

ORDINANCE NO. 83-44

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO GRANT A CONDITIONAL USE PERMIT FOR AN AMPHITHEATER IN A "C" COMMERCIAL DISTRICT ON A TRACT OF LAND DESCRIBED MORE FULLY HEREIN; PROVIDING FOR A PENALTY NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE AND DECLARING AN EMERGENCY.

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 a joint public hearing 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 Comprehensive Zoning Ordinance 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 Comprehensive Zoning Ordinance of the City of Rockwall, Texas, as heretofore amended, be and the same is hereby amended by amending the Zoning Map of the City of Rockwall so as to grant a Conditional Use Permit for an amphitheater on the tract of land described as follows:

Being part of the M. J. Barksdale Survey and out of the Homer Herring Tract as shown of record in Vol. 48 Page 647, Deed of Records of Rockwall County Texas and more particularly described as follows:

Beginning 360.1 feet, North 40 deg. 30 min. East of the South corner of said Homer Herring Tract, thence North 41 deg. 21 min. 15 sec. West 199.0 feet to the south right-of-way line of Interstate Highway No. 30; thence in a Northeasterly direction along South-right-a-way line of Interstate Highway No. 30 and along a curve to the right whose radius is 11,309.20 feet a distance of 190.00 feet; thence South 42 deg. 06 min. East 133.25 feet to the Southeast line of said Homer Herring tract; thence South 40 deg. 30 min. West 189.90 feet to the place of beginning and containing 0.7153 acres of land.

SECTION 2. This Conditional Use Permit is granted subject to the following conditions:

a. Use of the amphitheater is limited to: live melodrama, local talent shows, beauty contests, animal shows, and charity promotions.

b. No alcoholic beverages shall be served at the amphitheater or its concession stands.

SECTION 3. That the above described tract of land shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, and as amended herein by the granting of this zoning change.

SECTION 4. Any person, firm or corporation violating any of the provisions of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, and as amended hereby, and upon conviction shall be punished by a penalty of fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.


SECTION 5. Whereas, it appears that the above described property requires classification so as to grant a Conditional Use Permit for an amphitheater in order to permit its proper development and in order to protect the public interest and general welfare of the City of Rockwall, such requirement creates an urgency and an emergency in the preservation of the public welfare and requires that this ordinance take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

DULY PASSED by the City Council of the City of Rockwall, Texas, on the 3rd day of October, 1983.

APPROVED:

ATTEST:

  
City Secretary

  
Mayor