

CITY OF ROCKWALL

ORDINANCE NO. 09-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED SO AS TO APPROVE A CHANGE IN ZONING FROM (SF-7) SINGLE FAMILY RESIDENTIAL DISTRICT TO (C) COMMERCIAL DISTRICT, ON A TRACT OF LAND CONTAINING APPROXIMATELY 0.25-ACRE LOCATED AT 901 S. GOLIAD STREET AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED 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 zoning change from (SF-7) Single Family Residential district to (C) Commercial district has been requested by Tim Moore on a tract of land containing approximately 0.25-acre and known as Lot 1 and the NW part of Block A, Canup Addition, located at 901 S. Goliad Street and situated at the southeast corner of South Goliad (SH 205) and Bourn Street, and more specifically described in Exhibit "A" attached 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 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 Unified Development Code (Ord. 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 from (SF-7) Single Family Residential district to (C) Commercial district on a tract of land containing approximately 0.25-acre and known as Lot 1 and the NW part of Block A, Canup Addition, located at 901 S. Goliad Street and situated at the southeast corner of South Goliad (SH 205) and Bourn Street, and more specifically described in Exhibit "A" attached herein; and

Section 2. That the property described herein shall be used only in the manner and for the purposes provided for in **Article V, Section 4.5, Commercial District** of the Unified Development Code of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future.

Section 3. That the official zoning map of the City be corrected to reflect the changes in 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

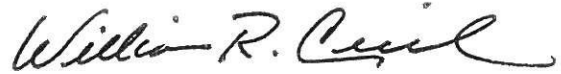
and each and every day such offense shall continue shall be deemed to constitute a separate offense.

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 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.

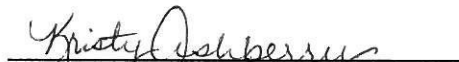
Section 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 6th day of April, 2009.



William R. Cecil, Mayor

ATTEST:



Kristy Ashberry, City Secretary

APPROVED AS TO FORM:



Pete Eckert, City Attorney

1st Reading: 03-16-09

2nd Reading: 04-06-09



Exhibit "A"

all that certain lot, tract or parcel of land situated in the B. J. T. LEWIS SURVEY, ABSTRACT NO. 223, City of Rockwall, Rockwall County, Texas, and being all of Lot 1, and a part of Block A, of R.F. CANUP SUBDIVISION, an Addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Volume 39, Pages 244 and 245, of the Deed Records of Rockwall County, Texas, and being all of that 0.263 acres tract of land as described in a Warranty Deed from Elizabeth Sears to Jerry LaRue and wife, Ann LaRue, dated April 25, 1996 and being recorded in Volume 1110, Page 051 of the Real Property Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner at the intersection of the South right-of-way line of Bourne Avenue (50' R.O.W.) and the East right-of-way line of S. Goliad Street (State Highway 205) said point being at the Northwest corner of said Lot 1 and said 0.263 acres tract:

THENCE S. 69 deg. 54 min. 24 sec. E. along the South right-of-way line of Bourne Avenue, at 150.00 feet pass the Northeast corner of Lot 1, and continuing for a total distance of 230.07 feet to a 3/8" iron rod found in concrete for corner at the Northeast corner of said 0.263 acres tract:

THENCE S. 00 deg. 38 min. 16 sec. E. a distance of 46.79 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner at the Southeast corner of said 0.263 acres tract and at the Northeast corner of Rockwall Floor Covering, Inc. tract:

THENCE S. 69 deg. 21 min. 09 sec. W. a distance of 225.26 feet to a 1" iron pipe found for corner in the East right-of-way line of State Highway 205 (S. Goliad Street) at the Southwest corner of said Lot 1:

THENCE in a Northwesterly direction along a curve to the right having a central angle of 01 deg. 58 min. 00 sec., a radius of 1444.50 feet, a tangent of 25.00 feet, a chord of N. 05 deg. 06 min. 26 sec. W. 50.00 feet along said right-of-way line and along the West line of Lot 1, a distance of 50.00 feet to the POINT OF BEGINNING and containing 10,895 square feet of 0.26 acres of land:

