

ORDINANCE NO. 93-45

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 "GR" GENERAL RETAIL TO "PD- 39 " PLANNED DEVELOPMENT NUMBER 39; 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 "GR" General Retail to "PD- 39 " Planned Development 39 on the property described on Exhibit "A" has been requested by First Madison Bank; 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 "GR" General Retail to "PD" Planned Development District No. 39 on the property described in Exhibit "A", attached hereto and made a part thereof.

SECTION 2. That Planned Development District Number 39 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. 39 to the above described tract of land is subject to the following special conditions:

A. The use of the property covered by Planned Development District No. 39 shall be in accordance with the provisions of this ordinance and the list of approved uses. Any redevelopment of or building expansion on the property covered by Planned Development No. 39 shall first be submitted for approval, and no

substantial change in the development shall be permitted, except after obtaining approval of the change of such plan in the manner required for changes and amendments to the Comprehensive Zoning Ordinance.

B. Development of Planned Development District No. 39 shall be regulated by the following requirements:

1. PD- 39 hereby authorizes the uses, area requirements, and development standards of the MF-15, Multifamily zoning category of the Comprehensive Zoning Ordinance as currently adopted, or as revised in the future, except as otherwise provided in this ordinance.
2. The maximum density allowable under this Planned Development is 22.3 units per acre.
3. The property shall remain in conformance with the as built development plan attached hereto as Exhibit "B" and made a part hereof, unless and until such development plan is amended by the Planning and Zoning Commission and City Council in the manner prescribed by the Comprehensive Zoning Ordinance.

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

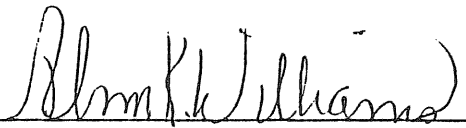
SECTION 4. Any person, firm or corporation violating any of the provisions of this ordinance shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000) for each offense and each and every day such offense continues shall be deemed to constitute a separate offense.

SECTION 5. 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.

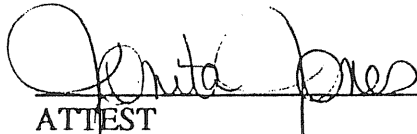
SECTION 6. That all ordinances of the City of Rockwall in conflict with the provisions of this be and the same are hereby repealed to the extent of that conflict.

SECTION 7. 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 20th day of December, 1993.



APPROVED - Mayor



ATTEST

1st Reading 12-06-93

2nd Reading 12-20-93

EXHIBIT "A"

STATE OF TEXAS
COUNTY OF ROCKWALL

BEING a tract of land situated in the B.J.T. Lewis Survey, Abstract No. 225, Rockwall County, Texas, and being a part of Lot 1, Block A, of Pebblebrook Apartments, Phase Two, an addition to the City of Rockwall recorder in Cabinet B, Slide 45, Plat records, Rockwall County, Texas and being more particularly described as follows:

THENCE: Along the Northwest right-of-way line of Yellowjacket Lane and said circular curve, an arc distance of 161.74 ft to a 1/2" iron rod set for a corner;

THENCE: South 44 degrees 35' 27" West a distance of 68.22 ft to 1/2" iron rod found for corner;

THENCE: North 45 degrees 24' 33" West a distance of 130.45 ft to a cross cut in concrete for a corner;

THENCE: North 78 degrees 48' 16" West a distance of 163.42 ft to a 1/2" iron rod found for a corner;

THENCE: North 33 degrees 48' 16" West a distance of 95.36 ft to a 1/2" iron rod found for a corner;

THENCE: North 56 degrees 11' 44" East a distance of 145.00 ft to a 1/2" iron rod found for a corner;

THENCE: North 33 degrees 48' 16" West a distance of 57.33 ft to a 1/2" iron rod found for a corner;

THENCE: South 56 degrees 11' 44" West a distance of 46.50 feet to a 1/2" iron rod found for a corner;

THENCE: North 33 degrees 48' 16" West a distance of 563.15 ft to a 1/2" iron rod set for a corner;

THENCE: North 70 degrees 18' 11" West a distance of 95.96 ft to a 1/2" iron rod set for a corner;

THENCE: North 19 degrees 41' 49" East a distance of 402.72 ft to a 1/2" iron rod found for a corner Westerly line of said Pebblebrook Apartments tract also being the North corner of said Phase Two;

THENCE: South 33 degrees 48' 16" East, along the Westerly line of said Pebblebrook Apartment tract and the Easterly line of said Phase Two a distance of 1221.70 ft to the point of beginning and containing 7.3311 acres (319,344 Square Feet) of land.