

## ORDINANCE NO. 00-32

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 10' x 14' FIBER OPTIC HUB SITE IN AN "A", AGRICULTURAL ZONING DISTRICT LOCATED ON LOT 24, BLOCK B, STERLING FARMS ADDITION, CITY AND COUNTY OF ROCKWALL, TEXAS, 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 10' X 14' Fiber Optic Hub Site within an "A", Agricultural zoning district, has been requested by FEC Communications, LLP for the property located at 1918 Sterling Court being further described as Lot 24, Block B, Sterling Farms Addition, City and County of Rockwall, Texas; 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 10' x 14' Fiber Optic Hub Site located in an "A" Agricultural zoning district on the property described as Lot 24, Block B, Sterling Farms Addition, City and County of Rockwall, Texas.

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

1. That a franchise agreement with FEC Communications, LLP, and the City of Rockwall be approved prior to the final approval of the Conditional Use Permit.
2. That the building maintain the required setbacks as required by City Code.
3. That FEC will comply with future requirements by future Ordinances of the City which are related to this use including (but not limited to) screening and landscaping requirements, building material requirements, safety and

environmental, and insurance and bonding requirements within sixty (60) days of their adoption by the City, or as otherwise approved by the City.

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 herein by granting of this Conditional Use Permit and as may be amended in the future.

**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 20<sup>th</sup> day of November, 2000.

Belinda Page  
ATTEST

Scott L. Self  
APPROVED

1st Reading 11-6-00

2nd Reading 11-20-00

