

CITY OF ROCKWALL

ORDINANCE NO. 17-63

SPECIFIC USE PERMIT NO. S-180

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, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ACCESSORY BUILDING THAT DOES NOT MEET THE MINIMUM REQUIREMENTS, ON A 4.60-ACRE TRACT OF LAND ZONED SINGLE-FAMILY ESTATE 4.0 (SFE-4.0) DISTRICT AND IDENTIFIED AS LOT 3, OF THE ROLLING MEADOWS SUBDIVISION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR 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 request has been made by Kelly Duncan for the approval for a Specific Use Permit (SUP) for the purpose constructing an accessory building that does not meet the minimum masonry requirements and exceeds the maximum size requirements as stipulated by the Unified Development Code (UDC), situated on 4.60-acre tract of land, zoned Single-Family Estate 4.0 (SFE-4.0) District, and being identified as Lot 3 of the Rolling Meadows Subdivision, City of Rockwall, Rockwall County, Texas, addressed as 2705 Rolling Meadows Drive, and being more specifically depicted in *Exhibit 'A'* 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 allowing for the establishment of a metal accessory building that does not conform to the minimum masonry requirements and maximum size requirements for accessory buildings in a Single-Family Estate 4.0 (SFE-4.0) District as stipulated by *Section 2.1.2 Residential Lodging Use Conditions, of Article IV, Permissible Uses, and Section 3.2 of Article V, District Development Standards, of the Unified Development Code [Ordinance No. 04-38] on the Subject Property, and*

SECTION 2. That the *Subject Property* shall be used only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in *Subsection 3.2, Single-Family Estate 4.0 (SFE-4.0) District, of Section 3, Residential Districts, of Article V, District Development Standards, of the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall as heretofore amended, as amended herein by the granting of this zoning change, 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 construction of an accessory building on the subject property, and conformance to these operations is required for continued operation:

- 1) The accessory building shall generally conform to the site plan depicted in Exhibit 'B' and the concept building elevations depicted in Exhibit 'C' of the attached ordinance.
- 2) The accessory building shall not exceed a maximum size of 2,000 SF.
- 3) The accessory building shall not exceed a maximum overall height of 15-feet.
- 4) The developer is to maintain the landscape screening adjacent to the south property line.
- 5) The accessory building is subject to administrative review in the event that the Subject Property is sold, conveyed or altered in any manner.

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.

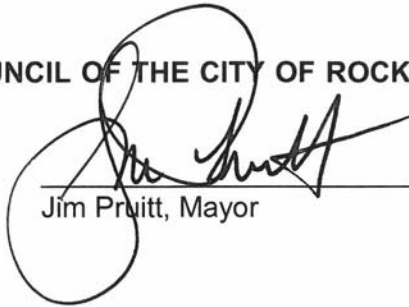
SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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.**



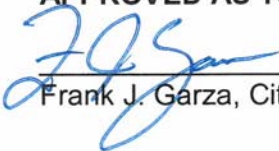
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



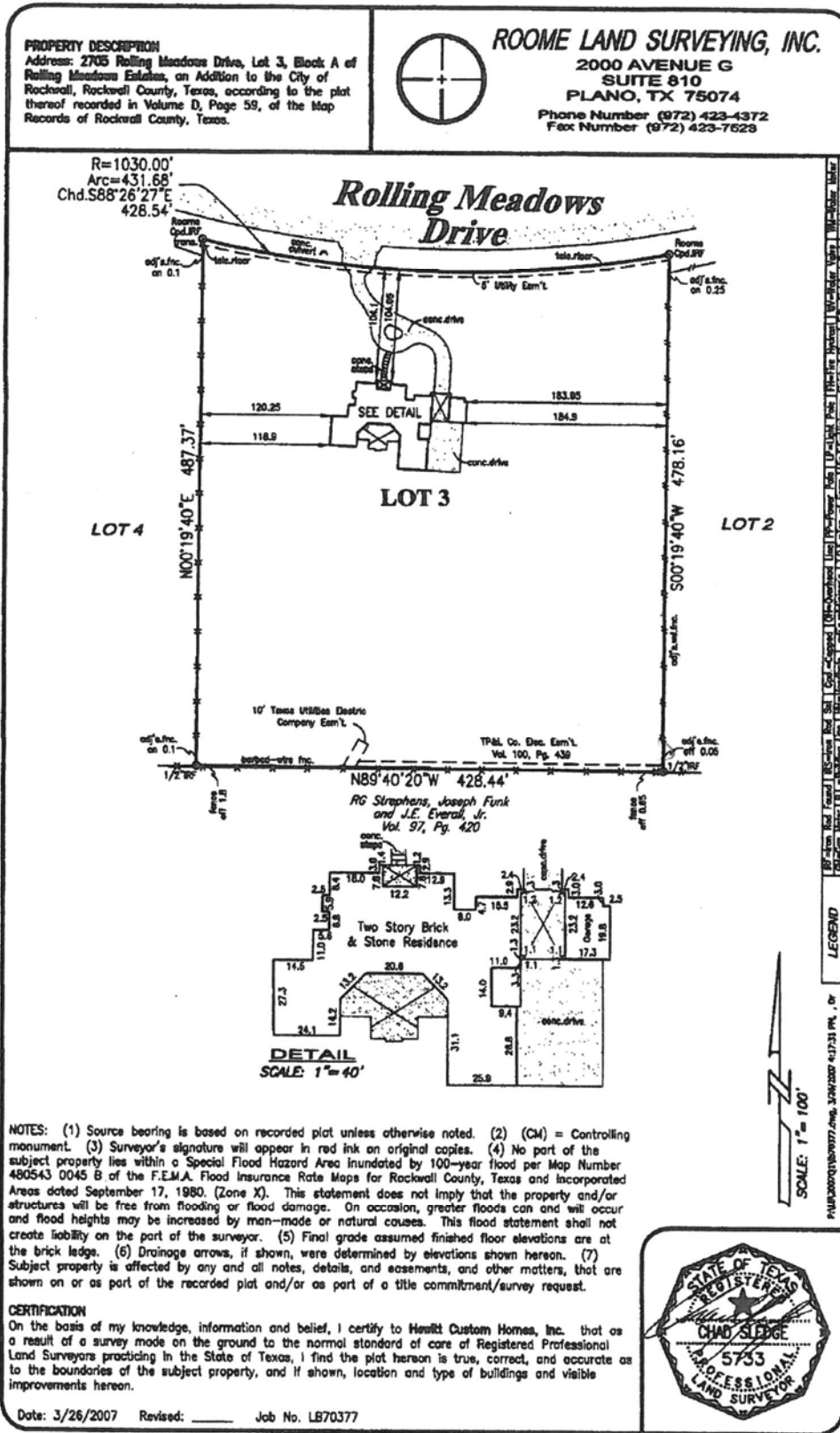
Frank J. Garza, City Attorney



1st Reading: 11-20-2017

2nd Reading: 12-04-2017

Exhibit 'A':
Survey



NOTES: (1) Source bearing is based on recorded plat unless otherwise noted. (2) (CM) = Controlling monument. (3) Surveyor's signature will appear in red ink on original copies. (4) No part of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Map Number 480543 0045 B of the F.E.M.A. Flood Insurance Rate Maps for Rockwall County, Texas and Incorporated Areas dated September 17, 1980. (Zone X). This statement does not imply that the property and/or structures will be free from flooding or flood damage. On occasion, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor. (5) Final grade assumed finished floor elevations are at the brick ledge. (6) Drainage arrows, if shown, were determined by elevations shown hereon. (7) Subject property is affected by any and all notes, details, and easements, and other matters, that are shown on or as part of the recorded plat and/or as part of a title commitment/survey request.

CERTIFICATION
On the basis of my knowledge, information and belief, I certify to Hewlett Custom Homes, Inc. that as a result of a survey made on the ground to the normal standard of care of Registered Professional Land Surveyors practicing in the State of Texas, I find the plat hereon is true, correct, and accurate as to the boundaries of the subject property, and if shown, location and type of buildings and visible improvements hereon.

Date: 3/26/2007 Revised: _____ Job No. LB70377

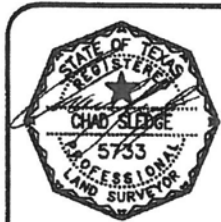


Exhibit 'B': Site Plan

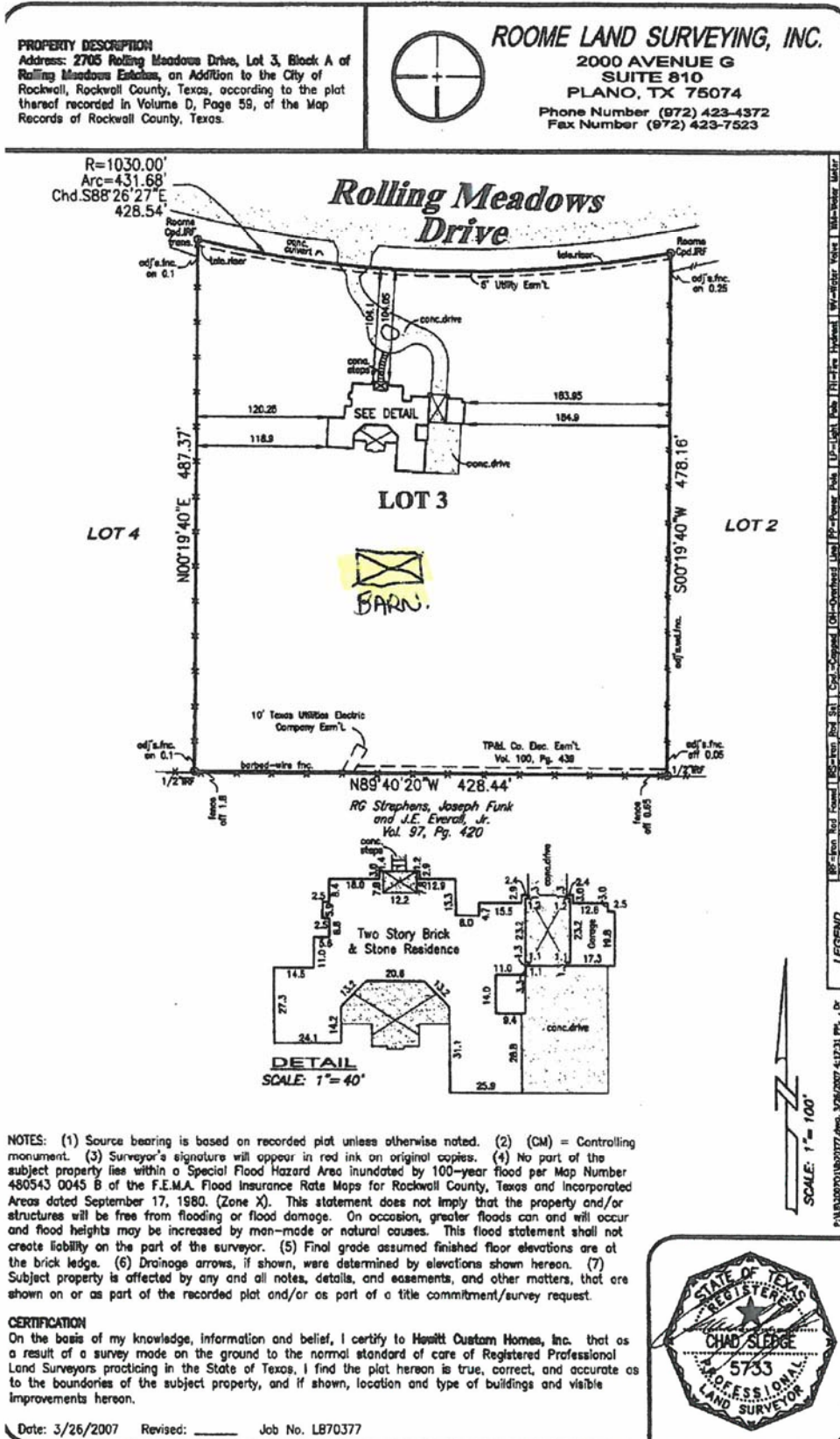


Exhibit 'C':
Concept Building Elevations

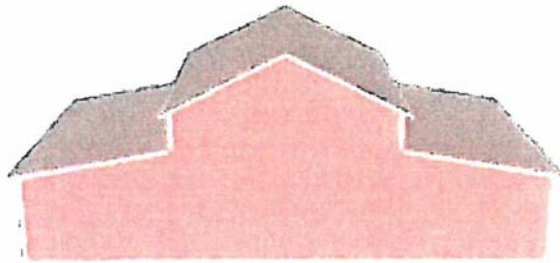
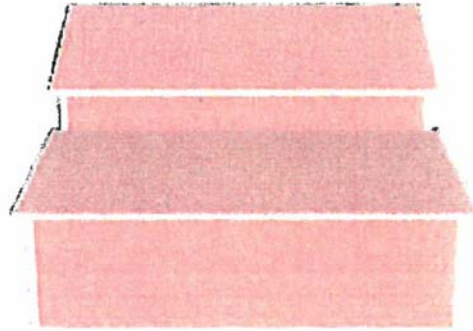
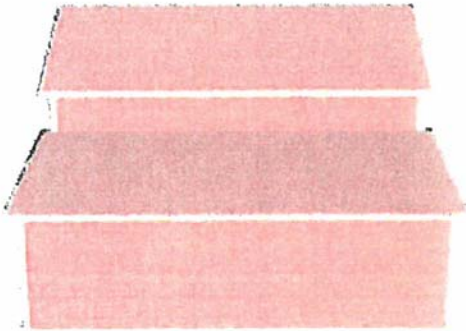
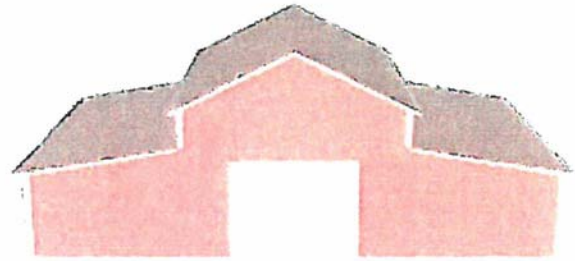
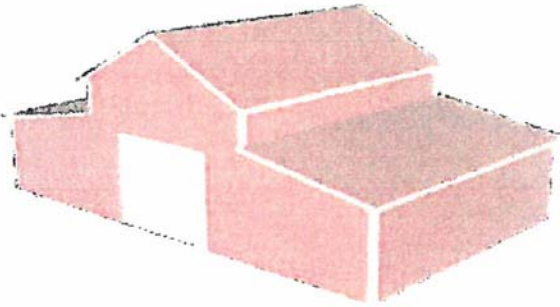


Exhibit 'C':
Concept Building Elevations

42' x 26'
 42' w x 26' D -
 14 FT HEIGHT

