

CITY OF ROCKWALL

ORDINANCE NO. 14-12

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 FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A HEAVY COMMERCIAL (HC) DISTRICT FOR A 6.057-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 3-06 OF THE W.H. BARNES SURVEY, ABSTRACT NO. 26, CITY AND COUNTY OF ROCKWALL, TEXAS AND 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 Tommy Pulliam on behalf of Rayburn Electric Cooperative, 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 Heavy Commercial (HC) District for a 6.057-acre tract of land identified as a portion of tract 3-06 of the W.H. Barnes Survey, Abstract No. 26, 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 Heavy Commercial (HC) 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 4.7, "Heavy Commercial (HC) 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.

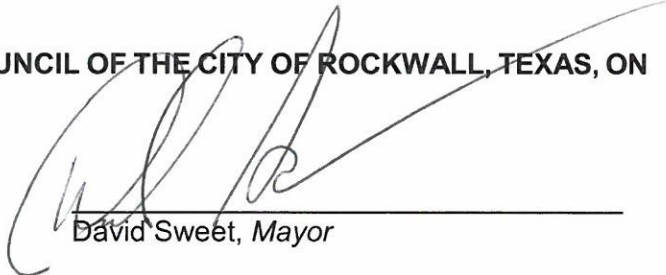
Section 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offence and each and every day such offense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

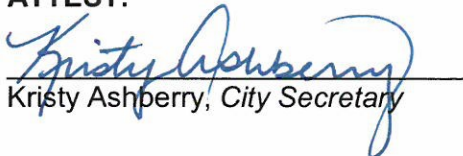
Section 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ON THIS THE 17th DAY OF March, 2014.



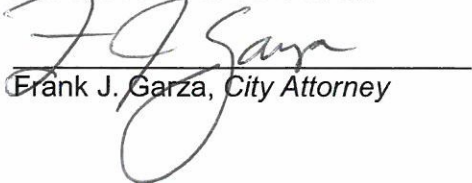
David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: 03-03-14

2nd Reading: 03-17-14

Exhibit 'A':
Legal Description

6.057 ACRE TRACT
PROJECT NUMBER: Z2014-001

FIELD NOTES

BEING a 6.057 acre tract of land situated in the William H. Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas and being all of a 2.00 acre tract of land described in deed to Rayburn Country Electric Cooperative, Inc., as recorded in Volume 428, Page 214, Deed Records, Rockwall County, Texas and part of a 7.403 acre tract of land described in deed to Rayburn Country Electric Cooperative, Inc., as recorded in Volume 731, Page 263 of said Deed Records, said 6.057 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at the north corner of said 2.00 acre tract (Vol. 428, Pg. 214), said corner being in the southeasterly right-of-way line of Sids Road, a 40 ft. right-of-way at this point;

THENCE South 46 degrees 15 minute 45 seconds East, with the northeast boundary line of said 2.00 acre tract (Vol. 428, Pg. 214), at 22.5 feet passing the west corner of Lot 1, Block 1, Pott Shrigley Addition, an addition to the City of Rockwall, as recorded in Cabinet C, Slide 367, Plat Records, Rockwall County, Texas and continuing with the common boundary line of said 2.00 acre tract and said Lot 1, a total distance of 351.23 feet to a 1/2-inch iron rod found for the east corner of said 2.00 acre tract (Vol. 428, Pg. 214), the south corner of said Lot 1, a west corner of a 24.971 acre tract of land described in deed to OSEE Property Management, LLC, as recorded in Volume 5556, Page 93, of said Deed Records and the north corner of a 2.00 acre tract of land described in deed to Rayburn Country Electric Cooperative, Inc., as recorded in Volume 829, Page 111 of said Deed Records;

THENCE South 44 degrees 01 minute 51 seconds West, with the common boundary line of said 2.00 acre tract (Vol. 428, Pg. 214), said 7.403 acre tract and said 2.00 acre tract (Vol. 829, Pg. 111), a distance of 523.33 feet to a 1/2-inch iron rod found for the west corner of said 2.00 acre tract (Vol. 829, Pg. 111) and a north corner of said 24.971 acre tract;

THENCE South 44 degrees 06 minute 36 seconds West, with the common boundary line of said 7.403 acre tract and said 24.971 acre, a distance of 228.69 feet to a point for corner;

THENCE North 45 degrees 56 minute 58 seconds West, a distance of 351.17 feet to a point for corner in the common boundary line of said 7.403 acre tract and said Sids Road;

THENCE North 44 degrees 03 minute 02 seconds East, with the common boundary line of said 7.403 acre tract, said 2.00 acre tract (Vol. 428, Pg. 214), and said Sids Road, a distance of 750.10 feet to the POINT OF BEGINNING AND CONTAINING 263,850 square feet or 6.057 acres of land.