

ORDINANCE NO. 89-21

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED AND ORDINANCE 88-30 SO AS TO EXPAND A CONDITIONAL USE PERMIT FOR A PRIVATE CLUB ON A 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; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a Conditional Use Permit for a private club has been granted for a tract of land described as Lot 4, Block A, the Harbor, Phase 1; and

WHEREAS, Michael Stephenson has requested that the Conditional Use Permit be expanded to include additional property; 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, and Ordinance No. 88-30 be and the same are hereby amended so as to expand the Conditional Use Permit for a private club as an accessory use to a restaurant for the property described as Replat of Lot 4, Block A, the Harbor, Phase 1, such permit to include entertainment uses on the deck.

SECTION 2. That the Conditional Use Permit shall conform to all requirements as set forth in the Comprehensive Zoning Ordinance and shall be subject to the following special conditions:

1. The private club shall meet all conditions for the issuance of private club permits set by the City Council in Ordinance No. 85-2, Ordinance No. 87-36, Ordinance No. 88-8 and any future regulatory ordinances adopted by the City.
2. The private club shall apply to the restaurant and the deck, which shall be an accessory to the restaurant, as shown on Exhibit "A".

3. Entertainment uses herein authorized shall be reviewed by the Planning and Zoning Commission one year after final approval of this ordinance. If it is determined by the Commission that such entertainment has caused any public nuisances, the Commission may request the City Council to initiate hearings to consider removing entertainment as a permitted use within the Conditional Use Permit.

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 to the extent of that conflict.

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 this zoning change, and as may be amended in the future.

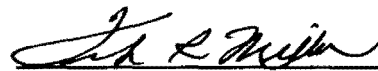
SECTION 5. Any person, firm or corporation violating any of the provisions of this ordinance shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, nor shall adjudication affect any other section or provision of the Comprehensive Zoning Ordinance 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 of this ordinance shall remain in full force and effect.

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 case provides.

DULY PASSED AND APPROVED this 10th day of July, 1989.

APPROVED:



Mayor

ATTEST:

BY 

1st reading 6/19/89

2nd reading 7/10/89