

**ORDINANCE NO. 00-27**

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 ALLOWING THE USE OF COIN-OPERATED MACHINES AS AN ACCESSORY TO A GENERAL 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**, A Conditional Use Permit allowing the use of coin-operated machines as an accessory to a general restaurant has been requested by CEC Entertainment, Inc. located within Market Center East Addition on Lot 3, and further described on the attached Exhibit "A"; 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 allowing the use of coin-operated machines as an accessory to a general restaurant located within the Market Center East Addition on Lot 3, and further described on Exhibit "A", attached hereto and made a part hereof.

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

1. Approval of the site plan.
2. The maximum number of coin-operated games and rides be limited to 60.
3. The commercial amusement use is considered an accessory use to the restaurant and be limited to not more than 40% of the total sales revenue.

4. In the event CEC Entertainment, Inc. ceases to operate this site as a Chuck-E.-Cheese Restaurant, CEC Entertainment, Inc. is required to contact the Community Development Department. Following this notification of a change of operator of this site a review of the conditional use permit may be initiated by the Planning and Zoning Commission and City Council.

**Section 3.** 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 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 3rd day of October, 2000.

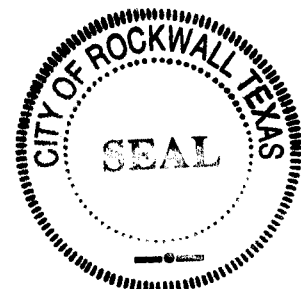
*Scott L. Self*

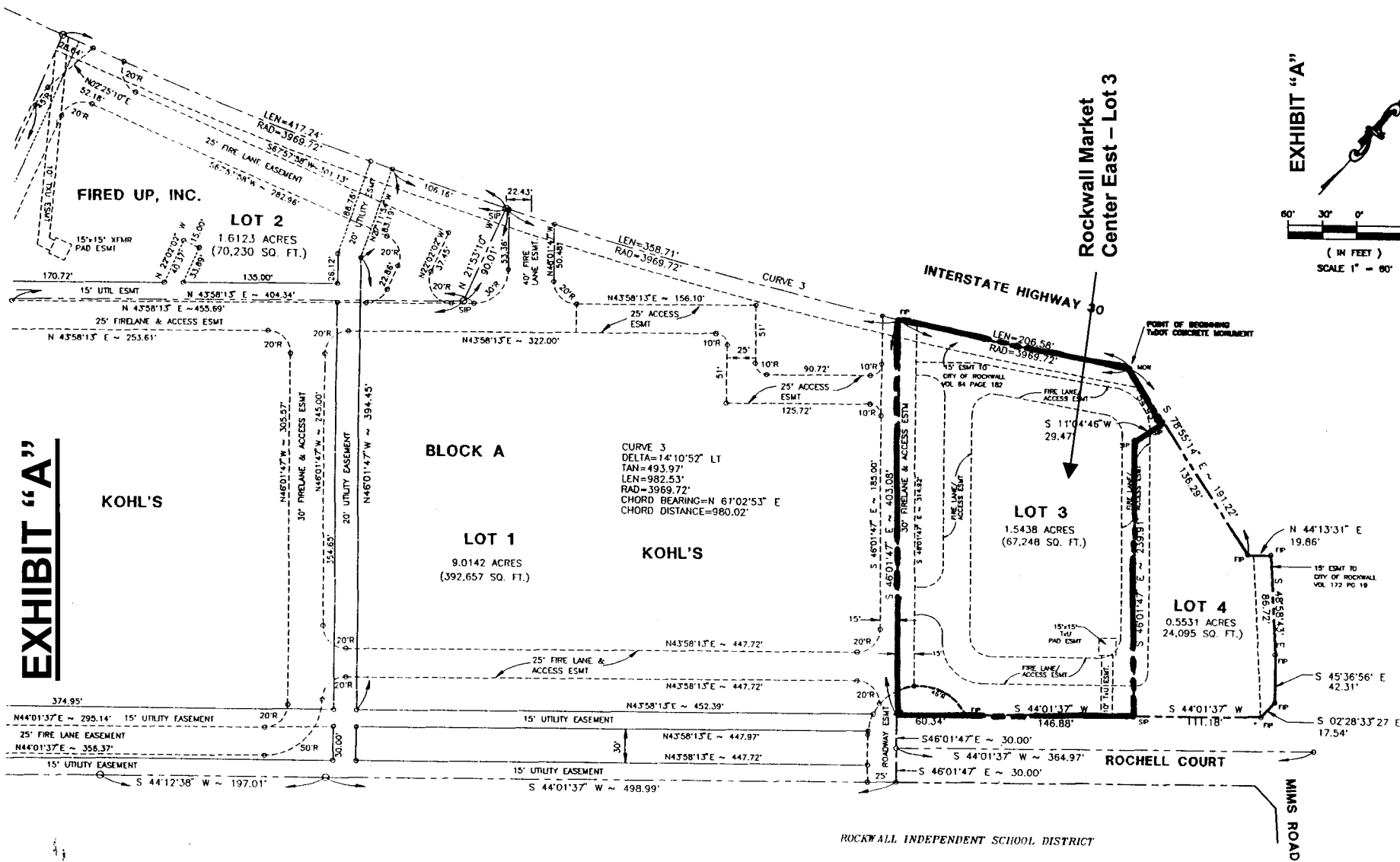
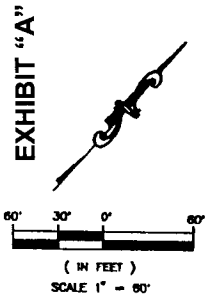
APPROVED

*Belinda Page*  
ATTEST

1st Reading 9-18-00

2nd Reading 10/02/00





**EXHIBIT "A"**

**Rockwall Market Center East - Lot 3**

**ASA**  
**ENGINEERING**  
17819 Davenport Road, Suite 215  
Dallas, Texas 75252  
(972) 248-9851 FAX (972) 248-9881

**OWNER**  
**JERMARK ROCKWALL LTD.**  
5949 SHERRY LANE, SUITE 1135  
DALLAS, TEXAS 75225  
(214) 265-1414

**REPLAT OF LOTS 3 & 4**  
**ROCKWALL MARKET CENTER EAST**  
AN ADDITION TO THE CITY OF ROCKWALL  
ROCKWALL COUNTY, TEXAS  
E.P. GAINES CHISUM SURVEY, ABSTRACT NO. 64  
AUG 22, 2000

00-79