

ORDINANCE NO. 91-9

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 "LI" LIGHT INDUSTRIAL TO "PD-34" PLANNED DEVELOPMENT NUMBER 34; 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 "LI" Light Industrial to "PD-34" Planned Development 34 on the property described on Exhibit "A" has been requested by Michael James; 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 "LI" Light Industrial to "PD" Planned Development District No. 34 on the property specifically described in Exhibit "A".

SECTION 2. That Planned Development District Number 34 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 may be amended in the future, and as amended hereby provided that the granting of Planned Development District No.34 to the above described tract of land is subject to the following special conditions:

A. All development of property covered by Planned Development District No 34 shall be in accordance with the provisions of this ordinance and the development

plan attached hereto as Exhibit "A" 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.

B. Development of Planned Development District No. 34 shall be regulated by the following requirements:

1. That PD-34 shall include all uses in the Light Industrial district of the Comprehensive Zoning Ordinance as currently adopted or as may be amended in the future, a fencing and construction materials retail and wholesale operation including outside storage as shown on the approved development plan, and the outside display of gate and fence materials only as approved herein.
2. That all storage areas other than the front yard display shall meet the requirements of the Highway Commercial District and shall be in accordance with the approved development plan.
3. The covered storage areas shall be covered with a painted baked enamel roof material. All outside storage areas shall be maintained in a neat and orderly manner and materials store outside shall not extend above the six foot screening fence.
4. That the front yard display area shall only contain the number of fence and gate sections as shown on the approved development plan with the addition of two 8 foot wrought iron sections, and that a brick and wrought iron fence and a three foot evergreen hedge shall be constructed and maintained along the front property line.
5. Any significant change in the location or size of the outside display or outside storage shall be submitted to the Commission for approval.

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.

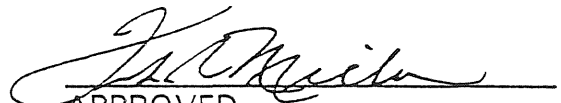
SECTION 4. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application 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 ordinance 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 18th day of February 1991.


APPROVED

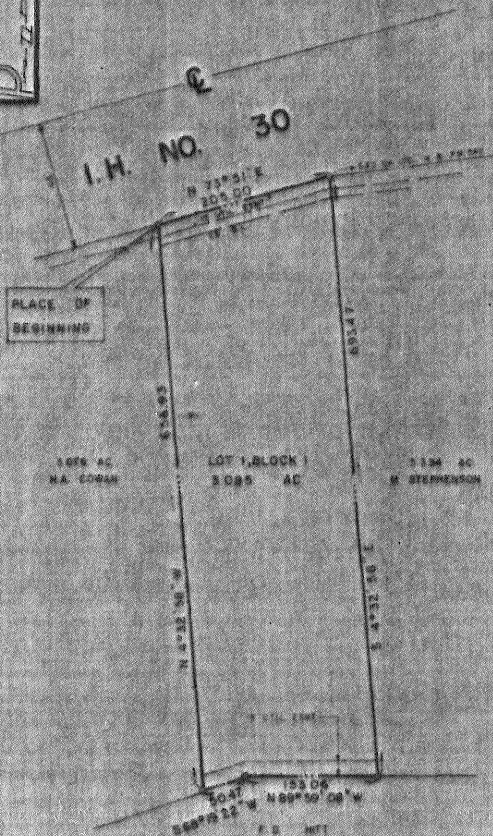
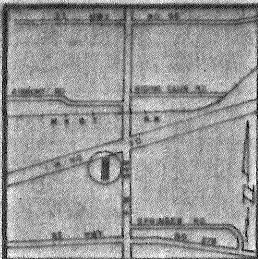

ATTEST

1ST READING 2/4/91

2ND READING 2/18/91

Exhibit "A"

Lot 1, Block A, Yahoo Subdivision



FINAL PLAT

YA-HOO
JOHN LOCKHART SURVEY - **ABSTRACT NO 134**
CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS

1-30/549 LIMITED **OWNER**
LT HANSEN II **MANAGING GENERAL PARTNER**
 206 W. 130 **ROCKLAND, TEXAS 75082**

B.L.S. & ASSOCIATES, INC. **SURVEYORS**
 RT 1, BOX 192 E, P.O. BOX 52 **ROCKWALL, TEXAS 75082**
 SCALE 1"=100'

STATE OF TEXAS

COUNTY OF ROCKWALL

WHEREAS, 1-30/549 Limited, being the owner of a tract of land in the County of Rockwall, State of Texas, said tract being described as follows:

BEING a tract of land situated in the John Lockhart Survey, Abstract No. 134, Rockwall County, Texas, and being part of a 38.31 acre tract as recorded in Volume 126, Page 114, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING, at a point on the South line of Interstate Highway No. 30, said point being N. 71° 51' E., a distance of 1,746.51 feet from the Northwest corner of said 38.31 acre tract, an iron stake found for corner;

THENCE, S. 71° 51' E., along the South line of Interstate Highway No. 30, a distance of 205.00 feet to an 8" iron stake set for corner;

THENCE, S. 8° 32' 50" W., leaving the South line of Interstate Highway No. 30, a distance of 495.47 feet to an 8" iron stake set for corner;

THENCE, S. 88° 39' 00" W., a distance of 153.06 feet to a fence corner post for corner;

THENCE, S. 88° 19' 22" W., a distance of 30.41 feet to an 8" iron stake set for corner;

THENCE, N. 4° 32' 50" W., a distance of 936.93 feet to the PLACE OF BEGINNING and containing 3.095 acres of land.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

That, 1-30/549 Limited, being owner does hereby adopt this plat designating the herein described property as Ya-Hoo Subdivision, in the City of Rockwall, Rockwall County, Texas, and does hereby dedicate to the public use forever, the streets and alleys shown thereon and does hereby reserve the right-of-way and easement strips shown on this plat for the purpose stated and for the purpose and convenience of all utilities, desiring to use or doing same, any public utility shall have the right to remove all or part of any buildings, fences, trees, shrubs or other growths or improvements which in any way obstruct or interfere with construction, maintenance or efficiency of their respective systems on any of the right-of-way and easement strips and any public utility shall have the right of ingress and egress to, from and upon the said right-of-way and easement strips for the purpose of construction, reconstruction, maintenance, and either adding to or removing all or part of their respective systems without the necessity of at any time procuring the permission of anyone. The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grades of streets in this addition (a). 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. (b). 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 of water for personal use and fire protection within such plat.

WITNESSED our hand at Rockwall, Texas, this 14th day of July, A.D. 1986

By R.T. Hansen II Partner

1-30/549 Limited

STATE OF TEXAS

COUNTY OF ROCKWALL

Before me, the undersigned Notary Public in and for the State of Texas, on this day personally appeared R.T. Hansen II, 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 purposes and consideration herein expressed.

WITNESSED my hand and seal of office this 14th day of July, A.D. 1986

Delia L. Brown

Notary Public for the State of Texas

My Commission Expires 6/7/87

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

That, B.L.S. & Associates, Inc. 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.

Bob O. Brown

Bob O. Brown, Registered Public Surveyor No. 1264

STATE OF TEXAS

COUNTY OF ROCKWALL

Before me, the undersigned Notary Public in and for the State of Texas, on this day personally appeared Bob O. Brown, 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 purposes and consideration herein expressed.

WITNESSED my hand and seal of office this 14th day of July, A.D. 1986

Delia L. Brown

Notary Public for the State of Texas

My Commission Expires 6/7/87

RECOMMENDED FOR FINAL APPROVAL

W.H. S.

CITY ENGINEER

APPROVED Charles E. Smith 9/1/86

Chairman Planning and Zoning Commission

I hereby certify that the above and foregoing plat of the Ya-Hoo Subdivision in the City of Rockwall, Texas was approved by the City of Rockwall, Texas, on the 14th day of July, A.D. 1986

WITNESS my hand this 14th day of September, A.D. 1986

Julius Lord

Mayor



Julius Lord
 City Secretary