

**CITY OF ROCKWALL**

**ORDINANCE NO. 04-48**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, TO CHANGE THE ZONING FROM (AG) AGRICULTURAL DISTRICT TO (PD-57) PLANNED DEVELOPMENT NO. 57 DISTRICT ON AN 18.99-ACRE TRACT KNOWN AS TRACT 1-1, ABSTRACT 80, W.W. FORD SURVEY AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City has received a request from Robert S. Whittle for a change in zoning from (Ag) Agricultural district to (PD-57) Planned Development No. 57 district for an 18.99-acre tract known as Tract 1-1, Abstract 80, W.W. Ford Survey and more specifically described in Exhibit "A" attached hereto and made a part hereof for all purposes; 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, 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 change the zoning on a tract of land which is more fully described herein as Exhibit "A" from (Ag) Agricultural district to (PD-57) Planned Development District No. 57, and;

**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 and subject to the following additional conditions:

1. That the property adheres to the approved concept/preliminary plan attached hereto as Exhibit "B," and be limited to the uses and area requirements of the (C) Commercial zoning district.
2. In addition to the uses and requirements outlined for the (C) Commercial district in Article IV, Table 1, "Land Use Tables" of the City's comprehensive zoning ordinance, as amended, a landscape supply and plant nursery with outside storage and display shall be allowed with a Specific Use Permit.

3. All proposed developments shall be subject to final platting and site plan review.
4. All proposed developments shall be subject to review by the Architectural Review Board.
5. A landscape buffer with a minimum average width of 15-feet shall be required along FM 3097, FM 549, Jeff Boyd Dr and Wallace Road. The buffer shall include a minimum tree planting of three (3) canopy trees and four (4) accent trees per one hundred linear feet of frontage. Additionally, a living screen consisting of a combination of berms, shrubbery and/or screening walls shall be installed along Jeff Boyd Drive and Wallace Lane.
6. All four (4) facades of each building throughout the development shall be constructed with a consistent design scheme and materials as approved by the Architectural Review Board. Additionally, all buildings shall meet the masonry requirements as set out in the comprehensive zoning ordinance of the city, as amended, excluding concrete tilt wall and other masonry materials of similar characteristics. The use of integral-color concrete block with a finished face shall be limited to 10% of any façade visible from adjacent right-of-way. The use of synthetic products (e.g. Hardy Plank, or other materials approved by the Building Official) shall be limited to 50% of the buildings exterior finishes, exclusive of windows and doors. Furthermore, the use of said synthetic products shall be prohibited within eight feet of the finished floor elevation; however, this area may include up to 30% hardy plank. Natural materials such as stone, cast stone and brick shall be used within the first eight feet of the building façade.
7. All structures having a footprint of 6,000 square feet or less shall be constructed with a pitched roof system.
8. Dumpsters shall be screened with materials consist with the primary structures and be oriented so as not to face a public street.
9. All permanent free standing signs shall be monument signs not exceeding (5) feet in height or a maximum of sixty (60) square feet in area per sign face.
10. In addition to the requirements of the outdoor lighting requirements no light pole, pole base or combination thereof shall exceed twenty (20) feet. All lighting fixtures shall focus light downward and be contained on the site.

**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 cases provides.

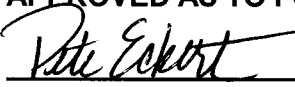
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 16<sup>th</sup> day of August, 2004.**

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

ATTEST:

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Pete Eckert, City Attorney

1<sup>st</sup> Reading: 8-2-04

2<sup>nd</sup> Reading: 8-16-04

## EXHIBIT "A"

STATE OF TEXAS \*  
COUNTY OF ROCKWALL \*

**WHEREAS ROBERT S. WHITTLE**, is the owner of all of that certain lot, tract or parcel of land situated in the W.W. FORD SURVEY, ABSTRACT NO. 80, City of Rockwall, Rockwall County, Texas, and being a portion of that 18.9534 acres tract of land as described as Tract 2 in a Warranty deed from A & F Andrews Family Partnership to Whittle Development, Inc., dated January 22, 2002, and being recorded in Volume 2402, Page 31 of the Real Property Records of Rockwall County, Texas, and being more particularly described as follows:

**BEGINNING** at a P-K nail set for corner in the centerline of the pavement of Wallace Road at its intersection with the Northeast right-of-way line of F.M. Highway 3097, said point being the West corner of the above cited 18.9534 acres tract;

**THENCE** N. 45 deg. 05 min. 05 sec. E. along the center of Wallace Road, a distance of 664.58 feet to a P-K nail found for corner;

**THENCE** S. 44 deg. 23 min. 19 sec. E., at 25.00 feet pass a 1/2" iron rod found for witness and continuing for a total distance of 849.53 feet to a 1/2" iron rod found for corner in the edge of pavement of Jeff Boyd Road;

**THENCE** S. 44 deg. 56 min. 25 sec. E. a distance of 404.93 feet to a 1/2" iron rod found for corner in the Northwest right-of-way line of F.M. Highway 549;

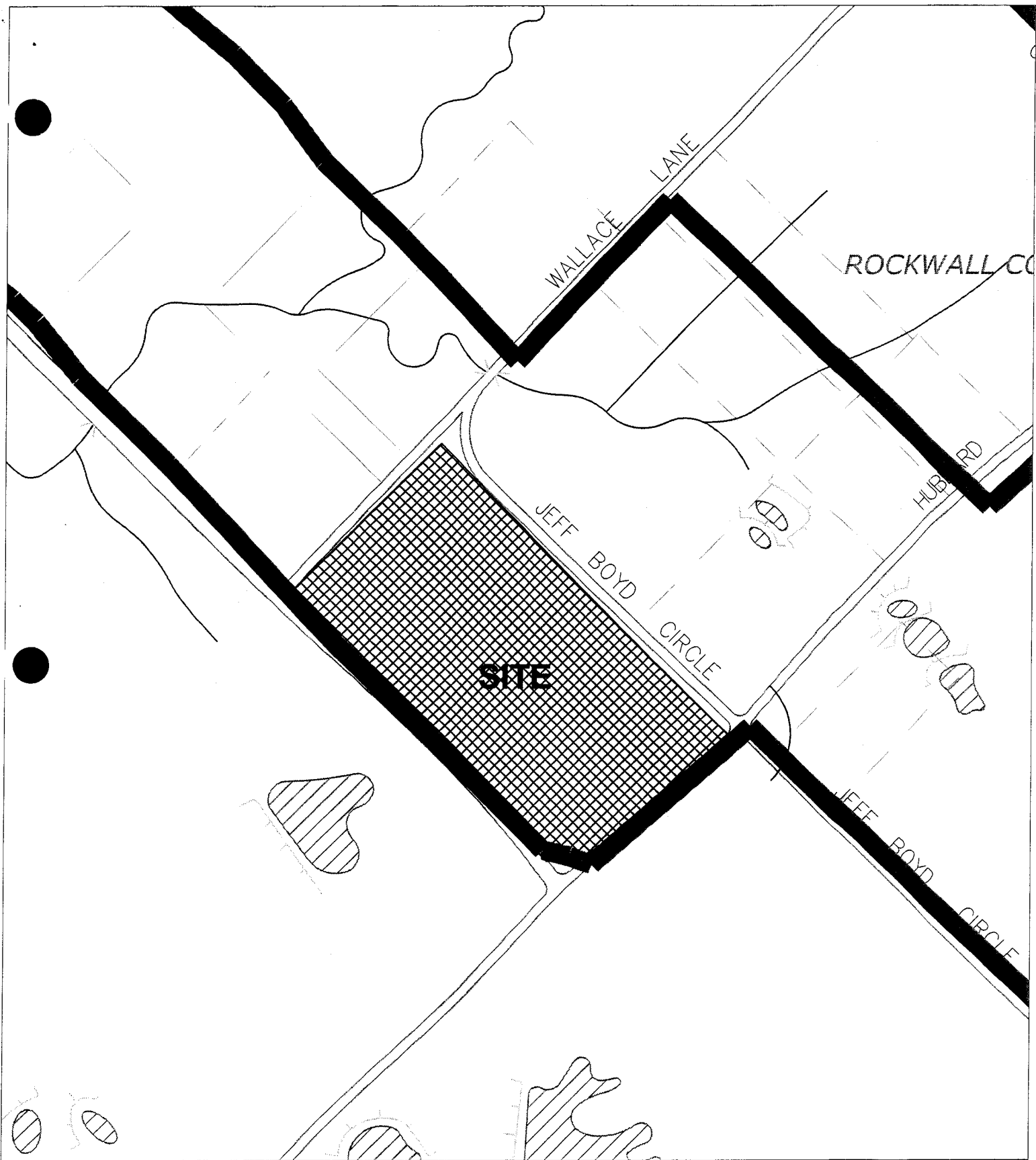
**THENCE** S. 46 deg. 04 min. 42 sec. W. along said right-of-way line, a distance of 568.99 feet to a concrete highway monument found for corner at a flare in said right-of-way line;

**THENCE** N. 88 deg. 52 min. 25 sec. W. along said flare in right-of-way, a distance of 144.11 feet to a concrete highway monument found for corner in the Northeast right-of-way line of F.M. Highway 3097;

**THENCE** N. 44 deg. 23 min. 24 sec. W. along said right-of-way line, a distance of 972.55 feet to a concrete highway monument found for corner;

**THENCE** in a Northwesterly direction along a curve to the right having a central angle of 00 deg. 50 min. 43 sec., a radius of 11409.16 feet, a tangent of 84.17 feet, a chord of N. 43 deg. 52 min. 10 sec. W., 168.34 feet along said right-of-way, an arc distance of 168.34 feet to the **POINT OF BEGINNING** and containing 18.99 acres of land.





**Z2004-024**  
Alliance Bank



1" = 400'