

ORDINANCE NO. 2022-042

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GRAPEVINE, TEXAS, SAME BEING ALSO KNOWN AS APPENDIX "D" OF THE CITY CODE OF GRAPEVINE, TEXAS, AMENDING SECTION 32, BUSINESS PARK DISTRICT, SECTION 12, DEFINITIONS RELATIVE TO THE SALE AND RENTAL OF HEAVY MACHINERY AND EQUIPMENT, OUTSIDE STORAGE, AND THE ESTABLISHMENT OF USE-SPECIFIC LIMITATIONS; REPEALING CONFLICTING ORDINANCES; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 32 of the Zoning Ordinance of the City of Grapevine regulates the Business Park District and Section 12 of the Zoning Ordinance of the City of Grapevine regulates the Definitions of uses within the Zoning Ordinance; and

WHEREAS, the City Council wishes to amend Section 32 and Section 12 of the Zoning Ordinance; and

WHEREAS, the City Council of the City of Grapevine deems the passage of this ordinance as necessary to protect the public, health, safety, and welfare; and

WHEREAS, the City Council is authorized by law to adopt the provisions contained herein, and has complied with all the prerequisites necessary for the passage of this Ordinance, including but not limited to the Open Meetings Act.

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

Section 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Section 2. Section 32 of the Zoning Ordinance - "Business Park District", is hereby amended by adding Subsection (C)(10) to shall read as follows:

"10. Sale and Rental of Heavy Machinery and Equipment."

Section 3. Section 32 of the Zoning Ordinance - "Business Park District", is hereby amended by revising Subsection (M)(1) to shall read as follows:

“No outdoor storage, except for refuse and garbage storage, shall be permitted; except for heavy machinery and equipment storage subject to and conditioned upon approval of a conditional use permit pursuant to Section 48. Refuse and garbage storage areas shall be landscaped and screened in accordance with Section 50.B.3.”

Section 4. Section 32 of the Zoning Ordinance - “Business Park District”, is hereby amended by adding Subsection (M)(7) to shall read as follows:

“7. The sale and rental of heavy machinery and equipment is required to meet the following standards unless varied through approval of a conditional use permit pursuant to Section 48:

- (a) Outside storage for the purposes of display, sale, rental, and outside storage of heavy machinery and equipment shall be restricted to no more than 30% of the total lot area or an area of common development clearly delineated on the property’s approved site plan.
- (b) Display, sale, rental, and storage of heavy machinery and equipment shall not be a standalone use or occur without a primary structure on a property.
- (c) The placement or storage of heavy machinery and equipment shall take place behind the front building line of the primary structure on the property.
- (d) The placement or storage of heavy machinery and equipment shall be screened from adjacent properties consistent with Section 58 and Section 50. All required screening shall be in accordance with Section 50, Alternatives A and C, however, screening shall be required adjacent to rights-of-way, including alleys, with a minimum 6-foot-tall opaque decorative screen wall of masonry construction materials.
- (e) The placement or storage of heavy machinery and equipment is prohibited immediately adjacent to residential uses or residential zoning districts unless separated by a public right-of-way.
- (f) Repair and maintenance must occur within a fully enclosed building and be consistent with Section 55.”

Section 5. Section 12 of the Zoning Ordinance - “Definitions”, is hereby amended by revising Subsection (304. Outside Storage) to shall read as follows:

“304. OUTSIDE STORAGE shall mean the storage of commodities, goods, machinery and equipment, and/or refuse outside of an enclosed building.”

Section 6. Section 12 of the Zoning Ordinance - "Definitions", is hereby amended by adding Subsection (388. Sale and Rental of Heavy Machinery and Equipment) to shall read as follows:

"388. SALE AND RENTAL OF HEAVY MACHINERY AND EQUIPMENT shall mean a building or open area, other than a right-of-way or public parking lot, used for the display, sale, rental, maintenance, repair, and storage of heavy machinery. Heavy machinery includes but is not limited to track loaders, excavators, backhoe loaders, skid steers, telehandlers, aerial lifts, tractors, farm machinery, bulldozers, street graders, and paving devices. This definition does not include the sale, storage, lease, or repair of living units such as mobile homes and commercial vehicles such as recreational vehicles (RVs), campers, trailers, trucks, vans, and any other vehicles licensed by the Texas Department of Public Safety."

Section 7. That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect; provided, however, that the ordinance or ordinances under which the cases currently filed and pending in the Municipal Court of the City of Grapevine, Texas shall be deemed repealed only when all such cases filed and pending under such ordinance or ordinances have been disposed of by a final conviction or a finding of not guilty, nolo contendere, or dismissal.

Section 8. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed two thousand dollars (\$2000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Section 9. If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 10. The fact that the present ordinances and regulations of the City of Grapevine, Texas are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the public creates an emergency which requires that this ordinance become effective from and after the date of its passage, and it is accordingly so ordained.

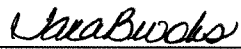
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS on this the 19th day of July, 2022.

APPROVED:

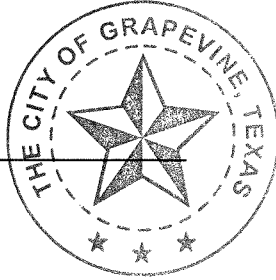


William D. Tate
Mayor


ATTEST:



Tara Brooks
City Secretary



APPROVED AS TO FORM:



Matthew C.G. Boyle
City Attorney