

CITY OF ROCKWALL

ORDINANCE NO. 20-28

SPECIFIC USE PERMIT NO. S-229

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR A *GENERAL RETAIL STORE AND HAIR SALON AND/OR MANICURIST* ON A 0.2254-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1, BLOCK A, ARTVENTURES STUDIO ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED 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 Hallie Fleming for the approval of a Specific Use Permit (SUP) for a *General Retail Store and Hair Salon and/or Manicurist* on a 0.2254-acre parcel of land being described as Lot 1, Block A, Artventures Studio Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, addressed as 507 N. Goliad Street [*SH-205*], and being more specifically described and depicted 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 (UDC) [*Ordinance No. 20-02*] and Planned Development District 50 (PD-50) [*Ordinance No. 17-19*] 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 approval of this Specific Use Permit (SUP) ordinance shall supersede all requirements stipulated by *Ordinance No. 13-01 [S-101]*, and *Ordinance No. 13-01* shall expire in accordance with Subsection 02.02, *Specific Use Permits (SUP)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC); and,

SECTION 2. That the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for a *General Retail Store and Hair Salon and/or Manicurist* in accordance with Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

SECTION 3. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 04.01, *General Commercial Districts Standards*, and Subsection 04.02, *Residential-Office (RO) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] -- as heretofore amended and may be amended in the future -- and the following conditions:

3.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *General Retail Store* and *Hair Salon and/or Manicurist* on the *Subject Property* and conformance to these conditions is required for continued operation:

- 1) The subject property shall generally conform to the zoning exhibit contained in *Exhibit 'B'* of this ordinance, and any expansion of the existing building will require the parking areas to be brought up to current code.
- 2) The hours of operation for the General Retail Store shall be limited to Monday through Sunday 7:00 AM – 8:00 PM.
- 3) Parking along or adjacent to SH-205, or within the right-of-way of SH-205, shall be prohibited.
- 4) Parking in the front of the building shall be prohibited.
- 5) A hair salon/manicurist shall be allowed to operate on the on the subject property; however, this land use shall be limited to one (1) chair serving one (1) customer at a time.

3.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)* of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require the *Subject Property* to comply with the following:

- 1) Upon obtaining a *Certificate of Occupancy (CO)*, should the business owner operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Revision Procedures*, of the Unified Development Code (UDC) [Ordinance No. 20-02].

SECTION 4. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 5. 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.

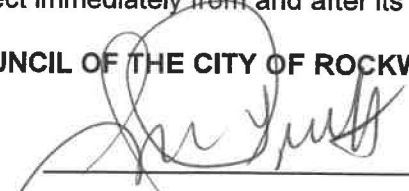
SECTION 6. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 7. 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 8. That this ordinance shall take effect immediately from and after its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 3RD DAY OF AUGUST, 2020.**



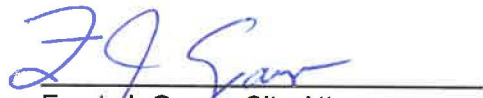
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney

1st Reading: July 20, 2020

2nd Reading: August 3, 2020

Exhibit 'A'
Location Map

Address: 507 N. Goliad Street [SH-205]

Legal Description: Lot 1, Block A, Artventures Studio Addition



**Exhibit 'B':
Zoning Exhibit**

NETA FAY SMITH
VOL. 428, P. 152

LOT 1, BLOCK A
AMICK 20A-THOMAS SUBDIVISION
CAB. B. SLIDE 126

