

ORDINANCE NO. 87-61

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 TEMPORARY ZONING CHANGE ON A TRACT OF LAND MORE FULLY DESCRIBED HEREIN; ORDERING A CHANGE IN THE USE OF SAID PROPERTY FROM COMMERCIAL TO "PD" PLANNED DEVELOPMENT NO. 28; PROVIDING SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) 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:

WHEREAS, the property owner submitted a request for temporary zoning and the requisite publications and notice indicated such request, and

WHEREAS, the City Council finds and determines that the sole basis for temporary zoning is that the proposed use does not fall under a Conditional Use within the existing zoning, and

WHEREAS, the City Council finds that such temporary use is not deleterious to the health safety and welfare of the citizens of Rockwall, and

WHEREAS, the City Council , 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 temporary zoning change from "C" Commercial to "PD" Planned Development District Number 28 on the property specifically described in Exhibit "A".

SECTION 2. That Planned Development District Number 28 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. 28 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. 28 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. 28 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. 28 shall be regulated by the following requirements:
 - (1) the PD zoning will be reviewed by the Planning and Zoning Commission six months from the date approved by Council for compliance with parking, landscaping, and outside storage requirements
 - (2) the zoning will revert to Commercial two years from the date of approval, or when the property is vacated, changes in name, ownership or organization if said changes take place prior to two years
 - (3) no outside storage will be allowed
 - (4) all improvements, including landscaping, will be completed within 60 days from the date issued a Certificate of Occupancy
 - (5) irrigation requirements shall be waived
 - (6) allowing a gravel drive and gravel parking area
 - (7) allowed uses will include auto repair, retail and office uses as defined in the Comprehensive Zoning Ordinance excluding paint and body work

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 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, 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.

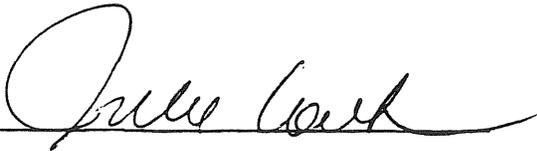
SECTION 6. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED this 28th day of September, 1987.

APPROVED:


Mayor

ATTEST:

By 

First reading 9/21/87
Second Reading 9/28/87

EXHIBIT "A"

STATE OF TEXAS
COUNTY OF ROCKWALL.

Whereas, Newman Associates, being owners 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 Joseph Cadle Survey, Abstract No. 65, City of Rockwall, Rockwall County, Texas, and being those two tracts as conveyed to D.R. Florence as recorded in Volume 71, page 191 and Volume 64, page 600, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

Beginning, at a point on the Northwesterly line of Interstate Highway No. 30, said point being the south corner of Rockwall Central Shopping Center and the east corner of said tract in Volume 64, page 600, an iron stake for corner;

Thence, S.28°45'06"W., along the northwest line of Interstate Highway No. 30, a distance of 205.55 feet to an iron stake for corner;

Thence, S.36°38'57"W., along the northwest line of Interstate Highway No. 30, a distance of 90.67 feet to an iron stake for corner;

Thence, N.44°39'25"W., leaving said Highway, a distance of 351.41 feet to an iron stake for corner;

Thence, S.45°20'56"W., a distance of 105.08 feet to an iron stake for corner;

Thence, N.45°34'54"W., a distance of 132.45 feet to an iron stake for corner;

Thence, N.45°20'56"E., a distance of 394.52 feet to an iron stake for corner;

Thence, S.44°33'42"E., a distance of 411.45 feet to the PLACE OF BEGINNING and containing 3.300 acres of land.

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO CHANGE THE ZONING ON A TRACT OF LAND WHICH IS MORE FULLY DESCRIBED HEREIN FROM "PD-28" PLANNED DEVELOPMENT CLASSIFICATION TO COMMERCIAL; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) 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, 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, as heretofore amended, be and the same is hereby amended by amending the zoning map of the City of Rockwall so as to give Commercial District classification to the tract of land described as Lot 1, Block A, Newman Center.

SECTION 2. That the property described herein shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future.

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 (\$2,000.00) for each offense and each and every day such offense shall continue 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, 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 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 6th day of February, 1989.

APPROVED:

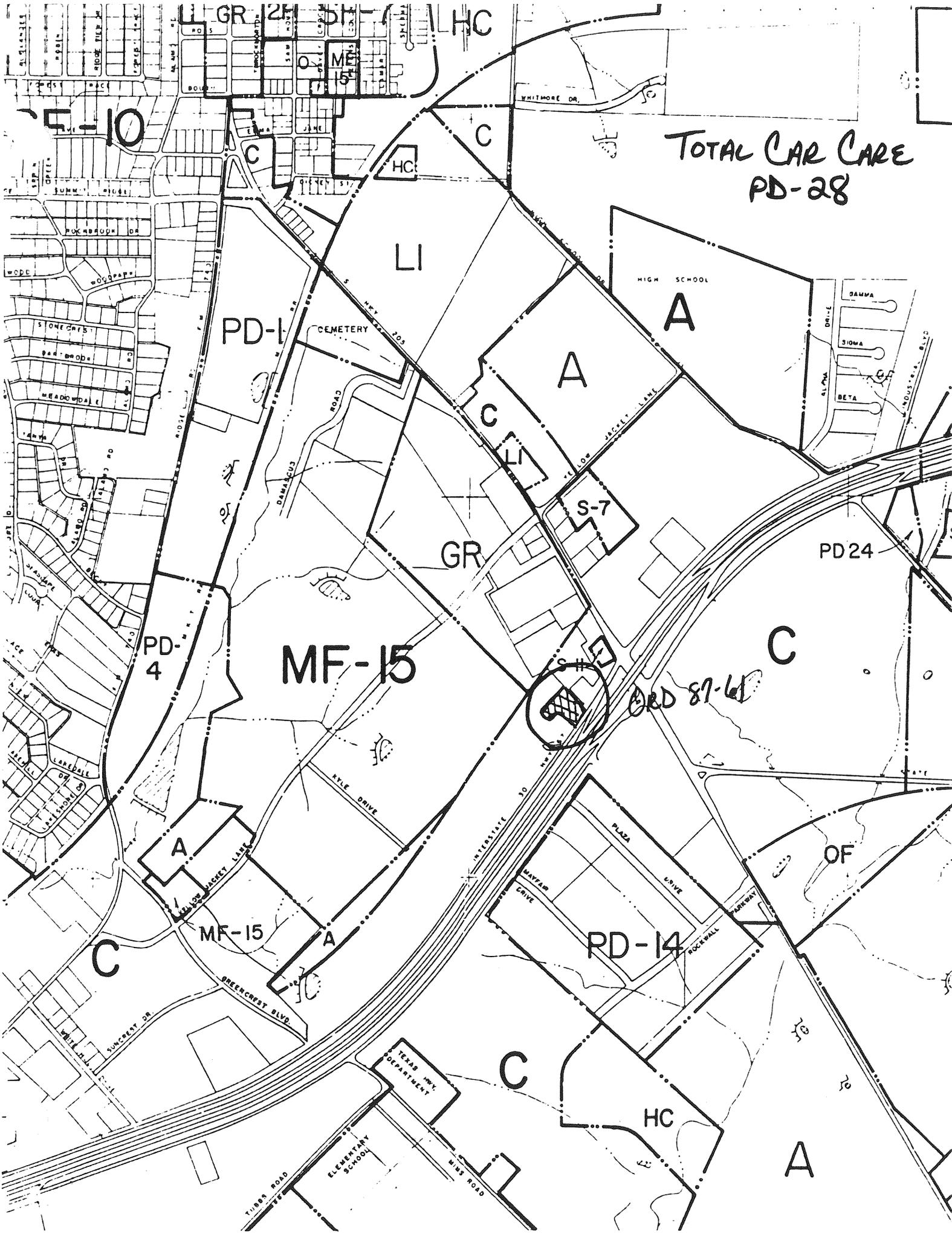
Mayor

ATTEST:

BY 

1st reading 1/16/89

2nd reading 2/6/89



TOTAL CAR CARE
PD-28

MF-15

A

A

GR

PD-4

PD24

ORD 87-61

A

MF-15

A

PD-14

OF

C

HC

A

TEXAS MVA
DEPARTMENT

ELEMENTARY
SCHOOL

HIGH SCHOOL

CEMETERY

