

CITY OF ROCKWALL

ORDINANCE NO. 12-04

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 (S-91) 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 26, BLOCK B, HILLCREST SHORES PHASE 3 ADDITION AND LOCATED AT 1210 CRESTCOVE 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 Frank Conselman on a tract of land adjacent to Lot 26, Block B, Hillcrest Shores Phase 3 Addition and located at 1210 Crestcove 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 26, Block B, Hillcrest Shores Phase 3 Addition and located at 1210 Crestcove 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. Adherence to Engineering and Fire Department standards.
2. Submittal and approval of a building permit shall be required.

3. The earthen ramp/berm landing may be located less than 5-ft from the side yard, as shown on the site plan attached as Exhibit "A".
4. The proposed earthen ramp/berm landing is not to exceed a 40-ft X 40-ft area and may include landscaping incorporated with the berm.
5. All other requirements for a Landing/Stairs in the Takeline Overlay shall be met with the exception of the exterior materials being natural stone with iron railings and stairs.

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 6th day of February, 2012.



David Sweet, Mayor

ATTEST:

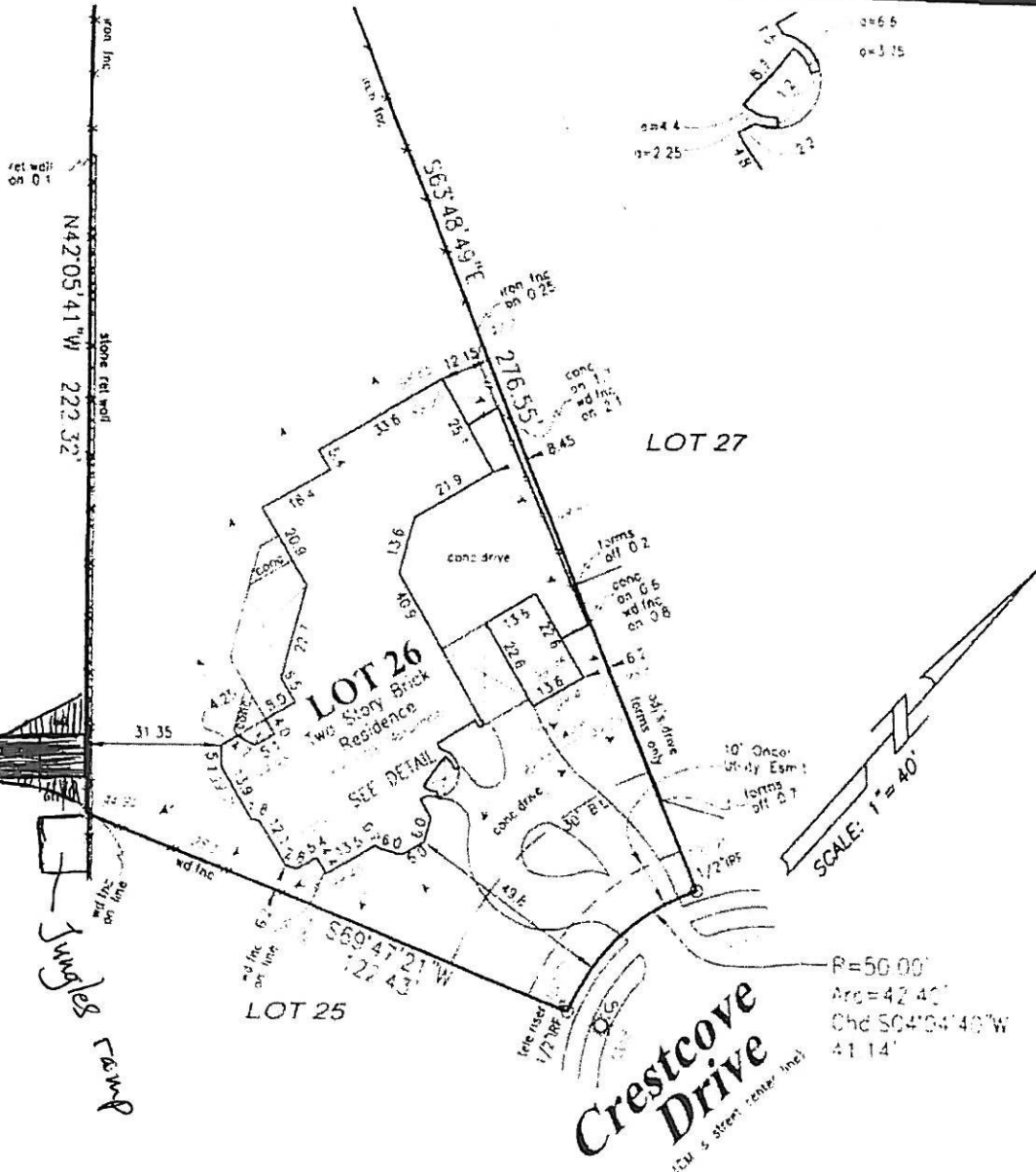

Kristy Ashberry, City Secretary

APPROVED AS TO FORM:


Pete Eckert, City Attorney



1st Reading: 01-17-12
2nd Reading: 02-06-12



NOTES: (1) Source bearing is based on recorded plat unless otherwise noted (2) (CM) = Controlling monument (3) Surveyor's signature will appear in red ink on original copies (4) No part of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Map Number 480547 0005C of the F.E.M.A Flood Insurance Rate Maps for Rockwall County, Texas and Incorporated Areas dated June 16, 1992 (Zone X)

This statement does not imply that the property and/or structures will be free from flooding or flood damage. On occasion, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor. (5) Final grade assumed finished floor elevations are at the brick ledge. (6) Drainage arrows, if shown, were determined by elevations shown hereon. (7) Subject property is affected by any and all notes, details, and easements, and other matters, that are shown on or as part of the recorded plat and/or as part of a title commitment/survey request.

CERTIFICATION

On the basis of my knowledge, information and belief, I certify to Rockwall County Abstract & Title Company that as a result of a survey made on the ground to the normal standard of care of Registered Professional Land Surveyors practicing in the State of Texas, I find the plat hereon is true, correct, and accurate as to the boundaries of the subject property, and if shown, location and type of buildings and visible improvements hereon.

Date: 10/26/2005 Revised _____ Job No. L956104
 Title commitment/Survey Request File No. 200502182 dated 2/22/2005



EXHIBIT "A"