

ORDINANCE NUMBER 267

AN ORDINANCE OF THE CITY OF SUNRISE BEACH VILLAGE, TEXAS AMENDING INDICATED SECTIONS OF THE CONSOLIDATED ZONING ORDINANCE 246 FOR THE CITY OF SUNRISE BEACH VILLAGE, TEXAS

WHEREAS; The Consolidated Zoning Ordinance 246 establishing zoning districts within the City limits should be amended to clarify and better provide an attractive living environment and to protect the health, safety and welfare of the present and future residents of the City;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SUNRISE BEACH VILLAGE, TEXAS, THAT THE ITALICIZED CHANGES OR ADDITIONS SHALL AMEND THE CONSOLIDATED ZONING ORDINANCE 246 AS FOLLOWS:

Change 1. Article III, Section 53. Para A, Subparagraph 5, Page 68. Change paragraph to read:

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

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

b. No change to current wording.

Change 2. Article I, Section 5, Definitions, Page 14. Add the following definition in alphabetical order with other listings:

Junked Boat or Personal Watercraft – *Any boat or personal watercraft that is wrecked, dismantled or partially dismantled, or inoperable for more than 72 consecutive hours, if the boat or watercraft is on public property or in or over lake water adjacent to public property; or for 30 consecutive days, if the boat or personal watercraft is on private property or in or over the lake adjacent to private property. One 30-day extension may be granted at the discretion of the code compliance monitor.*

Change 3. Article I, Section 5, Definitions under “Lot” paragraph E, Page 15. Change paragraph to read:

Improved Lots – any lot will be considered an improved lot if a primary structure has been constructed on the lot. *Removal of a primary structure will cause the lot to return to status as an unimproved lot.*

Change 4. Article III, Section 52, Paragraph B, subparagraph 3, Page 67. Change paragraph to read:

a. The City Inspector and designated City Commissioner(s) approve applications of Development Permits for new or replacement construction. See Section 78 Page 92 for Developmental Permits.

b. Primary structures that are de-constructed (demolished) or removed will require a no-fee permit approved by the City Inspector and designated City Commissioner(s) prior to deconstruction or demolition of the structure. The permit will be valid for 6 months and may be renewed once. If accessory structures are also on the lot, the Owner must agree in writing to apply for a Development Permit for a primary structure within 6 months of completing de-construction/removal of the primary structure.

c. Failure to apply for a development permit within the 6 month limit will cause the improved lot to revert to status as an unimproved lot and all accessory structures (garages, sheds, workshops, docks, etc.) on or associated with the lot must be removed. The Owner will be subject to the penalty clause in Section 97 of Consolidated Zoning Ordinance 246 until the lot is brought into compliance with this Ordinance.

Change 5. Article III, Section 78, Paragraph E, Page 93. Change to Read:

a. A Development Permit for a Primary Structure on an unimproved or improved lot will be valid for 12 months with only one 6 month renewal allowed.

b. A Development Permit for all other construction will be valid for six months and may extend with two 6 month renewals. A maximum of 2 renewals can be approved by the City Inspector and designated Commissioner(s).

c. Renewals should be requested prior to the expiration of the current permit or within 15 days after expiration. Renewals will be dated to start at the expiration of the current permit or first renewal, whichever is currently in effect.

d. After 18 months of issuance for any first permit, a new Development Permit Application will be required to be submitted and approved by the City Commissioners. The second Development Permit will be for a maximum of 6 months with no renewals available.

e. Any construction of a primary structure not completed in the permitted time frame, construction without a permit, construction with an expired permit or non-renewed permit will incur a penalty as defined in the current Development Permit Fees and Penalty Schedule.

f. No Development Permit will be issued until all delinquent property taxes are paid.

g. All excess building materials, building refuse, trash and dirt/gravel mounds must be removed not later than 30 days after completion of construction or expiration of Development Permits, whichever occurs first.

h. If construction on the primary structure has not started within 6 months of obtaining a Development Permit, all permits will be canceled and violations will be subject to the penalty clause in Section 97 of the zoning ordinance. The applicable portion of the Permit must be displayed on the property, visible from the street, when construction begins and shall remain until construction is completed or the permit is canceled.

Change 6. Article III, Section 53. Add the following paragraph:

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

Change 7. Article III, Section 52. Paragraph B, 4, Page 66. Occupancy/Construction of Structures. Add the following to subparagraph 4 on page 67 – Use of temporary housing during construction...:

e. Construction must begin within 60 days of placement of temporary housing, or the temporary housing must be removed. Any extension beyond 60 days without construction starting will require approval of the City's Board of Commissioners.

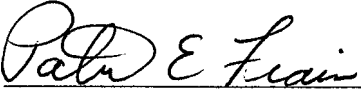
Change 8. Article III, Section 56, Para B, Page 71 Change to read:

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

PASSED AND APPROVED on this 16th day of April 2009, effective May 1st, 2009.

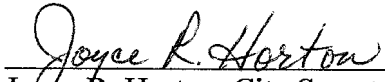
**CITY OF SUNRISE BEACH
VILLAGE, TEXAS**

APPROVED:



Patricia E. Frain, Mayor

ATTEST:



Joyce R. Horton, City Secretary

Approved as to Form:



Paige Saenz, City Attorney
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