

CITY OF ROCKWALL

ORDINANCE NO. 20-15

SPECIFIC USE PERMIT NO. S-218

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) WITHIN A LIGHT INDUSTRIAL (LI) DISTRICT ALLOWING FOR A *NEW AND/OR USED INDOOR MOTOR VEHICLE DEALERSHIP/SHOWROOM* ON A 11.153-ACRE PARCEL OF LAND IDENTIFIED AS LOT 9, BLOCK D, ROCKWALL TECHNOLOGY PARK ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR 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 Brian Parsons on behalf of Jeff Fleming of J. R. Fleming Investments for the approval of a Specific Use Permit (SUP) to allow for a *New and/or Used Indoor Motor Vehicle Dealership/Showroom* to be located on an 11.153 acre parcel of land identified as Lot 9, Block D, Rockwall Technology Park Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, addressed as 2635 Observation Trail, Suite 110, and more specifically described and 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 [*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 [*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 for an *Indoor Motor Vehicle Dealership/Showroom* within a Light Industrial (LI) District, as stipulated by Subsection 02.03.H.5, *Auto and Marine-Related Land Uses*, of Article 04, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 20-02*] for the *Subject Property*; and,

**SECTION 2.** That the Specific Use Permit shall be subject to the conditions set forth in Subsection 02.03.H.5, *Auto and Marine-Related Land Uses*, of Article 04, *Permissible Uses*, and Subsection 05.01, *General Industrial District Standards*, of Article 05, *District Development Standards*, of the Unified Development Code [*Ordinance No. 20-02*] as heretofore amended, as

amended herein by granting of this zoning change, and as may be amended in the future, and shall be subject to the following additional conditions:

## 2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *New and/or Used Indoor Motor Vehicle Dealership/Showroom* on the *Subject Property*, and conformance to these operational conditions is required for continued operations:

- (1) The area designated for a *New and/or Used Indoor Motor Vehicle Dealership/Showroom* shall be restricted to Suite 110 (*i.e. ~10,000 SF*) of 2635 Observation Trail as depicted in Exhibit 'B' of this ordinance; and,
- (2) The sales/storage facility must be in a completely enclosed building; and,
- (3) Outside display and/or storage of vehicles shall be prohibited. This includes storing vehicles under canopies/awnings or similar covered structures; and,
- (4) All activities shall remain inside the building (*i.e. no detailing, washing, sales activities, etcetera shall be performed outside the building*); and,
- (5) Accessory uses may be allowed in compliance with the *Land Use Schedule* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC); and,
- (6) The *New and/or Used Indoor Motor Vehicle Dealership/Showroom* shall be restricted to the sale of motor vehicles only (*i.e. cars and/or light trucks*); and,
- (7) The subject property shall comply with all standard of the City of Rockwall Fire Department for such use.

## 2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] will require compliance to the following:

- 1) Upon obtaining or maintaining 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 outlined 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 Subsection 02.02(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.

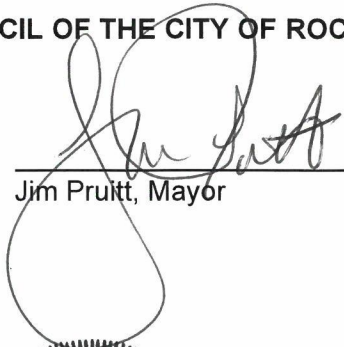
**SECTION 5.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and

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;

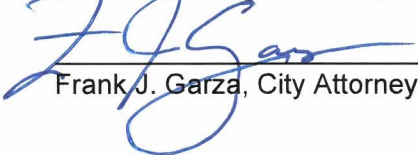
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS THE 18<sup>TH</sup> DAY OF MAY, 2020.**

  
\_\_\_\_\_  
Jim Pruitt, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kristy Cole, City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Frank J. Garza, City Attorney



1<sup>st</sup> Reading: May 4, 2020

2<sup>nd</sup> Reading: May 18, 2020

**Exhibit 'A':  
Zoning Exhibit**

Location: 2635 Observation Trail

Legal Description: Lot 9, Block D, Technology Park Addition

