

ORDINANCE NO. 88-19

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 A COMMERCIAL AMUSEMENT AND PRIVATE CLUB ON THE TRACT OF LAND DESCRIBED HEREIN; PROVIDING FOR 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 Conditional Use Permit for a commercial amusement and private club has been requested by Whittle Development for the tract of land described in Exhibit "A", 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 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, as heretofore amended, be and the same is hereby amended as to grant a Conditional Use Permit for a commercial amusement and private club on the property described in Exhibit "A".

Section 2. That the Conditional Use Permit shall be subject to the following special conditions:

1. The commercial amusement may contain the following uses:

retail uses	restaurant/private club
nursery area	pool tables
arcade games	bowling activities
miniature golf	

2. The private club shall meet all the requirements of the City for private clubs including the requirements set forth in Ordinance No. 85-2, Ordinance No. 87-36, Ordinance No. 88-8 and any future regulatory ordinances.
3. The permit shall be issued only for the site as shown on the site and building plan approved by the City Council, attached

hereto as Exhibit "B", and development shall be in accordance with the approved site and building plan.

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,, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4. That the above described tract of land shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Rockwall as heretofore amended, as amended herein by granting of this Conditional Use Permit and as may be amended in the future.


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 offense 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 Comprehensive Zoning Ordinance No. 83-23 of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and application of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable.

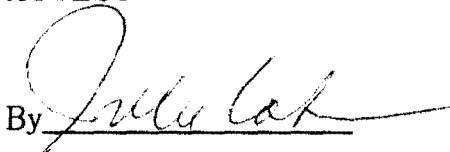
Section 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED this 9th day of May, 1988.

APPROVED:


Mayor

ATTEST:

By 

1st reading 5/2/88
2nd reading 5/9/88

EXHIBIT "A"

STATE OF TEXAS
COUNTY OF ROCKWALL

BEING a tract of land situated in the E. Teal Survey, Abstract No. 207, Rockwall County, Texas, and being a part of Tract 5, as described in deed recorded in Volume 184, Page 490, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

COMMENCING at the intersection of the right-of-way cut back for F.M. 740 with the Southwest line of F.M. 3097;
THENCE: South 45° 35' 20" East a distance of 853.23 feet with said Southwest line to the Point of Beginning;
THENCE: South 45° 35' 20" East a distance of 279.00 feet with said Southwest line to a point for a corner;
THENCE: South 44° 24' 40" West a distance of 468.00 feet to a point for a corner;
THENCE: North 45° 35' 20" West a distance of 279.00 feet to a point for a corner;
THENCE: North 44° 24' 40" East a distance of 468.00 feet to the Point of Beginning and Containing 130,572 Square Feet or 2.9975 Acres of Land.