

**CITY OF ROCKWALL**

**ORDINANCE NO. 17-40**

**SPECIFIC USE PERMIT NO. S-172**

**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) TO ALLOW FOR A GENERAL RETAIL STORE IN PLANNED DEVELOPMENT DISTRICT 50 (PD-50), ON A 0.183-ACRE PARCEL OF LAND BEING IDENTIFIED AS LOT 1, BLOCK A, ROCKWALL RUSTIC RANCH 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**, the City has received a request from Calise Barraque of the Mint Julep on behalf of Caprice Michelle of Rockwall Rustic Ranch, LLC for the approval of a Specific Use Permit (SUP) to allow for a *General Retail Store* in Planned Development District 50 (PD-50) on a 0.183-acre parcel of land being described as Lot 1, Block A, Rockwall Rustic Ranch Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50), addressed as 406 N. Goliad Street, and being more specifically depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated 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*] and Planned Development District 50 (PD-50) [*Ordinance No. 17-19*] 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 a *General Retail Store* within Planned Development District 50 (PD-50) as stipulated by Planned Development District 50 (PD-50) [*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 Specific Use Permit (SUP) shall be subject to the conditions set forth in *Section 1, Land Use Schedule*, of Article IV, *Section 2.1.6, Retail and Personal Service Use Conditions*, of Article IV, *Permissible Uses*, and *Planned Development District 50 (PD-50)* [*Ordinance No. 17-19*] 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 additional Operational Conditions.

## **2.1 OPERATIONAL CONDITIONS**

- 1) Incidental display and outside storage shall be strictly prohibited on this property.
- 2) The sale of new clothing shall generally conform to the area indicated in the zoning exhibit depicted in *Exhibit 'B'*.
- 3) The sale of new clothing shall not exceed 200 SF.
- 4) The sale of used clothing shall be prohibited.

## **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 be corrected to reflect the changes in zoning described herein.

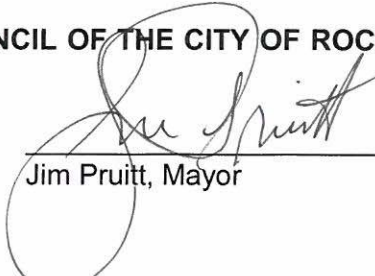
**SECTION 4.** That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

**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 7<sup>TH</sup> DAY OF AUGUST, 2017.

  
\_\_\_\_\_  
Jim Pruitt, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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



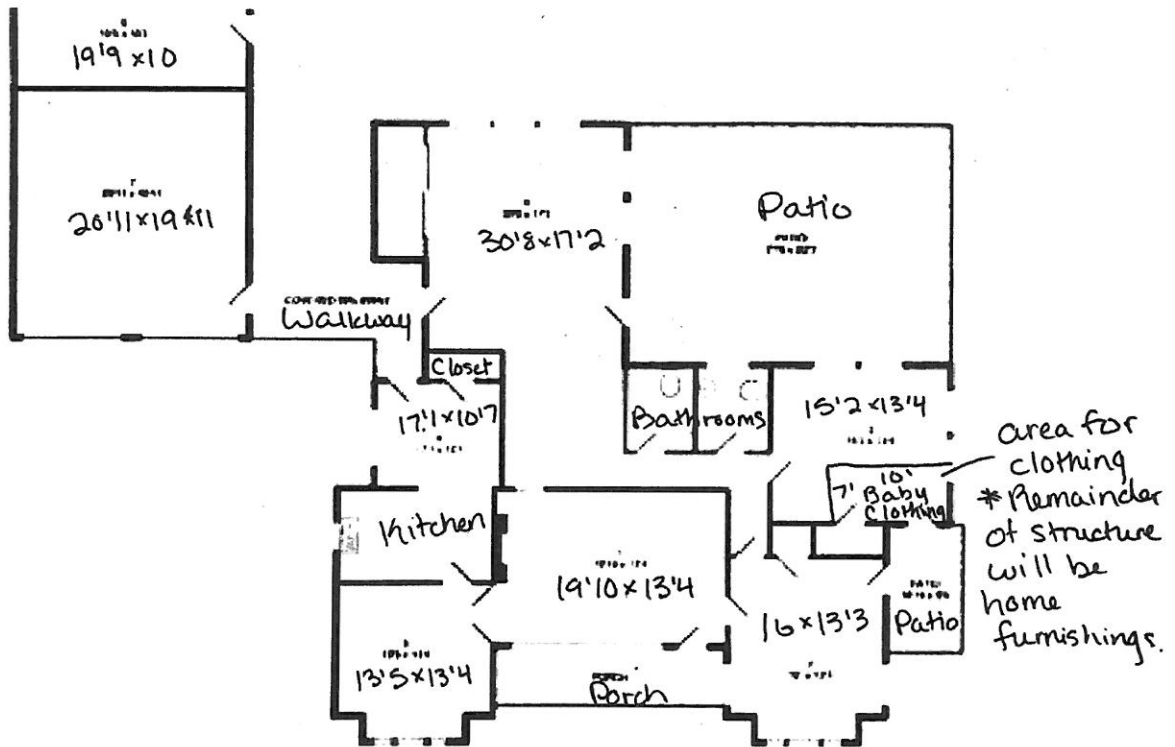
1<sup>st</sup> Reading: July 17, 2017

2<sup>nd</sup> Reading: August 7, 2017

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



Exhibit 'B':  
Zoning Exhibit



AS IS - 406 Goliad Rockwell  
 without warranty, drawings for these made to ensure the accuracy of the floor plan contained here, all measurements and features are approximate and no representation, or statement. This plan is for illustrative purposes only and should not be relied upon.

406 N. Goliad - The Mint Julep