

CITY OF ROCKWALL

ORDINANCE NO. 24-23

SPECIFIC USE PERMIT NO. S-334

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW THE FOR A *GUEST QUARTERS/SECONDARY LIVING UNIT AND AGRICULTURAL ACCESSORY STRUCTURE* ON A 10.80-ACRE TRACT OF LAND IDENTIFIED AS LOT 1, BLOCK A, DC ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR 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**, a request has been made by Dewayne Cain for the approval of a *Specific Use Permit (SUP)* to allow for the expansion of an existing *Guest Quarters/Secondary Living Unit and Agricultural Accessory Building* on a 10.80-acre tract of land identified as Lot 1, Block A, DC Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 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 *Ordinance No. 19-23 [S-210]* and the Unified Development Code [*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 approval of this Specific Use Permit (SUP) ordinance shall supersede all requirements stipulated in *Ordinance No. 19-23 [S-210]*; and,

**SECTION 2.** 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 the expansion of a *Guest Quarters/Secondary Living Unit and Agricultural Accessory Building* as stipulated by Subsection 01.01, *Use of Land and Buildings*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*, and,

**SECTION 3.** That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 01.01, *Use of Land and Buildings*, 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:

### 3.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Guest Quarters/Secondary Living Unit and Agricultural Accessory Building* on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- (1) The *Guest Quarters/Secondary Living Unit and Agricultural Accessory Building* expansion shall generally conform to the concept plan and the conceptual building elevations depicted in *Exhibit 'B & 'C'* of this ordinance.
- (2) The *Guest Quarters/Secondary Living Unit and 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 Agricultural Accessory Building* shall be ancillary to the existing single-family home;
- (4) The *Guest Quarters/Secondary Living Unit and Agricultural Accessory Building* shall not exceed a maximum size of 6,000 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 an *Agricultural Accessory Building*.
- (6) The *Guest Quarters/Secondary Living Unit and 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 Agricultural Accessory Building* shall not be sold or conveyed separately without meeting the requirements of the Unified Development Code (UDC).

### 3.2 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 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 Review Procedures*, of the Unified Development Code (UDC) [Ordinance No. 20-02].

**SECTION 4.** That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

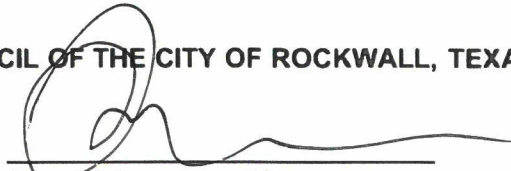
**SECTION 5.** That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

**SECTION 6.** 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 7.** 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 8.** 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 3<sup>RD</sup> DAY OF JUNE, 2024.**

  
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Trace Johannesen, Mayor

**ATTEST:**

  
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Kristy Teague, City Secretary

**APPROVED AS TO FORM:**

  
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Frank J. Garza, City Attorney

1<sup>st</sup> Reading: May 20, 2024

2<sup>nd</sup> Reading: June 3, 2024



Exhibit 'B':  
Concept Plan

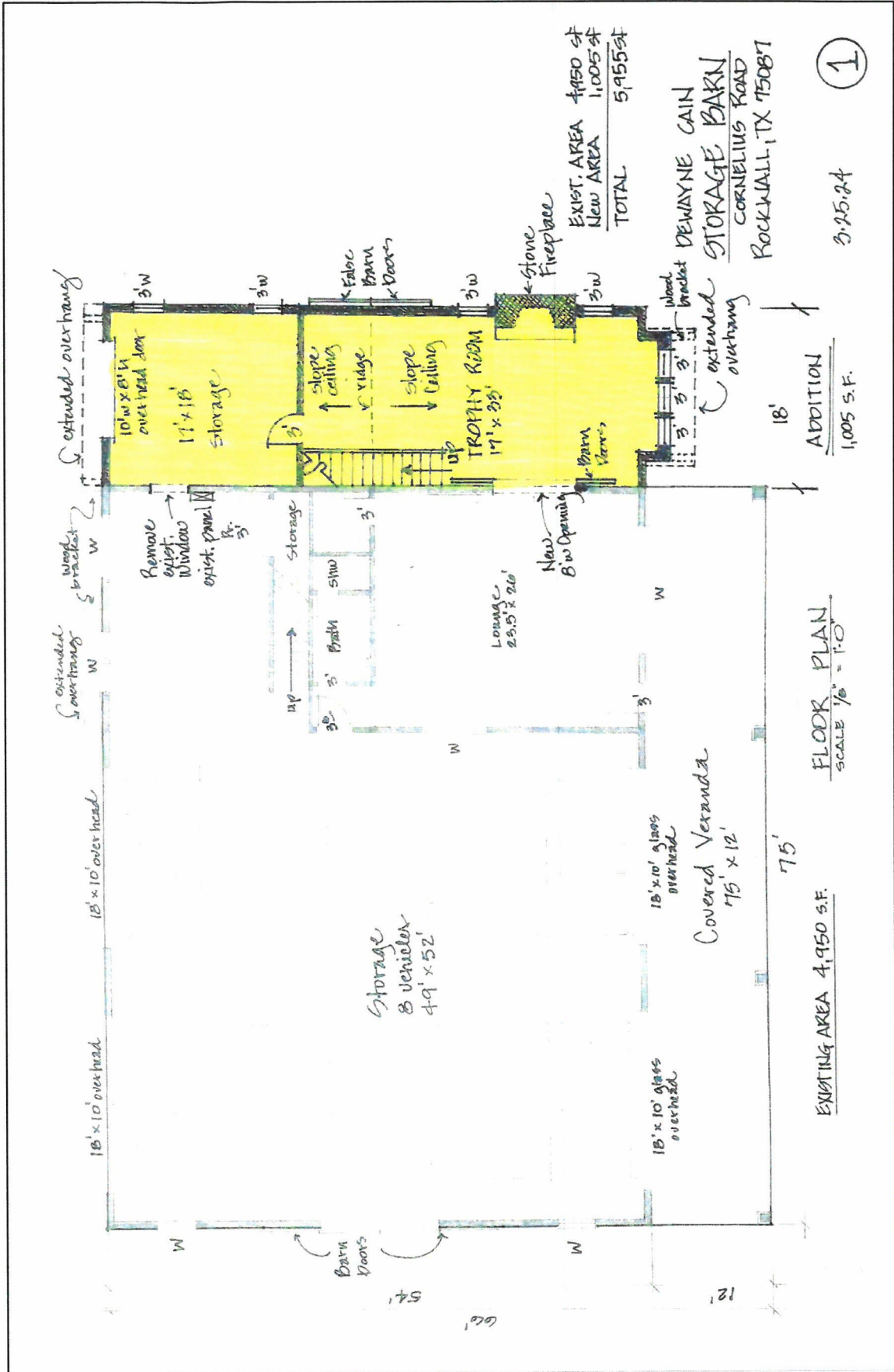


Exhibit 'C':  
Conceptual Building Elevations

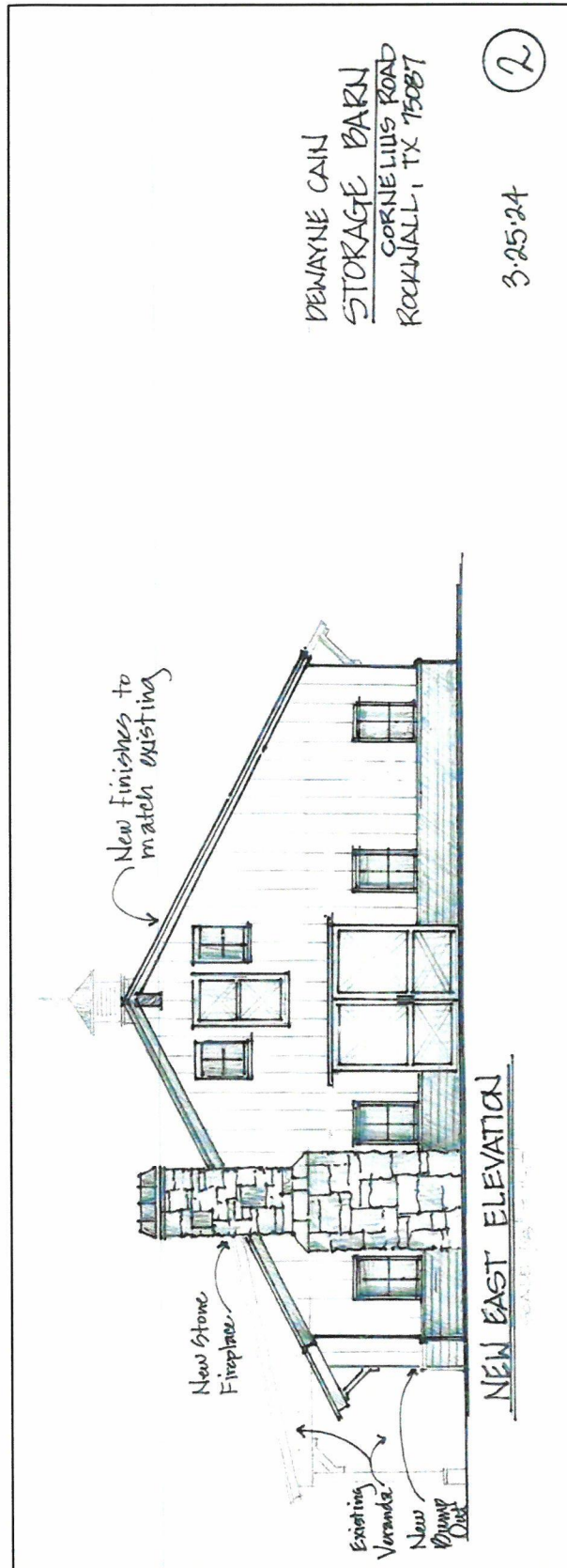


Exhibit 'C':  
Conceptual Building Elevations

