

**CITY OF ROCKWALL**

**ORDINANCE NO. 14-10**

**SPECIFIC USE PERMIT NO. S-119**

**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 ALLOWING FOR A DETACHED GARAGE WITH GUEST QUARTERS/SECONDARY LIVING UNIT, EXCEEDING THE MAXIMUM PERMISSIBLE HEIGHT OF 15-FT. FOR AN ACCESSORY STRUCTURE, ON A 0.40-ACRE PARCEL OF LAND IDENTIFIED AS LOT A, BLOCK 117, B.F. BOYDSTUN ADDITION, LOCATED AT 109 ST. MARY'S STREET, AND FURTHER DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, AND ZONED (SF-7) SINGLE-FAMILY RESIDENTIAL DISTRICT; CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; 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 Charlie Rickerson for a Specific Use Permit (SUP) within the (SF-7) Single-Family Residential district allowing for a "detached garage with guest quarters/secondary living unit" exceeding the maximum permissible height 15-ft. for an accessory structure, on a parcel of land located at 109 St. Mary's Street, being Lot A, Block 117, B.F. Boydston Addition, as further described in Exhibit "A", City of Rockwall, Rockwall County, Texas, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; 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 (SUP) to allow for a "detached garage with guest quarters/secondary living unit" exceeding the maximum permissible height of 15-ft. for an accessory structure within the (SF-7) Single Family Residential District as stipulated by the Unified Development Code [Ordinance no. 04-38] on the *Subject Property*; and

**Section 2.** That the *Subject Property* shall be used only in the manner and for the purposes described in this Specific Use Permit (SUP) and as set forth in the Unified Development Code [Ordinance No. 04-38] as heretofore amended, and as may be amended in the future, and shall be subject to the additional conditions and compliance standards;

## **2.1 Operational Conditions**

The following conditions pertain to the operation of a "detached garage with guest quarters/secondary living unit" on the *Subject Property*, and conformance to these operational conditions is required for continued operations;

1. The applicant will be required to obtain a building permit from the Building Inspections Department prior to the commencement of any work on the subject property;
2. The detached garage / accessory structure shall comply with the approved site plan (Exhibit "A") and building elevations contained in the Certificate of Appropriateness (COA) as approved by the Historic Preservation Advisory Board on January 16, 2014;
3. The detached garage / accessory structure shall not exceed an overall height of 32 feet;
4. The area of the detached garage shall not exceed 900 sq. ft.;
5. The second floor "guest quarters/secondary living unit" area shall not exceed 30% of the area of the main structure (i.e. 821.4 sq. ft.);
6. The "guest quarters/secondary living unit" shall be ancillary to the primary use and only one such unit shall be provided;
7. The detached garage/accessory structure may not be sold or conveyed separately without meeting the requirements of the zoning district and the Subdivision Ordinance;
8. The accessory structure is subject to administrative review in the event that the subject property is sold, conveyed to another party, subdivided or re-platted;
9. The City Council reserves the right to review the SUP granted herein upon the expiration of one (1) year from the date hereof;
10. Any construction, building or demolition necessary to complete this request must conform to the requirements set forth by the Unified Development Code, International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

**Section 3.** That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

**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 Unified Development Code 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.

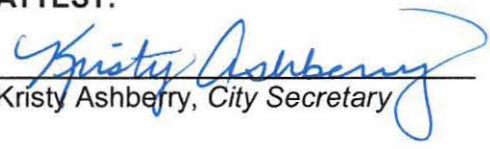
**Section 6.** That all ordinances of the City of Rockwall in conflict with the provisions of this be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

**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.

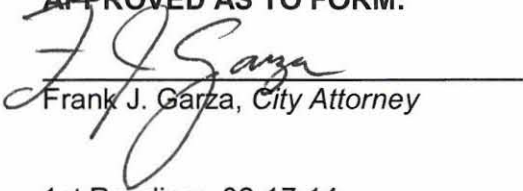
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 3<sup>rd</sup> day of February, 2014.**

  
David Sweet, Mayor

**ATTEST:**

  
Kristy Ashberry, City Secretary

**APPROVED AS TO FORM:**

  
Frank J. Garza, City Attorney



1st Reading: 02-17-14

2nd Reading: 03-03-14

Exhibit "A"

