

CITY OF ROCKWALL

ORDINANCE NO. 21-57

SPECIFIC USE PERMIT NO. S-264

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 TWO (2) *AGRICULTURAL ACCESSORY BUILDINGS* AND AN *ANIMAL SHELTER OR LOAFING SHED* ON A 42.66-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, 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 Mike Peoples for the approval of a Specific Use Permit (SUP) to allow two (2) *Agricultural Accessory Buildings* and an *Animal Shelter or Loafing Shed* on a 42.66-acre tract of land described as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, 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 two (2) *Agricultural Accessory Buildings* and an *Animal Shelter or Loafing Shed* as stipulated by Subsection 01.02, *Land Use Schedule*, and Subsection 02.03, *Conditional Land Use Standards*, of Article 04, *Permissible Uses*, 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 02.03, *Conditional Land Use Standards*, of Article 04, *Permissible Uses*, and Subsection 02.01, *Agricultural (AG) District*, 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 *Agricultural Accessory Structure* and an *Animal Shelter or Loafing Shed* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) The applicant is required to remove the outside storage that is currently situated around the *Agricultural Accessory Building* (i.e. *Building #3*) prior to the issuance of any permits on the *Subject Property*.
- (2) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* shall generally conform to the concept plan and the conceptual building elevations depicted in *Exhibits 'B' & 'C'* of this ordinance.
- (3) The *Agricultural Accessory Buildings* shall not exceed their current building footprints (i.e. ~3,600 SF for *Building #2* and ~1,800 SF for *Building #3*).
- (4) The *Animal Shelter or Loafing Shed* (i.e. *Building #1*) shall not exceed a maximum size of 3,000 SF.
- (5) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* (i.e. *Buildings #1, #2, & #3*) shall not exceed their current heights which are depicted in *Exhibit 'C'* of this ordinance.
- (6) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* (i.e. *Buildings #1, #2, & #3*) shall not be operated as of for commercial land uses.
- (7) The applicant will be required to apply for three (3) building permits from the Building Inspections Departments for the *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* (i.e. *Buildings #1, #2, & #3*) depicted in *Exhibits 'B' & 'C'* of this ordinance.
- (8) The existing *Agricultural Accessory Building* located in the floodplain on the *Subject Property*, as depicted as *Building #3* in *Exhibits 'B' & 'C'* of this ordinance, shall be moved to the location depicted as *Building #4* in *Exhibit 'B'* within six (6) months of the date of passage of this ordinance and before building permits for *Building #1 & #2* -- depicted in *Exhibits 'B' & 'C'* -- are issued.
- (9) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* (i.e. *Buildings #1, #2, & #3*) shall not be sold or conveyed separately without meeting the requirements of the Unified Development Code (UDC).
- (10) All buildings (i.e. *Buildings #1, #2, and #3/#4*) shall be required to meet all applicable setback requirements. This means that the subject property will need to be platted prior to the issuance of a building permit for *Building #2* as depicted in *Exhibits 'B' & 'C'* of this ordinance.
- (11) Should the applicant fail to meet any of the requirements of this Specific Use Permit (SUP) within one (1) year of the approval date of this ordinance *Buildings #1, #2 and #3/#4* shall be removed from the *Subject Property* within six (6) months of the expiration

date of this ordinance.

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 6TH DAY OF DECEMBER, 2021.



Kevin Fowler, Mayor

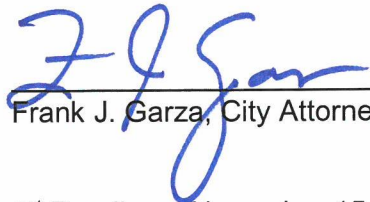
ATTEST:



Kristy Cole, City Secretary



APPROVED AS TO FORM:


Frank J. Garza, City Attorney

1st Reading: November 15, 2021

2nd Reading: December 6, 2021

Exhibit 'A'
Zoning Exhibit

Address: 1700 E. SH-66

Legal Description: Tract 7 of the D. Harr Survey, Abstract No. 102



Exhibit 'B':
Site Plan



- BUILDING #1:** ANIMAL SHELTER OR LOAFING SHED
- BUILDING #2:** AGRICULTURAL ACCESSORY BUILDING
- BUILDING #3:** AGRICULTURAL ACCESSORY BUILDING CURRENTLY LOCATED IN THE FLOODPLAIN
- BUILDING #4:** PROPOSED NEW LOCATION FOR BUILDING #3

Exhibit 'C':
Building Elevations



BUILDING #1: ANIMAL SHELTER OR LOAFING SHED



BUILDING #2: AGRICULTURAL ACCESSORY BUILDING



BUILDING #3: AGRICULTURAL ACCESSORY BUILDING SITUATED WITHIN THE 100-YEAR FLOODPLAIN