

CITY OF ROCKWALL

ORDINANCE NO. 04-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A CONDITIONAL USE PERMIT TO ALLOW A TEMPORARY PORTABLE BEVERAGE SERVICE FACILITY ON A TRACT OF LAND KNOWN AS LOT 1, BLOCK 1, CATFISH ADDITION, LOCATED AT 568 EAST I-30; 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 temporary portable beverage service facility within the "C" Commercial District has been requested by Vicki Bradley for the property known as Lot 1, Block 1, Catfish Addition; located at 568 East I-30, City and County of Rockwall, Texas; 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 portable beverage service facility within the "C" Commercial District, requested by Vicki Bradley for the property known as Lot 1, Block 1, Catfish Addition; located at 568 East I-30, City and County of Rockwall, Texas; and

Section 2. That the Conditional Use Permit shall be subject to the conditions set forth in § 8.8 Temporary Uses of the City of Rockwall Comprehensive Zoning Ordinance (Ord. No. 83-23) as follows:

1. The beverage service shall be limited to a snow cone stand for consumption on or near the premises.

2. The time limit of such temporary use shall be April 1, 2004 through September 1, 2004.
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 & 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 building's owner for restroom use must be has submitted to the building official; no portable restroom facility is allowed.
8. Variance is approved by City Council to the requirement that any such temporary facility shall be located on an all-weather (asphalt or concrete) parking surface with adequate space for parking and circulation.

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.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
ROCKWALL, TEXAS, this 5th day of April, 2004.

ATTEST:

Dorothy Brooks
Dorothy Brooks, City Secretary

APPROVED AS TO FORM:

Pete Eckert
Pete Eckert, City Attorney

First Reading: March 15, 2004

Second Reading: April 5, 2004

Ken Jones
Ken Jones, Mayor

