

CITY OF ROCKWALL

ORDINANCE NO. 17-29

SPECIFIC USE PERMIT NO. S-167

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, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ACCESSORY BUILDING THAT DOES NOT MEET THE MINIMUM REQUIREMENTS ON A 3.128-ACRE TRACT OF LAND ZONED SINGLE FAMILY ESTATE 1.5 (SFE-1.5) AND IDENTIFIED AS TRACT 25 OF THE E.M. ELLIOTT SURVEY, ABSTRACT NO 77, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; 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 Andrew Spearman for the approval for a Specific Use Permit (SUP) for the purpose constructing an accessory building that does not meet the minimum masonry requirements and exceed the maximum size requirements as stipulated in the Unified Development Code (UDC), situated on 3.128-acre tract of land, zoned Single Family Estate 1.5 (SFE-1.5) District, and being identified as Tract 25 of the E.M. Elliott Survey Abstract No. 77, City of Rockwall, Rockwall County, Texas, addressed as 2180 Airport Road, and being more specifically described in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated 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 allowing for the establishment of a metal accessory building that does not conform to the minimum masonry requirements and maximum size requirements for accessory buildings in a Single Family Estate 1.5 (SFE-1.5) District as stipulated by *Section 2.1 of Article IV, Permissible Uses*, and *Section 3.2 of Article V, District Development Standards*, of 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) ordinance and as specifically set forth in *Section 3.2, Single-Family Estate (SFE 1.5) District*, of *Article V, District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall as heretofore amended, as amended herein by the granting of this zoning change, 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 approved site plan depicted in *Exhibit 'B'* of this ordinance.
- 2) The accessory building shall not exceed a maximum size of 1,800 square feet.
- 3) The accessory building shall not exceed a maximum overall height of 15-feet.
- 4) The subject property shall have no more than two (2) accessory buildings.
- 5) The accessory building is subject to administrative review in the event that the *Subject Property* is sold, conveyed or altered in any manner.

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

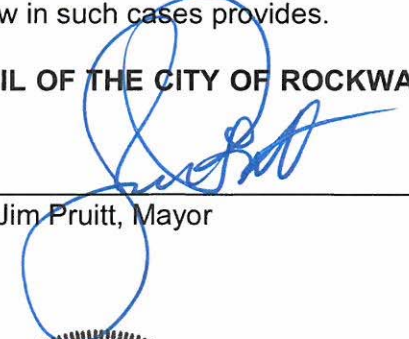
Section 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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 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.

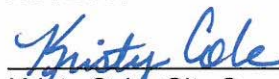
Section 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 5th DAY OF JUNE, 2017.**



Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney

1st Reading: May 15, 2016

2nd Reading: June 5, 2017



Exhibit 'A':
Legal Description

All that certain lot, tract or parcel of land situated in the E.M. ELLIOTT SURVEY. ABSTRACT NO. 77, City of Rockwall, Rockwall County, Texas, and being a part of a 3.51 acres tract of land as described in a Warranty deed from John Stanley Springer to Mahlon A Spearman and Shelly R. Spearman, dated April 29, 2002 and being recorded in Volume 2514, Page 23 of the Real Property Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for corner in the south right-of-way line Airport Road at its intersection with the west right-of-way line of F.M. Highway 3549, said point being at the southeast corner of a 0.382 acres tract of land as described in a Warranty deed to the City of Rockwall, Texas, as recorded in Volume 6311, Page 176 of the Official Public Records of Rockwall County, Texas, and being in the east boundary of said 3.51 acres tract;

THENCE S. 00 deg. 57 min. 08 sec. E. along said right-of-way line, a distance of 330.32 feet to a 1/2" iron rod found for corner in the north right-of-way line of M.K. & T. Railroad;

THENCE S. 88 deg. 28 min. 46 sec. W. along said north right-of-way line of M.K. & T. Railroad, a distance of 484.42 feet to a 1/2" iron rod found for corner;

THENCE N. 00 deg. 55 min. 47 sec. E. a distance of 34.67 feet to a 1/2" iron rod found for corner;

THENCE N. 86 deg. 13 min. 01 sec. E. a distance of 114.17 feet to a 1/2" Iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" found for corner;

THENCE N. 00 deg. 19 min. 52 sec. W. a distance of 327.91 feet to a 1/2" iron rod found for corner in the south right-of-way line of Airport Road;

THENCE along the south right-of-way line of Airport Road the following:

N. 89 deg. 26 min. 31 sec. E. a distance of 231.13 feet to a 1/2" iron rod found for corner;

In an easterly direction along a curve to the right having a central angle of 10 deg. 00 min. 36 sec., a radius of 165.00 feet, a tangent of 14.45 feet, a chord of S. 85 deg. 51 min. 42 sec. E., 28.79 feet, and an arc distance of 28.83 feet to a 1/2" iron rod found for corner;

In an easterly direction along a curve to the left having a central angle of 09 deg. 42 min. 51 sec., a radius of 185.00 feet, a tangent of 15.72 feet, a chord of S. 84 deg. 43 min. 27 sec. E., 31.33 feet, and an arc distance of 31.37 feet to a 1/2" Iron rod found for corner;

N. 89 deg. 26 min. 31 sec. E. a distance of 49.69 feet to a 1/2" iron rod found for corner;

S. 45 deg. 47 min. 56 sec. E. a distance of 35.50 feet to the POINT OF BEGINNING and containing 3.15 acres of land.

