

CITY OF HIGHLAND HAVEN, TEXAS

ORDINANCE #056 Revision 15

April 5, 2022

AN ORDINANCE OF THE CITY OF HIGHLAND HAVEN, TEXAS PROVIDING FOR ZONING AND ZONING DISTRICTS BOUNDARIES; REGULATING THE SIZE AND USE OF BUILDINGS AND LOTS; PROVIDING FOR CONSTRUCTION RESTRICTIONS, COMPLETION OF BUILDINGS AND OCCUPANCY; PROVIDING FOR NON-CONFORMING STRUCTURES, PROVIDING PENALTY FOR VIOLATION; PROVIDING A SAVING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE:

Whereas, the Planning and Zoning Commission was tasked with review City Ordinance #056, Zoning, and submission of recommended changes thereto, and

Whereas, the Planning and Zoning Commission, after due consideration and a Public Hearing, did provide the Board of Aldermen with a recommended revision of Zoning Ordinance #056; and

Whereas, THE Board of Aldermen, after a second Public Hearing, and in consideration of citizen comments and the Planning and Zoning Commission recommendations; and

Whereas, the Board of Aldermen considered changes to Ordinance 056 revision 3 to control the enlargement of non-conforming structures; and

Whereas, revision 5 will clarify the requirements for enlarging non-conforming structures; and

Whereas, revision 6 will correct typographical errors, formatting, and revise garage construction limitations; and

Whereas, revision 7 will limit the total height of out-buildings and prohibit construction of any out-building within 25 feet of the 825 ft contour line; and

Whereas, revision 8 refers to Ordinance #043 for enforcement and penalties, adds minimal navigation clearance for waterfront facilities, adds renter's responsibility to comply with this ordinance, clarifies kitchen facility to be inside kitchen facility and clarifies canal dock/deck.

Whereas, revision 9 refers to Ordinance #074 for definitions, adds requirements for playscapes and adds reference to conforming in Section 5.A.

Whereas, revision 10 clarify rear set-back restrictions, adds requirements for pergolas, gazebos, pavilions and refers to Ordinance #087 for re-platting requirements.

Whereas, revision 11 clarify signs use, adds requirements for realtor signs (open house, waterfront signs and banners) and the Ladies Club Rummage Sale sign.

Whereas, revision 12 clarifies the distance a dock/deck can be built into a canal.

Whereas, revision 13 establishes criteria for a new Commercial Zoning District, clarifies site development for Mixed Use Zoning District, clarifies replating requirements of lots before issuance of a building permit, clarifies approved construction materials, clarifies use of concrete foundations instead of slab, defines and clarifies Variance Procedure.

Whereas, revision 14 amends the approving panel membership to include one (1) Board of Alderman's designated City Building Permit Official, one (1) Elected official, and one (1) Planning and Zoning Commissioner building permit approval(s).

Whereas, revision 15 changes the format of Section IV from narrative to outline form.

NOW THEREFORE:

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

City Ordinance #056 is the successor to Ordinance #007 dated March 1, 1996, with its' thirteen revisions.

FOREWORD

General

The City of Highland Haven was incorporated on November 7, 1995. The Board of Aldermen approved Zoning Ordinance #007 on March 1, 1996. During the next year and one-half the ordinance was revised three times to remove restrictions not related to zoning, said restrictions becoming stand-alone ordinances. An additional nine revisions were adopted between 1999 and 2002 incorporating small but significant construction and usage restrictions. See appendix 1 for history of revisions.

Purpose

This ordinance restructures the zoning ordinance and adds or deletes restrictions and requirements as deemed necessary to reflect city growth and the increased expertise derived from ten years of experience in municipal administrative procedures. The powers granted under this ordinance are for the purpose of promoting public health, safety, and general welfare for residents and for protecting neighborhood atmosphere and property values.

Scope

This ordinance applies to all platted lots and to all tracts of land located within the corporate limits of the City of Highland Haven.

SECTION I - DEFINITIONS

See Ordinance #074.

SECTION II - PLANNING AND ZONING

The governing body of a municipality may regulate:

1. the height, number of stories, and size of buildings and other structures;
2. the percentage of a lot that may be occupied;
3. the size of yards, courts, and other open spaces;
4. population density;
5. the location and use of buildings, other structures, and land for business, residential, or other purposes

The Board of Aldermen as the governing body for the City Highland Haven, by Ordinance #053 established a five (5) member Planning and Zoning Commission. Each Alderman has appointed a member to the Planning and Zoning Commission to serve a term identical to that of the Alderman who appointed the member. The primary function of the Planning and Zoning Commission is to initiate, and/or as directed by the Mayor or Board, review city zoning plans and ordinances and to present recommendations to the Board for action as deemed appropriate by the Board.

SECTION III – ZONING DISTRICTS

Zoning Districts are hereby established as follows:

District A ---- Single Family Residential 1 (SFR1)
District B ---- Planned Unit Development (PUD)
-Sub category --- Institutional properties
-Sub category --- Mixed Use properties
District C ---- Agricultural
District D ---- Single Family Residential 2 (SFR2)
District X ---- Commercial/Light Industrial

Note (1): See Appendix 2, Zoning Map - Multi-Family Residences are not permitted within the corporate city limits.

Note (2): Refer to other Sections of this ordinance for applicable criteria and restrictions for each zoning district.

A. DISTRICT A: SINGLE FAMILY RESIDENTIAL 1 (SFR1)

1. AREA

All areas within the corporate limits of the City of Highland Haven, save and except those hereinafter designated as Districts B, C, and D, are zoned as Single Family Residential 1.

2. 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:

(a) Single Family Residence or,

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

(c) Approved auxiliary buildings limited to garages, out-buildings, greenhouses, waterfront facilities, pergolas and gazebos.

(d) Signs

(1) Only the City of Highland Haven authorized signs for traffic control and notification of danger are permitted in the public right-of way. EXCEPTIONS - Signs for an Open House, Garage or Estate Sale, Social Event (birthday, anniversary, reunion, club meeting, etc.) may be posted in the right-of-way as follows: One informational sign, no larger than 24" X 36" advertising an Open House, Garage or Estate Sale, Social Event (birthday, anniversary, reunion, club meeting, etc.) may be placed at the intersection of County Road 125 and FM 1431. Said signs may be placed in right-of-way. No sign will be affixed to private or public structures. Generic directional signs (no advertising) can be utilized by strategic placement in the rights-of-way at street intersections to guide patrons to the event(s). Signs to be of professional appearance and quality. Festive adornments in good taste befitting the occasion are allowed. These could include balloons, streamers, flags, etc. All signs to be in place only during the daily hours of each event, not left overnight.

(2) Two signs, not larger the 24" X 36", one in front and one in back or side yard, 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. On waterfront lots only, one informational "banner" type or "rigid" sign advertising "FOR SALE" or "FOR RENT" property may be placed facing the water. Sign to be no larger than 48" X 96" or total of 32 ft², advertising the specific lot on which it is located as "FOR SALE" or "FOR RENT". The sign must be located within the boundary lines of the advertised property. It will be of professional quality workmanship and material and affixed securely. No "ribbon" type banners, streamers, inflatables, flags, etc. are permitted. All signs to be removed upon closing of sale or rental agreement.

3)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 of construction site provided the sign is located within the boundary lines the specific property.

(4) Political signs during City, County, State, and Federal elections, may be posted on lots and residential tracts 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 36"and are limited to one per candidate per lot or residential tract of land.

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

B. DISTRICT B: PLANNED UNIT DEVELOPMENT (PUD)

1. INSTITUTIONAL PROPERTIES

a. AREA

(1) That tract of 0.051 acres occupied by City Hall.

(2) That tract of 0.594 acres occupied by the HHPOA covered and enclosed storage units.

(3) That track of 1.65 acres occupied by the HHPOA Community Center building, tractor shed, recreational vehicle storage units, boat and utility trailer parking spaces, and the Highland Haven Water System.

(4) HHPOA parks and boat launch areas:

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

(b) 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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

(1) Permitted activities

(a) Additional structures and activities subject to City approval.

(b) Pavilions

(i) A free standing roofed open-sided structure (similar to a carport/pole barn) is prohibited in all districts except on HHPOA or City owned property.

(ii) No such structure can be built that will block fire department access to the lake. All of the HHPOA parks have been designated as emergency access points for fire protection services.

(2) Signs

(a) Political signs are not permitted on Institutional property.

(b) The HHPOA is authorized signs as needed for building/area identification, ingress/egress control, and advice of safety hazards.

2. MIXED USE PROPERTIES

a. AREA

That tract of 8.36 acres identified as the Johnston property, currently having one large metal shop/storage building and one plus acres being leased to the HHPOA for boat/utility trailer storage.

b. USE REGULATIONS

(1) Permitted Uses

This sub-district allows mixed usages such as residential, institutional, and light commercial/industrial manufacturing and services businesses whose major source of income is not derived from direct on-site retail sales and services, and which are compatible with a semi-rural residential community.

(2) Conditions and Limitations.

(a) That the use not be objectionable, as determined by recorded vote of the Board of Aldermen, because of traffic, odor, excessive light, smoke, dust, noise, vibration, or similar nuisance; and that, excluding that caused customer and employee vehicles, such odors, smoke, dust, noise or vibration be generally contained within the property.

(b) Prohibited uses. Alcoholic beverage establishments, sexually oriented businesses, businesses which utilize or store hazardous materials, mining and waste disposal operations, and the breeding /boarding/grooming of livestock or animals and fowl of any kind.

(c) Signs (advertising) must be on the same lot as the business establishments to which they refer and shall not be placed within any yard or within twenty-five feet (25') of a Residential District. Signs may be illuminated but must be stationary and non-flashing. All signs shall comply with all applicable provisions of this ordinance and any other applicable ordinance of the City.

(3) Site Development Regulations

(a) Paved sidewalks, driveways and parking areas are required.

(b) Screening of loading and storage facilities is required.

(c) Additional development of this area shall be in accordance with the provisions of City Ordinance #040, Subdivision and ETJ regulations and/or Appendix C, Planned Unit Development District, of this document.

C. DISTRICT C: AGRICULTURAL

1. AREA

The agriculture district consists of that tract of land North of the SFR2 properties, 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.

2. USE REGULATIONS

(a) The Agriculture District (C) lands will be restricted to farming and ranching activities for the grazing of large agricultural animals (sheep, goats, horses and cattle). A single-family residence and two outbuildings may be built on each agricultural zoned tract.

(b) Signs

(1) One "For Sale" sign, not larger than 24" X 36", may be placed on an Agriculture District (C) tract provided the sign is advertising the specific tract on which it is located as for sale and the sign is located within the boundary lines of the specific property.

(2) One political sign per candidate, no larger than 24" X 36", may be placed on each individually owned tract of the Agricultural District.

(3) Commercial advertising signs are prohibited, excluding the Camp Champions sign at the SW corner of junction of FM 1431 and CR 125 and at the Camp Champions Road entrance.

(4) One City of Highland Haven sign is authorized at the SE corner of the junction of FM 1431 and CR 125.

(5) Highland Haven Ladies Club is authorized to affix a temporary sign or banner onto the City of Highland Haven sign located at the corner of FM 1431 and Highland Drive (aka CR 125) to advertise the annual Ladies Club Rummage Sale. This temporary sign or banner can be no larger than 48"x96" and can be displayed only during the weekend of the Rummage Sale.

D. DISTRICT D: SINGLE FAMILY RESIDENTIAL 2 (SFR2)

1. AREA

(a) Former area designated as Property Development District #1 (PDD#1), which consisted of two tracts of 1.31, and 6.96 acres.

(b) Currently three tracts of 1.31, 3.32 and 3.64 acres.

2. USE REGULATIONS

(a) Use regulations and restrictions are the same as prescribed for District A, SFR 1, except:

(1) Minimum lot/acreage size is increased to 1 acre.

(2) Minimum street/road frontage is increased to 100 feet.

(3) Tracts of 2 acres or more may construct an additional outbuilding and may stable up to 2 horses.

(b) See City Ordinance #055, Dissolution of PDD#1, for grand fathered structures and uses in the 1.31-acre tract.

x. DISTRICT X: COMMERCIAL / LIGHT INDUSTRIAL

1. AREA (legal description)

2. 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 of more of the following uses:

(a) Permitted Uses

No area, building, or structure may be used, constructed, or altered, except as follows:

1. Antique Shop
2. Arts, craft store, hobby shop (inside sales)
3. Bakery & confectionary, retail sales & commercial sales
4. Bank, credit union
5. Barber shop, beauty shop
6. Building materials, hardware (inside sales)
7. Business service
8. Cabinet and upholstery shop
9. Cafes, cafeterias, or restaurants
10. Camera or photography stations
11. Convenience store
12. Clinics without overnight facilities
13. Department, sporting goods, novelty, variety, or toy stores
14. Drapery, needlework, or weaving shop
15. Drugstore
16. Facilities for assembling computer software products
17. Florist shop
18. Gas station
19. Gym or fitness center
20. Household or office furniture, furnishings, or appliance store
21. Jewelry or optical goods store
22. Laundry pickup and dry-cleaning pickup station
23. Package liquor stores
24. Retail uses which supply everyday shopping needs of residents of the city

25. Shoe repair shop
26. Wearing apparel shops

Uses not listed can be petitioned before the Board of Aldermen

(b) Prohibited Uses

All uses not specifically permitted under Permitted Uses are prohibited, included but not limited to the following:

1. Temporary buildings or storage buildings
2. Activities involving the conduct of major automobile repairs, body repair or painting, welding, storage of dismantled or non-operational vehicles, sale of used automobile parts, or the sale of new or used motor vehicles.
3. The use of parking lots or other outdoor areas for the display, sale, or storage of merchandise, motor vehicles, equipment, containers, or waste material.
4. The wholesale processing of food.
5. Activities which create a nuisance.
6. Veterinarian services and kennel services.
7. The repair, sale, resale, manufacture, refurbishment or storage of boats, trailers, mobile homes, or recreational or sport vehicles.
8. Laundries or dry-cleaning plants.
9. Junkyards.
10. Tire Retread facilities
11. Sexually oriented businesses, including but not limited to modeling studios and dating or escort services businesses.
12. The display, sale, or advertisement of any product that adversely affects the health, safety, or general welfare of the residents of the city.
13. Hotel and motel.
14. Subdivision sales offices.
15. Mining and mining activities.

Conditions and Limitations:

(a) That the use not be objectionable, as determined by recorded vote of the Board of Aldermen, because of traffic, odor, excessive light, smoke, dust, noise, vibration, or similar nuisance; and that, excluding that cause customer and employee vehicles, such odors, smoke, dust, noise, or vibration be generally contained within the property.

(b) Signs (advertising) must be on the same lot as the business establishments to which they refer and shall not be placed within any yard or within twenty-five (25) feet of a Residential District. Signs may be illuminated but must be stationary and non-flashing. All signs shall comply with all applicable provisions of this ordinance and any other applicable ordinance of the City.

Site Development Regulations

- (a) Paved sidewalks, driveways and parking areas are required
- (b) Screening of loading and storage facilities is required.

SECTION IV – STRUCTURES AND LAND USE –DISTRICTS A AND D (SINGLE FAMILY RESIDENTIAL and ANY OTHER ZONING DISTRICT WHICH GAINS APPROVAL FOR DEVELOPMENT WHICH INCLUDES SFR)

A. ONLY ONE SINGLE-FAMILY RESIDENCE MAY BE CONSTRUCTED ON ONE LOT.

1. In the event a property owner is planning to construct an SFR on more than one lot, the lots must be re-platted as one lot prior to the City of Highland Haven issuing a building permit.
2. In the event that an SFR has already been constructed across lot lines prior to the effective date of this section of Ordinance 56, the property owner must re-plat the lots as one lot prior to the City of Highland Haven issuing a building permit for any other structures on the lots.
3. In the event that an SFR constructed across lot lines prior to the effective date of this section of Ordinance 56, the property owner must re-plat the lots as one lot prior to the City of Highland Haven issuing a building permit for any remodeling/construction work that will change the "footprint" of any structures on the lots.

B. YARDS REQUIRED - SETBACKS, Measurements. will be from the property line to the drip line of a building and/or closest edge of an outside appliance. A residence or building roof drip line determines the building location.

1. SIDE YARDS

- a. No building and/or outside appliance will be located within five (5) feet of the adjacent lot line.
- b. 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.

2. FRONT YARDS (Facing the street)

- a. No building and/or outside appliance will be located nearer than twenty (20) feet to the front lot line.

3. REAR YARDS

- a. No residence, building and/or outside appliance 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.
- b. 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.
- c. Lots aligned back-to-back and sharing a common rear boundary line will not have any out-building, garage, and/or outside appliance located nearer than five (5) feet to the common lot line.
- d. No residence on lots aligned back-to-back shall be

constructed closer than twenty - five (25) feet to the rear lot line.

C. OCCUPANCY - NO RESIDENCE WILL BE OCCUPIED until a Certificate of Occupancy has been issued. The City of Highland Haven shall issue a certificate after the residence has passed the final inspection.

D. SIZE/CONSTRUCTION OF STRUCTURES

- a. Structures will not be allowed, or items stored on a lot prior to construction of a single-family residence, with the following 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 noncontiguous waterfront lot (ownership of both properties must be identical), may request a permit for construction of waterfront facilities for the specified off-water residence.
- b. Construction and construction materials, both interior and exterior shall comply with the provisions set forth by Local Government Code Chapter 3000. Said construction and construction materials shall be in compliance with all building and building material codes currently adopted by the City of Highland Haven, Texas. See Ordinance #020.
- c. A single-family residence shall consist of at least 1,600 square feet of contiguous living area, exclusive of attached open porches, breezeways, carports, and garages.
- d. A single-family residence will have only one inside kitchen facility.
- e. The roof of a room addition, garage, carport, or patio must be of the same material as the residence or main living area.
- f. Garage door opening and/or carport height clearance will not exceed ten (10) feet.
- g. A single-family residence shall not have more than two stories and shall not exceed 40 feet in height from the bottom plate or slab to the top of the roofline excluding any chimneys and ventilators. Any garage, storage area or

other facility on the lowest level shall be one of the two stories and be included in the 40 ft. height limit.

- h. The attic shall not be made into a third level living area.
- i. The outside wall is the area from the bottom of the wall excluding the foundation and extending upward to the soffit. The outside wall area of the house and garage is recommended to have a minimum of forty (40) percent masonry construction. The outside wall covering of the living area is recommended to begin within twelve (12) inches of the finished grade level. Wall area excludes windows and doors.

E. WATERFRONT FACILITIES

- a. Waterfront facilities must conform to LCRA regulations.
- b. The ownership of any waterfront facility is required and limited to the owners of the associated waterfront lot as identified by Burnet County Appraisal District records.
- c. Each waterfront lot is limited to one waterfront facility.
- d. The sides of the waterfront facility may be of masonry, wood, or wood-appearing material (not metal or cinder block).
- e. Painting is required and the color must match that of the single-family residence.
- f. Side lot lines extend into the water as identified on certified property surveys.
- g. Waterfront facilities are not allowed within a five (5) foot set back from the property line extension over water. Seawalls and on-land sidewalks are allowed from side lot line to side lot line.
- h. The maximum height of any waterfront structure, including railing and/or fencing, shall not exceed sixteen (16) feet from the normal water level of 825 feet above sea level on Lake LBJ.

F. WATERFRONT FACILITIES ON DREDGED CHANNELS.

- a. The size of any enclosed building associated with the boat stalls and/or boat lifts shall not exceed 900 square feet.
- b. The combined area of boat stalls and/or boat lifts, building or structure, and deck area shall not exceed 1,500 square feet.

G. WATERFRONT FACILITIES ON OPEN WATER.

- a. The size of any enclosed building associated with the boat stalls and/or boatlifts shall not exceed 1500 square feet.

- b. The combined area of the boat stalls and/or boat lifts, building or structure, and deck area shall not exceed 2400 square feet.
- c. No part of a waterfront structure shall extend into the lake past 50 feet from the water's edge at the normal water level of 825 feet above sea level on Lake LBJ.

H. NAVIGATION CLEARANCES -Coves, Dredged Channels and Channel Entrances

- a. On a dredged channel or waterway less than 35 feet wide, waterfront facilities/structures shall not extend more than two (2) feet into the waterway, providing the end of the structure to the centerline of the canal is at least seventeen and one-half (17.5) feet.
- b. A roof extension or overhang of an additional two (2) feet is allowed.
- c. Personal watercraft ramps and lifts, swim docks or decks may extend up to four (4) feet from the seawall into the waterway providing that the end of the structure to the centerline of the canal is at least seventeen and one-half (17.5) feet and property lines extend at least four (4) feet from the sea wall.
- d. A minimum navigation clearance shall be maintained at thirty-five feet, without obstruction, from any existing water's edge, seawall, bulkhead or any existing waterfront structure, lift, ramp, or dock that are located on the opposite or opposing shoreline property.
- e. The property owner shall provide a detailed survey from a certified surveyor indicating the distance from the proposed construction site water edge (bulkhead) at normal lake level (825 ft.) to the water edge (bulkhead) of the property across the waterway.
- f. The centerline and width of the waterway shall be indicated on the survey.
- g. If the waterway is 35 feet or less navigational clearance regulations apply same as a channel.
- h. If the waterway is greater than 35 feet wide no waterfront structure, lift, ramp, or dock may be constructed beyond a line seventeen and one-half (17.5) feet from the centerline of the waterway to the water's edge (bulkhead) of the proposed construction site.

I. ALL REQUIREMENTS OF ORDINANCE 020 APPLY.

- J. A PANEL of one (1) Board of Alderman's designated City Building Permit Official, one (1) Elected City Official and one (1) Planning and Zoning Commissioner shall review a building permit

for a waterfront facility on a canal, cove, or open water. This panel shall provide a recommendation to the building permit official for approval or disapproval of the permit application.

K. OUT BUILDINGS

- a. One out-building for a garage, workshop and/or storage building will be permitted on any lot with a single-family residence.
- b. Such out-building must be constructed on the site and be placed on a concrete slab.
- c. The roof covering is recommended to be that of the single-family residence.
- d. The sides of the out-building are recommended to be of masonry, wood, or wood-appearing material (not metal).
- e. Paint, except for stone and brick, shall match that of the residence.
- f. Square footage of the outbuilding will not exceed 900 square feet of floor space.
- g. Wall height will not exceed twelve (12) feet and door height will not exceed ten (10) feet.
- h. The total height of the out-building measured from ground level shall not exceed the lesser of 24 feet or a roof pitch to match that of the associated single-family residence on the lot.
- i. The out-building may not, at any time, be used as sleeping quarters or for camping.
- j. A garage used for storing boats and/or vehicles will have a hard surface driveway of asphalt or concrete from the property line to the out-building.
- k. Construction of any out-building within 25 feet of the 825 ft. contour line is prohibited.
- l. An existing structure consisting of a combination boat lift/storage with the storage area extending back over the land area of a waterfront lot, may not be altered, or modified in such a way as severing/detaching that portion or section of the boat lift/storage that is over the land and have it reclassified as an out-building. Any such modification or alteration would disqualify it from any grandfather provision and would be considered non-conforming. Such an altered or modified structure would have to be removed from within 25 feet of the 825 ft. contour line.

L. GARAGES

- a. A maximum of two garages are permitted, one attached to the single-family residence and one detached.
- b. Each garage may have a maximum of three single vehicle garage doors, or one single and one double vehicle garage door.
- c. Square footage of a detached garage shall not exceed 900 square feet of floor space.
- d. A detached garage shall be considered the one allowable outbuilding permitted.
- e. The interiors of all garages and carports must be finished in such a way as to conceal framing, insulation material or unfinished masonry.
- f. All garages will be enclosed on a minimum of three sides and will be equipped with a garage door; a garage door opening shall not exceed 10 (ten) feet in height.

M. CARPORTS

- a. A carport will be permitted on any lot developed with a single-family residence.
- b. Carports shall be considered a garage for purposes of determining the maximum number of garages.
- c. The carport shall be a maximum width of three single garage doors at the entrance.
- d. No freestanding carports are allowed.
- e. Carports must be constructed on site, attached to 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.
- f. The roof covering shall be identical to that of the single-family residence or as close as possible. Painting is required and the color shall match that of the single-family residence.

N. GREENHOUSE STRUCTURES

- a. A free-standing greenhouse may be built in lieu of an outbuilding or detached garage, but not both. In all cases, a free-standing greenhouse will be considered a structure.
- b. Maximum size of a free-standing greenhouse is two hundred (200) square feet.
- c. Maximum height of a free-standing greenhouse will not exceed ten (10) feet.
- d. The greenhouse shall be constructed of materials from a commercial vendor of greenhouses. The greenhouse panels shall be made of polycarbonate, glass, or other durable

material but not polyethylene. The frame is recommended to be made of aluminum or other durable metal but not PVC. Construction of the structure with left-over scrap materials and/or materials such as non-commercial plastic is not permitted.

- e. The location of a free-standing greenhouse must be in the back yard area of a residential property and cannot be located in the front or in the side property areas. All setbacks apply.
- f. All greenhouse structures must be anchored properly. This will include anchoring each support in a buried concrete receptacle or a perimeter foundation anchor constructed of a concrete border or curbing.
- g. A partial (not free-standing) greenhouse structure may be attached to a side or back of an existing house structure, an outbuilding, or detached garage; it may not be attached in the front of the house.
- h. An attached greenhouse shall comply with regulations for a free-standing greenhouse.
- i. All setbacks apply.
- j. Flooring is not required in either a free-standing greenhouse or a partial attached greenhouse. Use of any greenhouse structure for commercial purposes is prohibited.

O. PLAYSCAPES

- a. The location of a playscape must be in the back yard area of a residential property and cannot be located in the front or in the side property area. All setbacks apply.
- b. Only one playscape per residential property.
- c. A playscape will not be considered one of the acceptable, auxiliary structures permitted on a residential lot.
- d. Playscapes are not permitted on a vacant lot.
- e. The maximum allowable height of a playscape is fourteen (14) feet.
- f. No plumbing, electric or hard surface.

P. PERGOLAS

- a. A free-standing pergola will be considered the one allowable outbuilding/structure permitted on a lot with a single-family residence - reference Section IV, K., a.
- b. Free standing pergolas are allowed only in the backyard of a residence.
- c. A pergola cannot be located in the front area or on the side area of a residential structure. The street side of a

residential structure is considered the front side of a residential structure.

- d. The maximum size of a pergola is four hundred (400) square feet. This measurement will be determined by the area of the roof structure.
- e. The maximum height of a pergola will not exceed twelve (12) feet.
- f. The pergola will be considered a part of a single-family residence only if it is integrated and attached to the residence by at least 75% of the length of one side of the pergola.
- g. The pergola will not be considered a part of the residential structure if the only attachment to the residence is by deck, sidewalk, concrete slab or concrete apron.
- h. A pergola is not required to have a floor.
- i. Structure must have open side walls but may have decorative railings with balusters, wrought iron or other similar durable materials. Light weight lattice materials are not recommended.
- j. A pergola will not be used as a storage structure, either temporarily or permanently, to house trailers, golf carts, go-carts, motorcycles, boats, personal watercraft, recreational vehicles, lawn mowers, ATV's, other similar motorized vehicles, non-functioning appliances, or boxes/cartons.
- k. Construction within twenty-five (25) feet of the 825-contour water line is prohibited. All building set-back requirements will apply to the location of the pergola.
- l. The supporting posts or columns are recommended to be constructed on concrete footings.
- m. The roof structure (consisting primarily of open cross beams and rafters) must be open a minimum of fifty percent.
- n. Structure shall be painted to match SFR or have stained natural wood finish.

Q. GAZEBO

- a. A free-standing gazebo will be considered the one of the allowable outbuilding/structures permitted on a lot with a single-family residence - reference Section IV, K., a.
- b. A gazebo cannot be attached to a single-family residence in any manner.
- c. The maximum size of a gazebo will be two hundred (200) square feet. The area will be determined by the area of the

roof including any eave overhang or any lower extensions that are part of the structure, whichever is greater.

- d. The structure must have a floor (e.g., wooden deck, concrete, pavers, flagstone).
- e. The maximum height is twelve (12) feet.
- f. Structure must have open side walls but may have decorative railings with balusters, wrought iron or other similar durable materials are recommended. Light weight lattice materials are not recommended.
- g. Structure shall be painted to match SFR or have stained natural wood finish.
- h. The roof covering shall be identical to that of the main living area of the single-family residence.
- i. Construction within twenty-five (25) feet of the 825-contour water line is prohibited. All building setback requirements apply.
- j. The gazebo will not be used as a storage structure, either temporarily or permanently, to store trailers, golf carts, go-carts, motorcycles, boats, personal watercrafts, recreational vehicles, lawn mowers, ATVs, or other motorized vehicles, appliances, or boxes/cartons.

R. PAVILIONS

- a. A free standing roofed open-sided structure (similar to a carport/pole barn) is prohibited in all districts except on HHPOA or City owned property.
- b. No such structure can be built that will block fire department access to the lake. All of the HHPOA parks have been designated as emergency access points for fire protection services.

S. DRIVEWAYS

- a. Driveways must be hard surfaced with asphalt, concrete, or paving blocks. Paving blocks shall be installed per the manufactures / distributors recommendations for compacting the base and construction of the border footings.
- b. The driveway approach, extending from the street across right-of-way to property line, may be any suitable driving surface, except concrete, and may require a culvert underneath. Refer to Ordinance #021. On a corner lot a driveway approach may not be nearer than twenty feet (20') from a front or side lot line.

T. RELOCATING/MOVING BUILDINGS OR STRUCTURES INTO, OR WITHIN, THE CITY

- a. Moving or skidding structures within the incorporated limits is prohibited.

- b. 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.
- c. 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 above (III.A.2) as temporary buildings.
- d. Manufactured housing, or manufactured homes, meeting the square footage requirements are permitted, provided the following additional minimum criteria are met:
 - i. Building Permit is required
 - ii. The structure was originally manufactured as a residence designed to be placed on a permanent concrete foundation.
 - iii. Proof is provided that the residence meets the 'Texas Manufactured Housing Code' or 'Texas Modular Code'.
 - iv. The residence will be installed on a permanent concrete slab foundation.
 - v. 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.
 - vi. The structure must comply with all provisions for a residence as outlined in SECTION IV, STRUCTURES AND LAND USE, and DISTRICTS (A) & (D) SINGLE FAMILY RESIDENTIAL.
 - vii. Manufacturer's guarantee is to provide that the residence, when permanently installed, is designed to withstand winds of at least 90 MPH.

U. CAMPING AND/OR STRUCTURE OCCUPANCY

- a. Tent Camping is permitted on an improved lot with a single-family residence for a maximum of 30 days per year, nine or fewer consecutive days.
- b. Adult supervision is required.
- c. Overnight occupancy and camping on any lot, improved or unimproved, without a single-family residence is prohibited.
- d. Up to three non-paying guests who are members of the immediate family may utilize sleeping quarters in a non-contiguous, approved boating facility located on

an improved lot with a single-family residence.
Paying guests are prohibited.

- e. Usage is not to exceed 30 days per calendar year (60 days if the guest quarters existed before March 1, 1996), no more than nine consecutive days, and provided that the guest quarters must not include a kitchen or other cooking facility.

**V. ON-SITE WASTEWATER DISPOSAL FACILITIES (SEPTIC SYSTEMS)
INSTALLATION/MODIFICATION**

- a. The LCRA has complete jurisdiction over on-site waste disposal facilities within the corporate limits of the city.
- b. 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).
- c. The city will issue the required certification, based on the findings of a certified site (lot or parcel) survey and approval (by permit) by LCRA. Any additional site preparation is the property owner's responsibility and will require a city permit.
- d. LCRA has the prime responsibility to assure systems continue to operate properly.
- e. 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:
 - i. Septic system residue is found on the surface of land areas within the corporate limits or residue is discharged into lake or other watercourses.
 - ii. Any waste type contaminant, from vehicle/trailer holding facilities, is discharged into the water or on to land within the corporate limits.

W. COMPLETION OF BUILDINGS OR STRUCTURES.

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

X. RESTORATION OF DAMAGED STRUCTURES.

- a. If any structure is damaged by fire, flood, storm, etc. to the extent that over 50% of the structure is to be re-built

or restored, the complete structure must meet all the then current planning and zoning and building requirements of a totally new structure.

- b. Any L.C.R.A. rules and regulations existing at that time apply.

Y. HOME BUSINESSES/OFFICES

- a. All SFR1 and SFR2 properties in Highland Haven are restricted to residential use only.
- b. However, the City Board of Aldermen may issue a special permit to allow a business/home office to a specific residence, if so requested. Permits may be requested with a simple form submitted to the City and no fee is required.
- c. A special permit may be issued by the Board of Alderman for a period of two (2) years provided the business is not detrimental to the community regarding noise, traffic, health, or safety.
- d. No signage advertising or locating the business is permitted.
- e. A variance may be obtained for a Home Office Business provided that the business does not comply with the definitions of Commercial Land and that:
 - i. There will be no traffic/parking problems around the home.
 - ii. There will be no nuisance or unlawful activity associated with the business, i.e. noise, odors, late hours, etc.
- f. Vehicles used in pursuit of the work will comply with the vehicle ordinance.
- g. No evidence of business activity shall be visible from outside the building.
- h. Such businesses might be real estate, yard care, landscaping, seamstress/sewing, accounting, home maintenance, plumbing, electrical, carpentry, painting, and etc.

Z. RENTAL OF RESIDENCE

- a. Residences may be rented for periods no less than one hundred eighty consecutive days.
- b. Time-share periods of occupancy of less than one hundred eighty consecutive days are not permitted.
- c. The renter and the property owner are responsible for compliance with all laws and regulations.
- d. Portions of residences may not be offered for rent.

SECTION V --SPECIAL CONSIDERATIONS (RESTRICTIONS APPLY TO ALL ZONING DISTRICTS UNLESS OTHERWISE SPECIFIED)

A. CONFORMING AND 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 structure may not be enlarged in any dimension unless the added structure meets conforming status. For non-conforming outbuildings and detached garages, the non-conforming building may not be enlarged in any dimension unless the entire existing structure and the added structure meets conforming status. 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. Altering, modifying, adding to or remodeling any existing structure from a conforming structure into a non-conforming structure is prohibited.

2. Certificates for Non-Compliance: The City issued Certificates of Non-Compliance for non-conformance uses, buildings or structures existing prior to March 1, 1996, to owners who filed applications for such Certificate of Non-Compliance with the City before March 1, 1997. Copies of these certificates are on file at the city. Property owners claiming pre-March 1, 1996, grand fathering issues, for which a Certificate is not on file, are responsible for providing evidence as required by the City before a Certificate of Non-Conformance can be issued.

B. RE-PLAT OF LOTS - SEE Ordinance #087.

SECTION VI - Variances

PROCEDURE:

A request for a Variance from this Ordinance will be submitted in writing to the Mayor, Board of Alderman (BOA) and Planning and Zoning Commission (P&Z). The Mayor, BOA and P&Z may authorize a variance from these regulations if, in its opinion, undue hardship will result from requiring strict compliance to this ordinance and not cause undue hardship to the public interest. Approval of any individual variance will not automatically extend to other property within the City of Highland Haven.

Conditions Required for Variance:

(A) No variance shall be granted without first having given public notice of the variance request to any and all property owners within 200' of the requesting property and having a public hearing on the written variance request. As per Local Government Code 211.006.

(B) Findings: The property owner must complete the variance documents and deliver them to the City prior to any public hearing.

(1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land; and

(2) That granting of the variance will not create a Hardship to the Public Health, Safety or Welfare, or be injurious to other property within the City; and

(3) That the granting of the variance will not have a negative effect on the surrounding properties; and

(4) That granting the variance constitutes a minimal departure from this ordinance; and

(5) That the circumstances or conditions are not self-imposed, are not based solely on economic gain or loss, and most important that they do not negatively affect properties in the vicinity of the applicant's property.

(C) Such written findings of the BOA, together with the specific facts upon which findings are based, shall be read into the official minutes of the BOA meeting at which the variance is reviewed. Variances should only be granted when there is no Hardship caused to the Public Health, Safety and Welfare.

FINDINGS OF UNDUE HARDSHIP:

(A) In order to grant a variance, the BOA must make written findings that an Undue Hardship exists using the following criteria:

(1) The literal enforcement of the Ordinance will create an unnecessary hardship or practical difficulty in the development of the affected property; and

(2) That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties

in the same area; and

(3) That the relief sought will not injure the permitted use of adjacent conforming properties; and

(B) No variance may be granted which results in undue Hardship to the neighboring properties.

(C) The applicant bears the Burden of Proof in Establishing the Facts that may justify a Variance.

APPLICATION AND FEE

(A) An application for a Variance under this ordinance shall be made in writing using forms provided by the City and be accompanied by an application fee. A site plan, survey, scaled drawing or other information may be requested in order to properly review the Variance request.

NOTICE AND PUBLIC HEARING

(A) The Board of Aldermen shall hold public hearings for consideration of any written variance request. Notices shall be posted on the public notice board outside of City Hall and published in the official newspaper of the City no less than 15 days prior to the date of the public hearing. The notice shall identify the property, street address and details of the proposed variance with the date and time of the public hearing.

(B) As per Texas Local Government Code, Section 211.006.

SECTION VII - SEVERABILITY (RESTRICTIONS APPLY TO ALL ZONING DISTRICTS UNLESS OTHERWISE SPECIFIED)

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 VIII - PENALTY FOR VIOLATION (RESTRICTIONS APPLY TO ALL ZONING DISTRICTS UNLESS OTHERWISE SPECIFIED)

See Ordinance #043

The owner or owners, renter or lessee 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 in Ordinance #043.

SECTION IX. OPEN MEETING

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 the public notice of the time, place and purpose of said meeting was given as required by the Open Meeting Act, Chapter 551, Texas Local Government Code.

SECTION X - EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

PASSED AND APPROVED on the 5th day of April 2022, during a scheduled meeting by the Board of Aldermen of The City of Highland Haven, Texas.

Olan Kelley

Olan Kelley, Mayor

ATTEST:

Lezley Baum

Lezley Baum, City Secretary

Appendix:

1. Zoning Ordinance #007 History
1. City of Highland Haven Zoning Map
3. Planned Unit Development District

Appendix 1 to Ordinance #056

History of Ordinance #007, Zoning

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.

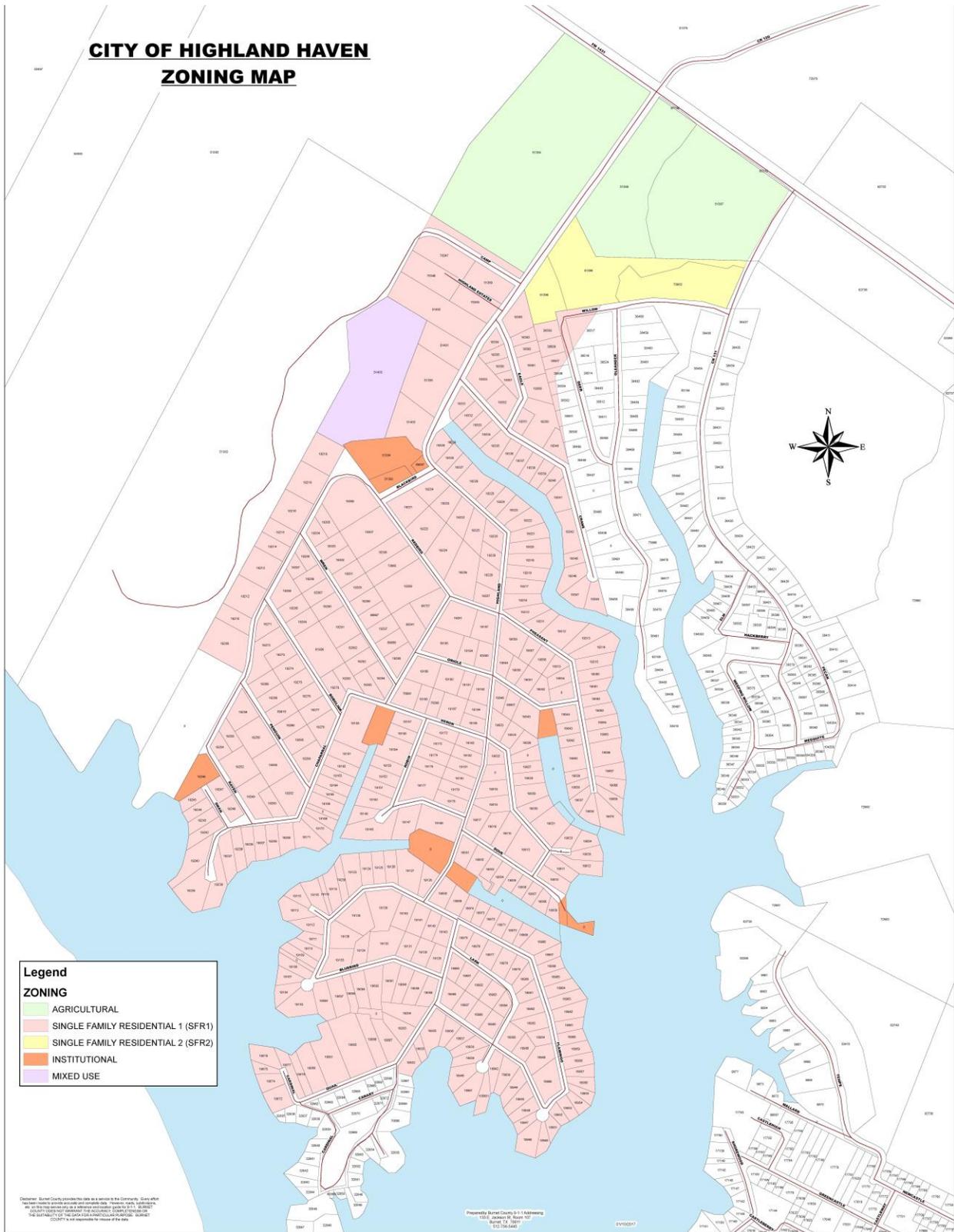
Revision #10 of Ordinance #007 dated May 2002, revised page 7 Appendix 1 (d) add size of political signs.

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

This Ordinance replaces #007 and all of the above revisions.

CITY OF HIGHLAND HAVEN ZONING MAP



Legend
ZONING

- AGRICULTURAL
- SINGLE FAMILY RESIDENTIAL 1 (SFR1)
- SINGLE FAMILY RESIDENTIAL 2 (SFR2)
- INSTITUTIONAL
- MIXED USE

Disclaimer: Summit County provides this data as a service to the Community. Summit County does not warrant the accuracy, completeness, or timeliness of the information. Summit County is not responsible for any errors or omissions, or for any actions taken in reliance on the information. Summit County is not liable for any damages, including consequential damages, arising from the use of this information. SUMMIT COUNTY is not responsible for misuse of the data.

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01900017

PLANNED UNIT DEVELOPMENT DISTRICT

PURPOSE: The purpose and intent of the Planned Unit Development district is to provide a flexible, transitional, alternative procedure to encourage imaginative and innovative designs for the unified development of property in the City consistent to encourage imaginative and innovative designs for the unified development of property in the City consistent with this Ordinance and accepted urban planning, with overall mixed-use regulations as set forth below and in accordance with the City's comprehensive plan. The PUD rules are designed: (a) to allow development which is harmonious with nearby areas; (b) to enhance and preserve areas which are unique or have outstanding scenic, environmental, cultural or historic significance; (c) to provide an alternative for more efficient use of land, resulting in smaller utility networks, safer streets, more open space, and lower construction and maintenance costs; (d) to encourage harmonious and coordinated development, considering natural features, community facilities, circulation patterns and surrounding properties and neighborhoods; (e) to facilitate the analysis of the effect of development upon the tax base, the local economy, population, public facilities and the environment; (f) to provide and result in an enhanced residential and/or work environment for those persons living and/or working within the district; and (g) to require the application of professional planning and design techniques to achieve overall coordinated mixed use developments and avoid the negative effects of piece-meal, segregated, or unplanned development. Toward these ends, rezoning of land and development under this district will be permitted only in accordance with the intent and purpose of the City's comprehensive plan and this Ordinance, and to that end the PUD plan must be prepared and approved in accordance with the provisions of this Ordinance.

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

1. Flexible Planning. When considering a PUD, the unique nature of each proposal for a PUD may require, under proper circumstances, the departure from the strict enforcement of certain present codes and ordinances, e.g., without limitation, the width

and surfacing of streets and highways, lot size, parking standards, setbacks, alleyways for public utilities, signage requirements, curbs, gutters, sidewalks and street lights, public parks and playgrounds, drainage, storm drainage, water supply and distribution, sanitary sewers, sewage collection and treatment, single use districts, etc. Final approval of a PUD by the City Board of Alderman shall constitute authority and approval for such flexible planning to the extent that the PUD as approved, departs from existing codes and ordinances. The flexibility permitted for a PUD does not imply that any standard or requirement will be varied or decreased.

2. Rules Applicable. The City Board of Alderman, after public hearing and proper notice to all parties affected and after recommendation from the Commission, may attach a Planned Unit Development District designation to any tract or combination of tracts of land equal to or greater than three (3) acres. Under the Planned Development designation the following rules apply:

A. The approval of any proposed PUD or combination of uses proposed therein shall be subject to the discretion of the City Board of Alderman, and no such approval will be inferred or implied.

B. Planned Unit Development district may be established where the principal purpose is to serve as a transitional district, or an extension of any existing district whereby the provision of off-street parking, screening walls, fences, open space and/or planting would create a protective transition between a lesser and more restrictive district. In approving a Planned Unit District, specific uses shall be incorporated in the ordinance.

C. Standards required by the base zoning apply in a Planned Unit Development except that the following regulations and standards may be varied in the adoption of the Planned Unit Development; provided that the plan is consistent with the sound urban planning and good engineering practices.

- (1) Front, side and rear setbacks.
- (2) Maximum height.
- (3) Maximum lot coverage.
- (4) Floor area ratio.
- (5) Off-street parking requirements.
- (6) Special district requirements pertaining to the base zoning.
- (7) Number of dwelling units per acre.
- (8) Accessory building regulations.
- (9) Sign standards.

(a) In approving a Planned Unit Development, no standards may be modified unless such modification is expressly permitted by this Ordinance, and in no case may standards be modified when such modifications are prohibited by this Ordinance.

(b) In approving a Planned Unit Development, the City Board may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, light and air, orientation, type and manner of construction,

setbacks, lighting, landscaping, management associations, open space, and screening.

(c) The Commission and City Board, in approving modifications to standards and regulations, shall be guided by the purpose intended by the base zoning and general intent of this ordinance.

3. Preliminary Site. A preliminary site Plan of the entire property within the Planned Unit Development will be considered by the Commission prior to any recommendation to, or consideration by, the Board of Alderman.

A. A Preliminary Site Plan may be approved for a portion of a Planned Unit Development district where the district is divided by a major thoroughfare, and the Preliminary Site Plan includes all the property located on one side of the street

B. Approval of a Preliminary Site Plan will determine the location and mix of proposed uses, proposed points of ingress and egress, parking spaces, building locations and height, lot coverage, yards and open spaces, landscaping, screening walls or fences, topography, and other development and protective requirements, considered necessary to create a reasonable transition to, and protection of, the adjacent property

C. The commission and/or City Board may approve, conditionally approve, request modifications, or deny approval of the Preliminary Site Plan Based on evaluation of details with respect to:

(1) The plan's compliance with all provisions of this Ordinance and other ordinances of the City.

(2) The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.

(3) The relationship of the development to adjacent uses in terms of harmonious use and design, setbacks, maintenance of property values, and negative impacts.

(4) The provision of a safe and efficient vehicular and pedestrian circulation system.

(5) The design and location of off-street parking and loading facilities to ensure that all such spaces are useable and are safely and conveniently arranged.

(6) The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for fire-fighting and emergency equipment to buildings.

(7) The coordination of streets so as to compose a convenient system consistent within the City.

(8) The use of landscaping and screening;

(1) to provide adequate buffers to shield lights,

noise, movement or activities from adjacent properties when necessary, and

(2) to complement the design and location of buildings and be integrated into the overall site design.

(9) The adequacy of water, drainage, sewerage disposal facilities, and other utilities necessary for essential services to residents and occupants.

(10) The availability of dry fire hydrants for fire-fighting.

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