

CITY OF ROCKWALL

ORDINANCE NO. 14-44

SPECIFIC USE PERMIT NO. S-127

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR A RESTAURANT THAT IS LESS THAN 2,000 SF IN SERVICE AREA AND THAT DOES NOT HAVE A DRIVE-THROUGH OR DRIVE-IN SERVICE ON A 0.53-ACRE PARCEL OF LAND; ZONED PLANNED DEVELOPMENT DISTRICT 50 (PD-50) FOR RESIDENTIAL OFFICE (RO) DISTRICT LAND USES; BEING ADDRESSED AS 406 N. GOLIAD STREET AND IDENTIFIED AS LOT B, BLOCK 123, B. F. BOYDSTON 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 Caprice Michelle on behalf of Rockwall's Rustic Ranch, LLC for the approval of a Specific Use Permit (SUP) for a *Restaurant [Less Than 2,000 SF; Without Drive-Through or Drive-In Service]* on a 0.53 at 406 N. Goliad Street, being zoned Planned Development District 50 (PD-50) for a 0.53-acre parcel of land identified as Lot B, Block 123, B. F. Boydston Addition, zoned Planned Development District 50 (PD-50) for Residential Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, addressed as 406 N. Goliad Street, City of Rockwall, Rockwall County, Texas, 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 [Ordinance No. 04-38] 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 a *Restaurant [Less Than 2,000 SF; Without Drive-Through or Drive-In Service]* within a Planned Development District 50 (PD-50) as stipulated by Ordinance No. 07-29 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, *Ordinance No. 07-29* and as stipulated by 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 following conditions and compliance standards:

2.1 Operational Conditions

The following conditions pertain to the operation of a *Restaurant [Less Than 2,000 SF; Without Drive-Through or Drive-In Service]* on the *Subject Property*, and conformance to these operational conditions are required for continued operations:

- 1) The development or operation of a *Restaurant [Less Than 2,000 SF; Without Drive-Through or Drive-In Service]* shall generally conform to the *Concept Site Plan* contained in *Exhibit 'B'* of this ordinance, and incorporated by reference herein;
- 2) The operation of a *Restaurant [Less Than 2,000 SF; Without Drive-Through or Drive-In Service]* shall generally conform to the *Floor Plan* contained in *Exhibit 'C'* of this ordinance, and incorporated by reference herein;
- 3) The service area of the restaurant will be limited to 2,000 SF; and,
- 4) All outdoor seating and waiting areas should be situated behind the front yard building setback adjacent to SH-205;

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

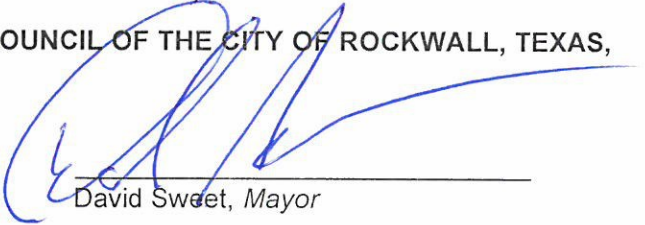
Section 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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 6TH DAY OF OCTOBER, 2014.



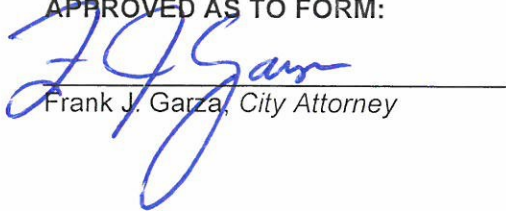
David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: September 15, 2014

2nd Reading: October 6, 2014

Exhibit A: Legal Description/Location Map

Address: 406 N. Goliad Street

Legal Description: Lot B, Block 123, B. F. Boydston Addition



LOT 1
BLOCK 1
BLACK'S COLLECTABLES ADDITION
CABINET F. SLIDE 243

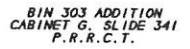


Exhibit C: Floor Plan

