

CITY OF ROCKWALL

ORDINANCE NO. 19-11

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 APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A LIGHT INDUSTRIAL (LI) DISTRICT ON A 6.03-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2-4 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DEPICTED IN *EXHIBIT 'A'* AND FURTHER DESCRIBED 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 Tom Jones on behalf of Susan Thomas of Rockwall Friendship Baptist Church for a change in zoning from an Agricultural (AG) District to a Light Industrial (LI) District on a 6.03-acre tract of land identified as Tract 2-4 of the D. Harr Survey, Abstract No. 103, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and more fully depicted in *Exhibit 'A'* and described 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 (UDC) [*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 (UDC) [*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 Agricultural (AG) District to a Light Industrial (LI) District;

SECTION 2. That the *Subject Property* shall be used only in the manner and for the purposes provided for a Light Industrial (LI) District as stipulated in Section 1.1, *Use of Land and Buildings*, of Article IV, *Permissible Uses* and Subsection 5.02, *Light Industrial (LI) District*, of Article V, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 04-38*] of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as maybe 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;

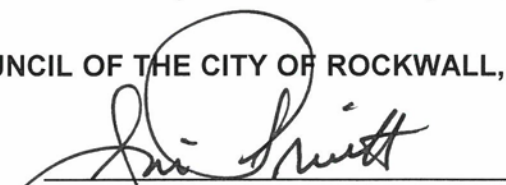
SECTION 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars (\$2,000.00)* for each offence and each and every day such offense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

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.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 19TH DAY OF FEBRUARY, 2019.**




Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: February 4, 2019

2nd Reading: February 19, 2019

Exhibit 'A'
Zoning Exhibit

Legal Description: Tract 2-4 of the D. Harr Survey, Abstract No. 102

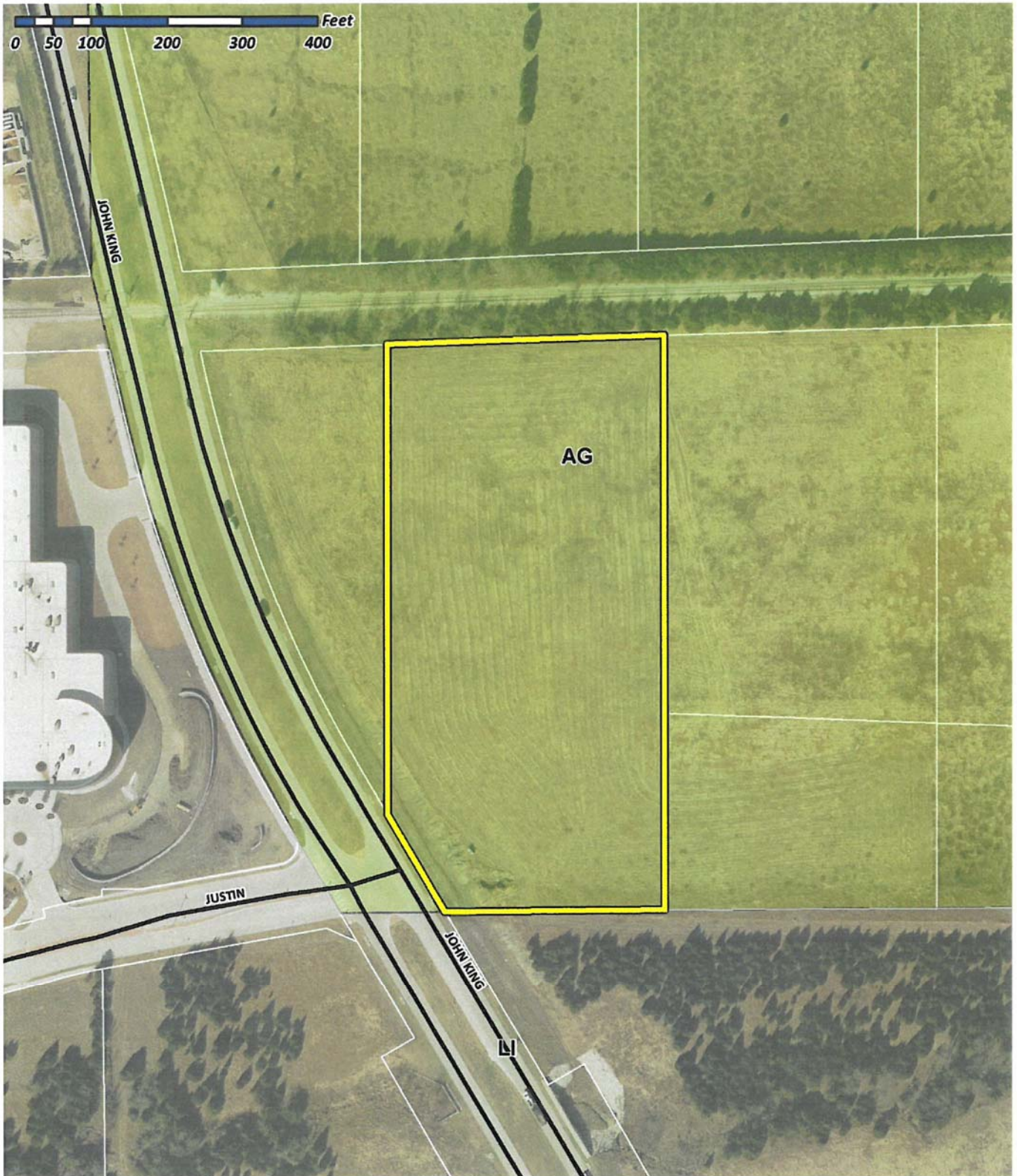


Exhibit 'B'
Legal Description

All that certain lot, tract or parcel of land situated in the DAVID HARR SURVEY, ABSTRACT NO. 120, City of Rockwall, Rockwall County, Texas, and being a part of a 50 acres tract of land as described in a Warrantydeed to F.B. Athey, as recorded in Volume 42, Page 91 of the Deed Records of Rockwall County, Texas, and being a part of Tract B2 as described in a Deed to Bobby Frank Athey, as recorded in Volume 4875, Page 117 of the Official Public Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for corner in the south right-of-way line of M.K. & T. Railroad, said point being at the northwest corner of Tract B2, said point being N. 89 deg. 23 min. 21 sec. E, a distance of 360.54 feet from the intersection of the west boundary of said 50 acres and said railroad right-of-way;

THENCE N. 89 deg. 23 min. 21 sec. E. along said right-of-way line, a distance of 365.97 feet to a 1/2" iron rod found for corner;

THENCE S. 00 deg. 56 min. 05 sec. W. a distance of 732.64 feet to a 1/2" iron rod found for corner;

THENCE N. 89 deg. 08 min. 42 sec. W. a distance of 301.94 feet to a 1/2" iron rod with yellow plastic cap stamped "RPLS 5034" set for corner in the northeast right-of-way line of John King Boulevard, per Volume 5659, Page 39 of the Official Public Records of Rockwall County, Texas;

THENCE N. 29 deg. 20 min. 00 sec. W. along said right-of-way line, a distance of 126.54 feet to a 1/2" iron rod with yellow plastic cap stamped "RPLS 5034" set for corner;

THENCE N. 00 deg. 55 min. 26 sec. E. a distance of 613.93 feet to the POINT OF BEGINNING and containing 262,780 square feet or 6.03 acres of land.