

**CITY OF ROCKWALL
ORDINANCE NO. 16-20
SPECIFIC USE PERMIT NO. S-147**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) ALLOWING FOR A GUEST QUARTERS/SECONDARY LIVING UNIT AND GARAGE WITHIN A SINGLE-FAMILY ESTATE (SFE-2.0) DISTRICT, FOR A 5.50-ACRE TRACT OF LAND IDENTIFIED AS TRACT 17-7 OF THE W.W. FORD SURVEY, ABSTRACT NO. 80, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; 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, the City has received a request from Bobby Dale Price for the approval of a Specific Use Permit (*SUP*) to allow for a guest quarters/secondary living unit and detached garage that exceeds the size requirement within the Single-Family Estate (SFE-2.0) District, for a 5.50-acre tract of land identified as Tract 17-7 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, and more specifically described in *Exhibit 'A'* of this ordinance, which hereinafter 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, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [*Ordinance No. 04-38*] 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 [*Ordinance No. 04-38*] of the City of Rockwall, Texas, as heretofore amended, be and the same are hereby amended by amending the zoning map of the City of Rockwall so as to change the zoning of the *Subject Property* from an Agricultural (AG) District to a Single-Family Estate 2.0 (SFE-2.0) District; and

Section 2. That the *Subject Property* shall be used only in the manner and for the purposes provided for a *Single-Family Estate (SF-E) District* as stipulated in Section 1.1, "Use of Land and Buildings," of Article IV, "Permissible Uses" and Section 3.2, "Single-Family Estate (SFE-2.0) District", of Article V, "District Development Standards", of the Unified Development Code of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future; and shall be subject to the additional following conditions:

2.1 Operational Conditions

The following conditions pertain to the construction of a guest quarters/secondary living unit and garage on the *Subject Property* and conformance to these stipulations is required for continued operations:

1. That submittal and approval of a building permit is required prior to the construction of the guest quarters/secondary living unit and detached garage.
2. That the guest quarters/secondary living unit and detached garage shall generally conform to the site plan as submitted and shall not exceed an overall height of 27-ft attached hereto as Exhibit 'B'.
3. That the guest quarters/secondary living unit area shall not exceed 30% of the area of the main structure (i.e. 1,150 sq. ft.).
4. That the guest quarters/secondary living unit shall be ancillary to the primary use and only one such unit shall be provided.
5. That the detached garage shall not exceed 1,793 sq. ft. in area.
6. That the detached garage shall generally conform to the building elevations as attached hereto as Exhibit 'C'.
7. That the guest quarters/secondary living unit and detached garage may not be sold or conveyed separately without meeting the requirements of the zoning district and the Subdivision Ordinance.
8. That the detached garage 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 re-platted.
9. That the City Council reserves the right to review the Specific Use Permit (SUP) any time after the effective date of the SUP.

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

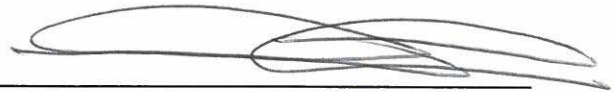
Section 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offence and each and every day such offense 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 ordinance 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, ON THIS THE 7th DAY OF March, 2016.



Dennis Lewis, Mayor Pro Tem

ATTEST:


Kristy Cole, City Secretary

APPROVED AS TO FORM:


Frank J. Garza, City Attorney

1st Reading: 02-15-2016

2nd Reading: 03-07-2016

EXHIBIT "A"

Legal Description

BEING a 5.500 acre tract of land out of the W.W. FORD SURVEY, Abstract No. 80, Rockwall County, Texas, and further being part of a 317.449 acre tract of land conveyed by deed to Mark Lanning as recorded in Volume 903, Page 114, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the southwest line of F.M. Road 549 with the centerline of East Cullins Road, said point being the most westerly corner of said 317.449 acre tract;

THENCE, N52°23'36"E, 56.98 feet along the southeasterly right-of-way line of said F.M. 549 to right-of-way marker, said marker being the beginning of a curve to the left having a radius of 5796.43 feet and a central angle of 06°06'08";

THENCE along said curve and right-of-way line of said F.M. Road 549 for an arc length of 617.09 feet to a 1/2 inch iron rod set;

THENCE S31°25'14"E, 371.06 feet leaving the southeasterly right-of-way line of said F.M. Road 549 and along a fence line to a 1/2 inch iron rod set for corner;

THENCE, S44°58'51"W, 583.28 feet to a 1/2 inch iron rod set for corner, said iron rod being the centerline of said Cullins Road;

THENCE, N45°11'09"W, 413.56 feet along the centerline of said Cullins Road the POINT OF BEGINNING and containing 5.500 acres of land, more or less.

Bearings based on Texas State Plane Coordinate System. (North Central Zone)

FM ROAD 549

150 FYD

EXISTING STRUCTURE

150 FYD

60'-11"

60'-0"

152'-0"

151'-0"

15'-0"

CULLINS ROAD

PLOT PLAN

SCALE: 1" = 50'-0"

Id (IN 13300)	A CUSTOM RESIDENCE FOR: PRICE <i>453 Collins Rd</i> ROCKWALL, TX <i>75082</i>	These plans are intended to provide the basic construction information necessary to substantiate a complete title insurance policy. These plans must be printed and checked carefully by the owner or authority for the project. It is the responsibility of the owner or authority for the project to be complete, correct, and to conform to all applicable laws and regulations. No representation or warranty is made. All necessary information and requirements must be obtained from the local building department which may conflict with these conditions and other regulations and be subject to change.	1 2 3 4 5 6 7 8 9 10 11 12

Journal of Management Education 36(8) 907-921
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