

CITY OF ROCKWALL

ORDINANCE NO. 22-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] 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 FOR A 14.78-ACRE TRACT OF LAND IDENTIFIED AS TRACTS 8 & 8-1 OF THE J. H. BAILEY SURVEY, ABSTRACT NO. 34, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* AND FURTHER 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 Hellen Byrd on behalf of Donald Valk for the approval of a *Zoning Change* from an Agricultural (AG) District to a Light Industrial (LI) District for a 14.78-acre tract of land identified as Tracts 8 & 8-1 of the J. H. Bailey Survey, Abstract No. 34, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-276 Overlay (SH-276 OV) District, addressed as 4649 SH-276, and more fully 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 (UDC) [*Ordinance No. 20-02*] 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. 20-02*] 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 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 01.01, *Use of Land and Buildings*, of Article 04, *Permissible Uses* and Section 05.01, *General Industrial District Standards*; Section 05.02, *Light Industrial (LI) District*; Section 06.02, *General Overlay District Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] 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;

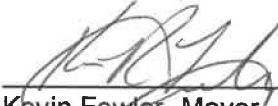
SECTION 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars (\$2,000.00)* for each offence and each and every day such offense 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 6TH DAY OF JUNE, 2022.

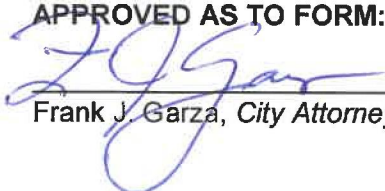

Kevin Fowler, Mayor

ATTEST:


Kristy Teague, City Secretary



APPROVED AS TO FORM:


Frank J. Garza, City Attorney

1st Reading: May 16, 2022

2nd Reading: June 6, 2022

Exhibit 'A'
Legal Description

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE J.H. BAILEY SURVEY, ABSTRACT NOS. 34 & 44, ROCKWALL COUNTY, TEXAS AND BEING A PART OF A 15.00-ACRE TRACT OF LAND AS DESCRIBED IN DEED TO GEORGE R. HEARD AND MITZI HEARD, AS RECORDED IN *VOLUME 1202, PAGE 50* OF THE DEED RECORDS OF ROCKWALL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A 5/8" IRON ROD WITH RED CAP FOUND IN THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 276, SAID POINT BEING IN THE WEST LINE OF SAID 15.00-ACRE GEORGE R. HEARD TRACT AND THE EAST LINE OF A 15.00-ACRE TRACT OF LAND AS DESCRIBED IN DEED TO COMMERCIAL CONSTRUCTION SPECIALTIES, LP, A TEXAS LIMITED PARTNERSHIP, AND RECORDED IN *INSTRUMENT NUMBER 20190000023410* OF THE OFFICIAL PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS, SAID POINT BEING SOUTH AT A DISTANCE OF 18.28-FEET FROM THE NORTHEAST CORNER OF SAID 15.00-ACRE COMMERCIAL CONSTRUCTION SPECIALTIES, LP TRACT;

THENCE SOUTH 72° 55' 54" EAST AND FOLLOWING ALONG THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 276 FOR A DISTANCE OF 86.96-FEET TO A 5/8" IRON ROD SET FOR CORNER;

THENCE SOUTH 89° 20' 24" EAST AND FOLLOWING ALONG THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 276 FOR A DISTANCE OF 159.20-FEET TO A TXDOT MONUMENT FOUND FOR CORNER IN THE EAST LINE OF AFORESAID 15.00-ACRE GEORGE R. HEARD TRACT AND THE WEST LINE OF A 10.04-ACRE TRACT OF LAND CONVEYED TO MICHAEL G. SARAGUSA AS RECORDED IN *VOLUME 4131, PAGE 153* OF THE DEED RECORDS OF ROCKWALL COUNTY, TEXAS;

THENCE SOUTH 00° 00' 00" EAST AND DEPARTING THE SOUTH RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY NO. 276 AND FOLLOWING THE EAST LINE OF SAID 15.00-ACRE GEORGE R. HEARD TRACT, COMMON WITH THE WEST LINE OF SAID 10.04-ACRE MICHAEL G. SARAGUSA TRACT FOR A DISTANCE OF 2650.60-FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID 15.00-ACRE GEORGE R. HEARD TRACT AND THE SOUTHWEST CORNER OF SAID 10.04-ACRE MICHAEL G. SARAGUSA TRACT;

THENCE SOUTH 89° 54' 43" WEST AND FOLLOWING ALONG THE SOUTH LINE OF SAID 15.00-ACRE GEORGE R. HEARD TRACT FOR A DISTANCE OF 242.32-FEET TO A POINT FOR CORNER, FROM WHICH 1/2" IRON ROD FOUND BEARS NORTH 62° 32' 19" WEST AT A DISTANCE OF 0.76-FEET, SAID POINT BEING THE SOUTHEAST CORNER OF SAID 15.00-ACRE GEORGE R. HEARD TRACT AND THE SOUTHEAST CORNER OF AFORESAID 15.00-ACRE COMMERCIAL CONSTRUCTION SPECIALTIES, LP TRACT;

THENCE NORTH 00° 00' 00" WEST AND FOLLOWING ALONG THE WEST LINE OF SAID 15.00-ACRE GEORGE R. HEARD TRACT AND THE EAST LINE OF SAID 15.00-ACRE COMMERCIAL CONSTRUCTION SPECIALTIES, LP TRACT, FOR A DISTANCE OF 2678.33-FEET TO THE *POINT OF BEGINNING* AND CONTAINING 14.7772-ACRES OF LAND, MORE OR LESS.

Exhibit 'B' Survey

