

CITY OF ROCKWALL

ORDINANCE NO. 09 - 18

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 LOT 1 AND THE NW PART OF BLOCK A, CANUP ADDITION, LOCATED AT 901 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 Lot 1 and the NW part of Block A, Canup Addition; located at 901 S. Goliad, situated at the southeast corner of South Goliad (SH 205) and Bourn Street, and more specifically described in Exhibit "A" attached herein; 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 Lot 1 and the NW part of Block A, Canup Addition; located at 901 S. Goliad, situated at the southeast corner of South Goliad (SH 205) and Bourn Street, and more specifically described in Exhibit "A" attached herein; 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 and each year hereafter, until such time that property conditions change (e.g. new owner), 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 (e.g. gravel).

Section 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

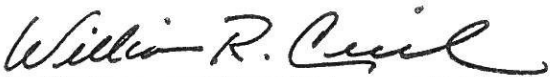
Section 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

Section 5. 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 6. 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.

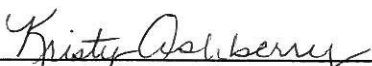
Section 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 6th day of April, 2009.



William R. Cecil, Mayor

ATTEST:



Kristy Ashberry, City Secretary

APPROVED AS TO FORM:



Pete Eckert, City Attorney



1st Reading: 03-16-09

2nd Reading: 04-06-09

Exhibit "A"

All that certain lot, tract or parcel of land situated in the B. J. T. LEWIS SURVEY, ABSTRACT NO. 223, City of Rockwall, Rockwall County, Texas, and being all of Lot 1, and a part of Block A, of R.F. CANUP SUBDIVISION, an Addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Volume 39, Pages 244 and 245 of the Deed Records of Rockwall County, Texas, and being all of that 0.283 acres tract of land as described in a Warranty Deed from Elizabeth Sears to Jerry LaRue and wife, Ann LaRue, dated April 25, 1996 and being recorded in Volume 1110, Page 053 of the Real Property Records of Rockwall County, Texas, and being more particularly described as follows:

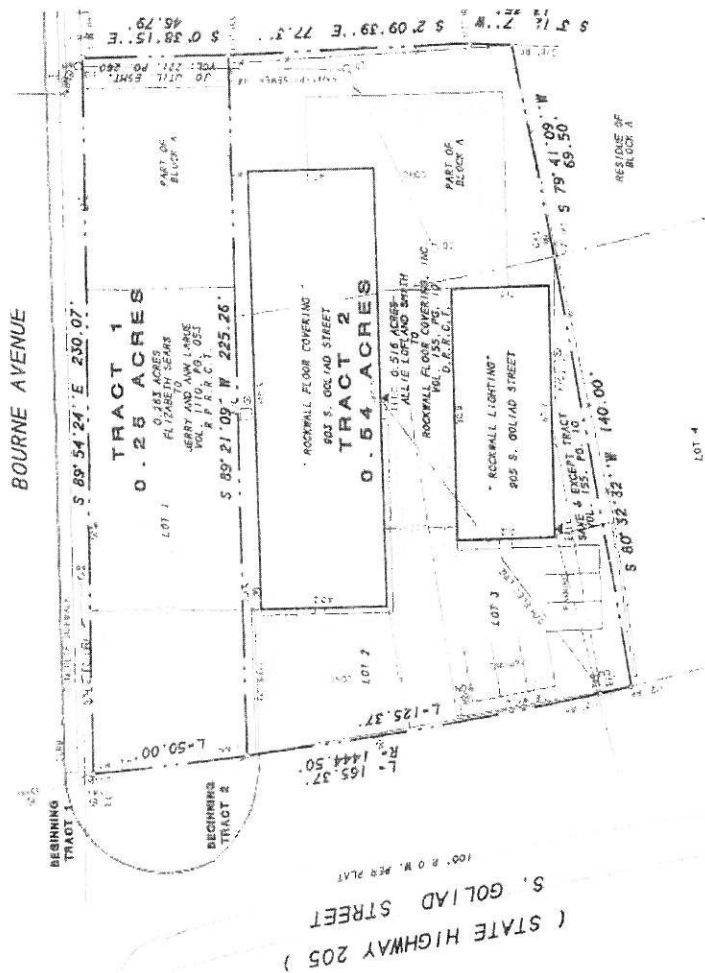
BEGINNING at a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner at the intersection of the South right-of-way line of Bourne Avenue (50' R.O.W.) and the East right-of-way line of S. Goliad Street (State Highway 205) said point being at the Northwest corner of said Lot 1 and said 0.263 acres tract:

THENCE S. 89 deg. 54 min. 24 sec. E. along the South right-of-way line of Bourne Avenue, at 150.00 feet pass the Northeast corner of Lot 1, and continuing for a total distance of 230.07 feet to a 3/8" iron rod found in concrete for corner at the Northeast corner of said 0.283 acres tract.

THENCE S. 00 deg. 39 min. 15 sec. E. a distance of 46.79 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 3334" set for corner at the Southeast corner of said 0.283 acres tract and at the Northeast corner of Rockwall Floor Covering, Inc. tract:

THENCE S. 89 deg. 21 min. 09 sec. W. a distance of 225.26 feet to a 1" iron pipe found for corner in the East right-of-way line of State Highway 205 (S. Goliad Street) at the Southwest corner of said Lot 1.

THENCE in a Northwesternly direction along a curve to the right having a central angle of 01 deg. 58 min. 20 sec., a radius of 1444.50 feet, a tangent of 23.00 feet, a chord of N. 05 deg. 08 min. 25 sec. W. 58.00 feet along said right-of-way line and along the West line of Lot 1, a distance of 50.00 feet to the POINT OF BEGINNING and containing 10.996 square feet or 0.25 acres of land.



BOURN

THROCK MORTON

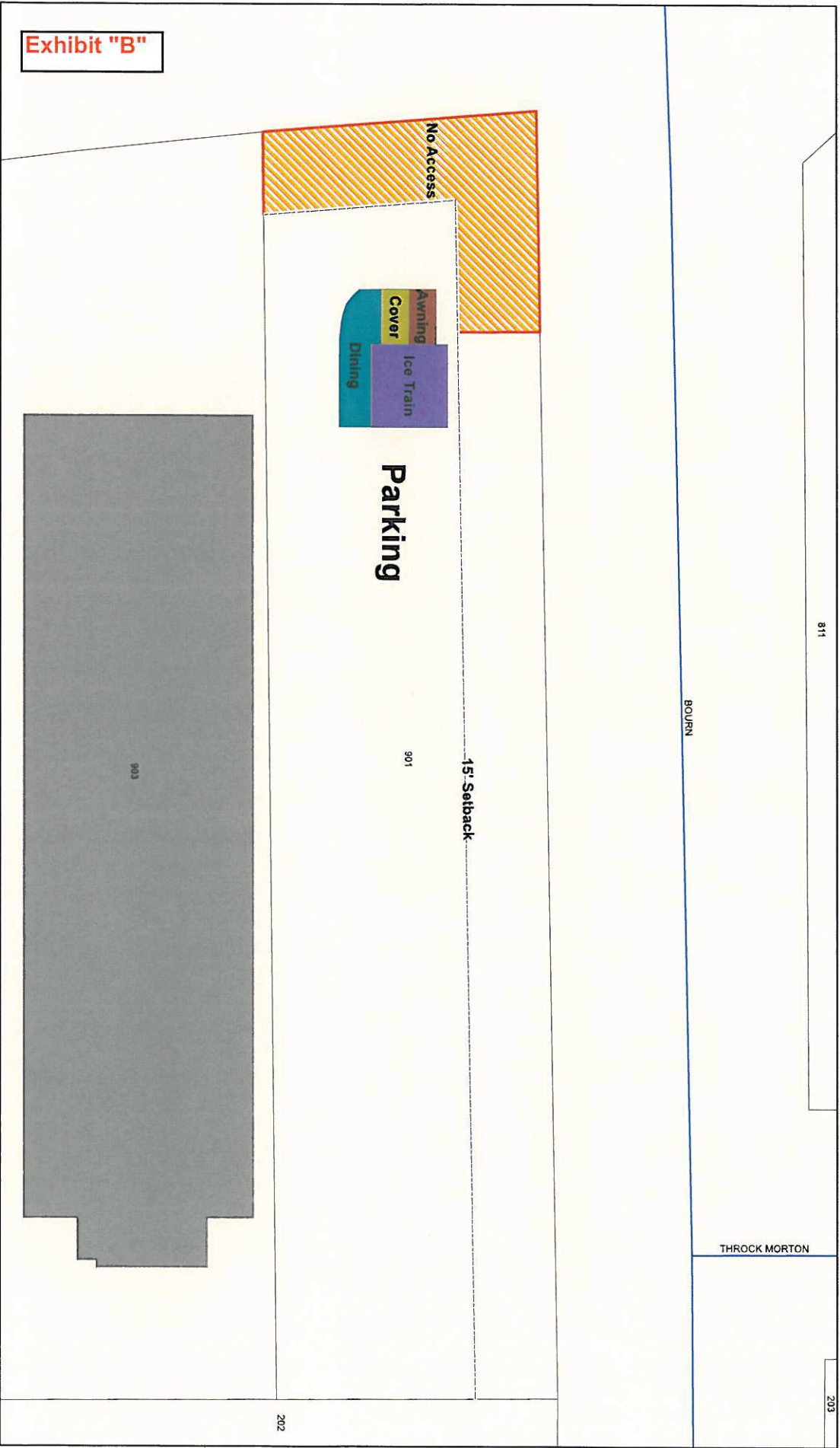


Exhibit "B"

N










Z2009-003 Ice Train
901 S. Goliad

July 21 2008

0 25 5 10 Feet

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

Legend

	Dining		15' Setback		Streets
	Ice Train		Awning Cover		Parcel
					Buildings