



PLANNING AND ZONING CASE CHECKLIST

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

P&Z CASE # Z2019-001 P&Z DATE 1/29/2019 CC DATE 2/14/2019 APPROVED/DENIED _____
ARCHITECTURAL REVIEW BOARD DATE _____ HPAB DATE _____ PARK BOARD DATE _____

ZONING APPLICATION
<input type="checkbox"/> SPECIFIC USE PERMIT
<input type="checkbox"/> ZONING CHANGE
<input type="checkbox"/> PD CONCEPT PLAN
<input type="checkbox"/> PD DEVELOPMENT PLAN

SITE PLAN APPLICATION
<input type="checkbox"/> SITE PLAN
<input type="checkbox"/> LANDSCAPE PLAN
<input type="checkbox"/> TREESCAPE PLAN
<input type="checkbox"/> PHOTOMETRIC PLAN
<input type="checkbox"/> BUILDING ELEVATIONS
<input type="checkbox"/> MATERIAL SAMPLES
<input type="checkbox"/> COLOR RENDERING

PLATTING APPLICATION
<input type="checkbox"/> MASTER PLAT
<input type="checkbox"/> PRELIMINARY PLAT
<input type="checkbox"/> FINAL PLAT
<input type="checkbox"/> REPLAT
<input type="checkbox"/> ADMINISTRATIVE/MINOR PLAT
<input type="checkbox"/> VACATION PLAT
<input type="checkbox"/> LANDSCAPE PLAN
<input type="checkbox"/> TREESCAPE PLAN

<input type="checkbox"/> COPY OF ORDINANCE (ORD.# _____)
<input checked="" type="checkbox"/> APPLICATIONS
<input type="checkbox"/> RECIEPT
<input type="checkbox"/> LOCATION MAP
<input type="checkbox"/> HOA MAP
<input type="checkbox"/> PON MAP
<input type="checkbox"/> FLU MAP
<input type="checkbox"/> NEWSPAPTER PUBLIC NOTICE
<input type="checkbox"/> 500-FT. BUFFER PUBLIC NOTICE
<input type="checkbox"/> PROJECT REVIEW
<input type="checkbox"/> STAFF REPORT
<input type="checkbox"/> CORRESPONDENCE
<input type="checkbox"/> COPY-ALL PLANS REQUIRED
<input type="checkbox"/> COPY-MARK-UPS
<input type="checkbox"/> CITY COUNCIL MINUTES-LASERFICHE
<input type="checkbox"/> MINUTES-LASERFICHE
<input type="checkbox"/> PLAT FILED DATE _____
<input type="checkbox"/> CABINET # _____
<input type="checkbox"/> SLIDE # _____
NOTES: _____

ZONING MAP UPDATED _____



CITY OF ROCKWALL

PLANNING AND ZONING COMMISSION CASE MEMORANDUM

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Planning and Zoning Commission

FROM: Ryan Miller, *Director of Planning and Zoning*

DATE: February 12, 2019

SUBJECT: Z2019-001; *Amendment to Article IV, Permissible Uses, of the UDC to amend Guest Quarters/Secondary Living Units and to add Barns or Agricultural Accessory Buildings to the Land Use Charts and Land Use Standards*

On January 7, 2019, the City Council directed staff to amend the *Land Use Standards* contained in Article IV, *Permissible Uses*, of the UDC to allow *guest quarters/secondary living units* not meeting the requirements stated in the *Land Use Standards* the ability to request a Specific Use Permit (SUP). In addition, the City Council also directed staff to create a land use for *Barns or Agricultural Accessory Buildings*. This direction came in response to a request by Dewayne Cain to amend the code to allow an ~4,950 SF, metal barn that would contain a storage area for eight (8) vehicles and a *guest quarters/secondary living facility* (*i.e. the facility includes all components of a residential living unit [e.g. kitchen, bathroom, etc.]*) on a property zoned Agricultural (AG) District.

Currently, the UDC does allow *guest quarters/secondary living units* in an Agricultural (AG) District pending they are [1] accessory uses to the primary use (*i.e. single family home*), [2] not to exceed 30% of the area of the main structure, and [3] that they cannot be sold or conveyed separately without meeting the requirements of the zoning district and subdivision ordinance; however, the code does not address *guest quarters/secondary living units* that do not meet these standards. In other residential zoning districts (*i.e. SF-8.4, SF-7, ZL-5 and 2F*) this use is only allowed through a Specific Use Permit (SUP), which gives the City Council the discretion to grant these even if they do not meet the requirements. Based on the City Council's direction staff proposes to change the code as follows (with the **highlighted, italics** areas indicating the changes):

Residential and Lodging

AG	SF-E	SF-1	SF-16	SF-10	SF-8.4	SF-7	ZL-5	2F	MF-14	← Residential Zoning Districts Commercial Zoning Districts → Land Use ↓	DT	RO	NS	GR	C	HC	LI	HI
A	A	A	A	A	S	S	S	S	P	Guest Quarters/Secondary Living Unit +								

A: Accessory; P: Permitted By-Right; S: Specific Use Permit

Guest quarters/secondary living unit.

- (1) Guest quarters or secondary living units may be allowed on a property in a residential **or commercial** zoning district provided that it is ancillary **to a single family home the primary use and that only one such facility is provided.**
- (2) The area of such quarters shall not exceed 30 percent of the area of the main structure.
- (3) No such use may be sold or conveyed separately without meeting the requirements of the zoning district and the subdivision ordinance.
- (4) **Guest quarters or secondary living units not meeting the requirements stated above shall require a Specific Use Permit (SUP).**

These changes would allow *guest quarters/secondary living units* not meeting the requirements the ability to request a Specific Use Permit (SUP) in the AG, SF-E, SF-1, SF-16, SF-10, and MF districts.

The purpose of creating a *Barns or Agricultural Accessory Buildings* land use came about due to the fact that the current code does not allow accessory buildings in an Agricultural (AG) District. According to Article IV, *Permissible Uses*, of the UDC:

Residential and Lodging

AG	SF-E	SF-1	SF-16	SF-10	SF-8.4	SF-7	ZL-5	2F	MF-14	← Residential Zoning Districts Commercial Zoning Districts → Land Use ↓	DT	RO	NS	GR	C	HC	LI	HI
	P	P	P	P	P	P	P	P	P	Accessory Building +		P	P	P	P	P	P	P

A: Accessory; P: Permitted By-Right; S: Specific Use Permit

The purpose of this is to incentivize smaller properties (*i.e. properties less than ten [10] acres in size and considered to be legally non-conforming*) to zone in accordance with the Future Land Use Plan, bringing them into conformance with the UDC. Without this requirement, it would be difficult for the City to incentivize smaller properties to change their zoning, which could have the effect of leaving small spots of Agricultural (AG) District zoning on non-conforming lots throughout the City. To address this, the City Council has directed staff to establish a new land use (*e.g. barn/agricultural accessory building*), which would allow larger buildings in the Agricultural (AG) District. Based on this direction the new land use would be created as follows (with the **highlighted, italics** areas indicating the changes):

Rural and Animal Related

AG	SF-E	SF-1	SF-16	SF-10	SF-8.4	SF-7	ZL-5	2F	MF-14	← Residential Zoning Districts Commercial Zoning Districts → Land Use ↓	DT	RO	NS	GR	C	HC	LI	HI
S										<i>Barn or Agricultural Accessory Building+</i>								

A: Accessory; P: Permitted By-Right; S: Specific Use Permit

Barn or Agricultural Accessory Building. A *Barn or Agricultural Accessory Building* is a building that is located on a property that is a minimum of ten (10) acres in size, zoned Agricultural (AG) District, and is intended to be used to store agricultural equipment used for animal production, crop production and/or other agricultural related uses.

- (1) A *Barn or Agricultural Accessory Building* is a minimum of 2,000 SF and a maximum of 4,999 SF in total size (*i.e. under roof*).
- (2) A *Barn or Agricultural Accessory Building* is exempt from the masonry requirements stipulated by Section 7.01, *Residential District Development Standards*.
- (3) The *Barn or Agricultural Accessory Building* shall be located behind the front façade of the primary structure, and be subject to the same building setbacks as the primary structure.

At the meeting on January 7, 2019, the City Council did have a discussion concerning allowing these structures *by-right* as opposed to by Specific Use Permit (SUP); however, staff is obligated to mention that allowing these structures by-right would directly conflict with the City Council’s recent action concerning *Case No. Z2018-053*. This case involved a structure that was constructed illegally without a building permit. The structure itself incorporated two (2) logistics containers, connected by wood siding, and covered by a metal roof. This case was ultimately denied by the City Council; however, should this proposed ordinance be passed the structure would meet all the criteria and would be permitted to remain on the property. With this being said any changes to the code are discretionary to the City Council pending a recommendation by the Planning and Zoning Commission.

In accordance, with Section 4.2 of Article XI, *Zoning Related Applications*, of the UDC staff is bringing the proposed amendment forward to the Planning and Zoning Commission for a recommendation to the City Council. Attached to this case memo is a draft ordinance outlining the proposed changes. The schedule for this text amendment is as follows:

~~Planning and Zoning Work Session: January 29, 2019~~
Planning and Zoning Public Hearing: February 12, 2019
City Council Public Hearing/First Reading: February 18, 2019
City Council Second Reading: March 4, 2019

Staff has sent out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 6.1 of Article II, *Authority and Administrative Procedures*, of the UDC. Should the Planning and Zoning Commission have any questions staff will be available at the meeting on February 12, 2019.

CITY OF ROCKWALL

ORDINANCE NO. 19-XX

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, AS HERETOFORE AMENDED, BY AMENDING ARTICLE IV, *PERMISSIBLE USES*; 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, an amendment to the City of Rockwall's Unified Development Code [*Ordinance No. 04-38*] has been initiated by the City Council of the City of Rockwall to amend Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*]; 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 city's corporate boundaries, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [*Ordinance No. 04-38*] should be amended as follows:

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

SECTION 1. That Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance.

SECTION 2. That 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 3. That 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 Unified Development Code [*Ordinance No. 04-38*], 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 4. 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 4TH DAY OF MARCH, 2019.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: February 18, 2019

2nd Reading: March 4, 2019

Exhibit 'A'
Article IV, Permissible Uses, of the
Unified Development Code

Additions: **Highlighted**

Deletions: **Highlighted, Strikeout**

SECTION 1: LAND USE SCHEDULE

Section 1.1: Use of Land and Buildings

Residential and Lodging

AG	SF-E	SF-1	SF-16	SF-10	SF-8.4	SF-7	ZL-5	2F	MF-14	← Residential Zoning Districts Commercial Zoning Districts → Land Use ↓	DT	RO	NS	GR	C	HC	LI	HI
A	A	A	A	A	S	S	S	S	P	Guest Quarters/Secondary Living Unit +								

A: Accessory; P: Permitted By-Right; S: Specific Use Permit

Rural and Animal Related

AG	SF-E	SF-1	SF-16	SF-10	SF-8.4	SF-7	ZL-5	2F	MF-14	← Residential Zoning Districts Commercial Zoning Districts → Land Use ↓	DT	RO	NS	GR	C	HC	LI	HI
S										Barn or Agricultural Accessory Building+								

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SECTION 2: USE STANDARDS

Section 2.1.1: Rural and Animal Related

Barn or Agricultural Accessory Building. A Barn or Agricultural Accessory Building is a building that is located on a property that is a minimum of ten (10) acres in size, zoned Agricultural (AG) District, and is intended to be used to store agricultural equipment used for animal production, crop production and/or other agricultural related uses.

- (1) A Barn or Agricultural Accessory Building is a minimum of 2,000 SF and a maximum of 4,999 SF in total size (i.e. under roof).
- (2) A Barn or Agricultural Accessory Building is exempt from the masonry requirements stipulated by Section 7.01, Residential District Development Standards.
- (3) The Barn or Agricultural Accessory Building shall be located behind the front façade of the primary structure, and be subject to the same building setbacks as the primary structure.

Section 2.1.2: Residential and Lodging Use Conditions

Guest quarters/secondary living unit.

- (1) Guest quarters or secondary living units may be allowed on a property in a residential or commercial zoning district provided that it is ancillary to a single family home the primary use and that only one such facility is provided.
- (2) The area of such quarters shall not exceed 30 percent of the area of the main structure.
- (3) No such use may be sold or conveyed separately without meeting the requirements of the zoning district and the subdivision ordinance.
- (4) Guest quarters or secondary living units not meeting the requirements stated above shall require a Specific Use Permit (SUP).



CITY OF ROCKWALL
CITY COUNCIL MEMORANDUM

PLANNING AND ZONING DEPARTMENT
 385 S. GOLIAD STREET • ROCKWALL, TX 75087
 PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Mayor and City Council

CC: Rick Crowley, *City Manager*
 Mary Smith, *Assistant City Manager*
 Joey Boyd, *Assistant City Manager*

FROM: Ryan Miller, *Director of Planning and Zoning*

DATE: February 19, 2019

SUBJECT: Z2019-001; *Amendment to Article IV, Permissible Uses, of the UDC to amend Guest Quarters/Secondary Living Units and to add Barns or Agricultural Accessory Buildings to the Land Use Charts and Land Use Standards*

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	P	P	P	P	P	P	P	P	P	Accessory Building +		P	P	P	P	P	P	P

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The purpose of this is to incentivize smaller properties (*i.e. properties less than ten [10] acres in size and considered to be legally non-conforming*) to zone in accordance with the Future Land Use Plan, bringing them into conformance with the UDC. Without this requirement, it would be difficult for the City to incentivize smaller properties to change their zoning, which could have the effect of leaving small spots of Agricultural (AG) District zoning on non-conforming lots throughout the City. To address this, the City Council has directed staff to establish a new land use (*e.g. barn/agricultural accessory building*), which would allow larger buildings in the Agricultural (AG) District. Based on this direction the new land use would be created as follows (with the **highlighted, italics** areas indicating the changes):

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- (2) A *Barn or Agricultural Accessory Building* is exempt from the masonry requirements stipulated by Section 7.01, *Residential District Development Standards*.
- (3) The *Barn or Agricultural Accessory Building* shall be located behind the front façade of the primary structure, and be subject to the same building setbacks as the primary structure.

At the meeting on January 7, 2019, the City Council did have a discussion concerning allowing these structures *by-right* as opposed to by Specific Use Permit (SUP); however, staff is obligated to mention that allowing these structures by-right would directly conflict with the City Council’s recent action concerning *Case No. Z2018-053*. This case involved a structure that was constructed illegally without a building permit. The structure itself incorporated two (2) logistics containers, connected by wood siding, and covered by a metal roof. This case was ultimately denied by the City Council; however, should the ordinance be passed allowing *Barn or Agricultural Accessory Buildings* by-right, the structure would meet all the criteria and would be permitted to remain on the property after applying for a building

permit. With this being said, any changes to the code are discretionary to the City Council pending a recommendation by the Planning and Zoning Commission.

In accordance, with Section 4.2 of Article XI, *Zoning Related Applications*, of the UDC staff brought the proposed text amendment forward to the Planning and Zoning Commission for a recommendation to the City Council. On February 12, 2019, the Planning and Zoning Commission approved a motion to recommend approval of the proposed changes -- *with Barn or Agricultural Accessory Buildings being allowed through a Specific Use Permit (SUP) in the Agricultural (AG) District* -- by a vote of 7-0. Attached to this case memo is a draft ordinance outlining the proposed changes. Staff has sent out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 6.1 of Article II, *Authority and Administrative Procedures*, of the UDC. Should the City Council have any questions or further direction concerning this text amendment, staff will be available at the meeting on February 19, 2019 to discuss.

CITY OF ROCKWALL

ORDINANCE NO. 19-XX

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, AS HERETOFORE AMENDED, BY AMENDING ARTICLE IV, *PERMISSIBLE USES*; 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, an amendment to the City of Rockwall's Unified Development Code [*Ordinance No. 04-38*] has been initiated by the City Council of the City of Rockwall to amend Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*]; 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 city's corporate boundaries, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [*Ordinance No. 04-38*] should be amended as follows:

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

SECTION 1. That Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance.

SECTION 2. That 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 3. That 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 Unified Development Code [*Ordinance No. 04-38*], 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 4. 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 4TH DAY OF MARCH, 2019.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: February 18, 2019

2nd Reading: March 4, 2019

Exhibit 'A'
Article IV, Permissible Uses, of the
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Additions: **Highlighted**

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Section 2.1.2: Residential and Lodging Use Conditions

Guest quarters/secondary living unit.

- (1) Guest quarters or secondary living units may be allowed on a property in a residential ~~or commercial~~ zoning district provided that it is ancillary ~~to a single family home the primary use and that only one such facility is provided.~~
- (2) The area of such quarters shall not exceed 30 percent of the area of the main structure.
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- (4) **Guest quarters or secondary living units not meeting the requirements stated above shall require a Specific Use Permit (SUP).**

CITY OF ROCKWALL

ORDINANCE NO. 19-12

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, AS HERETOFORE AMENDED, BY AMENDING ARTICLE IV, *PERMISSIBLE USES* TO AMEND THE LAND USE STANDARDS FOR *GUEST QUARTERS/SECONDARY LIVING UNITS*, AND TO ADD A LAND USE FOR *BARNs OR AGRICULTURAL ACCESSORY BUILDINGS* ; 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, an amendment to the City of Rockwall's Unified Development Code [*Ordinance No. 04-38*] has been initiated by the City Council of the City of Rockwall to amend Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*]; 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 city's corporate boundaries, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [*Ordinance No. 04-38*] should be amended as follows:

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

SECTION 1. That Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance.

SECTION 2. That 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 3. That 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 Unified Development Code [*Ordinance No. 04-38*], 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 4. 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 4TH DAY OF MARCH, 2019.



Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: February 19, 2019

2nd Reading: March 4, 2019

Exhibit 'A'
Article IV, Permissible Uses, of the
Unified Development Code

Additions: **Highlighted**

Deletions: ~~Highlighted, Strikeout~~

SECTION 1: LAND USE SCHEDULE

Section 1.1: Use of Land and Buildings

Residential and Lodging

AG	SF-E	SF-1	SF-16	SF-10	SF-8.4	SF-7	ZL-5	2F	MF-14	← Residential Zoning Districts Commercial Zoning Districts → Land Use ↓	DT	RO	NS	GR	C	HC	LI	HI
A	A	A	A	A	S	S	S	S	P	Guest Quarters/Secondary Living Unit +								

A: Accessory; P: Permitted By-Right; S: Specific Use Permit

Rural and Animal Related

AG	SF-E	SF-1	SF-16	SF-10	SF-8.4	SF-7	ZL-5	2F	MF-14	← Residential Zoning Districts Commercial Zoning Districts → Land Use ↓	DT	RO	NS	GR	C	HC	LI	HI
S										Barn or Agricultural Accessory Building+								

A: Accessory; P: Permitted By-Right; S: Specific Use Permit

SECTION 2: USE STANDARDS

Section 2.1.1: Rural and Animal Related

Barn or Agricultural Accessory Building. A Barn or Agricultural Accessory Building is a building that is located on a property that is a minimum of ten (10) acres in size, zoned Agricultural (AG) District, and is intended to be used to store agricultural equipment used for animal production, crop production and/or other agricultural related uses.

- (1) A Barn or Agricultural Accessory Building is a minimum of 2,000 SF and a maximum of 4,999 SF in total size (i.e. under roof).
- (2) A Barn or Agricultural Accessory Building is exempt from the masonry requirements stipulated by Section 7.01, Residential District Development Standards.
- (3) The Barn or Agricultural Accessory Building shall be located behind the front façade of the primary structure, and be subject to the same building setbacks as the primary structure.

Section 2.1.2: Residential and Lodging Use Conditions

Guest quarters/secondary living unit.

- (1) Guest quarters or secondary living units may be allowed on a property in a residential ~~or commercial~~ zoning district provided that it is ancillary ~~to a single family home the primary use and that only one such facility is provided.~~
- (2) The area of such quarters shall not exceed 30 percent of the area of the main structure.
- (3) No such use may be sold or conveyed separately without meeting the requirements of the zoning district and the subdivision ordinance.
- (4) **Guest quarters or secondary living units not meeting the requirements stated above shall require a Specific Use Permit (SUP).**