

ORDINANCE NO. 92-11

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE ORDINANCE 91-13, AN AMENDMENT TO THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED, SO AS TO AMEND CERTAIN CONDITIONS APPLICABLE TO A CONDITIONAL USE PERMIT FOR A COMMERCIAL AMUSEMENT ON A PORTION OF LOT 1, BLOCK 1, CARLISLE PLAZA ADDITION; 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 granted for the property described as being a portion of Lot 1, Block 1, Carlisle Plaza Addition and whereas the applicant has requested certain changes in the conditions applicable to the conditional Use Permit; 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 previously 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 Ordinance 91-13, an amendment to the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to amend the Conditional Use Permit for the commercial amusement for an entertainment, billiard and video arcade located on a portion of Lot 1, Block 1, Carlisle Plaza Addition, by amending Section 2. 3. to hereafter read as follows:

- "3. The facility will not operate between the hours of 12:00 A.M. and 8:00 A.M., except as provided herein. The hours of operation may be extended to 2:00 A.M. on Fridays and Saturdays for a period of 6 months from the date of final approval of this ordinance. The Planning and Zoning Commission may extend this authorization for extended hours of operation upon request of the applicant, at the conclusion of the initial 6 month period. The applicant may offer the facility for private parties or lockins at any time limited to persons**

over 18 years of age unless accompanied by a parent or guardian with the condition that all laws and requirements pertaining to the consumption of alcohol are complied with."

Section 2. 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.

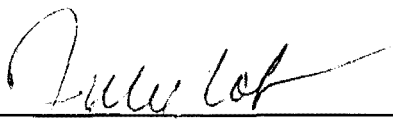
Section 3. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

Section 4. 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.

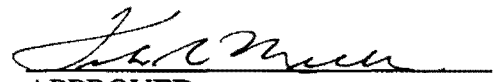
Section 5. If any section paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance 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 6. 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 May, 1992.



ATTEST



APPROVED

1st Reading April 20, 1992

2nd Reading May 4, 1992