

CITY OF ROCKWALL

ORDINANCE NO. 04-45

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT FOR AN ACCESSORY BUILDING EXCEEDING THE MAXIMUM PERMITTED HEIGHT WITHIN THE (SF-E/1.5) SINGLE-FAMILY ESTATE DISTRICT, ON A TRACT LOCATED AT 5135 BEAR CLAW LANE (LOT 9, BLOCK C, THE OAKS OF BUFFALO WAY); 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 A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, A Specific Use Permit for an accessory building exceeding the maximum permitted height within the "SF-E/1.5" Single-Family Estate district has been requested by Craig Merritt for the property located at 5135 Bear Claw Lane being Lot 9, Block C, The Oaks of Buffalo Way Addition, City and County of Rockwall, Texas; 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 Comprehensive Zoning Ordinance 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 Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit for an accessory building exceeding the maximum permitted within the "SF-E/1.5" Single-Family Estate district as requested by Craig Merritt for the property located at 5135 Bear Claw Lane being Lot 9, Block C, The Oaks of Buffalo Way Addition, City and County of Rockwall, Texas; and

Section 2. That the Specific Use Permit shall be subject to the following conditions:

1. The building will comply with the approved site plan attached as Exhibit "A" and the building elevations attached as Exhibit "B".
2. Compliance with the building setbacks of the SF-E/1.5 zoning district is required.
3. Compliance with the maximum size of an accessory building in the SF-E/1.5 zoning district is required.
4. Exterior materials and design must be compatible to the primary structure located on the subject site.
5. The maximum height of the building is limited to 18'.

6. A waiver of fire protection is signed prior to issuance of a building permit.
7. The accessory building is subject to administrative review in the event that the subject property is sold to another party, conveyed in any manner to another party, subdivided, or replatted.
8. The City Council reserves the right to review the Conditional Use Permit granted herein upon the expiration of one (1) year from the date hereof.

Section 3. 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 4. 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 5. If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Comprehensive Zoning Ordinance No. 83-23 of the City of Rockwall, Texas, 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 for this ordinance are declared to be severable.

Section 6. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 2nd day of August, 2004.

ATTEST:



Dorothy Brooks, City Secretary

APPROVED AS TO FORM:



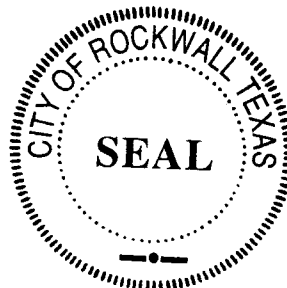
Pete Eckert, City Attorney

1st Reading: July 19, 2004

2nd Reading: August 2, 2004



Ken Jones, Mayor



N 45°58'31" E

245.86'

15' BIKE & JOGGING TRAIL ESMT.

EXHIBIT "A"

80.0'±

N 44°00'00" W

104'±

34.5'±

S 36°36'33" E

LOT 10

POOL SPA

STONE

63.3'

287.66'

SEE DETAIL

56.1'

314.87'

DG. LINE

UNDERGROUND TELEPHONE
CATV

10' T.U. ESMT.

S 46°00'00" W 149.18'

60°00'00"
70°00'00"

BEAR CLAW LANE
60' R.O.W.

the OAKS of
BUFFALO WAY

LBT: 9 BLK: C

ROCKWELL 004-02-315 Bear Claw Acc Bldg SUP

SCALE 1"=40.0'

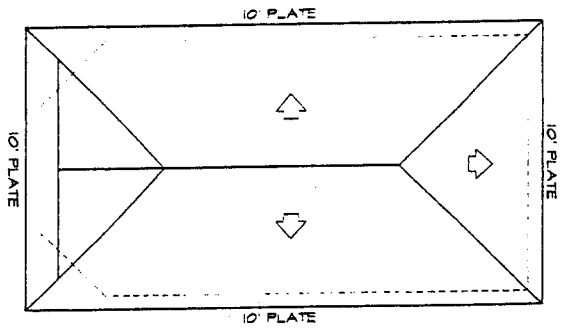
Registered Professional
Land Surveyor

Daniel A. Smith, R.P.

BEARINGS BASED ON PLAT.
NO ENCROACHMENTS.
The plat hereon is a representation of an
being
of said property as shown, all improvements
and dimensions of said property as shown, all improvements
lines and dimensions of said property as shown, all improvements
of set back from property lines the distance as shown
with which I have been advised in G.F. No. _____ or by
this survey for any other purpose.
undersigned is not responsible for any
(Page 4 of 5)

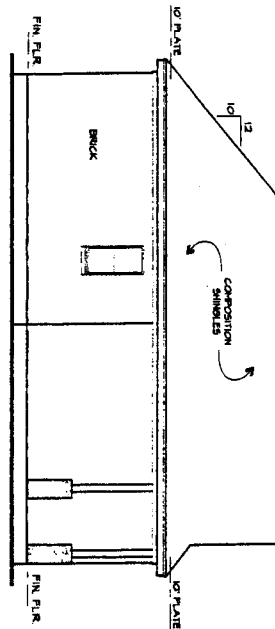
EXHIBIT "B"

Maximum Height of 18'

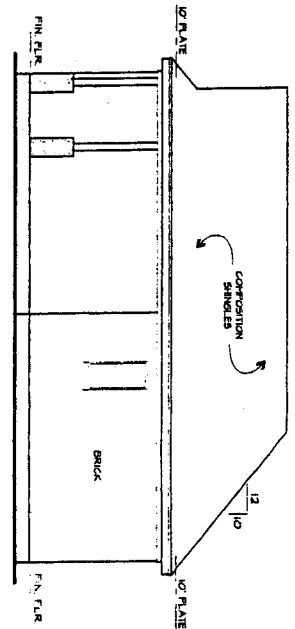


ROOF PLAN
SCALE: 1/4" = 1'-0"

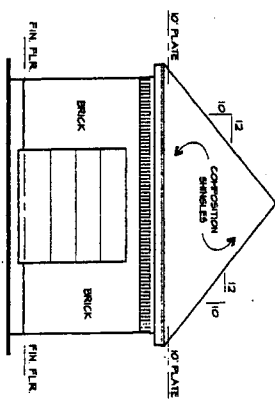
LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



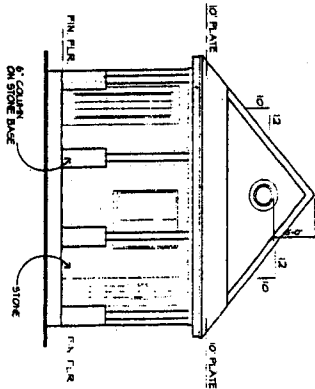
RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"



DATE:	NOV 17
DESIGNED BY:	MVL
DRAWN BY:	MVL
CHECKED BY:	MVL
APPROVED BY:	MVL
PROJECT:	POOL HOUSE
SCALE:	1/4" = 1'-0"

POOL HOUSE

MICHAEL V. LAND
DESIGN SERVICES
ALL RIGHTS RESERVED 2004

PLANS BY LAND
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