

CITY OF ROCKWALL

ORDINANCE NO. 18-45

SPECIFIC USE PERMIT NO. S-197

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 A MINOR AUTO REPAIR GARAGE IN A GENERAL RETAIL (GR) DISTRICT, ON A 0.656-ACRE TRACT OF LAND BEING IDENTIFIED AS LOTS 1 & 2, BLOCK A, BILLY PEOPLES #1 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, 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**, the City has received a request from John David of Express Oil Change, LLC for the approval of a Specific Use Permit (SUP) to allow for a *minor auto repair garage* in a General Retail (GR) District on a 0.656-acre tract of land being described as a Lots 1 & 2, Block A, Billy Peoples #1 Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1902 & 2000 S. Goliad Street [SH-205], and being more specifically depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated 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 (UDC) [Ordinance No. 04-38] 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 (UDC) [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 a *minor auto repair garage* as stipulated by Section 1, *Land Use Schedule*, of Article IV, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 04-38], on the *Subject Property*; and

**SECTION 2.** That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 4.4, *General Retail (GR) District*, of Section 4, *Commercial Districts*, of Article V, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 04-38] as heretofore amended and as may be amended in the future, and shall be subject to the following:

## 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* (e.g. 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, etcetera), or any other similar use. All work must be performed within an enclosed building.

## 2.2 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *minor auto repair garage* on the *Subject Property* and conformance to these stipulations is required for continued operations:

- 1) The auto repair garage shall generally conform to the concept plan shown in Exhibit 'B' of the attached SUP ordinance.
- 2) The garage door or bays shall not face a public street or toward the residential development north of the subject property.
- 3) Vehicles, equipment, parts, and/or inventory shall not be stored outside overnight.
- 4) All work must be performed within an enclosed building.
- 5) The dumpster enclosure shall be screened from S. Goliad Street [SH-205] utilizing landscape screening (e.g. trees, pampas grass, etc.).

## 2.3 COMPLIANCE

Approval of this ordinance in accordance with Section 8.3, *Council Approval or Denial*, of Article II, *Authority and Administrative Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

- 1) Upon obtaining a Certificate of Occupancy (CO), should any business or establishment operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC), the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 4.4.(3) of Article IV, *Permissible Uses*, of the Unified Development Code (UDC).

**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 offense 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.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 1<sup>ST</sup> DAY OF OCTOBER, 2018.**

  
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Jim Pruitt, Mayor

**ATTEST:**

  
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Kristy Cole, City Secretary

**APPROVED AS TO FORM:**

  
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Frank J. Garza, City Attorney

1<sup>st</sup> Reading: September 17, 2018

2<sup>nd</sup> Reading: October 1, 2018



**Exhibit 'A':  
Zoning Exhibit**

Address: 1902 & 2000 S. Goliad Street [SH-205]  
Legal Description: Lots 1 & 2, Block A, Billy Peoples #1 Addition

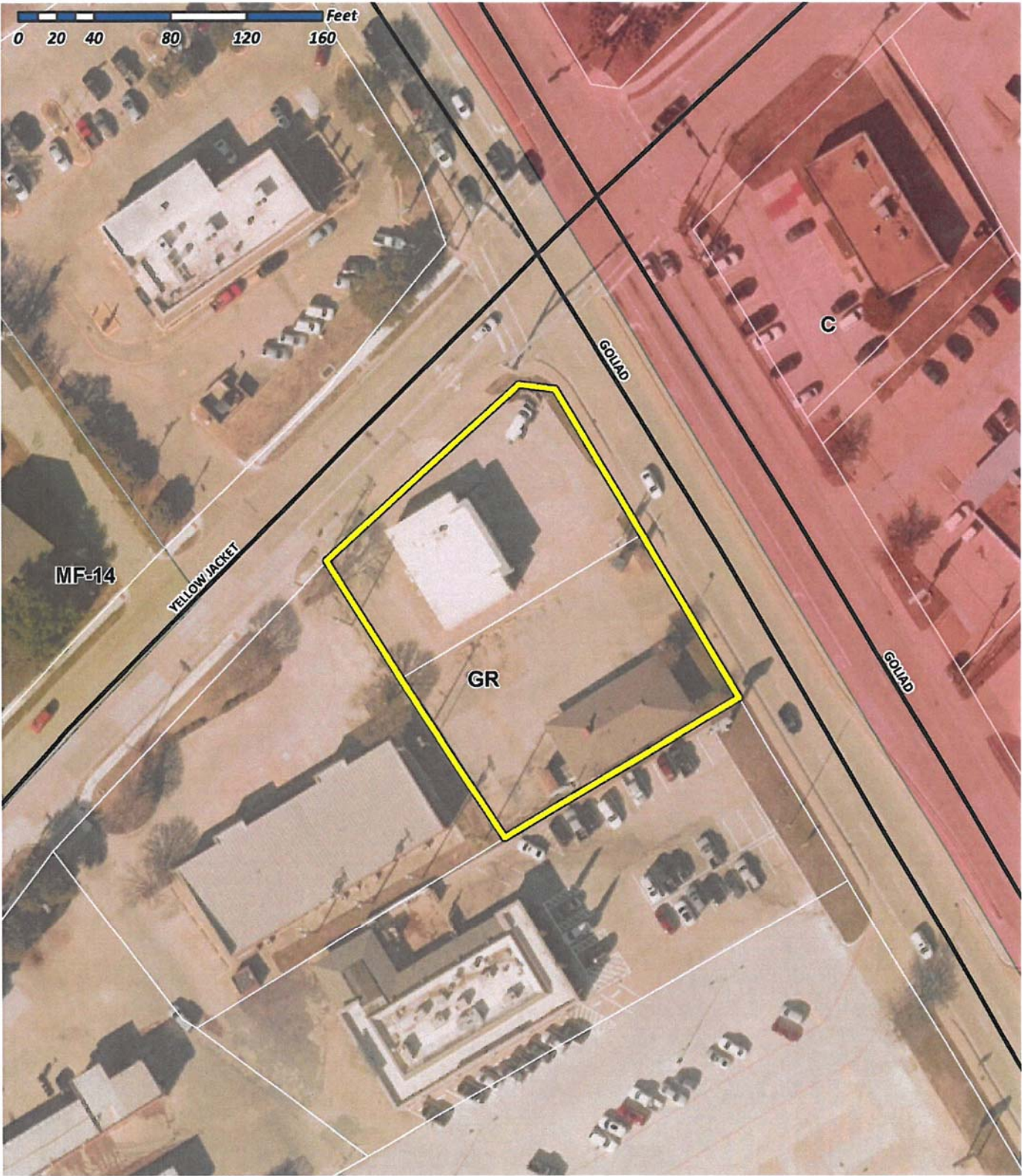


Exhibit 'B':  
Concept Plan

