

ORDINANCE NO. 96-17-B

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 NOT MEETING THE EXTERIOR MATERIALS REQUIREMENTS 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 structure not meeting the exterior materials requirements for the Commercial zoning district on a tract of land described in Exhibit "A" has been requested by Kip Estep and Fuji Ceramics Inc.; 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 not meeting the exterior materials requirements for the Commercial zoning district on a tract of land described in Exhibit "A".

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 and the following condition:

- A. Additional expansion of the land may require additional fire lanes and replatting of the land.

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all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.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

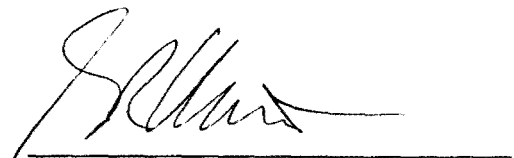
not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

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 3rd day of June, 1996.


ATTEST


APPROVED

1st Reading 5/20/96
2nd Reading 6/3/96

**PROPERTY DESCRIPTION
TRACT I**

Being a lot, tract or parcel of land, situated in the WILLIAM H. BARNES SURVEY, ABSTRACT NO. 26, Rockwall County, Texas, and being a part of a 140.511 acre tract conveyed to Billy W. Peoples, Odis A. Lowe, and H.P. Mals from Corine A. Beard and Raymond U. Beard by deed recorded in Volume 85, Page 112, Deed Records, Rockwall County, Texas, and further being a part of a 2.00 acre tract conveyed to William L. Gentry and wife, Betsy Jo Gentry by deed recorded in Volume 138, Page 135, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

Beginning at a 1/2 inch iron rod for corner on the Southwest R.O.W. line of State Highway No. 205, that bears South 29 degrees 54 minutes 09 seconds East, 538.71 feet from an iron rod in the South line of a County Road at the most Northerly corner of said 140.511 acre tract;

THENCE: South 29 degrees 54 minutes 00 seconds East along the Southwest R.O.W. line of State Highway No. 205, a distance of 104.33 feet to a 1/2 inch iron rod set for corner;

THENCE: South 60 degrees 06 minutes 06 seconds West, a distance of 417.41 feet to a 1/2 inch iron rod set for corner;

THENCE: North 29 degrees 54 minutes 06 seconds West, a distance of 104.34 feet to a 1/2 inch iron rod found for corner and being the most Westerly corner of said 2.00 acre tract;

THENCE: North 60 degrees 06 minutes 09 seconds East along the Northwesterly line of said 2.00 acre tract, a distance of 417.41 feet to the Point of Beginning and containing 43,549.73 square feet or 1.000 acres of land.

TRACT II

Being a lot, tract or parcel of land, situated in the WILLIAM H. BARNES SURVEY, ABSTRACT NO. 26, Rockwall County, Texas, and being a part of a 140.511 acre tract conveyed to Billy W. Peoples, Odis A. Lowe, and H.P. Mals from Corine A. Beard and Raymond U. Beard by deed recorded in Volume 85, Page 112, Deed Records, Rockwall County, Texas, and further being a part of a 2.00 acre tract conveyed to William L. Gentry and wife, Betsy Jo Gentry by deed recorded in Volume 138, Page 135, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

Beginning at a 1/2 inch iron rod for corner on the Southwest R.O.W. line of State Highway No. 205, that bears South 29 degrees 54 minutes 09 seconds East, 538.71 feet from an iron rod in the South line of a County Road at the most Northerly corner of said 140.511 acre tract, said iron rod also bears South 29 degrees 54 minutes 00 seconds East, 104.33 feet from the North corner of said 2.00 acre tract;

THENCE: South 29 degrees 54 minutes 09 seconds East along the Southwest R.O.W. line of State Highway No. 205, a distance of 104.33 feet to a 1/2 inch iron rod found for corner;

THENCE: South 60 degrees 05 minutes 56 seconds West, a distance of 417.41 feet to a 1/2 inch iron rod set for corner and being the most Southerly corner of said 2.00 acre tract;