

CITY OF ROCKWALL

ORDINANCE NO. 11-44

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN "URBAN FARM" WITHIN (PD-3) PLANNED DEVELOPMENT NO. 3 DISTRICT, ON A 13.3-ACRE TRACT OF LAND KNOWN AS TRACT 11-3, ABSTRACT 21, N. BUTLER SURVEY AND TRACT 11-3, ABSTRACT 98, A. HANNA SURVEY, AND MORE SPECIFICALLY SHOWN IN EXHIBIT "A"; 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 Specific Use Permit for an "Urban Farm" within the (PD-3) Planned Development No. 3 district has been requested by Chris and Jill Blase for a proposed blueberry and pumpkin farm on a 13.3-acre tract of land known as Tract 11-3, Abstract 21, N. Butler Survey and Tract 11-3, Abstract 98, A. Hanna Survey, and more specifically described in Exhibit "A"; 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 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 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 "Urban Farm" within the (PD-3) Planned Development No. 3 district, for a proposed blueberry and pumpkin farm on a 13.3-acre tract of land known as Tract 11-3, Abstract 21, N. Butler Survey and Tract 11-3, Abstract 98, A. Hanna Survey, and more specifically described in Exhibit "A"; and

Section 2. That the Specific Use Permit shall be subject to the conditions set forth in **Ordinance No. 96-23** (i.e. PD-3) and **Article V, Section 4.5, Commercial District** of the City of Rockwall Unified Development Code (Ord. No. 04-38), as heretofore amended and as may be amended in the future, and shall be subject to the additional following additions:

1. The urban farm use shall comply with the definitions and standards of "urban agriculture - urban farm" set out in Article IV of the Unified Development Code, except as otherwise noted in this ordinance.
2. The urban farm shall comply with the site plan attached hereto as Exhibit "A."

3. A parking plan shall be submitted and approved by staff prior to public use of the farm.
4. Retail sales and all other public use of the farm shall be limited to 7am and 7pm; however, permission for special events outside of these times (e.g. Halloween-themed "Haunted Forest" hayride) may be granted on a case-by-case basis by the City Manager and/or his/her designee.
5. Animals shall not be kept on the premises on a permanent basis, and the petting zoo shall operate only in conjunction with the seasonal sales of farm products. Furthermore, the petting zoo may also be operate in conjunction with "one-day" special events (e.g. children's birthday party) outside of the typical period(s) for seasonal sales of farm products, in which case the animals shall not be kept overnight.
6. Other activities such as hayrides and farm train shall be operated in the areas shown on the site plan.
7. One (1) temporary, 4-ft x 8-ft wooden sign shall be allowed in conjunction with the seasonal sales of farm products.
8. The SUP shall allow for one, 16'x20' building as shown on the site plan (Exhibit A). Any additional building(s) shall require an amendment to the SUP, and may require compliance with other development-related ordinances of the City of Rockwall including, but not limited to, the following:
 - a. Platting of the property, including the dedication of the remainder of East Fork Drive.
 - b. Construction and/or escrow of proportionate share of East Fork Drive, sidewalks, utility lines, etc.
 - c. Adherence to all engineering and fire department requirements such as paving, drainage/detention, fire lane(s) and hydrant(s), etc.
9. The City Council reserves the right to future review of this Specific Use Permit for compliance with all conditions of approval and any other changed conditions that may occur on this property that would affect the Specific Use Permit as granted.

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, 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 Unified Development Code No. 04-38 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 7. 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 7th day of November, 2011.



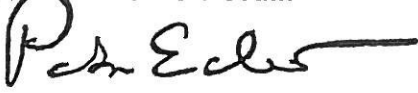
David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary

APPROVED AS TO FORM:



Pete Eckert, City Attorney



1st Reading: 10-17-11

2nd Reading: 11-07-11

