

CITY OF ROCKWALL

ORDINANCE NO. 07-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT ALLOWING FOR A LANDING/STAIRS EXCEEDING THE MAXIMUM REQUIREMENTS WITHIN THE LAKE RAY HUBBARD TAKELINE OVERLAY DISTRICT, ON A TRACT OF LAND ADJACENT TO LOT 1, BLOCK F, CRESTVIEW PHASE 3 (THE SHORES) ADDITION AND LOCATED AT 1290 COASTAL DRIVE; 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 landing/stairs exceeding the maximum requirements within the Lake Ray Hubbard Takeline Overlay District has been requested by Barry Greenlee on a tract of land adjacent to Lot 1, Block F, Crestview Phase 3 (The Shores) Addition and located at 1290 Coastal Drive; 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 landing/stairs exceeding the maximum requirements within the Lake Ray Hubbard Takeline Overlay District on a tract of land adjacent to Lot 1, Block F, Crestview Phase 3 (The Shores) Addition and located at 1290 Coastal Drive, 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 Lake Ray Hubbard Takeline Overlay (TL OV) 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. The existing structure shall not be enclosed below the landing.
2. A lawnmower may be stored under the existing structure; however, no storage of fuel or other chemicals is permitted.
3. The storage area must be screened entirely from view from all sides with landscaping materials to be reviewed and approved by City staff.

4. The existing structure shall be replaced with a landing/stairs constructed in accordance with the takeline overlay standards (including exterior materials requirements) should the structure be damaged and repair costs exceed fifty (50%) percent of the total value.
5. The existing structure must be removed no later than five (5) years from the approval date of this SUP ordinance (i.e. July 16, 2012).

Section 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

Section 4. 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 5. 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 6. 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 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.

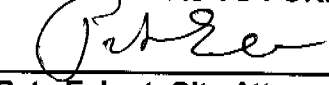
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 16th day of July, 2007.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, TRMC, City Secretary

APPROVED AS TO FORM:


Pete Eckert, City Attorney



1st Reading: 06-18-07

2nd Reading: 07-16-07

Advertising Receipt

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ROCKWALL, CITY OF-LEGALS -Æ

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Description	Total
02 ROCKWALL COUNTY NEWS 07/26/2007	63.00

Total: 63.00
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Total Due: 63.00

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 the he is the Publisher of **The 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 (25%) of its total column lineage interest items;
2. it is published at least once each week;
3. it is entered as second-class postage in the county where it is published;
4. it has been published regularly and continuously since 1985; and
5. it is generally circulated within the County.

Publisher further deposes that the attached notice was published in the news paper on the following date:

July 26th

William Jordan
Editor and Publisher

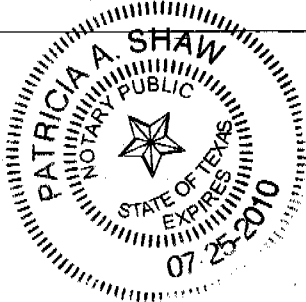
SUBSCRIBED AND SWORN BEFORE ME

by William Jordan who

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

on the 27th day of July, A.D. 2007
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, TRMC, CMC, City Secretary

1st Reading: 06-18-07

2nd Reading: 07-16-07