

CITY OF ROCKWALL

ORDINANCE NO. 21-08

SPECIFIC USE PERMIT NO. S-242

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. 20-02] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A *GENERAL RETAIL STORE* ON A 0.23-ACRE PARCEL OF LAND, ZONED PLANNED DEVELOPMENT DISTRICT 50 (PD-50) FOR RESIDENTIAL OFFICE (RO) DISTRICT LAND USES, AND BEING IDENTIFIED AS BLOCK 20B OF THE AMICK ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR 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, a request has been made by Caroline Harklau of Southern Roots, LLC for the approval of a Specific Use Permit (SUP) for a *General Retail Store* on a 0.23-acre parcel of land, zoned Planned Development District 50 (PD-50) for Residential Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, and being identified as Block 20B of the Amick Addition, City of Rockwall, Rockwall County, Texas, addressed as 505 N. Goliad Street, and being more specifically 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 Planned Development District 50 (PD-50) [*Ordinance No. 17-19*] and the Unified Development Code [*Ordinance No. 20-02*] 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 Planned Development District 50 (PD-50) [*Ordinance No. 17-19*] and the Unified Development Code [*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) allowing for the establishment of a *General Retail Store* as stipulated by Article 04, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 20-02*] on the *Subject Property*; and

SECTION 2. That the *Subject Property* shall be used and developed only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in *Planned Development District 50 (PD-50)*, and *Subsection 01.01, Use of Land and Buildings*,

of Article 04, Permissible Uses, and Subsection 04.02, Residential Office (RO) District, of Section 04, Commercial Districts, of Article 05, District Development Standards, and Subsection 06.04, North Goliad Corridor Overlay (NGC OV) District, of Section 06, Overlay Districts, of Article 05, District Development Standards, of the Unified Development Code [Ordinance No. 20-02] of the City of Rockwall as heretofore amended, as amended herein by the granting of this zoning change, and as may be amended in the future, and shall be subject to the following additional conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *General Retail Store* land use on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) The *General Retail Store* shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* of this ordinance;
- 2) The operation of the *General Retail Store* shall be limited to the area on the first floor and shall generally conform to the *Floor Plan* depicted in *Exhibit 'C'* of this ordinance;
- 3) The use of the second-floor area shall be limited to storage only. Any other use will require the approval of an amendment to this Specific Use Permit (SUP) and will require additional parking spaces to be added to the subject property;
- 4) Parking along, adjacent to, or in the right-of-way of N. Goliad Street [SH-205] shall be prohibited; and,
- 5) Parking in the front of the building (*i.e. between the front façade of the building and the right-of-way of N. Goliad Street [SH-205]*) shall be prohibited.

2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits*, of Article 11, *Development and Review 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 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 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.

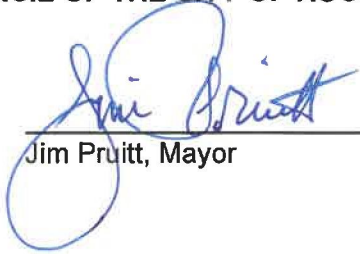
SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and

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;

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 1ST DAY OF FEBRUARY, 2021.



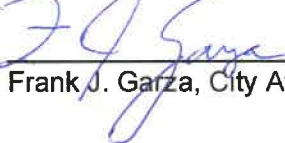
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: January 19, 2021

2nd Reading: February 1, 2021

Exhibit 'A'
Legal Description and Location Map

Legal Description: Block 20B, Amick Addition
Address: 505 N. Goliad Street



Exhibit 'C'
Floor Plan

