

CITY OF ROCKWALL

ORDINANCE NO. 21-58

SPECIFIC USE PERMIT NO. S-265

**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 ANIMAL SHELTER OR LOAFING SHED ON A 14.219-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 10-03 OF THE WILLIAM DALTON SURVEY, ABSTRACT NO. 72, 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 Andrea Danley on behalf of Mike Peoples for the approval of a Specific Use Permit (SUP) to allow an *Animal Shelter or Loafing Shed* on a 14.219-acre tract of land described as Tract 10-03 of the William Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 555 Cornelius Road, 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 *Animal Shelter or Loafing Shed* as stipulated by Subsection 01.02, *Land Use Schedule*, 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 02.01, *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 *Animal Shelter or Loafing Shed* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) The *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.
- (2) The applicant shall pull a demolition permit through the Building Inspection Department prior to removing the existing *Barn or Agricultural Accessory Structure*.
- (3) The *Animal Shelter or Loafing Shed* shall not exceed a maximum size of 1,400 SF.
- (4) The *Animal Shelter or Loafing Shed* shall not exceed a maximum height of 15-feet.
- (5) The *Animal Shelter or Loafing Shed* 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 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.

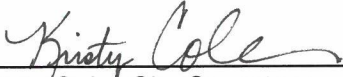
**SECTION 7.** That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS THE 6<sup>TH</sup> DAY OF DECEMBER, 2021.



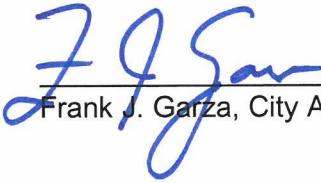
Kevin Fowler, Mayor

**ATTEST:**



Kristy Cole, City Secretary

**APPROVED AS TO FORM:**



Frank J. Garza, City Attorney



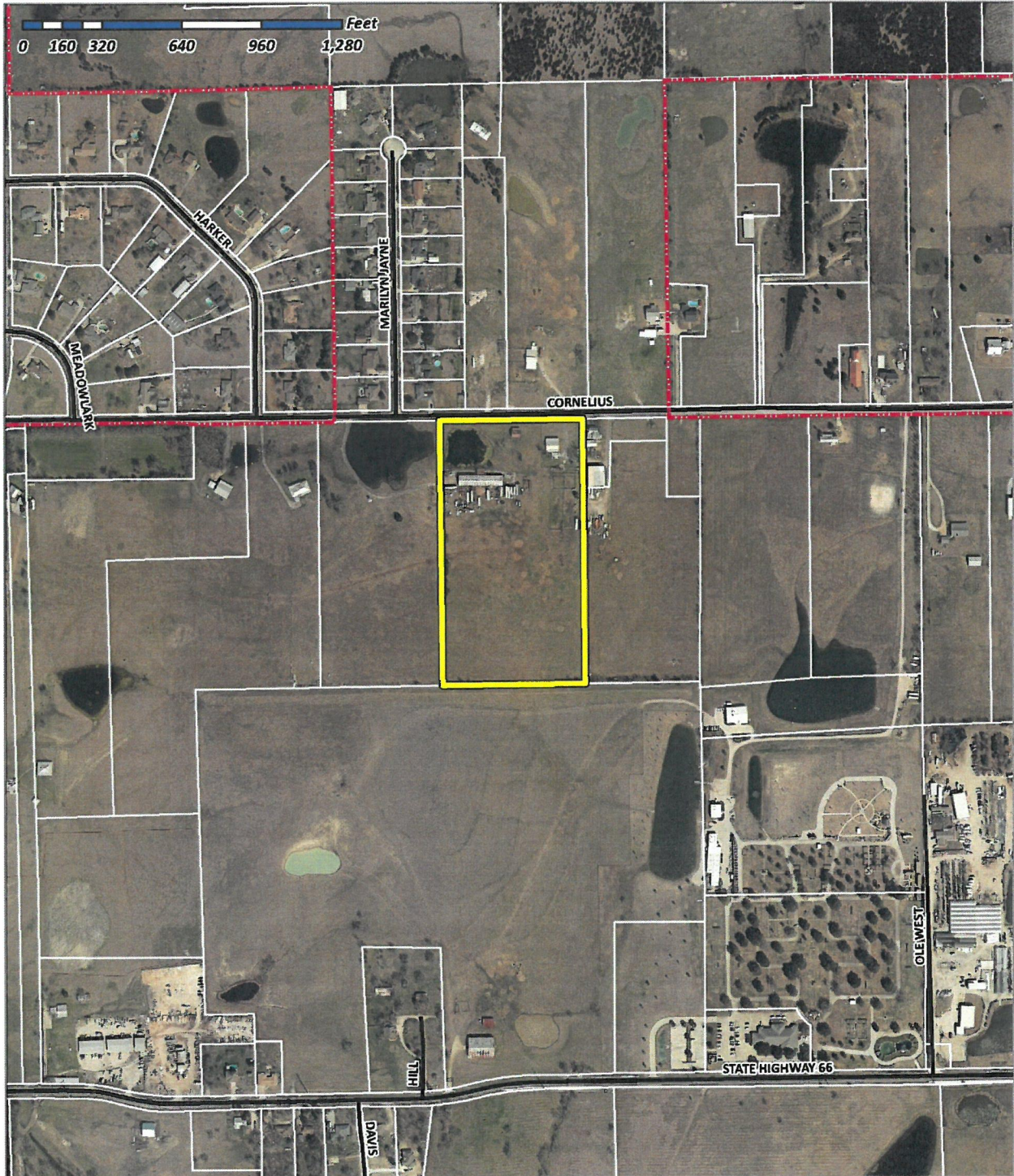
1<sup>st</sup> Reading: November 15, 2021

2<sup>nd</sup> Reading: December 6, 2021

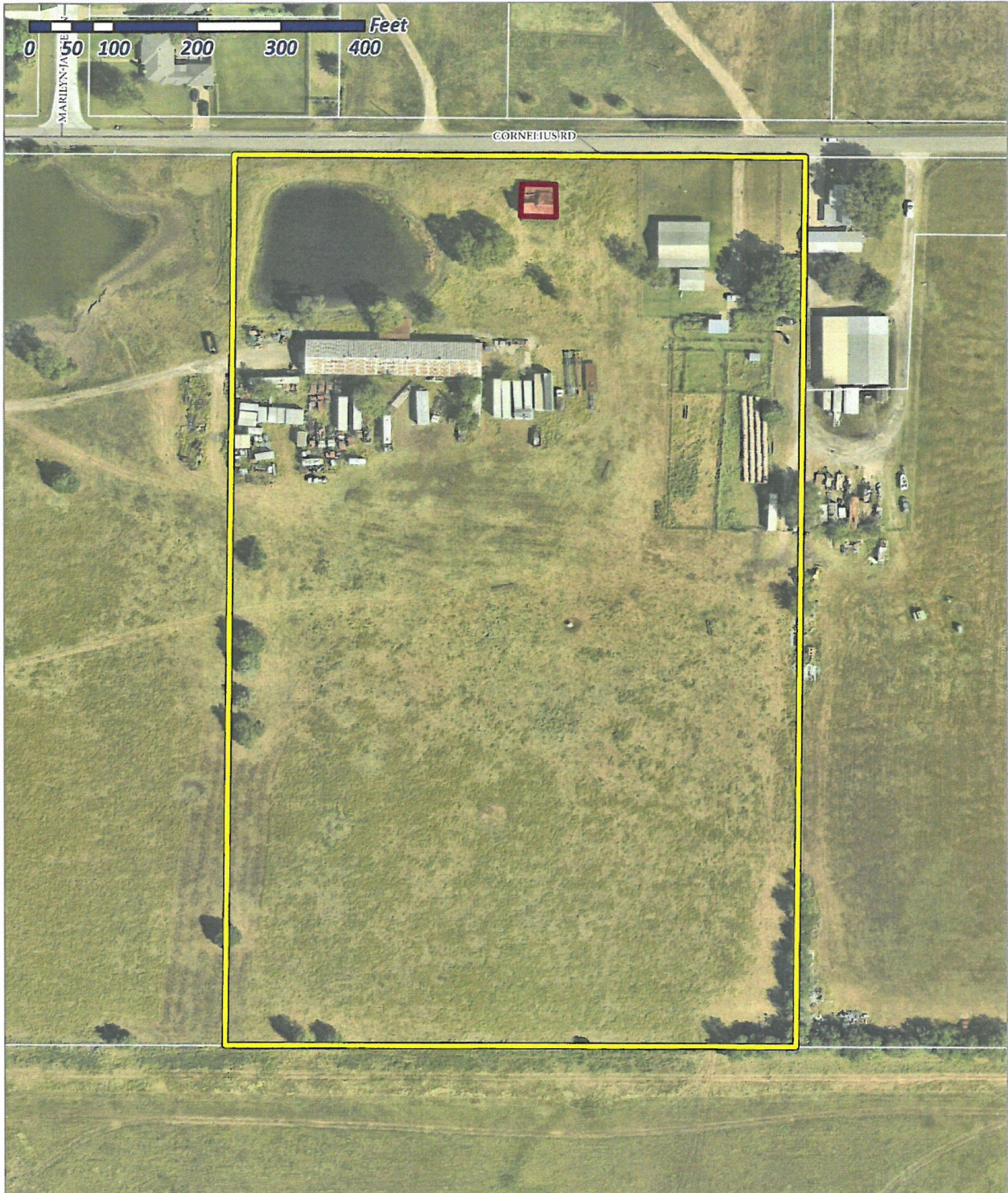
**Exhibit 'A'**  
**Zoning Exhibit**

Address: 555 Cornelius Road

Legal Description: Tract 10-03 of the W. M. Dalton Survey, Abstract No. 72



**Exhibit 'B':**  
*Site Plan*



**YELLOW:** SUBJECT PROPERTY; **RED:** LOCATION OF EXISTING AND PROPOSED AGRICULTURAL ACCESSORY STRUCTURE

**Exhibit 'C':**  
*Building Elevations*

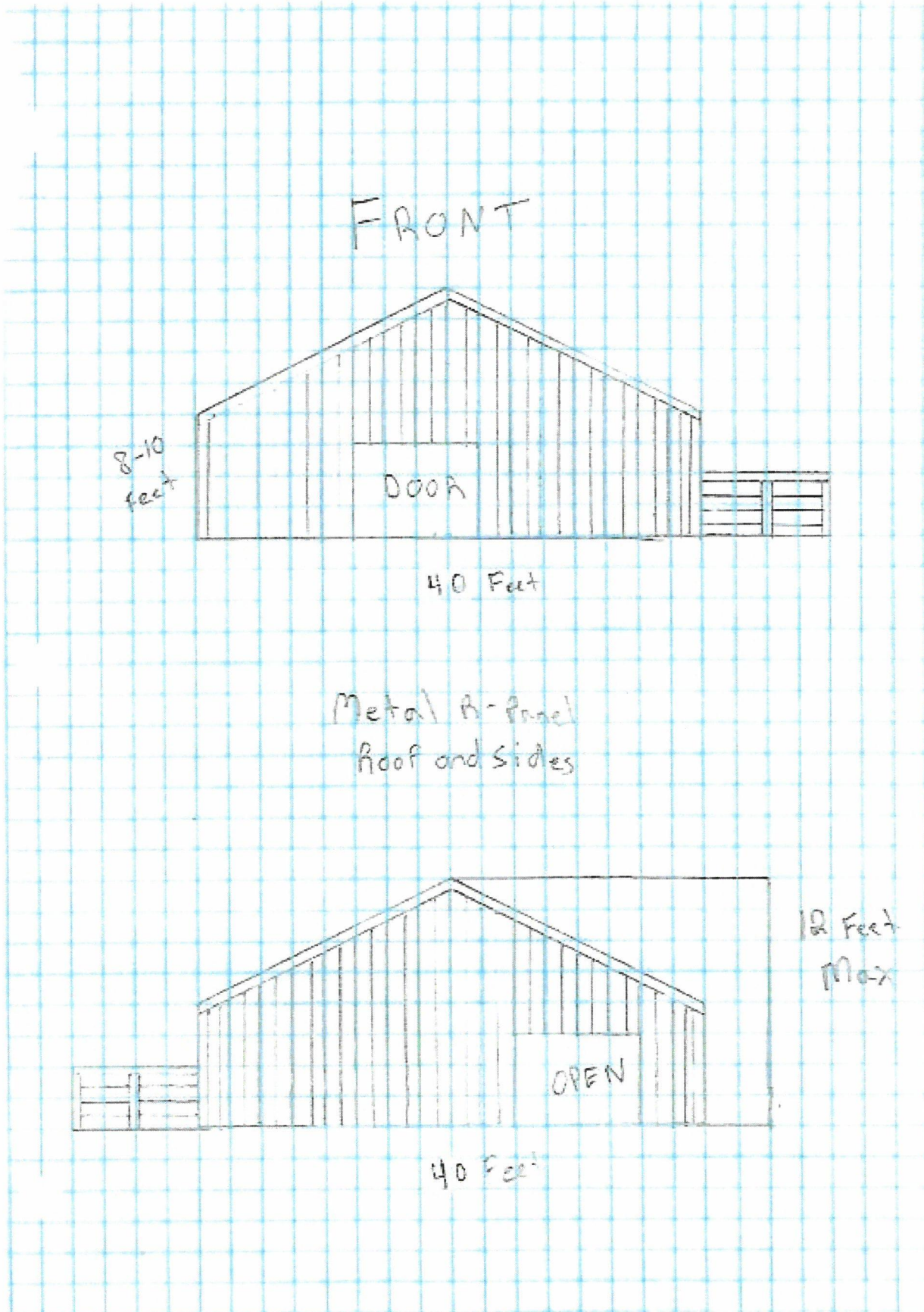
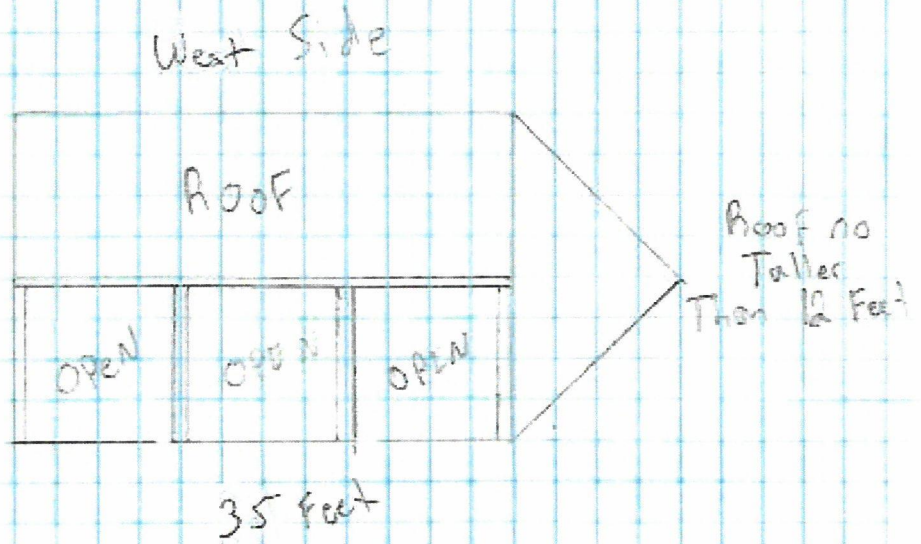


Exhibit 'C':  
Building Elevations

wash area  
dry area  
feed room  
Small hay storage



Metal A-Panel  
Roof and Sides

East Side

