

CITY OF ROCKWALL

ORDINANCE NO. 06-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT ALLOWING FOR DECK/PATIO OF LESS THAN 1,000 SQUARE FEET WITHIN TAKELINE OVERLAY, ON A TRACT OF LAND ADJACENT TO LOT 21, BLOCK B, HILLCREST SHORES PHASE THREE AND LOCATED AT 1160 CRESTCOVE DRIVE, AND MORE SPECIFICALLY DESCRIBED IN "EXHIBIT A"; 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, a Specific Use Permit allowing for a deck/patio of less than 1,000 square feet within the Takeline Overlay has been requested by Mike and Paige Brown on a tract of land adjacent to Lot 21, Block B, Hillcrest Shores Phase Three and located at 1160 Crestcove Drive, and more specifically described in "Exhibit A"; City and County of Rockwall, Texas; 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, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code of the City of Rockwall 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 of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit allowing for a deck/patio of less than 1,000 square feet within the Takeline Overlay on a tract of land adjacent to Lot 21, Block B, Hillcrest Shores Phase Three and located at 1160 Crestcove Drive, and more specifically described in "Exhibit A"; City and County of Rockwall, Texas; and

Section 2. That the Specific Use Permit shall be subject to the conditions set forth in "**Article V, Section 6.15 "TL OV" Takeline Overlay District**", of the City of Rockwall Unified Development Code (Ord. No. 04-38) as heretofore amended, as amended herein

by granting of this zoning change, and as may be amended in the future, and shall be subject to the additional following additions:

1. That the approved Site Plan attached hereto as Exhibits "B" shall control the development of the proposed deck
2. Deck area be limited to 1,000 Sq. Ft.
3. A deck/patio must be built using water resistant wood and/or native stone.
4. Any railing built on a deck/patio will have a water resistant wood picket with steel tubing railings or water resistant wood.
5. A deck/patio will be limited to twelve (12) inches above the highest elevation at which the deck is located.
6. Earth work construction of a deck/patio must comply with the erosion control standards set in the Interlocal Agreement and Lease.
7. A deck/patio must comply with all other City of Rockwall codes.
8. Maintain 20' side yard setback as required per the Takeline Overlay Ordinance.

Section 3. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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 (Ord. No. 04-38) 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 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, this 3rd day of April, 2006.



William R. Cecil, Mayor

ATTEST:

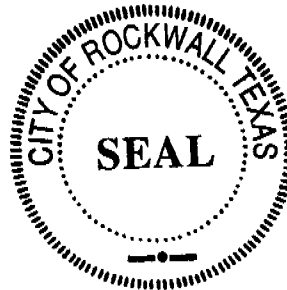


Dorothy Brooks, City Secretary

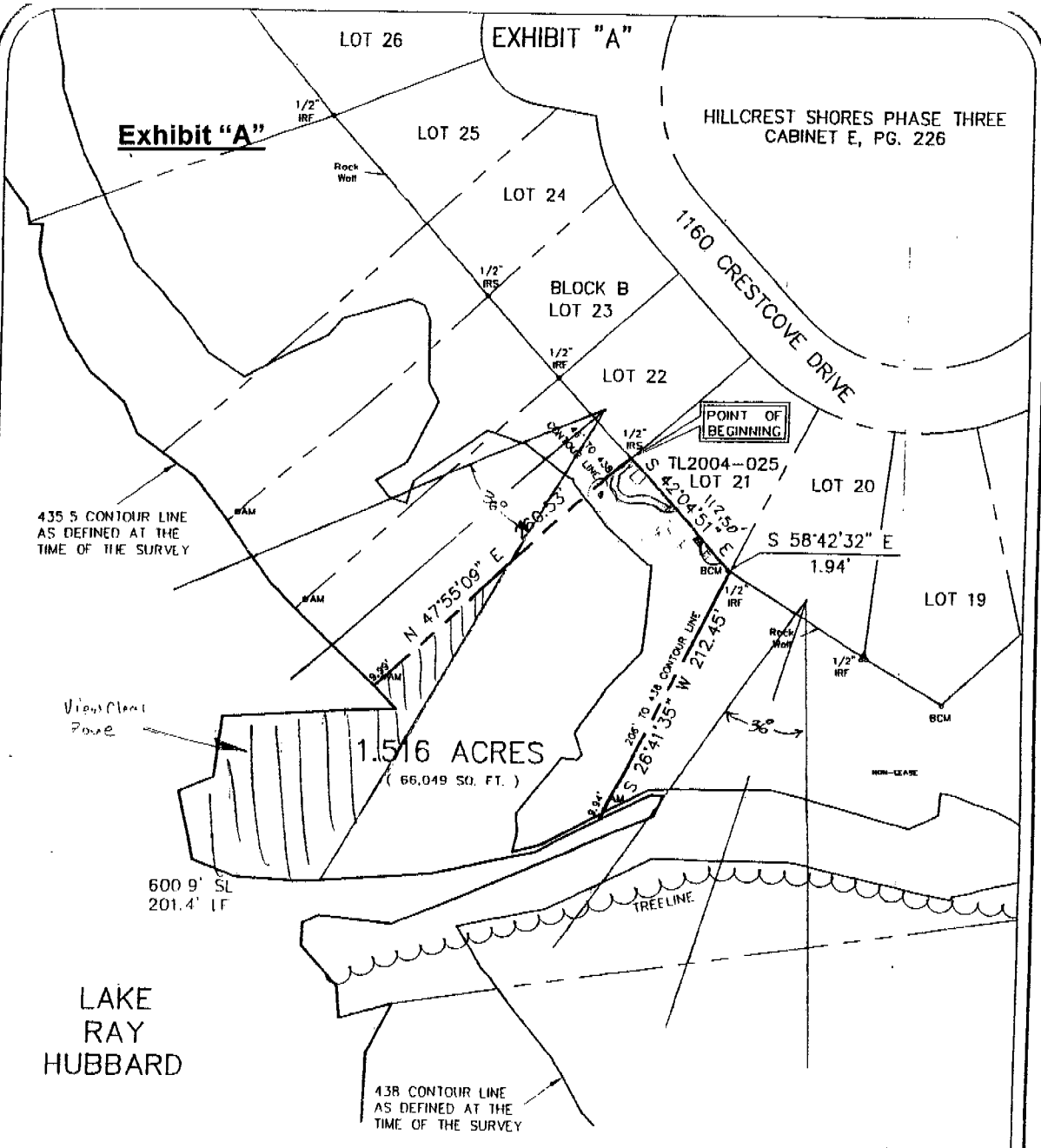
APPROVED AS TO FORM:



Pete Eckert, City Attorney

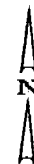


1st Reading: 03-20-06
2nd Reading: 04-03-06



LEGEND

- AM = 3.5" Aluminum Monument
Stamped "CITY OF ROCKWALL
LAKE RAY HUBBARD SUB LEASE
MARKER 2004"
- SL = Shoreline Length at the time of Survey
- LF = Lineal Feet at the time of Survey



Scale 1"=100'

PROJECT NO. TL2004-025
LOT 21, BLOCK B
1160 CRESTCOVE DRIVE
ROCKWALL, TEXAS

I, the undersigned, hereby certify that the survey map herein, and accompanying description, depicts and describes the results of a survey, made on the ground between January 2004 and December 2004. And to the best of my knowledge and belief, is a depiction and description of the property surveyed. The Surveyor has not abstracted the record title and / or easements of the subject property and prepared this survey without the benefit of a title commitment and assumes no liability for easements, reservations, and restrictions that may be of record. This property is subject to change due to natural and / or man made changes.



Winkelmann & Associates, Inc.

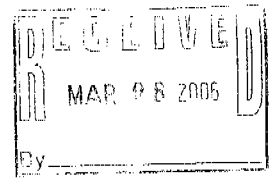
2006-003 Brown Deck Takeline SUP
6750 HILLCREST PLAZA DRIVE, SUITE 100
DALLAS, TEXAS 75230
COPYRIGHT 2001, WINKELMANN & ASSOCIATES, INC.

(Page 4 of 4)
Leonard J. Lueker
Registered Professional Land Surveyor
Registration No. 5714
Winkelmann & Associates, Inc.
6750 Hillcrest Plaza Drive / 100
Dallas, Texas 75230
(972) 480-2090

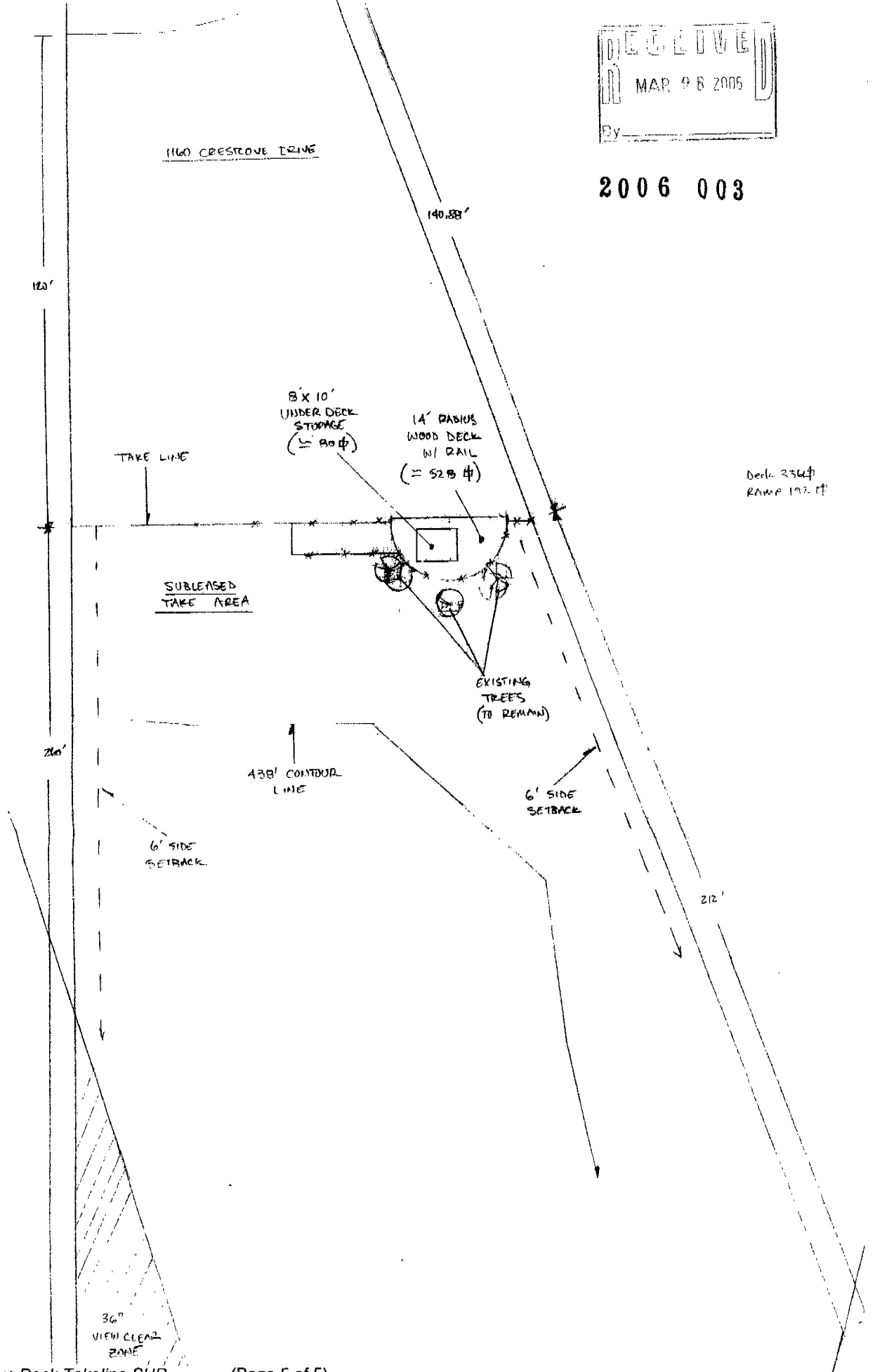
DATE : May 05

2006 003 FILE COPY

Exhibit "B"



2006 003



Advertising Receipt

Terrell Tribune
Rockwall County News
150 9th Street, P.O. Box 669
Terrell, TX 75160
Phone: (972) 563-6476
Fax: (972) 563-0340

ROCKWALL, CITY OF-LEGALS @
c/o Dorothy Brooks, City Secretary
385 SOUTH GOLIAD
ROCKWALL, TX 75087

Cust#: 01100978-000
Ad#: 02548092
Phone: (972)771-7700
Date: 04/17/06

Ad taker: PS **Salesperson:** 6 **Classification:** 001

Description	Start	Stop	Ins.	Cost/Day	Surcharges	Total
09 ROCKWALL COUNTY NEWS	04/19/06	04/19/06	1	0.00		0.00

Payment Reference:

Total: 0.00
Tax: 0.00
Net: 0.00
Prepaid: 0.00

L546336
Ord #06-12

Total Due 0.00

4/19

PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared William Jordan, who being by me duly sworn deposes and says that he is the Publisher of **Rockwall County News** and the said newspaper meets the requirements of Section 2051.044 of the Texas Government Code, to wit:

1. it devotes not less than twenty-five percent of its total column lineage to general interest;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published;
4. it has been published regularly and continuously since 1985; and
5. it is generally circulated within Rockwall County.

Publisher further deposes and says that the attached notice was published in said newspaper on the following date(s) to wit:

April 19th A.D. 2006

William Jordan
William Jordan
Editor and Publisher

SUBSCRIBED AND SWORN BEFORE ME

by William Jordan who

- a) is personally known to me, or
 b) provided the following evidence to establish his/her identity.

on the 20th day of April, A.D. 2006
to certify which witness my hand and seal of office.

Patricia A. Shaw
Notary Public, State of Texas

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/s/ William R. Cecil, Mayor
/s/ Dorothy Brooks, City Secretary
1st Reading: 03-20-06
2nd Reading: 04-03-06

