

CITY OF ROCKWALL

ORDINANCE NO. 07-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE, 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 Ashley Byrd of Ice Train 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 Specific Use Permit for a temporary portable beverage service facility within the "C" Commercial District 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 Specific Use Permit shall be subject to the conditions set forth in Article IV, Section 2.1.6 of the City of Rockwall Unified Development Code, and with the following conditions:

1. The Ice Train temporary portable beverage facility shall operate between May 1st and September 30th of 2007 and each year hereafter, until such time that property conditions change (e.g. SH205

widening), which shall warrant additional review of the SUP by the P&Z and City Council. Until that time, the SUP shall be renewed on an annual basis via submittal and approval of building and/or health permits.

2. The beverage service shall be limited to a snow cone stand for consumption on or near the premises.
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 (no portable restroom facility is allowed).
8. The SUP includes a variance for the temporary facility to be located on a non-all-weather surface, as utilized in previous years.
9. Drive through to be permitted as utilized by the applicant in the past.

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 2nd day of April, 2007.

William R. Cecil
William R. Cecil, Mayor

ATTEST:

Dorothy Brooks
Dorothy Brooks, TRMC, City Secretary

APPROVED AS TO FORM:

Pete Eckert
Pete Eckert, City Attorney



1st Reading: 03-19-07

2nd Reading: 04-02-07

Advertising Receipt

Terrell Tribune
Rockwall County News
150 9th Street, P.O. Box 669
Terrell, TX 75160
Phone: (972) 563-6476
Fax: (972) 563-0340

ROCKWALL, CITY OF-LEGALS ®
c/o Dorothy Brooks, City Secretary
385 SOUTH GOLIAD
ROCKWALL, TX 75087

Cust#: 01100978-000
Ad#: 05505289
Phone: (972)771-7700
Date: 04/04/07

Ad taker: 11 **Salesperson:** 6 **Classification:** 001

Description	Start	Stop	Ins.	Cost/Day	Surcharges	Total
02 ROCKWALL COUNTY NEWS	04/12/07	04/12/07	1	48.00		48.00

Payment Reference:

LG#316373
Ordinance #07-11
per Dorothy Brooks

Total: 48.00
Tax: 0.00
Net: 48.00
Prepaid: 0.00

Total Due 48.00

PUBLISHER'S AFFIDAVIT

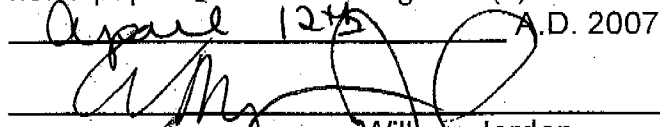
THE STATE OF TEXAS
COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared William Jordan, who being by me duly sworn deposes and says the he is the Publisher of **The Rockwall County News** and the 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.

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

April 12th A.D. 2007



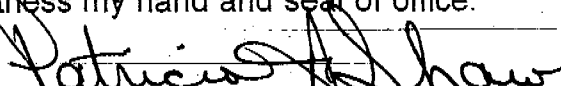
William Jordan
Editor and Publisher

SUBSCRIBED AND SWORN BEFORE ME

by William Jordan who

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

on the 13th day of April, A.D. 2007
to certify which witness my hand and seal of office.



Notary Public, State of Texas



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/s/ William R. Cecil, Mayor
/s/ Dorothy Brooks, TRMC,
City Secretary
1st Reading: 03-19-07
2nd Reading: 04-02-07