

CITY OF ROCKWALL  
ORDINANCE NO. 19-03

SPECIFIC USE PERMIT NO. S-201

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 REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE (UDC) ON A 0.253-ACRE PARCEL OF LAND ZONED SINGLE-FAMILY 7 (SF-7) DISTRICT AND IDENTIFIED AS LOT 47B, B. F. BOYDSTUN 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 Amanda Henry for the approval of a Specific Use Permit (SUP) for the purpose of constructing an accessory building that does not meet the masonry requirements and exceeds the maximum size requirements as stipulated by the Unified Development Code (UDC), situated on a 0.253-acre parcel of land, zoned Single-Family 7 (SF-7) District, and being identified as Lot 47B, B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, addressed 205 S. Clark Street, 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 and exceeds the maximum size for accessory buildings in a Single-Family 7 (SF-7) 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

3.6, *Single-Family 7 (SF-7) 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 may 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 910 SF;
- 3) The existing accessory building toward the rear of the property shall be removed prior to the construction of the new accessory building;
- 4) The subject property shall not have more than one (1) accessory building;
- 5) The accessory building shall not exceed a maximum overall height of 15-feet;
- 6) The accessory building shall not be operated as a commercial land use; and,
- 7) 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.

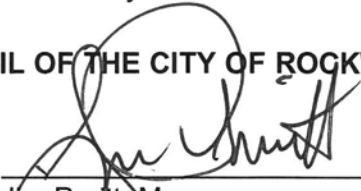
**SECTION 5.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such 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.

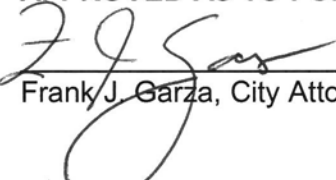
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS THE 7<sup>TH</sup> DAY OF JANUARY, 2019.**

  
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Jim Pruitt, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kristy Cole, City Secretary

**APPROVED AS TO FORM:**

  
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Frank J. Garza, City Attorney

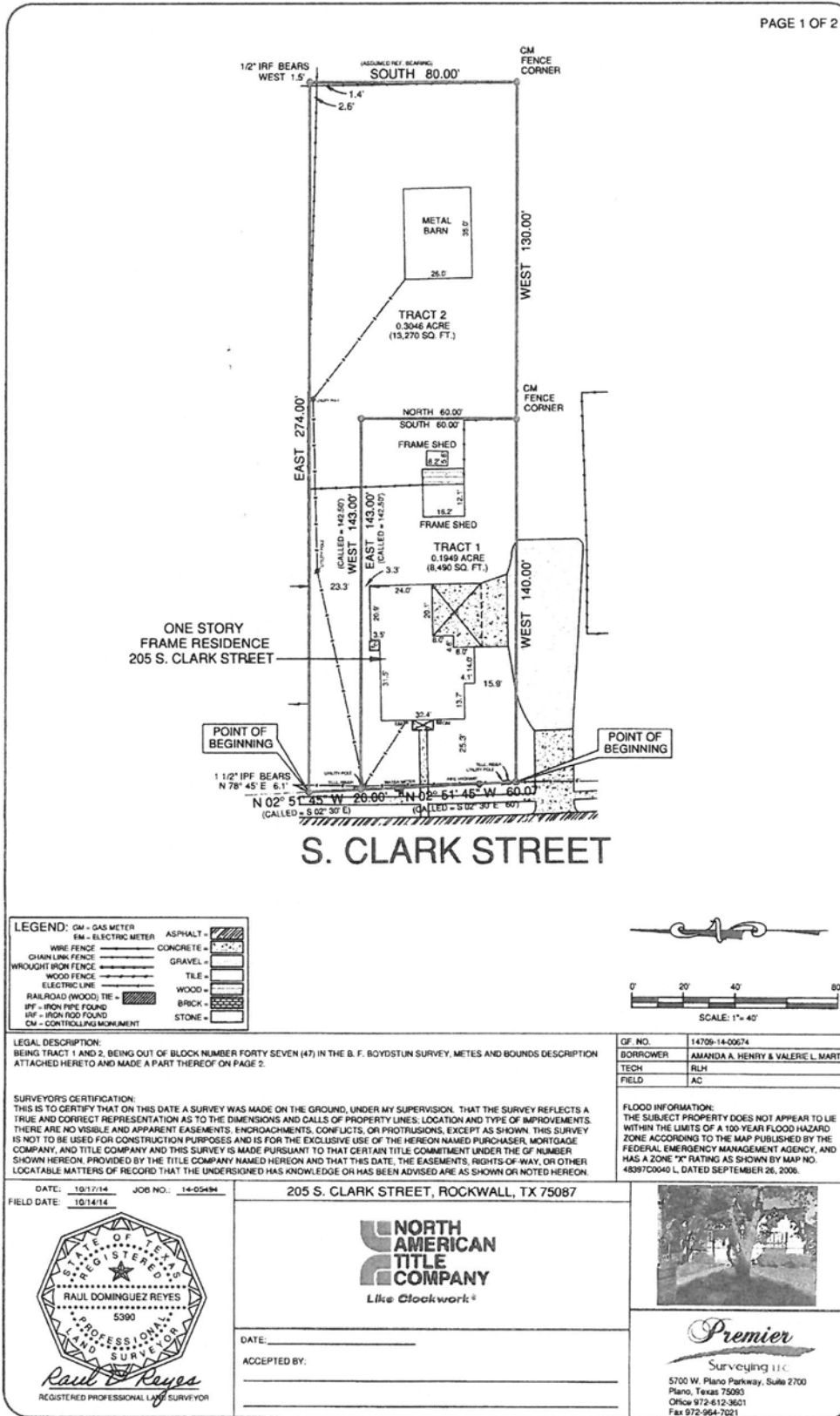


1<sup>st</sup> Reading: December 17, 2018

2<sup>nd</sup> Reading: January 7, 2019

# Exhibit 'A': Survey

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**Exhibit 'B':**  
*Building Elevations*



Exhibit 'C':  
Site Plan

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