

ORDINANCE NO. 95-9

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 NURSERY/GARDEN CENTER WITH A METAL ROOF SYSTEM AND METAL SIDES ON THE STORAGE AREA OF A BUILDING AND IN A 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 a nursery/garden center with a metal roof system and metal sides on the storage area of a building for a building on the property located at 905 High School Dr. and described on the attached Exhibit "A" has been requested by Jimmy Wray; 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 to allow a nursery/garden center with a metal roof system and metal sides on the storage area of a building for a building on the property described on Exhibit "A" attached hereto and made a part hereof.

Section 2. 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 and shall be subject to the following conditions:

1. The metal siding will meet all building code specifications and of the same proposed specifications as attached.
2. Any substantial changes to the site plan must approved by the Planning and

EXHIBIT "A"

Being a tract of land situated in the A. Hannah Survey, Abstract No. 99, a part of a tract conveyed to B.W.Browning, of record in Volume 65, Page 630, Deed Records, Rockwall County, Texas and a part of a 99.958 acre tract of record in Volume 14, Page 267, Deed Records, Rockwall County, Texas and more particularly described as follows:

BEGINNING at the Northwest corner of the said Browning tract and the 99.958 acre tract at the intersection of two roads;

THENCE East, with the centerline of a gravel road, 191.20 feet to a point for corner;

THENCE South 01 deg. 30 min. East, with a fence line, 213.50 feet to an iron rod in fence line for corner;

THENCE North 89 deg. 20 min. 19 sec. West 204.17 feet to a point in the centerline of the Rockwall - Chisholm road;

THENCE North 02 deg. 00 min. East, with the centerline of said road, 211.20 feet to the place of beginning and containing 0.963 acres of land more or less.

Zoning Commission.

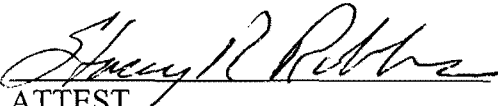
Section 3. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.


Section 4. 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 5. 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 6. 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 May, 1995.


ATTEST


APPROVED

1st Reading 4-17-95

2nd Reading 5-1-95