

ZONING ORDINANCE NO. 13-001

AN ORDINANCE, REPEALING ZONING ORDINANCE NOS. 10-001, 09-004, 07-002, 06-003, 05-005, 02-002, 97-001, AND 99-003, WHICH REPEALED ZONING ORDINANCE NO. 84-001, AND REPEALS ORDINANCE AMENDMENTS NOS. 07-001, 06-002, 0-007 AND 04-001; ESTABLISHING ZONING REGULATIONS GOVERNING THE DEVELOPMENT AND USE OF LAND WITHIN THE VILLAGE OF SAN LEANNA INCLUDING THE FOLLOWING: AN INTRODUCTION; A TITLE; ZONING DISTRICTS; CONSTRUCTION WITHIN THE 100-YEAR FLOOD PLAIN; TYPES OF STRUCTURES ALLOWED IN THE SINGLE-FAMILY DWELLING DISTRICT; LOT AND YARD REQUIREMENTS FOR SINGLE-FAMILY DWELLINGS; CONSTRUCTION OF SINGLE-FAMILY DWELLINGS; USES OF SINGLE-FAMILY DWELLINGS; PORTABLE AND PERMANENT STRUCTURES; TYPES AND USES OF PORTABLE ACCESSORY STRUCTURES; RAIN WATER COLLECTION SYSTEMS; SWIMMING POOLS, SPAS AND HOT TUBS; CONSTRUCTION CODES; SEPTIC TANK AND SEWERAGE DISTRIBUTION SYSTEM; APPLICATIONS FOR BUILDING PERMITS; CERTIFICATES OF OCCUPANCY; VARIANCES; FEES; A ZONING COMMISSION; BUILDING INSPECTION COMPANY SERVICES; MISCELLANEOUS PROVISIONS RELATING TO ANIMAL RESTRICTIONS, SATELLITE DISHES, SIGNS; DRIVEWAYS, PARKING, SPRINKLER SYSTEMS, AND PORTABLE STORAGE CONTAINERS; ENFORCEMENT OF THE ZONING ORDINANCE AND PENALTIES FOR VIOLATIONS INCLUDING A FINE NOT TO EXCEED \$2,000 PER OFFENSE, PENALTIES NOT TO EXCEED \$2,000 PER DAY, AND INJUNCTIVE RELIEF; AND, A SEVERABILITY PROVISION.

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WHEREAS, on November 18, 2010, the Board of Aldermen (“Board”) of the Village of San Leanna (“Village”), Travis County, Texas, adopted Ordinance No. 10-001 which repealed the zoning ordinance of August 20, 2009, and replaced it with a revised ordinance; and

WHEREAS, through experience and administration, the Board is of the opinion that a new comprehensive zoning ordinance is necessary to serve the public interest, afford sufficient protection to the general welfare of the citizenship, and further the peaceful enjoyment of the homes and properties within the Village; and

WHEREAS, the Board requested the Zoning Commission (“Commission”) to study all zoning ordinances and to take into consideration, among other things, the fact that the Village is uniquely a residential community; and

WHEREAS, the Commission, after study, filed with the Board, proposed revisions for the zoning ordinances and recommended that Ordinance No. 10-001 be repealed and that the revised ordinance be adopted; and

WHEREAS, the regulations established by this Ordinance are designed to prevent property owners from adversely affecting adjoining property owners in an unreasonable manner; and

WHEREAS, the regulations established by this Ordinance are part of a comprehensive regulatory scheme designed to protect the culture, heritage, ecology, and aesthetics of the Village; and

WHEREAS, the regulations established by this Ordinance are in furtherance of the public interest, for the good government, peace, order, trade, and commerce of the Village and necessary and proper for carrying out the power granted by law to the Village; and

WHEREAS, the following regulations are a valid exercise of the Village’s broad police powers and based upon the Village’s statutory regulatory authority, including but not limited to Texas Local Government Code Chapters 51, 52, 211, 212, 213, 215, 217, and 219; and

WHEREAS, parties in interest and citizens have had an opportunity to be heard at a public hearing conducted by the Zoning Commission and a public hearing conducted by the

Board of Aldermen, notice of which was published in the Village's official newspaper and on the Village Bulletin Boards before the fifteenth (15th) day before the first public hearing, and agendas for each hearing were posted at three (3) public locations at least seventy-two (72) hours prior to the respective hearings; and

WHEREAS, after the hearings, the Board directed that the revised ordinance be presented in its final form, for the Board's inspection, and after such inspection, found that the proposed revision of the ordinance was in the Board's best judgment and opinion an improved means to promote the health, safety, and general welfare of the people of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SAN LEANNA, COUNTY OF TRAVIS, STATE OF TEXAS:

That Ordinance No. 10-001, previously passed by the Board, is repealed, and the new Ordinance No. 13-001 is hereby enacted in lieu thereof, to read as follows:

SECTION 1. INTRODUCTION

- (A) All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of San Leanna and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety;
- (B) The zoning requirements and districts, as established in this Ordinance, have been made in accordance with comprehensive planning for the purpose of promoting the health, safety, and general welfare of the Village. They have been designed with the fact in mind that the Village is a purely residential community, with the exception that a cemetery exists within its corporate boundaries.
- (C) Because the Village is unique in this respect, certain requirements are necessary to prevent the overcrowding of land and to facilitate the purposes for which the Village was incorporated, among other things, to preserve the character of the zoning districts and their suitability for particular uses, to conserve the value of the buildings, and to encourage the most appropriate use of land throughout the Village.

SECTION 2. TITLE

This Zoning Ordinance shall be known, cited, and referred to as the "Zoning Ordinance."

SECTION 3. DEFINITIONS

(A) **General**

Words and phrases used in this Ordinance shall have the meanings set forth in this section. For the convenience of the reader, these defined words and phrases are underlined, but the absence of such indications does not imply a different meaning. Words and phrases which are not defined in this Ordinance but are defined in other ordinances of the Village of San

Leanna shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this ordinance.

(B) Specific Definitions

- (1) **Board:**
The Board of Aldermen, the governing body (i.e., city council) of the Village of San Leanna.
- (2) **Building:**
Any structure of any kind or any part thereof, erected for the support, shelter, or enclosure of persons, animals, chattel, or property of any kind.
- (3) **Cemetery:**
Area on the western edge of the Village, north of FM 1626, known as Onion Creek Memorial Park, Inc.
- (4) **Commission:**
The Zoning Commission of the Village of San Leanna.
- (5) **Driveway:**
A private roadway providing access to a building or a house which could be made of among other things, gravel, cement, brick, dirt, or asphalt.
- (6) **Fees:**
Charges for various permits and failed inspections.
- (7) **Height:**
As applied in this Ordinance, height is measured from the slab to one-half the distance between the roof eave and the peak. An average two-story home is 35' (feet) high.
- (8) **Home Occupation:**
An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes.
- (9) **Inspection Company:**
The individual or corporation designated by the Village to inspect all construction, replacements, additions, and remodeling to assure that the work complies with the appropriate Village codes and regulations.
- (10) **Mobile Home:**
A structure that was constructed before June 15, 1976, transportable in one or more sections, which in traveling mode is eight (8) or more body feet in width or forty (40) body feet or more in length, or which when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and

includes the plumbing, heating, air conditioning, and electrical systems. This definition does not apply to HUD Code-Manufactured Homes (see current HUD Ordinance).

- (11) **Person:**
Any individual, corporation, organization, government agency, business, trust, partnership, association, or other legal entity.
- (12) **Permanent Accessory Building:**
A building more than one hundred and twenty (120) square feet in size, and which is constructed upon a concrete slab (structurally engineered concrete slab if the building is one thousand and one (1,001) square feet or larger).
- (13) **Portable Accessory Building:**
A building up to one hundred and twenty (120) square feet in size, on skids, not axles, and secured firmly to the ground.
- (14) **Power Company:**
The company which installs the construction loop for new construction at the building site, and will move it to permanent hook-up.
- (15) **Remodel:**
To make over; structural changes including plumbing and or electricity; removing walls, not painting or replacing broken doors, windows, or cabinets.
- (16) **Right-of-Way (“ROW”):**
The area on, below, above, or bordering a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement, in which the Village has an interest.
- (17) **Sign:**
Any outdoor device, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform.
 - (a) Signs may be made of paper, wood, or other material.
 - (b) Signs covered by this Ordinance include, but are not limited to: rent, sale, or lease of a house, construction of any kind, roofing and sprinkler system installation, and political signs promoting candidates or voting in general.
- (18) **Single Family Dwelling:**
One dwelling unit, other than a mobile home, that is a free standing and structurally separated building used for residential purposes. It is located on a lot or building site that is not occupied by any other dwelling unit or main building except as allowed by this Ordinance. A typical use is a single detached dwelling.
- (19) **Variance:**
A variance is the relief from strict application of any term or provision of this ordinance when such strict application would cause an undue hardship. The

hardship must be due to the nature of the land or tract of land, and cannot be economic in nature. Under no circumstances can a variance be issued to allow any use other than those set forth in the zoning district in question.

- (20) **Village:**
The Village of San Leanna, an incorporated municipality located in Travis County, Texas.

SECTION 4. VILLAGE ZONING DISTRICTS

- (A) The Village is hereby divided into two (2) types of zoning districts, as follows:
 - (1) A Single-Family Dwelling District; and
 - (2) A Cemetery District (see current Cemetery Ordinance).

The definitions of the two Village Districts are described in Section 3 of this Ordinance. The Cemetery District is under the name of “Onion Creek Memorial Park, Inc.”

- (B) No land shall be used for, and no building shall be erected for or converted to, any use(s) other than those provided in the requirements stipulated in this Ordinance for the district in which the land and buildings are located, except as otherwise provided by Village ordinance.
- (C) Any building or structure lawfully in place at the time of the enactment of this Ordinance may be maintained and used for the purposes for which it was erected; however, the building or structure may not be added to, replaced, or remodeled (make over in a somewhat different way) without meeting the requirements of this Ordinance.

SECTION 5. CONSTRUCTION WITHIN THE 100-YEAR FLOOD PLAIN

- (A) The Village participates in the Federal Emergency Management Act’s (“FEMA”) flood plain insurance program.
- (B) No permit shall be issued and no person shall construct in the Village’s 100-year flood plain unless the construction complies with applicable:
 - (1) Federal Emergency Management Act’s flood plain requirements;
 - (2) Federal and Texas state flood plain regulations;
 - (3) Austin/Travis County Health Department requirements;
 - (4) Village Ordinance and requirements on flood damage prevention (see current Flood Plain Ordinance); and
 - (5) Other applicable Village regulations.

SECTION 6. AUTHORIZED TYPES OF STRUCTURES IN SINGLE-FAMILY DWELLING DISTRICT

- (A) In the single-family dwelling district, no land shall be used for, and no building shall be erected for, or converted to, any use(s) other than:
- (1) single-family dwellings. A single-family dwelling shall also be referred to in this Ordinance as a “main residence”;
 - (2) temporary buildings for use(s) incidental to construction work on the premises, provided that they shall not be used for residences and shall be removed upon completion or abandonment of the construction work (e.g. portable toilets);
 - (3) water supply reservoirs, plumbing plants and towers, including necessary accessory structures; and
 - (4) accessory structures, as defined in this Ordinance.
- (B) Recreational type vehicles are allowed in the Village but shall not be inhabited, or set up as a dwelling either permanently or temporarily.
- (C) No mobile home of any size will be allowed to be set up, inhabited, or stored in the Village.
- (D) HUD-code manufactured housing is a restricted use as provided by the current HUD Code-Manufactured Home Ordinance and other Village regulations.

SECTION 7. LOT AND YARD REQUIREMENTS FOR SINGLE-FAMILY DWELLINGS

- (A) The lot on which a single-family dwelling is to be built shall meet the following requirements:
- (1) Property within the Village shall be divided or subdivided into lots of a size not less than three quarters (3/4) of an acre, for septic purposes as required by the Travis County Health Department as of September 1, 2000.
 - (2) Nothing in this Ordinance shall be construed to prevent construction, which is not in violation with other provisions of the Ordinance, on a lot of less than 32,670 square feet (3/4 of an acre), **IF such lot had been subdivided prior to April 17, 1973.**
 - (3) The owner of any property being subdivided in accordance with applicable Village regulations must pay for all water lines to be installed linking existing Village water lines with the subdivided property, and must conform to all policies established by the Board (see current Subdivision Ordinance).
- (B) The lot on which a single-family dwelling is to be built shall meet the following yard requirements:

- (1) There shall be a front yard with a depth of not less than thirty (30) feet from the front lot line to the single-family dwelling foundation. Where lots have double frontage (ex. a corner lot) running from one street to another, the required front yard shall be provided on both streets.
- (2) There shall be a side yard on each side of the lot with a depth of not less than ten (10) feet from the side property line to the single-family dwelling foundation. A side yard adjacent to a side street shall not be less than thirty (30) feet from the street to the foundation.
- (3) There shall be a rear yard having a depth of not less than ten (10) feet from the rear property line to the single-family dwelling foundation.

SECTION 8. CONSTRUCTION REQUIREMENTS FOR SINGLE-FAMILY DWELLINGS

- (A) A single-family dwelling shall be no more than two (2) stories thirty-five feet (35) in height and shall have a living area of not less than one thousand six hundred and fifty (1650) square feet, exclusive of accessory buildings, open porches, decks, storage rooms, utility rooms, and garages.
- (B) A single-family dwelling shall be constructed of at least seventy-five percent (75%) masonry on exterior walls of the first floor.
 - (1) Masonry, as used in this Ordinance, is defined as brick, stone, *stucco, and/or fiber cement. **Brick, stone, and stucco may constitute a minimum of seventy-five percent (75%) of the masonry requirement. Fiber cement may not constitute more than seventy-five percent (75%) of the masonry requirement, nor may it constitute any portion of the remaining twenty-five percent (25%) of the exterior walls of the single family dwelling.** Other materials on the exterior construction may be used only with a variance from the Board of Aldermen, with a recommendation by the Zoning Commission.

***Stucco is defined as Portland cement plaster**, a blend of basic cementitious materials, sand, and water. Synthetic stucco, a blend including Styrofoam with a layer of concrete, is prohibited.”
 - (2) In computing the area to be covered by masonry, the door and window openings on a masonry wall shall be considered to be masonry. The area to be covered by masonry shall be measured from the top of the slab to the height of the ceiling of the first floor and shall not include the gable.
- (C) A single-family dwelling, whether being built, replaced, remodeled, or added to, shall be of new or structurally sound materials, as determined by the inspection company, and shall comply with the building code(s) adopted by reference in this Ordinance.
- (D) A single-family dwelling’s electrical wiring shall conform to the electrical code adopted by reference in this Ordinance, except that copper conductors shall be used for all interior

wiring.

- (E) A single-family dwelling's exterior, including the masonry, shall be completed within six (6) months after date of issuance of the building permit.
 - (1) If the applicant exceeds this time limit, the applicant must obtain a new building permit; however, the applicant, prior to permit expiration, may apply to the Village in writing for an extension, with no fee.
 - (2) In requesting a time extension, the applicant must show unforeseeable circumstances beyond his/her control. If the applicant cannot show this, the Village may not grant an extension of time and require the purchase of a new building permit, per the current Zoning Ordinance.
- (F) (1) **No clearing of land**, except for a small portion for the percolation test required for ("on site sewage facility") septic permit, **or trimming of trees without consultation with the Village arborist.**
 - (2) Erosion fences must be in place and maintained throughout construction.
 - (3) No parking vehicles or storing/dumping materials in drainage ditches.
- (G) Trash box or dumpster required from beginning to end of construction.
 - (1) Trash box or dumpster must be emptied when full, may not be filled to overflowing.
 - (2) No garbage may be placed in trash box/dumpster, only construction debris. Remove garbage (snack papers, food wrappers, soda/water bottles, etc.) from site daily.
- (H) **No burning of ANY debris** from construction site; includes wood and wood products, wall board and/or roofing tiles.
- (I) Builders may not allow their electrician to change the construction loop to permanent power – the meter will be removed, and the builder will be fined one hundred dollars (\$100.00), of which seventy-five dollars (\$75.00) will be paid to PEC for reinstallation and twenty-five dollars (\$25.00) will be paid to the Village for administrative costs.
- (J) Mechanical energy code compliance may be checked online by builders at: www.energycodes.gov
- (K) Erosion Control
 - (1) installation of silt fences and rock berms before and during construction in order to reduce on-site soil erosion and provide temporary capture of sediment.
 - (2) Temporary and/or permanent re-vegetation of bare ground in order to stabilize disturbed soil at the earliest practicable date.
- (L) Construction will be allowed between the hours of 6:00 a.m. and 8:00 p.m. only.

SECTION 9. AUTHORIZED USES OF SINGLE-FAMILY DWELLINGS

- (A) A single-family dwelling’s primary use is that of the main residence for the single family.
- (B) A single-family dwelling may have a secondary or accessory use as a location for a home occupation, which:
 - (1) is performed for gain;
 - (2) is conducted by member(s) of the household (e.g., roommates, partners, family) residing in the main residence;
 - (3) does not require the employment of persons who do not reside in the main residence;
 - (4) is conducted as an accessory use that is clearly incidental and secondary to the use of the main residence;
 - (5) does not involve the display of a sign to advertise the occupation;
 - (6) is not a nuisance;
 - (7) includes, but is not limited to doctors, lawyers, artists, home computer businesses, architects, engineers, home child care, accountants, and music teachers; and
 - (8) may be conducted in an accessory building on the property by a household member.

SECTION 10. DEFINITIONS AND TYPES OF ACCESSORY STRUCTURES

- (A) An accessory structure is a structure which:
 - (1) is incidental to the use(s) of the single-family dwelling (“main residence”); and
 - (2) is not authorized unless there is a main residence.
- (B) The two types of accessory structures which are authorized in the Village are:
 - (1) a permanent accessory structure; and
 - (2) a portable accessory structure.

SECTION 11. REQUIREMENTS FOR PERMANENT ACCESSORY STRUCTURES

- (A) **Size:** A permanent accessory structure must:
 - (1) be more than one hundred and twenty (120) square feet in size, and not more than sixteen (16) feet in height;

and

- (2) be of less square footage than the main residence.
- (3) No more than two (2) accessory buildings are allowed on any one lot in the Village.

(B) Location: A permanent accessory structure must be located:

- (1) on the same lot as the main residence;
- (2) in the backyard or behind the main residence;
- (3) at least ten (10) feet or more from any side or rear lot line and shall be no taller than sixteen (16) feet in height; and
- (4) at least thirty (30) feet or more from the side lot line in the case of a corner lot.

(C) Construction:

- (1) A permanent accessory structure must:
 - (a) be of new construction or structurally sound construction as determined by the inspection company;
 - (b) be painted or sealed, if a wood or wood product; and
 - (c) be constructed upon a structurally engineered concrete slab, if the building is one thousand and one (1001) square feet or larger.
- (2) The exterior construction of a permanent accessory structure must be completed:
 - (a) within six (6) months of the issuance of the building permit, with a separate fee, if the structure is being built in conjunction with the construction of the main residence; or
 - (b) within three (3) months of the issuance of the building permit if the structure is being built after the main residence has been completed.
- (3) Permanent accessory building construction does not require a trash box or dumpster, but all debris must be cleaned up and removed from Village daily.
- (4) No burning of construction debris, including wood product, is allowed.

(D) Uses:

- (1) A permanent accessory structure **without** residential plumbing may be used as a garage, barn, carport, patio cover, patio cover used as a carport (may require a slab, depending on size), boat cover, storage building, workshop, office, greenhouse, gazebo, playhouse, or exercise building.

- (2) A permanent accessory structure with residential plumbing may be used as an office, pool house, or a guest house, provided the habitation does not exceed two (2) consecutive weeks **EXCEPT** for immediate family, i.e., parents, in-laws, children, grandchildren, or siblings. Variances **MAY** be given for health care providers.
- (3) Any use other than the ones stated above must have approval from the Board of Aldermen, and may require a variance, with a recommendation from the Zoning Commission.
- (4) Accessory structures used as barns must comply with applicable Village animal regulations (see current Animal Ordinance).

SECTION 12. REQUIREMENTS FOR PORTABLE ACCESSORY STRUCTURES

- (A) **Size:** A portable accessory structure may not be more than 120 square feet in size and not more than sixteen (16) feet in height. Only two accessory buildings are allowed per Village lot.
- (B) **Location:** A portable accessory structure must be:
 - (1) located on the same lot as the main residence;
 - (2) located in the backyard or behind the main residence;
 - (3) at least ten (10) feet or more from any side or rear lot line; and
 - (4) at least thirty (30) feet or more from the side lot line in the case of corner lots.
- (C) **Construction:**
 - (1) A portable accessory structure must:
 - (a) be of new construction or structurally sound construction, as determined by the inspection company;
 - (b) have a roof pitch of 1/12 or greater;
 - (c) be on skids and not have capabilities of axles;
 - (d) be painted or sealed, if wood or wood products; and
 - (e) be secured firmly to the ground.
 - (2) The exterior construction of a portable accessory structure must be completed;
 - (a) within six (6) months of the issuance of the building permit (with a separate fee) if the structure is being built in conjunction with the construction of the main residence; or

- (b) within three (3) months of the issuance of the building permit if the structure is being built after the main residence has been completed.
- (3) Portable accessory building construction does not require a trash box or dumpster, but all debris must be cleaned up and removed from Village daily.
- (4) No burning of construction debris, including wood product, is allowed.

(D) **Uses:**

- (1) A portable accessory structure may be used as a garage, barn, carport, patio cover, patio cover used as a carport (may require a slab, depending on size), boat cover, storage building, workshop, office, greenhouse, gazebo, playhouse, or exercise building.
- (2) Any use other than the ones described above must have approval from the Board of Aldermen, and may require a variance, with a recommendation from the Zoning Commission.
- (3) Portable accessory structures used as barns must comply with applicable Village animal regulations (see current Animal Ordinance).

SECTION 12.1 REQUIREMENTS FOR RAIN WATER COLLECTION SYSTEMS

(A) **Definitions:**

- (1) Rain Barrel - container for rain water, not larger than 100 gallons, placed under rain gutter downspouts, not requiring any type of pump. Can be hooked up to a garden hose, or emptied into a bucket or can for disbursal.
- (2) Rain water Collection Tank or Cistern - container for rain water, larger than 100 gallons, connected to rain gutters by pipes, may require a pump for disbursal.

(B) **Size:**

- (1) There are no size requirements for rain barrels, except for gallons held.
- (2) Rain water tanks or cisterns may not be more than 120 square feet or twelve (12) feet in diameter and not more than twelve (12) feet in height.

(C) **Location:**

- (1) A rain barrel may be placed on any corner of the house where gutters may be connected.
- (2) A water collection system must be:
 - (a) located in the side or backyard;
 - (b) at least ten (10) feet or more from any side or rear lot line; and

(c) at least thirty (30) feet or more from the side lot line in the case of corner lots.

(D) Construction and Permitting:

- (1) All rain water collection systems (barrels, cisterns, and tanks) must be fully enclosed in order to prevent the breeding of mosquitos.
- (2) A rain water collection system with a capacity of 5,000 gallons or less, without an electric pump, may be constructed without a permit, permit fee, or inspection.
- (3) A rain water collection system with a capacity of 5,001 gallons or more will require a permit.
- (4) A system of any size with a permanently installed electric pump will require a permit and inspection, plus inspection fee.

(E) **Uses:** A rain water collection system may be used to collect rain water only; it may not be connected to the Village's water system at any time; and water collected is to be used for outdoor purposes only.

SECTION 13. SWIMMING POOLS, SPAS AND HOT TUBS

This section applies to new in-ground and above-ground swimming pools, permanent or portable spas, and/or hot tubs which have a depth of thirty (30) inches or more with a pump and/or filter. Storable and/or wading pools less than thirty (30) inches deep without pump and/or filter are exempt from these restrictions.

- (A) A pool spa or hot tub which is new in-ground or above-ground shall be constructed in accordance with the construction standards in the Plumbing Codes adopted by the Village. Portable, self-contained hot tubs, spas, and aboveground pools, all filled with a hose, shall require installation of a backflow preventer as per the Plumbing Code. Portable hot tubs, spas, and aboveground pools require a form signed by a licensed backflow preventor technician, which assures compliance.
- (B) A pool and its surrounding deck, in-ground pools, spas, and hot tubs shall be located:
- (1) on the same lot as the main residence;
 - (2) in the backyard or behind the main residence;
 - (3) thirty (30) feet or more from the front lot line;
 - (4) ten (10) feet or more from the side or rear lot line; and
 - (5) thirty (30) feet or more from the side lot line in the case of corner lots.
- (C) A pool that is to be drained must be drained in such a manner as to not erode or interfere

with adjacent property belonging to another owner.

- (D) Pools, either above-ground or in-ground, spas, and/or hot tubs require an **unclimbable** barrier at least forty-eight (48) inches above grade (measured on the side which faces away from the pool) with a maximum clearance between it and the ground of two (2) inches. Gates must have a self-latching device at least three (3) inches from the top of the gate on the pool (water) side of the gate. A door alarm is required on each door accessing the pool when the side(s) or back of a house form part of the barrier around the pool. Other information about distance from power equipment grounding and pump requirements is available upon request or with pool permit information. See Section AG101 of Appendix G of the Building Code.
- (E) A pool, spa, or hot tub must be completed:
 - (1) within six (6) months of issuance of the building permit (with a separate fee) if the pool, spa, or hot tub is being built in conjunction with the construction of the main residence; or
 - (2) within three (3) months of the issuance of the building permit if the pool, spa, or hot tub is being built after the main residence has been completed.

SECTION 14. DECKS AND/OR PORCH OR SHED/PATIO TYPE ROOFS

- (A) Decks and/or porch or shed/patio type roofs, when attached to a residence or an accessory building, require a permit. They will be inspected for structural soundness.
- (B) Patio type roofs, when used as carports, require a permit (see accessory buildings).
- (C) Decks, when used as an above-ground pool surround, not attached to any building, do not require an additional permit or inspection. However, they must be secured firmly to the ground, just as an accessory building.

SECTION 15. CONSTRUCTION CODES AND BUILDING PERMITS

- (A) This Ordinance adopts by reference, except as otherwise provided by this Ordinance, the following codes, as amended, for the purpose of governing the construction, replacement, alteration, remodeling, removal, renovation, and demolition of buildings and other structures in the Village:
 - (1) The International Residential Code for One and Two-Family Dwellings;
 - (2) The National Electrical Code (NEC);
 - (3) The Uniform Plumbing Code; and
 - (4) any other applicable regulations which the above-mentioned codes have compiled and incorporated from national model codes.

- (B) In case of a question about the meaning of a specific provision in one of the codes, the Village will decide the question, with recommendation(s) from the inspection company.
- (C) Chemical toilets must be installed at all building sites for construction of single-family residential dwellings when construction begins and removed when construction is complete.

SECTION 16. APPLICATION FOR BUILDING PERMITS

(A) No person shall construct, add to, remodel, demolish, or replace an existing structure, including septic systems, single-family dwellings, permanent and portable accessory buildings, and swimming pools, hot tubs, and spas until having applied for and received a building permit from the Village. **Only Property Owner may apply for a Building Permit.**

(B) A building permit is required for:

- (1) Demolition of load-bearing structures, including retaining walls, concrete foundations, masonry and stone structures, steel and wood columns, beams, and trusses.
- (2) Demolition of exterior walls, **EXCEPTIONS:** for window or door installation involving replacement of broken and/or damaged windows and/or doors; roofing shingles or fences which require no permit.
- (3) New construction of load-bearing structures, including retaining walls, concrete foundations, masonry and stone structures, steel and wood columns, beams, and trusses.
- (4) Installation of temporary electric meter.
- (5) Demolition of electrical service.
- (6) New installation and replacement of electrical service and HVAC systems.
- (7) New installation of masonry and prefab fireplaces, including freestanding heating stoves.
- (8) Construction of overhead canopies, bridges, suspended walkways, decks or roofs, and any structural work, renovation, and/or remodeling with additional or replacement plumbing and/or electricity.
- (9) **PERMITS FOR EMERGENCY REPAIRS AND/OR REPLACEMENT OF HEATING/AIRCONDITIONING SYSTEMS SHALL BE ISSUED IMMEDIATELY. IF DONE BY A LICENSED/CERTIFIED TECHNICIAN, NO PERMIT REQUIRED.**

(C) No building permits shall be issued until all liens, fines, taxes, and/or overdue water bills

due the Village are paid in full.

- (D) All permits issued for **INTERIOR** work require inspection for smoke detectors inside and outside each bedroom in accordance with the International Residential Code for one- and two-family residences
 - (1) All permits issued (inside or outside work) require inspection of hose bibs (exterior faucets) for vacuum breaker/back flow preventer installation.
- (E) Application shall consist of ONE COPY of each of the following:
 - (1) Permit to Construct a Septic System from Austin/Travis County Health Department (in the case of a single-family dwelling);
 - (2) Receipt of payment of fees, and
 - (3) Proof of ownership of property (Warranty Deed or property tax receipt). Property owner must apply for permit.
- (F) Application shall consist of TWO COPIES of each of the following:
 - (1) Application for a building permit;
 - (2) Plot plan showing all easements, property lines, and the location of the single-family dwelling, accessory building, and septic tank and field;
 - (3) Blueprints, specifications, and dimensions of the structure; and,
 - (4) The structural engineering study on slab, if required by the Ordinance.
- (G) If the Village and Village Inspection Company approve the application, the Village will issue a building permit authorizing the applicant to begin construction.
- (H) If the application is not approved, or if the applicant cancels construction, the Village will return to the applicant:
 - (1) one hundred percent (100%) of the building fee minus any inspection fees or administrative fees already accrued; and
 - (2) one hundred percent (100%) of the water tap fee, provided the water lines and the tap have not been installed.
- (I) Building permits which are pending or in effect on the date of enactment of this Ordinance will continue in existence for six (6) months after the effective date of this Ordinance. At the end of the six (6) month period, the permits shall expire and be void unless an extension is applied for in writing citing the extraordinary circumstances that prevented completion of the project in the time given. "Extraordinary circumstances" shall not include monetary circumstances.

SECTION 17. SEPTIC TANK AND SEWERAGE DISTRIBUTION SYSTEM

- (A) Each septic tank (i.e., on-site sewage facilities) and sewerage distribution system (collectively “system”) in the Village will comply with the requirements and specifications established by the Austin/Travis County Health Department (“department”). The department, not the Village, will inspect each system and enforce department requirements and specifications. The Village shall not be responsible for permitting, licensing, or any approval or enforcement of a system.
- (B) The Village will not consider an application for a building permit and will not issue a building permit until the department issues a Permit to Construct a Septic System. This permit certifies that the proposed system complies with the department requirements and specifications and that the department recommends approval for construction of the system to the Village.
- (C) No system may be installed along the portion of Slaughter Creek that runs through the Village within the 100-year flood plain, without the approval of the department.
- (D) The person(s) requesting approval for the construction or modification of a system shall be responsible for paying the fees required by the department. Such fees shall be in addition to any building permit fee, water tap fee, and inspection fees described in this Ordinance.
- (E) No Certificate of Occupancy shall be issued until a License to Operate a Septic System is received by the Village.

SECTION 18. CERTIFICATE OF OCCUPANCY

- (A) No building or structure shall be used or occupied until the Village has issued a certificate of occupancy therefore as provided herein. Issuance of a Certificate of Occupancy shall not be construed as an approval or waiver of a violation of the provisions of this Ordinance or other Village regulations.
- (B) The Village will issue a Certificate of Occupancy, which certifies the structure meets all requirements of this Ordinance, to the applicant when the Village has received a copy of:
 - (1) the final inspection report from the building inspection company stating that all inspections have been passed and all requirements have been met;
 - (2) the license to operate the septic system issued by the Austin/Travis County Health Department to the applicant (in the case of a single-family residence);
 - (3) Plumber/Owner Certification Form required by Village of San Leanna;
 - (4) Plumber Certification from inspection company required by state;and
 - (5) all fail fees are paid and all debris is cleaned up and removed from the building site

and the Village.

- (C) The Certificate of Occupancy prompts the Village to notify the power company and is authority for the power company to connect permanent electrical services to the structure. The power company must have this certificate in order to make this electrical connection from construction loop to permanent. **YOUR ELECTRICIAN IS NOT AUTHORIZED** to change the electric hook-up from construction loop to permanent, under penalty of the Village having the power company return it to construction loop at your expense.

SECTION 19. VARIANCES

- (A) The Board, upon receiving a recommendation from the Zoning Commission, may in a specific case authorize a variance to the requirements in this Ordinance by:
 - (1) permitting the reconstruction of a structure which was being used in non-conformance with this Ordinance at the time of its passage; or
 - (2) permitting the extension of a non-conforming use of a structure upon the lot occupied by the structure at the time of the passage of this Ordinance; or
 - (3) authorizing in special cases variances from the requirements of this Ordinance that:
 - (a) will not be contrary to the public interest; and
 - (b) due to special conditions, literal enforcement of requirements of this Ordinance will result in unnecessary hardship; and
 - (c) the spirit of this Ordinance shall be observed and substantial justice done.
- (B) The Board may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought. The Board is not authorized to grant **use** variances other than those required for specific compliance with applicable state law.
- (C) The Board will not authorize a variance unless there is:
 - (1) public notice posted on the three bulletin boards designated by the Village and a hearing with the Zoning Commission who recommend a course of action at the next regularly scheduled meeting of the Board of Aldermen, who make the final decision; and
 - (2) all adjacent neighbors have the opportunity to voice their opinion, if possible, in writing to the Zoning Commission; and
 - (3) appropriate conditions and safeguards; and
 - (4) in the Board's judgment, no substantial or permanent injury to the public convenience, safety and welfare.

- (D) A request for a variance must be submitted by the property owner in writing, and the Board's approval or rejection of a variance must be in writing.

SECTION 20. FEES

The Board, upon Commission recommendation, shall establish a fee schedule covering building permits issued by the Village. **These building permit fees cover the costs of passed inspections. Failed inspections require an additional fee** (at the current rate) payable before the Certificate of Occupancy may be issued. Water tap fees are established by the Board and paid directly to the Village.

SECTION 21. ZONING COMMISSION

- (A) There is hereby created and established a Zoning Commission ("Commission") for the Village, which shall be composed of at least four (4) members. The Village Mayor shall appoint one (1) member as Commission Chair. The Commission shall select a Vice- Chair to perform Commission duties and responsibilities in the Chair's absence.
- (B) The term of office for Commission members shall be a two (2) year term, renewable by Board approval; appointments shall be "staggered" so as to assure continuity of experience. The Board shall fill all Commission vacancies in the same manner as provided for the original appointments.
- (C) The Commission shall implement all of its duties and responsibilities, as described in this Ordinance as necessary and appropriate for its implementation and enforcement.
- (D) The Mayor, with Board consent, may remove a Commission member at will. The member being removed may request, in writing, a public hearing which shall be held within ten (10) days of the Board receiving the written request. The member continues to serve until the Board issues a decision.
- (E) Members of the Commission may resign by giving notice to the Mayor.
- (F) The Commission shall recommend to the Board the employment of such qualified persons as may be necessary for the proper conduct and undertakings of the Commission (i.e., Inspection Company).
- (G) The Commission shall meet as needed to conduct its business.
- (H) The Commission may make rules for its own governance, which shall conform as nearly as possible to those rules governing the Board.
 - (1) Commission rules are subject to Board approval.
 - (2) Commission rules which are adopted may include, among other items, provisions for regular and special meetings open to the public review, and reports to the Board as needed. A copy of the Commission meeting minutes may constitute a report for

purposes of this Ordinance. Reports will be made by the Commission Chair or the Chair's designee.

- (I) Notices for Commission meetings shall be posted on the three bulletin boards designated by hearings will be conducted in compliance with the Open Meetings Act, and all Commission meetings will be open to the public, with the exception of authorized executive (i.e., closed sessions).
- (J) The Commission shall perform zoning duties other than the ones described in this Ordinance in order to comply with state law or other legal requirements.
- (K) The Commission Chair will call for a vote on all variance request recommendations to the Board. All items before the Commission shall be decided by simple majority vote. The Chair does not vote unless to break a tie, or unless the Chair is necessary to establish a quorum for the meeting.
- (L) Substantive changes to zoning requirements can be made only after a public hearing and with advice from the Commission. Notice of the public hearings must be published in the designated Village newspaper no less than fifteen (15) days prior to the hearing.
- (M) The Commission shall report to the Board on all requested variances and must make a recommendation for or against approval, in writing, giving the vote.

SECTION 22. BUILDING INSPECTION COMPANY SERVICES

- (A) The Village shall contract with a building inspection company (“inspection company”) to inspect all construction, replacements, additions, remodels, renovations, and pools, spas, or hot tubs requiring inspections to assure that the work complies with the appropriate codes adopted by reference in Section 15 of this Ordinance.
- (B) In case of any conflict between the provisions of this Ordinance and the contract with the inspection company, this Ordinance shall prevail.
- (C) The inspection company must be bonded and/or insured.
- (D) A structural engineering study shall be required for construction of each new single-family dwelling and permanent accessory building over one thousand and one (1001) square feet in area; however, the inspection company may also decide in a particular case that a structural engineering study shall be required for:
 - (1) a replacement of, an addition to, or a remodel of an existing single-family dwelling; or
 - (2) the construction of, replacement of, addition to, or remodeling of a permanent accessory structure.
- (E) The Village shall advise an applicant of the estimated number of inspections; however, the inspection company will make inspections as necessary to assure compliance with

appropriate code requirements. The inspection company will give written notice of all inspections to both the builder and the Village.

- (F) The Village shall pay the inspection company from building permit funds for all passed inspections and from fail fees collected, from property owner, for all failed inspections.

SECTION 23. MISCELLANEOUS PROVISIONS

- (A) **SATELLITE DISHES** more than thirty-six (36) inches in diameter must be enclosed within a privacy fence and must not be visible from any Village street.

- (B) All **DOGS** must be either inside home of owner, inside a securely fenced enclosure, or on a leash at all times while being walked within Village limits. Owners of unleashed or loose dogs may be subject to Municipal Court prosecution and fines (see current Animal Ordinance for other animals and their restrictions).

- (C) **DRIVEWAYS:**

- (1) Require no permit; **HOWEVER**, an expansion joint must be added at the front property line for drainage, water, road, and/or utility work;

- (2) Must be at least ten (10) feet from the side and/or rear property line.

- (D) **SPRINKER SYSTEMS** require a permit and inspection by the Village inspector at the point of hook-up to the Village water supply – this must remain uncovered until it is inspected.

- (1) An inspection by a licensed, certified backflow technician with the **ORIGINAL** form submitted to the Village (State requirement). This is paid for by homeowner and is not included in the Village inspection fee.

- (2) Drip irrigation and/or soaker hoses require no permit, but a vacuum breaker/backflow preventer must be attached to the hose bib (exterior faucet).

- (E) **RIGHT-OF-WAY** - anything planted, placed, located, built, or erected in the Village Right-of-Way is subject to removal, with no compensation, for utility, water, drainage, and/or road work.

- (F) **SIGNS** - Signs, except for political signs (SEE H), may be allowed, provided they are:

- (1) not directly illuminated by artificial light;

- (2) not more than eight (8) square feet in area;

- (3) removed within seven (7) days of the sale, rental, or lease, or within seven (7) days of the completed construction;

- (4) not in the Village Right-of-Way, or any public utility easement; and

- (5) do not obstruct the view of a roadway from any driveway or intersection.
- (G) **HOME BUSINESS** signs are not allowed.
- (H) **POLITICAL SIGNS** may be placed in the Village, provided they are:
 - (1) not directly illuminated by artificial light;
 - (2) not more than eight (8) square feet in area;
 - (3) not in the Village Right-of-Way, or an public utility easement; and
 - (4) do not obstruct the view of any roadway from any driveway or intersection.
- (I) Any and all **OUTDOOR BURN BANS** declared by the Travis County Commissioner's Court shall be observed and enforced in the Village.
- (J) **RELEASE OF EASEMENT** requests to the utility company, telephone company, and cable company must all be granted before a Release of Easement is granted by the Village Board.
- (K) **MOLD CLEAN-UP** – if major (wall board, plumbing removal), not just a door or window replacement, a permit is required.
- (L) **YARD SALES/GARAGE SALES** – limited to twice (2 times) per year.
- (M) **PARKING:**
 - (1) parking is prohibited on Village streets and in the Village Right-of-Way except for social events, and for a period no longer than 48 consecutive hours;
 - (2) parking is prohibited at all times within fifteen (15) feet of a fire hydrant, in accordance with Texas state law; and
 - (3) parking a vehicle displayed for sale on Village property is prohibited at all times, with the exception of Village Right-of-Way adjacent to vehicle owner's private property.
- (N) **PORTABLE STORAGE CONTAINERS (PODS):**
 - (1) A portable storage container is a box-like container transported by truck to a desired location for drop off, commonly called PODS, an acronym for portable on-demand storage.
 - (2) A portable storage container may not be placed on any Village street or ROW. It must be located a minimum of five (5) feet from the front, side, or rear property lines.
 - (3) The maximum allowable portable storage container size is one hundred thirty (130) square feet with a maximum length of sixteen (16) feet and a maximum height of

eight and one-half (8½) feet.

- (4) A portable storage container may be utilized for a period not to exceed thirty (30) days. If a dwelling has suffered casualty damage, a written request must be submitted for an extension exceeding thirty (30) days.
- (5) A portable storage container must have a sign, clearly visible from the Village ROW, displaying the container provider contact information.

SECTION 24. SEVERABILITY

If any word or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 25. ENFORCEMENT

(A) Civil and Criminal Penalties

The Village shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

(B) Criminal Prosecution

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding two thousand dollars (\$2,000). Each day that a provision of this ordinance is violated shall constitute a separate offense. An offense under this ordinance is a Misdemeanor.

(C) Civil Remedies

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

- (1) injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance; and
- (2) a civil penalty up to two thousand dollars (\$2,000) a day when it is shown that the defendant was actually notified of the provisions of the ordinance and after receiving notice committed acts in violation of the ordinance or failed to take action necessary for compliance with the ordinance; and
- (3) other available relief.

SECTION 26. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

SECTION 27. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

PASSED AND APPROVED this 17th day of January, 2013, by a vote of 5 ayes, 0 nays, and 0 abstentions of the Board of Aldermen of the Village of San Leanna, Texas.

VILLAGE OF SAN LEANNA

BY: _____
Joel Chapa, Mayor

ATTEST:

Kathleen Lessing, Village Administrator