

CITY OF ROCKWALL

ORDINANCE NO. 21-11

SPECIFIC USE PERMIT NO. S-243

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW AN *ACCESSORY BUILDING* THAT EXCEEDS THE MAXIMUM ALLOWABLE SIZE ON A 0.50-ACRE PARCEL OF LAND, IDENTIFIED AS BLOCK 107, B. F. BOYDSTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; 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 David LeCour for the approval of a Specific Use Permit (SUP) to allow an *Accessory Building* that exceeds the maximum allowable size on a 0.50-acre parcel of land described as Block 107 of the B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 507 S. Clark Street, and being more specifically depicted and described 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. 20-02*] 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. 20-02*] 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 an *Accessory Building* as stipulated by Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] -- as heretofore amended and as may be amended in the future --, and with the 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 conditions are required for continued operations:

- (1) The *Accessory Building* shall generally conform to the concept plan depicted in *Exhibit 'B'* of this ordinance.
- (2) The *Accessory Building* shall not exceed a maximum size of 700 SF.
- (3) The subject property shall not have more than one (1) accessory building.

2.2. COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) 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), the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 2.02(F), *Revocation*, of Article 11, *Development Applications and Review Procedures*, 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 1ST DAY OF FEBRUARY, 2021.



Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: January 19, 2021

2nd Reading: February 1, 2021

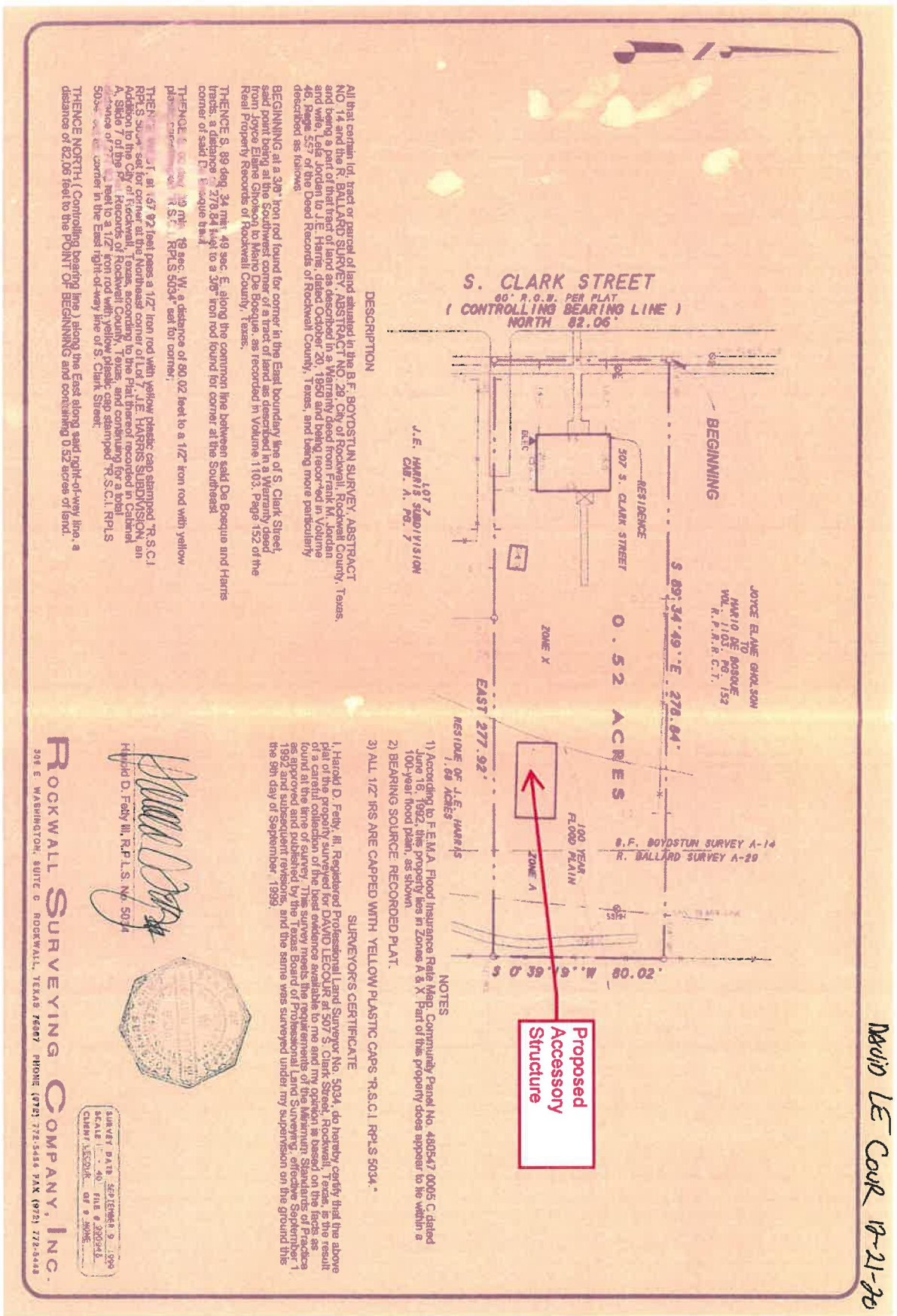
Exhibit 'A'
Zoning Exhibit

Address: 507 S. Clark Street

Legal Description: Block 107, B. F. Boydston Addition



**Exhibit 'B':
Site Plan**



David L. Cook 10-21-20

DESCRIPTION

All that certain lot, tract or parcel of land situated in the B.F. BOYDSTUN SURVEY, ABSTRACT 140 and the R. BALLARD SURVEY, ABSTRACT 20, both of Rockwall County, Texas, and being a part of the property described in a plat of subdivision recorded in Volume 46, Page 527 of the Deed Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 310' iron rod found for corner in the East boundary line of S. Clark Street, said point being at the Southwest corner of a tract of land as described in a Warranty deed from Joyce Elaine Simpson to Mark De Boeque, as recorded in Volume 11103, Page 152 of the Real Property Records of Rockwall County, Texas.

THENCE S. 89 deg. 34 min. 49 sec. E. along the common line between said De Boeque and Harris tracts a distance of 278.84 feet to a 3/8" iron rod found for corner at the Southeast corner of said P. De Boeque tract.

THENCE E. 00 deg. 00 min. 00 sec. N. a distance of 80.02 feet to a 1/2" iron rod with yellow plastic cap stamped R.P.L.S. No. 5034 east for corner.

THENCE N. 00 deg. 00 min. 00 sec. W. a distance of 80.02 feet to a 1/2" iron rod with yellow plastic cap stamped R.P.L.S. No. 5034 west for corner.

THENCE S. 89 deg. 34 min. 49 sec. E. along the common line between said R.S.C.I R.P.L.S. 5034 and the Northeast corner of Lot 7, J.E. HARRIS SUBDIVISION, an Addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet A, Slide 7 of the Records of Rockwall County, Texas, and continuing for a total distance of 278.84 feet to a 1/2" iron rod with yellow plastic cap stamped R.S.C.I. R.P.L.S. No. 5034 east for corner in the East right-of-way line of S. Clark Street.

THENCE NORTH (Controlling bearing line) along the East along said right-of-way line a distance of 82.06 feet to the POINT OF BEGINNING and containing 0.52 acres of land.

NOTES

- 1) According to F.E.M.A. Flood Insurance Rate Map, Community Flood No. 480547 0005 C dated June 16, 1992, the property lies in Zones A & X. Part of this property does appear to be within a 100-year flood plain, as shown.
- 2) BEARING SOURCE: RECORDED PLAT.
- 3) ALL 1/2" IRIS ARE CAPPED WITH YELLOW PLASTIC CAPS "R.S.C.I R.P.L.S. 5034."

SURVEYORS CERTIFICATE

I, Harold D. Fedy, III, Registered Professional Land Surveyor No. 5034, do hereby certify that the above plat of the property surveyed for DAVID LECOUR at 507 S. Clark Street, Rockwall, Texas, is the result of a careful collection of the best evidence available to me and my opinion is based on the facts as they appear. This plat was prepared and published by the Texas Board of Professional Land Surveying effective September 1, 1992, and subsequent revisions, and the same was surveyed under my supervision on the ground this 9th day of September, 1999.

Harold D. Fedy III
Harold D. Fedy III, R.P.L.S. No. 5034



ROCKWALL SURVEYING COMPANY, INC.
301 E. WASHINGTON, SUITE D ROCKWALL, TEXAS 75087 PHONE (972) 772-5456 FAX (972) 772-8448

SURVEY DATE: SEPTEMBER 9, 1999
SCALE: 1" = 40' FILE # 200254L
CLIENT: LECOUR, DAVID