

CITY OF ROCKWALL

ORDINANCE NO. 09-45

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A "UTILITY INSTALLATION, OTHER THAN LISTED" WITHIN THE (PD-54) PLANNED DEVELOPMENT NO. 54 DISTRICT, SPECIFICALLY THE INSTALLATION OF SOLAR PANELS ON THE ROOF OF A HOME LOCATED AT 748 BLACK OAK LANE, BEING LOT 13, BLOCK E, FLAGSTONE ESTATES ADDITION; 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 Specific Use Permit (SUP) has been requested by Robert Soukup to allow for a "Utility Installation, Other Than Listed" within the (PD-54) Planned Development No. 54 district, specifically the installation of solar panels on the roof of their home located at 748 Black Oak Lane, being Lot 13, Block E, Flagstone Estates Addition, 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 by the approval of a Specific Use Permit to allow for a "Utility Installation, Other Than Listed" within the (PD-54) Planned Development No. 54 district, specifically the installation of solar panels on the roof of the home located at 748 Black Oak Lane, being Lot 13, Block E, Flagstone Estates Addition, City and County of Rockwall, Texas; and

Section 2. That the Specific Use Permit shall be subject to the conditions set forth in Ordinance No. 04-31 (i.e. PD-54) and **Article V, Section 3.4, (SF-10) Single Family Residential District** of the City of Rockwall Unified Development Code (Ord. No. 04-38) as heretofore amended and as may be amended in the future, and shall be subject to the additional following additions:

1. Eleven (11) solar panels shall be attached to the roof as shown on the elevations attached as Exhibit "A", with the ability to add three (3) for future expansion but not to exceed an overall maximum of fourteen (14) solar panels.
2. All mechanical equipment (e.g. Inverter box) and batteries shall be completely screened from adjacent right-of-ways and properties.

3. The solar panel equipment shall be the Schott Solar Poly 220-watts system or an equivalent system with the physical specifications as submitted by the applicant.

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 No. 04-38 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.

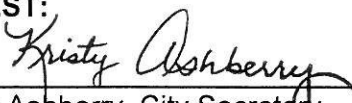
Section 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 2nd day of November, 2009.



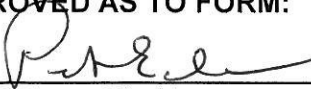
William R. Cecil, Mayor

ATTEST:



Kristy Ashberry, City Secretary

APPROVED AS TO FORM:



Pete Eckert, City Attorney



1st Reading: 10-19-09

2nd Reading: 11-02-09

Exhibit "A"
Robert Soukup Solar Panels SUP
748 Black Oak Lane

