

CITY OF ROCKWALL

ORDINANCE NO. 12-20

SPECIFIC USE PERMIT NO. S-98

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 AGRICULTURE – COMMUNITY GARDEN" WITHIN A (C) COMMERCIAL DISTRICT, BEING APPROXIMATELY ONE-HALF ACRE OF LAND KNOWN AS LOT 5, BLOCK 1, FIRST UNITED METHODIST CHURCH ADDITION, LOCATED AT 1200 E. YELLOWJACKET LANE, 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 Agriculture – Community Garden" within the (C) Commercial district has been requested by Edward J. Rubush Jr., on behalf of First United Methodist Church, for an urban agriculture – community garden on an approximately one-half acre of land known as Lot 5, Block 1, First United Methodist Church Addition and located at 1200 E. Yellowjacket Lane, City and County of Rockwall, TX, and more specifically indicated 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 Agriculture – Community Garden" within the (C) Commercial district, for an urban agriculture – community garden on an approximately one-half acre of land known as Lot 5, Block 1, First United Methodist Church Addition and located at 1200 E. Yellowjacket Lane, City and County of Rockwall, TX, and more specifically indicated in Exhibit "A"; and

**Section 2.** That the Specific Use Permit shall be subject to the conditions set forth in **Article IV, Permissible Uses, Section 2.1.1, Urban Agriculture, Community Garden** 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 community garden use shall comply with the definitions and standards of the "Urban Agriculture – Community Garden" as set forth in Article IV Permissible Uses of the Unified Development Code.
2. The community garden shall be limited to one-half acre and comply with the site plan attached hereto as Exhibit "A." Any expansion of the area beyond one-half acre shall require an amendment to the SUP.

3. The SUP shall allow for a 3-ft high welded wire fence, with appropriate posts and gate for access and security. Any additional structures shall require an amendment to the SUP, and may require compliance with other development-related ordinances of the City of Rockwall.
4. Adherence to all engineering and fire department standards.
5. 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.

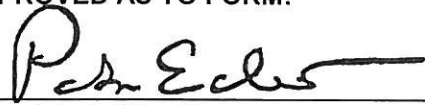
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 6<sup>th</sup> day of August, 2012.**

  
\_\_\_\_\_  
David Sweet, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kristy Ashberry, City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Pete Eckert, City Attorney



1st Reading: 07-16-12  
2nd Reading: 08-06-12

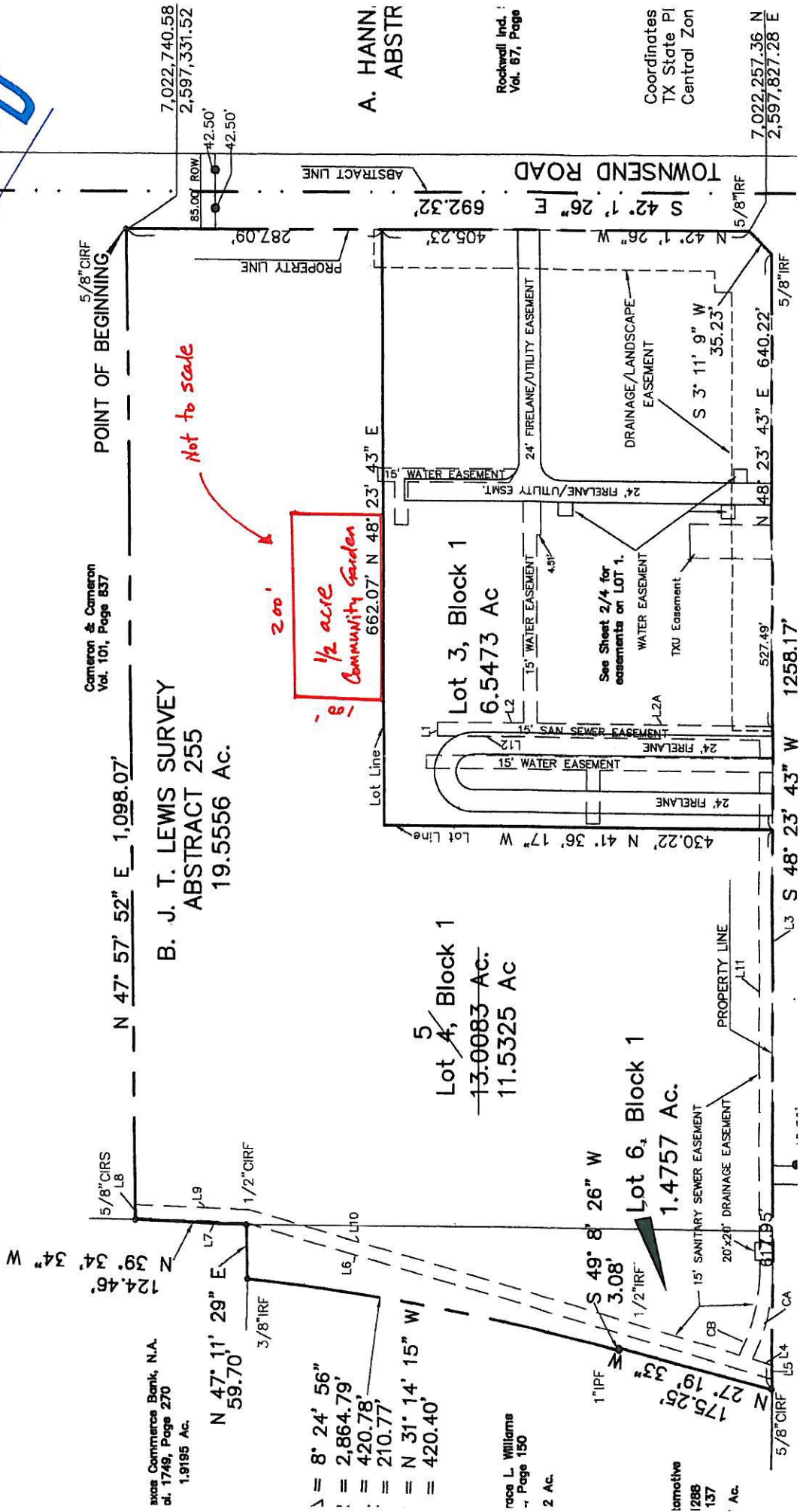
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Lofland Business Park Joint Ventures  
Vol. 248, Page 373

22012 011

EXHIBIT "A"

RECEIVED  
JUN 25 2012



A. HANN,  
ABSTR

Rockwall Ind.  
Vol. 67, Page

Coordinates  
TX State Pl  
Central Zon

7,022,740.58 N  
2,597,331.52 E

175.25'  
27.19'  
15.44'

Maxx Commerce Bank, N.A.  
Vol. 1749, Page 270  
1.9185 Ac.

- 8' 24' 56"
- 2,864.79'
- 420.78'
- 210.77'
- N 31° 14' 15" W  
= 420.40'

Race L Williams  
Vol. Page 150  
2 Ac.

Lot 6, Block 1  
1.4757 Ac.

Cameron & Cameron  
Vol. 101, Page 837

B. J. T. LEWIS SURVEY  
ABSTRACT 255  
19.5556 Ac.

Lot 4, Block 1  
~~13.0083 Ac.~~  
11.5325 Ac

Lot 3, Block 1  
6.5473 Ac

1258.17'

S 48° 23' 43" W

L3

**FUMC- ROCKWALL  
MANAGEMENT PLAN**

The community garden will be maintained by church members serving on the church garden mission. Initially, the garden will use a sprayer mounted on a vehicle and a small tractor to spread and till the compost that is being worked into the existing soil. On an ongoing basis, the only equipment that will be used is a small rotor tiller. All other equipment will be normal garden hand tools.

The garden will be sprayed with a weed killer that is not absorbed by any of the produce that will be planted. Prior to planting, Nitrogen, Dry Molasses, Green Sand and Lava Sand will be used to enrich the soil. General garden fertilizers will be added as needed. If pest or diseases occur, the intent is to use vinegar, garrett juice or bug-b-gone to treat the problem.

There will be no land disturbing activities that would require any additional drainage concerns.

Attached is a copy of the proposed planting summary (Exh. I).

**FIRST UNITED METHODIST CHURCH ROCKWALL**  
**COMMUNITY GARDEN PROPOSED PLANTING PLAN SUMMARY**

EXHIBIT I.

Description	Plan Code	Spacing Plants	Row Spacing	Number of Rows	Row Length	Length ' of Plants	Number of Plants
Tomatoes, Celebrity	A	2'	3'	6	50'	300	138
Tomatoes, Roma	B	2'	3'	4	50'	200	92
Tomatoes, Cherry	C	2'	3'	3	50'	150	69
Eggplant	D	18"	3'	3	50'	150	81
Okra	E	2'	3'	4	50'	200	92
Jalapeno Peppers	F	18"	3'	2	50'	100	54
Green Peppers	G	18"	3'	2	50'	100	54
Banana Peppers	H	18"	3'	2	50'	100	54
Herbs	I1	N/A	N/A	N/A	50'	240'	
Pumpkins / 2 per hill	J	4'	3'	2	50'	100'	48
Acorn Squash 2 per hill	K	4'	3'	2	50'	100'	48
Squash / 2 per hill	L	4'	4'	3	50'	150	72
Zucchini / 2 per hill	M	4'	4'	3	50'	150	72
Butternut Squash / 2 per hill	N	4'	4'	2	50'	100	48
Spaghetti Squash / 2 per hill	O	4'	4'	2	50'	100	48
Cucumbers / 2 per hill	P	4'	4'	2	50'	100	48
Cucumbers, Lemon / 2 per hill	Q	4'	4'	1	50'	50	24
Cantaloupe / 2 per hill	R	4'	4'	6	50'	300	144
Watermelon / 2 per hill	S	4	4'	6	50'	300	144
<b>Totals</b>				<b>55</b>	<b>0</b>	<b>2,550</b>	<b>1,330</b>
<b>Garden Size</b>	<b>53' X 204' = 10812 sq. ft.</b>					<b>1/4 ACRE</b>	

**Other Potential Summer Plantings**

Green Beans                      Lima Beans                      Sweet Corn  
 Sweet Potatoes                      Peas

**Winter Plantings**

Beets                                      Broccoli                                      Brussel Sprouts  
 Cabbage                                      Carrots                                      Lettuce                                      Onions  
 Radish                                      Turnip Greens                                      Turnips

**Fall Plantings**

Cauliflower