

CITY OF ROCKWALL

ORDINANCE NO. 20-01

SPECIFIC USE PERMIT NO. S-212

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW OUTSIDE STORAGE IN A LIGHT INDUSTRIAL (LI) DISTRICT WITHIN THE IH-30 OVERLAY (IH-30 OV) DISTRICT ON A 4.4317-ACRE PARCEL OF LAND, IDENTIFIED AS TRACT 22-01 OF THE R. IRVINE SURVEY, ABSTRACT NO. 120, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED 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 Raymond Jowers for the approval of a Specific Use Permit (SUP) to allow outside storage on a 4.4317-acre parcel of land being described as Tract 22-01, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 2260 E. IH-30 and being more specifically depicted 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 (UDC) [*Ordinance No. 04-38*] and *Ordinance No. 17-20* 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 approval of this ordinance shall supersede all requirements stipulated in *Ordinance No's. 17-20*;

SECTION 2. 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 *outside storage* as stipulated by Section 1, *Land Use Schedule*, of Article IV, *Permissible Uses*, the Unified Development Code (UDC) [*Ordinance No. 04-38*] on the *Subject Property*; and,

SECTION 3. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in

Section 5, *Industrial Districts*, and Subsection 6.06, *IH-30 Overlay (IH-30 OV) District*, 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 conditions:

3.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of outside storage on the *Subject Property* and conformance to these conditions are required for continued operations:

- 1) The Specific Use Permit (SUP) shall be valid for a period of three (3) years from the date of the approval of this ordinance. If an extension of the SUP is necessary, the owner shall submit a request in writing to staff no less than 90 days prior to the expiration of the SUP. Upon receipt of the request, the City Council shall review the SUP and determine if an extension of the SUP is permitted based on the development of FM-549 and the IH-30 overpass construction and/or other development activity in the area.
- 2) All outside display and outside storage of trailers shall generally conform to the concept plan depicted in *Exhibit 'B'* of this ordinance, which shall be incorporated herein by reference.
- 3) The outside display and outside storage of semi-trailers and tractor-trailers shall be prohibited.
- 4) City Council approval of the SUP includes a temporary waiver to certain engineering and fire department standards, including but not limited to, concrete paving requirements and the extension of a 12-inch water line from FM-549. Future development of the subject property will be subject to the Engineering and Fire Department standards in effect at the time of development.
- 5) In the event that the development expands the existing structure or adds additional buildings, the development will be subject to meet the requirements for fire protection.

3.2 COMPLIANCE

Approval of this ordinance – *in accordance with Subsection 2.05, City Council Action, of Article XI, Zoning Related Applications, of the Unified Development Code (UDC)* -- will require compliance to the following:

- 1) Upon obtaining approval of this Specific Use Permit (SUP), should the property owner 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 2.02.D(3) of Article XI, *Zoning Related Applications*, of the Unified Development Code (UDC).

SECTION 4. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 5. 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 6. 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 7. 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 8. 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 3RD DAY OF FEBRUARY, 2020.**



Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney

1st Reading: January 21, 2020

2nd Reading: February 3, 2020

Exhibit 'A'
Zoning Exhibit

Address: 2260 E. IH 30

Legal Description: Tract 22-01 of the R. Irvine Survey, Abstract No. 120

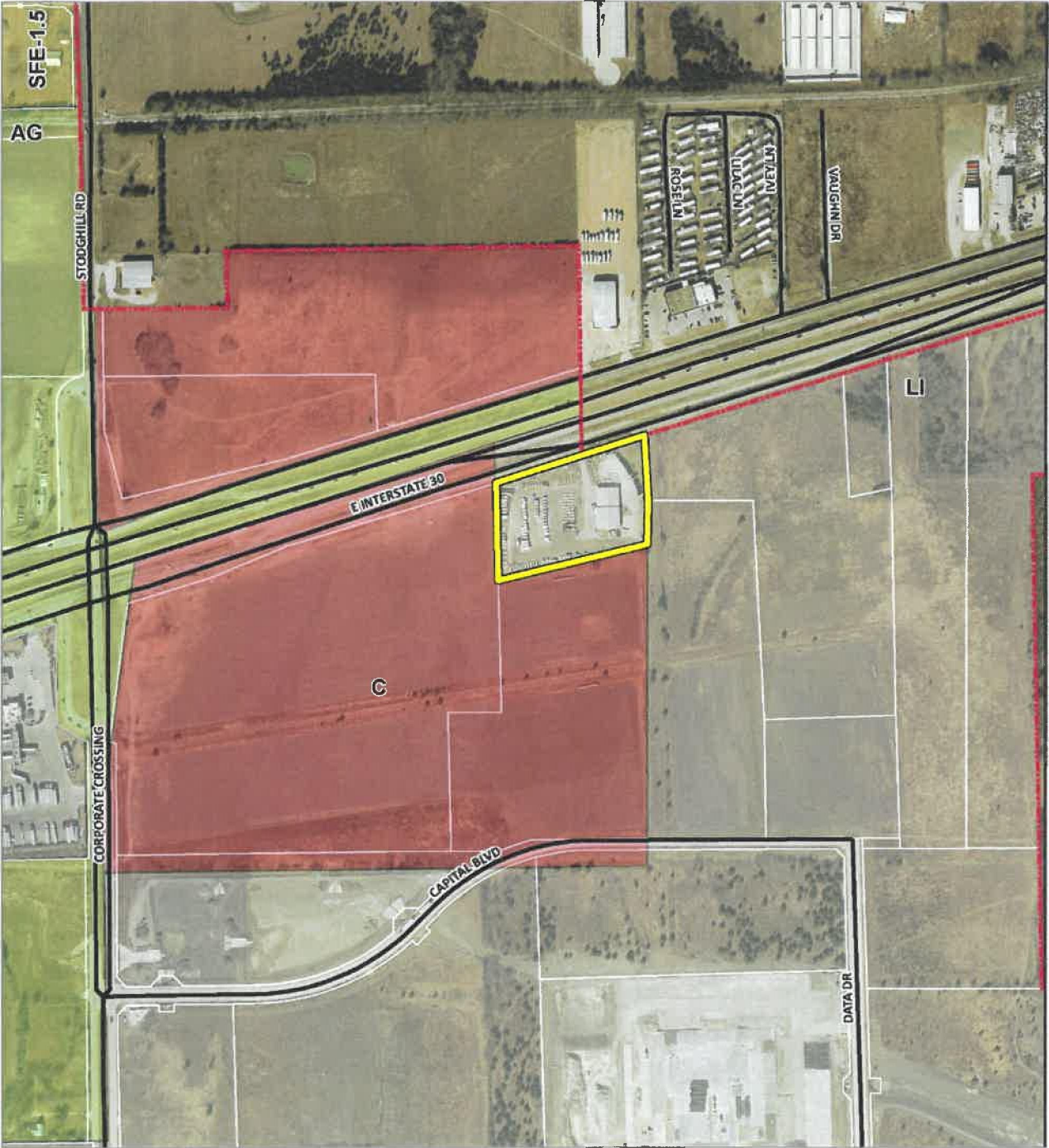
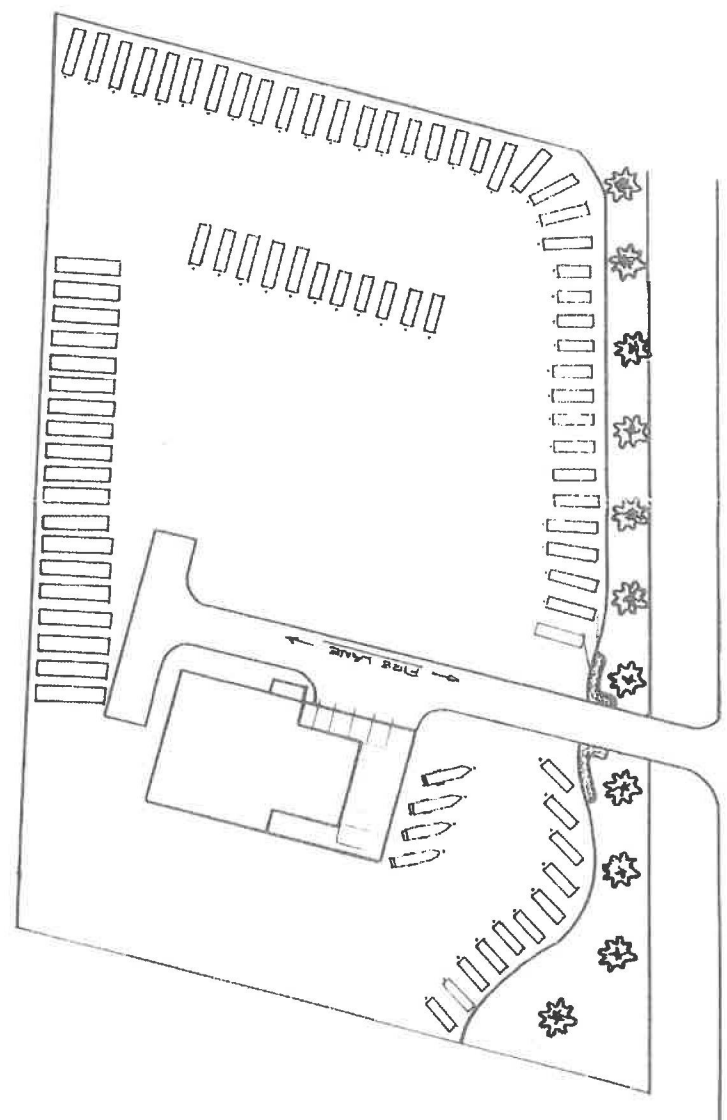


Exhibit 'B'
Concept Plan

TOWERS 22606 I-30	DATE	9/2. 271. 1522
PROJECT #	ISSUED	
BY	REVISIONS	



WALKABOUT BV