

**CITY OF GRANDVIEW
ORDINANCE NO. 2022-0324A**

AN ORDINANCE OF THE CITY OF GRANDVIEW, TEXAS, AMENDING SECTIONS 56-670 AND 56-645 OF THE CODE OF ORDINANCES OF THE CITY OF GRANDVIEW, TO PROVIDE A DEFINITION FOR SNOW CONE STAND AND TO ADD THE OPERATION OF SNOW CONE STAND AS A USE ALLOWED VIA A SPECIFIC USE PERMIT IN COMMERCIAL AND MANUFACTURING/INDUSTRIAL ZONING DISTRICTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Grandview, Texas, is a Type A general-law municipality located in Johnson County, created under the provisions of Chapter 6 of the Texas Local Government Code and operating under the enabling legislation of the State of Texas; and

WHEREAS, the Grandview City Council has adopted a zoning ordinance, codified in Chapter 56 of the City's Code of Ordinances, which regulates and restricts the location and use of buildings, structures, and land for trade, industry, residence, and other purposes, and provides for the establishment of zoning districts of such number, shape, and area as may be best suited to carry out those regulations; and

WHEREAS, the City Council desires to amend the zoning ordinance to provide a new definition for a "Snow Cone Stand" and provide for the appropriate districts in which this will be allowed on issuance of a specific use permit by the City Council; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission on March 24, 2022, at 5:00 p.m., and thereafter by the City Council on March 24, 2022, at 6:30 p.m., with respect to the proposed use changes described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Texas Local Government Code, the City's Zoning Ordinance, and all other laws dealing with notice, publication, and procedural requirements for the amending the City's zoning regulations; and

WHEREAS, the Grandview City Council believes the amendment to the zoning regulations described above and a zone change furthers the purpose of zoning and is in the best interest of the citizens of the City of Grandview.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANDVIEW:

SECTION 1.

That Section 56-670, “Retail and Service Type Uses,” of Division 2, “Descriptions and Definitions,” of Article IV, “Uses,” of Chapter 56, “Zoning,” of the Code of Ordinances of the City of Grandview, Texas, is amended to provide a definition for “Snow Cone Stand” to be inserted alphabetically as follows [no other definitions in section 56-670 are intended to be deleted or altered by this ordinance]:

“Snow Cone Stand mean a temporary building that serves snow cones and commercially prepackaged foods or drinks only, including but not limited to candy, chips, and nuts. A snow cone stand shall not serve foods or drinks that are prepared or cooked.”

**SECTION 2.
AMENDMENT OF USE TABLE.**

Table 6, Section 56-645(6), “Use of land and buildings,” of Article IV, “Uses,” of Chapter 56, “Zoning,” of the Code of Ordinances of the City of Grandview, Texas, is hereby amended to add the following use to allow via a Specific Use Permit, inserted alphabetically as follows:

Office, Retail, Commercial, and Service Type Uses															
Type of Use	A	SF-E	SF-1	SF-2	TH	TF	MF	MH-1	MH-2	C-1	C-2	C-3	M-1	M-2	PD
Snow Cone Stand										C	C	C	C	C	

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances of the City of Grandview, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4.

It is hereby declared to be the City Council’s intention that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 5.

Any person, firm, or corporation that violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) per Section 56-851(b) of the Grandview Code of Ordinances. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

All rights and remedies of the City are expressly saved as to any violations of the provisions of the zoning ordinance, as amended, or any other ordinances affecting subdivision regulations which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

The City Secretary of the City of Grandview is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

SECTION 8.

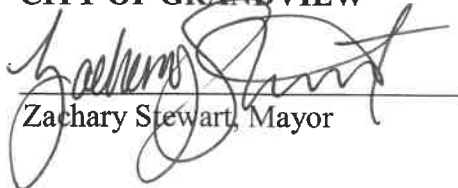
The City Secretary of the City of Grandview is hereby directed to publish in the official newspaper of the City of Grandview, the caption and effective date clause of this ordinance as authorized by Section 52.011 of the Texas Local Government Code.

SECTION 9.

This ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED this 24th day of March, 2022.

CITY OF GRANDVIEW


Zachary Stewart, Mayor

ATTEST:


Karen Fuller, City Secretary