

CITY OF ROCKWALL

ORDINANCE NO. 05-34

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN THE (C) COMMERCIAL DISTRICT ALLOWING FOR TWO (2) WIRELESS COMMUNICATION TOWERS WITH COMMERCIAL ANTENNAS, ON A 1.92-ACRE TRACT LOCATED AT 1411 S. GOLIAD AND KNOWN AS TRACT 2, ABSTRACT 255, B.J.T. LEWIS SURVEY; 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, a request has been made by David Arterburn of Digital Path Texas for a Specific Use Permit allowing for two (2) wireless communication towers with commercial antennas, on a 1.92-acre tract located at 1411 S. Goliad and known as Tract 2, Abstract 255, B.J.T. Lewis Survey, City and County of Rockwall, Texas; 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 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 of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit allowing for two (2) wireless communication towers with commercial antennas, on a 1.92-acre tract located at 1411 S. Goliad and known as Tract 2, Abstract 255, B.J.T. Lewis Survey, City and County of Rockwall, Texas; and

Section 2. That the Specific Use Permit shall be subject to the following conditions:

1. The maximum height of the two (2) antenna support structures shall not exceed 100-feet and 60-feet, respectively, and the antenna shall not extend more than ten (10) feet above the maximum height of the support structure.
2. Approval of a building permit is required for all structures.
3. Written verification from the Federal Aviation Administration (FAA) that installed towers are acceptable prior to issuance of a building permit.
4. The City Council reserves the right to review the Specific Use Permit granted herein upon the expiration of one (1) year from the date hereof.

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, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code of the City of Rockwall, Texas, 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 for this ordinance are declared to be severable.

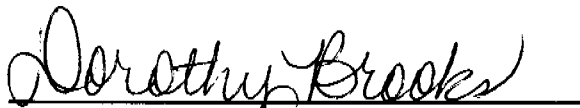
Section 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 18th day of July, 2005.



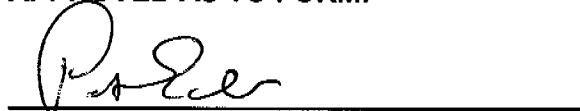
William R. Cecil, Mayor

ATTEST:

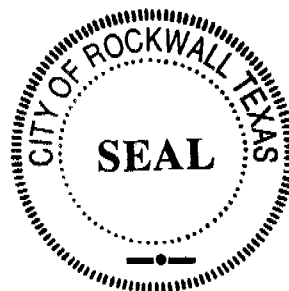


Dorothy Brooks, City Secretary

APPROVED AS TO FORM:



Pete Eckert, City Attorney



1st Reading 07-05-05

2nd Reading: 07-18-05

Advertising Receipt

Rockwall County News

316 S Goliad, Ste 107
PO BOX 819
Rockwall, TX 75087
Phone: 972-722-3099
Fax: 972-722-3096

ROCKWALL, CITY OF-LEGALS ®
ATTN: DOROTHY BROOKS
385 SOUTH GOLIAD
ROCKWALL, TX 75087

Cust#: 01100978-000
Ad#: 17530109
Phone: (972)771-7700
Date: 08/10/05

Ad taker: 15 **Salesperson:** 6 **Classification:** 001

Description	Start	Stop	Ins.	Cost/Day	Surcharges	Total
09 ROCKWALL COUNTY NEWS	08/17/05	08/17/05	1	60.00		60.00

Payment Reference:

L 323319

Total: 60.00
Tax: 0.00
Net: 60.00
Prepaid: 0.00

Total Due 60.00

PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared Michael Gresham, who being by me duly sworn and deposes and says that he is the Publisher of *Rockwall County News* and that said newspaper meets the requirements of Section 2051.044 of the Texas Government Code, to wit:

1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published;
4. it has been published regularly and continuously since 1985; and
5. it is generally circulated within Rockwall County.

Publisher further deposes and says that the attached notice was published in said newspaper on the following date(s) to wit:

August 17th A.D. 2005

Michael Gresham

Michael Gresham
Editor and Publisher

SUBSCRIBED AND SWORN BEFORE ME

by Michael Gresham, who

- a) is personally known to me, or
 b) provided the following evidence to establish his/her identity. _____

on the 18th day of August, A.D. 2005
to certify which witness my hand and seal of office.

Patricia A. Shaw

Notary Public, State of Texas



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/s/ William R. Cecil, Mayor

/s/ Dorothy Brooks, City Secretary

1st Reading: 07-05-05

2nd Reading: 07-18-05