

**CITY OF ROCKWALL**

**ORDINANCE NO. 06-52**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT ALLOWING FOR A RESTAURANT OF LESS THAN 2,000 SQUARE FEET WITHIN (PD-50) PLANNED DEVELOPMENT NO. 50 DISTRICT, ON A TRACT OF LAND KNOWN AS LOT 1, ABATE INJURY REHAB CENTER ADDITION AND LOCATED AT 506 N. GOLIAD STREET; 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**, a Specific Use Permit for a restaurant of less than 2,000 square feet within the (PD-50) Planned Development No. 50 District has been requested by Brenda Myers of Sterling Tea on the property known as Lot 1, Abate Injury Rehab Center Addition and located at 506 N. Goliad Street; City and County of Rockwall, Texas; 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 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 of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit for a restaurant of less than 2,000 square feet within the (PD-50) Planned Development No. 50 District on the property known as Lot 1, Abate Injury Rehab Center Addition and located at 506 N. Goliad Street; City and County of Rockwall, Texas; and

**Section 2.** That the Specific Use Permit shall be subject to the conditions set forth in the City of Rockwall Unified Development Code (Ord. No. 04-38) as heretofore amended and as may be amended in the future, and shall be subject to the following additional conditions:

1. Proposed restaurant shall not exceed 2,000-sf in area and shall not feature a drive-thru or drive-in.
2. Alteration to building elevations shall be subject to review and recommendation by the Historic Preservation Advisory Board.
3. Construction of the mutual access easement from North Goliad to the existing parking within 45 days of final SUP approval (2nd City Council Reading).
4. Striping of the existing parking located in the rear of the property.
5. Paving of the access easement and the relocation/improvements for the temporary parking be completed within 45 days of completion of development of either adjacent tract.
6. The SUP shall be deemed expired if the restaurant use ceases to exist for a period of six (6) months or more.
7. The hours of operation shall be limited to between 7 a.m. to 8 p.m. At the time that the properties on both sides redevelop the hours of operations shall be changed to 6:30 a.m. to 8:00 p.m.
8. No parking will be allowed in the SH205 right of way or in front of the building.
9. The City Council reserves the right to review the Specific Use Permit granted herein upon the expiration of one (1) year from the date hereof.

**Section 3.** 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 4.** 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 5.** 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 No. 04-38 of the City of Rockwall, Texas, 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 6.** 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 11<sup>th</sup> day of December, 2006.**

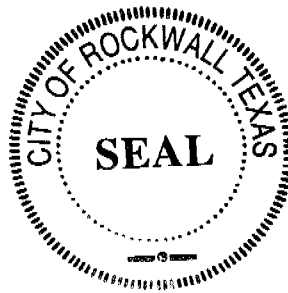
  
**William R. Cecil, Mayor**

**ATTEST:**

  
**Dorothy Brooks, City Secretary**

**APPROVED AS TO FORM:**

  
**Pete Eckert, City Attorney**



**1<sup>st</sup> Reading: 11-20-06**

**2<sup>nd</sup> Reading: 12-11-06**

# Advertising Receipt

**Terrell Tribune**  
Rockwall County News  
150 9th Street, P.O. Box 669  
Terrell, TX 75160  
Phone: (972) 563-6476  
Fax: (972) 563-0340

ROCKWALL, CITY OF-LEGALS ®  
c/o Dorothy Brooks, City Secretary  
385 SOUTH GOLIAD  
ROCKWALL, TX 75087

**Cust#:** 01100978-000  
**Ad#:** 05501098  
**Phone:** (972)771-7700  
**Date:** 12/12/06

**Ad taker:** 11      **Salesperson:** 6      **Classification:** 001

Description	Start	Stop	Ins.	Cost/Day	Surcharges	Total
02 ROCKWALL COUNTY NEWS	12/21/06	12/21/06	1	54.00		54.00

**Payment Reference:**

LG#223171  
ORDINANCE 06-52  
RCN= 12/21

**Total:** 54.00  
**Tax:** 0.00  
**Net:** 54.00  
**Prepaid:** 0.00

**Total Due** 54.00

# PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS  
COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared William Jordan, who being by me duly sworn deposes and says the he is the Publisher of **The Rockwall County News** and the said newspaper meets the requirements of Section 2051.044 of the Texas Government Code to wit:

1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published;
4. it has been published regularly and continuously since 1985; and
5. it is generally circulated within Rockwall County.

Publisher further deposes and says that the attached notice was published in said news paper on the following date(s) to wit:

December 21<sup>st</sup> A.D. 2006

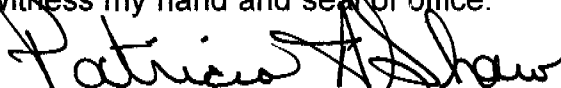
  
\_\_\_\_\_  
William Jordan  
Editor and Publisher

### SUBSCRIBED AND SWORN BEFORE ME

by William Jordan who

- a) is personally know to me, or  
 b) provided the following evidence to establish his/her identity.

on the 21<sup>st</sup> day of December, A.D. 2006  
to certify which witness my hand and seal of office.

  
\_\_\_\_\_  
Notary Public, State of Texas

### ORDINANCE NO. 00-52

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT ALLOWING FOR A RESTAURANT OF LESS THAN 2,000 SQUARE FEET WITHIN (PD-50) PLANNED DEVELOPMENT NO. 50 DISTRICT, ON A TRACT OF LAND KNOWN AS LOT 1, ABATE INJURY REHAB CENTER ADDITION AND LOCATED AT 506 N. GOLIAD STREET; 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.

*/s/ William R. Cecil, Mayor*  
*/s/ Dorothy Brooks, TRMC,*  
City Secretary

1st Reading: 11-20-06

2nd Reading: 12-11-06

