

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO GRANT A CONDITIONAL USE PERMIT FOR A STRUCTURE WITH LESS THAN 90% MASONRY FACADE ON A TRACT OF LAND AT 305 WEST WASHINGTON STREET WHICH IS MORE FULLY DESCRIBED HEREIN; PROVIDING FOR CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF ONE THOUSAND DOLLARS (\$1,000) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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 amending the zoning map of the City of Rockwall so as to grant a Conditional Use Permit for a structure with less than 90% masonry facade on the following described property:

All that certain lot, tract or parcel of land, situated in Rockwall County, Texas, a part of the B. F. Boydstun Survey, in the town of Rockwall, and being the West one-half (w 1/2) of Block Numbers Four (4) and Five (5) of the Lowe and Allen Addition to the town of Rockwall as shown and designated on the official Plat of said Addition which is recorded in Volume "K", page 242, Deed Records of Rockwall County, Texas, conveyed to C. H. Carter by B. F. Keahey and wife by Deed dated Aug. 22, 1095, or record in Vol. 10, page 51, Deed Records of Rockwall County, Texas, to which said deed and its record reference is here made for all pertinent purposes. SAVE AND EXCEPT 40 feet off the South end of W 1/2 of said Lot 5 above. The South 40 feet off the W 1/2 of Lot 5 above mentioned was heretofore conveyed to the City of Rockwall by Mrs. Nannie L. Carter et al by Deed dated October 3, 1934, by Deed of record in Vol. 30, page 571, Deed Records of Rockwall County, Texas.

SECTION 2. That the Conditional Use Permit shall be subject to the following special conditions:

1. There shall be no time limit on the Conditional Use Permit.
2. This permit shall be valid only for an existing accessory retail building.
3. Irrigation requirements are waived until such time when the owner does not live on the property or the property is used entirely for general retail purposes.
4. Property owner is not exempt from watering and maintaining landscaped areas manually until such time when irrigation is installed.

SECTION 3. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance 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 4. That the above described tract of land 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.

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 ONE THOUSAND DOLLARS (\$1,000.00) for each offense 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 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 of this ordinance are declared to be severable.

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 2nd day of February, 1987.

APPROVED:



ATTEST:

By 

1st reading 1/19/87
2nd reading 2/2/87