

CITY OF ROCKWALL

ORDINANCE NO. 04-46

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT ALLOWING FOR A RESTAURANT OF LESS THAN 2,000 SQUARE FEET WITHIN (PD-50) PLANNED DEVELOPMENT NO. 50 DISTRICT, ON A TRACT OF LAND KNOWN AS LOT 8, BARNES ADDITION AND LOCATED AT 804 N. GOLIAD STREET; 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 Specific Use Permit for a restaurant of less than 2,000 square feet within the (PD-50) Planned Development No. 50 District has been requested by Rhonda Davis of Bon Appetit on the property known as Lot 8, Barnes Addition and located at 804 N. Goliad Street; 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 Specific Use Permit for a restaurant of less than 2,000 square feet within the (PD-50) Planned Development No. 50 District on the property known as Lot 8, Barnes Addition and located at 804 N. Goliad Street; City and County of Rockwall, Texas; and

Section 2. That the Specific Use Permit shall be subject to the conditions set forth in the City of Rockwall Comprehensive Zoning Ordinance (Ord. No. 04-38) as heretofore amended and as may be amended in the future, and shall be subject to the following additional conditions:

1. Proposed restaurant shall not exceed 2,000-sf in area and shall not feature a drive-thru or drive-in.
2. Submittal and approval of a detailed site plan prior to issuance of any building permit.
3. Submittal and approval of a replat of the subject tract to designate mutual access easement(s), right-of-way dedication, etc.
4. Site plan and building elevations shall be subject to review and recommendation by the Historic Preservation Advisory Board.
5. The hours of operation for the restaurant shall be limited to between 7:00 a.m. and 9:00 p.m.
6. The SUP shall be deemed expired under either of the following circumstances:
 - a. A building permit for the proposed restaurant use is not obtained within one (1) year of the date of approval of the SUP by City Council, or
 - b. The restaurant use ceases to exist for a period of six (6) months or more.

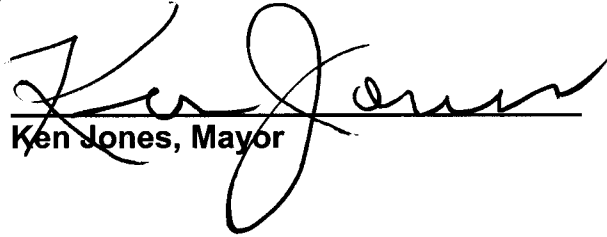
Section 3. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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.

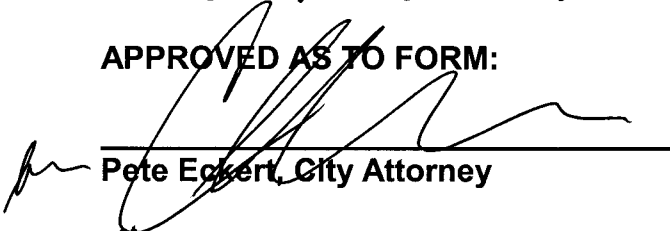
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
ROCKWALL, TEXAS, this 2nd day of August, 2004.


Ken Jones, Mayor

ATTEST:

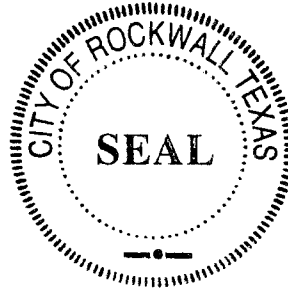

Dorothy Brooks, City Secretary

APPROVED AS TO FORM:

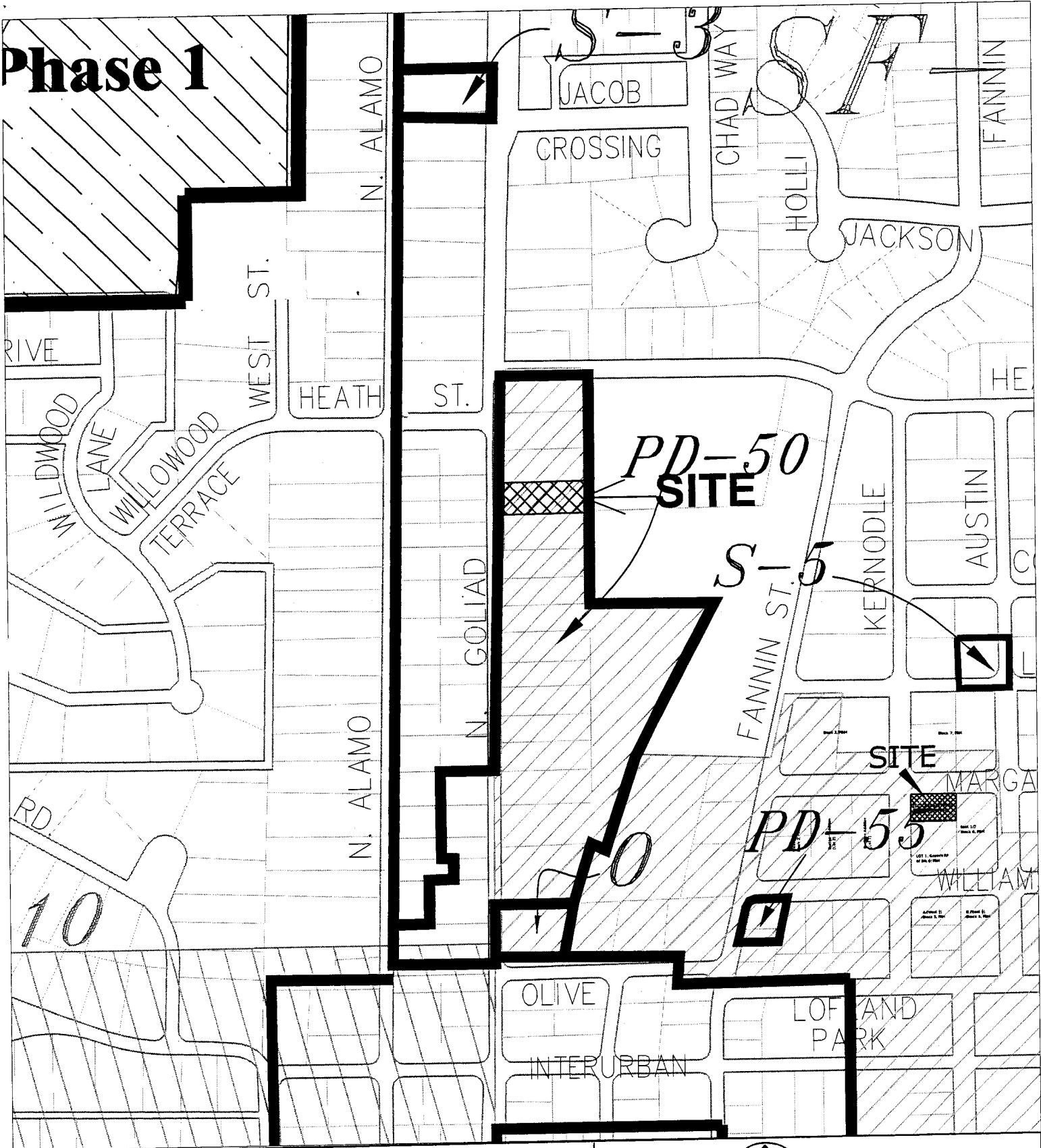

Pete Eckert, City Attorney

1st Reading: July 19, 2004

2nd Reading: August 2, 2004



Phase 1



Z2004-023
 Bon Appetit
 804 North Goliad



1" = 300'

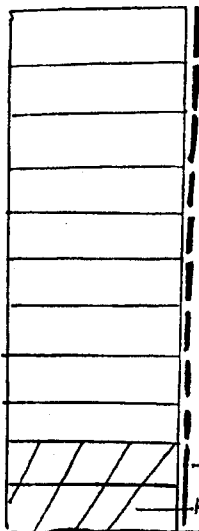
Parking with Changes

BACK



TREE LINE
BACKING END
OF YARD

extends 10 FT PAST
TREES



OPEN AREA

MOVE TO CENTER

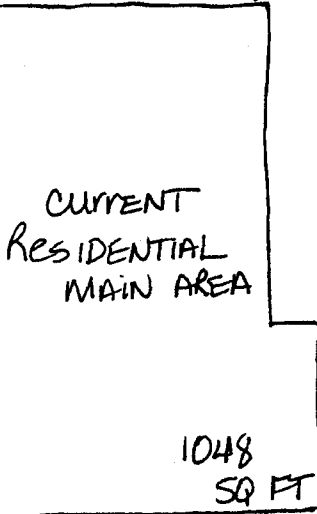
HANDICAPPED

POSSIBLE
FUTURE SHARED
PARKING



TREES

DIRT DRIVE



CURRENT
RESIDENTIAL
MAIN AREA

1048
SQ FT

100 SQ FT ← COVERED
PORCH

BACK YARD ACCESS

EXIT

FRONT

ENTRANCE

804 N. GOLIAD