

CITY OF ROCKWALL

ORDINANCE NO. 08-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO APPROVE AN AMENDMENT TO (PD-32) PLANNED DEVELOPMENT NO. 32 DISTRICT (ORD. NO. 02-55), INCLUDING AN EXPANSION OF THE DISTRICT TO REZONE APPROXIMATELY 18.6-ACRES FROM (C) COMMERCIAL DISTRICT TO (PD-32) PLANNED DEVELOPMENT NO. 32 DISTRICT, BEING APPROXIMATELY 62.62-ACRES OVERALL AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; 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, the City of Rockwall has initiated an amendment to (PD-32) Planned Development No. 32 District (Ord. No 02-55) to expand the district by rezoning approximately 18.6-acres from (C) Commercial district to (PD-32) Planned Development No. 32 District, being approximately 62.62-acres overall and more specifically described herein as Exhibit "A"; 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 Unified Development Code 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 Unified Development Code of the City of Rockwall and Ordinance No. 02-55, as heretofore amended, be and the same are hereby amended by the approval of an amendment to (PD-32) Planned Development No. 32 District.

Section 2. That the property described herein shall be used only in the manner and for the purposes provided for in **Article V, Section 4.4, General Retail District** of the Unified Development Code 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, subject to the following additional conditions:

- A. Prior to the issuance of any building permit for any buildings in Planned Development District No. 32, a comprehensive development plan shall be filed with the Planning and Zoning Commission, and after hearing, the City Council shall approve a final development plan, which shall be filed and included as Exhibit "C" 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, sidewalks, utilities, drainage, parking, building height, 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 the Planned Development District No. 32 shall be in accordance with the provisions of this ordinance and the finally approved comprehensive site plan, 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 Unified Development Code.
- C. Development of Planned Development District No. 32 shall be regulated by the following requirements:
 - 1. All development within Areas 1, 2 and 3 (see Exhibit "A") shall adhere to the list of permitted uses for each Area as identified in the attached Exhibit "B."
 - 2. Retail outlets where gasoline products are sold shall NOT be allowed, except as provided for in "Area 3."
 - 3. Prior to the development of any property within the PD, a circulation plan for the area identified in Exhibit "A" shall be submitted and approved.
 - 4. Prior to the development of any property within the PD, adequate access necessary to serve that development in conformance with the approved circulation plan will be constructed.
 - 5. Any development within the PD will be reviewed to insure that views and the unique characteristics of the area are maintained and enhanced where possible.
 - 6. All buildings within the PD are subject to height and elevation approval at the time of development plan submission.
 - 7. All development within PD-32 shall be subject to Architectural Review as prescribed by the Unified Development Code of the City of Rockwall.

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 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 Unified Development Code (Ord No. 04-38) 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 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.

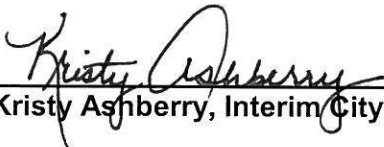
Section 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 4th day of February, 2008.

ATTEST:




William R. Cecil, Mayor



Kristy Ashberry, Interim City Secretary

APPROVED AS TO FORM:



Pete Eckert, City Attorney

1st Reading: 01-22-08

2nd Reading: 02-04-08

Exhibit "A"

EXHIBIT "A" - Amended PD-32 Boundary Description

~ 12/10/2007~

BEING approximately 62.62 acres of land located in the M.J. Barksdale (Abstract 11) and E. Teal (Abstract 207) Surveys of the City of Rockwall, Rockwall County, Texas to be known as the **Amended PD-32 Zoning Boundary** and being more particularly described as follows:

BEGINNING at a point in the southern most corner of Block A, Lot 1 of the Eckerd Addition (CVS Pharmacy, 1220 Horizon Rd);

THENCE southwesterly along the boundary line the Isaac Brown Addition approximately 733.77 feet for a corner;

THENCE northwesterly along the property line of Abstract 207 E Teal Survey, Tract 137, 1.25 AC, Glen Hills Cemetery approximately 361.27 feet for a corner;

THENCE southwesterly along the property line of said Glen Hills Cemetery Tract approximately 21.61 feet to a point;

THENCE northwesterly following the centerline of a Cemetery Road right of way (said right of way separating the Isaac Brown and Lago Vista Additions) approximately 1125.05 feet to a point lying in the north right of way of Summer Lee Drive;

THENCE northwesterly along the property and Lakefront Trail right of way lines of approximately 1022.40 feet for a corner;

THENCE northeasterly following the centerline of the Interstate Highway 30 South Frontage Road approximately 1738.64 feet for a corner intersecting the centerline of Horizon Road;

THENCE southeasterly along the centerline of Horizon Road approximately 1284.24 feet for a corner;

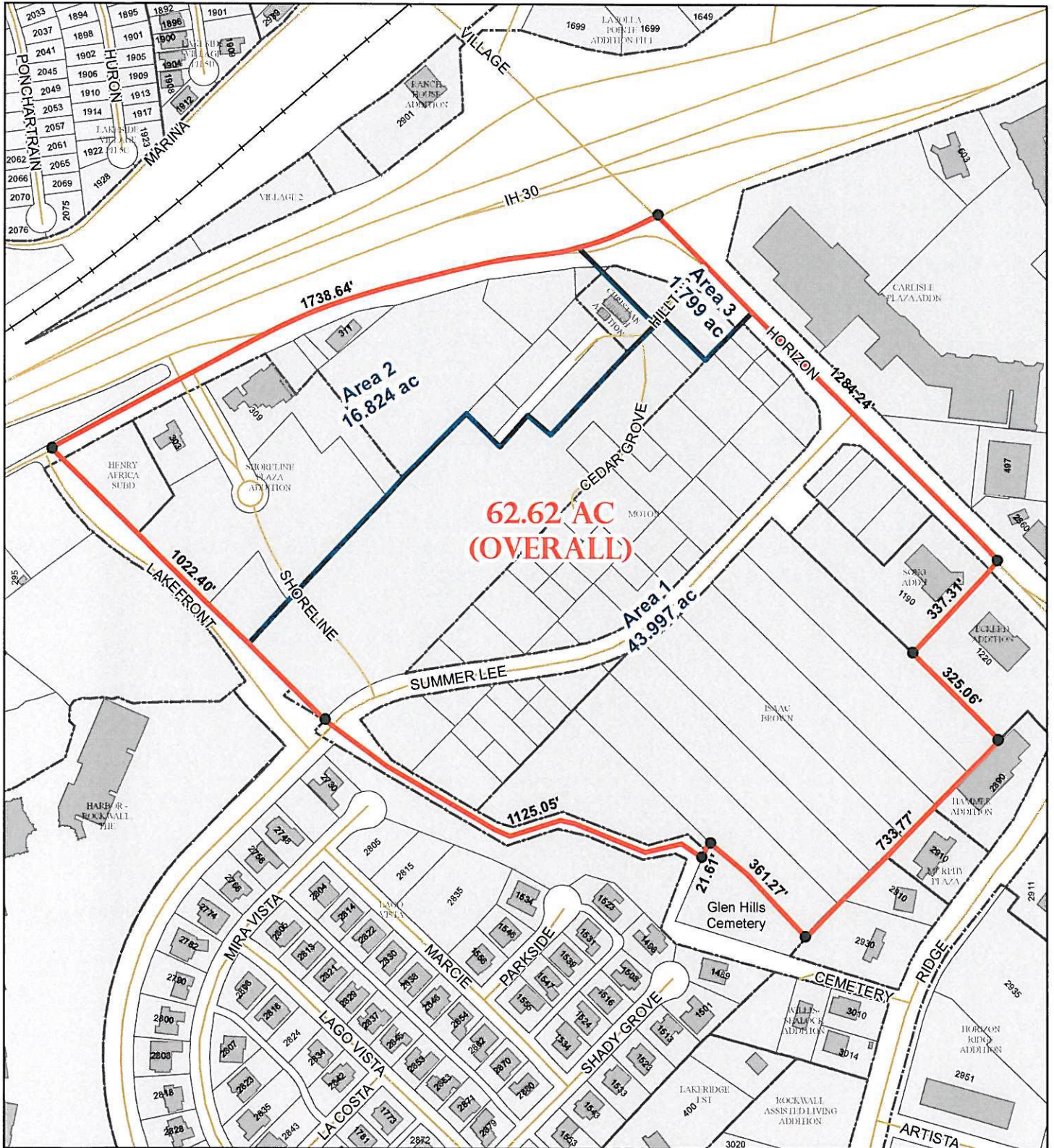
THENCE southwesterly along the property line of the Eckerd Addition, 337.31 feet for a corner;

THENCE southeasterly along the property line of the Eckerd Addition, 325.06 feet to the **Point of Beginning**, Containing approximately **62.62** acres (2727720.86 square feet) of land, more or less.

Legend

 Proposed PD-32 Boundary

 Sub-Areas



N

PD-32 Boundary Exhibit

December 13, 2007

0 125 250 500 Feet

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

Exhibit “B”

List of Permitted Uses for PD-32
Case # Z2007-037

PD-32 “Area 1”

Proposed Permitted Uses (existing PD-32)

- Animal Clinic for small animals, no outdoor pens - SUP
- Accessory Building +
- Garage – Accessory Use
- Hotel or Motel – SUP
- Hotel, Residence – SUP
- Church/House of Worship
- Day Care (7 or more children)
- Government Facility
- Library, Art Gallery or Museum (Public)
- Post Office, Local Service
- Financial Institution, without drive-through
- Office, General
- Office Building, less than 5,000 s.f.
- Office Building, 5,000 s.f. or more
- Billiard Parlor or Pool Hall – SUP
- Commercial Amusement/Recreation (Inside) – SUP
- Community or Recreation Club, Public or Private (Accessory)
- Fund Raising Events by Non-Profit, indoor or outdoor, temporary
- Health Club
- Private Club, Lodge or Fraternal Organization
- Public Park or Playground
- Tennis Courts (not accessory to a public or private club) – SUP
- Theater – SUP
- Antique/Collectible Store
- Banquet Facility
- Business School
- Catering Service
- Copy Center
- Display, Incidental +
- Garden Supply/Plant Nursery – SUP
- General Personal Service
- General Retail Store
- Hair Salon, Manicurist
- Laundry, Drop-off/Pickup
- Massage Therapist
- Museum or Art Gallery (Private)
- Night Club, Discothèque, or Dance Hall – SUP
- Pet Shop
- Private Club +
- Real Estate Sales Office, On-Site, Temporary +

Exhibit “B”

List of Permitted Uses for PD-32

Case # Z2007-037

- Restaurant, Less than 2,000 Sq. Ft., w/o Drive-Thru or Drive-in
- Restaurant, 2,000 Sq. Ft. or more, w/o Drive-Thru or Drive-in
- Restaurant with accessory Private Club or Brew Pub +
- Studio – Art, Photography or Music
- Tailor, Clothing or Apparel Shop
- Electrical, Watch, Clock, Jewelry & Similar Repair
- Locksmith
- Research & Technology/ Light Assembly – SUP
- Shoe and Boot Repair and Sales
- Trade School – SUP
- Temporary On-Site Construction Office +
- Automobile Rental -SUP
- Parking Commercial
- Parking Lot, non-commercial
- Asphalt or Concrete Batch Plant, Temporary +
- Wholesale Showroom Facility – SUP
- Antenna, Accessory +
- Antenna, Commercial + - SUP
- Antenna, Dish +
- Antenna, Commercial, Free-Standing + - SUP
- Antenna, Commercial, Mounted + - SUP
- Helipad – SUP
- Municipally Owned or Controlled Facilities, Utilities and Uses
- Private Streets – SUP
- Radio Broadcasting
- Recording Studio
- Satellite Dish +
- Transit Passenger Facility – SUP
- TV Broadcasting & Other Communication Service – SUP
- Utilities Holding a Franchise from City of Rockwall – SUP
- Utility Installation, Other than listed – SUP
- Utility/Transmission Lines – SUP
- Wireless Communication Tower – SUP

- ***Urban Residential + (Condominium units only)***

Exhibit “B”

List of Permitted Uses for PD-32
Case # Z2007-037

PD-32 “Area 2”

Proposed Permitted Uses (existing Commercial Zoning)

- Animal Clinic for small animals, no outdoor pens - SUP
- Accessory Building +
- Garage – Accessory Use
- Hotel or Motel – SUP
- Hotel, Residence – SUP
- Church/House of Worship
- Day Care (7 or more children)
- Government Facility
- Library, Art Gallery or Museum (Public)
- Post Office, Local Service
- Financial Institution, without drive-through
- Office, General
- Office Building, less than 5,000 s.f.
- Office Building, 5,000 s.f. or more
- Billiard Parlor or Pool Hall – SUP
- Commercial Amusement/Recreation (Inside) – SUP
- Community or Recreation Club, Public or Private (Accessory)
- Fund Raising Events by Non-Profit, indoor or outdoor, temporary
- Health Club
- Private Club, Lodge or Fraternal Organization
- Public Park or Playground
- Tennis Courts (not accessory to a public or private club) – SUP
- Theater
- Antique/Collectible Store
- Banquet Facility
- Business School
- Catering Service
- Copy Center
- Display, Incidental +
- Garden Supply/Plant Nursery – SUP
- General Personal Service
- General Retail Store
- Hair Salon, Manicurist
- Laundry, Drop-off/Pickup
- Massage Therapist
- Museum or Art Gallery (Private)
- Night Club, Discothèque, or Dance Hall – SUP
- Pet Shop
- Private Club +
- Real Estate Sales Office, On-Site, Temporary +

Exhibit “B”

List of Permitted Uses for PD-32

Case # Z2007-037

- Restaurant, Less than 2,000 Sq. Ft., w/o Drive-Thru or Drive-in
- Restaurant, 2,000 Sq. Ft. or more, w/o Drive-Thru or Drive-in
- Restaurant with accessory Private Club or Brew Pub +
- Studio – Art, Photography or Music
- Tailor, Clothing or Apparel Shop
- Electrical, Watch, Clock, Jewelry & Similar Repair
- Locksmith
- Research & Technology/ Light Assembly – SUP
- Shoe and Boot Repair and Sales
- Trade School – SUP
- Temporary On-Site Construction Office +
- Automobile Rental - SUP
- Parking Commercial
- Parking Lot, non-commercial
- Asphalt or Concrete Batch Plant, Temporary +
- Wholesale Showroom Facility – SUP
- Antenna, Accessory +
- Antenna, Commercial + - SUP
- Antenna, Dish +
- Antenna, Commercial, Free-Standing + - SUP
- Antenna, Commercial, Mounted + - SUP
- Helipad – SUP
- Municipally Owned or Controlled Facilities, Utilities and Uses
- Private Streets – SUP
- Radio Broadcasting
- Recording Studio
- Satellite Dish +
- Transit Passenger Facility – SUP
- TV Broadcasting & Other Communication Service – SUP
- Utilities Holding a Franchise from City of Rockwall – SUP
- Utility Installation, Other than listed – SUP
- Utility/Transmission Lines – SUP
- Wireless Communication Tower – SUP

- ***Urban Residential + (Condominium units only)***

Exhibit “B”

List of Permitted Uses for PD-32
Case # Z2007-037

PD-32 “Area 3”

Proposed Permitted Uses (existing Commercial Zoning)

- Animal Clinic for small animals, no outdoor pens - SUP
- Accessory Building +
- Garage – Accessory Use
- Hotel or Motel – SUP
- Hotel, Residence – SUP
- Church/House of Worship
- Day Care (7 or more children)
- Government Facility
- Library, Art Gallery or Museum (Public)
- Post Office, Local Service
- Financial Institution, without drive-through
- Office, General
- Office Building, less than 5,000 s.f.
- Office Building, 5,000 s.f. or more
- Billiard Parlor or Pool Hall – SUP
- Commercial Amusement/Recreation (Inside) – SUP
- Community or Recreation Club, Public or Private (Accessory)
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List of Permitted Uses for PD-32

Case # Z2007-037

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 - Parking Lot, non-commercial
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 - Wholesale Showroom Facility – SUP
 - Antenna, Accessory +
 - Antenna, Commercial + - SUP
 - Antenna, Dish +
 - Antenna, Commercial, Free-Standing + - SUP
 - Antenna, Commercial, Mounted + - SUP
 - Helipad – SUP
 - Municipally Owned or Controlled Facilities, Utilities and Uses
 - Private Streets – SUP
 - Radio Broadcasting
 - Recording Studio
 - Satellite Dish +
 - Transit Passenger Facility – SUP
 - TV Broadcasting & Other Communication Service – SUP
 - Utilities Holding a Franchise from City of Rockwall – SUP
 - Utility Installation, Other than listed – SUP
 - Utility/Transmission Lines – SUP
 - Wireless Communication Tower – SUP
 - Retail store with gasoline products sales with more than 2 dispensers
-
- ***Urban Residential + (Condominium units only)***

Advertising Receipt

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Fax: 972-563-0340

ROCKWALL, CITY OF- Kristy Ashb
KRISTY ASHBERRY
385 SOUTH GOLIAD
ROCKWALL , TX 75087

Acct #: 01100978

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Phone: (972)771-7700

Date: 02/11/2008

Ad taker: 11

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Description

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02 ROCKWALL COUNTY NEWS 02/14/2008

60.00

Total: 60.00
Tax: 0.00
Net: 60.00
Prepaid: 0.00

Total Due: 60.00

PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS
COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared William Jordan, who being by me duly sworn deposes and says that he is the Publisher of *The Rockwall County News* and the said newspaper meets the requirements of section 2051.044 of the Texas Government Code to wit:

1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published;
4. it has been published regularly and continuously since 1985; and
5. it is generally circulated within Kaufman County.

Publisher further deposes and says that the attached notice was published in said news paper on the following date (s) to wit:

February 14th A.D. 2008

William Jordan
William Jordan
Editor and Publisher

SUSCRIBED AND SWORN BEFORE ME

By William Jordan who

- a) is personally known to me, or
 b) provided the following evidence to establish his/her identity.

on the 18th day of February A.D. 2008
to certify which witness my hand and seal of office.

Patricia A. Shaw
Notary Public, State of Texas

CITY OF ROCKWALL ORDINANCE NO. 08-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO APPROVE AN AMENDMENT TO (PD-32) PLANNED DEVELOPMENT NO. 32 DISTRICT (ORD. NO. 02-55), INCLUDING AN EXPANSION OF THE DISTRICT TO REZONE APPROXIMATELY 18.6-ACRES FROM (C) COMMERCIAL DISTRICT TO (PD-32) PLANNED DEVELOPMENT NO. 32 DISTRICT, BEING APPROXIMATELY 62.62-ACRES OVERALL AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; 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.

/s/ William R. Cecil, Mayor
/s/ Kristy Ashberry, Interim City Secretary
1st Reading: 01-22-08
2nd Reading: 02-04-08

