

CITY OF ROCKWALL

ORDINANCE NO. 04-33

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 DRIVE-THROUGH WINDOW AS AN ACCESSORY TO A RESTAURANT ON A TRACT OF LAND KNOWN AS LOT 2A, BLOCK A, BRAUM'S ADDITION; 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 drive-through window as an accessory to a restaurant within the "GR" General Retail District has been requested by John McKenzie for the property known as Lot 2A, Block A, Braum's Addition; 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 drive-through window as an accessory to a restaurant within the "GR" General Retail District as requested by John McKenzie for the property known as Lot 2A, Block A, Braum's Addition; City and County of Rockwall, Texas; and

Section 2. That the Conditional Use Permit shall be subject to the conditions set forth in **§ 2.11 General Retail District** of the City of Rockwall Comprehensive Zoning Ordinance (Ord. No. 83-23) as heretofore amended and as may be amended in the future, and shall be subject to the additional following additions:

1. Approval of the replat for Lot 2A, Block A, Braum's Addition (P2004-012) and site plan for Chicken Express (SP2004-004) associated with the conditional use permit request are required.

2. Installation of living screen as shown on landscape plan in addition to preserving the living screen as exists on the adjacent Pebblebrook Apartments property.

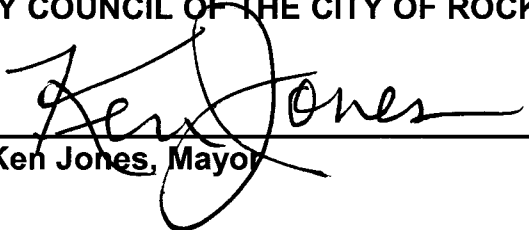
Section 3. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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 3rd day of May, 2004.



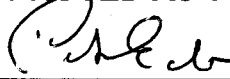
Ken Jones, Mayor

ATTEST:

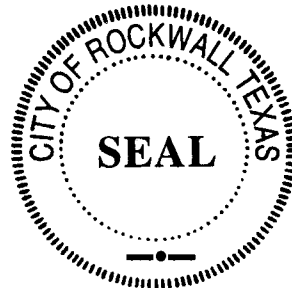


Dorothy Brooks, City Secretary

APPROVED AS TO FORM:

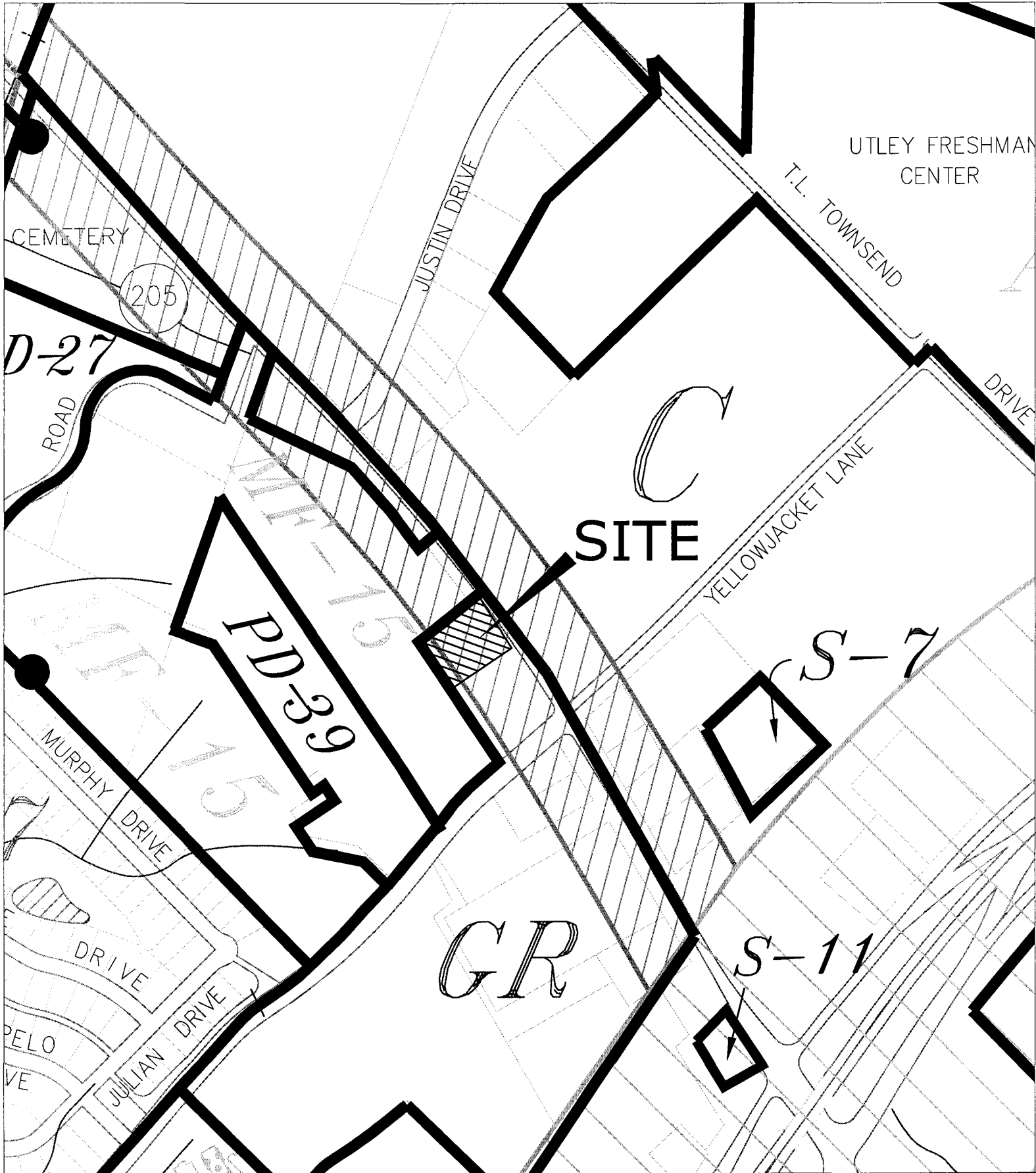


Pete Eckert, City Attorney



1st Reading: April 19, 2004

2nd Reading: May 3, 2004



● 2004-012 / SP2004-004 / Z2004-015
 Chicken Express
 (CUP for Drive-Through Window as an
 accessory to a restaurant)



1" = 400'