

ORDINANCE NO. 01-40

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 AN AMENDMENT TO THE CONDITIONAL USE PERMIT FOR A PRIVATE CLUB AS AN ACCESSORY TO A RESTAURANT TO BE LOCATED ON A TRACT OF LAND 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, an amendment to the Conditional Use Permit for a private as an accessory to a restaurant has been requested by Rick Basinger on behalf of Joe Willy's Market and Grill located at 2006 South Goliad – Suite 200, further described on Exhibit A attached hereto and made a part hereof; 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 private club as an accessory to a restaurant for the property located at 2006 South Goliad, Rockwall, Texas and further described on Exhibit "A", attached hereto and made a part hereof.

Section 2. That the tract described above and in Exhibit "A" shall be used only in the manner and for the purpose provided for in the Comprehensive Zoning Ordinance of the City of Rockwall as heretofore amended, as amended herein by granting of this amendment to the Conditional Use Permit and as may be amended in the future and with the following 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, Ordinance No. 88-57 and any future regulatory ordinance adopted by the City.

2. That the building meet all building code requirements for structures over 5,000 square feet in area that sell and serve alcohol.
3. That the outside dining area be fenced and gated and no separate entrance or exit be allowed in this area.

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 September, 2001.

Cheryl Austin
ATTEST Cheryl Austin
City Secretary

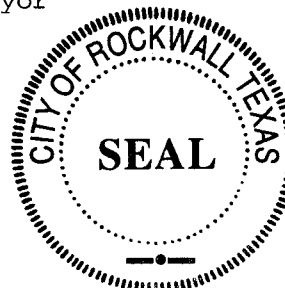
1st Reading 8/20/01

2nd Reading 9/04/01

2001-75-Joe Willy's-2001 S. Goliad-
#200 - Amendment to CUP for expansion

(2 of 2)

Ken Jones
APPROVED Ken Jones
Mayor



Joe Willy's
 2006 South Goliad
 Expansion 1,500 sq ft
 TOTAL Sq. Ft. 5,250

EXHIBIT "A"

