

ORDINANCE NO. 92-44

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO GRANT A ZONING CHANGE ON A TRACT OF LAND MORE FULLY DESCRIBED HEREIN TO "PD-37" PLANNED DEVELOPMENT NUMBER 37; PROVIDING SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a change in zoning to "PD-37" Planned Development 37 on the property described on Exhibit "A" has been requested by Nick Woodall and Rick Dirkse; 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, and 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, Texas as heretofore amended, be and the same is hereby amended by amending the Zoning Map of the City of Rockwall so as to grant a zoning change from Agricultural to "PD" Planned Development District No. 37 on the property specifically described in Exhibit "A".

SECTION 2. That Planned Development District Number 37 shall be used only in the manner and for the purposes authorized by the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended and as amended hereby provided that the granting of Planned Development District No. 37 to the above described tract of land is subject to the following special conditions:

A. The use of the property covered by Planned Development District No. 37 shall be in accordance with the provisions of this ordinance and the list of approved uses. Any redevelopment of or building expansion on the property covered by Planned Development No. 37 shall first be submitted for site plan approval and, and no substantial change in the development shall be permitted, except after obtaining approval of the change of such site plan in the manner required for changes and amendments to the comprehensive Zoning Ordinance.

B. Development of Planned Development District No. 37 shall be regulated by the following requirements:

1. The uses approved are single family residential uses as listed in the SF-16 zoning classification and accessory home office uses, to be permitted as shown on the development plan, as approved and attached herein and made a part hereof, containing no more than 2 lots, as shown.
2. The single family uses shall conform to the area requirements of the SF-16 zoning classification, as currently adopted or as may be amended in the future.
3. The home office use shall comply with the following conditions:
 - a. The home office uses shall be limited to the following professional services: attorney, insurance, financial planning and accounting services.
 - b. Such uses shall be accessory to the primary residential use, and any such office use shall only be operated by the resident of the home.
 - c. No more than 3 employees, in addition to the home owner, shall be located on either lot.
 - d. The home office use shall be limited to the area of the proposed home site as shown and in the dimensions identified on the approved development plan and shall not exceed the square footage identified for each building lot.
4. Any expansion of the uses or changes in the conditions may be granted only after hearings by the Planning and Zoning Commission and City Council as specified in the Comprehensive Zoning ordinance.

SECTION 3. Any person, firm or corporation violating any of the provisions of this ordinance shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000) for each offense and each and every day such offense continues shall be deemed to constitute a separate offense.

SECTION 4. 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, nor shall adjudication affect any other section or provision of the Comprehensive Zoning Ordinance 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 of this ordinance shall remain in full force and effect.

SECTION 5. That all ordinances of the City of Rockwall in conflict with the provisions

of this be and the same are hereby repealed to the extent of that conflict.

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 case provides.

DULY PASSED AND APPROVED this 7th day of December, 1992.


APPROVED

Hilda Crangle
ATTEST

1ST READING 11/16/92

2ND READING 12/7/92

**City of Rockwall
City Council**

Agenda Date: 9/20/1999

Applicant: Rick Dirkse

Agenda Item: PZ-1999-68-1 Zoning

A request from Rick Dirkse for a revision to PD-37 in order to allow horses on the property which contains a 7 acres located at 3077 North Goliad.

Action Needed:

Hold public hearing and consider the request.

Background Information:

The subject property is currently zoned PD-37 and contains approximately seven (7) acres. The future land use plan designates this area as single family residential. The applicant currently has a single-family residence on this property, along with a home occupation which is accommodated through the planned development-zoning. There are two residential units with the home occupations as part of the planned development. Included in the project information is a letter from the applicant describing their future plans for the property. The applicant would like to accommodate four horses on his property which contains approximately 4 acres. As discussed the code of ordinances allows one horse per 10,000 square feet. Staff would recommends approximately one horse per acre for this request.

Staff Recommendation:

Recommends Approval of the request with the following condition(s).

1. No more than 4 horses allowed in PD-37

P & Z Recommendation:

Approval with staff conditions by a vote of 6-0.

Rick and Tamara Dirkse

3077 North Goliad
Rockwall, Texas 75087

972-771-1040

August 25, 1999

To Whom It May Concern:

I live north of Rockwall on highway 205 on PD-37. This development is a little over seven acres. I moved to the north end of town because it is more rural and less congested. I appreciate the slower pace and country setting that this end of town offers my family and me.

Two years ago my daughter became very interested in horses. Since that time we have purchased two horses. We now board them 20 miles away.

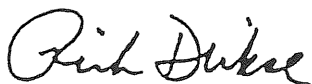
I am requesting that you revise this planned development (PD-37) to allow me to have my horses on this property.

I have asked all of my neighbors about this and they are very excited about the possibility of horses on this property. Joel Steed and Kerry Mason are my immediate neighbors. They own 24 acres. They purchased their properties near the same time as I did for the same reasons.

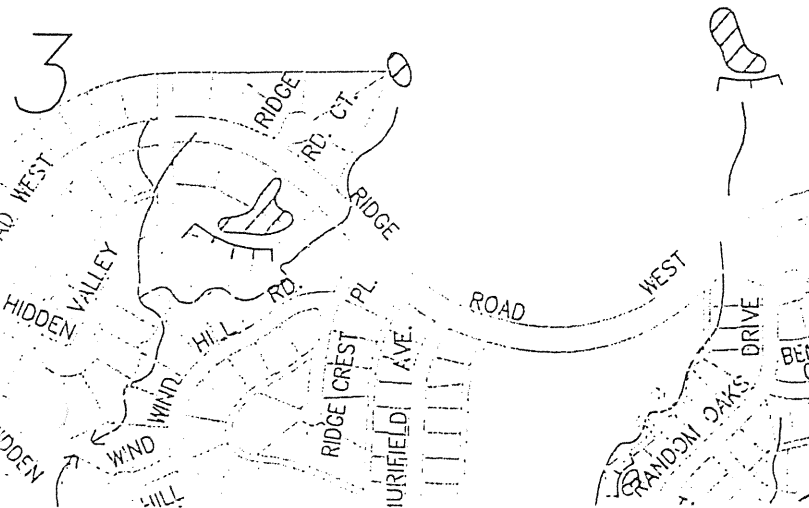
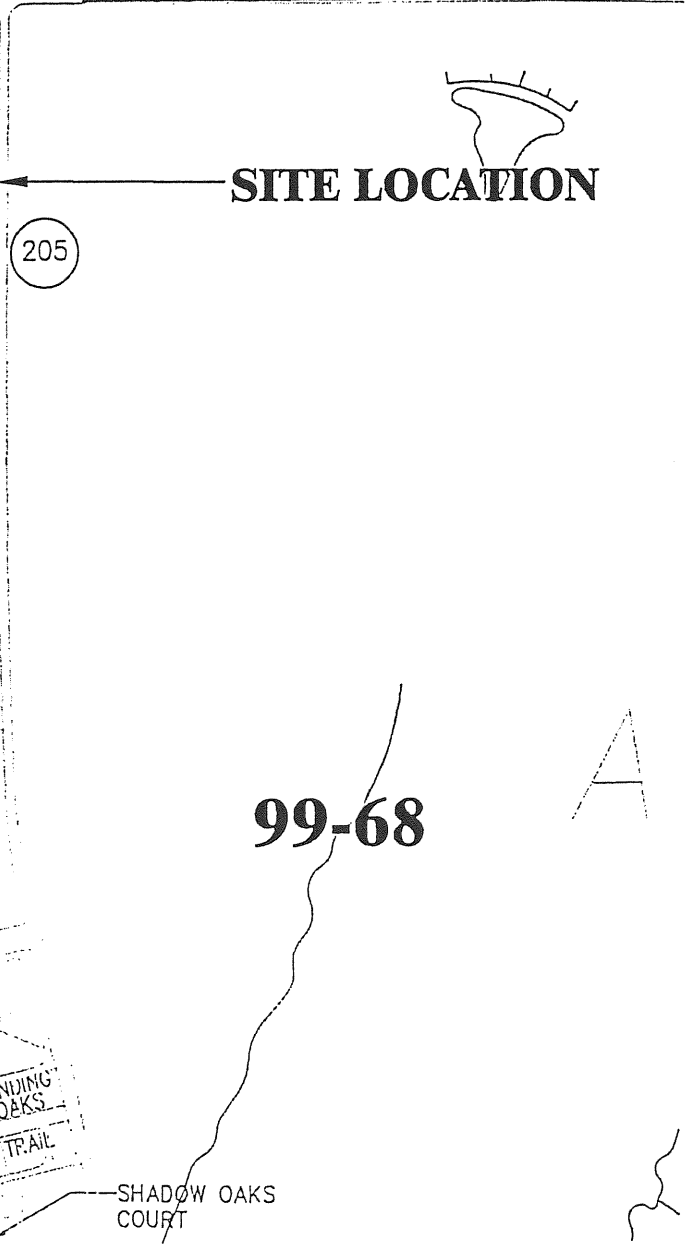
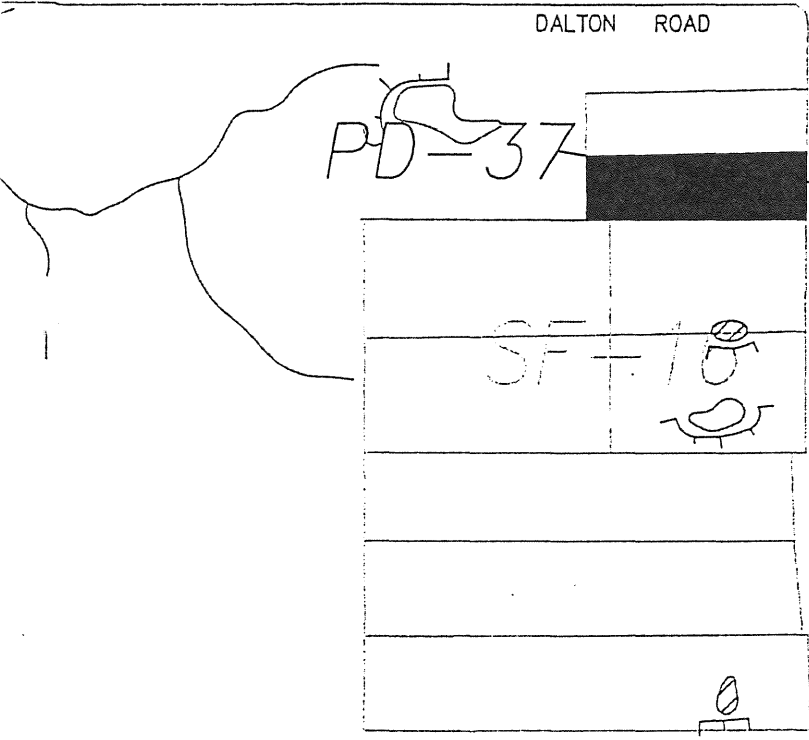
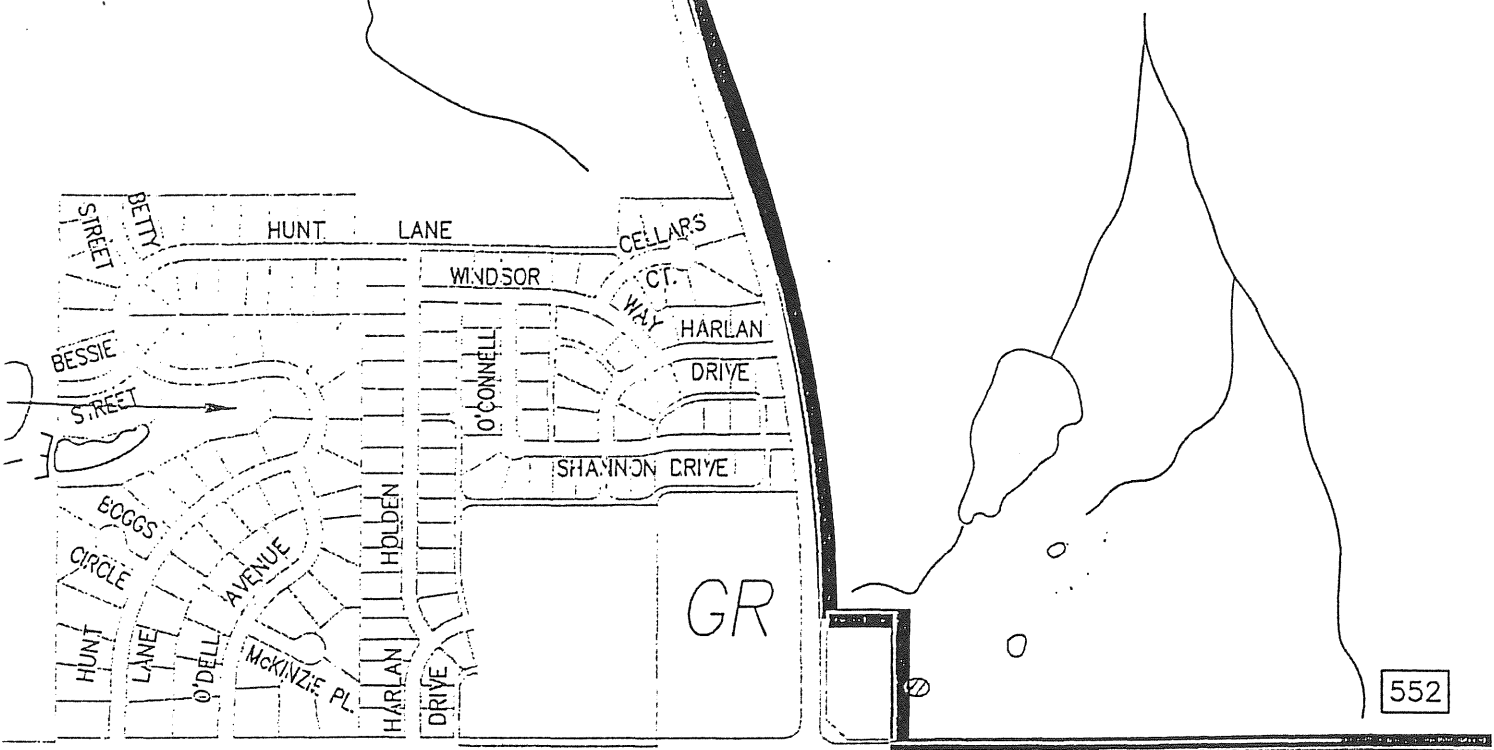
Dick Peterson is on the backside of my property. His land is zoned agriculture and he has many animals. Across the street is the property that is in the Caurth Trust. It is zoned agricultural and they graze cattle and horses on this property.

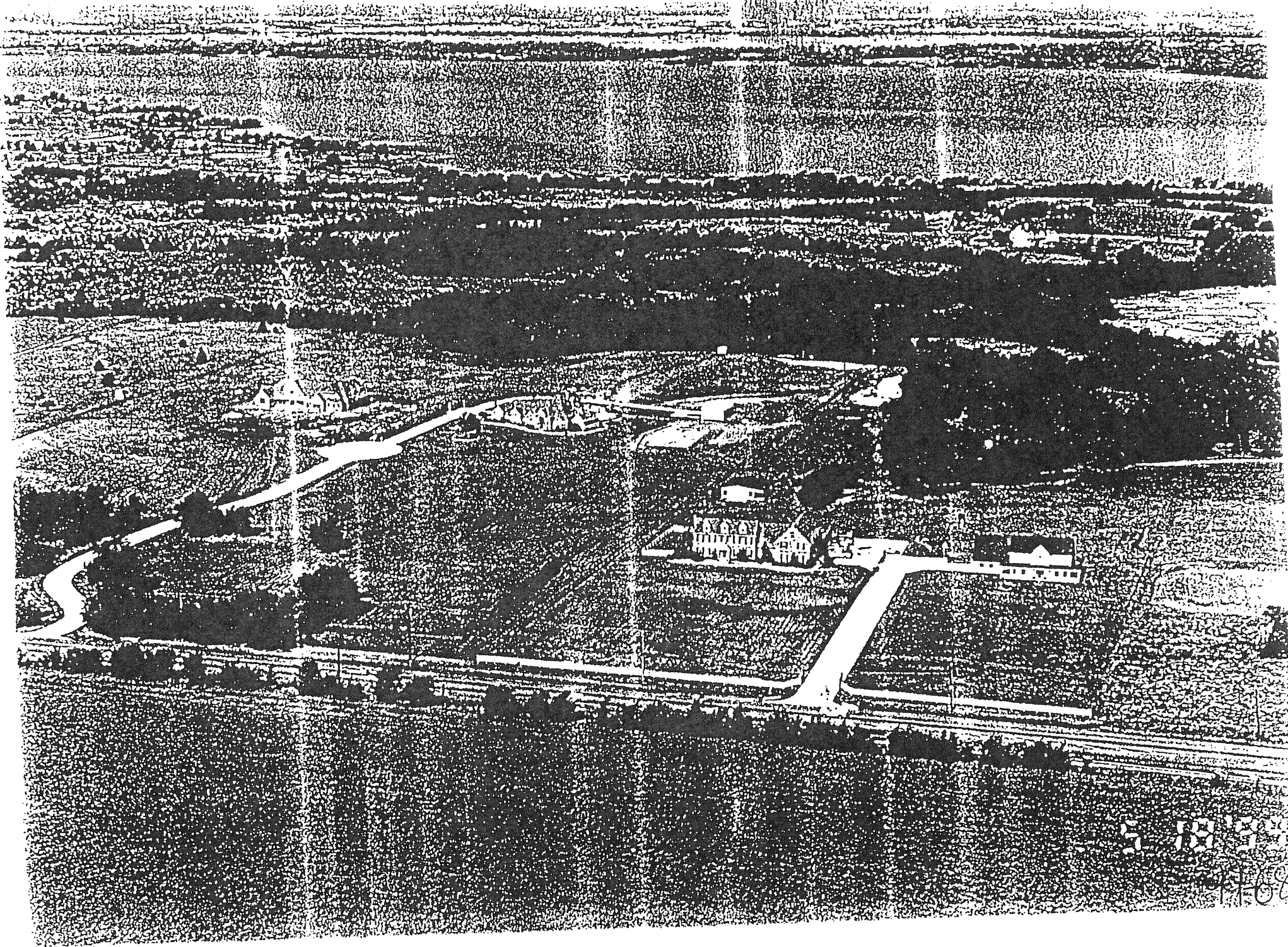
As my family and I have enjoyed our ownership of horses, we look forward to meeting and discussing this issue with each of you.

Sincerely,



Rick Dirkse





99-68

ORDINANCE NO. 99-44

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AS HERETOFORE AMENDED, SO AS TO GRANT A ZONING CHANGE ON A TRACT OF LAND MORE FULLY DESCRIBED HEREIN TO "PD-37" PLANNED DEVELOPMENT NUMBER 37; PROVIDING SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a zoning change to "PD-37" Planned Development 37 on the property described in Exhibit "A" has been requested by Rick Dirkse; 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, and 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, Texas, as heretofore amended, be and the same are hereby amended so as to approve a zoning change in "PD-37" Planned Development District No. 37, on the property described on Exhibit "A", attached hereto and made a part hereof.

Section 2. That Planned Development District No. 37 shall be used only in the manner and for the purposes authorized by the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended and as amended hereby, provided that the granting of Planned Development District No. 37 to the above described tract of land is subject to the following special conditions:

- A. The use of the property covered by Planned Development District No. 37 shall be in accordance with the provisions of this ordinance and the list of approved uses. An redevelopment of or building expansion on the property covered by Planned Development No. 37 shall first be submitted for site plan

approval and, no substantial change in the development shall be permitted, except after obtaining approval of the change of such site plan in the manner required for changes and amendments to the Comprehensive Zoning Ordinance

- B. Development of Planned Development District No. 37 shall be regulated by the following requirements:
1. The uses approved are single family residential uses as listed in the SF-16 zoning classification and accessory home office uses, to be permitted as shown on the development plan, as approved and attached herein and made part hereof, containing no more than two (2) lots, as shown.
 2. The single family uses shall conform to the area requirements of the SF-16 zoning classification, as currently adopted or as may be amended in the future.
 3. The home office uses shall comply with the following conditions:
 - a. The home office uses shall be limited to the following professional services: attorney, insurance, financial planning and accounting services.
 - b. Such uses shall be an accessory to the primary residential use, and any such office use shall only be operated by the resident of the home.
 - c. No more than three (3) employees, in addition to the homeowner, shall be located on either lot.
 - d. The home office use shall be limited to the area of the proposed home site as shown and in the dimensions identified on the approved development plan and shall not exceed the square footage identified for each building lot.
 4. An expansion of the uses or changes in the conditions may be granted only after hearings by the Planning and Zoning Commission and City Council as specified in the Comprehensive Zoning Ordinance.
 5. The entirety of Planned Development No. 37 shall have no more than four (4) horses housed, boarded, raised, or trained on the property described on Exhibit "A".

Section 3. Any person, firm, or corporation violating any of the provisions of this ordinance shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

Section 4. 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, nor shall adjudication affect any other section or provision of the Comprehensive Zoning Ordinance 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 of this ordinance shall remain in full force and effect.

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

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.

DULY PASSED AND APPROVED this 18th day of October, 1999.

APPROVED:

Scott L. Self
Mayor

ATTEST:

Belinda Page
City Secretary

1st reading: 10-04-99

2nd reading: 10-18-99

Exhibit "A"

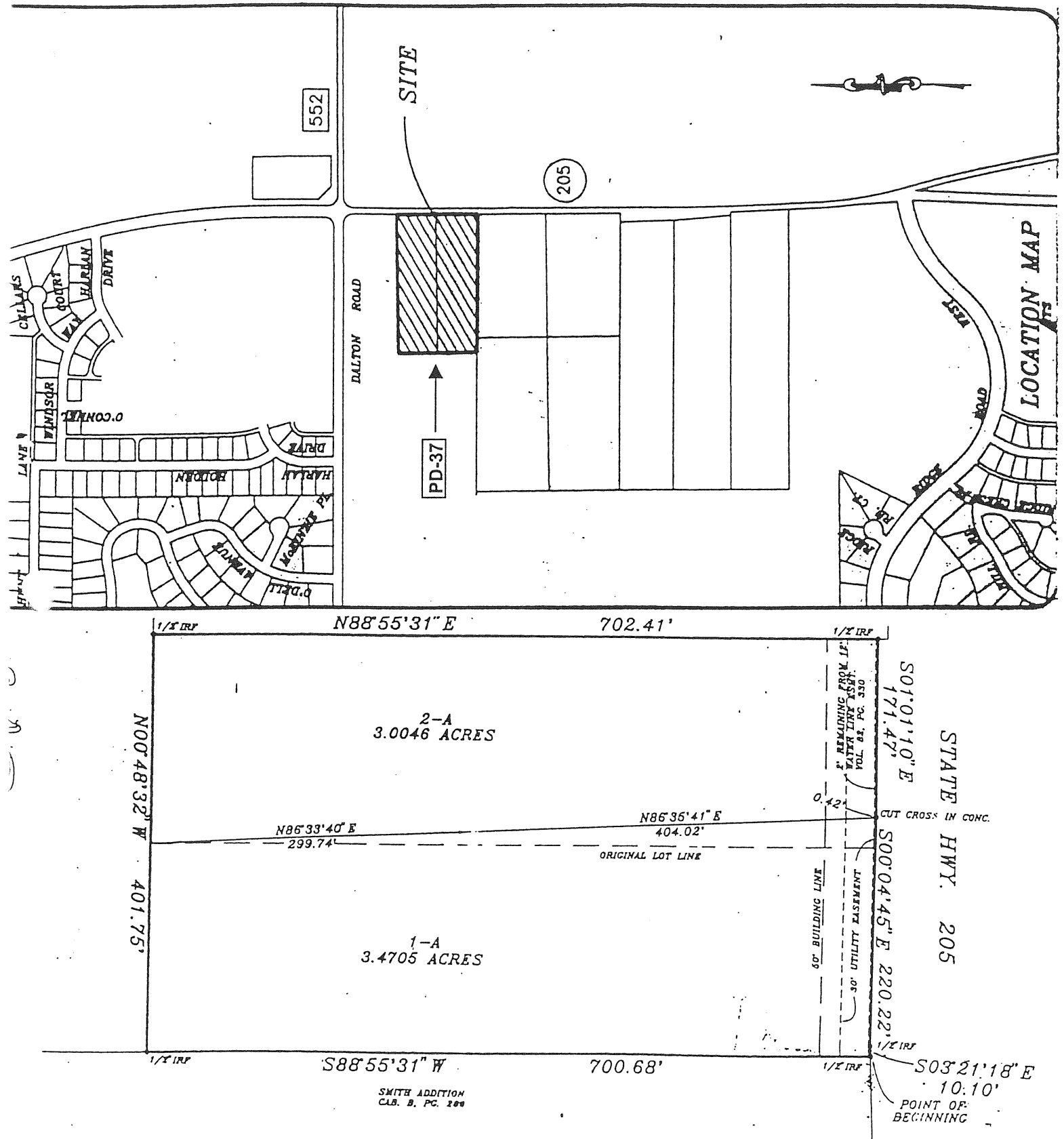


Exhibit "A"