

**CITY OF ROCKWALL**

**ORDINANCE NO. 03-45**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO GRANT A CONDITIONAL USE PERMIT FOR A PRIVATE CLUB AS AN ACCESSORY TO A RESTAURANT TO BE LOCATED ON LOT 13RB, BLOCK A, ROCKWALL TOWNE CENTRE ADDITION, AND FURTHER DESCRIBED HEREIN; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, an amendment to the City of Rockwall Comprehensive Zoning Ordinance (Ord. No. 83-23) of the City of Rockwall, as previously amended so as to grant a Conditional Use Permit for a private club as an accessory to a restaurant requested by Chong Park for the Edohana Hibachi & Sushi Restaurant facility located on Lot 13RB, Block A, Rockwall Towne Centre Addition, known as 714 E I-30, and further described herein as Exhibit 'A.'

**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 requested by Chong Park for the Edohana Hibachi & Sushi Restaurant facility located on Lot 13RB, Block A, Rockwall Towne Centre Addition, known as 714 E I-30, and further described herein as Exhibit 'A.'

**Section 2.** That the tract described above 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 and said property shall be limited to the uses, density, area, setback and other requirements set forth herein.

**Section 3.** That development on Lot 13RB, Block A, Rockwall Towne Centre Addition, known as 714 E I-30, City and County of Rockwall, Texas shall meet the following special conditions:

1. The private club shall meet all conditions for the issuance of private club permits set by the Rockwall City Council in Ordinance No. 85-2, Ord. No. 87-36, Ord. No. 88-8, Ord. No. 88-57 and any future regulatory ordinance adopted by the City, including but not limited to:
  - a. There shall be no exterior entrance to the bar area except emergency fire exits if required.
  - b. There shall be no exterior signs advertising the sale of alcoholic beverages.
  - c. Drinks shall not be offered for sale at a price reduced from their customary prices during a specified period of time for promotional purposes (i.e. Happy Hour), whether it be reducing the price of a drink, offering 2 drinks for the price of one or selling more than the customary and usual quantity per drink at the same price.
  - d. Revenues from the sale of alcoholic beverages shall not exceed 40% of the gross revenues derived from the sale of food and beverages.
  - e. No gaming devices, such as billiard tables, pinball machines, and other coin operated game machines shall be permitted inside the private club.
2. That the private club adhere to the site plan and floor plan attached to the ordinance as "Exhibit A."

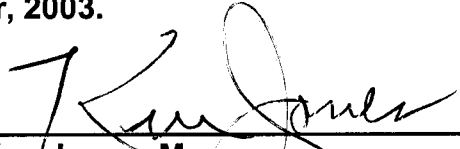
**Section 4.** Any person violating the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction be subject to a fine in accordance with the general provisions of the Code of Ordinances.

**Section 5.** If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would

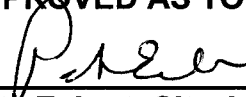
have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

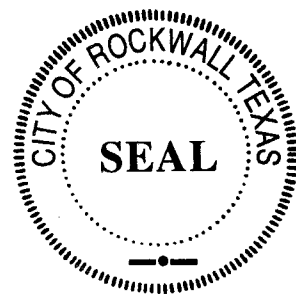
**Section 6.** That this ordinance shall take effect immediately from and after its passage and approval, and it is so ordained.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 3<sup>rd</sup> day of November, 2003.**

  
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Ken Jones, Mayor

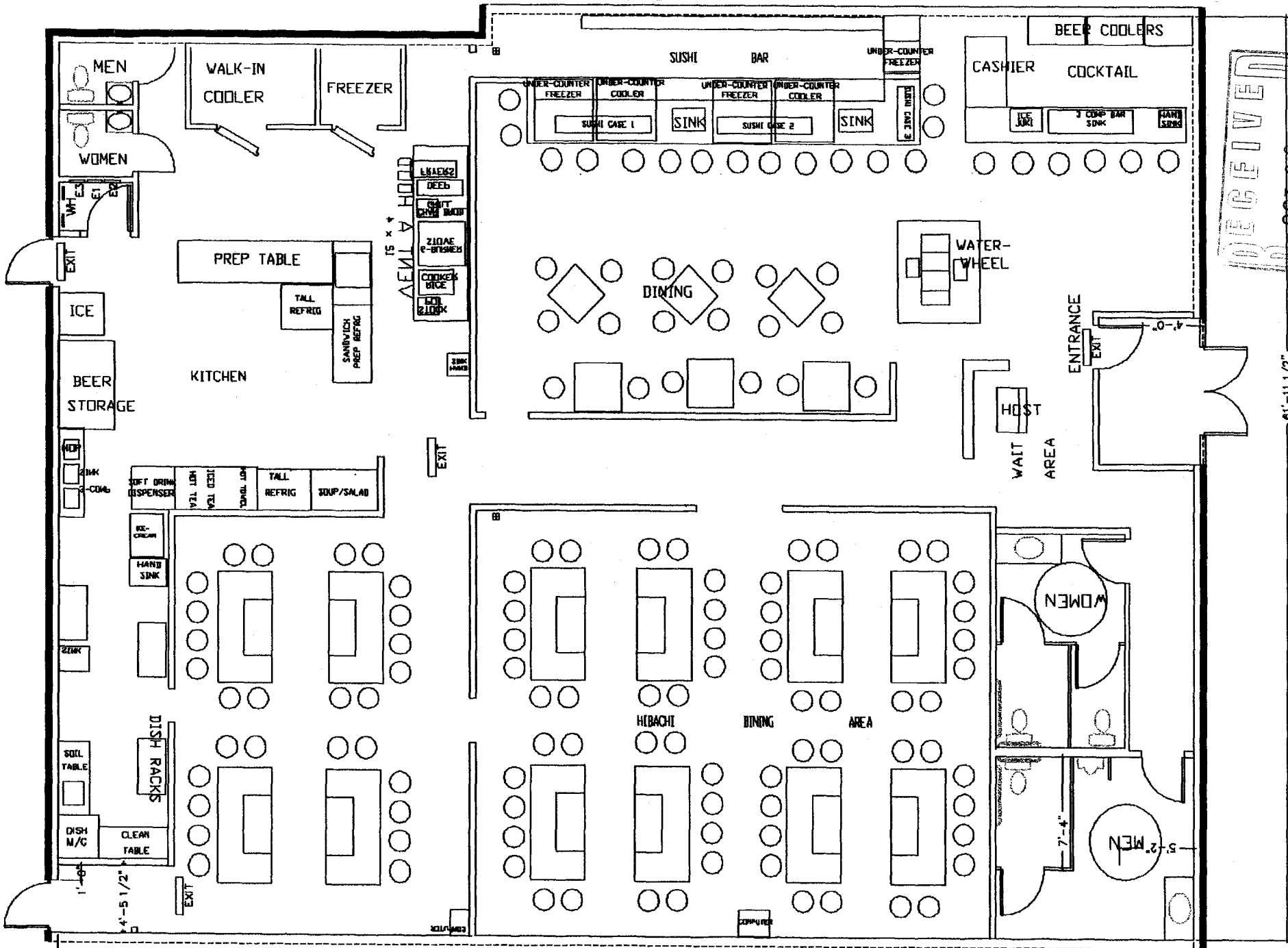
**ATTEST:**  
  
\_\_\_\_\_  
Dorothy Brooks, City Secretary

**APPROVED AS TO FORM:**  
  
\_\_\_\_\_  
Pete Eckert, City Attorney



**1<sup>st</sup> Reading: October 20, 2003**

**2<sup>nd</sup> Reading: November 3, 2003**

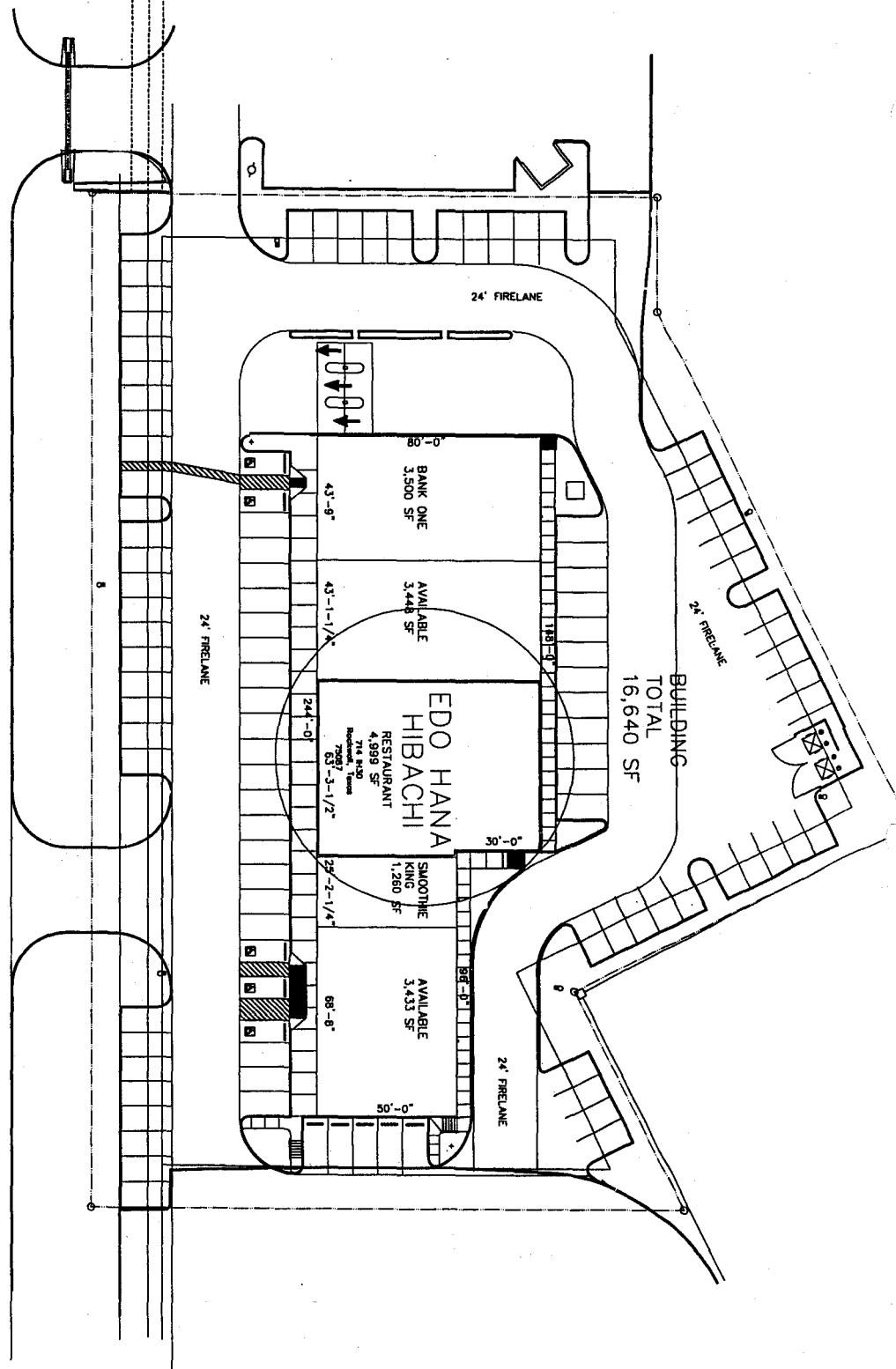


Note: Not to scale

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INTERSTATE HWY. 30

I-30 SERVICE ROAD

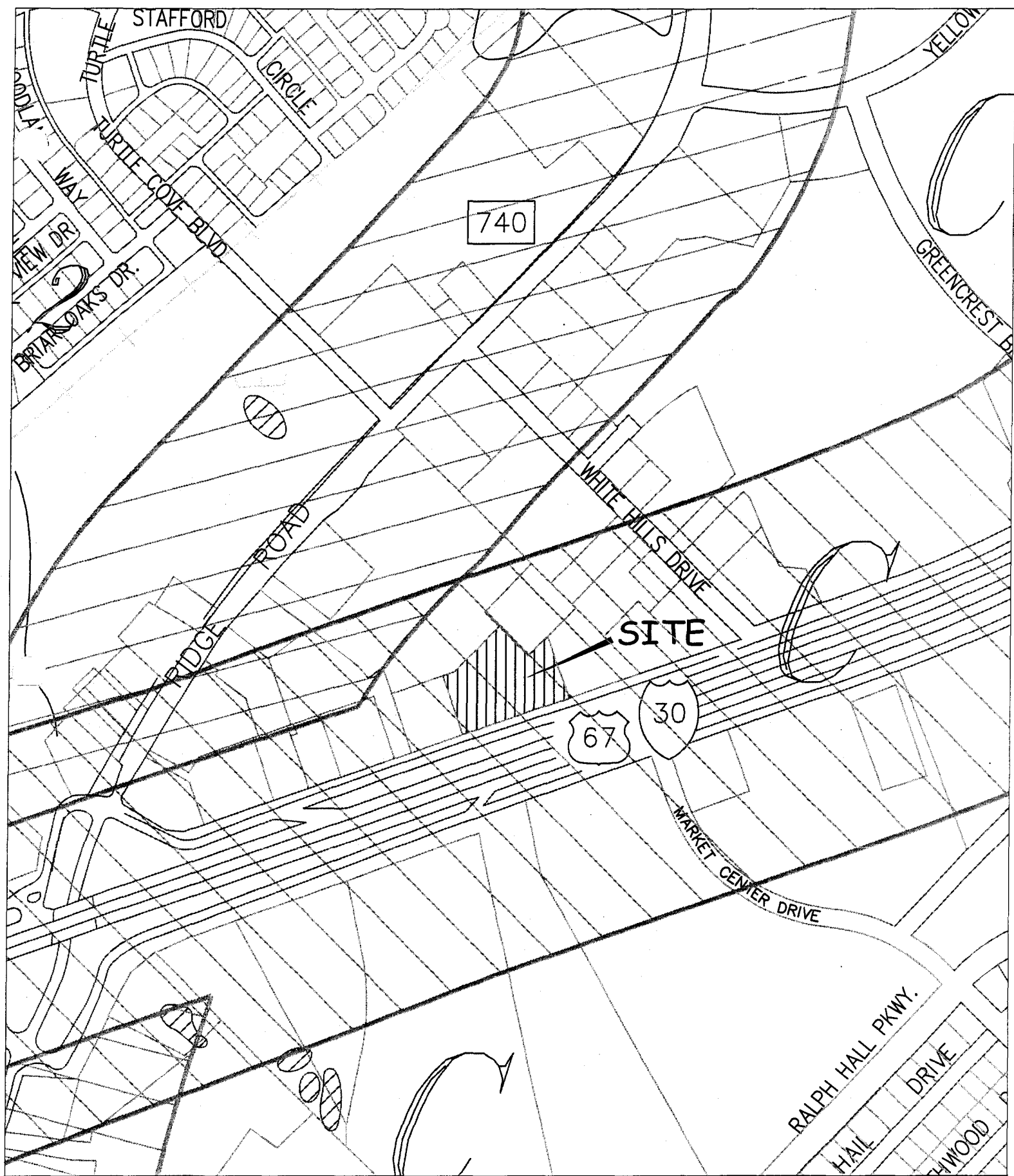


BUILDING TOTAL 16,640 SF

SHEET NUMBER <b>A1.1</b>	<b>SITE PLAN</b>	HONEYCOMB USA, INC P.O. Box 810402 Dallas, TX 75381 (972) 613 9900 (214) 349 8310 Fax emobile1@aol.com
DATE <b>9/15/2003</b>		

**FILE COPY**

**2** 2003-011



Z2003-011

CUP - Private Club - Edohana Hibachi Restuarant  
714 I-30 - RTC Addn. - Lot 13RB1



1" = 400'