

CITY OF ROCKWALL

ORDINANCE NO. 04-39

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, TEXAS AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM "SF-7" SINGLE FAMILY RESIDENTIAL TO "PD-50"; PLANNED DEVELOPMENT DISTRICT NO. 50 ON A 2.19-ACRE TRACT KNOWN AS PARTS OF LOTS 1, 2, AND 3, W.D. AUSTIN ADDITION; INCLUDING PROPERTIES ADDRESSED AS 902, 904, 906, 908 AND 912 N. GOLIAD STREET 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 received a request from John Benedetto and others for a change in zoning from (SF-7) Single Family Residential district to (PD-50) Planned Development No. 50 district for an approximate 2.19-acre tract known as parts of Lots 1, 2 and 3, WD Austin Addition and including properties addressed as 902, 904, 906, 908 and 912 N. Goliad Street, 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 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 on a tract of land which is more fully described herein as Exhibit "A" from (SF-7), Single Family Residential to (PD-50), Planned Development District No. 50, and;

Section 2. That the property described herein 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 zoning change, and as may be amended in the future and subject to the following additional conditions:

1. That the Planned Development be subject to the requirements of the "R-O", Residential Office District including the following additional permitted uses:
 - a. Studio – Art, Photography or Music
 - b. Massage Therapist

2. That the Planned Development be subject to the "Commercial Guidelines" of the proposed Rockwall Historic District herein described as Exhibit "B" and subject to any future amendment to those guidelines.
3. That joint or shared access be required on all adjoining lots if any property is used for office development or any of the uses listed in the "R-O", Residential Office District.
4. That a single family residential use be allowed in addition to any of the uses listed in the "R-O", Residential Office District, one single family residential unit per property.
5. 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 "R-O", Residential Office District be located behind the front facade of the main building structure.
6. That the parking requirement for office and professional buildings be one (1) parking space for each 500 square feet of floor area and that all other parking shall comply with Section 5.5 of the Comprehensive Zoning Ordinance (Ord. No. 83-23).
7. That all properties within the Planned Development District shall be subject to site plan review if changing to other than residential use.
8. In the event that unique or extraordinary conditions exist on the property such that the applicant feels he/she cannot comply with the strict interpretation of this ordinance, a variance can be requested from the City Council.

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 punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offense 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 Comprehensive Zoning Ordinance 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, and it is so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 21st day of June, 2004.

ATTEST:



Dorothy Brooks, City Secretary

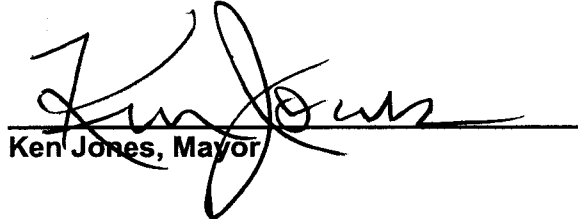
APPROVED AS TO FORM:



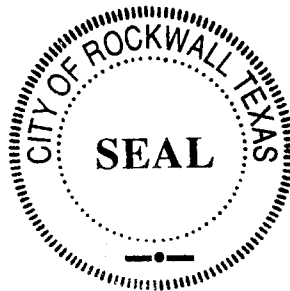
Pete Eckert, City Attorney

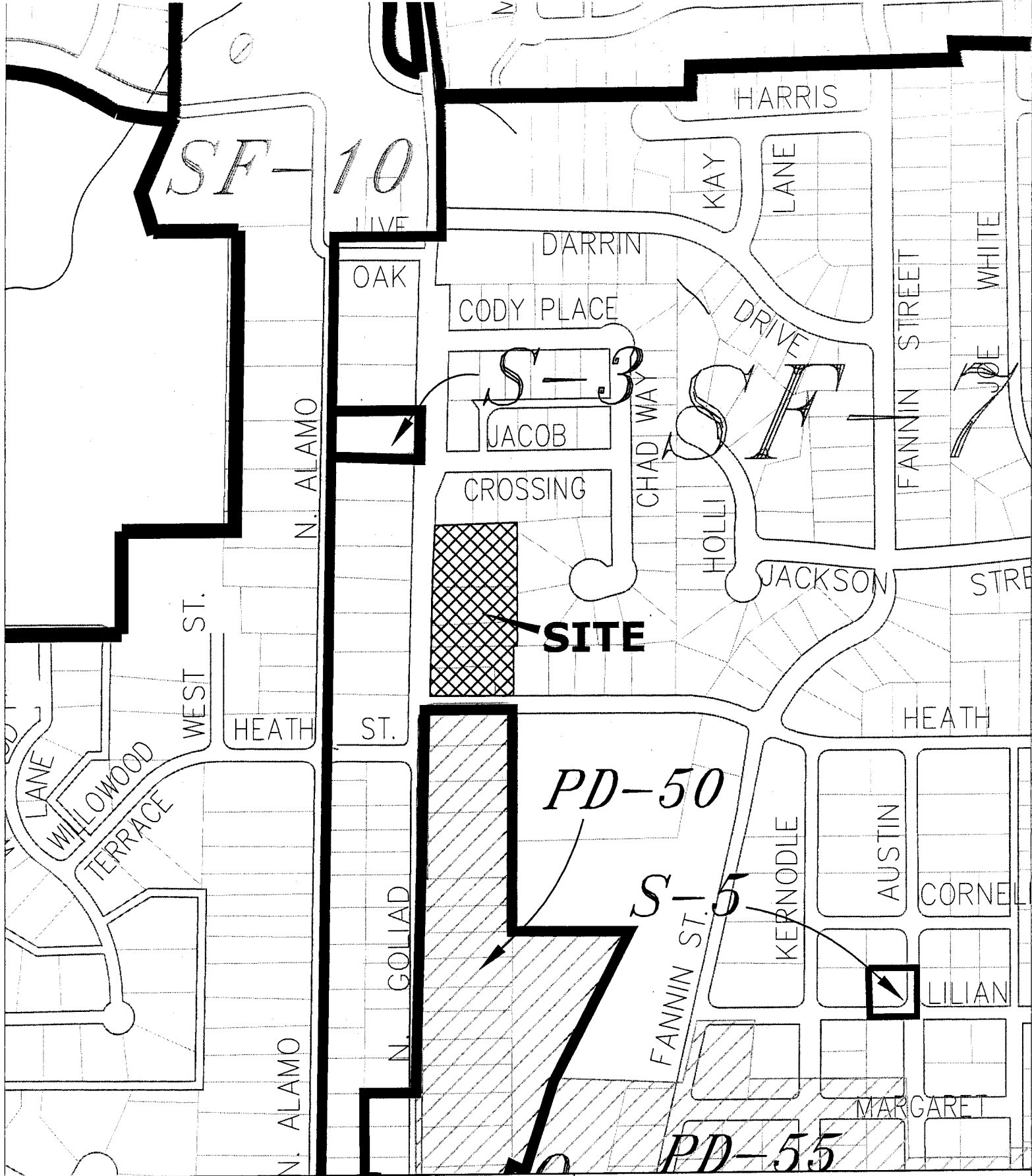
1st Reading: June 7, 2004

2nd Reading: June 21, 2004



Ken Jones, Mayor





Z2004-017

Zoning Change from (SF-7) to (R-O)

902-912 N. Goliad



1" = 300'