

CITY OF ROCKWALL

ORDINANCE NO. 18-41

SPECIFIC USE PERMIT NO. S-195

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 ON A 3.02-ACRE TRACT OF LAND ZONED SINGLE FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT AND IDENTIFIED AS LOT 7R, LOFLAND LAKE ESTATES NO. 2 ADDITION, 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 Gregory S. Braden for the approval of a Specific Use Permit (SUP) for the purpose of constructing an accessory building that does not meet the masonry requirements stipulated by the Unified Development Code (UDC), situated on a 3.02-acre tract of land, zoned Single Family Estate 2.0 (SFE-2.0) District, and being identified as Lot 7R, Lofland Lake Estates No. 2 Addition, City of Rockwall, Rockwall County, Texas, addressed as 2914 S. FM-549, and being more specifically depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by 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 (UDC) [*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 (UDC) [*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 construction of a metal accessory building that does not conform to the minimum masonry requirements for accessory buildings in a Single Family Estate 2.0 (SFE-2.0) District as stipulated by Article IV, *Permissible Uses*, and Article V, *District Development Standards*, of the Unified Development Code (UDC) [*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 Section 3.2, *Single Family Estate 2.0 (SFE-2.0) District*, of Article V, *District Development Standards*, of the Unified Development Code (UDC) [*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 additional following conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of an accessory building on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) The accessory building shall generally conform to the building elevations and site plan depicted in *Exhibits 'B' & 'C'* of this ordinance.
- 2) The accessory building shall not exceed a maximum size of 1,500 SF;
- 3) The subject property shall not have more than one (1) accessory building;
- 4) The accessory building shall not exceed a maximum overall height of 17-feet;
- 5) The accessory building shall not be operated as a commercial use; and,
- 6) 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) [*Ordinance No. 04-38*] will require compliance to the following:

- 1) Upon obtaining a building permit, should the homeowner fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC) [*Ordinance No. 04-38*], 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) [*Ordinance No. 04-38*].

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.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 1ST DAY OF OCTOBER, 2018.



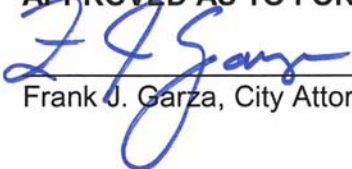
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



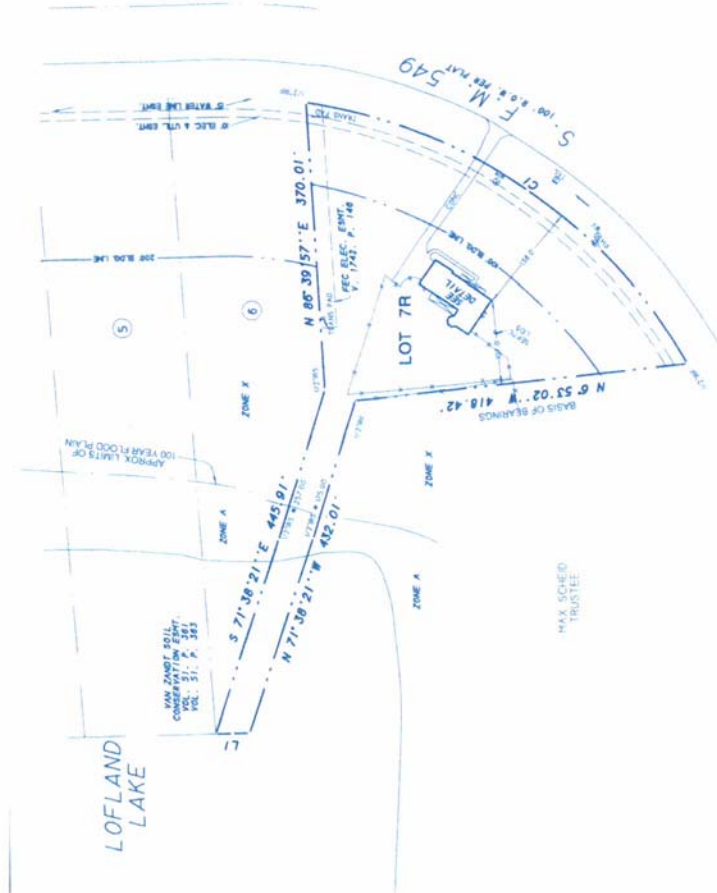
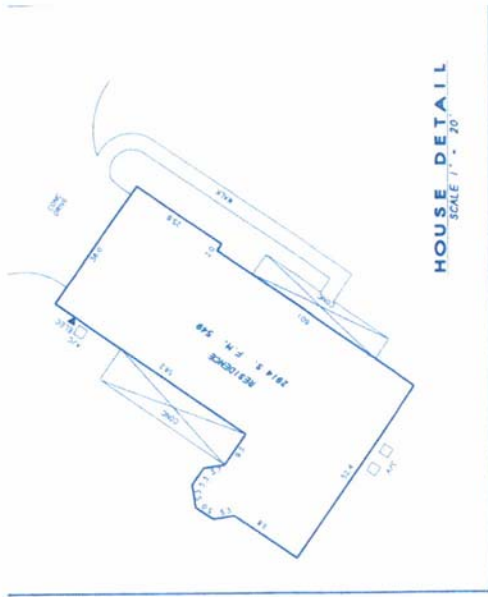
Frank J. Garza, City Attorney



1st Reading: September 17, 2018

2nd Reading: October 1, 2018

Exhibit 'A':
Survey



S. F.M. 549

F.M. 1139

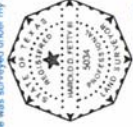
DESCRIPTION

LOT 7R OF THE LOFLAND LAKE ESTATES NO. 2, ADDITION TO ROCKWALL COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET E, SLIDE 127, MAP RECORDED IN ROCKWALL COUNTY, TEXAS.

NOTES

- 1) According to F.E.M.A. Flood Insurance Rate Map, Community Panel No. 4839/C0045.L, dated 10/01/2006, this property lies in Zone A & X. Part of this property does appear to lie within a BEARING SOURCE RECORDED PLAT.
- 2) BEARING SOURCE RECORDED PLAT.
- 3) ALL 1/2" INS ARE CAPPED WITH YELLOW PLASTIC CAPS "19PLS 5034".

SURVEYOR'S CERTIFICATE
I, Harold D. Fetty, III, Registered Professional Surveyor, do hereby certify that the above plat of the property, surveyed for CAPITAL TITLE COMPANY, QUACKEN LOANS, INC., GREGORY BRADEN and VERONICA BRADEN at 2914 S. F.M. 549, ROCKWALL, ROCKWALL COUNTY, TEXAS, is a true and correct plat of the same, and that the same meets the requirements of the Minimum Standards of Practice as approved and published by the Texas Board of Professional Surveyors, effective as of the 13th day of July, 2018.



Harold D. Fetty III, P.E., S. No. 5034

H.D. Fetty Land Surveyor, LLC
10109A, 10109B, 10109C, 10109D, 10109E, 10109F, 10109G, 10109H, 10109I, 10109J, 10109K, 10109L, 10109M, 10109N, 10109O, 10109P, 10109Q, 10109R, 10109S, 10109T, 10109U, 10109V, 10109W, 10109X, 10109Y, 10109Z

6770 FM 1555 ROYSE CITY, TX 75189 972-635-2255 PHONE tracy.fetty@hdfetty.com



PROPERTY IDENTIFICATION

DATE: _____

BY: _____

Exhibit 'B':
Building Elevations



Exhibit 'C':
Site Plan



Proposed Accessory Building