

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 TRUCK WASH IN A LIGHT INDUSTRIAL ZONING CLASSIFICATION ON A TRACT OF LAND DESCRIBED HEREIN; PROVIDING FOR 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 has been requested by Gary Bodin for a truck wash in a Light Industrial zoning classification on a tract of land described as a part of Lot 1 and 2, Bodin Industrial Park, and being further described in the attached Exhibit "A"; 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 truck wash in a Light Industrial zoning classification, on the property described as a part of Lot 1 and 2, Bodin Industrial Park, and being further described in the attached Exhibit "A".

Section 2. That the Conditional Use Permit shall conform to all requirements as set forth in the Comprehensive Zoning Ordinance and shall be subject to the following special conditions:

1. Use of the Permit shall comply with the approved site plan attached hereto as Exhibit "A", with the condition that the parking spaces be moved closer to the street to remove them from the truck wash area, and that the parking spaces and truck wash area be identified on the site by striping of said areas.
2. The Permit shall be valid for a period of one year at which time the permit shall be reviewed and may be renewed by the Planning and Zoning Commission.
3. The Permit shall be valid only for the applicant to which the Permit is granted and shall not be transferred without obtaining a

new Conditional Use Permit in accordance with the provisions of the zoning ordinance.

4. The applicant may utilize a rock drive for access into the site as shown on the approved site plan , Exhibit "B", for a period of one year. At that time the drive area must constructed to City standards if the Permit is renewed.
5. Prior to the issuance of a Certificate of Occupancy a joint use and access easement shall be filed with the County for use of the property adjacent to the site. The wording for this easement shall be approved by the City Attorney. Should the adjacent property, which is currently undeveloped, be developed the Permit shall be reviewed by the Commission to determine if the use approved in the Permit can still operate as authorized. The Commission may determine that the permit can no longer operate as authorized and that application for a new permit must be made in accordance with the zoning ordinance.
6. There shall be no on street parking of vehicles utilizing the truck wash facility.
7. If the truck wash ceases operation the permit shall be void.
8. The existing buildings shall not be utilized for rental or public storage for the duration of this Conditional Use Permit.

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, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4. 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 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 offense 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 application of the ordinance without the invalid parts and to this end the provisions of 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 ordinances as the law in such cases provides.

DULY PASSED AND APPROVED this 15th day of August, 1988.

APPROVED:

ATTEST:

By 

  
Mayor

1st reading 8/1/88

2nd reading 8/15/88

#### DESCRIPTION

Being, a tract of land situated in the N.M. Ballard Survey, Abstract No. 24, and also being part of Lot 1 and Lot 2, Bodin Industrial Tract, an addition to the City of Rockwall, as recorded in Slide A, page 347, Plat Records, Rockwall County, Texas, and being more particularly described as follows:

Beginning, at a point on the Southwest line of Kristy Lane, said point being S.43°02'47"E., a distance of 194.87 feet, N.48°03'37"E., a distance of 244.05 feet, N.88°27'17"E., a distance of 199.07 feet, from the South corner of Lot 4, on the Northeast line of High School Drive, a ½" iron stake found for corner;

Thence, S.88°27'17"W., leaving the Southwest line of Kristy Lane, a distance of 199.07 feet to a ½" iron stake found for corner;

Thence, S.48°03'37"W., a distance of 16.16 feet to a ½" iron stake set for corner;

Thence, N.1°17'41"W., a distance of 94.57 feet to a ½" iron stake set for corner;

Thence, N.88°42'19"E., a distance of 177.55 feet to a point on the Southwest line of Kristy Lane, a ½" iron stake set for corner;

Thence, along the Southwest line of Kristy Lane and around a curve to the left having a central angle of 28°52'50", a radius of 180.00 feet, a distance of 90.73 feet to the PLACE OF BEGINNING and containing 0.3671 acres or 15,993 square feet of land. This description is based on the Land Title Survey and Plat made by Bob O. Brown, Registered Public Surveyor, on May 1, 1987.

EXHIBIT A

Ord No.

