

ORDINANCE NO. 90-9

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 "C" COMMERCIAL TO "PD-33" PLANNED DEVELOPMENT NUMBER 33; 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 "C" Commercial to "PD-33" Planned Development No. 33 on the property described as Lot 1, Block A, Newman Center has been requested by Newman and Associates; 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 "C" Commercial to "PD-33" Planned Development District No. 33 on the property specifically described as Lot 1, Block A, Newman Center.

SECTION 2. That Planned Development District Number 33 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, as amended hereby, and as may be amended in the future, provided that the granting of Planned Development District No.33 to the above described tract of land is subject to the following special conditions:

A. The uses authorized under PD-33 are as follows:

1. All uses authorized in the "C" Commercial zoning classification, meeting all of the requirements of the Commercial classification.
2. Wholesale trades including commercial and industrial machinery and

supplies.

3. Wood working or cabinet shop.
  4. Warehousing and storage.
  5. Tool, dye, gauge, and machine shop.
- B. All development or use of property shall conform to the Commercial classification area requirements, as currently approved or as may be amended in the future.
- C. No outside storage of materials, equipment, inventory or other items shall be permitted. All business operations shall be conducted inside the existing building.
- D. The approved development plan is attached as Exhibit "A". All of the approved uses listed in Subsection A are authorized for use in the existing building and parking area, as shown on the development plan. Any redevelopment or additional use of the property, proposed construction of new buildings, or expansion of the existing building shall require the submission of a new preliminary plan and list of proposed uses. Such submission shall be considered by the Planning and Zoning Commission and City Council after public hearings on the proposed plan, as required in the Comprehensive Zoning Ordinance for consideration of preliminary plans. Such plan, if approved by the City Council shall be filed and included as Exhibit "B" and made a part of this ordinance for all purposes.
- E. Prior to the issuance of any building permit for any additional buildings or expansion of the existing building in Planned Development District No. 33 a new comprehensive development plan prepared in accordance with the approved preliminary plan required in Subsection C above shall be filed with the Planning and Zoning Commission and the City Council for approval. The approved development plan shall be filed and included as Exhibit "C" 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 the Thoroughfare Plan of the City of Rockwall, sidewalks, utilities, drainage, parking space, height of buildings, maximum lot coverage, landscaping, 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.
- F. All development of property covered by Planned Development District No 33 shall be in accordance with the provisions of this ordinance and the finally approved comprehensive development 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 development plan in the manner required for changes and amendments to the Comprehensive Zoning

Ordinance.

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) for each offense and each and every day such offense continues shall be deemed to constitute a separate offense.

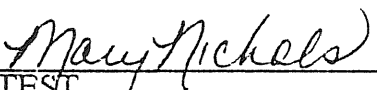
SECTION 4. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application 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 area hereby repealed to the extent of that conflict.

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 as the law in such case provides.

DULY PASSED AND APPROVED this 23rd day of April 1990.

  
APPROVED

  
ATTEST

1ST READING 4/16/90

2ND READING 4/23/90