

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO GRANT A CONDITIONAL USE PERMIT FOR A GUEST HOUSE AS AN ACCESSORY USE TO A RESIDENTIAL USE IN AN SF-7 ZONING CLASSIFICATION ON A TRACT OF LAND DESCRIBED HEREIN; PROVIDING FOR 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 Conditional Use Permit has been requested by Elaine Tibbits for a guest house as an accessory use to a residential use on a tract of land described as a part of Block 4, Farmers and Merchants National Bank Addition to the City of Rockwall, and being further described in the attached Exhibit "A"; 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 Comprehensive Zoning Ordinance 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 Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Conditional Use Permit for a guest house as an accessory to a residential use in a SF-7 zoning classification, on the property described as a part of Block 4, Farmers and Merchants National Bank Addition to the City of Rockwall, and being further described in the attached Exhibit "A".

Section 2. That the Conditional Use Permit shall conform to all requirements as set forth in the Comprehensive Zoning Ordinance and shall be subject to the following special conditions:

1. Construction of the guest house shall be in conformance with all regulations of the City and the site plan as approved and attached hereto as Exhibit "B".
2. The permit shall comply with the provisions of Section 4.1.G.2. of the Comprehensive Zoning Ordinance as it is currently adopted or as it may be amended in the future, which includes the requirement that the guest house shall not be rented nor shall it be sold or conveyed separately without meeting the requirements of the City's subdivision regulations.

3. Prior to the issuance of a building permit for the guest house a deed restriction shall be filed with the County on the above described property which shall state the restrictions regarding the separate sale or rental of the guest house in conformance with this permit and Section 4 of the Comprehensive Zoning Ordinance. The wording of such deed restriction shall be approved by the City Attorney prior to filing said deed restriction with the County.

Section 3. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4. That the above described tract of land shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Rockwall as heretofore amended, as amended herein by granting of this Conditional Use Permit, and as may be amended in the future.

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 offense 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 Comprehensive Zoning Ordinance No. 83-23 of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and application of the ordinance without the invalid parts and to this end the provisions of 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 ordinances as the law in such cases provides.

DULY PASSED AND APPROVED this 15th day of August, 1988.

APPROVED:

ATTEST:

By 


Mayor

1st reading 8/1/88

2nd reading 8/15/88

Exhibit "A"
Ord _____

DESCRIPTION

BEING, a tract of land situated in the B.F. Boydston Survey, Abstract No. 14, and also being part of Block 4, of the Farmers and Merchants National Bank Addition to the City of Rockwall, recorded in Volume R, Page 313, Deed Records, Rockwall County, Texas, and being more particularly described as follows;

BEGINNING, at the point of Intersection of the North Line of Lillian Street with the West Line of Kernodle Street a X set in concrete for corner;

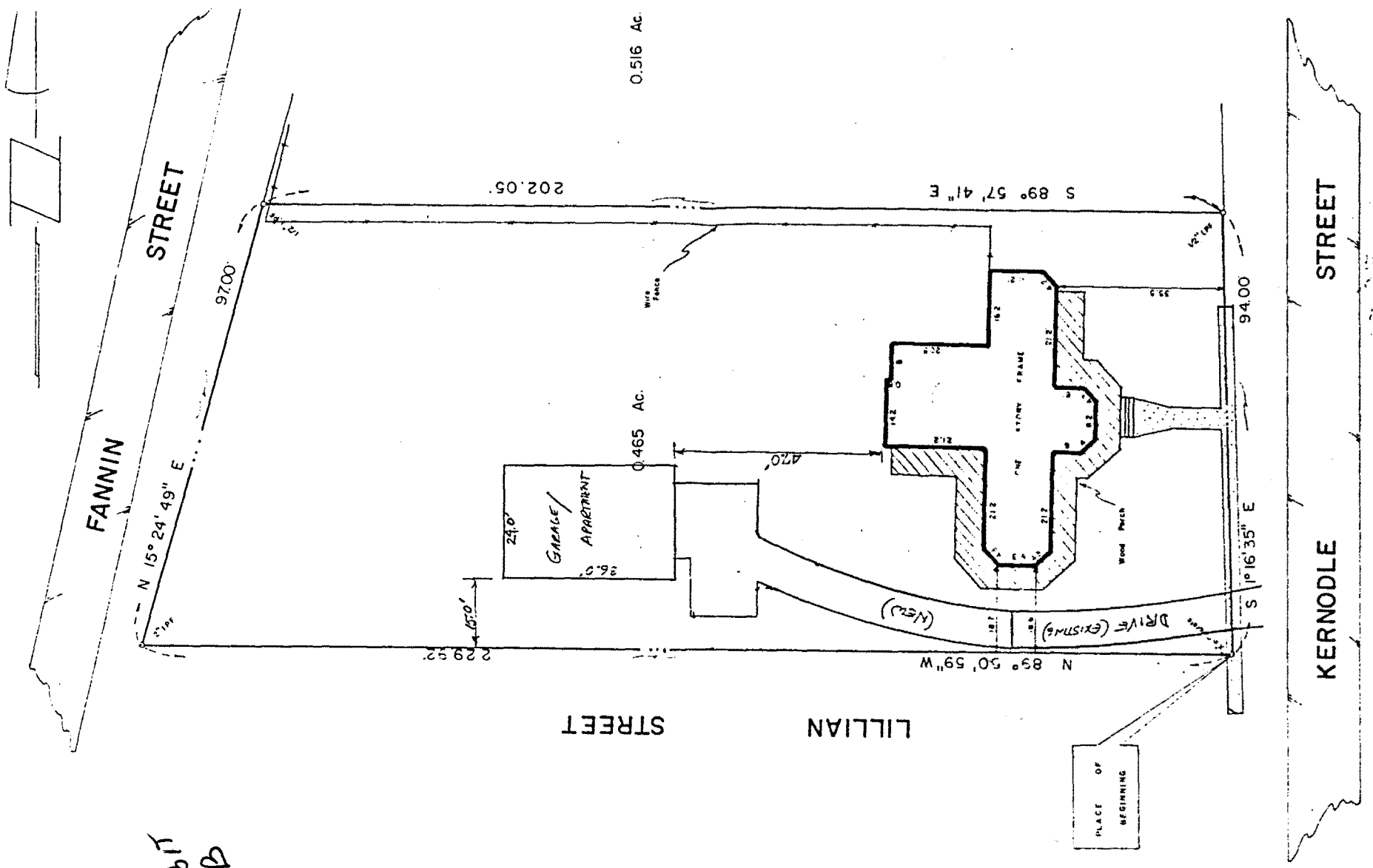
THENCE, N. 89° 50' 59" W., along the North Line of Lillian Street, a distance of 229.92 feet to a point on the East Line of Fannin Street, a 1/2" iron stake found for corner;

THENCE, N. 15° 24' 49" E., along the East Line of Fannin Street, a distance of 97.00 feet to a 1/2" iron stake found for corner;

THENCE, S. 89° 57' 41" E., leaving the said East Line of Fannin Street, a distance of 202.05 feet to a point on the West Line of Kernodle Street, a 1/2" iron stake found for corner;

THENCE, S. 1° 16' 35" E., along the West Line of Kernodle Street, a distance of 94.00 feet to the PLACE OF BEGINNING, and containing 0.465 Acres of land. This description is based on the Land Title Survey and Plat made by Bob O. Brown, Registered Public Surveyor on September 13, 1983.

Sketch B



0.516 AC.

0.465 AC.

PLACE OF BEGINNING