

CITY OF ROCKWALL

ORDINANCE NO. 13-03

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 FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A COMMERCIAL (C) DISTRICT FOR A 45.56-ACRE TRACT OF LAND DESCRIBED AS TRACT 17-5 OF THE W. W. FORD SURVEY, ABSTRACT NO. 80, ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' AND EXHIBIT '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 Cameron Slown, on behalf of the owners, Mark Medcalf and Shannon Balthorp, for an amendment to the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall to adopt a change in zoning from an Agricultural (Ag) District to the a Commercial (C) District for a 45.56-acre tract of land described as Tract 17-5 of the W. W. Ford Survey, Abstract No. 80, Rockwall, Rockwall County, Texas, and more specifically described in Exhibit 'A' and Exhibit '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 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 from an Agricultural (Ag) District to a Commercial (C) District for the *Subject Property*; and

Section 2. That the *Subject Property* shall be used only in the manner and for the purposes provided for in *Section 4.5, "Commercial (C) District", Article V, "District Development Standards", 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 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.

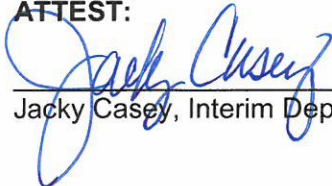
Section 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ON THIS THE 4TH DAY OF March, 2013.



David Sweet, Mayor

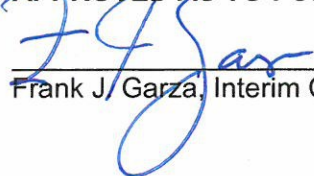
ATTEST:



Jacky Casey, Interim Deputy City Secretary



APPROVED AS TO FORM:



Frank J. Garza, Interim City Attorney

1st Reading: February 18, 2013

2nd Reading: March 4, 2013

Exhibit 'A': Zoning Exhibit

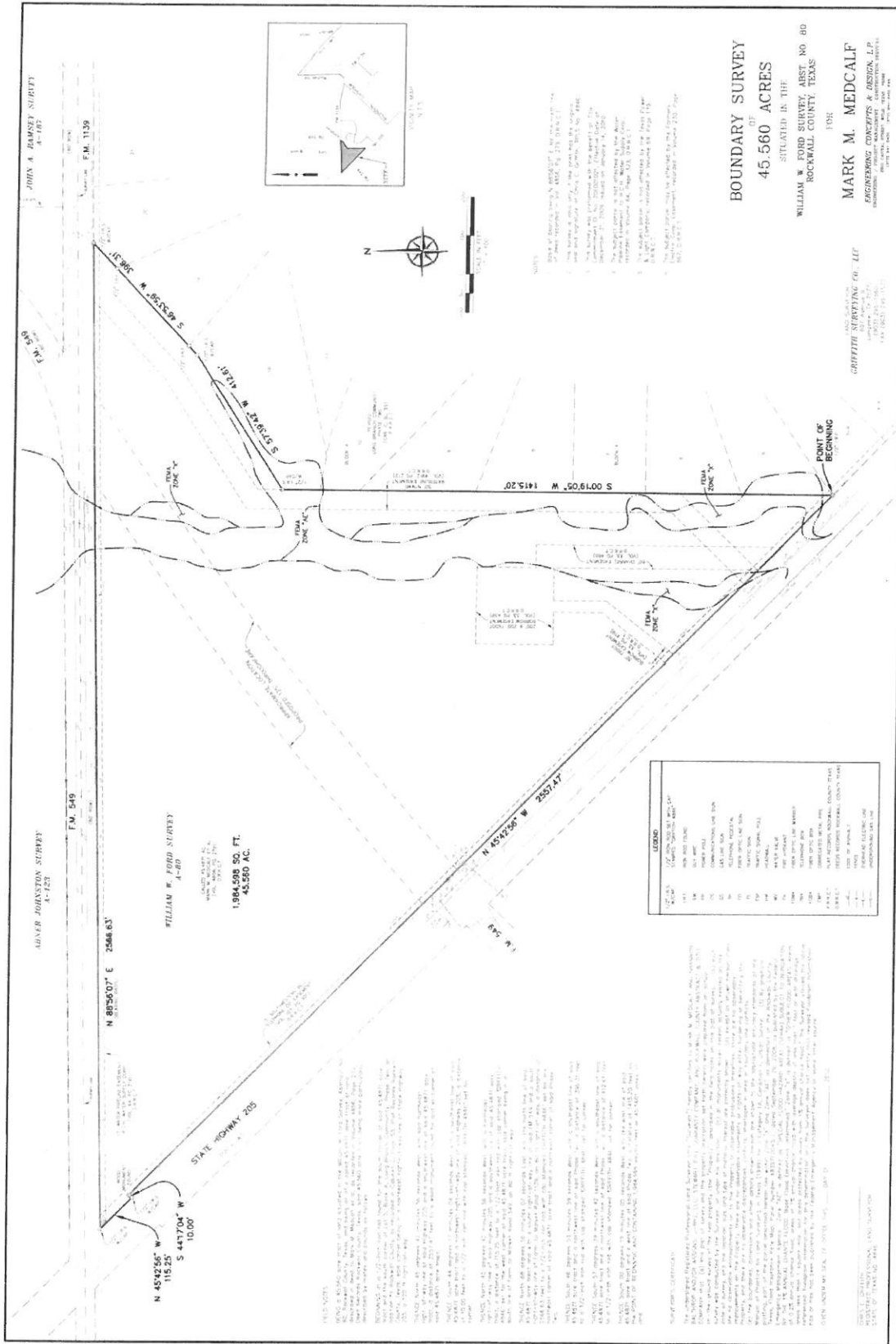


Exhibit 'B':
Legal Description

BEING a 45.560 acre tract of land situated in the William W. Ford Survey, Abstract No. 80, Rockwall County, Texas, and being all of a called 45.4871 acre tract of land described in deed to Mark M. Medcalf et al, as recorded in Volume 4856, Page 279, Deed Records Rockwall County, Texas, said 45.560 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found for the south corner of said 45.4871 acre tract and the south corner of Lot 5, Block A, Long Branch Community, Phase Two, an addition to Rockwall County, as recorded in Cabinet C, Page 55, Plat Records Rockwall County, Texas, said corner being in a northeast right-of-way line of State Highway 205, a 120 ft right-of-way;

THENCE North 45 degrees 42 minutes 56 seconds West, with said northeast right-of-way line of said Highway 205 and a southwest line of said 45.4871 acre tract, a distance of 2557.47 feet to a wood monument found for and ell corner of said 45.4871 acre tract;

THENCE South 44 degrees 17 minutes 04 seconds West, with a southeast line of said 45.4871 acre tract and a northwest right-of-way line of said Highway 205, a distance of 10.00 feet to a 1/2-inch iron rod with cap stamped "GRIFFITH 4846" set for corner;

THENCE North 45 degrees 42 minutes 56 seconds West, with a northeast right-of-way line of said Highway 205 and a southwest line of said 45.4871 acre tract, a distance of 115.25 feet to a 1/2-inch iron rod with cap stamped "GRIFFITH 4846" set for the west corner of said 45.4871 acre tract, said corner being in a south line of Farm to Market Road 549, an 80 ft right-of-way;

THENCE North 88 degrees 56 minutes 07 seconds East, with the north line of said 45.4871 acre tract and with a south right-of-way line of said FM 549 and a south right-of-way line of Farm to Market Road 1139, an 80 ft right-of-way, a distance of 2566.63 feet to a 1/2-inch iron rod with cap stamped "GRIFFITH 4846" set for the northeast corner of said 45.4871 acre tract and a northwest corner of said Phase Two;

THENCE South 46 degrees 53 minutes 59 seconds West, with a southeast line of said 45.4871 acre tract and a northwest line of said Phase Two, a distance of 396.31 feet to a 1/2-inch iron rod with cap stamped "GRIFFITH 4846" set for corner;

THENCE South 57 degrees 39 minutes 42 seconds West, with a southeast line of said 45.4871 acre tract and a northwest line of said Phase Two, a distance of 412.61 feet to a 1/2-inch iron rod with cap stamped "GRIFFITH 4846" set for corner;

THENCE South 00 degrees 19 minutes 05 seconds West, with the east line of said 45.4871 acre tract and a west line of said Phase Two, a distance of 1415.20 feet to the POINT OF BEGINNING AND CONTAINING 1,984,598 square feet or 45.5601 acres of land.