

**CITY OF ROCKWALL**

**ORDINANCE NO. 08- 29**

**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 21, BLOCK B, HILLCREST SHORES PHASE 3 ADDITION AND LOCATED AT 1160 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 Mike and Paige Brown on a tract of land adjacent to Lot 21, Block B, Hillcrest Shores Phase 3 Addition and located at 1160 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 21, Block B, Hillcrest Shores Phase 3 Addition and located at 1160 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. Submittal and approval of a building permit shall be required.
2. The landing/stairs structures shall comply with the attached site plan (Exhibit "A") and elevations (Exhibit "B")
3. The maximum landing area shall be approximately 180-sf for the southernmost landing/stairs, as indicated on the attached site plan.
4. Items allowed to be stored under the southernmost landing/stairs structure shall include lawn care equipment and yard cart; miscellaneous children's toys; and a kayak, canoe, and/or other similar water-related items. However, no extra fuel or other chemicals shall be stored within the storage area or takeline.
5. The northernmost, "earthen ramp style" landing/stairs shall be located less than 5-ft from the side yard and exceed the maximum size requirements of 64-sf, as shown on the attached site plan.
6. All other requirements specified for "Landing/Stairs" in the takeline ordinance shall be met.
7. The previously approved Specific Use Permit **Ordinance No. 06-12** for a deck/patio at this property shall be repealed with the approval of this Specific Use Permit for a landing/stairs structure.

**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.

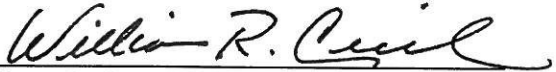
**Section 5.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offence and each and every day such 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-

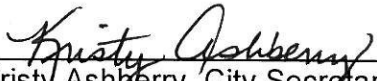
38) of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable.

**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 7<sup>th</sup> day of July, 2008.**

  
William R. Cecil, Mayor

**ATTEST:**

  
Kristy Ashberry, City Secretary

**APPROVED AS TO FORM:**

  
Pete Eckert, City Attorney

1st Reading: 06-16-08

2nd Reading: 07-07-08





1160 CRESTLOVE, BROWN  
ELEVATION

