

CITY OF ROCKWALL

ORDINANCE NO. 20-09

SPECIFIC USE PERMIT NO. S-215

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW RENTAL, SALES, AND SERVICE OF HEAVY MACHINERY AND EQUIPMENT ON AN 11.389-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1, BLOCK A, HOME DEPOT-ROCKWALL ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY 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 Scott Mommer of Lars Andersen & Associates for the approval of a Specific Use Permit (SUP) to allow *Rental, Sales, and Service of Heavy Machinery and Equipment* on a 11.38-acre parcel of land being described as Lot 1, Block A, Home Depot-Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 765 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. 20-02*] 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. 20-02*] 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 *Rental, Sales, and Service of Heavy Machinery and Equipment* as stipulated by Section 01, *Land Use Schedule*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

**SECTION 2.** That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 07.03, *Non-Residential District Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] -- as heretofore amended and as may be amended in the future --, and the following conditions:

## 2.1. OPERATIONAL CONDITIONS

The following conditions pertain to the *Rental, Sales, and Service of Heavy Machinery and Equipment* land use on the *Subject Property* and conformance to these conditions are required for continued operations:

- 1) All outside rental, sales, and service of heavy machinery and equipment shall conform to the concept plan depicted in *Exhibit 'B'* of this ordinance.
- 2) The outside storage area depicted in *Exhibit 'B'* of this ordinance shall be screened in accordance with the screening requirements stipulated by the Unified Development Code (UDC). An amended site plan showing conformance to these screening requirements shall be submitted and approved by the Planning and Zoning Commission prior to the establishment of this land use.
- 3) The outside storage of machinery and equipment shall only be stored in the area depicted in *Exhibit 'B'* of this ordinance and labeled as *Proposed THD Equipment Rental (10 Stalls)*.
- 4) The equipment and machinery stored in the outside storage area depicted in *Exhibit 'B'* of this ordinance be stowed in a position so as to not extend any part of the equipment or machinery in an upward or outward manner.
- 5) This Specific Use Permit (SUP) shall not be construed to permit the outside storage of equipment and machinery for outside display, nor does it permit additional outside storage of other materials that are not associated with the *Rental, Sales, and Service of Heavy Machinery* land use.
- 6) Maintenance and/or service of any equipment and/or machinery shall not be performed on site.

## 2.2. COMPLIANCE

Approval of this ordinance in accordance with Subsection 2.02, *Specific Use Permits (SUP)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

- 1) Upon obtaining a building permit, should the homeowner 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(F), *Revocation*, of Article 11, *Development Applications and Review Procedures*, 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.

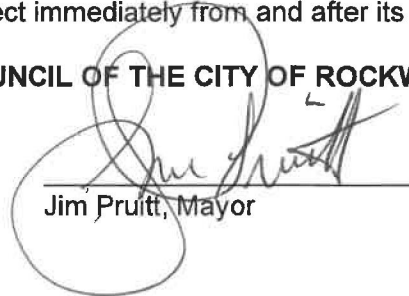
**SECTION 5.** That any person, firm, or corporation violating any of the provisions of this ordinance

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.** That 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 6<sup>TH</sup> DAY OF APRIL, 2020.**



\_\_\_\_\_  
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: March 16, 2020

2<sup>nd</sup> Reading: April 6, 2020

**Exhibit 'A'**  
**Zoning Exhibit**

Address: 765 E. IH-30

Legal Description: Lot 1, Block A, Home Depot-Rockwall Addition

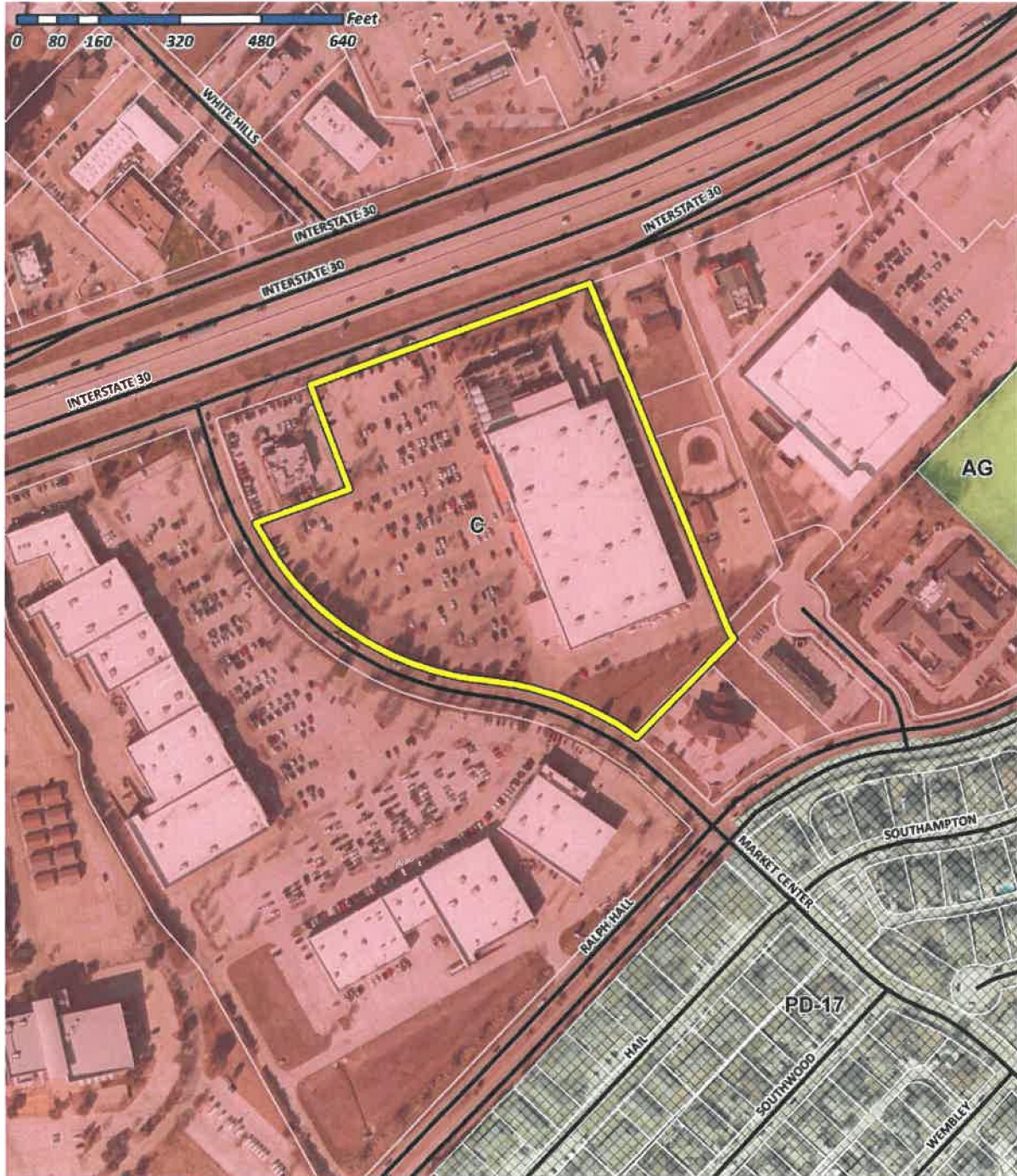


Exhibit 'B'  
Concept Plan

