

THE CITY OF HIGHLAND HAVEN, TEXAS

ZONING ORDINANCE #007 (REVISION # 12)

November 2002

AN ORDINANCE OF THE CITY OF HIGHLAND HAVEN, TEXAS PROVIDING FOR ZONING; REGULATING THE SIZE AND USE OF BUILDINGS AND LOTS; PROVIDING FOR CONSTRUCTION, COMPLETION OF BUILDINGS AND OCCUPANCY; PROVIDING ZONING DISTRICT BOUNDARIES, CHANGES AND AMENDMENTS; PROVIDING FOR NON-CONFORMING STRUCTURES, PROVIDING PENALTY FOR VIOLATION; PROVIDING A SAVING CLAUSE; PROVIDING FOR A PLANNING AND ZONING COMMISSION, PROVIDING FOR A BOARD OF ADJUSTMENT; PROVIDING FOR AN EFFECTIVE DATE:

WHEREAS, the planning and Zoning Commission, after due consideration, recommended revision of Zoning Ordinance #007; and

WHEREAS, the Board of Aldermen and the Planning and Zoning Commission held a public hearing for comment concerning the revision Zoning Ordinance #007; and

WHEREAS, the Board of Aldermen considered the public input concerning the revision.

NOW THEREFORE:

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HIGHLAND HAVEN, TEXAS:

FOREWORD

The City of Highland Haven was incorporated on November 07, 1995. The first Ordinance #001 concerned land usage and was adopted on November 21, 1995.

Zoning Ordinance #007 containing information and restrictions was adopted by the Board of Aldermen on March 1, 1996.

Revision #1 of Ordinance #007, dated July 17, 1997 removed PROVISION (K) - NON-POINT POLLUTION CONTROL found in SECTION III - STRUCTURE AND LAND USE in its entirety. Provision (K) did not relate to Zoning. No other provision of zoning ordinance #007 was changed or eliminated by this action.

Revision #2 of Ordinance #007, dated August 4, 1997 removed PROVISION (D) - MAINTENANCE OF LOT (S) found in SECTION III - STRUCTURE AND LAND USE and PROVISIONS (A)(B)(C) and (D) found in SECTION VII - ADMINISTRATION in their entirety. None of these provisions related to Zoning. No other provisions of Zoning ordinance No. 007(Revision #1) were changed or eliminated by this action. (See Ordinance #018 & #020)

Revision #3 of Ordinance #007, dated September 18, 1997 removed PROVISION (G) - RECREATIONAL VEHICLES found in SECTION III - STRUCTURE AND LAND USE, PROVISIONS (A)(1) found in SECTION IV - PARKING, CANALS AND WATERWAYS, and all of SECTION V - STREETS AND RIGHT-OF-WAY in their entirety. None of these provisions related to zoning. No other provisions of zoning ordinance No. 007(Revision #2) were changed or eliminated by this action. (See Ordinance #019 & #021)

Revision #4 of Ordinance #007 will become effective immediately upon approval by the City of Highland Haven Board of Aldermen and will replace Ordinance #007 (Revision #3), dated September 18, 1997.

Revision #5 of Ordinance #007 dated March 16, 1999 decreased the back yard setback for back-to-back lots from ten (10) feet to five (5) feet.

Revision #6 of Ordinance #007 dated September 21, 1999 under Section IV, B3 added paragraph (g) re: freestanding carports.

Revision #7 of Ordinance #007 dated August 21, 2001 revised Section V adding paragraph C. re: Special Use Permits

Revision #8 of Ordinance #007 dated November 20, 2001 revised Page 4, Item C re: Waterfront facilities on dredged canals.

Revision #9 of Ordinance #007 dated January 2002 revised Page 4 (3)b, Appendix 3 Pages 7&8 A Area remove item 7.

Revision #10 of Ordinance #007 dated May 2002 revised page 7 Appendix 1 (d) add size of political signs.

Revision #11 of Ordinance #007 dated June 2002 revised Page 4 Paragraph add driveway requirements

Revision #12 of Ordinance #007 dated November 2002 revised Page 6 added section 3 to paragraph B, re: Re-plats

SECTION 1 – DEFINITIONS

ADDITION – Any new construction or modification to an existing structure which alters use or increases square footage.

AGRICULTURAL LAND – Property used for the production of crops and livestock normally found on ranches located in the immediate area of the City of Highland Haven, Texas.

AUTOMOTIVE VEHICLE - - See Ordinance #019 and revisions thereof.

BUILDING – Any structure having a roof supported by columns or walls and intended, or used, for the shelter, protection, housing or enclosure of persons, plants, animals, or other property of any kind.

CERTIFIED SITE SURVEY – A plat (minimum size 8 1/2" X 11") certified by a licensed surveyor, showing boundaries and all improvements, existing and proposed, with dimensions and lot elevations.

COMMERCIAL LAND – Property utilizing structures and/or rental space for financial profit or community service as its primary aim.

COMMERCIAL VEHICLE - - See Ordinance #019 and revisions thereof.

DRAINAGE STRUCTURE – Anything located on the ground that controls, directs or conducts surface or storm waters, including, but not limited to, culverts, pipes, troughs and ditches.

DREDGED CANAL – Man-made water way. The beginning point of each dredged canal is indicated on subdivision plats filed in the plat book of Burnet County, Texas.

EXTENDED LOT LINE – A straight extension of a lot line without angle.

FRONT YARD – An open, unoccupied space (between side lines of the lot) situated between the building lines and the street right-of-way.

GRANDFATHER – A clause that precludes this ordinance from being applied retroactively. Pertains to existing single family residences, waterfront facilities, permanently installed out-buildings, and other permanently installed structures

constructed prior to November 20, 19 97.

HHPOA — Highland Haven Property Owners Association, Inc.

LAKE LBJ MUD #2 — A Municipal Utility District authorized by the State of Texas for, but not limited to, sewerage treatment and the disposal of waste water.

LBJ — Lake Lyndon Baines Johnson

LINE OF BUILDING — That most external point or portion of a building, whether roof eaves, overhang, column, outside appliance or wall, which extends nearest a front, rear or side lot line and which will be used to determine the set-back distance of the building to the front, rear or side lot line.

LOT — Any segregated or defined tract or parcel of land including, but not limited to, any subdivision lot, or re-plot thereof, filed and of record, Burnet County, Texas.

(1) IMPROVED LOTS - Any lot will be considered to be an improved lot if it meets one or more of the following criteria: (a) A residence has been constructed on the lot; or (b) The lot has been landscaped, terraced or altered in such a manner as to change the natural condition and cause it to stand out among adjacent unimproved lots; or (c) Lot used to hold residential septic drain field; or (d) A waterfront facility has been constructed on the lot.

(2) UNIMPROVED LOTS - Lots not meeting the criteria of improved lots will be considered to be unimproved lots for the purpose of this ordinance.

LOWER COLORADO RIVER AUTHORITY (LCRA) — State agency controlling Lake LBJ.

MAINTENANCE OF LOTS AND STRUCTURES - - See Ordinance #018 and revisions thereof.

MANUFACTURED HOUSING — A building or structure originally manufactured as a residence designed for a permanent foundation and meeting the requirements of Texas Manufactured Housing Code or Texas Modular Code.

MASONRY CONSTRUCTION — Brick, brick veneer, native stone veneer, or stucco. Does not include concrete (cement) or hollow blocks.

MOBILE HOME — A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) feet or more in width and forty (40) body feet or more in length or when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a residence with or without a permanent foundation when connected to utilities, and does not meet the requirements of Texas Manufactured Housing Code or Texas Modular Code.

MULTI-FAMILY RESIDENCE — Buildings designed for occupancy by more than a single family. Multi-family residences, including but not limited to apartments, duplexes and condominiums, are considered multi-family residences.

NON-CONFORMING — A building, structure or use that is not permitted by this zoning ordinance or any amendment thereto.

NORMAL EDGE OF WATER — The edge of water when lake LBJ is filled to its normal level of 825 feet above sea level.

OFF-WATER LOT — Any lot not adjacent to Lake LBJ or to one of the dredged canals.

ON-SITE WASTE WATER DISPOSAL FACILITIES — Known also as SEPTIC SYSTEMS and as ON-SITE SEWERAGE FACILITIES. The terms "On-Site Waste Water Disposal Facilities" and "On-Site Sewerage Facilities" shall be synonymous and interchangeable with the term "Septic System" and is defined as: All systems and methods used for the disposal of sewage, other than a TNRCC sewer system such as planned by the Lake LBJ Mud #2. On-site sewerage facilities are usually composed of three units: the generating unit, the treatment unit, and the disposal unit. The term ON-SITE also means that each residence will have its own individual septic system.

ON-SITE SEWERAGE FACILITY — See "ON-SITE WASTE WATER DISPOSAL FACILITIES."

ON-WATER LOT — Any lot adjacent to Lake LBJ or with direct access to Lake LBJ because of its location on one of the dredged canals.

OUT-BUILDING — Any secondary building or structure (excluding waterfront facilities) located on an improved lot with the existence of a single-family residence. Water well enclosures up to 36 square feet of floor space and domestic pet housing up to 18 square feet of floor space will not be considered an out-building.

OUTSIDE APPLIANCE — An appliance normally used for heating or cooling of the single-family residence or a detached building.

PARKING AND STORAGE OF VEHICLES - - See Ordinance #019 and revisions thereof.

PERMANENTLY INSTALLED — Placed and bolted or otherwise fixed to a concrete foundation.

PERMITTED OCCUPATIONS IN DISTRICT (A), SINGLE FAMILY RESIDENTIAL — An occupation, customarily carried on in a single-family residential district and a single family residence as an incidental, but not the principal use thereof, by a member(s) of the family residing on the premises, without outside help, without structural alterations in the building or any of its rooms, without the installation of any machinery or equipment other than that customary to normal household operations, without the use of any signs or advertisements, and which occupation does not cause additional traffic in the street nor involve the storage or display of any merchandise, and which occupation does not include professional child care, beauty schools, beauty shops, barbershops, carpenter's, electrician's or plumbing shops, radio shops, auto repairing or painting, furniture repairing, sign painting or real estate offices, but not limited to those so enumerated, and which is not detrimental or injurious to the adjoining property or to any other property in the City of Highland Haven.

PETS — Any domestic house pet such as a dog or cat.

PLANNED DEVELOPMENT DISTRICT — See Ordinance #009 and revisions thereof.

RECREATIONAL VEHICLE — See Ordinance #019 and revisions thereof.

RIGHT-OF-WAY — The term will mean and include the entire width between property lines of any road, street, way, thoroughfare, bridge, dredged canal, and public beach or park in this city, not privately owned or controlled, when any

part thereof is opened to the public for vehicular traffic and/or over which the city has legislative jurisdiction under its policing power. See Ordinance #021 and revisions thereof.

SEPTIC SYSTEM — See "ON-SITE WASTE WATER DISPOSAL FACILITIES."

SINGLE FAMILY — The body of persons who live in one house or under one head, including parents, children, servants, etc., connected by blood or relationship by inclination and/or companionship.

SINGLE FAMILY RESIDENCE — A detached main building having accommodations for a single family, but not including any form of temporary or permanent mobile home, trailer or other vehicle, whether on wheels or not. Only one single-family residence may be constructed on one lot. In the event one residence is constructed on more than one lot, the combined property is to be considered as one lot for this purpose only. A single-family residence will have only one kitchen facility.

STORAGE OF VEHICLES - - See Ordinance #019 and revisions thereof.

STREET USE AND CUTS - - See Ordinance #021 and revisions thereof.

STRUCTURE — Anything constructed or erected which requires location on the ground or attached to something located on the ground or in Lake LBJ within 100 feet of the shore line, including, but not limited to, buildings of all types, advertising signs, swimming pools, and walls. Flower beds, walkways, curbing six (6) inches or less in height, and fences are excluded.

TEXAS NATURAL RESOURCES CONSERVATION COMMISSION (TNRCC) — State regulatory agency.

TRAILERS — See Ordinance #019 and revision thereof.

VEHICLE PARKING AND STORAGE - - See Ordinance #019 and revisions thereof.

WATER EQUIPMENT — See Ordinance #019 and revisions thereof.

WATERFRONT FACILITIES — Any improvement to the shore line of Lake LBJ, dredged canals, and off shore within 100 feet of land including, but not limited to, retaining wall, boat lift, boat dock, deck, boat launch ramp, and storage building [within five (5) feet of shore or above water].

WILL — The word is mandatory, not discretionary, when used in this ordinance — (now generally used in place of "shall").

SECTION II - PLANNING AND ZONING COMMISSION

The Board of Aldermen hereby establish a five (5) member Planning and Zoning Commission. Each Alderman will appoint a member to the Planning and Zoning Commission to serve a term identical to that of the Alderman who appointed the member.

SECTION III — ZONING DISTRICTS

The Zoning Districts are hereby established as follows:

DISTRICT (A) SINGLE FAMILY RESIDENTIAL
DISTRICT (B) COMMERCIAL
DISTRICT (C) PARKS & BOAT LAUNCH RAMPS
DISTRICT (D) AGRICULTURAL
DISTRICT (P.D.) PLANNED DEVELOPMENT

SECTION IV — STRUCTURES AND LAND USE

A. MULTI-FAMILY RESIDENCES

Not permitted within the corporate city limits.

B. DISTRICT (A) SINGLE FAMILY RESIDENTIAL

Restrictions and/or use regulations concerning structures and lots will be provided in this section.

(1) YARDS REQUIRED

Measurements will be taken between the line of the building and/or outside appliance and the applicable lot line.

(a) SIDE YARDS — No building and/or outside appliance will be located within five (5) feet of the adjacent lot line. In the case of corner lots — No building or outside appliance will be located within ten (10) feet of the side lot line adjacent to the street.

(b) FRONT YARDS (Facing the street) — No building and/or outside appliance will be located nearer than twenty (20) feet, at any point, to the front lot line.

(c) REAR YARDS — No residence be will be constructed closer than twenty-five (25) feet to the edge of water in Lake LBJ when filled to its normal water level of 825 feet above sea level. In the case of lots with both a front and back street — No building and/or outside appliance will be located nearer than twenty (20) feet to the rear lot line. Lots aligned back-to-back and sharing a common rear boundary line will not have any storage building, garage and/or outside appliance located nearer than five (5) feet to the common lot line. No residence on lots aligned back to back shall be constructed closer than twenty - five (25) feet to the rear lot line. This means the residence roof drip line.

(d) Driveway — A driveway approach from a street may not be located nearer than 20 feet to any other street lot line. Front yard set back of 20 feet also applies to all garages, and carports.

(2) OCCUPANCY

NO RESIDENCE WILL BE OCCUPIED following construction until a Certificate of Occupancy has been issued. The City of Highland Haven may issue a certificate after the residence has passed the final inspection.

(3) SIZE/CONSTRUCTION OF BUILDINGS.

(a) Structures will not be allowed or items stored on a lot UNTIL A SINGLE FAMILY RESIDENCE HAS BEEN CONSTRUCTED. Permitted exceptions:

(I) Stabilization of shoreline or retaining walls may be permitted before a residence is constructed;

(II) Construction of waterfront facilities may be permitted if reasonable access to the shoreline will be blocked by a residence or septic system when built or installed.

(III) Off-water residential owners, who also own a non-contiguous water front lot (ownership of both properties must be identical), may request a permit for construction of waterfront facilities for the specified off-water residence.

(b) A single-family residence will consist of at least 1600 square feet of living area, exclusive of attached open porches, breezeways, carports and garages. The outside wall area of the house shall have a minimum of forty (40) percent masonry construction. The outside wall covering of the living area

shall begin within twelve (12) inches of the grade level and extend to the soffit. The outside wall area of the garage shall have a minimum of forty (40) percent masonry construction. Wall area excludes windows and doors.

(c) Waterfront facilities not located on a dredged canal must conform to LCRA regulations. Such facilities will not be a hazard to normal watercraft traffic. The size of any enclosed building associated with the boat stalls, boatlifts and decking will not exceed 900 square feet. The boat stalls, boatlifts and decking will not exceed 1500 square feet over the water, i.e. in front of the sea wall. The combined over all total is not to exceed 2400 square feet. The roofline of any building or structure associated with the waterfront will not exceed a height of 16 feet above the normal water line of Lake LBJ (825 feet above mean sea level).

(d) Waterfront facilities located on a dredged canal will not protrude more than two (2) feet into the waterway. The minimum width of the waterway will be maintained at thirty-five (35) feet without obstruction.

(e) Ownership of the waterfront facilities must always remain identical with that of the waterfront lot. The size of any enclosed building associated with the boat stalls and/or boatlifts will not exceed 900 square feet. The roofline of any building or structure associated with the waterfront facility will not exceed a height of 16 feet above the normal water level of Lake LBJ (825 feet above sea level). The combined area of the boat stalls and/or boat lifts, building or structure, and deck area will not exceed 1,500 square feet. Each waterfront lot will be limited to one waterfront facility contained within the extended lot lines (side yard set back requirement does apply). The sides of the waterfront facility may be of wood or wood-appearing material (not metal). Painting is required and the color must match that of the single-family residence. The waterfront facility may not, at any time, be used as sleeping quarters or for camping or storage of material and supplies used in a business.

(f) One out-building for a garage, workshop and/or storage will be permitted on any lot developed with a single-family residence. Such out-building must be constructed on the site and be placed on a concrete slab. The roof covering will be identical to that of the single-family residence. The sides of the out-building may be of wood or wood-appearing material (not metal). Painting is required and the color must match that of the single-family residence. Size of the out-building will not exceed 900 square feet of floor space. All set back restrictions as outlined under Section IV, "A. YARDS REQUIRED" apply. Wall height will not exceed twelve (12) feet and door height will not exceed ten (10) feet* (to correct typing error).

The out-building may not, at any time, be used as sleeping quarters or for camping or storage of material and supplies used in a business. A garage used for storing boats and/or vehicles will have a hard surface driveway of asphalt or concrete from the front property line to the garage/storeroom/

(g) No freestanding carports are allowed. A carport will be permitted on any lot developed with a single-family residence. Any carport must be constructed on site, integrated into the single family residence or conforming out-building and attached to the residence or conforming out-building by at least 75% of the length of one side of carport and placed on a concrete slab. The roof covering will be identical to that of the single-family residence or as close as possible. Painting is required and the color must match that of the single-family residence. Size of the carport will not exceed 500 square feet of floor space. All set back restrictions as outlined under Section IV, A. YARDS REQUIRED" apply.

C. MAINTENANCE OF LOT (S). See Ordinance #018.

D. MOVING BUILDINGS OR STRUCTURES INTO, OR WITHIN, THE CITY:

(1) Mobile homes will not be placed on any lot, tract or parcel of land within the corporate limits of The City of Highland Haven, Texas.

(2) Manufactured storage-type buildings 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 except as permitted below as temporary buildings.

(3) Manufactured housing, or manufactured homes, meeting the square footage requirements are permitted, provided the following additional minimum criteria are met: (Building Permit is required)

(a) The structure was originally manufactured as a residence designed for a permanent cement slab foundation.

(b) Proof is provided that the residence meets the 'Texas Manufactured Housing Code' or 'Texas Modular Code'.

(c) The residence will be installed on a permanent cement slab foundation.

(d) Structures with the appearance and/or shape of a traditional mobile home (either single or doublewide), will incorporate features that will alter the appearance of all views from any direction. The structure must comply with all provisions for a residence as outlined in SECTION IV, STRUCTURES AND LAND USE, and DISTRICT (A) SINGLE FAMILY RESIDENTIAL.

(e) Manufacturer's guarantee is to provided that the residence, when permanently installed, is designed to withstand winds of at least 90 MPH.

E. RELOCATION OF STRUCTURES

Moving or skidding structures within the incorporated limits is prohibited.

F. RECREATIONAL VEHICLES See Ordinance #019

G. CAMPING AND/OR STRUCTURE OCCUPANCY

(1) Camping is permitted on an improved lot with a single-family residence. Adult supervision is required.

(2) Overnight occupancy and camping on any lot, improved or unimproved, without a single-family residence is prohibited.

Non-paying guests may utilize (3) Sleeping quarters inside an approved structure located on an improved lot with a single-family residence for a period of time not to exceed 60 days in a calendar year. The guest quarters must not include a kitchen and the guest quarters must have existed prior to November 20, 1997.

H. ON-SITE WASTE WATER DISPOSAL FACILITIES (SEPTIC SYSTEMS)

1. INSTALLATION/MODIFICATION - - The LCRA has complete jurisdiction over on-site waste disposal facilities within the corporate limits of the city.

(a) In 1994, the LCRA established rules that require certification by a Municipal Flood plain Administrator, certifying compliance with Flood plain management regulations, prior to any LCRA approval of residential or commercial on-site waste disposal facilities (septic system)

(b) The city will issue the required certification, based on the findings of a certified site (lot or parcel) survey. Residential building sites at an elevation of 832 feet above sea level or higher will be certified. Residential building sites lower than 832 feet above sea level will require additional site preparation to meet requirements. Any additional site preparation is the property owner's responsibility and will require a city permit.

2. LCRA has the prime responsibility to assure systems continue to operate properly.

3. The city has a shared responsibility to protect the water of Lake LBJ and the residents of the city. Therefore,

residents and property owners will be in violation of this ordinance and subject to penalties established by this ordinance if:

- (a) Septic system residue is found on the surface of land areas within the corporate limits or residue is discharged into lake or other watercourses.
- (b) Any waste type contaminant, from vehicle/trailer holding facilities, is discharged into the water or on to land within the corporate limits.

I. COMPLETION OF BUILDINGS OR STRUCTURES.

Each structure must be completed not later than twelve (12) months after a permit is issued.

J. DREDGED CANALS AND WATERWAYS.

A distance of thirty-five (35) feet of unobstructed and safe passage will be maintained at all times.

SECTION V – SPECIAL CONSIDERATIONS

A. NON-CONFORMING STRUCTURES AND USES.

(1) Grandfather: Any building or use of any land legally existing on March 1, 1996 may be continued subject to such regulations regarding the maintenance of the premises. A non-conforming building that is damaged may be repaired to essentially the original condition but may not be expanded and in order to maintain its non-conforming status, such repairs must be completed within one year of the damaged date. A NON-CONFORMING USE SHALL NOT BE CHANGED UNLESS THE CHANGE IS TO A CONFORMING USE. A non-conforming use and/or structure, if changed to conforming status, may not thereafter be changed back to a non-conforming status.

(2) Certificates for Non-Compliance: The city may issue a Certificate of Non-Compliance for non-conformance uses, buildings or structures existing prior to March 1, 1996. The owner may file application for such Certificate of Non-Compliance with the city. It shall be the responsibility of the owner to provide evidence as required by the City before a Certificate of Non-Conformance can be issued.

B. RE-PLAT OF LOTS.

(1) A lot may be combined with all or a part of an adjacent lot(s) by submitting a re-plat request. A surveyor licensed to practice in the State of Texas must prepare re-plats. Procedures for re-plat as prescribed by the State of Texas must be followed. The owner will be responsible for all cost, including public notice and postage.

(2) A lot may be divided by re-plat. Each lot created by re-plat must have a minimum street front of 75 feet, a minimum surface area of 9,375 square feet, provide a five (5) feet utility easement inside and next to all lot lines, and other easements existing prior to re-plat must be retained. A surveyor licensed to practice in the State of Texas must prepare re-plats. Procedures for re-plat as prescribed by the State of Texas must be followed. The owner will be responsible for all cost, including public notice and postage.

(3) The purpose of the following limits on subdividing lots is to fulfill the implied covenant to property owners that the City will maintain the general character of Highland Haven neighborhoods. The Board of Aldermen and the Planning & Zoning Commission shall consider possible adverse effects of subdividing a lot. Subdividing may adversely affect nearby property values and adversely affect the character of the neighborhood especially relating to lot size, neighborhood spaciousness and housing density. Lots shall not be subdivided when resulting lots are significantly smaller than nearby lots and/or significantly smaller than the original subdivision lot plan.

C. SPECIAL USE PERMITS See Ordinance #33

SECTION VI — ADMINISTRATION

A. BOARD OF ADJUSTMENT.

(1) Organization.

A five (5) member Board of Adjustment will be appointed by the Board of Aldermen. The Board of Adjustment will have the power granted by and controlled by the provisions of Local Government Code §211.008 through §211.011. (2) Powers.

- (a.) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in enforcement of this ordinance.
- (b.) To hear and decide special exceptions to the terms of this ordinance.
- (c.) To authorize upon appeal in special cases such variances from the terms of the ordinance as will not be contrary to the public interest, where due to special conditions, the literal enforcement of the provisions of the ordinance will result in unusual and/or unnecessary hardship.

B. APPEALS PROCEDURE.

An appeal and/or request for adjustment may be made if a property owner disagrees with the findings of the city.

(1) A request for a hearing will be submitted in writing to the Mayor with a check or money order in the amount of \$150.00 payable to the City of Highland Haven. The funds will be deposited to the city general fund and be available to defray cost of public notices and hearings. If the Board of Adjustment finds for the property owner, the entire deposit (\$150.00) will be refunded. In the event the enforcement decision is upheld, the deposit will be forfeited. In the event of a compromise, the Board of Adjustment may recommend disposition of the deposit other than 'return' or 'forfeit'. The city will accept the recommendation of the Board of Adjustment.

(2) Rules and procedures as adopted by the Highland Haven Board of Adjustment prevail. Anyone contemplating an appeal should contact the City Secretary.

C. VARIANCE PROCEDURE.

Any request for a variance from this ordinance will be submitted in writing to the City Board of Aldermen. The request will detail the hardship (medical, health, safety, security or extreme financial circumstances) the petitioner seeks to overcome. Approval of any individual variance will not automatically extend to other property owners.

D. CHANGES AND AMENDMENTS.

(1) Specific requirements are set out in the Local Government Code for general law cities outlining Public Notice and notification of owners of property located nearby.

(2) The City Board of Aldermen may amend, supplement or change by ordinance the boundaries of the Districts or the regulations herein established.

(3) Before taking action on any proposed amendment, supplement or change, the City Board of Aldermen will submit it to the Planning and Zoning Commission for their recommendation and report.

(4) Procedures for protest of proposed amendment, supplement or change will be as specified in the Local Government Code for general law cities.

E. ERRORS AND OMISSIONS.

If any section, part, subdivision, clause or provision of this ordinance be adjudged invalid or held to be unconstitutional, it will not affect the validity of this ordinance as a whole, or any part or provision thereof, other than the part or parts that have been held or adjudged invalid or unconstitutional.

SECTION VII- - PENALTY FOR VIOLATION

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 statement or plan submitted and approved hereunder, will be charged with a misdemeanor, and will be subject to a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00), and each day such violations continue 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 charged as a separate offense and upon conviction thereof will be fined as provided above.

APPENDIX 1 - - DISTRICT (A) SINGLE FAMILY RESIDENTIAL

A. AREA.

All areas within the corporate limits of the City of Highland Haven save and except those hereinafter designated as District B, C, Planned Development, and D, are zoned for Single Family Residences.

B. USE REGULATIONS.

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

(1) Single Family Residence or,

(2) Temporary buildings for uses incidental to construction work on the premises. These buildings will be removed upon completion or abandonment of construction.

(3) Approved auxiliary buildings such as garages, storage buildings, and boathouses.

C. ADDITIONAL LIMITATIONS/RESTRICTIONS.

(1) See Ordinance #019 for items other than pets.

(2) Pets: See Ordinance #036

(3) Signs

(a.) Only City of Highland Haven authorized signs for traffic control and notification of danger are permitted in the public right-of-way. EXCEPTION - Garage sale signs directing traffic to the location of the sale may be posted on public right-of-way for a maximum period of 72 hours.

(b.) Two signs, not larger than 24" X 36", one in front and one in back, may be placed on a lot provided the sign is advertising the specific lot on which it is located as "FOR SALE" and the sign is located inside the boundary lines of the specific property.

(c.) The primary contractor building a single family residence may, from date of the building permit until final inspection, post a sign, not larger than 24" X 36", at the construction site provided the sign is located the boundary lines of the specific property.

(d.) Political signs during City, County, State, and Federal elections, may be posted on lots developed with a single family residence provided the sign is located inside the boundary lines of the specific property. Signs not to exceed 24" by 24".

(e.) Signs other than those listed above must have approval of the Board of Aldermen.

APPENDIX 2 - - DISTRICT (B) COMMERCIAL

A. AREA.

(1) That tract of 0.645 acres occupied by the HHPOA, Lake LBJ MUD #2 and City Hall offices and ten (10) enclosed storage units.

(2) That tract of 1.65 acres occupied by the community center building, tractor shed, recreational vehicle sheds and a portion of the boat and utility parking facility and water utilities.

(3) That tract of 8.36 acres, a part of which is leased to HHPOA for use as a boat and utility trailer parking facility. The owner to store equipment in a large metal building and miscellaneous items outside uses a portion of this tract.

B. USE REGULATIONS.

The Commercial District (B) lands will be restricted to the activities as outlined above except usage as outlined under Local Government Code §211.0035.

(a.) Two signs, not larger than 24" X 36", may be placed on a Commercial District (B) lands tract provided the sign is advertising the specific tract on which it is located as "FOR SALE" and the sign is located inside the boundary lines of the specific property. Signs showing information about City, Highland Haven Property Owners Association (HHPOA), and Ladies Club functions may be permitted by the Board of Aldermen.

APPENDIX 3 - - DISTRICT (C) PARK AND BOAT LAUNCH RAMP

A. AREA.

(1) That tract of land running from E. Oriole Drive to the Lake LBJ canal between lot numbers 113, 114 and 115.

(2) That tract of land at the end of Dove Road. The end of Dove Road, lot numbers 81 and 82 bound this tract.

This tract is generally known in the Highland Haven Subdivision as Dove Park.
(3) That tract of land at the end of the Flamingo Circle - Dove Road canal. This tract runs from the end of the canal to Highland Drive and is bounded by lot numbers 71, 72, 73, and 74.

(4) That tract of land at the end of the Bluebird Circle - Robin Road canal. This tract runs from the end of the canal to Highland Drive and is bounded by lot numbers 207R, 210, 211, 229, 230, 231, 232, and 233R.

(5) That tract of land at the end of the Robin Road - Chaparral canal. This tract runs from the end of the canal to W. Heron Drive and is bounded by 248, 249, 250, 231, 232, 233 and 234.

(6) That tract of land running from the end of Blackbird Drive to Lake LBJ. Lot numbers 345 and 334 bound this tract. The western boundary is defined by Camp Champion's property line.

B. USE REGULATIONS.

The Park and Boat Launch Ramp District (C) will be restricted to recreational parks and boat ramp facilities, street drainage trenches, ditches and/or depressions for water run-off. All Park and Boat Launch District (C) lands are private property owned by the HHPOA.

(a.) No signs other than those needed to restrict park usage and advise of hazards will not be permitted.

APPENDIX 4 - - DISTRICT (D) AGRICULTURAL

A. AREA.

The agriculture district consists of that tract of land North of Planned Development District #1 situated between CR 125 and CR 131 to the city limits at Highway 1431 and the tract of land West of CR 125, within the city limits, from the entrance to Camp Champion extending to Highway 1431.

B. USE REGULATIONS.

The Agriculture District (D) lands will be restricted to farming and ranching activities for the grazing of large agricultural animals (sheep, goats, horses and cattle). Buildings, residences or move in structures will not be permitted in the Agriculture District (D).

(a.) One sign, not larger than 24" X 36", may be placed on an Agriculture District (D) tract provided the sign is advertising the specific tract on which it is located as "FOR SALE" and the sign is located inside the boundary lines of the specific property

APPENDIX 5 - - DISTRICT (P.D.) PLANNED DEVELOPMENT (See Ordinance #009)

SECTION VIII - - EXCEPTIONS

Requests for permits for uses not specifically permitted hereunder will be referred to the Zoning Commission for its consideration and recommendation.

AUTHORIZATION.

The Board of Aldermen hereby authorizes implementation of the ordinance.

APPLICATION.

This ordinance applies to all lots and tracts of land located within the City Limits of Highland Haven, Texas.

DEFINITION.

As set out in the preceding text of this ordinance.

RESTRICTIONS.

As set out in the preceding text of this ordinance.

PENALTY.

As set out in the preceding text of this ordinance.

SECTION 6. EFFECTIVE DATE

Since Zoning Ordinance #007 (Revision #9) replaces Zoning Ordinance #007 (Revision #8) the Aldermen determined that Zoning Ordinance #007 (Revision #9) was needed under emergency circumstances the Ordinance would become effective immediately.

PASSED AND APPROVED this the 19th day of NOVEMBER 2002.

(Seal)

City Secretary

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Mayor