

CITY OF ROCKWALL

ORDINANCE NO. 18-XX

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, BY AMENDING ARTICLE IV, *PERMISSIBLE USES*; 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**, an amendment to the City of Rockwall's Unified Development Code [*Ordinance No. 04-38*] has been initiated by the City Council of the City of Rockwall to amend Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*]; 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 city's corporate boundaries, 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 Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance.

**SECTION 2.** That 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 3.** That 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 [*Ordinance No. 04-38*], 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 4.** 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 4<sup>TH</sup> DAY OF SEPTEMBER, 2018.**

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Jim Pruitt, Mayor

**ATTEST:**

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Kristy Cole, *City Secretary*

**APPROVED AS TO FORM:**

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Frank J. Garza, *City Attorney*

*1<sup>st</sup> Reading:* August 20, 2018

*2<sup>nd</sup> Reading:* September 4, 2018

**Exhibit 'A'**  
Article IV, Permissible Uses, of the  
Unified Development Code

Key:

Additions

Deletions

Section 2.1.6: Retail and Personal Service Use Conditions

*Craft/Micro Brewery, Distillery and/or Winery.* Craft or micro-breweries, distilleries and/or wineries are small scale manufacturing and retail operations that are less than 12,000 square feet in total building area, and where a maximum of 40% of the total floor area can be dedicated to the direct sale of ~~the~~ on-site manufactured product. A craft or micro-brewery, distillery and/or winery may include the following accessory uses (in accordance with any applicable land use standards and requirements): (1) a tasting room to dispense beer, wine, and/or spirits for on premise consumption, (2) meeting/banquet facilities, (3) restaurants, and/or (4) retail package sales of beer on-site manufactured product for off-premise consumption as permitted by the Texas Alcohol Beverage Commission's (TABC's) Alcoholic Beverage Code. A facility that does not have a manufacturing component (i.e. only provides tasting or retail sales of alcoholic beverages) shall not be considered a craft or micro-brewery, distillery and/or winery and shall be prohibited.