

CITY OF ROCKWALL
ORDINANCE NO. 16-29
SPECIFIC USE PERMIT NO. S-152

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ACCESSORY BUILDING THAT DOES NOT CONFORM TO THE REQUIREMENTS AS STIPULATED BY SECTION 2.1.2, *RESIDENTIAL AND LODGING USE CONDITIONS*, OF ARTICLE IV, *PERMISSIBLE USES*, OF THE UNIFIED DEVELOPMENT CODE, BEING A 1.03-ACRE TRACT OF LAND, ZONED SINGLE-FAMILY RESIDENTIAL (SF-1) DISTRICT, ADDRESSED AS 735 DAVIS DRIVE, AND IDENTIFIED AS TRACT 11-5 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR 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 Darrell Simpson for the approval of a Specific Use Permit (SUP) to allow for an *accessory building* that does not conform to the requirements as stipulated by Section 2.1.2, *Residential and Lodging Use Conditions*, of Article IV, *Permissible Uses*, of the Unified Development Code [Ordinance No. 04-38], being a 1.03-acre tract of land, zoned Single-Family Residential (SF-1) District, identified Tract 11-5 of the D. Harr Survey, Abstract No. 102, City Rockwall, Rockwall County, Texas, addressed as 735 Davis Drive and more specifically depicted in *Exhibit 'A'* of this ordinance, 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 [Ordinance No. 04-38] 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 [Ordinance No. 04-38] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing for an *accessory building* that does not conform to the requirements stipulated by Section 2.1.2, *Residential and Lodging Use Conditions*, of Article IV, *Permissible Uses*, of the Unified Development Code [Ordinance No. 04-38] for a property within a Single Family Residential (SF-1) District and more specifically described as 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) granted herein and shall be subject to the conditions set forth in *Section 2.1.2 Residential and Lodging Uses, Article IV, Permissible Uses*, of the Unified Development Code [Ordinance No. 04-38] as heretofore amended, as amended herein by granting of this Specific Use Permit (SUP), and as may be amended in the future, and shall be subject to the additional following conditions:

- 1) The accessory building shall generally conform to the zoning exhibit depicted in *Exhibit 'B'* of this ordinance;
- 2) The accessory building shall not exceed 864 square feet in area;
- 3) The accessory building shall not exceed a maximum building height of 15 feet; and,
- 4) The accessory building is subject to administrative review in the event that the *Subject Property* is sold or conveyed in any manner to another party, subdivided, or re-platted.

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 offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

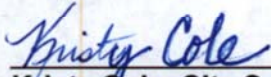
SECTION 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, 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 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 THE 2nd DAY OF MAY, 2016.


Jim Pruitt, Mayor

ATTEST:


Kristy Cole, City Secretary

APPROVED AS TO FORM:


Frank J. Garza, City Attorney



1st Reading: 04-18-2016
2nd Reading: 05-02-2016

Exhibit 'A' Survey

RHODES
Surveying
BRIAN S. RHODES, P.L.L.C.

SURVEY PLAT

BRIAN S. RHODES Registered Professional Land Surveyor (972) 475-8940
This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 735 DAVIS DRIVE in the city of ROCKWALL, ROCKWALL COUNTY, Texas.



STATE OF TEXAS:
COUNTY OF ROCKWALL:

BEING a portion of a residue tract of land situated in the David Hart Survey, Abstract No. 102, Rockwall County, Texas conveyed to Rachel Davis as recorded in Volume 99, Page 61, deed records, Rockwall County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner being in the West line of Davis Drive, being the Southeast corner of a tract conveyed to Sheryl Raines as recorded in Volume 2191, Page 301, deed records, Rockwall County, Texas and being the Northeast corner of said Davis residue tract;

THENCE along Davis Drive, South 08 degrees 28 minutes 36 seconds West, a distance of 132.04 feet to a 1/2 inch iron rod found for corner;

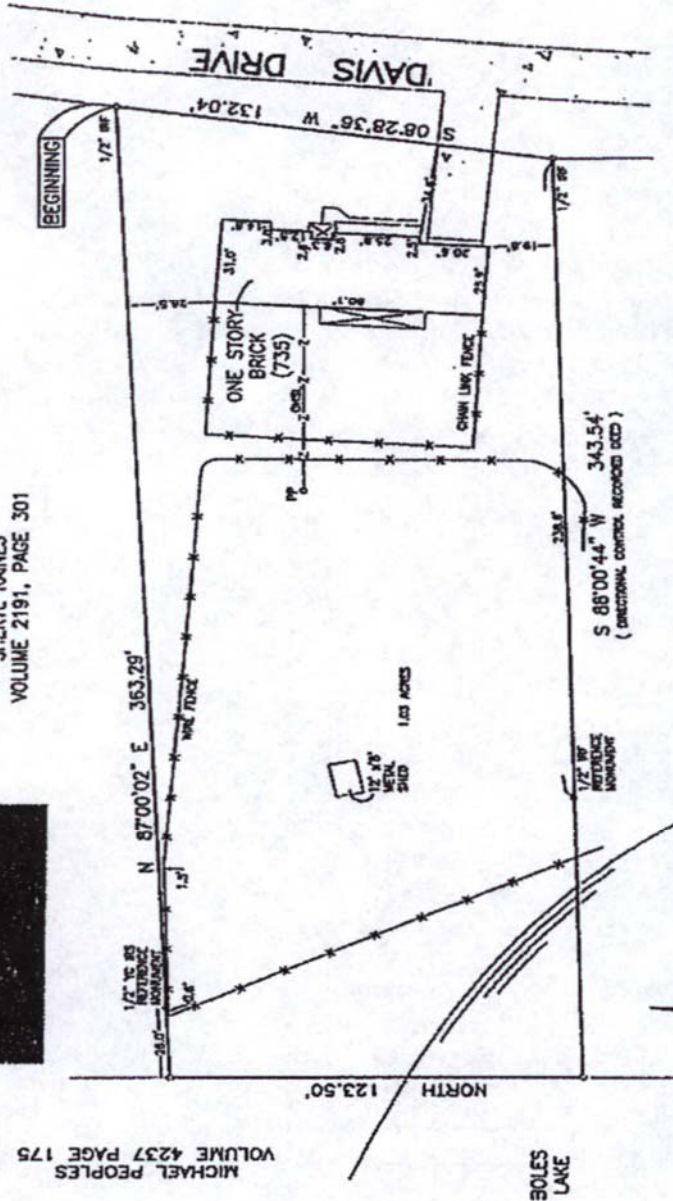
THENCE South 88 degrees 00 minutes 44 seconds West, a distance of 236.60 feet passing a 1/2 inch iron rod found for reference and continuing a total of 343.54 to a point in Lake Boles for corner;

THENCE North 123.50 feet to a point for corner being the Southwest corner of said Raines tract;

THENCE North 87 degrees 00 minutes 02 seconds East, a distance of 26.00 feet passing a 1/2 inch yellow capped iron rod set for reference and continuing a total distance of 363.29 feet to the PLACE OF BEGINNING and containing 1.03 acres of land.

MICHAEL PEOPLES
VOLUME 4237 PAGE 175

SHERYL RAINES
VOLUME 2191, PAGE 301



RACHEL DAVIS
VOLUME 99, PAGE 61

The plat herein is true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat the site, location and type of building and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distances indicated.

THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS EXCEPT AS SHOWN.

Scale: 1" = 40'
Date: 10/07/2014
G. F. No.:
Job no.: 82381-D
Drawn by: CW

ALL
ENCLOSURES
ENCLOSURE
ENCLOSURE
ENCLOSURE



THIS CERTIFICATION DOES NOT
IMPLY ANY GUARANTEE OF
ACCURACY OR COMPLETENESS
EXAMINATION MUST PRECEDE

TITLE AND ABSTRACTING WORK FURNISHED BY: RACHEL DAVIS

Exhibit 'B'
Zoning Exhibit

Jan 10, 2016

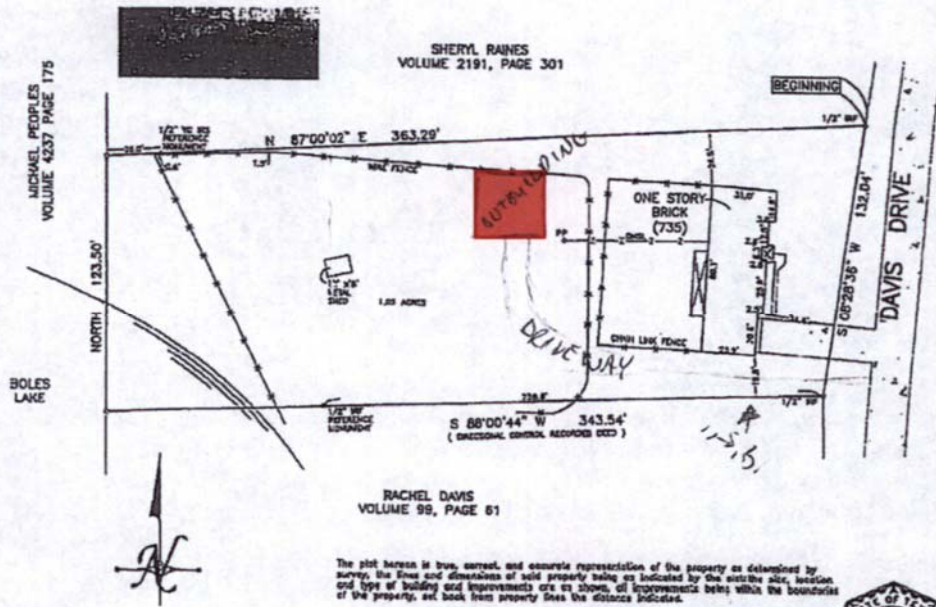
RE: S.U.P. application for 735 Davis Drive, Rockwall

I'm requesting a zoning change for allowing this outbuilding plan.
This is supplemental information for the attached Special Use Permit Application. We live at 735 Davis Drive off Highway 66 on a 1 acre parcel currently zoned agricultural. We would like to add a 24 x 36 steel outbuilding behind the house. It would be used mainly for storage of holiday decorations, outdoor equipment and other items that are infrequently used. Part of the building would be a workshop to house tools and a space for home improvement projects.

The back of the building would be 22 feet from the North property line and 146 feet from the East property line (front of property).

Currently Davis Drive is a dirt road with gravel driveways leading to the houses. We would like to extend our current gravel driveway to flow behind the house to the outbuilding to allow access for loads of bricks, lumber, etc.

Please see the survey below with requested improvements marked.



Please call if you have questions or would like clarification 951-870-6108 or Darrell Simpson 469-570-8980.

Sherri L Banuelos