

**CITY OF ROCKWALL**

**ORDINANCE NO. 11-45**

**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 (SUP), SPECIFICALLY TO ALLOW FOR A HAIR SALON AND GENERAL RETAIL USES, ON A 0.609-ACRE TRACT OF LAND KNOWN AS TRACT 21, ABSTRACT 187, J. STRICKLAND SURVEY AND LOCATED AT 4037 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 to allow for a Hair Salon and General Retail uses has been requested by Misty Phillips, owner of the property, on a 0.609-acre tract of land known as Tract 21, Abstract 187, J. Strickland Survey and located at 4037 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 to allow for a Hair Salon and General Retail uses on the 0.609-acre tract of land known as Tract 21, Abstract 187, J. Strickland Survey, and located at 4037 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. A General Retail store and/or a Hair Salon shall be allowed on the subject property in accordance with the site plan attached hereto as Exhibit "A" and the floor plan attached hereto as Exhibit "B."
2. The general retail store shall be limited to the following uses: a) Boutique, b) Home Décor Furnishings, c) Florist, d) Wedding Planning Services, and e) Spirit Shop.
3. Within the landscape buffer, the owner shall provide five (5) canopy trees (minimum 4" caliper) and five (5) accent trees (minimum 4-ft height).
4. Adherence to Engineering and Fire Department standards.

5. Approval of the SUP shall constitute acceptance of the variance request to the residential masonry wall screening standard and for the exception to allow parking in the 30-ft rear setback.
6. All business operations shall be limited to the hours between 7am and 8pm.

**Section 3.** That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

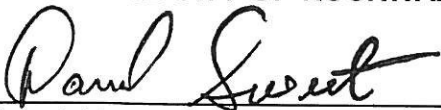
**Section 4.** That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be and the same are hereby repealed to the extent of that conflict.

**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 7<sup>th</sup> day of November, 2011.**

  
\_\_\_\_\_  
David Sweet, Mayor

**ATTEST:**  
  
\_\_\_\_\_  
Kristy Ashberry, City Secretary

**APPROVED AS TO FORM:**  
  
\_\_\_\_\_  
Pete Eckert, City Attorney



1st Reading: 10-17-11  
2nd Reading: 11-07-11

State Highway No. 205  
N. Gollad Street

$L=302.78'$   
 $R=2915.00'$   
 $\Delta=05^{\circ}57'05''$   
 $CB=S181^{\circ}12'24''$   
302.65

TRACT 1  
CALLED 0.294 ACRES  
NELLIE J. MILLS  
VOL. 4333, PG. 306

0.609 ACRES

20' NTMWD ESMT.  
(VOL. 91, PG. 183)  
(VOL. G, PG. 85)

15.32' UTILITY EASEMENT  
(VOL. 3300, PG. 136)

15.32' UTILITY EASEMENT  
(VOL. 3300, PG. 141)

(Bearing Basis)  $N 02^{\circ}00'03'' W 369.31'$

1/2"SRF  
"R.P.L.S. 5411"

JOSEPH STRICKLAND SURVEY  
A-187

LOT 18

Winaham Drive

POINT OF BEGINNING

LOT 3  
OPEN SPACE  
BLOCK X

LOT 17

Glenmere Court

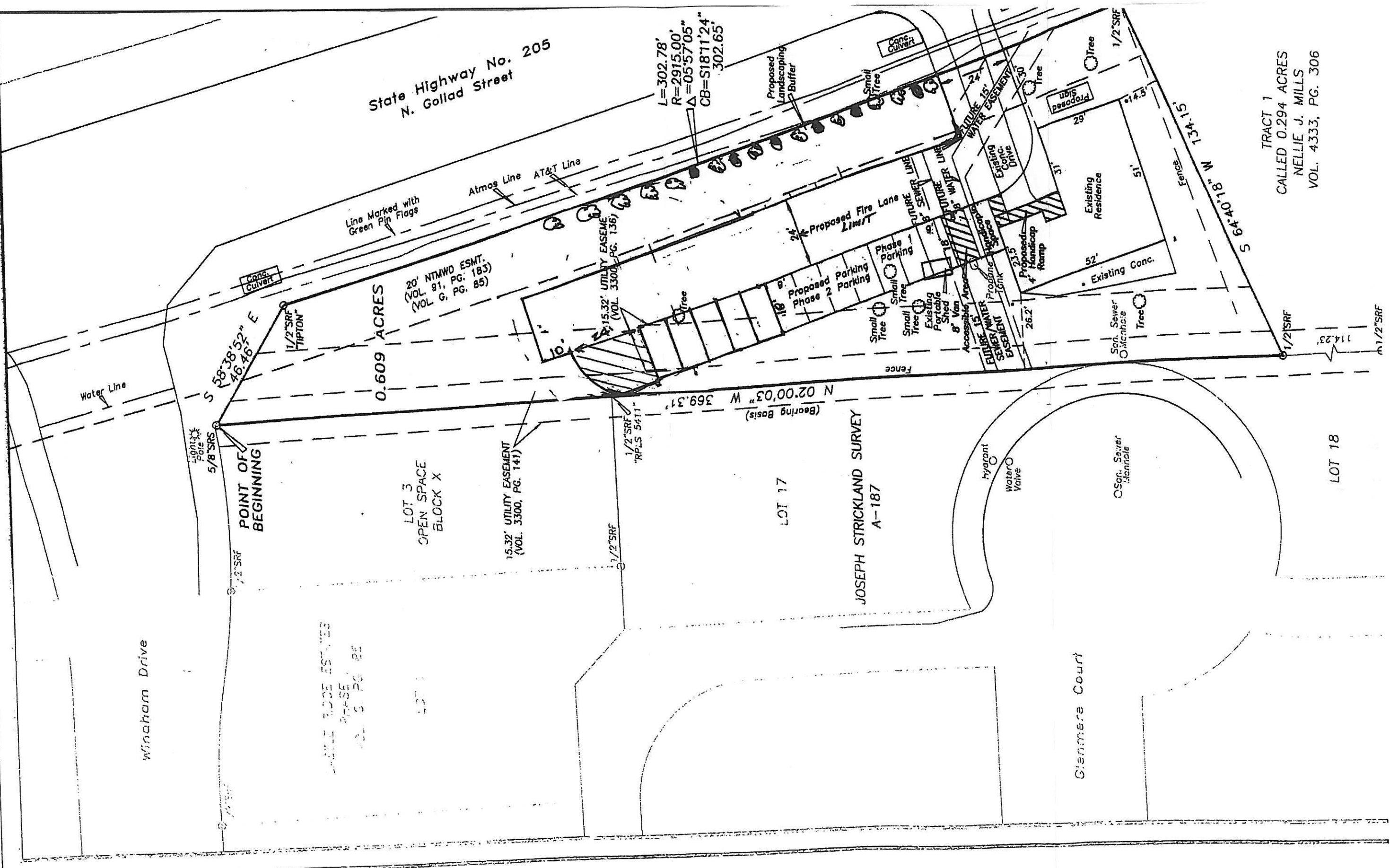
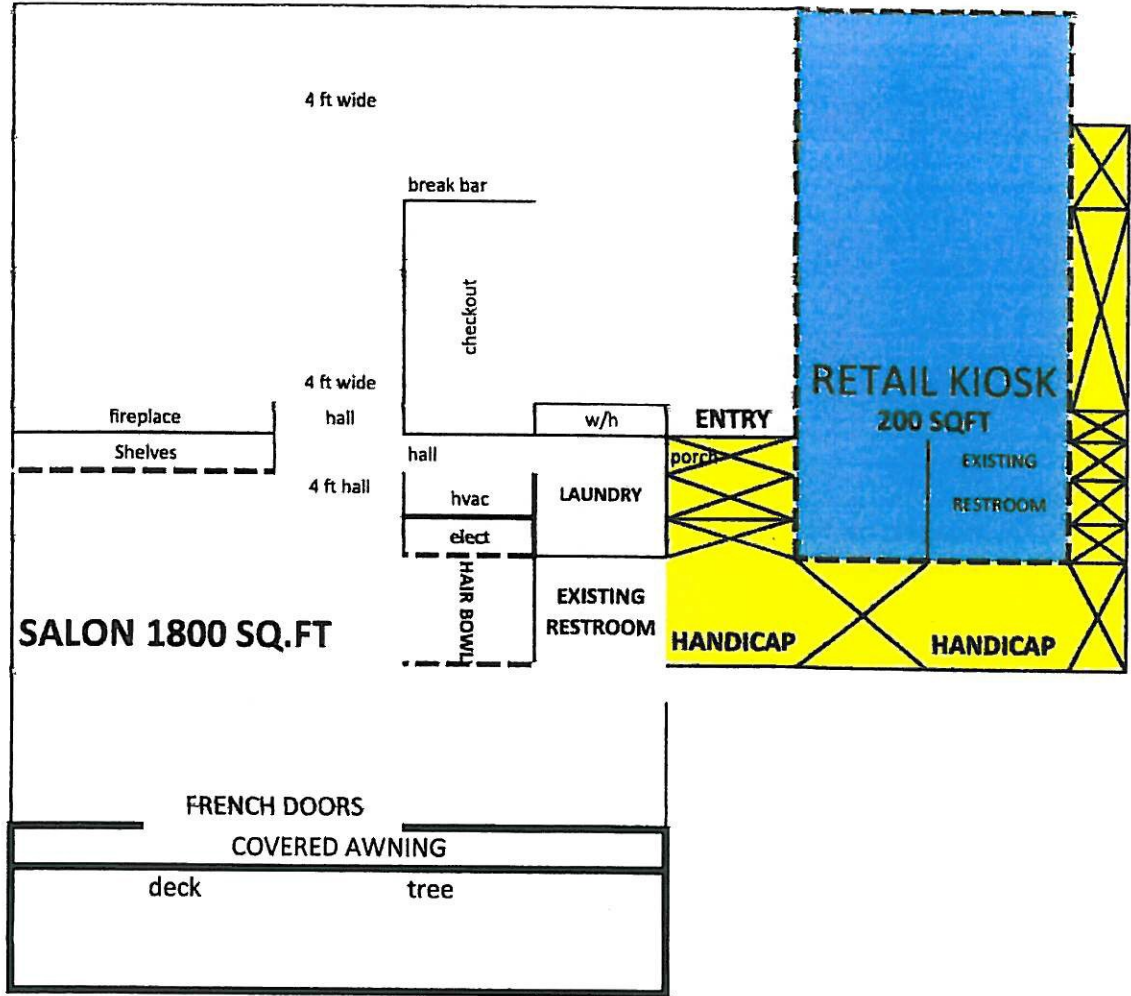


Exhibit "A" Ord. #11-45

FULL SERVICE DAY SPA/SALON WITH RETAIL KIOSK TO OFFER SPIRIT  
ITEMS FOR PARENTS AND SCHOOLS



SALON