

CITY OF ROCKWALL

ORDINANCE NO. 19-23

SPECIFIC USE PERMIT NO. S-210

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) OF THE CITY OF ROCKWALL, ROCKWALL COUNTY TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A *GUEST QUARTERS/SECONDARY LIVING UNIT AND BARN OR AGRICULTURAL ACCESSORY BUILDING* IN AN AGRICULTURAL (AG) DISTRICT, SITUATED ON A 10.61-ACRE PORTION OF A LARGER 26.078-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 2 & 2-4 OF THE W. M. DALTON SURVEY, ABSTRACT NO. 72, 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 Dwayne Cain of ECSR (D), LLC for the approval of a Specific Use Permit (SUP) to allow a *guest quarters/secondary living unit and barn or agricultural accessory building* in an Agricultural (AG) District on a 10.61-acre portion of a larger 26.078-acre parcel of land described as Tract 2 & 2-4 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 777 & 839 Cornelius Road, 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 a *guest quarters/secondary living unit and barn or agricultural accessory building*, as stipulated by Section 1, *Land Use Schedule*, of Article IV, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 04-38*], on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 2.01, *Agricultural (AG) District*, of Section 2, *Agricultural Districts*, of Article V, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 04-38] as heretofore amended and as may be amended in the future, and shall be subject to the following:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *guest quarters/secondary living unit and barn or agricultural accessory building* on the *Subject Property* and conformance to these conditions is required for continued operations:

- 1) The *guest quarters/secondary living unit and barn or agricultural accessory building* shall generally conform to the concept plan and building elevations depicted in *Exhibits 'B'* of this ordinance;
- 2) The *guest quarters/secondary living unit and barn or agricultural accessory building* shall not be utilized for a non-residential and/or non-agricultural land use;
- 3) The *guest quarters/secondary living unit and barn or agricultural accessory building* shall be ancillary to the existing single-family home;
- 4) The *guest quarters/secondary living unit and barn or agricultural accessory building* shall not be altered so that the structure is less than 2,000 SF or greater than 4,050 SF;
- 5) The subject property shall not be subdivided in such a way that the property does not meet the minimum requirement of ten (10) acres in size for a *barn or agricultural accessory building*;
- 6) The *guest quarters/secondary living unit and barn or agricultural accessory building* shall be located behind the front façade of the primary structure and be subject to the same building setbacks as the primary structure; and,
- 7) The *guest quarters/secondary living unit and barn or agricultural accessory building* shall not be sold or conveyed separately without meeting the requirements of 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 Building Permit, should the subject property--which is subject to 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.

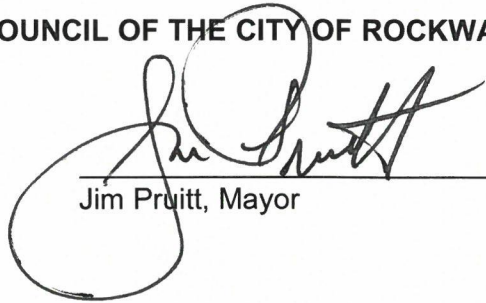
SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 3RD DAY OF JUNE, 2019.**



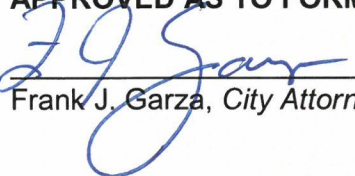
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



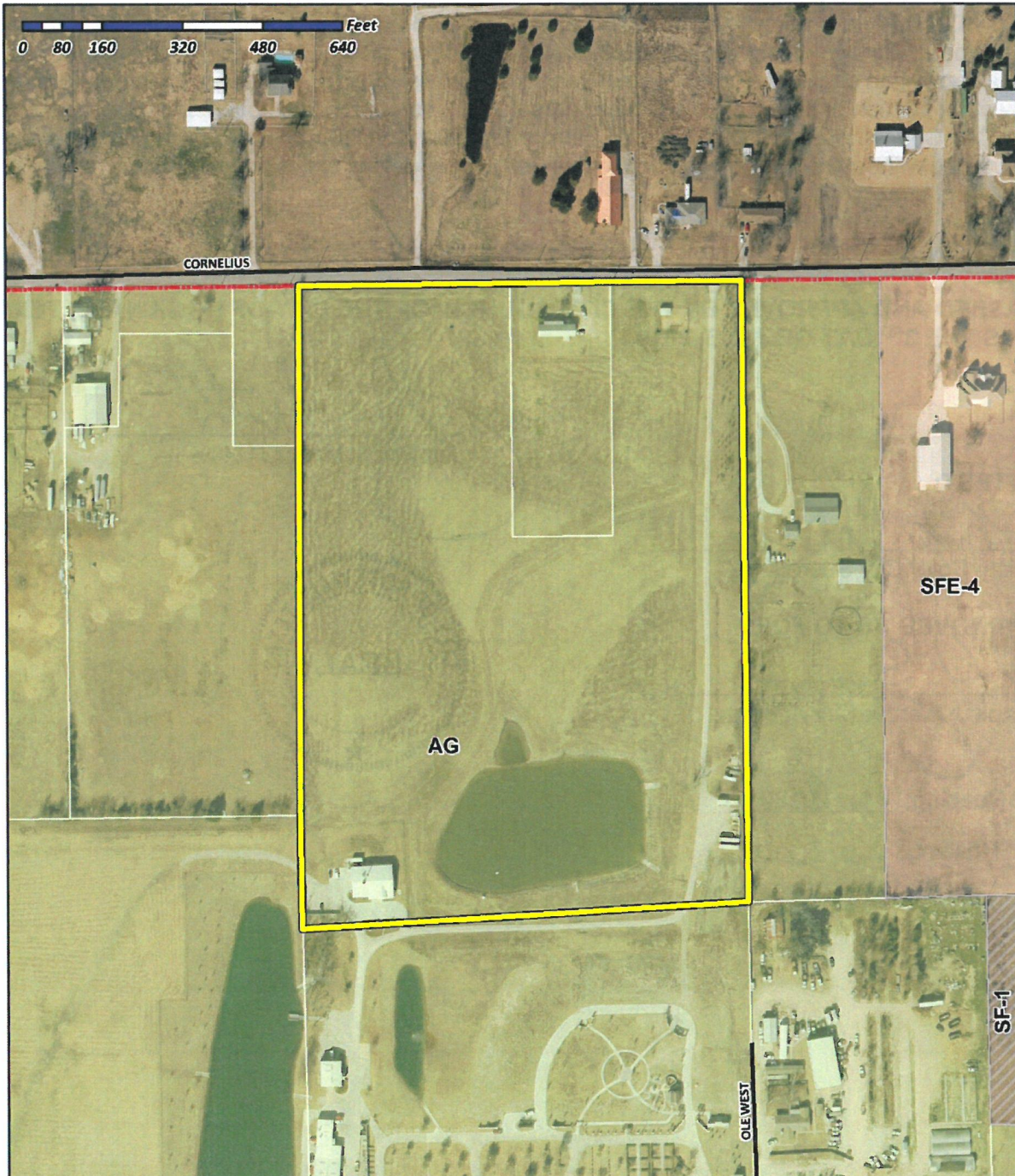
1st Reading: May 20, 2019

2nd Reading: June 3, 2019

Exhibit 'A'
Zoning Exhibit

Address: 777 & 839 Cornelius Road

Legal Description: Tract 2 & 2-4 of the W. M. Dalton Survey, Abstract No. 72



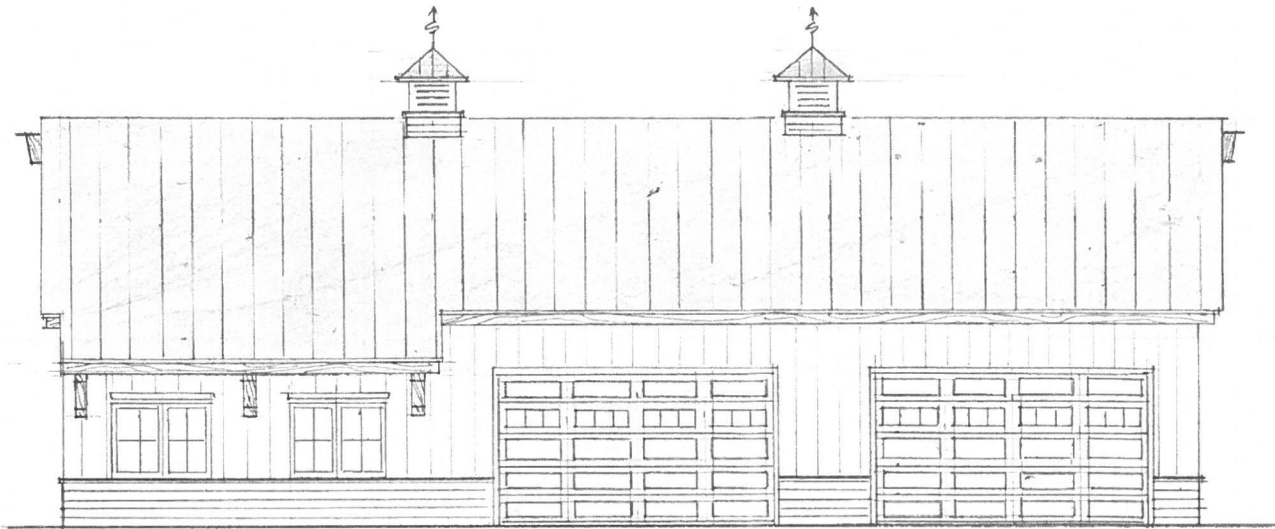
City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75032
(P): (972) 771-7745
(W): www.rockwall.com

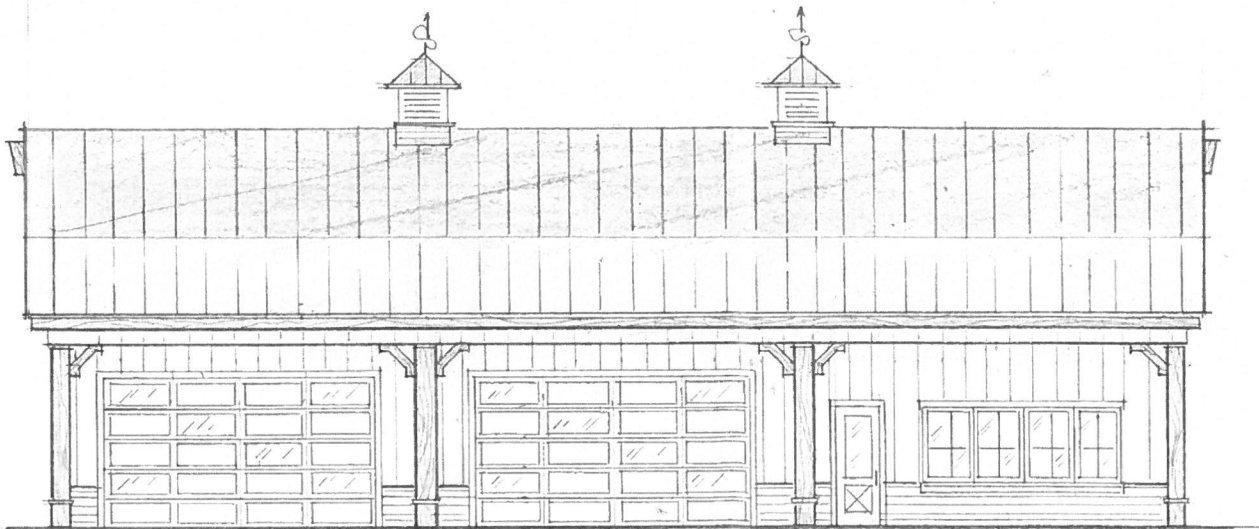
The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.



Exhibit 'C'
Concept Elevations



NORTH ELEVATION
SCALE 1/8" = 1'-0"



SOUTH ELEVATION
SCALE 1/8" = 1'-0"

Exhibit 'C'
Concept Elevations

