

CITY OF ROCKWALL

ORDINANCE NO. 13-06

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 1.51-ACRE TRACT OF LAND SITUATED IN ZION HILL ESTATES ADDITION, LOT 2 AND PART OF LOT 6, BLOCK B, CITY AND COUNTY OF ROCKWALL, TEXAS MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' 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 Keith Taylor, representing T.A. Land Holdings, 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 a Commercial (C) District for a 1.51-acre tract of land situated in Zion Hill Estates Addition, Lot 3 and part of Lot 6, Block B, City and County of Rockwall, Texas, and more specifically described in Exhibit 'A' 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.

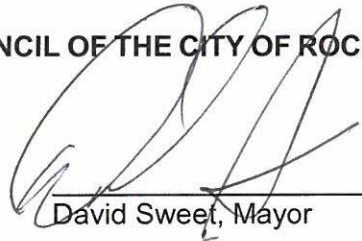
Section 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offence and each and every day such offense 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.

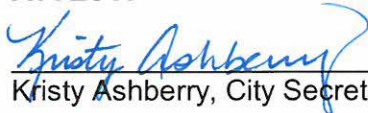
Section 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ON THIS THE 1st DAY OF April, 2013.



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, Interim City Attorney



1st Reading: 03-18-13

2nd Reading: 04-01-13

Exhibit 'A':
Legal Description

BEING all of Lot 3 and a part of Lot 6, Block B of ZION HILL ESTATES, an Addition to the City of Rockwall, Rockwall County, Texas according to the revised Plat thereof recorded in Cabinet A, Slide 271, Plat Records, Rockwall County, Texas, and being those same tracts of land described in deed to Mike K. and Susan E. Ballard recorded in Volume 5119, Page 271 and in the deed of trust to James R. Godbe, Jr. recorded in Volume 5830, Page 102, Real Estate Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod at the present intersection of the west R.O.W. line of F.M. 549 (a variable width R.O.W.) with the north R.O.W. line of State Highway 66 (Williams Street - a variable width R.O.W.)

THENCE North 89 deg 48 min 59 sec West along the north line of State Highway 66, at 28.65 feet passing a 3/4 inch iron rod found at the southeast corner of the above mentioned Lot 3 and continuing a total distance of 185.12 feet to a 1/2 inch iron rod found at the common southeast corner of Lot 2 and the southwest corner of Lot 3, Block B of the aforementioned Zion Hill Estates;

THENCE North 00 deg 00 min 42 sec West, a distance of 278.40 feet along the common line of said Lots 2 and 3 to a 1/2 inch iron rod found in the south line of Lot 4, Block B and being the northwest corner of said Lot 3;

THENCE South 89 deg 48 min 59 sec East along the north line of said Lot 3, at 156.47 feet passing the northeast corner of Lot 3 and continuing a total distance of 206.08 feet to a 1/2 inch iron rod found at the northwest corner of a Water Supply Pump Station;

THENCE South 00 deg 16 min 42 sec West, a distance of 34.10 feet along said Water Supply Pump Station to a 1/2 inch iron rod found for corner;

THENCE South 88 deg 50 min 33 sec West, a distance of 62.00 feet along said Water Supply Pump Station to a 1/2 inch iron rod found for corner in the west line of F.M. 549;

THENCE South 10 deg 19 min 34 sec West, a distance of 101.04 feet along the west line of FM 549 to a concrete monument found at the beginning of a non-tangent curve to the left having a central angle of 04 deg 45 min 51 sec, a radius of 813..94 feet bearing S 79 deg 29 min 34 sec E;

THENCE along the west line of FM 549 and around said curve a distance of 67.68 feet to a Txdot monument found for corner;

THENCE South 35 deg 42 min 09 sec West, a distance of 94.33 feet along the west line of F.M. 549 to the point of beginning and containing 65,726.40 square feet or 1.5089 acres of land.