

**CITY OF ROCKWALL**

**ORDINANCE NO. 17-30**

**SPECIFIC USE PERMIT NO. S-168**

**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 HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) FOR AN *ANIMAL CLINIC FOR SMALL ANIMALS* IN PLANNED DEVELOPMENT DISTRICT 50 (PD-50) ON A ONE (1) ACRE PARCEL OF LAND, ADDRESSED AS 901 N. GOLIAD STREET, AND DESCRIBED AS BLOCK 26 OF THE GARDNER 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**, the City has received a request from Dr. Josh Cope of *Premiere Vet Care Animal Clinic* on behalf of the owner, David Falls, for a Specific Use Permit (SUP) allowing an *Animal Clinic for Small Animals* on a one (1) acre parcel of land zoned Planned Development District 50 (PD-50), situated within the North Goliad Corridor Overlay (NGC OV) District, addressed as 901 N. Goliad Street [*SH-205*] and identified as Block 26 of the Gardner Addition, 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 Planned Development District 50 (PD-50) [*Ordinance No. 17-19*] and 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 an *Animal Clinic for Small Animals* within a Planned Development District 50 (PD-50) as stipulated by *Ordinance No. 17-19*, and Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*] 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) [*Ordinance No. 16-15*] and Sections 4.2, *Residential*

Office (RO) District, and 6.2-1, North Goliad Corridor Overlay (NGC OV) 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 an *Animal Clinic for Small Animals* with outside storage of automobiles on the subject property at 901 N. Goliad Street [SH-205] and conformance to these stipulations are required for continued operations:

- 1) All development shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* of this ordinance, which shall be incorporated herein by reference.
- 2) The site plan for the subject property shall be subject to review by the City's Historic Preservation Advisory Board (HPAB) and Architectural Review Board (ARB) prior to consideration for approval by the Planning and Zoning Commission.
- 3) All parking shall be screened from the residential properties along Alamo Street utilizing landscaping to satisfy the screening requirements.
- 4) Headlight screening shall be required adjacent to all parking spaces. This screening shall be composed of a combination of hardscape and/or landscaping that is of a sufficient height to screen the headlights of a standard motor vehicle.
- 5) The operation of this site shall conform to all federal, state and local standards and comply with the requirements of Section 2.2, *Compliance Standards*, of this ordinance.

## 2.2 COMPLIANCE

Approval of this ordinance in accordance with Section 8.3, *Council Approval or Denial*, of Article II, *Authority and Administrative Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

- 1) Upon obtaining a Certificate of Occupancy (CO), should any business or establishment operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC), the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 4.4.(3) of Article IV, *Permissible Uses*, of the Unified Development Code (UDC).

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

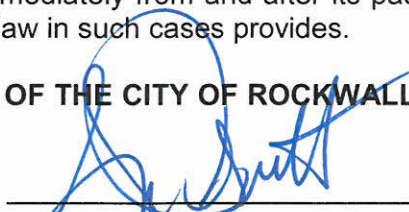
**SECTION 4.** That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

**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 of provision of this ordinance or the application of that section or provision to any person, firm, cooperation, 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 to 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 5<sup>TH</sup> DAY OF JUNE, 2017.**

  
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Jim Pruitt, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kristy Cole, City Secretary

**APPROVED AS-TO FORM:**

  
\_\_\_\_\_  
Frank J. Garza, City Attorney

1<sup>st</sup> Reading: May 15, 2017

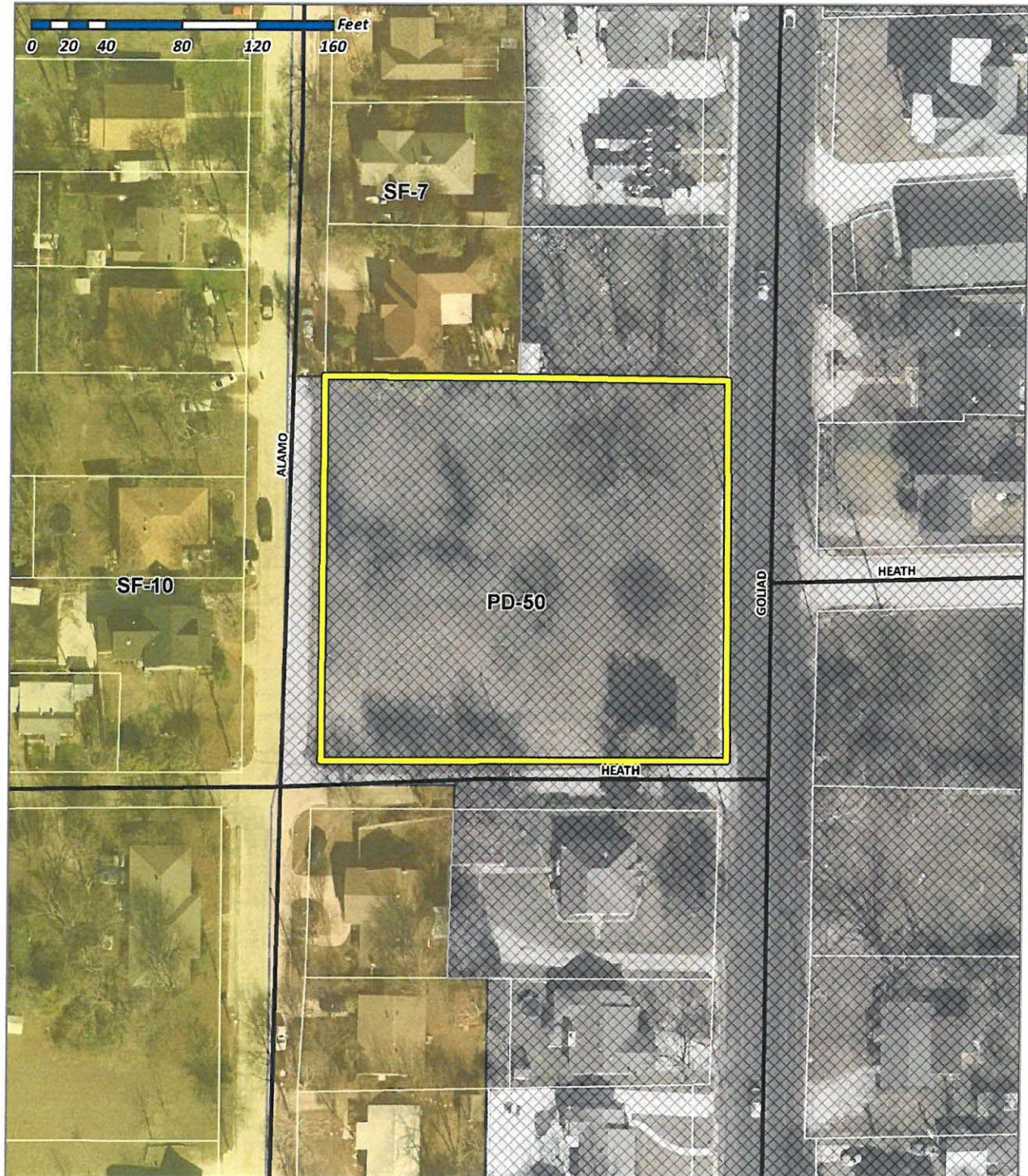
2<sup>nd</sup> Reading: June 5, 2017





**Exhibit 'A'**  
*Location Map and Legal Description*

Address: 901 N. Goliad Street  
Legal Description: Block 26 of the Gardner Addition





**Exhibit 'B'**  
*Site Plan/Concept Plan*

