

ORDINANCE NO. 01-28

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE (ORD. NO. 83-23) OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED TO PROVIDE FOR GENERAL PROVISIONS AND REQUIREMENTS FOR A CONDITIONAL USE PERMIT TO ALLOW AN INSTITUTIONAL USE (PUBLIC SCHOOL) IN THE "PD-45", PLANNED DEVELOPMENT DISTRICT, ON 15.628 ACRES OF LAND, AS DESCRIBED IN EXHIBIT "A", 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, an amendment to the City of Rockwall Comprehensive Zoning Ordinance has been requested by the Rockwall Independent School District to provide for the general provision and requirements for a Conditional Use Permit to allow an institutional use (public school) in the "PD-45", Planned Development District, on 15.628 acres of land as described on 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, as heretofore amended, be and the same is hereby amended by the approval of a Conditional Use Permit to allow an institutional in the "PD-45", Planned Development District, on 15.628 acres of land as described on Exhibit A attached hereto and made a part hereof.

Section 2. That the tract of land described on 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 as heretofore described and said property shall be limited to the uses, density, area, setback and other requirements set forth herein.

Section 3. That development on property described on Exhibit "A" shall be limited

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to uses and requirements listed in **Section 2.17** of the City of Rockwall Comprehensive Zoning Ordinance (Ordinance No. 83-23) and the following conditions;

1. That the area requirements conform to the PD-45, Planned Development District (Ordinance No. 98-16).

Section 4. 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 5. 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 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 18 day of June, 2001.



APPROVED



ATTEST

1st Reading 6-4-01

2nd Reading 6-18-01



EXHIBIT "A"

FIELD NOTE DESCRIPTION

STATE OF TEXAS

COUNTY OF ROCKWALL

BEING, a tract of land situated in the W.H. Baird Survey Abstract No. 25, Rockwall County, Texas and being a portion of a tract of land described in a deed to LOFLAND FARMS LTD. As recorded in Volume 1392, Page 271 of the Deed Records of Rockwall County, Texas (DRRCT) and being more particularly described as follows:

COMMENCING at a 1" iron pipe found for the most northwesterly corner of said LOFLAND FARMS LTD. tract, said iron pipe being in the southerly right-of-way of STATE HIGHWAY 276 (a 120 foot right-of-way);

THENCE along the westerly line of said LOFLAND FARMS LTD. tract South $01^{\circ}11'56''$ East a distance of 623.14 feet to a $\frac{1}{2}$ " iron rod set for the POINT OF BEGINNING;

THENCE departing the westerly line of said LOFLAND FARMS LTD. tract North $88^{\circ}59'21''$ East a distance of 620.61 feet to a $\frac{1}{2}$ " iron rod set for the beginning of a curve to the left having a radius of 315.00 feet, a chord bearing North $77^{\circ}34'58''$ East and a chord distance of 124.59 feet;

THENCE along said curve to the left through a central angle of $22^{\circ}48'46''$ for an arc length of 125.42 feet to a $\frac{1}{2}$ " iron rod set for corner;

THENCE North $66^{\circ}10'38''$ East a distance of 204.93 feet to a $\frac{1}{2}$ " iron rod set for the beginning of a non-tangent curve to the left having a radius of 585.00 feet, a chord bearing South $22^{\circ}47'46''$ East and a chord distance of 20.96 feet;

THENCE South $23^{\circ}49'22''$ East a distance of 189.04 feet to a $\frac{1}{2}$ " iron rod set for corner;

THENCE North $66^{\circ}10'38''$ East a distance of 160.00 feet to a $\frac{1}{2}$ " iron rod set for corner;

THENCE South $23^{\circ}49'22''$ East a distance of 260.00 feet to a $\frac{1}{2}$ " iron rod set for corner;

THENCE South $23^{\circ}49'22''$ West a distance of 356.09 feet to a $\frac{1}{2}$ " iron rod set for the beginning of a curve to the right having a radius of 785.00 feet, a chord bearing South $70^{\circ}44'48''$ West and a chord distance of 125.08 feet;

THENCE along said curve to the right through a central angle of $09^{\circ}08'20''$ for an arc length of 125.21 feet to a $\frac{1}{2}$ " iron rod set for corner;

THENCE South $16^{\circ}30'32''$ East a distance of 56.35 feet to a $\frac{1}{2}$ " iron rod set for the beginning of a curve to the right having a radius of 225.00 feet, a chord bearing South $01^{\circ}05'19''$ West and a chord distance of 119.65 feet;

EXHIBIT "A"

THENCE along said curve to the right through a central angle of 30°50'26" for an arc length of 121.11 feet to a ½" iron rod set for corner;

THENCE South 13°50'11" West a distance of 28.62 feet to a ½" iron rod set for corner;

THENCE North 88°48'04" West a distance of 819.73 feet to a ½" iron rod set for corner in the westerly line of said LOFLAND FARMS LTD. tract;

THENCE along the westerly line of said LOFLAND FARMS LTD. tract North 01°11'56" West a distance of 648.78 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 15.628 acres or 680,756 square feet more or less.