

CITY OF ROCKWALL
ORDINANCE NO. 17-20
SPECIFIC USE PERMIT NO. S-164

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) RESCINDING ORDINANCE NO. 08-38 (SUP NO. S-056) AND ALLOWING OUTSIDE STORAGE IN A LIGHT INDUSTRIAL (LI) DISTRICT WITHIN THE IH-30 OVERLAY (IH-30 OV) DISTRICT ON A 4.4317-ACRE TRACT OF LAND BEING IDENTIFIED AS TRACT 22-01 OF THE R. IRVINE SURVEY, ABSTRACT NO. 120, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; 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 initiated a request on behalf of Raymond Jowers of Jowers Inc. for the approval of a Specific Use Permit (SUP) rescinding *Ordinance No. 08-38 (SUP No. S-056)* and allowing outside storage in a Light (LI) District within the IH-30 Overlay (IH-30 OV) District on a 4.4317-acre tract of land being described as Tract 22-01 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District and addressed as 2260 E. IH-30, 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 [*Ordinance No. 04-38*] of the City of Rockwall and Ordinance No. 08-38 should be amended as follows:

NOW, THEREFORE, LET IT BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

Section 1. That the approval of this ordinance shall superseded all requirements stipulated in *Ordinance No. 08-38*;

Section 2. That the Unified Development Code [*Ordinance No. 04-38*] 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 outside storage within a Light Industrial (LI) District as stipulated by Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*] on the *Subject Property*; and

Section 3. That the Specific Use Permit (SUP) shall be subject to the conditions set forth in *Section 5.3, Light Industrial (LI) District; and Section 6.6, IH-30 Overlay (IH-30 OV) District of Article V, District Development Standards, Unified Development Code [Ordinance No. 04-38]* as heretofore amended and as may be amended in the future, and shall be subject to the additional following conditions:

- 1) The Specific Use Permit (SUP) shall be valid for a period of three (3) years from the date of the approval of this ordinance. If an extension of the SUP is necessary, the owner shall submit a request in writing to staff no less than 90 days prior to the expiration of the SUP. Upon receipt of the request the City Council shall review the SUP and determine if an extension of the SUP is permitted based on the development of FM-549 and the IH-30 overpass construction and/or other development activity in the area.
- 2) All outside display and outside storage of trailers shall generally conform to the concept plan depicted in Exhibit 'A' of this ordinance, which shall be incorporated herein by reference.
- 3) The outside display and outside storage of semi-trailers and tractor-trailers shall be prohibited.
- 4) City Council approval of the SUP includes the temporary waiver to certain engineering and fire department standards, including but not limited to, concrete paving requirements and the extension of a 12-inch water line from FM-549. Future development of the subject property will be subject to the engineering and fire department standards in effect at the time of development.
- 5) In the event that the development expands the existing structure or adds additional buildings, the development will be subject to meet the requirements for fire protection.

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 offense 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 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 THE 17th DAY OF APRIL, 2017.

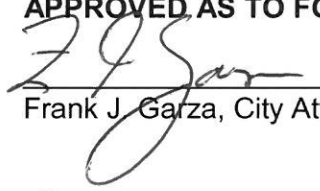


Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

APPROVED AS TO FORM:

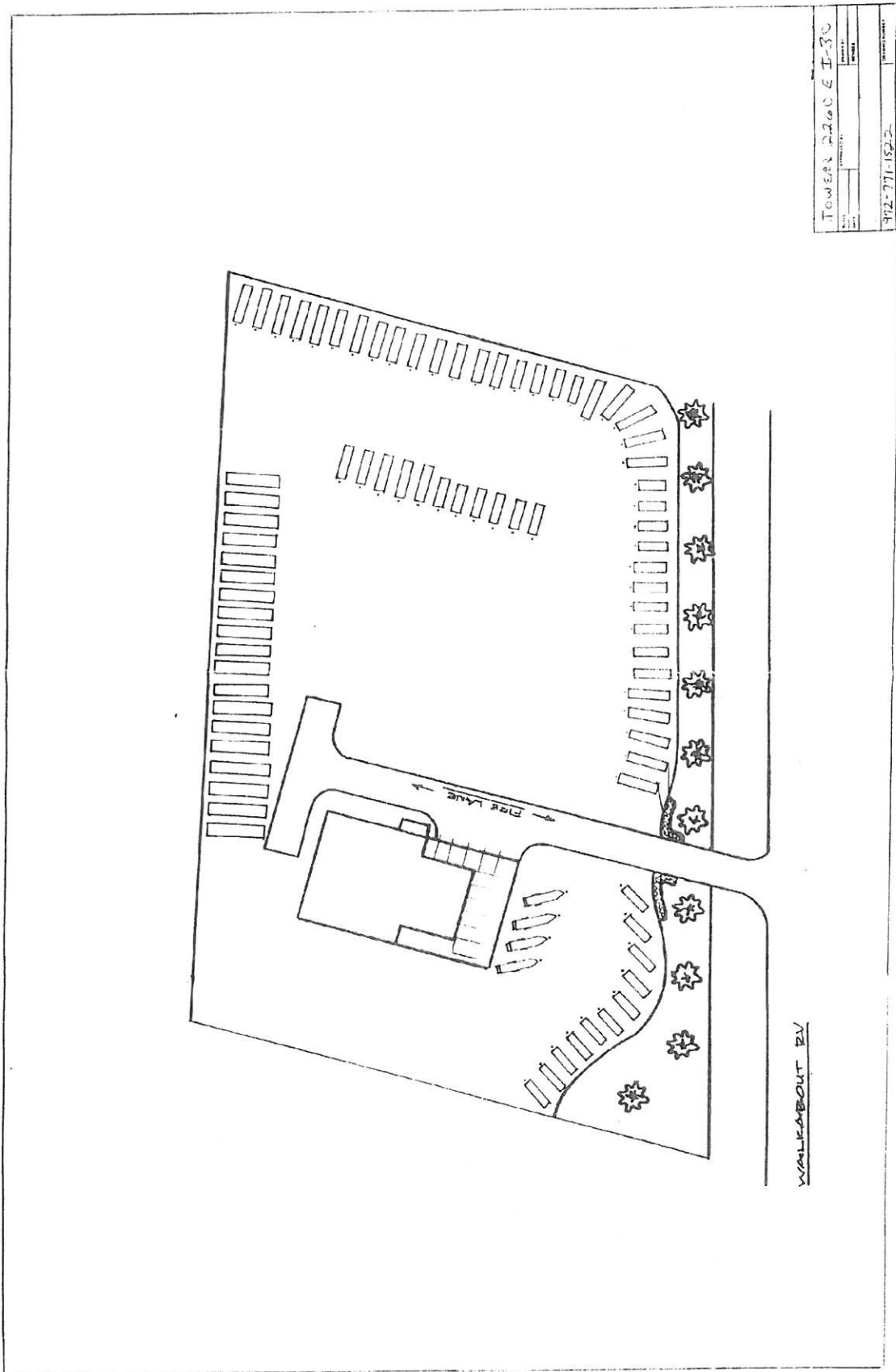


Frank J. Garza, City Attorney

1st Reading: April 3, 2017

2nd Reading: April 17, 2017

Exhibit 'A':
Concept Plan



TOWERS 2260 E IH-30	
DATE	10/11/15
PROJECT NO.	972-771-1522
DESIGNER	
CHECKED BY	
APPROVED BY	