

ORDINANCE NO. 91-49

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 CERTAIN USES WITHIN THE HIGHWAY COMMERCIAL DISTRICT TO BE LOCATED ON A TRACT OF LAND DESCRIBED HEREIN; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, A Conditional Use Permit for warehousing, outside storage, and a caretakers residence has been requested by Chaparral Realty for the property described on Exhibit "A" attached hereto; 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 warehousing, outside storage of vehicles and a propane filling station, and a caretaker's residence on the property described on the attached Exhibit "A".

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

1. That the uses approved shall conform to the approved site plan and elevations attached hereto as Exhibit "B"
2. That the landscaping improvements as shown on Exhibit "C" shall be installed prior to the issuance of a building permit.
3. That the owner be required to maintain the outside storage areas in a neat and orderly manner free from debris and that the photinia hedge used as screening around the perimeter of the property shall be maintained at all times and plants shall be replaced as needed with like plants.

4. That the undeveloped area to the rear of the property shall not be developed for any of the approved uses unless and until a proposed building plan is submitted and approved by the Planning and Zoning Commission.

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.

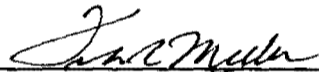
Section 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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 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 Comprehensive Zoning Ordinance No.1 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 7th day of October, 1991



APPROVED



ATTEST

1st Reading September 16, 1991
2nd Reading October 7, 1991

EXHIBIT "A"

Being a tract of land situated in the John Lockhart Survey, Abstract No. 134 City of Rockwall, Rockwall County, Texas, and being part of a 24.2636 acre tract recorded in Volume 166, Page 648 of the Deed Records of Rockwall County, Texas and being more particularly described as follows;

BEGINNING at a point in the south line of Interstate Highway No. 30 said point being South 73°51' East from the northeast corner of said 24.2636 acre tract;

THENCE South 05°17'51" East a distance of 318.18 feet to a point for corner;

THENCE South 06°36'15" East a distance of 541.16 feet to a point for corner;

THENCE South 04°33'09" East a distance of 183.61 feet to a point for corner;

THENCE North 89°13'52" West a distance of 302.36 feet to a point for corner;

THENCE North 04°18'56" West a distance of 958.39 feet to a point for corner in the said south line of Interstate Highway No. 30;

THENCE North 73°51' East along the said south line of Interstate Highway No. 30 a distance of 279.29 feet to the POINT OF BEGINNING and containing 287,790 square feet or 6.6068 acres of land.