

CITY OF ROCKWALL

ORDINANCE NO. 17-44

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 SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT FOR A 3.217-ACRE TRACT OF LAND IDENTIFIED AS TRACT 13-06 OF THE W. W. FORD SURVEY, ABSTRACT NO. 80, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' AND DEPICTED IN 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 Brian and Darla Kelly for the approval of 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 Single-Family Estate 2.0 (SFE-2.0) District for a 3.217-acre tract of land identified as Tract 13-06 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, and more specifically described in *Exhibit 'A'* and depicted in *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 [*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 an Agriculture (AG) District to a Single-Family Estate 2.0 (SFE-2.0) District; and

SECTION 2. That the *Subject Property* shall be used and developed only in the manner and for the purposes provided for a *Single-Family Estate 2.0 (SFE-2.0) District* as stipulated by *Section 2.1.1, Residential Lodging Conditions*, of *Article IV, Permissible Uses*, and *Section 3.2, Single-Family Estate 2.0 (SFE-2.0) 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 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.

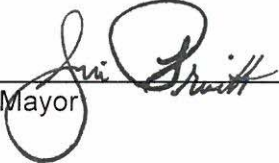
SECTION 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS* (\$2,000.00) for each offence and each and every day such offense 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 5TH DAY OF SEPTEMBER, 2017.



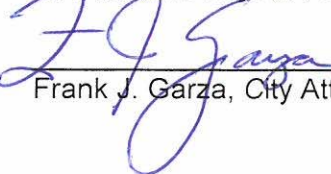
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: August 21, 2017

2nd Reading: September 5, 2017

Exhibit 'A'
Legal Description

BEING a 3.217 acre tract of land situated in the W.W. Ford Survey, Abstract No. 80, Rockwall County, Texas, being all that certain tract of land described in deed to Wayne Curtis Jones, as recorded in Instrument No. 20130000500816, Deed Records, Rockwall County, Texas (said tract being described by metes and bounds in Volume 4062, Page 212, said Deed Records), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found from which a 1/2-inch iron rod found bears South 67° 47' 15" West 2.16 feet, said first mentioned iron rod being the south corner of said Jones Tract, and being on the most southwesterly northeast line of that certain tract of land described in deed to John N. Cullins and wife, Jane M. Cullins, as recorded in Volume 539, Page 187, said Deed Records;

THENCE North 44° 45' 20" West, a distance of 150.00 feet along the common line of said Jones Tract and said Cullins Tract to a 1/2 1nch iron rod set at the west corner of said Jones Tract;

THENCE North 58° 35' 51" East along said common line, passing the most northerly east corner of said Cullins Tract and the South corner of that certain tract of land described in deed to PSB Indemnity Family Limited Partnership, as recorded in Instrument No. 20140000006357, aforesaid Deed Records, at a distance of 516.08 feet and continuing along the common line of said Jones and PSB Tracts a total distance of 740.80 feet to a 1/2-inch iron rod set at the common north corner of said Jones Tract and that certain tract of land described in deed to Joann Vostitsianos Jones, as recorded in Instrument No. 201300005000814, said Deed Records;

THENCE South 06° 42' 38" East, a distance of 300.89 feet along the common line of said Jones Tracts to a 1/2-inch iron rod set at the common south corner of said tracts, said iron rod being on the most southerly northwest line of that certain tract of land described in deed to Joann Vostitsianos Jones, as recorded in Instrument No. 20130000500815, said deed records;

THENCE SOUTH 68° 31' 52" West along the common line of said Jones (20130000500816) and jones (20130000500815) Tracts, passing the most southerly west corner of said Jones Tract (20130000600815) at a distance of 111.54 feet and continuing along the Southeast line of said Jones Tract (20130000500816) a total distance of 588.84 feet to the point of beginning and containing 140,138 square feet or 3.217 acres of land.

