

CITY OF ROCKWALL

ORDINANCE NO. 14-34

SPECIFIC USE PERMIT NO. S-124

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO APPROVE A SPECIFIC USE PERMIT (SUP) TO ALLOW ANTIQUE/COLLECTABLE SALES IN CONJUNCTION WITH A GENERAL RETAIL STORE IN PLANNED DEVELOPMENT DISTRICT 50 (PD-50), FOR A 0.66-ACRE LOT, ADDRESSED AS 803 & 805 N. GOLIAD STREET AND CONTAINING TWO (2) PARCELS OF LAND IDENTIFIED AS BLOCK 23A (0.43-ACRES) AND BLOCK 24C (0.23-ACRES) 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 Shanessa Coburn of American Trooper, on behalf of the owner, Scott Milder, for the approval of a Specific Use Permit (SUP) to allow *Antiques/Collectable Sales* in conjunction with a general retail store on a 0.66-acre lot containing two (2) parcels of land identified as Block 23A (0.43-acres) and Block 24C (0.23-acres) of the Amick Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District uses, located within the North Goliad Corridor Overlay (NGC OV) District, addressed as 803 & 805 N. Goliad Street, and more specifically described 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 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 [*Ordinance No. 04-38*] 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 *Antique/Collectable Sales* in conjunction with a general retail store within a Planned Development District 50 (PD-50) as stipulated by *Ordinance No. 05-18* and Article IV, *Permissible Uses*, of the Unified Development Code on the *Subject Property*; and

SECTION 2. That the *Subject Property* shall be developed and/or used only in the manner and for

the purposes described in this Specific Use Permit (SUP) ordinance and as set forth in Planned Development District 50 (PD-50) and Section 4.2, *Residential Office (RO) District*, of Article V, *District Development Standards*, of the Unified Development Code [Ordinance No. 04-38] as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, and shall be subject to the additional following conditions and compliance standards:

2.1 Operational Conditions

The following conditions pertain to the operation of a general retail store with *Antique/Collectable Sales* on the *Subject Property*, and conformance to these operational conditions are required for continued operations:

- 1) Prior to the issuance of a Certificate of Occupancy (CO) a site plan shall be submitted and approved by the Planning and Zoning Commission, and if necessary City Council.
- 2) The *Antique/Collectable Sales* use shall be limited to the boundaries of the existing structure as depicted in *Exhibit 'A' & 'B'* of this ordinance, and will require the approval of City Council, upon a recommendation by the Planning and Zoning Commission, to be expanded.
- 3) The sale of used clothing and/or new/used appliances shall be prohibited.
- 4) The sale of new clothing shall be limited to the area indicated in *Exhibit 'B'* of this ordinance and shall not exceed 200 SF in total area.
- 5) Individual lease space or consignment sales shall be prohibited.
- 6) The "drop off" of donations and/or sales items by the general public shall be prohibited.
- 7) No outside storage shall be permitted on the subject property.
- 8) Outdoor sales and display shall only be permitted in areas designated on a site plan and shall be subject to the following conditions:
 - a) Outdoor sales and display shall not exceed five (5) percent of the total enclosed floor area of the primary structure and/or shall be limited to the area identified as the *porch* on *Exhibit 'B'* of this ordinance, unless the Planning and Zoning Commission approves alternate areas that shall be indicated on the site plan.
 - b) Outdoor sales and display shall not be permitted to be located within any portion of the parking lot.
 - c) Outdoor sales and display shall be located underneath a covered area or be immediately adjacent to or connected to the primary structure.

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.

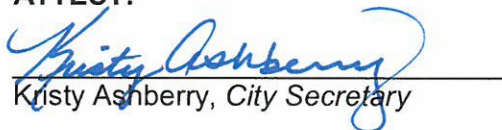
Section 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 18TH DAY OF AUGUST, 2014.**



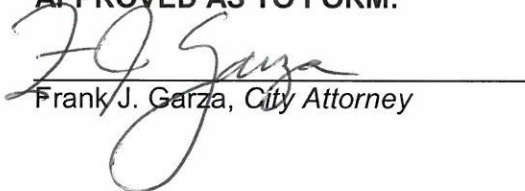
David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: August 4, 2014

2nd Reading: August 18, 2014

Exhibit A: Legal Description/Survey

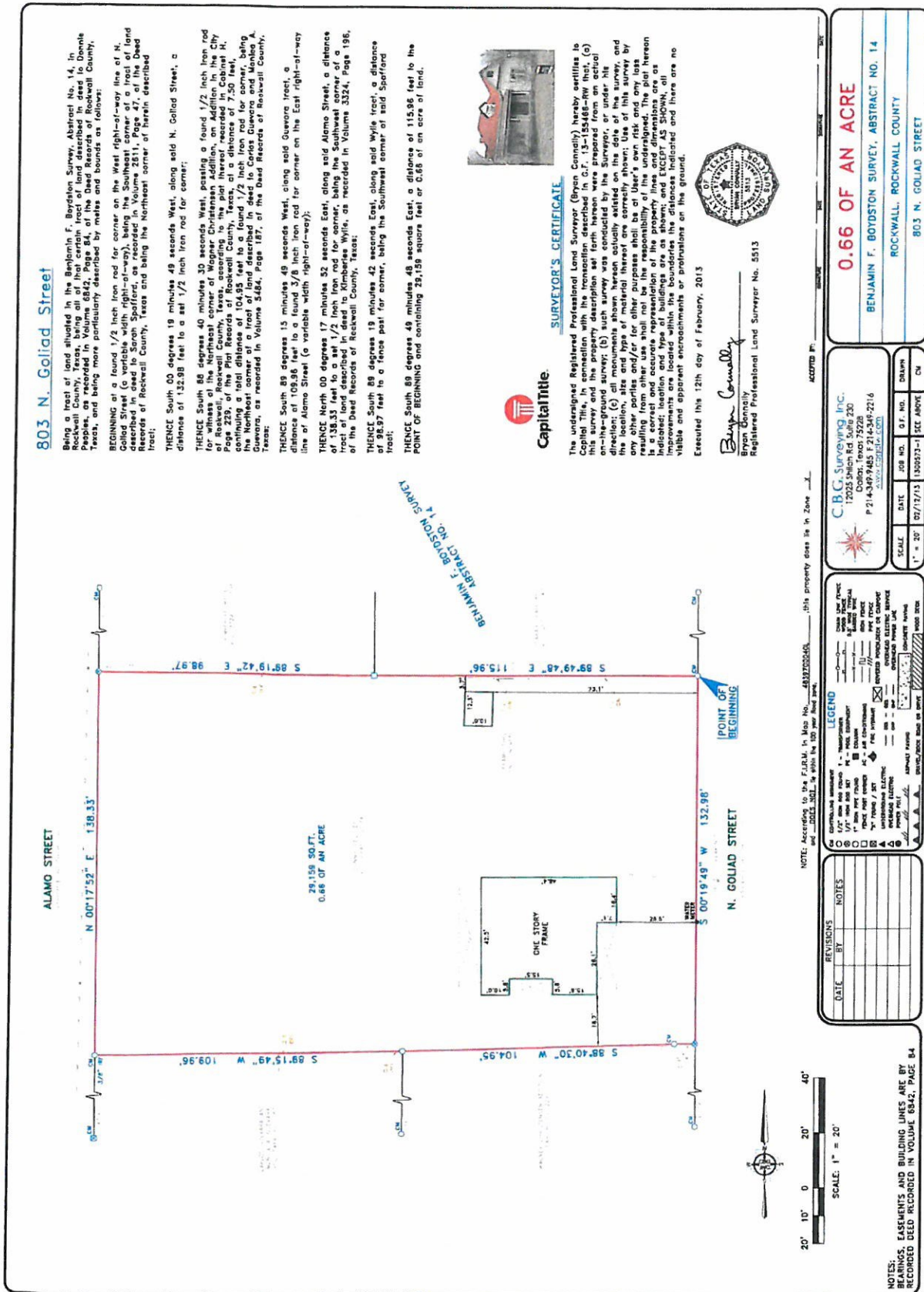


Exhibit B: Floor Plan

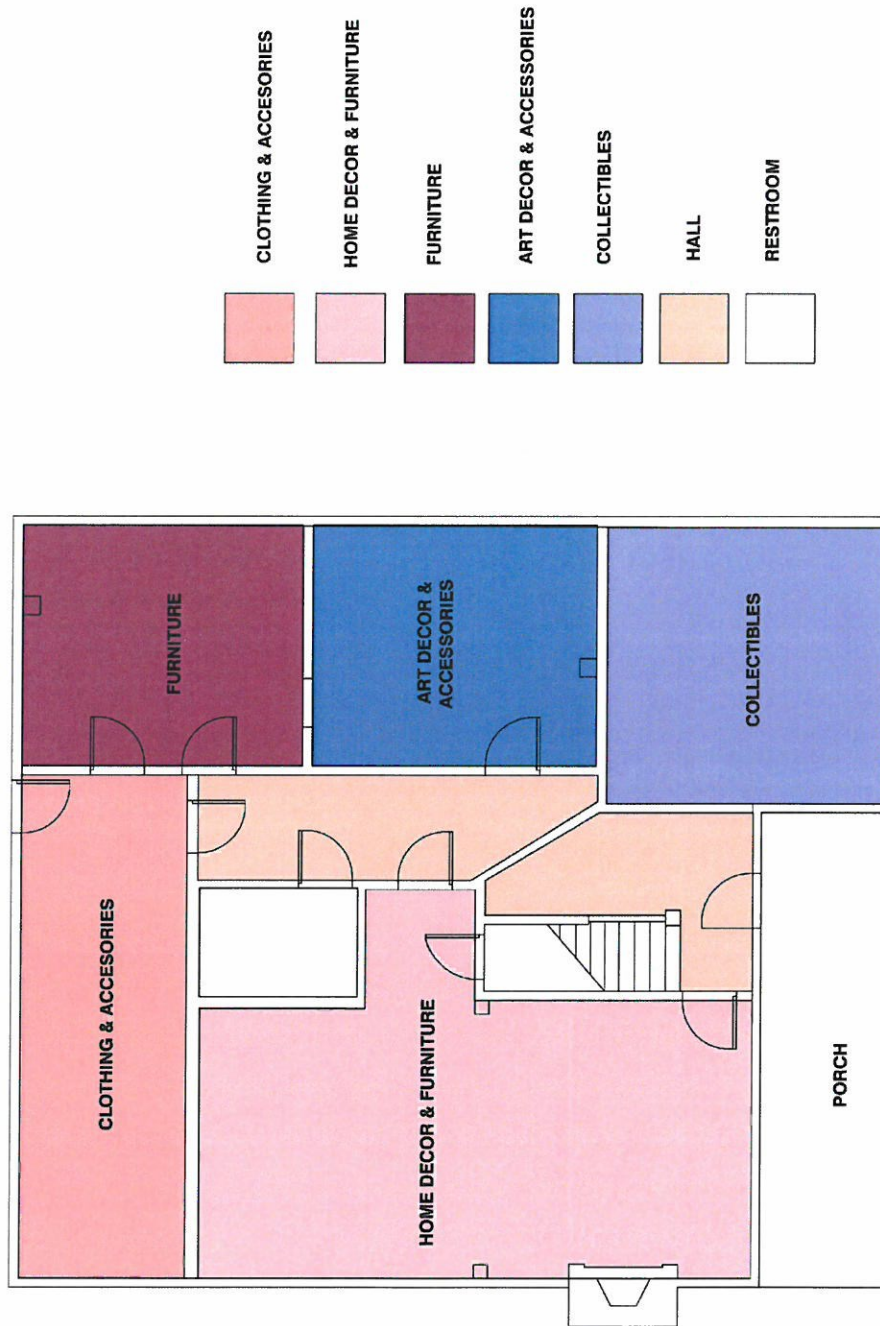


Exhibit C: Location Map

