

ORDINANCE NO. 87-5

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO GRANT A ZONING CHANGE ON A TRACT OF LAND MORE FULLY DESCRIBED HEREIN; ORDERING A CHANGE IN THE USE OF SAID PROPERTY FROM LIGHT INDUSTRIAL TO "PD" PLANNED DEVELOPMENT NO. 26; PROVIDING SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Comprehensive Zoning Ordinance 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 I. That the Comprehensive Zoning Ordinance of the City of Rockwall, Texas, as heretofore amended, be and the same is hereby amended by amending the Zoning Map of the City of Rockwall so as to grant a zoning change from Light Industrial to "PD" Planned Development District Number 26 on the property specifically described in Exhibit "A".

SECTION 2. That Planned Development District Number 26 shall be used only in the manner and for the purposes authorized by the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended and as amended hereby, provided that the granting of Planned Development District No. 26 to the above described tract of land is subject to the following special conditions:

- A. Prior to the issuance of any building permit in Planned Development District No. 26 a comprehensive development plan shall be filed with the Planning and Zoning Commission, and after appropriate recommendation by the Commission, and after hearing, the City Council shall approve a final development plan, which shall be filed and included as Exhibit "B" and made a part of this ordinance for all purposes. Such development plan shall set forth in detail the requirements for ingress and egress to the property, public or private streets or drives, with adequate right-of-way to conform to the Thoroughfare Plan of the City of Rockwall, sidewalks, utilities, drainage, parking space, height of buildings, maximum lot coverage, yards and open spaces, screening walls or fences and other development and protective requirements considered necessary by the City Council so as to create a reasonable transition to and protection of the adjacent property.
- B. All development of property covered by Planned Development District No. 26 shall be in accordance with the provisions of this ordinance and the finally approved comprehensive site plan and list of approved uses, and no substantial change in the development shall be permitted, except after obtaining approval of the change of such site plan in the manner required for changes and amendments to the Comprehensive Zoning Ordinance.
- C. Development of Planned Development District No. 26 shall be regulated by the following requirements:
 - 1. Allowed Uses: Land uses allowed as permitted uses in the "LI" Light Industrial zoning classification
 - Contractor's yard
 - Auto sales as indicated on the approved development plan

Paint and body shop as indicated on the approved development plan

Accessory outside storage for contractor's yard and paint and body shop as indicated on the approved development plan

2. No more than five autos shall be on display for sale in the designated sales area at any time.
3. No used parts shall be sold from damaged vehicles.
4. Existing parking located in front of the building shall be converted to 90 angle parking and the relocated required parking spaces shall be provided.
5. The existing 20 ft. wide service drive shall be widened to 24 ft. at the time the future office/warehouse is constructed.
6. A 5 ft. masonry screen to be lined with lugustrums shall be placed to separate the 40 ft. by 60 ft. auto sales area and contractor's yard/proposed office/warehouse.
7. The designated area for storage of autos for repair as shown on the development plan shall not exceed 40 ft. by 60 ft. and it shall be totally enclosed in an 8 ft. opaque fence.

SECTION 3. 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 ONE THOUSAND DOLLARS (\$1,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 4. If any section, subsection, sentence, phrase, paragraph, provision of this ordinance or the application of that section, subsection, sentence, phrase, paragraph, or provision to any person, firm, corporation, situation, circumstance is for any reason judged invalid, the adjudication shall not affect any other section, sentence, phrase, word, paragraph or provision of this

ordinance or the application of any other section, subsection, sentence, phrase, paragraph or provision to any other person, firm, corporation, situation, or circumstance, nor shall adjudication affect any other section, subsection, sentence, phrase, paragraph, or provision of the Comprehensive Zoning Ordinance No. 83-23 of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable.

SECTION 5. That all ordinances of the City of Rockwall in conflict with the provisions of this be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

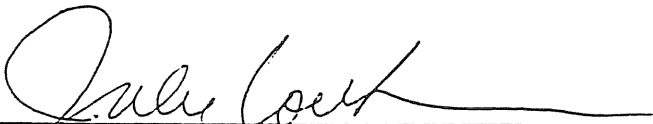
SECTION 6. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED this 16th day of February, 1987.

APPROVED:



ATTEST:

By 

First reading 2/2/87
Second Reading 2/16/87

EXHIBIT "A"

Being a tract or parcel of land situated in the N. M. Ballard Survey, Abstract No. 24, Rockwall County, Texas, and being part of a 58.25 acre tract conveyed by W. H. Lofland and wife, Nora, to C. F. Rhoades and wife, Battice, on February 18, 1915, recorded in Vol. 15, Pg. 305, Deed Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod for a corner at the intersection of the E. line of said 58.25 acre tract with the S. right-of-way line of Interstate Highway No. 30;

THENCE S. 0 deg. 06' 26" W. with the said E. line and a fence a distance of 484.12 ft. to a point for a corner;

THENCE N. 89 deg. 53' 34" W. a distance of 191.42 ft. to a point for a corner;

THENCE N. 0 deg. 06' 26" E. a distance of 426.15 ft. to a point for a corner on the S. right-of-way line of Interstate Highway No. 30;

THENCE N. 73 deg. 15' 32" E. with said right-of-way line and a fence a distance of 200.00 ft. to the Point of Beginning and Containing 2.00 acres of land; as surveyed by Harold L. Evans Consulting Engineer, Dallas, 2/20/79.

