

ORDINANCE NO. 91-5

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 LOT 1, BLOCK A, EASTRIDGE CENTER, 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 Commercial Amusement has been requested by John Benedetto for the property described as being Lot 1, Block A, Eastridge Center 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 on the property described as Lot 1, Block A, Eastridge Center Addition.

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

1. The CUP is approved for a "Kids Night Out" program open to children twelve years of age and under, in which one fee is paid for admission and no additional charges are required for individual activities
2. The CUP is approved for Friday and Saturday evenings only from 7:30 P.M to 11:30 P.M.

3. The CUP is issued for 25 total gaming machines unless otherwise approved as provided herein
4. Any significant expansion or change in the program as it relates to the hours or days of operation, type of program, or conversion to coin operation of approved video games, or the addition of other coin operated machines in addition to those machines approved herein, shall first be submitted for approval by the Commission.
5. Any change in the ownership or management must be approved by the Planning and Zoning Commission
6. Prior to relocation of the program to another location within the shopping center the applicant shall submit such request to the Building Inspector for approval

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 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 applications of the ordinance without the invalid parts and to this end the provisions of 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 4th day of February, 1991

Mary Nichols
ATTEST

J. R. Neida
APPROVED

1st Reading 1/21/91

2nd Reading 2/4/91