

CITY OF ROCKWALL

ORDINANCE NO. 17-54

SPECIFIC USE PERMIT NO. S-176

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 HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A *RESIDENTIAL CARE FACILITY* IN A COMMERCIAL (C) DISTRICT, ON A 3.466-ACRE PARCEL OF LAND BEING IDENTIFIED AS LOT 1, BLOCK A, PATRIOT PAWS ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY 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 Lori Stevens of Patriot Paws Service Dogs for the approval of a Specific Use Permit (SUP) to allow for a *Residential Care Facility* on a 3.466-acre parcel of land, identified as Lot 1, Block A, Patriot Paws Addition, City of Rockwall, Rockwall County, Texas, zoned *Commercial (C) District*, addressed as 302 Ranch Trail, and more specifically described 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 a *Residential Care Facility* within a *Commercial (C) District* as stipulated by Article IV, *Permissible Uses*, of the Unified Development Code [Ordinance No. 04-38] on the *Subject Property*; and

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the conditions set forth in *Section 4.5, Commercial (C) District, of Article V, District Development Standards*, of 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 following conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Residential Care Facility* on the *Subject Property*, and conformance to these operational conditions is required for continued operations:

- 1) For the purposes of this SUP ordinance, a *Residential Care Facility* shall be defined as a facility that allows for the short-term occupancy (*i.e. occupancy not to exceed 14 days*) of a disabled American veteran and/or others with mobile disabilities that require special training for a service animal.
- 2) Parking for this facility shall be one (1) parking space per each bed provided within the *Residential Care Facility*, and shall be constructed in accordance with the requirements of Article VI, *Parking and Loading*, of the Unified Development Code (UDC).
- 3) For the purpose of this SUP ordinance, the *Residential Care Facility* shall be limited to the residential structure addressed as 302 Ranch Trail and indicated in *Exhibit 'B'* of this ordinance.

2.2 COMPLIANCE

Approval of this ordinance in accordance with Section 8.3, *Council Approval or Denial*, of Article II, *Authority and Administrative Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

- 1) Upon obtaining a Certificate of Occupancy (CO), should any business or establishment operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC), the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 4.4.(3) of Article IV, *Permissible Uses*, of the Unified Development Code (UDC).

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

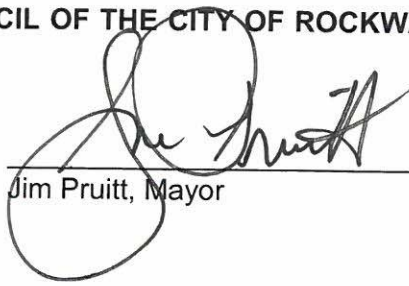
SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict

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 of the caption of said ordinance as the law in such cases provides;

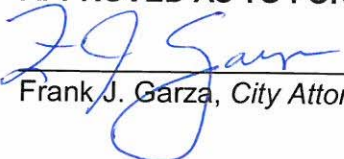
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 2ND DAY OF OCTOBER, 2017.


Jim Pruitt, Mayor

ATTEST:


Kristy Cole, City Secretary

APPROVED AS TO FORM:


Frank J. Garza, City Attorney



1st Reading: September 18, 2017

2nd Reading: October 2, 2017

Exhibit 'A':
Legal Description

WHEREAS, PATRIOT PAWS SERVICE DOGS is the owner of a tract of land in the William M. Ford Survey, Abstract No. 80, situated in the City of Rockwall, in Rockwall County, Texas, being all of Lot 3 and Lot 4, Block A, of Maverick Ranch Addition, an addition to The City of Rockwall as recorded in Cabinet H, Slide 19, of the Plat Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for the southeast corner of said Lot 4, said point also lying on the northwest right of way of Ranch Trail, (a called 50' Right of Way);

THENCE North 79 degrees 50 minutes 20 seconds West along the southerly line of said Lot 4, a distance of 89.18-feet to a 1/2 inch iron rod found for corner;

THENCE North 55 degrees 10 minutes 36 seconds West continuing along said southerly line a distance of 88.29-feet to a 1/2 inch iron rod found for corner lying on the southeast line of Lot 2 of Rainbo Acres, an addition to The City of Rockwall as recorded in Cabinet A, Slide 20 of the Plat Records of Rockwall County, Texas;

THENCE North 44 degrees 07 minutes 42 seconds East along the southeast line of said Lot 2 a distance of 30.00 feet to a 1/2 inch iron rod found for the east corner of said Lot 2, same being an inner ell corner of previously mentioned Lot 4;

THENCE North 45 degrees 54 minutes 16 seconds West along the northeast line of Lots 1 and 2 of said Rainbo Acres, same being the southwest line of Lots 3 and 4 of said Maverick Ranch Addition a distance of 394.16-feet to a point for the west corner of said Lot 3 from which a 1/2 inch iron rod with cap stamped "R.P.L.S. 3963" found bears South 24 degrees 13 minutes 24 seconds East a distance of 0.42-feet;

THENCE North 44 degrees 07 minutes 01 seconds East along the northwest line of said Lot 3 a distance of 274.92-feet to a 1/2 inch iron rod found for the north corner of said Lot 3;

THENCE South 45 degrees 52 minutes 59 seconds East along the northeast line of said Lot 3 a distance of 106.04-feet to a 1/2 inch iron rod found for corner;

THENCE South 73 degrees 50 minutes 44 seconds East continuing along the northeast line of said Lot 3 a distance of 241.70-feet to a 1/2 inch iron rod found for the east corner of said Lot 3 lying on the aforementioned northwest line of Ranch Trail;



THENCE South 10 degrees 27 minutes 33 seconds West along the northwest line of said Ranch Trail a distance of 425.34-feet to the *POINT OF BEGINNING* containing 150,998 SF, or 3.466-acres of land.

Exhibit 'A': Boundary Survey



Exhibit 'B':
Site Plan



-  Subject Property
-  302 Ranch Trail