

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 02-25

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 TEMPORARY PORTABLE BEVERAGE SERVICE FACILITY ON A TRACT OF LAND AT THE NORTHEAST CORNER OF SH 205 AND EMMA JANE AND BEING MORE FULLY 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; AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, A Conditional Use Permit for a temporary use of a portable beverage service facility 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 a temporary beverage service facility 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. The beverage service shall be limited to a snow cone stand.

2. The time limit of such temporary use shall be May 6 through September 15, 2002.
3. Any temporary power poles will be removed on the date of or immediately following, the termination date of the permit.
4. No additional freestanding signage shall be permitted.
5. The temporary portable structure/trailer shall meet all health and City electrical codes.
6. The temporary facility shall not reduce the number of required parking spaces of any nearby building or use.
7. The temporary facility shall have permanent restrooms for employees available within 300 feet of the portable beverage service facility. Written permission from the permanent buildings owner for restroom use must be submitted to the building official; no portable restroom facility is allowed.
8. Any such temporary facility shall be located on an all-weather (asphalt or concrete) parking surface with adequate space for parking and circulation, unless a variance has been approved.

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 are, and the same are hereby repealed to the extent of that conflict.

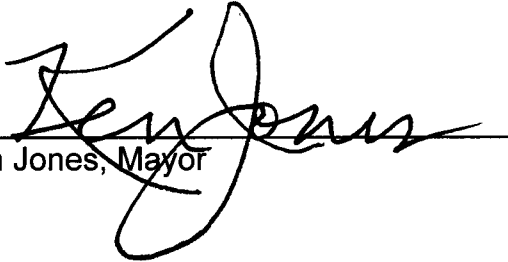
Section 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

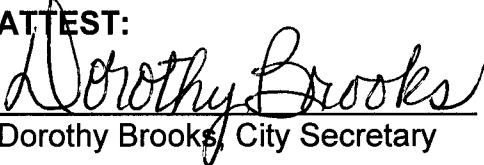
Section 5. If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance 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

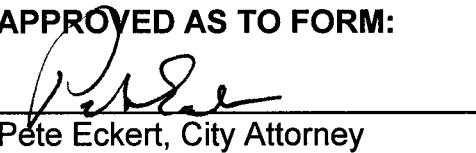
the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable.

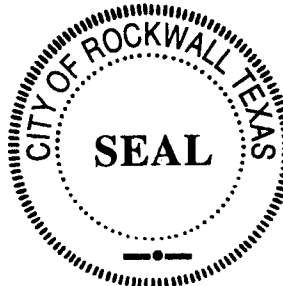
Section 6. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 6th day of May, 2002.


Ken Jones, Mayor

ATTEST:

Dorothy Brooks, City Secretary

APPROVED AS TO FORM:

Pete Eckert, City Attorney



1st Reading: 04/15/02

2nd Reading: 05/06/02

EXHIBIT "A"

