

CITY OF ROCKWALL

ORDINANCE NO. 18-19

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, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM A SINGLE FAMILY 7 (SF-7) DISTRICT TO A RESIDENTIAL OFFICE (RO) DISTRICT FOR A 1.016-ACRE TRACT OF LAND IDENTIFIED AS LOT 80B [I.E. 0.509-ACRES] & LOT 80C [I.E. 0.507-ACRES], BLOCK B, B. F. BOYDSTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, ADDRESSED AS 106 & 108 ST. MARY STREET AND BEING MORE SPECIFICALLY DESCRIBED IN EXHIBITS 'A' & 'B' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; 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**, the City has received a request from Billy Wayne Peoples and Craig Merritt for a change in zoning from a Single Family 7 (SF-7) District to a Residential Office (RO) District on a 1.016-acre tract of land identified as Lot 80B [i.e. 0.509-acre] and Lot 80C [i.e. 0.507-acres], Block B, B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, addressed as 106 & 108 St. Mary Street and more fully described in Exhibit 'A' & 'B' of this ordinance, which hereinafter 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, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [Ordinance No. 04-38] should be amended as follows:

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

**SECTION 1.** That the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall, Texas, as heretofore amended, be and the same are hereby amended by amending the zoning map of the City of Rockwall so as to change the zoning of the *Subject Property* from a Single-Family 7 (SF-7) District to a Residential Office (RO) District; and

**SECTION 2.** That the *Subject Property* shall be used only in the manner and for the purposes provided for a *Residential Office (RO) District* as stipulated in Section 1.1, "Use of Land and Buildings," of Article IV, "Permissible Uses" and Section 4.2, "Residential Office (RO) District", of Article V, "District Development Standards", of the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as maybe amended in the future;

**SECTION 3.** That the official zoning map of the City be corrected to reflect the changes in the zoning described herein.

**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 Unified Development Code 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 all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

**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.

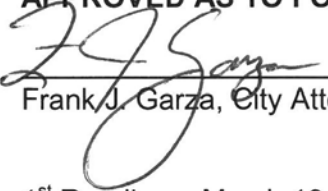
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 2<sup>ND</sup> DAY OF APRIL, 2018.**

  
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Jim Pruitt, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
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Frank J. Garza, City Attorney



1<sup>st</sup> Reading: March 19, 2018

2<sup>nd</sup> Reading: April 2, 2018

**Exhibit 'A':**  
*Legal Description*

106 St. Mary's Street

That certain lot, tract or parcel of land situated in Rockwall County, Texas, and being in the B. F. Boydston Addition in the City of Rockwall, being a part of the B. F. Boydston and B. J. T. Lewis Surveys, described in metes and bounds as follows:

*BEGINNING* 154-feet North 88 Degrees 20 Minutes East from the original northwest corner of a tract of land conveyed to Ted Cain by C. C. Brown et. Ux. by deed dated August 16, 1948, a stake in south margin of St. Mary Street;

*THENCE* North 88 Degrees 20 Minutes East 85-feet a stake for corner in south margin of St. Mary Street;

*THENCE* North 88 Degrees 20 Minutes East 85-feet a stake for corner is south margin of St. Mary Street;

*THENCE* South 00 Degrees 10 Minutes East 262-feet a stake in south line of original tract above mentioned;

*THENCE* South 89 Degrees 52 Minutes West 85-feet stake for corner;

*THENCE* North 00 Degrees 10 Minutes West 259.7-feet to the *PLACE OF BEGINNING*, being the same and identical tract of land conveyed to J. David Wallace by Ted Cain et. ux., by deed dated January 10, 1949, of record in Volume 44, Page 286, Deed Records of Rockwall County, Texas, to which said deed and its record reference is here made for all purposes.

108 St. Mary's Street

Being a tract of land situated in the N. M. Ballard Survey, Abstract No. 48 and the B. J. T. Lewis Survey, Abstract No. 255, Rockwall County, Texas, same being that tract of land conveyed to P. Craig Merritt, Jr., by deed recorded in Volume 2510, Page 156, Deed Records of Rockwall County, Texas, and being more particularly described by metes and bounds as follows:

*COMMENCING* at a ¾-inch iron pipe found for corner, said corner being the Northwest corner of that tract of land conveyed to Billy W. Peoples, by deed recorded in Volume 3024, Page 225, Deed Records of Rockwall County, Texas and being in the south line of St. Mary Street (*public right-of-way*);

*THENCE* North 88 degrees 20 minutes 00 seconds East, along the South line of St. Mary Street, a distance of 85.03-feet to a point for corner, said corner being the northeast corner of said Peoples tract, and being the *POINT OF BEGINNING* of that tract herein described, from which a 600 nail found bears North 25 Degrees 13 Minutes 03 Seconds West, a distance of 0.84-feet for witness, and from which a 2 inch iron pipe found bears North 20 Degrees 08 Minutes 34 Seconds West, a distance of 1.02-feet for witness:

*THENCE* North 88 Degrees 20 Minutes 00 Seconds East, along south line of St. Mary Street, a distance of 75.00-feet to a point for corner, said corner being the northeast corner of said subject tract, from which a ½-inch iron rod found bears North 83 Degrees 04 Minutes 39 Seconds East, a distance of 4.85-feet for witness;

*THENCE* South 00 Degrees 36 Minutes 29 Seconds East, a distance of 264.66-feet to a point for corner, said corner being in the north line of Rockwall Main Post Office, an Addition to the City of Rockwall, Rockwall County, Texas, according to the map or Plat thereof recorded in *Cabinet B, Slide 369*, Plat Records of Rockwall County, Texas;

*THENCE* South 89 Degrees 40 Minutes 31 Seconds West, along the north line of said Rockwall Main Post Office Addition, a distance of 75.00-feet to a point for corner, said corner being the Southeast corner of said Peoples tract, from which a ½-inch iron rod found online bears at a distance of 0.53-feet for reference;

*THENCE* North 00 Degrees 36 Minutes 20 Seconds West, along the east line of said Peoples tract, a distance of 262.90-feet to the *POINT OF BEGINNING* and containing 19,782 square-feet or 0.45-acres of land.

**Exhibit 'B':  
Zoning Exhibit**

Address: 106 & 108 St. Mary Street

Legal Description: Lot 80B & Lot 80C, Block B, B. F. Boydston Addition

