

CITY OF ROCKWALL

ORDINANCE NO. 17-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING PLANNED DEVELOPMENT DISTRICT 50 (PD-50) AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF AMENDING PLANNED DEVELOPMENT DISTRICT 50 (PD-50) TO ALLOW AN ANIMAL CLINIC FOR SMALL ANIMALS LAND USE TO BE PERMITTED BY A SPECIFIC USE PERMIT (SUP) WITHIN THE SUBJECT PROPERTY, BEING A 21.266-ACRE TRACT OF LAND SITUATED WITHIN THE S. S. McCURRY SURVEY, ABSTRACT NO. 146 AND B. F. BOYDSTON SURVEY, ABSTRACT NO. 14, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A 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 by David Falls requesting the approval of an amendment to Planned Development District 50 (PD-50) and the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall for the purpose of amending the permitted land uses to allow for the addition of an *Animal Clinic for Small Animals* land use to be permitted by a Specific Use Permit (SUP) within a 21.266-acre tract of land situated within the S. S. McCurry Survey, Abstract No. 146 and B. F. Boydston Survey, Abstract No. 14, City of Rockwall, Rockwall County, Texas, identified as Planned Development District 50 (PD-50), and more fully described in *Exhibit 'A'* and depicted in *Exhibit 'B'* of this ordinance, which hereinafter 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, and the governing body in the exercise of its legislative discretion, has concluded that Planned Development District 50 (PD-50) and 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 the approval of this ordinance shall supersede all requirements stipulated in *Ordinance No. 16-15*;

SECTION 2. That the *Subject Property* shall be used only in the manner and for the purposes authorized by this ordinance and the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future;

SECTION 3. That the *Subject Property* shall be developed and/or used only in the manner and for the purposes described in *Exhibit 'C'* of this ordinance, and unless specifically modified within this ordinance the *Subject Property* shall adhere to all development standards stipulated by the Residential Office (RO) District as specified in Section 4.2, *Residential Office (RO) District*, of Article V, *District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*] as heretofore amended, as amended herein by the granting of this zoning change, and as may be amended in the future;

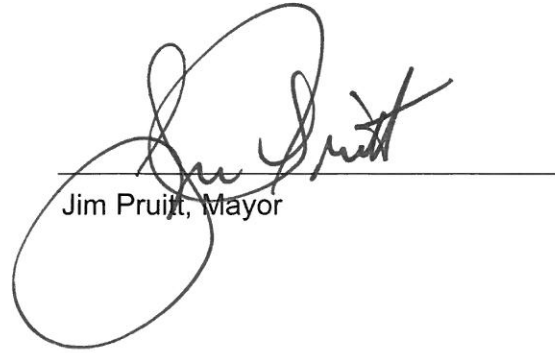
SECTION 4. That the official zoning map of the City of Rockwall, Texas be corrected to reflect the change in zoning described here in.

SECTION 5. 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 6. 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 7. The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code [*Ordinance No. 04-38*] of any provision of the *City Code*, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code [*Ordinance No. 04-38*] (*including references to the Unified Development Code*), and references to overlay districts, in this ordinance or any of the *Exhibits* hereto are those in effect on the date this ordinance was passed and approved by the City Council of the City of Rockwall, Texas;

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 17th DAY OF APRIL, 2017.**

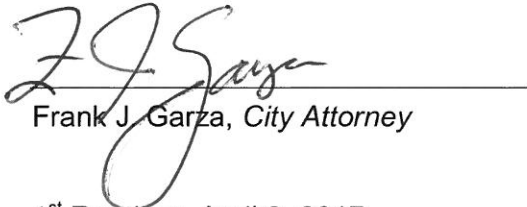


Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney

1st Reading: April 3, 2017

2nd Reading: April 17, 2017

EXHIBIT 'A':
Legal Description

BEGINNING at a point in the northwest corner of Block 32 of the Garner Addition (925 N. Goliad Street);

THENCE easterly 211.13' along the south right of way of Live Oak Street for a corner;

THENCE southerly 598.12' along the west right of way of Goliad Street (SH-205);

THENCE east 54.44' across Goliad Street, to the northwest corner of Block 160, Lot 1 of the Austin Addition (912 N. Goliad Street);

THENCE east 220' following the north property line of Block 160, Lot 1 of the Austin Addition (912 N. Goliad Street);

THENCE southerly 441.42' following the east property lines of lots fronting Goliad Street to a point on the north right of way of Heath Street;

THENCE west 39.54' along the north right of way of Heath Street;

THENCE southerly following along the east property lines of lots fronting Goliad Street 562.59' to a point being the northwest corner of B.F. Boydston Survey, Block 123, Lot F (604 N Goliad Street);

THENCE east 210.09' along the north property line of said Block 123, Lot F for a corner;

THENCE southerly 289.31' along the eastern property line of said Block 123, Lot F for a corner;

THENCE southerly 519.9' following along the east property lines of lots fronting Goliad Street to a point being the southeast corner of B.F. Boydston Survey, Block 123, Lot B (406 N. Goliad Street);

THENCE west 215.11' along the south property line of said Block 123, Lot B (406 N. Goliad Street) and crossing to a point on the west right of way of Goliad Street;

THENCE southerly 170.59' following along the west right of way of Goliad Street to a point being the southeast corner of Block 17, Lot 15 of the Amick Addition (401-403 N. Goliad Street);

THENCE west 210' along the south property line of said Block B, Lot 15 of the Amick Addition for a corner;

THENCE northerly 101.05' along the west property line of said Block 17, Lot 15 of the Amick Addition;

THENCE easterly 70.83' along the north property line of Block 17, Lot 15 of the Amick Addition;

THENCE north 170' along the west property lines of Block 18B, Lot 17 and Block 19C, Lot 21 of the Amick Addition;

THENCE west 72.99' along the south property line of Block 19B, Lot 19 of the Amick Addition (501½ N. Goliad Street);

THENCE northerly 51.75' along the west property line of Block 19B, Lot 19 of the Amick Addition (501½ N. Goliad Street);

THENCE easterly 97.01' along the north property line of Block 19B, Lot 19 of the Amick Addition (501½ N. Goliad Street);

THENCE northerly 754.05' following along the west property lines of lots fronting Goliad Street to a point in the south property line of Block 23A, Lot 34 of the Amick Addition (803 N. Goliad Street);

THENCE west 115.03' along the south property line of said Block 23A, Lot 34 of the Amick Addition;

EXHIBIT 'A':
Legal Description

THENCE northerly 139.55' along the east right of way of N. Alamo Street;

THENCE east 99.47' following along the north property line of Block 24C, Lot 37 of the Amick Addition (805. N. Goliad Street) to a point;

THENCE northerly 250.95' following along the west property lines of lots fronting N. Goliad Street and crossing to the north right of way of Heath Street for a corner;

THENCE west 70.51' along the north right of way of Heath Street for a corner;

THENCE northerly 205. 32' along the east right of way of N. Alamo Street;

THENCE easterly 103.92' along the south property line of Lot 1 of the Williams Addition;

THENCE northerly 334.45' following along the west property line of lots fronting Goliad Street to a point on the south property line of Block 29 of the Garner Addition (915 N. Goliad Street);

THENCE west 85.69' along the south property line of Block 29 of the Garner Addition (915 N. Goliad Street) to the east right of way of Alamo Street;

THENCE northerly 98.02' along the east right of way of Alamo Street for a point;

THENCE easterly 85.08' along the north property line of Block 29 of the Garner Addition (915 N. Goliad Street);

THENCE northerly 345.36' following along the west property line of lots fronting Goliad Street to a point in the south right-of-way of Block 32 of the Garner Addition (925 N. Goliad Street);

THENCE northerly 218.51' following along the east right of way of Alamo Street to the **POINT OF BEGINNING** containing approximately 21.266-acres of land.

EXHIBIT 'B':
Location Map

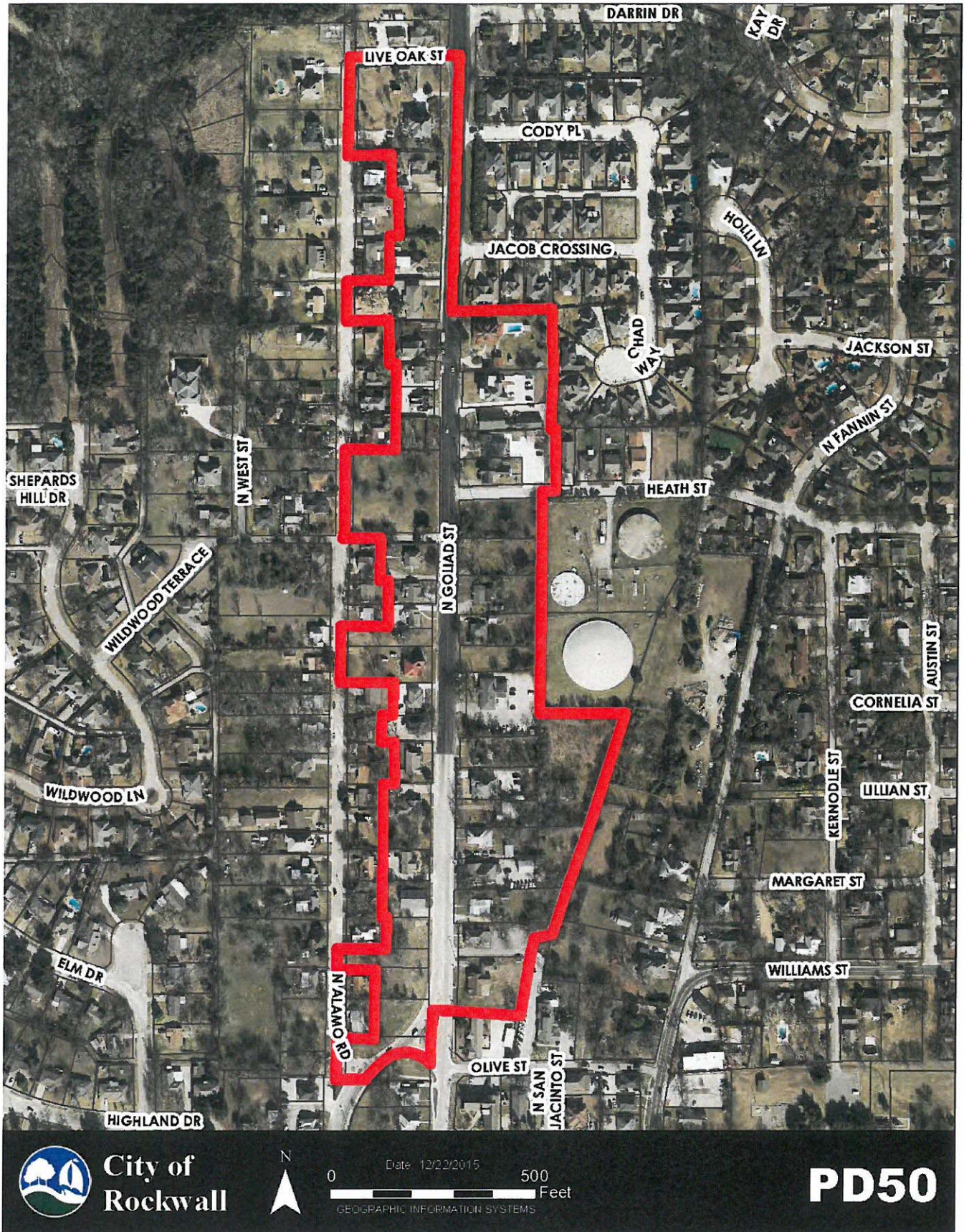


EXHIBIT 'C':
District Development Standards

Development Standards.

- 1) *Permitted Uses.* Unless specifically provided by this Planned Development District ordinance, only those land uses permitted within the Residential Office (RO) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*], are allowed on the *Subject Property*; however, the following additions and conditions shall apply:
 - (a) *Antique/Collectable Sales.* The retail sales of antiques and collectables shall be permitted through the approval of a Specific Use Permit (SUP) by the City Council; however, such use shall be subject to the following conditions:
 - i. *Antique Sales* is defined as the sale of an object having value because of its age, especially a domestic item or piece of furniture or handicraft esteemed for its artistry, beauty, craftsmanship, or period of origin.
 - ii. *Collectable Sales* is defined as the sale of an object that can be collected, or is suitable or desirable for collecting by hobbyist, or any of a class of old things (*but not antiques*) that people collect as a hobby.
 - iii. The sale of new or used clothing and appliances shall be prohibited.
 - iv. The maximum floor area permitted for *Antique/Collectable Sales* be limited to 2,000 square feet.
 - v. That individual lease areas within the *Antique/Collectable Sales* use be prohibited.
 - (b) *Banquet Facility (Event Venue).* A banquet facility or event venue shall be permitted through the approval of a Specific Use Permit (SUP) by the City Council; however, such use shall be subject to the following conditions:
 - i. *Banquet Facility* or *Event Venue* is defined as a commercial facility that can be rented out for the purpose of hosting private events (*e.g. birthday parties, wedding receptions, meetings, etc.*). These events shall not be open to the general public.
 - (c) *Animal Clinic for Small Animals.* An animal clinic for small animals shall be permitted through the approval of a Specific Use Permit (SUP) by the City Council; however, such use shall be subject to the following conditions.
 - i. An *Animal Clinic for Small Animals* is defined as a place where animals or pets are given medical or surgical treatments and care.
 - ii. The accessory use as a kennel shall be limited to short-term boarding and shall be only incidental to the *Animal Clinic for Small Animals* use.
 - iii. No outdoor pens or kennels shall be permitted.
- 2) *Cross Access Easements.* Joint or shared access shall be required on all adjoining lots if any property is used for office development or any other non-residential use permitted by this ordinance.
- 3) *Parking.* That all non-residential land uses shall adhere to the following parking requirements:
 - (a) All parking shall be located behind the front façade of the primary structure and parking within the front yard of any property shall be prohibited.
 - (b) The parking requirements for all uses shall be subject to the requirements stipulated by Article VI, *Parking and Loading*, of the Unified Development Code [*Ordinance No. 04-38*] with the exception of *Professional Offices (excluding medical offices)* and *Banquet Facilities*.

EXHIBIT 'C':
District Development Standards

Professional Offices shall be subject to one (1) parking space per 500 SF of floor area and *Banquet Facilities* shall be subject to one (1) parking space per 100 SF of floor area.

- (c) All drive aisles and parking areas required for the conversion and/or redevelopment of existing structures within the Planned Development District shall be paved in concrete. An exception for asphalt may be approved by the City Engineer.
- 4) *Site Plan*. All properties within the Planned Development District shall be subject to site plan review prior to changing the use from single-family residential.
- 5) *Variances*. In the event that unique or extraordinary conditions exist on the property such that the applicant cannot comply with the strict interpretation of this ordinance a variance can be requested from the City Council.