

CITY OF ROCKWALL

ORDINANCE NO. 18-14

SPECIFIC USE PERMIT NO. S-185

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR THE REPLACEMENT OF AN EXISTING *TELECOMMUNICATIONS TOWER* THAT EXCEEDS 125-FEET IN HEIGHT IN A HEAVY COMMERCIAL (HC) DISTRICT, ON A 5.053-ACRE PARCEL OF LAND BEING IDENTIFIED AS LOT 1, BLOCK A, RAYBURN COUNTRY ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; 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 David Naylor of Rayburn Country Electric Cooperative, Inc. for the approval of a Specific Use Permit (SUP) to allow for the replacement of an existing telecommunications tower that exceeds 125-feet in height on a 3.466-acre parcel of land, identified as Lot 1, Block A, Rayburn Country Addition, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 950 & 980 Sids Road, and more specifically described in Exhibit 'A' of this ordinance, which herein after 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 [*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 [*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) to allow the replacement of an existing telecommunication tower that exceeds 125-feet in height within a Heavy Commercial (HC) District as stipulated by Subsection 2.1.11, *Utilities, Communications and Transportation*, of Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*], on the *Subject Property*; and

Section 2. That the Specific Use Permit (SUP) shall be subject to the conditions set forth in Section 2.1.11(f), and Section 4.7, *Heavy Commercial (HC) District*, of Article V, *District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*] as heretofore amended and as may be amended in the future, and shall be subject to the additional following conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the replacement of an existing telecommunications tower that exceeds 125-feet in height in a Heavy Commercial (HC) District on the *Subject Property*, and conformance to these operational conditions is required for continued operations:

- 1) The existing antenna installation shall be removed from the property within 14-days of the completion of the proposed replacement telecommunications tower installation.
- 2) The replacement telecommunications tower will be located in the generally vicinity of the existing telecommunications tower and as depicted on the site plan attached hereto as *Exhibit 'B'* of this ordinance. The installation shall be setback a minimum distance equal to the height of the proposed structure (*i.e. 320-feet*) from any residential property or residentially zoned property.
- 3) The height of the replacement telecommunications tower installation shall be equal to or less than the existing antenna installation (*i.e. 320-feet*), and any additional antennas added to the structure shall not exceed the height of the replacement installation.

2.2 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

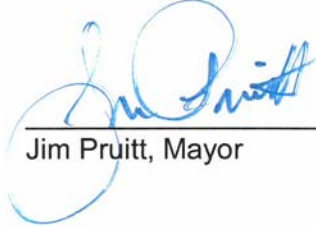
Section 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offence and each and every day such offense 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 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 5TH DAY OF MARCH, 2018.**



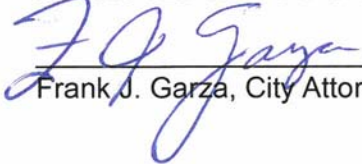
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



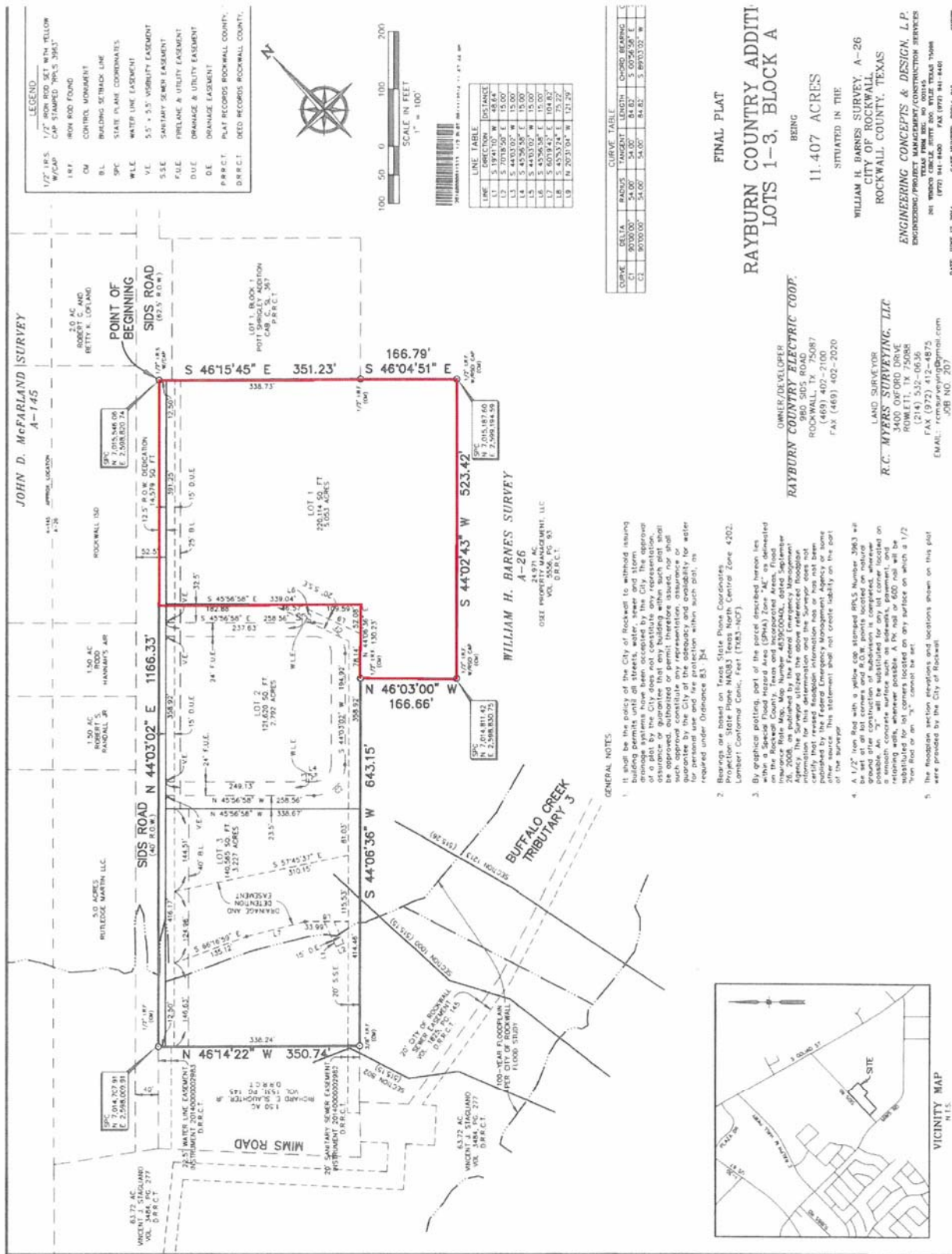
Frank J. Garza, City Attorney



1st Reading: February 19, 2018

2nd Reading: March 5, 2018

Exhibit 'A': Legal Description



FINAL PLAT
RAYBURN COUNTRY ADDITI
LOTS 1-3, BLOCK A
 BEING
 11.407 ACRES
 SITUATED IN THE
 WILLIAM H. BARNES SURVEY, A-26
 CITY OF ROCKWALL,
 ROCKWALL COUNTY, TEXAS

WILLIAM H. BARNES SURVEY, A-26
 CITY OF ROCKWALL,
 ROCKWALL COUNTY, TEXAS

RAYBURN COUNTRY ELECTRIC COOP.
 OWNER/OSS/USE/P
 980 SIDIS ROAD
 ROCKWALL, TX 75087
 (469) 407-7100
 FAX (469) 402-2020

R.C. MYERS SURVEYING, LLC
 LAND SURVEYOR
 3400 OXFORD DRIVE
 ROCKWALL, TX 75087
 (972) 512-0608
 FAX (972) 412-4875
 EMAIL: rcmysurveying@gmail.com
 JOB NO. 207

DATE: JUNE 22, 2014
 CASE NUMBER: 2014-013
 SHEET



Exhibit 'B':
Site Plan

