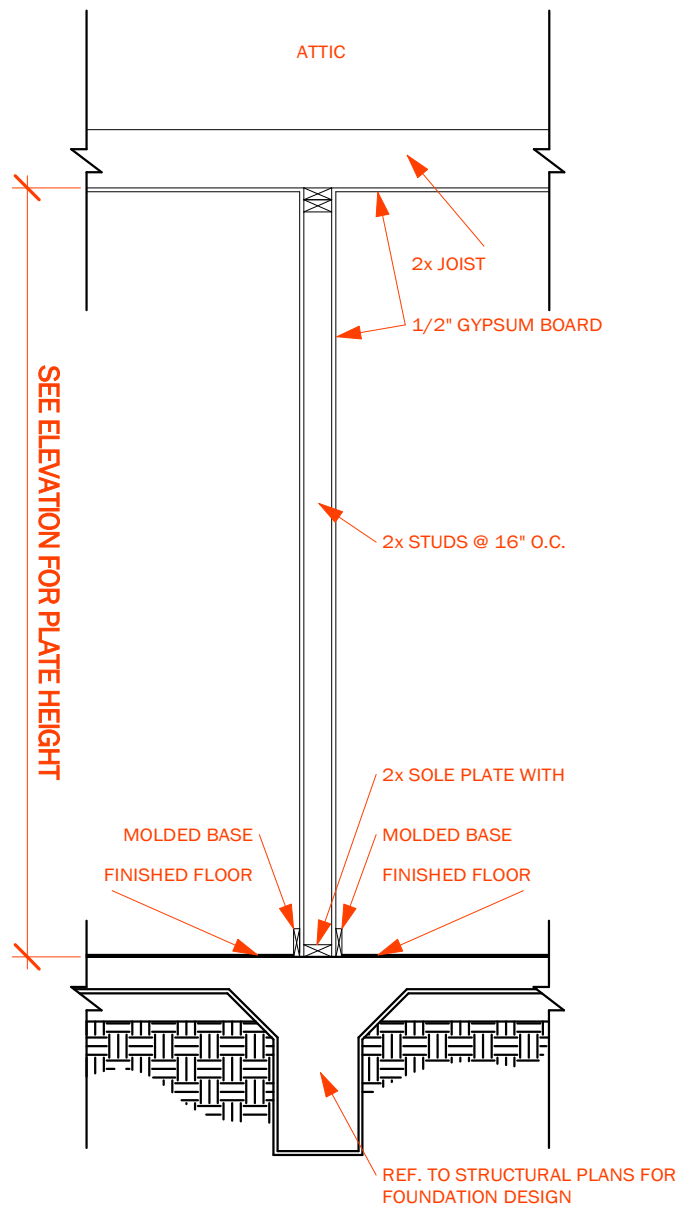
Door/Window Schedule  
**A107.1**  
 153

Drawn By KS

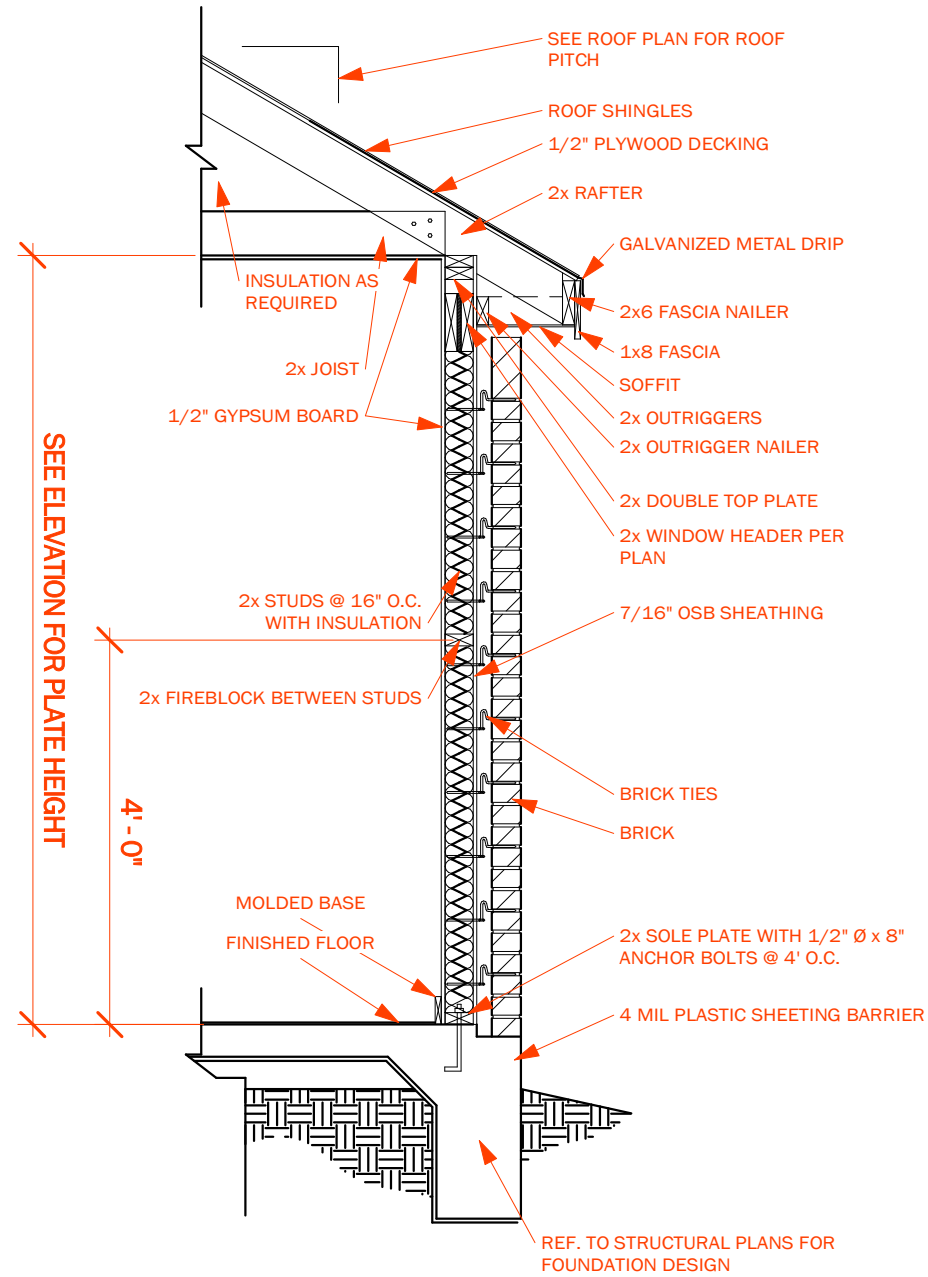
Door Schedule				
Type Mark	Count	Width	Height	Description
D1-1	1	3' - 0"	8' - 0"	EXTERIOR DOOR - SINGLE SWING - OWNER SELECT
D1-2	1	3' - 0"	8' - 0"	EXTERIOR DOOR - SINGLE SWING - OWNER SELECT
D1-3	1	16' - 0"	7' - 0"	GARAGE DOOR - OWNER SELECT
ID1-A	3	2' - 0"	6' - 8"	INTERIOR DOOR - SINGLE SWING - OWNER SELECT
ID1-B	2	2' - 6"	6' - 8"	INTERIOR DOOR - SINGLE SWING - OWNER SELECT
ID1-C	5	2' - 8"	6' - 8"	INTERIOR DOOR - SINGLE SWING - OWNER SELECT
ID4-A	1	4' - 0"	6' - 8"	INTERIOR DOUBLE DOOR - SINGLE SWING - OWNER SELECT
ID5-B	2	4' - 8"	6' - 8"	INTERIOR BIFOLDING DOOR - OWNER SELECT
O1-E	1	5' - 0"	8' - 0"	DOOR OPENING
O1-F	1	2' - 1 1/2"	4' - 6 1/2"	ATTIC ACCESS DOOR - OWNER SELECT

Window Schedule								
Type Mark	Count	Width	Height	Description	Head Height	Exterior Finish Color	Interior Finish Color	Grids
W1-1	2	6' - 0"	6' - 0"	DOUBLE - SINGLE HUNG WINDOW - OWNER SELECT	8' - 0"	T.B.D. BY OWNER	T.B.D. BY OWNER	Yes
W1-2	6	3' - 0"	6' - 0"	SINGLE HUNG WINDOW - OWNER SELECT	8' - 0"	T.B.D. BY OWNER	T.B.D. BY OWNER	Yes
W1-3	5	3' - 0"	5' - 0"	SINGLE HUNG WINDOW - OWNER SELECT	8' - 0"	T.B.D. BY OWNER	T.B.D. BY OWNER	Yes
W1-4	1	3' - 0"	4' - 0"	SINGLE HUNG WINDOW - OWNER SELECT	8' - 0"	T.B.D. BY OWNER	T.B.D. BY OWNER	Yes
W5-F	2	0' - 8"	2' - 8"	LOUVER - OWNER SELECT	<varies>	T.B.D. BY OWNER	T.B.D. BY OWNER	Yes

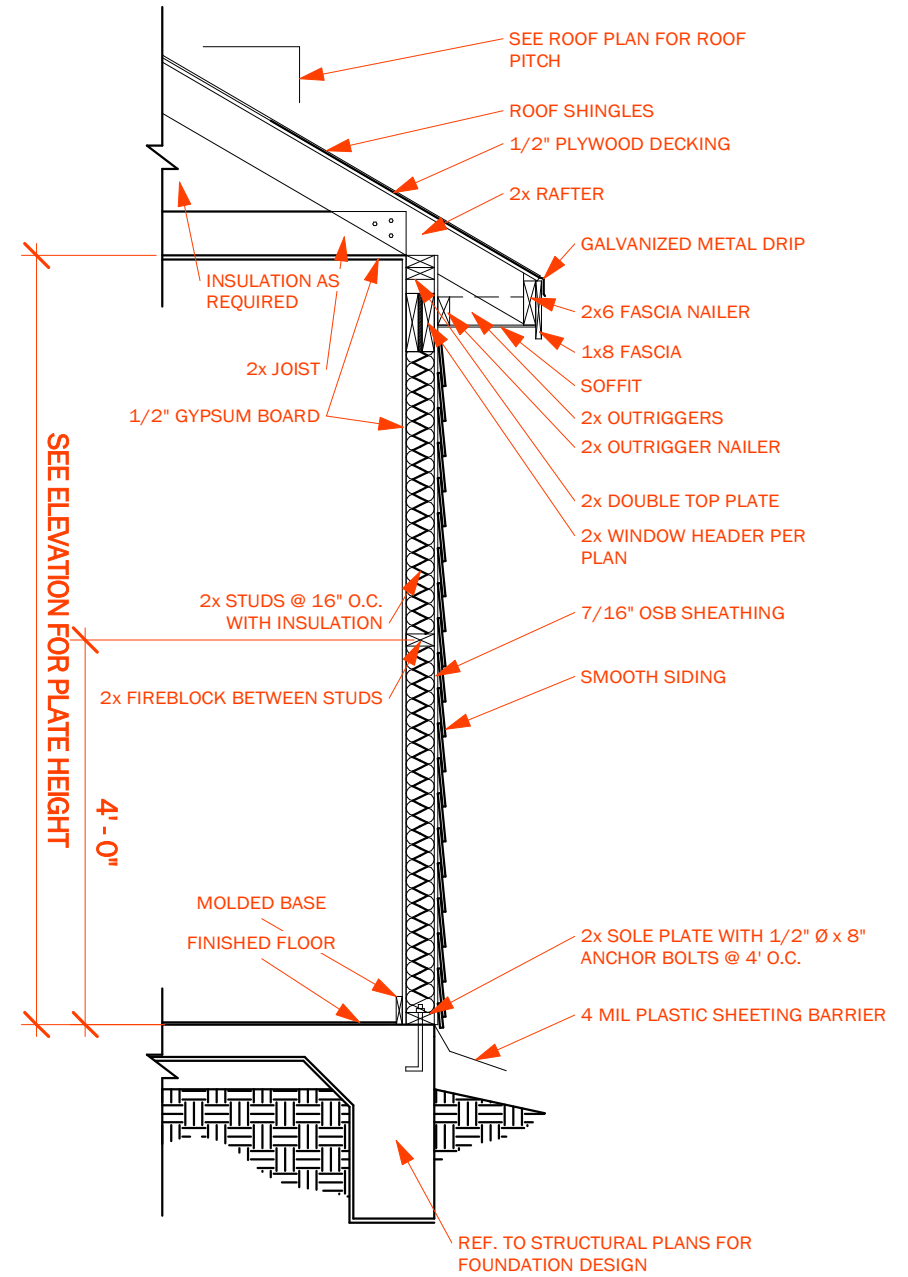




**1** Typical Wall Details - Interior  
SCALE: 1/2" = 1'-0"



**2** Typical Wall Details -Brick  
SCALE: 1/2" = 1'-0"



**3** Typical Wall Details -Siding  
SCALE: 1/2" = 1'-0"



# 223 Russell Dr

223 Russell Dr.  
Rockwall TX, 75032

Project No. CSC - 10348

12-07-2022

Revisions

Notes

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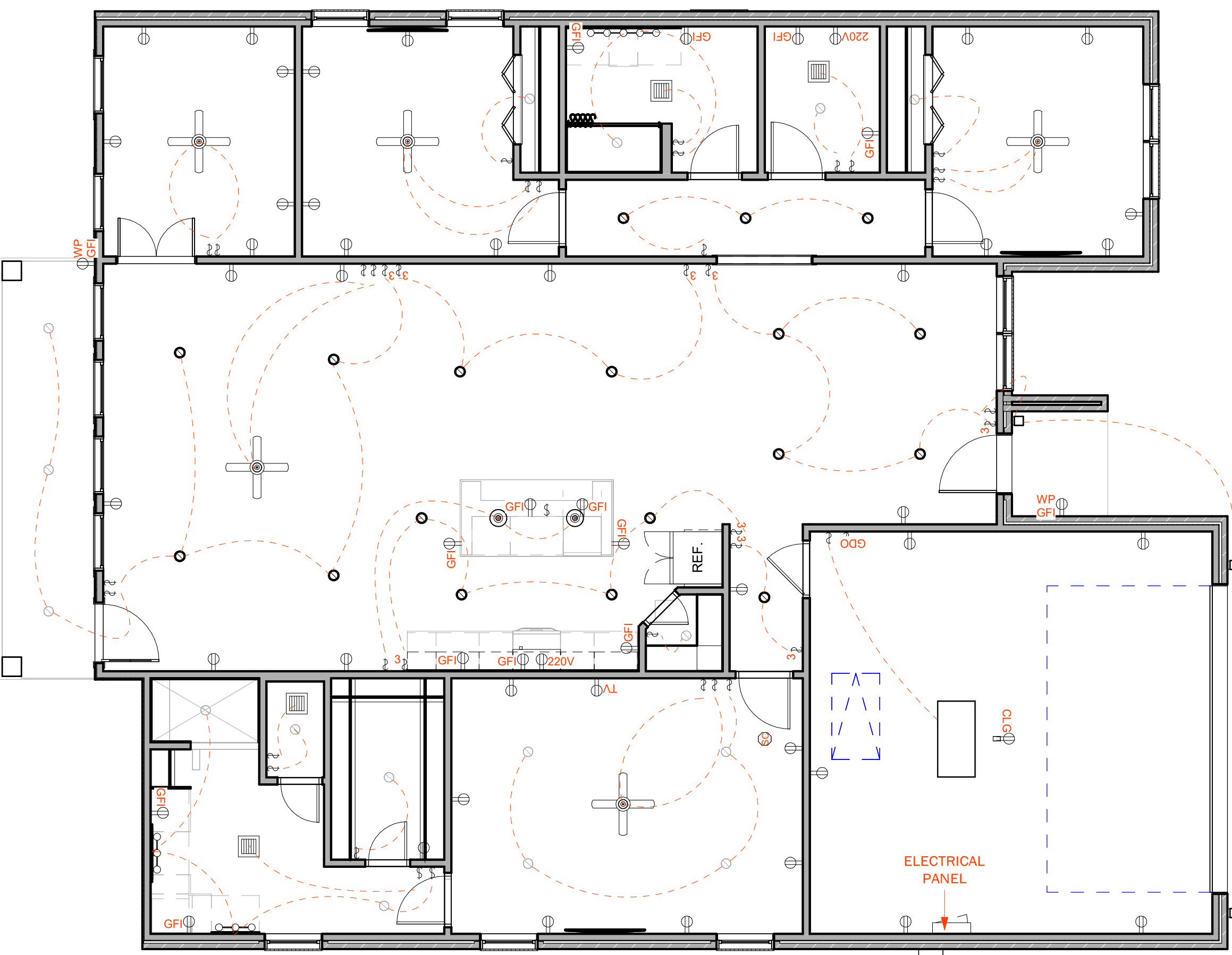
Scale As indicated

Level 1 Electrical Plan  
E101.1  
155

Drawn By KS

	-2' X 4' LINEAR BOX		-SINGLE DUPLEX OUTLET
	-CEILING FAN W/LIGHT KIT		-GFI DUPLEX OUTLET
	-CHANDELIER		-WEATHERPROOF GFI DUPLEX OUTLET
	-EXHAUST FAN		-CEILING DUPLEX OUTLET
	-RECESSED CAN LIGHT		-FLOOR DUPLEX OUTLET
	-EXTERIOR WALL LIGHT		-TOP OF COUNTER DUPLEX OUTLET
	-EXTERIOR GOOSENECK LIGHT		-TV DUPLEX OUTLET
	-EMERGENCY/FLOOD LIGHT		-SPRINKLER OUTLET
	-EXTERIOR SPOT LIGHT		-220 VOLT DUPLEX OUTLET
	-PENDANT LIGHT		-SINGLE WALL SWITCH
	-SINGLE BULB VANITY LIGHT		-3 WAY WALL SWITCH
	-3 BULB VANITY LIGHT FIXTURE		-DIMMER WALL SWITCH
	-5 BULB VANITY LIGHT FIXTURE		-GARAGE DOOR WALL SWITCH
	-SIDE VANITY LIGHT		-SMOKE/CO2 DETECTOR
	-ELECTRIC METER		-THERMOSTAT
	-ELECTRIC PANEL		-INTERNET/TELEPHONE JACK

**1** Level 1 Electrical Plan  
SCALE: 3/16" = 1'-0"



ELECTRIC METER  
(PEND. LOCATION)

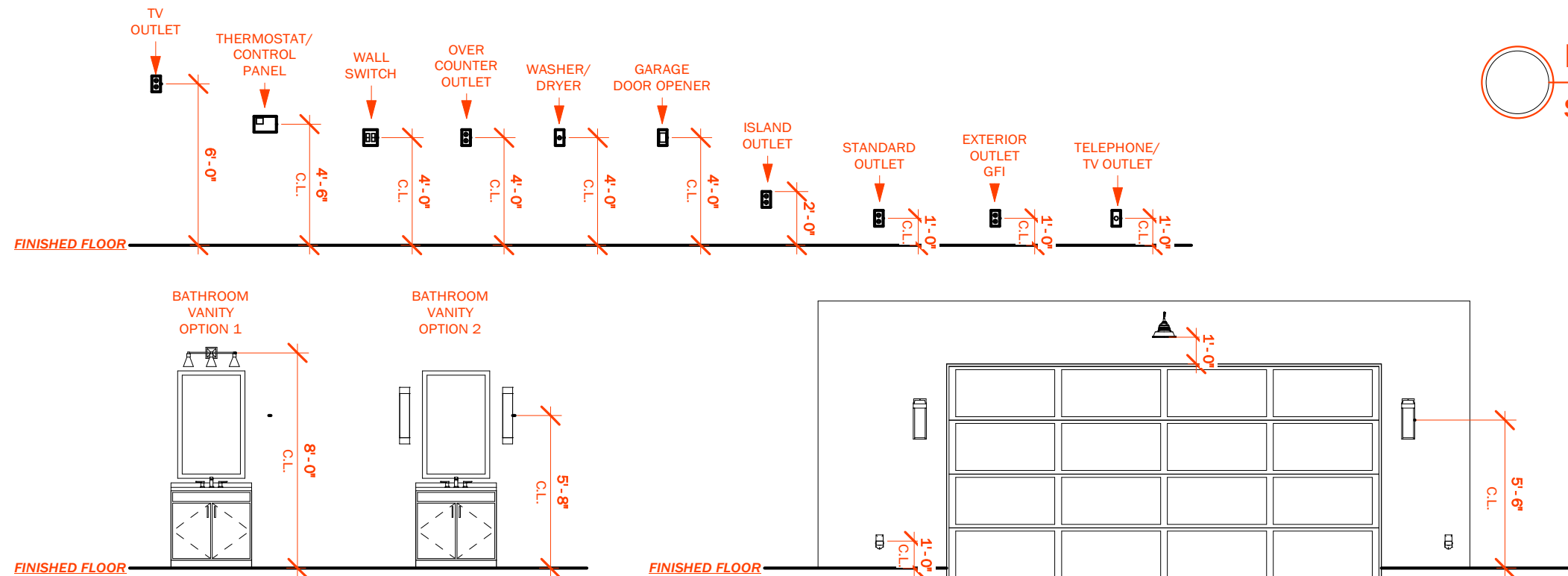
**ELECTRICAL SPECIFICATIONS**

1. ALL TELEPHONE LINES ARE TO BE CONCEALED & OUTLETS RECESSED. ALL TELEPHONE SERVICE TO BE CAPABLE OF CARRYING LINES IN MAIN HOUSE.
2. INSTALL SWITCHES 48" ABOVE FLOOR HEIGHT, INSTALL RECEPTACLE OUTLETS, CABLE, AND TELEPHONE 18" ABOVE FLOOR HEIGHT. INSTALL SWITCHES LOCATED IN BATHROOM 42" ABOVE FLOOR HEIGHT.
3. SWITCHES, OUTLETS, AND COVER PLATES ARE TO BE WHITE. INSTALL DIMMERS AS SHOWN.
4. ALL DIMMERS ARE TO BE TOGGLE TYPE. ALL OUTLETS ARE TO BE RECESSED. ALL WIRING TO BE CONCEALED.
5. ALL SMOKE DETECTORS TO BE NEW & BATTERY OPERATED.
6. VERIFY FIXTURE AND OUTLET LOCATIONS WITH OWNER PRIOR TO RUNNING ELECTRICAL FEEDS.
7. VERIFY OVERHEAD GARAGE DOOR OPENER SPECIFICATIONS AND SELECTION WITH OWNER.

**LIGHTING AND POWER GENERAL NOTES**

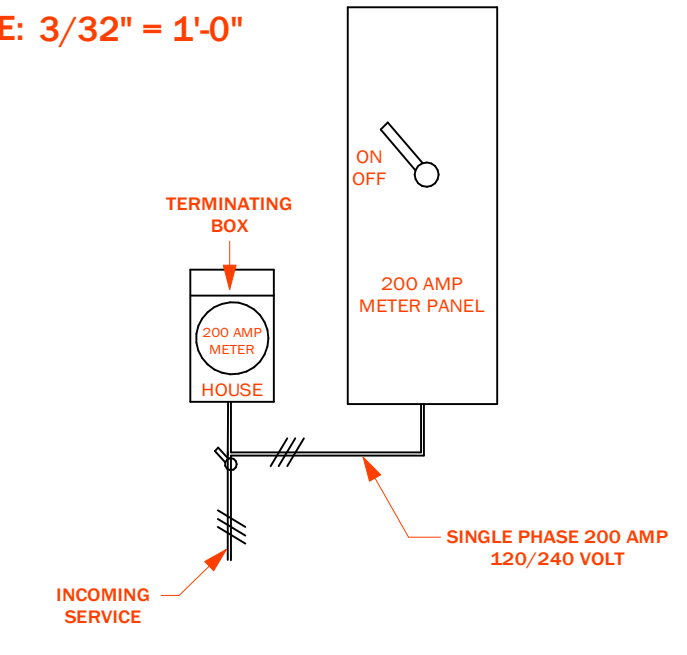
1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LOCAL ELECTRICAL CODES.
2. THE PROVISION OF THE CODE SHALL APPLY TO THE ERECTION, INSTALLATION, ALTERATION, REPAIRS, HEALTH, PROPERTY, & PUBLIC WELFARE REGULATING, AND CONTROLLING THE DESIGN, CONSTRUCTION, INSTALLATION, QUALITY OF MATERIALS, LOCATION, OPERATION, & MAINTENANCE OR USE OF ELECTRICAL EQUIPMENT & SYSTEMS.
3. CONTRACTOR SHALL VERIFY ALL CEILING TYPES & COORDINATE TRIMS PRIOR TO PURCHASE OF LIGHTING FIXTURES. FURNISH ALL LIGHTING FIXTURES COMPLETE WITH MOUNTING ACCESSORIES TO MEET JOB REQUIREMENTS. ELECTRICAL CONTRACTOR SHALL BE RESPONSIBLE FOR ANY FIXTURES ARRIVING ON SITE WITH INCORRECT MOUNTING.
4. COORDINATE ALL LIGHTING TYPES AND LOCATIONS WITH DESIGNER AND OWNER PRIOR TO INSTALLATION. MOUNTING HEIGHTS OF ALL WALL MOUNTED & PENDANT MOUNTED LIGHTING FIXTURES SHALL BE DETERMINED BY DESIGNER. REFER TO ARCHITECTURAL SECTIONS & ELEVATIONS.
5. LOCATION & GROUPING ARRANGEMENT/ORIENTATION OF ALL SWITCHES SHALL BE COORDINATED WITH THE DESIGNER PRIOR TO INSTALLATION.
6. COORDINATE LOCATION OF ALL LIGHTING FIXTURES WITH THE MECHANICAL & PLUMBING PRIOR TO ELECTRICAL ROUGH-IN.
7. FINAL INSPECTION SHALL BE MADE AFTER THE WORK IS COMPLETE, ALL ELECTRICAL FIXTURES WILL BE INSPECTED TO VERIFY CORRECT PLACEMENT, CONNECTION, AND IF STRUCTURE IS READY FOR OCCUPANCY. THE ELECTRICAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE SCHEDULING OF SUCH INSPECTION.
8. SMOKE DETECTOR DEVICE TO BE SELECTED BY OWNER. LOCATIONS SHOWN ARE PRELIMINARY-COORDINATE FINAL LOCATIONS WITH FIRE MARSHALL.
9. CARBON MONOXIDE DEVICE TO BE SELECTED BY OWNER.
10. COORDINATE TELEPHONE, CABLE, FIBER OPTIC, WIFI, DATA, SPEAKER LOCATIONS, AND SECURITY ALARM WITH AUDIO VISUAL/TECHNOLOGY CONTRACTOR AND DESIGNER..
11. ALL LIGHTING LOCATED IN DAMP OR WET LOCATIONS TO BE RATED FOR SUCH.
12. LIGHTING IN SHOWER STALLS TO BE VAPOR TIGHT FIXTURES.
13. LIGHTING IN SMALL CLOSET TO HAVE DOOR ACTIVATED SWITCH.
14. COORDINATE LOCATION OF MAIN AND SUB ELECTRICAL PANELS WITH DESIGNER AND OWNER.
15. COORDINATE POWER FOR ALL FIXTURES.
16. COORDINATE ADDITIONAL POWER REQUIREMENTS FOR EQUIPMENT, LIGHTING, AND INTERIOR SPEAKERS.
17. INDICATES FIXTURE SHALL BE CONNECTED TO "CONSTANT-ON" EMERGENCY (LIFE-SAFETY) CIRCUIT, PROVIDE "LOCK-ON" EMERGENCY BREAKER AT PANELBOARD.
18. CUTTING OF FLOORS, WALLS, & CEILINGS SHALL BE REQUIRED FOR THE INSTALLATION OF PIPES, CONDUITS, DUCTS, WIRING, SLEEVES, & SEAL AS REQUIRED BY THE DESIGNER.

	-2' X 4' LINEAR BOX		-SINGLE DUPLEX OUTLET
	-CEILING FAN W/LIGHT KIT		-GFI DUPLEX OUTLET
	-CHANDELIER		-WEATHERPROOF GFI DUPLEX OUTLET
	-EXHAUST FAN		-CEILING DUPLEX OUTLET
	-RECESSED CAN LIGHT		-FLOOR DUPLEX OUTLET
	-EXTERIOR WALL LIGHT		-TOP OF COUNTER DUPLEX OUTLET
	-EXTERIOR GOOSENECK LIGHT		-TV DUPLEX OUTLET
	-EMERGENCY/FLOOD LIGHT		-SPRINKLER OUTLET
	-EXTERIOR SPOT LIGHT		-220 VOLT DUPLEX OUTLET
	-PENDANT LIGHT		-SINGLE WALL SWITCH
	-SINGLE BULB VANITY LIGHT		-3 WAY WALL SWITCH
	-3 BULB VANITY LIGHT FIXTURE		-DIMMER WALL SWITCH
	-5 BULB VANITY LIGHT FIXTURE		-GARAGE DOOR WALL SWITCH
	-SIDE VANITY LIGHT		-SMOKE/CO2 DETECTOR
	-ELECTRIC METER		-THERMOSTAT
	-ELECTRIC PANEL		-INTERNET/TELEPHONE JACK



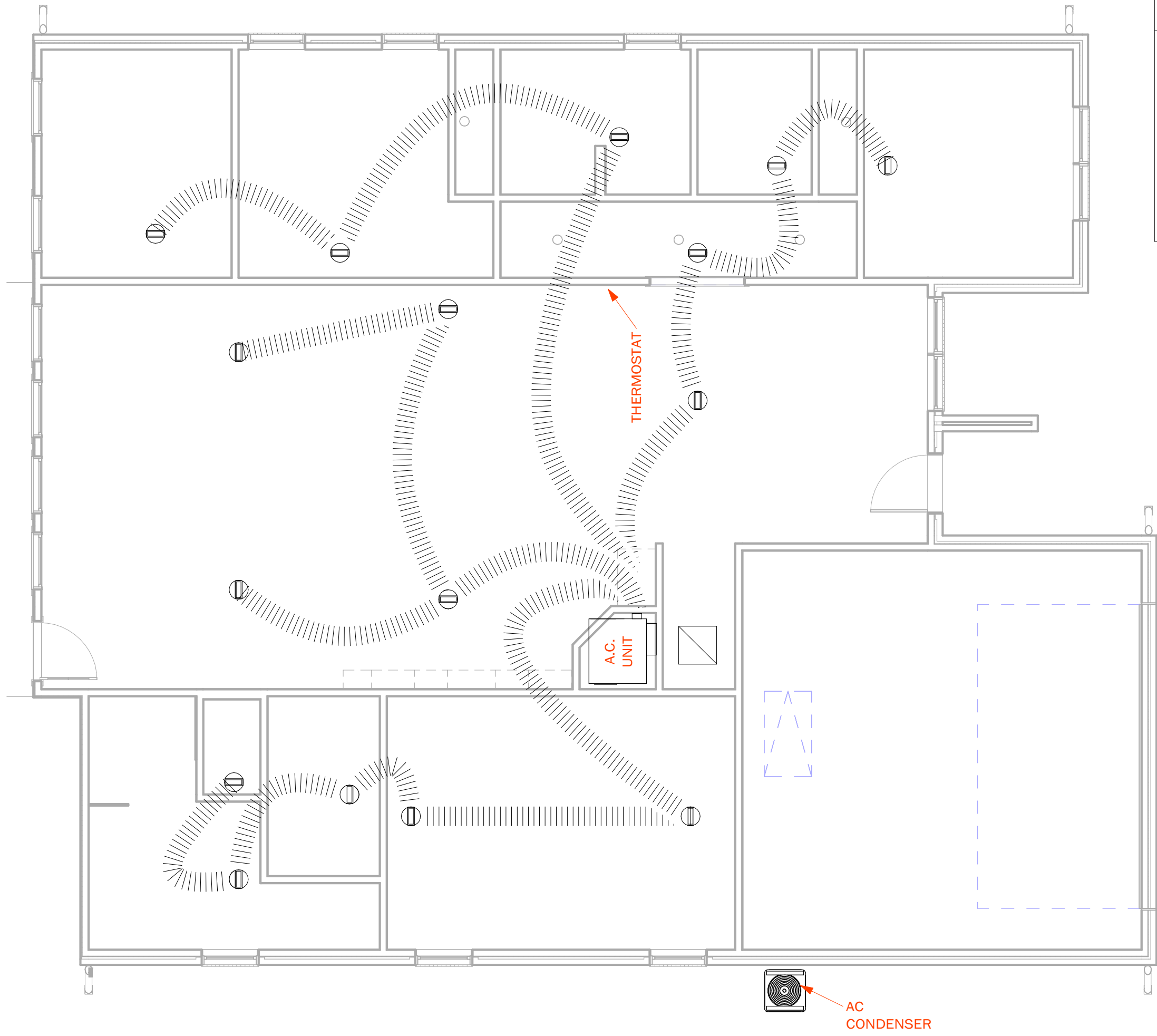
**2 Electrical Device Heights**  
SCALE: 3/16" = 1'-0"




**Lighting Fixtures Legend**  
SCALE: 3/32" = 1'-0"



**1 Power Riser Details**  
SCALE: 3/16" = 1'-0"

NOT FOR CONSTRUCTION



LEGEND	
	VENTS
	FLEXIBLE DUCT
	RETURN

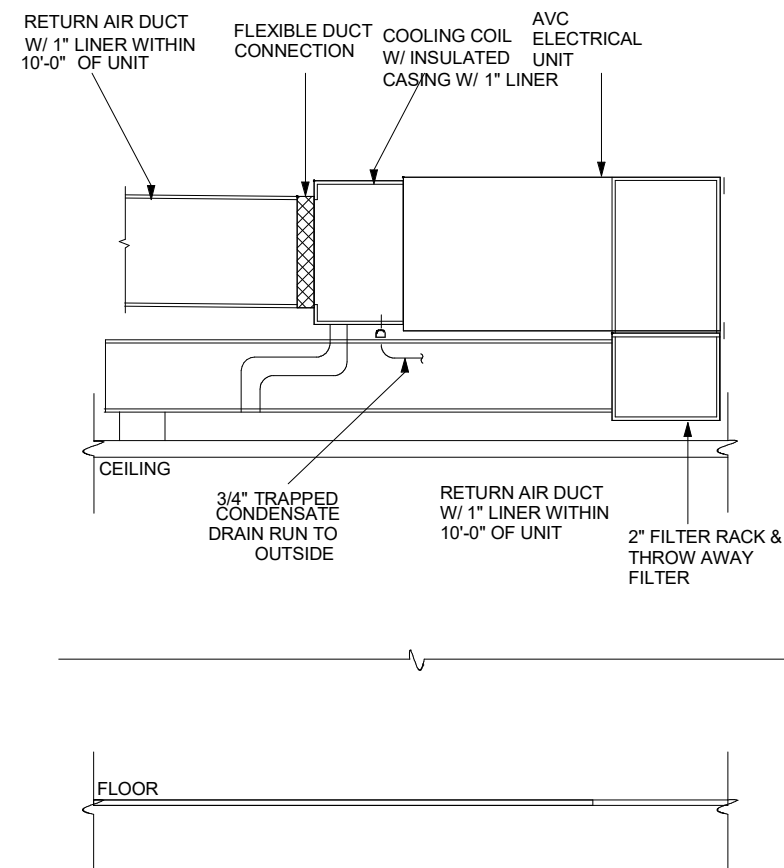
**1** Level 1 HVAC Plan  
 SCALE: 3/16" = 1'-0"

**NOT FOR CONSTRUCTION**

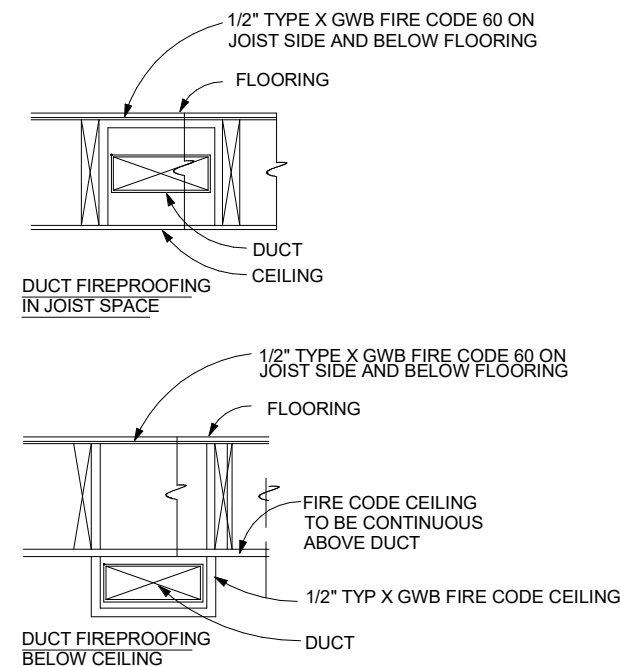


## MECHANICAL GENERAL NOTES

1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LOCAL ELECTRICAL CODES.
2. FURNISH ALL LABOR, MATERIALS, FIXTURES, EQUIPMENT, & SERVICES NECESSARY FOR THE INSTALLATION OF A COMPLETE & FUNCTIONAL H.V.A.C SYSTEM, PLUMBING SYSTEM, & ELECTRICAL SYSTEM
3. CONTRACTOR SHALL APPLY & PAY FOR ALL PERMITS & CONNECTION FEES REQUIRED FOR WORK.
4. THE CONTRACTOR SHALL FAMILIARIZE HIMSELF WITH THE WORK TO BE DONE & SHALL EXAMINE SITE & CONSIDER THE CONDITIONS UNDER WHICH HE WILL BE OBLIGATED TO OPERATE IN THE PERFORMANCE OF THE CONTRACTED WORK. NO ALLOWANCES SHALL BE MADE SUBSEQUENTLY IN THIS CONNECTION, FOR ANY ERRORS, THROUGH NEGLIGENCE ON HIS PART. THE CONTRACTOR IS HERE BY ADVISED THAT HE WILL BE REQUIRED TO OBSERVE NECESSARY PRACTICES FOR FIRE & SAFETY PRECAUTIONS FOR THE PROTECTION OF THE FACILITY. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, LOCATIONS, & CLEARANCES & COORDINATE WORK WITH ALL OTHER TRADES PRIOR TO START OF WORK.
5. ALL DUCTWORK SHALL BE FABRICATED FROM FILED TAKEN DIMENSIONS AND NOT FROM DRAWINGS, PRIOR TO DUCT FABRICATION, CEILING CLEARANCES SHALL BE VERIFIED WITH ALL ELECTRICAL, PLUMBING, & ARCHITECTURAL DRAWINGS.
6. SUBMIT 6 COPIES OF EACH SHOP DRAWINGS FOR THE FOLLOWING: HIGH-ENERGY EFFICIENCY EQUIPMENT, SPLIT SYSTEM COOLING COILS, AIR COOLED CONDENSING UNIT, THERMOSTAT, GRILLES, REGISTERS, DUCTS, TRIMS, PIPES, JOINING METHODS, WATER HEATER, GUY GRAY UNITS, FLOOR DRAINS, BREAKER PANEL, CIRCUIT BREAKERS, SWITCHES, LUMINARIES, MOTION DETECTORS, DISCONNECT SWITCHES, & OUTLETS.
7. ELECTRICAL CONTRACTOR SHALL FURNISH ALL MOTOR CONTROLLERS, PILOT OTHER DEVICES, & SHALL IMPLEMENT ALL ALL REQUIRED WIRING EXCEPT A.T.C. WIRING.
8. ALL SUPPLY & RETURN DUCTS IN UNCONDITIONED SPACES SHALL BE INSULATED WITH 1/2 FIBERGLASS WITH A.S.I. VAPOR BARRIER OR EQUAL.
9. GRILLES, REGISTERS, & DIFFUSER SHALL BE OF CAPACITIES & INDICATED SIZES IN ACCORDANCE WITH MANUFACTURERS PRINTED LITERATURE FOR RESIDENTIAL SOUND LEVELS & THROWS. MOUNT TIGHT TO CONSTRUCTION USING GASKETS TO PREVENT AIR LEAKAGE & STREAKING. BRANCHES FROM MAIN TO OUTLETS SHALL BE MADE USING ADJUSTABLE DEFLECTORS POSITIONED & SECURED TO PROVIDE SPECIFIED AIR QUANTITIES. , REGISTERS & GRILLES SHALL BE PROVIDED BY LIMA OR EQUAL. AND SHALL MATCH COLOR OF ADJACENT CEILING OF WALL. COORDINATE ALL REGISTERS IN CEILINGS WITH LIGHT FIXTURES.

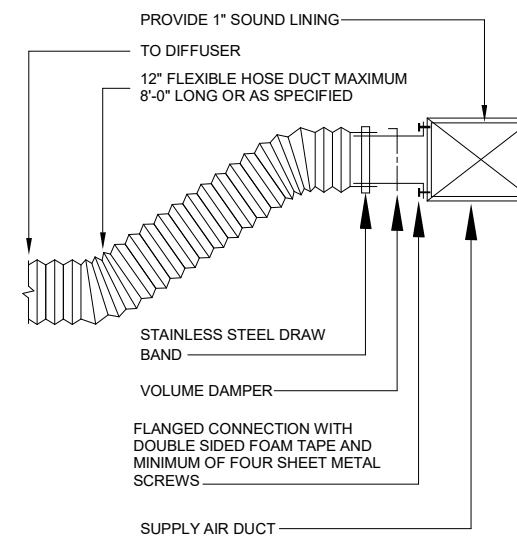


**AVC ELECTRICAL UNIT DETAIL**  
SCALE: N.T.S



UNIT, DUCT SIZING, AND CFMs SHOWN ON DRAWINGS ARE APPROXIMATE. CONTRACTOR IS RESPONSIBLE FOR DESIGNING BALANCING SYSTEM FOR EVEN EFFICIENT HEATING AND COOLING

**DUCT DETAIL**  
SCALE: N.T.S



**DIFFUSER TO FLEXIBLE DUCT CONNECTION DETAIL**  
NOT TO SCALE

NOT FOR CONSTRUCTION

PLUMBING LEGEND	
	SANITARY SEWER
	COLD WATER
	HOT WATER
	PROPANE GAS LINE



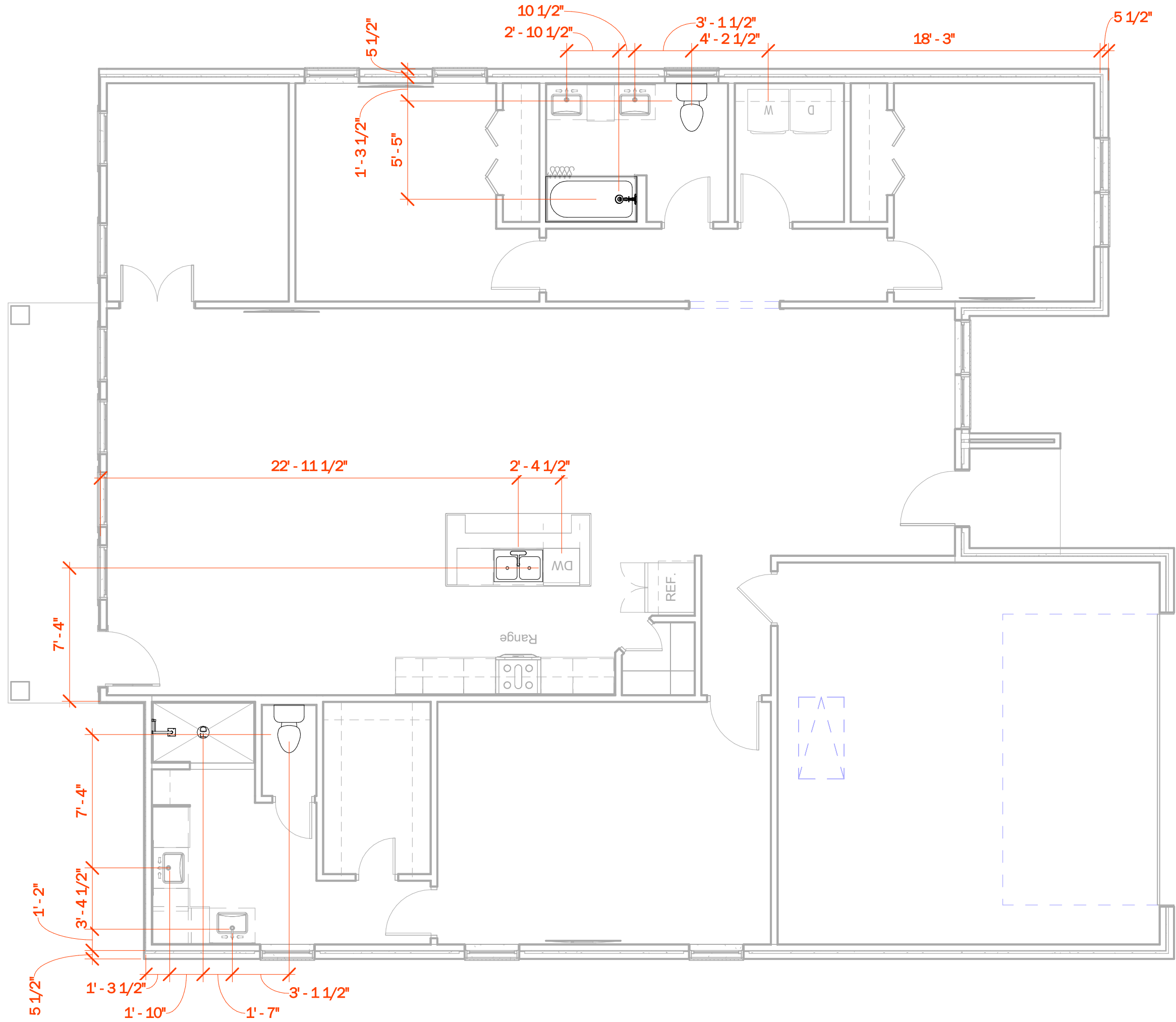
WATER HEATER LOCATED IN ATTIC AREA

W.H.

ELECTRICAL CONTRACTOR TO PROVIDE 220V FOR WATER HEATER POWER SOURCE

PENDING UTILITY LINE LOCATION  
SEWAGE & WATER LINES TO BE SET BEFORE POURING CONCRETE

1 Level 1 Plumbing  
SCALE: 3/16" = 1'-0"



**1** Level 1 Forming Plan  
 SCALE: 3/16" = 1'-0"

**NOT FOR CONSTRUCTION**

**GENERAL PLUMBING NOTES**

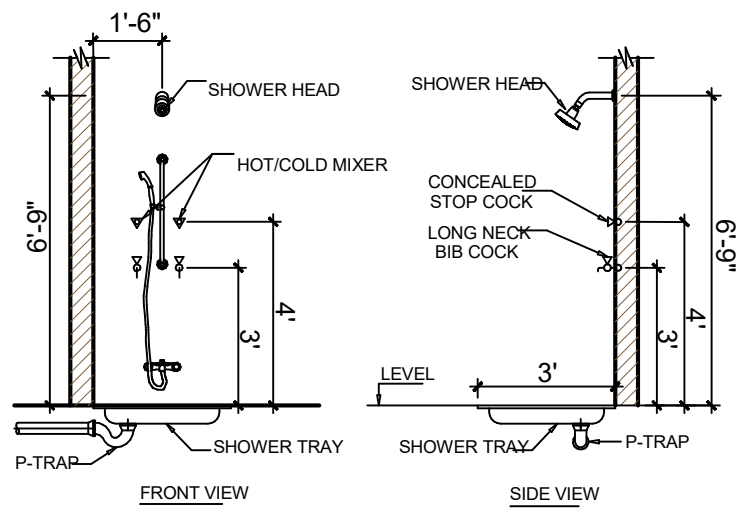
1 - ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LOCAL PLUMBING CODES.

2 - THE PROVISIONS OF THE CODE SHALL APPLY TO THE ERECTION, INSTALLATION, ALTERATION, HEALTH, PROPERTY AND PUBLIC WELFARE REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, INSTALLATION, QUALITY OF MATERIALS, LOCATION, OPERATION OR USE OF PLUMBING EQUIPMENT.

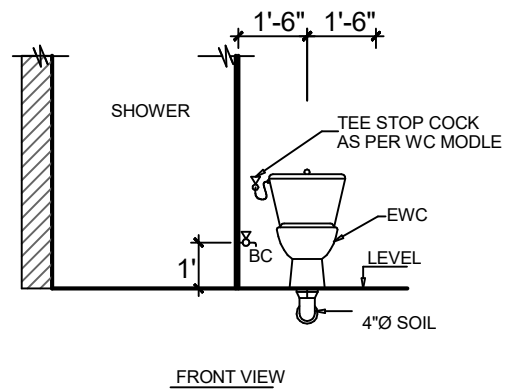
3. ALL PLUMBING SYSTEMS, MATERIALS APPURTENANCES SHALL BE MAINTAINED IN PROPER CONDITION IN ACCORDANCE WITH THE ORIGINAL DESIGN IN A SAFE AND SANITARY CONDITION. ALL DEVICES OR SAFEGUARDS REQUIRED BY CODE SHALL BE MAINTAINED IN COMPLIANCE WITH THE CODE EDITION UNDER WHICH INSTALLED. THE OWNER OR OWNERS REPRESENTATIVE SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF PLUMBING SYSTEMS. TO DETERMINE COMPLIANCE WITH THIS PROVISION, THE CODE OFFICIAL SHALL HAVE THE AUTHORITY TO REQUIRE ANY PLUMBING SYSTEMS TO BE RE-INSPECTED.

4. FINAL INSPECTION SHALL BE MADE AFTER THE BUILDING IS COMPLETE, ALL PLUMBING FIXTURES ARE IN PLACE AND PROPERLY CONNECTED, AND THE STRUCTURE IS READY FOR OCCUPANCY. THE HOLDER OF THE PLUMBING SHALL BE RESPONSIBLE FOR THE SCHEDULING OF SUCH INSPECTIONS.

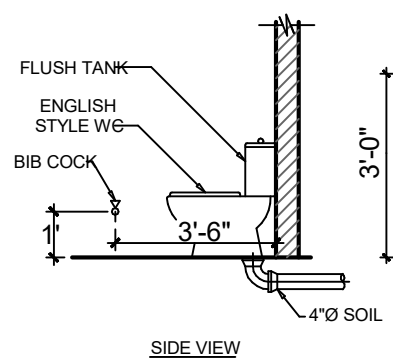
5. PROVIDE AND INSTALL NEW PLUMBING FIXTURES. CONNECT TO EXISTING WASTE, COLD WATER AND HOT WATER LINES AS SHOWN.



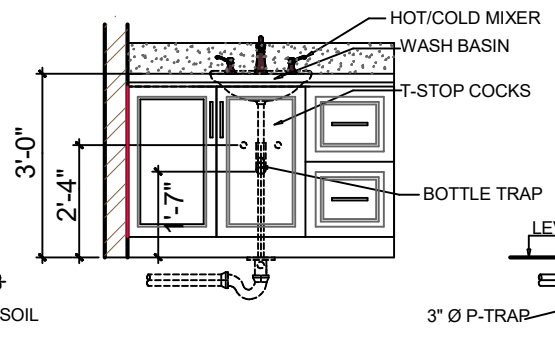
STANDARD FIXING DIMENSIONS OF SHOWER WITH FLOOR TRAP



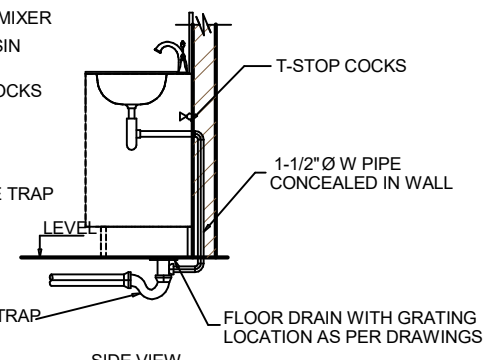
STANDARD FIXING DIMENSIONS OF ENGLISH STYLE WATER CLOSET, (IWC)



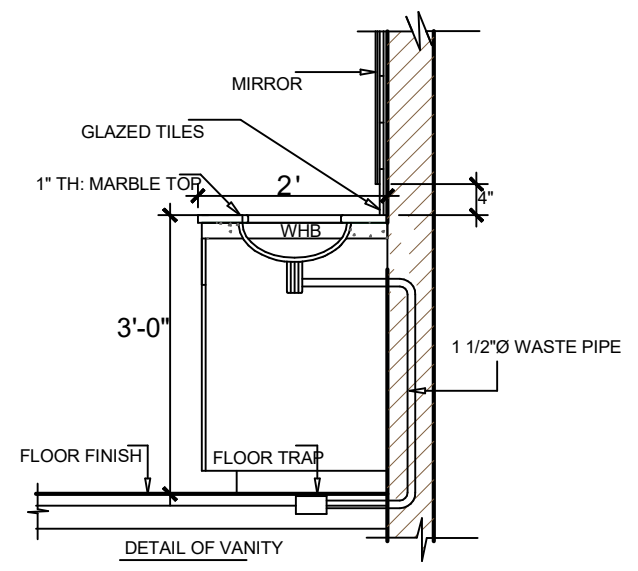
SIDE VIEW



STANDARD FIXING DIMENSION OF WASH BASIN WITH BOTTLE TRAP



SIDE VIEW



**NOT FOR CONSTRUCTION**





# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-015

## PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: [PLANNING@ROCKWALL.COM](mailto:PLANNING@ROCKWALL.COM)

### ADJACENT HOUSING ATTRIBUTES

ADDRESS	HOUSING TYPE	YEAR BUILT	HOUSE SF	ACCESSORY BUILDING	EXTERIOR MATERIALS
223 Russell Drive	Vacant	N/A	N/A	N/A	N/A
235 Russell Drive	Vacant	N/A	N/A	N/A	N/A
247 Russell Drive	Vacant	N/A	N/A	N/A	N/A
250 Nicole Drive	Modular Home	1998	1,344	820	Siding
222 Nicole Drive	Vacant	N/A	N/A	N/A	N/A
208 Nicole Drive	Vacant	N/A	N/A	N/A	N/A
196 Nicole Drive	Vacant	N/A	N/A	N/A	N/A
186 Nicole Drive	Vacant	N/A	N/A	N/A	N/A
181 Russell Drive	Vacant	N/A	N/A	N/A	N/A
193 Russell Drive	Modular Home	1997	1,984	N/A	N/A
209 Russell Drive	Modular Home	1978	1,180	296	Siding
198 Russell Drive	Vacant	N/A	N/A	N/A	N/A
AVERAGES:		1991	1,503	558	



# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-015

**PLANNING AND ZONING DEPARTMENT**

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: [PLANNING@ROCKWALL.COM](mailto:PLANNING@ROCKWALL.COM)



223 Russell Drive



235 Russell Drive





# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-015

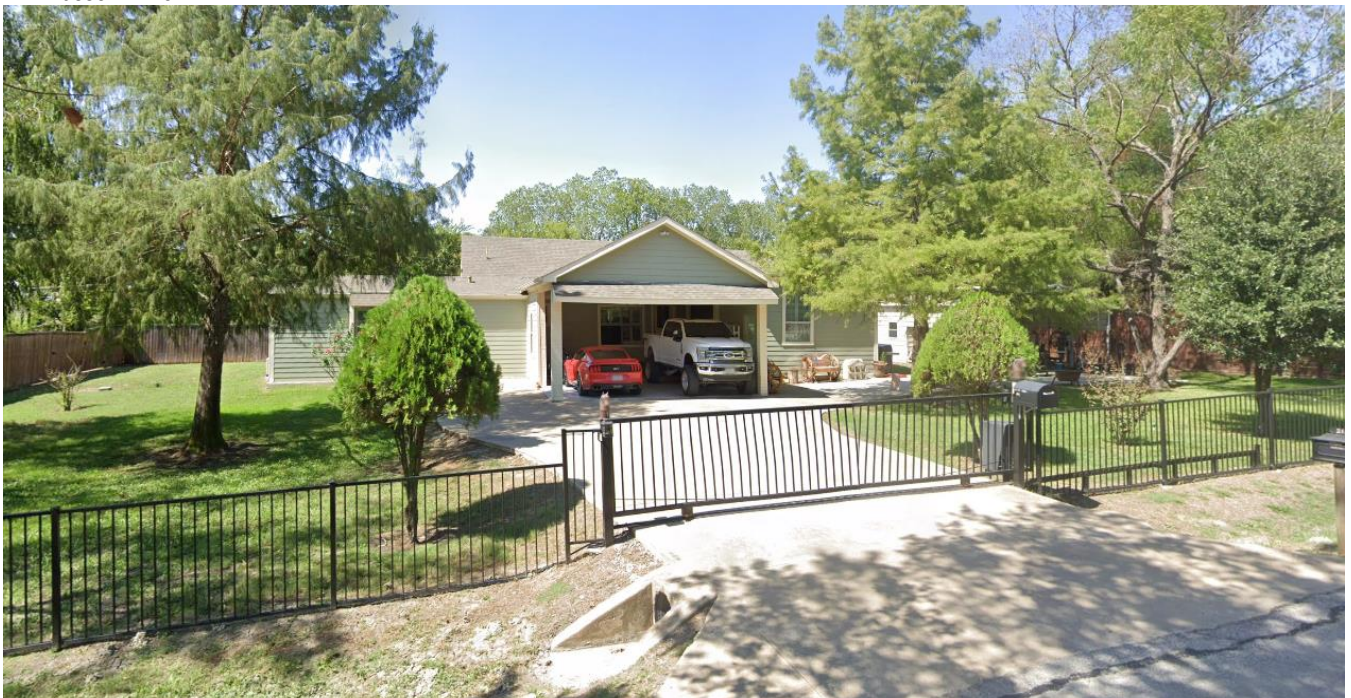
## PLANNING AND ZONING DEPARTMENT

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247 Russell Drive



250 Nicole Drive





# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-015

## PLANNING AND ZONING DEPARTMENT

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222 Nicole Drive



208 Nicole Drive





# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-015

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196 Nicole Drive



186 Nicole Drive





# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-015

**PLANNING AND ZONING DEPARTMENT**

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181 Russell Drive



193 Russell Drive





# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-015

**PLANNING AND ZONING DEPARTMENT**

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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209 Russell Drive



198 Russell Drive



CITY OF ROCKWALL

ORDINANCE NO. 23-XX

SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [ORDINANCE NO. 16-01] AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.1690-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1290 OF THE LAKE ROCKWALL ESTATES #2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; 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**, the City has received a request by Martha Balleza and Ana Quezada for the approval of a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* for the purpose of constructing a single-family home on a 0.1690-acre parcel of land identified as Lot 1290 of the Lake Rockwall Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 223 Russell Drive, and being more specifically described and depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; 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 Planned Development District 75 (PD-75) [*Ordinance No. 16-01*] and the Unified Development Code (UDC) [*Ordinance No. 20-02*] 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 Planned Development District 75 (PD-75) [*Ordinance No. 16-01*] and the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* to allow for the construction of a single-family home in an established subdivision in accordance with Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,



**SECTION 2.** That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Planned Development District 75 (PD-75) [*Ordinance No. 16-01*] and Subsection 03.01, *General Residential District Standards*, and Subsection 03.09, *Single-Family 7 (SF-7) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] -- as heretofore amended and may be amended in the future -- and with the following conditions:

### 2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the construction of a single-family home on the *Subject Property* and conformance to these operational conditions are required:

- 1) The development of the *Subject Property* shall generally conform to the *Residential Plot Plan* as depicted in *Exhibit 'A'* of this ordinance.
- 2) The construction of a single-family home on the *Subject Property* shall generally conform to the *Building Elevations* depicted in *Exhibit 'B'* of this ordinance.
- 3) Once construction of the single-family home has been completed, inspected, and accepted by the City of Rockwall, this Specific Use Permit (SUP) shall expire, and no further action by the property owner shall be required.

### 2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)* of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require the *Subject Property* to comply with the following:

- 1) Upon obtaining a *Building Permit*, should the contractor operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Revision Procedures*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*].

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

**SECTION 4.** 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 5.** 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 6.** 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, 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 7.** That this ordinance shall take effect immediately from and after its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS THE 1<sup>ST</sup> DAY OF MAY, 2023.**

\_\_\_\_\_  
Kevin Fowler, *Mayor*

**ATTEST:**

\_\_\_\_\_  
Kristy Teague, *City Secretary*

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Frank J. Garza, *City Attorney*

1<sup>st</sup> Reading: April 17, 2023

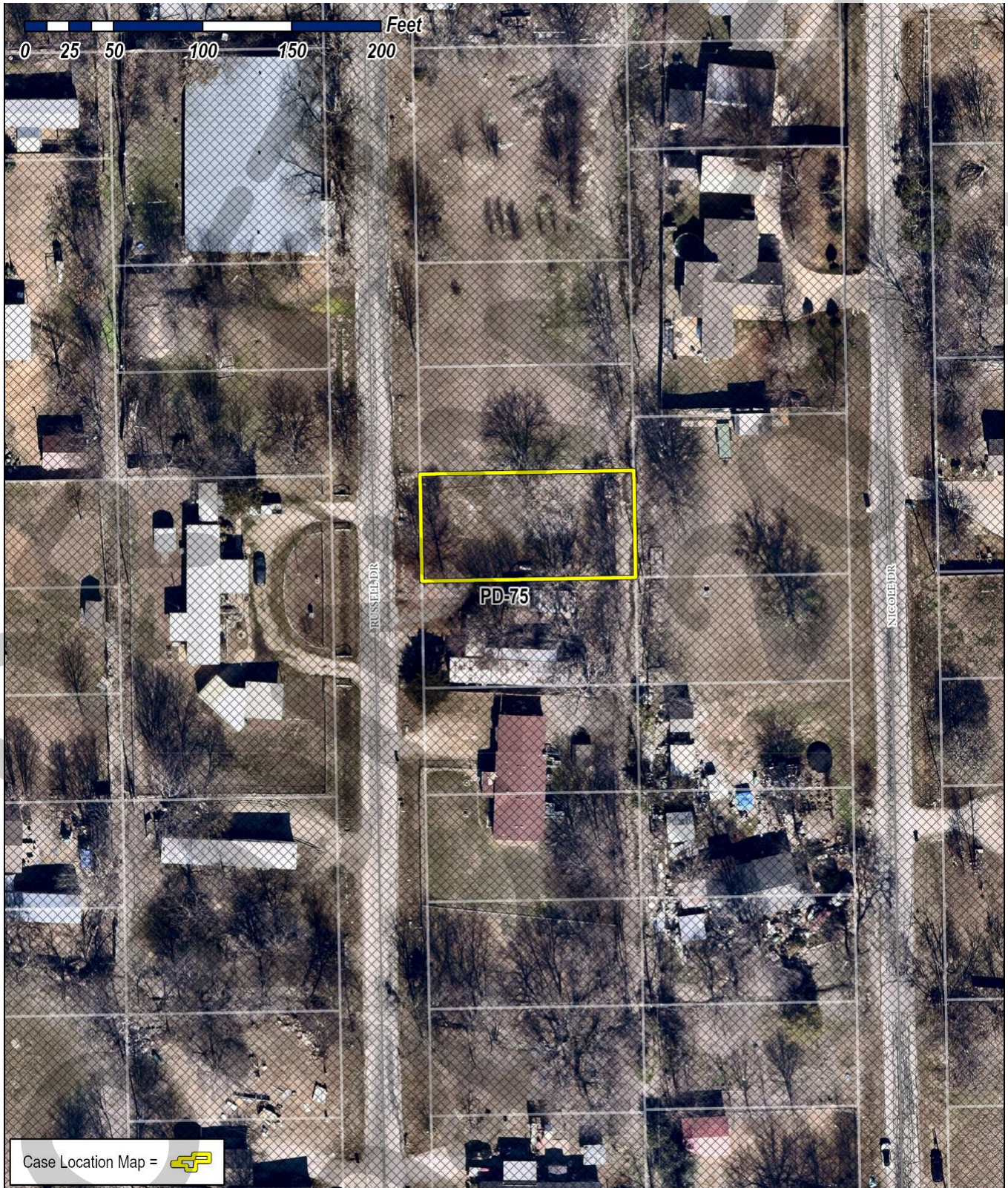
2<sup>nd</sup> Reading: May 1, 2023



**Exhibit 'A':**  
**Location Map and Residential Plot Plan**

Address: 223 Russell Drive

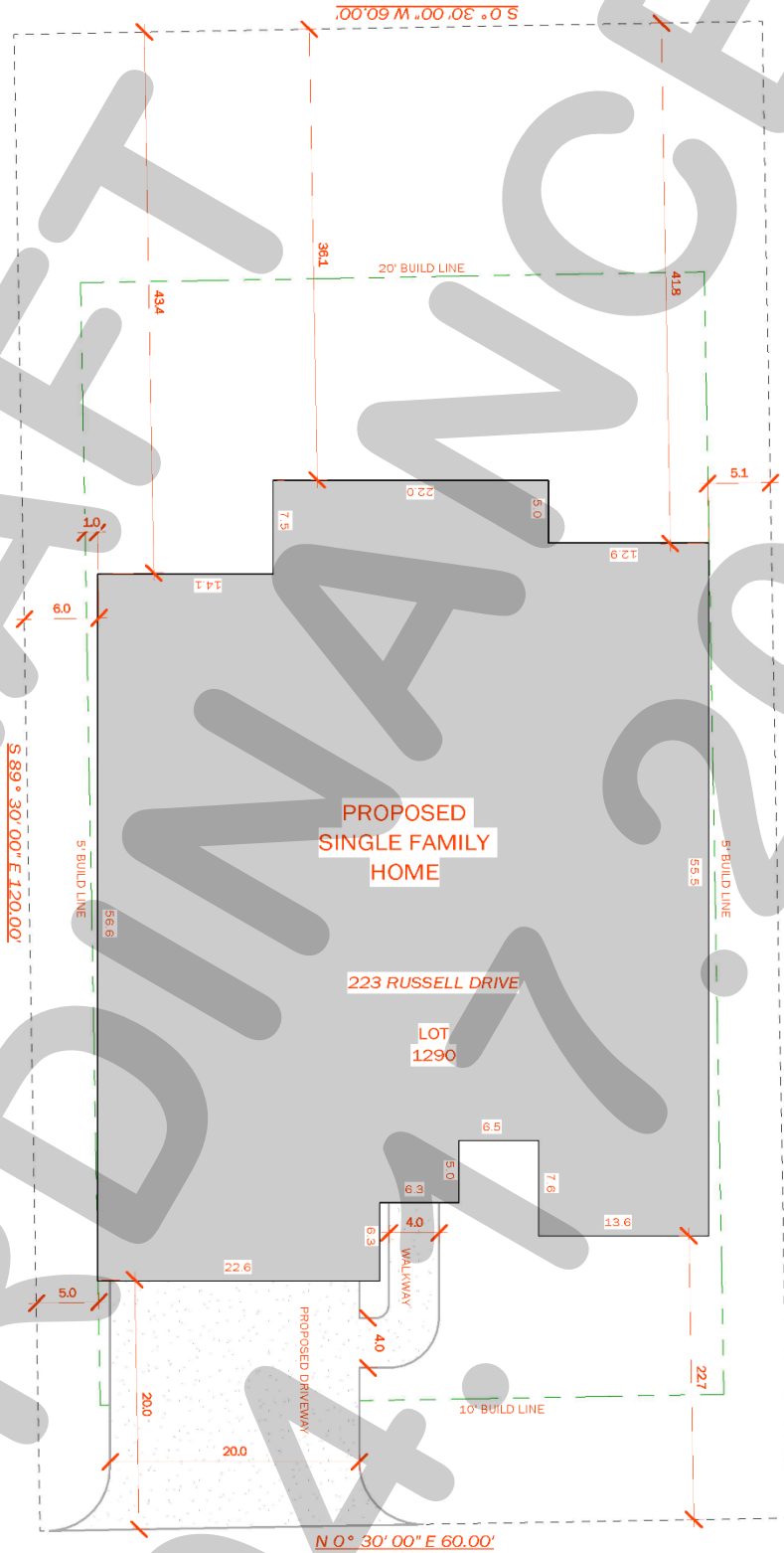
Legal Description: Lot 1290 of the Lake Rockwall Estates #2 Addition



Case Location Map = 



**Exhibit 'A':**  
*Location Map and Residential Plot Plan*











## MEMORANDUM

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**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

**FROM:** Ryan Miller, Director of Planning and Zoning

**DATE:** April 17, 2023

**SUBJECT:** Z2023-016; SPECIFIC USE PERMIT FOR A BAIL BOND SERVICE

---

### Attachments

Case Memo  
Development Application  
Location Map  
HOA Notification Map  
Neighborhood Notification Email  
Property Owner Notification Map  
Property Owner Notification List  
Public Notice  
Property Owner Notifications  
Applicant's Letter  
Survey  
Draft Ordinance

### Summary/Background Information

Hold a public hearing to discuss and consider a request by Johnathan Martinez on behalf of Donna C. Pritchard for the approval of an **ordinance** for a *Specific Use Permit (SUP)* allowing a *Bail Bond Service* on a 0.423-acre parcel of land identified as Lot 1, Block 1, Garland Federal Savings & Loan Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1901 S. Goliad Street [SH-205], and take any action necessary (**1st Reading**).

### Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed Specific Use Permit (SUP).



# CITY OF ROCKWALL

## CITY COUNCIL CASE MEMO

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

---

**TO:** Mayor and City Council  
**DATE:** April 17, 2023  
**APPLICANT:** Jonathan Martinez  
**CASE NUMBER:** Z2023-016; *Specific Use Permit for a Bail Bond Service*

---

### SUMMARY

Hold a public hearing to discuss and consider a request by Johnathan Martinez on behalf of Donna C. Pritchard for the approval of a *Specific Use Permit (SUP)* allowing a *Bail Bond Service* on a 0.423-acre parcel of land identified as Lot 1, Block 1, Garland Federal Savings & Loan Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1901 S. Goliad Street [SH-205], and take any action necessary.

### BACKGROUND

A portion of the subject property was originally annexed into the City of Rockwall on June 20, 1959 by *Ordinance No. 59-02*. The remainder of the subject property was annexed into the City of Rockwall on September 5, 1960 by *Ordinance No. 60-02*. At the time of annexation, the subject property was zoned Agricultural (AG) District. According to the January 3, 1972 historic zoning map, at some point between the time of annexation and January 3, 1972 the subject property was rezoned from Agricultural (AG) District to Commercial (C) District. On March 1, 1976, the City Council approved a final plat that establish the subject property at Lot 1, Block 1, Garland Federal Savings & Loan Addition. According to the Rockwall Central Appraisal District (RCAD) there is a 2,984 SF shopping center constructed in 1992.

### PURPOSE

The applicant – *Jonathan Martinez* – is requesting the approval of a Specific Use Permit (SUP) to allow a *Bail Bond Service* in a Commercial (C) District on the subject property.

### ADJACENT LAND USES AND ACCESS

The subject property is addressed as 1901 S. Goliad Street [SH-205]. The land uses adjacent to the subject property are as follows:

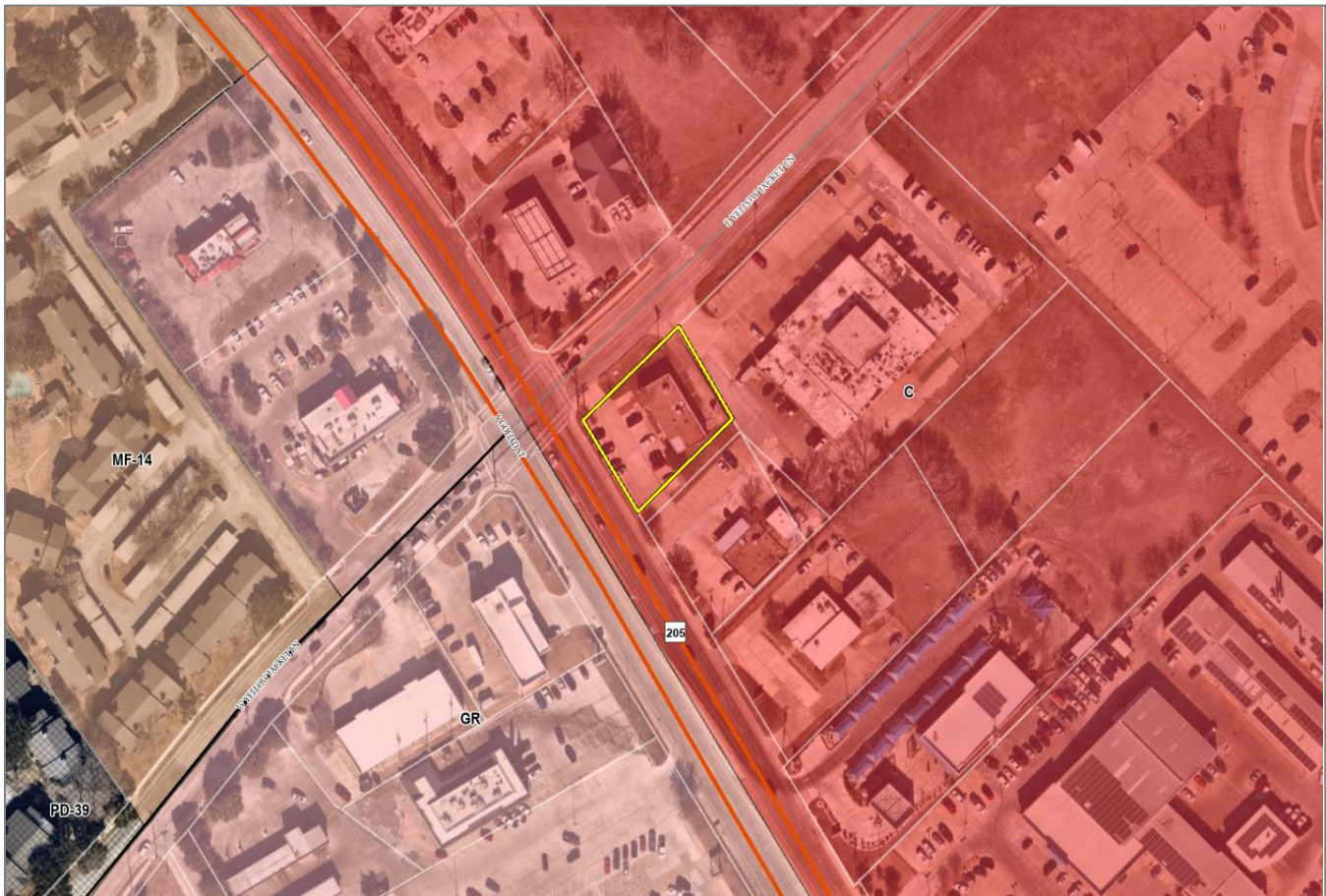
North: Directly north of the subject property is E. Yellow Jacket Lane, which is classified as a M4D (*i.e. major collector, four [4] lane, divided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a 0.8323-acre parcel of land (*i.e. Lot 1, Block 1, 7 Eleven/Goliad Addition*) developed with a *Retail Store with Gasoline Sales*, zoned Commercial (C) District. Following this are two (2) vacant parcels of land (*i.e. Lots 6 & 8, Block 1, First United Methodist Church Addition*) zoned Commercial (C) District.

South: Directly south of the subject property are two (2) tracts of land (*i.e. Lot 1, Block A875, JJ Jones Addition & tract 19 of the J. Cradle Survey, Abstract No. 65*) developed with a *Retail Store* and a *Small Animal Clinic*, zoned Commercial (C) District. Beyond this is S. Goliad Street, which is classified as a P6D (*i.e. principle arterial, six [6] lane, divided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Following this is a 4.82-acre parcel of land (*i.e. Lot 1, I-30/205 Plaza Phase 1 Addition*) developed with a *Retail Store (i.e. Hobby Lobby)*, zoned Commercial (C) District.

East: Directly east of the subject property is a 2.198-acre parcel of land (i.e. part of Lot 1, Rockwall Business Park) developed with a multi-tenant commercial building, zoned Commercial (C) District. Beyond this is a vacant parcel of land (i.e. part of Lot 1, Rockwall Business Park) zoned Commercial (C) District. Following this is a 12.79-acre parcel of land (i.e. Lot 1, Block A, Rockwall County Courthouse Addition) developed with the Rockwall County Courthouse, zoned Commercial (C) District.

West: Directly west of the subject property is the intersection of E. Yellow Jacket Lane and S. Goliad Street, which are classified as a M4D (i.e. major collector, four [4] lane, divided roadway) and a P6D (i.e. principle arterial, six [6] lane, divided roadway) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a 1.30-acre parcel of land (i.e. Lot 1A, Block A, Braum's Addition) developed with a Restaurant with a Drive-Through, zoned General Retail (GR) District. Following this is a 11.579-acre parcel of land (i.e. Lot 1, Block A, Pebblebrook Addition) developed with a Multi-Family Development, zoned Multi-Family 14 (MF-14) District.

MAP 1: LOCATION MAP  
YELLOW: SUBJECT PROPERTY



### **CHARACTERISTICS OF THE REQUEST**

The applicant has submitted an application, letter, and a zoning exhibit requesting a Specific Use Permit (SUP) for a *Bail Bond Service* on the subject property. According to the Rockwall Central Appraisal District (RCAD) there is an existing 2,984 SF shopping center situated on the subject property. In this case, the applicant is requesting to operate out of one (1) of the three (3) suites in the existing building. According to the applicant's letter, the applicant currently has four (4) employees that would work at this location. The business would operate seven (7) days a week from 8am-8pm, with the phone lines staying open 24-hours a day. Staff has included all of the applicant's submitted materials in the attached packet for the Planning and Zoning Commission and City Council's review.



## **CONFORMANCE WITH THE CITY'S CODES**

Subsection 02.01(G), *Commercial and Business Services Land Uses*, of Article 13, *Definitions*, of the Unified Development Code (UDC), defines a *Bail Bond Service* as “(a)n establishment that solicits, negotiates, and executes bonds or other security to guarantee the appearance in court of a person accused of a crime.” In this case, the applicant’s proposed use falls under this classification. According to the *Permissible Use Charts* contained in Article 04, *Permitted Uses*, of the Unified Development Code (UDC), a *Bail Bond Service* requires a Specific Use Permit (SUP) in a Commercial (C) District. The purpose of this requirement is to acknowledge that the *Bail Bond Service* land use is not appropriate within all of the City’s commercial areas, and that the City Council should have discretionary oversight with regard to this land use and their impacts within these types of districts.

## **STAFF ANALYSIS**

According to Subsection 02.02, *Specific Use Permits (SUP)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), “(t)he purpose of a Specific Use Permit (SUP) is to allow discretionary consideration of certain uses that would typically be considered incompatible within certain locations of a zoning district.” In addition, the Specific Use Permit (SUP) allows the Planning and Zoning Commission and City Council the discretion to consider certain land uses to mitigate for the proliferation of one (1) land use within close proximity to each other. In this case, there is another *Bail Bond Service* within the adjacent multi-tenant retail building, which is approximately ~100-feet of the subject property (*i.e.* ~285-feet from the subject property to the lease space of the existing *Bail Bond Service*). That being said, approval of a Specific Use Permit (SUP) is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

## **OURHOMETOWN VISION 2040 COMPREHENSIVE PLAN**

According to the *Land Use Plan* contained in the OURHometown Vision 2040 Comprehensive Plan, the subject is situated within the *IH-30 Corridor District*. This district is composed primarily of a *Special Commercial Corridor (SC)*. The *IH-30 Corridor District* classifies the SC into three (3) zones: *Preservation Zone*, *Transitional Zone*, and *Opportunity Zone*. In this case, the subject property is located within the *Opportunity Zone*, which is defined as “(a) segment of the existing corridor with vacant or strategically placed or underutilized land that could be developed or redeveloped with the highest and best use for the corridor.” It is at the discretion of the Planning and Zoning Commission and City Council if the proposed *Bail Bond Service* meets the *District Strategies* outlined within the OURHometown Vision 2040 Comprehensive Plan.

## **NOTIFICATIONS**

On March 21, 2023, staff mailed 34 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Waterstone Homeowner’s Association (HOA), which is the only HOA/Neighborhood Organization within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). Staff has received no notices in favor or opposed to the applicant’s request.

## **CONDITIONS OF APPROVAL**

If the City Council chooses to approve the applicant’s request for a Specific Use Permit (SUP) for a *Bail Bond Service* within a Commercial (C) District, then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the SUP ordinance and which are detailed as follows:
  - (a) The development and operation of the *Bail Bond Service* shall generally conform to the Survey depicted in Exhibit ‘B’ of this ordinance and shall not occupy the entire existing building; and
  - (b) The proposed *Bail Bond Service* shall comply with all signage requirements.

- (2) Any construction resulting from the approval of this zoning change shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

### **PLANNING AND ZONING COMMISSION**

On April 11, 2023, the Planning and Zoning Commission approved a motion to recommend denial of the SUP by a vote of 6-0, with Commissioner Womble absent. According to Subsection 02.03(G), *Protest of a Zoning Change*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), “(i)f such change [*zoning change or Specific Use Permit (SUP)*] is recommended for denial by the Planning and Zoning Commission, such zoning change or Specific Use Permit (SUP) shall require a supermajority vote (*i.e. three-fourths vote of those members present*), with a minimum of four (4) votes in the affirmative required for approval.”



# DEVELOPMENT APPLICATION

City of Rockwall  
Planning and Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087

### STAFF USE ONLY

PLANNING & ZONING CASE NO. 22023-016

**NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.**

DIRECTOR OF PLANNING:

CITY ENGINEER:

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST (SELECT ONLY ONE BOX):

#### PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE) <sup>1</sup>
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- FINAL PLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- REPLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

#### SITE PLAN APPLICATION FEES:

- SITE PLAN (\$250.00 + \$20.00 ACRE) <sup>1</sup>
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

#### ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) <sup>1 & 2</sup>
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) <sup>1</sup>

#### OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) <sup>2</sup>

#### NOTES:

<sup>1</sup> IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.  
<sup>2</sup> A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

### PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 1901 S. Goliad, Rockwall TX 75087

SUBDIVISION Garland Federal Savings & Loan LOT 1 BLOCK 1

GENERAL LOCATION

### ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING

CURRENT USE

PROPOSED ZONING

PROPOSED USE Trail bonds

ACREAGE 0.423

LOTS [CURRENT]

LOTS [PROPOSED]

**SITE PLANS AND PLATS:** BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

### OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

OWNER Donna C Pritchard  APPLICANT Jonathan Martinez

CONTACT PERSON Jonathan Martinez

ADDRESS 1610 Shores Blvd ADDRESS 331 S. Riverfront Blvd

CITY, STATE & ZIP Rockwall TX 75087 CITY, STATE & ZIP Dallas, TX, 75207

PHONE 214 923 7031 PHONE 214 235-3421

E-MAIL [REDACTED] E-MAIL [REDACTED]

### NOTARY VERIFICATION [REQUIRED]

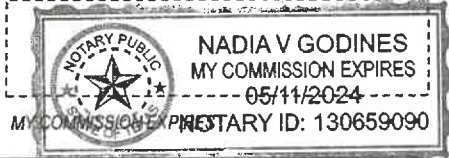
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Donna C. Pritchard [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 10 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 14 DAY OF March, 20 23 BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

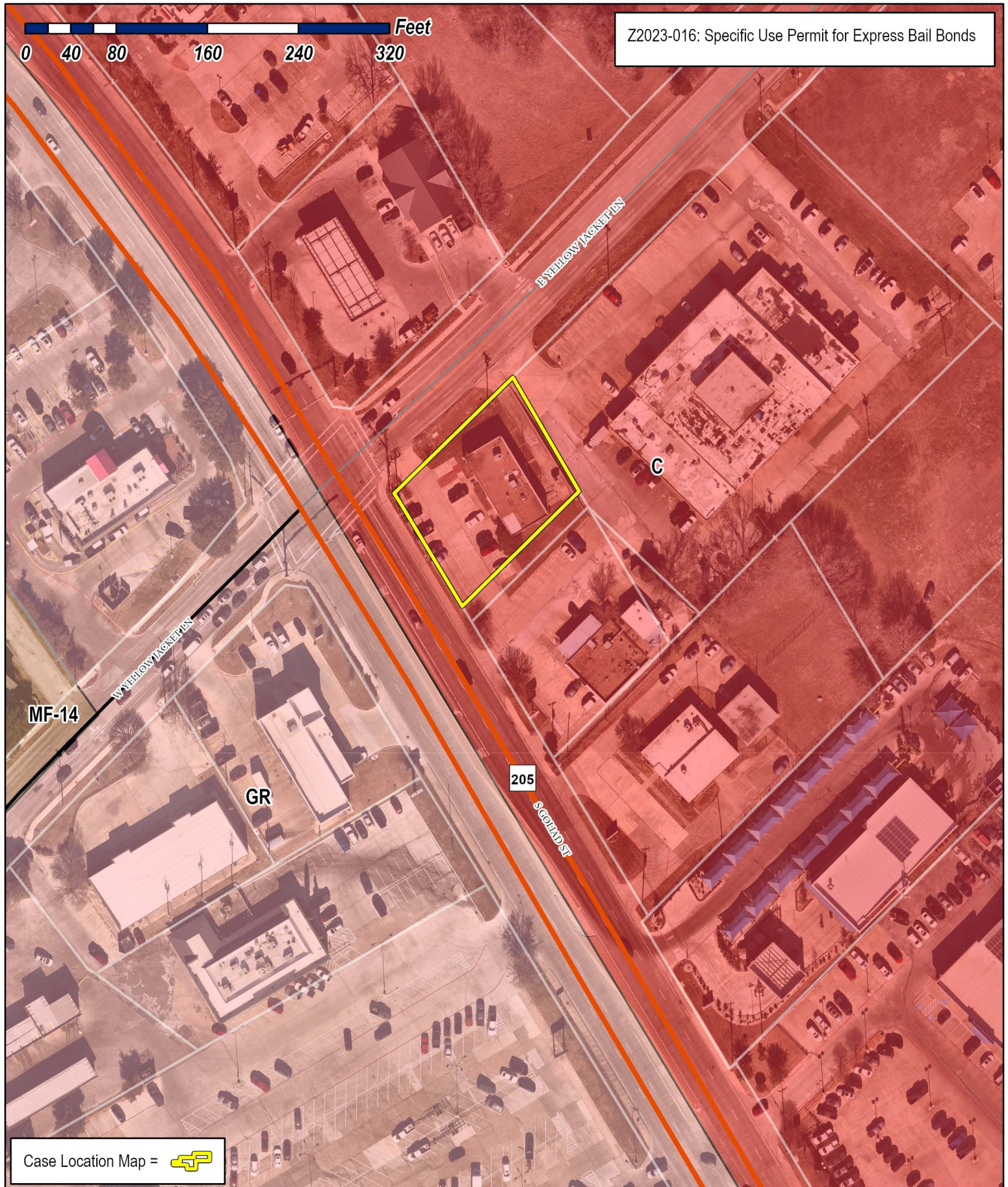
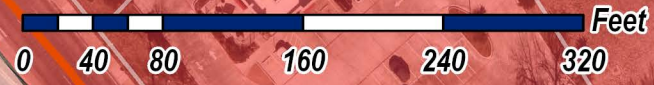
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 14 DAY OF March, 20 23

OWNER'S SIGNATURE Donna C Pritchard

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS Nadia V. Godines







Case Location Map =



# City of Rockwall

Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087  
(P): (972) 771-7745  
(W): www.rockwall.com

The City of Rockwall 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 Rockwall 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.



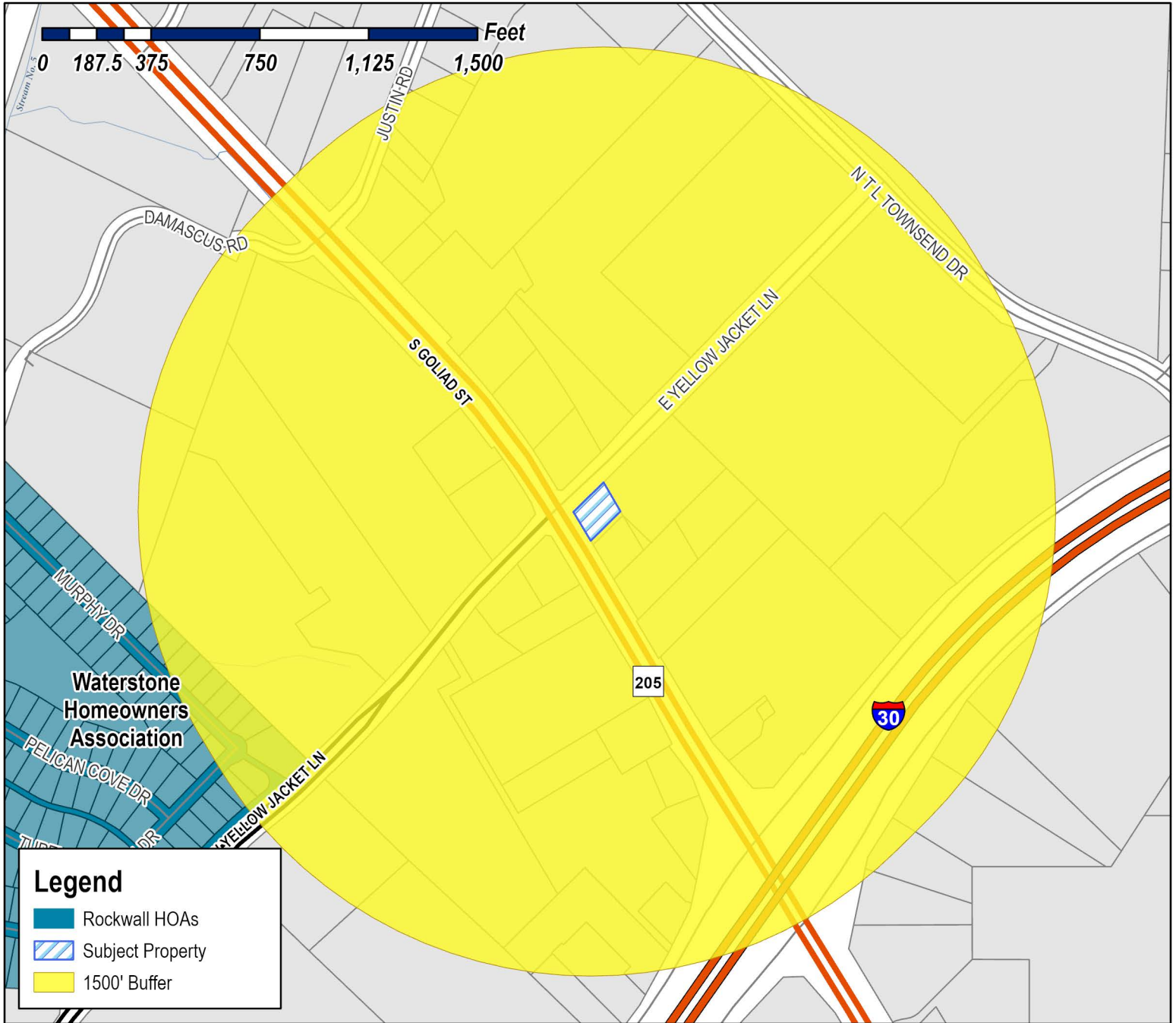




# City of Rockwall

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**Case Number:** Z2023-016  
**Case Name:** SUP for Express Bail Bonds  
**Case Type:** Zoning  
**Zoning:** Commercial (C) District  
**Case Address:** 1901 S. Goliad Street

**Date Saved:** 3/14/2023  
 For Questions on this Case Call (972) 771-7745



## Lee, Henry

---

**From:** Guevara, Angelica  
**Sent:** Tuesday, March 21, 2023 2:37 PM  
**Cc:** Miller, Ryan; Ross, Bethany; Lee, Henry  
**Subject:** Neighborhood Notification Program [Z2023-016]  
**Attachments:** Public Notice Z2023-016.pdf; HOA Map Z2023-016.pdf

HOA/Neighborhood Association Representative:

Per your participation in the *Neighborhood Notification Program*, you are receiving this notice to inform your organization that a zoning case has been filed with the City of Rockwall that is located within 1,500-feet of the boundaries of your neighborhood. As the contact listed for your organization, you are encouraged to share this information with the residents of your subdivision. Please find the attached map detailing the property requesting to be rezoned in relation to your subdivision boundaries. Additionally, below is the summary of the zoning case that will be published in the Rockwall Herald Banner on *March 24, 2023*. The Planning and Zoning Commission will hold a public hearing on *Tuesday, April 11, 2023 at 6:00 PM*, and the City Council will hold a public hearing on *Monday, April 17, 2023 at 6:00 PM*. Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

All interested parties are encouraged to submit public comments via email to [Planning@rockwall.com](mailto:Planning@rockwall.com) at least 30 minutes in advance of the meeting. Please include your name, address, and the case number your comments are referring to. These comments will be read into the record during each of the public hearings. Additional information on all current development cases can be found on the City's website: <https://sites.google.com/site/rockwallplanning/development/development-cases>.

### **Z2023-016: SUP for Bail Bond Service**

*Hold a public hearing to discuss and consider a request by Johnathan Martinez on behalf of Donna C. Pritchard for the approval of a Specific Use Permit (SUP) allowing a Bail Bond Service on a 0.423-acre parcel of land identified as Lot 1, Block 1, Garland Federal Savings & Loan Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1901 S. Goliad Street [SH-205], and take any action necessary.*

Thank you,

*Angelica Guevara*  
Planning Technician  
City of Rockwall Planning & Zoning  
385 S. Goliad Street  
Rockwall, TX 75087  
Office: 972-771-7745  
Direct: 972-772-6438

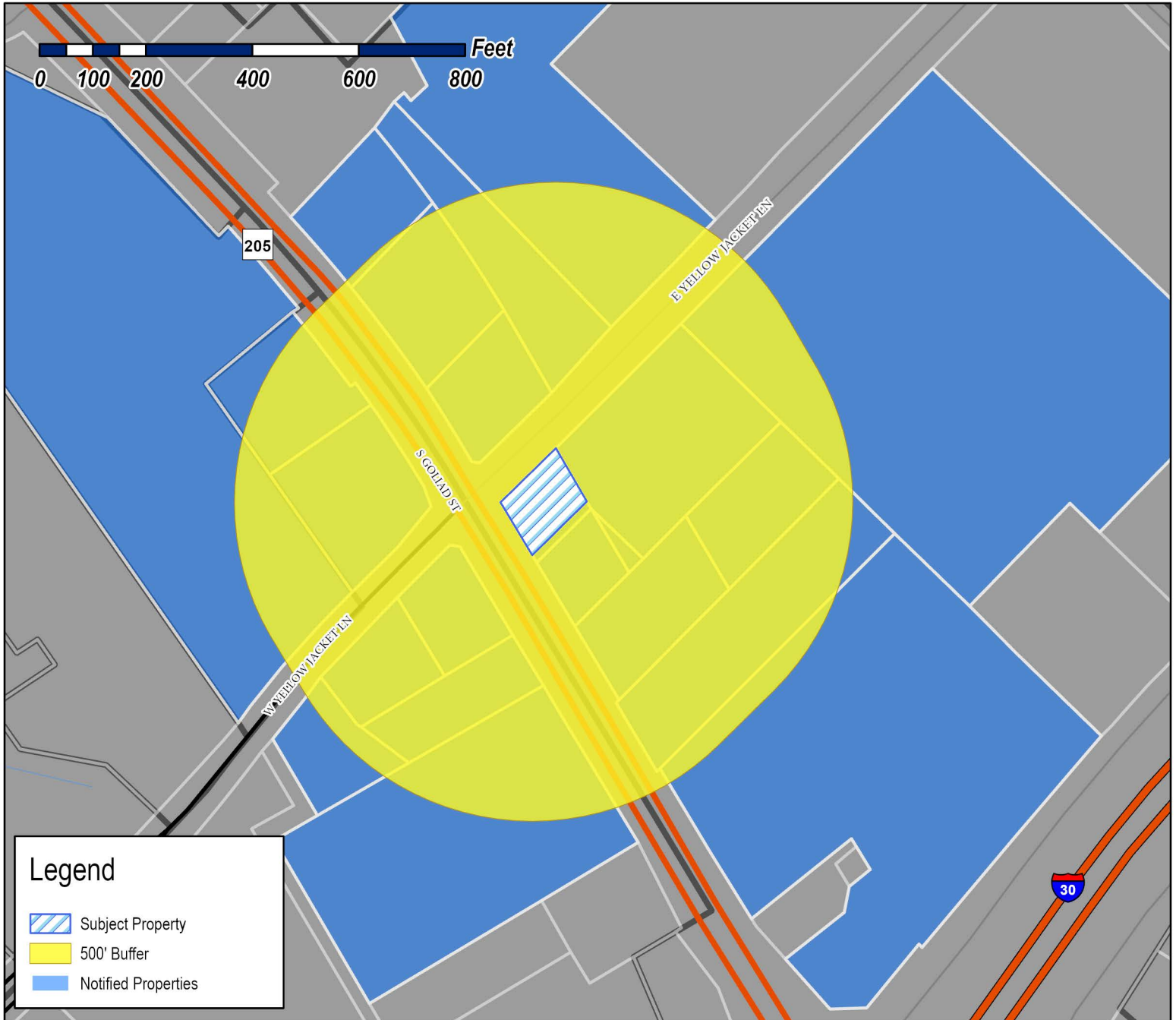




# City of Rockwall

Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087  
(P): (972) 771-7745  
(W): www.rockwall.com

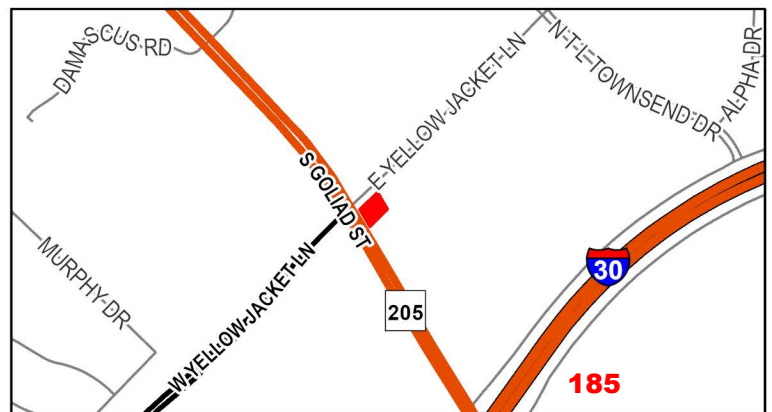
The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and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



**Case Number:** Z2023-016  
**Case Name:** SUP for Express Bail Bonds  
**Case Type:** Zoning  
**Zoning:** Commercial (C) District  
**Case Address:** 1901 S. Goliad Street

**Date Saved:** 3/14/2023

For Questions on this Case Call: (972) 771-7746



RESIDENT  
1101 YELLOW JACKET LN  
ROCKWALL, TX 75087

ROCKWALL COUNTY  
C/O CRIMINAL DIST ATT  
1101 RIDGE RD STE 105  
ROCKWALL, TX 75087

RESIDENT  
1111 E YELLOWJACKET LN  
ROCKWALL, TX 75087

RESIDENT  
1121 YELLOW JACKET LN  
ROCKWALL, TX 75087

MTK REAL ESTATE INVESTMENTS LLC  
1131 RIDGE ROAD  
ROCKWALL, TX 75087

FIRST UNITED METHODIST CHURCH  
FINANCE OFFICE  
1200 E YELLOW JACKET LN  
ROCKWALL, TX 75087

RESIDENT  
1410 S GOLIAD  
ROCKWALL, TX 75087

RESIDENT  
1415 S GOLIAD ST  
ROCKWALL, TX 75087

SMAJLI MARIO  
1426 MURPHY DRIVE  
ROCKWALL, TX 75087

PRITCHARD DONNA CULLINS  
1610 SHORES BLVD  
ROCKWALL, TX 75087

RESIDENT  
1801 S GOLIAD  
ROCKWALL, TX 75087

LONE STAR CHICKEN LP  
1810 S GOLIAD ST  
ROCKWALL, TX 75087

RESIDENT  
1815 S GOLIAD  
ROCKWALL, TX 75087

WDC PEBBLEBROOK APARTMENTS LLC  
ATTN: MLG FUND ACCOUNTING  
19000 W. BLUEMOUND ROAD  
BROOKEFIELD, WI 53045

RESIDENT  
1901 S GOLIAD  
ROCKWALL, TX 75087

RESIDENT  
1902 S GOLIAD  
ROCKWALL, TX 75087

UHLIG JANET KAY &  
JEFFERY DAVID JOLLEY  
1903 S GOLIAD ST  
ROCKWALL, TX 75087

RESIDENT  
1920 S GOLIAD  
ROCKWALL, TX 75087

ROCKWALL VET CLINIC  
C/O JOE LOFTIS  
2001 S GOLIAD ST  
ROCKWALL, TX 75087

RESIDENT  
2002 S GOLIAD  
ROCKWALL, TX 75087

CARMEL CAR WASH ROCKWALL LLC  
2003 S GOLIAD ST  
ROCKWALL, TX 75087

RESIDENT  
2004 S GOLIAD  
ROCKWALL, TX 75087

RESIDENT  
2005 S GOLIAD  
ROCKWALL, TX 75087

LANDLOW LLC  
2070 PONTCHARTRAIN  
ROCKWALL, TX 75087

ERNIES RENTAL HEADQUARTERS INC (ERHI) AND  
BALDWIN GARDENS INC (BGI) AND BALDWIN  
BROTHERS INC (BBI)  
2540 VILLAGE COMMON DRIVE  
ERIE, PA 16506

DAIRYROCK LLC  
300 SE 5TH AVENUE #4100  
BOCA RATON, FL 33432

RETAIL BUILDERS INC  
3000 NE 63RD ST  
OKLAHOMA CITY, OK 73121

ROCK HOB LP  
3308 KEMP BLVD STE 3  
WICHITA FALLS, TX 76308

COX MORRIS G  
6902 ELLSWORTH AVENUE  
DALLAS, TX 75214

CARSON MARK R  
701 N MUNSON RD  
ROYSE CITY, TX 75189

YELLOW JACKET OB 1 LLC  
800 EAGLE PASS  
HEATH, TX 75032

RESIDENT  
811 YELLOW JACKET  
ROCKWALL, TX 75087

MIAN REAL ESTATE HOLDINGS LLC-FUND III  
SERIES  
8660 THOMAS CHARLES LANE  
HICKORY HILLS, IL 60457

BOOMPA LTD  
PO BOX 999  
ROCKWALL, TX 75087



# PUBLIC NOTICE



CITY OF ROCKWALL  
PLANNING AND ZONING DEPARTMENT  
PHONE: (972) 771-7745  
EMAIL: PLANNING@ROCKWALL.COM

Property Owner and/or Resident of the City of Rockwall:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

**Z2023-016: SUP for Bail Bond Service**

Hold a public hearing to discuss and consider a request by Johnathan Martinez on behalf of Donna C. Pritchard for the approval of a Specific Use Permit (SUP) allowing a Bail Bond Service on a 0.423-acre parcel of land identified as Lot 1, Block 1, Garland Federal Savings & Loan Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1901 S. Goliad Street [SH-205], and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, April 11, 2023 at 6:00 PM, and the City Council will hold a public hearing on Monday, April 17, 2023 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

**Henry Lee**  
Rockwall Planning and Zoning Dept.  
385 S. Goliad Street  
Rockwall, TX 75087

You may also email your comments to the Planning Department at [planning@rockwall.com](mailto:planning@rockwall.com). If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by Monday, April 17, 2023 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

**Ryan Miller, AICP**  
Director of Planning & Zoning



MORE INFORMATION ON THIS CASE CAN BE FOUND AT: <https://sites.google.com/site/rockwallplanning/development/development-cases>

--- PLEASE RETURN THE BELOW FORM ---

**Case No. Z2023-016: SUP for Bail Bond Service**

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

Four horizontal grey bars for providing reasons for support or opposition.

Name: [Grey box]  
Address: [Grey box]

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

Case No. Z2023-016: SUP for Bail Bond Service

Please place a check mark on the appropriate line below:

I am in favor of the request for the reasons listed below.

I am opposed to the request for the reasons listed below.

My Dairy Queen is located within a mile of this location. I do not feel this is an appropriate Business to be so close in proximity to a family destination

Name:

Dairy Rock, LLC

Address:

1801 Goliad St., Rockwall, TX 75087

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

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# PUBLIC NOTICE



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Sincerely,

**Ryan Miller, AICP**  
Director of Planning & Zoning



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----- PLEASE RETURN THE BELOW FORM -----

**Case No. Z2023-016: SUP for Bail Bond Service**

Please place a check mark on the appropriate line below:

I am in favor of the request for the reasons listed below.

I am opposed to the request for the reasons listed below.

No we are opposed to that property being used for that type of business. We feel that would not be a quality use for this location and would cause a loss of property values for other owners.

Name: John Brodersen

Address: 2003 S. Goliad St. Rockwall, TX 75087

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**Case No. Z2023-016: SUP for Bail Bond Service**

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

- Will hinder the value of properties in the area.

- Does not conform with other businesses in the area.

Name: Tyler C. Sales, Authorized Representative of Hob-Rock, LLC

Address: 2004 S Goliad Street, Rockwall, TX 75087

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**Case No. Z2023-016: SUP for Bail Bond Service**

Please place a check mark on the appropriate line below:

I am in favor of the request for the reasons listed below.

I am opposed to the request for the reasons listed below.

IT IS A NON-OFFENSIVE BUSINESS THAT WILL NOT  
CONTRIBUTE TO ADDITIONAL TRAFFIC CONGESTION  
AND WILL ADD ADDITIONAL TAXES TO HELP SUPPORT  
THE CITY AND COUNTY

Name: GW Pritchard  
Address: 1610 SHOLES BLVD. 75087

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

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----- PLEASE RETURN THE BELOW FORM -----

### Case No. Z2023-016: SUP for Bail Bond Service

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

I don't want this kind of business next door to me. Many kids walk from the middle school to Pebblebrook + will be within 15 feet of this. Many kids walk from the high school to the library + will be right here on the corner

Name: This kind of business will drag this corner down.  
Address: KAY Jolley 1903 S. Goliad Rockwall, TX 75087

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PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE





# EXPRESS BAIL BONDS

LIC#264  
331 S. Riverfront Blvd  
Dallas Tx, 75207  
Office (214) 760-1644  
Fax (214) 760-1202

LIC#250  
334 N. Beach St  
Ft. Worth Tx, 76111  
Office (817) 615-9319  
Fax (817) 615-9319

Email: [expressbailbonds19@yahoo.com](mailto:expressbailbonds19@yahoo.com)

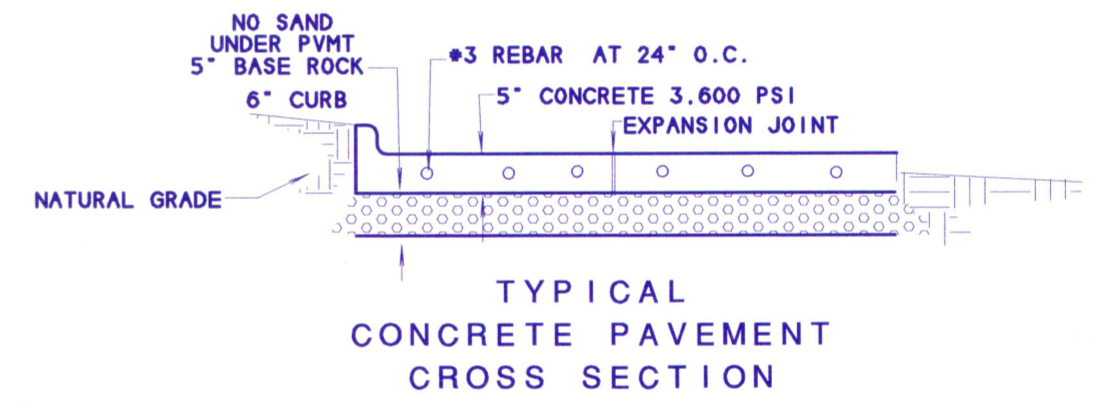
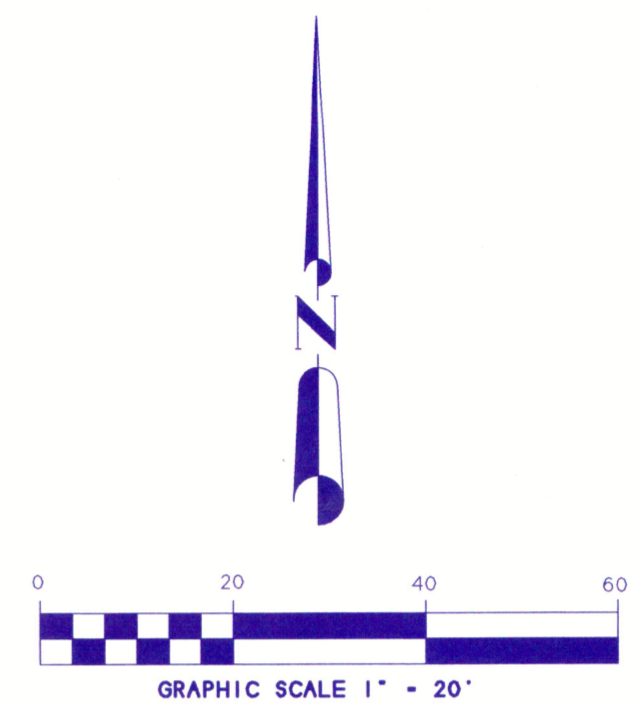
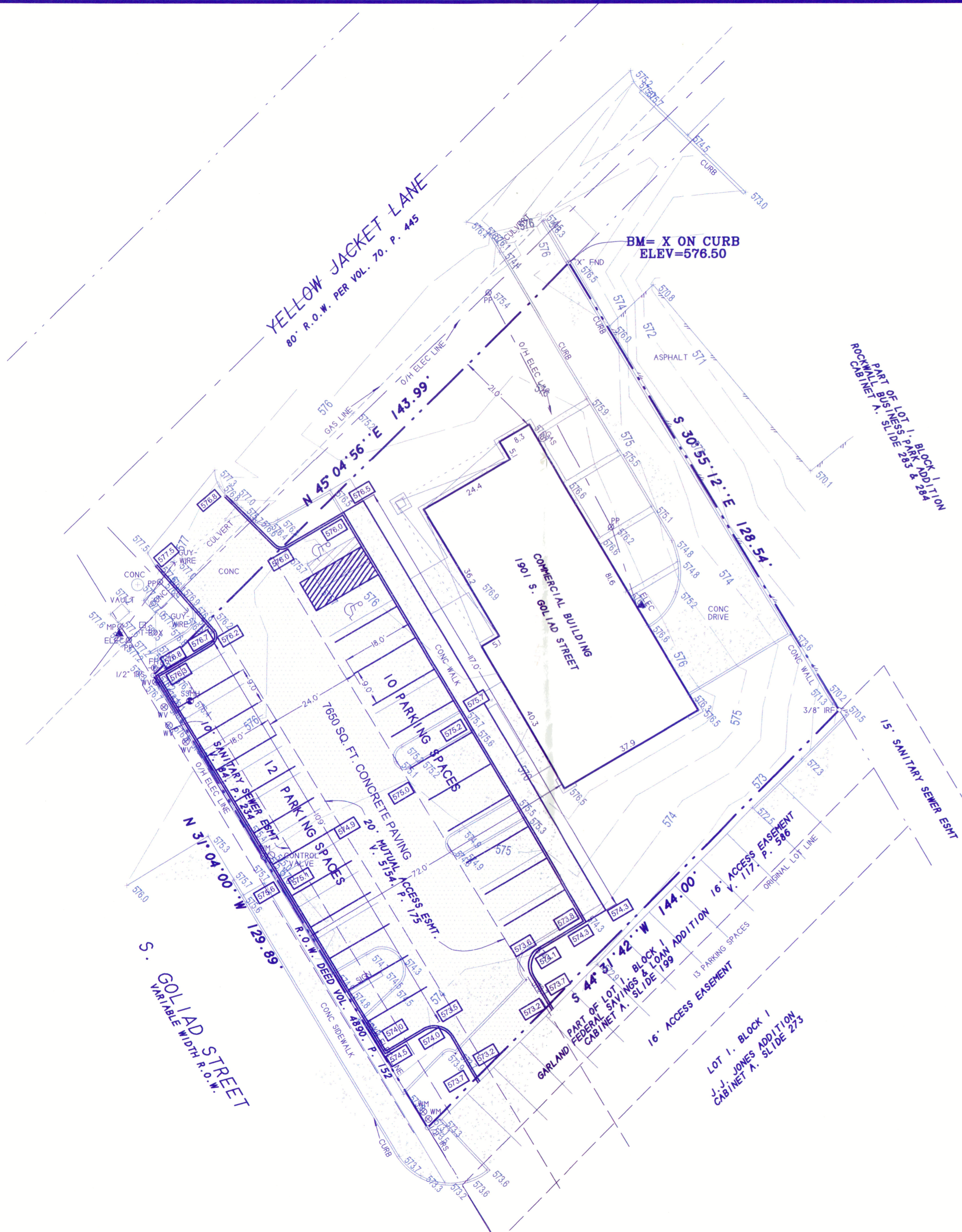
March 13, 2023

My company as a bail bond office and bondsmen. We provide a service allowing a person (s) to post bail for who is charge with crimes and who do not have the money necessary to post the entire bail with the court. The bail bondsman acts as a surety by providing money to the court for the person(s) bail, promising the defendant will appear in court. We are an office of four people total. Our days and hours is known to be 24 hours, how ever will operate cordially as we provide service. I hope to be apart of Rockwall County to be of service to the community.

Thank you,  
Jonathan







**SITE PLAN  
LOT 1, BLOCK 1  
GARLAND FEDERAL  
SAVINGS & LOAN ADDITION**

A PART OF THE JOSEPH CADLE  
SURVEY, ABSTRACT NO. 65  
CITY OF ROCKWALL  
ROCKWALL COUNTY, TEXAS

**OWNERS:**  
DONNA CULLINS PRITCHARD  
KIMBERLY COLLICHIO  
1610 SHORES BLVD.  
ROCKWALL, TX 75087  
972-771-3060

SYMBOL LEGEND	
TV	GAS
CABLE	PHONE
ELEC	FIRE
TU	HYDRANT
BOX	METER
SURFACE	
JUNCTION	IRON ROD FOUND
FENCE	LP
PROPERTY LINE	A/C
	LIGHT
	PROPANE
	TANK

**R.S.C.I.**  
ROCKWALL SURVEYING CO., INC. LAND SURVEYING  
1984 S. FM 551 ROYSE CITY, TX 75189 972-772-5434 PHONE 972-772-5443 FAX

SURVEY DATE JULY 9, 2008  
SCALE 1" = 20' FILE# 20080547SP  
CLIENT PRITCHARD, GF# NONE



CITY OF ROCKWALL

ORDINANCE NO. 23-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A *BAIL BOND SERVICE* ON A 0.423-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1, BLOCK 1, GARLAND FEDERAL SAVINGS AND LOAN ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR 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 request has been made by Johnathan Martinez on behalf of Donna Pritchard for the approval of a *Specific Use Permit (SUP)* for a *Bail Bond Service* on a 0.423-acre parcel of land identified as Lot 1, Block 1, Garland Federal Savings and Loan Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1901 S. Goliad Street [SH-205], and being more specifically described in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; 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 Unified Development Code [Ordinance No. 20-02] 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.** The Unified Development Code [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing for the establishment of a *Bail Bond Service* as stipulated by Article 04, *Permissible Uses*, of the Unified Development Code [Ordinance No. 20-02] on the *Subject Property*; and

**SECTION 2.** That the *Subject Property* shall be used and developed only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in Subsection 01.01, *Land Use Schedule*, of Article 04, *Permissible Uses*, and Subsection 04.01, *General Commercial District Standards*; Subsection 04.05, *Commercial (C) District*; and Subsection 06.02, *General Overlay District Standards*, of Article 05, *District Development Standards*, of the Unified Development Code [Ordinance No. 20-02] of the City of Rockwall -- as heretofore amended and may be amended in the future -- and with the following conditions:



## 2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Bail Bond Service* on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) The proposed *Bail Bond Service* shall be limited to the area depicted in *Exhibit 'B'* of this ordinance.

## 2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require the *Subject Property* to comply with the following:

- 1) Upon obtaining a *Certificate of Occupancy (CO)*, should the business owner operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (after proper notice) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*].

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

**SECTION 4.** 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 5.** 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 6.** 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, 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 7.** That this ordinance shall take effect immediately from and after its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 1<sup>ST</sup> DAY OF MAY, 2023.**

\_\_\_\_\_  
Kevin Fowler, *Mayor*

**ATTEST:**

\_\_\_\_\_  
Kristy Teague, *City Secretary*

**APPROVED AS TO FORM:**

---

Frank J. Garza, *City Attorney*

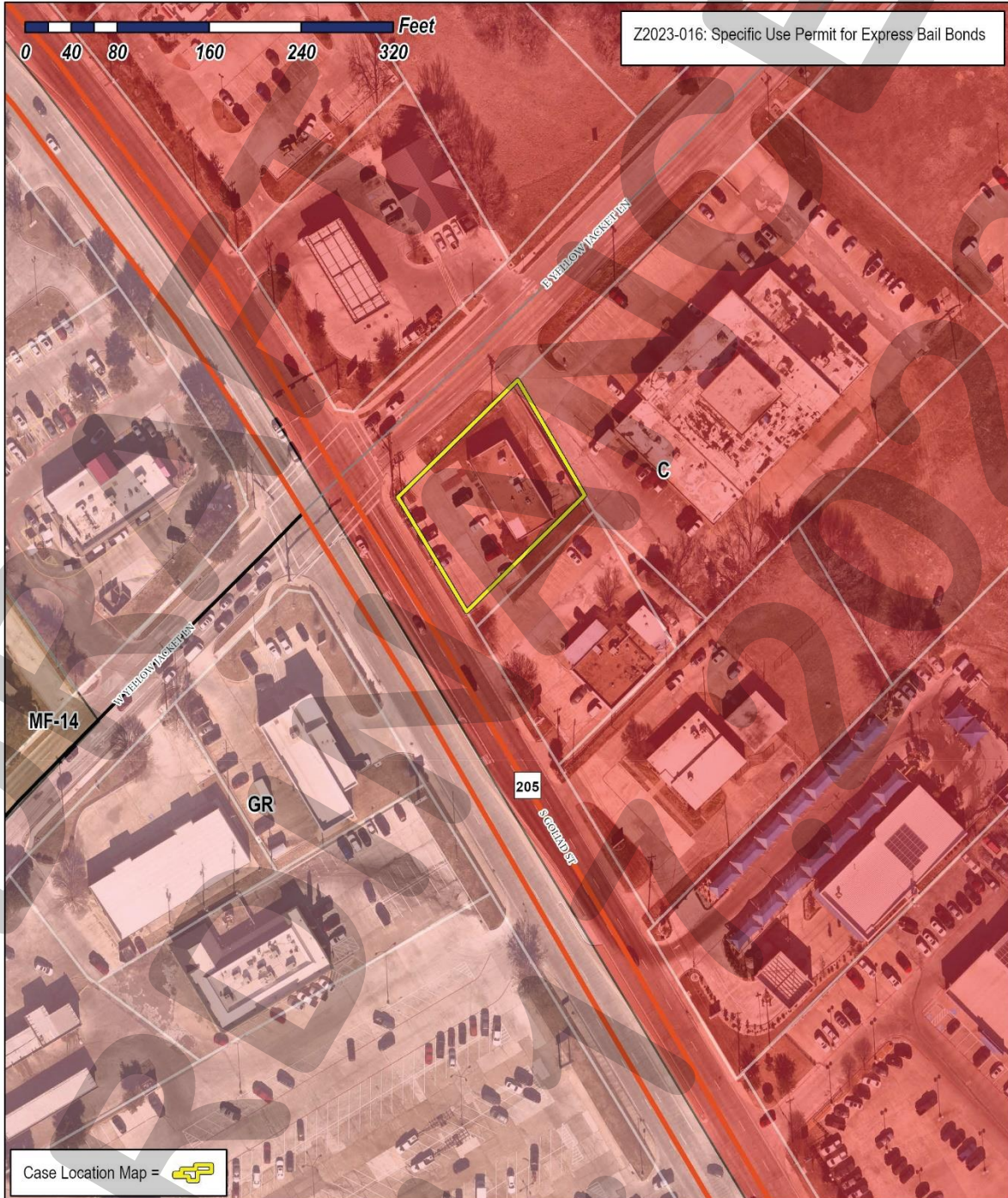
1<sup>st</sup> Reading: April 17, 2023

2<sup>nd</sup> Reading: May 1, 2023

DRAFT  
ORDINANCE  
04.17.2023

**Exhibit 'A':  
Location Map**

**LEGAL DESCRIPTION:** LOT 1, BLOCK 1, GARLAND FEDERAL SAVINGS AND LOANS ADDITION



**City of Rockwall**

Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087  
(P): (972) 771-7745  
(W): www.rockwall.com

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## MEMORANDUM

---

**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

**FROM:** Ryan Miller, Director of Planning and Zoning

**DATE:** April 17, 2023

**SUBJECT:** Z2023-017; SPECIFIC USE PERMIT (SUP) FOR A RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION FOR 711 PARKS AVENUE

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### Attachments

Case Memo  
Development Application  
Location Map  
HOA Notification Map  
Neighborhood Notification Email  
Property Owner Notification Map  
Property Owner Notification List  
Public Notice  
Property Owner Notifications  
Residential Plot Plan  
Building Elevations  
Housing Analysis  
Draft Ordinance

### Summary/Background Information

Hold a public hearing to discuss and consider a request by Javier Silva on behalf of Nixon Estate and Judy Wible the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.16-acre parcel of land identified as Lot 11, Block C, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 711 Parks Avenue, and take any action necessary (**1st Reading**).

### Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed Specific Use Permit (SUP).



# CITY OF ROCKWALL

## CITY COUNCIL CASE MEMO

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

---

**TO:** Mayor and City Council

**DATE:** April 17, 2023

**APPLICANT:** Javier Silva; *JMS Custom Homes, LLC*

**CASE NUMBER:** Z2023-017; *Specific Use Permit (SUP) for a Residential Infill in an Established Subdivision for 711 Parks Avenue*

---

### SUMMARY

Hold a public hearing to discuss and consider a request by Javier Silva on behalf of Nixon Estate and Judy Wible the approval of a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* on a 0.16-acre parcel of land identified as Lot 11, Block C, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 711 Parks Avenue, and take any action necessary.

### BACKGROUND

Based on the City's annexation ordinances, the subject property was annexed prior to June 20, 1959, and based on the 1934 Sanborn Maps the subject property was annexed between May 16, 1911 and August 25, 1934. According to the to the City's *Historic Zoning Maps*, the subject property was zoned Single-Family 3 (SF-3) District as of January 3, 1972. Between January 3, 1972 and May 16, 1983, this zoning designation was changed to a Single-Family 7 (SF-7) District. According to the Rockwall Central Appraisal District (RCAD) there is a 1,164 SF single-family home situated on the subject property, constructed in 1975.

### PURPOSE

The applicant -- *Javier Silva of JMS Custom Homes* -- is requesting the approval of a *Specific Use Permit (SUP)* for the purpose of constructing a single-family home on the subject property in accordance with Subsection 02.03(B)(11), *Residential Infill in or Adjacent to an Established Subdivision*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC).

### ADJACENT LAND USES AND ACCESS

The subject property is addressed as 711 Parks Avenue. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is a 0.161-acre parcel of land (*i.e. Lot 12, Block C, Foree Addition*) that is developed with a single-family home, and that is zoned Single-Family 7 (SF-7) District. Beyond this is Heath Street, which is identified as a R2 (*i.e. residential, two [2] lane, undivided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Following this are the Stark and Wade Additions, which are established single-family subdivisions that are zoned Single-Family 7 (SF-7) District.

South: Directly south of the subject property is the rest of the Foree Addition, which was established in 1913, consists of 25 residential lots, and is zoned Single-Family 7 (SF-7) District. Bisecting the Foree Addition is Lillian Street, which is identified as a R2 (*i.e. residential, two [2] lane, undivided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

East: Directly east of the subject property is Parks Street, which is identified as a R2 (*i.e. residential, two [2] lane, undivided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a 0.161-acre parcel of land (*i.e. Lot 11, Block D, Foree Addition*) that is developed with a single-family home, and that is zoned Single-Family 7 (SF-7) District. Following this is N. Clark



Street, which is identified as a R2 (i.e. residential, two [2] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. East of this are two (2) parcels of land (i.e. Block 84A & part of 84A of the B. F. Boydston Addition) that are developed with single-family homes, and that are zoned Single-Family 7 (SF-7) District.

West: Directly west of the subject property are three (3) parcels of land (i.e. Lots 6-8, Block 16, F&M Addition) that are developed with single-family homes, and that are zoned Single-Family 7 (SF-7) District. Beyond this is Austin Street, which is identified as a R2U (i.e. residential, two [2] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Following this are four (4) parcels of land (i.e. Lot 1, Block A & Lots A-C, Block 10, F&M Addition) that are developed with single-family homes, and that are zoned Single-Family 7 (SF-7) District.

**CHARACTERISTICS OF THE REQUEST AND CONFORMANCE TO THE CITY’S CODES**

Article 13, *Definitions*, of the Unified Development Code (UDC) defines *Residential Infill in or Adjacent to an Established Subdivision* as “(t)he new development of a single-family home or duplex on an existing vacant or undeveloped parcel of land or the redevelopment of a developed parcel of land for a new single-family home or duplex within an established subdivision that is mostly or entirely built-out.” An *established subdivision* is further defined in Subsection 02.03(B)(11) of Article 04, *Permissible Uses*, of the UDC as “...a subdivision that consists of five (5) or more lots, that is 90% developed, and that has been in existence for more than ten (10) years.” The subject property is part of the Foree Addition, which has been in existence since 1913, consists of 25 residential lots, and is 100% developed. The *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the UDC, requires a Specific Use Permit (SUP) for *Residential Infill in or Adjacent to an Established Subdivision* in all single-family zoning districts, the Two-Family (2F) District, the Downtown (DT) District, and the Residential-Office (RO) District. This property, being zoned Single-Family 7 (SF-7) District, requires a Specific Use Permit (SUP).

In addition, Subsection 02.03(B)(11) of Article 04, *Permissible Uses*, of the UDC states that, “...the Planning and Zoning Commission and City Council shall consider the proposed size, location, and architecture of the home compared to the existing housing ... [and] (a)ll housing proposed under this section [i.e. *Residential Infill in or Adjacent to an Established Subdivision*] shall be constructed to be architecturally and visually similar or complimentary to the existing housing ...” The following is a summary of observations concerning the housing on Heath Street and Parks Avenue compared to the house proposed by the applicant:

Housing Design and Characteristics	Existing Housing on Heath Street and Parks Avenue	Proposed Housing
Building Height	One (1) & Two (2) Story.	One (1) Story
Building Orientation	The homes are oriented towards their front property line.	The front elevation of the home will face onto Parks Avenue
Year Built	1929-2021	N/A
Building SF on Property	946 SF – 3,100SF	~1,730 SF
Building Architecture	Traditional/Craftsman with Horizontal Lap-Siding or Brick	Comparable Architecture to the Existing Homes
Building Setbacks:		
Front	The front yard setbacks appear to conform to the required 20-foot front yard setback.	X=20-Feet
Side	The side yard setbacks appear to conform to the required six (6) foot side yard setback.	X=6-Feet
Rear	The rear yard setbacks appear conform to the required ten (10) feet rear yard setback.	X>10-Feet
Building Materials	Horizontal Lap-Siding and Brick	Horizontal Siding
Paint and Color	Blue, Yellow, Tan, Brown, Green, White	Unknown
Roofs	Composite Shingles	Composite Shingle
Driveways	Driveways are in the front or rear with the existing garages being <i>flat front entry</i> or <i>rear entry</i> .	The garage is proposed to be situated as a <i>flat front entry</i> .

According to Section 04, *Residential Parking*, of Article 06, *Parking and Loading*, of the Unified Development Code (UDC), “(i)n single-family or duplex districts, parking garages must be located at least 20-feet behind the front façade for front entry garages ...” In this case, the applicant’s proposed garage is oriented in front of the front façade of the proposed single-family

home. A waiver to the garage orientation is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission. If approved as part of the Specific Use Permit (SUP) request, the City Council will be waiving the garage orientation requirement. With this being said, staff should point out -- *that with the exception of the garage orientation* -- the proposed single-family home meets all of the density and dimensional requirements for a property located in a Single-Family 7 (SF-7) District.

For the purpose of comparing the proposed home to the existing single-family housing located adjacent to or in the vicinity of the subject property, staff has provided photos of the properties along Parks Avenue, and the building elevations for the proposed single-family home in the attached packet. The approval of this request is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission and a finding that the proposed house will not have a negative impact on the existing subdivision.

## **NOTIFICATIONS**

On March 21, 2023, staff mailed 115 notices to property owners and occupants within 500-feet of the subject property. Staff also sent a notice to the Caruth Lakes Homeowner's Association (HOA), which is the only HOAs or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had received two (2) notices from one (1) property owner in favor of the applicant's request.

## **CONDITIONS OF APPROVAL**

If the City Council chooses to approve the applicant's request for a Specific Use Permit (SUP) to construct a single-family home as a *Residential Infill within an Established Subdivision*, then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the Specific Use Permit (SUP) ordinance and which are detailed as follows:
  - (a) Development of the *Subject Property* shall generally conform to the Residential Plot Plan as depicted in *Exhibit 'B'* of the draft ordinance.
  - (b) The construction of a single-family home on the *Subject Property* shall generally conform to the Building Elevations depicted in *Exhibit 'C'* of the draft ordinance; and,
  - (c) Once construction of the single-family home has been completed, inspected, and accepted by the City, the Specific Use Permit (SUP) shall expire, and no further action by the property owner shall be required.
- (2) Any construction resulting from the approval of this Specific Use Permit (SUP) shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

## **PLANNING AND ZONING COMMISSION**

On April 11, 2023, the Planning and Zoning Commission approved a motion to recommend approval of the SUP by a vote of 6-0, with Commissioner Womble absent.

21930



# DEVELOPMENT APPLICATION

City of Rockwall  
Planning and Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087

**STAFF USE ONLY**

PLANNING & ZONING CASE NO. 22023-017

**NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW!**

DIRECTOR OF PLANNING:

CITY ENGINEER:

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST (SELECT ONLY ONE BOX):

- PLATTING APPLICATION FEES:**
- MASTER PLAT (\$100.00 + \$15.00 ACRE) <sup>1</sup>
  - PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) <sup>1</sup>
  - FINAL PLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
  - REPLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
  - AMENDING OR MINOR PLAT (\$150.00)
  - PLAT REINSTATEMENT REQUEST (\$100.00)
- SITE PLAN APPLICATION FEES:**
- SITE PLAN (\$250.00 + \$20.00 ACRE) <sup>1</sup>
  - AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

- ZONING APPLICATION FEES:**
- ZONING CHANGE (\$200.00 + \$15.00 ACRE) <sup>1</sup>
  - SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) <sup>1&2</sup>
  - PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- OTHER APPLICATION FEES:**
- TREE REMOVAL (\$75.00)
  - VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) <sup>3</sup>
- NOTES:**
- <sup>1</sup> IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.
- <sup>2</sup> A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

### PROPERTY INFORMATION (PLEASE PRINT)

ADDRESS 711 Parks Ave. Rockwall, TX 75087

SUBDIVISION Foree's Addition LOT 11 BLOCK C

GENERAL LOCATION

### ZONING, SITE PLAN AND PLATTING INFORMATION (PLEASE PRINT)

CURRENT ZONING	<u>Residential I</u>	CURRENT USE	<u>Residential I</u>
PROPOSED ZONING	<u>Residential I</u>	PROPOSED USE	<u>Residential I</u>
ACREAGE	<u>0.16</u>	LOTS [CURRENT]	<u>1</u>
		LOTS [PROPOSED]	<u>1</u>

**SITE PLANS AND PLATS:** BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

### OWNER/APPLICANT/AGENT INFORMATION (PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED)

<input type="checkbox"/> OWNER	<u>Nixon Estate</u>	<input checked="" type="checkbox"/> APPLICANT	<u>Javier Silva</u>
CONTACT PERSON	<u>Judy Wible</u>	CONTACT PERSON	<u>Javier Silva</u>
ADDRESS	<u>114 Vicksburg Loop</u>	ADDRESS	<u>58 Windsor Dr.</u>
CITY, STATE & ZIP	<u>Elgin TX 78621</u>	CITY, STATE & ZIP	<u>Rockwall, TX 75082</u>
PHONE	<u>512-944-2652</u>	PHONE	<u>(972) 814-9462</u>
E-MAIL	[REDACTED]	E-MAIL	<u>support@jmscustomhomes.net</u>

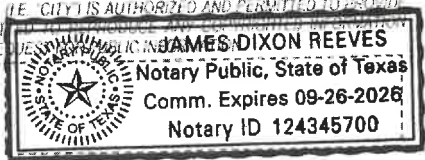
### NOTARY VERIFICATION (REQUIRED)

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Judy Wible [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

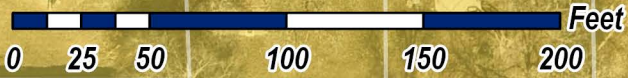
I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION, ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT, AND THE APPLICATION FEE OF \$ 215 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 13th DAY OF March, 2023. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (THE CITY) IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE AND TRANSMIT THIS INFORMATION IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 13th DAY OF March, 2023  
OWNER'S SIGNATURE: Judy Wible

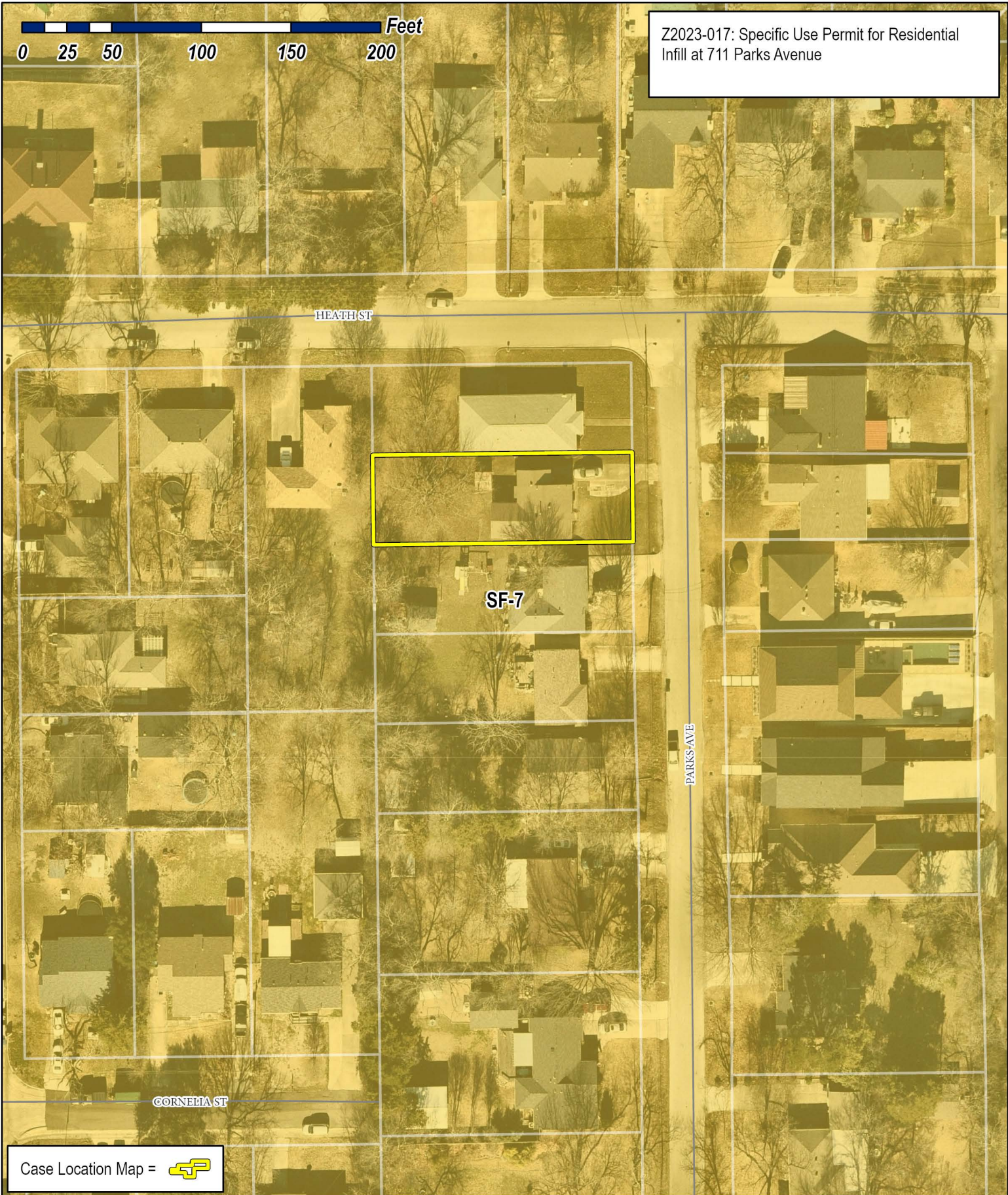
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS James D. Reeves  
MY COMMISSION EXPIRES








Z2023-017: Specific Use Permit for Residential Infill at 711 Parks Avenue



Case Location Map = 



# City of Rockwall

Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087  
(P): (972) 771-7745  
(W): www.rockwall.com

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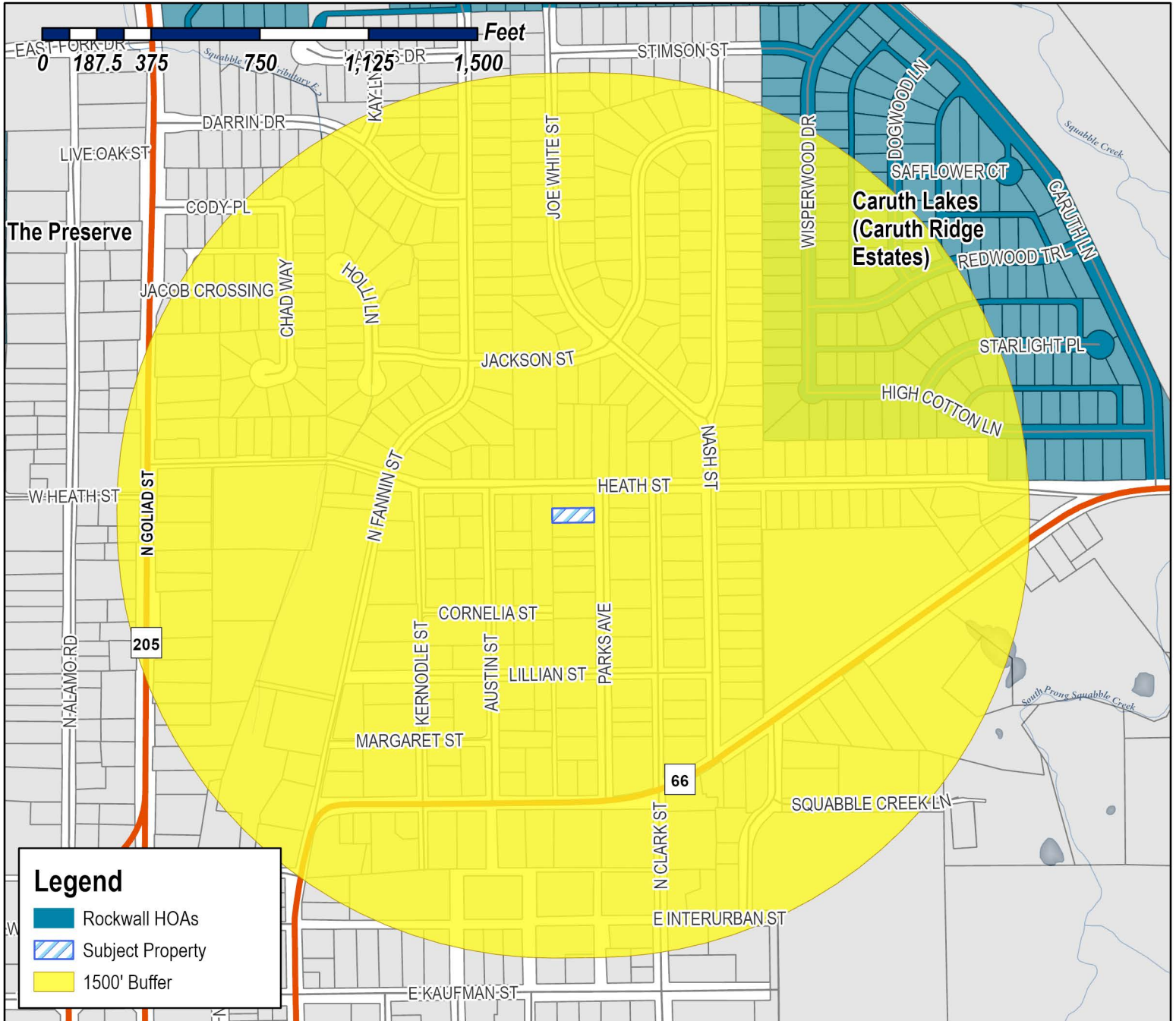
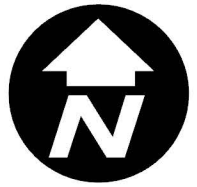




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**Case Number:** Z2023-017  
**Case Name:** SUP for Residential Infill  
**Case Type:** Zoning  
**Zoning:** Single-Family 7 (SF-7) District  
**Case Address:** 711 Parks Avenue

**Date Saved:** 3/17/2023  
 For Questions on this Case Call (972) 771-7745



## Lee, Henry

---

**From:** Guevara, Angelica  
**Sent:** Tuesday, March 21, 2023 2:38 PM  
**Cc:** Miller, Ryan; Ross, Bethany; Lee, Henry  
**Subject:** Neighborhood Notification Program [Z2023-017]  
**Attachments:** Public Notice Z2023-017.pdf; HOA Map Z2023-017.pdf

HOA/Neighborhood Association Representative:

Per your participation in the [Neighborhood Notification Program](#), you are receiving this notice to inform your organization that a zoning case has been filed with the City of Rockwall that is located within 1,500-feet of the boundaries of your neighborhood. As the contact listed for your organization, you are encouraged to share this information with the residents of your subdivision. Please find the attached map detailing the property requesting to be rezoned in relation to your subdivision boundaries. Additionally, below is the summary of the zoning case that will be published in the Rockwall Herald Banner on [March 24, 2023](#). The Planning and Zoning Commission will hold a public hearing on [Tuesday, April 11, 2023 at 6:00 PM](#), and the City Council will hold a public hearing on [Monday, April 17, 2023 at 6:00 PM](#). Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

All interested parties are encouraged to submit public comments via email to [Planning@rockwall.com](mailto:Planning@rockwall.com) at least 30 minutes in advance of the meeting. Please include your name, address, and the case number your comments are referring to. These comments will be read into the record during each of the public hearings. Additional information on all current development cases can be found on the City's website: <https://sites.google.com/site/rockwallplanning/development/development-cases>.

### **Z2023-017: SUP for Residential Infill at 711 Parks Avenue**

*Hold a public hearing to discuss and consider a request by Javier Silva on behalf of Nixon Estate and Judy Wible the approval of a [Specific Use Permit \(SUP\)](#) for Residential Infill in an Established Subdivision on a 0.16-acre parcel of land identified as Lot 11, Block C, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 711 Parks Avenue, and take any action necessary.*

Thank you,

*Angelica Guevara*  
Planning Technician  
City of Rockwall Planning & Zoning  
385 S. Goliad Street  
Rockwall, TX 75087  
Office: 972-771-7745  
Direct: 972-772-6438

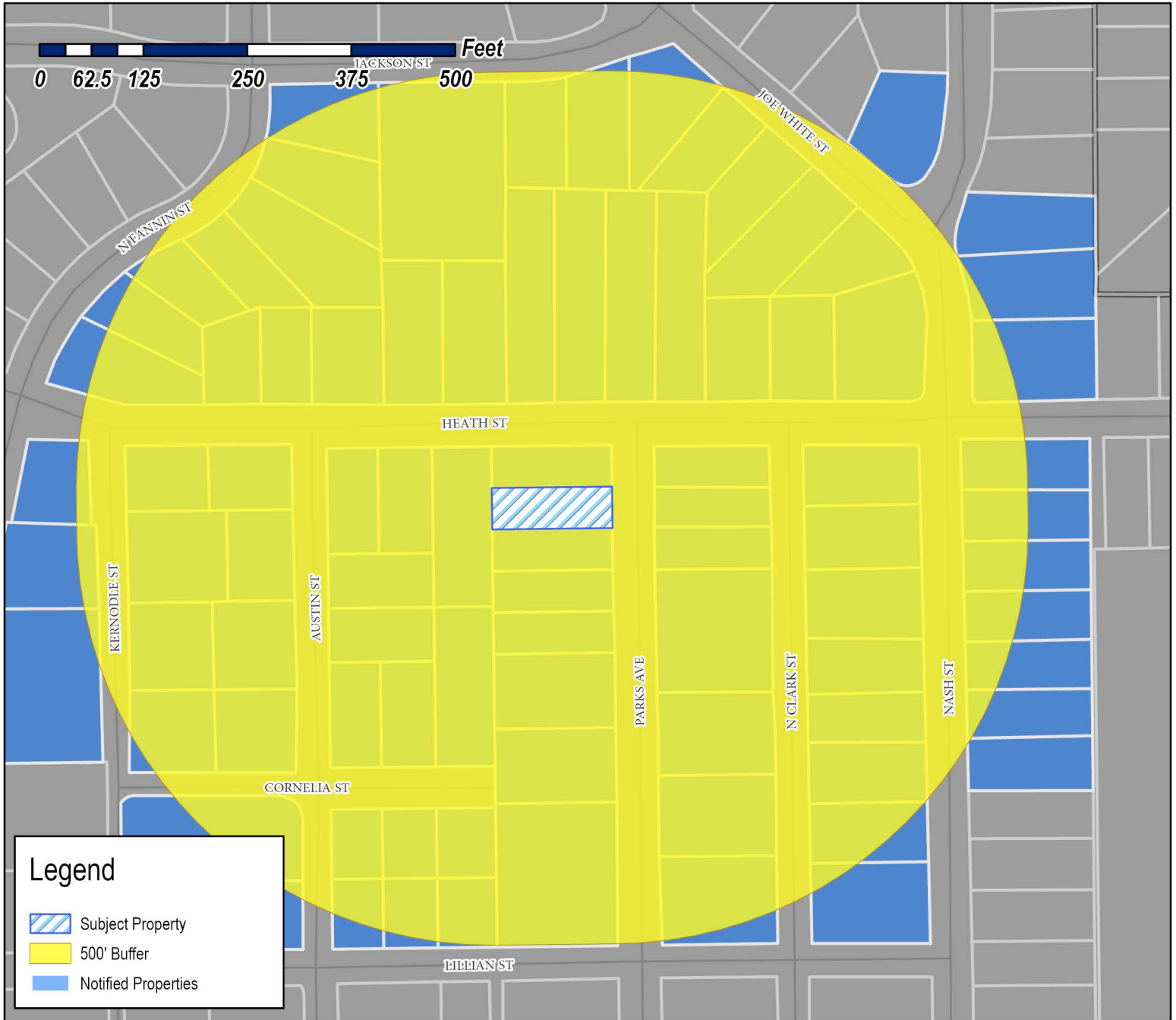




# City of Rockwall

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**Case Number:** Z2023-017  
**Case Name:** SUP for Residential Infill  
**Case Type:** Zoning  
**Zoning:** Single-Family 7 (SF-7) District  
**Case Address:** 711 Parks Avenue



**Date Saved:** 3/17/2023

For Questions on this Case Call: (972) 771-7746

ROLAND RANDY C AND ANDREA B  
101 JOE WHITE ST  
ROCKWALL, TX 75087

PYLAND KENNETH C & MELANIE M  
102 JOE WHITE ST  
ROCKWALL, TX 75087

SUCH ANNIE ROSE AND  
RICHARD M FISKE  
1022 TEXAN TRAIL  
GRAPEVINE, TX 76051

RESIDENT  
103 JOE WHITE ST  
ROCKWALL, TX 75087

RESIDENT  
105 JOE WHITE ST  
ROCKWALL, TX 75087

KRIZAN RASTISLAV  
107 JOE WHITE  
ROCKWALL, TX 75087

RESIDENT  
109 JOE WHITE ST  
ROCKWALL, TX 75087

CONRAD CCC DEVELOPMENT LLC  
1215 THOMASVILLE COURT  
GARLAND, TX 75044

CELINE ESTATES INC  
149 BRENTWOOD DRIVE  
HEATH, TX 75032

SABRSULA MELISSA  
1571 ANNA CADR RD  
ROCKWALL, TX 75087

FINK BEVERLY A & ROYCE G  
17111 255TH AVE  
SPIRIT LAKE, IA 51360

CELINE ESTATES INC  
1925 BROKEN LANCE LN  
ROCKWALL, TX 75032

KINSEY DONALD H & TARI L  
2 MANOR COURT  
HEATH, TX 75032

VANILLA BEAN PROPERTIES SERIES 10 LLC  
2 MANOR COURT  
HEATH, TX 75032

KINSEY TARI L AND DONALD H  
2 MANOR CT  
HEATH, TX 75032

RICHARD HARRIS AND JUDY HARRIS FAMILY  
TRUST  
RICHARD AND JUDY HARRIS- TRUSTEES  
210 GLENN AVENUE  
ROCKWALL, TX 75087

REDDEN POLLY PEOPLES  
213 SOVEREIGN CT  
ROCKWALL, TX 75032

PARK STUFF LLC  
2301 LAFAYETTE DR  
HEATH, TX 75032

GLASS JERRY R  
301 MEADOWDALE DR  
ROCKWALL, TX 75087

LASKY KRISTINE ELIZABETH  
3021 RIDGE RD STE A-66  
ROCKWALL, TX 75032

CLARK APRIL N  
313 NAKOMA DRIVE  
ROCKWALL, TX 75087

ABEAR HOMES LLC SERIES 3  
3400 N CENTRAL EXPY #110  
RICHARDSON, TX 75080

DAVILA JUAN CARLOS  
3740 CASA DEL SOL LANE  
DALLAS, TX 75228

TIPPING VIVIAN E AND  
EARNEST TIPPING  
401 EAST HEATH STREET  
ROCKWALL, TX 75087

DOLLINS ROBIN KAY AND GEORGE OEN  
403 E HEATH  
ROCKWALL, TX 75087

RESIDENT  
405 E HEATH ST  
ROCKWALL, TX 75087

HODGES TERESA ANN  
481 ARACADIA WAY  
ROCKWALL, TX 75087

KIRKPATRICK DAVID S & RHONDA D  
500 E HEATH ST  
ROCKWALL, TX 75087

RESIDENT  
501 LILLIAN ST  
ROCKWALL, TX 75087

HOLZHEIMER THOMAS R AND NICOLE M  
501 CORNELIA ST  
ROCKWALL, TX 75087

BARNETT GEORGE S  
502 CORNELIA ST  
ROCKWALL, TX 75087

MCINTIRE J M & ERLINDA  
502 E HEATH ST  
ROCKWALL, TX 75087

RESIDENT  
503 CORNELIA  
ROCKWALL, TX 75087

RESIDENT  
503 LILLIAN ST  
ROCKWALL, TX 75087

RESIDENT  
504 CORNELIA  
ROCKWALL, TX 75087

TANTON MELVIN V JR  
504 E HEATH ST  
ROCKWALL, TX 75087

RESIDENT  
505 LILLIAN ST  
ROCKWALL, TX 75087

ALSOBROOK HAROLD DAVID JR  
505 CARRIAGE TR  
ROCKWALL, TX 75087

WILLIAMS JULI ANN AND JOH CHRISTOPHER  
AND  
MICHAEL ANTHONY BOSMA AND LAURA L  
BOSMA  
505 CORNELIA ST  
ROCKWALL, TX 75087

RESIDENT  
505 E HEATH ST  
ROCKWALL, TX 75087

RESIDENT  
506 CORNELIA  
ROCKWALL, TX 75087

RESIDENT  
509 E HEATH ST  
ROCKWALL, TX 75087

RICHARDSON PATRICE  
510 COVE RIDGE RD  
HEATH, TX 75032

RESIDENT  
511 E HEATH ST  
ROCKWALL, TX 75087

COATS LOIS LOUISE  
512 E HEATH ST  
ROCKWALL, TX 75087

GREENAWALT PATRICK AND COURTNEY  
513 E HEATH ST  
ROCKWALL, TX 75087

JMB NEWBYGINNIGS, LLC  
5250 HWY 78 SUITE 750-208  
SACHSE, TX 75048

JMS CUSTOM HOMES LLC  
58 WINDSOR DRIVE  
ROCKWALL, TX 75032

RESIDENT  
601 E HEATH ST  
ROCKWALL, TX 75087

EICH CHRIS AND ELENA  
601 PARKS AVENUE  
ROCKWALL, TX 75087

MURPHY MICHAEL  
602 PARKS AVE  
ROCKWALL, TX 75087

SUTTON JUDITH A  
603 E HEATH ST  
ROCKWALL, TX 75087

FUQUA MATTHEW  
604 PARKS AVE  
ROCKWALL, TX 75087

RESIDENT  
605 E HEATH ST  
ROCKWALL, TX 75087

LINDSAY WILLIAM & JULIA  
605 NASH ST  
ROCKWALL, TX 75087

DINGWELL MARGUERITE NASH & ADAM  
605 PARKS AVE  
ROCKWALL, TX 75087

RESIDENT  
606 PARKS AVE  
ROCKWALL, TX 75087

RESIDENT  
607 NASH ST  
ROCKWALL, TX 75087

SPERLING SANDY  
607 E HEATH ST  
ROCKWALL, TX 75087

STARK ROBERT S & TINA J  
607 SAINT MARY ST  
ROCKWALL, TX 75087



OGDEN BRANDON & LIDIA  
608 NASH ST  
ROCKWALL, TX 75087

TORRES ROSIE  
609 NASH ST  
ROCKWALL, TX 75087

RESIDENT  
610 NASH ST  
ROCKWALL, TX 75087

RESIDENT  
701 NASH ST  
ROCKWALL, TX 75087

MOONEY DAVID AARON  
701 AUSTIN ST  
ROCKWALL, TX 75087

CASTILLO AGAPITO & ESTELA  
701 PARKS AVE  
ROCKWALL, TX 75087

TEMPLETON LORRAINE BIEGLER  
702 NASH ST  
ROCKWALL, TX 75087

HENRY AMANDA A  
702 PARKS AVE  
ROCKWALL, TX 75087

ELLISTON REBECCA S  
703 NASH STREET  
ROCKWALL, TX 75087

HANSON BRANDON R  
703 PARKS AVE  
ROCKWALL, TX 75087

FRASIER MICHAEL & MARY GRACE  
704 JACKSON ST  
ROCKWALL, TX 75087

THOMAS TRACY  
704 KERNODLE ST  
ROCKWALL, TX 75087

SIDDALL ANNA AND JAMES  
704 NASH ST  
ROCKWALL, TX 75087

RUSHING BRIAN AND  
CHANEL KENTOPP  
705 NASH ST  
ROCKWALL, TX 75087

RESIDENT  
706 JACKSON ST  
ROCKWALL, TX 75087

ARELLANO JESUS L &  
CYNTHIA A HERRERA  
706 NASH ST  
ROCKWALL, TX 75087

PECINA JOE & LORETHIA ANN  
706 PARKS AVE  
ROCKWALL, TX 75087

RESIDENT  
707 NASH ST  
ROCKWALL, TX 75087

RESIDENT  
707 PARKS AVE  
ROCKWALL, TX 75087

RESIDENT  
708 JACKSON ST  
ROCKWALL, TX 75087

RESIDENT  
708 NASH ST  
ROCKWALL, TX 75087

KOLWINSKA GERALDINE D  
708 PARKS AVE  
ROCKWALL, TX 75087

JORDAN JOHN & ALLISON  
709 NASH STREET  
ROCKWALL, TX 75087

BARRON ARMANDO  
709 PARKS AVE  
ROCKWALL, TX 75087

STARK ROBERT C  
710 AGAPE ST  
ROCKWALL, TX 75087

KING MISTY  
710 NASH STREET  
ROCKWALL, TX 75087

NIXON LINDA LOUISE  
711 PARKS AVENUE  
ROCKWALL, TX 75087

FLANAGAN RONNY LYNN JR AND JULIE  
MICHELLE  
714 PARKS AVENUE  
ROCKWALL, TX 75087

EMBRY ASHLEY  
801 AUSTIN STREET  
ROCKWALL, TX 75087

RESIDENT  
802 KERNODLE ST  
ROCKWALL, TX 75087

RESIDENT  
802 NASH ST  
ROCKWALL, TX 75087

RESIDENT  
803 AUSTIN ST  
ROCKWALL, TX 75087

JOHNSON BRADLEY K AND GINGER M  
803 KERNODLE ST  
ROCKWALL, TX 75087

RESIDENT  
804 NASH ST  
ROCKWALL, TX 75087

RUSTY ENTERPRISES LLC  
804 WILLIAMS STREET  
ROCKWALL, TX 75087

BUSHNELL MICHAEL S & TIFFANIE C  
805 KERNODLE ST  
ROCKWALL, TX 75087

RESIDENT  
806 KERNODLE ST  
ROCKWALL, TX 75087

RESIDENT  
806 NASH ST  
ROCKWALL, TX 75087

AUSTIN TRENTON C  
806 AUSTIN ST  
ROCKWALL, TX 75087

DEL BOSQUE MARIO ETUX  
807 KERNODLE ST  
ROCKWALL, TX 75087

RESIDENT  
808 AUSTIN ST  
ROCKWALL, TX 75087

RESIDENT  
808 KERNODLE ST  
ROCKWALL, TX 75087

RESIDENT  
809 AUSTIN ST  
ROCKWALL, TX 75087

JOSEY BROOKE  
810 KERNODLE ST  
ROCKWALL, TX 75087

JENNINGS AMANDA L  
811 AUSTIN ST  
ROCKWALL, TX 75087

MCCLAIN LOUETTA  
8309 TURNBERRY ST  
ROWLETT, TX 75089

WARDELL JOHN P & JULIE C  
880 IVY LN  
ROCKWALL, TX 75087

WIEHE JOHN THOMAS  
900 N FANNIN ST  
ROCKWALL, TX 75087

RESIDENT  
902 N FANNIN ST  
ROCKWALL, TX 75087

HALL WYNNE &  
JOANN CAMPBELL  
904 N FANNIN ST  
ROCKWALL, TX 75087

WILLIAMS BROOKS  
906 FANNIN STREET  
ROCKWALL, TX 75087

RESIDENT  
908 N FANNIN ST  
ROCKWALL, TX 75087

HAGENY MARY  
910 N FANNIN STREET  
ROCKWALL, TX 75087

MOORE NICKY A & JUDY A  
912 N FANNIN ST  
ROCKWALL, TX 75087

BELANGER CORKY  
921 N ALAMO RD  
ROCKWALL, TX 75087

# PUBLIC NOTICE



CITY OF ROCKWALL  
PLANNING AND ZONING DEPARTMENT  
PHONE: (972) 771-7745  
EMAIL: PLANNING@ROCKWALL.COM

Property Owner and/or Resident of the City of Rockwall:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

**Z2023-017: SUP for Residential Infill at 711 Parks Avenue**

Hold a public hearing to discuss and consider a request by Javier Silva on behalf of Nixon Estate and Judy Wible the approval of a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision on a 0.16-acre parcel of land identified as Lot 11, Block C, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 711 Parks Avenue, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, April 11, 2023 at 6:00 PM, and the City Council will hold a public hearing on Monday, April 17, 2023 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

**Henry Lee**  
Rockwall Planning and Zoning Dept.  
385 S. Goliad Street  
Rockwall, TX 75087

You may also email your comments to the Planning Department at [planning@rockwall.com](mailto:planning@rockwall.com). If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by Monday, April 17, 2023 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

**Ryan Miller, AICP**  
Director of Planning & Zoning



MORE INFORMATION ON THIS CASE CAN BE FOUND AT: <https://sites.google.com/site/rockwallplanning/development/development-cases>

--- PLEASE RETURN THE BELOW FORM ---

**Case No. Z2023-017: SUP for Residential Infill at 711 Parks Avenue**

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

[Redacted comment area]

Name: [Redacted]

Address: [Redacted]

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE



## Ross, Bethany

---

**From:** Ruth Coats <ruthanncoats@yahoo.com>  
**Sent:** Monday, March 27, 2023 3:54 PM  
**To:** Planning  
**Subject:** Z2023-017: SUP for Residential Infill at 711 Parks Avenue

I have lived in my home, next door to 711 Parks Avenue, since March 8, 1978. There has always been a problem I did not know how to remedy. When we have a lot of rain, because their land is higher than mine, the water comes through my garage. Is there anything the NEW OWNERS can do about this? It would really help me.

Lois Louise Coats  
512 East Heath Street  
Rockwall, TX 75087-2221

Other than this I have no objections.

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Case No. Z2023-017: SUP for Residential Infill at 711 Parks Avenue

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
  - I am opposed to the request for the reasons listed below.
- } BOTH

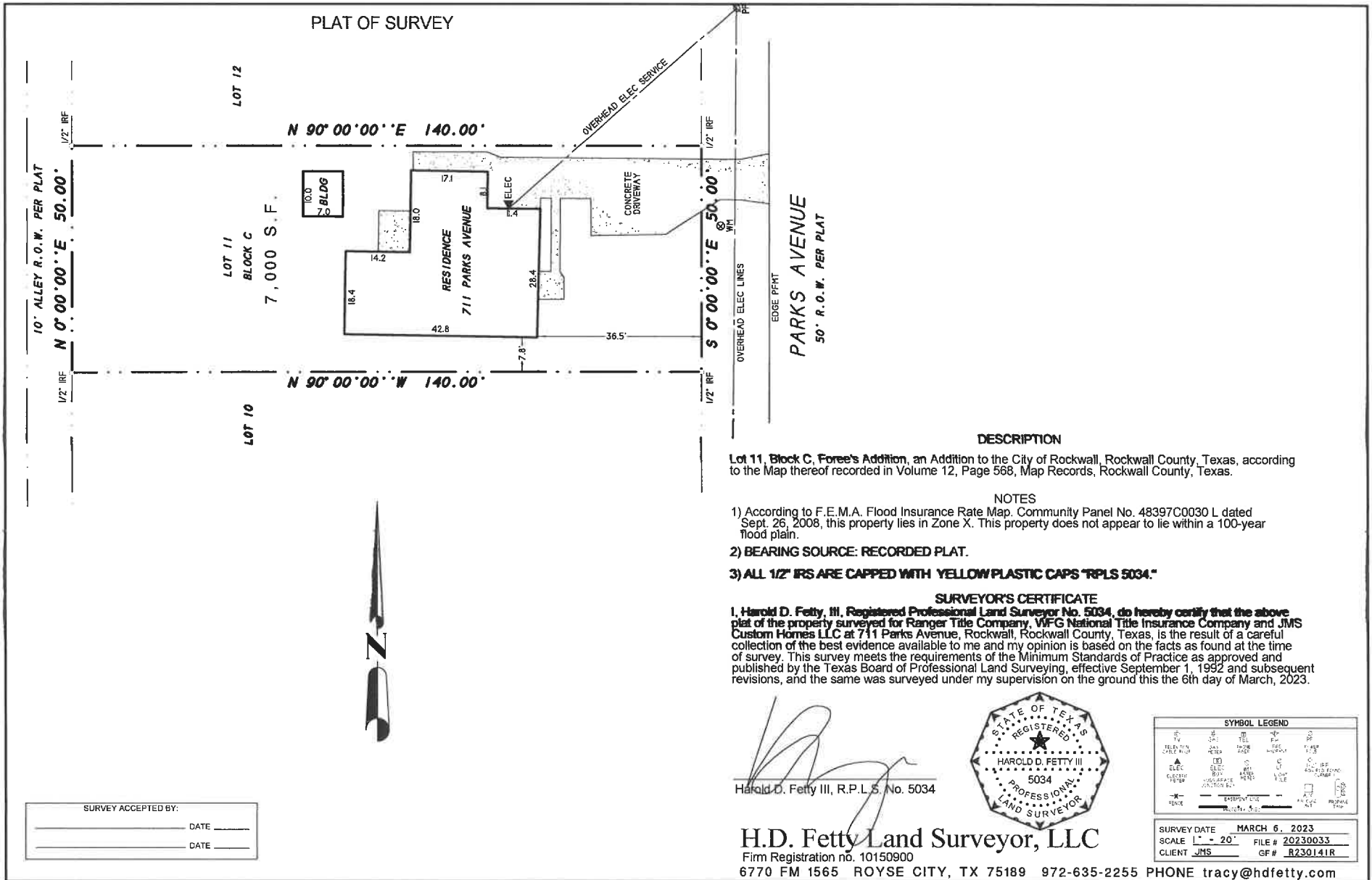
I HAVE LIVED IN MY HOUSE, NEXT DOOR TO 711 PARKS AVENUE, SINCE MARCH 8, 1974. THERE HAS ALWAYS BEEN A PROBLEM I DID NOT KNOW HOW TO REMEDY. WHEN WE HAVE A LOT OF RAIN, BECAUSE THEIR LAND IS HIGHER THAN MINE, THE WATER COMES THROUGH MY GARAGE. IS THERE ANYTHING THAT THE NEW OWNER CAN DO TO STOP THIS?

Name: LOIS LOUISE COATS

Address: 512 EAST HEATH STREET ROCKWALL, TEXAS 75087-2221

Tex. Loc. Gov. Code Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE



**DESCRIPTION**

Lot 11, Block C, Foree's Addition, an Addition to the City of Rockwall, Rockwall County, Texas, according to the Map thereof recorded in Volume 12, Page 568, Map Records, Rockwall County, Texas.

**NOTES**

- 1) According to F.E.M.A. Flood Insurance Rate Map, Community Panel No. 48397C0030 L dated Sept. 26, 2008, this property lies in Zone X. This property does not appear to lie within a 100-year flood plain.
- 2) BEARING SOURCE: RECORDED PLAT.
- 3) ALL 1/2" IRS ARE CAPPED WITH YELLOW PLASTIC CAPS "RPLS 5034."

**SURVEYOR'S CERTIFICATE**

I, Harold D. Fetty, III, Registered Professional Land Surveyor No. 5034, do hereby certify that the above plat of the property surveyed for Ranger Title Company, WFG National Title Insurance Company and JMS Custom Homes LLC at 711 Parks Avenue, Rockwall, Rockwall County, Texas, is the result of a careful collection of the best evidence available to me and my opinion is based on the facts as found at the time of survey. This survey meets the requirements of the Minimum Standards of Practice as approved and published by the Texas Board of Professional Land Surveying, effective September 1, 1992 and subsequent revisions, and the same was surveyed under my supervision on the ground this the 6th day of March, 2023.

  
 Harold D. Fetty III, R.P.L.S. No. 5034



SYMBOL LEGEND	
1/2" IRF	1/2" IRF
TELEPHONE	TELEPHONE
WATER METER	WATER METER
ELECTRIC	ELECTRIC
CUSTOMER SERVICE	CUSTOMER SERVICE
PERCE	PERCE
EXHIBIT LINE	EXHIBIT LINE
ADJACENT	ADJACENT
PLANNING	PLANNING

SURVEY ACCEPTED BY:

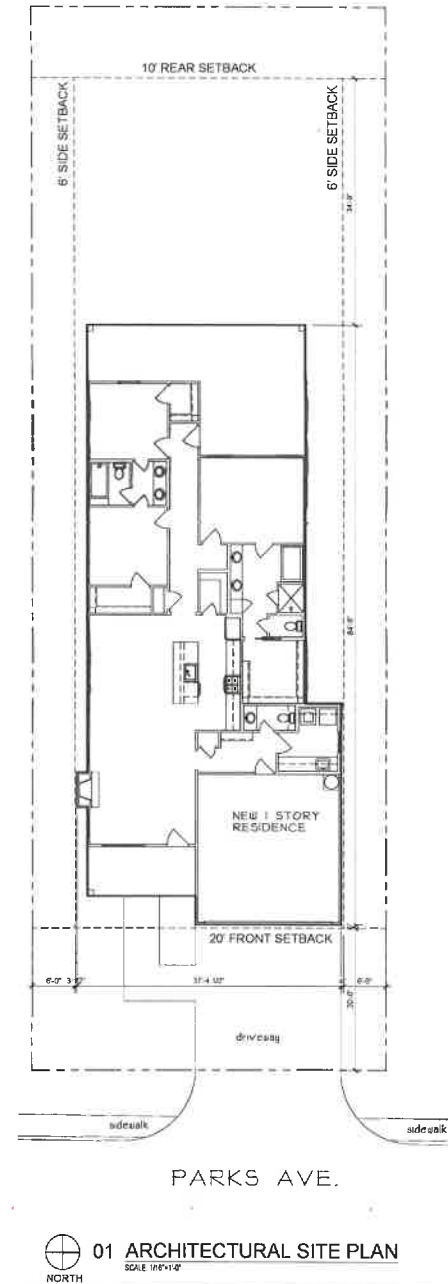
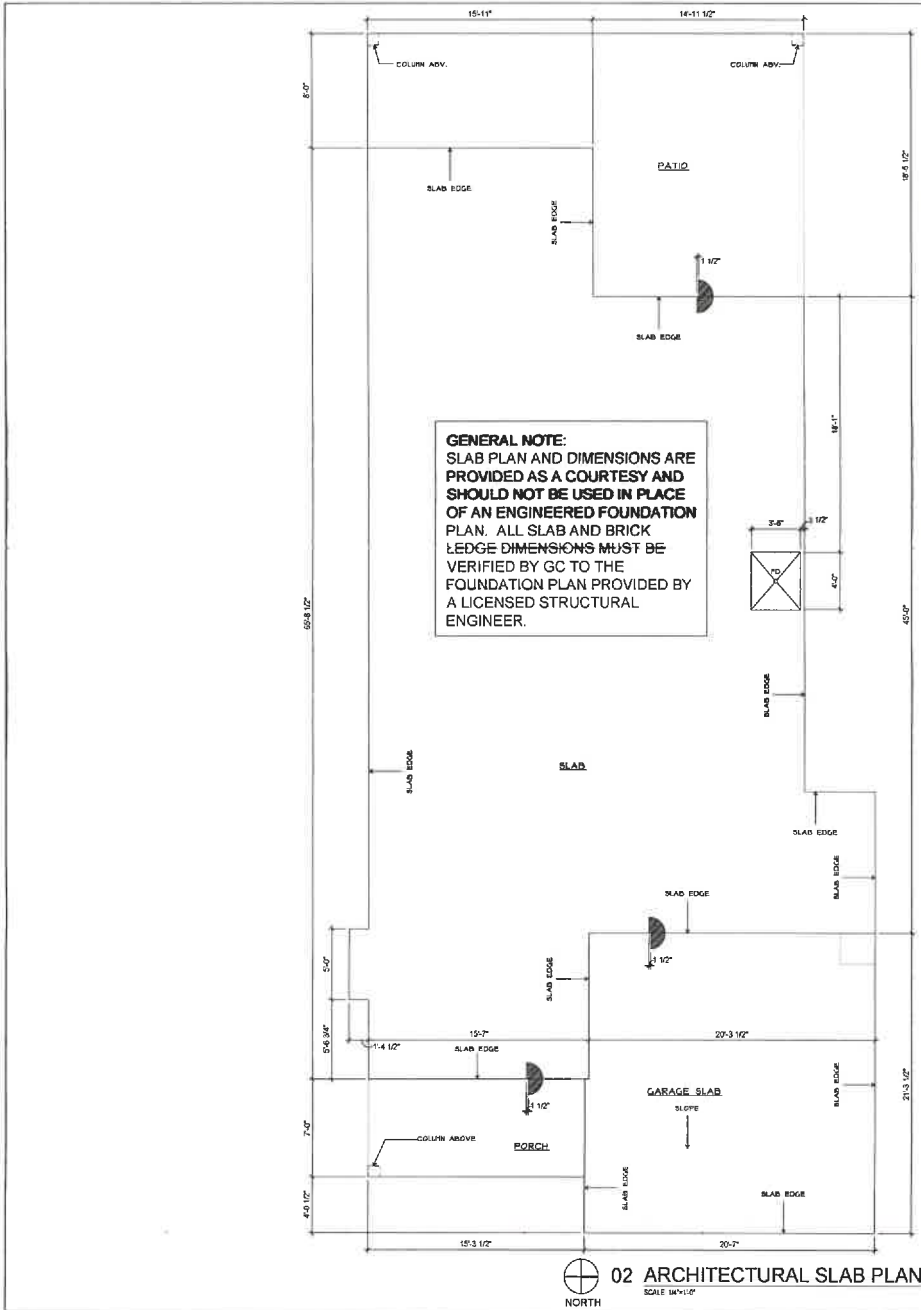
DATE \_\_\_\_\_

DATE \_\_\_\_\_

**H.D. Fetty Land Surveyor, LLC**  
 Firm Registration no. 10150900  
 6770 FM 1565 ROYSE CITY, TX 75189 972-635-2255 PHONE tracy@hdfetty.com

SURVEY DATE MARCH 6, 2023  
 SCALE 1" = 20' FILE # 20230033  
 CLIENT JMS GF # R230141R





NEW RESIDENCE  
JMS CUSTOM HOMES  
711 PARKS AVE  
ROCKWALL  
TEXAS  
75087

ISSUE LOG

DATE	DESCRIPTION	ISSUE
		2020-11-11 FOR PERMIT

REVISION LOG

DATE	DESCRIPTION	REV	BY

ISSUED FOR:

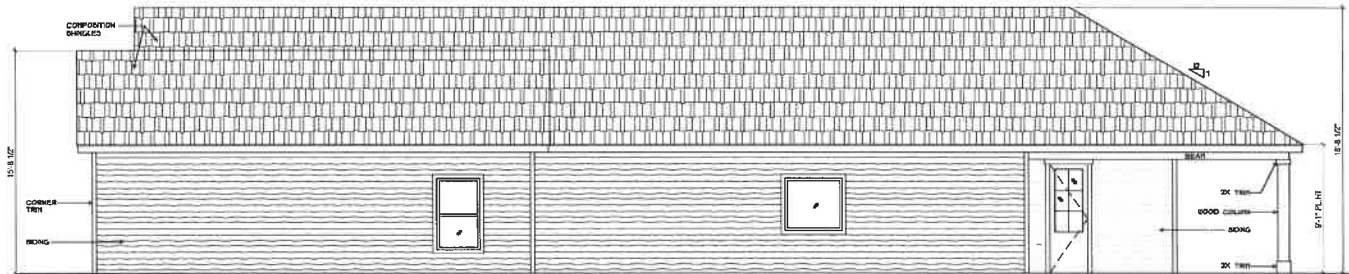
- PRELIMINARY -
- BIDDING / PERMIT
- REVISION
- FOR CONSTRUCTION

Fanning Phillips  
ARCHITECTS, P.C.

OWNER: JAMES BLAIR  
CONTRACTOR: JAMES BLAIR  
DESIGNER: JAMES BLAIR

ARCH PROJ # 2100  
SCALE REF DRAWING  
SHEET NO

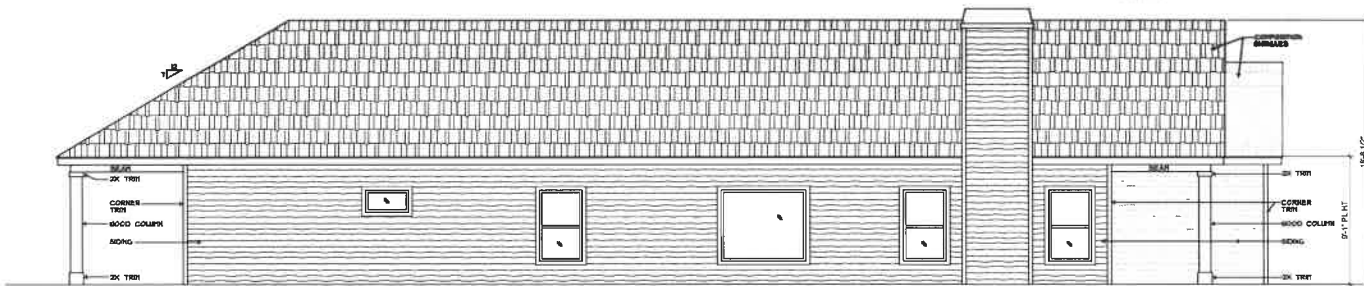
A2.1  
ARCHITECTURAL SITE & SLAB PLAN



04 NORTH ELEVATION  
SCALE 1/4"=1'-0"



03 WEST ELEVATION  
SCALE 1/4"=1'-0"



02 SOUTH ELEVATION  
SCALE 1/4"=1'-0"



01 EAST ELEVATION  
SCALE 1/4"=1'-0"



NEW  
RESIDENCE  
JMS CUSTOM  
HOMES  
711 PARKS AVE  
ROCKWALL  
TEXAS  
75087

**ISSUE LOG**

DATE	DESCRIPTION	SCALE	ISSUED FOR PERMIT

**REVISION LOG**

DATE	DESCRIPTION	REV	BY

**ISSUED FOR:**

- PRELIMINARY -
- BIDDING / PERMIT
- REVISION
- FOR CONSTRUCTION

*Fanning Phillips*  
DESIGN

OWNER  
CONTRACTOR: JAVIER SILVA  
DESIGNER: JMS CUSTOM HOMES

ARCH PROJ #	SCALE
2100	REF DRAWING

SHEET NO  
**A5.1**  
ELEVATIONS



# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-013

## PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: [PLANNING@ROCKWALL.COM](mailto:PLANNING@ROCKWALL.COM)

### ADJACENT HOUSING ATTRIBUTES

ADDRESS	HOUSING TYPE	YEAR BUILT	HOUSE SF	EXTERIOR MATERIALS	ACCESSORY BUILDING
512 Health Street	Single-Family Home	1961	1,120	Brick	N/A
601 Parks Avenue	Single-Family Home	1929	2,264	Brick	N/A
602 Parks Avenue	Single-Family Home	1940	2,192	Siding	N/A
604 Parks Avenue	Single-Family Home	1955	1,873	Brick	N/A
605 Parks Avenue	Single-Family Home	1948	1,759	Siding	Not Found
606 Parks Avenue	Single-Family Home	1990	1,468	Siding	N/A
610 Parks Avenue	Single-Family Home	2020	2,800	Siding	N/A
701 Parks Avenue	Single-Family Home	1980	1,269	Siding	N/A
702 Parks Avenue	Single-Family Home	2020	3,100	Siding	N/A
703 Parks Avenue	Single-Family Home	1990	960	Siding	N/A
704 Parks Avenue	Single-Family Home	2021	2,900	Siding	N/A
706 Parks Avenue	Single-Family Home	1981	1,087	Brick	Not Found
707 Parks Avenue	Single-Family Home	1995	946	Siding	N/A
708 Parks Avenue	Single-Family Home	1985	1,361	Brick	Not Found
709 Parks Avenue	Single-Family Home	1992	1,081	Siding	N/A
711 Parks Avenue	Subject Property	1975	1,164	Siding	100
714 Parks Avenue	Single-Family Home	1980	1,800	Brick	N/A
Averages		1980	1,714		100





# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-013

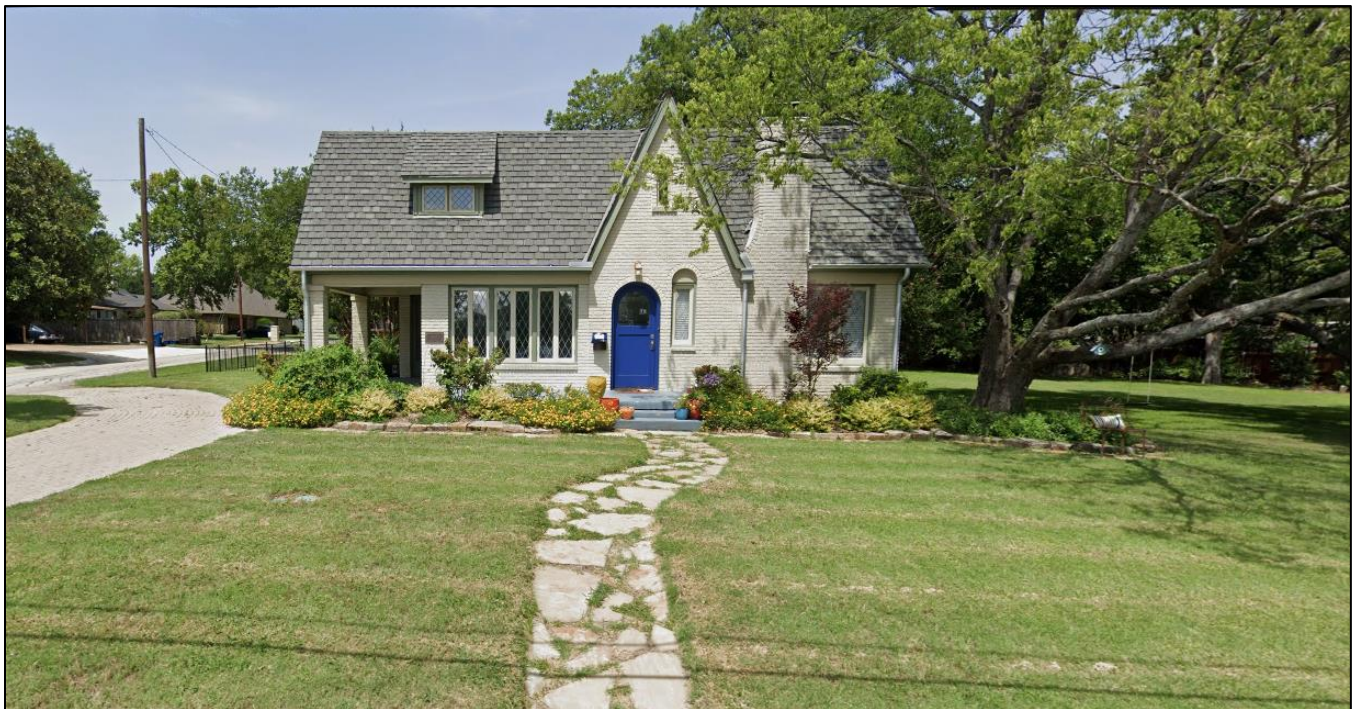
## PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: [PLANNING@ROCKWALL.COM](mailto:PLANNING@ROCKWALL.COM)



512 Heath Street



601 Parks Avenue





# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-013

**PLANNING AND ZONING DEPARTMENT**

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: [PLANNING@ROCKWALL.COM](mailto:PLANNING@ROCKWALL.COM)



602 Parks Avenue



604 Parks Avenue





# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-013

## PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: [PLANNING@ROCKWALL.COM](mailto:PLANNING@ROCKWALL.COM)



605 Parks Avenue



606 Parks Avenue





# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-013

## PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: [PLANNING@ROCKWALL.COM](mailto:PLANNING@ROCKWALL.COM)



610 Parks Avenue



701 Parks





# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-013

## PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: [PLANNING@ROCKWALL.COM](mailto:PLANNING@ROCKWALL.COM)



702 Parks Avenue



703 Parks Avenue





# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-013

## PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: [PLANNING@ROCKWALL.COM](mailto:PLANNING@ROCKWALL.COM)



704 Parks Avenue







# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-013

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: [PLANNING@ROCKWALL.COM](mailto:PLANNING@ROCKWALL.COM)

706 Parks Avenue



704 Parks Avenue



706 Parks Avenue





# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-013

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: [PLANNING@ROCKWALL.COM](mailto:PLANNING@ROCKWALL.COM)



704 Parks Avenue



706 Parks Avenue





# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-013

**PLANNING AND ZONING DEPARTMENT**

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: [PLANNING@ROCKWALL.COM](mailto:PLANNING@ROCKWALL.COM)



707 Parks Avenue



708 Parks Avenue





# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-013

## PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: [PLANNING@ROCKWALL.COM](mailto:PLANNING@ROCKWALL.COM)



709 Parks Avenue



711 Parks Avenue





# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-013

## PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: [PLANNING@ROCKWALL.COM](mailto:PLANNING@ROCKWALL.COM)



714 Parks Avenue

CITY OF ROCKWALL

ORDINANCE NO. 23-XX

SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.16-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 11, BLOCK C, FOREE ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; 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**, the City has received a request by Javier Silva of the JMS Custom Homes, LLC on behalf of the Nixon Estate for the approval of a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* on a 0.16-acre parcel of land identified as Lot 11, Block C, of the Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 711 Parks Avenue, and being more specifically described and depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; 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 Unified Development Code (UDC) [*Ordinance No. 20-02*] 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 (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* to allow for the construction of a single-family home in an established subdivision in accordance with Article 04, *Permissible Uses*, the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

**SECTION 2.** That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 03.01, *General Residential District Standards*, and Subsection 03.07, *Single-Family 7 (SF-7) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] -- as heretofore amended and may be amended in the future -- and



with the following conditions:

## 2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the construction of a single-family home on the *Subject Property* and conformance to these operational conditions are required:

- 1) The development of the *Subject Property* shall generally conform to the *Residential Plot Plan* as depicted in *Exhibit 'B'* of this ordinance.
- 2) The construction of a single-family home on the *Subject Property* shall generally conform to the *Building Elevations* depicted in *Exhibit 'C'* of this ordinance.
- 3) Once construction of the single-family home has been completed, inspected, and accepted by the City of Rockwall, this Specific Use Permit (SUP) shall expire, and no further action by the property owner shall be required.

## 2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)* of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require the *Subject Property* to comply with the following:

- 1) Upon obtaining a *Building Permit*, should the contractor operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Revision Procedures*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*].

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

**SECTION 4.** 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 5.** 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 6.** 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, 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 7.** That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS THE 1<sup>st</sup> DAY OF MAY, 2023.

\_\_\_\_\_  
Kevin Fowler, *Mayor*

**ATTEST:**

\_\_\_\_\_  
Kristy Teague, *City Secretary*

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Frank J. Garza, *City Attorney*

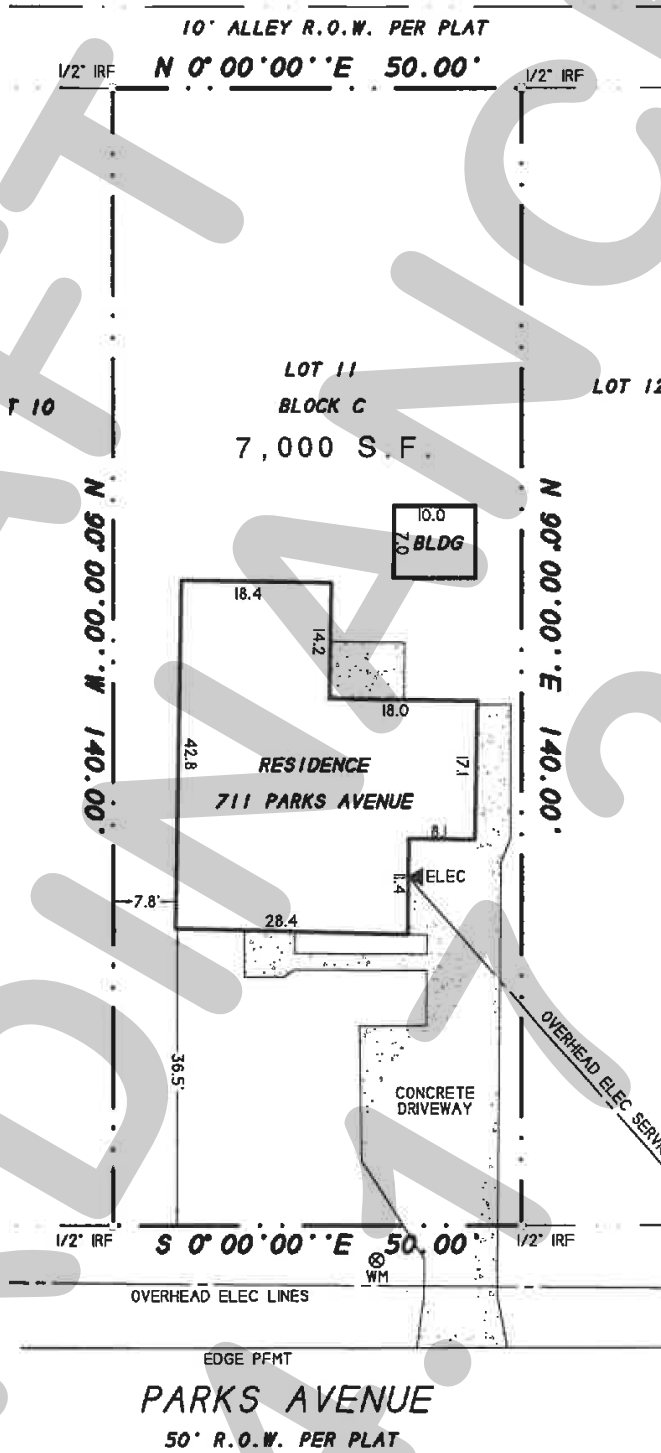
1<sup>st</sup> Reading: April 17, 2023

2<sup>nd</sup> Reading: May 1, 2023

Exhibit 'A':  
Legal Description

Address: 711 Parks Avenue

Legal Description: Lot 11, Block C, Foree Addition





**Exhibit 'B':**  
*Residential Plot Plan*

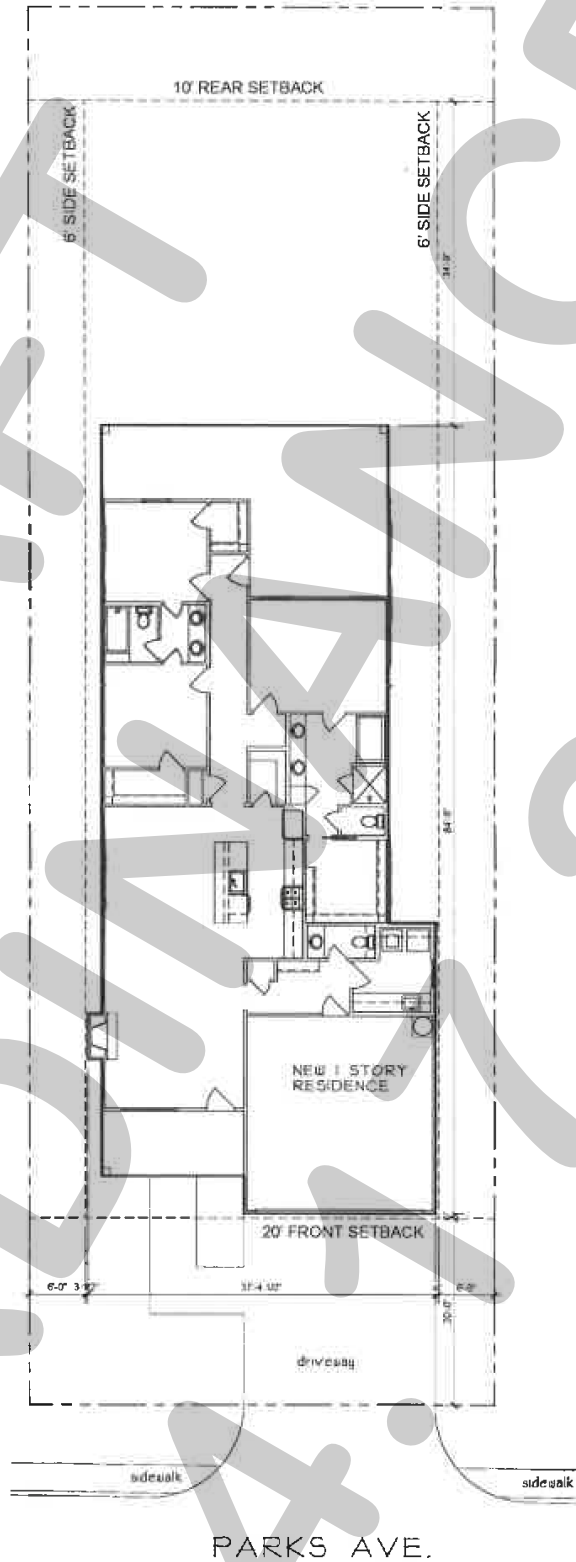
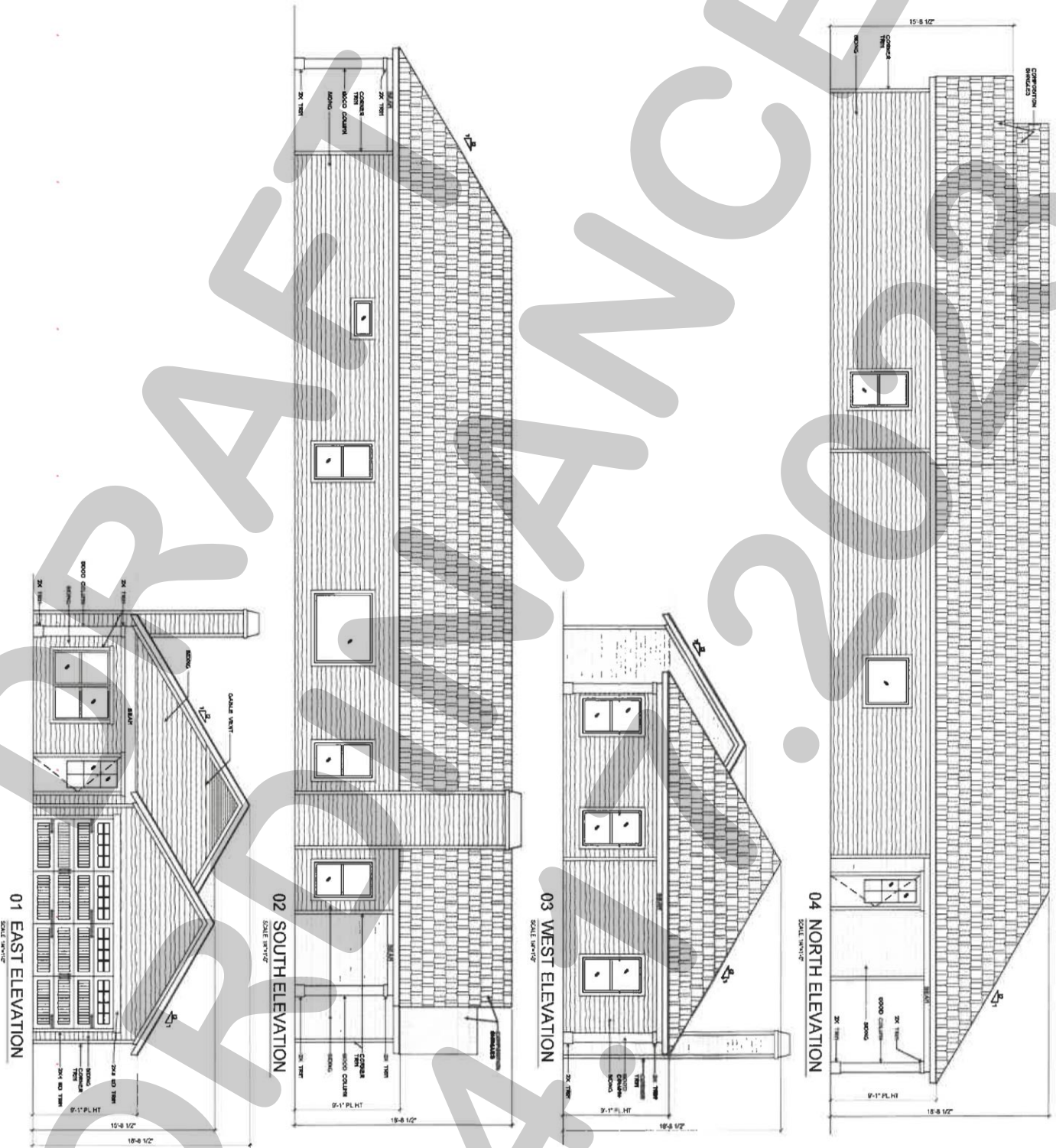


Exhibit 'C':  
Building Elevations





## MEMORANDUM

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**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

**FROM:** Ryan Miller, Director of Planning and Zoning

**DATE:** April 17, 2023

**SUBJECT:** Z2023-019; AMENDMENT TO ARTICLE 04, PERMISSIBLE USES, AND ARTICLE 13, DEFINITIONS, OF THE UDC TO CREATE A CREDIT ACCESS BUSINESS LAND USE

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### Attachments

Memorandum  
Proposed Text Amendment  
Draft Ordinance

### Summary/Background Information

Hold a public hearing to discuss and consider the approval of an **ordinance** for a *Text Amendment* to Article 04, *Permissible Uses*, and Article 13, *Definitions*, of the Unified Development Code (UDC) to create a *Credit Access Business* land use, and take any action necessary (**1st Reading**).

### Action Needed

The City Council is being asked to consider adopting the proposed text amendment.





**CITY OF ROCKWALL**  
CITY COUNCIL MEMORANDUM

**PLANNING AND ZONING DEPARTMENT**  
385 S. GOLIAD STREET • ROCKWALL, TX 75087  
PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

**TO:** Mayor and City Council

**CC:** Mary Smith, *City Manager*  
Joey Boyd, *Assistant City Manager*

**FROM:** Ryan Miller, *Director of Planning and Zoning*

**DATE:** April 17, 2023

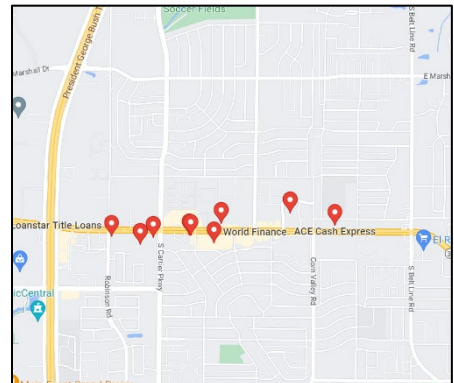
**SUBJECT:** Z2023-019; Amendment to Article 04, Permissible Uses, and Article 13, Definitions, of the UDC to Create a Credit Access Business Land Use

On March 20, 2023 -- following a work session with staff --, the City Council directed staff to proceed with the creation of a *Credit Access Business* land use. According to Section 393.601 of the Texas Finance Code, a *Credit Access Business* is "...a credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction or a motor vehicle title loan." Examples of these types of businesses include auto title loan and payday lending businesses. Currently, the City of Rockwall has two (2) businesses that would fall under this category (*i.e. Kastle Lending and Check 'n Go*); however, it is anticipated that this number could increase in the near future.

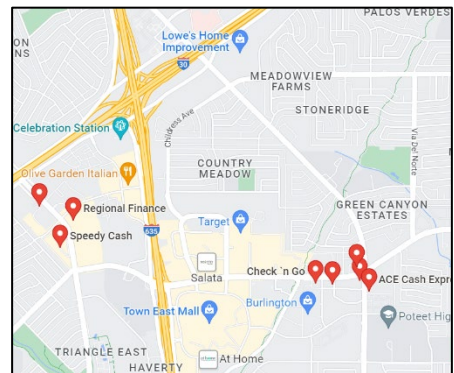
In 2021 the City of Dallas expanded its regulation of *Credit Access Businesses* to include more types of high-cost, small dollar loans. In other metropolitan areas across Texas, it has been observed that when a larger municipality (*e.g. Austin, San Antonio, etc.*) adopts restrictions or additional regulations against *Credit Access Businesses*, smaller cities in a close proximity to the larger municipality start to see an increase of these types of businesses locating within their corporate limits. In addition, these types of uses -- *from a land use perspective* -- tend to locate along high visibility corridors and intersections of major roadways in clusters (*i.e. they tend to be located in close proximity to each other*) [see Figures 1-3]. They also tend to cluster in shopping centers. Based on these trends, staff is proposing the following as a proactive approach to ensuring that the City's major corridors and shopping centers are not inundated with *Credit Access Businesses*:

- (1) A *Credit Access Business* land use be added to the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, and a definition of *Credit Access Business* be added to Article 13, *Definitions*, of the Unified Development Code (UDC).
- (2) A *Credit Access Business* shall be allowed in the same zoning districts as the *Financial Institution without Drive-Through* land use; however, since the work session meeting on March 20, 2023, staff has changed the land use from a permitted by-right land use in the Residential Office (RO), Neighborhood Services (NS), and General Retail (GR) District to requiring a Specific Use Permit (SUP). The purpose of this change is due to these zoning districts typically being in a close proximity to residentially zoned or used property.
- (3) *Conditional Land Use Standards* be added to Article 04, *Permissible Uses*, of the Unified Development Code (UDC) prohibiting these land uses from

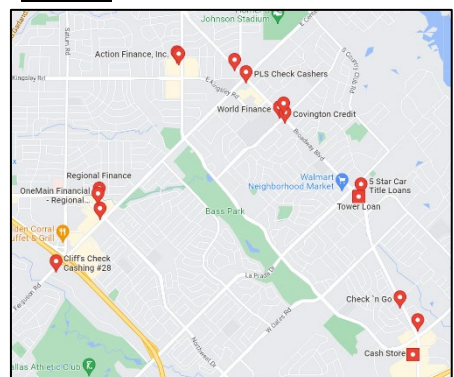
**FIGURES 1-3. EXAMPLES OF LAND PATTERNS OF CREDIT ACCESS BUSINESSES IN OTHER CITIES**



**FIGURE 1. GRAND PRAIRIE**



**FIGURE 2. MESQUITE**



**FIGURE 3. ROWLETT**

locating within 1,000-feet of a like land use, and 500-feet from a residentially zoned property. The 500-foot requirement is being added from the work session to provide protection from these businesses from locating in close proximity to residentially zoned or used property (e.g. *the commercially zoned areas along Ranch Trail adjacent to the Lake Rockwall Estates Subdivision*). Both spacing requirements shall be measured from the property line of one (1) property to property line of another property.

A redlined copy of the proposed changes along with a draft ordinance has been provided in the attached packet. In accordance with Subsection 02.01(C) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), staff brought the proposed changes to the Planning and Zoning Commission for a recommendation to the City Council, and -- on April 11, 2023 -- the Planning and Zoning Commission approved a motion to recommend approval by a vote of 6-0 (*with Commissioner Womble absent*). In addition, staff has sent out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 02.03(A)(3) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Should the City Council have any questions staff will be available at the meeting on April 17, 2023.



from parcel to parcel). A Specific Use Permit (SUP) shall be required for any facility located closer than 1,000-feet.

- (b) Such facilities shall be licensed as a Community Residential Facility under Chapter 508, Parole and Mandatory Supervision, of the Texas Health and Safety Code.

(7) Public or Private Primary School.

- (a) Adequate pick-up and drop-off areas shall be provided to ensure that street traffic/neighborhood traffic is not impeded. This shall be determined by the Director of Planning and Zoning or his/her designee at the time of site plan.

(8) Public or Private Secondary School.

- (a) The school shall be located on a Minor Collector or larger roadway.
- (b) Adequate pick-up and drop-off areas shall be provided to ensure that street traffic/neighborhood traffic is not impeded. This shall be determined by the Director of Planning and Zoning or his/her designee at the time of site plan.

(9) Temporary Education Buildings for a Public or Private School.

- (a) The City Manager or his/her designee may approve temporary educational buildings for a public school pending the submission of a letter from the independent school district indicating the duration the buildings will remain on-site. The City Manager or his/her designee may also require the temporary buildings to adhere to the procedures and requirements of Subsection 02.03(C)(9)(b) below.
- (b) All other applications of temporary educational buildings will require a Specific Use Permit (SUP) that shall be approved by the Planning and Zoning Commission and City Council, and that shall include the following operational conditions:
  - (1) The buildings shall be screened from the view of adjacent properties, public right-of-way, and parks and open space by the primary structure or landscape screening that incorporates three (3) tiered screening (i.e. small to mid-sized shrubs, large shrubs or accent trees, and canopy trees).
  - (2) The applicant shall provide a plan indicating the expected phasing-out of all temporary structures.
  - (3) The Specific Use Permit (SUP) shall be valid for a period not to exceed five (5) years.

(D) Office and Professional Land Uses.

(1) Credit Access Business.

- (a) Any lot or parcel of land with a *Credit Access Business* establishment shall be located a minimum of 1,000-feet from any other lot or parcel of land with another *Credit Access Business*, as measured in a straight line between

the nearest points of one (1) of the lots or parcels of land to the other lot or parcel of land.

- (b) A *Credit Access Business* shall not be located within 500-feet of a residentially zoned property, a public or private school, and/or an existing daycare facility.

~~(4)~~(2) Financial Institution with Drive-Through.

- (a) Drive-throughs shall not be located on a property adjacent to a residentially zoned or used property. Drive-throughs shall be separated from residentially zoned or used properties by an intervening building or parcel of land.
- (b) Drive-throughs shall not have access to local residential streets.
- (c) Stacking lanes for drive-through service windows shall accommodate at least six (6) standard sized motor vehicles per lane, unless specifically approved by the Planning and Zoning Commission.

(E) Recreation, Entertainment and Amusement Land Uses.

(1) Temporary Carnival, Circus, or Amusement Ride.

- (a) The duration of these temporary uses shall not exceed 14-days.
- (b) Carnival, circus and amusement ride uses shall be no closer than 300-feet to a residentially zoned or used property unless otherwise approved by the Planning and Zoning Commission and City Council.
- (c) Such events must obtain a permit from the City of Rockwall.

(2) Indoor Commercial Amusement/Recreation.

- (a) Exemptions to this use include:
  - (1) Skill or coin-operated machines kept in private residences or apartments and used without charge by members of the family or bona fide guests.
  - (2) Skill or coin-operated machines on the premises of religious, charitable, educational or fraternal organizations for the use of members or their guests, and not for private profit, although a charge is made for playing.
  - (3) Billiard or pool tables on the premises of publicly owned facilities.

(3) Outdoor Commercial Amusement/Recreation.

- (a) Outdoor Commercial Amusement/Recreation includes uses that provide outdoor entertainment (e.g. amusement parks, golf courses, outdoor music venues, batting cages, miniature golf etc.), but excludes drive-in movie theaters.
- (b) Outdoor Commercial Amusement/Recreation includes temporary structures (e.g. tents, canopies, etc.) for events; however, temporary in this case does not include structures intended to serve uses for longer than 14-days.
- (c) Outdoor Commercial Amusement/Recreation shall be a minimum of 300-feet from all residentially zoned or used



# LAND USE SCHEDULE

**LEGEND:**

	Land Use <i>NOT</i> Permitted
P	Land Use Permitted <i>By-Right</i>
P	Land Use Permitted with Conditions
S	Land Use Permitted Specific Use Permit (SUP)
X	Land Use Prohibited by Overlay District
A	Land Use Permitted as an Accessory Use

LAND USES	LAND USE DEFINITION REFERENCE [Reference Article 13, <i>Definitions</i> ]	CONDITIONAL USE REFERENCE Reference [Article 04, <i>Permissible Uses</i> ]	RESIDENTIAL DISTRICTS											MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						OVERLAY DISTRICTS			
			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District	Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
Congregate Care Facility/Elderly Housing	(7)	(3)												P	S	S	S	S	S		S				
Crematorium	(8)																			S	P				
Daycare with Seven (7) or More Children	(9)	(4)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S			
Emergency Ground Ambulance Services	(10)																P	P	P	P	P				
Group or Community Home	(11)	(5)	P	P	P	P	P	P	P	P	P	P	P			P	P	P							
Government Facility	(12)													S			P	P	P	P	P				
Halfway House	(13)	(6)													S										
Hospice	(14)												S			P	P	P	P	S	S				
Hospital	(15)																P	P	P	P	S				
Public Library, Art Gallery or Museum	(16)													P	P	P	P	P	P	P	P				
Mortuary or Funeral Chapel	(17)																P	P	P	P					
Local Post Office	(18)													P		P	P	P	P	P	P				
Regional Post Office	(19)																		P	P	P				
Prison/Custodial Institution	(20)																		P	P	P				
Public or Private Primary School	(21)	(7)	S	S	S	S	S	S	S	S	S	S	S	S			P	P	P	P	P				
Public or Private Secondary School	(22)	(8)	S	S	S	S	S	S	S	S	S	S	S	S			P	P	P	P	P				
Temporary Education Building for a Public or Private School	(23)	(9)	S	S	S	S	S	S	S	S	S	S	S			S	S	S	S						
Rescue Mission or Shelter for the Homeless	(24)																		S	P	P				
Social Service Provider (Except Rescue Mission or Homeless Shelter)	(25)																S		P	P	P				
<b>OFFICE AND PROFESSIONAL LAND USES</b>	2.02(D)	2.03(D)																							
<b>Credit Access Business</b>	(1)	(1)												S		S	S	P	P	P	P				
Financial Institution with Drive-Through	(42)	(42)														S	P	P	P	P	P				
Financial Institution without Drive-Through	(42)												P		P	P	P	P	P	P					

# LAND USE SCHEDULE

**LEGEND:**

	Land Use <i>NOT</i> Permitted
P	Land Use Permitted <i>By-Right</i>
P	Land Use Permitted with Conditions
S	Land Use Permitted Specific Use Permit (SUP)
X	Land Use Prohibited by Overlay District
A	Land Use Permitted as an Accessory Use

LAND USES	LAND USE DEFINITION REFERENCE [Reference <a href="#">Article 13, Definitions</a> ]	CONDITIONAL USE REFERENCE Reference <a href="#">Article 04, Permissible Uses</a>	RESIDENTIAL DISTRICTS											MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS					OVERLAY DISTRICTS			
			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District	Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District
Office Building less than 5,000 SF	<a href="#">(23)</a>													P	P	P	P	P	P	P				
Office Building 5,000 SF or Greater	<a href="#">(23)</a>													P	S	S	P	P	P	P				
<b>RECREATION, ENTERTAINMENT AND AMUSEMENT LAND USES</b>			2.02(E)	2.03(E)																				
Temporary Carnival, Circus, or Amusement Ride	<a href="#">(1)</a>	<a href="#">(1)</a>												S		S	P	P	P	P				
Indoor Commercial Amusement/Recreation	<a href="#">(2)</a>	<a href="#">(2)</a>												S			S	P	P	P				
Outdoor Commercial Amusement/Recreation	<a href="#">(3)</a>	<a href="#">(3)</a>															S	S	P	S	P			
Public or Private Community or Recreation Club as an Accessory Use	<a href="#">(4)</a>		S	S	S	S	S	S	S	S	S	S	S	S		S	P	P	P	P				
Private Country Club	<a href="#">(5)</a>		S	S	S	S	S	S	S	S	S	S	S			S	S	S	P	P				
Golf Driving Range	<a href="#">(6)</a>															S	S	S	P	P				
Temporary Fundraising Events by Non-Profit	<a href="#">(7)</a>	<a href="#">(4)</a>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Indoor Gun Club with Skeet or Target Range	<a href="#">(8)</a>	<a href="#">(5)</a>															S	P	P	P				
Outdoor Gun Club with Skeet or Target Range	<a href="#">(8)</a>		S																P		S			
Health Club or Gym	<a href="#">(9)</a>												A	P		S	P	P	P	P				
Private Club, Lodge or Fraternal Organization	<a href="#">(10)</a>	<a href="#">(6)</a>												S		S	S	P	P	P	S			
Private Sports Arena, Stadium, and/or Track	<a href="#">(11)</a>																S	P	P	P				
Public Park or Playground	<a href="#">(12)</a>		P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P				
Sexually Oriented Businesses <a href="#">[Art. XI; CH. 12; Municipal Code]</a>	<a href="#">(13)</a>	<a href="#">(7)</a>																		S	S			
Tennis Courts (i.e. Not Accessory to a Public or Private Country Club)	<a href="#">(14)</a>		S	S	S	S	S	S	S	S	S	S	S			S	S	S	P	P				
Theater	<a href="#">(15)</a>													P			S	P	P	P				
<b>RETAIL AND PERSONAL SERVICES LAND USES</b>			2.02(F)	2.03(F)																				
Antique/Collectible Store	<a href="#">(1)</a>													S		S	P	P	P					
Astrologer, Hypnotist, or Psychic	<a href="#">(2)</a>													S	P	P	P	P	P					
Banquet Facility/Event Hall	<a href="#">(3)</a>													S			P	P	P					



or families with no regular home or residential address. A *Rescue Mission or Shelter for the Homeless* shall house a maximum of 15 individuals for a period not to exceed a maximum of 30-days.

(25) *Social Service Provider (Except Rescue Mission or Shelter for the Homeless)*. Any organization operating under a non-profit charter, the activities of which are devoted exclusively to charitable, benevolent, patriotic, employment related, or educational purposes not currently listed elsewhere in [Section 01, Land Use Schedule, of Article 04, Permissible Uses](#).

(D) *Office and Professional Land Uses.*

(1) *Credit Access Business*. A *Credit Access Business* is a business or credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction or a motor vehicle title loan (or as otherwise defined by Section 393.6001 of the Texas Finance Code).

(2) *Financial Institution*. A facility that is open to the public for the deposit, custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds and that is licensed by the appropriate state or federal agency as a bank, savings and loan association, or credit union. Accessory uses may include automatic teller machines, drive through service, offices, and parking. This excludes bail bonds, pawnshops, payday advance/loan businesses, and motor vehicle title loan businesses.

(3) *Office Building*. A facility that provides executive, management, administrative, or professional services not specifically listed elsewhere in [Section 01, Land Use Schedule, of Article 04, Permissible Uses](#), but not involving the sale of merchandise except as incidental to a permitted use. Typical examples include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

(E) *Recreation, Entertainment and Amusement Land Uses.*

(1) *Temporary Carnival, Circus, or Amusement Ride*. A temporary, traveling show or exhibition that has no permanent structure or installation, and is intended to attract people to a site where there may or may not be an admission charge. These activities include: carnivals, circuses, rides, entertainment, gaming booths, food stands, exhibitions, and animal displays. Outdoor or indoor commercial amusement provided on a temporary basis.

(2) *Indoor Commercial Amusement/Recreation*. Any enterprise whose main purpose is to provide the general public with a variety of amusing or entertaining activities, including such activities as skating rinks, bowling alleys, video arcades, billiard tables and similar enterprises, but does not include theaters and auditoriums.

(3) *Outdoor Commercial Amusement/Recreation*. An amusement enterprise that offers entertainment or games of skill to the

general public for a fee or charge wherein any portion of the activity takes place in the open.

(4) *Public or Private Community Recreation Club as an Accessory Use*. (1) *Public*: A facility or area that is owned and/or operated by a nonprofit organization and that provides for sports, leisure, and recreation activities operated for the general public. (2) *Private*: A recreation facility operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public.

(5) *Private Country Club*. A facility or area laid out for recreational, athletic, and social purposes, with limited membership, and the use of which is primarily restricted to members and their guests. A golf course may be included as an additional principal use. Accessory uses may include retail sales, a club house, and other recreational facilities.

(6) *Golf Driving Range*. An area improved with trees, greens, fairways, hazards, and which may include a clubhouse, dining room, and accessory recreational uses.

(7) *Temporary Fundraising Events by Non-profit*. An event sponsored by a recognized legal nonprofit organization, intended to attract people to a site where there may or may not be an admission charge.

(8) *Gun Club with Skeet or Target Range*. A facility or area for the sport of shooting at targets to test accuracy in rifles, pistols, or archery practice, owned or operated by a corporation, association, or persons.

(9) *Health Club or Gym*. A public or private facility operated to promote physical health and fitness. Activities may include exercise, physical therapy, training, and education pertaining to health and fitness. Uses or combinations of uses or facilities would typically include -- but are not limited to -- game courts, weight lifting and exercise equipment, aerobics, swimming pools and spas, and running or jogging tracks.

(10) *Private Club, Lodge or Fraternal Organization*. (1) *Private Club*. Private quarters for a private organization, a principal purpose of which is the preparation and service of food and/or drink for members and their guests only and falling within the definition of and permitted by Chapter 32, *Private Club Registration Permit*, of the Texas Alcoholic Beverage Code. (2) *Lodge or Fraternal Organization*. A facility or area for a special purpose organization or for the sharing of sports, arts, literature, politics, or other similar interests, but not primarily for profit or to render a service that is customarily carried on as a business, excluding churches, synagogues, or other houses of worship or religious assembly.

(11) *Private Sports Arena, Stadium, and/or Track*. An athletic field or stadium that is not owned or operated by a public agency such as a city or school and operated for the exclusive use of its members and their guests and not the general public

(12) *Public Park or Playground*. A facility or area for recreational, cultural, or aesthetic use owned or operated by a public agency and available to the general public. This definition may include -- but is not limited to -- lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, pavilions, wooded areas, and water courses.



CITY OF ROCKWALL

ORDINANCE NO. 23-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE 04, *PERMISSIBLE USES*, AND ARTICLE 13, *DEFINITIONS*, AS DEPCITED IN *EXHIBIT 'A'* OF THIS ORDINANCE; 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**, an amendment to the City of Rockwall's Unified Development Code [*Ordinance No. 20-02*] has been initiated by the City Council of the City of Rockwall to amend Article 04, *Permissible Uses*, and Article 13, *Definitions*, of the Unified Development Code [*Ordinance No. 20-02*] to create the *Credit Access Business* land use; 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 city's corporate boundaries, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [*Ordinance No. 20-02*] should be amended as follows:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:**

**SECTION 1.** That Article 04, *Permissible Uses*, and Article 13, *Definitions*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance;

**SECTION 2.** That 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 offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

**SECTION 3.** That 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 [*Ordinance No. 20-02*], 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 4.** That this ordinance shall take effect immediately from and after its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 1<sup>ST</sup> DAY OF MAY, 2023.**

\_\_\_\_\_  
Kevin Fowler, *Mayor*

**ATTEST:**

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Kristy Teague, *City Secretary*

**APPROVED AS TO FORM:**

---

Frank J. Garza, *City Attorney*

*1<sup>st</sup> Reading:* April 17, 2023

*2<sup>nd</sup> Reading:* May 1, 2023

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ORDINANCE  
04.17.2023

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ORDINANCE  
04.17.2023

*Continued on Next Page ...*





from parcel to parcel). A Specific Use Permit (SUP) shall be required for any facility located closer than 1,000-feet.

- (b) Such facilities shall be licensed as a Community Residential Facility under Chapter 508, Parole and Mandatory Supervision, of the Texas Health and Safety Code.

(7) Public or Private Primary School.

- (a) Adequate pick-up and drop-off areas shall be provided to ensure that street traffic/neighborhood traffic is not impeded. This shall be determined by the Director of Planning and Zoning or his/her designee at the time of site plan.

(8) Public or Private Secondary School.

- (a) The school shall be located on a Minor Collector or larger roadway.
- (b) Adequate pick-up and drop-off areas shall be provided to ensure that street traffic/neighborhood traffic is not impeded. This shall be determined by the Director of Planning and Zoning or his/her designee at the time of site plan.

(9) Temporary Education Buildings for a Public or Private School.

- (a) The City Manager or his/her designee may approve temporary educational buildings for a public school pending the submission of a letter from the independent school district indicating the duration the buildings will remain on-site. The City Manager or his/her designee may also require the temporary buildings to adhere to the procedures and requirements of Subsection 02.03(C)(9)(b) below.

- (b) All other applications of temporary educational buildings will require a Specific Use Permit (SUP) that shall be approved by the Planning and Zoning Commission and City Council, and that shall include the following operational conditions:

- (1) The buildings shall be screened from the view of adjacent properties, public right-of-way, and parks and open space by the primary structure or landscape screening that incorporates three (3) tiered screening (i.e. small to mid-sized shrubs, large shrubs or accent trees, and canopy trees).
- (2) The applicant shall provide a plan indicating the expected phasing-out of all temporary structures.
- (3) The Specific Use Permit (SUP) shall be valid for a period not to exceed five (5) years.

(D) Office and Professional Land Uses.

(1) Credit Access Business.

- (a) Any lot or parcel of land with a **Credit Access Business** establishment shall be located a minimum of 1,000-feet from any other lot or parcel of land with another **Credit Access Business**, as measured in a straight line between

the nearest points of one (1) of the lots or parcels of land to the other lot or parcel of land.

- (b) A **Credit Access Business** shall not be located within 500-feet of a residentially zoned property, a public or private school, and/or an existing daycare facility.

(4)(2) Financial Institution with Drive-Through.

- (a) Drive-throughs shall not be located on a property adjacent to a residentially zoned or used property. Drive-throughs shall be separated from residentially zoned or used properties by an intervening building or parcel of land.
- (b) Drive-throughs shall not have access to local residential streets.
- (c) Stacking lanes for drive-through service windows shall accommodate at least six (6) standard sized motor vehicles per lane, unless specifically approved by the Planning and Zoning Commission.

(E) Recreation, Entertainment and Amusement Land Uses.

(1) Temporary Carnival, Circus, or Amusement Ride.

- (a) The duration of these temporary uses shall not exceed 14-days.
- (b) Carnival, circus and amusement ride uses shall be no closer than 300-feet to a residentially zoned or used property unless otherwise approved by the Planning and Zoning Commission and City Council.
- (c) Such events must obtain a permit from the City of Rockwall.

(2) Indoor Commercial Amusement/Recreation.

- (a) Exemptions to this use include:
  - (1) Skill or coin-operated machines kept in private residences or apartments and used without charge by members of the family or bona fide guests.
  - (2) Skill or coin-operated machines on the premises of religious, charitable, educational or fraternal organizations for the use of members or their guests, and not for private profit, although a charge is made for playing.
  - (3) Billiard or pool tables on the premises of publicly owned facilities.

(3) Outdoor Commercial Amusement/Recreation.

- (a) Outdoor Commercial Amusement/Recreation includes uses that provide outdoor entertainment (e.g. amusement parks, golf courses, outdoor music venues, batting cages, miniature golf etc.), but excludes drive-in movie theaters.
- (b) Outdoor Commercial Amusement/Recreation includes temporary structures (e.g. tents, canopies, etc.) for events; however, temporary in this case does not include structures intended to serve uses for longer than 14-days.
- (c) Outdoor Commercial Amusement/Recreation shall be a minimum of 300-feet from all residentially zoned or used

# LAND USE SCHEDULE

**LEGEND:**

	Land Use <u>NOT</u> Permitted
P	Land Use Permitted <i>By-Right</i>
P	Land Use Permitted with Conditions
S	Land Use Permitted Specific Use Permit (SUP)
X	Land Use Prohibited by Overlay District
A	Land Use Permitted as an Accessory Use

LAND USES	LAND USE DEFINITION REFERENCE [Reference Article 13, Definitions]	CONDITIONAL USE REFERENCE Reference [Article 04, Permissible Uses]	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS	NON-RESIDENTIAL DISTRICTS					OVERLAY DISTRICTS					
			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District		Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
Congregate Care Facility/Elderly Housing	(7)	(3)												P	S	S	S	S	S		S					
Crematorium	(8)																			S	P					
Daycare with Seven (7) or More Children	(9)	(4)	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S					
Emergency Ground Ambulance Services	(10)															P	P	P	P	P						
Group or Community Home	(11)	(5)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
Government Facility	(12)												S			P	P	P	P	P						
Halfway House	(13)	(6)												S												
Hospice	(14)											S			P	P	P	P	S	S						
Hospital	(15)															P	P	P	P	S						
Public Library, Art Gallery or Museum	(16)												P	P	P	P	P	P	P	P						
Mortuary or Funeral Chapel	(17)															P	P	P	P							
Local Post Office	(18)												P		P	P	P	P	P	P						
Regional Post Office	(19)																	P	P	P						
Prison/Custodial Institution	(20)																	P	P	P						
Public or Private Primary School	(21)	(7)	S	S	S	S	S	S	S	S	S	S	S	S		P	P	P	P	P						
Public or Private Secondary School	(22)	(8)	S	S	S	S	S	S	S	S	S	S	S	S		P	P	P	P	P						
Temporary Education Building for a Public or Private School	(23)	(9)	S	S	S	S	S	S	S	S	S	S	S			S	S	S	S							
Rescue Mission or Shelter for the Homeless	(24)																	S	P	P						
Social Service Provider (Except Rescue Mission or Homeless Shelter)	(25)															S		P	P	P						
<b>OFFICE AND PROFESSIONAL LAND USES</b>	<b>2.02(D)</b>	<b>2.03(D)</b>																								
<b>Credit Access Business</b>	(1)	(1)													S		S	S	P	P	P	P				
Financial Institution with Drive-Through	(42)	(42)															S	P	P	P	P					
Financial Institution without Drive-Through	(42)												P		P	P	P	P	P	P						

# LAND USE SCHEDULE

**LEGEND:**

	Land Use <i>NOT</i> Permitted
P	Land Use Permitted <i>By-Right</i>
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LAND USES	LAND USE DEFINITION REFERENCE [Reference Article 13, Definitions]	CONDITIONAL USE REFERENCE Reference [Article 04, Permissible Uses]	RESIDENTIAL DISTRICTS											MIXED USE DISTRICTS	NON-RESIDENTIAL DISTRICTS					OVERLAY DISTRICTS				
			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District	Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District
Office Building less than 5,000 SF	(23)													P	P	P	P	P	P	P				
Office Building 5,000 SF or Greater	(23)													P	S	S	P	P	P	P				
<b>RECREATION, ENTERTAINMENT AND AMUSEMENT LAND USES</b>			2.02(E)	2.03(E)																				
Temporary Carnival, Circus, or Amusement Ride	(1)	(1)												S		S	P	P	P	P	P			
Indoor Commercial Amusement/Recreation	(2)	(2)												S		S	P	P	P	P				
Outdoor Commercial Amusement/Recreation	(3)	(3)														S	S	P	S	P				
Public or Private Community or Recreation Club as an Accessory Use	(4)		S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P			
Private Country Club	(5)		S	S	S	S	S	S	S	S	S	S	S			S	S	S	P	P	P			
Golf Driving Range	(6)															S	S	S	P	P	P			
Temporary Fundraising Events by Non-Profit	(7)	(4)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Indoor Gun Club with Skeet or Target Range	(8)	(5)														S	P	P	P	P				
Outdoor Gun Club with Skeet or Target Range	(8)		S																P		S			
Health Club or Gym	(9)												A	P		S	P	P	P	P	P			
Private Club, Lodge or Fraternal Organization	(10)	(6)												S		S	S	P	P	P	S			
Private Sports Arena, Stadium, and/or Track	(11)																S	P	P	P				
Public Park or Playground	(12)		P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P				
Sexually Oriented Businesses [Art. XI; CH. 12; Municipal Code]	(13)	(7)																		S	S			
Tennis Courts (i.e. Not Accessory to a Public or Private Country Club)	(14)		S	S	S	S	S	S	S	S	S	S	S			S	S	S	P	P	P			
Theater	(15)													P		S	P	P	P	P				
<b>RETAIL AND PERSONAL SERVICES LAND USES</b>			2.02(F)	2.03(F)																				
Antique/Collectible Store	(1)													S		S	P	P	P					
Astrologer, Hypnotist, or Psychic	(2)													S	P	P	P	P	P					
Banquet Facility/Event Hall	(3)													S			P	P	P					





or families with no regular home or residential address. A *Rescue Mission or Shelter for the Homeless* shall house a maximum of 15 individuals for a period not to exceed a maximum of 30-days.

(25) *Social Service Provider (Except Rescue Mission or Shelter for the Homeless)*. Any organization operating under a non-profit charter, the activities of which are devoted exclusively to charitable, benevolent, patriotic, employment related, or educational purposes not currently listed elsewhere in [Section 01, Land Use Schedule, of Article 04, Permissible Uses](#).

(D) *Office and Professional Land Uses.*

(1) *Credit Access Business*. A *Credit Access Business* is a business or credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction or a motor vehicle title loan (or as otherwise defined by Section 393.6001 of the Texas Finance Code).

(2) *Financial Institution*. A facility that is open to the public for the deposit, custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds and that is licensed by the appropriate state or federal agency as a bank, savings and loan association, or credit union. Accessory uses may include automatic teller machines, drive through service, offices, and parking. This excludes bail bonds, pawnshops, payday advance/loan businesses, and motor vehicle title loan businesses.

(3) *Office Building*. A facility that provides executive, management, administrative, or professional services not specifically listed elsewhere in [Section 01, Land Use Schedule, of Article 04, Permissible Uses](#), but not involving the sale of merchandise except as incidental to a permitted use. Typical examples include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

(E) *Recreation, Entertainment and Amusement Land Uses.*

(1) *Temporary Carnival, Circus, or Amusement Ride*. A temporary, traveling show or exhibition that has no permanent structure or installation, and is intended to attract people to a site where there may or may not be an admission charge. These activities include: carnivals, circuses, rides, entertainment, gaming booths, food stands, exhibitions, and animal displays. Outdoor or indoor commercial amusement provided on a temporary basis.

(2) *Indoor Commercial Amusement/Recreation*. Any enterprise whose main purpose is to provide the general public with a variety of amusing or entertaining activities, including such activities as skating rinks, bowling alleys, video arcades, billiard tables and similar enterprises, but does not include theaters and auditoriums.

(3) *Outdoor Commercial Amusement/Recreation*. An amusement enterprise that offers entertainment or games of skill to the

general public for a fee or charge wherein any portion of the activity takes place in the open.

(4) *Public or Private Community Recreation Club as an Accessory Use*. (1) *Public*: A facility or area that is owned and/or operated by a nonprofit organization and that provides for sports, leisure, and recreation activities operated for the general public. (2) *Private*: A recreation facility operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public.

(5) *Private Country Club*. A facility or area laid out for recreational, athletic, and social purposes, with limited membership, and the use of which is primarily restricted to members and their guests. A golf course may be included as an additional principal use. Accessory uses may include retail sales, a club house, and other recreational facilities.

(6) *Golf Driving Range*. An area improved with trees, greens, fairways, hazards, and which may include a clubhouse, dining room, and accessory recreational uses.

(7) *Temporary Fundraising Events by Non-profit*. An event sponsored by a recognized legal nonprofit organization, intended to attract people to a site where there may or may not be an admission charge.

(8) *Gun Club with Skeet or Target Range*. A facility or area for the sport of shooting at targets to test accuracy in rifles, pistols, or archery practice, owned or operated by a corporation, association, or persons.

(9) *Health Club or Gym*. A public or private facility operated to promote physical health and fitness. Activities may include exercise, physical therapy, training, and education pertaining to health and fitness. Uses or combinations of uses or facilities would typically include -- but are not limited to -- game courts, weight lifting and exercise equipment, aerobics, swimming pools and spas, and running or jogging tracks.

(10) *Private Club, Lodge or Fraternal Organization*. (1) *Private Club*. Private quarters for a private organization, a principal purpose of which is the preparation and service of food and/or drink for members and their guests only and falling within the definition of and permitted by Chapter 32, *Private Club Registration Permit*, of the Texas Alcoholic Beverage Code. (2) *Lodge or Fraternal Organization*. A facility or area for a special purpose organization or for the sharing of sports, arts, literature, politics, or other similar interests, but not primarily for profit or to render a service that is customarily carried on as a business, excluding churches, synagogues, or other houses of worship or religious assembly.

(11) *Private Sports Arena, Stadium, and/or Track*. An athletic field or stadium that is not owned or operated by a public agency such as a city or school and operated for the exclusive use of its members and their guests and not the general public

(12) *Public Park or Playground*. A facility or area for recreational, cultural, or aesthetic use owned or operated by a public agency and available to the general public. This definition may include -- but is not limited to -- lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, pavilions, wooded areas, and water courses.



## MEMORANDUM

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**TO:** Mary Smith, City Manager  
**CC:** Honorable Mayor and City Council  
**FROM:** Ryan Miller, Director of Planning and Zoning  
**DATE:** April 17, 2023  
**SUBJECT:** Z2023-020; MASTER THOROUGHFARE PLAN UPDATE

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### Attachments

Memorandum  
Current Master Thoroughfare Plan (MTP)  
Proposed Master Thoroughfare Plan (MTP)  
Consultant's Report  
Draft Ordinance

### Summary/Background Information

Hold a public hearing to discuss and consider the approval of an **ordinance** for an *Amendment* to the Comprehensive Plan for the purpose of adopting changes to the Master Thoroughfare Plan contained in Appendix 'C', *Maps*, and take any action necessary (**1st Reading**).

### Action Needed

The City Council is being asked to consider adopting the proposed amendment to the Comprehensive Plan.



**CITY OF ROCKWALL**  
CITY COUNCIL MEMORANDUM

**PLANNING AND ZONING DEPARTMENT**  
385 S. GOLIAD STREET • ROCKWALL, TX 75087  
PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

**TO:** Mayor and City Council  
**CC:** Mary Smith, *City Manager*  
Joey Boyd, *Assistant City Manager*  
**FROM:** Ryan Miller, *Director of Planning and Zoning*  
**DATE:** April 17, 2023  
**SUBJECT:** Z2023-020; *Master Thoroughfare Plan Update*

On January 10, 2022, the City of Rockwall entered into a *Professional Services Engineering Contract* with Freese and Nichols, Inc. to review the City's Master Thoroughfare Plan (MTP) and provide recommendations concerning the classification of the City's roadways. Due to some issues concerning the North Central Texas Council of Government's (NCTOG's) regional model, the project was delayed; however, on February 28, 2023, the City's consultant provided staff with the final recommendations and their memorandum to the City Council (see *attached*). These recommendations include:

**DOWNGRADES**

- (1) Promenade Place from a *Minor Collector* to an R2U.
- (2) Tannerson Drive from a *Minor Collector* to an R2U.
- (3) Panhandle Drive from a M4U to a R2U.
- (4) Los Altos Drive from a *Minor Collector* to an R2U.
- (5) Fannin Street from SH-66 to Midnight Pass from a *Minor Collector* to an R2U.
- (6) Renfro Street from a *Minor Collector* to an R2U.
- (7) S. Lakeshore Drive from W. Rusk Street to Lakeview Drive from a *Minor Collector* to an R2U.
- (8) Lakeview Drive from S. Lakeshore Drive to Lakedale Drive from a *Minor Collector* to an R2U.
- (9) Summit Ridge from a *Minor Collector* to an R2U.
- (10) Lakedale Drive from a *Minor Collector* to an R2U.
- (11) M4U from John King Boulevard to IH-30 Frontage Road to *Minor Collector*.
- (12) Mims Road from SH-205 to Sids Road from an M4U to a *Minor Collector*.
- (13) Sids Road from Mims Road to SH-205 from a M4U to a *Minor Collector*.
- (14) Glen Hill Way from FM-740 [*Ridge Road*] to Summer Lee Drive from a *Minor Collector* to a Local Road.
- (15) Old SH-276 [*Caddo Ridge Drive*] from M4U to *Minor Collector*.

**MASTER THOROUGHFARE CLASSIFICATIONS**

- R2U: RESIDENTIAL, TWO (2) LANE, UNDIVIDED STREET
- A4U (M4U): MINOR ARTERIAL, FOUR (4) LANE, UNDIVIDED STREET
- A4D (M4D): MINOR ARTERIAL, FOUR (4) LANE, DIVIDED STREET
- P6D: PRINCIPAL ARTERIAL, SIX (6) LANE, DIVIDED STREET

**UPGRADES**

- (1) SH-66 from John King Boulevard to FM-3549 from a M4D to P6D.
- (2) *Minor Collector* from IH-30 Frontage Road to Justin Road to an A4D.
- (3) Turtle Cove Boulevard from an R2U to a *Minor Collector*.
- (4) M4U from SH-205 to FM-3097 [*Horizon Road*] from *Minor Collector* to M4U.
- (5) FM-551 from the edge of the Extraterritorial Jurisdiction (ETJ) [*i.e. in between Smith Acres and Jamestown Lane*] to SH-276 from a M4U to an A4D.
- (6) FM-548 [*Poetry Road*] from SH-276 to S. Munson Road from a *Minor Collector* to M4U.
- (7) Blackland Road from SH-276 to FM-550 from M4U to an A4D.
- (8) FM-550 from Hodges Lane to the edge of the Extraterritorial Jurisdiction (ETJ) [*i.e. in between Lone Star Drive and Dowell Road*] from M4U to an A4D.

**REMOVED**

- (1) Old SH-66 Alignment from FM-1141 to John King Boulevard.
- (2) M4U from Justin Road to John King Boulevard to *Minor Collector*.



(3) Village Drive.

NOMENCLATURE CHANGES

(1) M4D changed to A4D.

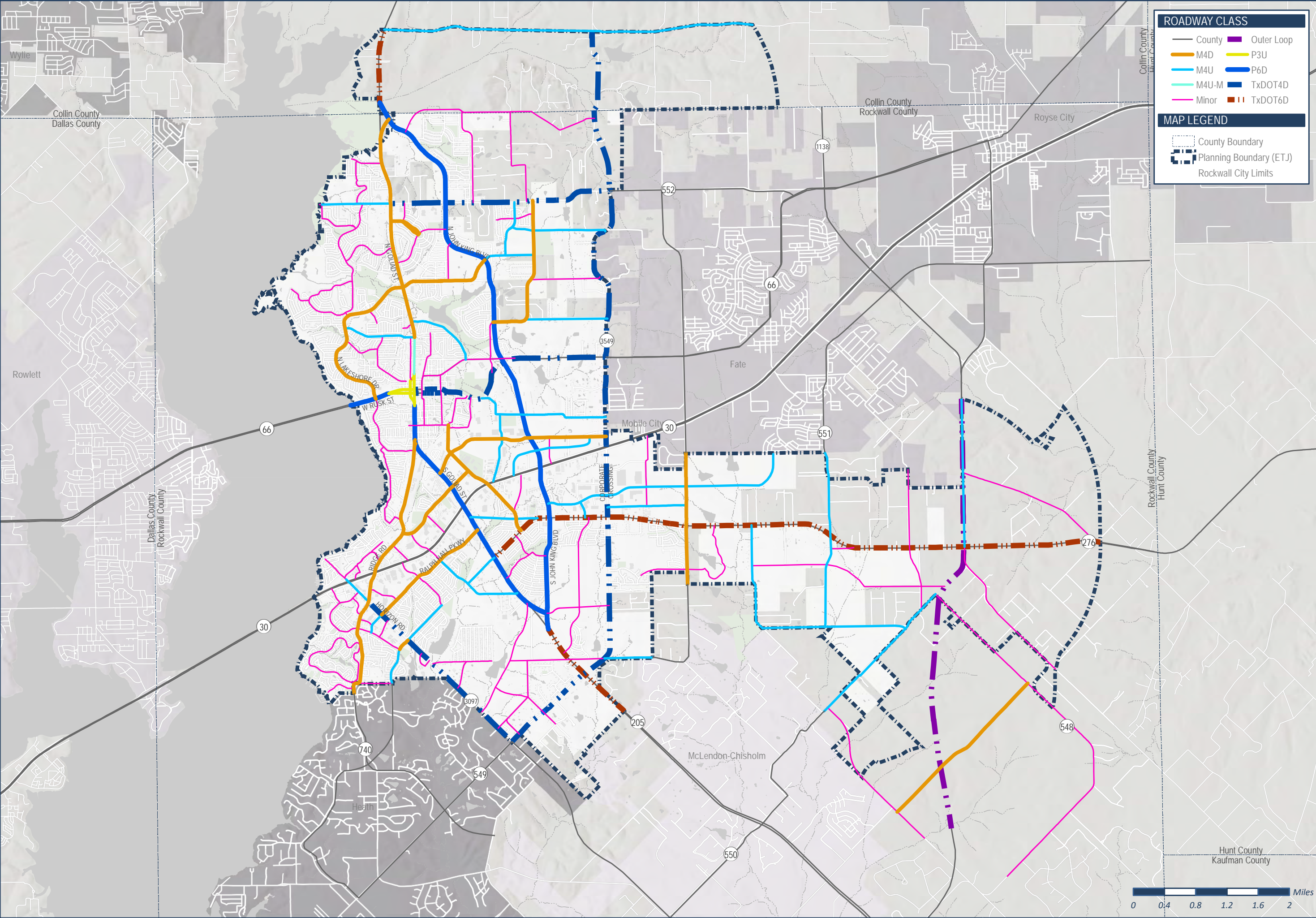
The Master Thoroughfare Plan (MTP) is contained within the OURHometown Vision 2040 Comprehensive Plan, and according to Section 213.003, *Adoption or Amendment of the Comprehensive Plan*, of the Texas Local Government Code, “(a) comprehensive plan may be adopted or amended by ordinance following: (1) a hearing at which the public is given the opportunity to give testimony and represent written evidence; and (2) review by the municipality’s planning commission or department, if one exists.” In addition, Section 9.03, *Master Plan*, of the City’s *Home Rule Charter* states that “(r)ecommended changes to the Master Plan must be submitted to the City Manager after the Planning and Zoning Commission holds at least one [1] public hearing on the proposed change.” Section 9.04, *Procedure for Amending Master Plan*, goes on to state that the “City Manager will submit the proposed changes to the Council, together with any recommendations. The Council, after a public hearing, shall adopt or reject such proposed revisions or any part thereof as submitted within sixty (60) days following its submission by the City Manager. If the proposed revisions or part thereof should be rejected by the Council, the Planning and Zoning Commission may make modifications and again forward it to the City Manager for submission to the Council.” On March 20, 2023, the City Council reviewed these changes and directed staff to proceed with amending the Comprehensive Plan in accordance with the City’s Charter and the Texas Local Government Code. In accordance with this direction, staff has sent out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 02.03(A)(3) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), and taken the proposed amendment to the Planning and Zoning Commission for a recommendation. On April 11, 2023, the Planning and Zoning Commission approved a motion to recommend approval of the amendment by a vote of 6-0, with Commissioner Womble absent. Should the City Council have any questions staff will be available at the meeting on April 17, 2023.





# MASTER THOROUGHFARE PLAN

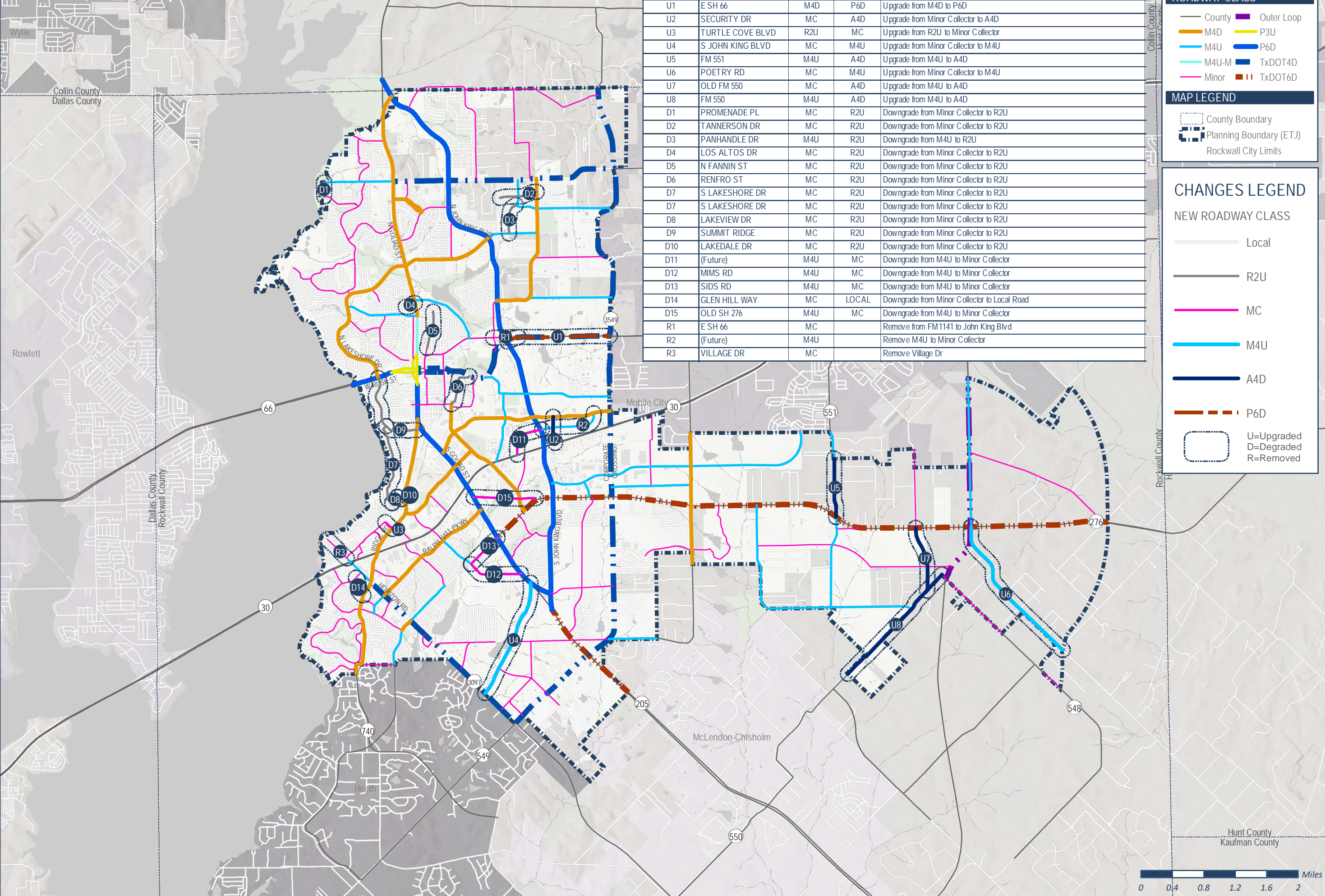
## COMPREHENSIVE PLAN 04 | INFRASTRUCTURE





NOTE: CHANGE ID'S CORRESPOND TO CASE MEMO

CHANGE ID	STREET NAME	CURRENT	NEW CLASS	DESCRIPTION
U1	E SH 66	M4D	P6D	Upgrade from M4D to P6D
U2	SECURITY DR	MC	A4D	Upgrade from Minor Collector to A4D
U3	TURTLE COVE BLVD	R2U	MC	Upgrade from R2U to Minor Collector
U4	S JOHN KING BLVD	MC	M4U	Upgrade from Minor Collector to M4U
U5	FM 551	M4U	A4D	Upgrade from M4U to A4D
U6	POETRY RD	MC	M4U	Upgrade from Minor Collector to M4U
U7	OLD FM 550	MC	A4D	Upgrade from M4U to A4D
U8	FM 550	M4U	A4D	Upgrade from M4U to A4D
D1	PROMENADE PL	MC	R2U	Downgrade from Minor Collector to R2U
D2	TANNERSON DR	MC	R2U	Downgrade from Minor Collector to R2U
D3	PANHANDLE DR	M4U	R2U	Downgrade from M4U to R2U
D4	LOS ALTOS DR	MC	R2U	Downgrade from Minor Collector to R2U
D5	N FANNIN ST	MC	R2U	Downgrade from Minor Collector to R2U
D6	RENFRO ST	MC	R2U	Downgrade from Minor Collector to R2U
D7	S LAKESHORE DR	MC	R2U	Downgrade from Minor Collector to R2U
D8	LAKEVIEW DR	MC	R2U	Downgrade from Minor Collector to R2U
D9	SUMMIT RIDGE	MC	R2U	Downgrade from Minor Collector to R2U
D10	LAKEDALE DR	MC	R2U	Downgrade from Minor Collector to R2U
D11	(Future)	M4U	MC	Downgrade from M4U to Minor Collector
D12	MIMS RD	M4U	MC	Downgrade from M4U to Minor Collector
D13	SIDS RD	M4U	MC	Downgrade from M4U to Minor Collector
D14	GLEN HILL WAY	MC	LOCAL	Downgrade from Minor Collector to Local Road
D15	OLD SH 276	M4U	MC	Downgrade from M4U to Minor Collector
R1	E SH 66	MC		Remove from FM1141 to John King Blvd
R2	(Future)	M4U		Remove M4U to Minor Collector
R3	VILLAGE DR	MC		Remove Village Dr



**ROADWAY CLASS**

- County
- Outer Loop
- M4D
- M4U
- M4U-M
- Minor
- P3U
- P6D
- TxDOT4D
- TxDOT6D

**MAP LEGEND**

- County Boundary
- Planning Boundary (ETJ)
- Rockwall City Limits

**CHANGES LEGEND**

**NEW ROADWAY CLASS**

- Local
- R2U
- MC
- M4U
- A4D
- P6D
- U=Upgraded
- D=Degraded
- R=Removed



**MASTER THOROUGHFARE PLAN**

**COMPREHENSIVE PLAN 04 | INFRASTRUCTURE**



**TO:** Amy Williams, P.E. Director of Public Works/City Engineer, City of Rockwall

**CC:** Ryan Miller, AICP, Director of Planning and Zoning Division, City of Rockwall

**FROM:** Eddie Haas, AICP, Vice-President, Transportation Planning, Freese and Nichols, Inc.  
Brian Crooks, AICP, Project Manager

**SUBJECT:** City of Rockwall Thoroughfare Plan Update

**DATE:** 2/28/2023

**PROJECT:** City of Rockwall Thoroughfare Plan Update

---

## Introduction

Due to ongoing development within the City of Rockwall and adjacent communities, and the expansion of adjacent roadway facilities on IH-30 and SH 66, the City of Rockwall determined that a review of its Thoroughfare Plan was required. The City of Rockwall contracted the services of Freese and Nichols, Inc. to conduct a demographic and network review, assess the ability of its roadway network to accommodate buildout demographic conditions, and provide roadway network improvement recommendations.

## Data Collection

The project team received thoroughfare plan networks, boundary data, and demographic information from the City of Rockwall and used the buildout data from the Summary Land Use Plan on page 32 of the Rockwall 2018 Comprehensive Plan and NCTCOG employment data as a guide to develop buildout demographics.

## Demographics Update

The project team used this data and GIS-based zones data (city districts and traffic analysis zones) to determine the buildout demographics at the TAZ level for incorporation into the NCTCOG travel demand model. All demographic development of buildout demographics was completed in coordination, consultation, review, and approval of the City of Rockwall GIS Services Division.

## Stakeholder Involvement

The FNI project met both virtually and in-person throughout the study timeline. There was a total of three (3) in-person meetings with City of Rockwall staff; a project scoping meeting on November 16, 2021, the project kick-off meeting on February 8<sup>th</sup>, 2022, and a project coordination meeting on June 7, 2022.

## Thoroughfare Network Assessment

A revised thoroughfare plan with approved buildout demographics was submitted to NCTCOG to determine which roadways would be congested at buildout. The NCTCOG model development group used the 2045 demographics and networks from its 2022 model update as the background data for the buildout demographics and proposed roadway network improvements. All model outputs were reviewed in consultation with NCTCOG, the FNI project team, and the City of Rockwall.

## Network Review / Roadway Right-Sizing

After reviewing the congested roadway network, a series of proposed improvements were proposed for the existing Thoroughfare Plan. The FNI project team worked in collaboration with the City of Rockwall to determine which roadway improvements were feasible and identified additional modifications based on ongoing development activity and available ROW. Additional updates were put forward by the City of Rockwall as part of an iterative editing process resulting in the final Thoroughfare Plan. Network updates were compared with the Rockwall County Thoroughfare Plan to ensure consistency and continuity with external roadways. The proposed 2023 City of Rockwall Thoroughfare Plan is shown in Figure 2 on the last page of the memorandum. Figure 1 shows the changes from the previous Thoroughfare Plan.

## Roadway Cross-Section Review

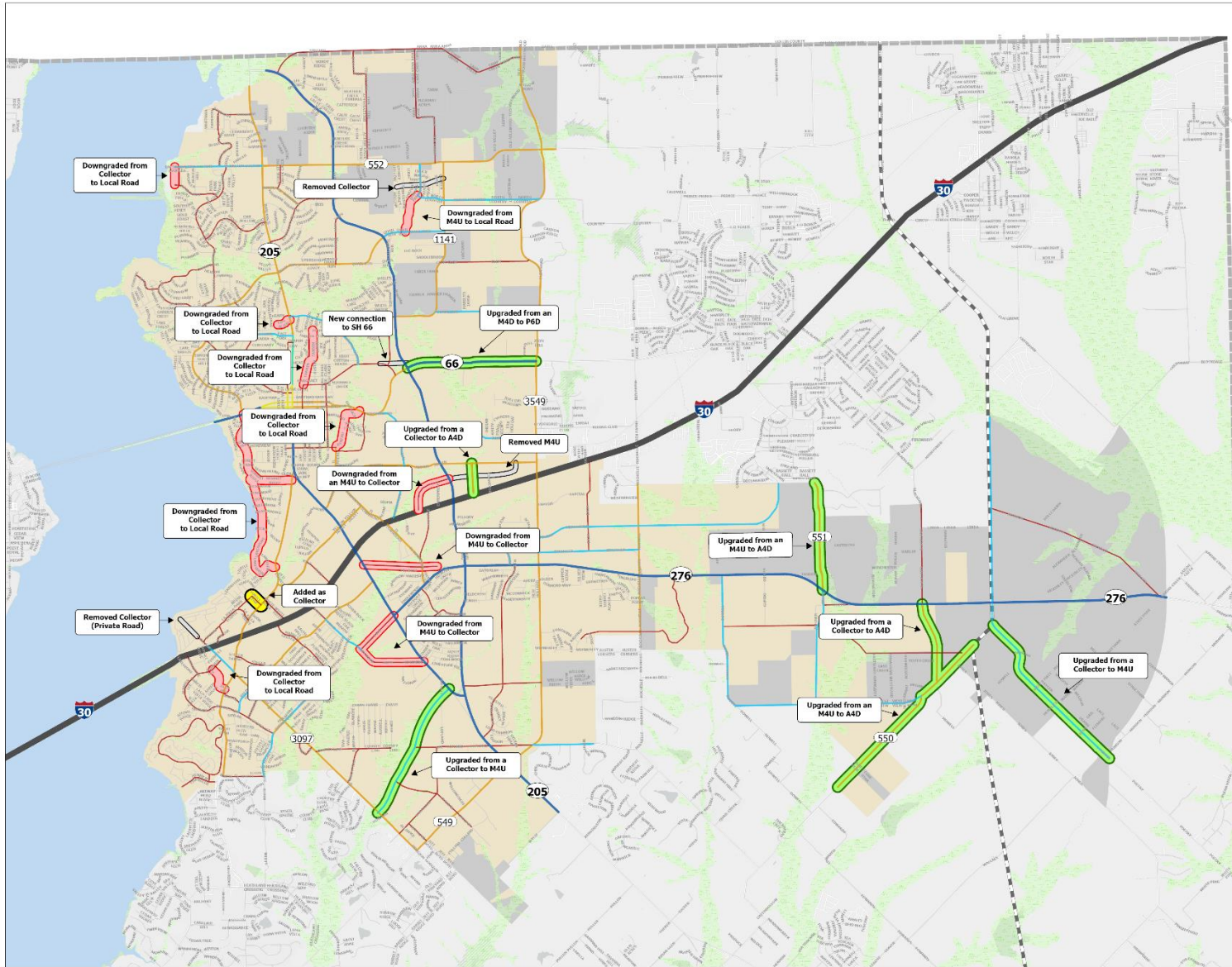
Thoroughfare roadway cross sections were reviewed from the 2018 Comprehensive Plan and current thoroughfare plan. While all cross sections provide adequate lane-widths and parking, several recommendations are suggested for consideration. It was noted by both Freese Nichols and NCTCOG staff that the functional classification is heavily weighted towards collectors, although several sections operate as arterials. Some of these collector classes are not compatible with the NCTCOG travel demand model roadway classifications and had to be modified in order for the network to be run through the regional model. It is recommended that the city consider reclassifying major 4-lane divided collectors (M4D) as minor 4-lane arterials (A4D) and modified major undivided collector (M4U-M) as 5-lane undivided arterials (A5U). It was also noted that design standards show sidewalk widths at five feet wide with a three-foot buffer from the roadway. It is recommended, where feasible, that the sidewalk and buffer widths be increased on arterials to support the growth of the bicycle-pedestrian network, accommodate future micro-mobility technologies, and improve user safety.

## Recommendations

It is recommended that the City of Rockwall adopt the Thoroughfare Plan as shown in Figure 2 and revise its roadway functional classification to replace the M4D collector class with an A4D arterial class and the M4U-M class with an A5U arterial class.

It is also recommended that the City of Rockwall consider increasing the size of its sidewalks and sidewalk buffers, where ROW permits, to improve bicycle and pedestrian safety, support safe routes to school, and accommodate emerging micro-mobility technologies.

**Figure 1: Changes from Previous Thoroughfare Plan**



**City of Rockwall**  
 Proposed  
 Thoroughfare Plan  
 Changes

**Legend**

- Addition
- Upgrade
- Downgrade
- Removal
- P6D
- P3U
- A5U
- A4D
- M4U
- MC
- Interstate
- Outer Loop
- County
- Boundary
- City Limits
- ETJ
- Flood Zones

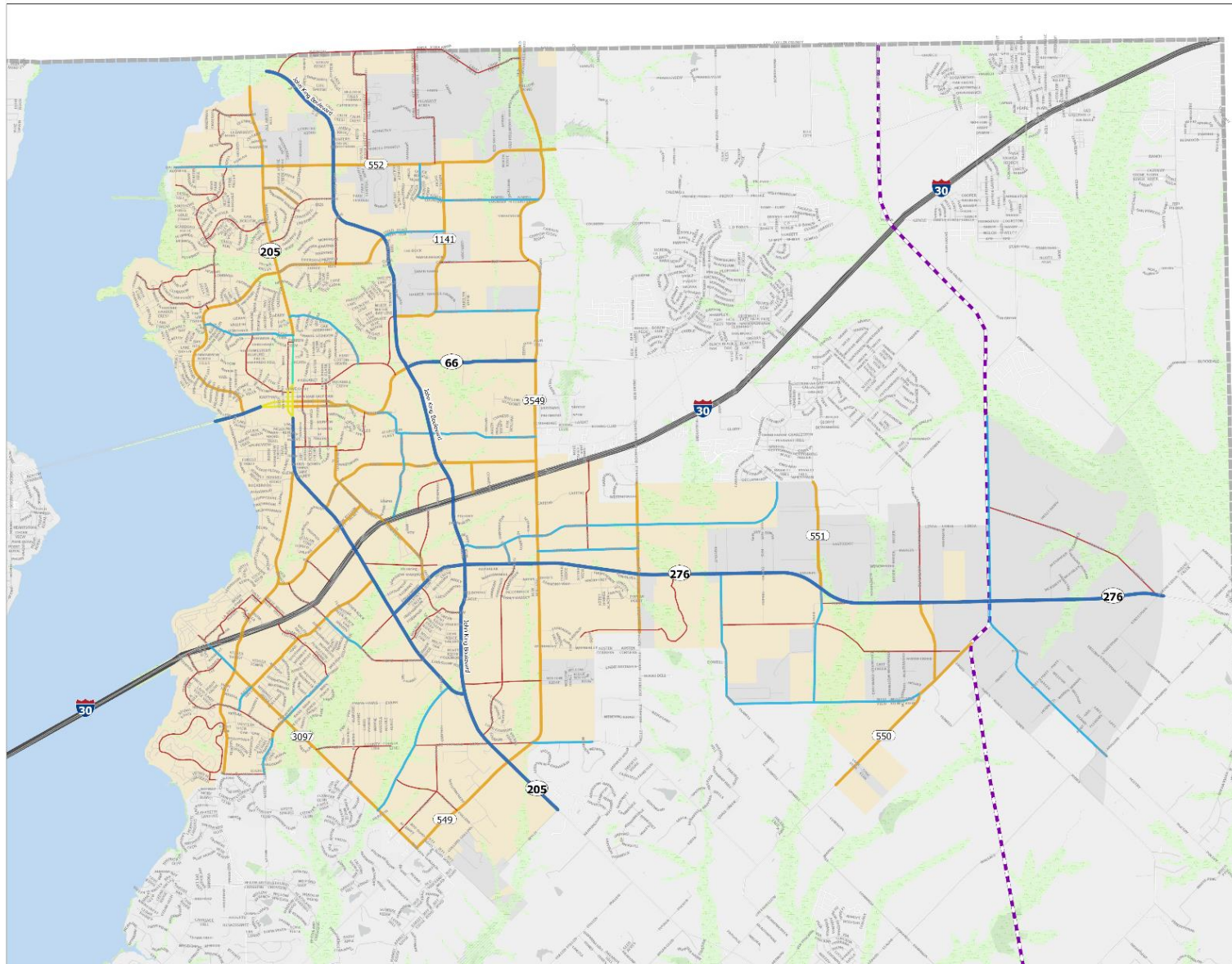
0 0.2 0.3 0.7 1 1.4 Miles

Spatial Reference:  
 datum: NAD 1983 StatePlane Texas North Central FIPS 4302 Foot  
 PCS: NAD 1983 StatePlane Texas North Central FIPS 4302 Feet  
 GCS: NAD 1983 Texas FIPS  
 datum: North American 1983  
 projector: Lambert Conformal Conic

Folder: D:\ROCKWALL\TRANSPORTATION\Working\Rockwall Thoroughfare Plan Update.v11



**Figure 2: The 2022 City of Rockwall Thoroughfare Plan**



City of Rockwall  
 Thoroughfare Plan

**Legend**

- P6D
- P3U
- ASD
- A4D
- M4U
- MC
- Interstate
- Outer Loop
- County Boundary
- City Limits
- ETJ
- Flood Zones



0 0.2 0.3 0.7 1 1.4 Miles

Original Submission:  
 Name: IAD 1463 StatePlane Texas North Central TPRS 4200 Feet  
 PCS: IAD 1463 StatePlane Texas North Central TPRS 4200 Feet  
 GCS: NAD 83 North American 83  
 Datum: North American 1983  
 Projection: Lambert Conformal Conic



Filename: F:\ROK\211\TRANSPORTATION\Working\Rockwall Thoroughfare Plan Update v11

CITY OF ROCKWALL

ORDINANCE NO. 23-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ADOPTING REVISIONS TO THE MASTER THOROUGHFARE PLAN CONTAINED WITHIN THE OURHOMETOWN VISION 2040 COMPREHENSIVE PLAN IN ACCORDANCE WITH THE CITY'S HOME RULE CHARTER.

**WHEREAS**, the *Home Rule Charter* of the City of Rockwall, Texas, states that the Comprehensive Plan will contain recommendations for the growth, development and beautification of the City and its Extraterritorial Jurisdiction (ETJ); and

**WHEREAS**, the City Council of the City of Rockwall has previously authorized a study to update the Comprehensive Plan, also referred to as the Master Plan; and

**WHEREAS**, the citizens of the City of Rockwall were involved in the development of the Comprehensive Plan through participation in committee and public meetings; and

**WHEREAS**, the Comprehensive Plan shall serve as a guide to all future City Council action concerning land use and development regulations and expenditures for capital improvements; and

**WHEREAS**, Section 213.003, *Adoption or Amendment of Comprehensive Plan*, of Chapter 213, *Municipal Comprehensive Plans*, of the *Texas Local Government Code* states that the adoption of, or amendment to, a Comprehensive Plan requires a hearing at which the public is given the opportunity to give testimony and present written evidence, and as required by the *Home Rule Charter* of the *City of Rockwall* a public hearing has been held on the proposed revisions to the Comprehensive Plan, and the governing body -- *in the exercise of its legislative discretion* -- has concluded that the Comprehensive Plan should be amended as follows:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:**

**SECTION 1.** The Master Thoroughfare Plan contained within the OURHometown Vision 2040 Comprehensive Plan be amended as depicted in *Exhibit 'A'* of this ordinance; and,

**SECTION 2.** The Comprehensive Plan shall be used by the City Staff in planning and as a guide for future development of the City of Rockwall; and,

**SECTION 3.** This ordinance shall take effect immediately from and after its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 3<sup>RD</sup> DAY OF APRIL, 2023.**

\_\_\_\_\_  
Kevin Fowler, Mayor

ATTEST:

\_\_\_\_\_  
Kristy Teague, City Secretary

**APPROVED AS TO FORM:**

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Frank J. Garza, *City Attorney*

*1<sup>st</sup> Reading:* March 20, 2023

*2<sup>nd</sup> Reading:* April 3, 2023

DRAFT  
ORDINANCE  
04.17.2023



DRAFT  
ORDINANCE  
04.17.2023

NOTE: CHANGE ID'S CORRESPOND TO CASE MEMO

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U4	S JOHN KING BLVD	MC	M4U	Upgrade from Minor Collector to M4U
U5	FM 551	M4U	A4D	Upgrade from M4U to A4D
U6	POETRY RD	MC	M4U	Upgrade from Minor Collector to M4U
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**ROADWAY CLASS**

- County
- Outer Loop
- M4D
- M4U
- M4U-M
- Minor
- P3U
- P6D
- TxDOT4D
- TxDOT6D

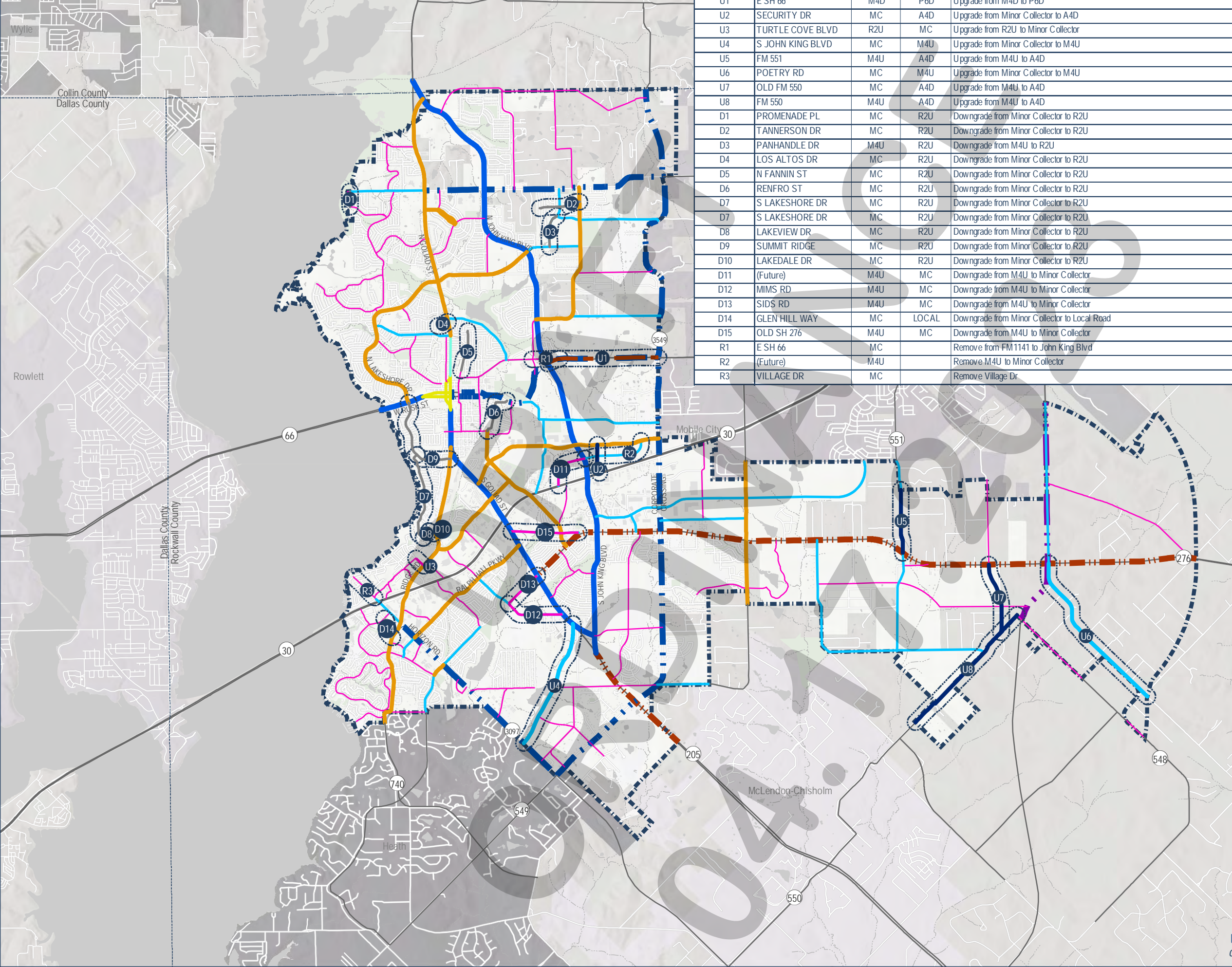
**MAP LEGEND**

- County Boundary
- Planning Boundary (ETJ)
- Rockwall City Limits

**CHANGES LEGEND**

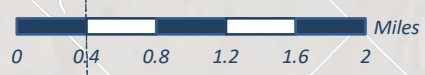
**NEW ROADWAY CLASS**

- Local
- R2U
- MC
- M4U
- A4D
- P6D
- U=Upgraded
- D=Degraded
- R=Removed



**MASTER THOROUGHFARE PLAN**

**COMPREHENSIVE PLAN 04 | INFRASTRUCTURE**







## MEMORANDUM

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**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

**FROM:** Ryan Miller, Director of Planning and Zoning

**DATE:** April 17, 2023

**SUBJECT:** AMENDMENT TO ARTICLE IV, NOISE, OF CHAPTER 16, ENVIRONMENT, OF THE MUNICIPAL CODE OF ORDINANCES

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### Attachments

Memorandum  
Proposed Text Amendment  
Draft Ordinance

### Summary/Background Information

Discuss and consider the approval of an **ordinance** amending Article IV, *Noise*, of Chapter 16, *Environment*, of the Municipal Code of Ordinances for the purpose of extending the applicability of this section, and take any action necessary.

### Action Needed

The City Council is being asked to consider the proposed amendment to the Municipal Code of Ordinances.





# CITY OF ROCKWALL

## CITY COUNCIL MEMORANDUM

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

---

**TO:** Mayor and City Council

**CC:** Mary Smith, *City Manager*  
Joey Boyd, *Assistant City Manager*

**FROM:** Ryan Miller, *Director of Planning and Zoning*

**DATE:** April 17, 2023

**SUBJECT:** Amendment to Article IV, *Noise*, of Chapter 16, *Environment*, of the Municipal Code of Ordinances

---

During the open forum at the March 20, 2023 City Council meeting, the City Council heard from several Rockwall citizens -- *residing in the Harlan Park Subdivision* -- concerning issues they were experiencing resulting from an entertainment venue situated within the City's Extraterritorial Jurisdiction (ETJ). Specifically, these residences stated that they were having issues with noise and glare from the venue. Currently, the City's nuisance ordinances -- *which regulate environmental issues like noise and glare* -- are only applicable to properties inside the City's corporate boundaries; however, Section 217.042 of the Texas Local Government Code states that a "... municipality may define and prohibit any nuisance within the limits of the municipality and within 5,000-feet outside the limits ..." This means that the City's nuisance ordinances could be extended to regulate nuisances on property within the City's Extraterritorial Jurisdiction (ETJ). Based on this -- *and to give the City Council the option to address the citizens' concerns* -- staff has prepared an amendment that would extend the noise ordinance to all properties in the City's corporate boundaries and properties within 500-feet of the City's corporate boundaries.

In preparing this amendment, staff considered the extent that this may burden the Neighborhood Improvement Services (NIS) Division and Police Department. Based on this, staff only extended the noise ordinance as opposed to all of the City's nuisance ordinances. In addition, staff only extended the ordinance 500-feet into the Extraterritorial Jurisdiction (ETJ), and established criteria that requires complaints to come from citizens of the City of Rockwall (*i.e. not from property owners outside the City*). If the City Council chooses to address this issue, staff has included a draft ordinance that can be adopted to make this change. Should the City Council have any questions or further direction for staff, staff will be available at the April 17, 2023 City Council meeting.

# ARTICLE IV. NOISE

## DIVISION 1. GENERALLY

### SEC. 16-179. DEFINITIONS AND STANDARDS.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All terminology used in this article and not defined in this section shall be in conformance with applicable publications of the American National Standards Institute (ANSI), or its successor body.

- *A-weighted sound pressure level* means the sound pressure level in decibels as measured on a sound level using the A-weighting network. The level so read shall be designated db(A) or dbA.
- *Ambient (background) sound pressure level* means the all-encompassing sound associated with a given environment, being usually a composite of sounds from all sources, excluding the alleged offensive sound, at the location and approximate time at which a comparison with the alleged offensive sound is to be made.
- *Construction* means any site preparation, assembly, erection, substantial repair, alteration, or similar action excluding demolition, for or on public or private rights-of-way, structures, utilities or similar property.
- *Decibel (dB)* means a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter), denoted as dB.
- *Device* means any mechanism which is intended to produce, or which actually produces, noise when operated or handled.
- *Emergency vehicle* means a motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.
- *Emergency work* means any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an emergency.
- *Energy equivalent sound level (Leq)* means the sound level corresponding to the average sound energy during a specified period of time. Its calculation involves the conversion of decibels (a logarithmic quantity) to corresponding intensities (a linear quantity), performing the averaging, and finally changing the average back to decibels.
- *Land use district* means those classifications established by the city Unified Development Code (i.e., the term "residential" means all residential classifications; the term "commercial/agricultural" means all commercial and/or agricultural classifications; and the term "industrial" means all industrial classifications). For purposes of this article, planned development districts shall be considered as residential, commercial, or industrial according to the primary use.
- *Motor vehicle* means any vehicle propelled by mechanical power, such as, but not limited to, any passenger car, truck, truck-trailer, semitrailer, camper, motorcycle, minibike, go-cart, dune buggy or racing vehicle.
- *Noise* means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
- *Noise disturbance* means any unreasonably loud, disturbing and unnecessary noise which is offensive to an adult person within the city, which noise renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort.
- *Percentile sound pressure level:*
  - (1) *Unit percentile level* means the A-weighted pressure level that is exceeded one percent of the time in a measurement period. It is denoted as L<sub>1</sub>.
  - (2) *Tenth percentile level* means the A-weighted sound pressure level that is exceeded ten percent of the time in any measurement period (such as the level that is exceeded for one minute in a ten-minute period). It is denoted as L<sub>10</sub>.
  - (3) *Ninetieth percentile level* means the A-weighted sound pressure level that is exceeded 90 percent of the time in any measurement period (such as the level that is exceeded for nine minutes in a ten-minute period). It is denoted as L<sub>90</sub>.
- *Property boundary* means an imaginary line exterior to any enclosed structure, at the ground surface, and its vertical extension, which separates the real property owned by one or controlled by a governmental entity.
- *Public property* means any real property or structures thereon which are owned or controlled by a governmental entity.

- *Public right-of-way* means any street, avenue, boulevard, highway, sidewalk, alley, or similar place which is owned or controlled by a governmental entity.
- *Sound* means a temporal or spatial oscillation in pressure, or other physical quantity, in a medium with internal forces that causes compression and rarefaction of that medium and which propagates at finite speed to distant points.
- *Sound level* means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in the American National Standards Institute specifications for sound level meters. If the frequency weighting employed is not indicated, the A-weighting shall apply.
- *Sound level meter* means an instrument for the measurement of sound, including a microphone, amplifier, RMS detector and integrator, time averager, output meter and weighted networks, that is sensitive to pressure fluctuations. The instruments read sound pressure levels when properly calibrated and is of Type II or better so specified in ANSI Publication S1.4-1971 or its successor body.
- *Sound pressure level* means, expressed in decibels, 20 times the logarithm to the base ten of the ratio of the pressure of the sound to a reference pressure, which reference pressure shall be explicitly stated.
- *Stationary sound source* means any device, fixed or movable, which is located or used on property other than a public right-of-way.

(Code 1982, § 18-5(b); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)

## **SEC. 16-180. POLICY.**

It is hereby declared to be the policy of the city to minimize the exposure ~~to~~ of citizens to the physiological and psychological harm of excessive noise and to protect, promote, and preserve the public health, comfort, convenience, safety and welfare. It is the express intent of the city council to control the level of noise in a manner which promotes commerce; protects the sleep and repose of citizens; promotes the use, value, and enjoyment of property; and preserves the quality of the environment.

(Code 1982, § 18-5(a); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)

## **SEC. 16-181. APPLICABILITY.**

The requirements of this *Article* shall apply to all real property, occupied or unoccupied, within the corporate limits of the City of Rockwall or the City of Rockwall's Extraterritorial Jurisdiction (ETJ) for a distance of 500-feet from the corporate limits as authorized by Section 217.042 of the Texas Local Government Code.

## **SEC. 16-~~181~~182. ADMINISTRATION OF PROGRAM.**

The noise control program required by this division shall be administered by the chief of police as a reactive or proactive measure (*i.e. responding to a noise complaint raised by a citizen of the City of Rockwall or responding to a perceived violation*).

(Code 1982, § 18-5(c); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)

## **SEC. 16-~~182~~183. GENERAL NOISE MEASUREMENT.**

Sound level measurement shall be made with a sound level meter, Type II or better, using the A-weighting network in accordance and conforming with the noise measurement standards promulgated by the American National Standards Institute and testing procedures adopted by the police department.

(Code 1982, § 18-5(d); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)

## **SEC. 16-~~183~~184. LIMITATIONS ON ENVIRONMENTAL SOUND LEVELS.**

It shall be a violation of this article for any person to operate or permit to be operated any stationary source of sound which creates a unit percentile sound level ( $L_1$ ) greater than 15 dbA above the ambient sound pressure level ( $L_{90}$ ) as set forth in the table below in any residential use zone, or creates a tenth percentile sound level ( $L_{10}$ ) or a 90th percentile sound level ( $L_{90}$ ) which exceeds the limits set forth in the table below for the receiving land use districts when measured at the property boundary. For the purpose of enforcing these provisions, a measurement period shall not be less than ten minutes or more than 30 minutes.



LIMITING SOUND LEVELS  
(IN dbA)

Land Use District	Tenth Percentile (L <sub>10</sub> )	Ambient, or 90th Percentile (L <sub>90</sub> )
<i>Residential:</i>		
7:00 a.m.—10:00 p.m.	65	55
10:00 p.m.—7:00 a.m.	60	50
<i>Commercial/Agricultural:</i>		
7:00 a.m.—10:00 p.m.	72	62
10:00 p.m.—7:00 a.m.	67	57
<i>Industrial:</i>		
7:00 a.m.—10:00 p.m.	85	75
10:00 a.m.—7:00 a.m.	85	75

When a noise source can be identified and its noise measured in more than one land use category, the limits of the most restrictive shall apply at the boundary and within the most restrictive land use category.

(Code 1982, § 18-5(e); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)

**SEC. 16-184185. POTENTIAL SOURCES OF NOISE DISTURBANCE.**

The following sounds are hereby determined to be specific noises which can constitute a noise disturbance, and violations of this section are hereby defined:

- (1) *Radios, television sets, musical instruments and similar devices.* Operating or permitting to be operated any radio receiving set, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound in such a manner as to violate the sound levels as listed in section 16-183 or which unreasonably disturbs or interferes with the peace, comfort, or repose of neighboring persons of ordinary sensibilities.
- (2) *Exterior loudspeakers.* Operating or permitting to be operated any loudspeaker or sound amplifying equipment in a fixed or movable position mounted upon any vehicle in or upon any street, alley, sidewalk, park, place, public and/or private property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in such a manner as to violate the sound levels as listed in section 16-183 or which unreasonably disturbs or interferes with the peace, comfort, and repose of neighboring persons of ordinary sensibilities unless a permit of variance as outlined in section 16-187 is first obtained.
- (3) *Enclosed places of public entertainment.* Operating or permitting to be operated in any place of public entertainment any loudspeaker or other source of sound which produces, at a point that is normally occupied by the customer, maximum sound pressure levels of 100 dbA as read with the slow response on a sound level meter, unless a conspicuous and legible sign is posted near each public entrance stating: "WARNING: SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT." This provision shall not be construed to allow the operation of any loudspeaker or other source of sound in such a manner as to violate the sound levels as listed in section 16-183.
- (4) *Motor vehicles.*
  - a. *Exhaust system modifications.* No person shall operate or cause to be operated any motor vehicle unless the vehicle is equipped with an exhaust system which includes a tail pipe or resonator where the original vehicle design included a tail pipe and resonator. Such exhaust system shall:
    1. Be equipped with a muffler which is in good working order (free of damage to the baffles contained in the muffler) and in constant operation; and
    2. Not be equipped with any cutout, bypass or similar device.
  - b. *Tires.* It is unlawful for any person to operate a motor vehicle in such manner as to cause or allow to be emitted squealing, screeching or other such sound from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason, provided that sound resulting from emergency braking to avoid imminent danger shall be exempt from this section.
  - c. *Off-highway motor vehicles.* No person shall operate or permit to be operated any motorized vehicle off a public right-of-way in such a manner as to exceed the sound levels as listed in section 16-183 at the receiving property boundary.

- (5) *Emergency signaling devices.* The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle or similar stationary emergency signaling device for more than five minutes during any consecutive 60-minute period or so as to violate the sound levels as listed in section 16-183, except for those exemptions outlined in section 16-216.

(Code 1982, § 18-5(f)(1), (2), (5), (7), (g); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)

## **SEC. 16-~~185~~186. CONSTRUCTION WORK HOURS.**

Construction and construction-related activities within the city limits or the extraterritorial jurisdiction (ETJ) of the city shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. on Saturday. Reasonable working hours outside of this limit will be allowed only after receiving permission from the city. There shall be no construction allowed on Thanksgiving Day, Christmas Day or New Year's Day. The construction related activity includes, but is not limited to, the maintenance, servicing and fueling of construction equipment. The delivery of construction-related materials and/or construction equipment shall also be limited to the hours noted in this section. It is the responsibility of the developer/contractor to use good judgment when scheduling work in construction zones, located in close proximity to residences, schools, churches, businesses, etc. This is to ensure that citizens are not subjected to undesirable or excessive construction noise. At locations where voluntary compliance is not being observed, the city may issue written orders to stop work or further regulate site construction working hours if site work is being done outside the above-noted defined time guidelines or is interfering with the reasonable tranquility of a neighborhood. The city may also issue citations if it is determined that a violation of this article exists.

(Code 1982, § 18-5(f)(3); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)

## **SEC. 16-~~186~~187. PUBLIC AND PRIVATE PROJECT REVIEW.**

All public and private projects shall be subject to a review process by the chief of police in order to determine if such projects are likely to cause noise or vibration in violation of this article. The chief of police shall be authorized to make or require any investigations or studies which in his opinion are necessary to determine if compliance with this section can be achieved. The chief of police shall also have the authority to require noise attenuation measures in accordance with the findings of said investigations or studies for the purpose of determining compliance with this article.

(Code 1982, § 18-5(j); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)

## **SEC. 16-~~187~~188. VARIANCES.**

The chief of police shall evaluate all applications for permits of variance from the requirements of this article and may grant said variances with respect to time for compliance, subject to such terms, conditions, and requirements as the chief of police may deem reasonable to achieve compliance with the provisions of this article. Each such variance shall set forth in detail the approved method of achieving compliance and a time schedule for its accomplishment. In determining the reasonableness of the terms of a proposed permit or variance, the chief of police shall consider the magnitude of nuisance caused by the offensive noise, the uses of property within the area or impingement by the noise, the time factors related to study, design, financing and construction of remedial work, the economic factors related to age and useful life of the equipment, and the general public interest and welfare.

(Code 1982, § 18-5(j); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)

## **SECS. 16-~~188~~189—16-212. RESERVED.**

## DIVISION 2. ENFORCEMENT

### **SEC. 16-213. RESPONSIBILITY.**

The chief of police shall have primary enforcement responsibility for the provisions of this article. The chief of police may, in exigent circumstances, designate the building inspector, code enforcement officer, or fire marshal to assist in the enforcement of this article. The chief of police shall establish procedures for enforcement of the provisions of this article with the following as a minimum:

- (1) Any sound level meter utilized shall meet the minimum requirements in this article.
- (2) Enforcement guidelines to include a notice to appear and/or a class C misdemeanor citation.
- (3) Frequency of random checks and method of response to complaints.

(Code 1982, § 18-5(k); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)

### **SEC. 16-214. INSPECTION AUTHORITY.**

In order to implement and enforce this article, and for the general purpose of noise abatement and control, the duly appointed and authorized representative of the police department, under the direct supervision of the chief of police, shall have the power to make necessary inspections and tests with proper authorization or permission from the owner on any private or public property or place and/or stop any motor vehicle or motorcycle operated on a public right-of-way or public space reasonably suspected of violating any provisions of this article and issue a notice of violation, and/or abatement order, or class C misdemeanor citation.

(Code 1982, § 18-5(l); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)

### **SEC. 16-215. ~~APPLICABILITY~~EXCEPTIONS.**

The provisions of this section shall not apply to:

- (1) Residential-type air conditioning, ventilating, or heating devices that do not exceed a sound level of 74 dBA measured at the property line.
- (2) Motor vehicles operated on public or private property in compliance with applicable federal, state or city statutes and/or ordinances.
- (3) Emergency or public service work, public utility operations. Sound caused in the performance of emergency or public service work, including public utility operations, acting to protect the health, safety, or welfare of the community shall not be subject to the provisions of this article. Nothing in this subsection, however, shall be construed to permit law enforcement, ambulance, fire or other public service personnel to make excessive noise in the performance of their duties when such sound is clearly unnecessary.
- (4) Construction in accordance with applicable ordinances.
- (5) Railway locomotives and cars.
- (6) Aircraft operation.
- (7) Houses of worship bells or chimes.
- (8) Occasional outdoor gatherings, public dances, parades, shows, and sporting and entertainment events, provided that the events are conducted pursuant to a permit or license issued by the city relative to the staging of events.
- (9) The sound produced by operating, or permitting the operation of, any mechanically powered saw, drill, sander, router, grinder, lawn or garden tool, lawnmower, or any other similar device used between the hours of 7:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 7:00 a.m., sounds produced by these mechanical power tools must be operated in such a manner so as not to exceed the sound levels as listed in section 16-183 at the receiving property boundary.

(Code 1982, § 18-5(f)(4), (h), (m); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)



**SEC. 16-216. INJUNCTIVE RELIEF.**

In addition to and accumulative of all other penalties, the city shall have the right to seek injunctive relief for any and all violations of this section.

(Code 1982, § 18-5(n); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)

**SECS. 16-217—16-240. RESERVED.**

CITY OF ROCKWALL

ORDINANCE NO. 23-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE IV, *NOISE*, OF CHAPTER 16, *ENVIRONMENT*, FOR THE PURPOSE OF EXTENDING THE APPLICABILITY OF THE ARTICLE TO PROPERTIES WITHIN 500-FEET OF THE CITY OF ROCKWALL'S CORPORATE LIMITS AND THAT ARE SITUATED WITHIN THE CITY'S EXTRATERRITORIAL JURISDICTION (ETJ); 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**, the City of Rockwall, Texas (*City*) is a *Home-Rule City* in accordance with Chapter 9, *Home-Rule Municipality*, of the Texas Local Government Code, and by State law and the City Charter is permitted to establish ordinances for the purpose of protecting the health, safety, and general welfare of its residents; and

**WHEREAS**, Section 217.042 of the Texas Local Government Code allows the City of Rockwall to define and prohibit any nuisance within the limits of the City and within 5,000-feet outside the limits of the City's corporate limits; and

**WHEREAS**, the City Council seeks to extend the applicability of Article IV, *Noise*, of Chapter 16, *Environment*, of the Municipal Code of Ordinances to all properties situated within 500-feet of the City of Rockwall's corporate limits and that are located within in the City's Extraterritorial Jurisdiction (ETJ).

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:**

**SECTION 1.** That Article IV, *Noise*, of Chapter 16, *Environment*, of the Municipal Code of Ordinances of the City of Rockwall shall be amended as depicted in *Exhibit 'A'* of this ordinance;

**SECTION 2.** That 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 offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

**SECTION 3.** That 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, 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 4.** That this ordinance shall take effect immediately from and after its passage;

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS THE 2<sup>ND</sup> DAY OF MAY, 2023.**

\_\_\_\_\_  
Kevin Fowler, *Mayor*

**ATTEST:**

\_\_\_\_\_  
Kristy Teague, *City Secretary*

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Frank J. Garza, *City Attorney*

1<sup>st</sup> Reading: April 17, 2023

2<sup>nd</sup> Reading: May 2, 2023

DRAFT  
ORDINANCE  
04.17.2023



## DIVISION 1. GENERALLY

### SEC. 16-179. DEFINITIONS AND STANDARDS.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All terminology used in this article and not defined in this section shall be in conformance with applicable publications of the American National Standards Institute (ANSI), or its successor body.

- A-weighted sound pressure level means the sound pressure level in decibels as measured on a sound level using the A-weighting network. The level so read shall be designated db(A) or dbA.
- Ambient (*background*) sound pressure level means the all-encompassing sound associated with a given environment, being usually a composite of sounds from all sources, excluding the alleged offensive sound, at the location and approximate time at which a comparison with the alleged offensive sound is to be made.
- Construction means any site preparation, assembly, erection, substantial repair, alteration, or similar action excluding demolition, for or on public or private rights-of-way, structures, utilities or similar property.
- Decibel (dB) means a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (*20 micronewtons per square meter*), denoted as dB.
- Device means any mechanism which is intended to produce, or which actually produces, noise when operated or handled.
- Emergency vehicle means a motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.
- Emergency work means any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an emergency.
- Energy equivalent sound level (Leq) means the sound level corresponding to the average sound energy during a specified period of time. Its calculation involves the conversion of decibels (*a logarithmic quantity*) to corresponding intensities (*a linear quantity*), performing the averaging, and finally changing the average back to decibels.
- Land use district means those classifications established by the city Unified Development Code (*i.e., the term "residential" means all residential classifications; the term "commercial/agricultural" means all commercial and/or agricultural classifications; and the term "industrial" means all industrial classifications*). For purposes of this article, planned development districts shall be considered as residential, commercial, or industrial according to the primary use.
- Motor vehicle means any vehicle propelled by mechanical power, such as, but not limited to, any passenger car, truck, truck-trailer, semitrailer, camper, motorcycle, minibike, go-cart, dune buggy or racing vehicle.
- Noise means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
- Noise disturbance means any unreasonably loud, disturbing and unnecessary noise which is offensive to an adult person within the city, which noise renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort.
- Percentile sound pressure level:
  - (1) Unit percentile level means the A-weighted pressure level that is exceeded one percent of the time in a measurement period. It is denoted as L<sub>1</sub>.
  - (2) Tenth percentile level means the A-weighted sound pressure level that is exceeded ten percent of the time in any measurement period (*such as the level that is exceeded for one*

*minute in a ten-minute period*). It is denoted as L<sub>10</sub>.

(3) Ninetieth percentile level means the A-weighted sound pressure level that is exceeded 90 percent of the time in any measurement period (*such as the level that is exceeded for nine minutes in a ten-minute period*). It is denoted as L<sub>90</sub>.

- Property boundary means an imaginary line exterior to any enclosed structure, at the ground surface, and its vertical extension, which separates the real property owned by one or controlled by a governmental entity.
- Public property means any real property or structures thereon which are owned or controlled by a governmental entity.
- Public right-of-way means any street, avenue, boulevard, highway, sidewalk, alley, or similar place which is owned or controlled by a governmental entity.
- Sound means a temporal or spatial oscillation in pressure, or other physical quantity, in a medium with internal forces that causes compression and rarefaction of that medium and which propagates at finite speed to distant points.
- Sound level means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in the American National Standards Institute specifications for sound level meters. If the frequency weighting employed is not indicated, the A-weighting shall apply.
- Sound level meter means an instrument for the measurement of sound, including a microphone, amplifier, RMS detector and integrator, time averager, output meter and weighted networks, that is sensitive to pressure fluctuations. The instruments read sound pressure levels when properly calibrated and is of Type II or better so specified in ANSI Publication S1.4-1971 or its successor body.
- Sound pressure level means, expressed in decibels, 20 times the logarithm to the base ten of the ratio of the pressure of the sound to a reference pressure, which reference pressure shall be explicitly stated.
- Stationary sound source means any device, fixed or movable, which is located or used on property other than a public right-of-way.

(Code 1982, § 18-5(b); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)

#### **SEC. 16-180. POLICY.**

It is hereby declared to be the policy of the city to minimize the exposure to of citizens to the physiological and psychological harm of excessive noise and to protect, promote, and preserve the public health, comfort, convenience, safety and welfare. It is the express intent of the city council to control the level of noise in a manner which promotes commerce; protects the sleep and repose of citizens; promotes the use, value, and enjoyment of property; and preserves the quality of the environment.

(Code 1982, § 18-5(a); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)

#### **SEC. 16-181. APPLICABILITY.**

The requirements of this Article shall apply to all real property, occupied or unoccupied, within the corporate limits of the City of Rockwall or the City of Rockwall's Extraterritorial Jurisdiction (ETJ) for a distance of 500-feet from the corporate limits as authorized by Section 217.042 of the Texas Local Government Code.

**SEC. 16-~~184~~182. ADMINISTRATION OF PROGRAM.**

The noise control program required by this division shall be administered by the chief of police *as a reactive or proactive measure (i.e. responding to a noise complaint raised by a citizen of the City of Rockwall or responding to a perceived violation).*

(Code 1982, § 18-5(c); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)

**SEC. 16-~~182~~183. GENERAL NOISE MEASUREMENT.**

Sound level measurement shall be made with a sound level meter, Type II or better, using the A-weighting network in accordance and conforming with the noise measurement standards promulgated by the American National Standards Institute and testing procedures adopted by the police department.

(Code 1982, § 18-5(d); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)

**SEC. 16-~~183~~184. LIMITATIONS ON ENVIRONMENTAL SOUND LEVELS.**

It shall be a violation of this article for any person to operate or permit to be operated any stationary source of sound which creates a unit percentile sound level ( $L_1$ ) greater than 15 dbA above the ambient sound pressure level ( $L_{90}$ ) as set forth in the table below in any residential use zone, or creates a tenth percentile sound level ( $L_{10}$ ) or a 90th percentile sound level ( $L_{90}$ ) which exceeds the limits set forth in the table below for the receiving land use districts when measured at the property boundary. For the purpose of enforcing these provisions, a measurement period shall not be less than ten minutes or more than 30 minutes.

LIMITING SOUND LEVELS (IN dbA)

Land Use District	Tenth Percentile ( $L_{10}$ )	Ambient, or 90th Percentile ( $L_{90}$ )
<i>Residential:</i>		
7:00 a.m.—10:00 p.m.	65	55
10:00 p.m.—7:00 a.m.	60	50
<i>Commercial/Agricultural:</i>		
7:00 a.m.—10:00 p.m.	72	62
10:00 p.m.—7:00 a.m.	67	57
<i>Industrial:</i>		
7:00 a.m.—10:00 p.m.	85	75
10:00 a.m.—7:00 a.m.	85	75

When a noise source can be identified and its noise measured in more than one land use category, the limits of the most restrictive shall apply at the boundary and within the most restrictive land use category.

(Code 1982, § 18-5(e); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)

**SEC. 16-~~184~~185. POTENTIAL SOURCES OF NOISE DISTURBANCE.**

The following sounds are hereby determined to be specific noises which can constitute a noise



disturbance, and violations of this section are hereby defined:

- (1) Radios, television sets, musical instruments and similar devices. Operating or permitting to be operated any radio receiving set, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound in such a manner as to violate the sound levels as listed in section 16-183 or which unreasonably disturbs or interferes with the peace, comfort, or repose of neighboring persons of ordinary sensibilities.
- (2) Exterior loudspeakers. Operating or permitting to be operated any loudspeaker or sound amplifying equipment in a fixed or movable position mounted upon any vehicle in or upon any street, alley, sidewalk, park, place, public and/or private property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in such a manner as to violate the sound levels as listed in section 16-183 or which unreasonably disturbs or interferes with the peace, comfort, and repose of neighboring persons of ordinary sensibilities unless a permit of variance as outlined in section 16-187 is first obtained.
- (3) Enclosed places of public entertainment. Operating or permitting to be operated in any place of public entertainment any loudspeaker or other source of sound which produces, at a point that is normally occupied by the customer, maximum sound pressure levels of 100 dbA as read with the slow response on a sound level meter, unless a conspicuous and legible sign is posted near each public entrance stating: "WARNING: SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT." This provision shall not be construed to allow the operation of any loudspeaker or other source of sound in such a manner as to violate the sound levels as listed in section 16-183.
- (4) Motor vehicles.
  - (a) Exhaust system modifications. No person shall operate or cause to be operated any motor vehicle unless the vehicle is equipped with an exhaust system which includes a tail pipe or resonator where the original vehicle design included a tail pipe and resonator. Such exhaust system shall:
    - (1) Be equipped with a muffler which is in good working order (free of damage to the baffles contained in the muffler) and in constant operation; and
    - (2) Not be equipped with any cutout, bypass or similar device.
  - (b) Tires. It is unlawful for any person to operate a motor vehicle in such manner as to cause or allow to be emitted squealing, screeching or other such sound from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason, provided that sound resulting from emergency braking to avoid imminent danger shall be exempt from this section.
  - (c) Off-highway motor vehicles. No person shall operate or permit to be operated any motorized vehicle off a public right-of-way in such a manner as to exceed the sound levels as listed in section 16-183 at the receiving property boundary.
- (5) Emergency signaling devices. The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle or similar stationary emergency signaling device for more than five minutes during any consecutive 60-minute period or so as to violate the sound levels as listed in section 16-183, except for those exemptions outlined in section 16-216.

(Code 1982, § 18-5(f)(1), (2), (5), (7), (g); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)

## **SEC. 16-~~185~~186. CONSTRUCTION WORK HOURS.**

Construction and construction-related activities within the city limits or the extraterritorial jurisdiction (ETJ) of the city shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. on Saturday. Reasonable working hours outside of this limit will be allowed only after receiving permission from the city. There shall be no construction allowed on Thanksgiving Day, Christmas Day or New Year's Day. The construction related activity includes, but is not limited to, the maintenance, servicing and fueling of construction equipment. The delivery of construction-related materials and/or construction equipment shall also be limited to the hours noted in this section. It is the responsibility of the developer/contractor to use good judgment when scheduling work in construction zones, located in close proximity to residences, schools, churches, businesses, etc. This is to ensure that citizens are not subjected to undesirable or excessive construction noise. At locations where voluntary compliance is not being observed, the city may issue written orders to stop work or further regulate site construction working hours if site work is being done outside the above-noted defined time guidelines or is interfering with the reasonable tranquility of a neighborhood. The city may also issue citations if it is determined that a violation of this article exists.

(Code 1982, § 18-5(f)(3); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)

## **SEC. 16-~~186~~187. PUBLIC AND PRIVATE PROJECT REVIEW.**

All public and private projects shall be subject to a review process by the chief of police in order to determine if such projects are likely to cause noise or vibration in violation of this article. The chief of police shall be authorized to make or require any investigations or studies which in his opinion are necessary to determine if compliance with this section can be achieved. The chief of police shall also have the authority to require noise attenuation measures in accordance with the findings of said investigations or studies for the purpose of determining compliance with this article.

(Code 1982, § 18-5(i); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)

## **SEC. 16-~~187~~188. VARIANCES.**

The chief of police shall evaluate all applications for permits of variance from the requirements of this article and may grant said variances with respect to time for compliance, subject to such terms, conditions, and requirements as the chief of police may deem reasonable to achieve compliance with the provisions of this article. Each such variance shall set forth in detail the approved method of achieving compliance and a time schedule for its accomplishment. In determining the reasonableness of the terms of a proposed permit or variance, the chief of police shall consider the magnitude of nuisance caused by the offensive noise, the uses of property within the area or impingement by the noise, the time factors related to study, design, financing and construction of remedial work, the economic factors related to age and useful life of the equipment, and the general public interest and welfare.

(Code 1982, § 18-5(j); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)

## **SECS. 16-~~188~~189—16-212. RESERVED.** **DIVISION 2. ENFORCEMENT**

### **SEC. 16-213. RESPONSIBILITY.**

The chief of police shall have primary enforcement responsibility for the provisions of this article. The chief of police may, in exigent circumstances, designate the building inspector, code enforcement officer, or fire marshal to assist in the enforcement of this article. The chief of police shall establish procedures for enforcement of the provisions of this article with the following as a minimum:

- (1) Any sound level meter utilized shall meet the minimum requirements in this article.
- (2) Enforcement guidelines to include a notice to appear and/or a class C misdemeanor citation.
- (3) Frequency of random checks and method of response to complaints.

(Code 1982, § 18-5(k); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)

### **SEC. 16-214. INSPECTION AUTHORITY.**

In order to implement and enforce this article, and for the general purpose of noise abatement and control, the duly appointed and authorized representative of the police department, under the direct supervision of the chief of police, shall have the power to make necessary inspections and tests with proper authorization or permission from the owner on any private or public property or place and/or stop any motor vehicle or motorcycle operated on a public right-of-way or public space reasonably suspected of violating any provisions of this article and issue a notice of violation, and/or abatement order, or class C misdemeanor citation.

(Code 1982, § 18-5(l); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)

### **SEC. 16-215. APPLICABILITYEXCEPTIONS.**

The provisions of this section shall not apply to:

- (1) Residential-type air conditioning, ventilating, or heating devices that do not exceed a sound level of 74 dBA measured at the property line.
- (2) Motor vehicles operated on public or private property in compliance with applicable federal, state or city statutes and/or ordinances.
- (3) Emergency or public service work, public utility operations. Sound caused in the performance of emergency or public service work, including public utility operations, acting to protect the health, safety, or welfare of the community shall not be subject to the provisions of this article. Nothing in this subsection, however, shall be construed to permit law enforcement, ambulance, fire or other public service personnel to make excessive noise in the performance of their duties when such sound is clearly unnecessary.
- (4) Construction in accordance with applicable ordinances.
- (5) Railway locomotives and cars.
- (6) Aircraft operation.
- (7) Houses of worship bells or chimes.
- (8) Occasional outdoor gatherings, public dances, parades, shows, and sporting and entertainment events, provided that the events are conducted pursuant to a permit or license issued by the city relative to the staging of events.
- (9) The sound produced by operating, or permitting the operation of, any mechanically powered saw, drill, sander, router, grinder, lawn or garden tool, lawnmower, or any other similar device



used between the hours of 7:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 7:00 a.m., sounds produced by these mechanical power tools must be operated in such a manner so as not to exceed the sound levels as listed in section 16-183 at the receiving property boundary.

(Code 1982, § 18-5(f)(4), (h), (m); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)

**SEC. 16-216. INJUNCTIVE RELIEF.**

In addition to and accumulative of all other penalties, the city shall have the right to seek injunctive relief for any and all violations of this section.

(Code 1982, § 18-5(n); Ord. of 10-5-1953, § 2; Ord. No. 91-31, § 1, 8-19-1991; Ord. No. 95-6, § 1, 3-20-1995; Ord. No. 03-19, § 1, 7-7-2003; Ord. No. 05-45, § 1, 10-3-2005; Ord. No. 09-21, §§ 1, 2, 5-4-2009)

**SECS. 16-217—16-240. RESERVED.**