

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 02-58

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 AN ACCESSORY BUILDING THAT EXCEEDS THE MAXIMUM HEIGHT REQUIREMENT AND DOES NOT MEET THE EXTERIOR MATERIAL REQUIREMENTS WITHIN THE "SF-E/4.0" SINGLE-FAMILY RESIDENTIAL DISTRICT LOCATED ON LOT 17, BLOCK A, ROLLING MEADOWS ESTATES, CITY AND COUNTY OF ROCKWALL, 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, A Conditional Use Permit for an accessory building that exceeds the maximum height requirement and does not meet the exterior material requirements within the "SF-E/4.0" Single-Family Residential zoning district has been requested by Bart Ashby for property located at 2800 Rolling Meadows Drive and further described as Lot 17, Block A, Rolling Meadows Estates, 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 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 an accessory building that exceeds the maximum height requirement and does not meet the exterior material requirements within the "SF-E/4.0" Single-Family Residential district located at 2800 Rolling Meadows Drive and further described as Lot 17, Block A, Rolling Meadows Estates, City and County of Rockwall, Texas.

Section 2. That the Conditional Use Permit shall be subject to the following conditions:

1. A waiver of fire protection is secured with the City of Rockwall Fire Department.
2. The structure shall not exceed a height of 16 feet.
3. No more than four horses shall be kept on the subject property at any time.
4. The accessory building is subject to administrative review in the event that the subject property is sold to another party, conveyed in any manner to another party, subdivided, or replatted.
5. The City Council reserves the right to review the Conditional Use Permit granted herein upon the expiration of one (1) year from the date hereof.

6. In the event that the proposed use should lose its status as an accessory building, as per the Comprehensive Zoning Ordinance, the Conditional Use Permit as granted herein will cease and the building shall conform to the Zoning Ordinance by providing the same exterior covering materials as found on the main structure and generally in the same proportion.

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.

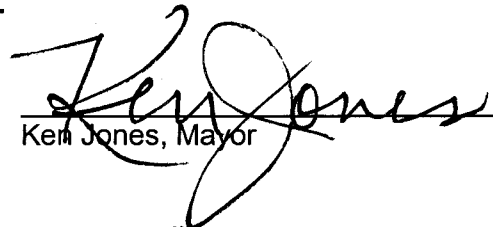
Section 3. That all ordinances of the City of Rockwall in conflict with the provisions of this be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4. 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 5. 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 applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable.

Section 6. 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 16th day of December, 2002.




Ken Jones, Mayor

ATTEST:



Dorothy Brooks, City Secretary

APPROVED AS TO FORM:



Pete Eckert, City Attorney

1st Reading: 12-02-02
2nd Reading: 12-16-02

