

PD-62

CITY OF ROCKWALL

ORDINANCE NO. 05-42

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 A CHANGE IN ZONING FROM (SF-10) SINGLE FAMILY DISTRICT TO (PD) PLANNED DEVELOPMENT DISTRICT, ON A TRACT OF LAND CONTAINING 1.769-ACRES AND KNOWN AS TRACTS 1, 10 AND 11, ABSTRACT 255, B J T LEWIS SURVEY, 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, a zoning change from (SF-10) Single Family district to (PD) Planned Development district has been request by Sam Canup for a 1.769-acre tract of land known as Tracts 1, 10 and 11, Abstract 255, B J T Lewis Survey, 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, and 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 (Ord. No. 04-38) 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 from (SF-10) Single Family district to (PD) Planned Development district has been request by Sam Canup for a 1.7696-acre tract of land known as Tracts 1, 10 and 11, Abstract 255, B J T Lewis Survey, and more specifically described herein as Exhibit "A"; and

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 Unified Development Code (Ord. No. 04-38) 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. All tracts shall be subject to preliminary plat, final plat and engineering plan approval at the time of development.

Section 4. The development in the area indicated as **Tracts 1 & 2 on Exhibit "A"**, attached hereto shall be subject to the following conditions and restrictions:

1. Shall be subject to the requirements and uses listed in the "ZI-5", Zero Lot Line District and all uses, site and building plans shall comply with the requirements as specified in Article V, Section 3.7 of the Unified Development Code.

Section 5. The development in the area indicated as **Tract 3 on Exhibit "A"**, attached hereto shall be subject to the following conditions and restrictions:

1. Shall be subject to the requirements and uses listed in the "SF-10", Single Family District and all uses, site and building plans shall comply with the requirements as specified in Article V, Section 3.4 of the Unified Development Code.

Section 6. The development in the area indicated as **Tracts 4 & 5 on Exhibit "A"**, attached hereto shall be subject to the following conditions and restrictions:

1. Shall be subject to the requirements and uses listed in the "GR", General Retail District and all uses, site and building plans shall comply with the requirements as specified in Article V, Section 4.4 of the Unified Development Code.
2. That joint or shared driveways and access to rear parking be required on all adjoining lots as one of the properties is used for any of the uses listed in the "GR", General Retail District.
3. That parking in the front yard area of any property within this Planned Development District be prohibited and all parking for those uses listed in the "GR" General Retail District be located behind the front facade of the main building structure.
4. That all properties within the Planned Development District shall be subject to site plan review.
5. All permanent free standing signs located within the Planned Development District shall be monument signs adhering to the City of Rockwall Sign Ordinance as heretofore amended and as maybe amended in future. Building materials and colors utilized for construction of the monument base shall be the same as the primary building materials and colors found on the main building, unless otherwise approved by the City Council.

Section 7. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

Section 8. 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 9. 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 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 10. 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 11. 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 September, 2005.




William R. Cecil, Mayor

ATTEST:



Dorothy Brooks, City Secretary

APPROVED AS TO FORM:



Pete Eckert, City Attorney



1st Reading: 08-15-05
2nd Reading: 09-06-05

