

CITY OF ROCKWALL

ORDINANCE NO. 15-14

SPECIFIC USE PERMIT NO. S-137

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 AMEND SPECIFIC USE PERMIT (SUP) NO. S-68 [ORDINANCE NO. 09-28] TO ALLOW FOR A GENERAL RETAIL STORE IN A RESIDENTIAL-OFFICE (RO) DISTRICT, ON A 0.16-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1, BLOCK 1, HENRY ADDITION, GENERALLY LOCATED AT 907 N. GOLIAD STREET, AND ZONED PLANNED DEVELOPMENT DISTRICT NO. 50 (PD-50), CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; 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 request has been made by Cindy Levandowski on behalf of the owner Terry Rowe for the approval of an amendment to Specific Use Permit (SUP) No. S-068 [Ordinance No. 09-28] to allow for a *General Retail Store* in a *Residential-Office (RO) District*, which shall also allow for the use of a *Hair Salon*, on a 0.16-acre parcel of land identified as Lot 1, Block 1, Henry Addition, generally located at 907 N. Goliad Street, and zoned *Planned Development District No. 50 (PD-50)*, City of Rockwall, Rockwall County, Texas, 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 04-38] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to amend Specific Use Permit (SUP) No. S-068 [Ordinance No. 09-28] to allow for a *General Retail Store* within Planned Development District No. 50 (PD-50), which shall also allow for the use of a *Hair Salon* on the *Subject Property*, and

Section 2. That this Specific Use Permit (SUP) Ordinance shall supersede all requirements stipulated in *Ordinance No. 09-28*, and that the *Subject Property* shall maintain compliance to all conditions and standards contained within this ordinance; and

Section 3. That the Specific Use Permit shall be subject to the conditions set forth in *Planned Development District No. 50 (PD-50) & Section 4.2, Residential Office (RO) District, of Article V, District Development Standards, of the City of Rockwall 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 additions for the *Subject Property*:

- 1) That no parking will be allowed in the SH205 right of way or in front of the building, and
- 2) That the hours of operation shall be limited between 8:00 am to 8:00 pm. each day, and
- 3) That the use for a hair salon shall be limited to a maximum of one (1) chair, and
- 4) That all signage requires a separate permit and must conform to the standards established in the North Goliad Overlay District, and
- 5) That 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 4. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

Section 5. 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 6. 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 7. 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 8. 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 4th DAY OF MAY, 2015.**



Jim Pruitt, Mayor

ATTEST:



Kristy Ashberry, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney

1st Reading: 04-20-15

2nd Reading: 05-04-15

