

CITY OF ROCKWALL
ORDINANCE NO. 23-04
SPECIFIC USE PERMIT NO. S-292

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 88 (PD-88) [ORDINANCE NO. 19-26] AND 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) FOR A *DETACHED GARAGE* ON A THREE (3) ACRE PARCEL OF LAND, IDENTIFIED AS LOT 19, BLOCK A, NORTHGATE ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED AND DEPICTED 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 Matthew Benedetto for the approval of a *Specific Use Permit (SUP)* for a *Detached Garage* on a three (3) acre parcel of land identified as Lot 19, Block A, Northgate Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 88 (PD-88) for Single-Family 1 (SF-1) District land uses, addressed as 835 Clem Road, and being more specifically described and 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 Planned Development District 88 (PD-88) [*Ordinance No. 19-26*] and 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) for a *Detached Garage* to allow for the construction of an *Accessory Building* in accordance with 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 Planned Development District 88 (PD-88) [*Ordinance No. 19-26*] and Subsection 03.01, *General Residential District Standards*; Subsection 03.06, *Single-Family 1 (SF-1) District*; and 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 may be amended in the future -- and with the following conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the construction of a *Detached Garage* on the *Subject Property* and conformance to these operational conditions is required for continued operation:

- (1) The development of a *Detached Garage* on the *Subject Property* shall generally conform to the *Site Plan* as depicted in *Exhibit 'B'* of this ordinance.
- (2) The construction of a *Detached Garage* on the *Subject Property* shall generally conform to the *Building Elevations* depicted in *Exhibit 'C'* of this ordinance.
- (3) The *Detached Garage* shall not exceed a maximum size of 2,250 SF.
- (4) The *Detached Garage* shall include a paved driveway to the structure.
- (5) The maximum height of the *Detached Garage* shall not exceed a total height of 18-feet as measured to midpoint of the pitched roof.
- (6) The *Detached Garage* shall not be sold or conveyed separately from the single-family home without meeting the requirements of the zoning district and subdivision 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 the *Subject Property* to comply with the following:

- (1) Upon obtaining a *Building Permit*, should the contractor or property owner operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Revision Procedures*, of the Unified Development Code (UDC) [Ordinance No. 20-02].

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 offense 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 FEBRUARY, 2023.**



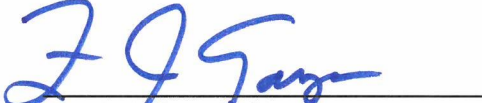
Kevin Fowler, Mayor

ATTEST:



Kristy Teague, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: January 17, 2023

2nd Reading: February 6, 2023

Exhibit 'A'
Location Map and Legal Description

Address: 834 Clem Road

Legal Description: Lot 19, Block A, Northgate Addition



Exhibit 'B':
Site Plan

CLEM ROAD

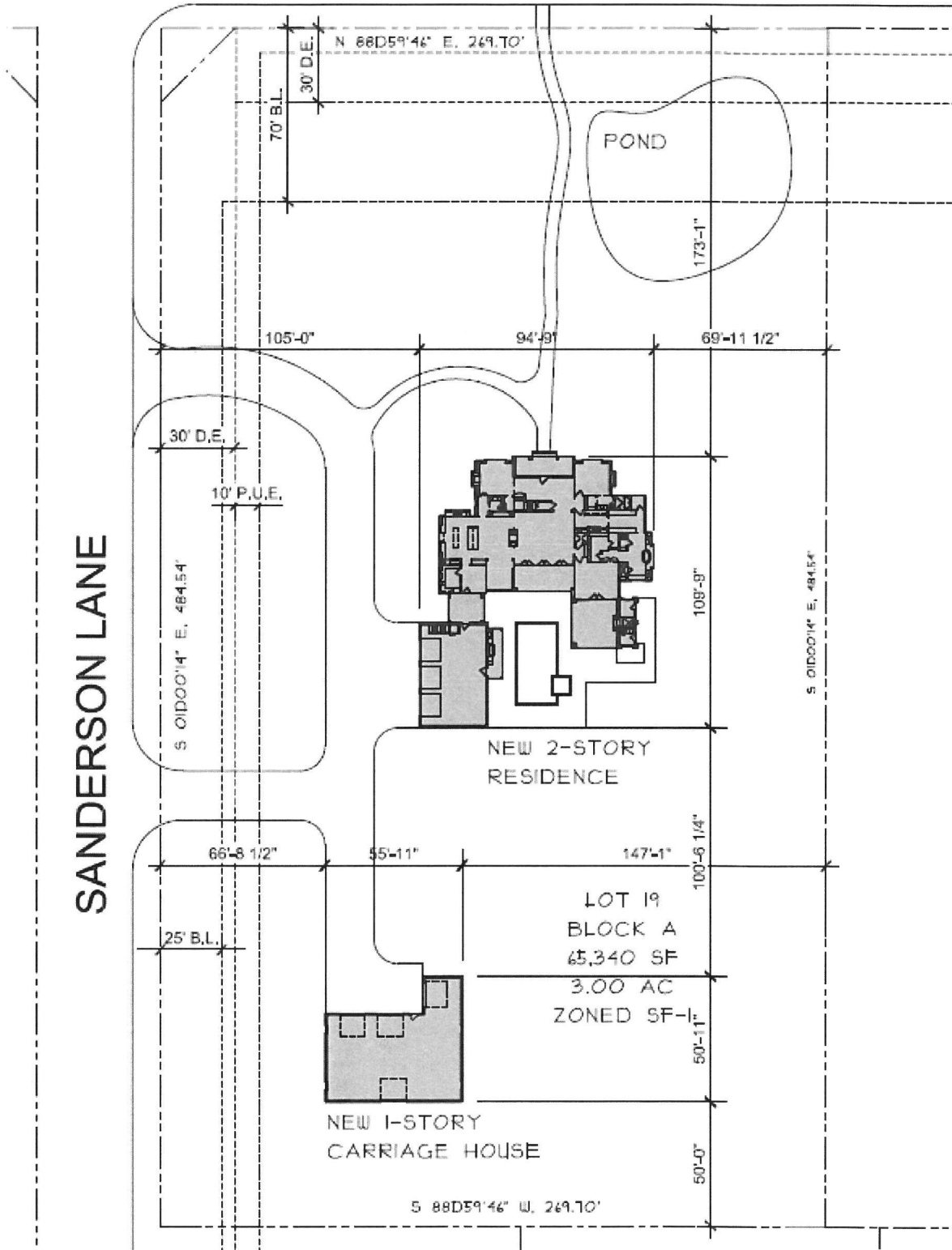
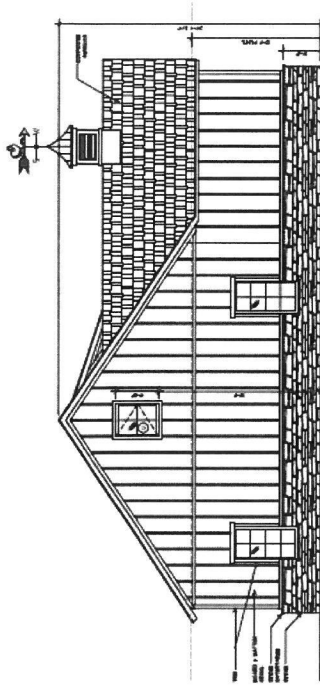
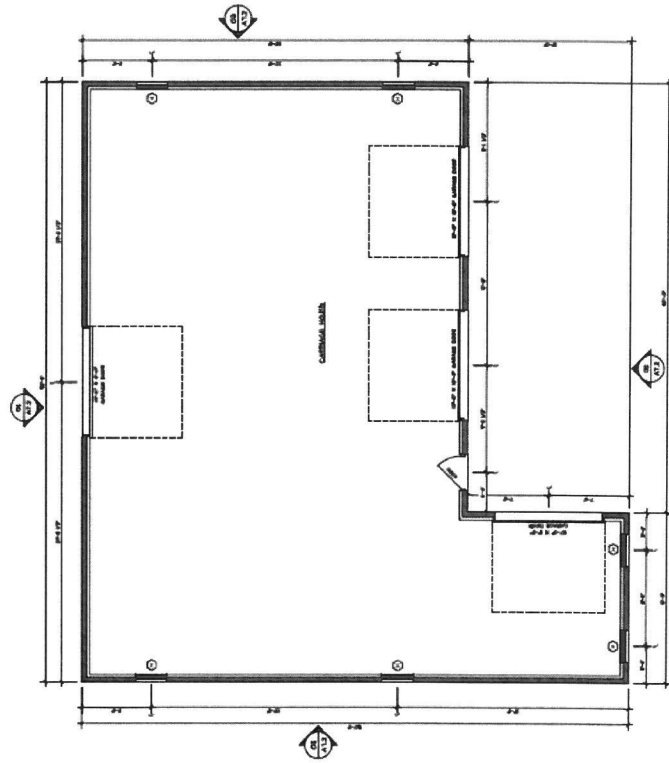


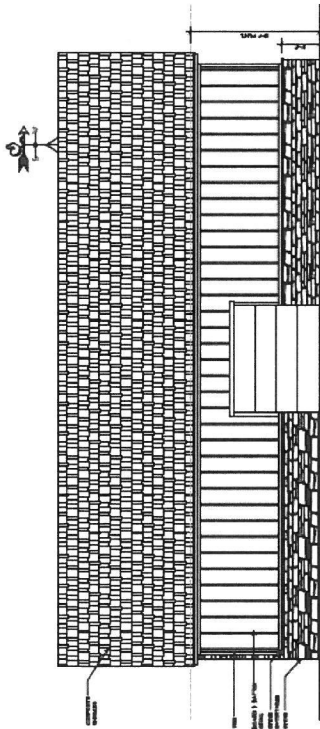
Exhibit 'C':
Building Elevations



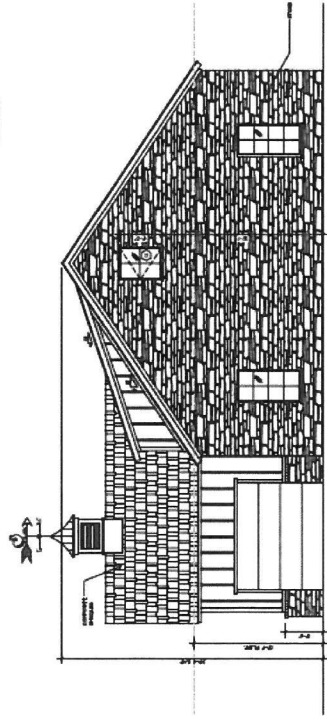
05 WEST ELEVATION
Scale 1/8" = 1'-0"



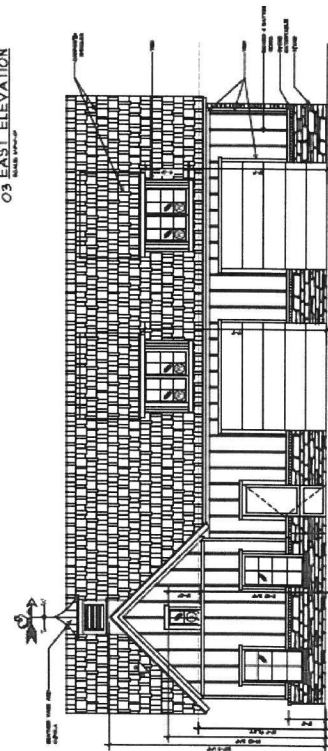
01 CARRIAGE HOUSE PLAN
Scale 1/8" = 1'-0"



04 NORTH ELEVATION
Scale 1/8" = 1'-0"



03 EAST ELEVATION
Scale 1/8" = 1'-0"



02 SOUTH ELEVATION
Scale 1/8" = 1'-0"