

CITY OF ROCKWALL

ORDINANCE NO. 05-15

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A TEMPORARY PORTABLE BEVERAGE SERVICE FACILITY ON A TRACT OF LAND KNOWN AS LOTS 4 AND 5, CANUP ADDITION, LOCATED AT 907 S. GOLIAD; 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 temporary portable beverage service facility within the "C" Commercial District has been requested by Bill and Glenda Bradshaw for the property known as Lots 4 and 5, Canup Addition; located at 907 S. Goliad, 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 Unified Development Code 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 Unified Development Code 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 has been requested by Bill and Glenda Bradshaw for the property known as Lots 4 and 5, Canup Addition; located at 907 S. Goliad, 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 6, 2005 through September 6, 2005.
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.
9. Drive-through window is permitted as previously utilized by the applicant.

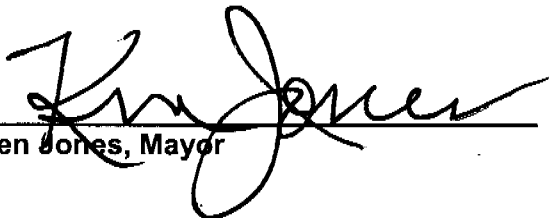
Section 3. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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 Unified Development Code No. 04-38 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 4th day of April, 2005.




Ken Jones, Mayor

ATTEST:



Dorothy Brooks, City Secretary

APPROVED AS TO FORM:



Pete Eckert, City Attorney

1st Reading: March 21, 2005
2nd Reading: April 4, 2005

Advertising Receipt

Rockwall County News

316 S Goliad, Ste 107
PO BOX 819
Rockwall, TX 75087
Phone: 972-722-3099
Fax: 972-722-3096

ROCKWALL, CITY OF-LEGALS ®
ATTN: DOROTHY BROOKS
385 SOUTH GOLIAD
ROCKWALL, TX 75087

Cust#: 01100978-000
Ad#: 17527750
Phone: (972)771-7700
Date: 06/17/05

Ad taker: 15 **Salesperson:** 6 **Classification:** 001

Description	Start	Stop	Ins.	Cost/Day	Surcharges	Total
09 ROCKWALL COUNTY NEWS	06/22/05	06/22/05	1	63.00		63.00

Payment Reference:

L# 223127, ORD 15-15

Total: 63.00
Tax: 0.00
Net: 63.00
Prepaid: 0.00

Total Due 63.00

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/s/ Ken Jones, Mayor

/s/ Dorothy Brooks, City Secretary

1st Reading: March 21, 2005

2nd Reading: April 4, 2005

PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared Michael Gresham, who being by me duly sworn deposes and says that he is the Publisher of *Rockwall County News* and that said newspaper meets the requirements of Section 2051.044 of the Texas Government Code, to wit:

1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published;
4. it has been published regularly and continuously since 1985; and
5. it is generally circulated within Rockwall County.

Clipping (s)

Publisher further deposes and says that the attached notice was published in said newspaper on the following date(s) to wit:

June 22nd A.D. 2005

Michael Gresham
Editor and Publisher

SUBSCRIBED AND SWORN BEFORE ME

by Michael Gresham, who

- a) is personally known to me, or
 b) provided the following evidence to establish his/her identity. _____

on the 23rd day of June, A.D. 2005
to certify which witness my hand and seal of office.

Patricia A. Shaw

Notary Public, State of Texas

