

ORDINANCE NO. 90-32

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 ON A TRACT OF LAND DESCRIBED HEREIN FURTHER 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 for a Commercial Amusement for an entertainment and video arcade has been requested by Michael Slavens for the property described as Lot 1, Block 1, Iglesia Bautista Del Lago Addition; 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 so as to grant a Conditional Use Permit for a commercial amusement for a miniature golf course and related recreational activities on the following described property:

Lot 1, Block 1, Iglesia Bautista Del Lago Addition

and further described on the approved site plan attached hereto as Exhibit "A".

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

1. The approved uses shall include miniature golf and related recreational uses including video and arcade games, concessions, go-carts and batting cages.

2. A parking and access easement shall be filed prior to issuance of a Certificate of Occupance on all off-site parking required for the development as herein approved.
3. All parking whether on-site or off-site shall be constructed to City standards.
4. Any significant alteration in the site plan as approved herein shall be submitted to the Planning and Zoning Commission for approval. That any alteration of the concept plan for the adjacent site, as included in the application, that reduces the number of parking spaces without reducing the parking demand, in accordance with City parking requirements, or that increases the parking demand without increasing the number of parkings spaces shall require a review of this permit by the Planning and Zoning Commission.
5. That the buiding as shown on the approved site plan may be constructed of wood siding and brick as shown on the building elevation attached hereto as Exhibit "B"

Section 3. 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 4. 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 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 offence 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 applications 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 1st day of October, 1990.

Mary Nichols
ATTEST

Laemmle
APPROVED

1st reading Sept 17, 1990
2nd reading Oct 1, 1990

DESCRIPTION

BEING, a tract of land situated in the J.M. Allen Survey, Abstract No. 2, Rockwall County, Texas, and being part of a 66.26 acre tract as recorded in Volume 82, Page 87, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at the point of intersection of the North line of State Highway No. 276, with the East line of said 66.26 acre tract, a 1/2" iron stake found for corner.

1 { THENCE, N. 89° 44' 04" W., along the North line of State Highway No. 276, a distance of 150.00 feet to a 1/2" iron stake set for corner.

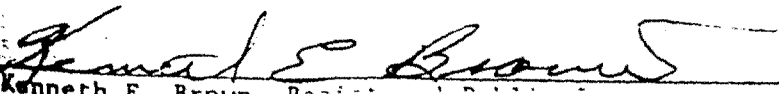
2 { THENCE, N. 0° 28' 53" W., leaving the North line of State Highway No. 276, a distance of 290.42 feet to a 1/2" iron stake set for corner.

3 { THENCE, S. 89° 44' 04" E., a distance of 150.00 feet to a 1/2" iron stake set for corner.

THENCE, S. 0° 28' 53" E., a distance of 290.42 feet to the PLACE OF BEGINNING and containing 1.00 acres of land. This description is based on the Land Title Survey and Plat made by Kenneth E. Brown, Registered Public Surveyor on March 7, 1985.

CERTIFICATION

I, Kenneth E. Brown, do hereby certify that this survey was made on the ground, under my direction, that this plat correctly represents the facts found at the time of survey and that all corners are marked as shown and there are no visible conflicts or encroachments other than shown and that this service conforms to the current Texas Surveyors Association Standards and Specifications for a category 1-A condition 3 survey. This plat is for the exclusive use of Larry Cleghorn, and the undersigned surveyor is not responsible to any others.


Kenneth E. Brown, Registered Public Surveyor