

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 GARDEN CENTER ON A TRACT OF LAND DESCRIBED HEREIN; PROVIDING FOR 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, a Conditional Use Permit has been requested by Whittle Development for a garden center on a tract of land described in 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 ordinance 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 so as to grant a Conditional Use Permit for a garden center on the property described in Exhibit "A" attached hereto.

Section 2. That the Conditional Use Permit shall conform to all requirements as set forth in the Comprehensive Zoning Ordinance and shall be subject to the following special conditions:

1. The permit shall apply only to the garden center on the site plan approved by the City Council and attached as Exhibit "B".
2. Cross access easements will be provided for connection with sites to the north.
3. The use is approved provided that the structure is a permanent structure, that the screening is masonry, not wood, and that adequate right-of-way is provided on FM-740 to correct the alignment of FM-740.
4. The front and sides will be all brick.
5. The fence will be a 6 ft. concrete flat formed wall with a

brick cap and 2 ft. brick pilasters every 30 ft. from face of building to rear property line.

6. The entrance shall not exceed 30 ft. in width.
7. Any vehicle left on the site will be located behind the building in the area designated as concrete products sales area.
8. The necessary right-of-way to realign FM-740 will be provided at final plat stage on all property within PD-9 adjacent to the curve.
9. The building will be a medium beige tone and the standing seam roof as shown on the attached site plan will be a forest green.
10. There shall be no outside storage in Phase II prior to its construction.
11. The developer shall be required to meet future requirements as may be levied by Council based on a future traffic study on FM-740 relating to PD-9.

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 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 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 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 application 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 ordinances as the

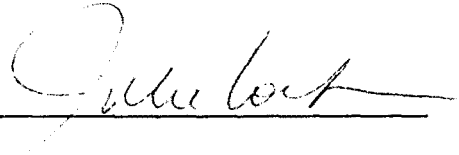
law in such cases provides.

DULY PASSED AND APPROVED this 2nd day of May, 1988.

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

By   
\_\_\_\_\_

1st reading 4/18/88

2nd reading 5/2/88

BEING a tract of land situated in Rockwall County, Texas, part of the E. Teal Survey, Abstract No. 207, being part of Tract 5, as recorded in Volume 184, Page 490, Deed Records of Rockwall County, Texas, and being more particularly described as follows:

COMMENCING at a point on the Easterly line of F.M. 740 at the most Northerly Southwest corner of said Tract 5;

THENCE: North  $8^{\circ} 22' 20''$  West a distance of 314.80 feet along said Easterly line to the point of curvature of a circular curve to the left having a central angle of  $19^{\circ} 01' 57''$  and a radius of 613.99 feet;

THENCE: Along said curve and said Easterly line an arc distance of 203.95 feet to the Point of Beginning;

THENCE: Continuing along said curve and with said East line through a central angle of  $5^{\circ} 09' 03''$  an arc distance of 55.20 feet to a point for a corner;

THENCE: North  $32^{\circ} 33' 20''$  West a distance of 145.47 feet with said East line to a point for a corner;

THENCE: North  $62^{\circ} 35' 43''$  East a distance of 450.54 feet to a point for a corner;

THENCE: South  $27^{\circ} 24' 17''$  East a distance of 200.00 feet to a point for a corner;

THENCE: South  $62^{\circ} 35' 43''$  West a distance of 435.00 feet to the Point of Beginning and Containing 88,351 Square Feet or 2.0283 Acres of Land.