

CITY OF ROCKWALL

ORDINANCE NO. 03-40

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM "GR", GENERAL RETAIL AND "SF-7", SINGLE FAMILY RESIDENTIAL DISTRICT, TO "PD", PLANNED DEVELOPMENT DISTRICT NO. 55, FOR A TRACT KNOWN AS LOTS 32E AND 32B, OF THE B.F. BOYDSTON ADDITION; AND CONTAINING 0.427 ACRES OF LAND; 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 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 are hereby amended by amending the zoning map of the City of Rockwall so as to change the zoning for a tract of land located at 402 N. Fannin Street and 302 Williams Street, and further described as Lots 32E and 32B of the B.F. Boydston Addition, City of Rockwall, Rockwall County, Texas, from "GR", General Retail District and "SF-7", Single Family Residential District to "PD", Planned Development District No. 55, and;

Section 2. That the property described herein shall be used only in the manner and for the purposes provided for in **§2.11 – General Retail District** of 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 the following conditions shall apply;

1. That future development of the property shall conform to the concept plan, Exhibit "A."
2. That development of the property shall require platting and site planning and all other development requirements of the City of Rockwall.
3. That a variance be granted allowing for the use of gravel, crushed stone or other appropriate paving material as approved by City Council for the driveway and parking area as shown on Exhibit "A."

4. That use of the property shall be limited to a plant nursery or garden center only.

Section 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

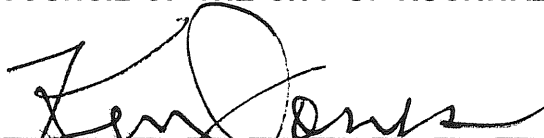
Section 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offence and each and every day such offense 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 Subdivision Regulations 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 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.

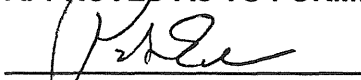
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 6th day of October, 2003.

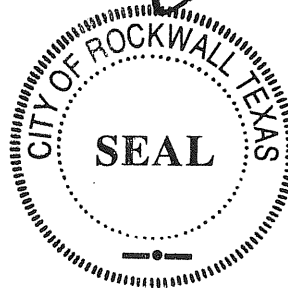

Ken Jones, Mayor

ATTEST:


Dorothy Brooks, City Secretary

APPROVED AS TO FORM:

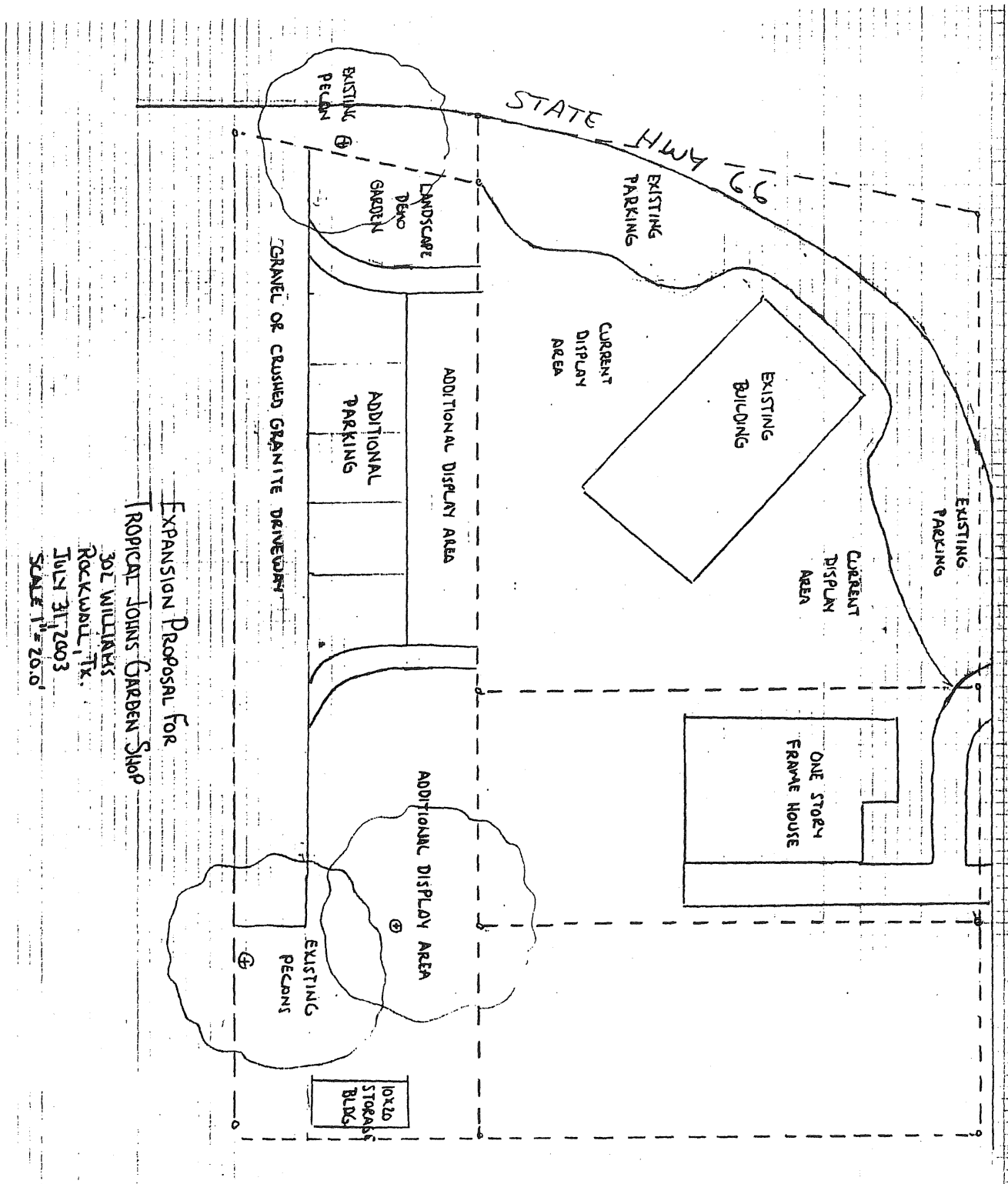

Pete Eckert, City Attorney



1st Reading: September 15, 2003

2nd Reading: October 6, 2003

EXHIBIT "A"



The subject property known as **B. F. Boydston Addition; Block 32B; Lot A (302 Williams Street)** and **B. F. Boydston Addition; Block 32B and 32E (402 North Fannin Street)**