

ORDINANCE NO. 94-37

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 OUTSIDE DISPLAY OF LARGE INVENTORY ITEMS IN A HIGHWAY COMMERCIAL ZONING CLASSIFICATION ON A TRACT OF LAND DESCRIBED HEREIN; PROVIDING FOR SPECIAL 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 for outside display of large inventory items in a Highway Commercial Zoning Classification has been previously approved and certain amendments to the CUP have been requested by Oona Gaston 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 outside display of large inventory items in a Highway Commercial Zoning Classification on the property described on Exhibit "A" attached hereto and made a part hereof.

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

1. That the CUP is granted for the following use:
  - a. a recreational vehicle display, sales, service and storage facility
2. That the proposed uses shall comply with all conditions established in the Comprehensive Zoning Ordinance for such uses, except that the property is granted a waiver to the requirement that the area to be used for outside display

must be paved to City standards. Such waiver shall be granted until August 1, 1996, at which time the continuation of the waiver shall be reviewed by the Planning and Zoning Commission and City Council.

3. That the following conditions shall apply to the recreational vehicle sales, service and storage operation;
  - a. that all vehicles renting storage space shall be stored at the rear of the property behind a line parallel with the rear of the building.
  - b. that the property within 100 feet of the front property line to be used as display area be designated on the site with the use of decorative fencing or other decorative material.
  - c. that any significant change in the approved site plan or elevations, attached hereto and made a part hereof as Exhibit "A", must be submitted for approval by the Commission and City Council.
  - d. that the CUP is granted for a period of three years, at which time the Planning and Zoning Commission shall hold hearings to determine if the CUP shall be continued.
4. That Ordinance \_\_\_\_\_ is hereby repealed in its entirety.

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.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 November,  
1994.

  
ATTEST  
City Secretary

  
APPROVED  
Mayor, City of Rockwall

1st Reading 10-17-94

2nd Reading 11-7-94

EXHIBIT A

All that certain lot, tract or parcel of land situated in the N. M. BALLARD SURVEY, Abstract No. 24, and the A. MANNA SURVEY, Abstract No. 99, Rockwall County, Texas, and being a part of a 48.033 acre tract of land conveyed from Eva E. Tadlock, a widow, and C. W. Tadlock to Max Scheid, Trustee, by deed recorded in Volume 103, Page 791, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod on the South line of Interstate Highway 30 and on the North line of said 48.033 acre tract, said iron rod bears North, 73° 19' 25" East, a distance of 157.44 feet from the intersection of the South line of said Highway and the West line of said 48.033 acre tract;

THENCE: North 73° 19' 25" East, with said line of Highway a distance of 304.88 feet to a concrete highway marker for a corner;

THENCE: North 80° 16' 15" East, continuing along said line of highway a distance of 25.12 feet to an iron rod found at the Northwest corner of a 5.000 acre tract of land described in a deed recorded in Volume 131, Page 405, Deed Records of Rockwall County, Texas;

THENCE: South 00° 07' 15" East, traversing said 48.033 acre tract and with the West line of said 5.000 acre tract passing at 646.51 feet an iron rod at the Southwest corner of said 5.000 acre tract a total distance of 731.12 feet to an iron rod for a corner;

THENCE: South 89° 52' 45" West, a distance of 317.01 feet to an iron rod for a corner;

THENCE: North 0° 07' 15" West, a distance of 640.05 feet to the Point of Beginning and Containing 5.000 acres of land.

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