

CITY OF ROCKWALL

ORDINANCE NO. 19-39

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 COMMERCIAL (C) DISTRICT FOR AN 11.85-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1-1 OF THE J. H. BAILEY SURVEY, ABSTRACT NO. 22, CITY OF ROCKWALL, ROCKWALL COUNTY, 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 Todd Panzner for the approval of a change in zoning from an Agricultural (AG) District to a Commercial (C) District for an 11.85-acre tract of land identified as Tract 1-1, of the J. H. Bailey Survey, Abstract No. 22, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-276 Overlay (SH-276 OV) District, generally located south of the intersection of Green Circle and SH-276, and more specifically depicted 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 [*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 Agricultural (AG) District to a Commercial (C) District; and

**SECTION 2.** That the *Subject Property* shall be used and developed only in the manner and for the purposes provided for a *Commercial (C) District* as stipulated by Subsection 1.1, *Use of Land and Buildings*, of Article IV, *Permissible Uses*, and Subsection 4.05, *Commercial (C) District*, of Section 4, *Commercial Districts*, 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 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.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ON THIS THE 7<sup>TH</sup> DAY OF OCTOBER, 2019.**

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

**ATTEST:**

  
\_\_\_\_\_  
Kristy Cole, City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Frank J. Garza, City Attorney



1<sup>st</sup> Reading: 09-16-2019

2<sup>nd</sup> Reading: 10-07-2019

*Exhibit 'A'*  
*Legal Description*

All that certain lot, tract or parcel of land situated in the J.H. BAILEY SURVEY, ABSTRACT NO. 22, Rockwall County Texas, and being a part of that 47.10 acres tract of land as described in a Warranty deed from Billie Marie Peoples to Michael L. Peoples and Donnie B. Peoples, dated February 2, 1996 and being recorded in Volume 1084, Page 266 of the Real Property Records of Rockwall County, Texas, and being more particularly described as follows:

*BEGINNING* at a 1/2" iron rod found for corner, said point being N. 89 deg. 50 min. 18 sec. W., 223.09 feet and along a curve to the right having a central angle of 09 deg. 14 min. 53 sec., a radius of 2924.79 feet, a chord of N. 85 deg. 12 min. 51 sec. W., 471.58 feet, and an arc distance of 472.09 feet from a 3/8" iron rod found at the Northeast corner of the above cited tract, said point being in the South right-of-way line of State Highway 276;

*THENCE* S. 00 deg. 11 min. 00 sec. E. (Controlling bearing line) parallel to the East line of said tract, a distance of 1285.02 feet to a 1/2" iron rod set with yellow plastic cap stamped "R.S.C.I. RPLS 5034" for corner in the South line of said tract;

*THENCE* S. 89 deg. 49 min. 44 sec. W. along the South line of said tract, a distance of 440.11 feet to a 1/2" iron rod set with yellow plastic cap stamped "R.S.C.I. RPLS 5034" for corner;

*THENCE* N. 00 deg. 06 min. 26 sec. E. a distance of 1013.49 feet to a 1/2" iron rod found for corner;  
*THENCE* N. 89 deg. 54 min. 05 sec. E. a distance of 166.59 feet to a 3/8" iron rod found for corner;

*THENCE* N. 00 deg. 59 min. 19 sec. W. a distance of 267.66 feet to a 1/2" iron rod set with yellow plastic cap stamped "R.S.C.I. RPLS 5034" for corner in the South right-of-way line of Green Loop and in the North boundary line of said 47.10 acres tract;

*THENCE* N. 88 deg. 54 min. 17 sec. E. along Green Loop a distance of 270.73 feet to a 1/2" iron rod set with yellow plastic cap stamped "R.S.C.I. RPLS 5034" for corner in the Southwest right-of-way line of State Highway 276;

*THENCE* in a Southeasterly direction along a curve to the left having a central angle of 00 deg. 01 min. 44 sec., a radius of 2924.79 feet, a chord of S. 80 deg. 34 min. 33 sec. E., 147 feet, along said right-of-way line an arc distance of 1.47 feet to the *POINT OF BEGINING* and containing 11.85 acres of land.

Exhibit 'B'  
Survey

