

CITY OF ROCKWALL

ORDINANCE NO. 17-31

SPECIFIC USE PERMIT NO. S-169

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) RESCINDING ORDINANCE NO 12-29 (SUP NO. S-099) AND ALLOWING FOR A *RESTAURANT LESS THAN 2,000 SF WITH A DRIVE-THROUGH* WITHIN A COMMERCIAL (C) DISTRICT WITHIN THE IH-30 OVERLAY (IH-30 OV) DISTRICT, ON A 0.182-ACRE PORTION OF A LARGER 25.927-ACRE PARCEL OF LAND BEING IDENTIFIED AS LOT 6, BLOCK A, WAL-MART SUPERCENTER ADDITION, 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 Ceasar Sagovia of Rogue Architects for the approval a Specific Use Permit (SUP) rescinding *Ordinance No. 12-29 (SUP No. S-099)* and allowing for a *Restaurant Less than 2,000 SF with a Drive-Through* within a Commercial (C) District on a 0.182 acre portion of a larger 25.972-acre parcel of land identified as Lot 6, Block A, Wal-Mart Supercenter Addition, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District and addressed as 778 E. IH 30, 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 (UDC) [*Ordinance No. 04-38*] and *Ordinance No. 12-29 [S-099]* 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 approval of this ordinance shall supersede all requirements stipulated in *Ordinance No. 12-29*;

**Section 2.** 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 *Restaurant Less than 2,000 SF with a Drive-Through* within a Commercial (C) District as stipulated by Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*] on the *Subject Property*; and

**Section 3.** That the Specific Use Permit shall be subject to the conditions set forth in *Section 4.5, Commercial (C) District*; and *Section 6.6, IH-30 Overlay (IH-30 OV District)* of *Article V, District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*] as heretofore amended and as may be amended in the future, and shall be subject to the following additional

conditions:

- 1) The building shall generally conform to the concept plan and building elevations depicted in *Exhibit 'A'* and *Exhibit 'B'* of this ordinance.
- 2) Any construction or building necessary to complete this request must conform to the requirements set forth by the Unified Development Code, the International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

**Section 4.** That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

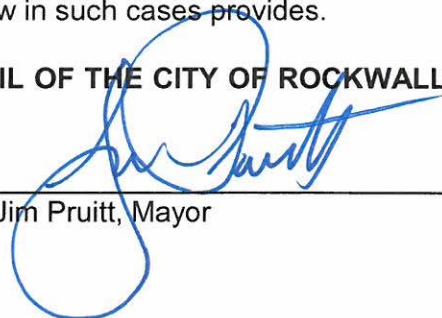
**Section 5.** That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be and the same are hereby repealed to the extent of that conflict.

**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, 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 [*Ordinance 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 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.

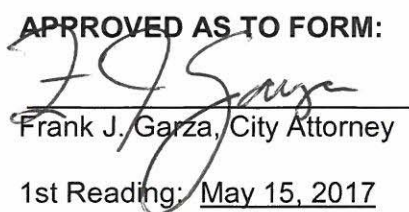
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS THE 5<sup>th</sup> DAY OF JUNE, 2017.**

  
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Jim Pruitt, Mayor

**ATTEST:**

  
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Kristy Cole, City Secretary

**APPROVED AS TO FORM:**

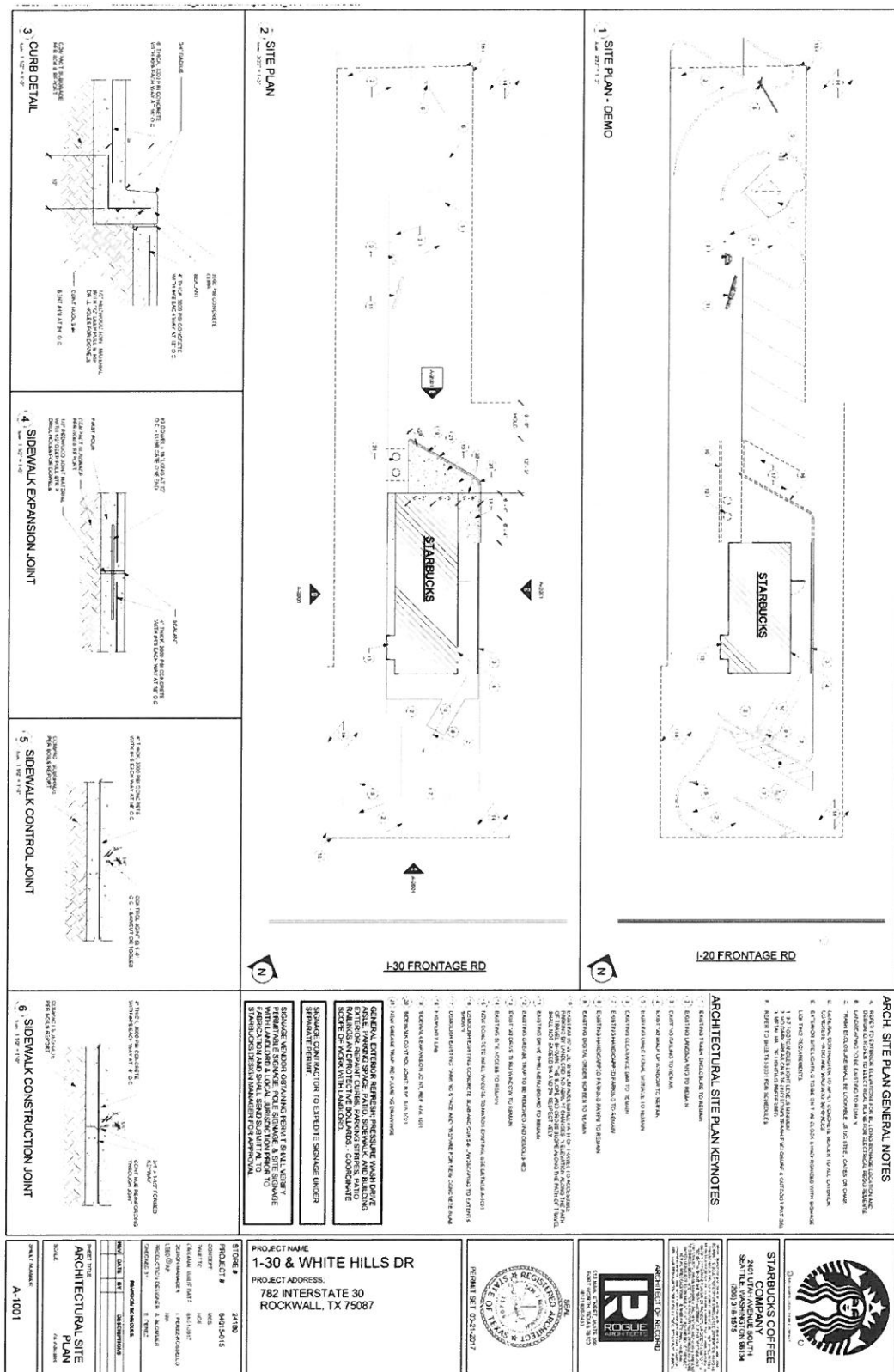
  
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Frank J. Garza, City Attorney

1st Reading: May 15, 2017

2nd Reading: June 5, 2017



# Exhibit 'A' Concept Plan



Ordinance No. 17-31; SUP # S-169