Table of Contents

ARTICLE I. GENERAL 8
Section 1 - Authority 8
Section 2 - Title 8
Section 3 - General Purpose, Jurisdiction, and Intent 8
A. Purpose 8
B. Jurisdiction 8
C. Intent 8
Section 4 - Reserved 8
Section 5 – Definitions 9
Section 6 – Application 9
Section 7 - Exemptions 9
Sections 8 – 20 – Reserved 9
ARTICLE II. ZONING DISTRICTS AND REGULATIONS 9
Section 21-Establishment of Zoning Districts 31
A. Zoning Districts 31
B. District Boundaries 31
Section 22-Zoning of Annexed Areas. 32
Section 23-Agricultural District - District AG1 32
A. District Description 32
B. Permitted Uses 32
Section 24-Single Family Residential – SF1, SF2, SF3, SF4, SF5 33
A. District Descriptions 33
B. General Purpose and Permitted Uses. 33
C. Use Regulations 33
D. Building Restrictions for all Residential Lots 33
E. Additional Provisions and Requirements 33
Section 25-Airport Districts - AS1, AS2, AA1, & AR1 36
A. District Descriptions 36
B. General Purpose and Uses 36
C. Restrictions on Use 36
D. General Requirement for Construction of Residences, Aircraft Facilities and Storage 36
E. Airport Support Districts AS1 & AS2 37
F. Airport Approach District AA1 37
G. Airport District AR1 38

H. Commercial Use Regulations 38
I. General Requirements for facilities and businesses located in any of the Airport Districts 38
Section 26-Marine and Beach District – MB1 39
A. District Description 39
B. General Purpose and Structures Permitted 39
C. Special Provisions 40
D. Restrictions on Development Projects 41
E. Buoys – Marine and Beach District 42
Section 27-Multi-Family Residential – Districts MF1 & MF2 42
A. District Descriptions 42
B. MF1-Specific Requirements 42
C. MF2-Specific Requirements 42
Section 28 – Light Commercial Districts LC1, LC2, LC3, LC4, LC5, LC6 44
A. District Descriptions 44
B. General Provisions for Light Commercial Districts 44
C. Permitted Uses Specific to Stated Districts 44
Section 29 – Heavy Commercial – District HC1 45
A. District Description 45
B. General Provisions for Commercial District HC1 45
C. Purpose and Permitted Uses. 45
D. Personal Home Care Facility 46
E. Sexually Oriented Businesses 46
Section 30.1 Parks District – PK1 51
A. Park Locations 52
B. Permitted Uses. 52
C. Other Provisions and Restrictions 52
Section 30.2 - Government and Safety Services District – GPS 53
A. District Description 53
B. General Provisions for Government and Public Safety District 53
C. Additional Provisions and Restrictions 53
Section 31- Re-Zoning 53
A. Zoning Change or Rezoning 53
B. Zoning Change Petition Procedure 54
C. Referral of Petition to Planning & Zoning Commission 54
D. Action by the Planning & Zoning Commission 54

E. Action by the City Council 54
F. Ordinance Amendment 54
G. Protest or Support of Proposed Rezoning or Zoning Change 55
H. Time Limitation 55
Section 32-Sales, Transfers, Division and/or Combination of Lots 55
A. Sale and Transfer of Ownership 55
B. Subdivisions 55
C. Lot Combination 56
D. Separation of Previously Combined Lots. 56
Sections 33-49 - Reserved 57
ARTICLE III. REQUIREMENTS AND SPECIAL PROVISIONS 57
Section 50 STREETS, RIGHTS-OF-WAY, and DRIVEWAYS 57
A. General 57
B. Permitted Uses in Rights of Way 57
C. Other Provisions 57
D. Installation of Utilities and Other Facilities 58
E. Drainage 58
F. Driveways 58
G. Damage to Streets, Drainage and Right-Of-Way 58
H. New Streets and Roads 58
Section 51 - Drainage 60
A. Alteration of Water Flow Prohibited 60
B. Design and Control 60
C. Drainage Study Required 60
D. Drainage Structures and Facilities 61
Section 52 – Building Regulations 62
A. Conformity to Zoning District Required 62
B. Conformity to Construction Plan Requirements 62
C. Conformity to On-Site Sewage Facility (OSSF/ Septic Systems) Requirements 62
D. Conformity to Highland Lakes Watershed Ordinance 63
E. Permits in Interim Zoned Areas 63
F. Building Restrictions for all Residential Districts 63
G. Construction Requirements 64
H. Demolition of Structures Not Including New Development 65
I. Temporary Housing (i.e. RV) during construction 65

J. Parking 66
K. Permit Display 66
Section 53 – Maintenance of Lots 67
A. Improved Lots and Septic Lots 67
B. Unimproved lots 68
C. Storage of brush, etc. 68
Section 54 – Maintenance of Structures, Driveways, and Culverts 69
A. Maintenance of Structures 69
B. Driveway and Culvert Maintenance 69
Section 55 – Moving Structures into, or within the City 69
A. Mobile Homes (see definition) 69
B. Manufactured Homes 69
C. Modular/Industrial Homes 70
D. Relocating Structures 70
Section 56 – Recreational Vehicles and Camping Type Vehicles 70
A. RV Parking 71
B. Utility Connections and Occupancy Time Limit 71
C. Unimproved Lot Regulations for RV and Campers 71
Section 57 - Accessory Structures and Uses. 71
A. Manufactured Storage Type Structures 71
B. Temporary Structures 71
C. Camping equipment (e.g. tents, tarps, or other flexible shelters) 71
Section 58 - Landscaping 72
A. Purpose 72
B. Ecological Balance 72
C. Drought Resistant Vegetation 72
D. Landscaped Areas 72
Section 59 – Fencing 73
A. Additional Definitions 73
B. Construction 73
C. Placement 73
D. Safety Fences 73
E. Commercial Areas 73
Section 60 – Sign Requirements 74
A. Purpose 74

B. General. 74
C. Commercial District/Business Authorized Signs 76
D. Permit Procedures 76
E. Other Provisions 76
F. Maintenance Required. 77
G. Removal of Unsafe and Unlawful Signs 77
Section 61- Outdoor Lighting Regulations 77
A. Purpose 78
B. Jurisdiction and scope 78
C. Definitions 79
D. Lighting 81
E. Nonconforming existing lighting 81
F. Outdoor lighting in the extra territorial jurisdiction (ETJ) of the city 82
G. Full cut---off, shielding and total outdoor light output standards 82
H. Lighting for outdoor signs and panels 86
I. Lighting under canopies, building overhangs or roof eaves 87
J. Neon lighting 89
K. Lighting curfews 89
L. Prohibitions 89
M. Submission of plans and evidence of compliance 90
N. Exemptions 90
O. Materials and methods of installation 91
P. Compliance with building code 91
Q. Civil and criminal penalties 91
R. Civil remedies 91
S. Public nuisance 92
T. Administrative guidance 92
Section 62 – 64 Reserved 93
ARTICLE IV. DEVELOPMENT PERMITS 94
Section 65 – Development Permits 94
A. Conditions for Issuing a Development Permit 94
B. Permit Required 95
C. Permits Not Required. 96
D. Development Permit Durations 96
E. Permit Display 96

F. Development Permit Fees 96
Section 66 – License, Inspection and Code Requirements 97
A. License Requirements 97
B. Inspections Required 97
C. Applicable Codes: 98
Section 67 – Conditional Use Permits 98
A. Purpose 99
B. Authorized Conditional Uses. 99
C. Procedure 99
Section 68- Certificates of Occupancy 100
A. Policy and Application 100
B. Procedure 100
C. Approval. 100
D. Temporary Certificate of Occupancy 100
E. Non-Conforming Uses 101
F. Revocation 101
Section 69 – Non-Conforming Structures and Uses. 101
A. Non-Conforming Structures 101
B. Non-Conforming Uses 101
Section 70– 72 Reserved 103
ARTICLE V. ADMINISTRATION 103
Section 73 - General 103
A. Records 103
B. Applications 103
C. Procedure 103
D. Implementation 104
E. Enforcement 104
Section 74 – Planning and Zoning Commission 104
A. Established 104
B. Organization and Membership 104
C. Responsibilities 104
D. Rules and Regulations 105
Section 75 - Board of Adjustment and Appeals 105
A. Established 105
B. Organization and Membership 105

C. Rules and Regulations 106
D. Appeals 106
E. Powers and Duties of the Board 107
F. Variances 107
G. Changes 108
H. Fees 108
Section 76 -Amendments 108
A. Suggestions for Changes 108
B. Action by the Planning & Zoning Commission 108
C. Action by the City Council 108
D. Approved Changes 109
Section 77 – 79 Reserved 109
Section 80 - Ordinance Interpretation 109
A. Liberally Construed 109
B. Highest Standards Govern 109
C. Resolution of Conflicting Interpretations 109
D. Written Decisions Binding 109
E. State Law 109
F. Comprehensive Plan 109
G. Consistency with the Subdivision Ordinance 110
Section 81-Fees 110
Section 82-Council Authority 110
Section 83-Violations 110
Section 84-Enforcement 110
A. Administrative Action 110
B. Court Proceedings 110
C. Stop Work Order 110
Sections 85-90-Reserved 111
Section 91-Construction 111
Section 92-Severability 111
Section 93-Effective Date 111
Section 94-Open Meetings 111
Section 95-Penalty and Liens 111
EXHIBIT 1 – Setbacks, Sight Triangles and Height Restrictions 113

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 Chapter 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 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.

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 and applicable building, plumbing, electrical, Life Safety and Fire Safety codes.

Section 4 – Reserved

Section 5 – Definitions.

GLOSSARY OF DEFINITIONS:

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

Abandoned Boat or Personal Watercraft (PWC) - any boat or PWC that is (a) unregistered or whose displayed registration decal has been expired for two years or longer; or (b) that is wrecked, dismantled or partially dismantled, or discarded for more than 72 consecutive hours if the boat or PWC is on public property or in or over lake water adjacent to public property; or 30 or more consecutive days if the vessel is on private property or in or over the lake adjacent to private property.

Abutting Lot - see Lot.

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

Access Line - any local line provided by a telephone or cable company to a customer in the City.

Accessory Use - a use that is clearly incidental, subordinate, and secondary to the primary use, and which does not change the character thereof. This may include, but not be limited to, guest facilities, garages, carports, recreational facilities such as swimming pools or storage of personal items.
Commercial accessory use may include equipment storage area, lumber or plumbing supply area.

Accessory Structure - see Structure

Acreage - any defined tract of land, including that underneath the waters of canals and Lake LBJ, that is platted as a numbered lot within the city.

Addition - any new construction or modification to an existing structure that alters use or increases square footage.
Adjacent - abutting and directly connected to or bordering.

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 where the serving of beer, wine or liquor for on-premises consumption is an allowed use according to zoning standards.

Alley - a minor right-of-way dedicated to public use which gives a secondary means of vehicular access to the backside of properties.

Alluvial Fan Flooding - flooding occurring on the surface of an alluvial fan (deposit of sand or mud) or similar landform.

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.

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

Apex - a point on an alluvial fan which the flow path of the major stream becomes unpredictable.

Applicant - a person applying for a permit, plan, plat or zoning approval under an ordinance.

Approval - the final approval of an action by the person authorized to do so.

Appurtenant Structure - see Structure

Arterial Street - a main route or course of flow.

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 an ordinance which the applicant feels necessary to explain the submittal.

ATV (All-Terrain Vehicle) - a 3 or 4 wheeled vehicle that is self-propelled and usually used for recreation.

Auto Repair - a business specializing in repair of motor vehicles entirely within an enclosed structure.

Awning Sign - see Sign

Bar Ditch - see Borrow Ditch

Barndominium – see Dwelling

Base Flood - a flood having a one percent chance of being equaled or exceeded in any given year.

Basement - the area of a building that is below ground level on all 4 sides.

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. If used as a term of measurement, it shall mean the distance along one side of a street between the nearest two streets.

Board – an official group of persons who direct or supervise an activity

Board of Adjustment & Appeals - a Board appointed by the City Council to hear and decide appeals from administrative decisions made by zoning enforcement officials, special exceptions, variances and other matters authorized by ordinance.

Boat – a vessel built for navigation on rivers or other bodies of water

Boat and Watercraft Facility – marinas or structures used for the display, sales, renovation or repair of boats and watercraft.

Boat Storage Facilities - overwater or off-water storage sites operated as a business for the short or long- term parking and storage of watercraft.

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 Council.

Borrow Ditch - any roadside drainage ditch.

Buoy – buoys and markers are water traffic signs offering direction and information to help

identify dangerous areas and restricted zones on waterways. The LCRA Permit Guide "Buoys on the Highland Lakes" provides details.

Breakaway Wall - a wall that is not part of the structural support of a building and is intended to collapse under specific loading forces without causing damage to the supporting foundation system.

Buffer - a barrier of wood, masonry, or other material used 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

Building Area - the gross area covered by a structure including any overhang or other projection.

Building Inspector - an individual designated by the Mayor to inspect properties, building sites and construction; send notices; and enforce the provisions of City ordinances.

Building Materials - any item that can be used in the construction of any structure or platform including 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 Permit (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.

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

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

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

Carport - a structure which may be partially enclosed that is covered with a roof and constructed specifically for the storage of one or more motor vehicles. Carports are permanent structures and must adhere to all setback requirements.

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 middle 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 by the center of the two-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 (Mayor) of the City of Sunrise Beach Village or the designated alternate.

City Building Officials or **Building Officials** - the designated Building Inspector(s) for the City.

City Council - the Sunrise Beach City Council consisting of five elected residents of the City and the elected City Mayor.

City Inspector – see **Building Inspector.**

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

City Staff - the officers, employees and agents of the City including the Mayor, office staff, maintenance workers, water department personnel, and police.

City Standard Details and Specifications - a library of City approved drawings and technical data representing typical drainage, transportation, erosion and 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 that 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.

Code Compliance Monitor - see **Code Compliance Officer**

Code Compliance Officer - an individual designated by the Mayor to enforce rules and regulations established by zoning and other ordinances with the city's jurisdiction.

Collector Street - a street that collects traffic from local streets and serves as the most direct route to a major or minor arterial street.

Commission – a group of persons authoritatively charged with particular functions.

Common Area - 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 residential community development, subdivision, planned unit development, or membership group.

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

Comprehensive or Master Plan - the development plan of the city and adjoining areas adopted and approved by the City Council, 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 for the City that indicates the boundaries of tracts of land, identifies the purposes of proposed developments and land uses, designates lot and parcel layouts for community and public areas, and establishes 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 Council.

Condominium - see Dwelling

Construction Office - see Field Office

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 submitted for a development permit.

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 - a lot located at the intersection of and abutting on two or more streets.

Council - a group of persons specially designated or selected to act in an advisory, administrative or legislative capacity.

County - Llano County, Texas.

County Appraisal District - the Llano County Central Appraisal District.

Critical Feature - an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

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 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.

Dangerous Structure - see Structure, Unsafe

Daytime Hours - the time between ½ hour before sunrise and ½ hour after sunset.

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

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.

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

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

Development - a subdivision of land as defined herein or the construction or placement of any structures, utilities, access, roads or other structures, parking improvement, excavation, mining, dredging, grading, filling, clearing or removing vegetation from land, 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. Also, utility, drainage, and street repair, and any construction maintenance and installation which does not require land disturbance or result in additional impervious cover shall not constitute development.

Development Permit – see Building Permit

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

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

Drainage Structure or **Facility** - 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.

Drainageway - (Waterway) a conduit, ditch or the like for draining water from an area.

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

Drive-In Eating Establishment - any structure and premise 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 street with a residence or commercial building, regardless of the material used.

Dwelling - A structure designed and constructed for human habitation and approved for occupancy under the Zoning Ordinance. When used in the singular, dwelling means a free-standing residential structure designed to accommodate one 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, dwellings means multiple freestanding residential structures each designed to accommodate one household. Classifications of dwellings and related definitions are outlined below:

Apartment - any building or portion thereof which is designed or occupied as the home or residence of three or more households living independently of each other.

Barndominium - a metal or wood frame structure with sheet metal siding and roofing used as a dwelling for one family.

Condominium - a structure or group of structures in which dwelling units are owned individually, while the overall structure and communal area and facilities are owned by all the owners on a proportional basis.

Garden Home- a single family detached or duplex home on a small lot with amenities similar to a townhome or condominium.

Halfway House - a dwelling unit used as a single housekeeping unit for persons who have demonstrated a tendency towards alcoholism, drug abuse, anti-social or criminal conduct, together with administrators who provide supervision and other services to such persons.

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, 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 plumbing, heating air conditioning and electrical systems, transportable in one or more sections, and in the traveling mode, at least eight body feet in width or at least 40 body feet in length, or when erected on site, at least 320 square feet. It must have a red certification label. Texas Occupations Code, Chapter 12, 1201.003, Definitions.

Mobile Home - structures built before June 15, 1976, as defined by TX. OCC. Code, Chapter 12, Definitions. These are prohibited from moving into the City limits, TX OCC Code 1201.008.

Modular Home or Industrial Home - an "industrial" or "modular" home is a structure designed for the occupancy of one or more families; that is constructed in one or more modules or constructed using one or more modular components built in a location other than the permanent site; and designed to be used as a permanent residential structure when the module or modular component is transported to the permanent site and erected or installed on a permanent foundation system, and meets any other requirements set forth in Section 1202.002, Texas Occupations Code, as
amended from time to time, for “industrialized housing”. TX OCC. Code 1202.002. 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) signifies that the home has been built to comply with the International Residential Code.

Multiple Family or Two-Family Dwelling - a detached building designed and constructed with multiple or two separate living units under a single roof for occupancy by multiple or two families.

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.

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.

Townhouse - a structure on an individual lot, which is one of a series of three 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.

Elevated Building - a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, pilings or columns.

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.

ETJ - see Extraterritorial Jurisdiction

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

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.

Farm Accessory Structure - see Structure

Farm, Ranch, Garden or Orchard - an area of three 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 - Containment fencing is used to separate property with the intent to protect property, animals, or persons or to provide landscape or decorative appearance. Screening fencing, also known as privacy fencing, is designed to screen objects from public view.

Field Office (Construction Office) - a temporary structure or shelter used in connection with a development or building project for housing on site 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

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.

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.

Fireworks - combustible or explosive devices for producing striking displays of light, loud noise and smoke.

FIRM - see Flood Insurance Rate Map

Flood - a general and temporary condition of partial or complete inundation of normally dry land.

Flood Elevation Study - an examination, evaluation and determination of flood hazards for water surface areas in a specific location.

Flood Insurance Rate Map (FIRM) - an official map of a community on which FEMA has delineated both the special floor hazard areas and the risk premium zones applicable to the community.

Flood Plain - the channel of a waterway and the adjacent land area subject inundation during a flood. The 100-year flood plain is established by FEMA and is in the City Flood Plain Ordinance.

Flood Plain Management - the operation of an overall program of corrective and preventive measures for reducing flood damage, including emergency preparedness plans, flood control works, and flood plain management regulations.

Flood Protection System - physical structural works built to modify flooding in order to reduce the extent of the flooded areas. Examples are dams, reservoirs, levees and dykes.

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 that sells a variety of food, beverages and other consumables usually serving as a convenient outlet to a neighborhood.

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.

Front Yard - the space extending the full width of the lot between a building and the front lot line.

Frontage - the 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.

Frontage Lot - see Lot

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.

Garage, Residential - a fully enclosed structure for housing vehicles, attached to or detached from a primary structure on an improved lot.

Garden - see Farm

Garden Home – see Dwelling.

Gasoline Station - types of gasoline stations are: 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. 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.

Golf Cart - a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course.

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

Governmental Entity - an agency or political subdivision of the state or an agency/department of the federal government.

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.

Grandfathered (also known as Pre-existing) - any structure or other item that existed before an applicable ordinance was enacted. Grandfathered structures may be permitted to remain "as is" unless they are health or safety hazards.

Guest House - an accessory structure located on the same lot as the primary structure and used as living quarters for guests and relatives of the primary structure owner.

Halfway House - see Dwelling

Handicap Parking - See Parking Space

Hangar - a metal structure located in the Airport Support District built for aircraft storage.

Hanging Sign - see Sign

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

Heliport - a landing pad for occasional and infrequent use by rotary wing aircraft.

Herein - the word "herein" means included within an Ordinance or other document.

Highest Adjacent Grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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.

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, 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. To be classified as a hotel an establishment shall contain a minimum of six 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

includes streets and pavement within the development.

Improved Lot - see Lot

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.

Individual On-site Wastewater Disposal System Facility - see Septic System

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.

Interior Lot - a lot other than a corner lot, bounded by a street on only one side.

Junked Boat or Personal Watercraft – see Abandoned Boat or Personal Watercraft

Junked Vehicle - a non-operational vehicle without a current motor vehicle registration sticker that is wrecked, partially dismantled, or discarded; 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 or more dogs or cats at least six 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 - see Cleaning Shop

LCRA (Lower Colorado River Authority) - a public utility created by the Texas Legislature. It provides public power and manages the lower Colorado River.

Lease Agreement, Residential - an agreement to lease a residential property which does not allow for re-leasing or subletting the property until the term of the original lease has expired.

Legal Lot - see Lot

Legally Plotted Lot - see Lot

Levee - usually an earthen embankment designed to contain, control or divert the flow of water so as to provide protection from temporary flooding.

Light Manufacturing - the manufacture of finished products or parts, including packaging of such products, and incidental storage, sales and distribution of such products.

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 Health District - the Llano County Health District.

Local Street - a street designed for the sole purpose of providing access.

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 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:

Abutting Lot - a lot immediately adjacent to another lot.

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

Corner Lot - a lot located at the intersection of and abutting on two or more streets.

Double Frontage Lot - a lot with the front and rear lot lines abutting a street.

Frontage Lot - 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.

Improved Lot - any lot will be considered an improved lot if a primary structure has been constructed on the lot. Removal of a primary structure will cause the lot to return to status as an unimproved lot unless new construction begins within a prescribed timeframe.

Interior Lot - a lot other than a corner lot, bounded by a street on only one side.

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.

Legally Platted Lot - a lot that is part of a subdivision, approved by the City and recorded in the Official County Records.

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.

Lot Depth - the average horizontal distance between the front and rear lot lines.

Lot Lines - the lines bounding a lot. 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. The rear lot line is the property line opposite of the front lot line. The side lot lines are the property lines connecting the front and rear property lines.

Lot Width - the average horizontal distance between the major side lot lines.

Non-conforming 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 because of such adoption, revision or amendment

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.

Reverse Frontage Lot - see Double Frontage Lot

Septic Lot - an unimproved lot used to hold residential or commercial septic fields licensed by LCRA.

Unimproved Lots - lots not meeting the criteria of improved lots will be designated as unimproved lots.

Manufactured Home (HUD-CODE) - See Dwelling

Market Value – the most probable price that a property should bring in a competitive and open market.

Master Plan - See Comprehensive Plan

Microwave Towers - see Towers

Mine – a pit or excavation in the earth from which coal, metallic ores, or other mineral substances are taken.

Mineral - a substance obtained by mining such as coal, ores, quartz, and feldspar.

Mini Storage Warehouse - a structure or group of buildings consisting of individualized fully enclosed shelters of diverse 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.

Minor Street - a local street designed primarily for access to abutting residential properties. A minor street does not include a street designed or required to be designed for through traffic.

Mobile Home - See Dwelling

Modular Homes - See Dwelling

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.

Municipal Court - the court created by law in each city, town, or village in the State of Texas, L.G.C. §29.002

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 features such as a river, major street, lack of access, or buffer; and/or political features such as voting districts, or 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.

Non-conforming Lot - see Lot.

Non-conforming Structure - see Structure

Non-conforming Use - any use which does not conform to 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 pollutants of everyday human activities.

Non-reflective Surface - in reference to metal siding, a non-reflective surface is a painted or coated surface that will not create a nuisance or hazardous reflection of sunlight or other intense light.

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

Occupied or Used - the words "occupied or used" as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

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

One Hundred (100) Year Flood - a flood which has a probability of occurring once in a hundred-year period or a 1% chance in any given year.

On-Site Wastewater Disposal Facility - see Septic System

Opaque or Opacity: not able to be seen through. Where applied to fences, opacity shall mean the percentage of the solid material over any representative two-square-foot area (exclusive of supports) that is impermeable to light.

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

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

Orchard - see Farm

Ordinance - an authoritative rule or law or regulation.

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

Outdoor Burning - any open fire utilized to consume wood, tree limbs, vegetation and other combustible material.

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

Parent Tract - a tract or lot as described by deed or plat, which includes one 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 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 near 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.

Parking Space - an area designed to be used for motor vehicle parking arranged to permit satisfactory ingress and egress of an automobile without obstructing other traffic. An off -street parking space is a parking space that is not part of a street, alley or public right of way. The location and design of handicapped parking spaces shall be as required by state and local laws.

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 an 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 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.

Personal Watercraft Lifts - lifts that are designed to be attached to a bulkhead or other structure, which can be easily removed from the other structure, and which are allowed within the side setback on waterfront lots. These lifts are considered temporary structures.

Planning and Zoning Commission – a commission appointed by a city or governing body to write, review, or amend zoning and other ordinances. The commission's results will be

presented to the governing body for implementation/adoption.

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

Playscape - residential playground equipment that may contain swing seats, monkey bars, slides, rock climbing walls, and other similar types of structures that are permanently anchored to the ground and designed for recreational purposes. Sports courts such as basketball or tennis courts are not considered playscapes.

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.

Pre-existing (also known as Grandfathered) - any structure or other item that existed before an applicable ordinance was enacted. Pre-existing structures may be permitted to remain as is unless they are health or safety hazards.

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

Principal Structure - see Structure, Primary

Privacy Fence - see Fencing

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

Private Sewage Facility - see Septic 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 (POA) - an incorporated, non-profit organization operating under recorded land agreements through which each lot and/or homeowner in a subdivision or planned unit development (PUD) is automatically a member.

Public - of, relating to, or affecting the population as a whole such as public funds; open to all persons such as a public meeting or public park; the City and/or State with respect to land and interests in land within the City limits; the general public with respect to land and interests in land within the ETJ limits and with respect to the provisions 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, including but not limited to churches, schools and government buildings.

Radio Towers - see Towers

Ranch - see Farm

Rear Yard – the space extending the full width of the lot between the principal building and the rear lot line.

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

Regulations - the word "regulations" means the provisions of any applicable ordinance, rule, or policy.

Regulatory 100-Year Floodplain - see Flood Plain

Religious Assembly - a gathering of people in a permanent or temporary structure for 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. Separating a structure from its supports for the purpose of moving it constitutes relocation.

Rental Agreement - an agreement for use or occupancy by a person of property.

Reserve Strip - see Lot

Residence – the structure serving as a home in which people live.

Residential Lease Agreement - see Lease Agreement.

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

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

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

Reverse Frontage Lot - see Lot

Right-of-Way - a strip of land occupied or intended to be occupied by street, crosswalk, railroad, road, electric transmission line, or oil or gas pipeline, water main, sanitary or storm sewer main, or for other similar purpose or use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way 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 right-of-way is established.

Safety Services - Public safety and emergency services, including police and fire protection services, emergency medical and ambulance services provided by authorized agencies.

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 stockholder, partner, or associate or a family member of these owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Screening Fence - see Fencing

Secondary Structure - see

Structure **Septic Lot** - see Lot

Septic System (Individual On-Site Wastewater Disposal Facility, On-Site Sewerage Facility, Private Sewage Facility) - The terms “Individual On-site Wastewater Disposal Facility”, “On-site Sewerage Facility”, and “Private Sewage Facility” 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. Septic systems are usually composed of three units: the generating unit (the residence, institution, etc.), the treatment unit (septic tank), and the disposal unit which may be an absorption trench in a field, an evaporation bed, or a surface application system.

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 Line - a line which marks the setback distance of any structure including any overhang or other projections from the lot line.

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.

Shall - the word "shall", when used in an ordinance, is always mandatory. (see Will)

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

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

Side Yard - the space extending the full width of the lot between a building and the side lot line

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. Examples include:

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

Hanging Sign - any sign suspended from an awning or canopy.

Pedestrian Sign - any sign oriented to pedestrians or street-level visibility.

Projecting Sign - any sign attached to and placed perpendicular to a building

facade. ***Signboard*** - any flat sign mounted or applied to a structure facade.

Window Sign - any sign painted or applied to window glass.

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.

Skirting Material - a material, comparable to the siding used on a structure, to enclose the open space below the structure.

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.

Special Flood Hazard Area - the land in a flood plain within a community subject to a one percent or greater chance of flooding in any given year.

Stable - a farm accessory structure located in the agricultural area for quartering livestock

Stadium - see Playfield

State Health Department - the Texas Department of State Health Services (DSHS) 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 right-of-way which affords the primary means of vehicular access to abutting property. Classifications of Streets are as follows:

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.

Collector Street - streets that collect traffic from minor streets and serve as the most direct routes to an arterial street.

Cul-de-Sac - a minor street having one end open to vehicular traffic and having one closed end terminated by a permanent turnaround.

Dead-End - a minor street having one end open to vehicular traffic and having one closed end terminated without a turnaround.

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.

Street Side Yard - the side yard of a corner lot abutting the street right-of way.

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 the 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, driveways, patios, and permanent signs.
Sidewalks and paving shall not be considered structures. Classifications of structures are as follows:

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 guest house, private garage for automobile storage, tool house, bath or greenhouse as a hobby, home workshop, children's playhouse, storage house or garden shelter.

Appurtenant Structure – a structure which is on the same parcel of property as the principal structure, the use of which is incidental to the use of the principal structure.

Farm Accessory Structure - a structure, other than a dwelling, on a farm for the housing protection or storage of the usual farm equipment, animals and crops.

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 due to such adoption, revision or amendment, to conform to the present requirements of the zoning district.

Primary Structure (also known as Principal 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.

Secondary Structure - in a non-residential District means any structure that is subordinate in extent and purpose to the primary structure. It usually 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.

Unsafe Structure - any structure that is in such a perilous, risky or hazardous condition that it is likely to cause physical injury or illness, if occupied. See Dangerous Buildings & Structures Ordinance for detailed definitions.

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

Subdivision - the division or re-division of land into two or more lots, tracts, sites or parcels for 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. 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. Subdivision must comply with City's Subdivision of Land Ordinance.

Substantial Damage - damage sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement.

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 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.

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

Townhouse - see Dwelling

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

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

Upholstery Shop - a business establishment engaged in the installation of soft covering material such as fabric and underlayment for furniture and other objects.

Unimproved Lot - see Lot

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

Used or Occupied - 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.

Utilities - a business enterprise, as a public service corporation, performing an essential public service and regulated by the federal, state, or local government.

UTV – Defined in Section 551A.001(6)(D) of the Texas Transportation Code as a motor vehicle that is not a golf cart, as defined by Section 551.401, or lawn mower and is:

A. equipped with side-by-side seating for the use of the operator and a passenger;
B. designed to propel itself with at least four tires in contact with the ground;
C. designed by the manufacturer for off-highway use only; and
D. designed by the manufacturer primarily for utility work and not for recreational purposes

Specifically excluded from this definition are recreational off-highway vehicles designed and manufactured for recreational purposes such as those vehicles commonly referred to as sand rails, dune buggies, recreational off-road vehicles, go carts, all-terrain vehicles (ATV), including three wheelers and four wheelers, and any other of these vehicles designed by the manufacturer to carry passengers and not designed primarily for utility work, farm work, or lawn care.

Variance - an adjustment in the application of the specific regulations of an ordinance to a

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.

Violation – a breach, infringement or transgression of a law or rule, such as the failure of a structure or other development to be fully compliant with the City's regulations and Ordinances.

Warehouse - a building used for the storage of goods and merchandise.

Water Well – a hole, pit or shaft sunk in the ground to obtain a supply of water.

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

Waterway - (Drainageway) a conduit, ditch, or the like for draining water from an

area. **Well** – a hole, pit, or shaft sunk in the ground to obtain any type of liquid or

gas.

Will - the word "will" is mandatory and not discretionary when used in an ordinance and is 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. Screening fencing of the area is required for safety and security reasons.

Workdays – for City Staff, workdays are usually Monday through Friday exclusive of City recognized holidays.

Yard - an open space inside the lot lines not occupied or obstructed by any primary, secondary, or accessory structures.

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

Zoning Map - the official map showing the division of the city into districts.

Zoning (Spot) - the zoning or rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses.

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 year from the effective date of this Ordinance; and (2) for which construction shall have been started within 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.

Sections 8 – 20 – Reserved

ARTICLE II. ZONING DISTRICTS AND REGULATIONS

Section 21-Establishment of Zoning Districts.

A. Zoning Districts.

Single Family Residential
SF1- All areas of Sunrise
Beach Village SF2- (Jodie's
Landing)

SF3- (Water's Edge)
SF4- (South end beyond airport runway)
SF5- (Lone Oak Condo area, previously PUD1)

Agricultural
AG1

Airport Support
AS1- (GSLE side)
AS2- (Airview Blvd. side)

Airport Approach
AA1- (North & south ends beyond runway, includes parts of SF2, SF3, & SF4 for height restrictions)

Airport
AR1- Unit II C Lot 18

Marine and Beach
MB1

Multifamily Dwelling
MF1- (Park Lane, Tapp Point
Units 1-4) MF2- (Sunrise Ave.)

Commercial

LC1- (Near Sandy Mtn.
Cemetery) LC2- (Across from
Timber Cove Park) LC3-
(Beach Point)
LC4- (Skyline Dr Marina area)
LC5- (Sandy Mountain Marina area)
LC6- (Across from Sandy Mountain
Marina area) HC-1

Parks
PK1

Government and Safety Services District
GPS

*Light Industrial District LI1-H changed to Agricultural District per property owner request February 20, 2003.

*Planned Unit Development PUD 1 changed back to single family residential per property owners request June, 12, 2014.

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 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, 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.

All territory hereafter annexed to the City shall be automatically classified as Agricultural District "AG1", pending subsequent action by the Planning and Zoning Commission and City Council 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 Chapter 211, Tex. Loc. Gov't. Code; and, upon annexation, such property may be permanently zoned as determined by the City Council after

considering the Planning and Zoning Commission's recommendation.

Section 23-Agricultural District - District AG1.

A. District Description.

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. In addition, Agriculture Tract OP rezoned to Agricultural District per property owner request on February 20, 2003.

B. Permitted Uses.

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 Residential 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 feet or at least ½ if the distance (where lots are less than four hundred feet deep) from the front property line. In addition, each structure must be set back at least thirty feet from either side as well as from the rear of property lines.

Section 24-Single Family Residential – SF1, SF2, SF3, SF4, SF5

A. District Descriptions.

SF1 - Single family dwellings are allowed on all the platted lots and area within the corporate limits of the City of Sunrise Beach Village.
SF2 - Jody's Landing Lots 1-11 and Sunrise Beach Unit II-D reserved. Additional height restrictions apply for some lots in Airport Approach District AA1.

a. All items in this Ordinance apply except as modified by this section.

b. Section 25, Items F, 1 a, b, c, apply for Lot 11.

c. Single Family Dwelling in SF2 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, breeze-ways 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 affect 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.

i. 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.
ii. 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.

SF3 –Water's Edge-Lots 1-6. (Lot 6 previously Lots 41 & 42 of the Granite Shoals Lake Estates Subdivision, renamed as part of Water's Edge Single Family Residential September 28, 1999.

a. Section 25, Items F, 1 a, b, c, apply.

SF4 - Unit II-C, Lots H, I, 16 & 17 rezoned to Single Family Residential September 28, 1999, Additional height restrictions apply for lots in Airport Approach District AA1.

a. Section 25, Items F, 1 a, b, c, apply.

SF5 – Lone Oak Subdivision Lots 1A, 2A, 3A and 4A single family residences. The center of the subdivision bounded by the circumference of Kandi Lane may only be used for improved parking or individual septic fields within surveyed lot lines. Lot 5A is the subdivision access lot.

Note: Lots 1A thru 5A, previously PUD1, changed to single family residential by owner's request June 12, 2014.

B. General Purpose and Permitted Uses.

The above areas are reserved for detached single-family residences and permitted accessory structures. One primary residential structure is allowed on each lot or combination of lots.

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 – 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. The property may not be re-leased, occupied or sublet by different tenants until the 30-day term of the original lease has expired.
2. Churches or other similar places of worship including parsonages or rectories and the existing Sandy Mountain Cemetery.
3. Public schools, public libraries, municipal and safety services as defined in Section 5 –

Definitions.

4. Temporary structures for uses incidental to construction work on the premises. These structures will be removed upon completion or abandonment of construction work.

5. Accessory uses and structures, including private garages or guest houses, and such as is customarily incidental to any permitted use when located on the same lot, not involving the conduct of a retail business, trade, or professional practice on the premises.

6. Real Estate sales offices during the development of a residential subdivision but not to exceed two years. Specific permission must be obtained from the City Council 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 year.

D. Building Restrictions for all Residential Lots.

1. Single family dwellings constructed after the enactment of this ordinance will consist of not less than 1,200 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 may apply.

2. Single family dwellings which are not constructed on a solid foundation and with an open space less than 48 inches between the structure and ground level require skirting. Single family dwellings which are constructed on a lot having a variable grade (i.e. a slope) exceeding a 48-inch open space will be considered on a case by case basis by the City Building Inspector.

3. Metal siding on any structure shall have a non-reflective surface.

4. Any development of a lot that alters the natural overland water flow, may require a plan addressing issues that may arise from the changes to the natural flow. (i.e. increased run off onto other properties, erosion, back up or flooding of other properties or roadways, etc.) The plan must be submitted and approved by the City Building Inspector. See Drainage Section 51 for additional requirements.

5. Retaining walls may be utilized to resist the lateral displacement of soils and other materials within and along property boundaries. Acceptable materials for retaining walls include concrete, masonry block with stucco, natural stone, and heavily textured masonry block. If stone is used, a pattern consistent with the architectural style of the home, and structural in appearance, is required. Additionally, landscape timbers at least 4" x 6" in cross section may be used in retaining walls.

6. No fence is to be placed on the water side of waterfront lots, along the shoreline or water's edge, unless such fence is 15% opaque or less.

7. Ramps, walkways, driveways, paths or other hardscape may be placed in the setback but will not exceed 6" above finished grade.

E. Additional Provisions and Requirements.

Additional individual deed restrictions and requirements may apply:
SF2 – Jody's Landing Subdivision
SF3 – Water's Edge
SF5 – Lone Oak

Section 25-Airport Districts - AS1, AS2, AA1, & AR1.

A. District Descriptions.

AS1 - 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)

AS2 - 100-foot-wide strip of land within the corporate limits of the City of Sunrise Beach Village, north of the north right-of-way line of Airview Boulevard, commencing at the northwest corner of Lot 1, Sunrise Beach Subdivision, Unit II, C and extending in a southeasterly direction until it reaches East Lakeshore Drive. Specifically, Part of Tract D, Lot 1, parts of Lots 2 thru 7, Lots 8 thru 15 and Tracts E, F, G, and easements separating the numbered lots.

AA1 - The area lying and being situated within the corporate limits of the City of Sunrise Beach Village 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 with the ratio of the lines designating a flare of one foot out for every ten feet the sides of Airport District AR1 extend past the ends of Airport District AR1, and extending for 1,000 feet past the ends of the airport. Also known as the approach surface.

AR1- The municipal strip of land 200 feet by 2675.98 feet, Lot 18, Unit II,C, Sunrise Beach Village, and safety access lots, helipad area, and transient parking areas owned by the city.

B. General Purpose and Uses.

Airport zoning allows for safe operation of aircraft, provides for development consistent with aviation purposes, and ensures the continued operation of the airport for future generations. The Sunrise Beach Airport is a public use airport having a helipad used by air ambulances for medical emergencies and in the event of a natural disaster, would be used for evacuation, or to bring aid and supplies into the city. Residents, non-resident property owners and their friends and family use the airport for transportation and to transit to and from their properties.

C. Restrictions on Use.

1. Aircraft hangers with single family dwelling attached by breezeway or separate on the property must meet the square footage requirements for single family dwellings and aircraft hangers, with size specifications being met separately.

2. Aircraft hangars with interior space built out for a secondary use must maintain a minimum of 2000 square feet of open area for the primary purpose of aircraft storage. The only exception being a T-hangar, where aircraft storage requires less space.

3. Residences will not be constructed on lots adjacent to the runway without construction of a hangar on the same property.

4. Existing aircraft hangars cannot be converted to a residence or permitted commercial use without maintaining continued aircraft storage space of two thousand (2000) square feet.

D. General Requirement for Construction of Residences, Aircraft Facilities and Storage.

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

1. Every building proposal shall be submitted to the Airport Commission for review and recommendation for acceptance or denial prior to approval of a development permit by the City Building Inspector. The proposal must have scale drawings including a plan view indicating dimensions of building, location on the property, sizes of doors, and elevation indicating height of sidewalls & maximum height of structure.
2. Each structure used for aircraft storage will be a minimum of two thousand (2000) square feet.
3. Structures must be completely enclosed and have exterior siding of one color except for trim.
4. Any structure not meeting requirement #3 above, shall be brought into compliance within six months of ownership transfer.

E. Airport Support Districts AS1 , AS2.

1. Additional Uses and Regulations
   a. Aircraft parking.
   b. AS1-GSLE Lots 43, 44, 47, & 48 having only residential structures prior to passage of this ordinance can maintain that use.
   c. AS2-Unit II, C, subdivided Lots 10A, 10B, 10C and 11A, 11B will preclude residential buildings. Septic system requests must be approved by LCRA.
   d. AS2-Unit II, C, Tract G, used as a storage unit prior to passage of this ordinance can maintain that use.
2. Special Provisions.

Aircraft fuel may not be stored for resale.

   a. 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.
   b. Required setback for construction on properties touching Airport Side Boundary Lines (running northwest to southeast) is 25 feet. Nothing may be stored more than 7 out of 30 days, and no above ground structures including fences and walls, erected in this setback.

F. Airport Approach District AA1.

1. Special Provisions:

   a. Required set back from the end boundaries of Airport District AR1, 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.

   b. All plans for construction will be submitted to the Airport Commission for their consideration and recommendations prior to approval by the City Building Inspector.

c. Federal and State restrictions applicable to Approach, Overrun and Runway Extensions apply.

G. Airport District AR1.

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 Council.

   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 Council.

H. Commercial Use Regulations.

The following commercial uses are approved for the Aircraft Support (AS1 & AS2) and Approach (AA1) 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, Tracts 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. Rental Storage as a secondary use, with runway frontage being designated exclusively for aircraft storage. See C.4
2. Permitted uses of remaining lots in AS1, AS2, and AA1 are the same as those permitted in Light Commercial Districts (Section 28) District LC1. Lots 2, 3, & part of 4 at northwest end of the runway were approved by the City Council on December 17, 2009 to also allow open storage and/or enclosed storage if all other requirements are met.
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 Council.

I. 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 Building Inspector. 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.
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.

Section 26-Marine and Beach District – MB1.

A. District Description.

MB1 - 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. General Purpose and Structures Permitted.

This district allows for utilization of the shoreline for water activities by allowing structures to be built. The following types of structures are permitted:

1. Private piers, docks, boat houses, boat/personal watercraft lifts and slips (without living facilities, kitchens, toilets, or any fixtures customarily requiring connections to sanitary waste disposal systems) provided they are incidental to and associated with improved residential lots.
2. Commercial piers, docks and boat/personal watercraft lifts and 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 - Structures will not exceed one story with a roof. A deck roof must be no higher than thirteen (13) feet, and a peaked roof no higher than fifteen (15) feet. This measurement is from the pier decking to the highest point of the deck roof or to the peak of the peaked 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:

   Structures, including anchors, docks and ramps, may only be erected on property adjacent, contiguous, and/or connected to single family residential lakefront property titled to the same owner, upon which a single-family residence has already been permitted. In addition, the structure shall only be erected within the boundaries formed by the lakefront property lakeside boundary, the property lines of said lakeside property extended or projected into the water and the underwater boundary of the inundated property. Proof of ownership is required to be submitted with the permit application.

   In order to confirm the placement of the proposed structure within the constraints (a) above, a survey shall be provided with the permit application showing the dock placement within the bounded area.

3. Anchors, docks and ramps must be located within the area formed by extending the side property lot lines into the lake or where property ownership extends into the water.

   a. Boat docks shall be positioned so that marine vehicle access to the slips can be gained without intruding in front of and blocking adjoining lots.

   b. Reasonable ingress and egress shall be provided between all docks sufficient to preserve each private property owner's rights of ingress and egress to enter or exit the lake.

   c. A dock may not be constructed closer than 5 feet to side property lines regardless of side yard setback. See Exhibit 1.

   d. Private property owners who receive a permit for building a structure hereunder shall adhere to such plans so as to not interfere with the legal rights and privileges of an adjoining waterfront property owner. The City does not have jurisdiction to adjudicate competing property rights claims. This section does not preclude any party from seeking relief in a civil court to resolve disputed property rights claims. However, the City may suspend application processing, technical review, and/or a Permit upon receipt of a valid claim of interference of a property.

   e. A survey showing proposed placement of the structure shall be submitted as part of the permit process.

   f. If items 2b through 2e 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 City Council for resolution. If the resolution of the positioning would result in what would otherwise be a non-conforming structure, then a variance to this ordinance allowing the new positioning must be applied for and obtained from the Board of Adjustment and Appeals before a building permit will be issued.

   g. Every attempt should be made to position the permitted structure within the building area in alignment with surrounding structures.

4. Any structure built over the water will not be allowed to have walls on any sides, except a storage unit located on the structure, which storage unit may not be larger than 150 Square feet. Storage units may only be located on the front side of a structure nearest the shoreline and will be limited to one storage unit per structure.

D. Restrictions on Development Projects.

1. 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 public.
2. 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.
3. Development projects (boathouse, lift, pier, ramp, etc.) to support a residential parcel must meet all recommendations of the LCRA Dock Safety Standards.
4. Development projects to support commercial properties must meet all restrictions and rules established by the LCRA Highland Lakes Marina Ordinance.
5. Electrical Requirements - All utility supply lines must be installed to minimize damage from potential flooding.
    a. Wiring must be installed in conduit or the structure's metal tubing. Conduit must be secured firmly to the structure.
    b. The main shutoff must be located on the shore.
    c. All electrical must comply with National Electrical Code and the National Electrical Safety Code.
    d. Ground fault circuit interrupters (GFCI) must be installed on all receptacles, motors and lighting.
6. Lighting will be in accordance with LCRA Dock Safety Standards and the lighting standards of Section 61 of this Ordinance. Dock lights must not present a hazard to navigation.
7. Navigable Passage:
    a. No permanent or temporary pier, dock, walkway, overhang, or other structure will be erected or placed beyond the banks or shoreline of any canal or waterway whose width is less than 45 feet from bank to bank.
    b. No structure can 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 40 feet of unobstructed passage for boats or as recommended in current LCRA Residential Boat Dock Safety Guidelines, whichever is greater.
    c. The maximum distance perpendicular from shore that a dock may extend on Lake LBJ is 50 feet. Additional footage must have LCRA approval.

8. Construction of fences in the water areas is prohibited, including any fence to divert flood debris from abutting property. See Fencing Section 59 for additional information.
9. 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).

E. Buoys – Marine and Beach District

All buoys are regulated and permitted by the LCRA. Under LCRA's Lakewide Authorization, waterfront property owners may place a U.S.Coast Guard-approved no-wake buoy up to 50 feet beyond the shoreline or dock without permit. All other buoys require a Restricted Area Permit from LCRA. See LCRA Buoy Guidelines for more information.

Section 27-Multi-Family Residential – Districts MF1 & MF2.

The Planning and Zoning Commission and the City Council will 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 housing.

A. District Descriptions.

MF1–Tapp Point Units 1-4 (previously Lot 170 B of the GSLE Subdivision) Located at the end of Park Lane.

MF2-Unit IV, Lots 493A thru 493G. Located at the end of Sunrise Ave.

B. MF1-Specific Requirements.

1. Permitted Uses and Restrictions
   a. All uses permitted in the Single Family Residential Districts, provided all area, height, and other regulations of District SF1 are retained except as modified by this section.
   b. Typical garden home development with buildings not exceeding 2 stories or 30 feet in height above finished land grade. There shall be not more than 4 units per ½ acre, and with apartments or units having a minimum living area of 1000 square feet. (December 12, 1996, City agreed to allow 4 single family "garden type" homes)
   c. More than one building or structure may be located on a lot.
   d. Minimum setbacks and height restrictions as listed in Chart 1 of Exhibit 1 apply.
2. Conditions and Limitations.
   a. 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.

b. Any structure not facing a public street shall face upon a courtyard having a minimum width of 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.

c. All structures, except as provided in b. above, shall be separated by a minimum horizontal distance of ten feet as measured from the eave of each structure.

d. 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 agencies having jurisdiction.

e. Failure to show complete compliance with this ordinance and any deed restrictions or Property Owners Association Restrictions will be sufficient cause to withhold approval of a development permit.

f. Compliance with setback, height and lot size will be as listed in Chart 1, Exhibit 1 except as modified in this section.

3. Parking.

a. There shall be a minimum five-foot setback from the rearmost 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. Two parking spaces are required 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.

C. MF2-Specific Requirements.

1. New/Additional Construction.

a. 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.

b. No construction or structures within five feet of side property lines or ten feet of the rights-of-way.

c. Minimum setbacks and height restrictions as listed in Chart 1, Exhibit 1 apply.

2. 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.

Section 28 – Light Commercial Districts LC1, LC2, LC3, LC4, LC5, LC6.

A. District Descriptions.

LC1. GSLE subdivision Lots E, M, N and P1-4. (Located near the Sandy Mountain Cemetery)

LC2. Sunrise Beach subdivision Unit IIB Lots 332 & 333 (Located across from Timber Cove Park)

LC3. Sunrise Beach Unit I subdivision Lot E 1 and Beach Point Tracts A-D

LC4. Sunrise Beach Unit V subdivision Tract Z and a 0.421-acre tract out of Lot 651 Sunrise Beach Unit V subdivision; Lots 192 and 193, Sunrise Beach Unit I 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. (Formerly known as Sandy Land Marina)

LC5. Unit IV Lots 488, 489, 490, 491-A, and 493H. (Sandy Mtn. Drive Marina area)

LC6. Unit IV, Lots 586, 587, and 588. (Sandy Mt. Drive Marina Boat Storage area)

B. General Provisions for Light Commercial Districts.

General Provisions for Light Commercial Districts are the same as General Provisions for Heavy Commercial Districts. See Section 29 B. 1, 2, 3.

C. Permitted Uses Specific to Stated Districts.

Any uses allowed in the Single-Family Residential District SF1, provided all area, height, and other regulations of said districts are retained, are allowed. All businesses in operation as of the effective date of this Ordinance, and already registered with the city will be allowed to continue operation but must be brought into compliance 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 districts listed below allow general retail and commercial uses.
Businesses will be considered on a case-by-case basis by the City Building Inspector as to qualification in each district. Any disputes will be referred to the Planning and Zoning Commission for their recommendation to the City Council. The City Council will make the final decision. A sampling of types of businesses permitted are listed below:

1. **LC1** (Located near the Sandy Mountain Cemetery)

a. Small retail or service businesses and offices.

b. Household appliances, heating and cooling equipment sales and repair, radio, TV and electronic sales, service, and repair.

c. Enclosed storage buildings for personal use or rental

2. **LC2** (Located across from Timber Cove Park)

a. Retail boat sales, boat services and repairs; retail marine supplies and sporting goods.

b. Enclosed storage facilities for boats.

3. **LC3** (Beach Point**); LC4** (Skyline Drive area, formerly Sandy Land Marina area); & **LC5** (Sandy Mountain Dr. 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.

   h. District **LC5 Lot 493H Unit IV**. 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.

4. **LC6** (Located across the road from Sandy Mtn. Dr. Marina area)

   a. Boat and Personal Watercraft storage in 3-sided enclosed storage structure only.

   b. Use Regulations for Light Commercial Districts apply. See Section 28.B.

Section 29 – Heavy Commercial – District HC1.

A. District Description.

District HC1 is composed of Lots 296 thru 312 located on Sunrise Drive in Sunrise Beach Village Subdivision Unit II, A, and Lot 9A, Unit I, Comanche Ranchettes subdivision, exempting and excluding there from 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 9A and the south line of State Highway FM 2233.

B. General Provisions for Commercial District HC1.

1. All businesses will be conducted from, and all merchandise stored, kept or displayed within a conforming building. Vehicles including tractors, forklifts and other construction machinery will be stored out of public view when not in use.

2. 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 more than $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. Requests for permits for uses not specifically permitted hereunder will be referred to the Board of Adjustments for its consideration and recommendation to City Council for disposition.

4. Development may require a permit from LCRA to comply with the Highland Lakes Watershed Ordinance.

C. Purpose and Permitted Uses.

Any uses allowed in the Single-Family Residential District SF1, provided all area, height, and other regulations of said districts are retained, are allowed. All businesses in operation as of the effective date of this Ordinance, and already registered with the city will be allowed to continue operation but must be brought into compliance 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 businesses as well as restaurants. Businesses will be considered on a case-by-case basis by the City Building Inspector as to qualification. Any disputes will be referred to the Planning and Zoning Commission for their recommendation to the City Council. The City Council will make the final decision.

D. Personal Home Care Facility

For those with aging disabling disease, with the following requirements:

1. No more than six clients, two clients to a bedroom; and,

2. Compliance with City parking regulations; and,

3. Septic system in compliance with current LCRA regulations; and,

4. Compliance with current Fire Marshall Ordinance

5. Any other applicable ordinances governing the health, safety and welfare of clients; and,

6. 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.

7. Facility may not be established within one-half (½) mile radius of an existing personal care home.

E. Sexually Oriented Businesses

1. Purpose and Intent

It is the purpose of this 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.

2. 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.

a) "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.

b) "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:

i. 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,

ii. instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

iii. 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.

c) "Adult Cabaret" means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

i. persons who appear in a state of nudity; or,

ii. live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or,

iii. 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.

d) "Adult Motel" means a hotel, motel or similar commercial establishment which:

i. 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,

ii. offers a sleeping room for rent for a period of time that is less than ten (10) hours; or,

iii. 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.

e) "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.

f) "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.

g) "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.

h) "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.

i) "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.

j) "Nudity" means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.

k) "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.

l) "Sexual Encounter Center" means a business or commercial enterprise that, as one of its primary business purposes, offers any of the following for consideration:

i. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or,

ii. 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.

m) "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.

n) "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.

o) "Specified Sexual Activities" means and includes any of the following:

i. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or,

ii. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or,

iii. excretory functions as part of or in connection with any of the activities set forth above.

p) "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.

q) "Transfer of Ownership or Control" of a sexually oriented business means and includes any of the following:

i. the sale, lease or sublease of the business; or,

ii. the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or,

iii. 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.

3. Location

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

a) No sexually oriented business shall be established within one thousand (1,000) feet of any of the following uses in existence prior to the beginning of such business:

i. places of religious worship;

ii. a public or private elementary, secondary school or institute of higher learning;

iii. a boundary of any residentially zoned district;

iv. a public park or playground;

v. the property line of a lot used for residential purposes; or,

vi. another sexually oriented business.

b) 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 any other sexually oriented business.

4. Sexually Explicit Films and Videos

a) 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:

i. 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.

ii. The application shall be sworn to be true and correct by the applicant.

iii. 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.

iv. 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.

v. 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.

vi. 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 paragraph 4.a.v 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 paragraph 4.a.i of this subsection.

vii. No viewing room may be occupied by more than one person at any time.

viii. 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.

ix. 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.

b) A person having a duty under paragraphs i through ix of subsection 4.a above, commits a misdemeanor if he or she knowingly fails to fulfill that duty.

5. Exemptions

a) It is a defense to prosecution under this Ordinance a person appearing in a state of nudity did so in a modeling class operated:

i. by a proprietary school, licensed by the State of Texas; a college, junior college, or university supported entirely or partly by taxation;

ii. 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

iii. 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 days in advance of the class; and,

3) where no more than one nude model is on the premises at any one time.

6. Specific Violations

A person commits a misdemeanor if he or she:

a) Operates or causes to be operated a sexually oriented business without a conditional use permit.

b) 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 using a straight line in the shortest distance possible:

i. a regular place of religious worship;
ii. a public or private elementary, secondary school or institute of higher learning;
iii. a boundary of any residentially zoned district;
iv. a public park or playground;
v. the property line of a lot used for residential purposes; or
vi. another sexually oriented business.

Section 30.1 Parks District – PK1

A. Park Locations.

1. **Granite Shoals Park** (commonly known as Square Dock or GSLE Park) - Bounded on

the northeast by the shoreline of Lake LBJ, on the southeast by Tapp Point Units 1-4 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** (commonly known as 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** (commonly known as McNair 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** – (commonly known as Sandy Park) Bounded on the north by the south property line of Lot 545 of Sunrise Beach Unit IV 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. **East Lakeshore Park** (commonly known as East Lakeshore Park) - Bounded on the north by the south property line of Jody's Landing 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. Permitted Uses.

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, East Lakeshore Park and R.B. McNair Park only.

C. Other Provisions and Restrictions.

1. All designated parks WILL BE CLOSED from midnight until six A. M. The use of the parks for overnight camping and/or storage of vehicles, trailers or boats is not allowed.
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 Council.
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 area 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. Vehicles must be parked in designated areas only. For parks with boat ramps, vehicles must not block ramps longer than necessary to immediately launch or recover watercraft.
7. Control of Domestic pets is governed by the Animal Control Ordinance.

Section 30.2 - Government and Safety Services District – GPS

A. District Description

Property owned by the City of Sunrise Beach Village (the City), including the current and abandoned water plants, water storage facilities, wells, boat house, civic center, city hall, offices and any other lots owned by the City, except for those properties located in the Parks District (see Section 30.1) and those properties located in the Airport District – AR1 (see Section 25).

The district may also include property owned by others that is utilized for safety services facilities that serve the City of Sunrise Beach Village. See Safety Services in Section 5 – Definitions.

B. General Provisions for Government and Public Safety District

General Provisions for Government and Safety Services District are the same as General Provisions for Heavy Commercial Districts. See Section 29 B. 1, 2, 3.

C. Additional Provisions and Restrictions

1. The City retains the authority to designate additional property in this district, if required, for the provision of future safety services facilities, following the re-zoning procedures specified in this Comprehensive Zoning Ordinance.
2. No property may be removed from the district without the approval of the City per re-zoning procedures specified in this Comprehensive Zoning Ordinance.
3. Improvements to property in this district must follow all permitting requirements of this Comprehensive Zoning Ordinance.

Section 31- Re-Zoning

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

A. Zoning Change or Rezoning

An amendment for a zoning change or to rezone any property may only be initiated by:

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

B. Zoning Change Petition Procedure.

1. Application - All petitions to change zoning or rezone property shall be presented to the City Secretary along with a $200 nonrefundable fee, reviewed by the City Building Inspector, and shall contain the following:

    a. The petitioner's 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. A legal description of the land.

    c. The nature and effect of the proposed zoning change or rezoning.

    d. A map showing:

        i. the land affected by the proposed petition,

        ii. the present zoning classification of the land,

        iii. the zoning classification of all abutting land, and

        iv. all public and private road and street rights-of-way bounding and intersecting the land.

    e. The changed or unchanging conditions, if any, in the area or in the municipality generally, that make the proposed zoning change or rezoning reasonably necessary.

    f. Evidence that the petition is in accordance with the Comprehensive Plan.

    g. A statement of all other circumstances, factors and reasons the applicant offers in support of the petition.

C. Referral of Petition to Planning & Zoning Commission.

Upon a request by the City Council, Planning and Zoning Commission, or the receipt of an administratively complete petition, which petition, and application has been examined and approved as to form by the City Secretary, the request shall be referred to the Planning and Zoning Commission for consideration.

D. Action by the Planning & Zoning Commission.

The Planning & Zoning Commission shall hold a public hearing concerning the zoning change or rezoning request as provided by state law and shall recommend in writing to the City Council such action as the Planning & Zoning Commission deems proper.

E. Action by the City Council.

After receiving a recommendation from the Planning and Zoning Commission, the City Council shall give public notice fifteen (15) days before holding a public hearing as required by law. The City Council has the final approval authority for zoning changes or rezoning of land.

F. Ordinance Amendment

Upon approval by City Council, this Zoning Ordinance will be amended by the Planning & Zoning Commission to incorporate such approved revisions.

Protest or Support of Proposed Rezoning or Zoning Change.

1. Protest(s) or support of the proposed zoning change may be made in writing and delivered to the City Secretary prior to any public hearing or an individual or their agent may sign up to speak at the public hearing for or against the proposed change.
2. 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 (20) percent 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 300 feet there from, such amendment shall not become effective except by the favorable vote of two-thirds of the City Council members.

G. Time Limitation.

If a petition for rezoning is denied by the City Council, 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 City Council.

Section 32-Sales, Transfers, Division and/or Combination of Lots (Replat).

A. Sale and Transfer of Ownership.

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 penalties and interest, is the responsibility of the owner.

1. A lot or parcel of land shall not 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.
2. 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 days of such action.
3. Permits for construction will not 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.

B. Subdivisions.

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

1. More than one site will not 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. If lots subdivided for septic system drain fields are

to be converted back to residential structure lots, they must be a minimum of ½ acre and have a septic system approved by LCRA.

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. Subdivided lots must comply with all zoning restrictions.
5. The density, health, safety and welfare of the community will be taken into consideration.
6. Selling a portion of a lot without formally subdividing it will prevent further development of either portion until subsequent subdividing is approved.

C. Lot Combination/Replat.

Lot combinations may be necessary 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. Prior to any lot combination, all lots must be zoned in the same zoning classification. 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 Council 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 is granted and that the lots, once combined, will remain combined until 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 thirty (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.

D. Separation of Previously Combined Lots.

Lots that have previously been combined under item C above may be returned to their original platted lots, (replats) 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 Council for their review and approval. Separate sale of lots which have been previously combined is prohibited until the landowner receives approval from the City to separate the lots.

Sections 33-49 - Reserved.

ARTICLE III. REQUIREMENTS AND SPECIAL PROVISIONS

Section 50 STREETS, RIGHTS-OF-WAY, and DRIVEWAYS

A. General

The City shall have exclusive dominion, control, and jurisdiction in, over, under, thru, along, and across the streets and rights-of-way 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, thru, along, and across the streets and rights-of-way 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, thru, along, or across any streets or rights-of- way. The location, alteration, or removal, including the route, of all facilities within the rights-of- way or streets shall be subject to the reasonable direction of the City.

B. Permitted Uses in Rights of Way.

1. Mailboxes, coded gate openers, newspaper boxes, 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. Parking of owners' and guests' operable passenger vehicles on developed lots within the rights- of-way directly adjacent to the owner's property.
3. Street signs and/or approved traffic signals and warnings.
4. Signs not designed and placed to facilitate traffic control must comply with the Sign Ordinance.
5. Temporary device or barrier to warn of hazardous driving condition.
6. Pipes, hoses, conductors (Section D below).
7. Paved or improved entrances to property (Section F Below).

C. Other Provisions.

1. It shall be unlawful for anyone to occupy or obstruct any portion of the right-of-way or streets to perform any construction activity for any purpose in, over, under, thru, along or across any street or right-of-way in the City without first having made application(s) for any required permits.
2. All streets, rights-of-way, facilities, and other structures damaged or altered in any way must be restored to the same or better condition as before.
3. All street cuts and repairs shall be performed by the City or its designated contractors; individuals requesting the work will be charged by the City for the costs incurred.
4. Objects or obstructions not specifically permitted will not be placed in the right-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).
5. Feeding of animals and/or placing of animal feed in the right-of-way will be

considered to create a hazard to vehicle traffic and is prohibited. Water from sprinklers must 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 its 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 right-of-way in the City for the purpose of providing another property with any Utility Service, or with any Public Service, without having first obtained a franchise or license issued and approved by the City Council except as specifically provided otherwise by state law.
8. Any person desiring to temporarily occupy or obstruct any portion of any street or right-of-way within the City 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 right-of-way shall apply for development permit.

D. Installation of Utilities and Other Facilities.

1. Gas Piping - No pipe or hose conducting any flammable gas will be placed on or beneath the surface of the right-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 right-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 right-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.
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 right-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 right-of-way or any public street without first having applied and obtained a permit from the city. 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 right-of-way will specify the exact location of the work to be performed. The City

shall install all public water utility shutoff valves, meters and meter boxes in the right-of-way. No fences, or other structures shall be erected to limit access to these devices.

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 a city franchised utility.

E. Drainage

Drainage in the city is controlled primarily by borrow ditches adjacent to streets and roads. Existing borrow ditches will not be filled, diverted, or otherwise altered without a valid development permit. See Section 51 for additional drainage requirement.

F. Driveways

1. Property owners have the option of driving through the borrow ditch to reach their property or may elect to install a culvert or drainage structure. A permit will be required for the construction or alteration of any structure, drainage structure or facility, driveway approach, driveway, or turn-out that in any way alters the existing drainage plan and/or the surface drainage contour located within the right-of-way of any public street.

2. Driveway aprons a minimum of 5' are required for improved lots. Aprons should be tied into Street at Street Level. It is the owner's/developer's responsibility to tie driveways into the street at the level of the street; and any damage to the curb or ribbon curb (if one exists) or street needs to be repaired by the owner/developer. The apron should be concrete, asphalt,
large aggregate, or paver bricks. No loose material that could be readily transferred to the road surface is permitted. Any repairs to the apron as a result of required utility operations, is the responsibility of the property owner.

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 right-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 right-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).

H. New Streets and Roads.

1. 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: Low

water crossings are prohibited.

a. 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.

2. Street intersections shall be as nearly at right angles as practicable for safety concerns, giving due regard to terrain and topography.

3. 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.

4. 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 right-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.

Section 51 - Drainage.

A. Alteration of Water Flow Prohibited

Under no circumstances shall any owner of any lot or parcel of land be permitted to deliberately alter the topographic conditions of his lot or parcel of land in any way that would permit additional quantities of water from any source, other than what nature originally intended to flow from his property onto any adjoining property or streets, or that would permit water from any source to flow in an increased velocity that would overwhelm or breach existing drainage facilities.

B. Design and Control

Any person who develops property within the city limits shall be responsible for the design and control, or causing the design and control, of storm water drainage that would result from
development of the person's property or the creation of impervious surfaces on the person's property in accordance with this ordinance at the person's expense.

C. Drainage Study Required

1. All applications for development permits on lots with a three foot or more elevation over adjacent properties or an 8% slope rating or higher shall be accompanied by a drainage study sealed by a licensed engineer that addresses the drainage patterns that affect the lot or any other lots or properties, including adjacent streets, that may be adversely affected by the development of the lot. The drainage study shall include the impact that any structures to be placed on the property, including driveways, patios, or other impervious cover, may have on drainage patterns. Drainage water leaving a development site shall be directed to a roadside ditch or to a drainage easement with a defined ditch. The drainage study shall either:

   a. Verify that the run-off will not drain onto a downstream property or street, uncontrolled, or breach existing drainage facilities due to quantity or velocity of

the flow; or

b. Shall identify drainage facilities to be installed so that run-off will not drain on to a downstream property or street uncontrolled or breach existing drainage facilities due to quantity or velocity of the flow. The drainage study shall determine and show the drainage patterns coming onto the lot and leaving the lot. The drainage patterns shall be determined at least two lots away including two lot depths across the street, two lots on either side of and two lots behind the lot being developed and including any streets adjacent to said lots. The drainage patterns of the roadside ditch, drainage culverts, including driveway culverts existing and proposed, shall be determined, and shown on the drainage study.

2. A development permit shall not be issued unless a drainage study that complies with this section has been submitted to the City and approved by the City Building Inspector.

D. Drainage Structures and Facilities.

1. Upon consultation and approval of the city, the property owner shall direct, through the grading of the property and/or the construction of drainage facilities, drainage runoff to the nearest drainage culvert, public right-of-way with a roadside ditch, or natural drainage way.
2. Drainage facilities shall be designed and constructed in accordance with this Ordinance, the City's Subdivision Ordinance, and other applicable local, state, and federal regulations. Drainage facilities and grading of property must be designed and constructed in accordance with good engineering practices and so that no additional quantity or velocity is created that exceeds the capacity of the City's existing drainage infrastructure. Drainage facilities shall be inspected by the City Building Inspector.
3. A development permit for driveway construction shall not be issued unless plans for the drainage facilities that comply with this section have been submitted to the City and approved by the City Building Inspector.
4. To ensure proper drainage of all water from the property concerned and to preclude overflow onto other adjacent property, a culvert shall be installed before a parking apron or access driveway of any type, temporary or permanent, is constructed across a street right-of-way.
5. Culverts required for the drainage of surface water will be of sufficient size and covered by at least four inches of compacted crushed limestone base material and/or asphaltic concrete pavement. The size of the culvert needed for each property will be determined by the City Building Inspector. Installation of the culvert, fill and surface material will be at the expense of the property owner.
6. 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.
7. 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 right-of-way.
8. Prohibited: The dumping or placing of Portland cement concrete on the pavement or

right-of- way of any public street except as stated above, including the washing out of concrete batch trucks within the right-of-way.

Section 52 – Building Regulations

A. Conformity to Zoning District Required

1. 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 in this Zoning Ordinance for the specific zoning district in which the land or structure is located, provided, however, that necessary structural repairs may be made where health and safety are endangered.

2. 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. The City Building Inspector has approval authority of Development Permits for new or replacement construction.

3. Each structure will conform to the setback, building site area, structure location and land use regulations designated in the Zoning Ordinance for the district in which such structure or open space is located, and will not exceed the height limit established for the district in which such structure is located. The height limits and other applicable regulations for television, radio and communications towers and antennas may be established by separate ordinance.

4. Any item located on or buried within the setback or easement area must be relocated at the owner's expense should any public utility exercise its right to the setback easement area. Possible examples of items include sidewalks, driveways, septic systems, propane tanks, gasoline storage tanks, electrical lines, waterlines, etc.

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 as evidenced by the issuance of a valid Development Permit.

C. Conformity to On-Site Sewage Facility (OSSF/ Septic Systems) Requirements

1. Installation/Modification – The LCRA has jurisdiction over OSSF facilities within the corporate limits of the city.

   a. The LCRA established rules require approval by the Municipal Floodplain Administrator, certifying compliance with flood plain management regulations, prior to any LCRA approval for residential or commercial wastewater disposal facilities permit applications.

   b. The City will issue the required certificate if the proposed wastewater disposal facilities meet provisions of the **Flood Damage Prevention**

Ordinance 299. 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. Violations-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,

   b. Residue is discharged into the lake or natural watercourses.

D. Conformity to Highland Lakes Watershed Ordinance

To prevent non-point source pollution, enforcement of preventative measures will apply to all land/property located within the corporate limits of the city. By interagency agreement with LCRA, 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 Highland Lakes Watershed Ordinance.

1. The City hereby adopts, by reference, the performance standards of Highland Lakes Watershed Ordinance regarding 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.

2. The City will review every development proposal (Development Permit Application) and issue necessary guidance to ensure compliance with Highland Lakes Watershed Ordinance.

3. The City will issue a “Stop-Work Order” if there is a determination that development does not meet City and/or Highland Lakes Watershed Ordinance. 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.

4. The failure of any individual, business, or contractor to meet the provisions of these procedures, or the Highland Lakes Watershed Ordinance, will subject the violator to the penalties established by City Ordinances or the maximum penalty authorized by the LCRA Ordinance.

E. 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 Inspector.

F. Building Restrictions for all Residential Districts

1. Single family dwellings will consist of not less than 1200 square feet of conditioned living area. Conditioned 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.

2. Single family dwellings which are not constructed on a solid foundation and with an open space less than 48 inches between the structure and ground level require skirting. Single family dwellings which are constructed on a lot having a variable grade (i.e., a slope) exceeding a 48- inch open space will be considered on a case-by-case basis by the City Building Inspector.
3. One primary residential structure is allowed on each lot or combination of lots. Each residence will have a separate driveway entrance to a public street.
4. Metal siding on any structure shall have a non-reflective surface.
5. Any development of a lot that alters the natural overland water flow requires a plan addressing issues that may arise from the changes to the natural flow. (i.e., increased run off onto other properties, erosion, back up or flooding of other properties or roadways, etc.) The plan must be submitted and approved by the City Building Inspector as part of the Development Permit Application process. See Section 51 - Drainage for additional requirements.
6. In residential districts, a non-residential structure may not be erected or placed, nor other items 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 (6) months and additional penalties may apply
    c. An accessory structure to be used as temporary housing during construction and ultimately intended to permanently serve a residential structure, provided that the permit for the residential structure and the accessory structure has been approved. Requirements of Section 52.I will apply.

G. Construction Requirements.

In all zoning districts, in the interest of safety to persons, wildlife, domestic animals and appearance:

1. All sewage (wastewater) 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 fence, 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 and cones. All construction

holes must be filled upon completion of work and prior to occupancy.

4. 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 or sooner if container is overflowing. If household or food items are included in the trash, weekly removal is required.

    a. Commercial dumpsters may be utilized but must not encroach on roads or right of way and must not block visibility for normal road traffic (see Exhibit 1, Section B – Sight Triangles).

    b. A trash containment pit may be constructed on site but may not exceed 100 square feet in footprint. Walls may not exceed 8 ft in height. Walls must be covered with opaque material (plywood, builders wrap, landscape fabric, etc.) to screen the trash. In addition, netting or other material must be placed over the entire containment to prevent blowing trash.

    c. Trash may not be buried on the development site

5. Appropriate silt fencing is required and must be in place immediately after the clearing of the construction site. Silt fencing will comply with the *LCRA Highland Lakes Watershed Ordinance.*

H. Demolition of Structures Not Including New Development

1. Primary structures that are to be de-constructed (demolished) or removed will require a standalone permit approved by the City Building Inspector prior to deconstruction or removal of the structure. The permit will be valid for 6 months. If accessory structures are also on the lot, the Owner must agree in writing to apply for a Development Permit for a primary structure within 6 months of completing de-construction/removal of the primary structure.

2. Failure to apply for a development permit within the 6-month limit will cause the improved lot to revert to status as an unimproved lot and all accessory structures (garages, sheds, workshops, docks, etc.) on or associated with the lot must be removed. The Owner will be subject to the penalty clause in Section 95 of Consolidated Zoning Ordinance until the lot is brought into compliance with this Ordinance.

I. Temporary Housing (i.e. RV) during construction.

Temporary housing must meet the following criteria:

1. The temporary unit must be located on the site of construction.

2. Limited to one (1) unit per construction site; 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 Code Compliance Officer.

3. 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 the Code Compliance Officer at each permit renewal or reissuance.

4. Construction must begin within sixty (60) days of placement of temporary housing, or the temporary housing must be removed. Any extension beyond sixty (60) days without construction starting will require approval of the Code

Compliance Officer.

J. Parking

Off-street parking facilities shall be provided as follows:

1. Short-term parking for a period of no more than 72 hours in City Right-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.
2. Two designated parking spaces for each residential unit in the Single Family and Multi-Family Residential Districts and other residential sites.
3. One parking space for each 150 square feet of floor space for Private Clubs.
4. Places of public assembly, parking on the property to accommodate one space for each five seats.
5. Clinics, minimum of 10 spaces or one for each 125 square feet of floor space within the structure.
6. Motels, minimum of one space for each guest room, plus other required spaces for restaurants, clubs, assembly rooms, etc.
7. 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 square feet of floor space.
    e. Food establishments, one space for each 125 sq. feet of floor space.
8. 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.
9. Handicap Parking. Non-residential handicap parking requirements are a minimum of one handicapped 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 approved by the City Building Inspector.

K. Permit Display

A copy of an approved Development Permit will be posted for display by the City Building inspector in a City-provided weatherproof display mechanism at the development site. The posting location will ensure that the permit is easily viewable from the development site's

boundaries. No work may commence at the site prior to the posting of the Development Permit. It is the responsibility of the Development Permit holder to maintain the posted Development Permit and insure it always remains easily visible from the site boundaries during construction.

Section 53 – Maintenance of Lots

A. Improved Lots and Septic Lots

Improved lots and 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.

Grass will not be allowed to grow higher than twelve inches (12”) or brush and/or weeds eighteen inches (18")

a. Within thirty feet (30’) of structures situated on the improved lot(s) or to the side property line if the distance is less than thirty feet (30’);

b. Within thirty feet (30’) 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 are not allowed. Junked vehicles can be detrimental to the safety, health, and welfare of the public, tend to reduce the value of private property, create fire hazards and/or create public nuisances.

   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 (5^{th}) day after removal.

5. Abandoned Boats, Junked Boats or Personal Watercraft – including a part of a boat or personal watercraft that is visible from a public place, public right-of-way, adjacent properties and/or water, that is detrimental to the safety, health and welfare of the public, tends to reduce the value of private property, creates a fire hazard or creates a public nuisance must be removed or abated.

    a. Upon issuance of a citation and conviction, the resident or owner of the property upon which the abandoned boat, junked boat, or personal watercraft, is located will be allowed thirty (30) days in which to remove the nuisance. Relocation of a junked boat or personal watercraft to another location in the city where it remains visible, as defined in the above paragraph, has no effect on a proceeding of abatement or removal and does not extend the thirty (30) days allowed to remove the nuisance.

    b. If after 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.

7. On improved and septic lots, brush, logs, or vegetation accumulated from lot maintenance must be burned (in accordance with current City Burning Ordinance) or removed in a timely manner (normally 30 days). During periods of burn bans, material may be stored for burning on the lot(s) but must be burned in a timely manner (within 30 days) following lifting of the burn ban. Brush may be disposed of by other means (hauling off, disposal through waste management service, chipping, etc.). Any chipped materials must be leveled or may be used as landscape mulch.

B. Unimproved lots.

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. No structure is allowed on an unimproved lot.

C. Storage of brush, etc.

Storage of brush, logs and/or piles of dirt, gravel, etc. will not be permitted. When clearing unimproved lots, brush and trash will be removed in thirty (30) days or less. An approved Development Permit is required prior to the commencing of the development, construction, or reconstruction on any real property

Section 54 – Maintenance of Structures, Driveways, and Culverts

A. 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:

1. Exteriors that are painted or stained must be maintained or covered with standard building materials not normally requiring paint or stain (brick, stone, and/or siding that is painted or otherwise finished with a final coat or surface).
2. Exterior doors and windows must be sound, and secured when the occupants or owners are absent from the premises.
3. Structures that appear to be in an unsafe condition will be evaluated in accordance with the Dangerous Building Ordinance guidelines.

B. Driveway and Culvert Maintenance.

1. All driveways and culverts must be maintained and repaired as necessary by the owners of the property to prevent interference, diversion, or obstruction of flow of drainage water.

2. Owners and/or occupants of any property on which a culvert exists, are required to keep it clear of debris, raise or lower the grade and maintain such culvert from time to time to ensure the flow and drainage of storm water.

3. In the interest of preventing drainage issues, it shall be unlawful for any person to blow, dump, throw, deposit, or leave any refuse, garbage, rubbish, trash, leaves, grass, lawn clippings, limbs, dead trees, tree trunks, junk, rock, rubble or soil on any street, right-of-way, easement, or public property. It shall further be unlawful for any person to do the above on privately owned property, that by design, elevation, slope, terrain or nature serves as a part of the manmade or natural drainage system of the City.

Section 55 – Moving Structures into, or within the City

A. Mobile Homes (see definition).

Mobile Homes (see definition). 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.

The installation of new HUD Code Manufactured homes as defined under "Dwellings" to be installed by certified installers only, may be permitted if the following minimum criteria are met:

1. A Development Permit is required, and the following must be provided with the application:
    a. proof of liability insurance for moving structures,
2. Proof that the structure was originally manufactured as a dwelling designated for permanent foundation,
    a. a manufacturer's guarantee that the dwelling, when permanently installed, is designed to withstand winds of at least 70 mph, (certificate required)
    b. proof of a RED tag for which qualifies it as " HUD-Code Manufactured Home" as regulated by the Texas Department of Housing and Community Affairs.
3. HUD-Code Manufactured Homes will be located outside a half (½) mile radius of any HUD-Code Manufactured home and will meet all other restrictions established for single family dwellings by this ordinance and must comply with Chart 1 setback restrictions for the area in which it is located.

4. All Hud-Code Manufactured Homes are required to be skirted with natural stone/rock or brick and constructed as follows:

    a. A concrete footing equaling the width of the stone/rock or brick and with a minimum depth of six (6) inches must be used as foundation. Natural stone/rock or brick must be installed/laid up using a masonry mix consisting of sand, water and cement.

5. 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.

6. All other Manufactured Homes not meeting the definitions under "Dwellings" shall be prohibited from moving into the City limits.

Modular/Industrial Homes.

Modular/Industrial Homes may be located in any area zoned for single family housing.

7. The median taxable value of the Modular/Industrial Home must be equal to or greater than the median taxable value for each single family detached dwelling located within five-hundred feet (500') of the proposed location for the Modular/Industrial Home as determined by the most recent certified tax appraisal roll for each county in which the properties are located. The term "value" used in this section shall have the meaning set forth in Section 1202.253, Texas Occupation Code, as amended from time to time.

8. The Modular/Industrial Home must also have exterior siding, roofing, roof pitch, foundation fascia, and fenestration that is comparable to single family homes within 500 feet. (TX OCC Code 1202.253).

9. The dwelling must be securely fixed to a permanent foundation.

10. Modular/Industrial homes must meet all other restrictions established for single family dwellings by this ordinance and must comply with Chart 1 setback restrictions for the area in which it is located.

C. Shipping Containers, Pods, Conex, etc.

Shipping Containers, Pods, Conex, etc. are prohibited as permanent structures or residences in the City**.**

D. Relocating Structures.

1. 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)

2. Expense of moving structures out of, or reorienting 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 and Camping Type Vehicles

A. RV Parking.

Recreational vehicles will not be parked or placed on any improved lot within less than 30

feet (30') of the front street property line. Where front yard minimum depth is stipulated to be ten feet (10'), 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 feet (5') of any adjacent lot lines nor less than ten feet (10') from any side street right-of-way line.

B. Utility Connections and Occupancy Time Limit.

Recreational Vehicles when legally placed will not be permanently connected to any water or sewer facilities. They will not be occupied for more than fourteen (14) days in any 30-day period except as modified under Section 52 I.

C. Unimproved Lot Regulations for RV and Campers.

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 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, members of the immediate family, and others with the owner present.

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 20 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.

Manufactured storage type structures with a size equal to, or less than 150 square feet are permitted if the other conditions of this ordinance have been met, i.e. setbacks. A "no fee" permit is required. Sizes over 150 square feet, require a development permit.

B. Temporary Structures.

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 (6) months. Development Permit required if size exceeds 150 square feet.

C. Camping equipment (e.g. tents, tarps, or other flexible shelters).

Camping equipment will not be used in lieu of a permanently constructed structure for such uses as carports, storage buildings, residential add-on, etc. However, such equipment may be used temporarily on improved lots for a period not longer than fourteen (14) days

in any 30-day period. Longer uses may be granted for residential emergency events, civil disasters, or other contingencies with approval of the City Code Compliance Officer.

Section 58 - Landscaping.

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.

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.

C. Drought Resistant Vegetation.

The City may experience frequent droughts and periodic shortages of adequate water supply; therefore, it is highly encouraged to use xeriscaping or planting of drought resistant vegetation that does not consume large quantities of water. Residents shall follow City and LCRA watering schedules.

D. Landscaped Areas.

1. Maintenance.

   The property owner shall be responsible for the maintenance of all landscaped areas. Landscaped areas shall be maintained so as to present a healthy, neat and orderly appearance and shall be kept free of refuse, i.e., building materials and household items, including appliances and debris.

2. Irrigation.

   Environmentally sound practices for resource conservation should be followed in providing water for planted areas.

   a. LCRA requires a domestic use fee-permit for taking water from Lake LBJ.

   b. Sprinkler systems using municipal water must have an approved backflow preventer and be authorized by the City Water Department.

Section 59 – Fencing

Diverse types of fencing can be used for aesthetic purposes, to protect property, for containment of animals, and to screen objects and areas from public view. A permit is required for all fencing, and all fencing must be constructed to maintain structural integrity against natural forces, such as wind, rain and temperature variations.

A. Additional Definitions

Opaque or Opacity **-** Where applied to fences, opacity shall mean the percentage of the solid material over any representative two-square-foot area (exclusive of supports) that is impermeable to light.

B. Construction

1. An approved Building Permit is required prior to commencing construction or reconstruction of any fence. Fence permits are approved and issued by the City Building Inspector.
2. Fences shall be constructed of materials normally manufactured for, used as, and commonly recognized as fencing materials such as decorative metals, fired masonry, concrete, stone, metal tubing, wood planks, chain-link, and vinyl composite. Fence materials must also be approved for exterior use, including direct ground contact where applicable. Fences shall not exceed eight feet in height above finished grade. Exceptions may be granted for locations of excessive property slope, or where the fence crosses a ravine.

C. Placement

1. Fences shall not be allowed to adversely affect drainage or create debris build-up.
2. Fire hydrants and/or fire hose connections may not be enclosed within a fence.
3. In order to preserve lake views, fences within 30’ of the water shall be 15% opaque or less and no higher than 6 feet.
4. Fences must comply with all rules governing Sight Triangles as mandated in this Ordinance. See **Section B of Exhibit 1 – Sight Triangles** for additional information.

D. Safety Fences

Fences are required to prevent unauthorized access to hazardous facilities which include, but are not limited to, electrical substations, swimming pools, and chemical or equipment and material storage yards. These must comply with all State guidelines and adopted City building codes regarding type, size, and approved materials.

E. Commercial Areas

1. Any improved, commercially zoned lot sharing a property line with a residential lot must be fenced along the entire shared property line, including along parking areas.
2. Any portion of a commercially zoned property used for outside storage of materials or equipment of any kind must be completely enclosed by a fence.

3. All fences required under this section must be at least six feet in height above finished grade and at least 90% opaque, except in areas included in Sight Triangles as mandated by this Ordinance.

Section 60 – Sign Requirements

A. Purpose.

These provisions and regulations are created to promote the health, safety, welfare, convenience, communication, and landscape quality for the residents of the City of Sunrise Beach Village, Texas using consistent, content neutral and nondiscriminatory sign standards and requirements within its city limits. 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 City Code Compliance Officer 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.

B. General.

All signs shall be designed, placed, located, erected, constructed, and maintained in accordance with this Ordinance and all applicable federal, state, and local laws and regulations, including building codes, electrical codes, and other applicable ordinances of the City. In the event of

conflict between this ordinance and other laws, the most restrictive standard applies. Signs shall not be moved, altered, added to, enlarged, painted, or modified unless they 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.

Residential Districts Authorized Signs.

1. **Real Estate Sign(s) (For Rent or For Sale)** may be placed on the property being advertised.

    a. Non-Waterfront property.

    Limited in size to 6 square feet or less (two feet in width and three feet in height) in front yard of property, and an additional sign of same size allowed to be placed at back of property when the lot or adjoined lots being sold are street to street.

    b. Waterfront property.

    Two (2) signs will be allowed. The one facing the water may be a regular sign or a banner type no larger than 18 square feet (3x6). The street side sign will be the same as non- waterfront property signs, six square feet (2x3).

    c. All real estate signs will be removed when property is sold or rented.

2. **"Open House" Signs.**

    a. Signs may be displayed on a residential property while someone is in attendance to show the residence.

b. Signs are limited in number to two and a size no greater than 3 square feet (2 feet by 18 inches).

3. **Directional Signs (Open House)**.

   a. A directional arrow and "OPEN HOUSE" sign limited in size to 4 square feet (2 feet by 2 feet) may be displayed between 7:00 AM and 7:00 PM.

   b. Directional Signs may be placed at intersections on the right of way as long as they are not a hazard to drivers or pedestrians, or they may be placed on private property with owner's permission.

4. **Subdivision Property Sign** - Subdivision property signs may be placed on large parcels of property to indicate real estate activity of a subdivided area. A no-fee permit application is required including a sketch showing the exact size, color and location of the proposed sign(s) and will be submitted to the City Building Inspector for approval.

5. **Churches and Places of Worship** - Signs identifying churches and related activities such as times of worship are in the general interest of the community and are allowed on church property.

6. **Political Signs –** This Ordinance will conform to State Law, Texas Election Code, Chapter 259.

7. **Contractor signs** which advertise a contractor's or subcontractor'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 6 square feet (2 feet by 3 feet) and must be removed immediately at the end of construction. Each property will be allowed one sign; 2 signs on waterfront sites.

8. **Garage Sale/Estate Sale signs**

   a. A Garage Sale/ Estate Sale sign limited in size to 4 square feet (2 feet by 2 feet) may be displayed for a period of twenty-four (24) hours prior to the beginning of the Garage Sale/Estate Sale.

   b. A Garage Sale/Estate Sale Signs may be placed at intersections on the right of way if they are not a hazard to drivers or pedestrians, or they may be placed on private property with owner's permission.

   c. Garage Sale/Estate Sale Signs must be removed within 24 hours of the end of the garage sale.

9. **Miscellaneous Signs**.

   a. Miscellaneous signs, not previously covered in this ordinance, such as those advertising generic services (i.e. "Firewood for Sale", "Computer Repair", "We Buy Houses", etc.) are only permitted on private property with owner's permission, and not allowed in any right of way. These signs are limited in size to 4 square feet (2 feet by 2 feet)

C. Commercial District/Business Authorized Signs.

1. Signs advertising businesses or activities located within the corporate limits of the city.

    a. Commercial District/Business signs are limited to 32 square feet (example: four (4) feet by eight (8) feet) and may not be equipped with lights that flash or rotate. The lighting of such sign will comply with the provisions in the Outdoor Lighting Section of this Ordinance.

    b. Each commercial business is limited to 2 signs in compliance with the size limitations of subsection (a). One sign may be attached to the business, and one may be free standing. Except as provided in subsection (d), any building that contains two or more businesses, such location will be limited to one free standing sign.

    c. Any free-standing commercial sign will be limited to 12 feet in height, with an overall square footage, including frame of 108 square feet.

    d. A business located on a corner lot may have two free standing signs; one facing each road, street, or highway.

    e. A no fee permit application including a sketch showing the exact size, color and location of the proposed sign(s) must be submitted to the City Building Inspector for approval.

2. Direction signs containing the name of a business and indication of direction.

    a. Directional signs may be placed on private property with the owner's permission providing they do not cause an obstruction or hazard to normal vehicular traffic, including driver vision. An appropriate location will be determined upon approval of each request.

    b. Signs will be limited to a size not to exceed one foot in height and four 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.

    c. Directional signs for more than one business may be placed at an approved location. An overall height of four (4) feet will apply to the combined number of signs.

3. Portable Marquee Signs are included in this ordinance and shall comply with these restrictions and limitations.

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 City Building Inspector will approve or disapprove each application. Appeals to a decision made by the City Building Inspector may be made to the City Council in writing and reviewed at a regular council meeting.

E. Other Provisions.

1. Signs not in compliance with this ordinance will be brought into compliance by notice from the City Code Compliance Officer. Signs in place at the time this ordinance is enacted will be brought into compliance when changed, replaced, or upgraded.
2. The owner will remove signs when they no longer serve the purpose for which intended or approved within 24 hours.

F. 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 be in violation of this ordinance and subject to penalties herein.

G. Removal of Unsafe and Unlawful Signs.

If the Code Compliance Officer finds that any sign regulated herein is unsafe, unsecured, a menace to the public, abandoned, maintained in a dilapidated condition, or has been constructed, erected, or maintained violation of this section, or not permitted as required herein, the following actions will be taken:

1. Except as provided in the following Paragraphs 2 and 3, the Code Compliance Officer shall give the property owner written notice to repair, remove or obtain a permit for such sign as applicable within ten (10) days after notice. If the property owner fails to remove, repair, or obtain a permit for the sign to comply with all applicable standards and regulations, the Code Compliance Officer shall cause the sign to be either removed or repaired and the cost shall be charged to and paid by the property owner. If demolition or repair expenses are not paid by the property owner within thirty (30) days of billing, then expenses shall constitute a valid lien against the property. Such notice shall also provide the property owner an opportunity to bring the sign into compliance or to request a hearing before the City Council to determine whether the sign should be repaired or removed. An appeal must be filed in writing with the City Secretary within ten (10) days of the notice. After consideration of all facts, the City Council shall rule upon the appeal.
2. The Code Compliance Officer 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 Code Compliance Officer without notice to the owner if it is a hazard to vehicle or pedestrian traffic.

Section 61- Outdoor Lighting Regulations

A. Purpose.

Dark night skies and the ability to view celestial objects have social, ecological, cultural, economic, aesthetic and health benefits for the citizens of Sunrise Beach. A dark and visible night sky enhances the health and welfare of the citizens of Sunrise Beach. Dark night skies are an asset and important element of Sunrise Beach's appeal as a pleasant community in which to live and that city policy seeks to protect. The protection of dark night skies is entrusted to the City of Sunrise Beach for the benefit

of its current and future citizens. The potential for development negatively impacts dark night skies and requires reasonable regulations. The purpose of this article is to provide uniform outdoor lighting standards to assure public safety and health, promote efficient and more cost-effective lighting, enhance the ability to view the night sky and promote a positive city image reflecting order, harmony and pride, thereby strengthening the economic stability of Sunrise Beach's business, cultural, historical and residential areas. Accordingly, it is intended that this article will inspire and encourage a community-wide philosophy and adoption of these dark night sky tenets as a matter of course, beyond what is specifically set forth in this article.

B. Jurisdiction and scope.

This article applies within the city limits. Nothing contained in this article shall be construed to prevent or limit the city from applying this article to the ETJ through agreements with property owners, as a term affixed to a conditional approval (such as a variance), or as the provisions of this article may be applicable to the regulation of lighting in the ETJ.

C. Definitions.

Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth therein. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

Applicant means a person or entity who submits to the city an application for an approval required by the Code of Ordinances. To be qualified as an applicant under this article, the person or entity must have sufficiently documented legal authority or proprietary interests in the land to commence and maintain proceedings under the Code of Ordinances. To avoid confusion, the term will not include anyone other than the property owner(s), tenant(s), or a duly authorized agent and representative of the property owner. As to enforcement between tenant(s) and property owner(s) of a particular piece of property, the property owner(s) shall have ultimate liability for violations of this article.

City means the City of Sunrise Beach, an incorporated municipality located in Llano County, Texas.

City limits means the incorporated municipal boundary of the city, as may be expanded from time to time by annexation and as reflected in the official map of the city limits of Sunrise Beach.

ETJ means the extraterritorial jurisdiction of the city.

Full cut-off fixtures means fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the luminaires or indirectly from the fixture, are not permitted to project above a

horizontal plane running through the lowest point on the fixture where light is emitted.

Holiday lighting means lighting used for a specific celebration which may be one of the following types:

(1) Festoon type low-output lamps, limited to small individual bulbs on a string with a maximum output of 70 lumens within any square foot if the bulbs are coated in a color, or a maximum output of 20 lumens within any square foot if the bulbs are clear.

(2) Low-output lamps with a maximum output of 210 lumens within any cubic foot used to internally illuminate yard art.

(3) Flood or spotlights with a maximum output of 2,000 lumens each, whose light source is not visible from any other property, and which are used only as temporary lighting.

Initial lamp lumens means the product of the initial number of lumens produced by the light emitting elements of an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70 percent. Initial luminaire lumens for all luminaires tested with absolute photometry are approximated as 100 percent of luminaire lumens.

Light trespass means lighting emitted from fixtures designed or installed that causes light to fall on a property other than the one where the fixture is installed, motor vehicle drivers' eyes, or upwards toward the sky.

Lighting means any source of light that does not include natural light emitted from celestial objects or fire. The term includes, without limitation, any type of lighting, fixed or movable, designed or used for illumination of buildings or homes, including lighting for billboards, streetlights, canopies, gasoline station islands, searchlights used for advertising purposes, externally or internally on- or off-premises advertising signs, area-type lighting and luminous elements or fixtures attached to structures, poles, the earth or any other location.

Logo means a representation or symbol adopted by a business, organization, or an individual used to promote instant public recognition.

Lumen means a unit of measurement used to quantify the amount of light produced by a bulb or emitted from a fixture (as distinct from "watt," a measure of power consumption). The lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer (abbreviated lm).

Lumens per net acre means the total number of initial lamp lumens (see definition above) produced by all fixtures utilized in outdoor lighting on a property divided by the number of acres, or part of an acre, of the property being illuminated.

Luminaire, or Luminous elements (of a light fixture) means individually or collectively: the lamp (light bulb), any diffusing elements and surfaces intended to reflect or refract light emitted from the lamp.

Nonresidential means property designated as nonresidential pursuant to the city's Code of Ordinances.

Outdoor lighting means temporary or permanent lighting that is installed, located or

used in such a manner to cause light rays to shine outdoors. Nonresidential fixtures that are installed indoors that cause light to shine outdoors are considered outdoor lighting for the purposes of this article. (See Figure A). Residential fixtures installed indoors generating more than 6,200 lumens (approximately equal to a 300- watt incandescent bulb) that cause light rays to shine outdoors are also considered outdoor lighting for the purposes of this article.

FIGURE A:

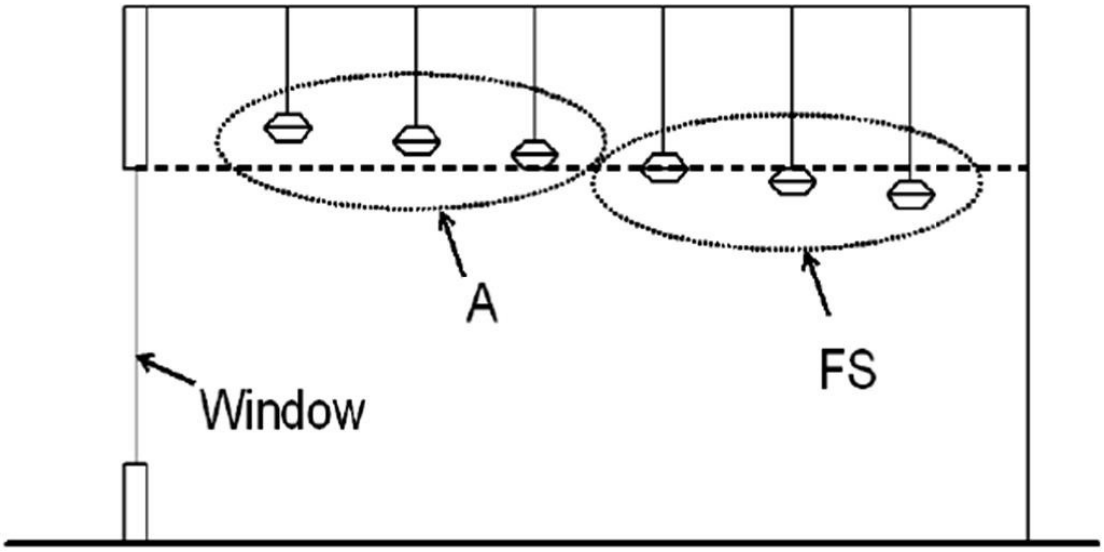

Figure A: Elevation view showing a nonresidential application of indoor lighting, labeled FS, that constitutes outdoor lighting for purposes of this article and indoor lighting, labeled A, which is installed so that it does not constitute outdoor lighting for purposes of this article.

Person means a human individual, corporation, agency unincorporated association, partnership or sale proprietorship.

Residential means property designated as residential pursuant to the city's Code of Ordinances.

Temporary lighting means lighting intended for uses which by their nature are of limited duration; for example holiday decorations, civic events or construction projects.

Total outdoor light output means the total amount of light, measured in lumens, from all outdoor lighting fixtures within the illuminated area of a property. The total lumen value is the sum of the initial lamp lumens for each fixture within the illuminated area of a property.

Uplighting means lighting that causes light rays to project above a horizontal plane running through the lowest point on the fixture where light is emitted.

D. Lighting.

1. All outdoor lighting shall be installed to comply with the standards, rules and regulations established by this article.
2. It is an offense to install outdoor lighting that does not comply with the standards, rules and regulations established by this article.

E. Nonconforming existing lighting.

All existing outdoor lighting that was legally installed before the enactment of this article, and that does not comply with the standards, rules and regulations established by this article shall be deemed nonconforming. Nonconforming existing outdoor lighting shall be brought into compliance with this article as follows:

1. All existing outdoor lighting located on a subject property that is part of an application for a conditional use permit, subdivision approval, or a building permit shall be brought into compliance with this article before final inspection, issuance of a certificate of occupancy, or final plat recordation, whichever is applicable.
2. All existing outdoor lighting located on a subject property that is part of an application for other permits issued by the city, such as a site development permit, a sign permit for an externally or internally-illuminated outdoor sign, the initial alcoholic beverage permit, the initial food establishment permit, and an on-site sewage facility permit, shall be brought into compliance with this article within 90 days from the date such permit is issued.
3. All nonconforming existing outdoor lighting that becomes damaged or inoperable and is subsequently repaired, replaced or improved, as the case may be, shall be repaired, replaced or improved in a manner to comply with this article as if new lighting.

F. Outdoor lighting in the extra territorial jurisdiction (ETJ) of the city.

Compliance with the standards, rules and regulations of this article in the ETJ is strongly encouraged. All outdoor lighting in the ETJ brought into the city limits as a result of annexation shall be brought into compliance with this article as follows:

1. All non-residential outdoor lighting that is installed, repaired, renovated or moved after the date of adoption of this article shall be brought into compliance with this article within six months from the date of annexation.
2. All non-residential outdoor lighting that is installed, repaired, renovated or moved on or prior to the date of adoption of this article shall be brought into compliance with this article within five years from the date of annexation.
3. All residential outdoor lighting that is installed, repaired, renovated or moved, on, or prior to, the date of annexation shall be brought into compliance with this article within five years from the date of annexation.

G. Full cut---off, shielding and total outdoor light output standards.

1. Governmental owned streetlights shall be full cut-off fixtures in order to limit light trespass (see Figure B). To the extent government owned streetlights are replaced or repaired with a light emitting diode (LED) luminaire, the LED luminaire shall have a correlated color temperature not to exceed 3,000 Kelvin.

   FIGURE B:

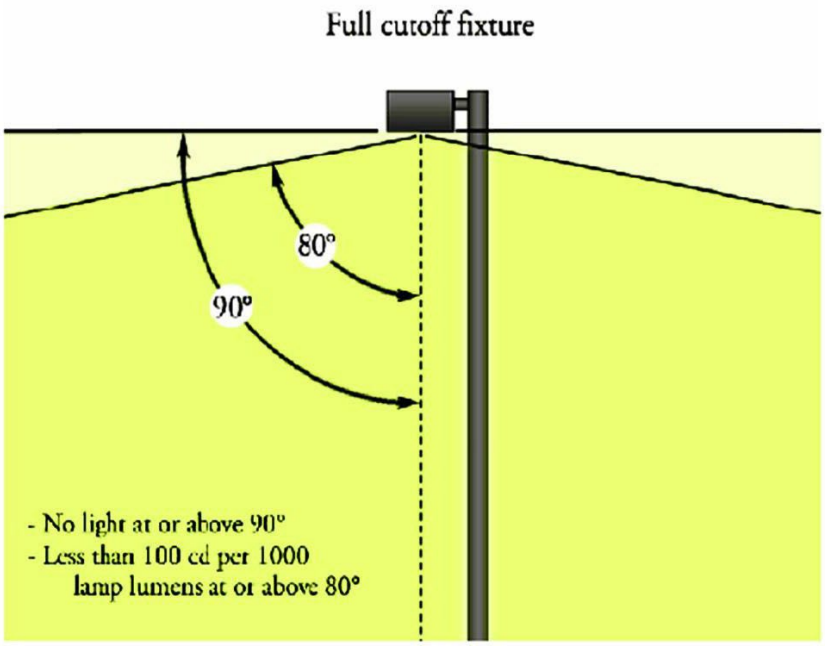

   Figure B: A full cutoff fixture has a zero uplight component.

2. All outdoor lighting, except governmental owned streetlights, shall be shielded so that the luminous elements of the fixture are not visible from any other property (see Figures C and D).

FIGURE C:

Figure C: Mounting height or proximity to property lines may cause the luminous elements of a light fixture to require additional shielding. Above are two examples of shielding.	

FIGURE D:

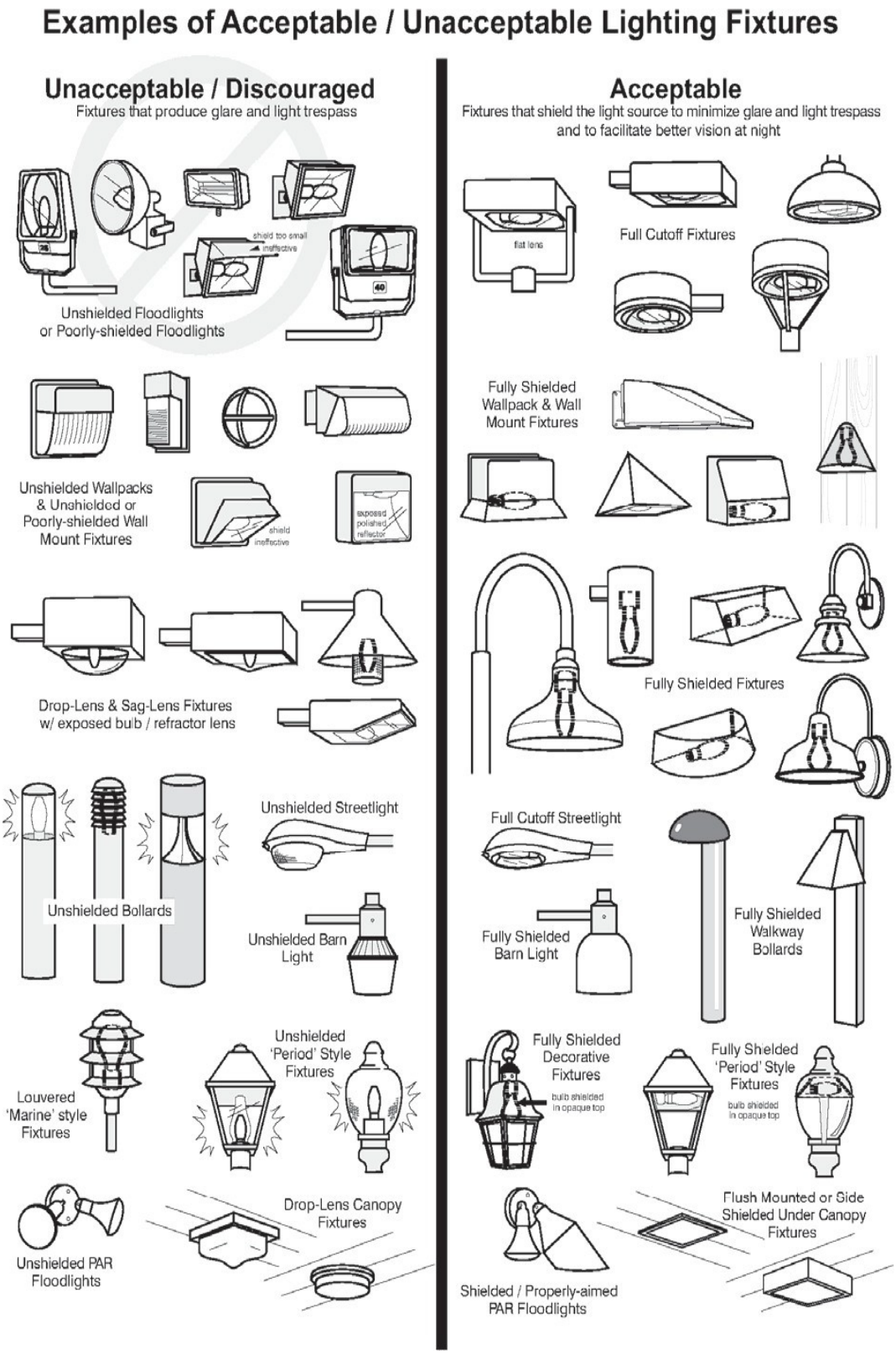

Figure D: The lights on the left are nonconforming due to inadequate shielding. Those on the right can be used in most cases; however, the mounting height and proximity to the property line may require additional shielding to prevent the luminous elements from being visible from any other property.

3. Outdoor uplighting is prohibited, except in cases where the fixture is shielded by a roof overhang or similar structural shield and a licensed architect or engineer has certified and stamped a prepared lighting plan that ensures that the light fixtures will not cause light to extend beyond the structural shield, except as otherwise specifically permitted by this article.
4. All outdoor lighting fixtures shall be full cut-off fixtures, except as otherwise specifically permitted by this article (see Figures E and F).

FIGURE E:

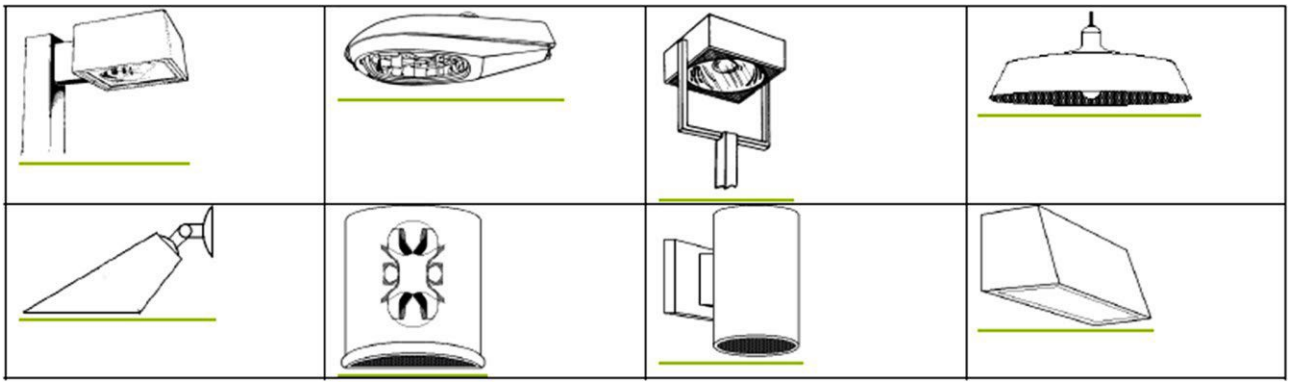

Figure E: This figure shows examples of full cut-off fixtures because they are closed on top andmounted such that the bottom opening is horizontal. Note that the mounting height and proximity to

the property line may require additional shielding to prevent the luminous elements from being visiblefrom any other property. A practical way to determine if a light fixture is a full cut-off fixture is that the lamp or tube, any reflective surface or lens cover (clear or prismatic) must NOT be visible when viewed from above or the side.

FIGURE F:

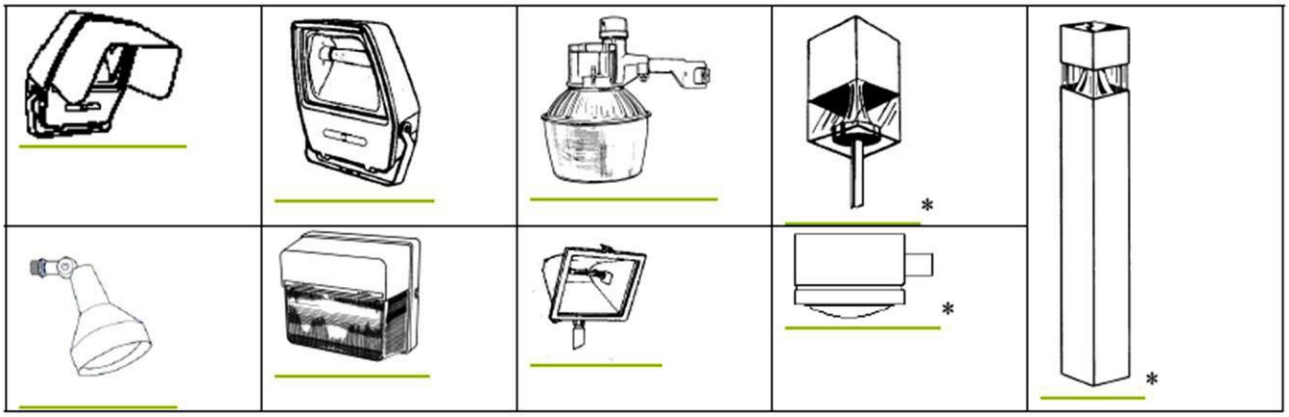

Figure F: This figure illustrates examples of fixtures that are NOT full cut-off fixtures.

*Note: Even though the lamps in these fixtures are shielded from direct view when viewed from the side or above, reflective surfaces within the fixtures and or lens covers are directly visible from the side.

5. Total outdoor light output (excluding governmental owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) of any nonresidential property shall not exceed 100,000 lumens per net acre in any contiguous illuminated area. This lumen per net acre limitation is an upper limit and not a design goal; design goals should be the lowest levels that meet the requirement of the task.
6. Total outdoor light output (excluding governmental owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) of any residential property shall not exceed 25,000 lumens per net acre in any contiguous illuminated area.
7. Outdoor recreation facilities are not subject to the lumens per net acre limit. However, outdoor recreational facilities are subject to the shielding requirement (subsection 22-706(b) above). Where fully shielded fixtures are not available, lighting fixtures using external louvers or shields that, in the final installed configuration, extend to within three inches on the lowest portion of the light fixture opening are required (see Figure G). The fixtures shall be installed and maintained with aiming angles that permit no greater than one percent of the light emitted by each fixture to project above the horizontal. It is recommended that the lumens per net acre for multi-directional aerial sports (e.g., baseball, basketball, football, soccer) not exceed 1,000,000 lumens per net acre. It is recommended that the lumens per net acre for uni-directional aerial sports (e.g., golf at a driving range, skeet shooting) and all ground level sports (e.g., field hockey, swimming, archery, target shooting) not exceed 800,000 lumens per net acre.

FIGURE G:

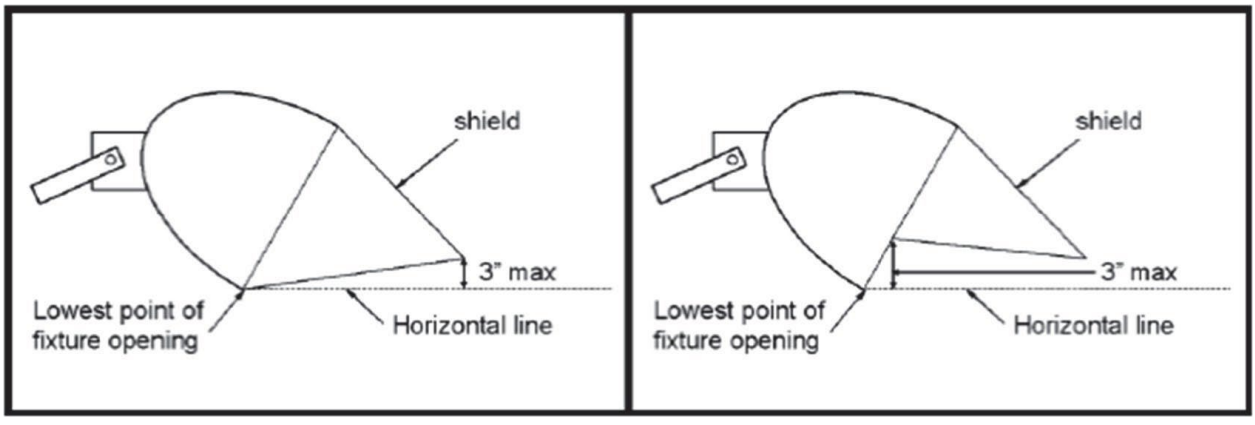

Figure G: Sports lighting where fully shielded fixtures are not available.

H. Lighting for outdoor signs and panels.

1. Outdoor internally-illuminated signs (whether freestanding or building-mounted) shall be constructed with an opaque background and translucent letters and symbols or with a colored background and lighter letters and symbols (see Figure H). The

internally-illuminated portion of the sign cannot be white, cream, off-white, or yellow unless it is part of a registered logo. White, cream, off-white or yellow are permitted in the logo only, provided that such colors in the logo shall represent not more than 33 percent of the total sign area permitted. Lamps used for internal illumination shall not be included in the total outdoor light output calculation.

FIGURE H:

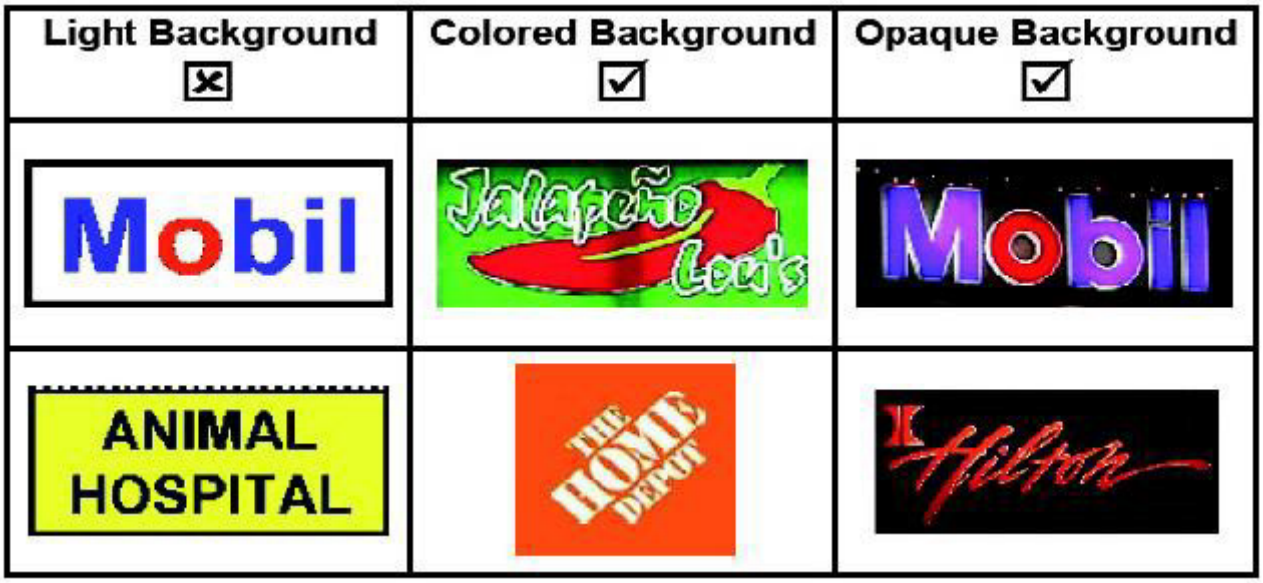

Figure H: Internally-illuminated Signs.

2. Outdoor internally-illuminated panels (such as illuminated canopy margins or building faces), shall be included in the total outdoor light output calculation.
3. Outdoor externally-illuminated signs shall conform to all provisions of this article and the sign ordinance of the City of Sunrise Beach's Code of Ordinances.

I. Lighting under canopies, building overhangs or roof eaves.

1. All outdoor lighting fixtures located under canopies, under building overhangs, or under roof eaves shall conform to all provisions of this article.
2. Outdoor lighting fixtures located under canopies, under building overhangs, or under roof eaves where the center of the lamp or luminaire is located at five feet, but less than ten feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter of the lamp's rated lumen output (see Figures I and J).

FIGURE I:

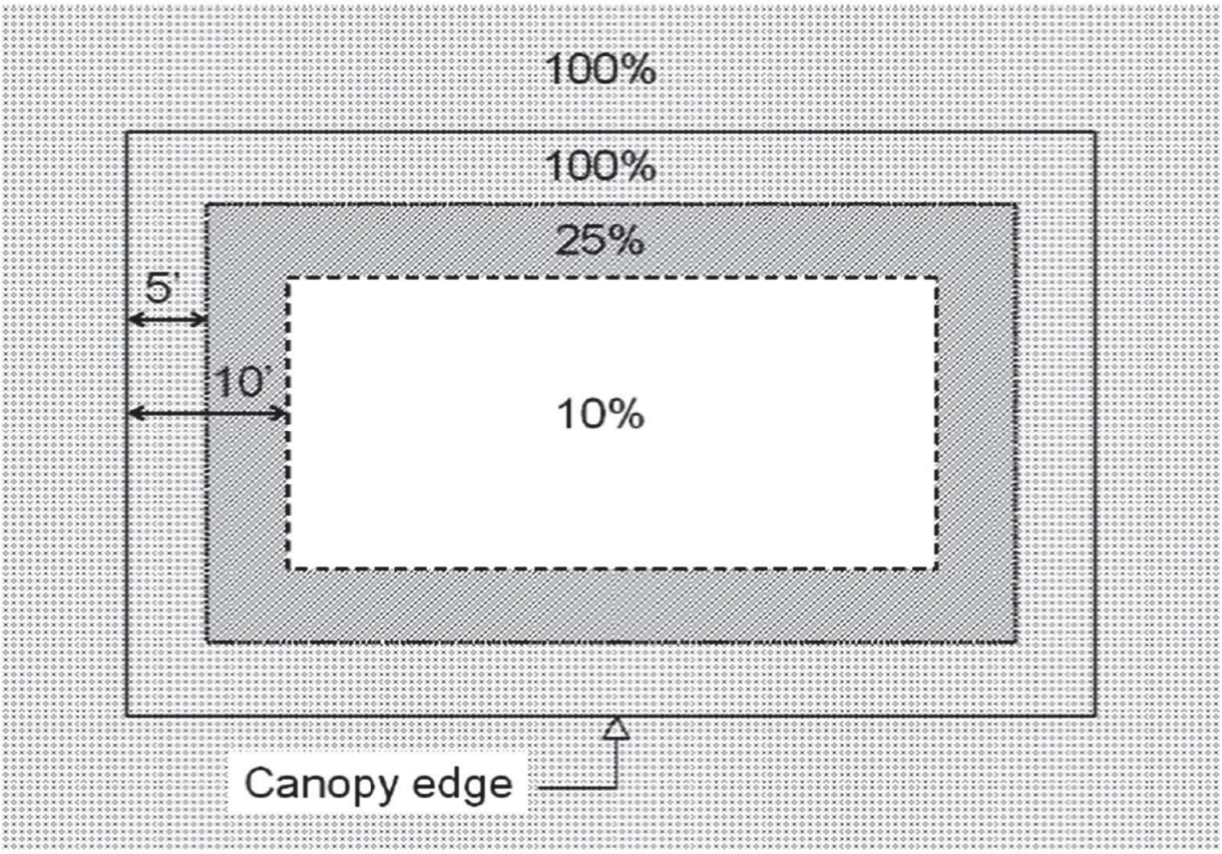

Figure I: Plan view of a canopy, showing fixture location and lumen lamp output percentage counted toward total lumens.

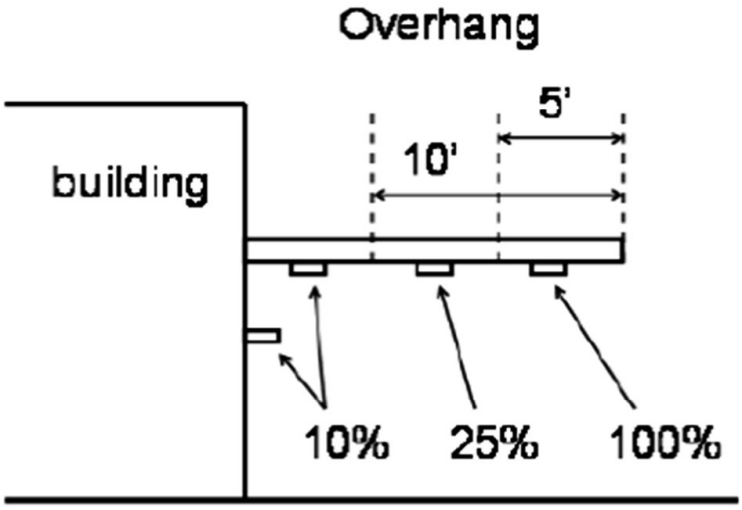

Figure J: *Elevation view of a canopy or overhang attached to a building, showing location of shielded fixtures and initial lamp output percentage counted toward total lumens*.

3. Outdoor lighting fixtures located under canopies, under building overhangs, or under

roof eaves where the center of the lamp or luminaire is located ten or more feet from the nearest edge of a canopy, building overhang, or eave are to be included in the total outdoor light output as though they produced only one-tenth of the lamp's rated lumen output (see Figures I and J).

4. The total light output used for illuminating under canopies or building overhangs, defined as the sum of all under canopy initial lamp lumen outputs, shall not exceed 20 lumens per square foot under the canopy area. All lighting mounted under the canopy, including but not limited to, lighting fixtures mounted on the lower surface of the canopy and auxiliary lighting within signage or illuminated panels under the canopy, is to be included in the total.

J. Neon lighting.

Neon lighting is permitted, so long as lumen calculations from such lighting are included in the total outdoor light output calculations for the site. Lumens are calculated on a per foot basis, rather than per "fixture". Such lighting shall also be subject to the shielding requirements of this article.

K. Lighting curfews.

All outdoor lighting is encouraged to be turned off when no one is present to use the light.

L. Prohibitions.

1. The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.
2. The installation of any wall pack style fixture for use as outdoor lighting is prohibited unless the fixture is rated by the manufacturer as full cut-off and otherwise complies with the shielding requirements of this article. Examples of acceptable wall packs, when mounted with light directed downward only are shown in Figure L.

FIGURE L:

Figure L: Samples of acceptable wall packs.

3. The installation of any barn-light style fixture for use as outdoor lighting is prohibited unless the fixture includes a full opaque reflector instead of the standard translucent lens and otherwise complies with the shielding requirements of this article. An example of barn-light style with and without the required opaque reflector is shown in Figure M.

Figure M: Acceptable shielding of barn-style light fixtures.

4. The operation of searchlights for advertising purposes is prohibited.

M. Submission of plans and evidence of compliance.

1. All commercial building permit applications must include an outdoor lighting plan which includes the following information:
    a. The location of all existing and proposed light fixtures (may be included on site plan) including those indoor fixtures defined as outdoor lighting for the purposes of this article.
    b. A lumen calculation sheet to determine lumens per net acre. It must include the total area to be illuminated, the fixture descriptions, lamp types (i.e., incandescent, low pressure sodium, compact fluorescent, LED, etc.), wattages, number of lamps, initial lamp lumens, and the light loss factor (LLF) for all existing and proposed lamps.
    c. Specification sheets for all existing and proposed light fixtures.
    d. Acknowledgement that the applicant has received notification of the provisions of this article.
2. Upon receipt of residential building permit applications, city staff shall provide the home builder and/or applicant with either a summary of or a copy of this article. The city's submission of the foregoing shall be prima facie evidence that the applicant has received notification of the provisions of this article.
3. Verification that a residential or commercial construction project requiring a building permit application has complied with the provisions of this article shall occur during the final electrical inspection by the city building inspector.

N. Exemptions.

The following lighting instances are exempt from this article:

1. Outdoor lighting fixtures, including landscape lighting with a maximum output of 300 lumens per fixture, regardless of the number of bulbs, (equals approximately one 25 watt incandescent light), may be left unshielded, provided however, the source of the light is not visible from any other property. The collective output from these fixtures shall be included in the total outdoor light calculation.
2. Outdoor lighting fixtures, including landscape lighting with a maximum output of 600 lumens per fixture, regardless of the number of bulbs, (equals approximately one 45 watt incandescent light), that are shielded with a colored lens provided such lens reduces the lumen output approximately in half, provided however, the source of the light is not visible from any other property. The output from these fixtures shall be included in the total outdoor light calculation.
3. Outdoor lighting for which light is produced directly by the combustion of fossil fuels.
4. Holiday lighting is exempt from complying with this article.
5. Lighting required by law to be installed on motor vehicles.
6. Lighting needed during activities of law enforcement, fire and other emergency services.
7. Lighting employed during emergency repairs of roads and utilities and such lighting may be unshielded.
8. Lighting required for the safe operation of aircraft.
9. Temporary lighting for theatrical, television, performance areas, or construction areas provided the lights are positioned so they do not shine in the eyes of passing drivers and the source of the illumination is shielded from any other property.
10. Temporary lighting required to save life, limb or property from imminent peril, provided the lighting is positioned so that it does not shine in the eyes of passing drivers.
11. Flag pole lighting is exempt from complying with this article.

O. Materials and methods of installation.

This article is not intended to prohibit the use of any design, material or method of prescribed installation not specifically proscribed by this article, provided such alternative meets the legislative intent of this article.

P. Compliance with building code.

All lighting installations commenced in accordance with this article must be in compliance with Buildings and Building Regulations of the City of Sunrise Beach's Code of Ordinances.

Q. Civil and criminal penalties.

The city shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to suit for injunctive relief as well as prosecution for criminal violations.

R. Civil remedies.

Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including, but not limited to the following:

1. Injunctive relief;
2. Monetary damages; and
3. Other relief as directed by a court with jurisdiction over the matter.

S. Public nuisance.

Outdoor lighting is necessary for safety, security, outdoor activities, and to deter criminal activity. This includes streetlights, porch lights, driveway lights, yard lights, dock lights, hazardous area warning lights, and others. The City wants our residents to be safe at all times.

The City also recognizes that the ability of our residents to stargaze from their yards, porches and docks is an important element of Sunrise Beach's appeal as a pleasant community in which to live and is an asset that the City seeks to protect for the residents.

Existing outdoor lighting and new development lighting can negatively impact dark night skies and therefore requires reasonable regulations based on common sense and common courtesy that accommodate both outdoor lighting and dark night skies.

1. Outdoor lighting on residential property will be installed in accordance with applicable City ordinances. Outdoor lighting will be positioned and shielded so it only lights the area for which it was installed and should not be directed onto surrounding property or create a nuisance for surrounding property owners. Lights creating a nuisance for surrounding property owners must be shielded, adjusted, relocated, or removed by the owner to eliminate the nuisance. For example, bright porch lights should be shielded enough to light the porch but not the neighbors' houses. Dock lights should be shielded enough to light only the dock, not the whole cove and houses nearby. Holiday lights are not subject to being shielded but should only be used during holiday seasons.
2. Multi-Family, Business and Commercial outdoor lighting for multi-family, general retail, office and commercial property will be in accordance with the provisions of this Ordinance and the State building codes. A lighting plan shall be included with the site plan submitted for a development permit.
3. Any violation of this article that results in light trespass or an unreasonable interference with the common and usual use of neighboring property is hereby declared to be a public nuisance which is prohibited by this article.
4. It is an offense under this article for a person to emit light onto the property of another unreasonably interfering with the neighboring property owner's use and enjoyment of the property.
5. Any nuisances that cannot be agreed upon between the residents and code enforcement shall be referred to the Planning & Zoning Commission for review and resolution.

T. Administrative guidance.

1. The city is authorized to promulgate one or more interpretive documents to aid in the administration of, and compliance with, this article. Such interpretive documents shall be educational only and shall not constitute regulations, amendments or exceptions.
2. The provisions of this article shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this article are hereby expressly repealed to the extent that such inconsistency is apparent.
3. If any section, subsection, sentence, clause, or phrase of this article is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of the ordinance codified in this article. The City Council of the City of Sunrise Beach hereby declares that it would have passed this article and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.
4. The ordinance codified in this article shall take effect immediately from and after its passage and publication as may be required by governing law.
5. It is hereby officially found and determined that the meeting at which the ordinance codified in this article was 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, V.T.C.A., Government Code ch. 551.

Section 62 – 64 Reserved

ARTICLE IV. DEVELOPMENT PERMITS

Section 65 – Development Permits

A. Conditions for Issuing a Development Permit

An approved Development Permit is required prior to the commencement of the development, construction, or reconstruction on any real property. Applications are available at City Hall and through the City's website and may be made by the owner or designated agent. Permits are approved and issued by the City Building Inspector for tracts of land or lots which comply 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. The following conditions must be met prior to consideration of approval of a Development Permit application:

1. All city taxes and liens to the city must be current prior to issuing any building permit.
2. Applications must fulfill all requirements and include all other documents necessary for the approval of the specific permit requested before approval will be granted.
3. Commercial building permits for new or remodeling projects costing more than $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.
4. Any development of a lot that alters the natural overland water flow, requires a plan addressing issues that may arise from the changes to the natural drainage flow. (i.e. increased run off onto other properties, erosion, back up or flooding of other properties or roadways, etc.) The plan must be submitted and approved by the City Code Compliance Officer as part of the permitting process. See Section 51 – Drainage for full requirements.
5. The owner, designated agent or developer must obtain an official physical address from the City.
6. A certified site survey of the lot is required before a development permit may be issued for the first structure on a lot. A permit for subsequent structures may be issued based on a prior certified site survey. An acceptable site survey must depict all proposed overhangs and/or eaves, appliance pads, pool and pool equipment, dock locations, propane tank pads, solar panel locations, location of all lot lines, setbacks, and easements.
7. An elevation certificate is required for any proposed structure located within the 100-year flood plain. The certificate must show that the proposed foundation (living area) and structure will be in compliance with existing elevation requirements and FEMA regulation.
8. Solar panel construction or addition will not be considered for approval unless accompanied by a CTEC approval form indicating their acceptance of the design of the proposed solar panel interconnect.
9. An appliance pad shall be located at two feet above the 100-year flood plain and may not be placed in any setback area.
10. The certified site survey set out in number 6 above and the elevation certificate set out

in number 7 above, must be approved by the City Building Inspector before construction proceeds. The Inspector shall evidence their approval and retain true and correct copy of each survey for the City development permit files. The concrete slab forms may not be relocated, or

the elevation of the proposed slab altered without re-survey and re-approval unless waived in writing by the City Building Inspector.

B. Permit Required

An approved Development Permit is required prior to the commencement of the development, construction, or reconstruction on any real property. Applications are available at City Hall and through the City's website and may be made by the owner or designated agent. Permits are approved and issued by the City Building Inspector for tracts of land or lots which comply with the provisions of the current zoning ordinance, and all applicable elements of the Comprehensive Plan, except as herein exempted, or upon written application and approval of a variance.

Development permits are required for the following:

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. Clearing and/or grading land for drainage.
    e. On-site wastewater disposal facility construction.
2. Construction of any new primary or accessory structure (residence, guest house, garage, carport, swimming pool, commercial building, 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 an existing building or structure. Examples: enclosing covered porch, extending closet past existing walls, adding roof to existing porch.
4. To change use, such as porch to bedroom; garage to guest house; carport to garage or additional living space.
5. Moving or relocating an existing structure larger than 150 square feet within the boundaries of the current improved lot or to another improved or unimproved lot.
6. All construction in the Beach and Marine District regardless of value. Examples: bulkheads, boathouses, piers, docks, PWC ramps/lifts, dredging.
7. All Accessory structures and storage buildings, including those 150 square feet or less.
8. Minor development including culvert or driveway installation, fencing, solar panel installation, sign installation.
9. Demolition of any structure

C. *Permits Not Required.*

Permits are not required for the following:

1. Utilitarian and/or beautification projects such as: retaining walls above the 825' M.S.L. contour, sidewalks, fences around trees, flower beds and gardens less than 250 square feet. However, if the project is in the Beach and Marine District, a Development Permit is required.
2. Repairs and/or normal maintenance, if floor and/or roof lines are not altered, and the intended use is not changed from the original purpose.

(Note: Even if a Development Permit is not required by this ordinance, property owners are encouraged to review plans with the City Building Inspector.)

D. *Development Permit Durations.*

1. A Development Permit for a Primary Structure will be valid for 30 months. If the primary structure is not completed within 30 months, it becomes a violation, and the deposit is forfeited. Monthly extensions may be requested on a case-by-case basis and must be approved by the City Council. City Council will determine the monthly fee at that time and applicable deposit.
2. A Development Permit for all other construction (Except for Demolition) will be valid for 18 months. If the construction is not completed within 18 months, it becomes a violation, and the deposit is forfeited. Monthly extensions may be requested on a case-by-case basis and must be approved by the city council. City Council will determine the monthly fee at that time and applicable deposit.
3. Demolition Permits will be valid for 6 months with no extensions.
4. All excess building materials, building refuse, trash and dirt/gravel mounds must be removed before the Development Permit deposit is refunded.
5. Any construction not completed in the permitted time frame, construction without a permit, or construction with an expired permit will incur a penalty as defined in Section 95 – Penalties and Liens.

E. *Permit Display*

A copy of an approved Development Permit will be posted for display by the City Building inspector in a City-provided weatherproof display mechanism at the development site. The posting location will ensure that the permit is easily viewable from the development site's boundaries. No work may commence at the site prior to the posting of the Development Permit. It is the responsibility of the Development Permit holder to maintain the posted Development Permit and ensure it always remains easily visible from the site boundaries during construction.

F. *Development Permit Fees*

The appropriate fees will accompany Development Permit applications and will be deposited to the City's general fund on receipt. Fees may be adjusted by the City Council and are designed to cover administrative costs and a refundable deposit for potential Ordinance or code violations and penalties during construction. The Development Permit fee for property development and new construction includes the Floodplain Inspection required by the Municipal Floodplain Ordinance and the Municipal Floodplain 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 Highland Lakes Watershed Ordinance.

Development Permit fees may be found in the Development Permit Application

Package, included in Appendix A to this Ordinance.

Section 66 – License, Inspection and Code Requirements

A. License Requirements

All plumbing, electrical, mechanical (HVAC) and irrigation work shall be performed under the supervision of persons holding valid and current State of Texas licenses entitling such persons to perform the work. A property owner may elect to perform the work himself/herself if he/she considers themselves qualified and the State licensing authority allows such action. All work must meet all applicable codes and requirements and is subject to inspection and approval by a person licensed in that discipline.

B. Inspections Required

Inspection of construction progress shall occur according to the Inspection Completion Record to ensure construction on a project is consistent with any plans submitted in conjunction with an application and with the building codes. It is the responsibility of the permit holder to ensure that the project receives inspections at each required stage, by IRC licensed inspection parties or as stated on the approved plan review. Failure to follow any required procedure will subject the permit holder to a deduction from the construction deposit not to exceed five hundred dollars ($500.00). Each and every day a violation occurs shall be deemed to constitute a separate offense.

Inspections and approvals shall be made at the following stages:

1. **Forms and Setback** – This inspection is performed by the City of Sunrise Beach Village building official to confirm the following:
    a. Building and site layout are consistent with approved plans.
    b. Forms are per plans and no setback violations are evidenced.
    c. Silt fencing and erosion control is adequate and in place.
2. **Under Slab Utilities**– Permit holder responsibility
    a. Underground building drain, building sewer lines, water lines are pressurized and underwater test. Any required LCRA signoff has been obtained.
    b. Check pipes and fittings for leaks.
    c. Ensure that the main drain lines are properly sized for house fixtures.
    d. Identify locations of building cleanouts.
    e. Protect piping from masonry penetrations and corrosion at concrete interfaces.
    f. Review installation of any floor slab electrical conduits.
3. **Footings and Foundation** – Permit holder responsibility
    a. The footings are constructed per the approved plans.
    b. All loose soil, mud, or water is removed from the bottom of the footing. Debris, water, and/or ice has been removed from spaces to be occupied by concrete.
    c. Steel reinforcement is properly placed and the steel grade, size, spacing, splicing, and cover follow the approved plans.

d. Any required electrical bonding or ground connections are made per approved plans.

4. **Roof and Shear (Framing)** – Permit holder responsibility
    a. Verify all framing members in accordance with approved drawings and details.
    b. Identify header/beam and post sizes, top plate breaks and anchor bolt spacing. Verify that all beams are supported down to the foundation.
5. **Top Out Plumbing, Mechanical and Electrical–** Permit holder responsibility.
    a. Check that all top plate breaks as well as plumbing, mechanical and electrical holes and notches have proper protection.
6. **Insulation–** Permit holder responsibility
7. **Sheetrock and Gas (if applicable) –** Permit holder responsibility
8. **Electrical Release–** Permit holder responsibility
    a. Required to verify that it is safe to connect power to the service panel.
9. **Gas Release (if applicable)** – Permit holder responsibility
    a. Required to verify it is safe to connect propane to the house and fill the tank.
10. **Pool Inspection (if applicable)** – Permit holder responsibility
    a. Confirm rough plumbing, rebar, gas (if applicable) and electrical are trenched and in place.
    b. Proper bonding of rebar and any metal.
11. **Final Inspection** - This inspection is performed by the City of Sunrise Beach Village building official to confirm the following:
    a. All construction is complete, and improvement is ready for occupancy.
    b. Pool fencing meets code requirements (if applicable)
    c. All debris and construction material has been removed, including portable toilets (Silt fencing and erosion control may be left in place until landscape, lawn covering, etc. has taken hold.)
    d. Any damage to city property has been repaired.
    e. Termite control treatment has been applied by a party licensed by the State of Texas.

C. Applicable Codes:

Permitted structures shall be built according to the codes referenced herein. Copies of these codes may be viewed at the City of Sunrise Beach Village City Hall.

The following codes are hereby adopted by reference as though they were fully copied herein:

a. International Residential Building Code – 2015 Edition
b. International Fuel Gas Code - 2015 Edition
c. International Mechanical Code - 2015 Edition
d. International Plumbing Code - 2015Edition
e. International Pool and Spa Code - 2015 Edition
f. National Electric Code – 2014 Edition
g. International Building Code (commercial) – 2015 Edition
h. International Fire Code – 2015 Edition
i. NFPA 101 Life Safety Code – 2015 Edition

Adoption of the above referenced codes supplement but do not alter or repeal any other

ordinance of the City of Sunrise Beach, Texas that establish zoning and govern residential and commercial construction.

Section 67 – Conditional Use Permits

A. *Purpose.*

The City Council may by ordinance, 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 Council 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 Council.

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 5 acres, shall not occupy more than 10 percent of the total lot area and shall be set back from all property lines at least 2 feet for each 1 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. Alcoholic Beverages for those specific uses and in the specific zoning districts as provided by this Ordinance.

C. *Procedure.*

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, and before authorization of any of the above conditional uses, public notice shall be given and public hearings shall be held as provided in Chapter 211, Tex. Loc. Gov't. Code;

Section 68- Certificates of Occupancy.

A. Policy and Application.

A Certificate of Occupancy issued by the City Building Inspector shall be required before:

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. Occupancy or use of any structure or building that has had utilities (water, electric or septic) reconnected following a disconnection period of 6 months or more.

B. Procedure.

1. New and Altered Structures - 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 days after a written request for the same has been made to the City Building Inspector or their 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 and the associated Development Permit
2. Change in Use - A 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, is required and shall be made to the City Building Inspector. If the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy shall be issued within ten days after the application for same has been made.
3. Compliance for previously Revoked Certificate of Occupancy – A Certificate of Occupancy is required for an existing structure that has had utilities (water, electric or septic) disconnected for a period of 6 months or more. The Certificate shall be issued within ten days after a written request for same has been made to the City Building Inspector or their agent after the reconnection of all utilities (water, electric and septic) has been completed.

C. Approval.

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 the city water utility 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.
2. 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 Building Inspector, or their 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 Building Inspector for a period not to exceed six 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 Building Inspector by the owner or lessee of the building or land occupied by such non-conforming use within one year of the effective date of this Ordinance. It shall be the duty of the City Building Inspector to issue a Certificate of Occupancy for a lawful non-conforming use, and the refusal of the City Building 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.

F. Revocation.

A Certificate of Occupancy shall be revoked for a residence or structure if any necessary utilities (water, septic, or electricity) needed for the protection of public health, safety and welfare are disconnected or turned off. Anyone occupying a structure without these utilities turned on will be in violation of this Ordinance and penalties will apply as defined in Section 95.

Section 69 – Non-Conforming Structures and Uses.

A. Non-Conforming Structures

Where a lawful structure exists on the effective date of the adoption or amendment of this Ordinance, that could not be built under the terms of this Section due to 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 non-conforming 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 non-conforming structure or non-conforming portions of a structure be damaged or in disrepair, it may be repaired as long as the repairs do not change the original footprint of

   the structure. Replacement of more than 50% of the structure will result in rebuilding in compliance with the current regulations of 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 non-conforming 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 because 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.

B. Non-Conforming Uses.

1. General Policy - The general public, the City Council, and the Planning and Zoning Commission are directed to take note that non-conformity in the use and development of land and buildings is to be avoided, or eliminated where now existing, whenever and wherever possible, except:
    a. When necessary to preserve property rights established prior to the date these regulations become effective as to the property in question;
    b. When necessary to promote the general welfare and to protect the character of the surrounding property.
2. Continued Non-Conforming Uses - A non-conforming use may be continued as long as It remains otherwise lawful, subject to the following provisions:
    a. No existing structure devoted to a non-conforming use shall be enlarged, extended, constructed or reconstructed.
    b. A non-conforming 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 non-conforming use was discontinued, and such use was not discontinued for a period of 90 days or more.
    c. Any non-conforming 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.
3. Termination of Non-Conforming Use.
    a. Removal or destruction of a structure containing a non-conforming use shall eliminate the non-conforming use status.
    b. A non-conforming use shall terminate upon any sale or conveyance of the property.
    c. A non-conforming use shall not be changed unless changed to a conforming use and may not thereafter be changed back to any non-conforming use.
    d. Should a non-conforming structure containing a non-conforming use become physically unsafe or unlawful due to lack of repairs or maintenance, and is declared unsafe or unlawful because 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.
4. Certificate of Occupancy Required
    a. Any proposed non-conforming use requires a valid Certificate of Occupancy (see Section 68) issued by the city.
    b. The Planning and Zoning Commission shall have the responsibility for the initial consideration of Certificate of Occupancy for non-conforming uses. The City Council shall have final authority to grant or reject any such certificates.
    c. The Planning and Zoning Commission may recommend, and the City Council 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.

Section 70– 72 Reserved

ARTICLE V. ADMINISTRATION

Section 73 - General.

City Officials shall administer the provisions of this Ordinance as follows:

A. Records.

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

B. Applications.

1. Development Permit Applications.
   The City Building Inspector will receive and review all Development Permit Applications to determine whether they comply with the provisions of this Ordinance.
2. Petitions for Zoning District Changes.
   The City Building Inspector will review and forward petitions for zoning district changes to the Planning and Zoning Commission along with any comments.
3. Amendments.
   The Planning and Zoning Commission will hold an annual meeting to hear suggestions for change or may receive suggestions for change by letter or email to City Hall. In addition, the Planning and Zoning Commission may review this Ordinance from time to time and propose changes and/or revisions to the City Council. Variance or Appeal Requests. The Board of Adjustment and Appeals Chair will receive requests for variances or appeals.

C. Procedure.

1. Development Permits.
   The City Building Inspector has approval authority to issue Development Permits when all requirements are met, and all aspects of the request comply with this Ordinance and the City's Comprehensive Plan.
2. Zoning Change Requests.
   After holding a public hearing as provided by state law, the Planning and Zoning Commission will forward the proposed zoning change request with their recommendations and comments to the City Council. The City Council is the approval authority for all City zoning actions.
3. Amendments.
   The Planning & Zoning Commission will hold a public hearing to receive input from citizens before making a recommendation to the City Council on any proposed

changes to this Ordinance. The City Council is the approval authority for amending this Ordinance.

4. Variance or Appeal Requests.
   The Board of Adjustments and Appeals will render their decision after holding a public hearing as provided by state law. The Board of Adjustment and Appeals decision on appeals and variances is final.

D. Implementation.

The City Building Inspector will make determinations and decisions as may be required of them by this Ordinance and will implement the provisions of this Ordinance and the final decisions of the Planning and Zoning Commission, City Council and the Board of Adjustment and Appeals.

E. Enforcement.

The Sunrise Beach Code Compliance Officer or City Building Inspector, as appropriate to the section in question, shall enforce this Ordinance and the final decisions of the Planning and Zoning Commission, City Council, and Board of Adjustments and Appeals.

Section 74 – Planning and Zoning Commission

A. Established.

The Planning and Zoning Commission (hereafter in this section "the Commission") is established in accordance with the provisions of § 211.007, 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. Membership
   The Commission consists of 5 members and 2 alternates appointed by the City Council for a term of 2 years. The Chair is appointed from the members by the Mayor with approval from the City Council. Vacancies shall be filled by appointment of the Mayor for the unexpired term of the member whose term becomes vacant.
2. Meetings.
   The Commission is required to hold an Annual Meeting. Additional meetings and working sessions are called at the discretion of the Chair. All meetings are open to the public.
3. Hearings
   The Commission shall hold public hearings as provided by state law concerning zoning changes, rezoning, use changes and proposed amendments to this Ordinance.

C. Responsibilities

1. Consolidated Zoning Ordinance.
   a. The Commission will consider proposed changes to zoning, and changes/amendments to the Consolidated Zoning Ordinance and forward recommendations to the City Council. The City Council is the final authority for changes to this Ordinance. A three-fourths vote of the Council Members is required to override the recommendation of the Commission.

b. he Commission will review and update this Ordinance as deemed necessary.

2. Sunrise Beach Village Comprehensive Plan.

   a. The Commission will review and update the Sunrise Beach Village Comprehensive Plan as deemed necessary and submit updated versions to the City Council for adoption.

3. Subdivision Development Ordinance.

   a. The Commission will hear and review requests for variances to the rules and regulations of the Subdivision Development Ordinance and forward recommendations to City Council for their approval or denial.

   b. The Commission will review the Subdivision Ordinance and recommend changes to the City Council as deemed necessary.

4. Substandard and Dangerous Buildings and Structures Ordinance.

   a. The Commission will review and update the Substandard and Dangerous Buildings and Structures Ordinance as deemed necessary and submit updated versions to the City Council for adoption.

D. Rules and Regulations

1. Minutes will be kept of all meetings and hearings and shall be filed with the City Secretary.
2. A majority vote by the Commission is required to recommend approval or denial of requests for zoning changes or amendments to this Ordinance to the City Council.
3. After holding a public hearing as provided by law, the Planning and Zoning Chair will send a letter to the City Council stating their recommendation .

Section 75 – 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 five members - the Chair of the Planning and Zoning Commission and four other members appointed by the Mayor and approved by the City Council. Members of the Board shall be removable for cause by the City Council, upon written charges and after a public hearing. Board members shall serve for a period of two years or, in the case of the Zoning Chair, until he/she vacates his/her position on the Zoning Board whichever occurs first. Vacancies shall be filled by appointment of the Mayor for the unexpired term of the member whose term becomes vacant. The Chair shall be appointed by the Mayor and approved by the City Council 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 Council. 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 Chair and at such other times as the Board may determine.

4. Hearings.

   All meetings and hearings held by the Board shall be made public. However, upon the advice and consent of the City Attorney, the Board may go into executive session pursuant to Chapter 551, Tex. Gov't. Code.

C. Rules and Regulations

1. 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.
2. The Board shall act by resolution in which four members must concur.
3. 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.
4. All rules and regulations shall operate uniformly in all cases and all resolutions and orders shall be in accordance therewith.

D. Appeals

1. **Procedure** - Any person aggrieved by a decision of an administrative officer in the enforcement of Chapter 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 Chair 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 is taken. A fee of two hundred dollars ($200) or an amount as set by the City Council is required to defray cost and is required to be submitted with the request for a public hearing. The fee 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.

E. 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 Chapter 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; or,
   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; or,
   c. to 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.

F. 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.

G. 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.

H. Fees.

Fees to defray the costs of appeals will be established by the City Council and will deposited to the City's general fund.

Section 76 -Amendments.

A. Suggestions for Changes.

1. Suggestions and recommendations for changes to this ordinance (other than zoning changes) may be presented to the Planning and Zoning Commission at the Annual Meeting or any time by letter or email to the Chairperson through City Hall.
2. From time to time, the Planning and Zoning Commission may review this Ordinance and propose changes and/or revisions to the City Council.

B. Action by the Planning & Zoning Commission.

1. The Commission will hold a Public Hearing to discuss the suggestions or proposed changes recommended by the Planning and Zoning Commission and give others an opportunity to express their opinions.
2. The Planning and Zoning Commission will vote to "recommend" or "not recommend" the changes to the City Council and inform the Council by letter of their decision, along with a copy of the minutes.

C. Action by the City Council.

The City Council will hold a public hearing to consider the recommendation of the Planning & Zoning Commission and other citizens before voting on the proposed change(s). The Council has the final authority to approve or deny a proposed change(s). A three-fourths (3/4) vote of the Council is required to override a recommendation of the Commission.

D. *Approved Changes.*

Approved changes will be in the form of an amendment and attached to this Ordinance until revision of this Ordinance.

Section 77 – 79 Reserved

Section 80 - 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 a question arises concerning the meaning or intent of a provision of this Ordinance, a request shall be made to the Planning & Zoning Commission for their review and resolution. P&Z will provide a recommendation to the City Council including disposition of the original request as well as recommendation for change to the Ordinance.

D. *Written Decisions Binding.*

The City Council will provide a written decision Regarding the recommendations of C above to the requesting party as well as any instruction to P&Z to change the Ordinance.

E. *State Law.*

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

F. *Comprehensive Plan.*

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

1. Where the proposed zoning application is inconsistent with one 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 the Planning and Zoning Commission to secure the necessary zoning classification or approval of a variance required for the proposed development to comply with the Subdivision Ordinance.

Section 81-Fees.

To defray the costs of administering this Ordinance, including costs of notices for Hearings, the applicant 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 Council, and on file in the City Office.

Section 82-Council Authority.

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

Section 83-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 84-Enforcement.

A. Administrative Action.

The City Building Inspector, Code Compliance Officer, 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 the issuance of stop work orders.

B. Court Proceedings.

Upon the request of the City Council, the City Attorney shall file an action in the district courts to enjoin the violation or threatened violation of this Ordinance, to obtain declaratory judgment, 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 this Ordinance.

C. Stop Work Order.

Whenever any work is being done contrary to the provisions of this Ordinance, another controlling ordinance or statute governing a building or structure, the City Building Inspector may order the work stopped by notice verbally or in writing served on any persons engaged in the doing or causing such work to be done and the City shall post a STOP WORK ORDER on the property. Any such persons shall forthwith stop such work

until authorized by the City Building Inspector to proceed with the work. If a permit has **not** been issued, all work shall stop until a permit has been properly issued and all errors corrected to the satisfaction of the City Building Inspector. The City Building Inspector may also issue a work correction order, which shall be served upon any persons who are working on a certain aspect of the construction project. The work on other aspects of the construction not in violation of the City's ordinances may proceed, but work shall cease as to that aspect in violation of the City's ordinances.

Sections 85-90-Reserved.

Section 91-Construction.

The terms and provisions of this Ordinance shall not be construed in a manner to conflict with Chapter 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 Chapter 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-Severability.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 93-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 94-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, Chapter 511, Tex. Gov't. Code.

Section 95-Penalty and Liens.

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.

A lien will be filed by the City against the property for any penalty/fine not paid.

EXHIBIT 1-SETBACKS, SIGHT TRIANGLES AND HEIGHT RESTRICTIONS

Section A - Setback, Height Limit and Lot Size Requirements.

1. Figures 1-4 and Chart 1 define the application and dimensions of the setbacks to typical situations encountered in the City. Information contained therein applies generally unless amended in specific zoning districts or by the body text of other ordinances.
2. Except as otherwise specifically provided in this Ordinance, setback measurements will be taken from any structure including any overhang or other projections and the applicable property line. No building eaves, chimney, air conditioning units etc. will be constructed or placed within the required setbacks.
3. 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 a structure on any other lot.
4. Any item located on or buried within the setback or easement area must be relocated at the owner's expense should any public utility exercise its right to the setback easement area. Possible examples of items include sidewalks, driveways, septic systems, propane tanks, stationary generators, gasoline storage tanks, electrical lines, waterlines, irrigation lines, etc.
5. Minimum lot sizes are as originally platted. Lots may be combined to create larger parcels in which the setbacks from originally platted dividing lines are eliminated (peripheral boundaries of the combined lots excluded).

Section B – Sight Triangles

For purposes of traffic safety, clear Sight Triangles shall be maintained on all corner lots and the intersections of all streets in all zones.

1. These triangular areas will be determined by measuring along the centerline of intersecting streets or street from the point of intersection of the same, thus providing for a Sight Triangle across the corner as shown in Figure 3. These triangles are established regardless of the width of the intersecting rights-of-way or the amount of required zoning setback.
2. Within the Sight Triangle, no wall, shrubbery, ornament, sign, marquee, or other obstruction to vision between a height of two feet and eight feet above the center line grades of the intersecting streets shall be erected, placed, planted, allowed to grow, or maintained.
3. Fences may extend into the Sight Triangle (subject to all other applicable ordinances), provided such fence is no more that 15% opaque anywhere within the vertical clear space defined in (2) above, and that supporting posts or columns are no wider that one foot and spaced no closer than six feet on center.
4. Existing mature trees may remain within the Sight Triangle, provided limbs and branches within the vertical clear space defined in (2) above are removed or modified such that the City Code Compliance Officer determines that they pose no significant impediment to traffic safety.

Chart 1 – Setback Dimensions

District	Description	FRONT SET BACK				SIDE SET BACK		REAR SET BACK					HEIGHT LIMIT	
		Depth of Lot	Setback	Depth of Lot	Setback	Front Street Only	With Side Street	No Rear Street	Front and Rear Streets				Primary Structure	Accessory Structures
									Depth of Lot	Setback	Depth of Lot	Setback		
AG1-1	Agricultural	<= 400	0.5xDepth	>400	200	30	30	30	-	-	-	-	-	-
SF1	Single Family	<= 100	10[4]	> 120	30[4]	5	10	5	<= 120	20	>120	30	-	20[1,8]
SF2	Jody's Landing	<= 120	20	>120	30	5	10	5	<= 120	20	>120	30	See Note 1	
SF3	Water's Edge	Lots 1-4	150	Lots 5-6	30	10	-	Lot #1 - 85, #2 - 80, #3 & #4 - 75, #5 & #6 - 10[5]					35[1,6]	16[1,8]
SF4	Approach-South	<= 100	10	>100	30	5	10	5	<= 120	20	>120	30	See Note 1	
SF5	Single Family	<= 100	10[4]	> 120	30[4]	5	10	5	<= 120	20	>120	30	-	20[1,8]
AS1	Airport Support GSLE	<= 100	10	>100	25	5	10	5[3]	<= 120	20	>120	30	20	
AS2	Airport Support - Airview	<= 100	10	>100	25	5	10	5[3]	<= 120	20	>120	30	20	
AA1	Approach – North	<= 100	10	>100	30	5	10	5	<= 120	20	>120	30	See Note 1	
MB1	Marine & Beach	-	-	-	-	5[9]	5[9]	-	-	-	-	-	13' – 15' See Section 26	
MF1	Multi Family/Park Lane	<= 100	10	>100	30	5	10	5	<= 120	20	>120	30	30[2]	16
MF2	Multi Family/Sunrise Ave	Any	10	Any	10	5	5	-		-	-	-		30[2]
GPS/LC/HC	Commercial	<= 100	10	>100	30[7]	5[7]	10	5	<=120	20	>120	30	35	35

Notes:

1. See detailed texts for Districts SF2, SF3, SF4, & AA1 to determine height restrictions in flare area.
2. Multi-Family dwellings are limited to two stories not exceeding a total height of 30 feet above grade.
3. Setback is 25 feet if lot adjoins the Runway.
4. For lot depths between 100' and 120', setback is proportional between 10' and 30'.
5. Setback of 5' is allowed for Lot 5 on side adjoining Lot 40
6. Maximum of two stories and lesser of 35' above first floor slab or 37' above natural grade, exclusive of chimneys.
7. Lot 493H has front setback of 5' and side setback of zero.
8. See Section 57 for additional requirements.
9. Setback of 5'applies to dock areas. See Section 26 for details.

Figure 1 – Adjacent Lot Setbacks

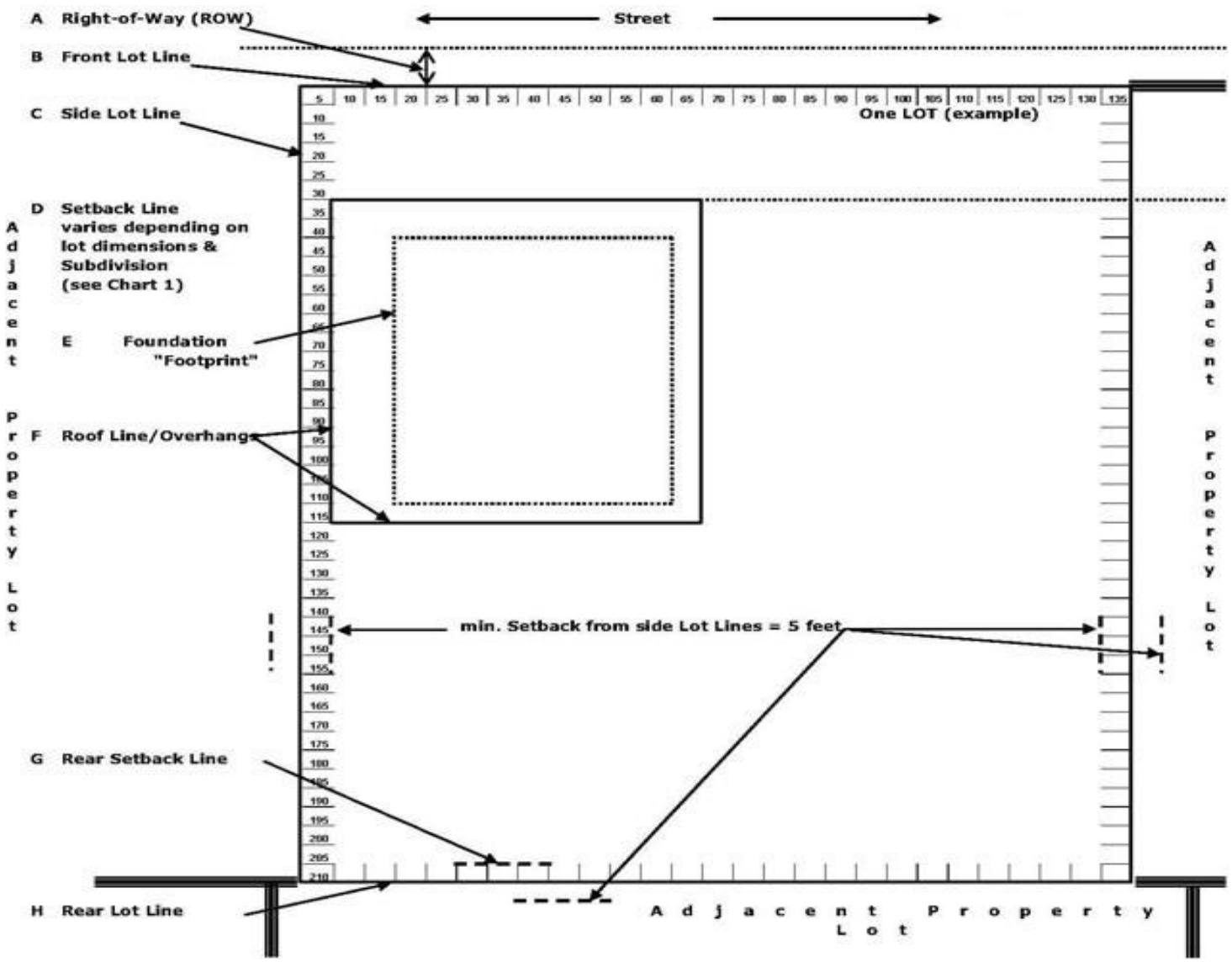

Figure 2 – Rear Street Setbacks

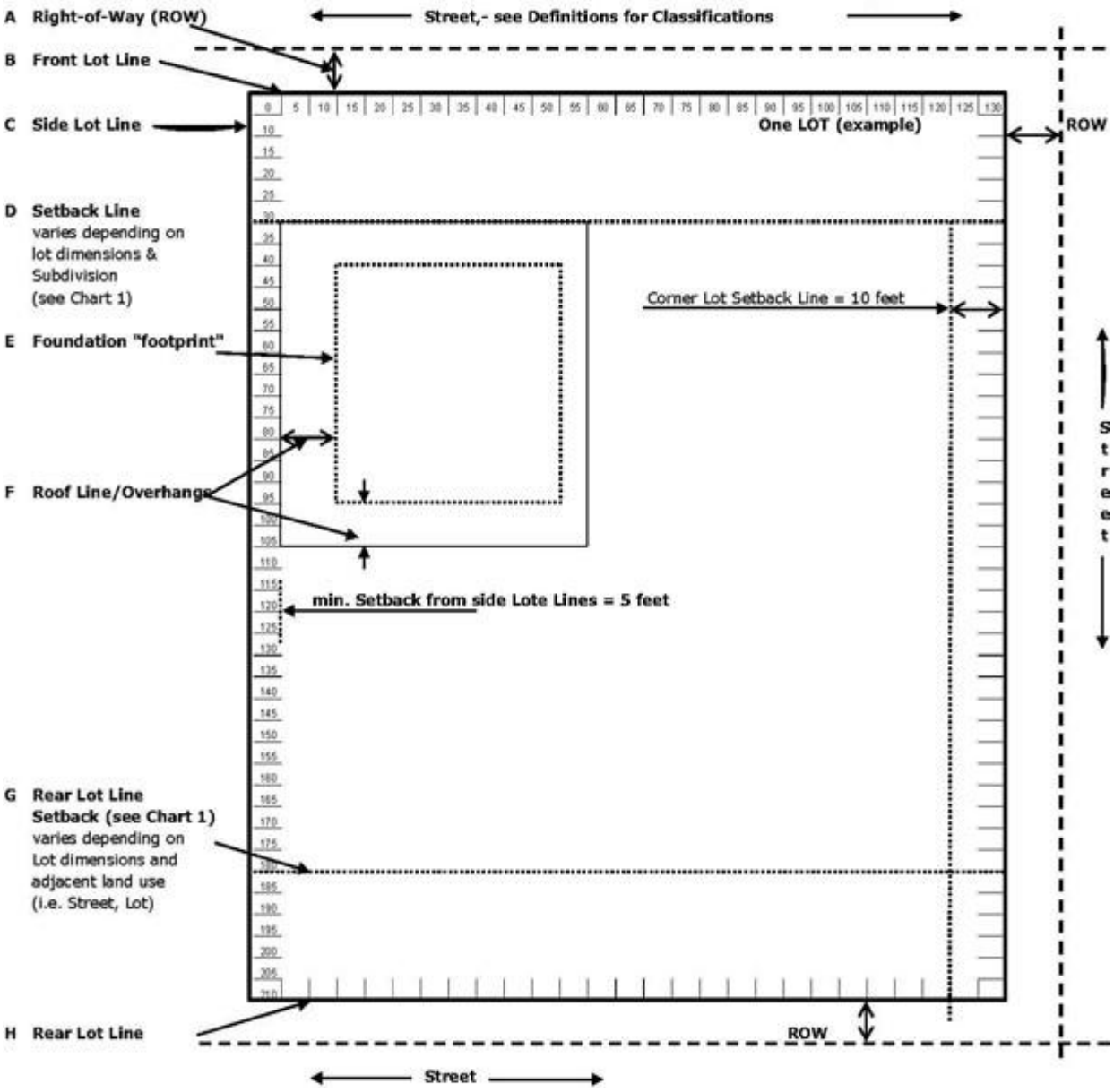
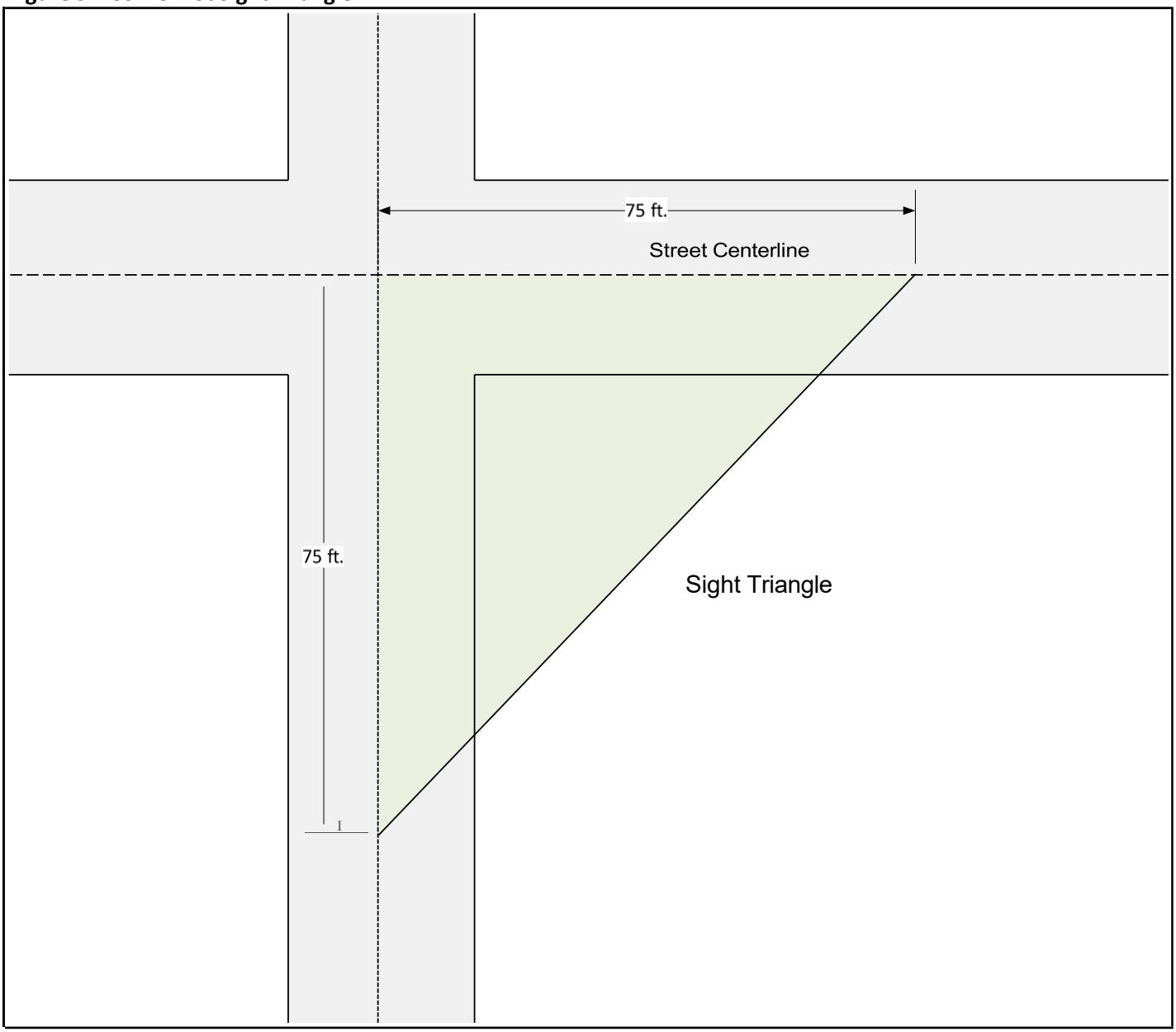
Figure 3 – Corner Lot Sight Triangle