

CITY OF ROCKWALL

ORDINANCE NO. 13-05

SUP NO. S-103

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) FOR OUTSIDE STORAGE AND DISPLAY ON A 3.20-ACRE TRACT OF LAND ZONED LIGHT INDUSTRIAL (LI) DISTRICT AND LOCATED WITHIN THE IH-30 (IH-30 OV) OVERLAY DISTRICT, THE SUBJECT PROPERTY IS LOCATED AT 1780 E. IH-30, BEING DESCRIBED AS TRACT 7-01 OF J. LOCKHART SURVEY, ABSTRACT NO. 134; 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 John Kimmel, representing Tuff Shed Inc., on behalf of the owner, Mike James of UV Real Estate, LP, for a Specific Use Permit (SUP) allowing for *Outside Storage and Display* on a 3.20-acre tract of land zoned Light Industrial (LI) District, located within the IH-30 (IH-30 OV) Overlay District, and identified as Tract 7-01 of the J. Lockhart Survey, Abstract No. 134 situated within the City and County of Rockwall, Texas and 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 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 (SUP) allowing for *Outside Storage and Display* within a Light Industrial (LI) District located within the IH-30 (IH-30 OV) Overlay District on the *Subject Property*; and

Section 2. That the Subject Property shall be used only in the manner and for the purposes described in the Specific Use Permit (SUP) and specifically set forth in *Section 2.1.10, Wholesale, Distribution and Storage, of Article II, Permissible Uses; Section 5.3, Light Industrial (LI) District, and Section 6.6, IH-30 (IH-30 OV) Overlay District, of Article V, District Development Standards, of the City of Rockwall Unified Development Code (Ordinance No. 04-38)* 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 additional following conditions and compliance standards:

2.1 Operational Conditions

The following conditions pertain to the operation of a retail business with outside storage and/or outside display of accessory buildings on the subject property at 1780 E. IH-30 and conformance to these stipulations are required for continued operations:

- 1) A valid city approved Certificate of Occupancy (CO) is required prior to any outside storage and/or outside display activity on the subject property.
- 2) All development must conform to the approved *Site Plan* depicted in Exhibit 'B' of this ordinance, which is incorporated herein by reference.
- 3) No accessory building stored and/or displayed on the site shall have a larger building footprint than twenty (20') feet by twenty (20') feet, or 400 square feet in total size; with the exception of one (1) building, generally meeting the specifications listed in Exhibit 'B' of this ordinance, that may have a maximum building footprint of twenty-four (24') feet by thirty-six (36') feet (or 864 square feet in total area) may be stored and/or displayed on the site. The office building that was located on the site at the time this ordinance was drafted (depicted in Exhibit 'B' of this ordinance) is exempt from the aforementioned area requirements.
- 4) No accessory structure shall exceed a maximum height of thirty-six (36') feet.
- 5) The accessory buildings stored and/or displayed on the subject property are intended for display purposes only and shall not be utilized as habitable space or for storage of any kind.
- 6) The operation of this site shall conform to all federal, state and local standards and comply with the requirements of Section 2.2, *Compliance Standards*, of this ordinance.

2.2 Compliance

Approval of this ordinance in accordance with Section 8.3, *Council Approval or Denial*, of Article II, *Authority and Administrative Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

- 1) The Specific Use Permit (SUP) shall automatically terminate three (3) years after City Council adoption of this ordinance. Ninety (90) days prior to the cessation of this ordinance the applicant shall have the opportunity to submit an application with the Planning and Zoning Department of the City of Rockwall for the renewal of the ordinance for a period to be determined by City Council. The application will initiate proceedings before the Planning & Zoning Commissions and City Council.
- 2) Upon obtaining 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 outline in the Unified Development Code, the City Council may, after proper notice, initiate proceedings before the City Council to revoke the Specific Use Permit.

Section 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

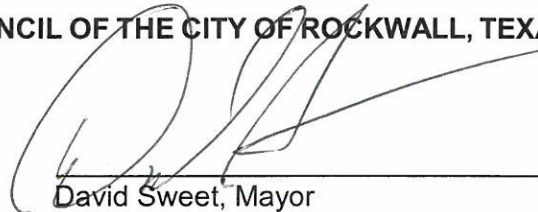
Section 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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 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, ON THIS THE 1ST DAY OF APRIL, 2013.



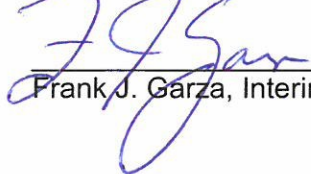
David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, Interim City Attorney



1st Reading: March 18, 2013

2nd Reading: April 1, 2013

Exhibit 'A'

Property Survey w/ Legal Description

SURVEY PLAT

RHODES
Surveying

BARRY S. RHODES Registered Professional Land Surveyor (972) 475-8940
This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 1780 Interstate Highway 30, in the city of ROCKWALL, ROCKWALL COUNTY, Texas



STATE OF TEXAS:
COUNTY OF ROCKWALL:

BEING a tract of land situated in the John Lockhart Survey, Abstract No. 134, Rockwall County, Texas being conveyed to U.V. Real Estate LP as recorded in Volume 6771, Page 1, Deed Records, Rockwall County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch yellow capped iron rod set for corner being in the South line of Interstate Highway 30, being the Northeast corner of a tract of land conveyed to Ivor and Kathryn Mckeown as recorded Volume 6749, Page 228, Deed Records, Rockwall County, Texas and being the Northwest corner of said U.V. Real Estate tract;

THENCE North 73 degrees 51 minutes 00 seconds East, a distance of 201.50 feet to a 1/2 inch yellow capped iron rod set for corner being the Northwest corner of a tract of land conveyed to Salehoun Family Limited Partnership as recorded Volume 4605, Page 60, Deed Records, Rockwall County, Texas and being the Northeast corner of said U.V. Real Estate tract;

THENCE South 01 degrees 49 minutes 34 seconds East, a distance of 859.22 feet to a 1/2 inch iron rod found for corner being in the North line of a tract of land conveyed to Hitt Family Limited Partnership as recorded in Volume 1875, Page 238, Deed Records, Rockwall County, Texas and being the Southeast corner of said U.V. Real Estate tract;

THENCE South 68 degrees 13 minutes 26 seconds West, a distance of 139.25 feet to a 1/2 inch yellow capped iron rod set for corner being in the East line of said Mckeown tract;

THENCE North 06 degrees 36 minutes 15 seconds West, a distance of 541.16 feet to a 1/2 inch iron rod set for corner;

THENCE North 05 degrees 17 minutes 51 seconds West, a distance of 318.18 feet to the PLACE OF BEGINNING and containing 3.29 acres of land.

TITLE AND ABSTRACTING WORK FURNISHED BY U.V. REALTY



INTERSTATE HIGHWAY 30

N 73°51'00" E
201.50'

ONE STORY MANUFACTURED (1780)

3.29 ACRES

SALEHOON FAMILY LIMITED PARTNERSHIP
VOLUME 4605 PAGE 60

IVOR & KATHRYN MCKEOWN
VOLUME 6749 PAGE 228

HITT FAMILY LIMITED PARTNERSHIP
VOLUME 1875 PAGE 238

THIS CERTIFICATION DOES NOT TAKE INTO CONSIDERATION ADDITIONAL FACTS THAT AN ACCURATE TITLE SEARCH AND OR EXAMINATION MIGHT DISCLOSE.

The plat hereon is true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat; the size, location and type of building and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distance indicated.

THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN.

Scale: 1" = 100'
Date: 02/20/2013
G. F. No.:
Job no.: 90664
Drawn by: CW



THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR U.V. REALTY
USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR OTHER PARTIES SHALL BE AT THEIR RISK AND UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.



Exhibit 'B'

Site Plan/Concept Plan

