

ORDINANCE NO. 85-15

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 LIGHT INDUSTRIAL TO "PD" PLANNED DEVELOPMENT NO. 23; PROVIDING SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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 Light Industrial to "PD" Planned Development District Number 23 on the property specifically described in Exhibit "A".

SECTION 2. That Planned Development District Number 23 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. 23 to the above described tract of land is subject to the following special conditions:

- A. Prior to the issuance of any building permit in Planned Development District No. 23, a comprehensive development plan shall be filed with the Planning and Zoning Commission, and after appropriate recommendation by the Commission, and after hearing, the City Council shall approve a final development plan, which shall be filed and included as Exhibit "B" 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 conform to the thoroughfare plan of the City of Rockwall, sidewalks, utilities, drainage, parking space, height of buildings, maximum lot coverage, 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.
- B. All development of property covered by planned Development District No. 23 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.
- C. Development of Planned Development District No. 23 shall be regulated by the following requirements:
 1. Allowed use: Garden Center
 2. Signs warning of school crosswalk visible to vehicles leaving through both exits.
 3. Application of herbicides and pesticides by State certified personnel only.
 4. Four foot wide concrete sidewalk along SH-66.

SECTION 3. 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 ONE THOUSAND DOLLARS (\$1,000) 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, subsection, sentence, phrase, paragraph, provision of this ordinance or the application of that section, subsection, sentence, phrase, paragraph, or provision to any person, firm, corporation, situation, circumstance is for any reason judged invalid, the adjudication shall not affect any other section, sentence, phrase, word, paragraph, or provision of this ordinance or the application of any other section, subsection, sentence, phrase, paragraph or provision to any other person, firm, corporation, situation, or circumstance, nor shall adjudication affect any other section, subsection, sentence, phrase, paragraph, 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 for 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 18th day of March, 1985.

ATTEST:



City Secretary

APPROVED:



Mayor

EXHIBIT "A"

BEING a tract of land situated in Rockwall County, Texas, being part of the R. Ballard Survey, Abstract No. 29, being part of the 11 1/3 acre tract described in a deed from W. F. Leonard and wife, Ina Leonard to C. H. Fox recorded in the Deed Records of Rockwall County, in Volume 26 at Page 346 and being more particularly described as follows:

BEGINNING at a steel rod set in the South right-of-way line of State Highway No. 66, said point being N. 89°25'21" W., 150 feet from the Intersection of said South right-of-way line with the East line of said 11 1/3 acre tract, said point also being the Northwest corner of the 1.000 acre tract conveyed by Ewell Burks and wife Lois Ford Burks to James R. Thornhill by deed recorded in said Deed Records in Volume 120 at Page 577;

THENCE, S. 0°41'53" W., 290.46 feet to a steel rod set at the Southwest corner of said 1,000 acre tract for corner;

THENCE, S. 89°25'21" E., 150.00 feet to a steel rod set at the Southeast corner of said 1.000 acre tract, said point being in a fence in the East line of said 11 1/3 acre tract for corner;

THENCE, S. 0°41'53" W., 547.62 feet along said fence to a steel rod found at a fence corner at the Southeast corner of said 11 1/3 acre tract for corner;

THENCE, West 700.87 feet along a fence to a steel rod found at a fence corner at the Southwest corner of said 11 1/3 acre tract for corner;

THENCE, N. 11°49'40" E., 106.40 feet along a fence to a point in the center of a creek for corner;

THENCE, along said center of creek with its meanders as follows: S. 65°30'29" E., 75.79 feet N. 70°32'09" E., 47.07 feet, N. 30°42'26" E., 58.40 feet, N. 6°31'12" E., 56.23 feet, N. 11°47'14" W., 95.43 feet for corner;

THENCE, S. 87°20'38" E., 58.30 feet along a fence to a steel rod found at a fence corner for corner;

THENCE, N. 10°22'00" E., 241.90 feet along a fence to a steel rod set at a fence corner for corner;

THENCE, N. 43°17'26" W., 127.37 feet along a fence to a point in said center of creek, for corner;

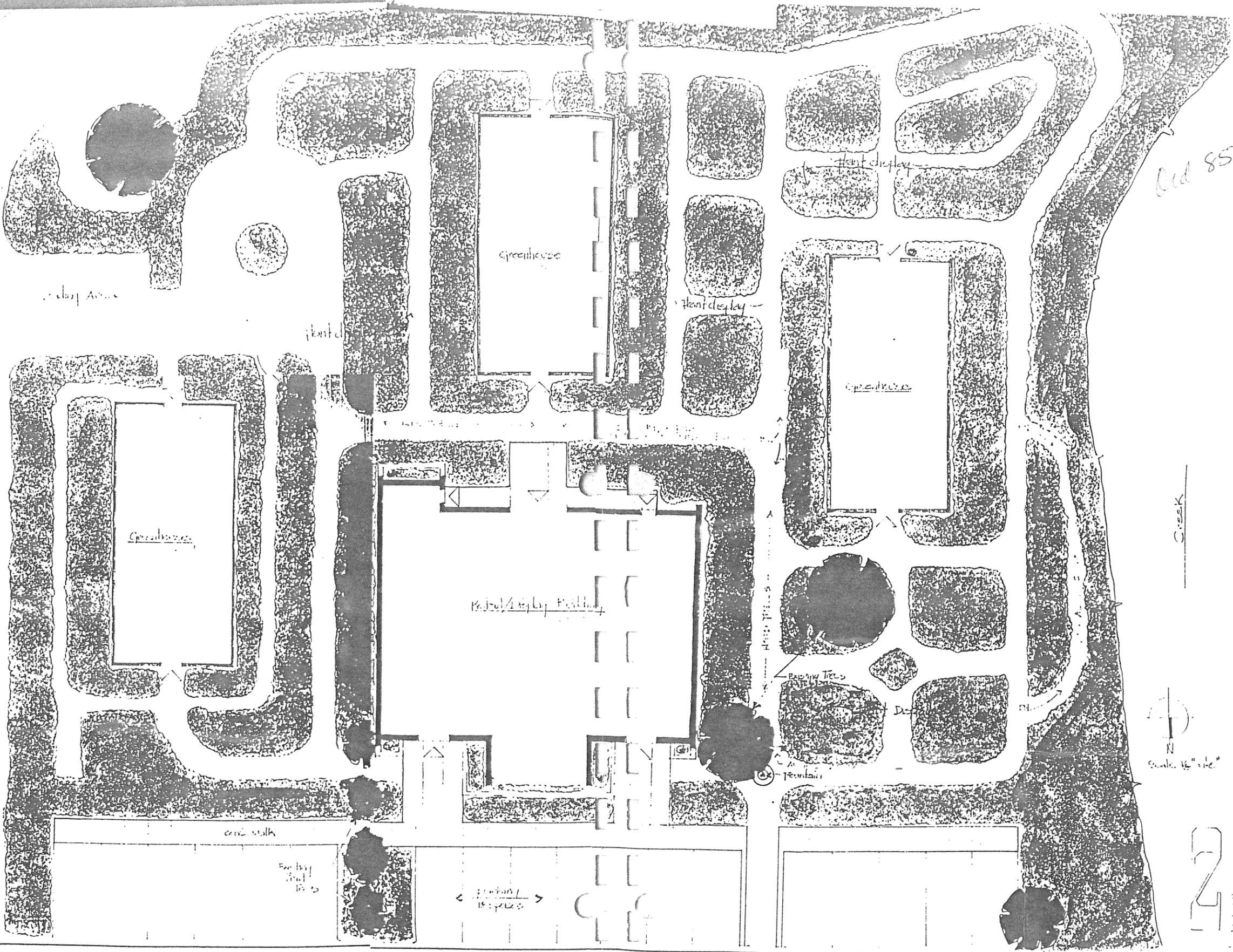
THENCE, along said center of creek with its meanders as follows: N. 76°19'11" E., 49.27 feet N. 48°06'07" E., 60.45 feet, N. 13°30'44" E., 63.11 feet, N. 14°23'51" W., 28.69 feet, N. 32°04'32" W., 36.02 feet, N. 18°45'17" W., 58.40 feet to the intersection of said center of creek with said South right-of-way line of State Highway No. 66 for corner;

THENCE, S. 89°25'21" E., 332.22 feet along said South right-of-way line and a fence to return to the Place of Beginning and containing 8.869 acres of land.

PROGRAM			
PHASE I	{ BLDG "A"	RETAIL/DISPLAY	2943 #
	{ BLDG "E"	EQUIP. BLDG	864 #
PHASE II	{ BLDG "B"	GREENHOUSE/MTL+GLASS	1200 #
	{ BLDG "C"	GREENHOUSE/MTL+GLASS	1200 #
	{ BLDG "D"	GREENHOUSE/MTL+GLASS	1200 #
TOTAL ACREAGE			8.869 AC

Ord 85-15

STAY



Plant Area

Greenhouse

Plant display

Plant display

Greenhouse

Greenhouse

Public Display Building

Plant display

Fountain

Plant Area

Plant Area

Fountain 18 spaces

Creek

Scale 1/4" = 1'

2

STAY

