

CITY OF ROCKWALL

ORDINANCE NO. 17-61
SPECIFIC USE PERMIT NO. S-179

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) TO ALLOW A CHURCH/HOUSE OF WORSHIP WITHIN A DOWNTOWN (DT) DISTRICT, ON A 0.804-ACRE TRACT OF LAND BEING IDENTIFIED AS LOTS 1-3, BLOCK W, AND LOTS 1-4, BLOCK T, ROCKWALL OT ADDITION, 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 received a request from Jim Albracht of Divine Lutheran Church on behalf of Iris Smith of Rockwall Wedding Chapel for the approval of a Specific Use Permit (SUP) to allow for a *Church/House of Worship* in a Downtown (DT) District on a 0.804-acre tract of land being described as Lots 1-3, Block W, and Lots 1-4, Block T, Rockwall OT Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 203 and 305 S. Fannin Street, and being more specifically described in *Exhibit 'A'* and depicted in *Exhibit 'B'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated 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 should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas;

SECTION 1. 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 a *Church/House of Worship* within a Downtown (DT) District as stipulated by Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*] on the *Subject Property*; and

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the conditions set forth in *Subsection 2.1.3, Institutional and Community Service Use Conditions*, of *Section 2, Use Standards*, of *Article IV, Permissible Uses*, and *Subsection 4.8, Downtown (DT) District*, of *Section 4, Commercial District*, of *Article V, District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*], as heretofore amended and as may be amended in the future, and shall be subject to the following operational conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions shall pertain to the operation of a church/house of worship on the subject property, and conformance to these operations is required for continued operation:

- a) If any exterior modifications are made to the existing structures on the subject property, a site plan may be required.
- b) The church shall adhere to parking requirements stipulated by the Unified Development Code (UDC).
- c) Significant accessory use (e.g. schools, daycares, etc.) shall be permitted in conformance with the land uses permitted within the Downtown (DT) District as stipulated in Article IV, *Permissible Uses*, of the Unified Development Code. In addition, all accessory use shall be subject to the required parking for the use as stipulated by the Unified Development Code (UDC).

2.2 COMPLIANCE

Approval of this ordinance in accordance with Section 8.3, *Council Approval or Denial*, of Article II, *Authority and Administrative Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

- 1) Upon obtaining a Certificate of Occupancy (CO), should any business or establishment operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC), the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 4.4.(3) of Article IV, *Permissible Uses*, of the Unified Development Code (UDC).

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

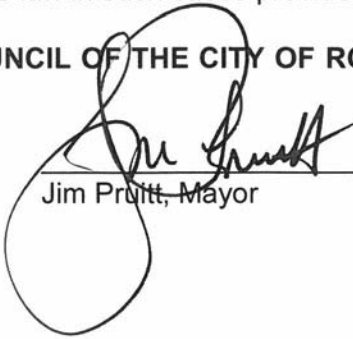
SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

SECTION 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 offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 6. 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 7. 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 DECEMBER, 2017.



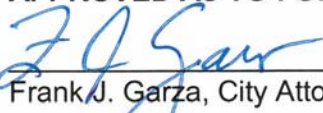
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney

1st Reading: 11-20-2017

2nd Reading: 12-04-2017



Exhibit 'A':
Legal Description

TRACT 1

BEING ALL OF LOTS 1, 2, 3 AND 4, IN BLOCK T. OF THE ORIGINAL TOWN OF ROCKWALL, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1, PAGE 555 OF THE MAP OR PLAT RECORDS IN AND FOR THE COUNTY OF ROCKWALL AND STATE OF TEXAS.

TRACT 2

BEING LOTS 1 AND 2, IN BLOCK W, OF THE ORIGINAL TOWN OF ROCKWALL, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1, PAGE 555 OF THE. MAP OR PLAT RECORDS IN AND FOR THE COUNTY OF ROCKWALL AND STATE OF TEXAS.

TRACT 3

BEING A TRACT OF LAND IN THE ORIGINAL TOWN OF ROCKWALL, TEXAS, FORMERLY KNOWN AS HOUSTON STREET, AND PART OF THE B.F. BOYDSTUN SURVEY, ABSTRACT NO. 14, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/8 INCH IRON ROD ON THE EAST LINE OF S. FANNIN STREET, SAID ROD BEING THE SOUTHWEST CORNER OF LOT 4, BLOCK T OF THE ORIGINAL TOWN OF ROCKWALL, TEXAS ACCORDING TO THE PLAT THEREOF AS RECORDED IN VOLUME 1, PAGE 555 OF THE MAP OR PLAT RECORDS IN AND FOR THE COUNTY OF ROCKWALL AND STATE OF TEXAS;

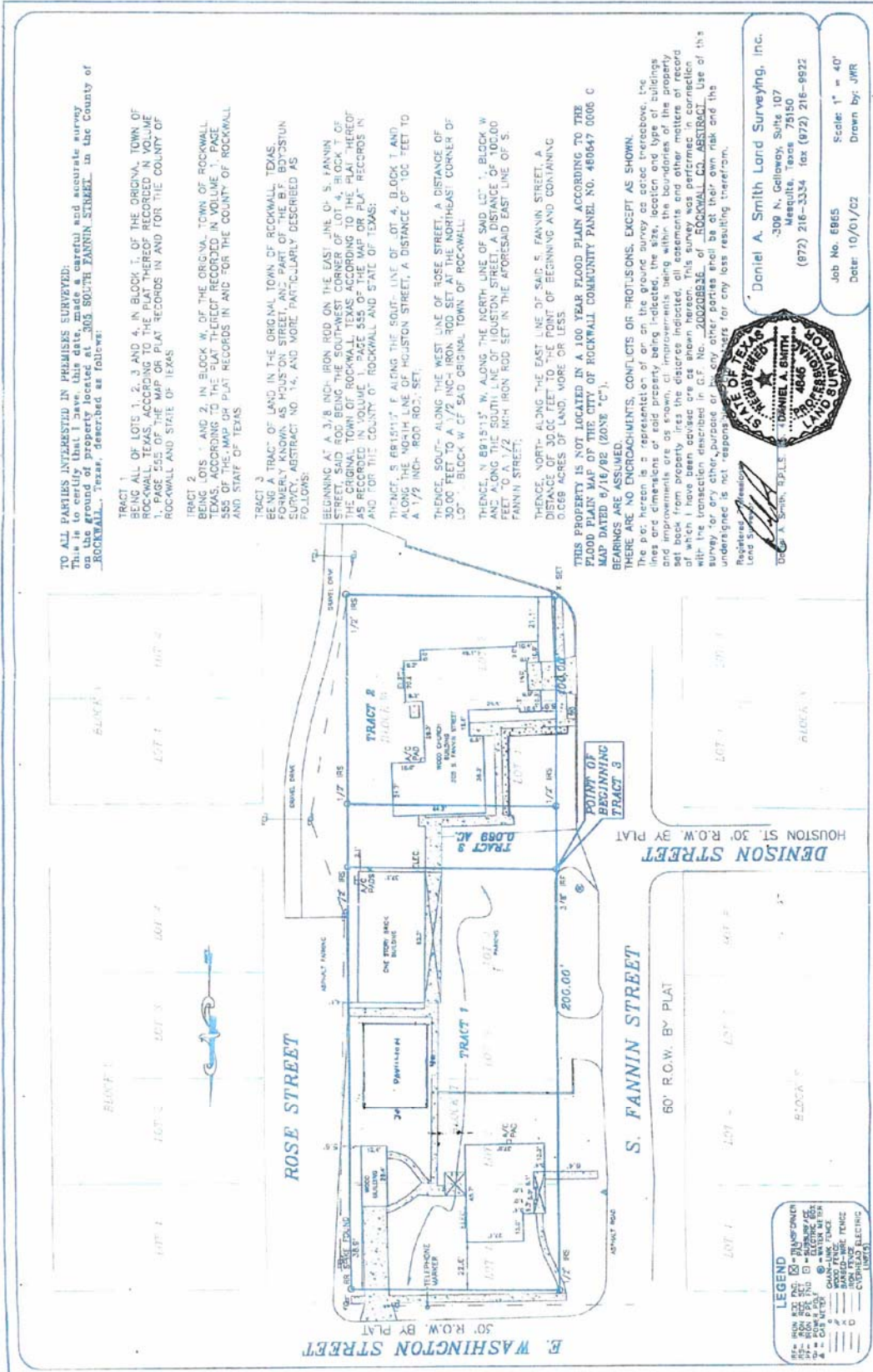
THENCE, S 89°15'15" E ALONG THE SOUTH LINE OF LOT 4, BLOCK T AND ALONG THE NORTH LINE OF HOUSTON STREET, A DISTANCE OF 100 FEET TO A 1/2 INCH IROD ROD, SET;

THENCE, SOUTH ALONG THE WEST LINE OF ROSE STREET, A DISTANCE OF 30.00 FEET TO A 1/2 INCH IRON ROD SET AT THE NORTHEAST CORNER OF LOT 1, BLOCK W OF SAID ORIGINAL TOWN OF ROCKWALL;

THENCE, N 89°15'15" W, ALONG THE NORTH LINE OF SAID LOT 1, BLOCK W AND ALONG THE SOUTH LINE OF HOUSTON STREET, A DISTANCE OF 100.00 FEET TO A 1/2 INCH IRON ROD SET IN THE AFORESAID EAST LINE OF S. FANNIN STREET;

THENCE, NORTH ALONG THE EAST LINE OF SAID S. FANNIN STREET, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.069 ACRES OF LAND, MORE OR LESS.

Exhibit 'B': Survey



TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:
This is to certify that I have, this date, made a careful and accurate survey
of the above property located at 308 SOUTH FANNIN STREET, in the County of
ROCKWALL, Texas, described as follows:

TRACT 1
BEING ALL OF LOTS 1, 2, 3 AND 4, IN BLOCK 1, OF THE ORIGINAL TOWN OF
ROCKWALL, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1, PAGE
555 OF THE MAP OR PLAT RECORDS IN AND FOR THE COUNTY OF ROCKWALL,
AND STATE OF TEXAS.

TRACT 2
BEING LOTS 1 AND 2, IN BLOCK W, OF THE ORIGINAL TOWN OF ROCKWALL,
TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1, PAGE
555 OF THE MAP OR PLAT RECORDS IN AND FOR THE COUNTY OF ROCKWALL,
AND STATE OF TEXAS.

TRACT 3
BEING A TRACT OF LAND IN THE ORIGINAL TOWN OF ROCKWALL, TEXAS,
FORMERLY KNOWN AS HOUSTON STREET, AND PART OF THE B.F. BOYDSTON
SURVEY, ABSTRACT NO. 14, AND MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

BEGINNING AT A 3/8 INCH IRON ROD ON THE EAST LINE OF S. FANNIN
STREET, SAID ROD BEING THE SOUTHWEST CORNER OF LOT 4, BLOCK T OF
THE ORIGINAL TOWN OF ROCKWALL, TEXAS ACCORDING TO THE PLAT THEREOF
AS RECORDED IN VOLUME 1, PAGE 555 OF THE MAP OR PLAT RECORDS IN
AND FOR THE COUNTY OF ROCKWALL AND STATE OF TEXAS;

THENCE S 89°15'15" E ALONG THE SOUTH LINE OF LOT 4, BLOCK T AND
ALONG THE NORTH LINE OF HOUSTON STREET, A DISTANCE OF 100 FEET TO
A 1/2 INCH ROD SET;

THENCE SOUTH ALONG THE WEST LINE OF ROSE STREET, A DISTANCE OF
30.00 FEET TO A 1/2 INCH IRON ROD SET AT THE NORTHEAST CORNER OF
LOT 1, BLOCK W OF SAID ORIGINAL TOWN OF ROCKWALL

THENCE N 89°15'15" W ALONG THE NORTH LINE OF SAID LOT 1, BLOCK W
AND ALONG THE SOUTH LINE OF HOUSTON STREET, A DISTANCE OF 100.00
FEET TO A 1/2 INCH IRON ROD SET IN THE AFORESAID EAST LINE OF S.
FANNIN STREET;

THENCE NORTH ALONG THE EAST LINE OF SAID S. FANNIN STREET, A
DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING AND CONTAINING
0.068 ACRES OF LAND, MORE OR LESS.

THIS PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN ACCORDING TO THE
FLOOD PLAIN MAP OF THE CITY OF ROCKWALL COMMUNITY PANEL NO. 480647 0006 C
MAP DATED 9/16/82 (ZONE "C").

THERE ARE NO ENCROACHMENTS, CONFLICTS OR PROJECTIONS, EXCEPT AS SHOWN.
The plat herein is a representation of or on the ground survey as above recited, the
lines and dimensions of said property being indicated, the size, location and type of buildings
and improvements are as shown, all improvements being within the boundaries of the property
set back from property lines the distance indicated, all easements and other matters of record
which I have been advised are as shown hereon. This survey was performed in connection
with the subdivision of the above described property into three tracts. Use of this
survey for any other purpose, or for other parties shall be at their own risk and the
undersigned is not responsible for any loss resulting therefrom.

Resident Surveyor
Lond S. Smith
Daniel A. Smith Land Surveying, Inc.
309 N. Galloway, Suite 107
Mesquite, Texas 75150
(972) 216-3354 fax (972) 216-9922

Job No. 6865
Date: 10/01/02
Scale: 1" = 40'
Drawn by: JWR



LEGEND

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Exhibit 'C':
Parking Table