

CITY OF ROCKWALL

ORDINANCE NO. 22-30

SPECIFIC USE PERMIT NO. S-278

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 A *TOWING AND IMPOUND YARD* ON A 1.804-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2-8 OF THE J. R. JOHNSON SURVEY, ABSTRACT NO. 128, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN *EXHIBIT 'A'* AND *EXHIBIT 'B'* 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 Kim Lemmond of Dallas Towboys for the approval of a Specific Use Permit (SUP) to allow for a *Towing and Impound Yard* on a 1.804-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and being more specifically depicted and described in *Exhibit 'A'* and *Exhibit 'B'* 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 a *Towing and Impound Yard* as stipulated by Subsection 01.02, *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 02.03, *Conditional Land Use Standards*, of Article 04, *Permissible Uses*, and Subsection 04.01, *General Commercial District Standards*, and Subsection 04.06, *Heavy Commercial (HC) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] and Article VI, *Wrecker and Towing Services*,

of Chapter 12, *Businesses and Sales*, of the Municipal Code of Ordinances -- as heretofore amended and as may be amended in the future --, and with the following conditions:

## 2.1. OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Towing and Impound Yard* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) The development of the Subject Property shall generally conform to the Concept Plan as depicted in Exhibit 'B' of this ordinance.
- (2) All impounded vehicles shall be limited to a maximum of seventy-five (75) days of on-site storage.
- (3) All impounded vehicles shall be stored behind a solid screening fence (*including the gates*) that conforms to the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC) on the *Subject Property*. In addition, all impounded vehicles shall be stored behind the front façade of the building.
- (4) The storage of boats, trailers, and tires shall be prohibited. Only towed vehicles may be stored on the subject property.
- (5) The landscaping on the subject property shall be updated to meet the City's minimum standards. Specifically, one (1) canopy and one (1) accent tree per 50-linear feet of frontage shall be installed and maintained in accordance with the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).
- (6) The storage or impoundment of in-operable vehicles on the subject property shall be prohibited.
- (7) A concrete parking lot with a capacity for seven (7) vehicles and conforming to the City's standards shall be provided.

## 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) will require compliance to the following:

- (1) Upon obtaining a *Certificate of Occupancy (CO)*, should the business owner 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 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 Revision Procedures*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*].

**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 6<sup>TH</sup> DAY OF JUNE, 2022.**


  
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Kevin Fowler, Mayor

**ATTEST:**

  
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Kristy Teague, City Secretary



**APPROVED AS TO FORM:**

  
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Frank J. Garza, City Attorney

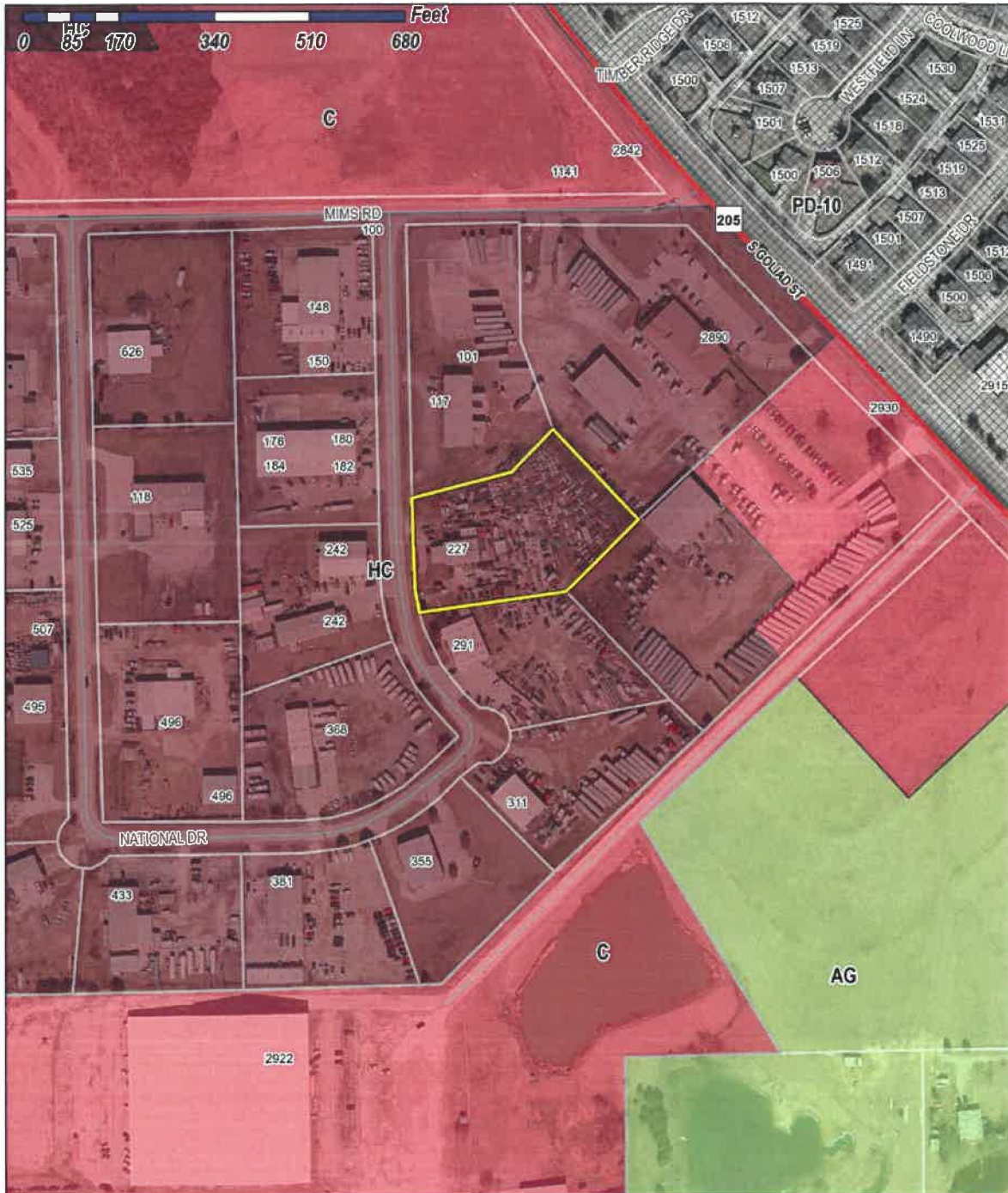
1<sup>st</sup> Reading: May 16, 2022

2<sup>nd</sup> Reading: June 6, 2022

**Exhibit 'A'**  
**Location Map**

Address: 227 National Drive

Legal Description: Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128



**Exhibit 'B'**  
**Concept Plan**

