

CITY OF ROCKWALL

ORDINANCE NO. 04-60

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN THE (SF-E/2.0) SINGLE-FAMILY ESTATE DISTRICT ALLOWING FOR A DETACHED GARAGE EXCEEDING THE MAXIMUM SIZE AND HEIGHT REQUIREMENTS, ON A TRACT LOCATED AT 2716 S. FM 549, BEING LOT 1, LOFLAND LAKE ESTATES #2 ADDITION; 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, a request has been made by Dwaine Powers for a Specific Use Permit allowing for a detached garage exceeding the maximum size and height requirements, within the (SF-E/2.0) Single-Family Estate district, on a tract located at 2716 S. FM 549, being Lot 1, Lofland Lake Estates #2 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 allowing for a detached garage exceeding the maximum size and height requirements, within the (SF-E/2.0) Single-Family Estate district, on a tract located at 2716 S. FM 549, being Lot 1, Lofland Lake Estates #2 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 and building elevations, except that minimum side yard setback of 25-feet is required.
2. The exterior materials of the accessory building must match the materials on the home (i.e. brick).
3. The proposed building shall not be located within the floodplain.
4. The maximum building size is limited to 2,000 square feet in area.
5. The maximum height of the building is limited to 20 feet.

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 Specific Use Permit granted herein upon the expiration of one (1) year from the date hereof.
9. In the event that the proposed use should lose its status as an accessory building, as per the Comprehensive Zoning Ordinance, the Specific Use Permit as granted herein, will cease and the building shall conform to the Zoning Ordinance by providing the same exterior covering materials as found on the main structure and generally in the same portions.

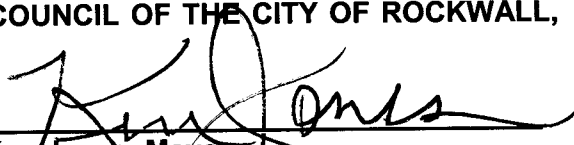
Section 3. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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.

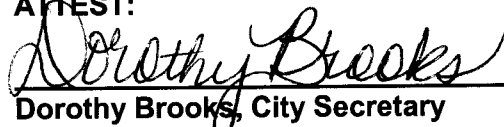
Section 5. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application 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 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 1st day of November, 2004.

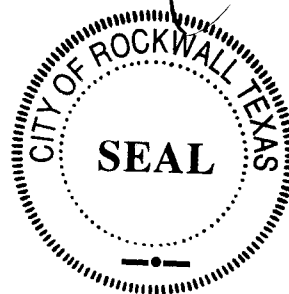

 Ken Jones, Mayor

ATTEST:


 Dorothy Brooks, City Secretary

APPROVED AS TO FORM:


 Pete Eckert, City Attorney

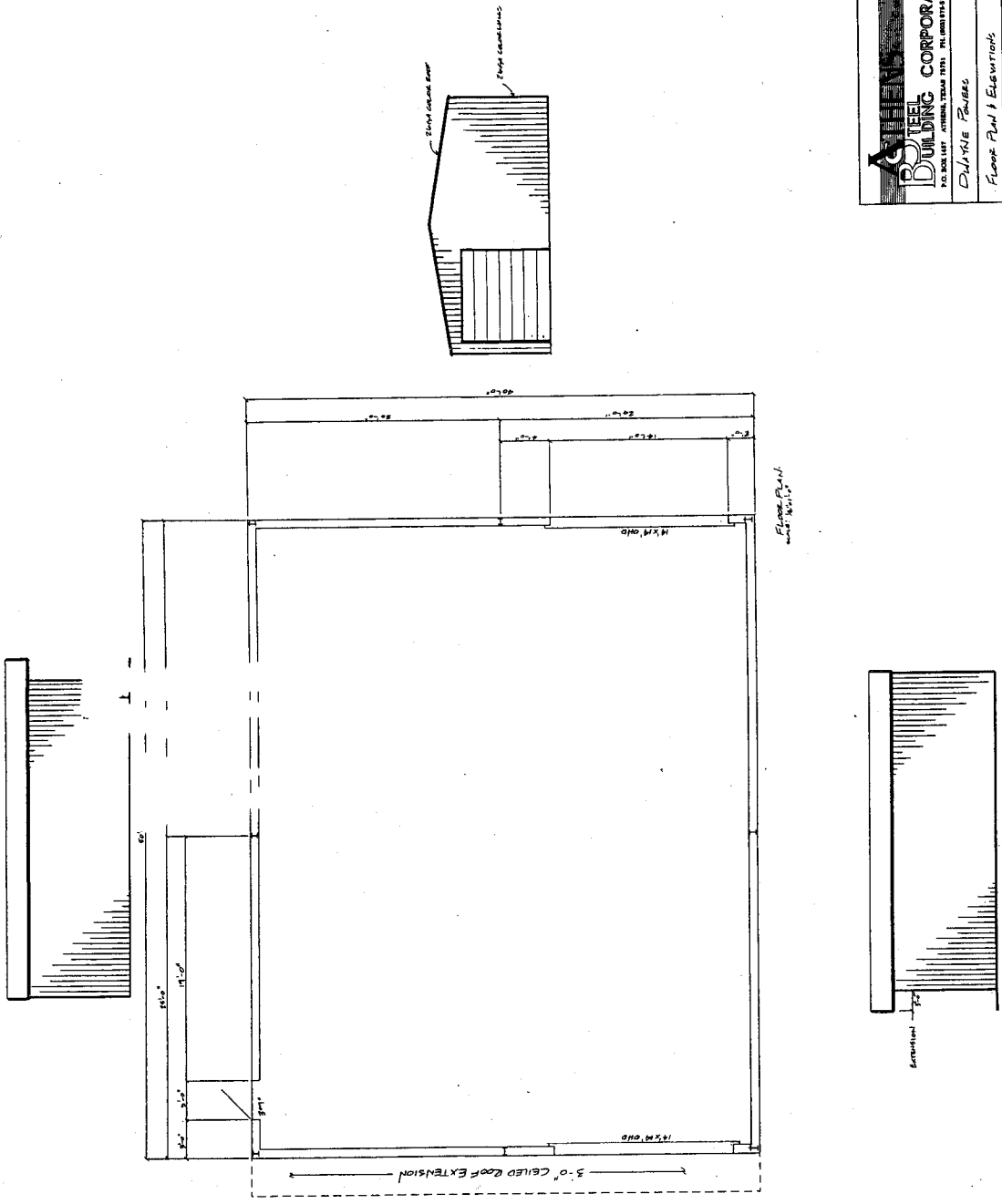


1st Reading: October 18, 2004

2nd Reading: November 1, 2004

Exhibit "A"

ASBEE BUILDING CORPORATION
 2000 W. AVENUE, SUITE 101, FORT WORTH, TEXAS 76102-2500
 DWAYNE POWERS
 FLOOR PLAN & ELEVATIONS
 PROJECT: 2716 S. FM 549
 DATE: 11-1-03



***Exterior Materials used on Accessory Building to match existing home (i.e. brick)**