

01-36

ORDINANCE NO. ~~0137~~

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 John Shirey on a tract of land located at 1903 South Goliad known as J.J. Jones Abstract; Block A875; Lot 1 and further described on Exhibit A attached hereto and made a part hereof; 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 1903 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. The trailer shall cease being for used for concession on or immediately following October 1, 2001 and removed from the front parking area of the lot.
2. A site plan indicating the location of the trailer be submitted.
3. No additional free-standing signage will be permitted.
4. The trailer must meet all health and safety codes of the city.
5. An electrical permit must be obtained prior to the trailer being connected to any electric source.

6. That the trailer not be located in any part of the fire lane.

7. This conditional use permit 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 6th day of August, 2001.

[Handwritten Signature]

APPROVED



Blenda Page
ATTEST

1st Reading 07/16/01

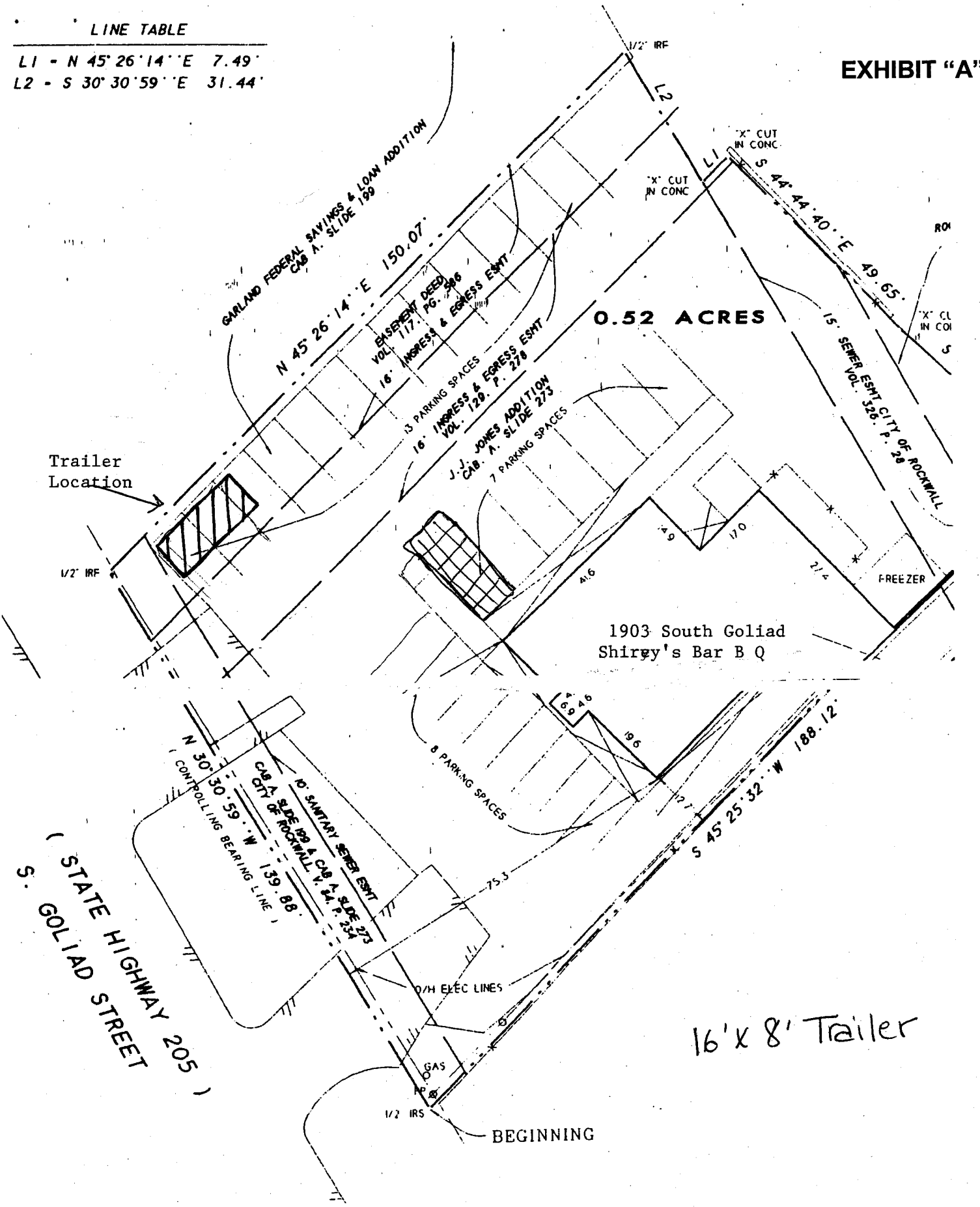
2nd Reading 08/10/01

01-56-CUP - 1903 S. Goliad - Shirey's Temporary
Concession Trailer

LINE TABLE

L1 - N 45° 26' 14" E 7.49'
L2 - S 30° 30' 59" E 31.44'

EXHIBIT "A"



0.52 ACRES

1903 South Goliad
Shirry's Bar B Q

16' x 8' Trailer

EXHIBIT "A"

2001-56