

Consolidated Zoning Ordinance No. 246

AN ORDINANCE OF THE CITY OF SUNRISE BEACH VILLAGE, TEXAS, AMENDING ORDINANCE 205, AS AMENDED, IN ITS ENTIRETY; PROVIDING DEFINITIONS, ZONING DISTRICTS, ZONING REGULATIONS, AND STANDARDS FOR THE DEVELOPMENT AND USE OF LAND WITHIN THE CITY; PROVIDING SEVERABILITY, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; PROVIDING PENALTIES; AND PROVIDING FOR RELATED MATTERS.

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WHEREAS, the ordinances of the City establishing zoning districts within the City limits should be amended to better provide an attractive living environment and to protect the health, safety and welfare of the present and future residents of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SUNRISE BEACH VILLAGE, TEXAS, THAT:

ARTICLE I GENERAL

Section 1 - Authority

This Ordinance is adopted pursuant to the police powers of the City of Sunrise Beach Village and under the authority of the Constitution and general laws of the State of Texas, including particularly Chapt. 211, Tex. Loc. Gov't. Code.

Section 2 - Title

This Ordinance shall be known, and may be cited, as the Consolidated Zoning Ordinance (CZO) of the City of Sunrise Beach Village, Texas.

Section 3 - General Purpose, Jurisdiction and Intent

A. Purpose.

The primary purposes of this Ordinance are to promote the health, safety, and the general welfare of the City and it's present and future residents; provide reasonable regulations and requirements to protect, preserve, improve and provide for the health, safety and general welfare of the present and future citizens of the City; and to establish a framework of zoning criteria to support the development of a quality living and work environment by requiring all future development and redevelopment within a compatible plan for residential, commercial and industrial uses, while providing reasonable protections for both the public and persons having an ownership interest in property affected by these regulations. This ordinance shall be

administered and applied to result in development superior to that otherwise achievable and to promote the following purposes:

1. Ensure the safe, orderly, healthful and coordinated development of the City;
2. Conserve existing and future neighborhoods; and protect and conserve the value of real property throughout the community;
3. Conserve, develop, protect, and utilize natural resources, as appropriate and consistent with the public interest, and to enhance the preservation of the environment;
4. Protect and preserve places and areas historically significant to the community's cultural heritage and to
5. Prevent the overcrowding of land and to avoid undue concentration of population, thereby encouraging high quality innovative development;
6. Minimize the congestion in the streets and provide convenient, safe, and efficient circulation of vehicular and pedestrian traffic;
7. Facilitate the adequate and efficient provision of transportation, water, wastewater, schools, parks, emergency and recreational facilities, and other public requirements;
8. Promote economic development for a prosperous economic environment;
9. Promote compatible residential, commercial and industrial uses;
10. Ensure harmonious future development and redevelopment to the existing community and
11. Standardize the procedure and requirements for zoning, development permits, and Certificates of Occupancy to provide administrative efficiency and property owner rights;
12. Provide the framework for the appropriate reconciliation of any differences of interest among property owners, developers, neighborhoods and the City.

B. Jurisdiction.

The requirements of this Ordinance shall apply to all property within the City; provide for the implementation of the site development regulations; provide a voluntary guide for the development of property within the extraterritorial jurisdiction in order that such property may be developed in a manner consistent with neighboring areas and existing or planned infrastructure; and be construed and applied in a manner to give effect to the City of Sunrise Beach Village Comprehensive Plan.

C. Intent.

The intent of this Ordinance is to supplement the minimum standards for the development of land within the City as contained in the City's Subdivision Ordinance, applicable building, plumbing and electrical codes, and City Standard Details and Specifications. This will avoid the monotonous urban setting resulting if only the minimum standards are followed.

Section 4 - History.

- The City of Sunrise Beach Village was incorporated in November 1973.
- The first Zoning Ordinance (#4) was adopted on August 8, 1974.
- The first Comprehensive Zoning Ordinance (#40) was adopted on May 16, 1978;
- Revised and reissued as the Consolidated Zoning Ordinance #104 on April 18, 1989;
- amended on August 17, 1993;

- Revised on November 15, 1994,
- Revised and reissued as the Consolidated Zoning Ordinance #154 on November 1, 1996.
- The Consolidated Zoning Ordinance #154 was revised and reissued as the Consolidated Ordinance #171 on January 31, 1999;
- Revised on April 21, 2000.
- The Consolidated Zoning Ordinance #171 was revised and reissued as the Consolidated Ordinance #171A on June 8, 2000.
- The Consolidated Zoning Ordinance #171A was revised September 5, 2000 and reissued as the Consolidated Ordinance #171B on October 5, 2000.
- The Consolidated Zoning Ordinance #171B was revised Feb 11, 2002 and reissued as the Consolidated Zoning Ordinance #188 on Feb 19, 2002.
- The Consolidated Zoning Ordinance #188 was revised June 19, 2003 and reissued as the Consolidated Zoning Ordinance #205 on June 19, 2003 .
- Consolidated Zoning Ordinance #205 was edited between Oct. 2005 and Mar. 2007 and then reissued as Consolidated Zoning Ordinance #246.

Section 5 - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory. The word "herein" means in this Ordinance. The word "regulations" means the provisions of any applicable ordinance, rule, regulation or policy. The word "person" means any human being or legal entity and includes a corporation, a partnership, and an incorporated or unincorporated association. The words "used or occupied" as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

Abandoned Boat - any boat that is unregistered or whose displayed registration decal has been expired by two years or longer.

Access - a way of approaching or entering or exiting a property.

Accessory Use - a use that is customarily associated with the principal use, and which is clearly incidental, subordinate and secondary to the permitted use, and which does not change the character thereof, i.e. may include, but not be limited to, guest facilities, garages, carports, recreational facilities such as swimming pools or storage of personal items. Commercial use may include equipment storage area, lumber or plumbing supply area. Also see: Structure, Accessory.

Accessory Structure - see Structure

Adjacent - abutting and directly connected to or bordering.

Airport Districts - all Aircraft Support, Aircraft Approach and Airport Districts as described in this ordinance.

Alcoholic Beverages-Off-Premises - the standard use listing for a convenience store or similar facility where the sale of beer, wine or liquor for off-premises consumption is an allowed use according to zoning standards.

Alcoholic Beverages-On-Premises - the standard use listing for an establishment the serving of beer, wine or liquor for on-premise consumption is an allowed use according to zoning standards.

Amortization - a method of eliminating non-conforming uses by requiring the termination of the non-conforming use after a specified period of time.

Annexation - the incorporation of land area into the City with a resulting change in the boundaries of the City.

Animal(s) - any animate being that is not a human.

Antique Shop - a business which sells items whose value is greater than the original purchase price because of age or intrinsic value.

Apartment - see Dwelling.

Applicant - a person applying for a plan, plat or zoning approval under this Ordinance.

Approval - the final approval in a series of required actions. For instance, the approval date of a Planned Unit Development, plat or zoning application is the date of the Board of Commissioners' approval of the Final Site Plan.

Art Studio or Gallery - a structure where objects of art are created or displayed for the public enrichment or where said art objects are displayed for sale, including the teaching of painting and/or sculpting.

Attendant Documents - materials needed to address the specific requirements of this Ordinance which the applicant feels necessary to explain the submittal.

Auto Repair - a business specializing in repair of motor vehicles entirely within an enclosed structure, including any use listed below:

- A. auto glass, seat cover and muffler shop;
- B. auto painting or body rebuilding shop;
- C. tire retreading and capping;
- D. body, fender, clutch, transmission, differential, axle, spring and frame repairs;
- E. major overhauling of engines requiring removal there from of cylinder head or crankcase pan and any associated engine rebuilding;
- F. repair of radiator requiring removal from the vehicle;
- G. repair of truck, trailer, farm or industrial equipment, or other machinery/supplies;
- H. brake work, other than minor maintenance such as disc pad replacement and minor brake adjustment.
- I. servicing of spark plug, batteries, distributors and distributor parts and including minor engine tune-ups;
- J. radiator cleaning and flushing (on vehicle);
- K. fuel pump, oil pump, and related maintenance;
- L. minor servicing of carburetors;
- M. emergency wiring repairs;
- N. quick oil and filter change;
- O. servicing hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat belts, windshield wipers, mirrors, and installation of vehicle accessories such as radios;
- P. lubrication, greasing, and washing;

Awning Sign - see Sign

Bar Ditch - see Borrow Ditch

Bed and Breakfast - an establishment engaged in providing rooms or groups of rooms in a dwelling unit for temporary lodging for overnight guests on a paying basis.

Block - an area enclosed by streets, normally to be divided into lots to be occupied by or intended for buildings; or if the same word is used as a term of measurement, it shall mean the distance along one side of a street between the nearest two streets which intersect said street on said side.

Board - the Board of Adjustments & Appeals of the City of Sunrise Beach Village, Texas. In this Ordinance, the term "Board" by itself never refers to the City Board of Commissioners.

Board of Adjustment & Appeals - a commission appointed by the Board of Commissioners to consider appeals to certain administrative actions pursuant to Sec. 211.008, Loc. Gov't. Code, and that is given the authority set forth in this Ordinance and in Sec. 211.009, Loc. Gov't. Code.

Boat(s) - any watercraft that is required to be registered and have an official decal displayed.

Boat and Watercraft Facility - one or more marinas or structures and an open, dust-free, all weather surface other than a street, alley, or other public place, used for the display, retail sales with repair and renovation authorized on land or over water, and includes the temporary storage of boats and watercraft for repairs or renovation not to exceed ninety (90) days.

Boat Storage Facilities - over water or off-water storage site(s) operated as a business for the short or long-term parking and storage of watercraft. It does not include the retail sale of watercraft. Off water storage site(s) as defined above will include buffers as necessary to screen visual clutter and other negative externalities from public view.

Bond - any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Commissioners.

Borrow Ditch - any roadside drainage ditch.

Buffer - a barrier of wood, masonry, vegetation, and/or other landscape material in such a manner that adjacent uses will be separated to such a degree that objectionable noise, heat, glare, visual clutter, dust, loss of privacy, air circulation, and other negative externalities shall be abated.

Building - any structure (also see Structure) designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels or property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate structure (i.e. condominium).

Building Area - the gross area covered by a structure when placed on the lot, including any overhang or other projection.

Building Materials - any item that can be used in the construction of any structure or platform, may include but not limited to boards, pipes or tubes, cement, tar paper, lumber, steel beams or pipes, electrical components, paint, plaster, wall covering materials, roofing materials, fasteners of any kind and tools used in construction.

Building Official(s) - see City Building Officials

Building Ordinance - the building codes and related ordinances of the City providing standards, requirements and regulations for site development and the construction and erection of structures within the City, including, but not limited to, the electrical code, plumbing code,

building code, and minimum housing code, adopted by the City Commissioners from time to time.

Building Permit - see Development Permit

Building Plot - see Lot

Building Setback Line - See Lot and Chart 1

Cafe or Cafeteria - a commercial establishment where snacks or meals are vended for consumption indoors or on the premises.

Carport - a structure covered with a roof and constructed specifically for the storage of one or more motor vehicles.

Caliper - the trunk diameter of a tree at three (3) feet above natural grade.

Cemetery - land used or intended to be used for the interment of human remains and dedicated for cemetery purposes within the boundary of such cemetery.

Centerline (when referring to a waterway or drainage) - the centerline of the waterway and refers to existing topographically defined channels. If not readily discernible, the centerline shall be determined by (first) the low flow line, or (second) the center of the two (2) year flood plain.

Church or Rectory - a place of worship and religious training of recognized religions including on site housing of ministers, rabbis, priests, nuns and similar staff personnel.,

City - the City of Sunrise Beach Village, Texas.

City Administrator - the chief administrative officer of the City of Sunrise Beach Village (Mayor) or the designated alternate.

City Building Officials or Building Officials - the designated Building Officials for the City.

City Board of Commissioners - the elected officials of the City. The Mayor and Commissioners are also referred to as the Council or the City Commissioners.

City Inspector - the person, his staff or employees, or entity designated by the City or appointed to perform the duties and responsibilities set forth herein or, if none has been appointed, the Mayor.

City Limits or Within the City - the, or within the boundaries of the incorporated City.

City Staff - the officers, employees and agents of the City assigned and designated from time to time by the City Administrator and/or City Commissioners, including but not limited to the City Inspector, to review, comment and/or report on development plans and zoning applications.

City Standard Details and Specifications - a library of City approved drawings and technical data representing typical drainage, transportation, erosion & sedimentation control, and utility appurtenances to be constructed for City acceptance.

Cleaning or Laundry Self Service Shop - an establishment providing customers with self-service laundry and/or dry cleaning facilities, and does not include a commercial laundry or cleaning plant.

Cleaning Shop or Laundry (Small) - a custom cleaning shop not exceeding two thousand five hundred (2,500) square feet of floor area.

Clinic - a public or private station or establishment for the examination and treatment of outpatients by an individual or group of doctors, dentists, opticians, veterinarians, or other similar medical professionals.

Clothing Manufacture - cutting, sewing and forming garments, millinery and accessories, when no noise, dust, vibration, odor or other undesirable or obnoxious condition is created to affect adjacent property.

Common Area - privately owned land and improvements within a townhouse, condominium, planned development, or community unit development including structures, common open space, central services and utilities, streets, walks, parking areas, fencing and screening walls, landscaping, and any other elements and facilities under common ownership and available for the use of all owners or tenants.

Common Open Space - that portion of the common area which is designated for outdoor recreation area, private park, play lot, plaza, athletic court, swimming pool, fountain, stream or pond, ornamental landscaping or natural vegetation offering visual amenity, and which is open to general view and conveniently accessible to pedestrians within the project.

Community Center (Public) - a structure and grounds owned or leased and operated by a governmental body for the social, recreational, health or welfare of the community served.

Community Center (Private) - a recreational facility, including both indoor and outdoor facilities, for use by residents and guests of a particular residential community development, subdivision, planned unit development, or membership group.

Compounding or Fabrication (Light) - the making of jewelry, compounding of perfume, small instruments or pharmaceuticals, and similar work or processes.

Comprehensive or Master Plan - the comprehensive plan of the city and adjoining areas adopted by the Commission and approved by the City Commissioners, including all its revisions. Such plan is the overall development plan for the community adopted to provide long-range development policies including all specified individual elements thereof among which are the plans for land intensities; land subdivision; circulation; and community facilities, utilities and services.

Concept Plan - a generalized plan that meets the requirements of this Ordinance and that indicates the boundaries of a tract or tracts under common ownership, identifies the purpose of the proposed development and the proposed land use, general lot or parcel layout, community use or public areas, and street alignments.

Conditional Use - an additional use which may be permitted in a district, subject to meeting certain conditions or procedures established by the City Commissioners.

Condominium - see Dwelling

Construction Plans - the maps, drawings to scale with setbacks and structure size indicated, plans and specifications indicating the proposed location and design of improvements to be installed as part of a development and submitted for a Development Permit to be approved by the city.

Construction Office - see Field Office

Containment Fence - see Fencing.

Contiguous - property with a common property line not separated by streets, waterways etc.

Convenience Store - see Food and Beverage Sales Store

Corner Lot - see Lot.

Council - the City of Sunrise Beach Board of Commissioners

County - Llano County, Texas.

County Appraisal District - the Llano County Central Appraisal District.

Crossfall - the transverse slope as related to a given longitudinal slope and measured by the rise to run ratio.

Crosswalk - a strip of land dedicated for public use and which is reserved across a lot or block for the purpose of providing pedestrian access to adjacent areas.

Cul-de-Sac - see Streets.

Cultural Services - a library, museum, or similar registered nonprofit organizational use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

Dedication - the grant of an interest in property for public use.

Dangerous Building - see Structure - Unsafe

Demolition - the destruction or tearing down of a structure.

Design Storm - a probable rainfall event the frequency of which is specified in periods of years and which is used to design drainage facilities and determine flood elevations.

Developer - the legal owner of land to be improved and/or subdivided or his/her authorized representative.

Developed Area - that portion of a lot, easement, or parcel upon which a building, structure, pavement or other improvements have been placed.

Development - a subdivision of land as defined herein or the construction or placement of any structures, utilities, access, roads or other structures, excavation, mining, dredging, grading, filling, clearing or removing vegetation, or the deposit of refuse, waste or fill. Lawn and yard care, including mowing of tall weeds and grass, gardening, tree care and maintenance, removal of trees or other vegetation damaged by natural forces, and ranching and farming shall not constitute development. Utility, drainage, and street repair, and any construction maintenance and installation which does not require land disturbance or result in additional impervious cover, shall also not constitute development.

Development Permit - a Permit issued by the City, which is required prior to commencing the development, construction or reconstruction of any structure or real property as described in the Consolidated Zoning Ordinance.

Development Plan - a scaled drawing representing an area of land to be improved/developed and indicating the legal boundary of said property and the nature and extent of all existing and proposed improvements to said project.

District - a zoned section or sections of the City for which regulations governing the use of structures and premises, the height of structures, the size of lots, minimum square footage and the intensity of use are uniform.

Double Frontage Lot - see Lot.

Drainage Structure - anything located on or in the ground which controls, directs or conducts surface or storm waters, including but not limited to culverts, pipes, troughs and ditches.

Drainfield - private sewage facility, disposal area, trench or bed utilized for final wastewater disposal.

Drainageway- any natural or man made channel conducting storm water from a two (2) year storm event at a depth of eight (8) inches or more and at a rate of fifteen (15) cubic feet per second or more. Street pavement shall in no instance be considered a drainageway.

Drive Approach - a paved surface connecting the street to a lot line.

Drive-In Eating Establishment - any structure and premises specifically designed for the preparation and dispensing of food and meals for consumption either indoors or in a vehicle parked on the premises, or to be taken away for consumption at other places.

Driveway - the surface connecting a drive approach with a parking space, parking lot, loading dock or garage.

Dwelling - A structure designed and constructed for human habitation and approved for occupancy under the Consolidated Zoning Ordinance. When used in the singular means a free standing residential structure designed to accommodate one (1) household but not including any form of temporary or permanent mobile home, trailer or other vehicle, whether on wheels or not. When used in the plural means multiple freestanding residential structures, each designed to accommodate one (1) household. Classification of dwellings and related definitions are outlined below:

- A. **Apartment** - a room or group of rooms used as a dwelling for one (1) family unit, within any building, or portion thereof, which is designed or occupied as the home or residence of three (3) or more households living independently of each other and doing their own cooking in the said building.
- B. **Condominium** – a structure or group of structures in which dwelling units are owned individually, while the overall structure and common area and facilities are owned by all the owners on a proportional basis.
- C. **Family** - a group of persons (including parents, children, servants, etc., connected by blood or relationship by inclination and/or companionship) living in one house or under one head of household.
- D. **Halfway House** - a dwelling unit used as a single housekeeping unit for not more than six (6) persons who have demonstrated a tendency towards alcoholism, drug abuse, anti-social or criminal conduct, together with not more than two (2) persons providing supervision and other services to such persons, provided a conditional use permit is first obtained.

- E. **Multiple Family or Two-Family Dwelling** - a detached building designed and constructed with two (2) separate living units under a single roof for occupancy by two families
- F. **Single Family Attached Dwelling** - two or more dwelling units, constructed with common or abutting walls, within a development consisting of a series of sites for single family attached dwellings.
- G. **Single Family Detached Dwelling** - a single detached main structure having accommodations for a single family located on one lot, but not including any form of temporary or permanent mobile home (not to include manufactured homes), trailer or other vehicle, whether on wheels or not.
- H. **Townhouse** - a structure on an individual lot, which is one of a series of three (3) or more dwelling units, designed for single-family occupancy, which dwelling units are structurally connected, immediately adjacent to and abutting each other between individual dwelling units. A condominium apartment (as defined in § 81, Tex. Prop. Code) in a condominium structure may be considered a townhouse if no other dwelling unit or use of any kind exists immediately above or below it. Any project including three or more such condominiums or townhouses is considered a "Townhouse project".

Easement - a grant by the property owner of the use of a strip of land for stated purposes.

Environment - the aggregate of social and physical conditions that influence the life of the individual and/or community.

Escrow Funds - a deposit of cash or other approved security with the local government or approved bank or other financial institution in-lieu of a performance or maintenance bond.

Extraterritorial Jurisdiction or ETJ - that geographic area outside the corporate boundaries of the City as established pursuant to §§ 42, Loc. Gov't. Code.

Family - see Dwelling

Farm Accessory Structure - see Structure

Farm, Ranch, Garden or Orchard - an area of three (3) acres or more which is used for the primary purpose of growing of vegetables, fruits, trees, hay, livestock feed and/or grain, and/or for the raising thereon of poultry and farm animals such as horses, cattle and sheep and including the necessary accessory uses for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine and other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

Fencing -

- A. Containment Fence - fencing to separate property with the intent to protect property, animals, or persons or to provide landscape or decorative appearance;
- B. Screening Fence - fencing designed to screen objects from any public view.

Field Office (Construction Office) - a TEMPORARY structure or shelter used in connection with a development or building project, for housing on site the temporary administrative and supervisory functions, and for sheltering employees and equipment, related to the development.

Filing Date - the recorded date of receipt at City Hall of any application for action by City government.

Filling Station - see Gasoline Station

Financial Services - services provided by an establishment primarily engaged in financial and banking activities. Typical uses may include banks, savings and loan institutions, stock and bond brokers, loan and lending activities, and similar services.

Final Plat - a map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, alleys, public areas and other dimensions of land.

Flood Plain - the 100 year flood plain as established by FEMA and the City Flood Plain Ordinance.

Floodway - a channel of a waterway and the adjacent land areas that must be reserved in order to discharge the design storm without cumulatively increasing the water surface elevation.

Food and Beverage Sales Store or Convenience Store - a retail establishment of less than 3,500 square feet of total floor area selling a variety of consumables, notions and/or similar items, usually serving as a convenient outlet to a neighborhood. This activity can include the retail sale and self-service dispensing of gasoline or other fuels in appropriate zoning districts. The sale of beer/wine or liquor for off-premises consumption is allowed in specific districts.

Food Sales - an establishment primarily engaged in the retail sale of food or household products for home consumption. Typical uses include grocery stores, delicatessens, meat markets, retail bakeries, and candy shops.

Frontage - see Lot.

Gallery - see Art Studio

Garage, Commercial - any premises and structure used for housing more than five (5) motor vehicles or where any vehicles are repaired for operation or kept for remuneration, hire or sale, and where a retail service station may be maintained as a secondary use.

Garden - see Farm

Gasoline Station - Types of gasoline stations are outlined below:

- A. **Full Service** - a place where gasoline, other fuels, oil and grease and/or accessories are sold and dispensed to the retail motor vehicle trade, and where one or more of the following activities are conducted: motor vehicles are serviced and repaired; stored batteries are recharged and cared for; or vehicle tires are stored, serviced or exchanged.
- B. **Limited Service** - a place where the services provided are limited to the retail sale, either self-service or attendant dispensed, of gasoline, other fuels and petroleum products for the motor vehicle trade.

Governing Body - the Board of Commissioners of the City of Sunrise Beach Village, Texas.

Grade - the slope of a road, street, other public way or utility line specified in terms of percent (%); the topographic relief of a parcel of land; the average elevation at ground level of the buildable area of a lot or parcel of land.

Grading - any stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition.

Halfway House - see Dwelling

Handicap Parking - See Parking

Hanging Sign - see Signs

Height - the vertical distance from the highest point on a structure to the highest ground elevation where the foundation meets ground.

Helistop - a landing pad for occasional and infrequent use by rotary wing aircraft not exceeding a gross weight of 6,000 pounds.

Home Occupation - a commercial use customarily carried on in the home by members of the occupant family without structural alterations in the principal structure or any of its rooms, without the installation of machinery or additional equipment other than that customary to normal household operations, without the employment of additional persons, and which does not cause the generation of other than normal noise, pedestrian and vehicular traffic. It is an accessory to a residential use subject to the following limitations: (a) the home occupation shall be conducted entirely within a dwelling unit which is the bona fide residence of the practitioner(s); (b) the residential character of the lot and dwelling shall be maintained; the exterior of the dwelling shall not be structurally altered; and no additional structures shall be added on the property to accommodate the home occupation; (c) the occupation shall not produce external noise, vibration, smoke, odor, fumes, electrical interference or waste run-off outside the dwelling unit or on the property surrounding the dwelling unit; and (d) no vehicle used in connection with the home occupation which requires a commercial driver's license to operate shall be parked on any street.

Homeowners Association - any association or organization of co-owners within a condominium or townhouse project, including the Council of Co-Owners or a Condominium or Townhouse Management Association, or the owners of lots within a subdivision; organized for the primary purpose of managing and maintaining the common areas and common open space in any such project, or otherwise owned by the association. An organization, association, or other entity formed and controlled by the developer, project owner or general partner for this purpose will be included in this definition.

Hotel - a structure in which lodging is provided and offered to individual transient guests, but not excluding permanent guests, and may include a cafe, drugstore, clothes, pressing shop, barber shop or other service facilities for guests for compensation, and in which ingress and egress to and from all rooms is made through and inside a lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradiction to a boarding house, a lodging house, or an apartment. To be classified as a hotel an establishment shall contain a minimum of six (6) individual guest rooms or units and shall furnish customary hotel services such as linen, maid service, telephone, and the use and upkeep of furniture.

Impervious Cover - roads, parking areas, structures, swimming pools, rooftop landscapes and other construction limiting the absorption of water by covering the natural land surface; this shall include, but not be limited to, all streets and pavement within the development.

Improvements - any street, roadway, barricade, sidewalk, bikeway, pedestrian way, water line system, wastewater system, storm drainage network, public park land, landscaping, or other facility or portion thereof for which the local government may ultimately assume responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

Interior Lot - see Lot

Industrial - non residential use of any site involved in manufacturing and/or external storage of goods; any site generating significant negative externalities, such as noise, dust, glare, etc. and/or any site where hazardous materials are stored and/or generated.

Junked Vehicle - a vehicle that is self-propelled and does not have lawfully attached to it an unexpired license plate; or a valid motor vehicle inspection certificate; and is wrecked, dismantled or partially dismantled, or discarded; or is inoperable and has remained inoperable for more than 72 consecutive hours, if the vehicle is on public property; or 30 consecutive days, if the vehicle is on private property.

Kennel - a place in which five (5) or more dogs or cats at least six (6) months of age are kept, boarded or trained, by the owners of the dogs or cats or by persons providing facilities and care with or without compensation.

Landscape Development - trees, shrubs, ground cover, vines or grass installed in planting areas.

Laundry, SMALL Cleaning Shop - see Cleaning Shop

LCRA - the Lower Colorado River Authority.

Legal Lot - see Lot

Letter of Credit - a letter from a bank or other reputable creditor acceptable to the City that guarantees to the City that upon failure of the sub-divider to fulfill any improvement requirements that at the City's request, funds will be provided to the City to complete the specified improvements.

Light Manufacturing - an establishment engaged in the manufacture of finished products or parts, including packaging of such products, and incidental storage, sales and distribution of such products, but excluding uses that are not traditionally classified as light industrial or manufacturing. Uses defined as traditional light industrial and manufacturing are set forth in this Ordinance.

Line of Building - see Lot

Living Area - the actual enclosed residential structure minus porches, breezeways, carports, patios and attached garage, workshops and storage rooms.

Loading Space - an off-street space for the parking of a vehicle while loading or unloading merchandise or materials from commercial or industrial vehicles.

Local Utility Line - the facilities provided by a municipality or a franchised utility company for the distribution or collection of gas, water, surface drainage water, sewage, electric power, telephone or cable service, including pad and pole mounted transformers.

Lot - a subdivision of a block, parcel or tract of land, conforming to, at least, any one of the following characteristics: segregated or defined; contiguous; under one ownership; intended as a unit for transfer of ownership; intended for development; intended for occupancy and/or use; or two or more parcels of land legally combined as one lot. Types of Lots and related definitions are outlined below:

A. **Building Plot** - the land, lot, lots or tract of land upon which a structure or buildings are located, or upon which they are to be constructed, including yards.

- B. **Corner Lot** - a lot located at the intersection of and abutting on two (2) or more streets.
- C. **Double Frontage Lot** - a lot with the front and rear lot lines abutting a street.
- D. **Frontage** - that side of a lot, parcel or tract of land abutting a street right of way and ordinarily regarded as the frontal orientation of the lot.
- E. **Improved Lots** - Any lot will be considered to be an improved lot if a primary structure has been constructed on the lot.
- F. **Interior Lot** - a lot other than a corner lot, bounded by a street on only one (1) side.
- G. **Legal Lot** - either a lot recorded in the Official County Records pursuant to and in compliance with the subdivision regulations in effect at the time of its creation, or a tract of land having existed in its present configuration prior to October 1, 1927.
- H. **Legally Platted Lot** - a lot that is part of a subdivision, approved by the City and recorded in the Official County Records.
- I. **Line of Building** - means that most external point or portion of a structure that extends nearest a front, rear or side lot line and is used for measuring required setback from lot lines.
- J. **Lot Depth** - the average horizontal distance between the front and rear lot lines;
- K. **Lot Lines** - the lines bounding a lot as defined herein as follows:
 - 1. **Front Lot Line** – For Corner Lots, the front lot line shall be considered as adjacent to the street upon which the lot has its least dimension. For all other lots, it is the property line parallel to the street.
 - 2. **Rear Lot Line** – It is the property line opposite to the Front Lot Line.
 - 3. **Side Lot Line** – The property lines connecting the Front and Rear Property Lines.
- L. **Lot Width** - the average horizontal distance between the major side lot lines.
- M. **Nonconforming Lot** - a lot that, in area, dimensions, or location was lawful prior to the adoption, revision or amendment of the zoning ordinance currently in effect, but fails to conform to the present requirements of the zoning district by reason of such adoption revision or amendment.
- N. **Reserve Strip** - a narrow strip of property usually separating a parcel of land from a roadway or utility line easement and is characterized by limited depth which will not support development and/or preventing access to the roadway or utility easement from adjacent property.
- O. **Reverse Frontage Lot** – See Double Frontage Lot
- P. **Septic Lot** - an unimproved lot used to hold residential or commercial septic fields licensed by LCRA.
- Q. **Setback Line** - a line which marks the setback distance of any structure from the Lot Line.

- R. **Unimproved Lots** - Lots not meeting the criteria of improved lots will be considered to be unimproved lots for the purpose of this ordinance.
- S. **Yard** - an open space at grade between the lot lines not occupied or obstructed by any primary, secondary, or accessory structures.

Manufactured Home (HUD-CODE) – A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development Art. 5221f Tex. Rev. Civ. Stat, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 C. F. R. Section 3282.8 (g).

Manufactured Housing - see Manufactured Home.

Master Plan - the overall development plan for the community which has been officially adopted to provide long-range development policies including all specified individual elements thereof among which are the plans for land intensities; land subdivision; circulation; and community facilities, utilities and services; and, if none, means professional urban planning and engineering practices.

Microwave Towers - see Towers

Mini Storage Warehouse - a structure or group of buildings consisting of individualized fully enclosed shelters of various sizes for rent or lease for the purpose of providing protection of commodities stored therein. Storage of combustible materials requires the inclusion of a plan for adequate ventilation to preclude the build-up of combustible gases that complies with current OSHA standards.

Mobile Home – By Art. 5221f Tex Rev Civ Stat, a structure built before June 15, 1976, transportable in one or more sections, which, in the transporting mode, is eight feet or more in width or 40 body feet or more in length, or when erected on site, each section is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. The following will not be included in this definition: travel trailers, pickup coaches, motor homes, camping trailers, or other recreational vehicles.

Modular Homes – Will have the same meaning as "industrialized housing" and "modular components" in ART. 5221f Tex Rev Civ. Stat. Modular homes are built under the jurisdiction of the Texas Department of Licensing and Regulation and the permit/blue tag (prior to 1998) or white tag with blue lettering (1998 and after) will include the name of the aforementioned department.

Motel - a structure or group of detached, semi-detached or attached structures containing guest rooms or apartments with automobile storage space provided in connection therewith, which structure or group is designed, intended or used primarily for the accommodation of automobile travelers, including groups designated as auto cabins, motor courts, motels and similar designations.

Multifamily Dwelling - see Dwelling

Multiple Building Complex - more than one principal structure on a building lot.

Natural Channel - the topography of a waterway prior to construction, installation of improvements or any re-grading.

Natural Drainage - a storm water runoff conveyance system not altered by development.

Natural State - substantially the same conditions of the land which existed prior to its development, including but not limited to the same type, quality, quantity and distribution of soils, ground cover, vegetation and topographic features.

Neighborhood - the area of the City characterized by residential land uses which is bounded by physical (such as river, major street, lack of access, buffer) and/or political features (such as voting districts, subdivision boundaries).

Neighborhood Park - a publicly owned parcel of land, within a subdivision, dedicated solely for recreational uses and maintained by the City or under authority granted by the City.

Nonconforming Lot - see Lot

Nonconforming Structure - see Structure

Nonconforming Use - any use lawfully existing at the time of passage of this Ordinance, which does not, by reason of design or use, conform with the regulations of the district in which it is situated.

Non-Point Source Pollution - pollution that does not come from any specific point or location. Its sources are diffuse in nature as pollutants are washed off the land into lakes and rivers. Rainfall runoff carries soil, pesticides, nutrients, toxins and other residues of everyday human activities.

Occupancy - the use or intended use of a dwelling by any person.

Official County Records - the Official Records of Llano County, Texas.

Off-Site Improvements - any required improvement which lies outside of the property being developed.

Off Street Parking Space – see Parking Space

Orchard - see Farm

On-Site Wastewater Disposal Facilities - also known as Septic Systems, Individual On-Site Wastewater System, Private Sewage Facility or as On-Site Sewerage Facilities. The terms "On-site Wastewater Disposal Facilities" and "On-site Sewerage Facilities" shall be synonymous and interchangeable with the term "Septic System" and are defined as: All LCRA licensed systems and methods used for the disposal of sewage, other than organized disposal systems. On-site sewerage facilities are usually composed of three units: the generating unit (the residence, institution, etc.), the treatment unit (septic tank, etc.), and the disposal unit (may be an absorption trench or a bed, an evaporation bed, or a surface application system.)

Open Space - an area included in any side, rear or front yard or any unoccupied space on the lot property that is open and unobstructed to the sky except for the ordinary projections of plant material.

Open / Outdoor Storage - the keeping, in an unroofed area, of any goods, junk, material, merchandise, in the same place for more than twenty-four (24) hours.

Out of Sight - placed in an enclosed structure or surrounded by screening fencing and not visible to the public.

Overland Drainage - storm water runoff which is not confined by any natural or man made channel such as a creek, drainage ditch, storm sewer, or the like.

Parent Tract - tract or lot as described by deed or plat, which includes one (1) or more lots that are being subdivided.

Park or Playground - an open recreation facility or park owned and operated by a public agency such as the City and available to the general public for neighborhood use, but not involving lighted athletic fields for nighttime play.

Park Fund - a special fund established by the City to retain monies paid by developers in accordance with the payment in lieu of parkland dedication provisions of these regulations and to be used for the purchase of parkland or improvements in the vicinity of the subdivided property for which funds have been collected.

Parking Lot - a parking area that is not a street, alley or public right-of-way; designed to accommodate the vehicles that utilize any multiple family, retail, commercial, office, business or industrial property in the maximum numbers foreseeable; durably surfaced with all-weather material and arranged so as to permit satisfactory ingress and egress of an automobile without obstructing other traffic. A maximum of 25% of any required off street parking spaces may be compact.

Parking Space - an area that is not a street, alley or public right-of-way that is used or designed to be used for motor vehicle parking, that is not less than nine (9) feet by nineteen (19) feet (or 8 x 16 feet for compact vehicle spaces), exclusive of the driveways connecting said space with a street or alley. Said parking space and connecting driveway shall be durably surfaced and so arranged to permit satisfactory ingress and egress of an automobile without obstructing other traffic.

- A. **Off Street Parking Space** - any parking space not a street, alley or public right-of-way; a public street shall not be classified as Off Street Parking Space, nor shall head-in parking adjacent to a public street.
- B. **Handicap Parking** - Dimensional requirements are twelve foot (12') width and eighteen foot (18') depth per handicap space. The location and design of handicapped parking spaces shall be as required by ordinance.

Pasturage - land used primarily for the grazing of animal stock.

Paved Area - an area surfaced with asphalt, concrete or similar pavement, providing an all-weather surface. Gravel is not an acceptable paved surface.

Pedestrian Sign - see Sign

Performance Standard - a set of minimum criteria that must be met in any situation.

Permit Issuing Authority - the City Inspector or other City officer, employee or agent designated by lawful authority to issue the applicable permit.

Permitted Use - a use specifically allowed in the applicable zoning districts without the necessity of obtaining a Conditional Use Permit.

Personal Services Business - an establishment engaged in providing services of a personal nature. Typical uses shall include beauty and barbershops, tailor, and shoe repair services.

Personal Service Shop - an establishment for the purpose of supplying personal services such as, but not limited to, barber, shoe, boot, or beauty shops.

Personal Watercraft (PWC) - a type of motorboat that is specifically designed to be operated by a person or persons sitting, standing, or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel.

Planned Unit Development - a zoning district which permits development of not less than three (3) acres under single or multiple ownership or when located in the City's extra-territorial jurisdiction, a subdivision of at least 250 acres in size, pursuant to a master plan subject to specific approval by the City Board of Commissioners. It is a development of land under unified control, planned and developed as a whole in a single development operation or a programmed phasing of developments, including streets, utilities, lots or building sites, structures, open spaces and other improvements. The district may permit mixed uses of land (e.g. industrial, commercial, residential) within single or multiple subdivisions as part of, or pursuant to, a Master Plan which seeks to minimize adverse impacts when development occurs, to protect the environment and nearby neighborhoods.

Planning and Zoning Commission - the City of Sunrise Beach Village Planning and Zoning Commission.

Playscape - any structure permanently anchored to the ground that is designed for recreational purposes. Sports courts such as basketball or tennis courts are not considered playscapes.

Playfield - an athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium which may be lighted for nighttime play.

Postal Facilities - postal services, including post office, bulk mail processing, or sorting centers operated by the United States Postal Service or a private postal service.

Preliminary Plan - a map of a proposed land subdivision showing the character and proposed layout of the property in sufficient detail to indicate the suitability of the proposed subdivision of land.

Primary Structure - see Structure

Private Club - an establishment required to have a state issued alcoholic beverage permit for the sale, storage or vending of alcoholic beverages to its members.

Private Garage - an accessory structure housing vehicles owned and used by occupants of the main structure.

Private Sewage Facility - see Individual On-Site Wastewater System

Professional Office - a use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting, and similar professions licensed by the state.

Projecting Sign - see Signs

Property Owners Association - an incorporated, non-profit organization operating under recorded land agreements through which (a) each lot and/or homeowner in a subdivision or planned unit development (PUD) is automatically a member, (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining common property, and (c) the charge, if unpaid, becomes a lien against the property.

Public - the

- A. City and/or State with respect to land and interests in land within the City limits,-
- B. General Public, with respect to land and interests in land within the ETJ limits and with respect to the provision of any services or products by a business establishment.

Public Grounds - a facility such as City Park, office buildings, maintenance yards and shops required/used by branches of local, state or federal government.

Public Use - places of non-commercial public assembly or administrative functions where the primary activity is contained within a structure(s), including but not limited to churches, schools and government buildings.

Radio Towers - see Towers

Ranch - see Farm

Recreational Vehicle - a vehicle which is equipped with living or sleeping facilities, whether self-propelled or designed to be used as a trailer.

Regulatory 100-Year Floodplain - see Flood Plain

Religious Assembly - a use (located in a permanent or temporary structure) providing regular organized religious worship and religious education incidental thereto.

Relocation - the moving of a structure from one site to another or from one location on a site to another location on that site. For the purposes of this ordinance separating a structure from its supports for the purpose of moving it constitutes relocation.

Removal - the removal from within City Limits.

Rental Agreement - the contract for use or occupancy by an actual person of property for periods of less than 30 consecutive days. Compensation for the use of residential property for occupancy by any person for periods of less than 30 consecutive days shall be deemed a rental agreement and is prohibited in single family residential districts.

Residential Lease Agreement - a contract for the compensated use of a residential structure for periods of 30 consecutive days or more by a person other than the owner.

Reserve Strip - see Lot

Retail Sales - the sale or rental of commonly used goods and merchandise for personal or household use.

Retail Service Station - see Station

Residence – see Dwelling

Responsible Party - the owner, occupant or person in custody of a property, or any mortgagee or lien holder.

Restaurant - an establishment engaged in the preparation and retail sale of food and beverages.

Reverse Frontage Lot - see Lot

Rights-of-Way - a strip of land occupied or intended to be occupied by street, crosswalk, railroad, road, electric transmission line, or oil or gas pipe line, water main, sanitary or storm sewer main, or for other similar purpose or use. The usage of the term "rights-of -way" for land platting purposes shall mean that every right of way hereinafter established and shown on the Final Plat is to be separate and distinct from the lots or parcels adjoining such right of way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, wastewater lines, storm drainage, or any other use involving maintenance by a public agency shall be dedicated to the public by the maker of the plat where such rights-of-way are established.

Safety Services - a facility to conduct public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

Same Ownership - ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations in which a stock holder, partner, or associate or a family member of these owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Septic System - see On-Site Wastewater Disposal Facilities

Sexually Oriented Business - an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center. See Section 63 of CZO No. 205 or its successors for related restrictions and development standards pertaining to sexually oriented businesses.

Servants Quarters - an accessory structure or portion of a main structure located on the same lot as the main structure and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.

Setback - see Lot and Chart 1

Shallow Water - a location in the lake with an average depth of four (4) feet or less when measured from the mean elevation of the surface of the water, 825 feet, to the lakebed immediately below the water surface.

Shrub - any self-supporting woody evergreen and/or deciduous species.

Sign - any device or surface on which letters, illustrations, designs, figures, or symbols are painted, printed, stamped, raised, projected, illuminated, or in any manner outlined or attached and used to advertise, inform, or attract the attention of persons not on that premise, excluding those lights and landscape features which display words or symbols as temporary holiday decorations.

A. **Awning Sign** - any sign painted or applied to the face, valance, or side panels of an awning.

- B. **Hanging Sign** - any sign suspended from an awning or canopy.
- C. **Pedestrian Sign** - any sign oriented to pedestrians or street-level visibility (including window signs, awning signs, hanging signs, nameplates, and plaques).
- D. **Projecting Sign** - any sign attached to and placed perpendicular to a building facade.
- E. **Signboard** - any flat sign mounted or applied to a structure facade.
- F. **Window Sign** - any sign painted or applied to window glass.

Single Family - see Dwelling

Single Family Attached - see Dwelling

Single Family Detached - see Dwelling

Single Family Dwelling - see Dwelling

Site Plan - a plan showing the use of the land, to include locations of structures, drives, sidewalks, parking facilities and other structures to be constructed with respect to setback requirements.

Slope - the vertical change in grade divided by the horizontal distance over which that vertical change occurred. The slope is usually given as a percentage.

Social Club - a structure or portion thereof or premises used or operated for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Stable (also see Structure Accessory Structure) - an accessory structure located in the agricultural area for quartering livestock when the stable structure is set back a minimum of two hundred (200) feet or at least $\frac{1}{2}$ of the distance (where lots are less than four hundred (400) feet deep) from the front property line. In addition, each structure must be set back at least thirty (30) feet from either side as well as from the rear of property lines and at least thirty (30') feet from any adjacent residence.

Stadium - see Playfield

State Health Department - the Texas Department of Health or the Texas Commission on Environmental Quality (TCEQ), as applicable, or their successors.

Story - that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Street - any public or private rights of way which affords the primary means of vehicular access to abutting property. Classifications of Streets are as follows:

- A. **Arterial Street** - a street with intersections at grade and direct access to abutting property, and on which geometric design and traffic control measures are used to expedite the safe movement of through-traffic.

- B. **Cul-de-Sac** - a minor street having one (1) end open to vehicular traffic and having one (1) closed end terminated by a permanent turnaround.
- C. **Dead-End** - a minor street having one end open to vehicular traffic and having one closed end terminated without a turnaround.
- D. **Major Street** - streets that collect traffic from minor streets and serve as the most direct routes to an arterial street.
- E. **Minor Street** - a street or road, primarily for access to residential, business or other abutting property and may serve to connect major streets.

Street Line - that line limiting the rights of way of the street and being identical with the property line of persons owning property fronting on the streets.

Structural Alterations - any change in the supporting members of a structure, such as load bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

Structural Integrity - the ability of a structure to maintain stability against normal forces experienced by said structure.

Structure - anything constructed or erected on the ground or that is attached to something located on the ground. Structures include but are not limited to buildings, telecommunications towers, sheds, bulkheads, breakwaters, docks, piers, dams, parking lots and permanent signs; Sidewalks and paving shall not be considered structures Classification of Structures are as follows:

- A. **Accessory Structure** - in a residential district, a subordinate building detached or attached and used for a purpose customarily incidental to the main structure such as a private garage for automobile storage, tool house, bath or greenhouse as a hobby (no business), home workshop, children's playhouse, storage house or garden shelter, but not involving the conduct of a business or occupancy by any long-term or paying guests.
- B. **Farm Accessory Structure** - a structure, other than a dwelling, on a farm as herein defined, for the housing protection or storage of the usual farm equipment, animals and crops.
- C. **Non-conforming Structure** - a structure the size dimensions or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.
- D. **Primary Structure** - a structure in which the principal use of the lot is conducted. For example, for single family residential lots, the dwelling is the primary structure.
- E. **Secondary Structure** - in a non-residential District means any structure that is subordinate and incidental to the primary structure; and is subordinate in area, extent and purpose to the primary structure and contributes to the comfort, convenience or necessity of the occupants, business or industry in the primary structure and is located on the same property as the primary structure but does not involve the conduct of a business or occupancy by any long-term or paying guests.
- F. **Unsafe Structure** - any structure located within the incorporated limits of the City that is in such a state or condition of repair or disrepair. See Dangerous Structure Ordinance.

Structure, Principal - see Structure, Primary Structure

Subdivider - any person, developer, firm, partnership, corporation or other entity, acting as a unit subdividing or proposing to subdivide land as herein defined.

Subdivision - the division or re-division of land into two (2) or more lots, tracts, sites or parcels for the purpose of development, laying out any addition to the City, or for laying out any subdivision or building lots, or any lot, street, access easement, public utility easement, park or other portion intended for use by the public, or for the use of any owner, purchaser, occupant, person or entity. (Must comply with City's Subdivision Development Ordinance). A subdivision includes a division regardless of whether the division is through using metes and bounds, description in a deed of conveyance or in a contract for a deed, or by using a contract of sale or other executory contract to convey, or to convey any interest, or by using any other method.

Swimming Pool (Private) - a swimming pool constructed for the exclusive use of the residents of a single family dwelling, two-family dwelling, multiple family dwelling, or other residential dwelling, located and fenced in accordance with State regulations and not operated as a business.

Telephone Exchange - switching relay and transmitting equipment, but not including public business facilities, storage or repair facilities.

Television Towers - see Towers

Tenant - someone leasing or renting a structure, or portion thereof, from a landlord for more than 30 consecutive days with a signed agreement for occupancy. Time Share agreements do not qualify for occupancy under the definition of "Tenant".

Time Sharing - occupancy at various times by various parties, related or not, whether or not they are joint owners of the property.

Traffic Impact Analysis (TIA) - a study of the impacts of a development on the City's transportation system.

Tree - any self-supporting woody plant species which normally grows to an overall minimum height of fifteen (15) feet.

Tract - a parcel of land described by metes and bounds prior to subdivision.

Towers (for Radio, Television, Microwave, etc.) - structures supporting antennae for transmitting or receiving on any portion of the respective frequency bands, but excluding noncommercial antennae for home use.

Townhouse - see Dwelling

Unit Owners Association - see Homeowners Association

Upholstery Shop - a business establishment engaged in the installation of soft covering material such as fabric and underlayment for furniture and other objects. Except however, with respect to motor vehicles, it shall only include interior upholstering. In no event shall an upholstery shop include the manufacture or building of furniture or other objects.

Urbanization - the process of constructing public improvements required to support suburban or urban land use.

Utilities (other than "Listed") - any utility requiring a franchise, such as closed circuit television, distribution of steam, hot or chilled water or similar service requiring the use of public streets or easements.

Variance - an adjustment in the application of the specific regulations of an ordinance to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

Variety Store - a retail commercial establishment which supplies a variety of household goods, including, but not limited to toys, light hardware items, candy, clothing and other general merchandise.

Video Rental Store - an establishment engaged in the sale or rental of motion pictures or games.

Warehouse - an establishment engaged in the storage of merchandise or commodities in an enclosed structure.

Wastewater Disposal Facility – See Onsite Wastewater Disposal Facility

Watershed - area from which storm water drains into a given basin, river or creek.

Waterway - see Drainageway

Will - the word "will" is mandatory, and not discretionary when used in this ordinance, (generally used in place of "shall".)

Wood Yard - a tract of property used for the storage of wood either for use as firewood or as a building material. Fencing of the area is required for safety and security reasons.

Working Days - Monday through Friday exclusive of City recognized holidays.

Yard – See Lot

Yard, Front - See Lot

Zoning - the division of a municipality into districts in an effort to achieve compatible land use relationships, and the associated establishment of regulations governing the use, placement, spacing and size of land and structures in order to achieve that compatibility.

Zoning Map - the official map showing the division of the city into districts which is a part of this zoning ordinance.

Zoning (Spot) - the zoning or rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive plan.

ANY DEFINITION NOT EXPRESSLY PRESCRIBED HEREIN SHALL, UNTIL SUCH TIME AS DEFINED BY ORDINANCE, BE CONSTRUED IN ACCORDANCE WITH CUSTOMARY USAGE IN MUNICIPAL PLANNING AND ENGINEERING PRACTICES.

Section 6 - Application

The provisions of this Ordinance shall, except as specifically provided otherwise in this Ordinance, apply to all land within the jurisdiction of the City.

Section 7 - Exemptions

The provisions of this Ordinance shall not:

- A.** Prohibit the continuation of plans, construction or designed use of a building for which a development permit was lawfully issued and which (1) is completed in its entirety within one (1) year from the effective date of this Ordinance; and (2) for which construction shall have been started within ninety (90) days after the effective date of this Ordinance; provided that any such building, construction or use that is not in compliance with this Ordinance shall be a nonconforming use; or
- B.** Apply to permits or commitments given by the City with reference to construction of public utility buildings prior to the passage of this Ordinance.

Section 8 - Enforcement of Regulations

- A.** No development permit, and certificate of occupancy shall be issued by the City for or with respect to any lot, tract or parcel of land within the City limits that is developed, or proposed to be developed, after the effective date of this Ordinance, until all then applicable requirements of this Ordinance have been satisfied and accepted by the City.
- B.** This Ordinance may be further enforced by injunction and other judicial proceedings, either at law or in equity, and, in lieu of or in addition to any other authorized enforcement or action taken, by any person who violates any term or provision of this ordinance, with respect to any land or development within the City, by fine and penalties as provided herein.

Sections 9 – 19 - Reserved

ARTICLE II ZONING DISTRICTS AND REGULATIONS

Section 20 - General Requirements and Limitations

- A.** Conformity to Zoning District Required.
No structure shall be erected and no existing structures shall be moved, structurally altered, added to or enlarged, nor shall any land, or structure be used, or designated for use for any purpose or in any manner other than provided for hereinafter in the district in which the land or structure is located; provided, however, that necessary structural repairs may be made where health and safety are endangered.
- B.** Conformity to Construction Plan Requirements.
No structure shall be erected, converted, enlarged, reconstructed or structurally altered unless Construction Plans meeting the requirements of this Ordinance have been approved by the City.
- C.** Conformity to Parking and Loading Space Requirements.
No structure shall be erected, converted, enlarged, reconstructed, or structurally altered without conforming to the off street parking and loading requirements of this Ordinance.
- D.** Conformity to Building Setback Requirements.
No yard or other open space provided around any structure for the purpose of complying with provisions of this section shall be considered as providing a yard or open space for structure on any other lot.
- E.** Conformity to Maintaining Commercial Type Animals.
Horses, cows, sheep, goats, hogs, rabbits, chickens, turkeys, fowl of the pheasant family and/or other commercial, ranch or farm type animals will not be kept on premises except in District I – AG1-I Agricultural District. Exotic animals as defined by state law are prohibited.
- F.** Conformity to On-Site Wastewater Disposal Facility (Septic Systems):

1. Installation/Modification – The LCRA has jurisdiction over on-site wastewater disposal facilities within the corporate limits of the city.
 - a. All on-site wastewater disposal facilities must have the three disposal unit components as described in the definitions. (see Onsite Wastewater Disposal Systems)
 - b. The LCRA established rules require approval by the Municipal Floodplain Administrator, certifying compliance with flood plain management regulations, prior to any LCRA approval on residential or commercial on-site wastewater disposal facilities permit applications.
 - c. The City will issue the required certificate when requested (if the on-site wastewater disposal facilities proposed meet provisions of the current Municipal Floodplain Ordinance. Application to the city will be made utilizing the designated form (Application for a Development Permit). A scale drawing of the property including the proposed location of the system (tanks, fields, piping) will accompany the application.
2. LCRA has the primary responsibility to assure approved systems continue to operate properly.
3. The City has a shared responsibility to protect the water quality of Lake LBJ and the residents of the city. Therefore, residents, owners and operators of private septic systems will be in violation of this ordinance and subject to penalties established by this ordinance if:
 - a. Septic system residue is found on the surface of land areas within the corporate limits or residue is discharged into the lake or natural watercourses.
 - b. Any waste type contaminant, from vehicles, fixed or other holding facilities, is discharged into the water or on to land within the corporate limits.

G. Conformity to Non-point Source Pollution Control.

The intent is to prevent non-point source pollution. Enforcement of preventative measures contained in this city ordinance will apply to all land/property located within the corporate limits of the city. (An LCRA permit is normally required for any development activity within 2,200 feet of Lake LBJ and all shoreline development).

1. By Interagency Agreement, the City of Sunrise Beach Village will enforce all permitting and temporary erosion control requirements for single family development activities within the City limits. LCRA will regulate proposed new commercial development and new residential subdivision development under the LCRA NPS Ordinance.
2. The City hereby adopts, by reference, the performance standards of the LCRA NPS Ordinance in regard to dredge and fill activities and temporary erosion control requirements, as amended from time to time. The City will not issue any waivers or variances from these standards and requirements without the written approval from LCRA.
3. The City will review every development proposal (Development Permit Application) and issue necessary guidance to ensure compliance with LCRA's NPS Ordinance.
4. The City will issue a "Stop-Work Order" if there is a determination that development does not meet City and/or LCRA NPS standards. All work, except that necessary to correct cited violations, will cease immediately until the reasons/violations stated in the "Stop-Work Order" have been corrected and approval to continue work is given by the city.
5. The failure of any individual, business or contractor to meet the provisions of these procedures, or the LCRA NPS standards, will subject the violator to the penalties established

by Ordinance 104 (\$2,000) or the maximum penalty of \$10,000 authorized by the LCRA ordinance.

H. Outdoor Lighting.

All outdoor lighting shall be installed and maintained in compliance with all applicable city ordinances. Such lighting shall be located and maintained in a manner that does not direct it toward any public street or adjacent property. Lighting may be directed vertically down onto a public street for the purpose of street lighting.

1. Multi-Family, Business and Industrial.

Outdoor lighting for multi-family, general retail, commercial, office and industrial property will be in accordance with the provisions of this Ordinance and the City building codes. A lighting plan shall be included with the site plan submitted for a development permit.

2. Residential.

Outdoor lighting on residential property will be installed in accordance with applicable City ordinances. It will be positioned so as not to be directed onto surrounding property or create a nuisance for surrounding property owners. The owner of the lights causing the irritant will shield, adjust, relocate or remove them to eliminate the nuisance. Lighting used for security purposes, which is operated during night hours will be located as close to main dwellings as possible.

I. Set Back, Height Limit and Lot Size Requirements.

Except as otherwise specifically provided in this Ordinance, measurements will be taken between the "line of the structure" and the applicable property line. No structure or permanent fixture (i.e. building eaves, chimney, air conditioning unit etc.) will be constructed within or placed within the required set backs set forth in the following Chart 1.

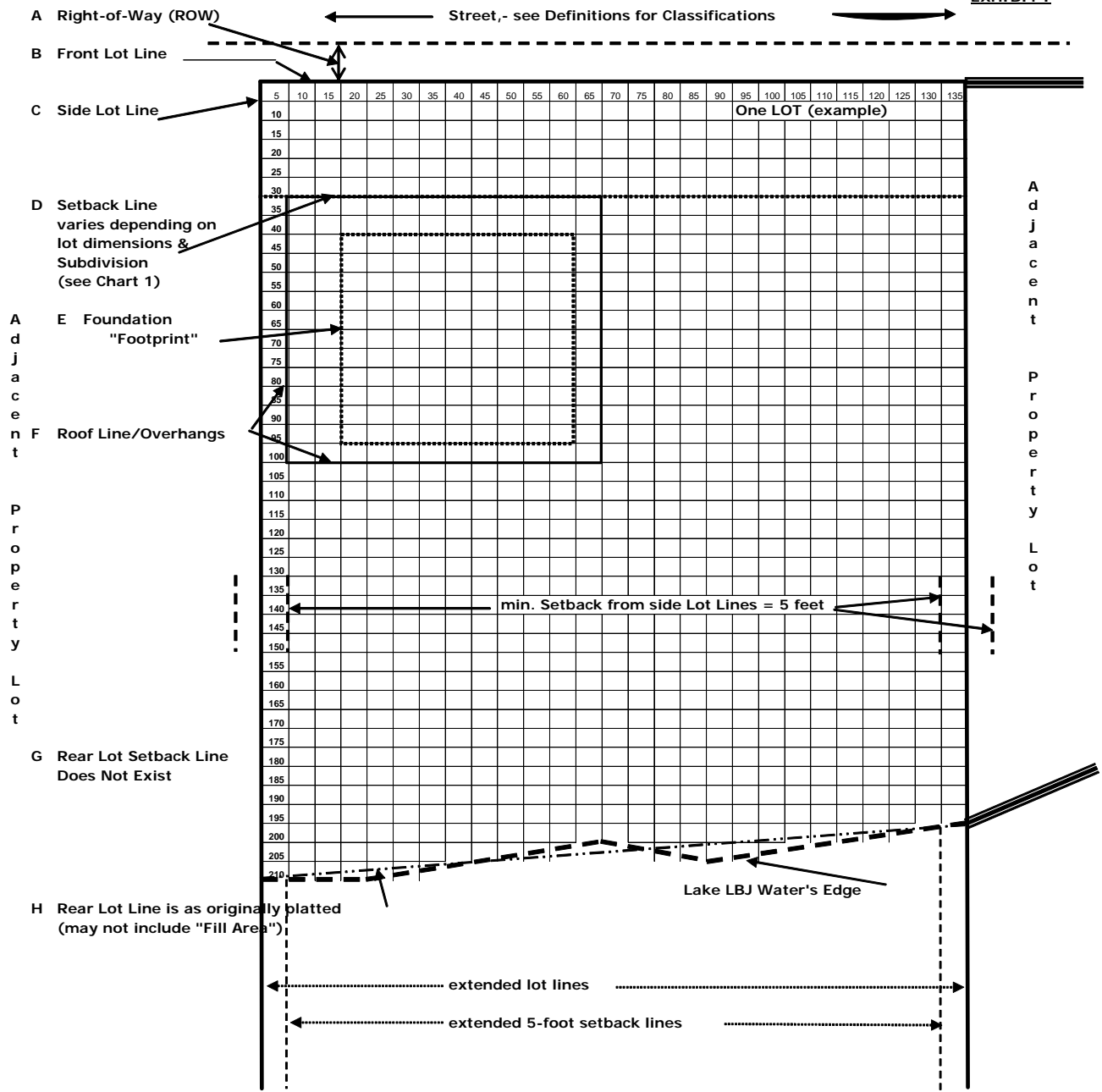
1. Set Back and Height Limits contained in Chart 1 apply generally unless amended in any specific zoning districts. Exhibits I, II and III illustrate the application of the Rules set in Chart 1.
2. Minimum lot sizes are as originally platted. Lots may be combined to create larger parcels in which the set backs from originally platted dividing lines are eliminated (peripheral boundaries of the combined lots excluded). See Article II, Section 62.
3. Larger lots may not be subdivided into lots of less than ½ acre.
4. The minimum lot size in zoning district AG1-I is 3 acres.

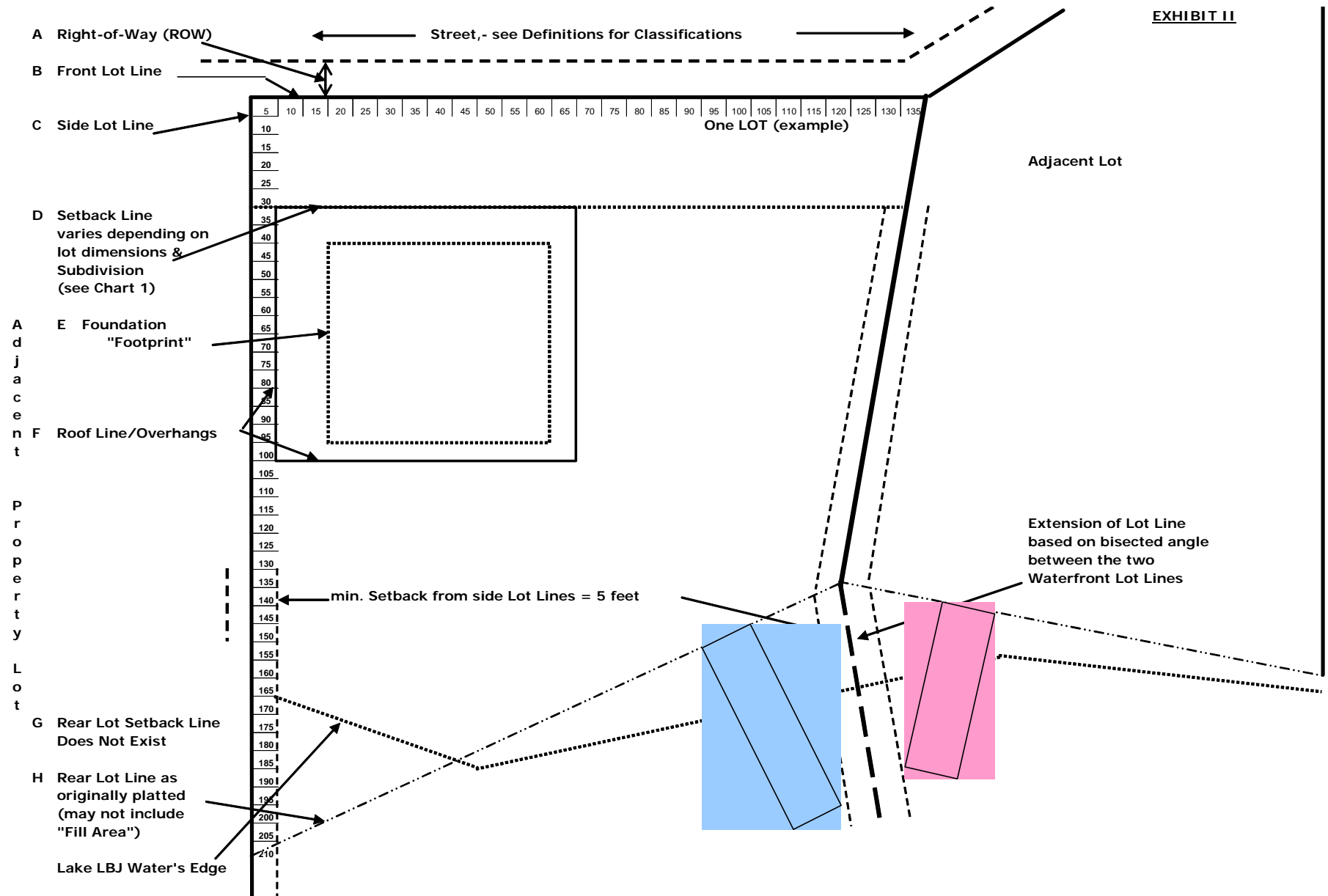
City of Sunrise Beach Village

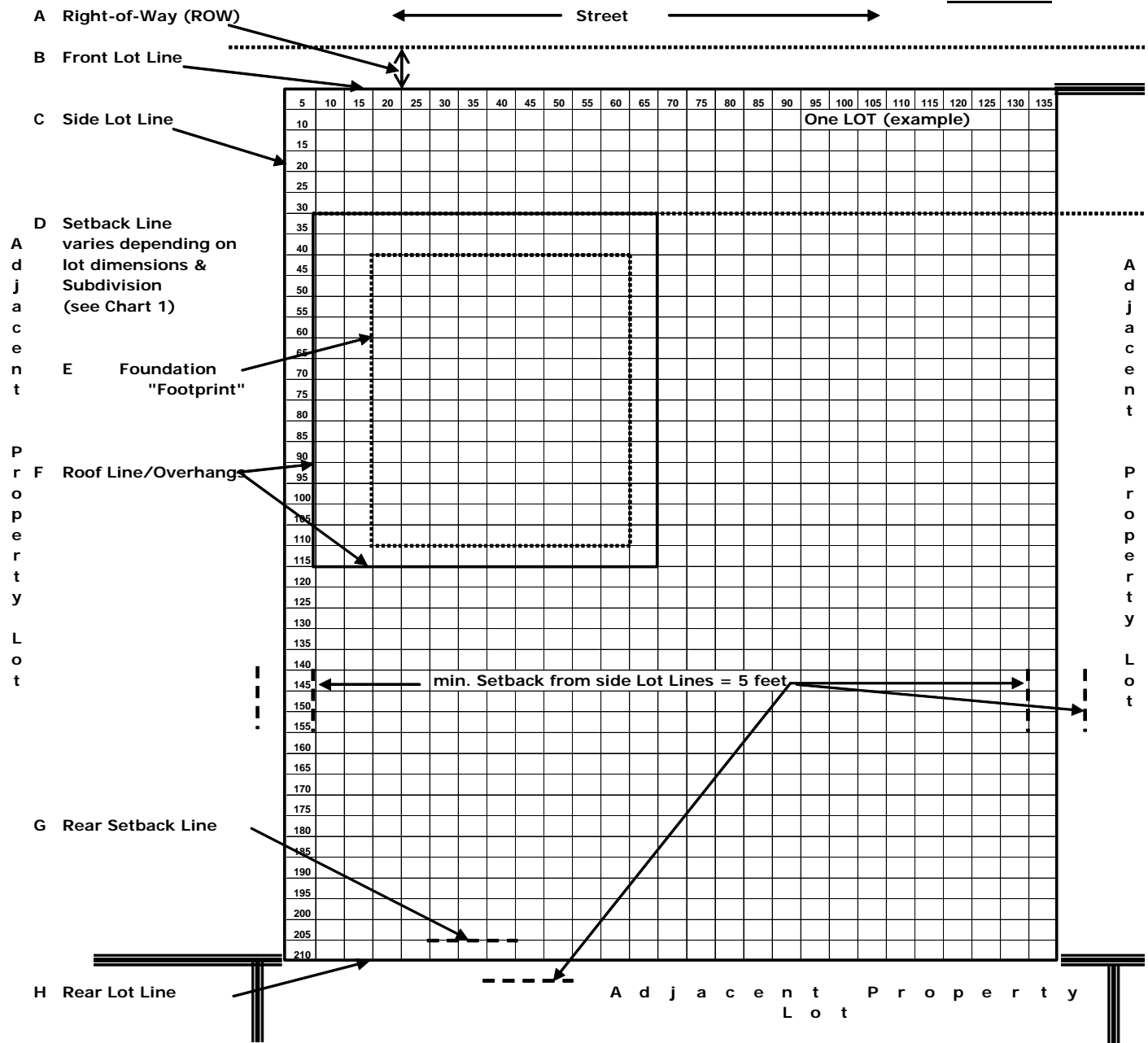
CHART 1			Front Set Back Required				Side Set Back		Rear Setback					Height Limit	
all measurements in feet			Col. A		Col. B		Col. C	Col. D	Col. E		Col. F		Col. G	Col. H	Col. I
Line #	District	Description	Depth of Lot	Set Back	Depth of Lot	Set Back	Front Street Only	Corner Lots Side Street	Depth of Lot	Lots w/ Front & Back Streets	Depth of Lot	Lots w/ Front & Back Streets	Lots w/ No Back Street ²	Structure Primary	Structure Accessory
1	AG1-I	Agricultural	<= 400	0.5xDepth	> 400	200	30	30		-		-	30	-	-
2	SF1-A	Single Family	<= 100	10 ⁵	> 120	30 ⁵	5	10	<= 120	20	> 120	30	5	-	16 ⁸
3	SF2-AA	Jody's Landing	<= 120	20	> 120	30	5	10	<= 120	20	> 120	30	5	- ¹	16 ^{1,8}
4	SF3-JA	Water's Edge	Lots 1-4	150	Lots 5-6	30	10	-	Lot#1-85', #2-80, #3/4- 75, #5/6-10 ⁶				35 ^{1,7}	16 ^{1,8}	
5	SF4-LA	Approach - South	<= 100	10	> 100	30	5	10	<= 120	20	> 120	30	5	- ¹	16 ^{1,8}
6	AS1-J	Airport Sup - GSLE	<= 100	10	> 100	25	5	10	<= 120	20	> 120	30	5 ⁴	20	20
7	AS2-K	Airport Sup - Air View	<= 100	10	> 100	25	5	10	<= 120	20	> 120	30	5 ⁴	20	20
8	AA1-L	Approach - North	<= 100	10	> 100	30	5	10	<= 120	20	> 120	30	5	- ¹	16 ^{1,8}
9	AR1-M	Runway	-	-	-	-	-	-	-	-	-	-	-	-	-
10	MB1-N	Marine & Beach	-	-	-	-	5 ¹⁰	5 ¹⁰	-	-	-	-	-	see note 10	
11	MF1-O	Multi Family/PARK Ln	<= 100	10	> 100	30	5	10	<= 120	20	> 120	30	5	30 ³	16 ⁸
12	MF2-OA	Multi Family/Sunrise Ave	any depth			10	5	5 ⁹	-	-	-	-	-	30 ³	16 ⁸
13	LC1-B	Light Commercial	<= 100	10	> 100	30	5	10	<= 120	20	> 120	30	5	35	35
14	LC2-C	Light Commercial	<= 100	10	> 100	30	5	10	<= 120	20	> 120	30	5	35	35
15	LC3-E	Light Commercial	<= 100	10	> 100	30	5	10	<= 120	20	> 120	30	5	35	35
16	LC4-F	Light Commercial	<= 100	10	> 100	30	5	10	<= 120	20	> 120	30	5	35	35
17	LC5-G	Light Commercial	<= 100	10	> 100	30 ⁹	5 ⁹	10	<= 120	20	> 120	30	5	35	35
18	HC1-D	Heavy Commercial	<= 100	10	> 100	30	5	10	<= 120	20	> 120	30	5	35	35
19	LI1-H	Light Industrial	<= 100	10	> 100	30	5	10	<= 120	20	> 120	30	5	35	35
20	PUD	Planned Unit Dev.	as designated -----												

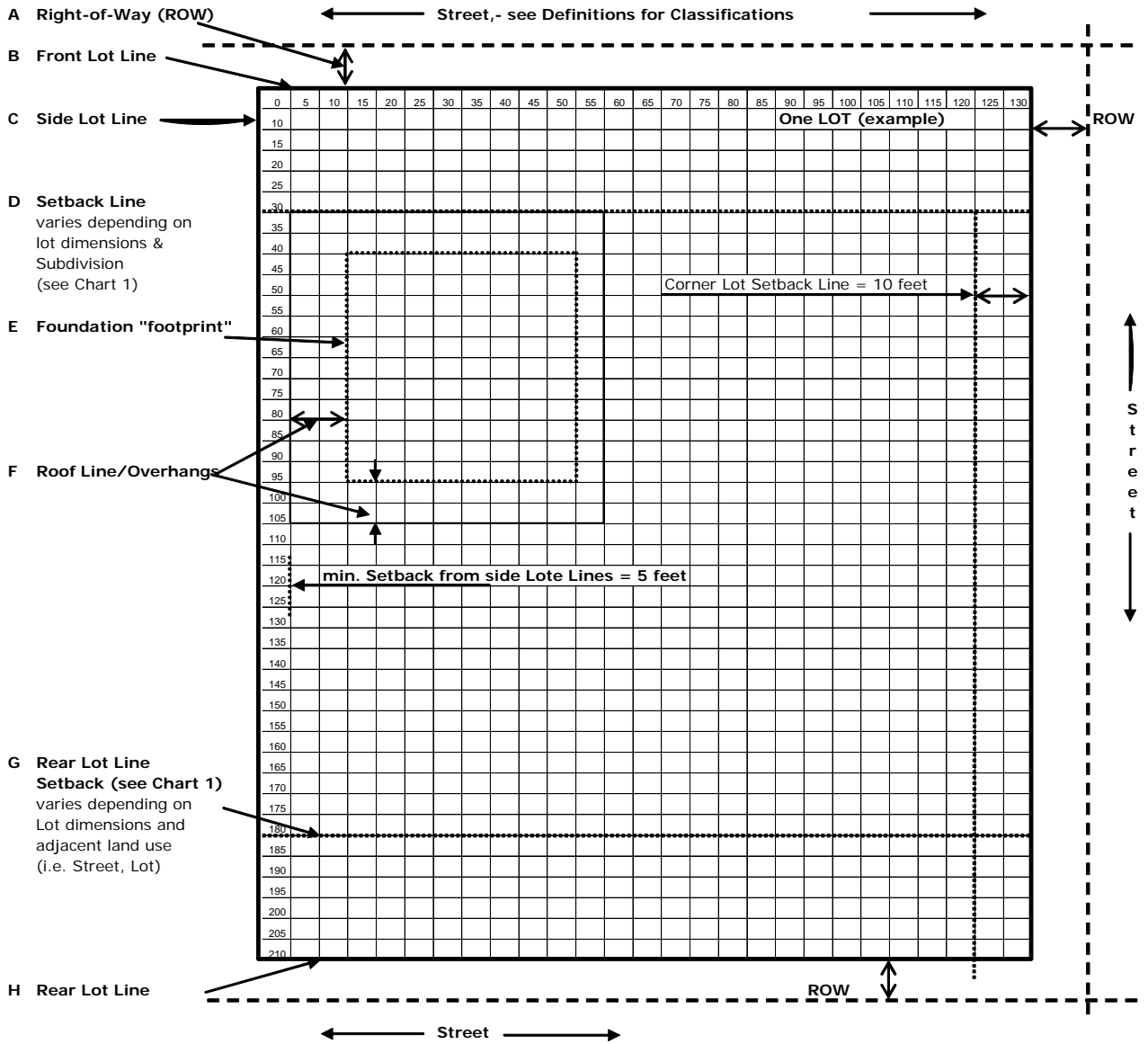
Notes: *Where the body text of specific Sections differs from this Chart the text takes precedence over this Chart. Exhibits I, II, III and IV illustrate the application of the setback rules to typical situations encountered in the City.*

- ¹ See detail text for districts SF2-AA, SF3-JA, SF4-LA & AA1-L to determine height restrictions in flare area.
- ² Lots on the water are not subject to Rear Setback requirements
- ³ Multi Family dwellings are limited to two stories not exceeding a total height of 30 feet above grade.
- ⁴ 25 feet if adjoining the Runway
- ⁵ Between 100' and 120' Lot Depth the Setback is applied proportional between 10' and 30'.
- ⁶ 5 ft allowed for Lot 5 on side adjoining Lot 40
- ⁷ Max two story and lessor of 35' above first floor slab or 37' above natural grade exclusive of chimneys.
- ⁸ See Section 57 for exceptions to 16 foot rule.
- ⁹ Lot 493H has front setback of 5 feet and a side setback of zero feet.
- ¹⁰ See Section 26 for details of setback & height restrictions.









J. Parking.

Off-street parking facilities shall be provided as follows: Short term parking for a period of no more than 72 hours in City Rights of Way between the Lot Lines and the paved area of City Streets is permitted. The use of these areas is allowed to facilitate a temporary need for parking space beyond that provided in individual Lots and is not to be construed as permission to park vehicles, trailers, etc. to advertise said items for sale or for other purposes.

1. Two designated parking spaces for each residential unit in the Single Family and Multi-family Residential Districts and other residential sites.
2. One space for each 150 square feet of floor space for Private Clubs.
3. Places of public assembly, parking on the property to accommodate one space for each five (5) seats.
4. Clinics, minimum of 10 spaces or one for each 125 square feet of floor space within the structure.
5. Motels, minimum of one space for each guest room, plus other required spaces for restaurants, clubs, assembly rooms, etc.
6. Retail and personal service establishments, minimum spaces suitable for all weather parking as follows:
 - a. One space for each 250 sq feet of floor space-for ground floor area of 5,000 sq feet or less.
 - b. One space for each 250 sq feet of upper floor space.
 - c. For ground floor areas over 5,000 sq feet provide 20 spaces plus one for each 200 square feet over 5,000 square feet.
 - d. For professional offices other than clinics, one space for each 250 sq feet of floor space.
 - e. Food establishments, one space for each 125 sq feet of floor space.
7. The number of spaces stated above are net spaces exclusive of roads, rights-of-ways, and driveways. Adequate driveways and space for traffic movement, together with unobstructed space for access by emergency vehicles, must be provided on the site.
8. Handicap Parking.
Non-residential handicap parking requirements are a minimum of one space for under fifty parking spaces, then one additional space for over fifty parking spaces up to one hundred spaces, and then one space per one hundred spaces up to five hundred. Over five hundred it is one percent of total parking spaces. The location and design of handicapped parking spaces shall be as required by ordinance.

K. Uses Noncumulative.

Uses within each District are restricted solely to those uses expressly permitted in each District, and are not cumulative unless so stated.

L. Exceptions.

Nothing in this section shall prohibit the approval of a comprehensive zero lot line residential development or other innovative housing development in compliance with the other terms and provisions of this Ordinance.

Section 21 - Establishment of Zoning Districts

A. The City is hereby divided into twenty one (21) zoning districts, the use, height and area regulations as set out herein shall be uniform in each district. In addition, compliance with guidelines/restrictions contained in Article III including but not limited to Rights-of-Ways, landscaping, lighting, signs, etc. must be met. The twenty one districts established shall be known as:

<u>Abbreviated Designation</u>	<u>Zoning District Name</u>	<u>District</u>	<u>Sub-Division</u>
A	Single Family Residential	SF1-A	
AA	Single Family Residential	SF2-AA	(Jodie's Landing)
B	Light Commercial	LC1-B	(Near Sandy Mtn Cmtry)
C	Light Commercial	LC2-C	(Across from Timber Cove)
D	Heavy Commercial	HC1-D	(City Center)
E	Light Commercial	LC3-E	(Beach Point)
F	Light Commercial	LC4-F	(Sandy Land Marina area)
G	Light Commercial	LC5-G	(SRB Marina area)
H	Light Industrial	LI1-H	
I	Agricultural	AG1-I	
J	Airport Support	AS1-J	
JA	Single Family Residential	SF3-JA	(Water's Edge)
K	Airport Support	AS2-K	
L	Airport Approach	AA1-L	
LA	Single Family Residential	SF4-LA	
M	Airport	AR1-M	
N	Marine and Beach	MB1-N	
O	Multifamily Dwelling	MF1-O	
OA	Multifamily Dwelling	MF2-OA	
P	Parks	PK1-P	
PUD	Planned Unit Development	PUD1-PUD	

B. District Boundaries.

Where uncertainty exists with respect to the boundaries of the established districts, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or highway right-of-way lines shall be construed to be said boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines of right-of-way lines of highways such district boundaries shall be construed as being parallel thereto.
4. If a district boundary line divides a property into two (2) parts, the district boundary line shall be construed to be the property line nearest the district line as shown.
5. Whenever any street or other public way is vacated by the City Commissioners, the zoning district shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the districts as extended.

Section 22 - Zoning of Annexed Areas

A. Interim Zoning District.

All territory hereafter annexed to the City shall be automatically classified as Agricultural District "A", pending subsequent action by the Planning and Zoning Commission and City Commissioners for permanent zoning; provided that upon application, by either the City or the property owner of the land being annexed, for zoning other than Agricultural, notice may be given and hearings held in compliance with Chapt. 211, Tex. Loc. Gov't. Code, and, upon annexation, such property may be permanently zoned as determined by the City Commissioners after considering the Planning and Zoning Commission's recommendation.

B. Permits in Interim Zoned Areas.

In an area temporarily classified as Agricultural District "A", no permits for the construction of a building or use of land other than uses allowed in said District under this Ordinance shall be issued by the City Building Official.

Section 23 - Agricultural District - District AG1-I

A. That portion of the city lying between the western boundaries of Sunrise Beach Units 1, 3, 4 and the northern boundary of Sunrise Beach Unit 6 subdivision and the incorporated city limits; bounded on the north by Sunrise Beach Unit 2 subdivision.

B. In Agricultural District I, all activities and operations will be conducted from conforming buildings and no building will be hereafter erected, reconstructed, altered or enlarged unless otherwise provided in this ordinance, except for one or more of the following uses:

1. The minimum lot size is 3 acres.
2. Any uses permitted in the Single Family Dwelling Districts, provided all area, height and other regulations are retained. Storage structures for personal use only, other than homes, providing such structures are set back a minimum of two hundred (200) feet or at least ½ of the distance (where lots are less than four hundred (400) feet deep) from the front property line. In addition, each structure must be set back at least thirty (30) feet from either side as well as from the rear of property lines.
3. Farming, truck gardening, cattle raising, provided that no products are offered for retail sale on the premises and that no cattle, horses or domestic farm animals or fowl will be kept on lots, tracts or parcels of land of less than one acre in area. Further, no more than one large adult animal will be kept per acre. Small animals/fowl will be considered on a case- by- case basis. No commercial canning, dairying, feedlots, or food processing may be conducted on the premises.
4. Requests for permits for uses not specifically permitted hereunder will be referred to the Planning and Zoning Commission for its approval or disapproval.
5. When farm animals are maintained in the Agricultural area, adequate fencing will be maintained to contain animals in the fenced areas.

Section 24 - Single Family Residential – SF1-A, SF2-AA, SF3-JA & SF4-LA

A. General Purpose and Permitted Uses.

Reserved for detached single family residences and permitted accessory structures on all lots. All of the lots within the Corporate limits of the City of Sunrise Beach Village, save and except those specifically identified in paragraph F below, are zoned for Single Family Dwellings.

B. Restrictions on Use.

The act of renting, leasing or otherwise receiving compensation for a portion of the main dwelling or separate structures from a separate body of persons engaging in joint occupancy will

violate the intent of these restrictions. Rental agreements for residential structures are prohibited.

C. Use Regulations.

Structures, land or premises will not be used, and structures will not hereafter be erected, constructed or altered except for one or more of the following uses:

1. Single Family Dwelling - Single Family Dwelling when occupied, may be used for only customary home occupations. Residential lease agreements for more than 30 consecutive days/nights for single family use are permitted when a lease agreement has been executed and the requirements for tenant status are met.
2. Churches or other similar places of worship including parsonages or rectories and the existing Sandy Mountain Cemetery.
3. Public schools, public libraries, municipal or other structures for the public use conducted by the city, county, state or federal government.
4. Orchards, nurseries and truck gardens limited to the propagation and cultivation of plants and trees, provided that retail or wholesale business will not be conducted on the premises.
5. Temporary structures for uses incidental to construction work on the premises. These structures will be removed upon completion or abandonment of construction work.
6. Accessory uses and structures, including a private garage, and such as is customarily incidental to any permitted use when located on the same premises, not involving the conduct of a business, trade or professional practice on the premises.
7. The development and operation of a facility within the residential area for a personal home care facility for those with aging disabling disease, will require the following:
 - a. No more than six clients, two clients to a bedroom
 - b. Compliance with City parking regulations
 - c. Septic system in compliance with current LCRA regulations
 - d. Compliance with current Fire Marshall Ordinance
 - e. Any other applicable ordinances governing the health, safety and welfare of clients
 - f. Compliance with standards set forth by the Texas Department of Human Services as licensing Standards for Personal Care Facilities (current revisions) for a Type B Facility.
 - g. Facility may not be established within one-half (½) mile radius of an existing personal care home.

D. Building Restrictions for all residential lots:

1. Single family dwellings will consist of not less than 1,000 square feet of living area. Living area will be determined exclusive of open porches, covered patios, breezeways, and attached garages or carports. Deed restrictions requiring larger minimum square footage do apply.

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2. One residential structure is allowed on each lot or combination of lots. Each residence will have a separate driveway entrance to a public street.
3. Metal siding on buildings other than Manufactured Housing will be considered on a case-by-case basis by the City Commissioners.
4. When increasing the elevation of a lot or landscaping that changes the natural overland water runoff, a plan addressing drainage modifications to preclude increased runoff onto adjacent lots or roadways must be submitted and approved by the City Building Officials.

E. Additional Permitted Uses.

Real Estate sales offices during the development of a residential subdivision but not to exceed two (2) years. Specific permission must be obtained from the City Commissioners for display dwellings with sales offices if said display dwellings are not moved and are to be converted to a permitted use within a period of one (1) year.

F. Individual District Specifications and Requirements.

1. SF1-A - All of the platted lots and area within the corporate limits of the City of Sunrise Beach Village save and except those herein after designated as other identified Districts are zoned for Single Family Dwellings. All items in Section 20 and Section 24 Items A through E above apply.
2. SF2-AA. (Also identified as Jody's Landing Subdivision and/or Sunrise Beach Unit II-D.)
 - a. All items in Section 20 and 24 Items A through E above apply except as modified by this section.
 - b. Section 25, Item E, 1,3a, b, c, apply for Lot 11.
 - c. Single Family Dwelling in SF2-AA Lots 1-5 shall consist of not less than 1,200 square feet of living area and Lots 6-12 shall consist of not less than 1,400 square feet of living area. Living area will be determined exclusive of open porches, covered patios, breezeways and attached garages or carports.
 - d. Additional Limitations/Restrictions
No boats, trucks or unsightly vehicles will be stored or kept for the purpose of repair on any lots or drives, except in enclosed garages or storage facilities protected from the view of the public or other residents of the subdivision.
 - e. Unit II-B, Lot 457. (a part of Jody's Landing Subdivision).
 - (1) The land set aside to hold residential septic fields will not be used for structures, storage of vehicles, trailers and/or materials of any type.
 - (2) Operation of wheeled vehicles other than standard mowing equipment is prohibited.
 - (3) Planting of trees or brush that could effect the normal operation of the systems is prohibited. Grass will not be allowed to grow to a height exceeding twelve inches or weeds/brush to a height exceeding eighteen inches.
 - (4) Construction of fences is allowed.
 - (5) The portion of Lot 457 not set aside for individual septic fields may be developed for the use of Jody's Landing property owners if the following listed conditions are met.

- (a) One or more individuals will be named by the property owners to administer the provisions of this section of the ordinance and the named individual(s) will assume maintenance responsibility for the area to include receipt of citations for violations or complaints.
 - (b) If the land is designated for use as a park, sport, or recreation area it will be off limits to any motorized wheeled vehicles other than standard mowing equipment. The area around any fence and inside any enclosure will be kept mowed and free of trash. All fences will be maintained to present an appearance compatible with the surrounding community.
3. SF3-JA - Lots 41 & 42 of the Granite Shoals Lake Estates Subdivision, rezoned to Single Family Residential September 28, 1999, formerly contained in Aircraft Support District AS1-J, and renamed Water's Edge.
- a. All items in Section 20 and Section 24, Items A thru E above apply except as modified by information in this section.
 - b. Section 25 Item E, 1, 3a, b, c apply.
 - c. Items listed in Chart 1 pertaining to Setbacks and Height Limitations apply except as modified in section b above.
 - d. requests for development permits must be approved by the developer to ensure compliance with deed restrictions and/or Property Owner Association Guidelines.
 - e. The building proposal, with plans of sufficient detail, shall be submitted to the Airport Commission for review and recommendations prior to approval by the City Inspector.
4. SF4-LA - Units II-C Lots H, I, 16 & 17 rezoned to Single Family Residential September 28, 1999, formerly contained in Aircraft Approach District AA1-L.
- a. All items in Section 20 and Section 24 Items A thru E above apply except as modified by information in this section.
 - b. Section 25 Item E, 1, 3a, b, c apply.
 - c. Items listed in Chart 1 pertaining to Setbacks and Height Limitations apply except as modified in section b above.

Section 25 - Airport Districts: AS1-J, AS 2-K, AA1-L, & AR1-M

A. General Requirement for Construction of Aircraft Facilities and Storage.

All items in Section 20 apply except as modified by information in this section.

- 1. Each structure will have a minimum of one thousand (1000) square feet.
- 2. Each structure will be of metal construction and completely enclosed.
- 3. Each structure will have exterior siding of one color, the only exception being the trim. Siding color should be submitted for approval with the plans for the development permit.
- 4. Each building will be structurally sound.

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5. Aircraft Hangers with single family dwellings attached must meet the requirements for single family dwellings and aircraft hangers, with size specifications being met separately.
6. The building proposal, with plans of sufficient detail, shall be submitted to the Airport Commission for review and recommendations prior to approval by the City Inspector.
7. All substandard buildings shall be brought into compliance with the current Airport Standards and current Zoning Ordinance within six months of ownership transfer.

B. Commercial Uses.

The following commercial uses are approved for the Aircraft Support (AS1-J & AS2-K) and Approach (AA1-L) Districts provided all provisions listed above are met:

1. Permitted uses of lots adjacent to Lot 18 (known as Sunrise Beach Village Airport), Unit II C, specifically, lots 8-15, Tr E, F, G of Unit II C and lots Q,43-64 of Granite Shoals Lake Estates:
 - a. Fixed Base Operation (FBO) to include aircraft repairs, building, storage, painting, restoration and sales.
 - b. Aircraft Flight Instruction.
 - c. Manufacturing of parts and/or components for aircraft.
 - d. Storage Buildings (see item A above) – personal and rental constructed of metal only.
2. Permitted uses of remaining lots in AS1-J, AS2-K, and AA1-L are the same as those permitted in Light Commercial Districts (Section 28) District LC1-B.
3. Requests for any aviation related commercial uses not listed above will be submitted to the Airport Commission for review and recommendations prior to approval by the City.

C. General Requirements for facilities and businesses located in any of the Airport Districts.

1. All businesses must be registered with the city. Any business not on the approved business list for the Airport Districts but previously registered with the city will be allowed to continue operation, but will be brought into compliance with the approved business list within three months of changing ownership or terminating operation of the grandfathered business.
2. All business will be conducted from and all merchandise stored, kept or displayed within a conforming building except for that equipment normally stored in the open may be so stored and kept—provided that it will be screened from public view on all sides by obscuring walls or screening fences not to exceed six feet in height or height restrictions set for the Aircraft Support and Approach Districts. Designated wood screening fencing material is acceptable. Any other means of screening will be considered on a case -by -case basis by the Airport Commission and the City. Fencing must be maintained and in good order to obscure the view of storage space and preclude entry by unauthorized personnel.
3. No building will be hereafter erected, altered, reconstructed or enlarged unless otherwise provided in this ordinance, except for one or more of the uses permitted for the District.
4. Motor vehicles parked or stored at the business site in public view must have a current safety inspection sticker and a current license displayed on the vehicle. All other vehicles to include tractors, forklifts and other construction machinery will be stored out of public view when not in use.

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5. Businesses that are or can be governed by Federal, State or County Licensure or permit shall be required to obtain said documents prior to being considered. The current license/permit shall be displayed for public view in an accessible area on the premises. Any business not in compliance shall be required to shut down until they meet the requirements as stated by the governing agency. Enforcement shall be in conjunction with the licensing agency. Violation of city zoning ordinances will result in notification of the licensing agency and enforcement by city authorities.

D. Aircraft Support Districts AS1-J & AS2-K.

1. AS1-J - Lots 43 thru 64 and lots C,D, F,G,H,I,J,K,O,Q of the Granite Shoals Lake Estates subdivision. (Lot F added by Ord 128, Aug 12, 1993) (Lots 41 and 42 rezoned to Single Family Residential September 28,1999, see District SF3-JA under Single Family Residential Districts.)
2. AS2-K - Described as a 100 foot wide strip of land within the Corporate Limits of the City of Sunrise Beach, north of the north right-of-way line of Airview Boulevard, commencing at the northwest corner of Lot 1 Sunrise Beach subdivision IIC and extending in a southeasterly direction until it reaches East Lakeshore Drive. Specifically, Part of Tract D, Lot 1, parts of 2 thru 7, 8 thru 15 and other lots (Tr E, F, G) and easements separating the numbered lots in Unit IIC; and Lot 11 Jodie's Landing, Unit II D, formerly Lot 456 in Unit IIB.
3. Restrictions and Uses Permitted in addition to items A thru C:
 - a. Uses permitted for Single Family Dwelling of GSLE Lots 41 & 42 rezoned to residential September 28, 1999 (see Single Family Residential Section – District SF3-JA). Item 4 of this section applies.
 - b. Aircraft hangars and aircraft parking.
 - c. Uses of District AS2-K, Unit IIC subdivided Lots 10A, 10B, 10C and 11A, 11B will preclude residential buildings. Septic systems requests must be accompanied by an approved engineered plan.
4. Special Provisions:
 - a. Aircraft fuel may not be stored for resale.
 - b. No structure will be erected or tree allowed to grow to exceed a height of twenty feet above the highest part of the runway directly opposite to the structure or tree.
 - c. Required setback for construction on properties touching Airport Side Boundary Lines (running northwest to southeast). No permanent structures within 25 feet of the Airport Side Boundary Lines

E. Aircraft Approach District AA1-L

1. Defined as a portion of the area lying and being situated within the corporate limits of the City of Sunrise Beach and being specifically designated as that land past the ends of the airport and bounded by lines projected from the corners of Airport District AR1-M with the ratio of the lines designating a flare of one foot out for every ten feet the sides of Airport District AR1-M extend past the ends of Airport District AR1-M, and extending for 1,000 feet past the ends of the airport. Also known as the approach surface.
2. Restriction and Uses Permitted in addition to Item A thru C above:

- a. Uses permitted for Single Family Dwellings of Unit IIC Lots H, I, 16 & 17 known as District AA1-LA rezoned to residential September 28, 1999. Other uses and restrictions as described in item 3 this section.
- b. Aircraft parking permitted.

3. Special Provisions:

- a. Required set back from the end boundaries of Airport District AR1-M, and within the specified 1:10 flare – No construction, storage of items or equipment, fences, parking of vehicles or aircraft, or any tree allowed to grow to a height in excess of the elevation of the runway ends above mean sea level, EXCEPT THAT THIS HEIGHT LIMITATION may be increased one (1) foot vertically for each twenty (20) feet of horizontal distance (Slope 20:1) that any point of the structure or obstruction lies beyond the nearest point on the southeast and/or northwest boundary line of Airport District AR1-M.
- b. All plans for construction will be submitted to the Airport Commission for their consideration and recommendations prior to approval by the City.
- c. Federal and State restrictions applicable to Approach; , Overrun and Runway Extensions apply.

F. Airport District AR1-M described as the municipal strip of land 200 feet by 2675.98 feet, Lot 18, Unit IIC, Sunrise Beach Village.

1. Permitted uses:

- a) The landing and take-off operations of aircraft within the boundaries of the runway lights.
- b) The temporary parking of aircraft within areas indicated by (Airport) City Ordinance 115.

2. Special Provisions:

- a. No structure of any kind will be erected in this district without the specific approval of the City Board of Commissioners.
- b. No equipment, supplies, vehicles or aircraft will be parked or stored in this district. without the approval of the Airport Commission.
- c. No vehicles or equipment, other than aircraft, will be operated in this district without the specific approval of the City Board of Commissioners.

Section 26 - Marine and Beach District – MB1-N

A. District Description.

That portion of the area lying and being situated within the corporate limits of the city, and being all that area beyond that point where the land area meets the water on all lots, tracts and parcels of land adjacent to the shoreline of Lake LBJ and the off-shore corporate limits. On those lots where the land not in the Marine and Beach District has been excavated to facilitate a dock, slip or boat/watercraft lift, the excavated area shall not be considered as part of the Marine District.

B. Uses Permitted:

1. Private piers, docks, boat houses, boat/personal watercraft lifts and slips (without living facilities, toilets or urinals).
2. Commercial piers, docks and boat/personal watercraft slips provided they are incidental to a permitted use of the lot from which they are extended and provided that they do not include living facilities, kitchens, toilets or any sanitary fixtures customarily requiring connections to sanitary waste disposal systems.

C. Special Provisions:

1. Height Regulations - No structure will exceed one story with a roof. Decking which serves as the ceiling and/or roof for the single story structure is permitted. Non-opaque railing surrounding the decking and stairways to this decking is permitted.
2. No permitted structure in this section shall be constructed except in compliance with this section:
 - a. Where the property lines of the property where the permitted structure is to be constructed and the adjoining lots are parallel, then the building area for the structure shall be defined by the extension of the property lines into the water less a 5 (five) foot setback on each side. See Exhibit I.
 - b. Where the property lines are not all parallel, then the bisecting angle method shall be used. The building area shall be defined by these extended lines less a 5 (five) foot setback on each side. See Exhibit II.
 - c. If items 2a or 2b above do not define the property, or use of these guidelines would create problems with access to other permitted structures or waterfront property, then the proposed positioning will be submitted to the Board of Commissioners for resolution.
 - d. In order to maintain a consistent appearance, every attempt should be made to position the permitted structure within the building area in alignment with surrounding structures.
3. Size/design restrictions on development projects in the district:
 - a. Not permitted – a structure, dock, retaining wall or barrier designed /intended to exclude any portion of the undeveloped (uncovered) lake or waterway from use by the general public.
 - b. Not permitted - any structure (permanent or temporary) erected, anchored, enlarged or altered, which, in the opinion of the city, will endanger or hinder the free navigation of any waterway. City determination will be made in response to the individual's application for a development permit. Only encapsulated floatation shall be used on new docks and no drums or barrels whether metal or plastic will be allowed for floatation.
 - c. Development projects (boathouse, lift, pier, ramp, etc) to support a residential parcel must meet all recommendations of the LCRA Dock Safety Standards.

- d. Development projects to support commercial properties must meet all restrictions and rules established by the LCRA Highland Lakes Marina Ordinance.
 - e. Electrical Requirements - All utility supply lines must be installed to minimize damage from potential flooding. Wiring must be installed in conduit or the structure's metal tubing. Conduit must be secured firmly to the structure.
 - (1) If a dock has electrical power, the main shutoff must be located on the shore.
 - (2) Must comply with National Electrical Code and the National Electrical Safety Code.
 - (3) Must install ground fault circuit interrupters (GFCI) on all receptacles, motors and lighting.
 - f. Lighting will be in accordance with LCRA Dock Safety Standards and this ordinance. Lights will be shielded to reduce adverse affects on adjacent properties. Dock lights must not present a hazard to navigation.
4. Navigable Passage:
- a. No permanent or temporary pier, dock, walkway or other structure will be erected or placed beyond the banks or shoreline of any canal or waterway whose width is less than 35 feet from bank to bank, nor will any structure be erected or placed in any canal or waterway extending to a point which, when any similar structure should be erected or placed extending from the opposite bank to the same extent, will provide less than 30 feet of unobstructed passage for boats.
 - b. The maximum distance perpendicular from shore that a dock may extend on Lake LBJ is 50 feet. If there is shallow water, as defined herein, all the way out to the 50 foot distanced, the dock may be extended further out to the closest location beyond the shallow water, but no dock shall extend beyond 200 feet from the shoreline.
 - c. Docks must not adversely affect access on the water surface. New or expanded residential docks will be limited to no more than 33% of open water width of the cove, canal or waterway where the dock is to be located.
5. Fences - Construction of fences in the water areas is prohibited, including any fence to divert flood debris from abutting property. (Parks and Land Committee, LCRA). Applications for fences will be rejected, violators will be cited.
6. Extending Shoreline into Lake. Waterfront lots typically extend to near the 825.0 foot elevation of Lake LBJ (original contour line). The city will grant permits to stabilize the shoreline existing at the time the permit is granted. (Reclamation of land back to the original shoreline is generally not permitted by LCRA or the US Army Corps of Engineers).
7. Use of Water Safety Buoys.
- a. A City permit is required for all buoys except those authorized for marinas permitted by the LCRA Highland Lakes Marina Ordinance.
 - b. No-swim area, no-wake area, boating prohibited, race course, slalom course or mooring buoys are not permitted without a public hearing [all associated costs such as, but not limited to, newspaper notice, conduct of hearing, etc, will be paid by the individual requesting the buoy(s)].

City of Sunrise Beach Village

- c. Purchase, placement, and maintenance of any permitted buoy will be the responsibility of the individual or organization requesting the permit. LCRA Buoy Standards and Filing Requests will be utilized for all buoys, floats and markers and installation procedures.
 - d. Request for permits will be in writing to the City and will include a statement of permission from the owner of the property where the buoy is to be anchored or moored.
8. Maintenance of Facilities - Marine facilities extending into or over Lake LBJ are within the city limits of the city but not always entirely on the responsible landowners property. These facilities must be considered an enticement to children and therefore will be maintained. Property owners with facilities in the Beach and Marine District (includes all structures on or above the surface of Lake LBJ and structures with foundations on the 825' msl contour line or beyond) will assure that the facilities are maintained so as to remain safe.
- a. Minimum standards include, but are not limited to:
 - (1) Docks must be above water surface (except for fixed docks during flood conditions) and must be floating or anchored upright.
 - (2) Sagging piers and docks will be stabilized and missing boards, posts and/or planks replaced.
 - (3) Electrical connectors and outlets will be of a type approved for outdoor use.
 - (4) Power boatlift controls should be locked or power turned off when not in use.
 - (5) Roofing sheeting, siding, planking, etc. will be firmly fastened so that it is not moved by normal wind or wave action.
 - b. Unused, unusable, and/or abandoned facilities (docks, piers, boat lifts, etc.) will be maintained at minimum standards or be removed (down to the lake bottom) by the property owner.
 - c. When replacement of existing floatation is needed, replace with encapsulated variety is required. No drums or barrels whether metal or plastic will be allowed for floatation.
 - d. Keep floatation free of vegetation and protect from physical damage. Replace when 25% or more of float is missing or damaged.

Section 27 - Multi-Family Residential – Districts MF1-O & MF2-OA

The Planning and Zoning Commissioners and the City Commissioners may consider the number of units proposed and the foreseeable impact the development may have on existing traffic patterns, with respect to any application for multi-family zoning.

A. District MF1-O – Lot 170 B of the GSLE Subdivision.

1. Uses Permitted.

- a. Any uses permitted in the Single Family Residential Districts, provided all area, height, and other regulations of said District SF1-A are retained except as modified by this section.

- b. Permits typical garden home development with buildings not exceeding 2 stories or 30 feet in height above finished land grade. There shall not be more than 4 units per ½ acre, and with apartments or units having a minimum living area of 1000 square feet.
 - c. More than one building or structure may be located on a lot.
 - d. Minimum Setbacks and Height restrictions are listed in Chart 1.
2. Conditions and Limitations.
- a. No structure will hereafter be constructed, altered or enlarged unless it conforms to the regulations provided in this ordinance.
 - b. No structure will house more than two families in a single multi-family unit. Each single-family living unit will consist of not less than 1,000 square feet of enclosed living area exclusive of open porches, covered patios and attached garages or carports.
 - c. Any structure not facing a public street shall face upon a court yard having a minimum width of forty-five (45) feet between structures and any appurtenances thereto, which court yard shall have direct access to a public street or a parking lot abutting a public street.
 - d. All structures shall, except as provided in (c.) above, be separated by a minimum horizontal distance of ten (10) feet.
 - e. Utilities - All development permit applications will be accompanied by a scale drawing showing all sewage, water and electric service lines and facilities in sufficient detail to clearly establish the adequacy of such installations to the satisfaction of the city. The applicant will furnish documentary evidence of the approval of the sewerage disposal and collection system by all Federal and State regulatory agencies having jurisdiction.
 - f. A development permit will not be issued until all plans and specifications have been approved by the city. Failure to show complete compliance with this ordinance and any deed restrictions or Property Owners Association Restrictions will be sufficient cause to withhold approval.
 - g. Compliance with set back, height and lot size will be as listed in Chart 1 except as modified in this section.
3. Parking:
- a. There shall be a minimum five (5) foot setback from the rear most wall of any garage, and from the edge of any parking area, to the nearest property line.
 - b. Garages and covered parking, if any, may be attached or detached.
 - c. Provide two (2) parking spaces for each family living unit exclusive of roads.
 - d. Adequate driveways and space for traffic movement, together with unblocked space for access by emergency vehicles must be provided on the site.
 - e. Parking areas and driveways will be hard surfaced.

B. District MF2-OA - Unit 4, Lots 493A thru 493.

The following are modifications and/or additions to District O-A uses and restrictions necessitated by the high density of construction already in place or anticipated.

1. Uses permitted - Modification of the basic floor plan of residences will not be approved by the City unless the application is accompanied by an approved septic system design and a permit issued by LCRA.
2. No building will be more than two stories or thirty (30) feet in height above the finished land grade.
3. Parking and vehicle access requirements:
 - a. Each property owner will maintain a minimum of two parking spaces for each family living unit.
 - b. No parking will be permitted in the rights-of-way at any time.
4. New/additional construction:
 - a. Lots 493A through 493G. No construction or structures within five (5) feet of side property lines or ten (10) feet of the rights-of-way.
 - b. Lot 493H. Rezoned to Light Commercial District LC5-G, on November 20, 2003.
 - c. Chart 1 applies as noted.

Section 28 - Light Commercial – Districts LC1-B, LC2-C, LC3-E, LC4-F, LC5-G.

A. Districts designated for Light Commercial Use

1. District LC1-B. Lots E, M, N and P of the GSLE subdivision. (Located near the Sandy Mountain Cemetery)
2. District LC2-C. Lot 332 of Sunrise Beach subdivision IIB. (Located across from Timber Cove)
3. District LC3-E. Being all of those lots, tracts or parcels of land bounded on the southeast by the northwest right-of-way line of Beach Drive and the northwest property line of Lot 1 of the Sunrise Beach Unit 1 subdivision; on the north and northwest by the curving property lines of said lots, tracts or parcels of land adjacent to the 825.0 foot elevation of the shoreline of Lake LBJ and on the southwest by the northeast property line of the plot of land designated as Public Launching Ramp. (Beach Point)
4. District LC4-F. Designated as Tract Z, Sunrise Beach Unit 5 subdivision and a 0.421 acre tract out of Lot 651 Sunrise Beach Unit 5 subdivision; Lots 192 and 193, Sunrise Beach Unit 1 subdivision; one 0.410 acre tract of land out of the Elijah Mercer Survey No. 1, Abstract No. 504, and being a peninsula extending into Lake LBJ From the east property line of Lot 192. (Sandy Land Marina area)
5. District LC5-G. Lots 488, 489, 490, 491, 492 and 493H Sunrise Beach Unit 4 subdivision. (Sunrise Beach Marina area)

B. Use Regulations For Light Commercial Districts

1. All businesses will be conducted from and all merchandise stored, kept or displayed within a conforming structure except that lumber, building supplies and contractor's equipment normally stored in the open may be so stored and kept--provided that it will be screened from public view on all sides by obscuring walls or screening fences not less than six feet in height. Designated wood privacy fencing material is acceptable, any other means of screening will be considered on a case by case basis by the city. Fencing must be maintained and in good order to obscure the view of the storage space and preclude entry by unauthorized personnel. No structure will be hereafter erected, altered, reconstructed or enlarged unless otherwise provided in this ordinance, except for one or more of the uses permitted for the District. Motor vehicles parked or stored at the business site in public view must have a current safety inspection sticker and a current license displayed on the vehicle. All other vehicles to include tractors, forklifts and other construction machinery will be stored out of public view when not in use. Enforcement will be as follows:
 - a. Upon issuance of a citation and conviction the resident or owner of the property upon which the junked vehicle is located will be allowed twenty (20) days in which to remove the nuisance.
 - b. If after twenty (20) days the nuisance has not been removed, a Public Hearing will be conducted prior to the removal of the nuisance by the City. All costs associated with the hearing and subsequent removal of such nuisance will be borne by the responsible party.
 - c. The vehicle will not be reconstructed or made operable after removal. Notice will be given to the Department of Public Safety identifying the vehicle or part of the vehicle no later than the fifth (5th) day after removal.
2. Requests for permits for uses not specifically permitted hereunder will be referred to the Planning and Zoning Commission for its consideration and approval or disapproval. Businesses that are or can be governed by Federal, State or County Licensure or permit shall be required to obtain said documents prior to being considered. The current license/permit shall be displayed for public view in an accessible area on the premises. Any business not in compliance shall be required to shut down until they meet the requirements as stated by the governing agency. Enforcement shall be in conjunction with the licensing agency. Violation of city zoning ordinances will result in notification of the licensing agency and enforcement by city authorities. Commercial construction or remodeling projects costing in excess of \$50,000 must submit and register their building plans according to state law with the Texas Department of Licensing and Regulation (TDLR) prior to submitting the application for a development permit to the city. The project registration number issued by TDLR is required on the development permit application.
3. No structure of any kind may be erected, constructed, enlarged or changed to exceed a height of 35 feet in height above average finish grade.
4. Conditions and Limitations.
 - a. Objectionable odor, light, smoke, dust, noise, vibration or similar nuisances; excluding such caused by customer and employee vehicles, shall be generally contained within the property limits.
 - b. Signs (advertising) must be on the same lot as the business establishments to which they refer and shall not be placed within any yard nor within twenty-five (25) feet of any Residential District. Signs may be illuminated but must be stationary and non-flashing. All signs shall comply with all applicable provisions of this ordinance and any other applicable ordinance of the City.

- c. See Chart 1 for set back, height and lot requirements.
- d. District LC5-G Lot 493H Unit 4. No construction within five (5) feet of the rights-of-way. Construction in the Marine and Beach District allowed along a line extending the side property lines out into the water.

C. Purpose and Permitted Uses specific to stated districts.

Any uses allowed in the Single Family Residential District SF1-A, provided all area, height and other regulations of said districts are retained. All businesses in operation as of May 9, 2000 and already registered with the city will be allowed to continue operation but must be brought into compliance with the following list of approved uses within three months of changing ownership or terminating operation of the grandfathered business. New businesses starting in the city must register with the city prior to start up. The following districts allows general retail and commercial uses as stated below:

1. District LC1-B (Located near the Sandy Mountain Cemetery)
 - a. Retail household furnishings, upholstering, cabinet and furniture making.
 - b. Personal Service Shops (Beauty Salon, barber shop)
 - c. Office building
 - d. Snack Bar
 - e. Medical and Dental clinics and offices for outpatient care.
 - f. Banks, Savings and Loan.
 - g. Tailor, dressmaking shops.
 - h. Pest Control Services.
 - i. Business, office and paper supply store.
 - j. Art and hobby supplies, antique shops, florist shops.
 - k. Lumber and building supplies, building contractor's offices.
 - l. Computer sales and service, satellite TV sales and service centers.
 - m. Household appliances, heating and cooling equipment sales and repair, radio, TV and electronic sales, service and repair.
 - n. Public parking areas.
2. District LC2-C (Located across from Timber Cove)
 - a. Retail boats, boat services and repairs; retail marine supplies and sporting goods.
 - b. Storage facilities for boats and enclosed storage for personal property.
 - c. Personal Services Shops (Beauty or Barber shops).
 - d. Tailor, dressmaking shops
3. Districts LC3-E, LC4-F, & LC5-G (Beach Point, Sandy Land Marina area & Sunrise Beach Marina area)
 - a. Motel, restaurant, cafeteria, private clubs.
 - b. Retail grocery, gasoline, oil and diesel fuel.
 - c. Retail boat sales, service, repair and parts.
 - d. Retail marine supplies, accessories and sporting goods.
 - e. Swimming pools, tennis courts.

- f. Off-premises alcoholic beverage sales in an establishment duly licensed by the Texas Alcoholic Beverage Commission.
- g. On-premises alcoholic beverage sales in an establishment duly licensed by the Texas Alcoholic Beverage Commission when done as part of a restaurant facility.

Section 29 - Heavy Commercial – District HC1-D

A. District HC1-D Heavy Commercial is composed of Lots 296 thru Lot 9 Comanche Ranchettes subdivision, all located in Sunrise Beach Village subdivision IIA; exempting and excluding therefrom the portion thereof heretofore conveyed for highway rights-of-way purposes, and that triangular portion of Comanche Ranchettes lying between the north line of Lot 9 and the south line of State Highway FM2233. (Located in the City Center).

B. USE REGULATIONS for Heavy Commercial Districts

1. All businesses will be conducted from and all merchandise stored, kept or displayed within a conforming building except that lumber, building supplies and contractor's equipment normally stored in the open may be so stored and kept--provided that it will be screened from public view on all sides by obscuring walls or screening fences not less than six feet in height. Designated wood screening fencing material is acceptable, any other means of screening will be considered on a case-by-case basis by the city. Fencing must be maintained and in good order to obscure the view of the storage space and preclude entry by unauthorized personnel. No building will be hereafter erected, altered, reconstructed or enlarged unless otherwise provided in this ordinance, except for one or more of the uses permitted for the District. Motor vehicles parked or stored at the business site in public view must have a current safety inspection sticker and a current license displayed on the vehicle. All other vehicles to include tractors, forklifts and other construction machinery will be stored out of public view when not in use. Enforcement will be as follows:
 - a. Upon issuance of a citation and conviction the resident or owner of the property upon which the junked vehicle is located will be allowed twenty (20) days in which to remove the nuisance.
 - b. If after twenty (20) days the nuisance has not been removed, a Public Hearing will be conducted prior to the removal of the nuisance by the City. All costs associated with the hearing and subsequent removal of such nuisance will be borne by the responsible party.
 - c. The vehicle will not be reconstructed or made operable after removal. Notice will be given to the Department of Public Safety identifying the vehicle or part of the vehicle no later than the fifth (5th) day after removal.
2. Requests for permits for uses not specifically permitted hereunder will be referred to the Planning and Zoning Commission for its consideration and approval or disapproval. Businesses that are or can be governed by Federal, State or County Licensure or permit shall be required to obtain said documents prior to being considered. The current license/permit shall be displayed for public view in an accessible area on the premises. Any business not in compliance shall be required to shut down until they meet the requirements as stated by the governing agency. Enforcement shall be in conjunction with the licensing agency. Violation of city zoning ordinances will result in notification of the licensing agency and enforcement by city authorities. By state law commercial construction or remodeling projects costing in excess of \$50,000 must submit and register their building plans with the Texas Department of Licensing and Regulation (TDLR) prior to submitting the application for a development permit to the city. The project registration number issued by TDLR will be required to be provided on the request for a city development permit.

3. No structure of any kind may be erected, constructed, enlarged or changed to exceed a height of 35 feet in height above average finish grade.
4. Conditions and Limitations.
 - a. That the use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance; and that, excluding that caused by customer and employee vehicles, such odors, smoke, dust, noise or vibration be generally contained within the property.
 - b. Signs (advertising) must be on the same lot as the business establishments to which they refer and shall not be placed within any yard nor within twenty-five (25) feet of any Residential District. Signs may be illuminated but must be stationary and non-flashing. All signs shall comply with all applicable provisions of this ordinance and any other applicable ordinance of the City.
 - c. See Chart 1 for set back, height and lot requirements.
5. Purpose and Permitted Uses - Any uses allowed in the Single Family Residential District SF1-A, provided all area, height and other regulations of said districts are retained. All businesses in operation as of May 9, 2000 and already registered with the city will be allowed to continue operation but must be brought into compliance with the following list of approved uses within three months of changing ownership or terminating operation of the grandfathered business. New businesses starting in the city must register with the city prior to start up. This district allows general retail and commercial uses in the following listed use areas:
 - Retail grocery, produce and meat markets.
 - Drug store and pharmacy.
 - Retail gasoline, oil, diesel and auto repair major or minor.
 - Personal Services Shops (Beauty and Barber Shops) .
 - Office Building.
 - Restaurant, cafeteria, Drive-In Eating Establishment.
 - Liquor Store for retail sales.
 - Three-sided enclosed storage facilities for boats, RV's, trailers, automobiles and trucks.
 - Fully enclosed storage for personal property.
 - Medical and Dental clinics and offices for outpatient care.
 - Hospitals including nursing homes.
 - Art and hobby supplies, antique shops.
 - Retail boats, boat service and repair, retail marine supplies and sporting goods sales.
 - Lumber and building supplies, building contractor's offices and enclosed storage facilities.
 - Self service laundry/washateria; dry cleaning pick-up substations not to include processing plant equipment, steam generator or boilers.
 - Household appliances, heating and cooling equipment sales and repair, radio, TV and electronics sales, service and repair.
 - Computer sales and service, satellite TV sales and service centers.
 - Business, office and paper supply stores.
 - Retail household furnishings, upholstery, cabinet and furniture making.
 - Pest control services.
 - Banks, Savings and Loans, Check cashing outlets and ATM machines.
 - Studios; art, dance, music, drama, exercise, reducing, photographic, interior decorating.

- Tailor, dressmaking shops.
- Public parking areas.
- Flower, nursery and Garden shops.
- Landscaping, lawn care service, automatic sprinkler sales and service.
- Car wash, automatic and manual.
- Sexually Oriented Business (Must be in compliance with provisions in this ordinance).
- Welding and custom sheet metal fabrication.
- Alcoholic Beverage-Off-Premise sales in an establishment duly licensed by the Texas Alcoholic Beverage Commission.
- Alcoholic Beverage-On-premise sales in an establishment duly licensed by the Texas Alcoholic Beverage Commission when done as part of a restaurant facility.

Section 30 - Light Industrial - District LI1-H

A. At present no area is designated as Light Industrial. Tract OP rezoned to Agricultural District per property owner request on February 20, 2003.

B. Purpose and Permitted Uses.

This district is designed to provide goods and services to a targeted segment of the general public as well as industrial users. The uses included primarily serve other commercial and industrial enterprises and do not include any specific use listed in the Commercial Districts. No building or land shall be used, and no building hereafter shall be erected, maintained, or structurally altered, except for one (1) or more of the uses hereinafter enumerated. By state law commercial construction or remodeling projects costing in excess of \$50,000 must submit and register their building plans with the Texas Department of Licensing and Regulation (TDLR) prior to submitting the application for a development permit to the city. The project registration number issued by TDLR will be required to be provided on the request for a city development permit. Allows manufacture of non-hazardous, non-volatile products and the following listed uses:

1. Any uses permitted in District AG1-I Agriculture and any uses allowed in the Single Family Residential District SF1-A, provided all area, height and other regulations of said districts are retained.
2. Custom job-shop sheet metal fabrication, welding, machining and repair.
3. Pump, hoist and waste disposal equipment sales and service.
4. Retail sales of merchandise, products and services incidental to above permitted uses.

C. Use Regulations Limitations

1. See Chart 1 for setback, height and lot requirements.
2. All businesses will be conducted from and all merchandise stored, kept or displayed within a conforming building except that lumber, building supplies and contractor's equipment normally stored in the open may be so stored and kept—provided that it will be screened from public view on all sides by obscuring walls or screening fences not less than six feet in height. Designated wood screening fencing material is acceptable, any other means of screening will be considered on a case-by-case basis by the city. Fencing must be maintained and in good order to obscure the view of the storage space and preclude entry by unauthorized personnel. No building will be hereafter erected, altered, reconstructed or enlarged unless otherwise provided in this ordinance, except for one or more of the uses permitted in this District. Motor vehicles parked or stored at the business site in public view must have a current safety inspection sticker and a current license displayed on the vehicle.

All other vehicles to include tractors, forklifts and other construction machinery will be stored out of public view when not in use.

- a. Upon issuance of a citation and conviction the resident or owner of the property upon which the junked vehicle is located will be allowed twenty (20) days in which to remove the nuisance.
 - b. If after twenty (20) days the nuisance has not been removed, a Public Hearing will be conducted prior to the removal of the nuisance by the City. All costs associated with the hearing and subsequent removal of such nuisance will be borne by the responsible party.
 - c. The vehicle will not be reconstructed or made operable after removal. Notice will be given to the Department of Public Safety identifying the vehicle or part of the vehicle no later than the fifth (5th) day after removal.
3. Requests for permits for uses not specifically permitted hereunder will be referred to the Zoning Commission for its consideration and approval or disapproval. Businesses that are or can be governed by Federal, State or County Licensure or permit shall be required to obtain said documents prior to being considered. The current license/permit shall be displayed for public view in an accessible area on the premises. Any business not in compliance shall be required to shut down until they meet the requirements as stated by the governing agency. Enforcement shall be in conjunction with the licensing agency. Violation of city zoning ordinances will result in notification of the licensing agency and enforcement by city authorities.
 4. No structure of any kind may be erected, constructed, enlarged or changed to exceed a height of 35 feet above average finish grade.
 5. All businesses in operation as of May 9, 2000 and already registered with the city will be allowed to continue operation but must be brought into compliance with the city's above list of approved uses within three months of changing ownership or terminating operation of the grandfathered business. New businesses starting in the city must register with the city prior to start up.
 6. Performance Standards - Light Industrial District. All uses in the LI1-H (Light Industrial) District shall conform in operation, location and construction to the minimum performance standards herein specified for odorous matter, toxic and noxious matter, glare, smoke, particulate matter and other air contaminants, fire, explosive and hazardous matter, and vibration.
 - a. Smoke and Particulate Matter - No operation or use in an LI1-H District shall cause, create or allow the emission of air contaminants which violate State or Federal environmental laws, as referenced herein: Texas Health and Safety Code Ann. Chapt. 381 & 382, Air Pollution Prevention and Control, 42 U.S.C.A. 67401, et.seq. Open storage and open processing operations, including on-site transportation movements which are a source of wind or airborne dust or other particulate matter, are subject to the standards and regulations specified herein.
 - b. Odorous Matter - No use may be located or operated in an LI1-H District which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located. The odor threshold as herein set forth is determined by observation by the City Inspector. In any case where uncertainty may arise or where the operator or owner of an odor emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required the

method and procedures as specified by American Society for Testing Materials, A.S.T.M.D. 1391-57, Entitled "STANDARD METHOD FOR MEASUREMENT OF ODOR IN ATMOSPHERES", will be used and a copy of A.S.T.M.D. 1391-57 is hereby incorporated by reference.

- c. Flammable and Explosive Materials - No use involving the manufacture or storage of compounds or products which decompose by detonation is permitted in an LI1-H District except that chlorates, nitrates, perchlorates phosphorus and similar substances and compounds in small quantities for use by industry, or wholesalers may be permitted when approved by the Fire Marshall of the City as not presenting a fire or explosion hazard. The storage and use of all flammable liquids and materials such as pyroxylin plastics, solvents and petroleum products is permitted only when such storage or use conforms to the standards and regulations established by city ordinance or fire code.
- d. Toxic and Noxious Matter - No operation or use permitted in an LI1-H District may emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter which exceeds the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the Texas State Department of Health in Threshold Limit Values Occupational Health Regulation No. 3, as such regulations exist or may later be amended.
- e. Glare - No use or operation in an LI1-H District may be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor may any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

Section 31 - Parks District – PK1-P

A. Five parks are contained in this District, formerly identified as Districts Q thru U.

- 1. Granite Shoals Park - Bounded on the northeast by the shoreline of Lake LBJ, on the southeast by Lot 170B of the GSLE subdivision, on the southwest by the rights-of-way line of Park Lane Street and on the northwest by Lot 171 of the GSLE subdivision.
- 2. Timber Cove Park - Bounded on the east by the shoreline of Lake LBJ, on the south by a tract of land previously conveyed to W.A. Barry, on the west by the east rights-of-way line of state FM 2233 and on the north by the south property line of the Timber Cove subdivision.
- 3. R.B. McNair Park (Main Park) - Bounded on the west, north and east by the curving shoreline of Lake LBJ and on the south by the north property lines of Lots 174, 175, 176, and 177 of the Sunrise Beach Unit I subdivision.
- 4. Sandy Park - Bounded on the north by the south property line of Lot 545 of Sunrise Beach Unit 4 subdivision, on the south by the south boundary line of said subdivision, on the east by the shoreline of Lake LBJ and on the west by the east rights-of-way line of Sandy Mountain Drive.
- 5. Lakeshore Park - Bounded on the north by the south property line of Lot 451 Sunrise Beach Unit IIB subdivision, on the east by the shoreline of lake LBJ, on the south by the north property line of Lot 450 Sunrise Beach Unit IIB subdivision and the north rights-of-way line of Park Terrace and on the west by the east rights-of-way line of East Lakeshore Drive.

B. Uses Permitted.

1. Sports and recreation.
2. Picnics
3. Community meetings and family or community activities.
4. Launching and recovering boats and personal watercraft via trailer is authorized at Granite Shoals Park, Lakeshore Park and R.B. Mc Nair Park only.

C. Other Provisions and Restrictions.

1. All areas designated parks WILL BE CLOSED from midnight until six A. M. This provision precludes the use of these and adjacent lands in the residential districts for overnight camping and/or storage of vehicles, trailers or boats.
2. All park areas are located adjacent to residential areas; therefore, strict compliance with the City Noise Abatement Ordinance is required.
3. If parks are marked by posts, signs, or other recognizable means that certain areas are intended to be off limits to vehicles – no vehicles other than standard mowing equipment, authorized maintenance, emergency and/or delivery vehicles will be operated or parked in those areas.
4. Structures of any kind, or signs may not be erected, altered, or defaced except by specific approval of the City Commissioners.
5. Materials, household garbage and/or brush, grass clippings or tree limbs will not be transported to park grounds for the purpose of dumping or disposing of the items on park land or in picnic areas trash cans. Violations are punishable by a \$200.00 fine for the first offense with fines doubling for repeat violations, up to \$2000 for the fifth and subsequent violations.
6. Control of Domestic pets is governed by the Animal Control Ordinance.

Section 32 - Planned Unit Development - "PUD" District.

A. Purpose and Objectives. The purpose and intent of a Planned Unit Development District Is to provide a flexible, alternative procedure to encourage imaginative and innovative designs for the unified development of property in the City consistent with this Ordinance and accepted urban planning, with overall mixed-use regulations as set forth below and in accordance with the City's comprehensive plan and Subdivision Development Ordinance. The PUD rules are designed:

1. to allow development that is harmonious with nearby areas;
2. to enhance and preserve areas which are unique or have outstanding scenic, environmental, cultural or historic significance;
3. to provide an alternative for more efficient use of land, resulting in smaller utility networks, safer streets, more open space, and lower construction and maintenance costs;
4. to encourage harmonious and coordinated development, considering natural features, community facilities, circulation patterns and surrounding properties and neighborhoods;
5. to facilitate the analysis of the effect of development upon the tax base, the local economy, population, public facilities and the environment;

6. to provide and result in an enhanced residential and/or work environment for those persons living and/or working within the district; and
7. to require the application of professional planning and design techniques to achieve overall coordinated mixed-use developments and avoid the negative effects of piecemeal, segregated, or unplanned development. Toward these ends, rezoning of land and development under this district will be permitted only in accordance with the intent and purpose of the City's comprehensive plan, Subdivision Development Ordinance and this Ordinance, and to that end the PUD plan must be prepared and approved in accordance with the provisions of this Ordinance.

B. Mixed Use Development.

A PUD District shall include and allow for compatible mixed uses such as compatible residential, commercial and/or industrial, within a single project within the boundaries of an approved plan area, in order to provide the flexibility required for a well-designed and innovative development that will conserve, develop, protect and utilize to their best use the natural resources of the area in a manner that ensures the safe, orderly and healthy development and expansion of the City. In order to promote such development, the PUD may be comprised of a combination of all the other zoning districts provided for in this Ordinance. The outer boundary of the each such PUD Zoning District shall be shown on a map. Said map will include a descriptive legend, the specific boundaries of the area proposed for use authorized for in any other zoning district, and percentage of the total area of such PUD which will comprise each such separate use, and all notations, references, and other information shown thereon, shall be adopted by Ordinance.

C. Flexible Planning.

When considering a PUD, the unique nature of each proposal for a PUD may require, under proper circumstances, the departure from the strict enforcement of certain present codes and ordinances, e.g., without limitation, the width and surfacing of streets and highways, lot size, parking standards, set backs, public parks and playgrounds, drainage, storm drainage, water supply and distribution, sewage collection and treatment, single use districts, etc. Final approval of a PUD by the City Commissioners shall constitute authority and approval for such flexible planning to the extent that the PUD as approved departs from existing codes and ordinances. The flexibility permitted for a PUD does not imply that any standard or requirement will be varied or decreased.

D. Rules Applicable.

The City Commissioners, after public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission, may attach a Planned Unit Development district designation to any tract of land equal to or greater than three (3) acres. Under the Planned Development designation the following rules apply:

1. The approval of any proposed PUD or combination of uses proposed therein shall be subject to the discretion of the City Commissioners, and no such approval will be inferred or implied.
2. Permitted uses are those listed under the applicable zoning district(s) for the base zoning to be applied to the PUD (for example, the permitted uses in a PUD proposed to be developed as a retail, commercial and office development are the respective uses listed for the General Retail, Commercial and Office districts). In addition, a Planned Unit Development district may be established where the principal purpose is to serve as a transitional district, or as an extension of an existing district whereby the provision of off-street parking, screening walls, fences, open space and/or planting would create a protective transition between a lesser and more restrictive district. In approving a Planned Unit Development, additional uses may be permitted, and specific permitted uses may be prohibited from the base district.

3. Standards required by the base zoning apply in a Planned Unit Development except that the following regulations and standards may be varied in the adoption of the Planned Unit Development; provided that the plan is consistent with sound urban planning and good engineering practices.
 - a. Front, side and rear setbacks.
 - b. Maximum height.
 - c. Maximum lot coverage.
 - d. Land to Floor area ratio.
 - e. Off-street parking requirements.
 - f. Special district requirements pertaining to the base zoning.
 - g. Number of dwelling units per acre.
 - h. Accessory building regulations.
 - i. Sign standards.
4. In approving a Planned Unit Development, no standards may be modified unless such modification is expressly permitted by this Ordinance, and in no case may standards be modified when such modifications are prohibited by this Ordinance.
5. In recommending a Planned Unit Development, the Planning and Zoning Commissioners may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, light and air, orientation, type and manner of construction, setbacks, lighting, landscaping, management associations, open space, and screening.
6. The Planning and Zoning Commission and City Commissioners, in approving modifications to standards and regulations, shall be guided by the purpose intended by the base zoning and general intent of this Ordinance.

E. Preliminary Site Plan.

A Preliminary Site Plan of the entire property within the Planned Unit Development will be considered by the Planning and Zoning Commission prior to any recommendation to, or consideration by, the City Commissioners of the Planned Unit Development district ordinance.

1. A Preliminary Site Plan may be approved for a portion of a Planned Unit Development district where the district is divided by a major thoroughfare, and the Preliminary Site Plan includes all the property located on one side of the street.
2. Approval of a Preliminary Site Plan will determine the location and mix of proposed uses, proposed points of ingress and egress, parking spaces, building locations and height, lot coverage, yards and open spaces, landscaping, screening walls or fences, topography, and other development and protective requirements, considered necessary to create a reasonable transition to, and protection of, the adjacent property.
3. The Planning and Zoning Commission and/or Board of City Commissioners may approve, conditionally approve, request modifications, or deny approval of the Preliminary Site Plan based on evaluation of details with respect to:
 - a. The plan's compliance with all provisions of this Ordinance and other ordinances of the City.
 - b. The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.

- c. The relationship of the development to adjacent uses in terms of harmonious use and design, setbacks, maintenance of property values, and negative impacts.
- d. The provision of a safe and efficient vehicular and pedestrian circulation system.
- e. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
- f. The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for fire fighting and emergency equipment to buildings
- g. The coordination of streets so as to compose a convenient system consistent with the roadways of the City.
- h. The use of landscaping and screening:
 - (1) to provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary; and
 - (2) to complement the design and location of buildings and be integrated into the overall site design.
- i. The location, size and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
- j. The adequacy of water, drainage, sewerage facilities, garbage disposal and other utilities necessary for essential services to residents and occupants.

F. Final Site Plan.

Following approval of the Preliminary Site Plan, or simultaneously if detailed information is available, a Final Site Plan for any portion of the Planned Unit Development may be approved. The Preliminary Site Plan establishes the general development standards according to a base district. The Final Site Plan providing all the detail required for development, subdivision, zoning and enforcement of the special conditions and regulations must be approved by ordinance prior to the zoning being in effect and construction being authorized.

G. Amendments.

Consideration of amendments to a Planned Unit Development will take into consideration the effect of the proposed development on the remainder of the property, adjacent properties and the neighboring communities. Amendments to the final site plan or any planned development conditions which are substantive shall require public hearings in the manner required for any other zoning change.

H. Expiration.

If development equal to at least twenty-five (25%) percent of the cost of installing streets, utilities and drainage in the PUD, or, if the PUD is approved to be developed in sections or phases, if development equal to at least fifty (50%) percent of the cost of installing streets, utilities and drainage in the first section or phase of the PUD has not occurred, on a Planned Unit Development tract or lot within two (2) years after the date of approval, such approval shall expire; and may only be renewed after application is made, notice is given and public hearings are held by the Planning and Zoning Commission and City Commissioners to evaluate the appropriateness of the previously authorized Planned Development approval. Any such

application for renewal or extension shall be considered in the same manner, and under the same rules, regulations and ordinances then in effect, as a new application for zoning.

I. Ordinance Amendment.

Every Planned Unit Development district approved under the provisions of this ordinance is considered an amendment of this Ordinance as to the property involved, and to the Concept Plan. All Planned Unit Development districts will be referenced on the Zoning District Map, and a list of such Planned Unit Development districts shall be maintained as an appendix to this ordinance.

J. Certificate of Occupancy.

All Planned Unit Development district conditions and special regulations must be complied with in the PUD, or in the separate section or phase, before a certificate of occupancy is issued for the use of land or any structure which is part of a Planned Unit Development district, or, if applicable, the separate section or phase being developed.

Sections 33-49 - Reserved.

ARTICLE III. PLAN REQUIREMENTS AND SPECIAL PROVISIONS

Section 50 - Streets and Rights-Of-Ways

The City shall have exclusive dominion, control and jurisdiction in, over, under, through, along and across the streets and rights-of-ways within the City limits, and may provide for the improvement thereof by paving, repaving, raising, draining, or otherwise the use thereof. The provisions, without limitations, of law providing for assessments against abutting property for street improvements are expressly adopted. Such exclusive dominion, control, and jurisdiction in, over, under, through, along and across the streets and rights-of-ways of the city shall also include, but not be limited to, the power to regulate, locate, remove or prohibit the location, installation, alteration or removal of any type of facility or other property in, over, under, through, along or across any streets or rights-of-ways. The location, alteration or removal, including the route, of all facilities within the rights-of-ways or streets shall be subject to the reasonable direction of the City.

A. Permitted Uses.

1. Mailboxes, newspapers, bundled brush in a size accepted by the owner's refuse carrier, and trash receptacles must be placed away from the edge of the pavement so as to not constitute a vehicle hazard.
2. Business and directional signs or other signs not designed and placed to facilitate traffic control are unlawful and may be immediately removed by the City Inspector without notice to the owner.
3. Street signs and/or approved traffic signals and warnings.
4. Temporary device or barrier to warn of hazardous driving condition.
5. Pipes, hoses, conductors (Paragraph C. below).
6. Paved or improved entrances to property (Paragraph D. below).

B. Other Provisions.

1. It shall be unlawful for any Owner or Contractor, including his or her agents, servants, independent contractors, or employees to occupy or obstruct any portion of the rights-of-

way or streets or to perform any construction activity, or to cause another to do the same, for any purpose in, over, under, through, along or across any street or rights-of-way in the City without first having made all applications for permits and when required, obtained all permits therefore, together with a bond, if required, approved by the City Inspector in such sum as shall be fixed by the City Commissioners, conditioned that the principal therein will discharge all claims of every character arising from or occasioned by such occupancy or construction activity or by reason of damages or injuries sustained by persons or property because of such occupancy, construction activity, excavation or other such activity thereon and discharge all judgments obtained, together with all costs attached thereto against the City by reason of any such claim, injury or damage sustained. Contractor and Owner carrying on any construction activity or excavation carried on by such Contractor or Owner, in a clean, safe and orderly condition, and unobstructed, except as provided in this ordinance, during all such activities, and shall restore all such streets, rights-of-ways, facilities and other structures damaged, altered or injured, in any way, to as good condition as they were before the beginning of such activities.

2. Excavation, if any site is to be excavated the application must include:
 - a. The purpose or reason for the removing or moving of the soil;
 - b. The quantity in cubic yards of soil to be moved or removed;
 - c. The location where the soil will be moved or deposited;
 - d. Identification of each building, residence or structure within one hundred fifty (150) feet of the proposed excavation;
 - e. A positive statement that the proposed excavation shall not block, encumber or close any street or disturb the lateral support thereof;
 - f. A positive statement that the proposed excavation is not and shall not be located in an area which has public record restrictions or covenants prohibiting such a use of the property;
 - g. The proposed slopes and lateral supports to be used in the excavation shall be set forth;
 - h. The present and proposed arrangements made for surface water drainage;
 - i. The safety precautions to be installed and maintained at the site, such as fences around the excavation, traffic control devices and drainage systems to keep the excavation from collecting water within or creating a hazard to workers, travelers and citizens;
 - j. Specifications of all materials to be used in repair of the excavation;
 - k. The intended use or condition of the land upon completion of the excavation process;
 - l. Such other pertinent data as the City Inspector may require.
3. Objects or obstructions not specifically permitted will not be placed in the rights- of-way. This includes fences, rocks, bushes, trees, logs, tree branches, flood and or building material or any structure that could be considered a hazard to a vehicle (motorized or self-propelled) forced or guided off the edge of the pavement.

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4. Feeding of animals and/or placing of animal feed in the rights-of-way will be considered to create a hazard to vehicle traffic and is prohibited.
5. Sprinkler systems are not permitted to be placed in the rights-of-way. Water from sprinklers will not come past the edge of the street pavement.
6. The city reserves the right to correct any existing violation if such correction is required for street improvement or to remove a hazard. Any new violations will be corrected by the violator. The city shall collect it's costs, both cash and non-cash, in expenditure for the hazards removed, from the person owning or placing the hazard, in the same manner as the city collects taxes due it.
7. It shall be unlawful for any person to use or occupy any street or rights-of-way in the City for the purpose of providing abutting, adjoining or other property with any Utility Service, or with any Public Service, without having first obtained a franchise or license issued and approved by the City Commissioners; except as specifically provided otherwise by state law.
8. Permits Required - The Owner or Contractor for all construction activities, installations, repairs and similar activities must have applied for and been issued all of the permits required for the proposed activity. A permit shall not be required from any holder of a franchise, license or holder of a permanent occupation permit to perform any minor alteration of an existing facility necessary to initiate service, repair service or for routine maintenance to an individual customer's property unless the repair or maintenance requires excavation or temporary closure of traffic lanes.
9. Any person desiring to temporarily occupy or obstruct any portion of any street or rights-of-ways within the City for the purpose of placing thereon material or rubbish for or from construction activities, obstructing any portion of any street or rights-of-ways for any purpose whatsoever connected with any construction activities or erection, installation, removal, alteration or repair of any facility or other structure or excavation that will temporarily obstruct any street or rights-of-way shall apply to the City Inspector for a permit for such temporary obstruction and shall secure the proper permits and/or approval and pay fees as required.
10. All activities or construction authorized by a permit issued under this ordinance shall be commenced within six (6) months after the date of issuance of the permit and thereafter be continuously prosecuted or such permit is void and the person to whom the permit was issued must make a new application before commencing any further activities or construction. Each permit issued shall be issued for a specific time period with a maximum period of one year, after which period the permit is void and the person to whom the permit was issued must make a new application for a new permit for each succeeding year or portion thereof. If the permit is allowed to expire, the person shall apply for and procure a new permit, paying the fee therefore as before, prior to proceeding with any such work.
11. Emergency repairs may be made to public utility facilities and private sewage piping with contractor/owner following all required safety procedures and controls and contractor/owner notifying City Inspector not later than noon of first working day and applying for required city permits at that time.

C. Pipes, Electric Conductors.

1. Gas Piping - No pipe or hose conducting any flammable gas will be placed on or beneath the surface of the rights-of-way or any public street except by City Franchised Utility.

2. Sewage Piping - Pipes to carry sewage for private septic systems across streets or within the rights-of-way are permitted if the requirement is part of an LCRA approved septic system design. Plans prepared by an engineer registered in the State of Texas will be required if trenching and/or piping is designed to support two or more systems. The following minimum standards will be met:

- a. All sewage pipes will be a minimum of thirty-six (36) inches below the surface of the street and/or rights-of-way. (Water utility has use of first 18" to 24")
- b. All sewage piping will be at least 12" below existing water lines. The water utility will be contacted before any digging commences and arrangements will be made for a representative of the water utility to be present when existing water lines are crossed.
- c. An improved street bore/cut and rights-of-way cut permit shall be obtained before construction begins for any waste water disposal system (septic system) for which the drain field is to be located at a non-adjacent lot or different from the lot to be served by the system. An approved permit shall be obtained before subdividing any lot to be used for installation of a drain field or fields. The applications shall include as a minimum, the following;
 - (1). The unit and lot number for the residential/commercial property to be served by the wastewater facility. The unit and lot number on which the drain field is to be installed with a complete sketch including dimensions and area of each parcel. For a subdivision, an assigned identification, the area (in square feet) of each parcel and a complete sketch.
 - (2). A sketch identifying the trace for installation and maintenance of waste water lines (indicate location and depth of each line to be installed/maintained on public property). Show evidence of coordination with owners of underground communication and utility lines.
- d. The private septic system owner will make arrangements to repair streets, driveways and return the rights-of-way to pre-installation condition. Arrangements will be made for city inspection and acceptance of the job. If the owner or his contractor fails to satisfactorily return the right of way to pre-installation condition, the city shall cause appropriate repairs and shall collect it's costs, both cash and non-cash in expenditure, from the owner responsible for the installation in the same manner as the city collects taxes due it.

3. Water Piping.

- a. No pipe or hose conducting domestic water originating from the public utility will be installed on or beneath the surface of the rights-of-way of any public street except by said public utility.
- b. No water pipe or hose conducting water pumped from Lake LBJ or any private well will be placed on or installed beneath the surface of the rights-of-way of any public street without first having applied and obtained a permit from the city. Boring under the roadway requires a permit from the city, cutting of the roadways will not be permitted except as provided in Paragraph F below. The city has the right to: (1) specify materials and sizes, (2) inspect and approve or disapprove of the execution of said work, (3) order stoppage of work not conforming to city instructions or specifications (Failure to comply will constitute a violation).

- c. Application for a permit for the construction of a private water line in the rights-of-way will specify the exact location of the work to be performed.
 - 4. Electric Conductors - No conductor carrying an electric current will be placed on or beneath the rights-of-way of any public street except by City Franchised Utility.
- D. Drainage Structures, Driveway Approaches And Turn-Outs.**
- 1. A permit will be required for the construction or alteration of any structure, drainage structure, driveway approach or turn-out that in any way alters the existing drainage plan and/or the surface drainage contour located within the rights-of-way of any public street. A non-refundable fee, set by the Board of Commissioners will accompany the permit application.
 - 2. Portland cement concrete may be used in the construction or paving of any drainage structure, driveway approach, turn-out or ramp. It will be the owners' responsibility to repair or replace any concrete broken or removed to gain access to the area within the rights-of-way.
 - 3. Prohibited: The dumping or placing of Portland cement concrete on the pavement or rights-of-way of any public street except as stated above, including the washing out of concrete batch trucks within the rights-of-way.

E. Drainage Located Within Rights-Of-Way.

Drainage in the city is controlled primarily by borrow ditches adjacent to streets and roads. Borrow ditches will not be filled, diverted or otherwise altered without written permission from the city except as follows:

- 1. Property owners have the option of driving through the borrow ditch to reach their property, or may elect to install a culvert with an inside diameter of not less than 15", covered by at least four inches of compacted crushed limestone base material and/or asphaltic concrete pavement. Installation of the culvert, fill and surface material will be at the expense of the property owner.
- 2. Property owners are required to clean the inside of culverts if silt or other blockage diverts water to the edge or surface of a paved street.

F. Street Bore/Cut.

A permit is required. It shall be the policy of the city that street cuts are not allowed and below ground utility installations, both private and public, crossing a public street will be accomplished with the use of proper boring equipment. If soil conditions are such that the individual or firm believes that the requirement for installation by bore would constitute an undue burden, they may request permission from the city for a street cut. If denied, they may appeal to the Board of Adjustments and Appeals as prescribed in ARTICLE IV, ADMINISTRATION - in the section covering Board of Adjustments and Appeals. A permit is required for either bore or open cut installations. If the City or the Board of Adjustments and Appeals rules to allow the street cut, the following will apply.

- 1. The individual or firm requesting the permit is responsible for repairing the street cut to meet the following specifications:
 - a. The cut shall be kept square with clean edges and shall not exceed a reasonable width greater than the outside diameter of the pipe or facility to be installed. If multiple lines are to be installed in the same trench, they shall be stacked so trench requirements will be maintained. Material to fill the cut shall be crushed limestone base material to finish

pavement grade compacted in six inch layers. Proper back-fill and compacting will extend a minimum of 24" inches past the edges of any pavement.

- b. In not less than 5 days after back-fill of the cut is completed, unless otherwise approved by the city, the individual or firm will remove the crushed limestone base material to a level 3" inches below the pavement surface and furnish and place fine graded surface course hot mix asphaltic concrete which when compacted, will not be less than 3" inches thickness and will be level and true with the existing asphalt paved street surface to form a smooth riding surface.
2. Street repairs accomplished by individuals or firms, other than the city, will be inspected six months after repairs have been made. If the patch is not sound, or if it has sunk below normal street level, the responsible parties will be given notice to make repairs within 30 days. If the owner or his contractor fails to satisfactorily return the rights-of-way to pre-installation condition, the city shall cause appropriate repairs and shall collect it's costs, both cash and non-cash in expenditure, from the owner responsible for the installation in the same manner as the city collects taxes due it.
 3. The following minimum safety requirements will be met by the responsible individual and/or contractor:
 - a. Open excavations in the rights-of-way will be protected by a flagman or reflective barriers placed three (3) feet from each edge of the excavation. Temporary structures will not be placed in the rights-of-way without permission from the City.
 - b. Excavations on public property will not remain open longer than 24 hours without special permission of the city. When the excavation is awaiting inspection by LCRA, the excavation shall be closed 24 hours after passing the LCRA inspection requirements.
 - c. Excavations will be filled to the level of the surface with approved materials, and compacted to hold normal traffic. (See 1.a. and 1.b. above)

G. Damage To Streets, Drainage And Right Of Way.

1. Damages which are determined to be caused by negligence, construction or other reasons not considered to be incidental to normal usage of streets and the rights-of-way will be repaired by the individual or firm causing the damage. Repaired area will be equal to, or better than before the damage.
2. Damages not considered incidental to normal use include, but are not limited to:
 - a. Concrete, construction material, fill and gravel dumped on the street or rights-of-way.
 - b. Damage to the street surface or pavement edge by construction equipment or other equipment with metal lugs, or track type vehicle. Operation of lugged or tracked equipment on or across public streets without adequate padding to prevent damage is a violation of this ordinance (even if there is no immediate visual or physical damage).
3. Bore/Street cuts. (Permit required) (See F. above) A one time fee, set by the Board of Commissioners, for each lineal foot of underground utility parallel installation, both private and public utility, will be collected by the city in addition to any other fees due. Such fee is due and payable prior to the issuance of the appropriate permit. The Board of Commissioners may waive the fee set for public utility underground parallel installations, if they determine it is in the public interest to do so.

4. A map, diagram or similar information showing the location of any bore/cut in the street or rights-of-way must accompany a permit request. If the actual bore/cut deviates from the original plan, the information supplied to the city must be updated.

H. New Streets And Roads.

New streets and roads proposed for development of subdivisions, and any new streets designed to serve more than two property owners will be paved to the minimum standards and widths specified below and meet the following requirements:

1. Low water crossings are prohibited.
2. When necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued, and shall be at least as wide as such existing streets and in alignment therewith;
3. Street intersections shall be as nearly at right angles as practicable for safety concerns, giving due regard to terrain and topography;
4. Cul-de-sacs shall not exceed 600 feet in length, and shall have a turnaround of not less than 100 feet in diameter. Diameter of paved turnaround shall be not less than 60 feet with grade no greater than 5% sloping to the right-of-way line to avoid drop-offs or insurmountable inclines.
5. New roadway classification will be made by the City Commissioners with pavement widths and rights-of-way required as follows:
 - a. Arterial streets shall have a rights-of-way width of at least 70 feet, with a pavement width of at least 40 feet.
 - b. Major streets shall have a rights-of-way of at least 60 feet and a pavement width of at least 34 feet.
 - c. Minor streets shall have a rights-of-way of at least 50 feet and a pavement width of at least 24 feet.
 - d. Street signs shall be designed and constructed in accordance with City Standards Details and Specifications and Llano County 911 requirements.
 - e. Rights-of-way for new streets and roads will be deeded or dedicated for public use if they are intended to serve more than two property owners. Land for the rights-of-way and paving of the streets is required of the developer. Acceptance of new streets by the city will only be considered after required standards and specifications have been met by the developer.

I. Review Of Application.

The City Board of Commissioners shall have the power and reserves the authority to refuse any application for permit under this ordinance where the particular location within the City limits, by reason of such particular location and the character and value of the permanent improvements already erected on or approximately adjacent to the particular location in question, and the use of which the land and surroundings are adopted for health and safety reason, or any of them, when in the City Inspector's opinion, or on appeal to the City Board of Commissioners, the Board of Commissioner's decision the excavating, operation of an excavation or addition or alteration of any such proposed facility on such particular location or construction activity might constitute a nuisance, be injurious to public health, be a public hazard to its inhabitants as a whole, or to a substantial number of its inhabitants or travelers, or be a disadvantage to the City

in its planned growth, or otherwise have a negative impact on the property values of property within the City.

Section 51 - Construction Plans.

Construction plans must meet the City's development requirements. Construction of more than one main dwelling on any lot or combination of lots will be required to meet the provisions of the City's Subdivision Development Ordinance. This includes but is not limited to Planned Unit Developments (PUDs) and Industrial/Commercial Developments.

Section 52 - Structures.

No structure or accessory structure shall be erected, converted or enlarged, nor shall any such existing structure be structurally altered or rebuilt, nor shall any open space surrounding any structure be encroached upon or reduced in any manner, unless the same shall be done and completed in a manner to comply with all applicable City codes and ordinances.

A. Conformity.

Each structure will conform to the setback, building site area, structure location and land use regulations hereinafter designated for the district in which such structure or open space is located, and

1. Will not exceed the height limit herein established for the district in which such structure is located.
2. The height limits and other applicable regulations for television, radio and communications towers and antennas may be established by separate ordinance.

B. Occupancy/Construction of Structures

1. No dwelling or business structure will be occupied or used unless the structure(s) have approved connections with the following utilities:
 - a. Water – Service line from city approved water utility (currently LCRA UHL WATER SYSTEM) to the lot containing the structure.
 - b. Sewerage – Connection to an LCRA approved private septic system which includes a disposal unit as described in the definitions.
 - c. Electricity – Service from city approved electric utility (currently Central Texas Electric Co-Op.)
 - d. In all zoning districts, in the interest of safety to persons, wildlife, domestic animals and appearance:
 - (1) All sewage (waste water) percolation test pits and septic tank pits shall be closed to an elevation equal to the surrounding area within 14 days after issuance of an approved/disapproved LCRA Septic System permit or completion of repairs made to the septic system. While open, the test pit shall be marked from all sides with safety tape and cones.
 - (2) All trenches opened to place, accommodate or repair any and all utility lines shall be closed to an elevation equal to the surrounding area within 14 days of placement and/or repairs.
 - (3) Pits, trenches or openings for other purposes which present safety hazards shall be appropriately marked with safety fencing, safety tape or cones.

- (4) All construction holes must be filled upon completion of work and prior to occupancy.
2. In residential districts, a nonresidential structure nor other items may not be stored on the lot(s) until a single family dwelling has been constructed and an occupancy permit has been issued.

Permitted exceptions:

- a. Stabilization of the shoreline or retaining walls may be permitted before a residence is constructed.
- b. Construction in the Marine and Beach District may be permitted if reasonable access to the shoreline will be blocked by a residence or septic system when built or installed. The property owner will sign a statement that the nonconforming structure will be removed if construction of the residence is not started within six months of the start of construction in the Marine and Beach District.
3. A Development Permit for a Primary Structure on an unimproved lot will be valid for 12 months with only one renewal allowed. The first Development Permit for all other construction will be valid for six months after issuance by the City Inspector and a designated City Commissioner and may extend with two renewals. A renewal permit is valid for six months. No Development Permit will be issued until all delinquent property taxes are paid. All excess building materials, building refuse, trash and dirt/gravel mounds must be removed not later than 30 days after completion of construction or expiration of Development Permits, whichever occurs first. A maximum of 2 renewals can be approved by the City Inspector and the designated Commissioner. Renewals should be requested prior to expiration of current permit or within 15 days after expiration. Renewals will be dated to start at the expiration of the current permit or first renewal whichever is currently in effect. After 18 months of issuance for any first permit, a new Development Permit Application will be required to be submitted and approved by the City Commissioners. The second Development Permit will be for a maximum of six months with no renewals available. Any building not completed in the permitted time frame or construction without a permit will incur a penalty as defined in the current Development Permit Fees and Penalty Resolution.
4. Use of temporary housing (i.e. RV) during construction must meet the following criteria:
- a. The temporary unit must be located on the site of construction;
- b. Limited to one (1) unit per construction site;
- c. Request to place a temporary unit for residence must be included on permit request, specifying location, utility and waste disposal arrangements and is subject to approval by the City Commissioners;
- d. Limited to start with the approval date of the permit and end on the expiration date of the permit, and must be reevaluated and approved by City Commissioners at each permit renewal or re-issuance.
5. Containment and removal of discarded construction materials and trash from the building site is required. Trash removal is required at intervals not exceeding 30 (thirty) days. If household or food items are included in the trash, weekly removal is required.

Section 53 - Maintenance of Lot(s)

A. Improved lots septic lots will be maintained to the following listed standards of the community, which include but are not limited to reasonable efforts to prevent the spread of fires and increased fire protection in built-up areas; reducing the opportunity for rodent or varmint infestation; and maintaining operable septic systems that are available for inspection.

1. Grass will not be allowed to grow higher than twelve inches (12") or brush and /or weeds higher than eighteen inches (18")
 - a. Within thirty feet of structures situated on the improved lot(s) or to the side property line if the distance is less than thirty feet;
 - b. Within thirty feet of structures on adjacent lots;
 - c. Within five (5) feet of the perimeter of the septic field and on top of the septic field; and
 - d. Within ten (10) feet of an intersection.
2. Lots in use for septic systems will not be used for storage of vehicles, boats, personal watercraft, trailers, building materials and/or other items or equipment. Brush, logs and/or piles of dirt, sand, gravel, etc. will be removed after a reasonable period of time (normally 30 days) after completion of the septic field installation and the land will be placed and kept in a state that will permit mowing.
3. Long term (more than 30 days) storage of items not normally stored outdoors in municipal areas, i.e., inoperable vehicles, junk vehicles, abandoned boats, tractors, building materials, household items including appliances, etc., is not permitted unless the items are stored out of sight of the general public from land and/or water.
4. Junked Vehicles-Junked vehicles, including a part of a junked vehicle that is visible from a public place, public rights-of-way, adjacent properties and/or water, is detrimental to the safety, health and welfare of the public, tends to reduce the value of private property, creates a fire hazard and/or creates a public nuisance.
 - a. Upon issuance of a citation and conviction the resident or owner of the property upon which the junked vehicle is located will be allowed twenty (20) days in which to remove the nuisance.
 - b. If after twenty (20) days the nuisance has not been removed, a Public Hearing will be conducted prior to the removal of the nuisance by the City. All costs associated with the hearing and subsequent removal of such nuisance will be borne by the responsible party.
 - c. The vehicle will not be reconstructed or made operable after removal. Notice will be given to the Department of Public Safety identifying the vehicle or part of the vehicle no later than the fifth (5th) day after removal.
5. Abandoned Boats—including a part of an abandoned boat that is visible from a public place, public rights-of-way, adjacent properties and/or water, is detrimental to the safety, health and welfare of the public, tends to reduce the value of private property, creates a fire hazard and/or creates a public nuisance.
 - a. Upon issuance of a citation and conviction the resident or owner of the property upon which the abandoned boat is located will be allowed thirty (30) days in which to remove the nuisance.

- b. If after the thirty (30) days the nuisance has not been removed, a Public Hearing will be conducted prior to the removal of the nuisance by the City. All costs associated with the hearing and subsequent removal of such nuisance will be borne by the responsible party.
 6. The owner of the landscaped property shall be responsible for the maintenance of all landscape areas. Said areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse, i.e., building materials and household items including appliances and debris. All planted areas shall be provided with a readily available water supply and watered as necessary to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material if that material was used to meet the requirements of Section 58 (Landscaping and Screening Requirements).
- B.** Unimproved lots will not be used for storage of vehicles, boats, personal watercraft, trailers, building materials and/or other items or equipment, including household items and appliances and debris. Storage of brush, logs and/or piles of dirt, gravel, etc. will not be permitted. When clearing lots, brush and trash will be removed in thirty (30) days or less.
- C.** Property not incidental to the permitted use of any District will not be kept in view for a period longer than 48 hours during any seven (7) day period. This subsection will extend to property kept in quantities not customarily found in the District even though the property is incidental to a permitted use.

Section 54 - Maintenance of Structures.

Standards of maintenance for unoccupied structures will be the same as for occupied structures. Residential, business, and other structures will be maintained to the following standards which include, but are not limited to:

- A.** Exteriors that are painted, stained, or covered with standard building materials not normally requiring paint (brick, stone, and/or siding that is painted or otherwise finished with a final coat or surface).
- B.** Exterior doors and windows that are sound, and secured when the occupants or owners are absent from the premises.
- C.** See Ordinance regulating Dangerous Buildings and Structures. Evaluation of structures will be in accordance with the Dangerous Building Ordinance guidelines.

Section 55 - Moving structures into, or within the City:

- A.** MOBILE HOMES will not be moved into the corporate limits of the City or placed on any lot, tract or parcel of land within the corporate limits.
- B.** Manufactured Homes.
 - Within the City limits, the installation of new HUD-Code manufactured homes as residential dwellings, to be installed by certified installers only, may be permitted when meeting the following minimum criteria, providing proof of liability insurance for moving structures is submitted when making application and receiving authorization (Development Permit).
 - All other Manufactured Homes shall be prohibited from moving into the City Limits.
1. Will be placed outside a ½ mile radius of any other mobile home or HUD-Code manufactured homes and will meet set back and other zoning ordinances established for single family dwellings.

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2. Proof that the structure was originally manufactured as a dwelling designated for permanent foundation. The living space exclusive of garages, patios, porches or breezeways must provide a minimum of 1000 square feet. Must comply with Chart 1 restrictions for the area in which it is moved.
3. Proof that the dwelling meets the requirements for a "HUD-Code Manufactured Home" as regulated by the Texas Department of Housing and Community Affairs.
4. Proof that the dwelling will be installed and anchored to a poured concrete slab with the minimum dimensions the same as the exterior walls of the HUD-Code manufactured home and foundation width of skirting material. Sealed plans of proposed foundation construction by a licensed engineer are required.
5. Proof of manufacturer's guarantee that the dwelling, when permanently installed, is designed to withstand winds of at least 70 MPH, Certificate required.
6. All HUD-Code manufactured homes are required to be skirted with natural stone/rock or brick and constructed as follows: A concrete footing equaling the width of the stone/rock or brick and with a minimum depth of 6 inches must be used as a foundation. Natural stone/rock or brick must be installed/laid up using a masonry mix consisting of sand, water and cement.
7. All construction, including required modifications, will be completed within the life of the permit.
8. Features to be incorporated into the structure to alter the appearance to conform with conventional housing will include:
 - a. Attached garage or covered porch or covered patio.
 - b. Landscaping on both water and street views.

C. Modular Homes.

A single family modular home must comply with all City ordinances as to development permits, location on lot, set back requirements, zoning, required square footage, etc as reflected in Chart 1.

D. Relocation of structures within the incorporated limits is prohibited. A structure may be reoriented on the same lot or building site where it currently sits so long as all zoning requirements are met. (Development Permit is required) Relocation of structures into the city from areas outside the city limits is prohibited except as previously stated in Items B and C, Section 55, above.

E. Expense of moving structures, out or reoriented within the city, will be the responsibility of the mover. Expenses include but are not limited to traffic control, trimming trees, removing and replacing signs, repairing any damages incurred to city roads and rights-of-ways or private property.

Section 56 - Recreational Vehicles.

A. Will not be parked or placed on any improved lot within less than thirty (30) feet of the front street property line. Where front yard minimum depth is stipulated to be ten feet, a recreational vehicle may be parked so as not to extend into the front yard beyond the front wall of the existing dwelling. Recreational vehicles will not be placed within five (5) feet of any adjacent lot lines nor less than ten (10) feet from any side street right-of-way line.

B. When legally placed, will not be permanently connected to any water, sewer or electrical facilities or occupied for more than fourteen (14) days in any thirty (30) day period except as modified under OCCUPANCY/CONSTRUCTION OF BUILDINGS.

C. Recreational vehicle(s) and/or camping equipment will not be parked or placed on any unimproved lot for more than fourteen (14) days in any thirty (30) day period. Camping facilities may be occupied and used while so legally placed if the following additional conditions are met:

1. Persons camping will have self-contained recreational vehicles, chemical toilets or similar systems to provide for necessary waste disposal.
2. Provisions will be made for proper disposition of all garbage and waste matter to include gray water. Household type and/or other garbage will not be disposed of in city parks.
3. Camping is limited to owners of the property or members of the single family (as described under definitions).

Section 57 - Accessory Structures and Uses.

Accessory structures designed, constructed and located for a use permitted in the district, in compliance with this Ordinance and all other applicable City ordinances, are permitted in each zoning district. Accessory structures in residential districts shall have a height restriction of sixteen (16) feet, unless it is architecturally compatible in both design and finish with the primary structure on the same building site.

A. Manufactured Storage Type Structures with an erected size equal to, or less than, 150 square feet are permitted if the other conditions of this ordinance have been met. A permit is required if the total cost of building and labor exceeds \$1,000. Manufactured storage structures/garage type structures larger than 150 square feet are not permitted.

B. Temporary Structures for uses incidental to construction work on specific premises are permitted. These structures will not be left in place for more than six months. Development Permit required if size exceeds 150 square feet.

Section 58 - Landscaping and Screening Requirements.

A. Purpose.

The purpose of this Section is, in conjunction with the other requirements of this Ordinance, to promote and support the orderly, safe, attractive and healthful development of land located within the community, and to promote the general welfare of the community by preserving and enhancing ecological, environmental and aesthetic qualities, through established requirements for the installation and maintenance of landscaping elements and other means of site improvements in developed properties.

B. Ecological Balance.

Paved surfaces, automobiles, structures and other improvements produce increases in air temperatures, a problem especially noticeable in this southern region, whereas plants have the opposite effect through transpiration and the creation of shade. Likewise, impervious surfaces created by development generate greater water runoff causing problems from contamination, erosion and flooding. Preserving and improving the natural environment and maintaining a working ecological balance are of increasing concern. The fact that the use of landscape elements can contribute to the processes of air purification, oxygen regeneration, water absorption, water purification, and noise, glare and heat abatement as well as the preservation of the community's aesthetic qualities indicates that the use of landscape elements is of benefit to the health, welfare and general well being of the community and, therefore, it is proper that the use of such elements be required.

C. Drought Resistant Vegetation.

The City may experience frequent droughts and periodic shortages of adequate water supply; therefore, it is the purpose of this Section to encourage the use of drought resistant vegetation that does not consume large quantities of water.

D. Maintenance.

The owner of the landscaped property shall be responsible for the maintenance of all landscape areas. Said areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse, i.e., building materials and household items, including appliances and debris. All planted areas shall be provided with a readily available water supply and watered as necessary to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material if that material was used to meet the requirements of this Section.

E. Fencing for Screening or Containment.

The following requirements shall be in addition to the foregoing landscaping and planting requirements.

1. Commercial parking areas will be screened on the property lines bordering residential property.
2. Storage of abandoned boats and junk vehicles must be screened from view from the street, water ways or public rights-of-ways.
3. No fence more than thirty percent (30%) opaque shall be allowed in the front of a primary structure, except on Minor streets.
4. All fences shall be constructed to maintain structural integrity against natural forces, such as wind, rain and temperature variations.
5. The finished side of all fences built for screening shall face away from the screened object.
6. A permit is required for all fencing.
7. Screening Fences.
 - a. All fences to provide screening as designated by this subsection and along a common property boundary shall be designated wood at least six (6) feet in height. A fence shall be considered opaque if it is made of opaque materials and constructed so that gaps in the fence do not exceed one half (1/2) inch. Fences using boards placed on alternating sides of fence runners shall be considered opaque if the boards overlap at least one half (1/2) inch. Any other screening technique must be approved by the City Board of Commissioners.
 - b. Evergreen Vegetative Screens when approved by the City Board of Commissioners for use will meet the following standards. Evergreen plant materials shall be shrubs, at least six (6) feet in height and at a minimum spacing of 48 inches at the time of installation.
 - c. Fences up to eight (8) feet in height, but not less than six (6) feet, will be allowed for impeding access to hazardous facilities must comply with state guideline and include, but not limited to, electrical substations, swimming pools and chemical or equipment storage yards and where the fence forms a continuous perimeter around a subdivision and the design of said perimeter fence is approved by the City Board of Commissioners.

8. Containment Fences.

a. Residential:

Chain link fencing, designated wood or plastic fencing, ornamental iron fencing, masonry fencing and other material as approved by the City Board of Commissioners may be used.

b. Agricultural:

Designated materials sold for fencing and ordinarily used on agricultural property, and other materials as approved by the City Board of Commissioners may be used.

Section 59 - Sign Requirements.

All signs shall be designed, placed, located, erected, constructed and maintained in accordance with this Section and all applicable City ordinances. No sign or billboard shall be erected, moved, altered, added to, enlarged, painted, or modified unless it shall conform to the provisions of this Ordinance and all applicable City ordinances governing the placement, location, permitting, construction and maintenance of signs. Except as otherwise expressly authorized by ordinance, all off premises signs and billboards are expressly prohibited.

A. Purpose.

The objectives of this section are to promote the health, safety, welfare, convenience, communication and landscape quality for the public. The sections, provisions and regulations set forth in this ordinance shall apply to the control, use, installation, regulation, licensing and permitting of signs within the City. It is the intent of this ordinance to provide comprehensive regulations applicable to signs placed, installed or maintained within the City; provided that this ordinance shall not be construed, applied, interpreted nor enforced in a manner to violate the first amendment rights of any person, and the Building Official City Inspector shall seek the advice and recommendation of the city attorney prior to taking any action to enforce any provision of this ordinance with respect to any non-commercial sign or speech by any person. This section shall further be interpreted and applied to accomplish the following purposes:

1. Safety - A purpose of this section is to provide for the public safety by requiring that:
 - a. No hazard is created due to collapse, wind, fire, collision, decay or abandonment;
 - b. No obstruction is created to fire fighting and police surveillance; and,
 - c. No traffic hazard is created by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read the traffic signs.
2. Communications - A purpose of this section is to promote the efficient transfer of information in sign messages by providing that:
 - a. Businesses and services may identify themselves;
 - b. Customers and other persons may locate a business or service through messages presented, and they are able to exercise freedom of choice to observe or ignore said messages.
3. Landscape Quality and Preservation - A purpose of this ordinance is to enhance the appearance and economic value of the landscape, by providing signs that:
 - a. Do not interfere with scenic views;

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- b. Do not create a nuisance to persons using the public rights-of-ways;
 - c. Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement;
 - d. Are not detrimental to land or property value; and,
 - e. Contribute to the special character of particular areas or districts within the City, helping the observer to understand the City and orient oneself within it.
4. General Provisions - All signs will be erected or maintained pursuant to all applicable federal, state, and local laws and regulations, the building code, electrical code and other applicable ordinances of the City. In the event of conflict between this ordinance and other laws, the most restrictive standard applies.

B. Signs Placed In Residential Districts will meet the following requirements:

1. Authorized signs:

- a. Signs which advertise real estate as being for sale or rent.
 - b. Signs adopted by city ordinances.
 - c. Signs identifying churches and related activities such as times of worship are considered to be in the general interest of the community and are allowed on church property.
 - d. Political signs intended to express the beliefs of the resident(s) may be displayed on occupied residential properties if they are erected no earlier than 30 days prior to the scheduled election and removed within 72 hours after the election. In order to protect property values, and the appearance of neighborhoods, signs will be limited to one for each candidate, and signs larger than two feet by three feet are not permitted.
 - e. Temporary signs which advertise a contractor's business may be placed on a property during active periods of construction, if authorized by the property owner. The signs will be limited to 2 feet by 3 feet, and must be removed immediately at the end of construction. Each business will be allowed one sign per construction site; two signs on waterfront sites.
2. Real Estate Sign(s) may be placed only on the property being advertised. One sign is allowed on non-waterfront property. Two signs will be allowed on dual frontage waterfront property -- one facing water. All real estate signs will be limited to a size not to exceed two feet in height and three feet in width.
3. Not more than two "Open House" signs limited in size to 2 feet by 3 feet may be displayed on a residential property while someone is in attendance to show the residence. Directional signs pointing to the Open House are permitted if:
- a. Signs are limited to a directional arrow and "OPEN HOUSE", and
 - b. Signs are placed at major intersections on private property with owners permission, and
 - c. Signs do not exceed one foot by two feet in size, and
 - d. Signs are not displayed before 7:00 AM or after 7:00 PM.

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4. Signs may be placed on large parcels of property to indicate real estate activity of subdivision. A permit will be required--a no fee application including a sketch showing the exact size, color and location of the proposed sign(s) will be submitted to the city.
5. Signs will be removed when property is sold or rented.

C. Signs Placed On Business Properties will be limited to signs relating to businesses or activities located within the corporate limits of the city. Signs will be limited to four feet by eight feet. A permit will be required--a no fee application including a sketch showing the exact size, color and location of the proposed sign(s) will be submitted to the city.

1. Direction signs containing the name of a business and indication of direction may be placed on private property with the owners' permission if it does not cause an obstruction or hazard to normal vehicular traffic, including normal driver vision. An appropriate location will be determined upon approval of each request.
2. Direction signs will be limited to a size not to exceed one foot in height and eight feet in length. The overall height of any directional sign will not exceed four feet above the level of the edge of the street or pavement.
3. Directional signs for more than one business will be placed at an on approved location in any area. An overall height of four feet will apply to the combined number of signs.
4. Political signs intended to express the beliefs of the business owners may be displayed on occupied business properties if they are erected no earlier than 30 days prior to the scheduled election and removed within 72 hours after the election. In order to protect property values and the appearance of neighborhoods, signs will be limited to one for each candidate and signs larger than two feet by three feet are not permitted.
5. Signs may not be illuminated with lights that flash.

D. Permit Procedures.

Where permits are required for the placement of signs, application will be made to the City. Each application will include a sketch of the proposed sign, location desired and purpose. The Board of City Commissioners or a designated individual will approve or disapprove each application. Appeals will be made to the full Board of City Commissioners in regular scheduled open meetings.

E. Signs placed on commercial property that are not related to the business activity at the location where placed will meet all of the criteria set fourth in this section. Additionally, (1) any such placement of signs must first have the permission of the property owner and evidence of such permission must accompany a request for permit, and (2) signs will be limited in size to four feet by eight feet.

F. Other Provisions:

1. Signs not in compliance with this ordinance will be brought into compliance by notice from the Board of City Commissioners. Signs in place at the time this ordinance is enacted will be brought into compliance when changed, replaced or upgraded.
2. Signs will be removed by the owner when they no longer serve the purpose for which intended or approved or within 24 hours of the end of the event, whichever occurs first. This provision includes:
 - a. Any and all signs advertising a commercial enterprise not currently operating inside the city limits.

- b. Signs, whether officially sanctioned or not, that are intended to give directions, announce sales, direct to family functions or support a candidate for election or a proposition contained on a ballot.

G. Maintenance Required.

All signs shall be maintained in good and safe structural condition, shall be painted on all exterior parts, unless coated or made of rust resistant material, and shall be maintained in good condition and appearance. Any owner failing to maintain, repair, or remove any such sign after due notice has been given shall upon conviction be guilty of a misdemeanor.

H. Removal of Unsafe and Unlawful Signs.

If the Building Official shall find that any sign regulated herein is unsafe or insecure, or is a menace to the public, or is abandoned or is maintained in a dilapidated condition, or has been constructed or erected or is being maintained in violation of this section, or is not permitted as required herein, he shall take action as follows:

1. Except as provided in the following paragraphs 2 and 3, the Building Official shall give the sign or property owner written notice to repair, remove or obtain a permit for such sign as applicable within ten (10) days after such notice. If the sign or property owner fails to remove, repair, or obtain a permit for such sign so as to comply with all applicable standards and regulations, the City Inspector shall cause the sign to be either removed or repaired and such cost shall be charged to and paid by the property owner. If such demolition or repair expenses are not paid by the property owner within thirty (30) days of such billing, then such expenses shall constitute a valid lien against the property. Such notice shall also provide the sign or property owner an opportunity to bring the sign into compliance or to request a hearing before the City Commissioners to determine whether the sign should be repaired or removed. Such appeal must be filed in writing with the City Secretary within ten (10) days of the notice. After consideration of all facts, the Board of City Commissioners shall rule upon the appeal.
2. The Building Official may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.
3. Any sign located in public right-of-way may be immediately removed by the Building Official without notice to the owner.
4. Sign Standards - Signs to Comply with Applicable Law. All signs erected or maintained within the City shall be erected and maintained in compliance with all applicable state laws and with this section and Ordinance, the city's building code and the electrical code. In the event of conflict between this section and other laws, codes or ordinances, the most restrictive standard shall apply.

Section 60 - Conditional Use Permits.

A. Purpose.

The City Board of Commissioners may by ordinance, adopted by two (2) affirmative votes after receiving the recommendation of the Planning and Zoning Commission, grant a conditional use permit in compliance with this Section for the conditional uses as listed in B below. The City Board of Commissioners may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect the Comprehensive Plan and to conserve and protect property and property values in the neighborhood.

B. Authorized Conditional Uses.

The following listed conditional uses, and none other, may be authorized subject to the terms of this subsection and compliance with all conditional terms, regulations and requirements established by the City Board of Commissioners.

1. Airport, landing field, landing strip or heliport for aircraft; Municipal service facilities and buildings.
2. Commercial, recreational or amusement development for temporary or seasonal periods.
3. Hospital, clinic or institution, provided that any hospital or institution permitted in any Residential District shall be located on a site of not less than five (5) acres, shall not occupy more than ten percent (10%) of the total lot area and shall be set back from all property lines at least two (2) feet for each foot of building height.
4. Office building of a civic, religious or charitable organization, conducting activities primarily by mail and not handling merchandise or rendering services on the premises, but only within Commercial or Industrial Districts.
5. Private operated community building or recreation field.
6. Radio or television broadcasting tower or station.
7. Churches.
8. Cemeteries.
9. Schools - Public and Denominational.
10. Manufactured Homes - In the limited areas as specifically authorized by this Ordinance.
11. Alcoholic Beverages for those specific uses and in the specific zoning districts as provided by this Ordinance.

C. Procedure.

Before authorization of any of the above conditional uses, public notice shall be given and public hearings shall be held as provided in Chapt. 211, Tex. Loc. Gov't. Code; provided that a conditional use permit for a period not to exceed seven (7) calendar days may be given for a use set forth in B,3 or B,4 above after a public hearing is held by the City Board of Commissioners after having received a report and recommendation from the Planning and Zoning Commission concerning the effect of the proposed use on the adjacent and neighboring properties and neighborhoods.

Section 61 - Nonconforming Structures And Uses.

A. Nonconforming Structures And Uses.

1. Non-Conforming Uses

- a. General Policy - The general public, the City Board of Commissioners and the Planning and Zoning Commission are directed to take note that nonconformity in the use and development of land and buildings are to be avoided, or eliminated where now existing, whenever and wherever possible, except:

- (1) When necessary to preserve property rights established prior to the date these regulations become effective as to the property in question;

- (2) When necessary to promote the general welfare and to protect the character of the surrounding property.
- b. Nonconforming Structures - Where a lawful structure exists on the effective date of the adoption or amendment of this Section, that could not be built under the terms of this Section by reason of restrictions on permitted use, area, lot coverage, height, years, its locations on the lot, or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:
- (1) No nonconforming structure may be enlarged or altered in a way which increases its structural nonconformity but any structure or portion thereof may be altered to decrease its structural non-conformity.
 - (2) Should such nonconforming structure or nonconforming portions of a structure be damaged by any means to an extent of than fifty (50) percent of its replacement costs at the time of destruction, it shall not be reconstructed except in conformity with this ordinance.
 - (3.) Should such structure be moved on the same lot or building site for any reason for any distance whatsoever, it shall thereafter conform to the regulations of the district in which is moved.
 - (4) If a nonconforming structure becomes unsafe or unlawful due to lack of repairs or maintenance, and is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition pursuant to the Dangerous Buildings and Structures ordinance, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.
- c. Nonconforming Uses - A Nonconforming Use may be continued as long as It remains otherwise lawful, subject to the following provisions:
- (1) No existing structure devoted to a Nonconforming Use shall be enlarged, extended, constructed or reconstructed.
 - (2) The use of the structure shall only be changed to a use permitted in the district in which it is located.
 - (3) A Nonconforming Use that is discontinued, or has been discontinued, may be resumed only if there has been no other use of the premises or structure since the Nonconforming Use was discontinued, and such use was not discontinued for a period of ninety (90) days or more.
 - (4) Any Nonconforming Use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to any land outside such building.
 - (5) Removal or destruction of a structure containing a Nonconforming Use shall eliminate the Nonconforming Use status. Destruction for the purpose of this subsection is defined as damage equal to more that fifty (50) percent of the replacement cost of the structure.
 - (6) A Nonconforming Use shall terminate upon any sale or conveyance of the property; provided that a Nonconforming Use of a building or structure that is designed for a sole

purpose and due to its design and construction cannot reasonably be modified, used and occupied for a use that is a conforming use which will provide a reasonably comparable investment return as did the Nonconforming Use, will not terminate on the sale or conveyance of the property. The reasonable and comparable investment return shall be decided in the sole judgment and discretion of the City Board of Commissioners.

- (7) If not terminated earlier as provided in this Ordinance, all Nonconforming Uses shall terminate by Amortization. All Nonconforming Uses of a Building or Structure shall be amortized over a period not to exceed fifteen (15) years. If a Nonconforming Use has not earlier terminated, such Nonconforming Use will, in any event, terminate fifteen (15) years after the effective date of this Ordinance.
- d. Repairs and Maintenance - On any nonconforming structure, or nonconforming portion of a structure, containing a Nonconforming Use, repairs and maintenance shall be performed to maintain the structure in compliance with the electrical, plumbing and building codes; provided that such repairs and maintenance shall be subject to the following conditions and limitations:

If fifty (50) percent or more of the nonconforming structure containing a Nonconforming Use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

2. A nonconforming use shall not be changed unless changed to a conforming use. A nonconforming use, if changed to a conforming use, may not thereafter be changed back to any nonconforming use.
3. Approval-Responsibility:
 - a. The Planning and Zoning Commission shall have the responsibility for the initial consideration of Use Permits for conditional uses. The City Board of Commissioners shall have final authority to grant or reject any such Use Permit.
 - b. The Board of Adjustment and Appeals may issue Use Permits for variances only as authorized by state law and this Ordinance, and may direct the issuance or revocation of nonconforming Use Permits on appeal, from a decision of the Building Official, as otherwise authorized by law.
 - c. The Planning and Zoning Commission may recommend and the City Board of Commissioners may impose additional reasonable restrictions or conditions to carry out the spirit and intent of this Ordinance and to mitigate adverse effects of the proposed use. These requirements may include, but are not limited to, increased open space, loading and parking requirements, suitable landscaping and additional improvements such as fencing, curbing and sidewalks.
4. Issue Procedure: Non-Conforming Uses - With respect to Nonconforming Uses in any district at the time of enactment of this Ordinance, it shall be the duty of the City Inspector to investigate and document any existing and known Nonconforming Use, the size and type of structure or land use, and to issue a Use Permit in accordance with the conditions of this Ordinance. No application or filing fee is required; provided that Nonconforming Uses shall not be presumed and a subsequently claimed Nonconforming Use which is not known to the Building Official on the effective date of this Ordinance, or for which no written request for a Use Permit is made by the Landowner within sixty (60) days after the effective date of this

Ordinance, will be conclusively deemed not to have existed on the effective date of this Ordinance.

Section 62 - Sales, Transfers or Subdivision of Lots.

A. The City of Sunrise Beach utilizes property taxes as an approved source of revenue; therefore, it is to the advantage of all owners of real property to keep the city apprised of all sales and transfers. The payment of Ad Valorem taxes, including all penalty and interest, is the responsibility of the owner.

B. No lot or parcel of land will be subdivided, or subdivided and sold, conveyed or transferred, bought or purchased after the passage and effective date of this ordinance which does not meet the minimum specifications and requirements of this ordinance and the current City Subdivision Development Ordinance. Any lots combined or subdivided must be recorded at the County Clerk's office and a copy of the approval documentation must be provided to City Hall within 30 (thirty) days of such action. Lots less than the ½ acre minimum when legally combined cannot be subdivided back into less than ½ acre size. No permits for construction will be issued on lots with pending combining or subdividing actions until a copy of the county document showing the action completed is presented to city hall.

C. Subdivisions.

Subdivision of lots or parcels of land will be in accordance with current State, County and City requirements. If the proposed subdividing will create three (3) or more parcels, the approval of the LCRA is required before the city will approve the subdivision. Any and all proposed subdivisions will be submitted to the City Board of Commissioners before filing with the County. The city will review, approve or deny all proposals with regard to the following:

1. In no case will more than one site be created without all sites having frontage on a public street.
2. Lots created by subdivision will be of adequate size to support both structures and private septic systems, ½ acre minimum, unless the intended use justifies a variance from the city. The one half acre minimum size does not apply to lots subdivided for use for septic system drain fields; however, to be converted back to residential structure lots, they must be returned to previous undivided lot sizes.
3. Lots subdivided to form larger parcels for one or more owners will remain as parcels unless approval to again subdivide is granted by the city.
4. Zoning restrictions, proposed use.
5. Density, health, safety and welfare of the community.
6. Selling a portion of a lot without formally subdividing it will prevent further development of either portion until subsequent subdividing is approved.

D. Lot Combination.

Lot combinations may be necessary in order to be able to develop a lot with a primary residence on a contiguous lot. An example would be adding a garage on a lot zoned for single family residence. Lots can be combined by the following procedure:

1. A property owner shall write a letter to the City requesting that any number of contiguous lots under their ownership be combined.
2. The City Board of Commissioners will approve or disapprove this request at the next official City meeting.

3. If approved, the Mayor will write a letter to the applicant, stating the request granted and that the lots, once combined, will remain combined until such time as approval is granted to separate them into their original configuration.
4. The approval letter from the City must be recorded in the Real Property Records at the Llano County Court House. If this is not done within 30 days, the approval expires.
5. This combination process will not be complete until a copy of the approval letter has been delivered back to the City showing the date and location of the recording in the County Records by the County Clerk.

E. Separation of Lots.

Lots that have previously been combined under item D above may be returned back to their original platted lots, provided each separate lot with any improvements does not violate any part of the Zoning Ordinance in force at the time of the separation. A letter requesting the separation with supporting documentation of any structures and distances from property lines must be submitted to the City Board of Commissioners for their review and approval. Separate sale of lots which have been previously combined is prohibited until the land owner receives approval from the City to separate the lots.

Section 63 - Sexually Oriented Businesses.

A. Purpose and Intent.

It is the purpose of this Section of the zoning ordinance to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the city. The provisions of this portion of the ordinance have neither the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene materials.

B. Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

1. "Adult Arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
2. "Adult Bookstore" or "Adult Video Store" means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - a. books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
 - b. instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

- c. a commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an Adult Bookstore or Adult Video Store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an Adult Bookstore or Adult Video Store so long as either:
 - (1) two percent (2%) or more of its gross revenue is derived from the sale or rental of the specified materials which depict or describe specified sexual activities or specified anatomical areas; or
 - (2) two percent (2%) or more of its inventory consists of the specified materials which depict or describe specified sexual activities or specified anatomical areas.
3. "Adult Cabaret" means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - a. persons who appear in a state of nudity; or
 - b. live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
 - c. films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
4. "Adult Motel" means a hotel, motel or similar commercial establishment which:
 - a. offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
 - b. offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 - c. allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
5. "Adult Motion Picture Theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
6. "Adult Theater" means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
7. "Escort" means a person whom, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

8. "Escort Agency" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
9. "Establishment" means and includes any of the following:
 - a. the opening or commencement of any sexually oriented business as a new business;
 - b. the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - c. the addition of any sexually oriented business to any other existing sexually oriented business; or
 - d. the relocation of any sexually oriented business.
10. "Permittee" means a person in whose name a conditional use permit to operate a sexually oriented business has been issued and the person who owns the building and/or land on which the business is located, as well as the individual listed as an applicant on the application for a permit.
11. "Nude Model Studio" means any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
12. "Nudity" or a "State of Nudity" means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.
13. "Person" means an individual, proprietorship, partnership, corporation, association, or other legal entity.
14. "Semi-Nude" means a state of dress in which clothing covers no more than the genitals, pubic region, and areolas of the female breast, as well as portions of the body covered by supporting straps or devices.
15. "Sexual Encounter Center" means a business or commercial enterprise that, as one of its primary business purposes, offers any of the following for consideration:
 - a. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - b. activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
16. "Sexually Oriented Business" means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
17. "Specified Anatomical Areas" means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.
18. "Specified Sexual Activities" means and includes any of the following:
 - a. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

- b. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy
 - c. masturbation, actual or simulated; or
 - d. excretory functions as part of or in connection with any of the activities set forth in a through c above.
19. "Substantial Enlargement" of a sexually oriented business means the increase in floor area occupied by the business by more than twenty-five (25%) percent, as the floor area existed on the effective date of this Ordinance, or under a certificate of occupancy therefore.
20. "Transfer of Ownership or Control" of a sexually oriented business means and includes any of the following:
- a. the sale, lease or sublease of the business;
 - b. the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
 - c. the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

C. Classification - Sexually oriented businesses are classified as follows:

- 1. adult arcades;
- 2. adult bookstores or adult video stores;
- 3. adult cabarets;
- 4. adult motels;
- 5. adult motion picture theaters;
- 6. adult theaters;
- 7. escort agencies;
- 8. nude model studios; and
- 9. sexual encounter centers.

D. Location - This Ordinance allows the opportunity for consideration of conditional use permits to be issued for sexually oriented businesses in Heavy Commercial (HC1-D) district only.

1. The following uses may be permitted within the City by conditional use permit only in Heavy Commercial (HC1-D) zoning district.
- a. adult arcades;
 - b. adult bookstores or adult video stores;
 - c. adult cabarets;
 - d. adult motels;
 - e. adult motion picture theaters;
 - f. adult theaters;
 - g. escort agencies;
 - h. nude model studios; and
 - i. sexual encounter centers.
2. No use listed in subsection (d)(i) above shall be established within one thousand (1,000) feet of any of the following uses in existence prior to the beginning of such business:

- a. a church, chapel, or other regular place of religious worship;
 - b. a public or private elementary, secondary school or institute of higher learning;
 - c. a boundary of any residentially zoned district;
 - d. a public park or playground;
 - e. the property line of a lot used for residential purposes; or
 - f. within one thousand (1,000) feet of another sexually oriented business.
3. For the purpose of this Section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, public or private elementary or secondary school, institute of higher learning, nearest boundary of a public park or playground or residential lot; or from the closest exterior wall of the structure in which the business is proposed to be located to the nearest exterior wall of any other sexually oriented business.

E. Sexually Explicit Films and Videos.

1. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
 - a. The application for a conditional use permit for a sexually oriented business shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus one (1) foot. The City Inspector may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises is correct and has not been altered since it was prepared.
 - b. The application shall be sworn to be true and correct by the applicant.
 - c. No alteration in the configuration or location of a manager's station may be made without the prior approval of an amendment to the conditional use permit.
 - d. It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premise.
 - e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations.

The view required in this subsection must be by direct line of sight from the manager's station.

- f. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in the above subsection (E) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Subsection (A) of this subsection.
 - g. No viewing room may be occupied by more than one person at any time.
 - h. The premise shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1.0) foot-candle as measured at the floor level.
 - i. It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
2. A person having a duty under subsections (A) through (I) of subsection (i) above commits a misdemeanor if he or she knowingly fails to fulfill that duty.

F. Exemptions.

1. It is a defense to prosecution under this Section that a person appearing in a state of nudity did so in a modeling class operated:
 - a. by a proprietary school, licensed by the State of Texas; a college, junior college, or university supported entirely or partly by taxation;
 - b. by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
 - c. in a structure:
 - (1) which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - (2) where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
 - (3) where no more than one nude model is on the premises at any one time.

G. Specific Violations - A person commits a misdemeanor if he or she:

1. operates or causes to be operated a sexually oriented business without a conditional use permit. All sexually oriented businesses shall be located within the HC1-D zoning district.
2. operates or causes to be operated a sexually oriented business within one thousand (1,000) feet of any of the following uses in existence prior to the beginning of such business:
 - a. a church, chapel, or other regular place of religious worship;

- b. a public or private elementary, secondary school or institute of higher learning;
 - c. a boundary of any residentially zoned district;
 - d. a public park or playground; or
 - e. the property line of a lot used for residential purposes.
3. causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within one thousand (1,000) feet of another sexually oriented business.
 4. causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.
 5. For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure in which any, or any part of any, sexually oriented business is conducted, to the nearest property line of the premises of a church, public or private elementary or secondary school, institute of higher learning, the nearest boundary of a public park or playground, or residential lot.
 6. For purposes of Subsection D of this section the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

H. Nonconforming Uses.

1. Any sexually oriented business lawfully operating on the effective date of this ordinance that is in violation of this Section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed two years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business is nonconforming.
2. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant of a conditional use permit for a sexually oriented business, of a church, public or private elementary or secondary school, institute of higher learning, public park or playground, or a residential lot within one thousand (1,000) feet of the sexually oriented business. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit and/or license has expired or has been revoked.

Sections 64-74 - Reserved.

ARTICLE IV ADMINISTRATION

Section 75 - General.

The following City Officials shall administer the provisions of this Ordinance and furtherance of such authority:

A. Records.

The City Secretary shall maintain permanent and current records with respect to this Ordinance, including amendments thereto.

B. Applications.

The City Building Official will receive, file, and review all zoning applications to determine whether such plats comply with this Ordinance.

C. Procedure:

1. The City Building Official will forward zoning applications to the Planning and Zoning Commission as required by this Ordinance, together with his recommendation thereon.
2. The Planning and Zoning Commission will forward the zoning applications with their recommendations and comments from the City Staff to the City Commissioners.

D. Implementation.

The City Building Official and the City Commissioner providing the secondary approval will make such other determinations and decisions as may be required of the City by this Ordinance, the Planning and Zoning Commission or the City Commissioners; and implement this Ordinance and the final decisions by the Planning and Zoning Commission and City Commissioners.

E. Enforcement.

The Chief of Police will serve as the Code Enforcement Official and shall enforce this Ordinance and the final decisions by the Planning and Zoning Commission and City Commissioners.

Section 76 - Ordinance Interpretation.

In the interpretation and application of the terms and provisions of this Ordinance, the following regulations shall govern:

A. Liberally Construed.

In the City's interpretation and application, the provisions of this Ordinance shall be regarded as minimum requirements for the protection of the public health, safety, comfort, convenience, prosperity and welfare. This Ordinance shall be regarded as remedial and shall be liberally construed to further its underlying purposes.

B. Highest Standards Govern.

Whenever a provision of this Ordinance any provision in any other law, ordinance, resolution, rule or regulation of any kind contains any restrictions covering the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.

C. Resolution of Conflicting Interpretations.

Where there arises a question concerning the meaning or intent of a provision of this Ordinance, a written decision setting forth the manner in which said provision shall be interpreted and administered is encouraged. In the event exception is taken by any interested party to such a decision the matter may be appealed to the Board of City Commissioners whose decision shall be final.

D. Written Decisions Binding.

Any final written decision made as provided in subsection C above shall be archived and shall govern interpretation of this Ordinance until such time as an amendment of this Ordinance shall nullify such decision, or the decision is over-ruled or rescinded by the City Commissioners.

E. State Law.

The terms, provisions and conditions of this Ordinance shall be interpreted and applied in a manner consistent with state law and Chapt. 211, Tex. Loc. Gov't. Code, in particular.

F. Comprehensive Plan.

All zoning applications shall conform to the Comprehensive Plan for the community and be consistent with all of the elements thereof.

1. Where the proposed zoning application is inconsistent with one (1) or more of the elements of the Comprehensive Plan, the developer may petition the City for amendment to the particular element or elements of the Comprehensive Plan either prior to, or concurrent with, submitting a request for subdivision plat or development plan approval. Inconsistency with the provisions of the Comprehensive Plan shall be grounds for disapproval of the zoning application by the City.
2. Where the proposed zoning is for a zoning district or category provided for in this Ordinance but that is not included on the Comprehensive Plan existing on the date of this Ordinance, or not existing on the date of such application, the applicant shall propose an amendment to the Comprehensive Plan and provide information and documentation in support of such amendment.

G. Consistency with the Subdivision Ordinance.

All development projects within the corporate limits of the City shall be in conformance with the City's Subdivision Ordinance. Where the proposed development requires a zoning classification or approval other than that currently applying to the property to be developed, the developer shall make appropriate application to secure the necessary zoning classification or approval required for the proposed development to comply with this Ordinance.

Section 77 - Board of Adjustment and Appeals.

A. Established.

A Board of Adjustments and Appeals (hereafter in this Section, the "Board") is established in accordance with the provisions of § 211.008, Tex. Loc. Gov't. Code, regarding the zoning of cities and with the powers and duties as provided in said code.

B. Organization and Membership.

1. Regular Membership - The regular members of the Board shall consist of two City Commissioners, the Chair of the Planning and Zoning Commission and two other members appointed by the Mayor and approved by the City Commissioners. Members of the Board shall be removable for cause by the City Commissioners, upon written charges and after a public hearing. The City Commissioners shall serve for the term of their office. Other board members shall serve for a period of two years or until they vacate their position on the Zoning Board which ever occurs first. Vacancies shall be filled for the unexpired term of the member whose term becomes vacant. The Chair shall be appointed by the Mayor and approved by the City Board of Commissioners and shall serve for a period of one (1) year or until his or her successor is appointed or the current chair is reappointed.
2. Alternate Members - The Board shall also consist of not more than two alternate members who will serve in the absence of one or more regular members when requested to do so by the Mayor or Board Chairman. The two alternate members of the board will be appointed by

the Mayor and approved by the City Commissioners. Alternate members shall serve for the same period as a regular member; and are subject to removal in the same manner as a regular member. Vacancies among the alternate members shall be filled in the same manner as vacancies among the regular members.

3. Meetings - Meetings of the Board shall be held at the call of the c Chair and at such other times as the Board may determine.
4. Hearings - All meetings and hearings held by the Board of Adjustment and Appeals shall be public; provided that upon the advice and consent of the City Attorney, the Board may go into executive session pursuant to Chapt. 551, Tex. Gov't. Code.
5. Rules and Regulations - The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and such minutes shall be immediately filed at City Hall and shall be a public record. The Board of Adjustment and Appeals shall act by resolution in which four members must concur. The Board may adopt rules in accordance and consistent with this ordinance as necessary and required. A copy of any such rules shall be furnished to any person requesting same. All rules and regulations shall operate uniformly in all cases and all resolutions and orders shall be in accordance therewith.

C. Appeals.

1. Procedure - Any person aggrieved by a decision of an administrative officer in the enforcement of Chapt. 211, Tex. Loc. Gov't. Code, or this ordinance, or any officer, department, board or bureau of the City affected by any such decision by an administrative officer, may appeal such decision to the Board. Such appeal shall be made by filing with the office of the Board and the officer whose action is being appealed, a notice of appeal specifying the grounds thereof. The officer from which the appeal is taken shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from is taken. A fee of two hundred dollars (\$200) or amount as set by the City Board of Commissioners is required to defray cost and is required to be submitted with the request for a public hearing. The bond will be deposited to the city general fund and be available to defray the cost of public notices and hearings
2. Stay of Proceedings - An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer whose decision is appealed shall certify to the Board that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by restraining order granted for just cause by the Board, or by a court of record, after notice to the officer from whom the appeal is taken.
3. Notice of Hearing on Appeal - The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall give public notice of the hearing and due notice to the parties in interest.
4. Decision by Board - The Board shall decide appeals within a reasonable time. Any party to the appeal may appear in person or by agent or attorney at any hearing. The Board may, upon the concurring vote of four (4) members, reverse or affirm, in whole or in part, or modify the administrative official's order, requirement or decision, and make the correct order, requirement, decision, or determination on the matter appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

D. Powers and Duties of the Board.

1. Appeals Based on Error - The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Chapt. 211, Tex. Loc. Gov't. Code, or this Ordinance.
2. Special Exceptions - The Board shall have the power to hear and decide special exceptions to the terms of this Ordinance when this ordinance requires the Board to do so. Such special exceptions shall be as follows:
 - a. To permit a public utility or public service use or structure in any district as necessary to house equipment, pumps, switching gear, and similar devices only, required for the provision of the utility service or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the provision of utility service and the public health, convenience, safety or general welfare.
 - b. To grant a permit for the extension of a use, height or area regulation into an adjoining district for any lot platted in an approved subdivision, where the boundary line of the district divides such lot and the lot was in a single ownership on June 3, 1991.
 - c. Authorize a variance from the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, and where the topography or unusual shape of the lot and regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

E. Variances.

The Board shall have the power to authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done, including the following:

1. Yard and Setback - Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardship in the carrying out of these provisions due to an irregular shape of the lot, topography or other conditions; provided that such variance will not significantly affect any adjoining property or the general welfare.
2. Structures - Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this Ordinance relating to the construction or alteration of a building or structure or the use of land will impose unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance as established by this Ordinance, and at the same time, the surrounding property will be properly protected; provided that the Board shall not in any event permit a use on any property that is not permitted within the Zoning category for which such property is zoned.

F. Changes.

The Board shall have no authority to change any provision of this Ordinance and its jurisdiction is limited to hardship and borderline cases which may arise from time to time.

G. Fees.

Fees for requested public hearing will be established by the City Board of Commissioners.

Section 78 - Conditions for Issuing a Development Permit.

An approved Development Permit is required prior to the commencing of the development, construction or reconstruction on any real property.

A. Permits will be issued upon completion and approval by the City Inspector for a tract of land or lot which complies with the provisions of this ordinance, and all applicable elements of the Comprehensive Plan, except as herein exempted, or upon written application and approval of a variance.

1. For any new structure or change, improvement or alteration of any existing structure.
2. When necessary to change the elevation of a lot or landscaping that changes the natural water runoff, a plan addressing drainage modification must be provided.
3. All city taxes and liens to the city must be current prior to issuing any development permit.
4. Commercial and/or industrial construction permits for new or remodeling projects costing in excess of \$50,000 can only be issued after verification the owner or designated agent has registered the construction with the Texas Department of Licensing and Regulation.
5. The owner, designated agent or developer must obtain an official physical address from the city or 911 coordinator.
6. Provide a copy of the approved LCRA septic system permit.

B. Development permits are required for:

1. Any development including land disturbing construction or human made changes to the land surface that could result in increased pollution of Lake LBJ or waterways leading to the lake. Examples:
 - a. Clearing and or grading land located in the floodplain.
 - b. Clearing and or grading land on 25% or more of a platted residential lot.
 - c. Clearing and/or grading land on a platted commercial lot.
 - d. On-site wastewater disposal facility construction.
2. Construction of any new structure (residence, guest house, garage, commercial building, seawall, boathouse, pier, fences etc) and/or first construction on a previously unimproved lot or parcel.
3. Enlargement or alteration of the floor plan or roof line of a building or structure. Examples: enclosing covered porch, extending closet past existing walls, adding roof to existing porch.

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4. To change use - such as porch to bedroom, garage to guest house, carport to garage or additional living space and adding boat lift to pier or adding or enclosing a storage area to a boat lift.
5. Moving a structure (larger than 150 square feet).
6. All construction in the Beach and Marine District (along the shoreline and beyond) regardless of value, except for C. 3 (below).

C. Development Permits are not required for:

1. Storage buildings 150 square feet or less.
2. Utilitarian and/or beautification projects such as: retaining walls above the 825' M.S.L. contour, sidewalks, flower beds, and fences around trees, flower beds and gardens less than 250 sq feet. (Projects listed above REQUIRE PERMITS if the project is in the Beach and Marine District.)
3. Repairs normal maintenance, regardless of cost, as long as floor and/or roof lines are not altered and the intended use is not changed from the original purpose.

D. Even if a development permit is not required by this ordinance, property owners are encouraged to review plans with the building.

E. A Development Permit for a Primary Structure on an unimproved lot will be valid for 12 months with only one renewal allowed. The first Development Permit for all other construction will be valid for six months after issuance by the City Inspector and a designated City Commissioner and may extend with two renewals. A renewal permit is valid for six months. No Development Permit will be issued until all delinquent property taxes are paid. All excess building materials, building refuse, trash and dirt/gravel mounds must be removed not later than 30 days after completion of construction or expiration of Development Permits, whichever occurs first. A maximum of 2 renewals can be approved by the City Inspector and the designated Commissioner. Renewals should be requested prior to expiration of current permit or within 15 days after expiration. Renewals will be dated to start at the expiration of the current permit or first renewal whichever is currently in effect. After 18 months of issuance for any first permit, a new Development Permit Application will be required to be submitted and approved by the City Commissioners. The second Development Permit will be for a maximum of six months with no renewals available. Any building not completed in the permitted time frame or construction without a permit will incur a penalty as defined in the current Development Permit Fees and Penalty Resolution.

If construction has not started within eighteen months, all permits will be canceled and new applications are required. The applicable portion of the PERMIT will be displayed on the property, visible from the street, when construction begins and shall remain until construction is completed or the permit is canceled.

F. Application for a permit will be made by the owner or designated agent (applications by mail are acceptable).

G. Fees.

The appropriate fee will accompany application; money will be deposited to the city general fund on receipt. Fees are designed to cover administrative costs.

1. Development Permit - property development and new construction (This permit fee includes the Floodplain Inspection required by Municipal Ordinance, the Municipal Floodplain

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Certificate required by The Lower Colorado River Authority prior to installation or modification of a septic system within the corporate limits of the City of Sunrise Beach, and Municipal administration of the LCRA Nonpoint Source Pollution Control Ordinance.)

2. Renewal Permit
3. Development permit, clearing or grading land or drainage only.
4. All fees may be subject to adjustment by the City Board of Commissioners.

Section 79 - Certificates of Occupancy.

A. Policy and Application.

Certificates of occupancy shall be required for any of the following:

1. Occupancy and use of any structure or building hereafter erected or structurally altered.
2. Change in use of an existing building to a use of a different classification.
3. No occupancy of any new, or altered portion of any, structure or building, or any such building or structure for which there is a change of use, shall take place until a Certificate of Occupancy has been issued by the City Inspector.

B. Procedure.

1. New and Altered Structures - For a Certificate of Occupancy for a new structure, or for an existing structure which is to be altered is required. The Certificate shall be issued within ten (10) days after a written request for the same has been made to the City Inspector or his agent after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Ordinance and all applicable City codes and ordinances.
2. Change in Use - Written application for a Certificate of Occupancy for the use of vacant land, or for a change in the use of land or a structure, or for a change in a non-conforming use, as herein provided shall be made to the City Inspector. If the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy shall be issued within ten (10) days after the application for same has been made.

C. Approval.

Every Certificate of Occupancy shall state that the structure or the proposed use of a building or land complies with all provisions of law. A record of all Certificates of Occupancy shall be kept in file in the office of the City Inspector or his agent and copies shall be furnished on request to any person having proprietary or tenancy interests in the building or land affected.

D. Temporary Certificate of Occupancy.

Pending the issuance of a regular Certificate of Occupancy, a temporary certificate may be issued by the City Inspector for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties or obligations of the owners, or of the City, relating to the use or occupancy of the premises or any other matter covered by this Ordinance.

E. Non-conforming Uses.

A Certificate of Occupancy shall be required for all lawful non-conforming uses of land or buildings created by adoption of this Ordinance. Application for such Certificate of Occupancy for a non-conforming use shall be filed with the City Inspector by the owner or lessee of the

building or land occupied by such non-conforming use within one (1) year of the effective date of this Ordinance. It shall be the duty of the City Inspector to issue a Certificate of Occupancy for a lawful non-conforming use, and the refusal of the City Inspector to issue a Certificate of Occupancy for such non-conforming use shall be evidence that said non-conforming use was either illegal or did not lawfully exist at the effective date of this Ordinance.

Section 80 - Fees.

To defray the costs of administering this Ordinance, the applicant seeking plat approvals shall pay to the City, at the time of submittal, the prescribed fees as set forth in the current fee schedule approved by the City Commissioners, and on file in the office of the City.

Section 81 - Amendments.

The City Commissioners may, from time to time, adopt, amend and make public rules and regulations for the administration of this Ordinance. This Ordinance may be enlarged or amended by the City Commissioners after public hearing, due notice of which shall be given as required by law.

Section 82 - Violations.

Except as otherwise provided for in this Ordinance, it shall be unlawful for any person, firm or corporation to develop, improve or sell any lot, parcel, tract or block of land within the City's territorial jurisdiction, regardless of the size or shape of said lot, parcel, tract or block, unless such lot, parcel, tract or block of land conforms with this Ordinance.

Section 83 - Enforcement.

A. Administrative Action.

The City Inspector and/or the Mayor shall enforce this Ordinance by appropriate administrative action, including but not limited to the rejection of plans, maps, plats and specifications not found to be in compliance with this Ordinance and good engineering practices, and the issuance of stop work orders.

D. Court Proceedings.

Upon the request of the City Commissioners the City Attorney, shall file an action in the district courts to enjoin the violation or threatened violation of this Ordinance, or to obtain declaratory judgment, and to seek and recover court costs and attorney fees, and/or to recover damages in an amount sufficient for the City to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the property and established pursuant to this Ordinance.

Sections 84-90 - Reserved.

ARTICLE V CLOSING PROVISIONS

Section 91 - Construction.

The terms and provisions of this Ordinance shall not be construed in a manner to conflict with Chapt. 211, Tex. Loc. Gov't. Code, and if any term or provision of this Ordinance shall appear to conflict with any term, provision or condition of Chapt. 211, such Ordinance term or provision shall be read, interpreted and construed in a manner consistent with and not in conflict with such Chapter, and, if possible, in a manner to give effect to both. The standard and accepted rules of statutory construction shall govern in construing the terms and provisions of this Ordinance.

Section 92 - Amendment and Repeal.

All ordinances and parts of ordinances in conflict with this Ordinance are amended and repealed to the extent of such conflict.

Section 93 - Zoning Changes and Amendments.

A. Amendment Limitation-Rezoning. An amendment of this ordinance may be requested by any person, provided that an amendment to rezone any property may be initiated only by:

1. the Board of City Commissioners on its own motion;
2. the Planning and Zoning Commission;
3. petition by the landowner or his/her authorized agent.

B. Responsibility for Change.

The Board of City Commissioners has sole responsibility for changes in the Zoning Map and changes in the zoning ordinance. The zoning and rezoning of land is in the legislative discretion of the Board of City Commissioners. Zoning and rezoning shall be by ordinance only.

C. Referral of Amendment to Commission.

Upon its own motion, a request by the Planning and Zoning Commission, or the receipt of an administratively complete petition, a nonrefundable fee of \$200.00 and application to zone or rezone a lot, tract or parcel of land, which petition and application has been examined and approved as to form by the City Secretary, shall be referred to the Planning and Zoning Commission for consideration, public hearing, and recommendation to the Board of City Commissioners. The Board of City Commissioners may not enact a rezoning amendment until the Planning & Zoning Commission has held a public hearing and made its recommendation to the Board of City Commissioners, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property.

D. Action by the Planning & Zoning Commission.

The Planning & Zoning Commission shall cause such study and review to be made as advisable and required, shall give public notice and hold a public hearing as provided by state law, and shall recommend to the Board of City Commissioners such action as the Planning & Zoning Commission deems proper. Written notice of the proposed zoning change shall be forwarded to the owner of each tract or parcel of land that is within three hundred feet (300') of the property for which zoning is requested, not less than fifteen (15) days prior to the date of the public hearing to be held by the Planning & Zoning Commission.

E. Action by the Board of City Commissioners.

The Board of City Commissioners shall give public notice and hold a public hearing before taking final action to zone or rezone any land.

F. Public hearing and Notice of the Proposed Zoning Change.

1. Not less than fifteen (15) days prior to the date of the public hearing to be held by the commission on each zoning or rezoning, written notice of the public hearing and the zoning proposed shall be given by U. S. Mail to the owner of each lot, tract or parcel of land within three hundred feet (300') of the lot, tract or parcel being considered for zoning. Such notices shall be mailed by first class mail addressed to the persons or firms to whom the properties are assessed on the City tax rolls.
2. Notice of the public hearing to be held by the Board of City Commissioners shall be given by publishing such notice at least once in a newspaper of general circulation in the City (The Llano News), at least fifteen (15) days prior to the date set for public hearing.
3. If the zoning or rezoning is proposed by the Board of City Commissioners or the Planning & Zoning Commission, notice of the proposed zoning change shall be made by the City Secretary mailing notification by first class mail to the person or firm to whom the property is assessed on the City tax rolls, and to all persons or firms to whom property within three hundred (300) feet of the proposed zoning change is assessed on the City tax rolls.

4. The required notice for a public hearing having been given for the zoning or rezoning of a tract of land, the Planning & Zoning Commission or the Board of City Commissioners may, as applicable, continue such matter to subsequent public meetings for consideration and may in the same zoning process or proceeding recommend zoning/rezoning or, as applicable, zone or rezone the property for which notice was given for a use or zoning district that is a less intensive use than the use for which the notices were given, without additional or further notices being given; provided that the less intensive district is within the same general use category, e.g. duplex requested and single family zoning granted, multiple family zoning requested and the granted rezoning is a less intensive multiple family zoning, duplex or single family.

G. Protest of Proposed Amendment.

If a protest(s) against any proposed rezoning or zoning change for any land is presented in writing to the City Secretary prior to the public hearing thereon, duly signed by the owners of twenty percent (20%) or more either of the area of lots included in the proposed change or of the lots or land immediately adjoining the same and extending three hundred (300) feet therefrom, such amendment shall not become effective except by the favorable vote of two-thirds of all City Commissioners.

H. Procedure for Amendment Petition.

1. Filing of Application - All petitions to change zoning or rezone property shall contain at least the following:
 - a. The petitioners name, address, and interest in the petition, as well as the name, address and interest of every person having a legal or an equitable interest in the land covered by the petition;
 - b. The nature and effect of the proposed amendment and zoning or permit requested;
 - c. A map showing:
 - The land affected by the proposed amendment;
 - A legal description of the land;
 - The present zoning classification of the land;
 - The zoning classification of all abutting land; and
 - All public and private road and street rights-of-way bounding and intersecting the land.
 - d. The names and addresses of the owners of all land within 300' of the land to be rezoned, or for which a permit is sought.
 - e. If applicable, the alleged error in this ordinance, which would be corrected by the proposed amendment, together with a detailed explanation of such error and how the proposed amendment will correct the same.
 - f. The changed or unchanging conditions, if any, in the area or in the municipality generally, that make the proposed amendment reasonably necessary.
 - g. Evidence that the petition is in accordance with the Comprehensive Plan, or that support amendment of the Comprehensive Plan.
 - h. A statement of all other circumstances, factors and reasons the applicant offers in support of the proposed amendment.

- 2. Time Limitation - If a petition for rezoning is denied by the Board of City Commissioners, another petition for reclassification of the same property or any portion thereof shall not be filed within a period of twelve (12) months from the date of final denial, except with the permission of the Board of City Commissioners.

Section 94 - Severability.

If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 95 - Effective Date.

This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code.

Section 96 - Open Meetings.

It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 511, Tex. Gov't. Code.

Section 97 - Penalty.

Any person or corporation violating any of the provisions of this ordinance or failing to comply therewith or with any of the requirements thereof, or who builds or alters any building in violation of any detailed statement or plan submitted and approved hereunder, will be guilty of a misdemeanor, and will be subject to a fine of not less than one dollar (\$1.00) and not more than two thousand dollars (\$2,000), and each day such violation continues will constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything is in violation of this ordinance, any architect, builder, contractor, agent, person or corporation, employed in connection therewith and who may have assisted in the commission of any such violation, will be guilty as a separate offense and upon conviction thereof will be fined as provided above. Violators of zoning restrictions in all zones shall be issued proper notice to cease and desist, and said notice shall include the number of days allowed for correction of the defects to meet ordinance requirements. Such penalty shall be in addition to all the other remedies provided herein.

PASSED AND APPROVED on this the 15th day of March, 2007 .

For the City of Sunrise Beach Village, Texas

Signed: Patricia E. Frain	4/23/07
.....
Patricia E. Frain, Mayor	Date

Attest: Approved as to form:

Signed: Hans J. Schneider	4/23/07	Signed: Sheila Limon	4/26/07
.....
Hans J. Schneider	Date	Sheila Limon	Date
City Secretary		City Attorney	