

**CITY OF ROCKWALL, TEXAS**

**ORDINANCE NO. 03-25**

**AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 8 OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO GRANT A CONDITIONAL USE PERMIT FOR A SELF-STORAGE FACILITY WITH DIRECT ACCESS TO SH 205 ON A TRACT OF LAND ZONED (C) COMMERCIAL AND (HC) HEAVY COMMERCIAL AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, an amendment to the City of Rockwall Comprehensive Zoning Ordinance (Ord. No. 83-23) of the City of Rockwall, as previously amended so as to grant a Conditional Use Permit allowing for a self-storage facility with direct access to SH 205 as requested by Mac McGowan on a 25.018-acre tract of land zoned (C) Commercial and (HC) Heavy Commercial, proposed to be platted as Lot 1, Block A, McGowan Mini-Storage Addition and more specifically described in Exhibit "A" attached hereto; 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, 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 (Ord. No. 83-23) of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Conditional Use Permit for a self-storage facility with direct access to SH 205 as requested by Mac McGowan on a 25.018-acre tract of land zoned (C) Commercial and (HC) Heavy Commercial, proposed to be platted as Lot 1, Block A, McGowan Mini-Storage Addition and more specifically described in Exhibit "A" attached hereto, with the following conditions:

1. Submittal and approval of engineering plans and final plat (engineering issues include Mims lift station pro rata, flood study requirements, detention, utilities, etc). This may also include the installation of a 16-inch water line to provide adequate fire flows.
2. Final site plan layout to reflect requirements associated with final plat approval.
3. Escrow funds and right-of-way dedication for Mims Rd in western portion of lot.
4. Adherence to all fire department comments.
5. Exterior lighting to comply with City lighting ordinance, including cut-off fixtures and maximum levels of 0.4-FC measured at property lines.
6. Treescape plan to be approved with final plat.
7. Businesses shall not be allowed to operate in the individual storage units.
8. Commercial operation of rental trucks and trailers shall be prohibited.
9. Adherence to Architectural Review Board recommendations:
  - a. All ground or roof-mounted mechanical equipment to be completely screened from adjacent properties and public right-of-way.
  - b. Dumpster to be located behind front building line and be screened in accordance with City specifications.
  - c. Retaining wall, if required to support fill during and after construction of parking lot and cul-de-sac, shall consist of materials that match buildings on site.

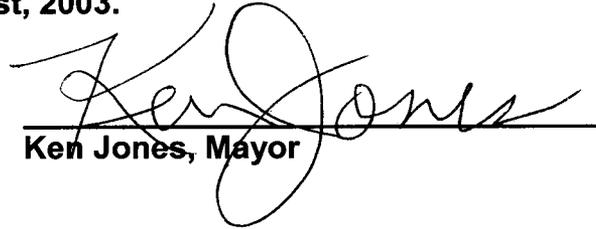
**Section 2.** Any person, firm or corporation violating any of the provisions of this ordinance shall be punished by a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

**Section 3.** 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, 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 4.** This ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this ordinance.

**Section 5.** That this ordinance shall take effect immediately from and after its passage and approval, and it is so ordained.

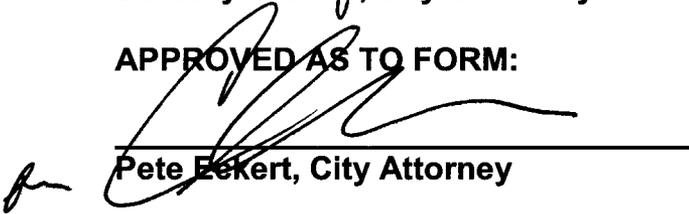
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
ROCKWALL, TEXAS, this 18<sup>th</sup> day of August, 2003.

  
\_\_\_\_\_  
Ken Jones, Mayor

ATTEST:

  
\_\_\_\_\_  
Dorothy Brooks, City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Pete Eskert, City Attorney

1<sup>st</sup> Reading: August 4, 2003

2<sup>nd</sup> Reading: August 18, 2003



# PUBLISHER'S AFFIDAVIT

## THE STATE OF TEXAS COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared Michael Gresham, who being by me duly sworn deposes and says that he is the Publisher of **Rockwall County News** and that said newspaper meets the requirements of Section 2051.044 of the Texas Government Code, to wit:

1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published;
4. it has been published regularly and continuously since 1985; and
5. it is generally circulated within Rockall County.

Publisher further deposes and says that the attached notice was published in said newspaper on the following date(s) to wit:

August 27 A.D. 2003  

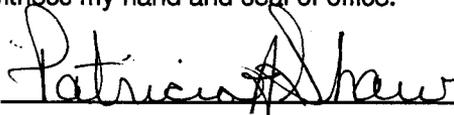

Michael Gresham  
Editor and Publisher

### SUBSCRIBED AND SWORN BEFORE ME

by Michael Gresham, who

- a) is personally known to me, or  
 b) provided the following evidence to establish his/her identity. \_\_\_\_\_

on the 29th day of August, A.D. 2003.  
to certify which witness my hand and seal of office.



Notary Public, State of Texas

Legal Notices

Legal Notices

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/S/KEN JONES, MAYOR

/S/DOROTHY BROOKS, CITY SECRETARY

1ST READING: 8/04/03

2ND READING: 8/18/03

