

ORDINANCE NO. 91-15

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 PERCENT EXTERIOR MASONRY FACADE ON THE PROPERTY DESCRIBED HEREIN; 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 for a structure with less than ninety percent exterior masonry facade has been requested by Food Lion, Inc. for the property described on 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, 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 structure with less than ninety percent exterior masonry facade on the property described herein.

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

1. the CUP is limited to structure shown on the approved elevations attached as Exhibit "B".
2. that the material approved for use on said structure is a concrete block painted with a heavy textured paint that will match the brick shown on the approved elevations.

Section 3. 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 Conditional Use Permit and as may be amended in the future.

Section 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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 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 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 1st day of April 1991

Mary A. Nichols  
ATTEST

Norm Selig  
APPROVED

## EXHIBIT "A"

### ZONING TRACT

BEING, a tract of land situated in the James Smith Survey, Abstract No. 200, City of Rockwall, Rockwall County, Texas, and also being part of a 73.9 acre tract as conveyed to Emily Sue Whitehead and O.L. Steger, Jr., recorded in Volume 87, Page 148, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

COMMENCING at a point on the southerly line of Interstate Highway No. 30, said point being the north corner of said 73.9 acre tract recorded in Volume 87, Page 148, an iron pipe, found, for corner;

THENCE South 44°06'41" East, leaving the said southerly line of Interstate Highway No. 30, a distance of 775.78 feet to a 1/2 inch iron stake, found, for corner;

THENCE South 44°09'00" East, a distance of 1360.13 feet to a 1/2 inch iron stake, found, for corner;

THENCE South 46°00'08" West, a distance of 1740.93 feet to a point on the northeasterly line of F.M. Road No. 3097, a 1/2 inch iron stake, found, for corner;

THENCE North 43°52'38" West, with the northwesterly line of F.M. Road No. 3097 a distance of 637.91 feet to the POINT OF BEGINNING;

THENCE North 43°52'38" West, continuing with said northeasterly line a distance of 540.00 feet to a R.O.W. marker, found;

THENCE North 15°54'15" West, a distance of 178.36 feet to a R.O.W. marker, found, on the easterly line of F.M. Road No. 740, (Ridge Road);

THENCE North 08°10'58" East, with the easterly line of F.M. Road No. 740 (Ridge Road), a distance of 748.47 feet to a 1/2 inch iron stake, found;

THENCE North 09°02'52" East, a distance of 24.40 feet to a point;

THENCE South 81°49'02" East, leaving the said easterly line of F.M. No. 740 (Ridge Road), a distance of 650.00 feet to a point;

THENCE South 08°10'58" West, a distance of 952.81 feet to the point of curvature of a curve to the right, said curve having a central angle of 37°56'29" and a radius of 350.00 feet;

THENCE with said curve an arc distance of 231.77 feet to a point;

THENCE South 46°07'27" West, a distance of 126.43 feet to the POINT OF BEGINNING and containing 16.2391 acres of land, more or less.

This description is based on the Land Title Survey and Plat made by Bob O. Brown, Registered Public Surveyor, on October 4, 1989.