

CITY OF ROCKWALL

ORDINANCE NO. 19-01

SPECIFIC USE PERMIT NO. S-199

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO AMEND SPECIFIC USE PERMIT NO. S-76 [*ORDINANCE NO. 10-26*], WHICH ALLOWS FOR A MOTORCYCLE DEALERSHIP WITH ACCESSORY BOAT AND TRAILER SALES ON A 1.152-ACRE PARCEL OF LAND IDENTIFIED AS LOT 6, BLOCK A, NEWMAN CENTER #1 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR 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 request has been made by Michael Worrell of Rockwall Honda for the purpose of amending Specific Use Permit (SUP) No. S-76 [*Ordinance No. 10-26*], which allows for a *Motorcycle Dealership with Accessory Boat and Trailer Sales* on a 1.152-acre parcel of land identified as Lot 6, Block A, Newman Center #1 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, located within the IH-30 Overlay (IH-30 OV) District, and more specifically depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; 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 Specific Use Permit (SUP) No. S-131 [*Ordinance No. 15-05*] and the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall should be amended as follows:

**NOW AND THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:**

**SECTION 1.** That the enactment of this Specific Use Permit (SUP) ordinance shall supersede all requirements stipulated in *Ordinance No. 10-26*;

**SECTION 2.** That Specific Use Permit (SUP) No. S-76 [*Ordinance No. 10-26*] and the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant an amendment to Specific Use Permit (SUP) No. S-76 [*Ordinance No. 10-26*] allowing for a *Motorcycle Dealership with Accessory Boat and Trailer Sales* within a Commercial (C) District as stipulated by Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*] on the *Subject Property*;

**SECTION 3.** That the *Subject Property* shall be developed and/or used only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as stipulated by Section 2.1.8, *Auto and Marine-Related Use Conditions*, of Article IV, *Permissible Uses*; Section 4.1, *General Commercial District Standards*; Section 4.5, *Commercial (C) District*, of Article V, *District Development Standards*; Section 6.6, *IH-30 Overlay (IH-30 OV) District* of the Unified Development Code [*Ordinance No. 04-38*] as

heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, and shall be subject to the additional following operational conditions and compliance standards:

### 3.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of an existing *Motorcycle Dealership with Accessory Boat and Trailer Sales* on the *subject property* and conformance to these operation conditions are required for continued operations:

- 1) The outside display of motorcycles and boats shall be limited to the areas depicted in *Exhibit 'C'* of this ordinance. The display areas may be constructed of decomposed granite and shall not be used for public parking spaces.
- 2) The sale of used boats and trailers is prohibited.
- 3) The subject property shall maintain a minimum of 15% landscaped area including ten (10) foot landscape buffer along the front of the subject property adjacent to IH-30. In addition, the outside display areas may be counted against the 15% if they are constructed with decomposed granite of a similar hardscape material and incorporate trees and shrubs to soften the impact of the areas.
- 4) The outside storage of equipment, parts and/or inventory is prohibited, except inventory as depicted in *Exhibit 'C'* of this ordinance.
- 5) All work shall be performed within an enclosed building.
- 6) The installation of canopy/shade structures for this site shall be allowed only in the areas depicted in *Exhibit 'C'* & *Exhibit 'D'* of this ordinance. All canopy/shade structures shall be comparable in materials, color, and size.
- 7) The operation of this site shall conform to all federal, state and local standards and comply with the requirements of Section 3.2, *Compliance Standards*, of this ordinance.

### 3.2 COMPLIANCE

Approval of this ordinance in accordance with Section 8.3, *Council Approval or Denial*, of Article II, *Authority and Administrative Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

- 1) Should any business or establishment operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC), the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 4.4.(3) of Article IV, *Permissible Uses*, of the Unified Development Code (UDC).

**SECTION 4.** That the official zoning map of the City of Rockwall be corrected to reflect the changes described herein.

**SECTION 5.** 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.

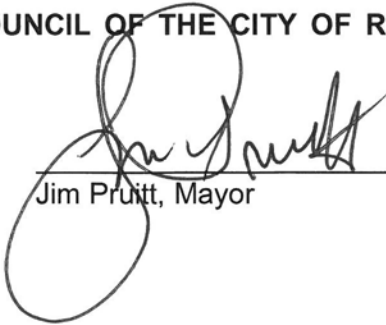
**SECTION 6.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed

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 7.** If any section of provision of this ordinance or the application of that section or provision to any person, firm, cooperation, 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 to 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 8.** That this ordinance shall take effect immediately from and after its passage.

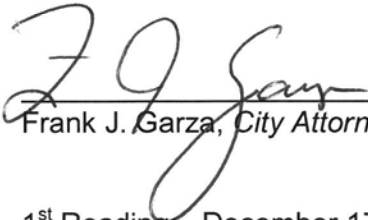
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 7<sup>TH</sup> DAY OF JANUARY, 2019.**

  
\_\_\_\_\_  
Jim Pruitt, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kristy Cole, City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Frank J. Garza, City Attorney



1<sup>st</sup> Reading: December 17, 2018

2<sup>nd</sup> Reading: January 7, 2019

# Exhibit 'A': Boundary Description

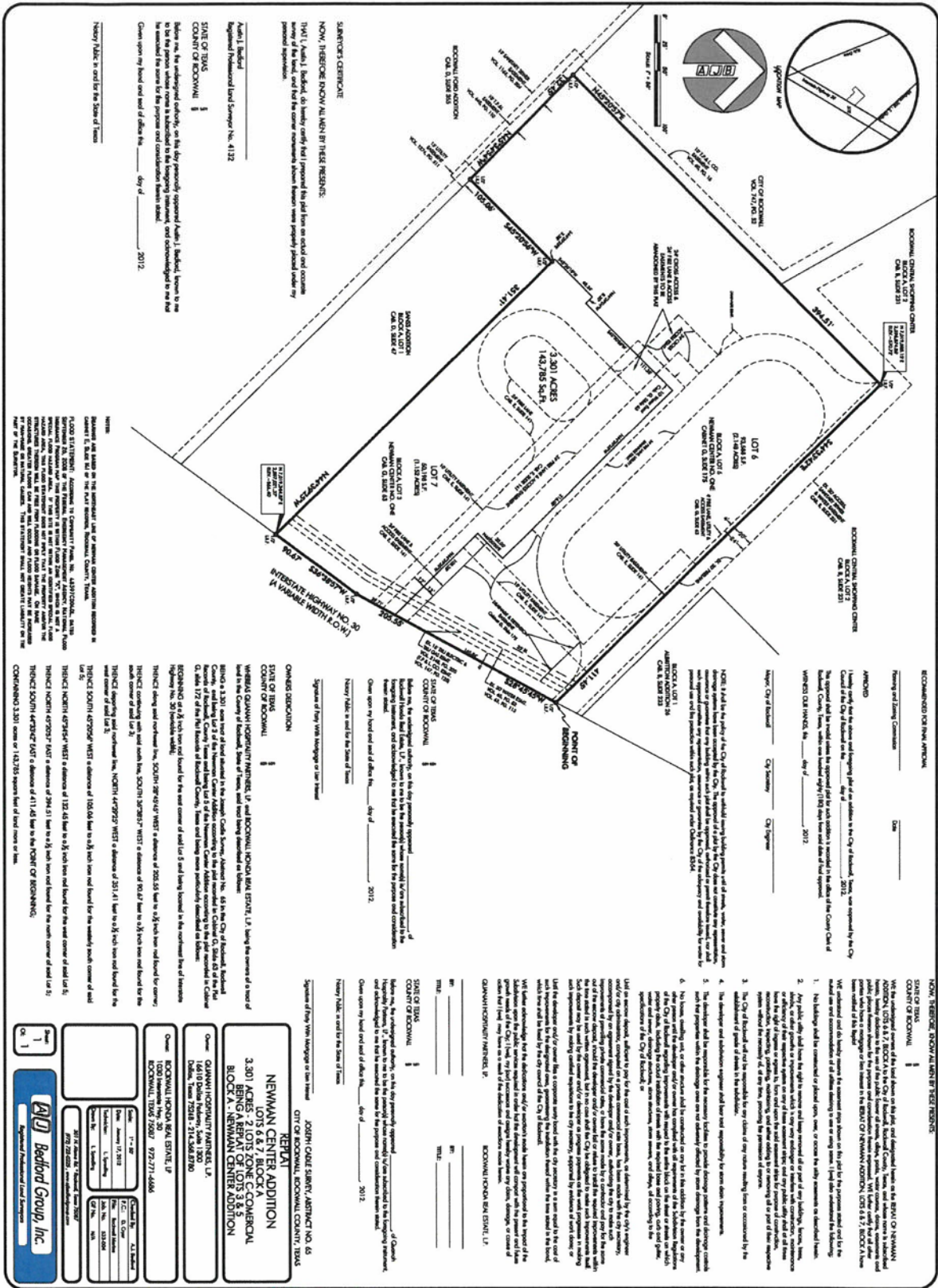
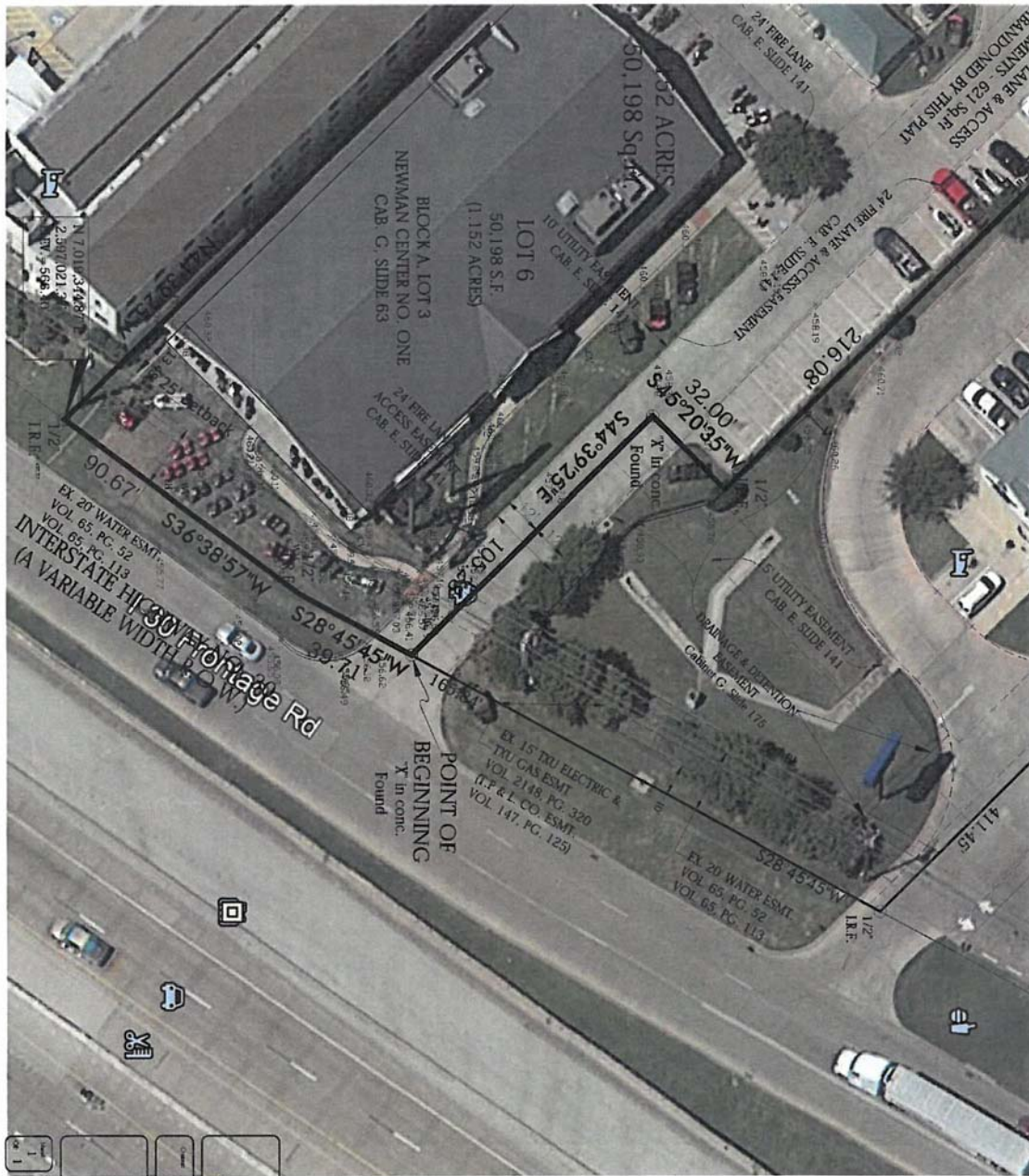


Exhibit 'B': Aerial Description

NOVALL 11/20/2018 10:24:18 AM Layout: 10/26/2018 9:47:56 AM



JOSEPH CALLE SMITH, ABSTRACT NO. 66  
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

**EXHIBIT**  
NEWMAN CENTER ADDITION  
LOTS 6, BLOCK A  
1.152 ACRES - 1 LOT ZONE C COMMERCIAL

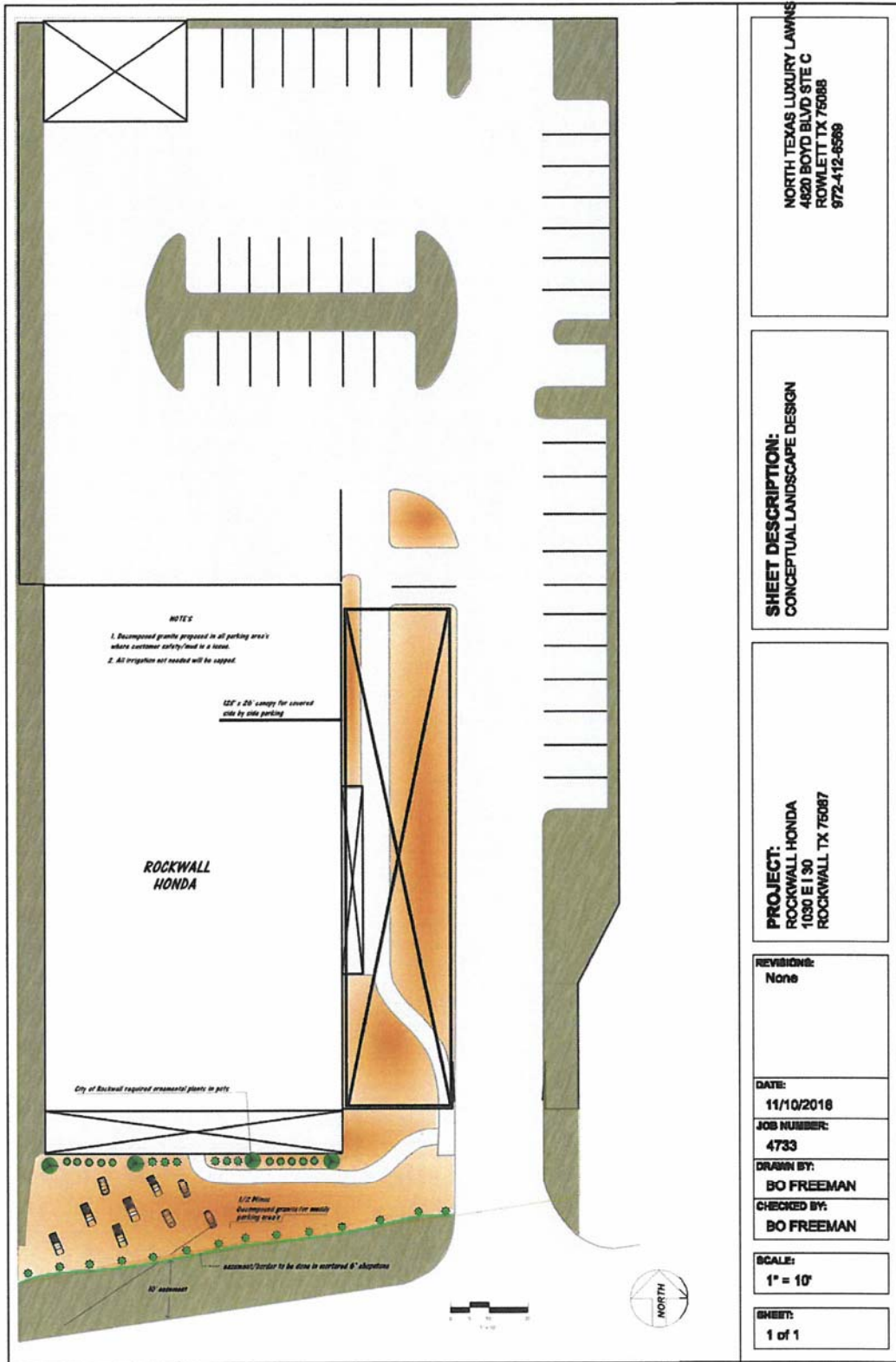
ROCKWALL MOBILE HOME CENTER, LP  
ROCKWALL, TEXAS 75087 972-771-6666

Acres	1.152	Created	11/20/2018
Owner	NEWMAN CENTER ADDITION	Created	11/20/2018
Legal Description	LOT 6, BLOCK A, NEWMAN CENTER ADDITION	Created	11/20/2018
Area	1.152	Created	11/20/2018

307 W. UNIVERSITY BLVD., SUITE 200  
ROCKWALL, TEXAS 75087

**Bedford Group, Inc.**  
Regional Franchise Field Consultant  
10/26/2018 9:47:56 AM

Exhibit 'C': Concept Plan



**NORTH TEXAS LUXURY LAWNS**  
 4820 BOYD BLVD SITE C  
 ROWLETT TX 75088  
 972-412-6569

**SHEET DESCRIPTION:**  
 CONCEPTUAL LANDSCAPE DESIGN

**PROJECT:**  
 ROCKWALL HONDA  
 1030 E I 30  
 ROCKWALL TX 75087

**REVISIONS:**  
 None

**DATE:**  
 11/10/2016

**JOB NUMBER:**  
 4733

**DRAWN BY:**  
 BO FREEMAN

**CHECKED BY:**  
 BO FREEMAN

**SCALE:**  
 1" = 10'

**SHEET:**  
 1 of 1

Exhibit 'D': Canopy Shade Plan



rendering

Rockwall Honda Yamaha  
con-oct-003-18 by: YH 10.04.18



USASHADE  
& Fabric Structures