

ORDINANCE NO. 3352

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE EQUAL TO OR GREATER THAN 700 SQUARE FEET USE WITHIN A FUTURE DEVELOPMENT DISTRICT (FD) LOCATED AT 241 OAK TREE DRIVE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.164 ACRES KNOWN AS PROPERTY ID 171906, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-138-2022. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said SUP;

NOW, THEREFORE, this property is rezoned from FD to FD, with an SUP in order to permit an accessory structure use equal to or greater than 700 square feet on the following property: Property ID 171906, which is shown on the location map (Exhibit A), site layout exhibit (Exhibit B), site plan (Exhibit C), and elevations (Exhibit D).

SPECIFIC USE PERMIT

Purpose and Intent

The purpose of this Ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and the Zoning Ordinance.

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR AN ACCESSORY STRUCTURE USE EQUAL TO OR GREATER THAN 700 SQUARE FEET IN THE FUTURE DEVELOPMENT DISTRICT (FD); the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number ZDC-138-2022.
2. The development shall adhere to the City Council approved in Exhibit A - Location Map, Exhibit B – Site Layout Exhibit, Exhibit C – Site Plan, and Exhibit D – Elevations.
3. The accessory structure shall not be used as a dwelling,
4. The accessory structure shall not be used for commercial purposes.
5. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
6. The applicant shall obtain a permit from the City of Waxahachie Building Department prior to construction of the accessory structure.
7. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
8. If approved, the City Council reserves the right to review the specific use permit at any point in the future, if needed.

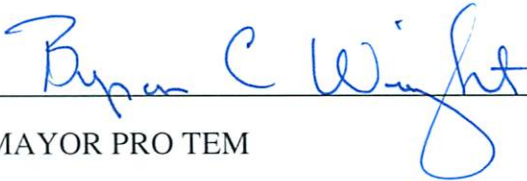
Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED AND ADOPTED on this 19th day of December, 2022.


MAYOR PRO TEM

ATTEST:


City Secretary



Exhibit A - Location Map

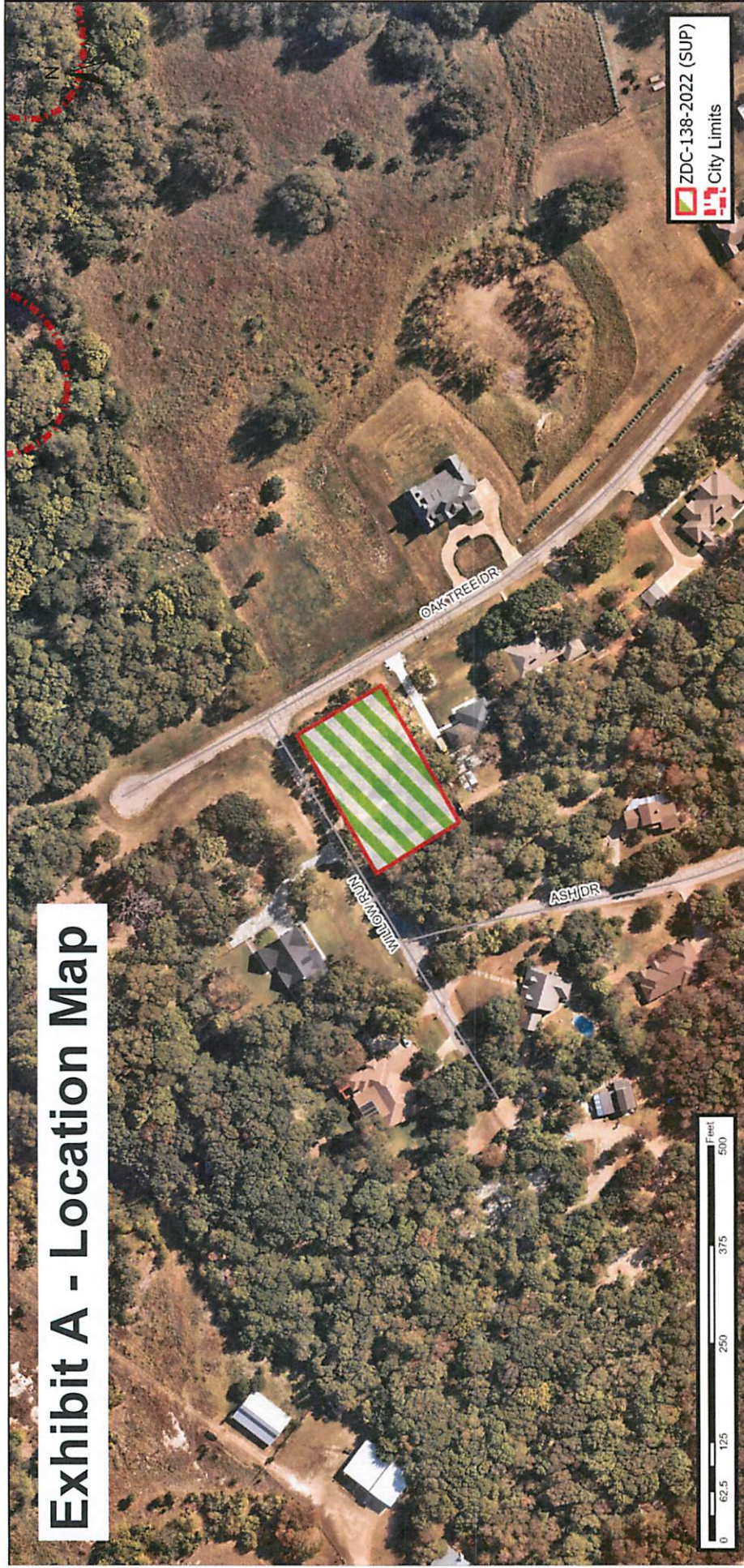


Exhibit B - Site Layout Exhibit

Site Layout Exhibit ZDC-138-2022

- Proposed Accessory Structure (1200 sq. ft.)
- Existing Home
- Property Line



[illegible]

(Using January as 2011 Only For Orders)

TO THE LIEN HOLDERS AND/OR THE OWNERS AND/OR THE PURCHASERS OF THE PREMISES SURVEYED AND TO: Related Investors This Insurance Category

I hereby certify that in January, 2022, this survey was made on the ground as per the field notes shown on this survey and is true, correct and accurate as to the boundaries and areas of the subject property and the site, location and type of buildings and improvements thereon, if any, and as to the other matters shown hereon, and correctly shows the location of all visible easements and rights-of-way.

Except as shown on the survey, there are no encroachments upon the subject property by improvements on adjacent property, there are no encroachments on adjacent property, streets or alleys by any improvements on the subject property and there are no conditions or restrictions.

I further certify to the following conditions:

- The term "utility" or "service" as shown was used herein indicating an agreement of preimposed option regarding the use of the area and does not constitute a conveyance of purchase, either expressed or implied; and is exclusively to the parties involved in, and limited to the transaction of No. 022-02314, effective January 13, 2002 (located at Town Square III.)
2. That a portion of the sold tract lies within a Special Flood Hazard Boundary according to the Flood Insurance Rate Map for Ellis County, Texas Community # 48196C0330. Zone I substantial repetitive property not located in a 100 year flood zone. Any property in Zone A has been in approximately and coded from the Image of the FEMA map, and some areas are in Zone A or in overlap.
3. This survey reflects the above ground (detached) location of utilities. The surveyor makes no guarantee that the utilities shown compare all such utilities in the area, either in service, or abandonment. Further, the surveyor does not warrant that the underground utilities shown are in the exact positions indicated. Underground utilities which may affect this property were not located during the course of this survey, but have made an attempt to locate an indication of its position by photographing the surface ground.
4. Information in electronic go from [www.survey.com](#) survey data collection.

3. Bearing sources are from CPE observation, HADS, Texas North Central Zone 4202.

5. The survivor relied on the commitment issued by National Investors Title Insurance Co., and all subsequent commitments for information regarding encumbrances on subject property and did not exhaust the property for encumbrances and/or other commitments, the easements, rights-of-way, or other encumbrances noted herein are according to the Schedule B thereto. Based on the encumbrances and/or deeds furnished by the warranted title company, the following do not appear to affect the subject property:

Tampa Power & Light Co. - Vol.	389,	Pg.	235
Tampa Power & Light Co. - Vol.	377,	Pg.	481
Tampa Power & Light Co. - Vol.	390,	Pg.	348
Tampa Power & Light Co. - Vol.	438,	Pg.	290
Tampa Power & Light Co. - Vol.	433,	Pg.	634
Tampa Power & Light Co. - Vol.	513,	Pg.	621
Tampa Power & Light Co. - Vol.	514,	Pg.	281

7. Any other use or copying of this plot is prohibited.

2. This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition 1 Survey.


Stuart G. Munition
Registered Professional Land Surveyor
Number 4480

FEB 01 2022

THIS SURVEY IS VALID
ONLY WITH ORIGINAL
SIGNATURE IN RED INK

LAND TITLE SURVEY
LOT 22 & LOT 23,
PECAN VALLEY
City of Waxahachie,
Ellis County, Texas
according to the plat thereof
recorded in Cabinet B, Slide 279,
Plat Records, Ellis County, Texas.
Elliscad Parcel Nos.
201954 & 201955

REVISIONS	DATE

Davis & McDill

SURVIVING - LAND PLANNING - FLOODPLAIN MANAGEMENT
 P.O. BOX 628, WASHINGTON, TEXAS 75783

Call 1-800-276-2768 Today



Date: 2-1-2022
Scale: 1" = 30'
Drawn: D. Mendez
Job: 221-00287
Sheet 1
of 1 sheets.



Exhibit D - Elevations



Perspective View



Front



Left Side

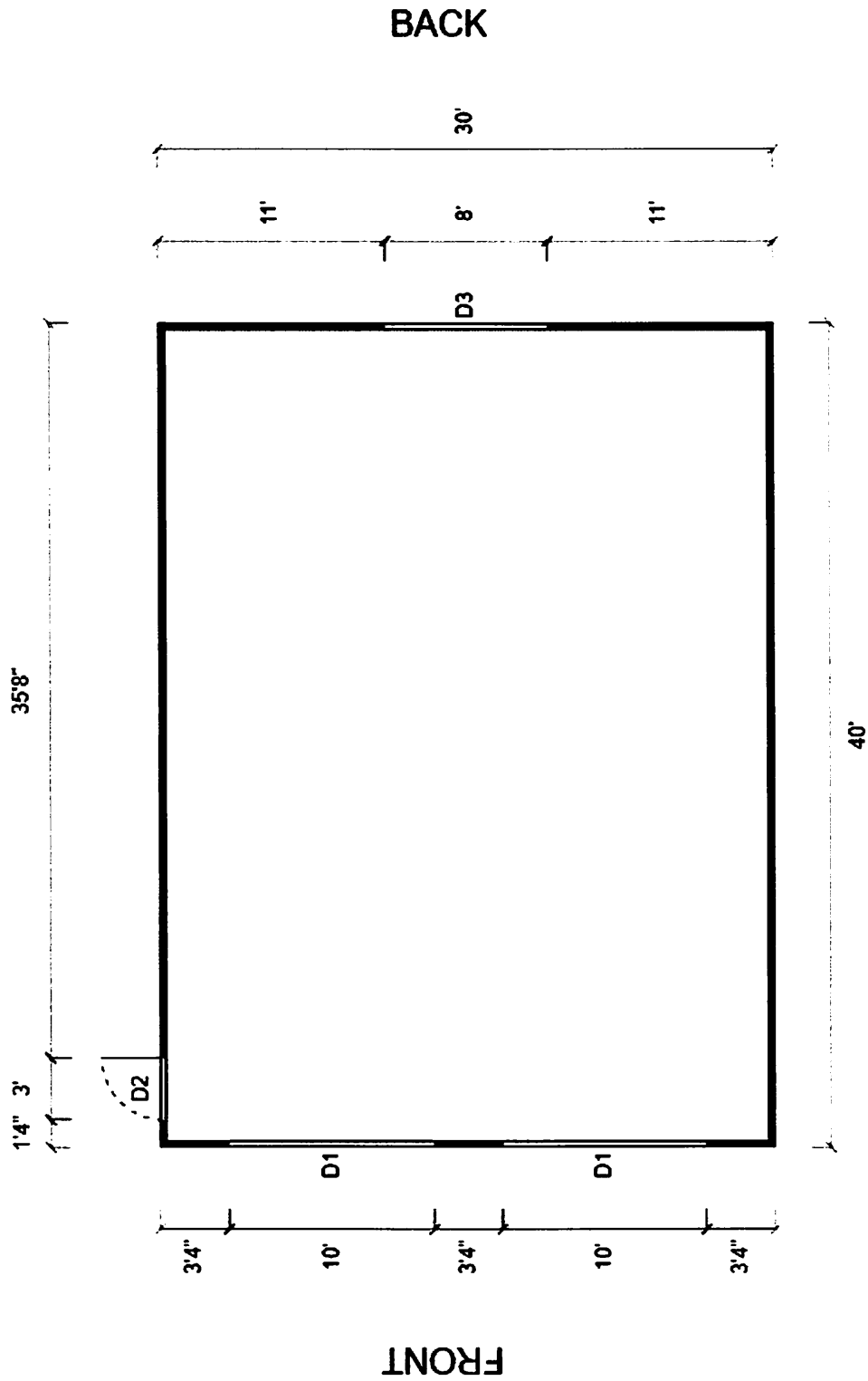


Right Side



Back

Exhibit D - Elevations LEFT SIDE



RIGHT SIDE

SYMBOL LEGEND			
D1	10x10 Roll Up Door	D2	Metal 36 Walk-In Door
D3	8x8 Roll Up Door		Closed Wall