

ORDINANCE NO. 01-19

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO GRANT A CONDITIONAL USE PERMIT FOR A STRUCTURE NOT MEETING THE EXTERIOR MATERIALS REQUIREMENTS ON A TRACT OF LAND DESCRIBED HEREIN; 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 Conditional Use Permit for a structure not meeting the exterior materials requirements for the Commercial ("C") zoning district has been requested by Bill Bradshaw on a tract of land at 907 South Goliad and further described on Exhibit "A"; 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 Comprehensive Zoning Ordinance 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 Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Conditional Use Permit for an accessory structure not meeting the exterior materials requirements on the property located at 907 South Goliad and further described on Exhibit "A" attached hereto and made a part hereof.

Section 2. That the Conditional Use Permit shall be subject to the following conditions:

1. Any temporary power poles will be removed on the date of, or immediately following, the termination date of the conditional use permit.

2. The trailer shall be removed from the property on or immediately following October 1, 2001 the date set for the closing of the stand.
3. No additional free-standing signage will be permitted.
4. The trailer and structure (if used) must meet all health and building codes of the city.
5. Any change of the use authorized under the issuance of this CUP must be approved by the Planning and Zoning Commission.
6. This CUP must be renewed by separate application annually.

That the above described tract of land shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Rockwall as heretofore amended, as amended herein by granting of this Conditional Use Permit and as may be amended in the future.

Section 3. 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 4. 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 5. 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 Comprehensive Zoning Ordinance No. 83-23 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 6. 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.

DULY PASSED AND APPROVED this 7th day of May, 2001.

Belinda Page
ATTEST

1st Reading 4.16.01

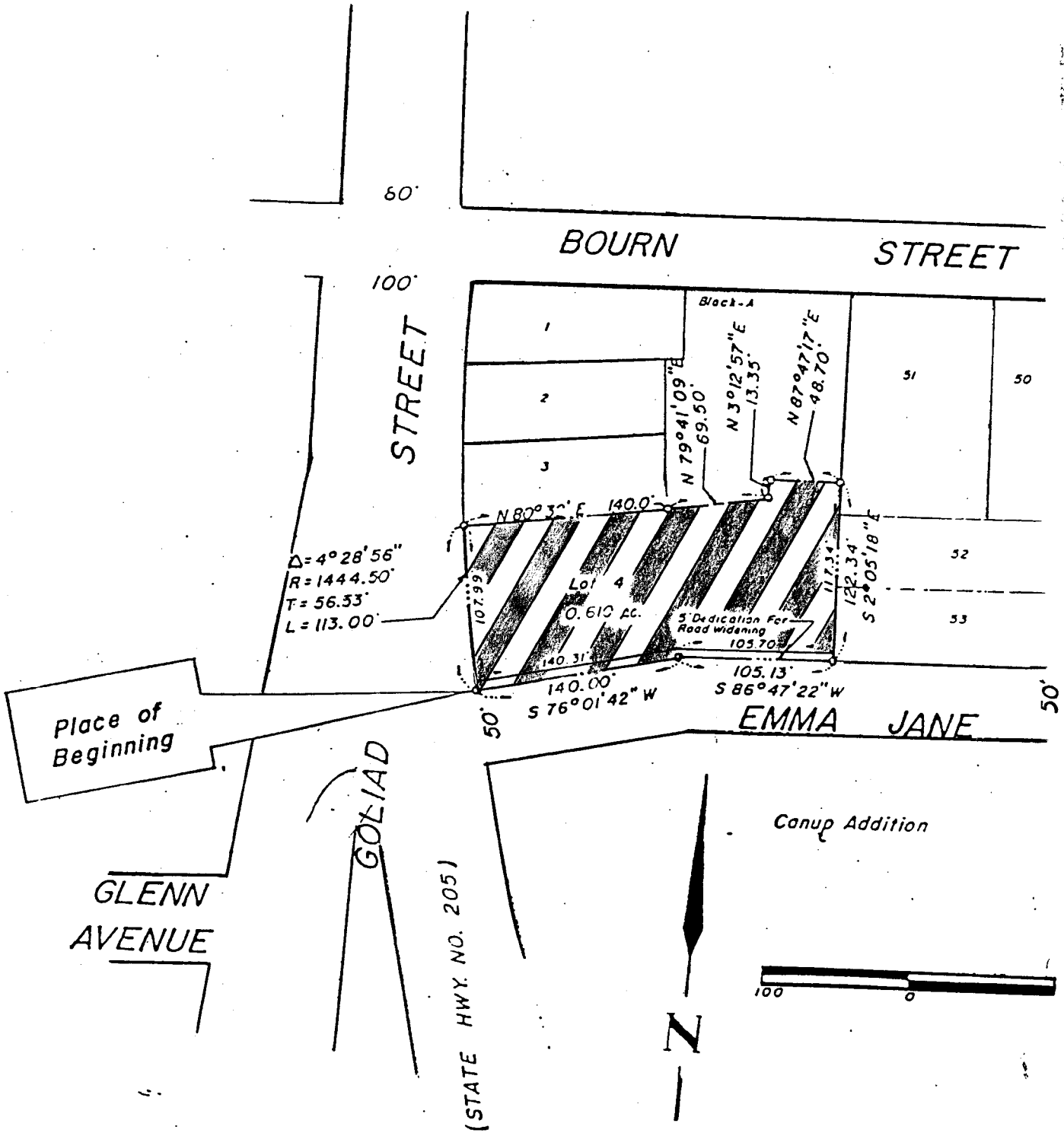
2nd Reading 5.07.01

Scott L. Self

APPROVED



EXHIBIT "A"



The Ice Train

149 Skyview
Point, Texas 75472

March 15, 2001

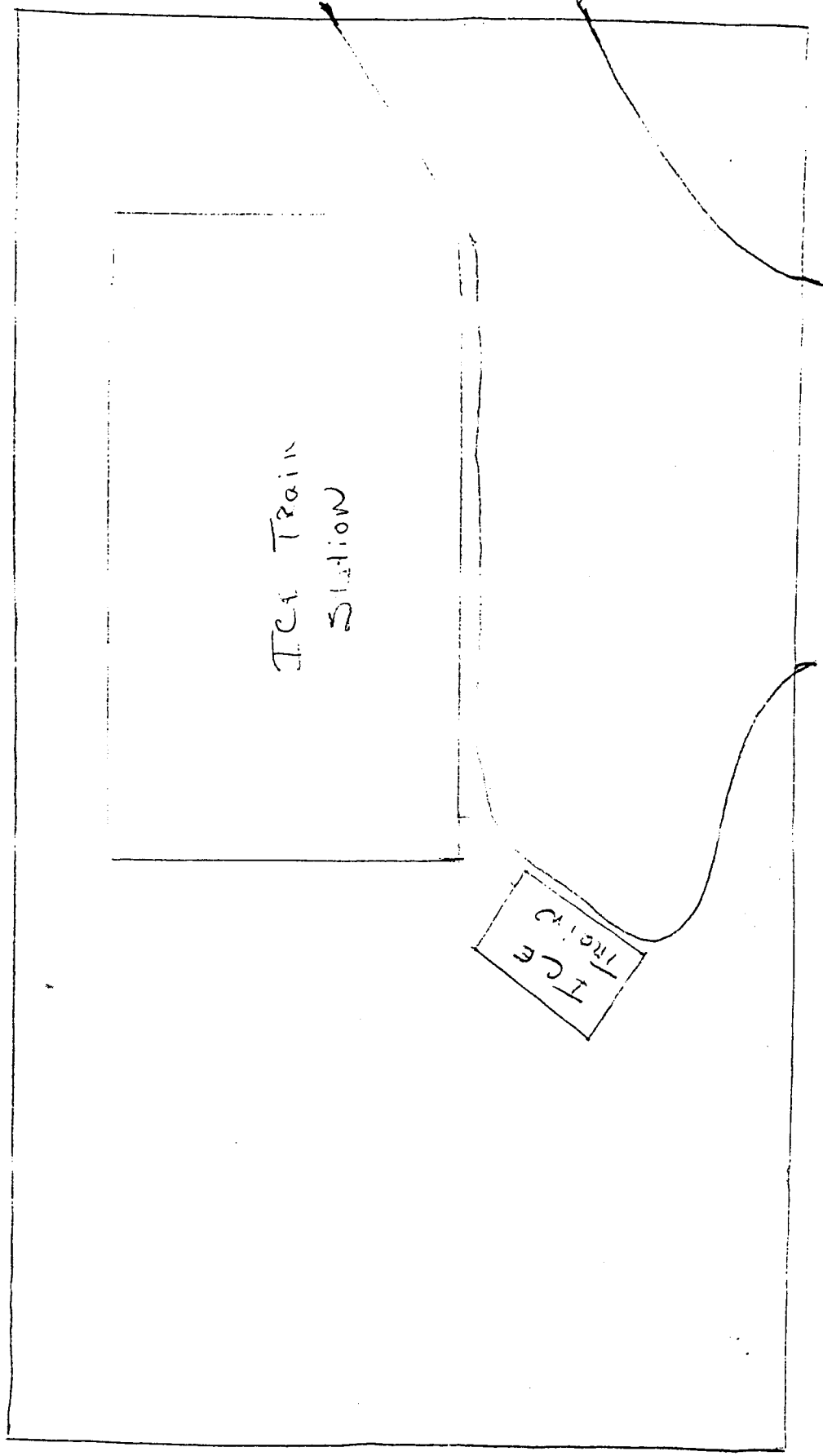
Dear Zoning and Planning Commission:

We would like to open a shaved ice stand at 709 S. Goliad. We would also like to use the existing building for seating. We have been doing this business for two years and it has come to our attention that many people prefer their children not to have a snow cone in their car. We would paint the building and decorate it in a simple style. We would also put up No-Smoking or Loitering signs inside the seating area to maintain a level of comfort for our customers for the short time they are there. We would also have trash receptacles at each side of the door to maintain cleanliness in and around the area. Attached is a simple drawing of how we would like to set the stand to maintain control and a visual of the seating area at all times.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenda Bill Bradshaw". The signature is fluid and cursive, with the first name "Glenda" being the most prominent.

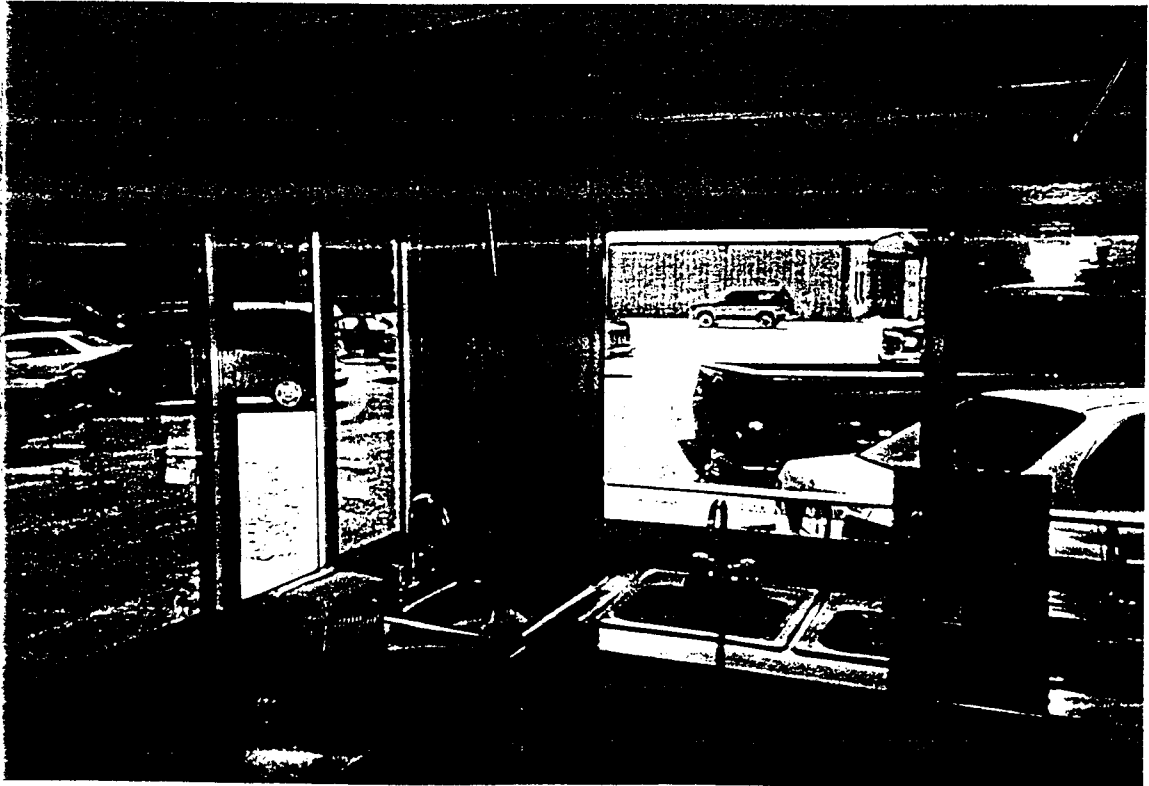
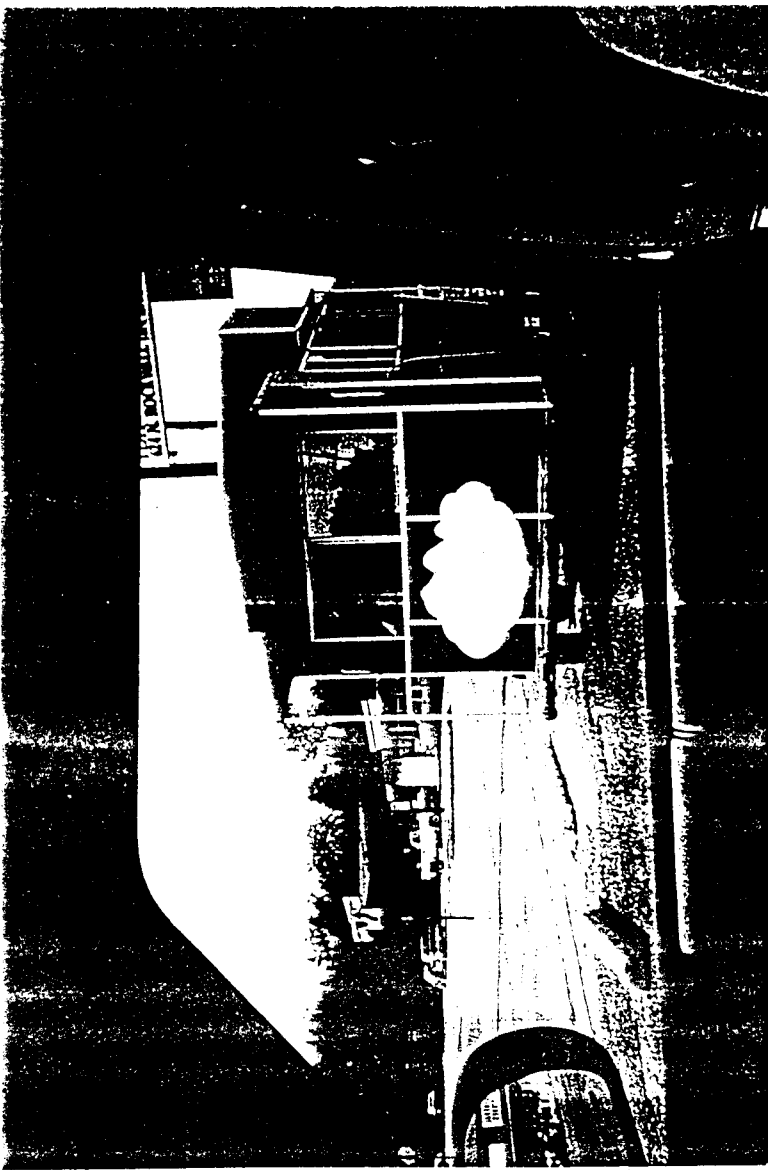
Bill & Glenda Bradshaw
Owners & Operators

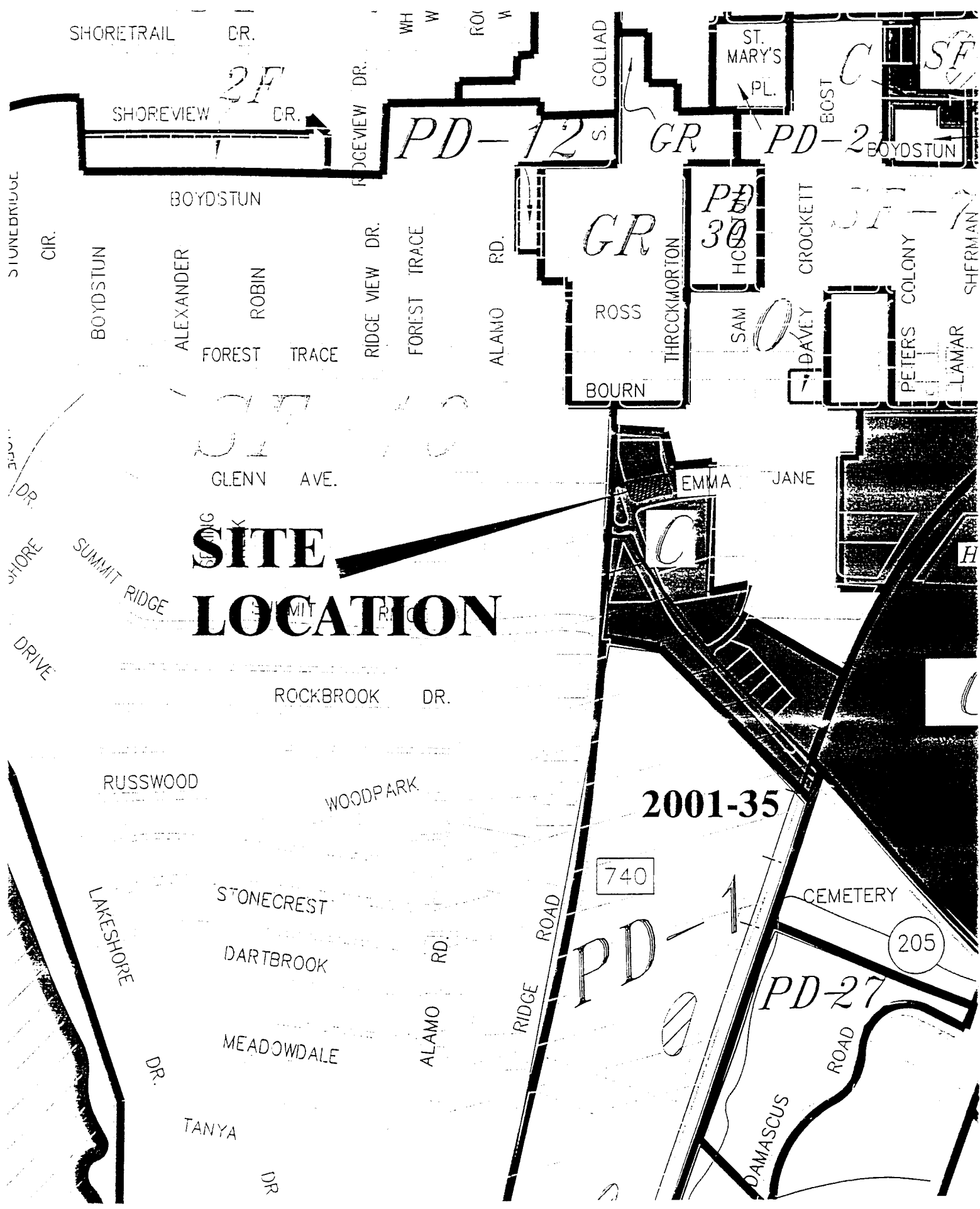


ICE Train
Station

ICE
TREATMENT

Goliad





SITE LOCATION

2001-35

740

205

PD-12

GR

PD-2

GR

PD 30
HCS

ST-7

THROCKMORTON

CROCKETT

PETERS COLONY

LAMAR

SHERMAN

ROSS

SAM

DAVEY

BOURN

EMMA

JANE

ROCKBROOK DR.

RUSSWOOD

WOODPARK

STONECREST

DARTBROOK

MEADOWDALE

TANYA

LAKESHORE

DR.

DR.

ALAMO RD.

RIDGE ROAD

DAMASCUS

ROAD

PD-27

CEMETERY

SHORETRAIL DR.

SHOREVIEW DR.

EDGEVIEW DR.

WH W
FOX W

GOLIAD

ST. MARY'S PL.

ECST

BOYDSTUN

BOYDSTUN

BOYDSTUN

ALEXANDER

ROBIN

FOREST TRACE

RIDGE VIEW DR.

FOREST TRACE

ALAMO RD.

STONEBRIDGE

CIR.

LAUREL

DR.

SHORE

DRIVE

SUMMIT RIDGE

ST-10

GLENN AVE.

ROCKBROOK

2001-35

740

205

PD-12

GR

PD-2

GR

PD 30
HCS

ST-7

THROCKMORTON

CROCKETT

PETERS COLONY

LAMAR

SHERMAN

ROSS

SAM

DAVEY

BOURN

EMMA

JANE

ROCKBROOK DR.

RUSSWOOD

WOODPARK

STONECREST

DARTBROOK

MEADOWDALE

TANYA

LAKESHORE

DR.

DR.

ALAMO RD.

RIDGE ROAD

DAMASCUS

ROAD

PD-27

CEMETERY