

CITY OF ROCKWALL

ORDINANCE NO. 11-37

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 AMEND A SPECIFIC USE PERMIT (ORD. 06-52), SPECIFICALLY TO ALLOW FOR A HAIR SALON AND A GENERAL RETAIL STORE IN CONJUNCTION WITH THE EXISTING RESTAURANT OF LESS THAN 2000 SQ-FT 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**, an amendment to a Specific Use Permit (Ord. 06-52) to allow for a Hair Salon and a General Retail Store in conjunction with a restaurant of less than 2,000 square feet within the (PD-50) Planned Development No. 50 District has been requested by Stuart and Brenda Meyers, owners of the property, on a tract of land 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 an amendment to Specific Use Permit (Ord. 06-52) to allow for a Hair Salon and General Retail Store in conjunction with 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. The following uses shall be allowed on the subject property in accordance with the floor plan attached hereto as Exhibit "A,"
  - a. Restaurant, less than 2000 sq-ft, without drive-thru or drive-in
  - b. Hair Salon
  - c. General Retail Store
2. A hair salon shall not exceed five hundred (500) sq-ft in area and shall be limited to a maximum of two (2) chairs.

3. A general retail store shall not exceed seven hundred fifty (750) sq-ft in area.
4. All business operations shall be limited to the hours between 7 a.m. and 8 p.m. At the time that the properties on both sides redevelop, the hours of operations shall be changed to between 6:30 a.m. and 8:00 p.m.
5. Alteration to building elevations shall be subject to review and recommendation by the Historic Preservation Advisory Board.
6. 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.
7. No parking shall be allowed in the SH205 right of way or in front of the building.
8. 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 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, 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 7.** 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 6<sup>th</sup> day of September, 2011.**

  
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 David Sweet, Mayor

**ATTEST:**

  
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 Kristy Ashberry, City Secretary

**APPROVED AS TO FORM:**

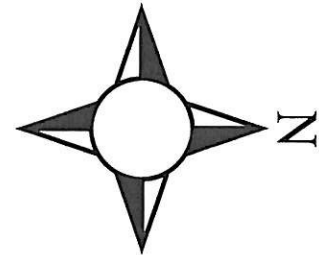
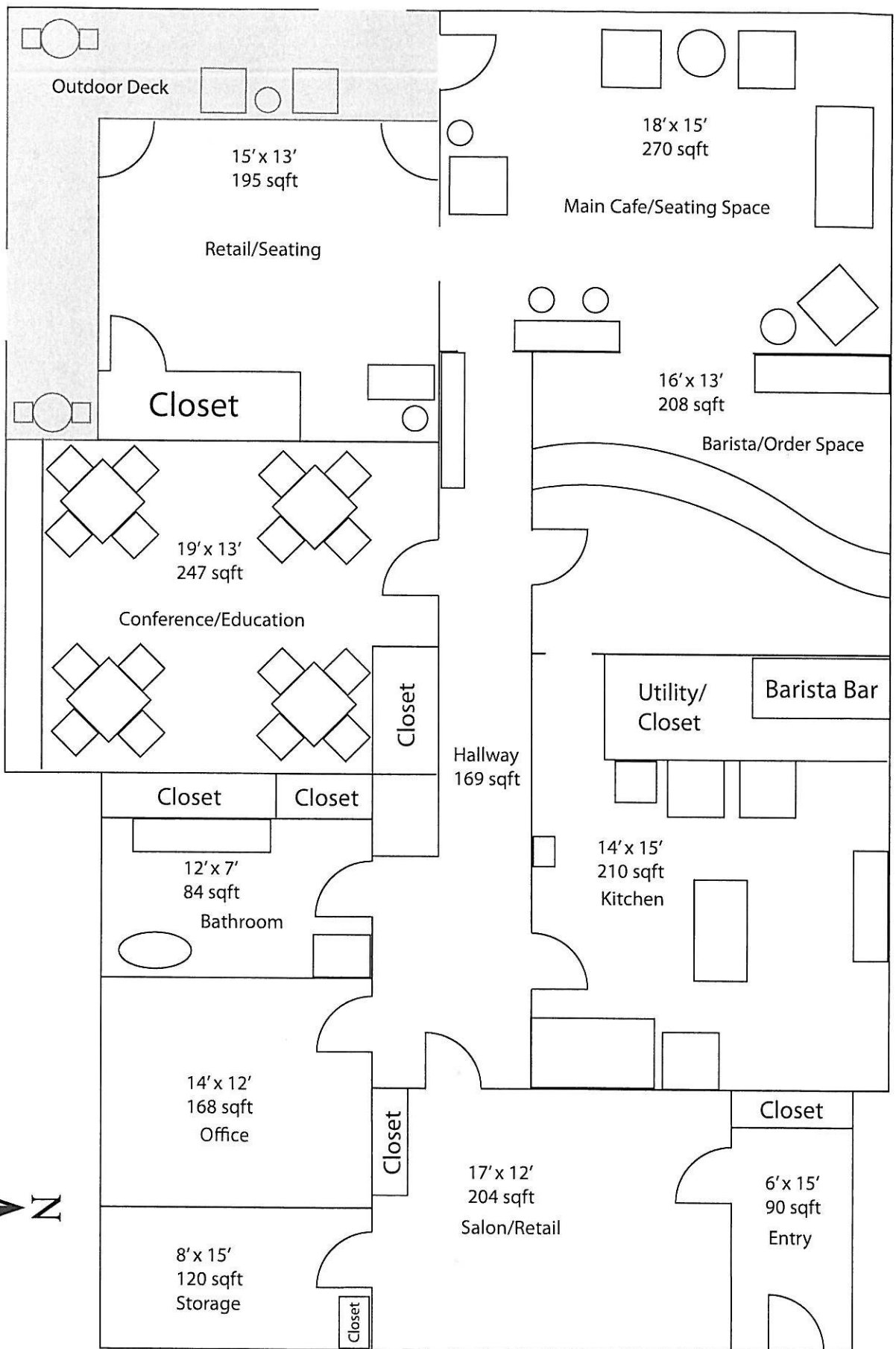
  
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 Pete Eckert, City Attorney



1st Reading: 08-15-11

2nd Reading: 09-06-11

Ord. #11-37 Z2011-017\_Sterling Tea\_SUP Amendment



Restaurant Space - 935 sqft  
 Retail Space - 195 sqft  
 Salon Space - 372 sqft  
**506 N. Goliad**

**Exhibit "A"**

Outdoor Deck