

CITY OF ROCKWALL
ORDINANCE NO. 18-09
SPECIFIC USE PERMIT NO. S-183

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 1.144-ACRE TRACT OF LAND ZONED SINGLE-FAMILY 10 (SF-10) DISTRICT AND IDENTIFIED AS LOT 8, BLOCK A, GRADY RASH 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 Robert Rash for the approval of a Specific Use Permit (SUP) for the purpose constructing an accessory building that does not meet the minimum masonry requirements, and exceeds the maximum height requirements as stipulated by the Unified Development Code (UDC), situated on 1.144-acre tract of land, zoned Single-Family 10 (SF-10) District, and being identified as Lot 8, Block A, Grady Rash Subdivision, City of Rockwall, Rockwall County, Texas, addressed as 4 Soapberry Lane, 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 (SUP) allowing for the establishment of a metal accessory building that does not conform to the minimum masonry requirements and maximum height requirements for accessory buildings in a Single-Family 10 (SF-10) 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 3.4, *Single-Family 10 (SF-10) District*, of Section 3, *Residential Districts*, of Article V, *District Development Standards*, and Section 2.1.2, *Residential Lodging Conditions*, of Article IV, *Permissible Uses*, 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 my 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 this ordinance.
- 2) The accessory building shall not exceed a maximum size of 900 SF.
- 3) The accessory building shall not exceed a maximum overall height of 20-feet.
- 4) 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.

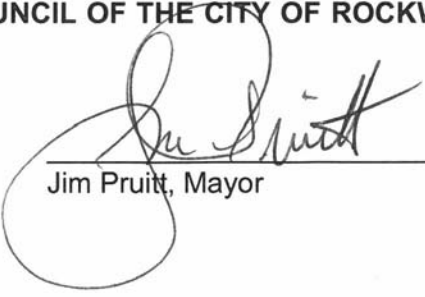
SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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 2nd DAY OF JANUARY, 2018.



Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: December 18, 2017

2nd Reading: January 2, 2018

Exhibit 'B': Site Plan

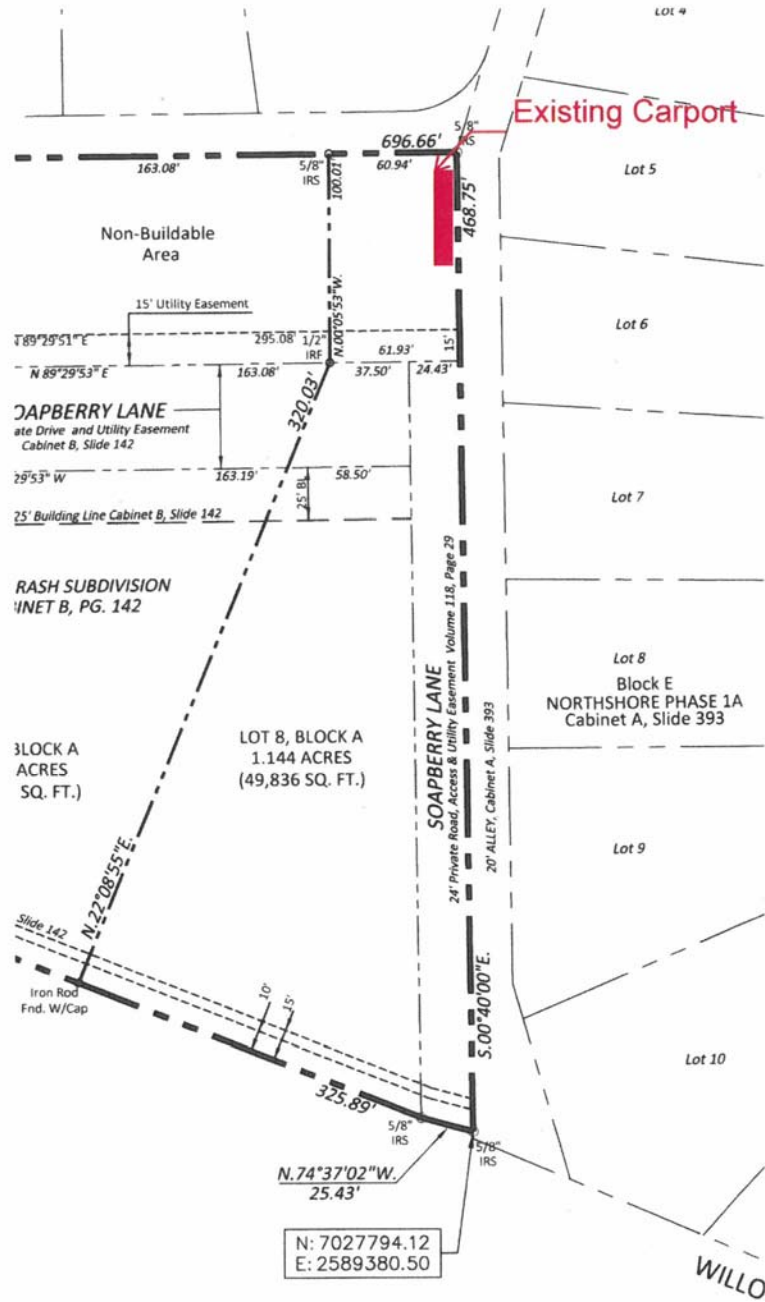


Exhibit 'C':
Building Elevation

