

**CITY OF ROCKWALL**

**ORDINANCE NO. 03-01**

**AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, TO PROVIDE FOR GENERAL PROVISIONS AND REQUIREMENTS FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A STRUCTURE GREATER THAN 36 FEET IN HEIGHT IN A COMMERCIAL ZONING DISTRICT WITHIN THE SCENIC OVERLAY DISTRICT, FOR A TRACT OF LAND CONTAINING 7.64 ACRES OF LAND DESCRIBED AS LOT 3-R, BLOCK A, ROCKWALL TOWNE CENTER PHASE 4, CITY AND COUNTY OF ROCKWALL, TEXAS, LOCATED ON THE SOUTHEAST SIDE OF FM 740, 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**, an amendment to the City of Rockwall Comprehensive Zoning Ordinance has been requested by Allen Terrell to provide for the general provisions and requirements for a Conditional Use Permit to allow for a structure greater than 36 feet in height in a "C", Commercial Zoning District within the Scenic Overlay District, on a tract of land containing 7.64 acres of land described as Lot 3-R, Block A, Rockwall Towne Center Phase 4, City and County of Rockwall, Texas; 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 of the City of Rockwall, as heretofore amended, be and the same is hereby amended by the approval of a Conditional Use Permit to allow for a portion of a structure greater than 36 feet in height on a tract of land containing 7.64 acres of land as described as Lot 3-R, Block A, Rockwall Towne Centre Phase 4.

**Section 2.** That the tract of land described as Lot 3-R, Block A, Rockwall Towne Centre Phase 4, 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 described herein and said property shall be limited to the uses, density, area, setback and other requirements set forth herein.

**Section 3.** That development in the area within the property as described herein shall be limited to uses and requirements listed in **Section 2.12 (C) Commercial District** and **Section 2.18**

**(OV) Scenic Overlay District** of the City of Rockwall Comprehensive Zoning Ordinance (Ordinance No. 83-23) and the Conditional Use Permit shall be subject to the following additional conditions:

1. That only that portion of Building "A", as shown on Exhibit "A", attached to this ordinance, be allowed a maximum height of 54 feet.

**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.

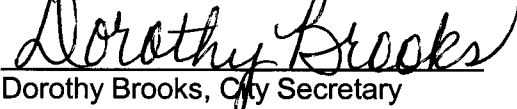
**Section 6.** That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

**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 3rd day of February, 2003.**

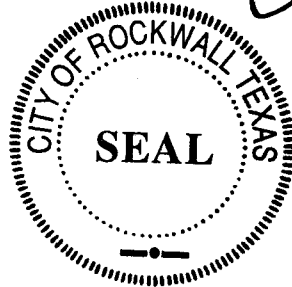
  
Ken Jones, Mayor

**ATTEST:**

  
Dorothy Brooks, City Secretary

**APPROVED AS TO FORM:**

  
Pete Eckert, City Attorney



1st Reading: January 21, 2003

2nd Reading: February 3, 2003



