

PD-60

CITY OF ROCKWALL

ORDINANCE NO. 05-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO CHANGE THE ZONING FROM (C) COMMERCIAL DISTRICT TO (PD) PLANNED DEVELOPMENT DISTRICT ON A 1.0-ACRE TRACT KNOWN AS TRACT 19, ABSTRACT 146, S.S. MCCOURRY 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; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has initiated a change in zoning from (C) Commercial district to (PD) Planned Development district on a 1.0-acre tract known as Tract 19, Abstract 146, S.S. McCourry 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 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 on a tract of land which is more fully described herein as Exhibit "A" from (C) Commercial district to (PD) Planned Development district, and;

Section 2. That the property described herein shall be used only in the manner and for the purposes provided for in **Article V, Section 4.2 – Residential Office (RO) District** of the Unified Development Code (Ord. No. 04-38) 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 be subject to the following conditions:

1. That the property be subject to area requirements of the "RO", Residential Office District and limited to the following permitted uses (the "+" symbol indicates that the use is conditional and has special standards or requirements which it must meet in order to be allowed, as specified in Article IV of the City's Unified Development Code):

- Agricultural uses on un-platted land
  - Accessory Building +
  - Convent or Monastery
  - Garage (accessory use)
  - Single Family, Detached +
  - Single Family, Zero Lot Line +
  - Swimming Pool, Private (accessory use)
  - Day Care (7 or more children) +
  - Assisted Living Facility +
  - Convalescent Care Facility/Nursing Home +
  - Library, Art Gallery or Museum (public and private)
  - Office, General
  - Office Building, Less than 5,000 s.f.
  - Fund Raising Events by Non-Profit, Indoor or Outdoor (Temporary) +
2. That the following uses may be permitted only after approval of a Specific Use Permit (SUP) as set forth in Article IV of the Unified Development Code:
- Hair Salon, Manicurist
  - Residential Care Facility
  - Tennis Court (private)
  - Office Building, 5,000 s.f. or more
  - Astrologer, Hypnotist, or Psychic Art & Science
  - Massage Therapist
  - Studio – Art, Photography or Music
3. That the property be subject to future site plan review and subject to all development requirements of the Unified Development Code (Ord. 04-38).
4. That a 20 foot landscape buffer strip be required on the frontage of the property facing Mims Road.
5. That all permanent free standing signs shall be limited to monument signs not exceeding (5) feet in height or a maximum of sixty (60) square feet in area per sign face.
6. That in addition to the requirements of the outdoor lighting requirements no light pole, pole base or combination thereof shall exceed fifteen (15) feet and all lighting fixtures shall focus light downward and be contained on the site.
7. That any building constructed on this site shall be limited to single story.
8. Any building constructed on this tract shall be designed with a pitched roof system.

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

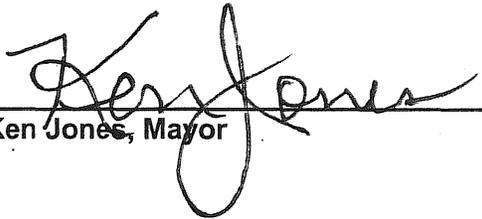
**Section 4.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offence and each and every day such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

**Section 5.** If any section 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 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 of this ordinance shall remain in full force and effect.

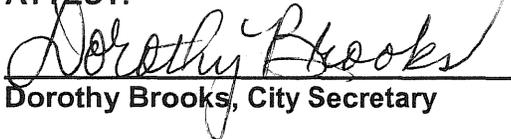
**Section 6.** That all ordinances of the City of Rockwall in conflict with the provisions of this be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

**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 7<sup>th</sup> day of March, 2005.**

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

ATTEST:

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

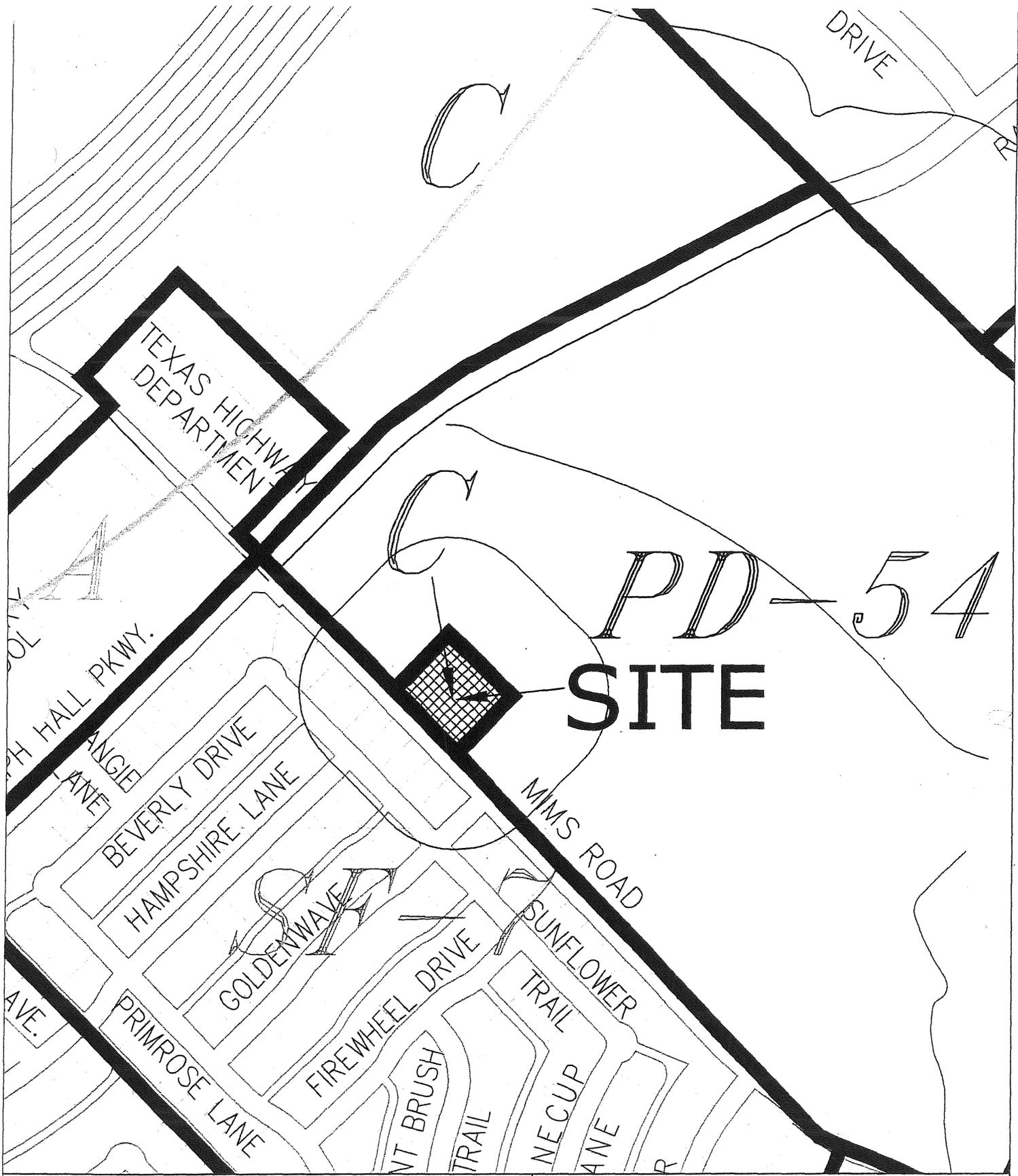
APPROVED AS TO FORM:

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

1<sup>st</sup> Reading: February 21, 2005

2<sup>nd</sup> Reading: March 7, 2005





**Z2004-046**

1.0-Acre Tract on Mims Rd  
(C) to (PD)



1" = 300'