

CITY OF ROCKWALL

ORDINANCE NO. 07-44

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 TO ALLOW FOR AN "AUTO REPAIR GARAGE, MINOR" WITHIN THE (GR) GENERAL RETAIL DISTRICT ON A 0.23-ACRE TRACT OF LAND KNOWN AS THE WEST PART OF LOTS 1-4, BLOCK U, ROCKWALL OLD TOWN ADDITION, LOCATED AT 306 E. WASHINGTON, SUITE C; 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" within the (GR) General Retail district has been requested by Jerry Archer of Archer Car Care, on a 0.23-acre tract known as the west part of Lots 1-4, Block U, Rockwall Old Town Addition, located at 306 E. Washington, Suite C; 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 of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit for an "Auto Repair Garage, Minor" within the (GR) General Retail district on a 0.23-acre tract known as the west part of Lots 1-4, Block U, Rockwall Old Town Addition, located at 306 E. Washington, Suite C; and

Section 2. That the Specific Use Permit shall be subject to the conditions set forth in **Article V, Section 4.4, General Retail District** of the City of Rockwall Unified Development Code (Ord. No. 04-38) as heretofore amended and as may be amended in the future, and shall be subject to the additional following additions:

1. That the Specific Use Permit (SUP) be limited to 24 months (two years) from the date of issuance of a Certificate of Occupancy (CO), and that the City Council shall have the right to review the SUP at any time during the 24 month period with the right to revoke the SUP if it is deemed that conditions of approval are not being adhered to. Additionally, the applicant shall submit

a written statement to City Staff **ninety (90) days** prior to the expiration of the specific use permit indicating his plans to relocate the business from the temporary location.

2. That vehicles shall not be stored on site for longer than 48 hours (two days).
3. That no exterior storage or display shall be allowed, except for vehicles as provided above and the required oil storage tank associated with the use, which shall be placed behind the building and not within any City right-of-way.
4. That the hours of operation be limited from 7:00am to 7:00pm Monday through Friday, and from 7:00am to 12:00pm on Saturday.
5. That the building shall meet all applicable building and fire code requirements, including the following:
 - a. That the minimum firewall (e.g. 2-hour rated) shall be constructed between the proposed Auto Repair Garage (Suite C) and the existing office tenant spaces (Suites A and B).
 - b. A waiver from the fire sprinkler requirements of the City is hereby granted with approval of this SUP; however, should the City Council renew or extend the SUP after 24 months then the entire building shall be sprinkled in accordance with City code.

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, 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 Unified Development Code No. 04-38 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 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 5th day of November, 2007.



William R. Cecil, Mayor

ATTEST:



Dorothy Brooks, TRMC, CMC, City Secretary

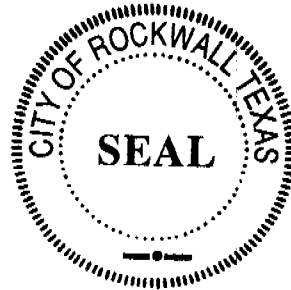
APPROVED AS TO FORM:



Pete Eckert, City Attorney

1st Reading: 10-15-07

2nd Reading: 11-05-07



PUBLISHER'S AFFIDAVIT

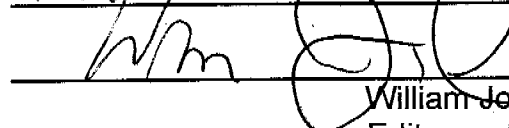
THE STATE OF TEXAS
COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared William Jordan, who being by me duly sworn deposes and says the he is the Publisher of **The Rockwall County News** and the said newspaper meets the requirements of Section 2051.044 of the Texas Government Code to wit:

1. it devotes not less than twenty-five (25%) of its total column lineage to interest items;
2. it is published at least once each week;
3. it is entered as second-class postage in the county where it is published;
4. it has been published regularly and continuously since 1985; and
5. it is generally circulated within Rockwall County.

Publisher further deposes and says that the attached notice was published in the news paper on the following date:

November 5th A.D. 2007



William Jordan
Editor and Publisher

SUBSCRIBED AND SWORN BEFORE ME

by William Jordan who

- a) is personally know to me, or
 b) provided the following evidence to establish his/her identity.

on the _____ day of _____, A.D. 2007
to certify which witness my hand and seal of office.

Notary Public, State of Texas

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/s/ William R. Cecil, Mayor

/s/ Dorothy Brooks, TRMC, CMC, City Secretary

1st Reading: 10-15-07

2nd Reading: 11-05-07

Advertising Receipt

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02 ROCKWALL COUNTY NEWS 11/15/2007

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