

ORDINANCE NO. ~~01-36~~ 01-35

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE (ORD. NO. 83-23) OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED TO PROVIDE FOR GENERAL PROVISIONS AND REQUIREMENTS FOR A CONDITIONAL USE PERMIT TO ALLOW AUTOMOTIVE AND OTHER REPAIR SERVICES, PAINT AND BODY SHOP, EXCLUDING WRECKING YARDS WITHIN THE (HwyC) HIGHWAY COMMERCIAL ZONING DISTRICT, ON 4.5 ACRES OF LAND, AS DESCRIBED IN EXHIBIT "A", 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; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an amendment to the City of Rockwall Comprehensive Zoning Ordinance has been requested by Raymond Jowers to provide for the general provision and requirements for a Conditional Use Permit to allow automotive and other repair services, paint and auto body shop, excluding wrecking yards within the (HwyC) Highway Commercial District, on 4.5 acres of land as further described on Exhibit A attached hereto and made a part hereof; 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, as heretofore amended, be and the same is hereby amended by the approval of a Conditional Use Permit to allow automotive and other repair services, paint and auto body shop, excluding wrecking yards within the (HwyC) Highway Commercial District, on 4.5 acres of land as described on Exhibit A attached hereto and made a part hereof.

Section 2. That the tract of land described on Exhibit "A" shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Rockwall has heretofore amended, as amended herein by granting of this approval shall affect only the property as heretofore described and said property shall be limited to the uses, density, area, setback and other requirements set forth herein.

Section 3. That development on property described on Exhibit "A" shall be limited to uses and requirements listed in **§ 2.19 (HwyC) Highway Commercial Use District** of the City of Rockwall Comprehensive Zoning Ordinance (Ordinance No. 83-23) and the conditional use permit shall be subject to the following additional conditions:

1. Adherence to the site plan as described on Exhibit "B" attached hereto and made a part hereof.
2. Letter of waiver of the fire protection elements is secured from the City of Rockwall Fire Chief.
3. Review of the conditional use permit five (5) years following the date of approval.
4. The use is restricted to *Automotive Repair, Minor* as defined in § 14.1; Item 11 of the Comprehensive Zoning Ordinance (Ord. No. 83-23).
5. No equipment, materials, parts or inventory shall be stored outside.
6. Vehicles shall be stored on the site no longer than 14 days.

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 6th day of August, 2001.

[Handwritten Signature]

APPROVED

Belinda Page

ATTEST

1st Reading 07/16/01

2nd Reading 08/06/01

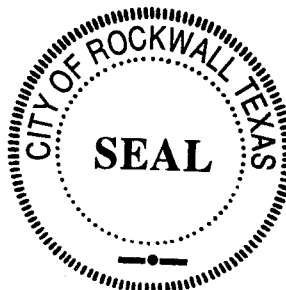


EXHIBIT "A"

**STATE OF TEXAS:
COUNTY OF ROCKWALL:**

TRACT I

BEING, a tract of land situated in the R.B. Irvine Survey, Abstract No. 120, Rockwall County, Texas and also being a part of a 134.7704 acre tract as conveyed to 549 Commercial Park, a Texas Limited Partnership, recorded in Volume 191, Page 777, Deed Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a point on the South line of Interstate Highway No. 30, said point being South 73°51'00" West, a distance of 887.72 feet from the Northeast corner of said 134.7704 acre tract, a ½" iron rod found for corner;

THENCE South 00° 36' 02" East, leaving the said South line of Interstate Highway No. 30, a distance of 384.85 feet to a ½" iron rod found for corner;

THENCE South 77° 41' 09" East, a distance of 228.97 feet to a ½" iron rod found for corner;

THENCE North 00° 36' 02" West, a distance of 368.95 feet to a point on the South line of Interstate Highway No. 30, ½" iron rod set for corner;

THENCE North 73° 51' 00" East, along the South line of Interstate Highway No. 30, a distance of 232.72 feet to the PLACE OF BEGINNING and containing 1.94 acres of land.

**STATE OF TEXAS:
COUNTY OF ROCKWALL:**

TRACT II

BEING, a tract of land situated in the R.B. Irvine Survey, Abstract No. 120, Rockwall County, Texas and also being a part of a 134.7704 acre tract as conveyed to 549 Commercial Park, a Texas Limited Partnership, recorded in Volume 191, Page 777, Deed Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a point on the South line of Interstate Highway No. 30, said point being South 73°51'00" West, a distance of 1120.44 feet from the Northeast corner of said 134.7704 acre tract, a ½" iron rod set for corner;

THENCE South 00° 36' 02" East, leaving the said South line of Interstate Highway No. 30, a distance of 368.95 feet to a ½" iron rod set for corner;

THENCE South 77° 41' 09" East, a distance of 311.81 feet to a fence post for corner;

THENCE North 00° 36' 02" West, a distance of 347.31 feet to a point on the South line of Interstate Highway No. 30, ½" iron rod found for corner;

THENCE North 73° 51' 00" East, along the South line of Interstate Highway No. 30, a distance of 316.91 feet to the PLACE OF BEGINNING and containing 2.51 acres of land.

EXHIBIT "A"

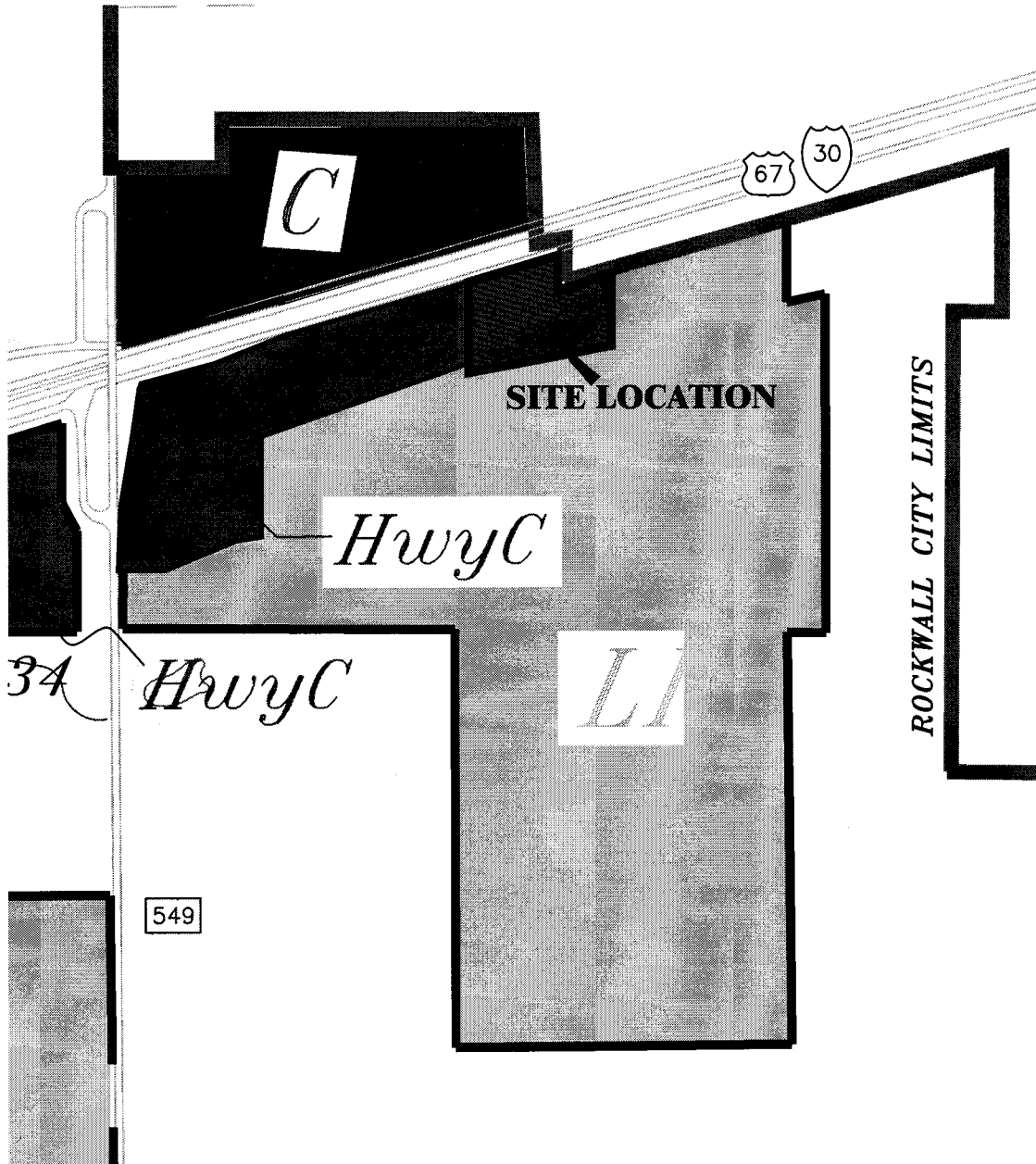


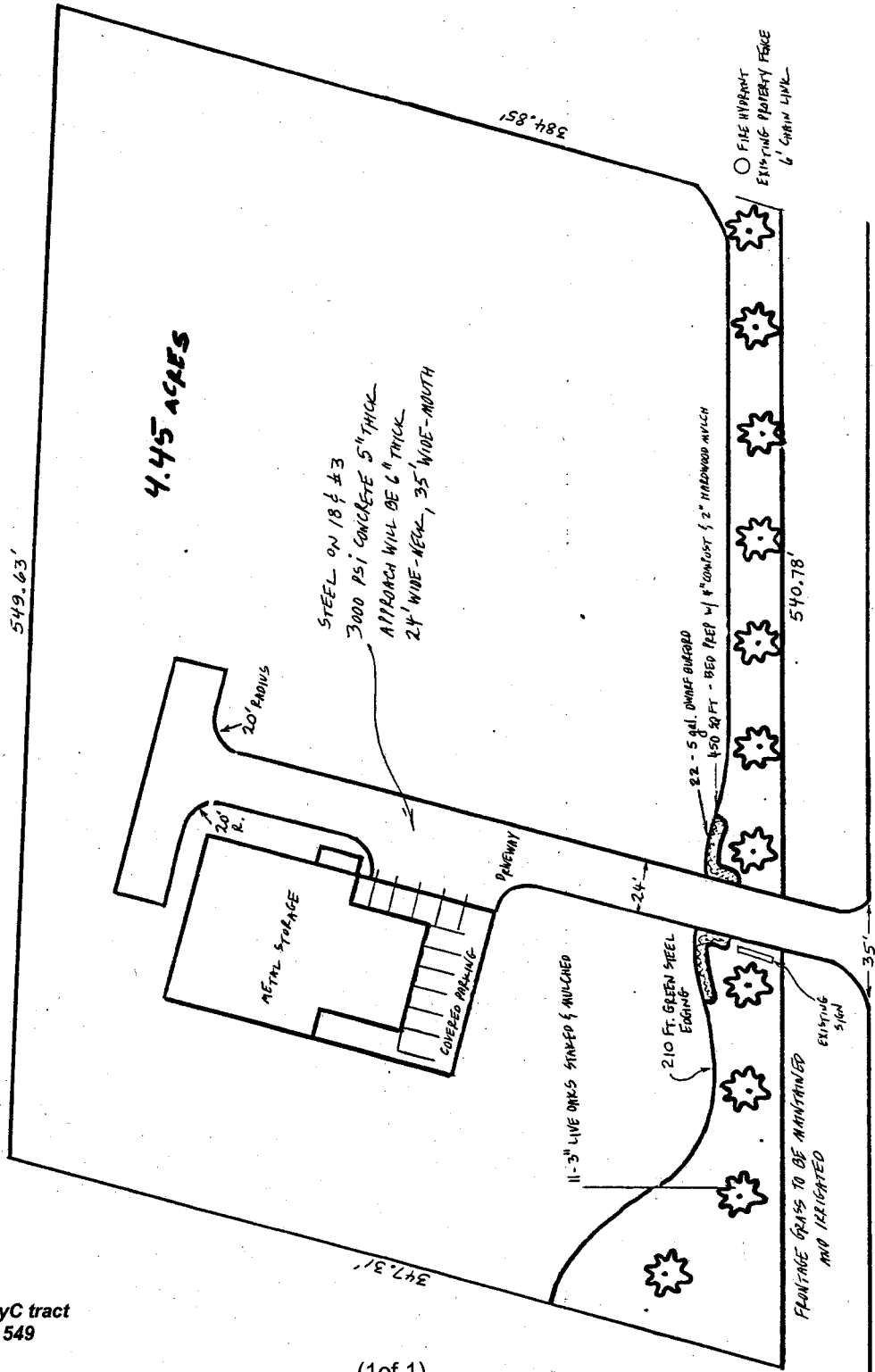
EXHIBIT "B"

FILE COPY

01-64

JOWERS 972 771-5222

CHALMER'S LANDSCAPE CO.
214-685-8206



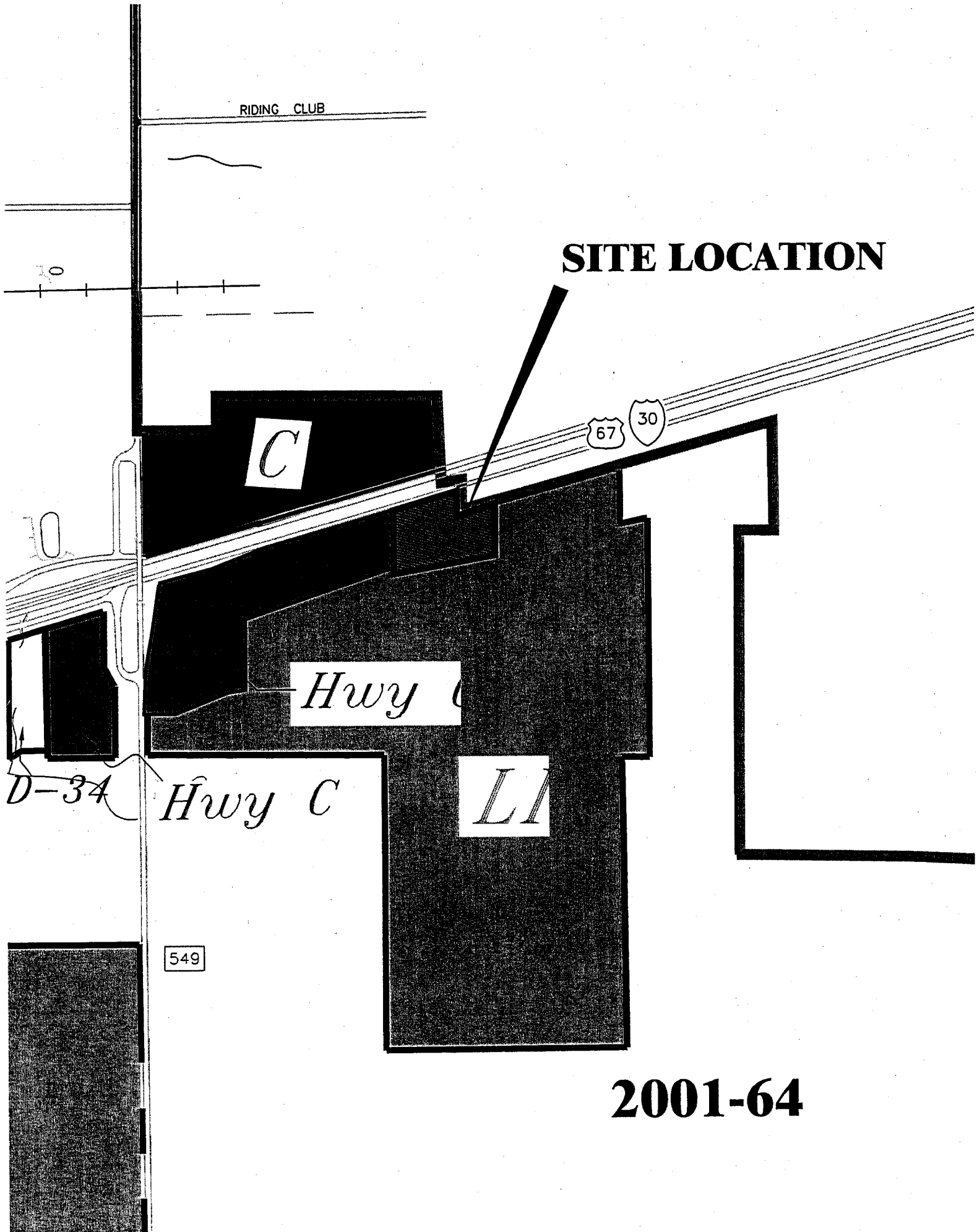
2260 E. I-30

2001 - 64 - CUP - HwyC tract I-30 (EB) just E of FM 549

Exhibit "B"

RIDING CLUB

SITE LOCATION



2001-64