

ORDINANCE No. 2016-108

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROANOKE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF ROANOKE, TEXAS, BY AMENDING CHAPTER 12, ARTICLE III, DIVISION 15, ENTITLED "OAK STREET CORRIDOR ZONING DISTRICT" BY AMENDING EXHIBIT C, ENTITLED "OAK STREET REGULATING PLAN," BY CHANGING THE MAXIMUM HEIGHT OF BUILDINGS FROM TWO (2) STORIES TO THREE (3) STORIES FOR AN APPROXIMATELY 0.635 ACRE TRACTS OF LAND CONSISTING OF BLOCK 1, LOTS 1R, 2R, AND 3R OF THE MORNINGSIDE ADDITION, AN ADDITION LOCATED WITHIN THE CITY OF ROANOKE, DENTON COUNTY, TEXAS, AND GENERALLY LOCATED AT 310 S. OAK STREET, CITY OF ROANOKE, DENTON COUNTY, TEXAS; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 12.124(b) of the Code of Ordinances of the City of Roanoke, Texas, provides as follows, "[f]or requests involving proposed changes to the text of the Zoning Ordinance, notice of the Planning and Zoning Commission hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City before the fifteenth (15th) calendar day prior to the date of the public hearing. Changes in the Ordinance text which do not change zoning district boundaries do not require written notification to individual property owners;" and

WHEREAS, Section 12.127(c) of the Code of Ordinances of the City of Roanoke, Texas, provides as follows, "[n]otice of the City Council public hearing for a zoning, rezoning or Zoning Ordinance text amendment request shall be given in the same manner as that for the public hearing before the Planning and Zoning Commission as required in Section 12.124;" and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Roanoke, Texas, in compliance with the laws of the State of Texas, and the Code of Ordinances of the City of Roanoke, Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of Roanoke, Texas, is of the opinion and finds that said changes should be granted and that the Zoning Ordinance should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROANOKE, TEXAS:

Section 1. FINDINGS INCORPORATED

That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2.

That Chapter 12, Article III, Division 15, Exhibit C, entitled "Oak Street Regulating Plan" of the Code of Ordinances of the City of Roanoke, Texas, a copy of which is attached hereto as **Exhibit A** is hereby amended, for an approximately 0.635 acre tracts of land consisting of Block 1, Lots 1R, 2R, and 3R of the Morningside Addition, an addition located within the City of Roanoke, Denton county, Texas.

Section 3. PENALTY CLAUSE

Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed \$2,000.00 for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense.

Section 4. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 5. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Roanoke, Texas, on this the 22nd day of March, 2016.

APPROVED:



Carl E. Gierisch, Jr., Mayor

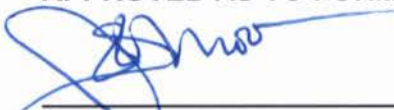
ATTEST:



April S. Hill, City Secretary



APPROVED AS TO FORM:



Jeff Moore, City Attorney

Exhibit A

EXHIBIT C
"Oak Street Regulating Plan"

EXHIBIT C: REVISED OAK STREET REGULATING PLAN DOWNTOWN ROANOKE

LEGEND	
ZONES	
	HIGHWAY 377 ZONE
	OAK STREET ZONE
	NEIGHBORHOOD TRANSITION ZONE
	CIVIC MIXED USE ZONE
BUILD-TO ZONES	
	0-70 FT BUILD-TO ZONE
	0-10 FT BUILD-TO ZONE
	5-25 FT BUILD-TO ZONE
FUTURE STREETS	
	REQUIRED STREETS
	RECOMMENDED STREETS
	RECOMMENDED ALLEY/CROSS ACCESS
OTHER	
	REQUIRED PUBLIC OPEN SPACE
	RECOMMENDED PUBLIC OPEN SPACE
	10 FT ALLEY BUILDING SETBACK
	PARKING SETBACK
	FUTURE RIGHT OF WAY ON HWY 377
#	MAXIMUM NUMBER OF STORIES

DRAFT: NOVEMBER 9, 2012

