

**ORDINANCE NO. 00-34**

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE (ORD. NO. 83-23) OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED TO PROVIDE FOR GENERAL PROVISIONS AND REQUIREMENTS FOR A CONDITIONAL USE PERMIT TO ALLOW A NEW MOTORCYCLE DEALERSHIP WITHIN THE COMMERCIAL (C) ZONING DISTRICT ON LOT 1, BLOCK A, NEWMAN CENTER ADDITION, CITY AND COUNTY OF ROCKWALL, TEXAS; 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; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, an amendment to the City of Rockwall Comprehensive Zoning Ordinance has been initiated by the City of Rockwall to provide for the general provision and requirements for a Conditional Use Permit to allow a new motorcycle dealership within the Commercial (C) zoning district on Lot 1, Block A, Newman Center Addition, City and County of Rockwall, Texas, as described on 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, as heretofore amended, be and the same is hereby amended by the approval of a Conditional Use Permit to allow a new motorcycle dealership on Lot 1, Block A, Newman Center Addition, City and County of Rockwall, Texas, as described on Exhibit A.

**Section 2.** That the tract of land described as Lot 1, Block A, Newman Center Addition, City and County of Rockwall, Texas, 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 approval shall affect only the property as heretofore described and said property shall be limited to the uses, density, area, setback and other requirements set forth herein.

**Section 3.** That development on Lot 1, Block A, Newman Center Addition, City and County of Rockwall, Texas shall be limited to uses and requirements listed in **Section 2.12 (C) Commercial** of the City of Rockwall Comprehensive Zoning Ordinance (Ordinance No. 83-23) and the following conditions;

1. That the completion of the permanent building facility for the new motorcycle dealership be completed by June 30, 2001 and all operations shall cease in the temporary building.
2. That following the completion of the new building the existing metal building will be removed from this site or demolished within 30 days.
3. That all parking areas to be utilized as part of the temporary occupation of the existing metal building shall meet City standards.
4. That the parking areas shall be constructed of concrete for the proposed building in conjunction with occupying the existing metal building.
5. That no outside storage of motorcycles or any other merchandise allowed in conjunction with the temporary use of the existing building or the proposed new building.
6. That a letter from the applicant from Honda stating the current status of the franchise application (an update of the July 31, 2000 letter from Honda) and the conditions of using the existing building. That the Conditional Use Permit for this property be specifically for a Honda Motorcycle Division products franchise.
7. That an outline of improvements proposed for the existing building (inside and outside) and site be submitted to staff for review.
8. That a major repair and/or a body repair and paint shop not be allowed.

**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.

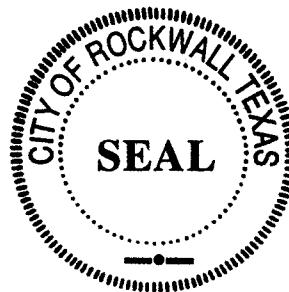
DULY PASSED AND APPROVED this 4<sup>th</sup> day of December, 2000.

Scott L. Self  
APPROVED

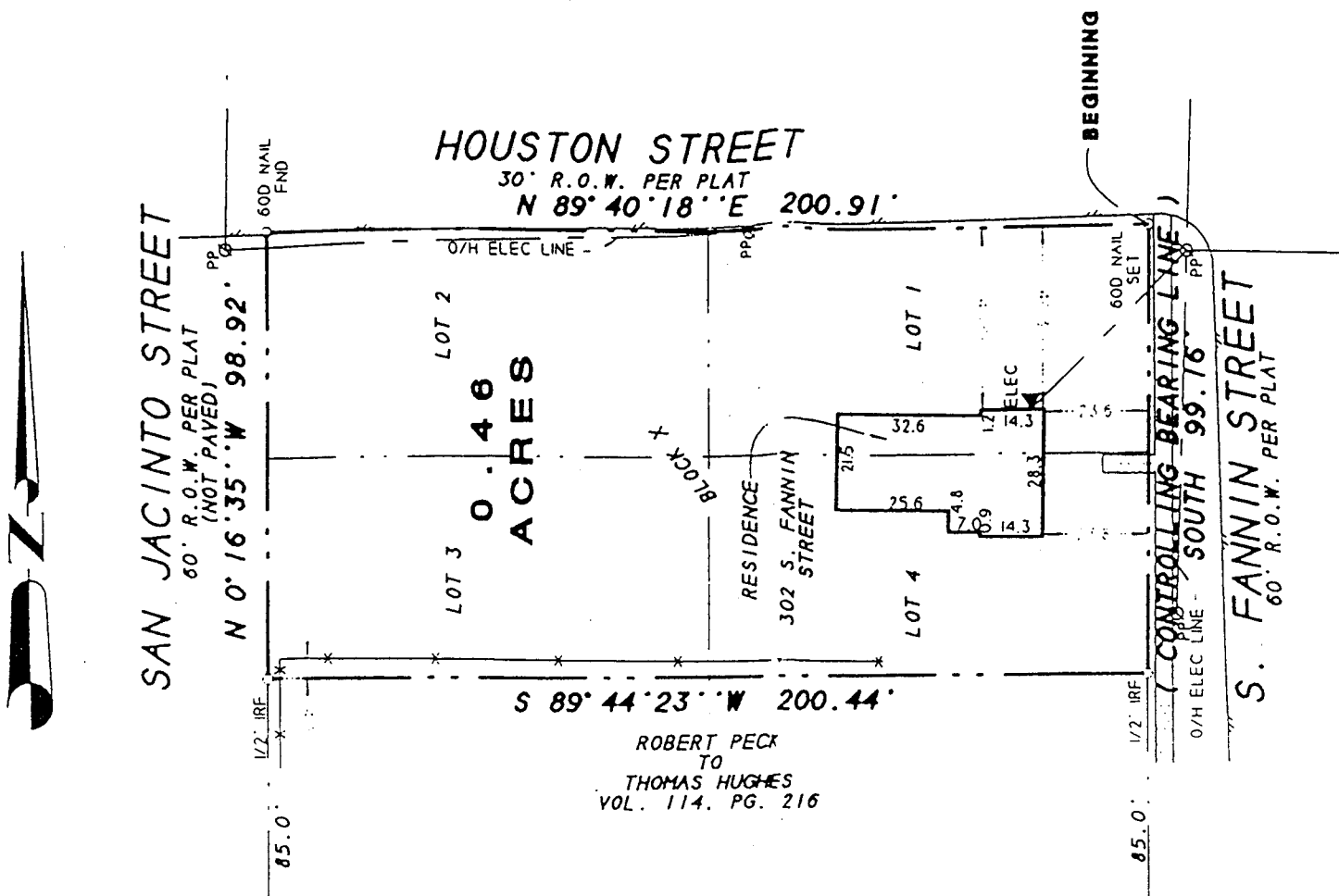
Belinda Page  
ATTEST

1st Reading 11-20-00

2nd Reading 12-04-00



## EXHIBIT "A"



### DESCRIPTION

All that certain lot, tract or parcel of land situated in the B.F. BOYDSTUN SURVEY ABSTRACT NO. 14, City of Rockwall, Rockwall County, Texas, and being Lots 1, 2, 3, and 4, Block X of ORIGINAL TOWN OF ROCKWALL, according to the Plat thereof recorded in Volume 1, Page 555 and Volume F, Page 510 of the Deed Records of Rockwall County, Texas and being more particularly described as follows:

**BEGINNING** at a 60d nail set of corner in the base of a tree, at the intersection of the West right-of-way line of S. Fannin Street (60' R.O.W.) and the South right-of-way line of Houston Street (30' R.O.W.) at the northeast of said Lot 1, Block X;

**THENCE SOUTH** (Controlling bearing line) along the West right-of-way line of S. Fannin Street, a distance of 99.16 feet to a 1/2" iron rod found for corner at the Southeast corner of Lot 4, at the Northeast corner of a tract of land as described in a Warrant deed from Robert Peck to Thomas Hughes, as recorded in Volume 114, Page 216 of the Deed Records of Rockwall County, Texas;

**THENCE S. 89 deg. 44 min. 23 sec. W.** along the common line between said Block X and said Hughes tract, a distance of 200.44 feet to a 1/2" iron rod found for corner in the East right-of-way line of San Jacinto Street (60' R.O.W.);

**THENCE S. 00 deg. 16 min. 35 sec. W.** along the East right-of-way line of San Jacinto Street, a distance of 98.92 feet to a 60d nail found for corner in the edge of pavement at the intersection of said right-of-way line with the South right-of-way line of Houston Street;

**THENCE S. 89 deg. 40 min. 18 sec. E.** along said right-of-way line, a distance of 200.91 feet to the **POINT OF BEGINNING** and containing 0.46 acres of land.

**EXHIBIT "A"**