

ORDINANCE NO. 92-24

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO AMEND ORDINANCE 89-18 WHICH GRANTED A CONDITIONAL USE PERMIT FOR A RECREATION DEVELOPMENT IN AN AGRICULTURAL ZONING CATEGORY ON A TRACT OF LAND DESCRIBED HEREIN; 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 was granted under Ordinance 89-18 for a Recreation Development for the Agriculturally zoned property located within the City of Dallas take line and 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 previously 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, and Ordinance 89-18, are hereby amended so as to amend Section 2 of Ordinance 89-18 to hereafter read as follows (new language is designated in bold, language to be deleted is designated in brackets):

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

1. The CUP is issued only for the beach area and two volleyball courts as shown on the site plan attached as Exhibit "B". Any significant changes in the site plan must be approved by the Planning and Zoning Commission and City Council. Such approval may be granted without conducting a public hearing.
2. The CUP is issued for a period of [one year] **"six months"** from the date of final approval by the City of Dallas. The Planning and Zoning Commission and City Council will at the end of the [one year] **"six month"** period evaluate the need for

more parking and the applicant's compliance with other approval conditions

3. Licensed security guards must be provided during the hours of operation to insure compliance with ban of alcoholic beverages and other rules and ordinances and at least one uniformed security guard must be on the beach at all times
4. If drainage is deemed inadequate , the applicant will be responsible for making the improvements acceptable to the City of Dallas and the City of Rockwall
5. Until development of the unbuilt adjacent lots occurs, fencing acceptable to the City of Rockwall is required to secure the beach and takeline area from vehicle traffic
6. Signage will be provided that specifies hours of operation and prohibits swimming, camping, loitering, lighting fires, and possession of alcohol [and which indicates the beach area as a public park]
7. Within 45 days from the date of final action on the CUP request for construction of a deck on the adjacent property, permanent restroom facilities will be provided and until such date temporary portalets are allowed at a location to be designated by the City of Rockwall
8. A concession contract for the use of the takeline will be entered into between the City of Rockwall, [the applicant, Michael Stephenson, DBA Henry Africa Bar and Grill, Inc.] and the owner[/developer of PD-7, Whittle Development] "**Rockwall Harbor Corp.**", and the contract shall include all of the provisions included in this ordinance. [Financial obligations applicable to Michael Stephenson, Henry Africa and Culpepper Cattle & Catering Co. as shown on the attached Exhibit "C" shall be payed in the amount of \$4654.36 prior to the execution of the contract.]
9. The CUP may be withdrawn if the terms of this ordinance and/or the concession contract are not met or upon determination that the operation of the facility has resulted in excessive traffic, disruptive behavior, or property damage
10. The Conditional Use Permit shall not take effect until final approval of the application is granted by the City of Dallas.
11. Special events such as volleyball tournaments, beach parties, or festivals of any kind that will attract an excessive number of people shall require submission of a request to and approval by the [Parks and Recreation Director] "**Public Services Director**" 30 days prior to any event and shall comply with all other ordinances of the City of Rockwall
12. Alcoholic beverages sold at [Henry Africa] "**the adjacent restaurant**" may not be brought onto the premises of the beach as described in this ordinance

"13. The beach area is hereby designated as a public recreational area."


Section 2. 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 3. 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 4. 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.1 83-23 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 5. 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 3rd day of August, 1992.



ATTEST



APPROVED

1st Reading July 20, 1992
2nd Reading August 3, 1992

EXHIBIT "A"

Following description is the beach area West of Henry Africa Restaurant Rockwall, Texas.

STATE OF TEXAS
COUNTY OF ROCKWALL

BEING a tract or parcel of land situated in the M. J. Barksdale Survey, Abstract No. 11, City of Rockwall, Rockwall County, Texas, said tract of land further being that part of the shore line land leased to the City of Rockwall by the City of Dallas that lies between the following described Take Line and the 435.5 Elevation, said Take Line being more particularly described as follows:

BEGINNING: At the point of intersection of the East Take Line of Lake Ray Hubbard with the South Right-of-Way Line of I. H. 30, said point being located S 60° 23' 10" W from the original Take Line Monument X-26-8 and also being the Northwest corner of Rockwall Harbor - Phase One, an Addition to the City of Rockwall filed in Slide C at Page 29, Plat Records, Rockwall County, Texas;

THENCE: S 21° 47' 59" E with said East Take Line a distance of 368.32 feet to the Southwest corner of Lot 4, Block A of Rockwall Harbor - Phase One, said point being located 109.09 feet N 21 47' 59" W from Take Line Monument No. X-25-7

Prepared by Harold Evans Engineers, April 1989

EXHIBIT "C"
Financial Obligations
Michael Stephenson, Henry Africa, Culpepper Cattle & Catering Co.

TAXES

Culpepper Cattle & Catering Company, Block A, Lot 1
1988- \$1,868.45

Business Personal Property INV F&F I-30 Service Road
1988- \$954.39

LIFT STATION REPAIR

Outstanding Balance
10/4/88- \$881.52

REMOVAL OF DANGEROUS BUILDING

Outstanding Balance
8/8/88- \$950.00

TOTAL TO BE PAID PRIOR TO THE EXECUTION OF CONTRACT

\$4,654.36