

CITY OF ROCKWALL

ORDINANCE NO. 11- 26

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 0.79 ACRE TRACT OF LAND KNOWN AS LOT 2, LORETTA ANDERSON ADDITION, LOCATED AT 2002 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 "GR" General Retail District has been requested by Brad and Amy Thomas of Tropical Sno for the property known as Lot 2, Loretta Anderson Addition; located on the rear part of a .079-acre tract at 2002 S. Goliad (a.k.a. Luigi's Restaurant), 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 "GR" General Retail District for the property known as Lot 2, Loretta Anderson Addition; located on the rear part of a .079-acre tract at 2002 S. Goliad (a.k.a. Luigi's Restaurant), 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 beverage service shall be limited to a snow cone stand for consumption on or near the premises.
2. The Tropical Sno temporary portable beverage facility shall operate for a time period not to exceed 150 days this year. Each year hereafter, the Specific Use Permit shall be in force between May 1st and September 30th until such time that the property conditions change (e.g. SUP not renewed), which shall deem the SUP null and void. The SUP shall be renewed on an annual basis via submittal and approval of building and/or health permits.
3. No additional freestanding signage shall be permitted, with the exception of a banner attached to the fence/barricade.
4. The temporary portable structure shall meet all health and electrical codes of the City and

- obtain all necessary permits prior to the operation of the business.
5. The temporary portable beverage service facility shall comply with the conceptual site plan, as indicated in Exhibit "A"
  6. The temporary portable beverage service facility (e.g. structure, equipment, materials, etc.) shall remain clear from and not encroach the 24-ft cross access easement located on the west side of the property, and that such area shall be separated from the 24-ft cross access easement with a fence/barricade. The barrier shall be approved by the Planning and Zoning Department prior to issuance of a certificate of occupancy.

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

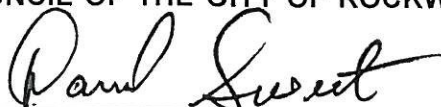
**Section 4.** That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

**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.

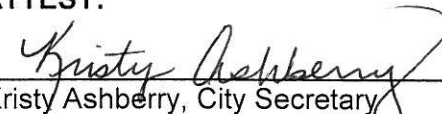
**Section 6.** If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance 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 20<sup>th</sup> day of June, 2011.**

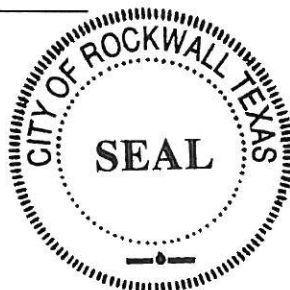
  
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 David Sweet, Mayor

**ATTEST:**

  
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 Kristy Ashberry, City Secretary

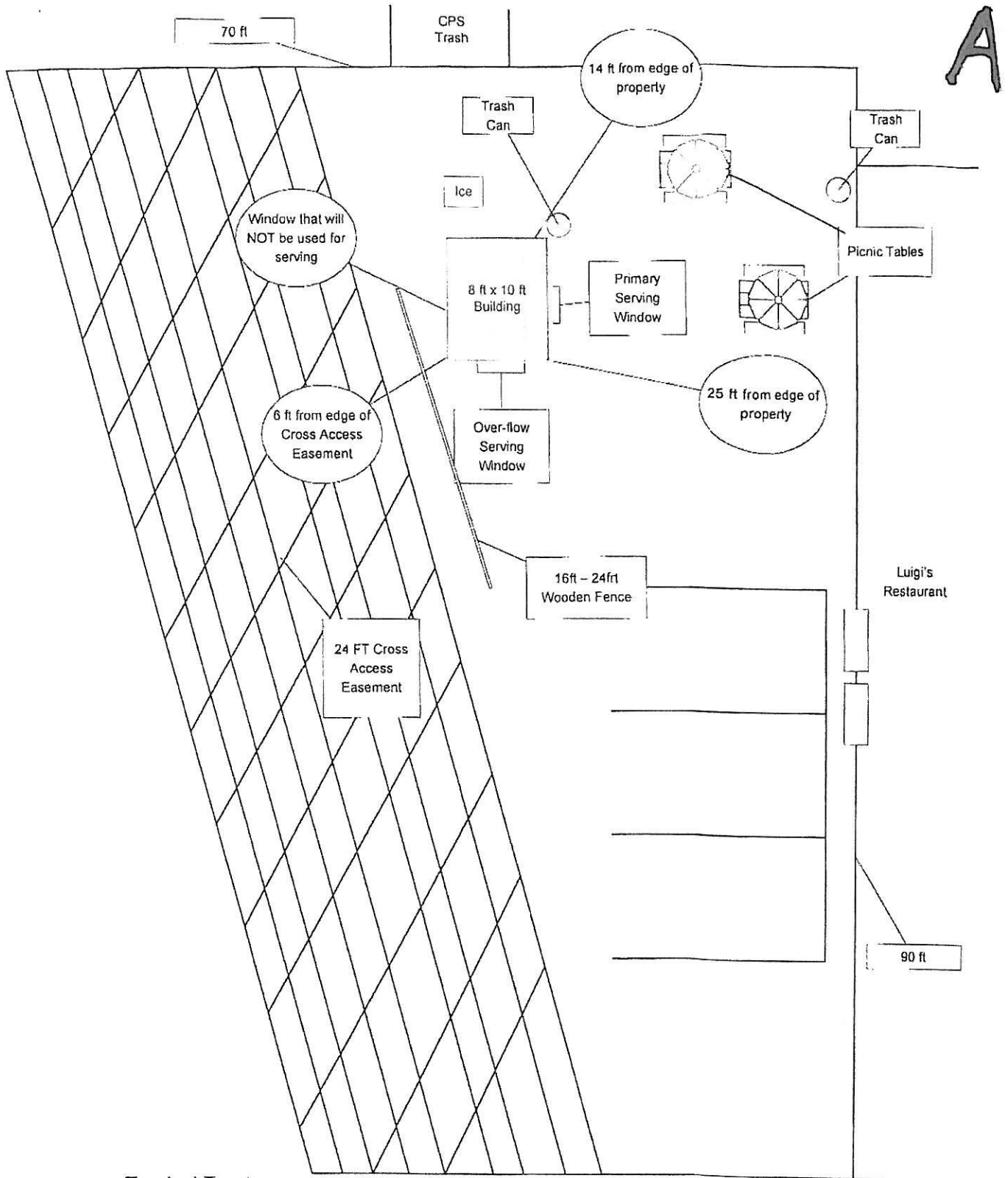
**APPROVED AS TO FORM:**

  
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 Pete Eckert, City Attorney



1st Reading: 06-06-11

2nd Reading: 06-20-11



Tropical Treats  
 Located on the West side of  
 Luigi's Italian Restaurant  
 2002 S. Goliad, Rockwall, Tx

# Exhibit "A"