

CITY OF ROCKWALL

ORDINANCE NO. 23-33

SPECIFIC USE PERMIT NO. S-305

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 100 (PD-100) [*ORDINANCE NO. 23-07*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A *COMMERCIAL FREESTANDING ANTENNA* ON A 0.1234-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 14 OF THE D. HARR SURVEY, ABSTRACT NO 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; 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, a request has been made by Dub Douphrate of Douphrate and Associates on behalf of Dewayne Cain for the approval of a *Specific Use Permit (SUP)* for a *Commercial Freestanding Antenna* on a 0.1234-acre tract of land identified as a portion of Tract 14 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 100 (PD-100) for General Retail (GR) District land uses, situated within the East SH-66 Overlay (E. SH-66 OV) District, generally located on the southside of SH-66 east of the intersection of SH-66 and Davis Drive, and being 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 Planned Development District 100 (PD-100) [*Ordinance No. 23-07*] and 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 Planned Development District 100 (PD-100) [*Ordinance No. 23-07*] and 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 the establishment of a *Commercial Freestanding Antenna* as stipulated by Planned Development District 100 (PD-100) [*Ordinance No. 23-07*] on the *Subject Property*; and

SECTION 2. That the *Subject Property* shall be used and developed only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in Planned Development District 100 (PD-100) [*Ordinance No. 23-07*], Subsection 01.01, *Land Use Schedule*, of Article 04, *Permissible Uses*, and Subsection 04.01, *General Commercial*

District Standards; Subsection 04.04, *General Retail (GR) District*; and Subsection 06.02, *General Overlay District Standards*, of Article 05, *District Development Standards*, of the Unified Development Code [Ordinance No. 20-02] of the City of Rockwall -- as heretofore amended and may be amended in the future -- and with the following conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Commercial Freestanding Antenna* on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) The development and operation of a *Commercial Freestanding Antenna* shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* and *Concept Building Elevations* depicted in *Exhibit 'C'* of this ordinance.
- 2) Any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six (6) feet at maturity or a masonry screening wall at least eight (8) feet in height; and,
- 3) At least one (1) paved parking space with paved access thereto shall be provided at the antenna location; said parking space need not be reserved exclusively for use in conjunction with the antenna installation and may be one (1) of the spaces provided for the principal use on the property; and,
- 4) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction; and,

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 the *Subject Property* to comply with 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 Review Procedures*, of the Unified Development Code (UDC) [Ordinance No. 20-02].

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.

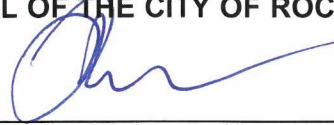
SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such offense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

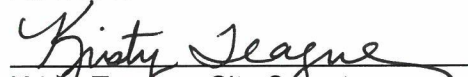
SECTION 7. That this ordinance shall take effect immediately from and after its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 5TH DAY OF JUNE, 2023.**

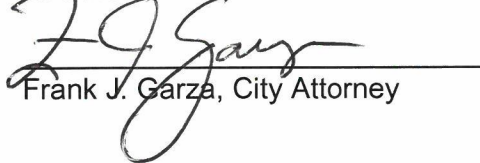


Trace Johannesen, Mayor

ATTEST:


Kristy Teague, City Secretary

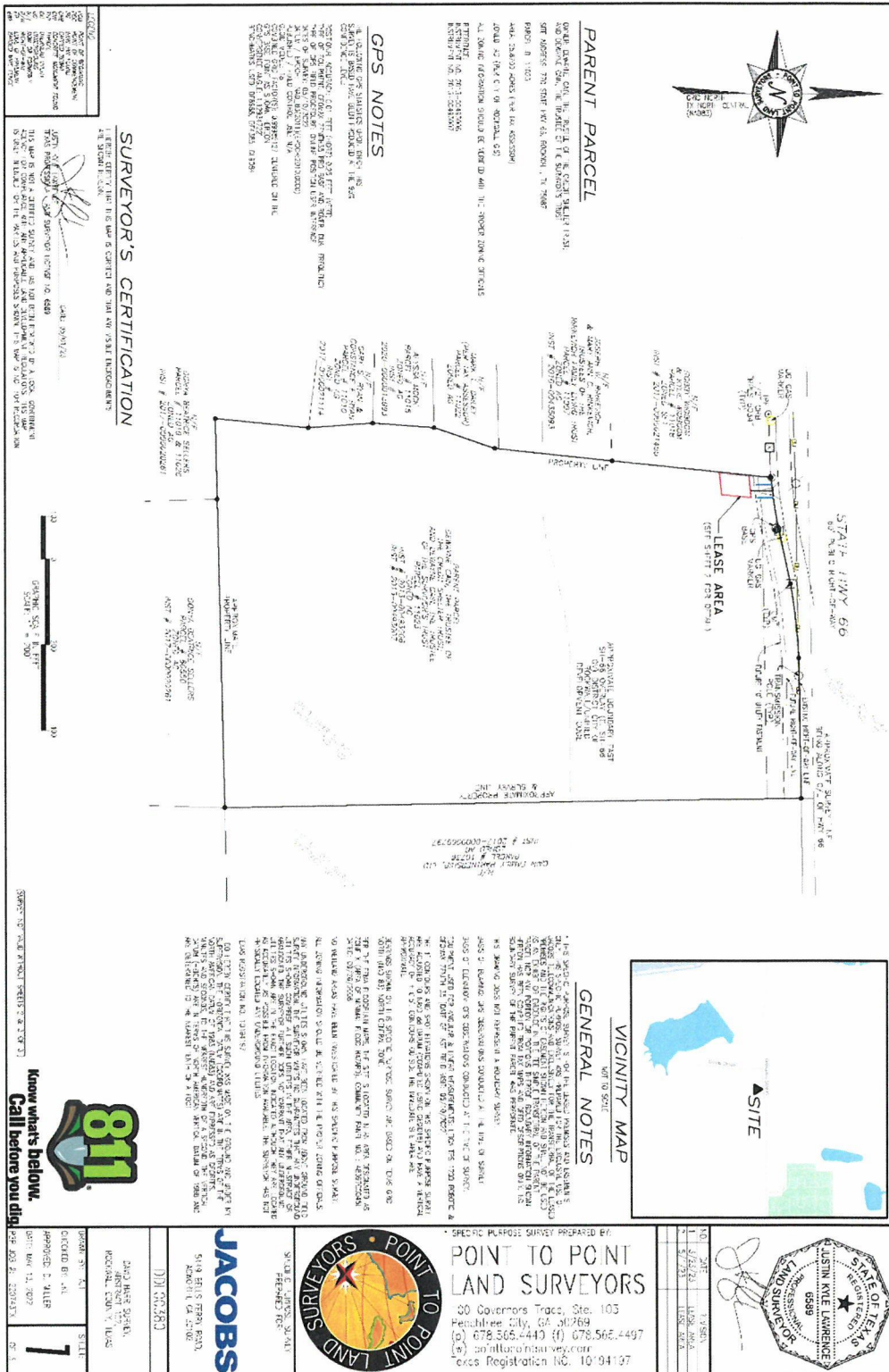
APPROVED AS TO FORM:


Frank J. Garza, City Attorney

1st Reading: May 15, 2023

2nd Reading: June 5, 2023

Exhibit 'A': Survey



Z2023-022: SUP for a Commercial Freestanding Antenna Ordinance No. 23-33; SUP # S-305

**Exhibit 'B':
Concept Plan**

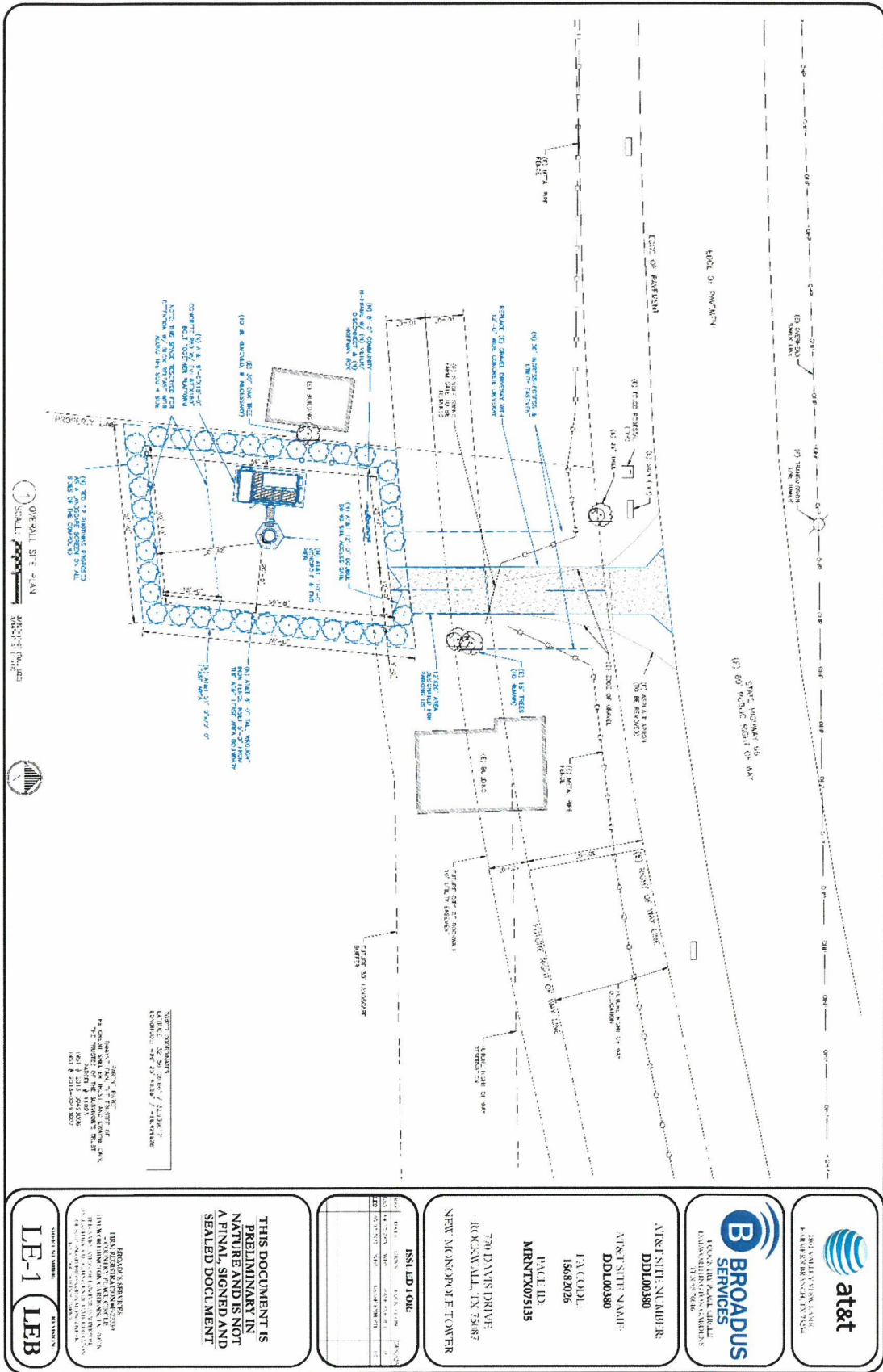


Exhibit 'C': Concept Building Elevations

SECTION A
SECTION B
SECTION C

SCALE: 1/8" = 1'-0"

SECTION A
SECTION B
SECTION C

SCALE: 1/8" = 1'-0"

SECTION A
SECTION B

SCALE: 1/8" = 1'-0"

SECTION A
SECTION B
SECTION C

SCALE: 1/8" = 1'-0"

SECTION A
SECTION B

SCALE: 1/8" = 1'-0"

SECTION A
SECTION B
SECTION C

SCALE: 1/8" = 1'-0"

SECTION A
SECTION B

SCALE: 1/8" = 1'-0"

SECTION A
SECTION B
SECTION C

SCALE: 1/8" = 1'-0"