

ORDINANCE NO. 02-14

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO APPROVE A CHANGE IN ZONING FROM "C", COMMERCIAL TO "SF-7", SINGLE-FAMILY RESIDENTIAL AND "HC", HEAVY COMMERCIAL DISTRICT TO "2F", DUPLEX RESIDENTIAL DISTRICT AND FROM "HC", HEAVY COMMERCIAL DISTRICT TO "PD-52", **PLANNED DEVELOPMENT NO. 52** OF VARIOUS TRACTS OF LAND AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETOFORE AND MADE A PART HEREOF; PROVIDING FOR 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; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, a zoning change from "C", Commercial to "SF-7", Single-Family Residential and "HC", Heavy Commercial District to "2F", Duplex Residential District and from "HC", Heavy Commercial District to "PD-52", Planned Development No. 52 has been initiated by the City of Rockwall for the various tracts of land as described in the attached Exhibit "A" attached hereto and made a part hereof; 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 of the City of Rockwall, as heretofore amended, be and the same is hereby amended by the approval of a zoning change "C", Commercial to "SF-7", Single-Family Residential and "HC", Heavy Commercial District to "2F", Duplex Residential District and from "HC", Heavy Commercial District to "PD-52", Planned Development No. 52, for the various tracts of land described on Exhibit "A", attached hereto and made a part hereof.

**Section 2.** That the tract of land described in the attached Exhibit "A" 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 approval shall affect only the property described in the attached Exhibit "A" and said property shall be limited to the uses, density, area, setback and other requirements set forth herein.

**Section 3.** That development in the area zoned "SF-7", Single-Family Residential as reflected within Exhibit "A" shall be limited to uses and requirements listed in **Section 2.4 (SF-7) Single-Family Residential District** of the City of Rockwall Comprehensive Zoning Ordinance (Ordinance No. 83-23), the development in the area zoned "2F", Duplex Residential as reflected within Exhibit "A" shall be limited to the uses and requirements as listed in **Section 2.6 (2F) Duplex Residential District** and the development in the area zoned "PD-52", **Planned Development No. 52**, as reflected within Exhibit "A" shall be limited to uses and requirements listed in **Section 2.14 (HC) Heavy Commercial District** except that the *following Permitted Uses* shall be allowed subject to site plan approval to include screening fence and wall requirements:

**Permitted Uses:**

1. Agricultural uses of unplatted land in accordance with all other adopted ordinances.
2. Any retail business, personal services, professional services, business services.
3. Planned shopping centers and neighborhood convenience centers.
4. Office buildings and accessory uses.
5. Restaurants.
6. Hotel, motel.
7. Paved parking lots including commercial parking lots.
8. Nursery, greenhouse or garden center.
9. Automotive and other repair services, paint and body shops, excluding wrecking yards, if located south of Boydston Avenue.
10. Car wash. This use shall be exempt from the Comprehensive Zoning Ordinance Section 8.7, D. 6. (a) (150' separation requirement from a residential district)
11. Drive-in businesses.
12. Printing, publishing, and allied products manufacturing.

13. Any wholesale trades excluding: raw cotton, grain, hides, skins and raw furs, tobacco, wool or mohair, livestock, commercial or industrial machinery or synthetics, metals and minerals, petroleum bulk stations and terminals scrap or junk waste materials and other raw material processing operations such as cotton gins.
14. Lumberyards or contractor yards, general warehousing and storage, warehousing and storage, including mini-warehouses for storage purposes only.
15. Telephone, telegraph, television, radio or similar media stations, centers, studios, but not including public microwave tower, radio and television towers.
16. Institutional uses.
17. Municipally owned or controlled facilities, utilities, or uses.
18. Other uses of similar character.
19. Accessory structures and uses customarily related incident to the above principal uses authorized in this district.
20. Temporary indoor and outdoor fund raising events sponsored by nonprofit organizations with permit and approval of the Building Official.
21. Outdoor carnivals not exceeding 2 weeks sponsored by and on the same site as a permanent business with permit and approval of the Building Official.
22. Temporary on site construction offices limited to the period of construction and approval by the Building Official.
23. Temporary concrete batching plants limited to the period of construction upon approval of location and operation by the Building Official.

#### **Screening Fence and Wall Requirements:**

1. Open storage of materials, commodities, or equipment shall comply with the following requirements:
  - a. Located behind the front building line.
  - b. Observe all yard requirements.
  - c. A six-foot (6') high solid screening fence shall be provided constructed of wood, concrete block or masonry or as approved by City Council.

**Section 4.** Each tract of land not fully developed within PD-52, Planned Development District, shall be subject to a periodic review (Ord. 86-9) by the Planning and Zoning Commission as prescribed in Section 2.17 of the Comprehensive Zoning Ordinance. The first review will occur no sooner than four (4) years from the date of approval of this ordinance.

**Section 5.** That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

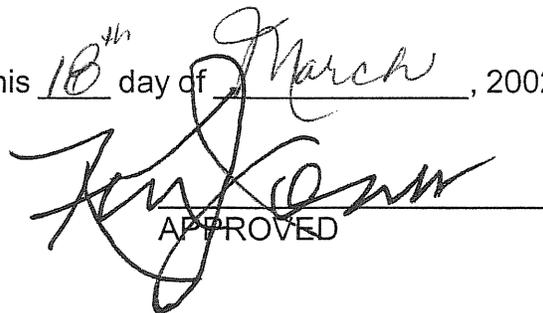
**Section 6.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

**Section 7.** If any section paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, 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 8.** That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

**Section 9.** 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 18<sup>th</sup> day of March, 2002.

  
APPROVED

  
ATTEST

1st Reading 3-4-02

2nd Reading 3-18-02



**EXHIBIT "A"**

**PROPERTY DESCRIPTION**  
**Boydston Avenue/South Clark Street**  
**zoning change**  
***Planning and Zoning Case Number: PZ-2001-129-Z***

**TRACT II-A**  
**- BOUNDARY DESCRIPTION -**

**BEGINNING**, at a point along the south right-of-way line of St. Mary's Street at the northwest corner of Lot 2, Block 1 of St. Mary's Estates, an Addition of the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet A, Slide 297 of the Plat Records of Rockwall County, Texas;

**THENCE**, South along the west boundary line of said Lot 2, Block 1 of St. Mary's Estates and continuing to a point on the northwest corner of the Massie Subdivision, an Addition of the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet A, Slide 224 of the Plat Records of Rockwall County, Texas;

**THENCE**, East along the northern boundary line of said Massie Subdivision to a point on the southwest corner of that certain lot, tract or parcel of land, conveyed by Claude Wilkerson and wife, Frances Wilkerson to Claude Wilkerson, Jr., by deed dated August 8, 1962 of record in Volume 66, Page 17, Deed Records of Rockwall County, Texas;

**THENCE**, North along the west boundary line of said Wilkerson Tract to a point at the northwest corner of Lot 3, Block 1 of St. Mary's Estates, an Addition of the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet A, Slide 297 of the Plat Records of Rockwall County, Texas. This point also being a point along the south right-of-way of St. Mary's Street;

**THENCE**, West along both the northern boundary line of said Lot 3, Block 1 of St. Mary's Estates and the south right-of-way line of said St. Mary's street continuing along the northern boundary of said Lot 2, Block 1 of St. Mary's Estates to the **PLACE OF BEGINNING**.

**TRACT II-B**  
**- BOUNDARY DESCRIPTION -**

**BEING**, a tract of land situated in the B. F. Boydston Survey, Abstract No. 3140, City of Rockwall, Rockwall County, Texas, and being that called Billy Peoples No. 3 Addition, an Addition of the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet A, Slide 320 of the Plat Records of Rockwall County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at the point of intersection of the east line of Sherman Street with the North line of Boydston Avenue, an iron stake for corner;

**THENCE**, North, along the East line of Sherman Street, a distance of 190.00 feet to an iron stake for corner;

**THENCE**, East, a distance of 82.00 feet to an iron stake for corner;

**THENCE**, South, a distance of 190.00 feet to an iron stake for corner;

**THENCE**, West, along the north line of Boydston Avenue, a distance of 82.00 feet to the **PLACE OF BEGINNING**, and containing 0.358 acres of land.

## EXHIBIT "A"

### TRACT III - BOUNDARY DESCRIPTION -

**BEGINNING** at a point on the centerline of South Clark Street due west of the southwest corner of the J.E. Harris subdivision; Block 1 (607 South Clark) continuing to a point at the southwest corner of said *607 South Clark-lot*, said corner also being the northwest corner of the Allen Hogue subdivision; Block 1; Lot 1 (703 East Boydston);

**THENCE**, continuing east along the north boundary line of said *703 East Boydston-tract* and following along the north line of those tracts fronting on East Boydston Avenue to a point at the southeast corner of the property owned by J. E. Harris, B. F. Boydston, Abstract No. 3140, Block 108 (*1.5-acre tract*);

**THENCE**, North along the east boundary line of the said *1.5-acre tract* to the southeast corner of the property owned by Mario Del Bosque, B. F. Boydston, Abstract No. 3140, Block 107; Lot A (501 South Clark) and continuing north along the east boundary line to the northeast corner of said Del Bosque Tract. This point is also the existing northeast boundary point between the existing Heavy Commercial (HC) zoning district and the Single-Family (SF-7) zoning district;

**THENCE**, West along the north boundary line of said Del Bosque Tract (also the north boundary of between the existing Heavy Commercial (HC) zoning district and the Single-Family (SF-7) zoning district) to the centerline of South Clark Street then south along the centerline of South Clark Street to the **PLACE OF BEGINNING**.

### TRACT IV& V – "Proposed" Planned Development No. 52 - BOUNDARY DESCRIPTION -

**BEGINNING** at the point of intersection of the North line of Dickey Street with the East line of Davy Crockett Street and proceeding east along the North line of Dickey Street to the Union Pacific railroad tracks;

**THENCE**, North and East along the existing railroad tracks to the point of intersection of the centerline of Townsend Drive and the Union Pacific (formerly MKT) railroad tracks (UPRR) and continuing along said UPRR line to the point of intersection with the South Prong of Squabble Creek.

**THENCE**, North and West along the centerline of the South Prong of Squabble Creek to the centerline of the alignment for the proposed extension of East Boydston Avenue;

**THENCE**, West along said centerline alignment to the point of intersection of East Boydston Avenue, Townsend Drive and Renfro Street due south of the southeast corner of the property owned by Raymond & Marjorie Davis, B. F. Boydston, Abstract No. 3140, Block Part of 67 (709 East Boydston);

**THENCE**, North along the east boundary line of *Davis tract* to the northeast corner of the Davis Tract;

**THENCE**, West along the north boundary of said *Davis tract* following along the north property lines of those properties fronting on East Boydston (including B. F. Boydston, Abstract No. 3140, Block Part of 68 (705 East Boydston) and Allen Hogue subdivision; Block 1; Lot 1 (703 East Boydston)) to the centerline of South Clark;

**THENCE**, North along the centerline of South Clark to a point at the intersection of the centerline of St. Mary's Street with the centerline of South Clark;

**THENCE**, West along the centerline of St. Mary's Street to a point due north of the northwest corner of a property owned by Greg Dean, Mill Company; Block 3; Lot 25;

**THENCE**, due south to the northwest corner of said *Dean Tract* and continuing along the west boundary line of said Dean Tract and those lots having frontage on South Clark Street (Mill Company; Block 3; Lot 26 (604 South Clark), Mill Company; Block 3; Lot 27 (606 South Clark), B.F. Boydston, Abstract No. 3140, Block 71A (610 South Clark), and the vacant lot situated on the northwest corner of the intersection of South Clark and Boydston Avenue owned by T.D. Ross and Madeline K. Gray, B.F.

## EXHIBIT "A"

Boydston, Abstract No. 3140, Block 71B (known as 619 East Boydston Avenue) to a point at the southwest corner of said *Ross/Gray Tract*;

**THENCE**, due south to a point on the centerline of Boydston Avenue (274.00 feet west of the intersection of the West line of South Clark and North line of Boydston Avenue);

**THENCE**, West along the centerline of East Boydston Avenue through the intersection of Boydston Avenue and South Clark Street to a point (274.00 feet west of the intersection of the West line of South Clark and North line of Boydston Avenue) at a point due south of the southeast corner of a certain *1.50 acre* lot known as Block 71B situated in the B. F. Boydston Survey, Abstract No. 3140, City of Rockwall, Rockwall County, Texas;

**THENCE**, West along the centerline of Boydston Avenue to a point due north of the northeast corner of the Gamez Addition, an Addition of the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet C, Slide 42/43 of the Plat Records of Rockwall County, Texas;

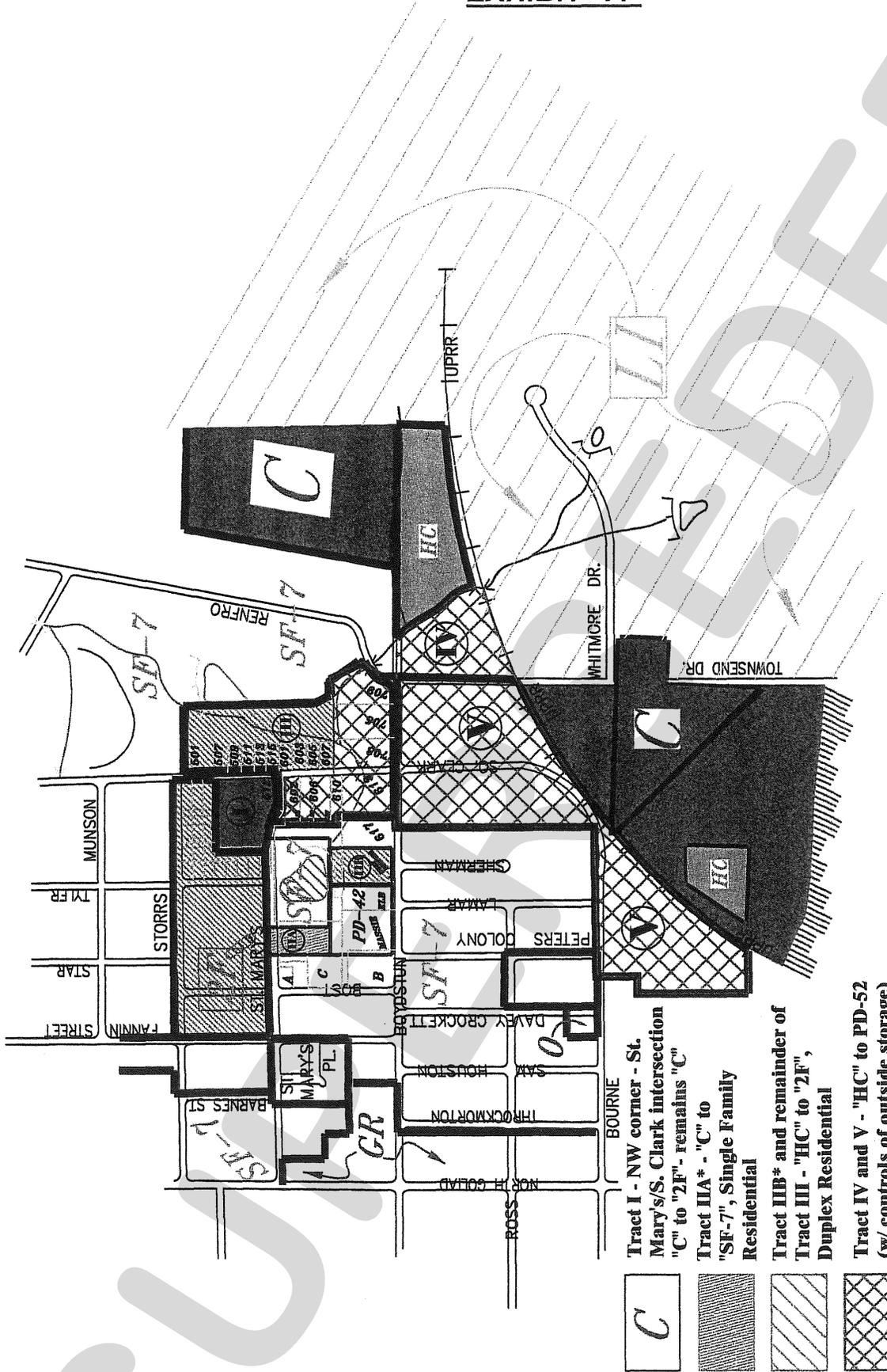
**THENCE**, South across Boydston Avenue to the point on the northeast corner of the said Gamez Addition and continuing South and East along the east boundary line of said Gamez Addition and the east boundary line of the Ridgell Subdivision and the west boundary line of Lots A and C of said Ridgell Subdivision and continuing along the west line of those properties fronting on South Clark to the point of intersection between the centerlines of South Clark Street and East Bourne Avenue;

**THENCE**, West along the centerline of East Bourne Avenue to a point due north of the northeast corner of the property owned by Mary Walter, B.J.T. Lewis, Abstract No. 255, Tract 35 (408 Bourne Avenue);

**THENCE**, South from the centerline of East Bourne Avenue to the northeast corner of said Walter Tract and continuing south along the east boundary line of the Walter Tract to the southeast corner of the Walter Tract and then east along the south boundary line of the Walter Tract to Davy Crockett Street;

**THENCE**, South along the east line of Davy Crockett Street to the **PLACE OF BEGINNING**.

**EXHIBIT "A"**



- C**
  - HC**
  - SF-7**
  - PD-42**
  - GR**
- Tract I - NW corner - St. Mary's/S. Clark intersection "C" to "2F" - remains "C"
- Tract IIA - "C" to "SF-7", Single Family Residential
- Tract IIB\* and remainder of Tract III - "HC" to "2F", Duplex Residential
- Tract IV and V - "HC" to PD-52 (w/ controls of outside storage)

\* - Tract IIA is the Commercially-zoned Tract on St. Mary's just east of Bost

\*\* - Tract IIB is the Heavy Commercial (HC)-zoned Tract just east of Barton-on-Boydston (PD-42)

**BOYDSTUN / SOUTH CLARK  
- AREA ZONING -  
Recommended Zoning**

**Planned Development  
No. 52 - "PD-52"**