

CITY OF ROCKWALL

ORDINANCE NO. 16-27

SPECIFIC USE PERMIT NO. S-151

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN "AUTO REPAIR GARAGE, MINOR" TO BE ESTABLISHED IN CONJUNCTION WITH AN EXISTING OIL/LUBE CHANGE FACILITY WITHIN THE (C) COMMERCIAL DISTRICT, ON A 0.2755-ACRE PARCEL OF LAND IDENTIFIED AS LOT 3, BLOCK B, ROCKWALL HIGH SCHOOL ADDITION, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A'; 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 Specific Use Permit for an *Auto Repair Garage, Minor* in conjunction with an existing oil/lube change facility within the (C) Commercial district has been requested by Mohamed Taha on a 0.2755-acre parcel of land identified as Lot 3, Block B, Rockwall High School Addition, City of Rockwall, Rockwall County, Texas, and more specifically described in *Exhibit 'A'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; 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 Unified Development Code 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 Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing for *Automobile Repair Garage, Minor* in conjunction with an existing oil/lube facility within a Commercial (C) District as stipulated by Article IV, *Permissible Uses*, of the Unified Development Code on the *Subject Property*; and

SECTION 2. That the *Subject Property* shall be used only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and subject to the conditions set forth in *Section 2.1.8, Auto and Marine-Related Use Conditions*, of Article IV, *Permissible Uses*, and *Section 4.5, Commercial (C) District*, of Article V, *District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*] as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, and shall be subject to the additional

following conditions and compliance standards:

2.1 Permitted Use Definitions

Automobile Repair, Minor. Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plugs, and filter changing; tire alignment; tune-ups, emergency road service; replacement of starters, alternators, hoses, brake parts, mufflers; performing state inspections and making minor repairs necessary to pass said inspection; servicing of air-conditioning systems, and similar minor services for motor vehicles except heavy land vehicles, but not including any operation named under *Automobile Repair, Major* (i.e. Major repair, rebuilding or reconditioning of engines, transmissions, or other major components for motor vehicles; collision services including body, frame, or fender straightening or repair; customizing; overall painting or paint shop; automotive glass and upholstery, or any other similar use).

2.1 Operational Conditions

The following conditions pertain to the operation of an *Auto Repair Garage, Minor* on the *Subject Property*, and conformance to these operational conditions is required for continued operation:

- 1) That all operations on the *Subject Property* shall conform to the definition contained within *Section 2.1, Permitted Use Definitions* of this ordinance and to the *Site Plan* depicted in *Exhibit 'B'* of this ordinance; and
- 2) That no equipment, parts, or inventory of any kind shall be permitted to be stored outside. This includes boats, trailers, and/or similar types of equipment with the exception of the permitted overnight storage of automobiles not exceeding 48 hours in the designated location (i.e. *Parking Space No.'s 1 – 4*) for such use and as depicted in *Exhibit 'B'* of this ordinance; and,
- 3) That four (4) passenger automobiles and/or trucks are permitted to be stored overnight within *Parking Space No.'s 1 – 4* as labeled on the *Site Plan* depicted in *Exhibit 'B'* of this ordinance; and,
- 4) That the applicant be permitted seven (7) parking spaces as depicted in *Exhibit 'B'* of this ordinance; and,
- 5) The City Council shall reserve the right to review the Specific Use Permit (SUP) any time after the effective date of this ordinance (i.e. *May 2, 2016*).

Section 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

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.

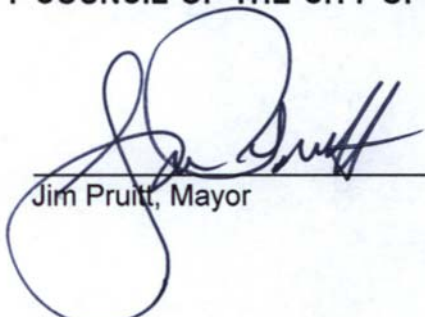
Section 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

Section 6. If any section or provision of this ordinance or the application of that section or

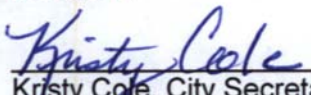
provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, 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 of this ordinance shall remain in full force and effect.

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.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 2ND DAY OF MAY, 2016.


Jim Pruitt, Mayor

ATTEST:


Kristy Cole, City Secretary

APPROVED AS TO FORM:


Frank J. Garza, City Attorney



1st Reading: 04/18/2016

2nd Reading: 05/02/2016

Rockwell High School

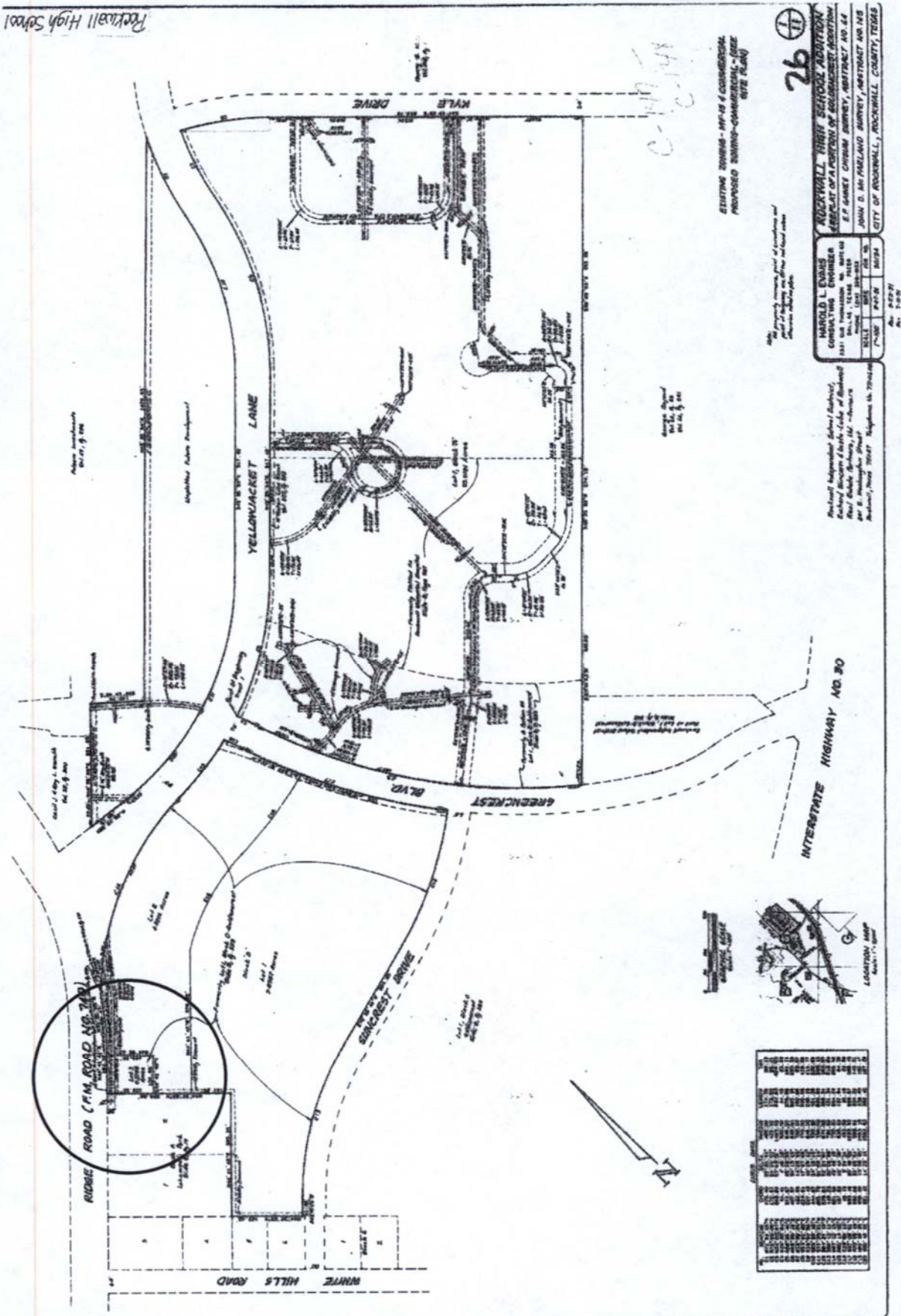


Exhibit B: Site Plan

