

ORDINANCE NO. 02-05

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE (ORD. NO. 83-23) OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED TO PROVIDE FOR GENERAL PROVISIONS AND REQUIREMENTS FOR A CONDITIONAL USE PERMIT TO ALLOW AN INSTITUTIONAL USE ON A TRACT OF LAND LOCATED AT 410 SOUTH FANNIN ZONED MEDIUM DENSITY MULTI-FAMILY (MF-15) WITHIN CITY AND COUNTY OF ROCKWALL, TEXAS, AS DESCRIBED IN EXHIBIT "A", 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; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an amendment to the City of Rockwall Comprehensive Zoning Ordinance has been requested from Rockwall NH Realty, Ltd. to provide for the general provision and requirements for a Conditional Use Permit allowing an institutional use on a tract of land located at 410 South Fannin (Eppstein Subdivision; Block E; Lot 1 and Part of 2), City and County of Rockwall, Texas, as described on Exhibit A; attached hereto and made a part hereof; 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 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, as heretofore amended, be and the same is hereby amended by the approval of a Conditional Use Permit allowing an institutional use on a tract of land located at 410 South Fannin (Eppstein Subdivision; Block E; Lot 1 and Part of 2), City and County of Rockwall, Texas, as described on Exhibit A; attached hereto and made a part hereof; and

Section 2. That the tract of land described on Exhibit "A" 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 approval shall affect only the property as heretofore described and said property shall be limited to the uses, density, area, setback and other requirements set forth herein.

Section 3. That development on property described on Exhibit "A" shall be limited to uses and requirements listed in **Section 2.7 Medium Density Multi-Family District** of the City

of Rockwall Comprehensive Zoning Ordinance (Ordinance No. 83-23) and the following conditions:

1. That the use of this property be limited to ancillary storage/office for medical records of the nursing home.
2. That no exterior signage shall be allowed.
3. That all employees at this location continue to use the main nursing home parking lot and no more than three (3) employees shall occupy this structure at any one time.
4. That the exterior be maintained in a residential character in the craftsman/bungalow style
5. That the landscaping is to be irrigated and maintained in a healthy growing condition.

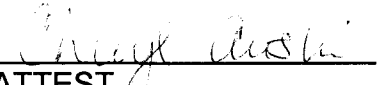
Section 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offence and each and every day such offense 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 Comprehensive Zoning Ordinance No. 83-23 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 area 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.

DULY PASSED AND APPROVED this 4 day of February, 2002.


ATTEST
Cheryl Austin, City Secretary

1st Reading 1/22/02
2nd Reading 2/4/02

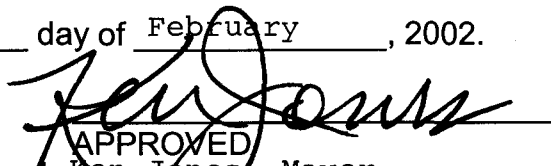
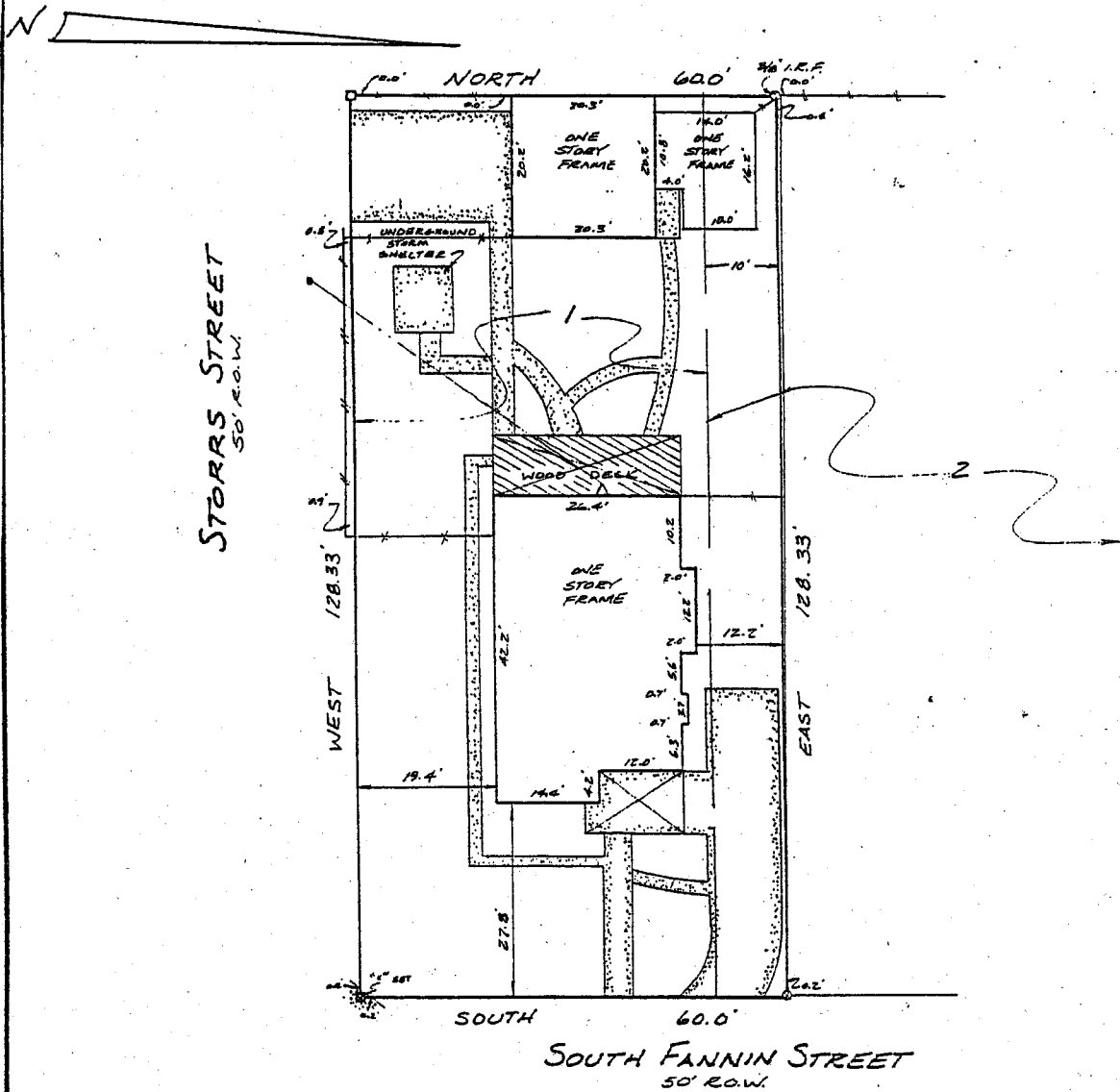

APPROVED
Ken Jones, Mayor



EXHIBIT "A"

SURVEY PLAT

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, MADE A CAREFUL AND ACCURATE SURVEY ON THE GROUND OF PROPERTY LOCATED AT 410 S. FANNIN STREET, IN THE CITY OF ROCKWALL, TEXAS, ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN ROCKWALL COUNTY, TEXAS, IN THE CITY OF ROCKWALL AND BEING ALL OF LOT 1 AND TEN (10') FEET OFF THE SOUTH SIDE OF LOT 2, IN BLOCK E, OF EPPSTEIN ADDITION, AN ADDITION TO THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME L, PAGE 386, DEED RECORDS OF ROCKWALL COUNTY, TEXAS, AND BEING THE SAME AND IDENTICAL LOT CONVEYED TO ROY R. SMITH BY LEM H. CHISHOLM AND WIFE, BY DEED DATED JANUARY 1, 1940, OF RECORD IN VOLUME 35, PAGE 486, DEED RECORDS OF ROCKWALL COUNTY, TEXAS.



NOTE: According to the F.I.R.M. in Community Panel No. 480547 0005C, this property does lie in Zone X and does not lie within the 100 year flood zone.

To ROCKWALL COUNTY ABSTRACT Title Company in connection with the transaction described in G.F. 95063974. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. And the plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, all improvements are located within the boundaries the distances indicated and there are no visible and apparent encroachments or protrusions on the ground.

EXHIBIT "A"

