

CITY OF ROCKWALL

ORDINANCE NO. 17-56

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 A SINGLE-FAMILY 7 (SF-7) DISTRICT TO A DOWNTOWN (DT) DISTRICT FOR A 0.21-ACRE TRACT OF LAND IDENTIFIED AS LOT D-1, BLOCK 122, B. F. BOYDSTON ADDITION, 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 Jay Odom 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 a Single-Family 7 (SF-7) District to a Downtown (DT) District for a 0.21-acre tract of land identified as Lot D-1, Block 122, B. F. Boydston Addition, 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 a Single-Family 7 (SF-7) District to a Downtown (DT) District; and

**SECTION 2.** That the *Subject Property* shall be used and developed only in the manner and for the purposes provided for a *Downtown (DT) District* as stipulated by *Subsection 4.8, Downtown (DT) District*, of *Section 4, Commercial (C) Districts* and *Subsection 6.2, Historic Overlay (HOV) District*, of *Section 6, Overlay Districts 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.

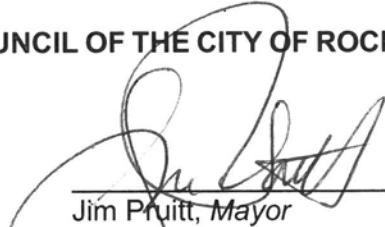
**SECTION 4.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS* (\$2,000.00) for each offence and each and every day such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

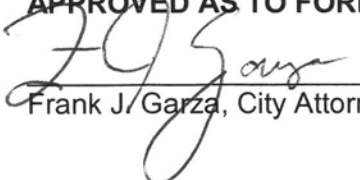
**SECTION 6.** That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

**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 6<sup>th</sup> DAY OF NOVEMBER, 2017.**

  
\_\_\_\_\_  
Jim Pruitt, Mayor

**ATTEST:**  
  
\_\_\_\_\_  
Kristy Cole, City Secretary

**APPROVED AS TO FORM:**  
  
\_\_\_\_\_  
Frank J. Garza, City Attorney



1<sup>st</sup> Reading: October 16, 2017

2<sup>nd</sup> Reading: November 6, 2017

*Exhibit 'A'*  
*Legal Description*

All that certain lot, tract or parcel of land situated in the City of Rockwall, Rockwall County, Texas, and being a part of the B.F. Boydstun Survey, Abstract No. 14, being the east 50 feet of a tract of land described in Volume 32 at Page 370 of the Deed Records of Rockwall County, being the same lot, tract or parcel of land conveyed from the Heirs of Eugene Payne, Sr. to Denton E. Payne by Deed recorded in Volume 65 at Page 580 of the Deed Records of Rockwall County and being further described as follows:

**BEGINNING** at a 5/8 inch iron rod found for corner near a fence corner post on the north line of Olive Street, being the southeast corner of said Payne tract and said parent tract described in Volume 32 at Page 370 and bearing N 88°03'08" W a distance of 150.05 feet from the intersection of said north line of Olive Street with the West line of North Fannin Street (State Highway No. 66);

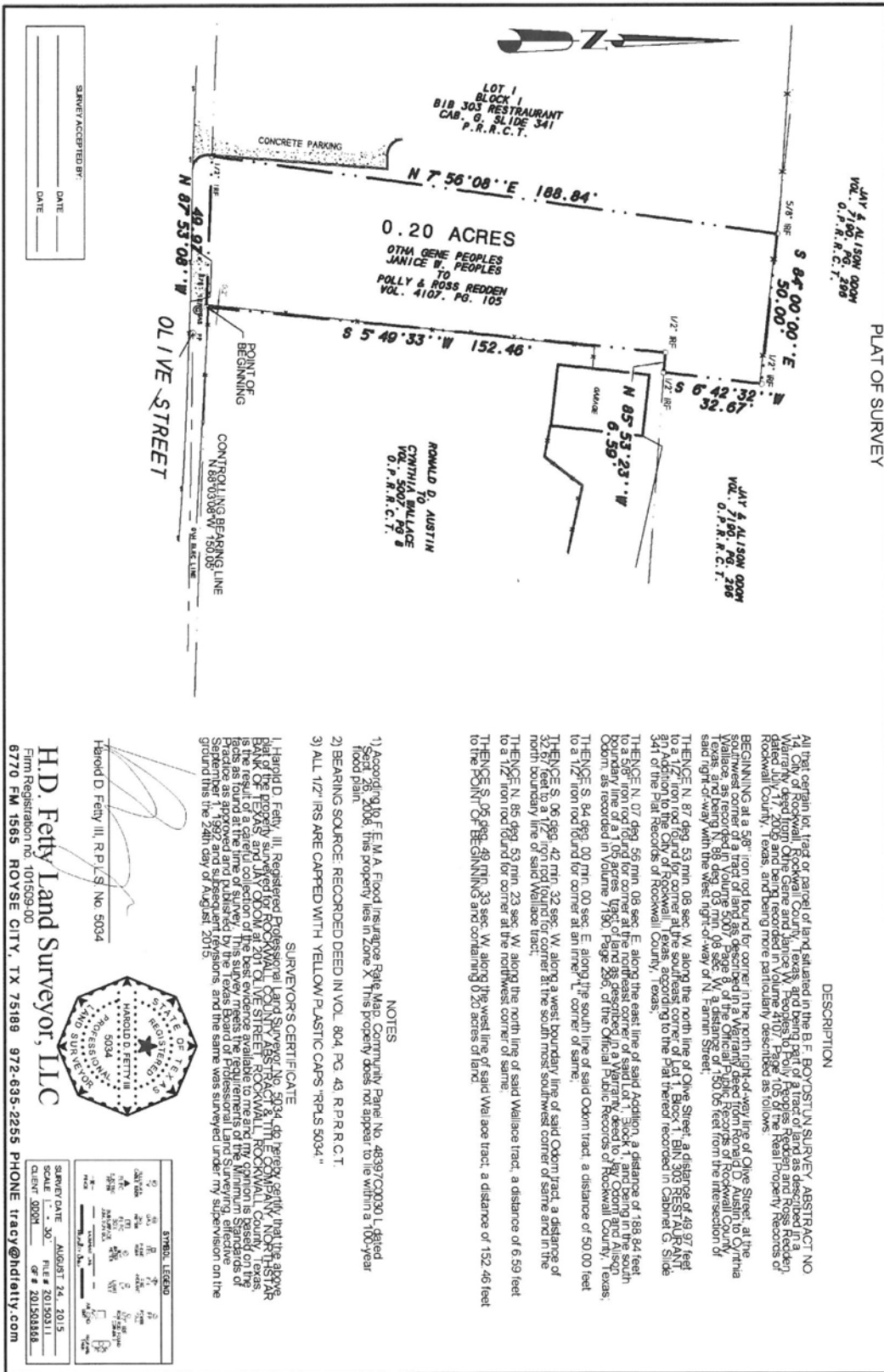
**THENCE** N. 90° 00' 00" W with the north line of Olive Street, a distance of 50.08 feet to a ½ inch iron pipe found for corner at the southwest corner of said Payne tract;

**THENCE** N. 06° 26' 18" E. a distance of 187.80 feet to a ½ inch iron rod set in a fence for corner, being on the north line of said parent tract and the westernmost south line of the tract of land conveyed to Cedo and Julia Rakich by deed recorded in Volume 804 at Page 43 of the Real Property Records of Rockwall County;

**THENCE** S. 85° 55' 40" E. along said fence, a distance of 49.81 feet to a fence corner post found and called for in said parent tract and Payne Deed for corner, said corner also being an interior corner in the south line of said Rakich tract;

**THENCE** S. 06° 26' 18" W. with the east line of said parent tract and subject Payne tract, passing a ½ inch iron rod found at 31.7 feet at the southernmost southwest corner of said Rakich tract and continuing, for a total distance of 184.24 feet returning to the Point of Beginning and containing 0.213 acres of land and also being known as No. 201 Olive Street, and being the same property described in the Report of Sale heretofore filed in the County Court of Rockwall County, Texas, In Re: Estate of Lucille Reeder, an Incapacitated Person, in Cause No. 6833.

Exhibit 'B'  
Survey



JAN 5, AL 150N 020W  
VOL. 7100, PG. 288  
O.P.R.R.C.T.

PLAT OF SURVEY

JAN 5, AL 150N 020W  
VOL. 7100, PG. 288  
O.P.R.R.C.T.

0.20 ACRES  
OTHA GENE PEOPLES  
JANICE W. PEOPLES  
TO  
POLLY & ROSS REDDEN  
VOL. 4107, PG. 105

RONALD D. AUSTIN  
D.D.  
CYNTHIA BULLACE  
VOL. 5007, PG. 8  
O.P.R.R.C.T.

DATE \_\_\_\_\_  
DATE \_\_\_\_\_  
DATE \_\_\_\_\_

DESCRIPTION

All that certain lot, tract or parcel of land situated in the B.F. BOYDSTUN SURVEY, ABSTRACT NO. 14, City of Rockwall, Rockwall County, Texas, and being part of a tract of land as described in a Warranty deed from Otha Gene and Janice W. Peoples, recorded in Volume 4107, Page 105 of the Official Public Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found for corner in the north right-of-way line of Olive Street, at the southwest corner of a tract of land as described in a Warranty deed from Ronald D. Austin to Otha Wallace, as recorded in Volume 5007, Page 8 of the Official Public Records of Rockwall County, Texas, and being N. 88 deg 03 min 08 sec. W. a distance of 150.05 feet from the intersection of said right-of-way with the West right-of-way of N. Barnum Street;

THENCE N. 87 deg 53 min 08 sec. W. along the north line of Olive Street, a distance of 49.97 feet to a 1/2" iron rod found for corner at the southeast corner of Plot 1, Block 1, B1N 303 RESTAURANT, as recorded in Volume 5007, Page 8 of the Official Public Records of Rockwall County, Texas;

THENCE N. 07 deg 59 min 08 sec. E. along the east line of said Addition, a distance of 188.84 feet to the northeast corner of said Addition, as recorded in Volume 5007, Page 8 of the Official Public Records of Rockwall County, Texas, as recorded in Volume 7190, Page 286 of the Official Public Records of Rockwall County, Texas;

THENCE S. 84 deg 00 min 00 sec. E. along the south line of said Odom tract, a distance of 50.00 feet to a 1/2" iron rod found for corner at an iron "L" corner of same;

THENCE S. 06 deg 42 min 32 sec. W. along a west boundary line of said Odom tract, a distance of 32.67 feet to a 1/2" iron rod found for corner at the southeast corner of same and in the north boundary line of said Wallace tract;

THENCE N. 05 deg 53 min 23 sec. W. along the north line of said Wallace tract, a distance of 6.59 feet to a 1/2" iron rod found for corner at the northwest corner of same;

THENCE S. 05 deg 40 min 33 sec. W. along the south line of said Wallace tract, a distance of 152.46 feet to the POINT OF BEGINNING and containing 0.20 acres of land.

NOTES

- 1) According to FEMA Flood Insurance Rate Map Community Panel No. 48397C0030 L, dated 10/20/08, this property lies in Zone X. This property does not appear to lie within a 100-year flood plain.
- 2) BEARING SOURCE: RECORDED DEED IN VOL. 804, PG. 43, R.P.R.C.T.
- 3) ALL 1/2" IRONS ARE CAPPED WITH YELLOW PLASTIC CAPS. RPLS 5034."

SURVEYOR'S CERTIFICATE

I, Harold D. Fetty, III, Registered Professional Land Surveyor No. 5034, do hereby certify that I approve the plat of the property surveyed for RONALD D. AUSTIN and CYNTHIA BULLACE, and that the same is a true and correct copy of the original survey as recorded in the Public Records of Rockwall County, Texas. This survey meets the requirements of the Minimum Standards of Practice as approved and published by the Texas Board of Professional Land Surveying, effective August 1, 2015, and the same was surveyed under my supervision on the 29th day of August, 2015.

Harold D. Fetty III, R.P.L.S. No. 5034



HD. Fetty Land Surveyor, LLC

6770 FM 1565 ROYSE CITY, TX 75189 972-635-2255 PHONE: tracy@hdfetty.com

SYMBOL	LEGEND
(Symbol)	Survey Boundary
(Symbol)	Iron Rod
(Symbol)	Point of Beginning
(Symbol)	Controlling Bearing Line
(Symbol)	Concrete Parking
(Symbol)	Right-of-Way
(Symbol)	Other

DATE: AUGUST 24, 2015  
SCALE: 1" = 30'  
FILE # 20150311  
CLIENT: 30081 OF # 201503188