

ORDINANCE NO. 89-2

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 "AG" AGRICULTURAL TO "PD-31" PLANNED DEVELOPMENT NO. 31; PROVIDING SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a change in zoning from "Ag" Agricultural to "PD-31" Planned Development 31 on the property described on Exhibit "A" has been requested by W. H. Myre; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the 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 1 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 Agricultural to "PD" Planned Development District No. 31 on the property specifically described in Exhibit "A".

SECTION 2. That Planned Development District Number 31 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. 31 to the above described tract of land is subject to the following special conditions:

- A. Prior to the issuance of any building permit for any additional buildings in Planned Development District No. 31 a comprehensive development plan shall be filed with the Planning and Zoning 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. 31 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. 31 shall be regulated by the following requirements:
 - 1. Allowed Uses:
 - a. Office
 - b. Outside storage, sale and rental of heavy equipment and trucks
 - c. Outside storage and sale of bulk landscaping material excluding fertilizer(to be stored only in bins to be constructed behind the rear building line)
 - d. Wholesale and retail sale of nursery and landscape materials
 - e. Indoor bagging operation for bulk landscape materials with storage of all bagged materials to be located and stored inside the building
 - f. Retail automotive repair facility with all repairs completed inside the building, including a paint shop, and welding shop
 - g. Fuel storage for offsite trucking locations
 - 2. Area Requirements - all development shall meet the area requirements for the Heavy Commercial classification as currently adopted or as may be amended in the future.
 - 3. Bins for storage of landscape material shall be located behind the rear line of the building. Should any additional buildings be constructed on the site, or the existing building expanded, a detailed development plan shall be submitted for approval of the Planning and Zoning Commission and City Council.

SECTION 3. 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. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any

reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, nor shall adjudication affect any other section or provision of the Comprehensive Zoning Ordinance of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

SECTION 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 case provides.

DULY PASSED AND APPROVED this _____ day of _____.

APPROVED:

Mayor

ATTEST:

BY _____

1st reading 2/20/89

2nd reading 3/6/89

EXHIBIT A

All that certain lot, tract or parcel of land lying and being situated in the County of Rockwall, State of Texas, and being situated in the N.M. Ballard Survey, Abstract No. 24, Rockwall County, Texas, and being a part of a 48.033 acre tract conveyed to Max Scheid Trustee, by deed recorded in Volume 103, Page 791, Deed REcords, Rockwall County, Texas, and more particularly described as follows:

BEGINNING at a point for a corner on the South right of way line of Interstate 30, and the Northwest corner of said Scheid Tract;

THENCE North 73 deg. 19' 25" East with said Interstate 30, a distance of 157.44 feet to a point for a corner;

THENCE South 0 deg. 07' 15" East a distance of 640.05 feet to a point for corner;

THENCE South 89 deg. 52' 45" West a distance of 153.52 feet to a point for a corner on the West line of said Scheid tract;

THENCE North 0 deg. 07' 48" East with the West line of said Scheid tract a distance of 595 feet to the point of beginning and containing 2.16 acres of land.



