

CITY OF ROCKWALL

ORDINANCE NO. 26-02

SPECIFIC USE PERMIT NO. S-390

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 RESTAURANT WITH LESS THAN 2,000 SF WITH DRIVE-THROUGH OR DRIVE-IN ON A 0.3480-ACRE TRACT OF LAND IDENTIFIED AS LOTS 10 & 11 OF THE CANUP 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 Brierre Cathey on behalf of Mike Rodgers for the approval of a *Specific Use Permit (SUP)* for a *Restaurant with Less Than 2,000 SF with Drive-Through or Drive-In* for the purpose of constructing a restaurant on a 0.3480-acre tract of land identified as Lots 10 & 11 of the Canup Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1011 S. 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*] 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 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 *Restaurant with Less Than 2,000 SF with Drive-Through or Drive-In* as stipulated by Subsection 01.02, *Land Use Schedule*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 04.05, *Commercial (C) District*, and Subsection 06.07, *SH-205 Overlay (SH-205 OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*], and with the following conditions:

2.1. OPERATIONAL CONDITIONS

The following conditions pertain to the construction and operation of a *Restaurant with Less Than 2,000 SF with Drive-Through or Drive-In* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) The development of the *Subject Property* shall generally conform to the Concept Plan as depicted in *Exhibit 'B'* of this ordinance.
- (2) The development of the *Subject Property* shall generally conform to the Building Elevations depicted in *Exhibit 'C'* of this ordinance; however, these elevations shall be subject to review and recommendation by the Architectural Review Board (ARB) at the time of Site Plan approval. In addition, any variances to the *General Overlay District Standards* as specified in Article 05, *District Development Standards*, of the Unified Development Code (UDC) shall be required to be approved by the Planning and Zoning Commission at the time of Site Plan approval.
- (3) Additional landscaping and headlight screening shall be required along the northern property line. This shall be reviewed by the Planning and Zoning Commission at the time of Site Plan approval.
- (4) Three (3) tiered screening (*i.e. one [1] row of canopy trees, one [1] row of accent trees and large shrubs, and one [1] row of lower level shrubs*) shall be required adjacent to the eastern property line (*adjacent to the existing residentially zoned or used properties*). In addition, a *built-up* berm a minimum of 24-inches in height shall be required along the back of the property. These items will be reviewed for conformance by the Planning and Zoning Commission at the time of Site Plan approval.

2.2. 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 *Building Permit*, should the contractor 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.

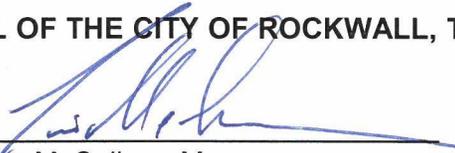
SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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.

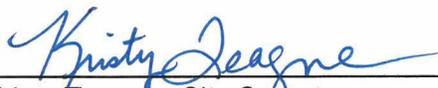
SECTION 7. That this ordinance shall take effect immediately from and after its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 2ND DAY OF FEBRUARY, 2026.**



Tim McCallum, Mayor

ATTEST:



Kristy Teague, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: January 20, 2026

2nd Reading: February 2, 2026

Exhibit 'A'
Legal Description

Address: 1011 S. Goliad Street

Legal Description: Lots 10 & 11 of the Canup Addition

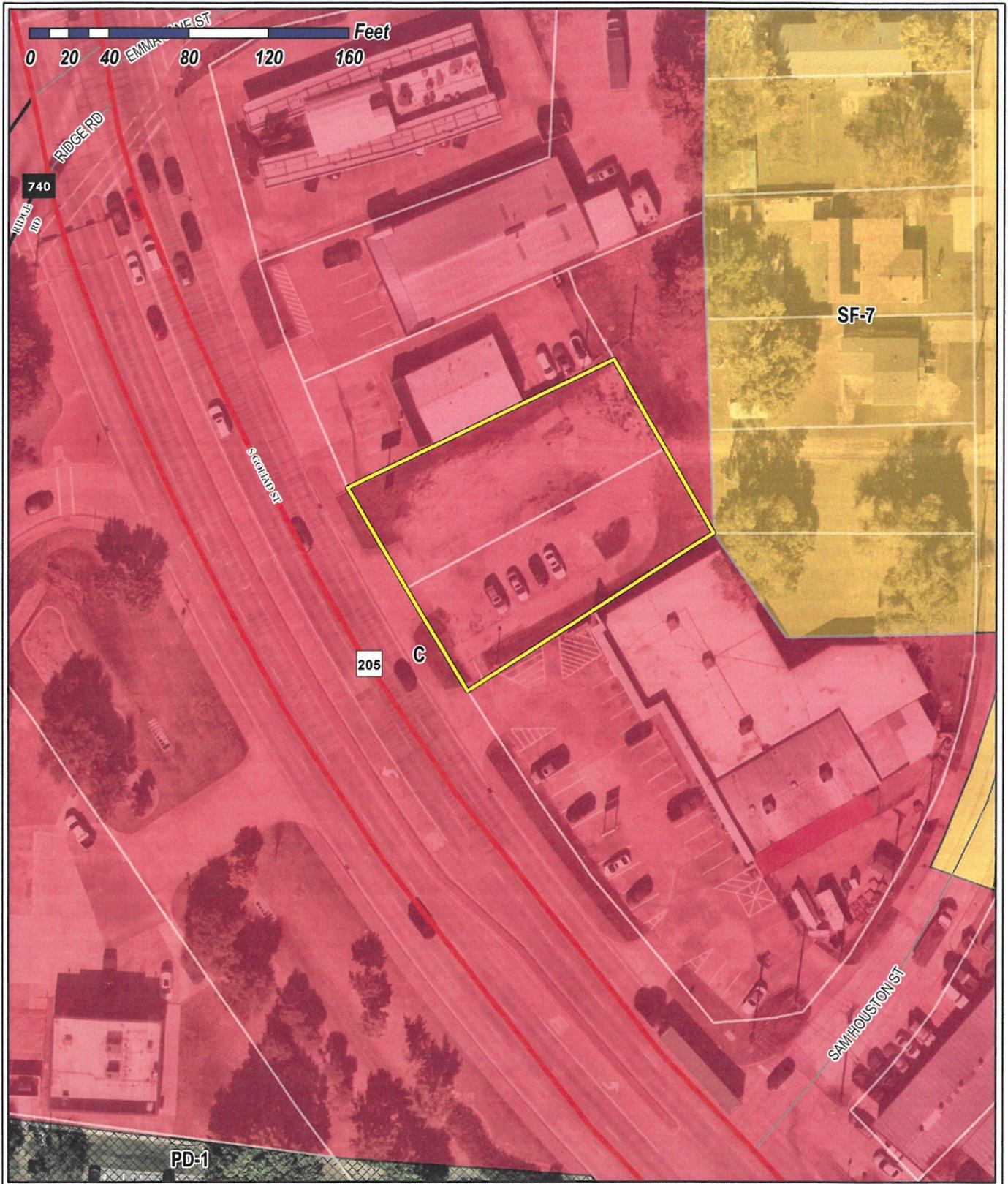
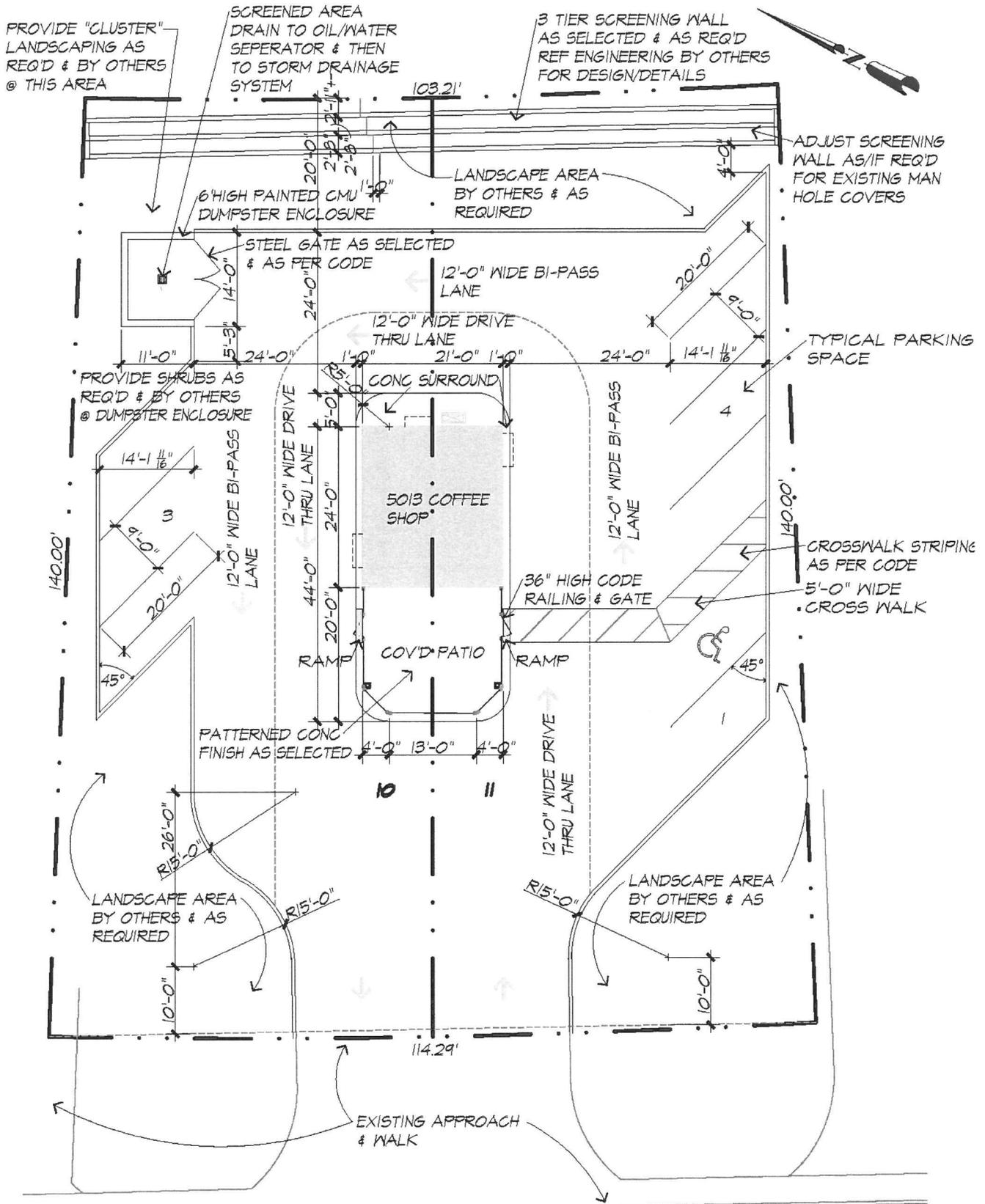
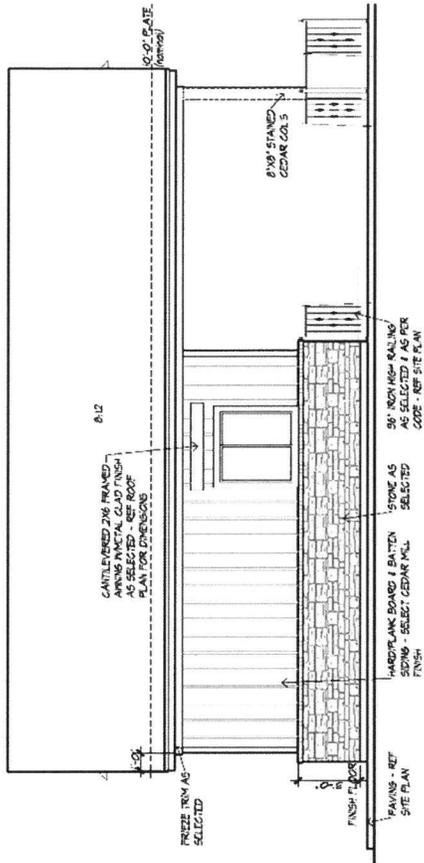


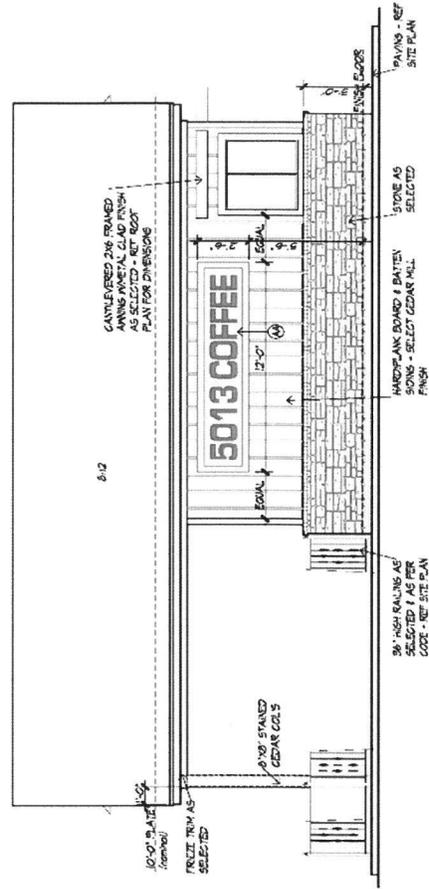
Exhibit 'B'
Concept Plan



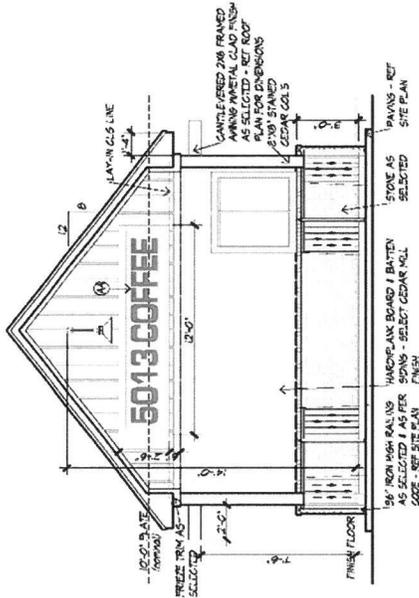
**Exhibit 'C':
Building Elevations**



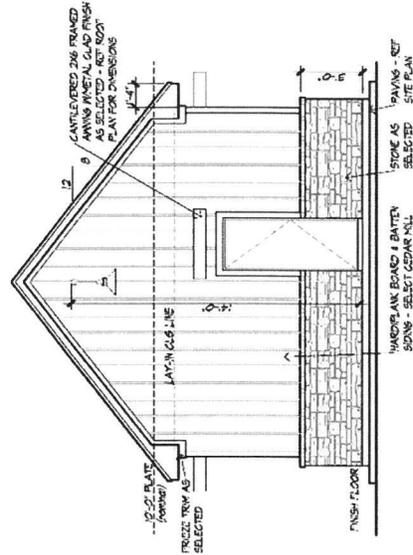
LEFT SIDE ELEVATION
SCALE 1/4" = 1'-0"
3/8" IRON STONE



RIGHT SIDE ELEVATION
SCALE 1/4" = 1'-0"
3/8" IRON STONE



FRONT ELEVATION
SCALE 1/4" = 1'-0"
3/8" IRON STONE



REAR ELEVATION
SCALE 1/4" = 1'-0"
3/8" IRON STONE