

ORDINANCE NO. 91-29

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-35" PLANNED DEVELOPMENT NUMBER 35; 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 "A" Agricultural to "PD-35" Planned Development 35 on the property described on Exhibit "A" has been requested by Granite and Marble Consultants, Inc.; 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. 35 on the property specifically described in Exhibit "A".

SECTION 2. That Planned Development District Number 35 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.35 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 35 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.

B. Development of Planned Development District No. 35 shall be regulated by the following requirements:

1. PD-35 shall authorize the uses, area requirements, and development standards of the Light Industrial zoning category of the Comprehensive Zoning Ordinance as currently adopted, or as revised in the future, except as otherwise provided in this ordinance.
2. That photinias shall be planted along the front and west property line as shown on the approved site plan attached hereto as Exhibit "B" by October 1, 1991. The photinias along the front property line and the west property line in front of the building must be 4 feet in height at the time of planting and placed on 3 foot centers. The photinias along the west property line adjacent to the building must be 4 feet in height at the time of planting and placed on 6 foot centers. The photinias must be maintained in accordance with the landscaping ordinance.
3. That outside storage in addition to that authorized under the Light Industrial zoning category be limited to a stone fabricating operation only in the areas identified on Exhibit "B" and that it only be used for the storage of stone slabs prior to fabricating and for the storage of cut and crated stone prior to transporting.
4. That the building shall be fully repainted within 6 months of the issuance of a Certificate of Occupancy.
5. That a masonry exterior shall be installed along the front and side of the building extending from the east edge of the overhead door to the north edge of the first entrance on the east side of the building as shown on Exhibit "B" within one year of the issuance of a Certificate of Occupancy.


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 are 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 case provides.

DULY PASSED AND APPROVED this 1st day of July, 1991.


APPROVED


ATTEST

1ST READING June 17, 1991

2ND READING July 1, 1991

Exhibit "A"
Ordinance 91-29

SITUATED in Rockwall County, Texas, and BEING a tract of land situated in the A. HANNA SURVEY, ABSTRACT NO. 99, City of Rockwall, Rockwall County, Texas, and being part of a 8.20 acre tract recorded in Volume 90, Page 542, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a point on the North line of Interstate Highway No. 30, said point being South 73 degrees 51 minutes West, a distance of 273.44 feet; South 64 degrees 21 minutes 40 seconds West, a distance of 128.23 feet from the East line of the A. Hanna Survey, Abstract No. 99, a 1/2" iron rod found for corner;

THENCE along the said North line of Interstate Highway No. 30, the following:

South 64 degrees 21 minutes 40 seconds West, a distance of 72.72 feet to a concrete monument for corner;

South 72 degrees 09 minutes 40 seconds West, a distance of 120.12 feet to a 1/2" iron rod found for corner;

THENCE North 01 degree 09 minutes 28 seconds West, leaving the said North line of Interstate Highway No. 30, a distance of 198.62 feet to a 1/2" iron rod found for corner;

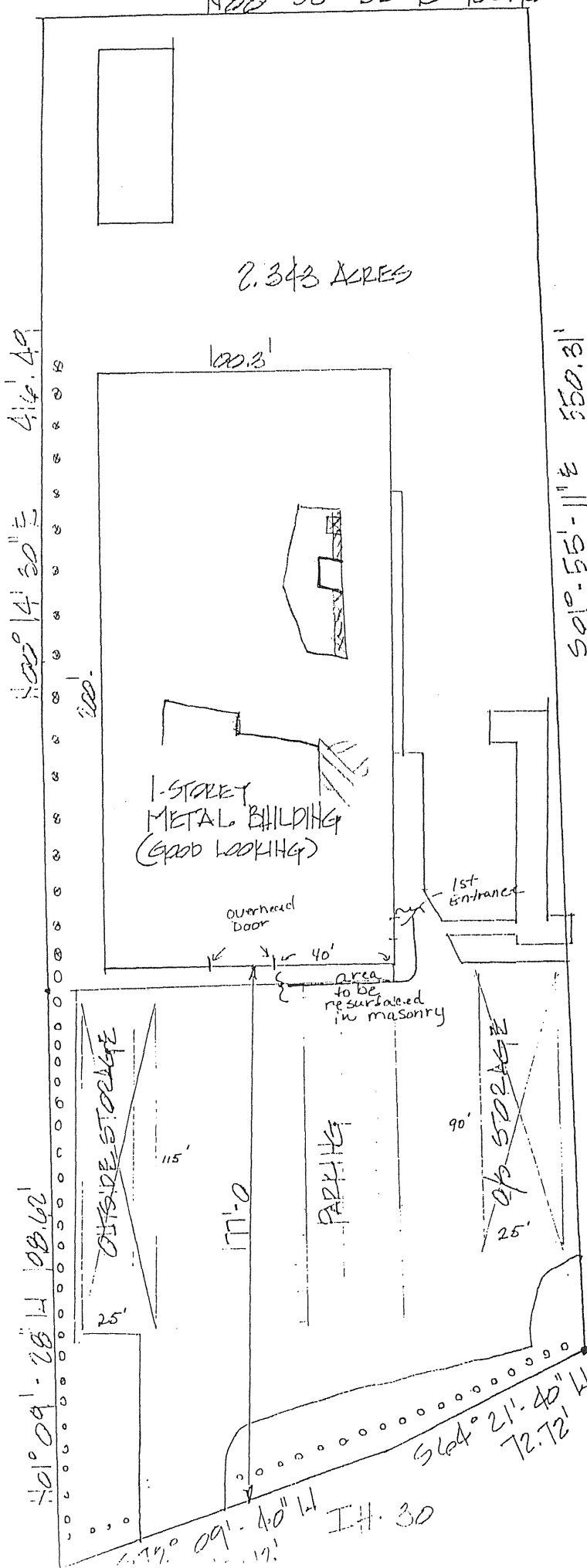
THENCE North 00 degrees 14 minutes 30 seconds East, a distance of 416.49 feet to a 1/2" iron rod for corner; .

THENCE North 88 degrees 52 minutes 55 seconds East, a distance of 163.76 feet to a 1/2" iron rod found for corner;

THENCE South 01 degree 55 minutes 11 seconds East, a distance of 550.31 feet to the PLACE OF BEGINNING and containing 2.343 acres of land.

N 88° 52' - 55" E 163.76'

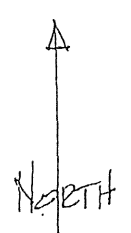
Exhibit "B"
Ordinance 91-29



PROPOSED LAND USE - ZONING CHANGE
RE: ROCKWALL STATELAND
GRANTEE: MARBLE CONSULTANTS, LLC

1" = 40'

- - photinnas 4'-height on 3' centers
- - photinnas 4'-height on 6' centers



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ORDINANCE NO. 91-29 OF THE CITY OF ROCKWALL, TEXAS, AS HERETOFORE AMENDED, SO AS TO AMEND THE CONDITIONS PD-35; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Granite and Marble Consultants, Inc., has requested consideration of an amendment to a portion of PD-35, to amend certain conditions 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 previously 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 and Ordinance 84-4 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 and Section 2, B.2 and Section 2, B.5 of Ordinance No. 91-29 of the City of Rockwall, Texas, as heretofore amended, be and the same are hereby amended so as to amend the conditions applicable to PD-35, as follows (wording in "" to be added, wording in [] to be deleted):

2. That photinias shall be planted along the front and west property line as shown on the approved site plan attached hereto as Exhibit "B" [by October 1, 1991] "in accordance with the following schedule:
 - a. Planting of photinias along the I-30 frontage shall be completed by August 1, 1993.
 - b. Planting of photinias along the west property line from I-30 to the front of the existing building shall be completed by September 1, 1993.
 - c. Planting of photinias along the west property line from the front of the building to the rear of the building shall be completed by October 1, 1993."

5. That a masonry exterior shall be installed along the "entire" front [and side] of the building [extending from the east edge of the overhead door to the north edge of the first entrance on the east side of the building]",**excluding the overhead door, to a height of generally eight feet extending from the slab to the vertical alignment change in the building face**, as shown on Exhibit "B" within one year of the issuance of a Certificate of Occupancy.

Section 2. 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 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 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 of 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 _____ day of _____, 1991.

APPROVED:

Mayor

ATTEST:

By: _____

1st reading _____

2nd reading _____