

ORDINANCE NO. 08- 45

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 (AG) AGRICULTURAL DISTRICT TO (PD-71) PLANNED DEVELOPMENT NO. 71 DISTRICT, ON A TRACT OF LAND CONTAINING APPROXIMATELY 0.7-ACRE AND MORE SPECIFICALLY DESCRIBED HEREIN AS 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; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a zoning change from (Ag) Agricultural district to (PD-71) Planned Development No. 71 district has been requested by Thomas Jones of Tomden Engineering, Ltd., for a 0.7-acre tract of land 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 (Ag) Agricultural district to (PD-71) Planned Development No. 71 district on a 0.7-acre tract of land more specifically described herein as Exhibit "A"; 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 4.5, Commercial District** of the Unified Development Code 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, with the following additional conditions:

Prohibited Uses:

- 1. Gun Club, Skeet or Target Range (Indoor)**
- 2. Night Club, Discoteque, or Dance Hall**
- 3. Pawn Shop**
- 4. Secondhand Dealer**
- 5. Automobile Rental**
- 6. Boat & Trailer Dealership (New and Used)**
- 7. Car Wash, Self Service**
- 8. Motor Vehicle Dealership, New (Cars and Light Trucks)**
- 9. Recreational Vehicle (RV) Sales and Service**
- 10. Helipad**
- 11. Railroad Yard or Shop**

12. Mini-warehouse

Section 3. Prior to or concurrently with submittal of a preliminary plat for the subject property, a Planned Development Site Plan shall be required as mandated in the Unified Development Code of the City of Rockwall.

Section 4. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

Section 5. 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 6. 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 7. 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 8. 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 2nd day of September, 2008.

William R. Cecil

William R. Cecil, Mayor

ATTEST:

Kristy Ashberry

Kristy Ashberry, City Secretary

APPROVED AS TO FORM:

Pete Eckert

Pete Eckert, City Attorney

1st Reading: 08/18/08

2nd Reading: 09/02/08



