

ORDINANCE NO. 27
ZONING ORDINANCE
OF
THE CITY OF RUNAWAY BAY, TEXAS

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ZONING ORDINANCE OF THE CITY OF RUNAWAY BAY, TEXAS

WHEREAS, it is desired that all of the land held and which shall be held, conveyed, hypothecated, or encumbered, leased, rented, used, occupied, and improved subject to certain limitations, restrictions, conditions and covenants, all of which are declared and agreed to be in furtherance of a plan for the improvement of the City, and are established and agreed upon for the purpose of enhancing and protecting the value, desirability and attractiveness of the City and every part thereof, and all of which shall run with the land and shall be binding on all parties having or acquiring any right, title, or interest in the lands or any part thereof;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RUNAWAY BAY, TEXAS:

That this Ordinance of the City of Runaway Bay, Texas to be known as the Planning and Zoning Ordinance (Ordinance No. 27), with zoning map attached, is hereby enacted.

Article I. Preamble and Adoption Clause

Section 1. Ordinance 27

Ordinance 27 is the official guidance for the City Planning and Zoning Commission (PZC) in their decisions and actions in the performance of their duties and shall be known as the Planning and Zoning Ordinance for the City of Runaway Bay, Texas.

Section 2. Zoning Regulations and Districts

Zoning regulations and districts were established by a comprehensive plan designed to: lessen congestion on the streets; insure maximum safety from fire, panic and other dangers; avoid undue concentration of population; and facilitate adequate transportation, water supply, sewage, schools, parks and other public requirements. Zoning decisions were also made with a desire to enhance the value of buildings and property by encouraging the most appropriate use of land within the city.

Section 3. City Planning

City planning includes: identifying community needs, determining achievable community long range goals and preparing short range and intermediate programs to achieve these long range goals.

Article II. Planning and Zoning Commission (PZC)

Ref. Code of Ordinances, Title III, Chapter 33. (Ord. 482, 11-19-08)

Article III - Building Plans

Section 1. Residential Requirements

- A. The building inspector will approve residential initial building plans and later improvement plans not included in B. and C. below after a PZC review of said plans. (Ord. 410, 7-19-05)
- B. The building inspector shall at his or her discretion refer entire building permit application to PZC if such request would create a conflict of interest for the building inspector or if in his or her opinion extenuating circumstances existed in which such referral would be in the best interest of the City.
- C. Residential building permits requiring approval of a variance(s) will be submitted to the Building Inspector for consideration by the Board of Adjustment. (Ord. 464, 5-20-08)
- D. Industrialized Housing is appropriate anywhere provided that the City of Runaway Bay's ordinance requirements that apply to site-built housing are met and all applicable provisions of Texas Law are satisfied. (Ord. 472, 9-16-08)

Section 2. Commercial and Office Requirements (One tract, not a subdivision)

All plans and specifications for commercial and office construction and any subsequent changes, must satisfy all building codes and applicable laws, must be stamped and sealed by a State registered architect and engineer and be approved by the building inspector.

All approved commercial/office construction applications requiring specific use permit will be forwarded to PZC for their recommendation to City Council for action. Any variance request will be submitted to the Building Inspector for consideration by the Board of Adjustment. (Ord. 464, 5-20-08)

No site work, except rough grading to include the pad, may begin until all permits have been issued.

Section 3. Development Review Committee

The Development Review Committee shall be a recommending body comprised of the Building Official/ Building Inspector, City Services Coordinator (Chairman), City Secretary, the Planning and Zoning Secretary, Fire Chief, Police

Chief, Assistant Fire Chief, Director of Public Works, and one member of the PZC. The City Attorney, City Engineer, and City Planner may attend committee meetings at the invitation of the City Services Coordinator and/or City Secretary.

All recommendations of the committee will be based on the ordinances of the City of Runaway Bay, specifically Zoning Ordinance #27 and the Subdivision Ordinance. The committee shall meet at the call of the City Services Coordinator. In the absence of the City Services Coordinator, the City Secretary shall have the authority to call a meeting of the committee.

The committee shall:

- A. Review all proposed commercial development that includes site plans, building permits, and any other commercial activity that is an impact to City’s infrastructure.
- B. Coordinate review comments of the Committee and provide a recommendation on the issuance of any commercial permit and/or development to the City Services Coordinator for appropriate action.
- C. Meet with developers and proposers to clarify and interpret City regulations and procedures.
- D. Review and make recommendations to PZC and City Council on development issues and any proposals of any ordinance amendments. If variances are applicable, they will be submitted to the Board of Adjustment. (Ord. 464, 5-20-08)

Section 4. PZC Not Responsible for Defects in Plans

Neither the Commission nor any architect or agent thereof or of the City shall be responsible in any way for any defects in any plans or specifications submitted, revised or approved in accordance with the foregoing, nor for any structural or other defects in any work done according to such plans and specifications.

Section 5. Replatting

All applications for the replatting of property must be approved by PZC. Request shall contain one Mylar plus eight copies of the proposed replatting that has been certified by a licensed surveyor plus original tax certificate from Wise County Appraisal Office and original tax certificate from the Tax Assessor/Collector’s office. These documents shall include a statement of ownership, block for City approval, new “R” designation for replat of “-1” designation for replat of a replat and all dimensions, easements, public ways, and building setbacks (Example: Lot 15-R is a replat. The replat of the replat would be designated Lot 15-R-1).

Article IV. Zoning Districts Established

Section 1. City Divided Into Districts

The City of Runaway Bay, Texas, is hereby divided into “districts”. The use, height, and area regulations are uniform in each district as they apply thereto. These districts shall be known as:

- “R-1” Single-Family Residence District
- “R-1 MH” Single-Family Residence Manufactured Home District (Ord. 472, 9-16-08)
- “R-2” Ranchette and Single-Family Residence District
- “D” Duplex Residence District
- “T” Townhouse, Condominium and Apartment Residence District
- “O” Office District
- “C” Commercial District
- “PCD” Planned Community District
- “R-S-G” Recreational-Scenic-Green District

Section 2. Annexed Territory

Annexed territory to be automatically zoned and all territory annexed to the city hereafter shall be automatically zoned in conformance with the official land use map upon completion of the annexation. The land use map and the zoning map will be updated to reflect the new city limit boundaries and the new extraterritorial boundaries.

Article V. "R-1"- Single-Family Residence District

Section 1. Definition

An area of platted, residential size lots designed for single-family residences.

Section 2. Use Restrictions

In an R-1 - Single-Family District, no land shall be used and no building shall be erected for or converted to any use other than as indicated in Appendix 1 of this ordinance.

Section 3. Area, Setback, Height, and Coverage Regulations

In an R-1 - Single-Family District, the area, setback, height, and coverage requirements shall be as established in Appendix 2 of this ordinance. EXCEPTION: in Unit 1, Block 7, Lots 1-12, the front setback shall have a minimum depth of not less than ten (10) feet and the rear setback shall have a minimum depth of not less than five (5) feet.

Section 4. Structure Standards

See Appendix 2.

Section 5. Parking Requirements

- A. There shall be a minimum of a two-car enclosed garage with a minimum of sixty square feet of enclosed storage.
- B. Garages shall be a part of the resident's building and shall be aesthetically compatible with resident building.
- C. A driveway shall be concrete, asphalt, pavenstone or brick and run continuously from the building, garage, carport, residence or parking area it services to within six inches of the outer edge of the existing public roadway pavement. (Ord 460, 4-15-08)

Section 6. Building Plans to be Approved by a Building Inspector

All plans and specifications for buildings constructed on a permanent slab, their related structures (e.g. swimming pools with required fencing, carports, covered patios, secondary buildings) and, any changes to the original plans to include later add-ons (e.g. sunroom, screened-in porch, bathrooms, bedrooms, etc.) shall be approved by the building inspector. (Ord. 391, 4-20-04) The building inspector may at his/her discretion refer an application for permit approval to the PZC if such a request would create a conflict of interest on the part of the building inspector. The building inspector may also refer a request for permit approval to the PZC if in his/her opinion, extenuating circumstances exist which dictate a referral to the PZC in the best interest of the City. Building plans to be approved by the Building Inspector. (Ord. 464, 5-20-08)

Section 7. Fencing

Chain link fencing on metal posts, solid wood, privacy fence, vinyl, split rail, ornamental steel work and masonry fences are acceptable. A chain link fence shall not be located on a golf course lot. Maximum height of fences not on golf course lots is six feet (6') and on golf course lots four feet (4') on all sides. Privacy fence on a lakefront property shall not exceed four feet (4'). All fences must be located on or inside the property line with the supporting elements of the fence facing the property on which it is located. Fences are not permitted in the front yard or on vacant lots nor may they be erected on a lot until fifty percent of the resident building is completed. Exception: See Appendix 2z and Appendix 2aa. All fencing in the wire family of fences is prohibited. A temporary fence permit for the purpose of animal control may be approved by the building inspector for a period of sixty (60) days. All fences will be approved by the building inspector. (Ord 464, 5-20-08)

Section 8. Secondary Buildings to Main Residence

Secondary buildings are multi-use buildings used for storage, hobbies, workshop and recreation vehicles, which are separate of the main residence. Secondary buildings include accessory buildings, utility buildings, and secondary ports that are detached from the main house, cabana, gazebo and greenhouse. Only one secondary building per lot is allowed and may not be built on vacant lot unless owner of the main residence R-1 or R-1 MN owns the adjacent lot(s). The adjacent lot(s) may be considered as part of the main residence and not be subject to re-platting unless the owner plans to build a secondary building onto the adjacent lot. If a secondary building is added to the adjacent lot the lots must be replatted. . Electricity, sinks and commodes are allowed (showers are not allowed (with the exception of the cabana). No secondary building shall be used for temporary or permanent living quarters.

Section 9. Secondary Building Requirements

- A. **Secondary Building Setbacks.** Secondary buildings shall be minimum twenty-five feet (25') from front property line or five feet (5') from behind front line of residence (whichever is greater). Secondary buildings used to store automobiles, boats or recreational vehicles shall have an asphalt or concrete driveway from building to within six inches (6") of the existing roadway. Setback from side and rear shall be the drip line on owner's property.
- B. **Exterior.** Siding shall be of wood or masonry. No metal material shall be used. Color of exterior shall match main residence.
- C. **Roof.** Roof pitch shall be a minimum 4/12 pitch, hip or gable style. Shingles shall match main residence or metal that matches the color of shingles as near as possible.
- D. **Masonry.** Roof height over twelve feet (12') or building with 1,200 square feet of enclosed floor shall meet the 55% masonry requirement. No secondary building shall exceed twenty feet (20') height or 1,200 square feet of enclosed floor.
- E. **Open Structure.** Open structures shall have masonry columns that match residence.

Section 10. Minimum Building Elevation

Base flood elevation is established at 844.5 mean sea level. No building permits shall be issued for construction at or below 844.5 msl, except for fences and gazebos. (Ord 464, 5-20-08)

Section 11. Animal Restrictions

No livestock of any description may be kept or permitted with the exception of dogs, cats, and other animals which qualify as household pets and which do not make objectionable noise or constitute a nuisance or inconvenience to residents of other lots nearby. No business involving the commercial breeding, training or dealing in dogs, cats or other animals is permitted.

Section 12. Above Ground Propane Tanks

Above ground propane tanks, cylinders and/or bottles over 30 pounds shall be concealed in a manner to prevent them from being viewed from ground level. The tanks, cylinders and/or bottles over 30 pounds shall be concealed by permanent type structures (for example, solid wood fence, brick wall). Shrubbery will not be considered a permanent structure. (Ord. 505, 4-19-11)

Section 13. Location of Resident Building on Lot

Resident building shall face or front upon a street or officially approved place, with a minimum width access of thirty feet (30'), except for chair lots, which have special considerations established in Appendix 2.

Section 14. Property Entrance

All owners are required at their own expense to provide culverts adequate for the normal flow of drainage at entrances to their property facing a street or alley. The building inspector must approve the size and placement of each culvert.

Section 15. Grading and Landscaping

No grading will interfere with the use of a public way, interfere with an existing drainage channel, or endanger adjacent properties.

Article VI. “R-1 MH” - Single-Family Manufactured Home District

(Ord. 472, 9-16-08)

Section 1. Definition

An area of platted, residential size lots zoned for new, single-family manufactured home residences.

Section 2. Use Restrictions

In an R-1 MH - Single-Family Manufactured Home District, no land shall be used and no building shall be erected for or converted to any use other than as indicated in Appendix 1 of this ordinance, other than by variance or special use permitting.

Section 3. Purpose

The purpose of this article is to provide orderly, safe and healthful development of an area for new manufactured homes within the city.

Section 4. Definition of Terms

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words, terms and phrases not expressly defined in this section are to be construed according to the definitions of such words or terms as appear in this chapter, and where no definition appears in this chapter or in other provisions of this code, then according to their customary usage.

HUD-code manufactured home: A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and in the traveling mode, at least eight body feet in width and at least 40 body feet in length or, when erected on site, at least 320 square feet; includes the plumbing, heating, air conditioning, and electrical systems of the home; and does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8G.

Manufactured housing or manufactured home: A HUD-code manufactured home or a mobile home and collectively means and refers to both. These terms do not include prefabricated homes or structures.

Label: A device or insignia that is issued by the manufacturer to indicate compliance with standards, rules and regulations established by the United States Department of Housing and Urban Development and permanently attached to each transportable section of each HUD-code manufactured home constructed after June 15, 1976, for sale to a consumer.

Mobile home: A structure constructed before June 15, 1976, built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and in the traveling mode, at least eight body feet in width and at least 40 body feet in length

or, when erected on site, at least 320 square feet; and includes the plumbing, heating, air conditioning, and electrical systems of the home.

Recreational vehicle: A vehicle built on a single chassis, 400 square feet or less when measured at the largest horizontal projections, self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Section 5. Definitions Binding

The definitions of “mobile home”, “HUD-code manufactured home”, and “manufactured housing” provided are binding as a matter of law on each person and agency in this state, including a home-rule municipality or other political subdivision. A mobile home is not a HUD-code manufactured home and a HUD-code manufactured home is not a mobile home for any purpose under state law. Those terms may not be defined in a manner that is not identical to the definitions provided.

Section 6. Mobile Home Prohibition

The installation of a mobile home for use as a dwelling within the city is prohibited.

Section 7. Area, Setback, Height, and Coverage Regulations

In an “R-1 MH Single-Family Manufactured Home District”, the area, setback, height, and coverage requirements shall be as established in Appendix 2 of this ordinance.

Section 8. Structure Standards

See Appendix 2.

Section 9. Parking Requirements

See Article V, Section 5

Section 10. Building Plans to be Approved by a Building Inspector

See Article V, Section 6.

Section 11. Fencing

See Article V, Section 7.

Section 12. Secondary Buildings to Main Residence

See Article V, Section 8.

Section 13. Secondary Building Requirements

See Article V, Section 9.

Section 14. Minimum Building Elevation

See Article V, Section 10

Section 15. Animal Restrictions

See Article V, Section 11.

Section 16. Above Ground Propane Tanks

See Article V, Section 12.

Section 17. Location of Resident Building on Lot

Resident building shall face or front upon a street or officially approved place, with a minimum width access of thirty feet (30'). The housing unit shall have a covered entry or dormer on any entry visible from a public street or right-of-way.

Section 18. Property Entrance

See Article V, Section 14.

Section 19. Grading and Landscaping

No grading will interfere with the use of a public way, interfere with an existing drainage channel, or endanger adjacent properties.

Section 20. Removal of Towing Equipment

A manufactured home shall have all towing equipment, i.e. tongue, axle, wheels, lighting or other such conditions which are not an integral part of the structure, removed before the housing is permanently attached or affixed.

Section 21. Proof of HUD-Code

Proof of HUD-code inspected manufactured home shall be submitted prior to installation or issuance of a building permit.

Section 22. Habitability Inspection

A manufactured home shall have a habitability inspection performed and certificate of occupancy issued prior to the connection of permanent utilities.

Article VII. "R-2"-Ranchette and Single-Family Residence District

Section 1. Definition

An area of two acres or larger platted lots designated for single-family residences.

Section 2. Use Restrictions

In an R-2 - Single-Family Resident District, no land shall be used and no building shall be erected for or converted to any use other than as indicated in Appendix 1 of this ordinance.

Section 3. Area, Setback, Height, and Coverage Regulations

In an R-2 - Single-Family District, the area, setback, height, and coverage requirements shall be as established in Appendix 2 of this ordinance.

Section 4. Structure Standards

See Appendix 2.

Section 5. Parking Requirements

- A. There shall be a minimum of a two-car enclosed garage, with a minimum of sixty square feet of enclosed storage.

- B. Garages shall be a part of the resident's building and shall be aesthetically compatible with resident building.
- C. A driveway shall be concrete, asphalt, pavestone or brick and run continuously from the building, garage, carport, residence or parking area it services to within six inches of the outer edge of the existing public roadway pavement. (Ord. 464, 5-20-08)

Section 6. Building Plans to be Approved by a Building Inspector

See Article V, Section 6.

Section 7. Fencing

Chain link fencing on metal posts, solid wood, split rail, vinyl, ornamental steel work and masonry fences are acceptable. Maximum height of front yard fences is four (4) feet and other fences is six feet (6'). All fences must be located on or inside the property line with the supporting elements of the fence facing the property on which it is located. Solid wood fences on lakefront lots will not exceed four feet (4'). Fences are not permitted on vacant lots nor may they be erected on a lot until fifty percent of the resident building is completed. Exception: See Appendix 2z and Appendix 2aa. Fencing enclosures, for animals not qualified as household pets, must be located in the backyard. A temporary fence permit, for the purpose of animal control, may be approved by the building inspector for a period of sixty (60) days. Fences in the barbed wire family of fences are prohibited. All fences will be approved by the building inspector. (Ord. 464, 5-20-08)

Section 8. Secondary Buildings to Main Residence

See Article V, Section 8

Section 9. Secondary Building Requirements

See Article V, Section 9.

Section 10. Animal Shelter for Non-Qualified Household Pets

An animal shelter is a free-standing building (pre-fab or built on site) used for a shelter for non-qualified household pets which is not connected to the residence building. No animal shelter shall exceed a height of thirty feet (30') to apex. Electric, water and sewer utilities are allowed in animal shelters. Animal shelters shall be located in the backyard (minimum of 60 feet from the front property line). No animal shelter shall be constructed on any lot until the resident building is fifty percent (50%) completed. Color scheme of an animal shelter shall complement the color of the residence and the shingles (or other approved roofing material) shall match the residence. The roof assembly shall be hip or gable style with the minimum pitch of 4/12. Acceptable building material shall include wood, brick, metal or masonry product. Animal shelters shall be approved by the building inspector. (Ord. 464, 5-20-08)

Section 11. Minimum Building Elevation

Base flood elevation is established at 844.5 mean sea level. No building permits shall be issued for construction at or below 844.5 msl, except for fences and gazebos. (Ord. 464, 5-20-08)

Section 12. Animal Restrictions

Except for qualified household pets, there shall be no more than two (2) animals per species not to exceed a total of four (4) per ranchette lot and then only when they do not make objectionable noise or constitute a nuisance or inconvenience to owners or residents of adjacent lots. No business involving the commercial raising, breeding, training or dealing in dogs, cats, or any other animals may be permitted on or from any ranchette lot.

Section 13. Above Ground Propane Tanks

See Article V, Section 12.

Section 14. Location of Resident Building on Lot

See Article V, Section 13.

Section 15. Property Entrance

See Article V, Section 14.

Section 16. Grading and Landscaping

See Article V, Section 15.

Article VIII. "D" - Duplex Residence District

Section 1. Definition

An area designated for buildings designed for occupancy by two families living independently within separate units which have a common wall and are under one roof.

Section 2. Use Restrictions

In a D-Duplex District, no land shall be used and no building shall be erected for or converted to any use other than as indicated in Appendix 1 of this ordinance.

Section 3. Area, Setback, Height, and Coverage Regulations

In a D-Duplex District, the area, setback, height, and coverage requirements shall be as established in Appendix 2 of this ordinance.

Section 4. Structure Standards

See Appendix 2.

Section 5. Parking Requirements

- A. The parking regulations for each duplex residence are the same as those in the "R-1" Single-Family District.
- B. Whenever a structure is erected, converted, or structurally altered for a two-family dwelling, two (2) parking spaces shall be provided on the lot for each resident unit. No supporting members of any garage or carport shall be located within the required twenty foot (20') front setback.
- C. Driveways and parking areas shall have a concrete, asphalt, pavestone or brick surface. A driveway will run continuously from the building, carport, garage, residence or parking area it services to within six inches (6") of the outer edge of the existing pavement of the public roadway. (Ord. 464, 5-20-08)
- D. See carport definition (2). (Ord. 397, 8-17-04)

Section 6. Building Plans to be Approved by the Building Inspector

See Article V, Section 6.

Section 7. Fencing

See Article V, Section 7.

Section 8. Secondary Buildings to Main Residence

See Article V, Section 8.

Section 9. Secondary Building Requirements

See Article V, Section 9.

Section 10. Minimum Building Elevation

See Article V, Section 10.

Section 11. Animal Restrictions

See Article V, Section 11.

Section 12. Above Ground Propane Tanks

See Article V, Section 12.

Section 13. Location of Resident and Other Buildings

Each duplex building shall face or front upon a street or officially approved place, other than an alley, which means of access shall have a minimum width of thirty (30) feet except for chair lots, as established in Appendix 2. When two or more duplex buildings are located on one large lot, each building will be a minimum of ten feet (10') apart and will have exclusive areas for setbacks, driveways, parking, secondary buildings, secondary ports and carports (see definition (2). (Ord. 397, 8-17-04)

Section 14. Property Entrance

See Article V, Section 14.

Section 15. Grading and Landscaping

See Article V, Section 15.

Article IX. "T" - Townhouse, Condominium and Apartment Residence District

Section 1. Definition – Townhouse

One of a series of not less than three (3) nor more than ten (10) attached one (1) family residences under common roof with common exterior wall, and separated from one another by single partition walls without openings from basement to roof. For attached living units the maximum height of the principal structures shall be two (2) stories. The maximum height of any accessory structure shall be one (1) story. (Ord. 468, 6-17-08)

Section 2. Use Restrictions

Townhouse, condominiums and apartment buildings will be appropriate for this district.

In a T-Townhouse District, no land shall be used and no building shall be erected for or converted to any use other than as indicated in Appendix 1 of this ordinance.

A single name place or sign for a multifamily building mounted on the building or located in the front yard is permitted. Name place or sign cannot exceed an area of twenty (20) square feet. Name place or sign cannot be of a flashing, intermittently lighted, revolving, or similarly lighted type. (Ord. 468, 6-17-08)

Section 3. Area, Setback, Height, and Coverage Regulations

In a T-Townhouse District, the area, setback, height, and coverage requirements shall be as established in Appendix 2 of this ordinance.

Section 4. Structure Standards

See Appendix 2.

Section 5. Parking Requirements

- A. Parking for all townhouse buildings shall be provided at the ratio of at least two (2) spaces per residence plus fifty percent (50%) for overflow. Each space shall be at least ten by twenty (10 X 20) feet. (Ord. 468, 6-17-08)
- B. Driveways and parking areas shall have a concrete, asphalt, pavenstone, or brick surface. (Ord 464, 5-20-08)
- C. See carport definition (2). (Ord. 397, 8-17-04)
- D. Parking of recreational vehicles, recreational trailers, motor homes, boats, towed trailers and the like, is prohibited in the required front yard, and the side yards of reverse frontage lots. Whenever such parking facilities are provided, the conditions of Section 5 (E) shall be met. (Ord. 468, 6-17-08)
- E. Parking of recreational vehicles, recreational trailers, motor homes, boats, towed trailers and similar vehicular equipment is permitted provided they are located in a designated vehicular use and which is screened from adjacent residential districts by a fence, wall or berm at least eight feet (8') in height. No vehicular use or storage area shall be located in a required front yard or adjacent to a public right-of-way. Such areas shall also be located at least ten feet (10') from any adjacent property line. (Ord. 468, 6-17-08)

Section 6. Building Plans to be Approved by Building Inspector.

See Article V, Section 6.

Section 7. Fencing

Uniform fencing at the request of developer to be approved as part of the initial building permit on a case by case basis. All supporting elements of the fence shall face the property on which it is located.

Section 8. Secondary Buildings to Main Residence

See Article V, Section 8 and Appendix 2, Note Q

Section 9. Secondary Building Requirements

See Article V, Section 9.

Section 10. Minimum Building Elevation

See Article V, Section 10.

Section 11. Animal Restrictions

See Article V, Section 11.

Section 12. Location of Townhouse Building

If one (1) townhouse building with permitted secondary buildings is approved, it shall face or front upon a street or officially approved place, other than an alley, which means of access shall have a minimum width of thirty (30) feet. When two or more townhouse buildings are located on one large lot, each building will be provided an exclusive area to satisfy all setbacks, means of access, parking, carport definition (2) (Ord. 397, 8-17-04), secondary building, and fence requirements and these areas shall not be shared with another building to satisfy its requirements.

Section 13. Property Entrance

As indicated on the site plan.

Section 14. Grading and Landscaping

See Article V, Section 15.

Section 15. Private Community Center

A private community center may be attached to or detached from the resident building with like construction materials and therefore required to meet the same property line setbacks as the resident building. The center shall be color blended and architecturally complementary to the resident building and when complete, the entire structure shall meet or exceed the 55% masonry requirement as well as all Townhouse District construction standards. Private community centers shall be approved by the building inspector. (Ord. 468, 6-17-08)

Article X. "O" - Office District

Section 1. Definition

Office center or district consists of a building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand. Zoning for office and commercial districts may be interchangeable.

Section 2. Use Restrictions

In an O - Office District, no land shall be used and no building shall be erected for or converted to any use other than as indicated in Appendix 1 of this ordinance.

In an O-Office District, the PZC may consider an application for a permit for a specific use not listed in Appendix 1 and make their recommendations to City Council for their decision. Applications should include the following:

- (1) Reason for unlisted use.
- (2) Impact unlisted use would have on the community (e.g., traffic, noise).

Section 3. Area, Setback, Height, and Coverage Regulations

In an O - Office District, the area, setback, height, and coverage requirements shall be as established in Appendix 2 of this ordinance.

Section 4. Structure Standards

See Appendix 2.

Section 5. Parking Requirements

- A. Any building hereafter erected, altered or converted for office or personal service use shall provide plainly marked off-street parking space at the following ratio:
 - (1) Parking spaces shall be at least ten by twenty (10 X 20) feet.
 - (2) Buildings having less than five thousand (5,000) square feet of ground floor area shall provide one (1) space for each five hundred (500) square feet of ground floor area.
 - (3) Buildings having more than five thousand (5,000) square feet of ground floor area, but not more than ten thousand (10,000) square feet of ground floor area shall provide ten spaces plus one (1) space for each three hundred and thirty-three (333) feet of ground floor area in excess of five thousand (5,000) square feet.

- (4) Buildings having more than ten thousand (10,000) square feet of ground floor area shall provide twenty-five (25) parking spaces plus one (1) space for each two hundred (200) square feet of ground floor area in excess of ten thousand (10,000) square feet.
 - (5) Buildings having local retail or professional office uses on floors above the ground floor shall provide off-street parking spaces at a ratio of one (1) space for each five hundred (500) square feet of floor area above the ground floor.
 - (6) Where more than one building is located upon a lot, the parking requirements shall be based upon the total floor area of all buildings.
- B. Disability parking will be provided in accordance with guidance from the Texas Department of Transportation.
 - C. Parking lots and driveways shall be concrete, asphalt, a pavestone, or brick surface. A driveway will run continuously from the building, carport, garage, or parking area it services to within six inches (6") of the outer edge of the existing pavement of the public roadway. (Ord. 464, 5-20-08)

Section 6. Building Plans to be Approved by the Building Inspector

All plans and specifications for office/commercial buildings and their related structures and any changes from the original plan must satisfy all building codes and applicable laws and must be stamped and sealed by a State registered architect and engineer. The building inspector may at his/her discretion refer an application for permit approval to the PZC if such a request would create a conflict of interest on the part of the building inspector. The building inspector may also refer a request for permit approval to the PZC if in his/her opinion, extenuating circumstances exist which dictate a referral to the PZC in the best interest of the City. All approved office building plans requiring specific use permit will be forwarded to PZC for their recommendation to City Council for action. Any variance request will be submitted to the building inspector for consideration by the Board of Adjustment. (Ord. 464, 5-20-08)

Section 7. Above Ground Propane Tanks

See Article V, Section 12.

Section 8. Secondary Buildings to Main Residence

See Article V, Section 8.

Section 9. Secondary Building Requirements

See Article V, Section 9.

Section 10. Minimum Building Elevation

See Article V, Section 10.

Section 11. Location of Office District Buildings

Site plans for all office district buildings will insure that no parking area, storage area or required open area for one building shall be computed as also satisfying these requirements for other buildings in the district.

Section 12. Property Entrance

All office property entrances shall satisfy Texas Department of Transportation requirements which will be included in the site plan.

Section 13. Grading and Landscaping

As accepted by the approval of the original site plan. No grading will interfere with the use of a public way, interfere with an existing drainage channel, or endanger adjacent properties.

Section 14. Fencing

- A. Uniform fencing at the request of the developer to be approved as part of the initial building permit on a case by case basis.
- B. The City retains the authority to require office building owners to minimize the observation of unsightly items on the property by residents on properties within five hundred feet (500'). Requests for individual barriers (e.g., fencing, trees, plant material, berms) to minimize subject observations will be submitted to Planning and Zoning Commission for approval.

Article XI. "Commercial" District

Section 1. Definition

An area restricted for the use of any business, other than home occupation or manufacturing business, which involves the exchange of goods and/or services. Zoning for office and commercial districts may be interchangeable.

Section 2. Use Restrictions

In a Commercial District, no building shall be erected for or converted to any use other than as indicated in Appendix 1 of this ordinance.

In a Commercial District, the PZC may consider an application for a permit for a specific use not listed in Appendix 1 and make their recommendations to City Council for their decision. Applications should include the following:

- (1) Reason for unlisted use
- (2) Impact unlisted use would have on the community (e.g., traffic, noise).

Section 3. Area, Setback, Height, and Coverage Regulations

In a Commercial District, the area, setback, height and coverage requirements shall be established in Appendix 2 of this ordinance.

Section 4. Structure Standards

See Appendix 2.

Section 5. Parking Requirements

All required parking spaces shall be at least ten by twenty (10 X 20) feet and handicap parking will be provided in accordance with requirements of Texas Department of Transportation.

- A. Furniture stores shall provide off-street parking space at the ratio of one space for each one thousand (1,000) square feet of floor area.
- B. Medical or dental clinics shall provide off-street parking space at the ratio of one space for each two hundred-fifty (250) square feet of floor area.
- C. Banks and other professional offices shall provide off-street parking space at a ratio of one (1) parking space for each five hundred (500) square feet of floor area.
- D. Establishments for the sale and consumption on the premises of food or refreshments shall provide off-street parking space at a ratio of one (1) space for each one hundred fifty (150) square feet of floor area.
- E. Motels and hotels shall provide off-street parking space at a ratio of one (1) space for each unit.
- F. Any building, the use of which is not covered above, hereafter erected, altered or converted for use in this district shall provide off-street parking spaces at the following ratio:

- (1) Buildings having less than five thousand (5,000) square feet of ground floor area shall provide one (1) space for each five hundred (500) square feet of ground floor area.
 - (2) Buildings having over five thousand (5,000) square feet of ground floor area, but not more than ten thousand (10,000) square feet of ground floor area shall provide ten spaces plus one (1) space for each three hundred and thirty-three (333) feet of ground floor area in excess of five thousand (5,000) square feet.
 - (3) Buildings having over ten thousand (10,000) square feet of ground floor area shall provide twenty-five (25) parking spaces plus one (1) space for each two hundred (200) square feet of ground floor area in excess of ten thousand (10,000) square feet.
 - (4) Buildings having local retail or professional office uses on floors above the ground floor shall provide off-street parking spaces at a ratio of one (1) space for each five hundred (500) square feet of floor area above the ground floor.
 - (5) Where more than one building is located upon a lot, the parking requirements shall be based upon the total floor area of all buildings.
- G. Parking lots and driveways shall be concrete, asphalt, pavestone, or brick surface. A driveway will run continuously from the building, carport, garage, or parking area it services to within six inches (6") of the outer edge of the existing pavement of the public roadway. (Ord 464, 5-20-08)

Section 6. Building Plans to be Approved by the Building Inspector

See Article X, Section 6.

Section 7. Above Ground Propane Tanks

See Article V, Section 12.

Section 8. Secondary Buildings to Main Residence

See Article V, Section 8.

Section 9. Secondary Building Requirements

See Article V, Section 9.

Section 10. Minimum Building Elevation

See Article V, Section 10.

Section 11. Location of Commercial Buildings

Site plans for all commercial buildings will insure that no parking area, storage area, or required open space for one building shall be computed as satisfying the requirements of another building.

Section 12. Property Entrance

All commercial property entrances shall satisfy Texas Department of Transportation requirements which will be included in the site plan.

No grading will interfere with the use of a public way, interfere with an existing drainage channel, or endanger adjacent properties.

Section 13. Fencing

See Article X, Section 14.

Article XII. "PCD" - Planned Community District

Section 1. Purpose

The purpose of this district is to accommodate future planned uses of lots or tracts within the boundaries of the City reserved for development, subject to the concurrence of the PZC and the approval of the City Council. Coincidental with said approval, the land will be zoned consistent with the use district to which it will be assigned.

Section 2. Plan Review Required

Permits and/or approvals for the construction of improvements in a "PCD" shall be issued only following a thorough review and approval by the PZC and City Council of a complete and detailed set of plans, signed and sealed by an architect and/or engineer, for the entire "PCD", to include the following:

- A. Site Development Plans to include drives, paths, fences, decks, patios, signs, and all proposed improvements.
- B. Landscaping Plan to include all trees, bushes, etc.
- C. Complete building plans to include all exterior elevations, materials, and colors.
- D. Concept sketch in color to include entire "PCD" site and peripheral areas illustrating the plan as it will appear in its completed state.

Article XIII. "R-S-G" - Recreational-Scenic-Green District

Section 1. Description of District

A lot or tract devoted exclusively to the preservation of the existing natural characteristics of the region, or improved as a landscaped scenic area or park, or improved as an open recreation area for games, hiking, equestrian trails, picnic area, swimming area, botanical gardens, fossil study, boat harbors, beaches, lagoons, landscaped median planters, landscaped buffer strips for vision, acoustical and wind control and such other uses as may be determined by the Commission to be compatible with the uses permitted in this zone. Vehicular traffic, open fires, overnight camping, and water craft launching are prohibited.

Permanent community open space, parks, school playgrounds, community centers, golf courses, parkways, water areas, or similar areas which are dedicated to the City of Runaway Bay or which are created as private open space under a permanent agreement for maintenance and responsibility when agreements are accepted by the City Council and approved by the City Attorney. (See Appendix 1)

Requests for clearing an R-S-G greenbelt area adjacent to a residence may be approved by PZC for undergrowth and small trees with a caliper measurement of no more than six inches (6"). The area to be cleared must coincide with the residence property measurement and can extend no wider than ten feet (10') into the greenbelt. Any other adjacent property owners to the area proposed to be cleared must submit in writing their approval for the clearing to the PZC prior to any action. (Ord. 406, 5-17-05)

Section 2. Method of Creation

The nature and method of establishing the permanent open space provided in a Community Unit Development such as park and playground sites, wider than required streets and alleys, community center, parkway, golf course or water area shall be subject to approval by the City Council after recommendation by the Commission.

Section 3. Restrictions on Type of Structures

Structures in Zone "R-S-G" shall be restricted to those of a non-residential type and shall be specifically designed for serving a specific recreational orientated activity.

Article XIV. "VC" Village Center District (Ord. 505, 4-19-2011)

Section 1. Description of District

The Village Center is intended to provide for a compatible mix of residential and non-residential uses having selected components of Townhouse, Office and Commercial districts allowed on the same property. Horizontally mixed-use developments are encouraged to include any combination of office, retail and residential uses sited adjacent to one another within the same structure or within adjacent structures on the same property. Vertically mixed use developments are also encouraged to include any combination of office, retail and residential uses sited above or below one another within the same structure. The primary description is listed in Sections 1 each in Articles IX, X and XI. The compatible mix permitted is listed under "VC" in Appendix 1, subject to the corresponding requirements for the "VC" District in Appendix 2.

Section 2. Provisions of This Section are Controlling

The provisions set forth in Articles VIII, IX, X and XI of this ordinance will be applicable when reference is made herein; provided, however, the provisions of this article will take precedence over other articles in this ordinance where any provision of another article is in conflict with one or more terms of this Article XIV.

Section 3. Use Restrictions

In a VC-Village Center District, no lands shall be used and no building shall be erected for or converted to any use other than as indicated in Appendix 1 of this ordinance. The primary descriptions for such uses are listed in Articles VIII, IX, X and XI. Any "T" Townhouse category structure on Blake Drive is restricted to "Mixed-Use Building" use only.

Section 4. Area, Setback, Height, and Coverage Regulations

In the "VC" Village Center District, the area, setback, height, and coverage requirements shall be as established in Appendix 2 of this ordinance.

Section 5. Structure Standards

Floor to floor heights for ground floor of a mixed-use building must have a minimum floor to ceiling height of eleven (11) feet. See Appendix 2.

Section 6. Parking Requirements

Diagonal parking with perpendicular width of ten feet (10') must be provided for buildings facing or abutting Blake Drive, Half Moon Way, or Ratliff Drive. Such parking will apply toward parking minimums for Office and Commercial district requirements in Article X, Section 5 and Article XI, Section 5, respectively.

In addition, off-street parking with a minimum requirement of two (2) spaces per residence will be required for residence buildings fronting on Blake Drive, Half Moon Way, Runaway Bay Drive or Ratliff Drive. For all additional requirements, see Article IX, Section 5.

Section 7. Building Plans to be Approved by the Building Inspector

Article III of this ordinance shall apply to the appropriate residential, commercial or office development. The provisions set forth in Article III, Section 5 provisions shall also apply to initial platting. See also Article X, Section 6.

Section 8. Above Ground Propane Tanks

Above ground propane tanks are allowed only to supply common Townhouse Community Centers and any restaurants. See Article V, Section 12 for controlling provisions.

Section 9. Secondary Buildings to Main Residence

See Article V, Section 8.

Section 10. Secondary Building Requirements

See Article V, Section 9.

Section 11. Minimum Building Elevation

See Article V, Section 10.

Section 12. Location of Village Center Buildings

Site plans for all buildings will insure that no parking area or required open space for one building shall be computed as satisfying the requirements of another building.

Section 13. Property Entrance

For interior city streets, property entrances shall be as indicated on site plans. For property entrances from US Highway 380, requirements shall also satisfy Texas Department of Transportation regulations which shall be included in the site plan.

Section 14. Grading and Landscaping

See Article XV. No grading will interfere with the use of a public way, interfere with an existing drainage channel or endanger adjacent properties.

Section 15. Fencing

See Article X, Section 14.

Section 16. Private Community Center

See Article IX, Section 15.

Section 17. Drive-Through Facilities

Drive-through facilities for vehicles are not permitted in the VC-Village Center District.

Section 18. Curb Cuts and Alleys

A single curb cut or alley with common access to buildings at a convenient location between Blake Drive and Ratliff Drive for service and deliveries to locations on those streets will be permitted.

Section 19. Indoor/Outdoor Operations

All permitted uses in the “VC” District must be conducted within a building, unless otherwise expressly authorized in Appendix 1. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating areas, alone or in connection with restaurants.

Section 20. Transparency

- A. A minimum of sixty-five percent (65%) of the street-facing building facade between two (2) feet and eight (8) feet in height must be comprised of clear windows that allow views of indoor nonresidential space or product display areas.

- B. The bottom edge of any window or product display window used to satisfy the transparency requirement in (A) of this Section 19, above, may not be more than three and one-half (3 feet, 6 inches) feet above the adjacent sidewalk.
- C. Product display windows used to satisfy these requirements must have a minimum height of four (4) feet and be internally lighted.

Section 21. Doors and Entrances

- A. Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.
- B. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

Article XV. Landscaping (Ord. 452, 12-18-07)

Section 1. Purpose

The purpose of this ordinance is to provide for the orderly and aesthetic development of the City and to promote the health, safety and general welfare of the community. It is the intent of this ordinance to achieve the following:

- A. Encourage low maintenance landscaping, water conservation and tree preservation while providing guidelines for minimum landscaping throughout the City.
- B. Provide a balance between the need for landscape treatments and the need for commercial growth in the City.
- C. Promote a flexible attitude of enforcement sufficient to meet the spirit and intent of these requirements.
- D. Prevent clear-cutting and mass grading of land by encouraging the use of natural terrain for building sites.
- E. Aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, groundwater recharge, storm water runoff retardation and erosion control.
- F. Provide for separation and buffering of incongruous uses and intensity of activities; and provide for the visual softening of building masses.
- G. Reduce glare from paved surfaces, dust nuisances and the impact of noise.
- H. Protect and promote the value of residential and commercial properties within the City.
- I. Promote a positive image for the attraction of new business enterprises within the City.
- J. Encourage the protection of healthy trees and vegetation and promote the natural ecological environmental and aesthetic qualities of the City.

Section 2. Definitions

The following specific definitions shall apply to the landscaping and screening regulations contained in this ordinance.

Caliper: Diameter of the trunk measured one foot (1') above ground level.

Clearing: An intentional act to cut down, remove all or a substantial part of, or damage a tree or other vegetation that will cause the tree or other vegetation to decline and/or die. Clearing is defined to include, but not limited to, chemical, physical, compaction, or grading damage. Clear-cutting is a clearing activity conducted over the entire lot.

DBH: The diameter-at-breast-height is the tree trunk diameter measured in inches at a height of four and one-half feet (4 ½') above ground level. If the tree splits into multiple trunks below the four and one-half feet (4 ½') level, DBH will be defined as the sum of each individual trunk measured at four and one-half feet (4 ½') above ground level, or the single trunk at its most narrow dimension, whichever is greater.

Drip line: The area beneath the canopy of a tree defined by a vertical line extending from the outermost edges of the tree branches to the ground.

- Erosion: The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, or gravity.
- Grading: The mechanical or physical act of disturbing, moving, removing, transferring, or redistributing soil or earthen surfaces.
- Ground Cover: Low growing plants, vines, or grasses that form dense, extensive growth, and have a positive effect against soil erosion and soil moisture loss.
- Impervious Surface: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.
- Interior Landscape Area: An area of the lot remaining after subtracting out the area included in the required buffer yards.
- Landscaping: Materials such as, but not limited to, grass, groundcovers, flowers, vines, hedges, trees, native plant materials, planters, brick, stone, or natural forms, water forms, aggregate or other landscape features, but not including the use of smooth concrete or asphalt. The use of brick, stone, aggregate or other inorganic materials shall not predominate over the use of organic plant materials.
- Shrubs: Self-supporting, woody, evergreen species as normally grown in Wise County.

Section 3. Single-Family, Duplex, Triplex and Fourplex Residential Landscaping Requirements

These standards apply to new detached single-family, duplex, triplex and fourplex residential construction. These standards may be met by saving existing trees on the site or planting new trees from the recommended list. Lot size designations apply to the zoning classification(s) of the area rather than to each individual lot.

- A. Removal of more than 50% of native growth trees, not in the building site, must be approved by the Building Inspector.
- B. Two (2) shade trees (2.5" caliper minimum) provided for all single-family residential lots of 9,000 square feet to less than 10,000 square feet.
- C. Three (3) shade trees (2.5" caliper minimum) provided for all single-family residential lots of 10,000 square feet or more.
- D. Planting sufficient shrubs, ground cover, grass, and/or inorganic landscaping materials to aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, groundwater recharge, storm water runoff retardation, and erosion control.

Section 4. Townhouse, Office, Commercial, or Retail Landscaping Requirements

These standards apply to Townhouse, Office, Commercial, or Retail Landscaping Requirements. These standards may be met by saving existing trees on the site or planting new trees from the recommended list.

- A. A landscape plan must be submitted as part of the engineering site plan process for all multi-family, office, commercial, or retail and for non-residential uses allowed in single-family residential districts.
- B. All required landscaped open areas shall be completely covered with landscaping materials.
- C. All landscaping is to be completed before the certificate of occupancy can be issued. If the time of the year prevents planting, a cash bond for the amount of the landscaping shall be paid to the City until completed.
- D. A 10-foot (10') linear landscape strip is to be provided adjacent to all public and private streets, exclusive of the right-of-way. The landscape strip will include one (1) shade tree (2.5" caliper minimum) for every 50

linear feet of street frontage.

- E. Where the location of existing overhead utility lines conflict with the required landscape strip, planting of trees that mature at a lesser height will be required, i.e. Chinese Pistachio, Redbud, Japanese Black pine, and Aristocrat Pear. Where easements, containing underground utilities, conflict with the required landscaping strip, required tree planting shall be outside the easement on the property owner's side.

For the maintenance or installation of facilities, utility service provider or their contractors, subcontractors, agents, successors and assigns shall have the right to trim or remove trees so as to prevent any part of such trees from becoming a danger to public health, safety and welfare by interfering with utility service. Said trimming or removal shall not be done in a manner such that the aesthetics and health of the trees are destroyed and shall be done under the supervision and direction of any City official to whom said duties had been or may be delegated.

- F. Where parking lots and drives abut the landscape strip along a street right-of-way, a continuous hedge of evergreen shrubs will be provided to screen those areas from the street. The shrubs must be a minimum of a ten gallon size at planting with a minimum mature height of three feet. Shrubs will be planted according to the spacing recommended for their species. The screening will extend along the entire street frontage of the parking lot, exclusive of driveways and visibility clips. A landscape berm may be provided in lieu of the screening hedge. The berm must be a minimum of 36 inches above the average grade of the street and parking lot with a slope not to exceed 3:1.
- G. Landscaping will also be provided for the interior parking areas. Trees will be planted in each parking lot to attain a minimum average density of one shade tree (2.5" caliper minimum) for each fifteen parking spaces provided, or any fraction thereof. Interior parking lot landscaping will include an overall percentage of greenery, in addition to trees as outlined below:

<u>Total Parking Area</u>	<u>Interior Landscape Area</u>
0-24,999 square feet	5%
25,000-49,000 square feet	8%
50,000 square feet or larger	10%

- H. To calculate the total parking area and the subsequent percentage of required interior lot landscaping, total the square footage of parking spaces, planting islands, curbed areas and all interior driveways and aisles. Landscaped areas located contiguous to the parking lot may be used to meet the interior landscaping requirement. Landscaped areas located outside and away from the parking lot may not be used to meet the interior landscaping requirements.
- I. The required landscaping for parking lots shall be more or less evenly distributed throughout the parking lot, although adjustments may be approved by the Development Review Committee where the shape or size of the parking lot, the location of existing trees or other natural constraints reasonably prevent such distribution.
- J. All landscaped areas, including the permeable areas and drip lines around trees and planting beds used for visual screening which abut a parking lot or vehicular travel area, shall be protected with curbs or equivalent barricades sufficient to protect them from vehicular intrusion.
- K. To maintain visibility, no fence, structure, or planting higher than three feet above the established street grades, not any tree with foliage extending below three feet above the established street grades, shall be placed within twenty feet (20') of any street intersection.

- L. Required landscaping must be permanently maintained in a healthy growing condition at all times. The property owner is responsible for permanent maintenance of all planting on an as needed basis. This maintenance includes, but is not limited to, regular weeding, mowing of grass, irrigating, fertilizing, pruning, repair/replacement of damaged hardscape and replacement of sick/dying plants.
- M. The owners, tenants and their agents, if any, shall be jointly responsible for the maintenance of all landscaping provided for under this article. All landscaping shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. All landscaped areas shall be provided with either a readily available water supply with at least one outlet located within 100 feet of all plant materials to be maintained, or an underground sprinkle system. Irrigation systems shall be designed and installed with rain sensors, low gallonage, and low angle nozzles in such a way as to avoid water overflow into the street. A freeze sensor shall be placed in each controller to prevent the irrigation system from activating to create unsafe spillage on streets.
- N. All required landscaping and irrigation shall be adequately maintained and promptly replaced when necessary.
- O. In cases where equitable landscaping can be achieved through varying means, the Development Review Committee may grant permission to deviate from the exact specifications of this ordinance to facilitate a better overall design but not to lessen the requirements.
- P. Provision for Removal and Replacement of Protected Trees

Removal, injury, or destruction of protected trees (as designated on the landscaping plan) is subject to fines. Protected trees (as designated on the landscape plan), if removed, injured or destroyed, shall be replanted. If protected trees are removed, injured or destroyed and not replaced, fines may be incurred of up to \$2000 per offense, depending on the size of the tree. Each day such violation shall be permitted to exist, shall constitute a separate offense. If fines for tree removal are incurred, payment shall be due prior to the issuance of the Certificate of Occupancy.

Q. Qualifications to Prepare Landscape Plans

For lots 1 acre or larger, landscape plans shall be prepared by a Registered Landscape Architect. For lots less than 1 acre, a Landscape Designer or Landscape Contractor, knowledgeable in plant materials and landscape design may also prepare the landscape plan. Irrigation plans shall be prepared by a licensed irrigator. The Development Review Committee may reject plans if deemed of insufficient quality or completeness and require that plans be prepared by a Registered Landscape Architect or other qualified professional.

Landscape Plan Requirements: The following items shall be provided on the required landscape plan and is to be incorporated into the set of engineered site plans.

1. Sheet size 24" x 36", or as approved.
2. Acceptable scale: 1" = 10', 1" = 20", or as approved.
3. North arrow, graphic and written scale in close proximity
4. Appropriate title (i.e. "Landscape Plan")
5. Title block includes street address, lot and block, unit number, city, state and date of preparation.
6. Name and address of owner.
7. Name, address, phone number of person and/or firm preparing plan
8. Boundary shown with dimensions.
9. Any existing easements and utilities shown (i.e., water, sewers, a storm drain, gas, electric, cable, etc.)
10. Width and types of buffer yards labeled on all sides.
11. Location, caliper size and name of all existing trees which are to be preserved.

12. Location, size, quality, and name of all proposed plant materials.
13. Maintenance note provided.
14. Provide standard interior Landscape Calculation chart from Approved Site Plan.
15. Visibility triangles shown.
16. Landscape Architect seal signed and dated.
17. Any berms delineated with one-foot contour intervals.

Irrigation Plan Requirements: The following items shall be provided on the required irrigation plan:

1. Sheet size 24" x 36", or as approved.
2. Acceptable scale: 1" = 10', 1" = 20", or as approved. Must be the same as the Landscape Plan.
3. North arrow, graphic and written scale in close proximity
4. Appropriate title (i.e., "Irrigation Plan")
5. Title block includes street address, lot and block, unit number, city, state and date of preparation.
6. Name and address of owner.
7. Name, address, phone number of person and/or firm preparing plan
8. Boundary shown with dimensions.
9. Location, caliper size and name of all existing trees which are to be preserved.
10. All pipes labeled as to size
11. All heads labeled as to type. Legend is acceptable.
12. Backflow prevention labeled with type and size.
13. Connection to water service shown after meter.
14. Second meter (with size) shown if intended.
15. Any existing easements and utilities shown (i.e., water, sewers, a storm drain, gas, electric, cable, etc.)
16. Notes on a plan: "All Backflow installations and connections to City water lines must be permitted separately by the City inspection staff."

Section 5. List of Recommended Trees with Definitions

Canopy Trees: Canopy trees are those contributing to the uppermost spreading branchy layer of a forest and may be commonly referred to as shade trees.

Accent Trees: Small evergreen or deciduous trees or large shrubs which typically would grow below the top layer of the forest.

Canopy Tree	Accent Tree	Shrubs
Pecan	Bradford Pear	Photinia Frasen
Cedar Elm	Redbud	Eleagnus
Red Oak	Yaupon Tree	Dwarf Yaupon
Live Oak	Vitex	Dwarf Burford Holly
Bur Oak	Crape Myrtle	Dwarf Chinese Holly
Lacebark Elm	Jap. Black Pine	Flowering Quince
Chin. Pistache	Slash Pine	Forsythia
Austrian Pine	Tx. Mtn. Laurel	Spiraea
The above is a list of representative plants within each plant material type. The applicant may propose plants other than those listed if the plant seems appropriate for the intended use.		

Article XVI. Nonconforming Uses

Section 1. Nonconforming Use Defined

Any use of property existing at the time of the passage of this ordinance that does not conform with the regulations prescribed in the preceding sections of this ordinance shall be deemed a nonconforming use, except that any single-family, duplex, townhouse, condominium, or apartment use existing at the time of passage of this ordinance shall be thereafter deemed a conforming use.

Section 2. Nonconforming Uses of Land May Be Continued

The lawful use of land existing at the time of the passage of this ordinance, although such does not conform to the provisions thereof, may be continued; but if said nonconforming use is discontinued for a period of time in excess of six (6) months, any future use of said premises shall be in conformity with the provisions of this ordinance. The change of occupancy does not necessarily affect the continuation of a nonconforming use.

Section 3. Continuance of Nonconforming Use Subject to Proper Maintenance

The right of nonconforming use to continue shall be subject to such regulations as to maintenance of the premises and conditions of operation as may, in the judgment of the PZC, be reasonably required for the protection of adjacent property.

Section 4. Conditions for Rebuilding or Extension of Nonconforming Use

A nonconforming use shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other cause. In case of partial destruction by fire or other causes, not exceeding 50% of its value, the City Clerk or Building Inspector shall issue a permit for reconstruction. If greater than 50%, a nonconforming use may not be rebuilt except to conform to all provisions of this ordinance (this shall include secondary buildings, fences on the golf course, etc.). (*See Ordinance 165, Dangerous Building Codes*)

Section 5. Request for Nonconforming Designation Not to Create Estoppel

A violation of this ordinance and a request for a nonconforming designation or request for relief under this designation shall not create an estoppel of the trial of any law suit which may be filed in any court.

Article XVII. Specific Use

The City Council may, after public hearing and proper notice to all parties affected, and after recommendation from the PZC containing such requirements and safeguards as are necessary to protect adjoining property, authorize by ordinance any deviation of a use not designated in Appendix 1.

Article XVIII. Variances

The City of Runaway Bay Board of Adjustment may grant reasonable variances in order to overcome practical difficulties and prevent unnecessary hardships in the application of the regulations contained herein, provided, however, that such is done in conformity to the intent and purposes hereof and provided also that in every instance such variance will not be materially detrimental or injurious to other property or improvements in the neighborhoods. Variances of height, size, and setback requirements may be granted hereunder.

A property owner requesting a variance for his property shall first apply to the Building Inspector who refers the request to the Board of Adjustment. (Ord. 464, 5-20-08)

Article XIX. Completion of Existing Buildings

Nothing herein contained shall require any change in the plans, construction, or designated use of a building actually under construction at the time of the passage of this ordinance and which entire building shall be complete within one (1) year from the passage of this ordinance. Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and which entire building shall be complete within six (6) months from the date of the passage of this ordinance. If any amendment to this ordinance is hereafter adopted changing the boundaries of districts, the provisions of this ordinance with regard to buildings or premises existing or buildings under construction or building permits issued at the time of the passage of this ordinance, shall apply to building permits issued in the area affected by such amendment at the time of the passage of such amendment.

Article XX. Board of Adjustment

Anyone who desires relief from decisions of PZC or an administrative official can appeal to the Board of Adjustment in accordance with City of Runaway Bay Code of Ordinances §150.068 - §150.073.

Article XXI Unplatted Property

The PZC shall not approve any plat of any subdivision within the City limits until the area covered by the proposed plat shall have been zoned by the City Council.

The PZC shall not approve any plat of any subdivision within any area where a petition or ordinance for annexation or a recommendation for annexation to the City is pending before the City Council.

A request to change the zoning may not be part of a request for annexation. The rezoning request must be considered after the annexation is completed.

Article XXII. Boundaries of Districts

Where uncertainty exists with respect to boundaries of the various districts, as shown on the map accompanying and made a part of this ordinance, the following rules apply:

- A. The district boundaries are street, alley, and property lines unless otherwise shown, and where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by street, alley, or property lines, the street, alley, or property lines shall be construed as the boundary of the district.
- B. Where the district boundaries are otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be property lines, and where the districts designated on the map accompanying and made a part of the ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the district unless the boundaries are otherwise indicated on the map.
- C. In unsubdivided property, the district boundary lines on the map accompanying and made a part of this ordinance shall be determined by use of the scale appearing on the map.
- D. In case of a district boundary line dividing a platted lot into two parts, the district boundary line shall be construed to be the property line nearest the less restricted district.
- E. Whenever any street, alley or other public way is vacated by official action of the City Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

Article XXIII. Permits and Certificates

All permits for the construction of any structure in the City of Runaway Bay are governed by the prevailing code as outlined in Article 150 of the Municipal Code of Ordinances.

Base flood elevation is established at 844 mean sea level. No building permits shall be issued for construction at or below 844.5 msl, except for fences and gazebos. (Ord 464, 5-20-08)

Article XXIV. Sign Regulations (Ord. 485, 4-21-09)

Section 1. Purpose

To provide uniform sign standards and regulations of all signs within the city limits and the extra-territorial jurisdiction (“ETJ”) of the City of Runaway Bay in order to insure public safety; protect and promote property values; promote the health, safety, welfare and enjoyment of the public and to promote a positive city image reflecting order, harmony and pride and thereby strengthen the economic stability of the City’s business and residential areas.

Section 2. Jurisdiction

All provisions of this article shall apply within the city limits and within the ETJ of the City of Runaway Bay. All signs erected within the ETJ of the City of Runaway Bay shall be erected in accordance with the standards set forth in this Article.

Section 3. Responsibility of Compliance

The permittee, owner, agent, person or persons having the beneficial use of the ground of a sign, the owner of the land or structure on which the sign is located, the person responding on behalf of such advertising, and the person in charge of erecting the sign are all subject to the provisions of this Article.

Section 4. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign. An on-premises sign, attached or detached, advertising a business that has closed or ceased operation for a period of 60 calendar days.

“A-Frame” sign An “A-Frame” sign is a sign constructed in such a manner as to form an “A” or a tent-like shape, hinged or not hinged at the top and each angular face held at an appropriate distance by a supporting member. A sandwich board sign is an example of an “A-Frame” sign.

Attached sign Any sign attached to, applied on, or supported by any part of a building (such as a wall, roof, window, canopy, awning, arcade, or marquee) located on premises.

Awning sign A sign that is directly applied, attached or painted onto an awning, which is a retractable or non-retractable projection, shelter or structure of approved materials on a supporting framework that projects from and is supported by the exterior wall or roof of a structure.

Banner A temporary sign made of vinyl, canvas, light fabric, corrugated plastic or other lightweight material located in a nonresidential district.

Billboard An off-premises outdoor sign erected advertising or providing a commercial or noncommercial message which is not related to the services or products sold on, or the sale or lease of, the property on which it is displayed. Billboards include any of its support, frame, or other appurtenances.

Changeable Copy Signs A sign that is characterized by changeable copy, letters, symbols or numerals that are not permanently affixed to the structure, framing or background allowing the letters, characters,

or graphics to be modified from time to time manually or by electronic or mechanical devices, such as, but not limited to, a bulletin board or electronic message board. Changeable copy signs may not be used to display commercial messages relating to products or services that are not offered on the premises.

Changeable Electronic
Variable Message Sign
(CEVMS)

A sign which is characterized by changeable copy, letters, symbols or numerals that are modified by electronic or mechanical devices and that permits lights to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including a light emitting diode (LED) or digital sign, and which varies in color or intensity. A CEVMS sign does not include a sign located within the right-of-way which functions as a traffic control device and which is described and identified in the Manual on Uniform Traffic Control Devices (MUCTD) approved by the Federal Highway Administrator as the national Standard. (Ord. 464, 5-20-08)

Construction sign

A sign temporarily placed on a construction site identifying the project, and/or owner, developer, contractor, architect, and may include other information regarding the project.

Dilapidated

Dilapidated shall mean any sign:

- A. Where elements of the surface or background can be seen as viewed from the normal viewing distance (intended viewing distance), to have portions of the finished material missing, or otherwise not in harmony with the rest of the surface; or
- B. Where the structure support or frame members are visibly bent, broken, dented or torn; or
- C. Where the panel is visibly cracked or in the case of wood and similar products, splintered in such a way as to constitute an unsightly or harmful condition; or
- D. Where the sign or its elements are twisted or leaning or at angles other than those at which it was originally erected (such as may result from being blown or the failure of structural support); or
- E. Where the message or wording can no longer be clearly read by a person with normal eyesight under normal viewing conditions; or
- F. Where the sign or its elements are not in compliance with the requirements of the City building codes.

Directional sign

An on-premises sign that is freestanding, the primary purpose of which is to give directions to parking lots, exits, entrances, drive-through windows, or similar directions. Reference to a product, service, business, name other than a subordinate business name or logo, shall disqualify a sign as a directional sign.

Double-faced sign

One structure containing either one sign with two faces back-to-back oriented in opposite directions, or two signs back-to-back with faces oriented in opposite directions with a distance of not more than three (3) feet between the two signs.

Flag/flag pole

A piece of fabric or other flexible material attached to a ground supported staff on one end used as a symbol of a nation, state, political subdivision, corporation, or organization.

Flashing sign

A sign with lights which illuminate intermittently (for example, a sign with blinking, or moving lights) regardless of wattage, whether directly or indirectly illuminated, except for time and temperature signs.

<p>Illuminated sign</p>	<p>Any sign which has characters, letters, figures, or designs illuminated by electric lights, luminous tubes, or other means that are specifically placed to draw attention to, to light up, or to provide nighttime viewing of the subject matter on the sign.</p>
<p>Inflatable device sign (IDS)</p>	<p>A sign manufactured of plastic, cloth, canvas or other flexible or light fabric, inflated with air or gas, secured to the ground or roof of a building.</p>
<p>Integral sign</p>	<p>A memorial sign or tablet, name of a building, or date of erection when cut into any masonry surface or when constructed of bronze or other incombustible material mounted on the face of a building.</p>
<p>Marquee sign</p>	<p>A sign, either attached or a detached monument sign, designed to allow advertising or wording to be changed on periodic intervals.</p>
<p>Medallion sign</p>	<p>A two-sided panel bearing a decorative figure or relief or identifying emblem and limited to the business, address, proprietor and date of establishment.</p>
<p>Menu board sign</p>	<p>A sign erected in conjunction with a use that incorporates a drive-through or drive-in and generally used to provide service and/or product options and pricing for patrons who remain in a vehicle.</p>
<p>Monument sign</p>	<p>A freestanding sign characterized by construction of stone, concrete, metal or brick, etc., set on a monument, ground-mounted base. Permanent detached signs in nonresidential zoned districts shall be on-premises monument signs except as provided within this article.</p>
<p>Off-premises sign</p>	<p>A sign that advertises, promotes, or pertains to a business, person, organization, activity, event, place, service, product, etc., at a location other than where the sign is located.</p>
<p>On-premises sign</p>	<p>Any sign located on property referring to that location, facility or place of business.</p>
<p>Pole and Pylon sign. affixed to the ground</p>	<p>Any sign which is erected on a vertical framework consisting of one upright or supports</p>
<p>Political sign</p>	<p>A temporary sign announcing or supporting candidates or issues in connection with any national, state or local election.</p>
<p>Premises</p>	<p>A lot or unplatted tract, or a combination of contiguous lots or unplatted tracts, if the lot or tract or combination is under single ownership and is reflected in the plat or abstract records of the city. Multi-tenant locations shall be considered as one lot or tract. Premises do not include property used for one- or two-family residential purposes.</p>
<p>Projecting sign</p>	<p>A sign attached and projecting out from a building face or wall, generally at a right angle to the building a maximum of twelve (12) inches. A projecting sign may advertise the name, telephone number, street address, and/or website information of a business.</p>
<p>Realty sign</p>	<p>A sign which is used to offer property for sale, lease or rent.</p>
<p>Roof sign</p>	<p>A sign mounted on and supported by the roof portion of a building or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building or a sign that is painted directly to or applied on the roof or top of a building or structure. A sign that is mounted on mansard facades, pent eaves or architectural projections, such as canopies or the wall of a building or structure shall not be considered to be a roof sign.</p>

Searchlight sign	Signs that are used to announce, direct attention to, or advertise businesses and events or attractions.
Shingle signs	A sign that denotes only the name, occupation and address of an occupant in a commercial, public, or institutional building.
Sign	Any object, device, display or structure which bears words, lettering, parts of letters, figures, numeral, phrases, sentences, emblems, devices, trade names, or trademarks, or other pictorial matter designed to convey information to or attract attention to the subject matter of the sign. This definition shall also include any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to communicate information of any kind to the public. The term “sign” includes the sign structure.
Snipe sign	A sign made of any material when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects, and the advertising matter appearing thereon is not applicable to the use of the premises upon which such sign is located.
Special event sign	Any self-supporting sign specifically announcing one special event sponsored by a civic, nonprofit, or philanthropic organization of public interest. Special event signage shall be reviewed as a part of the overall special event permit as set out in the Code of Ordinances, City of Runaway Bay.
Subdivision entry Sign	An attached or monument sign which identifies a development, either residential or non-residential, and generally refers to the platted name of the subdivision or planned development.
Temporary sign	Any sign intended for display for a limited period of time.
Unattached sign set	A sign which is carried, wheeled, or moved about without having to detach the sign from a secure anchoring device which is set in the ground or to a building which is set on an approved foundation, or a sign which does not meet the wind load pressure requirement as out in the Texas Department of Transportation, Administration Code Subchapter 1; §21.157. Such signs are considered to be unattached if they can reasonably be expected to be blown about in high winds and may cause injuries to pedestrians and traffic hazards. Said signs include, but are not limited to, ground signs, portable signs, and “A-Frame” signs. The following signs are not included in this definition: realty signs, individual contractor signs, and political signs, signs intended for temporary use for safety reasons due to construction, dangers, or traffic control, and governmental signs which are intended to inform the public. (Ord. 513, 11-15-11)
Vehicular sign	Any sign on or in an automobile, trailer, truck, golf cart, or other moving vehicle or on any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs or lettering on company vehicles that advertises only the company name, address and phone number.
V-shaped sign	Any freestanding sign constructed of two panels in the form of a “V”, when seen from above, with a maximum angle between the panels of forty-five (45) degrees.
Wall sign	A sign erected against an exterior wall, erected parallel to a wall or painted directly onto a wall.

Wind device	Any pennant flag, streamer, spinner, balloon, cloud buster balloon, or similar device made of cloth, canvas, plastic, or any flexible material designed to float or designed to move, or moves freely in the wind, with or without a frame or other supporting structure, used for the purpose of advertising or drawing attention to a business, commodity, service, sale or product. Flags, inflatable device signs (IDS), and banners shall not be considered a wind device.
Window sign	Any sign, poster, window slick, or other similar displayed item excluding banners, located on the internal or external surface of a window that is visible from the public view.

Section 5. Permit Required

- A. No person shall erect, construct, alter, repair, or relocate a sign without first obtaining a permit, unless exempt as outlined in Section 8.
- B. Unless specifically exempted in Section 8, it shall be unlawful for any person to affix or place any billboard or sign without obtaining a recommendation from the Planning and Zoning Commission (PZC) and approval of City Council.
- C. Each sign permit application shall be accompanied by such drawings, descriptions, and specifications as determined by appropriate City Hall Staff.
- D. After a sign permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms and conditions of said permit without prior approval.

Section 6. Posting Signs on Public and Private Property

- A. No person shall affix or place a sign or bill of any means whatsoever to any public building, property, or thing belonging to the City and in the City’s ETJ or to any other public entity without the written approval of that authority. This prohibition shall extend also to posting bills within City parks or to trees on public rights-of-way. However, this section shall not be construed to prevent any public official from posting a governmental sign or bill for a public purpose.
- B. No person shall affix a sign or bill by any means whatsoever to any private property within the city or in the ETJ of the City of Runaway Bay without having first obtained the permission of the property owner or his or her agents.

Section 7. Prohibited Signs Within the City Limits and the ETJ (Ord. 528 6-18-13)

A sign not expressly permitted is prohibited. The following signs shall not be permitted or erected within the city limits or within the ETJ of the City of Runaway Bay. The following words, terms and phrases shall have the meanings ascribed to them in Section 4 Definitions, except where the context clearly indicates a different meaning:

- A. Abandoned or dilapidated signs.
- B. Billboards.
- C. Nothing contained herein shall be construed to prohibit the display of the flag of the United States or the State of Texas.
- D. Off-premises signs.
- E. Pole and Pylon signs.
- F. Roof signs.
- G. Signs constructed of cloth, canvas, fabric, cardboard, wallboard or other flimsy material with or without frames. This prohibition does not extend to flags.
- H. Signs erected in violation of the building code of the City.
- I. Signs or other advertising structure containing any obscene, indecent, or illegal matter.
- J. Signs placed on the side or rear of any building or property when such sign faces upon a contiguous residential district.

- K. Signs that are illuminated to intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance.
- L. Signs which constitute a hazard to pedestrian or vehicular traffic, or interfere with or obstruct the view of a traffic sign.
- M. Signs which have any visible moving parts, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or mechanical means including intermittent electrical pulsations, or by action of normal wind currents.
- N. Signs which incorporate in any manner any flashing or moving lights, except time and temperature signs and other similar signs that present public service information.
- O. Signs which make use of any word, phrase, symbol or character in such manner as to interfere with, mislead, or confuse vehicular or pedestrian traffic.
- P. Signs which make use of words such as “STOP”, “LOOK”, “DANGER”, or other similar words, phrases, symbols or characters in such a manner as to imply the need or requirement of stopping or the existence of danger.
- Q. Signs which no longer advertise a bona fide business activity, campaign or service or a product sold.
- R. Signs with exposed neon conduit or tubing, interior (other than interior encases open/close signs) or exterior neon window signs or lighting displays inside or outside a building so as to be visible from the streets, parking areas, or site boundaries unless approved by the Development Review Committee.
- S. Snipe signs.
- T. String lights or any unshielded light that is within public view and is used in connection with commercial premises for commercial purposes, other than Christmas decorations.
- U. Unattached signs except as expressly permitted. (Ord. 513, 11-15-11)
- V. Vehicular signs placed or affixed to vehicles and/or trailers that are parked on a public right-of-way, public property, or private property so as to be visible from public view where the apparent purpose is to advertise or direct people to a business or activity located on the same or nearby property.
- W. Signs located on any vacant building, except a sign pertaining to the lease or sale of the building to which it pertains, or a sign which is under lease from the owner or his/her authorized agent when such sign is maintained by a person operating under his/her own bond.
- X. Wind device(s).

Section 8. Exempt Signs (No Permit Required)

The following words, terms and phrases shall have the meanings ascribed to them in Section 4 Definitions, except where the context clearly indicates a different meaning:

- A. Governmental signs.
- B. Menu boards that are a maximum of eight (8) feet in height and do not exceed seventy-two (72) square feet in area. Only two menu boards are permitted per drive-through.
- C. Real estate signs to advertise the sale/lease of the premises upon which the sign is located and not exceeding thirty-two (32) square feet for commercial properties and not exceeding nine (9) square feet for residential properties.

Exceptions: one generic free-standing sign (e.g.: “House for Sale”) per cul-de-sac, regardless of the number of houses for sale, is permitted. The sign may be placed on City property at the entrance to the cul-de-sac and must be removed when the house(s) is sold or is no longer for sale. The sign shall not exceed two (2) square feet in size.

- D. Shingle signs that do not exceed two (2) square feet.
- E. Signs attached to a residence or apartment building stating only the name or number of the building or owner or the accessory use of a dwelling for a home occupation, provided that such sign shall not exceed two (2) square feet.

- F. Signs on bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, societies or charitable organizations and located on-premises provided the sign does not exceed thirty-two (32) square feet in area.
- G. Public utility signs or markers.
- H. Traffic or other municipal signs, railroad crossing signs, danger, and such temporary, emergency or non-advertising signs as may be approved by the City.
- I. Window signs that do not exceed fifty (50) percent of the exterior window area.
- J. Political signs referring to the candidates or issues involved in a public election, subject to the following conditions.
 - 1. The sign is located on private real property with the consent of the property owner;
 - 2. The sign does not exceed eight (8) feet in height;
 - 3. The sign may not have an effective area greater than thirty-six (36) square feet;
 - 4. The sign shall not be illuminated; and
 - 5. The sign shall not contain any moving elements.
- K. One construction sign per contractor may be placed on a permitted construction site for the duration of the construction permit. (Ord. 513, 11-15-11)

Section 9. Permitted Temporary Signs

- A. Garage sale/"Open House" sign. A no-cost permit listing all locations must be secured from City Hall Staff. The size shall be limited to three (3) square feet. These free-standing signs may be located at the nearest entry to Highway 380 and at each street change leading to the house for sale or garage sale and may be located on city-owned property.
- B. Banner sign. A no-cost permit, limited to a 60-day period and mounted wholly within the business property, shall be permitted by City Hall for each business property.
- C. Searchlight sign. A no-cost permit, limited to a 30-day period, shall be permitted by City Hall Staff.
- D. Special Event Sign. A no-cost permit to display a sign containing a message directly relating to a special event provided that such sign may be displayed no more than fourteen (14) days prior to the special event and must be removed within two (2) days after the conclusion of the special event. These free-standing signs must be located on the owner's property. (Ord. 513, 11-15-11)

Section 10. Permitted Detached On-Premises Commercial Signs (Ord. 528, 6-18-13)

Each business shall be limited to one (1) detached sign on premises unless the business is part of a multiple commercial site and in this case the site shall be limited to one (1) detached on-premises sign per lot. Sign shall not exceed ½ square foot of sign area per one foot of street frontage on any chosen public street, up to a maximum of 100 square feet per sign with a maximum height of eight (8) feet, unless property fronts Highway 380 in which case the maximum sign height can be thirty (30) feet.

- A. Sign Area. For the purposes of this section, sign area shall be measured as follows:
 - 1. Square or rectangular sign: length times height of the sign.
 - 2. Irregular-shaped sign: area of rectangles or triangles or combination thereof necessary to enclose the sign face.
- B. Sign Height. Measurement of sign height shall be from either grade or street elevation, whichever is higher.
- C. Street Frontage. The property line adjacent to the right-of-way of a public street. Where a premises fronts on more than one public right-of-way or street, excluding alleys and service ways, the provisions of this article shall apply to each frontage.

Detached on-premises signs shall meet the following criteria:

- A. Signs shall meet the wind load pressure requirement as set out in the Texas Department of Transportation, Administration Code, Subchapter 1; §21.157.

- B. Signs shall conform to the City's standard specifications for building material, designs and landscaping. Large corporations may apply for a variance to allow for uniform sign requirements.
- C. Monument signs shall employ the same material, colors, and textures as the associated primary structures.
- D. No sign shall be illuminated to such intensity or in such a manner as to cause a glare or brightness to a degree that it constitutes a hazard or a nuisance.
- E. Signs shall not exceed a brightness of two hundred (200) foot lambert at a property line.
- F. No lighted sign shall be erected within one hundred fifty (150) feet of a residential development unless the lighting is shielded from the view of the residential development.

In order for a non-conforming detached sign to continue, it shall meet the following criteria:

- A. Have existed at the time the considerations changed to make the sign non-conforming.
- B. Have been lawful on the date it became subject to control by the City.
- C. Remain substantially the same as it was on the date it became subject to the City's control.
- D. May not be relocated, even if the sign is sold, leased, or otherwise transferred, without affecting its status, unless the relocation is a result of a right-of-way acquisition requiring relocation to a conforming area.
- E. May not be removed for any reason, including repair.

Section 11. Off-Premises Commercial Signs

No off-premises commercial signs are allowed within the city limits or the ETJ of the City of Runaway Bay.

Section 12. Maintenance

- A. Weeds shall be kept cut in front of, underneath and around the base of on-premises detached signs and no debris shall be permitted so near thereto that the same shall constitute a fire hazard.
- B. Signs shall be kept free from all hazards, such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health and safety.
- C. All signs and sign support structures shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times.

No new permit is required for both conforming and non-conforming on-premises detached signs involving the following activities:

- A. Replacement of nuts and bolts; nailing, riveting or welding; cleaning and painting; and manipulation to level or plumb the sign structure.
- B. Replacement of parts, as long as the basic design or structure of the sign is not altered and materials of the same type are used.
- C. Replacement of poles, as long as no more than one-half of the poles are replaced in any 12-month period.
- D. Changing the advertising message, including changing the sign face, as long as similar materials are used to replace the sign face.

A new permit is required for the following maintenance activities:

- A. Adding lights to an un-illuminated sign or adding more intense lighting to an illuminated sign whether or not the lights are attached to the sign structure.
- B. Changing any dimensions.
- C. Changing the number of poles in the sign structure, unless the number of poles in a multiple pole structure is reduced to accommodate a reduction in the size of the original sign, provided that the original sign is not removed and replaced with another sign.

- D. Changing the materials used in the construction of the sign, such as replacing wooden materials with metal materials.
- E. Adding faces or changing the sign configuration, such as changing from a “V” configuration to a stacked configuration.
- F. Moving the sign structure of a sign face in any way.
- G. Replacing more than one-half of the poles in a multiple pole sign structure in any 12-month period.
- H. Making repairs that exceed 60% of the cost to erect a new sign of the same type at the same location.

A new permit shall not be issued for a non-conforming sign.

A permit application shall contain the following:

- A. Affidavit of ownership.
- B. Scale drawing or plat showing the exact location with all dimensions.
- C. Scale drawing of detached sign showing all dimensions and the exact text.
- D. List of materials to match design and color(s) of the architecture of the building(s).
- E. Description of any or all methods of illumination.
- F. Statement of wind load capacity.

Section 13. Appeals

See Article XVII.

Section 14. Nuisances; Removal; Reclaiming

Any sign erected, altered, used, or maintained in violation of this Article shall constitute a public nuisance. If the owner or operator fails to remove the sign within thirty (30) days after being notified in writing to do so, it may be removed by the City at the expense of the owner or person affixing, using or maintaining it. Any sign so removed shall be stored or impounded and shall not be returned to the owner until all applicable charges and permits are obtained.

Article XXV. Small Wind Energy System (Ord. 497, 2-16-10)

Section 1. Purpose

The purpose of these regulations is to accommodate small wind energy systems in appropriate locations while protecting the public’s health, safety and welfare, and to provide a permitting process for small wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

Section 2. Definitions

- Anemometer: An anemometer is a devise for measuring the wind speed.
- Ambient: In atmospheric sound transmission or noise pollution, ambient noise level is the sound pressure level at a given location, normally specified as a reference level to study a new intrusive sound source. The sound pressure level exceeded 90% of the time.
- ANSI: The American National Standards Institute.
- dBA.: The measure of sound pressure level on the A. weighted scale, as defined by ANSI. A method for weighing the frequency spectrum to mimic the human ear’s response to sound.
- Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.

HAWT: Meteorological	A horizontal axis wind turbine system
Tower/Met Tower:	Includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at the given location. For purposes of this section, met towers shall refer only to those whose purpose are to analyze the environmental factors needed to assess the potential to install, construct or erect a small wind energy system.
Modification:	Any change to a small wind energy system that materially alters the size, type or location of the system. Like-kind replacements shall not be construed to be a modification.
On-Site Wind Energy System:	A land use for generating electric power from wind, which is an allowable accessory use provided that the system is designed to serve only the needs of the primary use on the site.
Owner:	The person, entity or entities having an equity interest in the small wind energy system, including their successors or assigns, that intend to own and operate the system pursuant to this section.
Rotor:	The blades and the hub together constitute the rotor.
Rotor Diameter:	The cross-sectional dimensions of the circle swept by the rotating blades of a wind-powered energy generator.
Shadow Flicker	The visible flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.
Small Wind Energy System:	A wind energy conversion system consisting of a wind generator, a tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts (kW) or less and will be used to convert wind energy into electricity for on-site consumption.
Sound Pressure:	The local pressure deviation from the ambient (average, or equilibrium) pressure caused by a sound wave.
Sound Pressure Level:	The sound pressure mapped to a logarithmic scale and reported in decibels.
Storage System:	A system of batteries, cables, chargers, inverters and any other applicable equipment utilized to retain energy that has been generated for use at a later date.
Total Height:	The vertical distance from the ground to the highest point of the wind generator system including tips of any blades when at their highest point.
Tower:	A monopole, freestanding, or guyed structure, utilized to support wind energy system equipment, including but not limited to the wind generator, anemometers and vanes.
VAWT:	A vertical axis wind turbine.

Wind Generator: The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

Section 3. Zoning District Land Use

A small wind energy system is permitted in all zoning districts, contingent upon compliance with requirements of this ordinance. . Therefore, a small wind energy system or met tower is not allowed to be erected on a vacant lot, nor may the system or tower be erected on a lot until the main structure is completed.

Section 4. Requirements

- A. **Applicability.** The following general regulations and procedures shall apply to all small wind energy systems located within the City. A small wind energy system lawfully in existence at the time of the enactment of this Article shall not be required to meet the requirements established herein.
- B. **Setbacks.** Small wind energy systems are prohibited in the front yard. A wind tower for a small wind energy system shall be set back a distance equal to the height of the highest point of the wind energy system tower, including the top of the blade in its highest vertical position on any system. No part of the wind energy system or structure, including guy wire anchors, may extend closer than seven and one-half feet (7'6") from rear or side property lines. The distance between a met tower and the owner's property line shall be equal to the height of the tower. No portion of the wind generator shall extend beyond the setback line, nor into the following:
 - 1. any public road right-of-way, unless written permission is granted by the government entity with jurisdiction of the road right-of-way;
 - 2. any overhead utility lines, unless written permission is granted by the utility that owns and/or controls the easement.
- C. **Access.** The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8') feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. All access doors to small wind energy systems shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
- D. **Lighting.** A small wind energy system shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration ("FAA"); however, this prohibition does not include operational lighting installed by the manufacturer of the system as original equipment. When lighting is required by FAA regulations, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the system, such lighting not to exceed the minimum requirements of those regulations.

If so required, a small wind energy system tower structure may be artificially lighted ONLY with steady-burning red obstruction lights (FAA type L-810) or flashing red obstruction lights (FAA type L0864), flashing no faster than 20 flashes per minute. Upward lighting, flood lights or other lighting not strictly required by the FAA is prohibited.

- E. **Appearance, Color and Finish.** The wind generator and tower shall remain painted or finished in the color or finish that was originally applied by the manufacturer, or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include, but are not limited to, white, off-white or gray.
- F. **Signs.** No sign, including flags, streamers, decorative items or advertising signs, either temporary or permanent, shall be placed on or attached to a small wind energy system, except for manufacturer identification or appropriate warning signs. A clearly visible warning sign that states "Caution, High Voltage" shall be placed at the base of all pad-mounted transformers and substations.
- G. **Utility Notification and Interconnection.** Small wind energy systems that connect to the electric utility shall comply with the Texas Net Metering and Interconnection Standards for Class I Renewable Energy Systems.

- H. Met Towers. The met tower shall be permitted under the same standards, permit requirements, restoration requirements and permit procedures as a small wind energy system.
- I. Sound Pressure Level. A small wind energy system shall not exceed 55 dBA. at the property line closest to the small wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dBA., the standard shall be ambient dBA. plus 5dBA. In no instance shall the operation of a system create vibration within structures on abutting property that exceeds the vibration perception threshold of the occupants.
- J. Construction Codes. All small wind energy systems, including towers, shall comply with all applicable state construction and electrical codes, Federal Aviation Administration regulations, and City of Runaway Bay requirements. A small wind energy system shall be installed in accordance with all applicable manufacturers' recommendations or under the seal of a professional engineer registered with the state of Texas.
- K. Safety. All wind towers shall have lightning protection. If the tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet (6') above the guy wires.
- L. Height. The small wind energy system, including the tower, shall have a total height restriction of fifteen (15) meters or 49.2 feet. Additionally, no tower shall exceed the height recommended by the manufacturer or the distributor of the small wind energy system.
- M. Shadow Flicker. Small wind energy systems shall be sited in a manner that does not result in significant shadow flicker impact or blade glint upon any inhabited structures (except for the owner's) or city roadways. "Significant shadow flicker" is defined as more than 30 hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker will be addressed either through siting or mitigation measures, and systems found to be in violation of this condition shall be shut down until the flicker or glint problem is remedied.
- N. Braking Systems. All small wind energy systems shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.
- O. Placement of Commercial Telecommunication Equipment. The installation, attachment or presence of commercial telecommunication equipment, either temporary or permanent, on a tower or small wind energy system is prohibited.
- P. Clearing. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy system and as otherwise prescribed by applicable laws, regulations and ordinances.
- Q. Approved Wind Generators. The manufacturer and model of the wind generator to be used in the proposed small wind energy system must have been approved by the applicable regional or state authority.
- R. Liability Coverage. A certificate of insurance with a minimum of \$1,000,000 liability coverage per incidence, per occurrence shall be required. The City shall be listed as an additional insured with notice of cancellation to be provided no less than 30 days prior to such cancellation. A copy of the current certificate of insurance is required to be submitted with the annual inspection.

Section 5. Permit Required

- A. No small wind energy system shall be erected, constructed or installed without first receiving an approved building permit from the City. A building permit also shall be required for any physical modification to an existing small wind energy system. Met towers that receive a building permit shall be permitted on a temporary basis not to exceed three (3) years from the date the building permit was issued. An issued permit shall expire if the system is not installed, or modified, and functioning within six (6) months from the date the permit is issued.
- B. The building permit application shall be accompanied by a plot plan which includes all of the following:
 1. property lines and physical dimensions of the property;
 2. location, dimensions and types of existing major structures and fences on the property;

3. location of the proposed small wind energy system and the tower;
4. setbacks clearly marked for all sides;
5. the right-of-way of any public road that is contiguous with the property;
6. any overhead utility lines or easements on the property;
7. system specifications, manufacturer, model, rotor diameter, tower height, tower type (free-standing or guyed), energy storage system specifications;
8. copy of Manufacturers' Material Safety Data Sheets;
9. proof of applicant's public liability insurance for the project;
10. documentation showing compliance with the requirements of Section 4 of this Article; and
11. documentation showing proof of a permit or application for a permit for any separate storage building to be located on the property.

Section 6. Abandonment

A small wind energy system that is out-of-service for a continuous 6-month period will be deemed to be abandoned. The system (including tower) shall be removed at the owner's sole expense within three (3) months after notice from City of such abandonment and the property shall be restored to its natural condition. If the owner fails to remove the small wind energy system, including the tower, in compliance with this section, the City may take any and all action permitted under state law to remove the system and assess the costs of removal against the owner, including, but not limited to, filing a lien for such costs against the property.

Section 7. Maintenance and Inspections

A small wind energy system shall be maintained at all times according to and consistent with the manufacturer's instructions, including, but not limited to, mechanical and electrical systems and sub systems, painting, and structural integrity. A small wind energy system that becomes unstable, leans significantly out-of-plumb, or poses a danger of collapse shall be removed or brought into repair within sixty (60) days following notice to the owner of the property where the system is located. Failure to bring the system into compliance with this Article within sixty (60) days of notification by the City is a violation of this Article; the City may take any and all action permitted under state law relating to such violation.

A small wind energy system must be inspected and a report prepared and provided to the City by a structural engineer and an electrician annually with such inspections beginning one (1) year after the date of the building permit. The inspection report must state that the small wind energy system is in safe operating condition and meets all current applicable state construction and electrical codes, Federal Aviation Administration regulations, and City of Runaway Bay requirements. A copy of the current certificate of insurance must be provided with the annual inspection report.

Section 8. Penalties

It shall be unlawful for any person or entity to construct, install, modify, or operate a small wind energy system that is not in compliance with this Article. Small wind energy systems installed prior to the adoption of this Article are exempt from this Article except when modifications are proposed to the system.

Article XXVI. Solar Energy System (Ord. 497, 2-16-10)

Section 1. Purpose

The purpose of these regulations is to accommodate solar energy systems in appropriate locations while protecting the public's health, safety and welfare, and to provide a permitting process for solar energy systems to ensure compliance with the provisions of the requirements and standards established herein.

Section 2. Definitions

Active Solar System:	An active solar energy system converts solar energy into usable energy for current or future use. An active solar system uses electrical, mechanical or chemical means, such as pumps and fans, to increase the usable energy in a system.
Building-integrated Solar Systems:	An active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.
Grid-intertie Solar System:	A photovoltaic solar system that is connected to an electric circuit served by an electric utility company.
Off-grid Solar System:	A photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.
Passive Solar System:	A passive solar energy system uses sunlight for useful energy without the use of active mechanical systems. Such systems convert sunlight into usable energy with little use of other energy sources.
Photovoltaic System:	A photovoltaic system is a system which uses solar cells to convert light into electricity. A photovoltaic system consists of multiple components, including cells, mechanical and electrical connections and mountings and means of regulating and/or modifying the electrical output.
Photovoltaic Module Or Panel (Solar Panel):	A packaged interconnected assembly of photovoltaic cells, also known as solar cells, to offer electricity for commercial and residential applications.
Photovoltaic Array:	An installation of several modules or panels, an inverter, batteries and interconnection wiring to produce larger electrical power capacity.
Roof Pitch:	Relates to the slope and inclination angle of a roof in building construction. A roof is considered pitched with a gradient greater than 15 degrees or a slope greater and 3.215 in 12.
Solar Collector:	A device, structure of a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.
Solar Collector Surface:	Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.
Solar Energy System:	Any solar collection or other energy device, or any structural design feature of a building whose primary purpose is to provide for the collection, storage or distribution of solar energy for space heating or cooling, water heating or electricity.

Section 3. Permitted Accessory Use

Active solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to the requirements set forth in Section 4 of this Article. A solar energy system is not allowed to be erected on vacant lots, nor may the system be erected on property until the primary structure is complete.

Section 4. Requirements

- A. Applicability. The following general regulations and procedure shall apply to all solar energy systems located within the City. A solar energy system lawfully in existence at the time of the enactment of this Article shall not be required to meet the requirements established herein.
- B. Height
 - 1. When installed, a building- or roof-mounted solar energy system shall not cause the height of the structure, including the solar energy system, to exceed the maximum allowed height in the applicable zoning district where the structure is located.
 - 2. Ground- or pole-mounted solar systems shall not exceed fifteen feet (15') in height when oriented at maximum tilt.
- C. Setbacks
 - 1. Solar energy systems are prohibited in the front yard. Active solar systems must meet the secondary building setback for the zoning district on which the system is located.
 - 2. In addition to the building setback, the collector surface and mounting devices for building- or roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar energy systems which produce hot water shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
 - 3. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented a minimum design tilt.
- D. Visibility
 - 1. Active solar systems shall be designed to blend into the architecture of the primary structure or must be screened from view of public right-of-ways. The color of the solar collector is required to be consistent with other roofing materials. Exterior surfaces shall have a matte finish and shall be color-coordinated to harmonize with roof materials.
 - 2. Roof-mounted solar collectors shall be placed in the location least visible from a public right-of-way without reducing the operating efficiency of the collectors. Wall-mounted and ground-mounted solar collectors shall be screened from public view.
 - 3. Roof-mount systems that are visible from the nearest edge of the street frontage right-of-way shall not have, at the highest point, a finished pitch more than five percent (5%) steeper than the roof pitch on which the system is mounted, and shall be no higher than ten inches (10") above the roof.
 - 4. Building- or roof-mounted solar energy systems, excluding building-integrated systems, shall not cover more than eighty percent (80%) of the south-facing or flat roof upon which the panels are mounted, and shall be set back from the roof edge by a minimum of one foot (1').
 - 5. Solar collectors shall be integrated into the design of the building. The structural support for a solar collector shall be screened in a manner that is compatible with the design of the building.
 - 6. Appurtenant equipment, particularly plumbing and related fixtures, shall be installed within the primary structure.
 - 7. Large accessory fixtures which must be exposed (e.g., storage tanks) shall be screened through the use of architectural features that harmonize with other design elements of the structure.
 - 8. Storage tanks shall not be located within any required front, side or back yard setbacks nor shall they be visible from any public right-of-way. Storage tanks shall not block views along golf course or lakefront lots.

Section 5. Permit Required

- A. No solar energy system, or component thereof, shall be erected, constructed or installed without first receiving an approved building permit from the City. A building permit also shall be required for any physical modification to an existing solar energy system. An issued permit shall expire if the system is not installed, or modified, and functioning within six (6) months from the date the permit is issued.
- B. The building permit application shall be accompanied by plot plan which shall include all of the following:
 - 1. property lines and physical dimensions of the property;
 - 2. location, dimensions and types of existing major structures and fences on the property;
 - 3. location of the system on the building or on the property for a ground-mount system with to-scale horizontal and vertical (elevation) drawings;
 - 4. setbacks, if applicable, of all ground-located system units clearly marked;
 - 5. height of the system including the height of the system and the building, if applicable;
 - 6. color of roof and color of system;
 - 7. type and location of screening material;
 - 8. location of appurtenant equipment;
 - 9. location and setback of any storage tanks;
 - 10. for all building- or roof-mounted systems other than a flat roof, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted;
 - 11. for flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof; and
 - 12. any separate storage building will need separate permit application.

Section 6. Utility Notification

No grid intertie photovoltaic system shall be installed until evidence has been provided to the City that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

Section 7. Abandonment

A solar energy system that is out-of-service for a continuous 6-month period will be deemed to be abandoned. The system, including the panels, shall be removed at the owner's sole expense within three (3) months after notice from City and the property shall be restored to its natural condition, as applicable. If the owner fails to remove the solar energy system in compliance with this section, the City may take any and all action permitted under state law to remove the system and assess the costs of removal against the owner, including, but not limited to, filing a lien for such costs against the property.

Section 8. Maintenance and Inspections

A solar energy system shall be maintained at all times according to and consistent with the manufacturer's instructions, including, but not limited to mechanical and electrical systems and structure integrity. A solar energy system that becomes unstable, leans significantly out-of-plumb, or poses a danger of collapse shall be removed or brought into repair within sixty (60) days following notice to the owner of the property where the system is located. Failure to bring the system into compliance with this Article within sixty (60) days of notification by the City is a violation of this Article; the City may take any and all action permitted under state law relating to such violation.

A solar energy system must be inspected and a report prepared and provided to the City by a structural engineer and an electrician annually with such inspections beginning one (1) year after the date of the building permit. The inspection report must state that the solar energy system is in safe operating condition and meets all current applicable electrical codes and City of Runaway Bay requirements.

Section 9. Penalties

It shall be unlawful for any person or entity to construct, install, modify, or operate a solar energy system that is not in compliance with this Article. Solar energy systems installed prior to the adoption of this Article are exempt from this Article except when modifications are proposed to the system.

Article XXVII. Changes and Amendments

Section 1. City Council May Amend Ordinance

The City Council may from time to time amend, supplement, or change by ordinance the boundaries of all districts, excepting R-S-G, or the regulations herein established.

Section 2. PZC To Consider All Amendments

Before taking action on any such proposed amendment, supplement, or change, the City Council shall submit the same to the PZC for its recommendation and report. The PZC may at its option undertake study and public hearing on its own motion, or on request from the City Council, from any citizens, or from any party having a proprietary interest in any affected property.

Section 3. Public Hearing Required

Any required public hearing shall be conducted in accordance with State Law. (Ord. 425, 8-15-06)

Section 4. Supermajority Required Under Certain Conditions

Unless such proposed amendment, supplement or change has been approved by the PZC, or if a protest against such proposed amendment, supplement or change has been filed with the City Clerk, duly signed and acknowledged by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change or those immediately adjacent in the rear thereof extending 200 feet therefrom or of those directly opposite thereto extending 200 feet from the street frontage of such opposite lots, such amendment shall not become effective except by a three-fourths vote of the City Council.

Section 5. Official Zoning Map

The official zoning map of the City shall be kept in the office of the City Clerk, and all changes in district boundaries shall be noted thereon immediately after approval by the City Council.

Article XXVIII. Reservation of Subsurface Rights and Utility Easements

Mining, drilling, oil, and other subsurface and mineral rights shall be reserved by the City for the Leaseholders of Record as designated and recorded in Wise County, Texas, and shall not be construed or interpreted as conveyed to any other party by the conditions of these covenants and restrictions.

Easements for installation and maintenance of utilities and drainage facilities are reserved. Within these easements, no structure, planting, or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.

Article XXIX. Appearance of Lots

Each lot at all times shall be kept in a clean, sightly, and wholesome condition. No trash, litter, junk, boxes, containers, bottles, cans, implements, machinery, lumber, or other building materials shall be permitted to remain exposed upon any lot so as it is visible from any neighboring lot or road except as necessary during the period of construction.

No lot shall be used in whole or part for the storage of any property or thing that will cause such lot to appear in an unclean, disorderly, or untidy condition or that will be otherwise obnoxious. No obnoxious or offensive activity shall be carried on upon any lot nor shall anything be done, placed, or stored thereon which may be or become an annoyance or nuisance to the neighborhood or occasion any noise or odor which will or might disturb the peace, quiet, comfort, or serenity of the occupants of nearby lots. Owners of deteriorating fences will be notified to either repair, replace or remove subject fence. All fences requiring fifty (50) percent or greater repair will be replaced or removed. All replaced fences will comply with all current fence requirements. On a perimeter fence, having two or more distinct sides, each side will be considered separate when determining repair or replacement due to deterioration. Any repair or replacement fencing must match the original fencing. A city permit is required. (Ord. 397, 8-17-04)

Article XXX. Preserving Rights in Pending Litigation and Violations Under

Existing Ordinances

By the passage of this ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such as falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be.

Article XXXI. Enforcement

All enforcement capabilities available to the City Services Coordinator shall be used as necessary to ensure compliance with the provisions of this ordinance.

Article XXXII. Penalty for Violation

Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building or use in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than two thousand dollars (\$2,000), and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything in violation of this ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith, and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction shall be subject to a fine. (Ord. 496, 11-17-09)

Article XXXIII. Interpretation, Purpose and Conflict

In interpreting and applying the provisions of this ordinance, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comforts, prosperity, or general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces than are imposed or required by agreements, the provisions of this ordinance shall govern.

Article XXXIV. Validity

If any section, paragraph subdivision, clause, or phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part of provisions thereof, other than the part so decided to be unconstitutional.

Article XXXV. Repealing Clause

All ordinances and parts of ordinances in conflict with any provision of this ordinance are hereby repealed insofar as the same are in conflict with the provisions of this ordinance.

Article XXXVI. Effective Date

This codification of Ordinance No. 27 becomes effective immediately upon its passage by the City Council, approval by the Mayor, and publication as provided by law.

PASSED BY The City Council of the City of Runaway Bay, Texas on this the 22 day of March, 2004.

WALT WARNER - MAYOR

ATTEST:

CITY SECRETARY

APPENDIX 1

SCHEDULE OF USES

USE PERFORMANCE STANDARDS

1. All uses in all districts shall conform in operation, location, and construction to the use performance standards herein specified.
2. Classification of New and Unlisted Uses. The Building Inspector shall refer the question of any new or unlisted use to the Planning and Zoning Commission who shall consider the nature of the proposed use and forward its recommendations to the City Council for their decision.

LEGEND FOR INTERPRETING SCHEDULE OF USES

Y Designates use permitted in district indicated
Designates use prohibited in district indicated

Additional regulations relating to use of land and buildings in individual zoning districts are listed in Articles V - XIII of this ordinance.

Note: R-1 MH added 11/18/2008 Ordinance 481. VC added 4/19/2011 Ordinance 505.

**TABLE 1
ACCESSORY USES**

TYPE OF USE	R-1 /R-1 MH	R-2	D	T	O	C	R-S-G	VC
Boat; boat trailer	Y	Y	Y	Y		Y		
Carport	Y	Y	Y	Y	Y	Y		Y
Construction yard (temporary)	Y	Y	Y	Y	Y	Y	Y	Y
Contractor shop & storage yard					Y	Y		
Occupation normally done in home	Y	Y	Y	Y				Y
Field or sales office (temporary structure)	Y	Y	Y	Y	Y	Y		Y
Garage, private (1)	Y	Y	Y	Y				Y
Horse shelter		Y						
Light manufacturing						Y		
Motor home (not for permanent occupancy)	Y	Y	Y	Y	Y	Y		
Secondary Buildings	Y	Y	Y	Y	Y	Y		Y
Temporary buildings (2)	Y	Y	Y	Y	Y	Y		Y
Trailer, travel trailer, horse trailer, etc. (not for permanent occupancy)	Y	Y	Y	Y	Y	Y		

- (1) Detached garages are not permitted uses.
- (2) Temporary buildings are to be used during construction only and shall be removed upon completion or abandonment of the construction work.

**TABLE 1A
RESIDENTIAL USES**

TYPE OF USE	R-1 / R- 1 MH	R-2	D	T	O	C	R-S-G	VC
Bed and breakfast	Y ¹	Y ¹				Y ¹		Y
Boarding or rooming house						Y		
Industrialized housing	Y	Y	Y	Y	Y ²	Y ²		
Motel, motor hotel or motor lodge						Y		Y
Residence hotel						Y		Y
Retirement housing (Assisted living)						Y		
Travel trailer park						Y		

¹ Requires Specific Use Permit.

² Not for use as a residence.

TABLE 2

Appendix 1-3

EDUCATIONAL, INSTITUTIONAL, AND SPECIAL USES

TYPE OF USE	R-1 / R-1 MH	R-2	D	T	O	C	R-S-G	VC
Child care center					Y	Y		Y
Church, place of worship	Y	Y	Y	Y	Y	Y		Y
Civic center					Y	Y	Y	Y
Community center, private					Y	Y		Y
Continuing care facility (public)						Y		
Country club, private						Y	Y	
Custodial care business					Y	Y		Y
Fire station	Y	Y	Y	Y	Y	Y	Y	Y
Fraternal organization, lodge or civic club					Y	Y		Y
Greenhouse (commercial)						Y		
Greenhouse, plant nursery (non-commercial)	Y	Y	Y	Y	Y	Y		
Health club/Fitness center					Y	Y		Y
Hospital					Y	Y		
Kennel						Y		
Library	Y	Y	Y	Y	Y	Y	Y	Y
Municipal buildings	Y	Y	Y	Y	Y	Y	Y	Y
Museum, art gallery					Y	Y	Y	Y
Nursery school					Y	Y		
Park, playground, rec center (public)	Y	Y	Y	Y	Y	Y	Y	Y
Police Department Building	Y	Y	Y	Y	Y	Y	Y	Y
Rehabilitation care facility					Y	Y		Y
School, private (primary and/or secondary)					Y	Y		
School, public (primary and/or secondary)	Y	Y	Y	Y	Y	Y		
School, trade or commercial					Y	Y		
Swimming pool, private	Y	Y	Y	Y	Y	Y		Y

**TABLE 3
TRANSPORTATION, UTILITY AND COMMUNICATIONS USES**

TYPE OF USE	R-1 / R-1 MH	R-2	D	T	O	C	R-S-G	VC
Bus station/terminal					Y	Y		
Electrical transmission line	Y	Y	Y	Y	Y	Y	Y	Y
Gas metering station	Y	Y	Y	Y	Y	Y		Y
Gas transmission line	Y	Y	Y	Y	Y	Y	Y	Y
Heliport or heli-atop					Y	Y	Y	
Local utility distribution lines	Y	Y	Y	Y	Y	Y	Y	Y
Service yards of government agency	Y	Y	Y	Y	Y	Y		
Sewage pumping station	Y	Y	Y	Y	Y	Y	Y	
Sewage treatment plant						Y		
Solid waste transfer station (municipal, public)						Y		Y
Utility substation	Y	Y	Y	Y	Y	Y	Y ¹	Y
Utility tower						Y ¹	Y ¹	
Water pumping station or well	Y	Y	Y	Y	Y	Y	Y ¹	Y
Water storage, elevated	Y	Y	Y	Y	Y	Y	Y ¹	
Water storage, ground	Y	Y	Y	Y	Y	Y	Y	
Water treatment plant						Y	Y ¹	

¹ Requires Specific Use Permit.

**TABLE 4
Appendix 1-5**

AUTOMOBILE AND RELATED SERVICE USES

TYPE OF USE	R-1 / R-1 MH	R-2	D	T	O	C	R-S-G	VC
Auto leasing						Y		
Auto paint and body shop						Y ¹		
Auto parts sales (inside)						Y		
Auto repair						Y ¹		
Auto and trailer sales area						Y		
Auto service station						Y		
Auto storage						Y ¹		
Car wash						Y		
Motorcycle sales/service						Y ¹		
Parking lot or parking garage						Y ¹		
Quick oil change facility						Y		
Tire dealer						Y		
Truck stop						Y		

¹ Requires Specific Use Permit.

**TABLE 5
OFFICE, RETAIL, COMMERCIAL AND SERVICE TYPE USES**

TYPE OF USE	R-1 / R- 1 MH	R-2	D	T	O	C	R-S-G	VC
Amusement, commercial (indoor)						Y		Y
Antique shop					Y	Y		Y
Arts, crafts store (inside sales)					Y	Y		Y
Arts, crafts store (outdoor sales)					Y	Y		Y
Bakery and confectionery, retail					Y	Y		Y
Bank, savings and loan, credit union					Y	Y		Y
Barber shop					Y	Y		Y
Beauty shop					Y	Y		Y
Boat sales, storage, repair						Y		
Building materials, hardware (inside storage)					Y	Y		
Building materials, hardware (outside storage)					Y	Y		
Cabinet and upholstery shop					Y	Y		
Clinic, medical or dental					Y	Y		Y
Convenience store					Y	Y		Y
Copy center					Y	Y		Y
Discount, variety, or department store					Y	Y		Y
Decorator					Y	Y		Y
Feed and farm supply (inside/outside sales/storage)					Y	Y		
Florist					Y	Y		Y
Food/grocery store					Y	Y		
Furniture, appliance store					Y	Y		Y
Garden center (retail sales)					Y	Y		
TYPE OF USE	R-1/ R-2	R-2	D	T	O	C	R-S-G	VC

	R-1 MH							
General merchandise store					Y	Y		Y
Gymnastics or dance studio					Y	Y		Y
Hotel, motel or motor lodge					Y	Y		Y
Household appliance service/repair					Y	Y		
Industrial park					Y	Y		
Laboratory, medical or dental					Y	Y		Y
Laundry/dry-cleaning, self-service					Y	Y		Y ¹
Laundry/dry-cleaning, commercial						Y		Y
Massage therapy facility					Y	Y		Y
Medical supplies, sales and service					Y	Y		Y
Miscellaneous retail store					Y	Y		Y
Mortuary or funeral home						Y		
Office, professional or general administration					Y	Y		Y
Pawn shop					Y	Y		
Pet shop					Y	Y		
Pharmacy					Y	Y		Y
Plumbing, heating, refrigeration or air conditioning business/contractor					Y	Y		
Plumbing service					Y	Y		
Post office, government & private					Y	Y		Y
Racquetball facilities/gym					Y	Y		Y
Self-storage, mini-warehouse					Y	Y		
Shopping center					Y	Y		Y
Studio (photographer, musician, artist)					Y	Y		Y
Tanning salon					Y	Y		Y
Taxidermist					Y	Y		
Theater (indoor)					Y	Y		Y
Veterinarian clinic (no outside pens)					Y	Y		Y

¹Apartment laundry room only.

APPENDIX 2

AREA, SETBACK, HEIGHT, AND COVERAGE REGULATIONS

ZONING DISTRICT	MINIMUM LOT AREA (a) (square feet)	MINIMUM WIDTH (at front bldg line--linear feet)	MINIMUM LOT DEPTH (average-linear feet)	MINIMUM FRONT SETBACK (b) (linear feet)	MINIMUM* SIDE SETBACK (c) (linear feet)	MINIMUM REAR SETBACK (linear feet)	HEIGHT LIMIT (e) (linear feet)	SPECIAL REQUIREMENTS
R-1 1600	9,000 (l)	None	None	20 (h) (d)	7.5 / 20 (h)	15 (g)(h)(w)(d)	30 (s)	(k) (i) (l) (y)
R-1 1300	9,000 (l)	None	None	20 (h)	7.5 (h)	15 (h)(w)	30 (s)	(k) (i) (l) (y)
R-1 MH (Ord 472, 9-16-08)	9,000 (l)	None	None	20	7.5/20	15	30 (s)	(k) (i) (l) (y)
R-2	2 acres (k) (x)	200 (k) (x)	300 (k) (x)	50 (x)	25 / 25 (x)	15 (w) (x)	35 (Ord. 459, 4-15-08) (s)	(k) (i) (l) (w) (y)
D	6,000 (l)	None	None	20	7.5 / 20	15	30 (s)	(i) (l) (m) (q) (y) (o)
T	(o)	None	None	20	15/20	15	30 (s)	(i) (l) (q) (s) (y) (o) (p)
O	(o)	None	None	50	(u)	(v)	3 stories	(l) (x) (y)
C	(o)	None	None	50	(u)	(v)	3 stories	(l) (x) (y)
R-S-G	None	None	None	None	None	None	None	(i) (l) (y)
VC (Ord 505, 4- 19-11)	(o)	None	None	20 (bb)	15/20 (u)	15 (v)	3 stories	(l) (x) (y) (p) (q) (s) (bb)

* The first number in the Side Setback Column is the required setback for interior lots; the second number in the column is the required setback for a yard of a corner lot. (Ord. 397, 8-17-04)

Letters in parentheses refer to notes which are attached and should be consulted for important information and regulations.

This chart is not complete for all districts and uses. See District Regulations in Articles V - XIII.

NOTES TO AREA REGULATIONS

- A. The minimum lot area for the various districts shall be in accordance with the regulations for each district, except that a lot having less area than required which was an official "lot of record" on January 5, 1980, may be used for a one family residence.
- B. The front yard setback shall be measured from the property line to the front face of the building, garage, carport, covered porch, covered terrace.. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four (4) feet.
- C. On any corner lot front or side yard, no wall, fence, structure, sign, landscaping foliage, sloped terrace or embankment may be maintained higher than three (3) feet above street grade so as not to obstruct drivers' view of intersecting traffic from any point within twenty (20) feet of the intersection. Every part of a required side yard setback shall be open and unobstructed except for: (1) secondary building as permitted; (2) the ordinary projections of window sills, belt courses, cornices, and other architectural features not more than twelve inches (12") into the required side yard setback; (3) roof eaves shall not project more than thirty-six inches (36") into the required side yard setback; and (4) balconies shall not project into the required side yard setback. (Ord. 397, passed 8-17-04)
- D. Unit 1, Block 7, Lots 1-12 shall have a minimum front yard setback of ten feet (10') and a minimum rear yard setback of five feet (5').
- E. The height of a building shall be measured from the first floor elevation to the highest point of the roof.
- F. Golf course lots shall have a rear yard setback of not less than twenty-five (25) feet.
- G. Chair lots: Minimum side yard setback established by the extension of the property line of the strip of land leading to the chair lot shall be fifteen feet (15'). Minimum setback for the other natural side yard shall satisfy the requirement for the drip line to be on the owner's property. Minimum front yard setback shall be twenty feet (20'). Minimum rear yard setback, to include lake chair lots, shall be fifteen feet (15').
- H. A single family residence, R-1, R-1 MH, and R-2, shall have a minimum of one thousand six hundred (1,600) square feet of fully enclosed floor area devoted to human occupancy purposes. Minimum floor area shall be exclusive of roofed or unroofed porches, terraces, garages, carports and other out-buildings and shall be computed from exterior measurements. (Ord. 472, 9-16-08)

A single family residence located in the following areas may have a minimum of one thousand three hundred (1,300) square feet of fully enclosed floor area devoted to human occupancy purposes. Minimum floor area shall be exclusive of roofed or unroofed porches, terraces, garages, carports and other out-buildings and shall be computed from exterior measurements. (Ord. 524, 11-20-12)

Block 10, Lots 47-91. Unit 2:Block 11, Lots 23-34;Block 12, Lots 1-14; Block 13, Lots 34-52; Block14, Lots 16-18.
Unit 6: Block 12, Lots 12-16;Block 14, Lots 1-29;Block 15, Lots 1-42; Block 16, Lots 1-13.

- I. Exterior siding shall be of not less than fifty-five percent (55%) masonry as defined as brick, stone, rock or stucco. (Ord. 411, 7-19-05) All wood type roof covering materials are prohibited. Metal building materials for exterior walls shall not be allowed. (Or. 472, 9-16-08)
- J. Or as shown on original plat maps dated 12/11/67 and designated "ranchette lot."
- K. When an R-1 or R-1 MH lot has less area than nine thousand (9,000) square feet and was of record prior to January 5, 1980, that lot may be used for a single family residence. (Ord. 472, 9-16-08)

- L. Base flood elevation is established at 844.5 mean sea level. No building permits shall be issued for construction at or below 844.5 msl, except for fences and gazebos. (Ord 464, 5-20-08) Runaway Bay has no authority to approve marine residence construction.
- M. The minimum living area for each duplex residence shall be eight hundred and fifty (850) feet measured from exterior walls. (Ord. 481, 11-19-08)
- N. Minimum size of "T", "O", "VC" or "C" lots will be determined by the actual size of the buildings to be constructed plus the cumulative areas required for setbacks, parking, driveways, fences, secondary buildings and carports as appropriate. (Ord. 397, passed 8-17-04)
- O. An area surrounded on three sides by a street, commonly referred to as a city block, will be approved for only one zoned district. Note: A R-S-G District (greenbelt area) could equal either or both side street requirements.

Where a townhouse, condominium, apartment or duplex district shares a rear lot line with an R-1 single family district, the rear yard setback for "T" and "D" resident buildings shall be fifty feet (50'). Carports (see definition 2), secondary buildings, fences and play areas may be located in the rear yard setback area. (Ord. 397, passed 8-17-04)

- P. Where townhouses, condominiums or apartment buildings are arranged on a lot where the long dimension of any building is parallel to the side lot line, or where the long dimension of such building is parallel and adjacent to another building in a project, a side yard of fifteen (15) feet shall be provided on each side of each building so that the walls of buildings so arranged shall be a minimum of thirty (30) feet apart and no balcony or canopy shall extend into such side yard space for a distance greater than five (5) feet.

Where the long dimension of a townhouse, condominium or apartment building parallels the street, the front yard setback shall be twenty feet (20'), the rear yard setback shall be fifteen feet (15') and the side yard setback shall be fifteen feet (15').

When the end of a townhouse, condominium or apartment building does not exceed thirty-five feet (35') in width, has no openings for forced air, light or observation and is positioned in line end to end with another building with no openings for light, forced air or observation such buildings shall be a minimum of ten feet (10') apart. When, however, either of these in line end to end buildings have openings for forced air, light or observation, such buildings shall be a minimum of twenty feet (20') apart.

A multiple family building located on a corner lot shall have a minimum setback of twenty feet (20') to both streets.

- Q. To the extent permitted in the involved district, original plot/site plans for townhouses, condominiums, apartments and duplex developments will include specifications and locations for carports, secondary buildings, fences, private community centers (Ord. 468, 6-17-08) and play areas as appropriate. Carports (see Definition 2) may be located in the front yard only if the twenty foot front yard setback is maintained. Secondary buildings and carports may be located anywhere in the side yard or the rear yard as long as the drip line is on the owner's property. Secondary buildings will not exceed 12 feet in height and carports (2) will not exceed 10 feet in height and both will ensure an aesthetically pleasing blend with their supported housing developments. (Ord. 397, passed 8-17-04)
- R. No R-1 (Units 1, 2, 4 and 6) residence shall exceed two (2) standard stories, unless the variation in the natural elevation of the building site is such that access to the second story of the building can be obtained at ground level and not more than one flight of stairs will be used or necessary for access to the third story. When a basement adds another story to the residence, the maximum height of the building above first floor elevation shall not exceed thirty (30') feet. (Ord. 459, 4-15-08)

No R-2 (Units 3 and 8) residence shall exceed two (2) standard stories, unless the variation in the natural elevation of the building site is such that access to the second story of the building can be obtained at ground level and not more than one flight of stairs will be used or necessary for access to

the third story. When a basement adds another story to the residence, the maximum height of the building above first floor elevation shall not exceed thirty-five feet (35'). (Ord. 459, 4-15-08)

A sprinkler system in the attic shall be required if a variance is granted for a height of over thirty feet (30') in Units 1, 2, 4 and 6 or for a height of over thirty five feet (35') in Units 3 and 8. (Ord. 459, 4-15-08)

- S. Minimum living area for each townhouse shall be twelve hundred (1200) square feet; each condominium shall be one thousand (1000) square feet; each apartment within an apartment house shall be nine hundred (900) square feet measured from exterior walls. (Ord. 464, 5-20-08) When townhouse, condominium or apartment buildings are positioned so as to create inner courts or outer courts as defined in Appendix 3, the faces of all opposite walls in such courts shall be a minimum of thirty feet (30') apart and no balcony or canopy shall extend into such court area more than five feet (5').
- T. No side yard setback shall be required for a commercial, office district, or Village Center when combined with office or commercial district except a corner lot shall have a side yard setback of no less than twenty feet (20'). (Ord. 397, passed 8-17-04)
- U. No rear yard setback shall be required for a commercial, office district, or Village Center when combined with office or commercial district except where that lot adjoins a residential district and is not separated therefrom by an alley or street in which event there shall be a rear yard setback of not less than fifty (50) feet.
- V. R-1 and R-2 lake lots shall have a rear yard of not less than fifteen (15) feet.
- W. Unit 8 was annexed into the City of Runaway Bay in 1995 under the guidelines of the Land Use Map adopted by Amendment to Ordinance 27 on September 21, 1992. This Land Use Map identified Unit 8 as "R-2". The Services Contract and Deed Restrictions accepted by the City of Runaway Bay on February 22, 1995, and the Final Plat Map accepted by the City of Runaway Bay July 18, 1995, specify the following variances to "R-2" Area, Setback, Height, and Coverage requirements:
 - (1) Minimum lot area - Shall conform to original plat with the smallest lot being 1.14 acres. See Special Requirements.
 - (2) Minimum width - none specified.
 - (3) Minimum lot depth - none specified.
 - (4) Minimum front setback - thirty-five feet (35').
 - (5) Minimum side setback - none specified. Minimum established as fifteen feet (15').
 - (6) Minimum rear setback - none specified. Conform to "R-2" as fifteen feet (15').
 - (7) Height limit - Thirty-five feet (35'). (Ord 459, 4-15-08)Special Requirements: (1) utility easements: 10' inside all front and rear lot lines; 5' on side lot unless otherwise noted;
(2) Interior streets: 60' minimum right of way; (3) Cul-de-sacs: 60' radius; (4) Only lots consisting of five (5) or more acres may be subdivided into two (2) equal tracts.
- X. All office commercial, and Village Center District buildings shall have a composition roof or a standing seam metal roof or better. Exterior siding shall be of not less than fifty-five percent (55%) brick, rock or stone. The remainder shall be masonry or stucco. Each shall have a minimum of one thousand two hundred (1,200) square feet of fully enclosed floor space. (Ord. 491, 8-18-09)

However, if a company or business has a specific trademark look and wants to deviate from the building ordinance, building plans and a written request shall be presented to the Development Review Committee (DRC) for consideration. (Ord. 491, 8-18-09)
- Y. Construction security fences may be used to provide security for equipment and material during the construction of any building. The fences are permissible from the date of the building permit until the date of the certificate of occupancy, providing said building permit is not revoked. Should the permit be revoked, the fence must be removed within ten (10) days. Height of the fences is limited to eight feet (8').

Z. Front setback: Sufficient for diagonal parking and 10' sidewalk where required in Article XIV, Section 6. (Ord. 505, 4-19-11)

AA. Lighting, curbing and sidewalks are required fronting on all public streets. (Ord. 505, 4-19-11)

APPENDIX 3: Definitions

In this ordinance, words in the present tense include the future; words in the singular number include the plural number; the words in plural number include the singular; the word “building” includes the word “structure”; the word “lot” includes the word “plot”; the word “shall” is mandatory and directive.

Except to the extent a particular provision specifies otherwise, the following definitions shall apply throughout this ordinance:

Abutting Property. Any property line bordering another property line. It shall also be understood that this also pertains to property on the other side of the street.

Adjacent. To be separated by common property lines, lot lines, or an alley; abutting, adjoining, contiguous, or touching.

Air Conditioning and Refrigeration Contractor. A place from which a person performs design, installation, construction, maintenance, service repair, alteration or modification of a product or of equipment in environmental air conditioning, commercial refrigeration, or process cooling or heating systems, under the terms and conditions described in the Texas Air Conditioning and Refrigeration Contractor License Law, Vernon’s Ann. Div. St., art. 8861.

Alley. A public space or thoroughfare which affords only secondary means of access to property abutting thereon.

Amusement, Commercial (Indoor). An amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line. Said amusement enterprise may offer activities, services, and instruction for the entertainment, exercise, and/or improvement of fitness and health of customers, clients, or members. Uses would typically include bingo parlors, athletic facility, dance hall, exercise areas, gymnasiums, health club/resort, bowling alleys, ice or roller skating rinks, martial arts classrooms and/or practice areas, racquetball and handball courts, running or jogging tracks, swimming pools and spas, teen club, tennis courts, and theaters.

Amusement, Commercial (Outdoor). An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge where any portion of the activity takes place in the open. Uses would typically include amusement parks or water amusement parks, archery range, athletic/recreational facility, carnivals, fairgrounds, drive-in movie, golf course, golf driving range, batting cage, go-cart track, miniature golf course, and sport/recreation camp.

Antenna and Support Structure for Amateur Radio Communications. An antenna utilized for communication purposes in conjunction with a citizen band or amateur radio station, and including any tower, mast, or structure for the support thereof. This definition shall also include such anchors, anchor supports, or guy wires associated with the structure but shall not include any antenna used for commercial communications or radio broadcasting operations.

Antenna/Microwave Reflector. An apparatus constructed of solid, mesh, or perforated materials of any configurations that is used to receive and/or transmit microwave signals from a terrestrial or orbit ally located transmitter or transmitter relay. This definition is meant to include but is not limited to what are commonly referred to as satellite receive only earth stations.

Antenna, Radio or Television. The arrangement of wires or metal rods used in sending and/or receiving of electromagnetic waves.

Antique Shop. An establishment offering for sale, within a building, articles such as artwork, glass, china, furniture, or similar furnishing, decorations, or artifacts which have value and significance as a result of age, design, and/or sentiment.

Apartment. A room or suite of rooms in a multifamily residence or apartment house designed or occupied as a place of residence by a single family, individual or group of individuals.

Apartment House. Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as a home or place of residence by three (3) or more families living in independent residence units.

Arcade. An establishment in which not less than twenty-five percent (25%) of the floor area open to the public is utilized for display and use of coin-operated, slug-or-token operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or skill or pleasure machines, other than billiard or pool tables, or which has more than five (5) such machines for display and use by the public.

Area of the Lot. The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys.

Art Gallery. See Museum or Art Gallery.

Automobile Laundry. See Car Wash.

Automobile Repair, Minor. Minor repair or replacement of parts, tires, tubes, and batteries: diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing, performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems, and other similar minor services for light load vehicles, but not including any operation names under "automobile repair, major" or any other similar use.

Automobile and Trailer Sales, New. Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of primarily new automobiles, light trucks, and trailers, to be displayed and sold on premises, and where no repair work is done except minor reconditioning of the automobiles and trailers to be displayed and sold on the premises, and no dismantling of automobiles or trailers for sale or keeping of used automobile and trailer parts or junk on the premises.

Automobile and Trailer Sales, Used. Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of used automobiles, light trucks, or trailers in operating condition and where no repair work is done except the minor adjustments of the vehicles to be displayed or sold on the premises. A used car sales area shall not be used for the storage of wrecked automobiles or the dismantling of automobiles or the storage of automobile parts or junk on the premises.

Baker and Confectionery, Retail Sales. A place for preparing, cooking, baking and selling of products on the premises.

Bank, Savings and Loan, Credit Union. An establishment for the custody, loan exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds.

Barber Shop. A place where barbering, as defined in Texas Barber Act, Vernon's Annotated Civil Statutes, art. 8407, meeting standards established in Section 9 of said Texas Barber Act.

Barber School or College. A place of training for practice of barbering, as defined in Texas Barber Act, Vernon's Ann. Div. St., Art. 8407, meeting standards established in Section 9 of said Texas Barber Act.

Batch Plant. A temporary or permanent facility for the production and manufacture of asphalt or concrete.

Beauty Culture School; Cosmetology Specialty Retail Shop. A specialized place of training, as defined in the Cosmetology Regulatory Act, Vernon's Ann. Civ. St., Art. 8451.

Beauty Shop. A place where cosmetology, as defined in the Cosmetology Regulatory Act, Vernon's Ann.Civ.St., Art. 8451, is practiced.

Base Flood. The flood having and one (1) percent chance of being equaled or exceeded in any given year.

Basement. That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

Block. An area within the city enclosed by streets and occupied by or intended for buildings; or, if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on said side.

Board of Adjustment. The Zoning Board of Adjustment of the City of Runaway Bay.

Boarding House. A building other than a hotel or motel where lodging and meals for five or more persons are served for compensation and where facilities for food preparation are not provided in individual rooms.

Bottling Works. A manufacturing facility designed to place a product into a bottle for distribution.

Breeze Way. A covered passage one story in height connecting a main building to a subordinate building or a garage.

Brick or Stone, Exterior. See Masonry or Stucco.

Buildable Width. The width of the building site left to be built upon after the required side yards are provided.

Building. Any structure or building for the support, shelter and enclosure of persons, animals, chattels, or moveable property of any kind.

Building, End of. Those sides of the building having the least dimensions and in which doors or openings are not customarily provided for ingress and egress.

Building, Front of. The side of a building most nearly parallel with and adjacent to the front of the lot on which it is situated.

Building Height. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of the building:

- a. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above the lowest grade.
- b. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in paragraph (a) above is more than ten (10) feet above the lowest grade. The height of a stepped or terraced building shall be the maximum height of any segment of the building.

Building Inspector. The City-appointed Building Official or person charged with the enforcement of the building codes of the City.

Building Line. A line parallel or approximately parallel to the right-of-way line at a specified distance therefrom constituting the minimum distance from the right-of-way line that a building may be erected.

Building Lot. A single tract of land located within a single block which (at time of filing for a building permit) is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a street or approved place. Therefore, a “building lot” may not coincide with a lot of record. A “building lot” may be subsequently subdivided into two (2) or more “building lots”, and a number of “building lots” may be cumulated into one “building lot”, subject to the provisions of this ordinance.

Building, Main or Primary. A building in which is conducted the principal use of the lot on which it is situated.

Building Materials, Hardware Sales. The sale of new building materials and supplies indoors with related sales for hardware, carpet, plants, electrical and plumbing supplies all of which are oriented to the retail customer, rather than contractor or wholesale customer.

Building Official. See Building Inspector.

Bulk Storage Terminal. Any facility engaged in the wholesale distribution, and storage in excess of 50,000 gallons of petroleum and petroleum products, liquefied petroleum gas, and other chemicals, from bulk liquid storage tanks.

Bus Terminal. Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

Business Service. Establishments primarily engaged in providing services not elsewhere classified to business enterprises on a fee contract basis including but not limited to advertising agencies, computer programming and software services, and real estate agencies.

Business Uses and Districts. Includes retail, commercial, and manufacturing uses and districts as herein defined.

Cabana. A building located adjacent to a pool to be used for storage of pool equipment, changing room, showering and recreation, but not to be used as temporary or permanent living area. (Ord. 435, 1-30-07)

Cabinet and Upholstering Shop. An establishment used for the production, display, and sale of furniture and soft coverings for furniture.

Canopy. In a commercially zoned area, any structure of a permanently fixed nature, attached to or independent of the main building, built and designed for the purpose of shielding.

Carport. (1) Residential District Carport. A permanent roofed structure entirely closed on at least one (1) side for the required sixty (60) square feet of storage, designated for or occupied by private passenger vehicles. This structure shall match the main building architecturally and shall be attached to the main building.

(2) Townhouse and Duplex District Carport Option. A roof supported by posts as necessary, which is completely open and detached, to provide partial weather protection for resident and guest passenger vehicles. No enclosed storage is allowed and only vehicles shall use any space under this carport. Each family unit will have two assigned carport spaces and one carport space will be provided for guests for every five resident spaces.

Car Wash. A facility or structure used to wash motorcycles, automobiles, and light load vehicles.

Cellar. See Basement.

Certificate of Occupancy and Compliance. An official certificate issued by the city through the enforcing official indicating conformance with or approved conditional waiver from the zoning regulations and authorizing legal use of the premises for which it is issued.

Child Care Center; Nursery School. See Day-Care Center.

Church, Synagogue, Temple, or Place of Worship:

(a) A structure used primarily for the purpose of engaging in religious worship or promoting the spiritual development or well-being of individuals; and

(b) A structure used by an organization operated in a way that does not result in accrual of distributable profits, realization of private gain resulting from payment or compensation in excess of a reasonable allowance for salary or other compensation for services rendered, or realization of any other form of private gain; and

(c) A structure used by an organization whose charter, bylaws or other regulation adopted by the organization to govern its affairs:

1. Pledges its assets for use in performing the organization's religious functions; and;

2. Directs that on discontinuance of the organization by dissolution or otherwise, the assets are to be transferred to the State of Texas or to a charitable, educational, religious or other similar organization that is qualified as a charitable organization under Section 501(c)(3), Internal Revenue Code of 1954, as amended.

(d) Use of a structure for occasional secular purposes other than religious worship does not result

in loss of the status as a church if the primary use of the structure is for religious worship, and all income from the other use is devoted exclusively to the maintenance and development of the structure as a place of religious worship.

City. The City of Runaway Bay, Texas.

Civic Center, Civic Facility. Any place or facility owned or operated by the school district, municipal, county, state or federal government which is open for use by the general public. Civic facilities shall include amphitheaters, auditoriums, cemeteries, libraries, museums, post offices, public office and administrative buildings (including City Hall), public plazas and open space, recreation centers and facilities, stadiums, arenas, convention or civic centers; but excluding storage and maintenance facilities, facilities for public utilities, including substations, treatment, generation or pump facilities, police or fire stations, or landfills or disposal facilities.

Cleaning and Dyeing, Dry Cleaning Plant. An industrial facility where fabrics are cleaned with substantially nonaqueous organic solutions. (See Cleaning and Pressing, Small Shop and Pickup).

Cleaning and Pressing, Small Shop and Pickup. A custom cleaning shop not exceeding 2,500 square feet in floor area or a pickup station for a cleaning establishment located off-site. (See Cleaning and Dyeing, Dry Cleaning Plant).

Clinic, Medical or Dental. A facility or station designed and used for the examination and treatment of persons seeking medical care as outpatients who do not remain on the premises overnight.

Clothing Manufacture or Light Compounding or Fabrication. Includes the manufacture of jewelry, trimming decorations, and any similar item not involving the generation of noise, odor, vibration, dust, or hazard.

College or University. An academic institution of higher learning accredited or recognized by the State and offering a program or series of programs of academic study beyond the secondary education level, but excluding trade and/or commercial schools.

Community Center, Private. A building or buildings dedicated to social and/or recreational activities serving residents of a subdivision or development which is operated by an association or incorporated group for their use and benefits; not to be a commercial, for profit business.

Community Center, Public. A building or buildings dedicated to social and/or recreational activities, serving the city or a neighborhood and owned and operated by the city or by a non-profit organization dedicated to promoting the health, safety, morals, or general welfare of the city.

Commercial. An area restricted for the use of any business, other than a home occupation or manufacturing business, which involves the exchange of goods or services.

Condominium. Any building composed of three or more units that are individually owned which is designed or built to be owned by three or more families living independently of each other and maintaining separate cooking facilities. Each owner has a fractional interest in the general common areas.

Condominium Unit. A suite of rooms owned individually in a condominium house arranged, designed or occupied as a residence by a single-family, individual, or group individuals.

Construction Yard (Temporary). A storage yard or assembly yard for building material and equipment directly related to a construction project and subject to removal at completion of construction and subject to same restrictions as Field or Sales Office.

Contiguous. Shall mean “touching” or “in contact”.

Continuing Care Facility. A place as defined in the Texas Continuing Care Facility Disclosure and Rehabilitation Act (V.T.C.A., Health & Safety Code, Chapter 246) in which a person provides a living unit, together with personal care services and nursing services, medical services, or other health-related services, regardless of whether the services and lodging are provided at the same location, under an agreement that requires the payment of a fee and that is effective for the life of the individual or for a period of more than one (1) year, such individual or individuals being cared for not being related by consanguinity or affinity to the person providing the care.

Contract Construction Services. Any premises used for the storage, accumulation, stocking, or depositing of materials, tools, products, or equipment on a temporary or permanent basis for eventual use or sale by an electrician, plumber, carpenter, or any other type of building, construction or manufacturing trade, provided that such activities are conducted completely within an enclosed building and provided that the temporary or overnight on-premises parking of motor vehicles and outside storage of equipment or materials for eventual use or sale shall be allowed as an accessory use.

Contractor Storage Yard. Any premises where the principal use is for the outside storage, accumulation, stocking, or depositing of materials, tools, products, equipment or vehicles on a temporary or permanent basis for eventual use or sale by an electrician, plumber, carpenter, or any other type of building, construction or manufacturing trade.

Convenience Store. A retail establishment providing for the sale of food items, non-prescription drugs, small household items, and gifts. Gasoline and diesel fuel may be offered for sale provided they are not the primary source of income for the store.

Country Club (Private). Land and buildings customarily containing a golf course and a clubhouse and available only to specific private membership; such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts, and similar recreational or service facilities.

Country Club with Golf Course. An area of twenty-five (25) acres or more containing a golf course and clubhouse which is available to a specific recorded membership. Such a club may include as adjunct facilities, a dining room, private club, swimming pool, cabanas, tennis courts, and similar service and recreational facilities for the members.

Convalescent Home. Any structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age.

Court. An open, unoccupied space bounded on more than two sides by the walls of the building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard, or other permanently open space.

Coverage. The percent of a lot or tract covered by the roof or first floor of a building.

Cul-de-sac. A local street with only one outlet and having a terminal of sufficient width for the reversal of traffic movement.

Custom, Personal Service Shop. Tailor, dressmaker, shoe repair, barber/beauty shop, health studio, travel consultant, or similar shop offering custom service.

Customary Home Occupations. A customary home occupation is an occupation customarily carried on in the home by a member of the occupant's family without structural alterations in the building or any of its rooms, without the installation of machinery other than that customary to normal household operation or additional equipment, without the employment of additional persons, without the use of a sign to advertise the occupation, and which does not cause the generation of additional traffic in the street.

Dance Hall or Night Club. An establishment offering to the general public facilities for dancing and entertainment for fee and subject to licensing and regulation by the City.

Day Care Center. A licensed facility that provides care, training, education, custody, treatment, or supervision for more than twelve (12) children under 14 years of age for less than 24 hours a day who are not related by blood, marriage, or adoption to the owner or operator of the facility. The terms "child care center" and "nursery school" shall not include overnight lodging, medical treatment, counseling, or rehabilitative services and does not apply to any school. Such facility shall be operated as required by Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources.

Day Nursery. A place where children are left for care between the hours of 7 a.m. and 12 midnight.

Density. The ratio of the number of dwelling units per net acre of platted area being developed. Net acre shall be defined as the acreage of a site less any existing or proposed rights-of-way, or flood plain that is not either reclaimed or substantially improved as open space and incorporated into the project.

Depth of Lot. The mean horizontal distance between the front and rear lot lines.

Depth of Rear Yard. The mean horizontal distance between the rear line of the main building and the rear lot line.

Discount, Variety, or Department Store. A retail store offering a wide variety of merchandise in departments and exceeding 7,000 square feet of floor area.

District. A section of the City for which the regulations governing the area, height, or use of the land and buildings are uniform.

Dog Run. See Fence.

Dormitory. A building in which housing is provided for individual students under the general supervision or regulation of an accredited college or university and as distinguished from an apartment, hotel, motel, or rooming house. A dormitory may provide apartment units for guests, faculty, or supervisory personnel on a ratio not to exceed one (1) such apartment unit for each fifty (50) students for which the building is designed. Individual rooms or suites of rooms may have cooking facilities. The dormitory may include facilities such as commissary and/or snack bar, lounge, and study area, dining halls, and accessory kitchen, recreation facilities, and laundry, provided that these facilities are for the benefit and use of the occupants and their guests and not open to the general public.

Duplex. A building designed for occupancy by two families living independently within separate units which have a common wall and are under one roof.

Dwelling. Any building, or portion thereof, which is designed for residential purposes.

Dwelling Unit. A building or portion thereof designed exclusively for residential occupancy, including one family, two family, and multiple family dwellings, except for buildings designed and used as hotels, boarding houses, rooming houses, and motels.

Dwelling, One-Family. A detached building having accommodations for and occupied by only one family.

Dwelling, Two-Family. See Duplex.

Easement. A grant of one or more of the property rights by the property owner to and/or for the use or benefit by the public, a corporation, or other person or entity. An easement shall be identified on a subdivision plat, filed for record with the appropriate county clerk, and cannot be varied or altered by action of the Board of Adjustment.

Electrical Substation. A subsidiary station in which electric current is transformed.

Exhibition Area. An area or space either outside or within a building for the display of topic-specific goods or information.

Fairgrounds. An area where outdoor fairs, circuses or exhibitions are held.

Family. An individual or group of two or more persons related by blood, marriage, adoption or guardianship including foster children, exchange students, and servants together with not more than two (2) additional persons not related by blood, marriage, or adoption to the previously identified individual or group, living together as a single housekeeping unit in a dwelling unit or a Family Home for the Disabled as defined by the Community Homes for Disabled Persons Location Act, Article 101 In of V.A.C.S., as it presently exists or may be amended in the future.

Family Home. A child care facility that regularly provides care in the caretaker's own residence for not more than six (6) children less than 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care. The total number of children, including the caretaker's own, shall not exceed twelve (12) at any given time. (Also see Day Care Center).

Feed and Farm Supply Store. An establishment for the selling of food stuffs for animals and including implements and goods related to agricultural processes but not including farm machinery.

Fence. A vertical man-made barrier consisting of posts and connecting material which is primarily used as a boundary, a means of protection or confinement. Such barrier may be constructed of various materials as approved by the Commission.

Field or Sales Office (Temporary). A building or structure, of either permanent or temporary construction, used in connection with a development or construction project for display purposes or for housing temporary supervisory or administrative functions related to development, construction or the sale of real estate properties within the active development or construction project. Permits for "temporary buildings" shall be issued for a period of time not to exceed twelve (12) months.

Flood Plain. An area of land subject to inundation by a 100-year frequency flood, as shown on the flood plain map of the City of Runaway Bay. The term "flood plain" is interchangeable with the term "flood hazard area".

Floodway. The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.

Floor Area. The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, carports, garages or porches.

Floor Area Ratio. The ratio of total building floor area to lot area.

Florist. An establishment displaying plants, flowers, floral supplies, and similar items.

Food Store; Grocery Store. An establishment that displays and sells consumable goods for use and consumption off the premises.

Fraternal Organization, Lodge, or Civic Club. An organized group having a restricted membership and specific purpose related to the welfare of the members.

Freight Terminal. See Truck or Motor Freight Terminal.

Front Yard. See Yard, Front.

Fraternal Organization, Lodge, or Civic Club. An organized group having a restricted membership and specific purpose related to the welfare of the members.

Frontage. All of the property measured along the property line abutting on one side of the street upon which such building, structure, lot, or parcel of land is addressed.

Furniture and Appliance Repair or Storage. The storage, maintenance, or rehabilitation of appliances customarily used in the home including but not limited to washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, kitchen appliances, vacuum cleaners, and hair dryers.

Furniture, Appliance Store. Retail stores selling goods used for furnishing the home, including but not limited to furniture, floor coverings, draperies, glass and chinaware, stoves, refrigerators and other household electrical and gas appliances.

Garden Center (Retail Sales). Location including land and buildings at which plants, trees, shrubs, horticultural supplies, and similar items are displayed for sale to the general public. All such displays shall be located behind the front yard line established in the district in which the garden center is located.

Garage, Private. A portion of the resident building for the parking or temporary storage of vehicles used by the occupants of the premises.

Gas Metering Station. A facility at which natural gas flows are regulated and recorded.

Gazebo. An open structure used for shelter or adornment made of wood, stone, metal or vinyl posts. (Ord. 435, 1-30-07)

General Commercial Plant. An establishment other than a personal service shop for the treatment and/or processing of products as a service on a for-profit basis including but not limited to newspaper printing, laundry plant, or cleaning and dyeing plant.

General Manufacturing. Manufacturing of finished products and component products or parts from the transformation, treatment, or processing of materials or substances, including basic industrial processing. Such operations must meet the performance standards, bulk controls, and other requirements in this ordinance.

General Merchandise Store. Retail stores which sell a number of lines of merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishing, small wares, hardware, and food. The stores included in this group are known as department stores, variety stores, general stores, and other similar stores.

Grade. The level at which the ground intersects the foundation of a building.

Greenhouse or Plant Nursery, Commercial. A place, often including artificially heated and/or cooled buildings, where trees or plants are raised and/or sold, including related storage of equipment for landscape contracting.

Greenhouse, Non-Commercial. A building, often artificially heated and/or cooled, used as a location for cultivating plants which are used by the grower and not sold as a commercial activity.

Gross Floor Area. The gross floor area of a building shall be measured by taking outside dimensions of the building at each floor level. The gross floor area of an apartment house shall be measured by taking outside dimensions of the apartment house at each floor, excluding the floor area of basements or attics when not occupied as living quarters.

Height. See Building Height.

Heliport or Helipad. A landing facility for rotary wing aircraft which may include fueling or servicing facilities for such craft.

Hobby Shop. A supplemental use housed in a structure for recreational activities, none of which shall disturb the neighbors on either side or in the rear thereof, and from which no revenue may be derived, in which no goods may be publicly displayed, offered for sale, or advertised for sale, nor may any sign be used in connection therewith.

Home Occupations. See Customary Home Occupations.

Home Work Shop. See Hobby Shop.

Horse Shelter. A structure specifically dedicated to the maintenance and shelter of horses. These structures shall comply with all secondary building setbacks and the design and color of which shall compliment the other buildings.

Hospital. An institution or place where sick or injured in-patients are given medical or surgical care either at public (charity) or private expense.

Hospital (Acute Care). An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life and which is licensed by the State of Texas.

Hospital (Chronic Care); Long Term Health Care Facility. An institution providing in-patient health, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury or disease and which is licensed by the State of Texas.

Hotel, Motel, and Motor Lodge. A building or group of buildings designed and occupied as a temporary dwelling place and where an office and register is maintained separately and apart from any of the room or units provided for the residents. To be classified as a hotel, motel, or motor lodge, an establishment shall contain a minimum of four (4) individual guest rooms or units and shall furnish customary hotel/motel services such as linen and maid service, telephone use, and upkeep of furnishings. A hotel, motel, or motor lodge may include restaurants, club rooms, banquet halls, ballrooms, and meeting rooms as accessory uses.

House Trailer. A portable vehicle designed as a temporary or permanent place of abode.

Household Care Facility. A dwelling unit which provides residence and care to not more than nine (9) persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster, or financial adversity; living together with not more than two supervisory personnel as a single housekeeping unit.

Household Care Institution. A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who are elderly, disabled; orphaned, abandoned, abused or neglected children; victims of domestic violence; convalescing from illness; or rendered temporarily homeless due to fire, natural disaster for financial adversity, living together with supervisory personnel.

HUD-Code Manufactured Home. See Article VI, Section 4. (Ord. 472, 9-16-08)

Industrial Park. A large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

Industrialized Housing: See Article VI, Section 4. (Ord. 472, 9-16-08)

Junk or Salvage Yard. A lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A “junk yard” includes an automobile wrecking yard and automobile parts yard. A “junk yard” does not include such uses conducted entirely within an enclosed building. (See Metal Dealer, Secondhand)

Kennel. Any lot or premises on which dogs, cats or other domesticated animals are housed, groomed, bred, boarded, trained, harbored, kept or sold for commercial purposes, excluding pet stores and municipal animal shelters. Veterinary clinics, animal hospitals, and animal clinics shall not be considered a kennel, unless such uses contain pens or facilities for housing, boarding, breeding, training, harboring, or keeping dogs, cats, or other domesticated animals, swine, equine, or other livestock or animals.

Kindergarten. A school for children of pre-public school age in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

Label (for a HUD-Code Manufactured Home). See Article VI, Section 4 (Ord 472, 9-16-08)

Laboratory, Scientific or Research. Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.

Laundry and Cleaning, Self-Service. An establishment including facilities for laundering and cleaning of clothing and similar items to be operated by the patron; not a commercial laundry or cleaning plant.

Library. Any institution for the loan or display of books, tapes, objects of art or science which is sponsored by a public or responsible quasi-public agency and which institution is open and available to the general public.

Light Manufacture or Industrial. Light manufacturing processes which do not emit detectable dust, odor, smoke, gas, or fumes beyond the bounding property lines of the lot or tract upon which the use is located and which do not generate noise or vibration which is generally perceptible in frequency or pressure above the ambient level of noise in the adjacent areas and including, but not limited to, such uses as:

- (1) Woodworking and planing mill with dust and noise control;
- (2) Textile manufacture with dust and odor control;
- (3) Ceramic and pottery manufacture with dust, odor, and fume control;
- (4) Plastic products manufacture with dust and fume control;
- (5) Paint, oil, shellac, and lacquer manufacture when hoods and fume destructors are used in the cooking process;
- (6) Grain processing with hoods, dust, and odor controls;
- (7) Electroplating or battery making with acid, fume, and odor controls;
- (8) Manufacturing or industrial operations of any type which meet the general conditions set forth above and which are not offensive by the reason of the emission of noise, odor, smoke, gas, fumes, dust, glare, or the creation of a hazard.

Living Unit. The room or rooms occupied by a family and which includes cooking facilities.

Lot. An undivided tract or parcel of land under one (1) ownership having frontage upon a public street or officially approved place, either occupied or to be occupied by a building or building group, together with accessory buildings, and used together with such yard and other open spaces as are required by this ordinance, which parcel of land is designated as a separate and distinct tract and identified by a tract or lot number or symbol in a duly approved subdivision plat of record. (Also see Lot of Record.)

Lot Area. The net area of the lot, exclusive of any portion of streets, alleys, or rights-of-way.

Lot Coverage. The percentage of the total area of a lot occupied by the base (first story or floor) of a building located on the lot.

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

Lot, Double Frontage. A lot having frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

Lot Lines. The lines bounding a lot as defined herein.

(a) **Lot Line, Front.** That boundary of a building lot which is the line of an existing or dedicated street. Upon corner lots either street line may be selected as the front lot line provided a front and rear yard are provided adjacent and opposite, respectively, to the front lot line.

(b) **Lot Line, Rear.** That boundary of a building lot which is more distant from or is most nearly parallel to the front lot line.

(c) **Lot Line, Side.** That boundary of a building lot which is not a front lot line or a rear lot line.

Lot of Record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the county clerk, or a parcel of land, the deed for which was recorded in the office of the county clerk prior to passage of this ordinance.

(a) **Chair Lot.** A lot having access to the street, the golf course, or the lake by means of a twenty (20) foot wide strip.

(b) **Corner Lot.** A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street forming an interior angle of less than 135 degrees and having a width of not greater than one hundred (100) feet. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Building Inspector.

(c) **Interior Lot.** A lot other than a corner lot.

(d) **Key Lot.** A corner lot whose exterior side yard is adjacent to the front yard of another lot.

(e) **Through Lot.** A lot having frontage on two (2) parallel or approximately parallel streets.

Lot Width. The average length of the front and rear property lines.

Main Building. The building or buildings on a lot which are occupied by the primary use.

Industrialized Housing Park. Any tract of land, under single ownership, approved for occupancy by industrialized housing and accessory structures related thereto, and designed and operated in accordance with standards herein set forth or as set forth in any other ordinance of the City relating to the location, use, construction, operation or maintenance of industrialized housing.

Industrialized Housing (HUD Code) Subdivision. A tract of land to be used as a location primarily for owner-occupied industrialized housing and which has been final platted of record in its entirety in accordance with the City of Runaway Bay Subdivision Regulations.

Manufactured Housing or Manufactured Home. See Article VI, Section 4 (Ord. 472, 9-16-08)

Manufacturing. A principal use involving the mechanical or chemical transformation of raw materials or substances into new products, including the blending of materials such as, but not limited to, oils, chemicals, plastics or resins, and including the shredding or crushing of materials whereby they are changed from one use or function to another. This definition shall apply to any such process regardless of whether the new product is finished or semi-finished as a raw material in some other process, regardless of quantity of product or whether product is or is not toxic or hazardous.

Masonry. That form or construction composed of stone, brick, concrete, gypsum, hollow clay tile, concrete block or tile, or other similar building units, materials or combination of these materials, laid up unit by unit and set in mortar. (See Stucco).

Mean Grade. Measured from where the building foundation meets the ground, the point midway between the highest and the lowest elevations.

Metal Dealer, Crafted Precious. A place of business in which a person engages in the business of purchasing and selling crafted precious metals, including jewelry, silverware, art objects, or any other thing or object made in whole or part from gold, silver, platinum, palladium, iridium, rhodium, osmium, ruthenium, or their alloys, excluding coins and commemorative medallions, under terms and conditions found in Vernon's Ann.Civ.St., art. 9009a.

Metal Dealer, Secondhand. A place of business in which a person purchases, gathers, collects, solicits or procures scrap metal or where scrap metal is gathered together or kept for shipment, sale, or transfer, under terms and conditions found in Vernon's Ann.Civ.St., art. 9009. (See Junk or Salvage Yard).

Mixed-use Building. A building that contains at least one floor or the portion of one floor which fronts to a public street devoted to allowed non-residential uses and at least one floor devoted to allowed residential uses.

Mobile Home. A structure constructed before June 15, 1976, transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (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.

Model Home. A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision.

Modular Home. A structure or building module that is manufactured at a location other than the location where it is installed and used as a residence; transportable in one or more sections on a temporary chassis or other conveyance device; and to be used as a permanent dwelling when installed and placed upon a permanent foundation system. This term includes the plumbing, heating, air conditioning and electrical systems contained within the structure. This term does not include a mobile home or building modules incorporating concrete or masonry as a primary component.

Motel. See Hotel, Motel and Motor Lodge.

Multi-Family Dwelling. A building designed for occupancy by three or more families living independently within separate units.

Museum or Art Gallery. An institution for the collection, display, and distribution of objects of art or science and which is sponsored by a public or quasi-public agency and which facility is open to the general public.

Nonconforming Uses. A building, structure or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, and which does not conform to the use regulations of the district in which it is situated.

Nonconforming Structure. Any structure which was in existence and lawfully constructed on the effective date of this ordinance or amendment hereto, and has since been in regular and continuous use, but which does not conform to the lot area, lot dimensions, front yard, side yard, rear yard, coverage, height, parking, loading, building spacing, screening, landscaping, or other regulations prescribed in this ordinance or amendments hereto.

Nursery School. See Day-Care Center.

Off-Premise Parking Incidental to Main Use. For auxiliary parking areas in "O" and "C" only. This area must have a concrete, asphalt, paverstone, or brick surface located within two hundred (200) feet of the lot of the main structure and within the same zoning district as the structure.

Off-Street Parking Space. An area for temporary storage of an automobile which shall be permanently reserved for such purpose and which shall not be within or on any public street, alley, or other right-of-way and such space may be enclosed or unenclosed. There shall be a driveway connecting the parking space with a street or alley permitting free ingress and egress. Head-in parking adjacent to a public thoroughfare wherein

the maneuvering is done on a public street shall not be classified as off-street parking in computing the parking requirements for any use.

Office Center. A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

Office, Professional or General Administrative. A room or group of rooms used for the provision of executive, management, or administrative services. Typical uses include administrative office and services, including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations, and association but excluding medical offices.

One-Family Dwelling. See Dwelling, One-Family.

Open or Outside Storage. The storage of any equipment, machinery, commodities, raw, semi-finished materials, and building materials, not accessory to a residential use, which is visible from any point on the building lot line when viewed from ground level to six (6) feet above ground level, for more than twenty-four (24) hours.

Open Space. Area included in any side, rear, or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projection of cornices, eaves or porches.

Park, Playground, or Recreation Center (Commercial). Any park, playground or other similar outdoor recreation or park facility, including batting cages, softball, soccer or other recreation sports fields, and outdoor tennis, racquet or swimming facilities, which are open to the general public for a fee or charge.

Park, Playground, or Recreation Center (Private). A privately owned park, playground, open space or building dedicated to recreational activities, maintained by a community club, property owner's association, or similar organization.

Park, Playground, or Recreation Center (Public). An open recreation facility or park owned and operated by a governmental entity and available to the general public.

Pawn Shop. An establishment where money is loaned on the security of personal property pledged in the keeping of the owner (pawnbroker).

Person. The word "person" when used in the ordinance shall mean person, firm, co-partnership, association, partnership, corporation, or society; the term "person" shall include both singular and plural, and the masculine shall embrace the feminine gender.

Personal Care Facility. An establishment, including a board and care home, that furnishes, in one or more facilities, food and shelter to four (4) or more persons who are unrelated to the proprietor of the establishment and provides personal care services, as defined in V.T.C.A., Health & Safety Code, Section 247.002.

Personal Care Home (Custodial Care). An owner-occupied, home-operated non-licensed facility for the elderly providing custodial care to not more than three (3) individuals not related to the provider of such care. Custodial care is that type of care which assists elderly persons who are incapable because of physical or mental limitations of performing routine daily activities and which do not require the continuing attention of trained medical or paramedical personnel.

Pet Shop. A retail establishment offering small animals, fish, or birds for sale as pets and where all such creatures are housed within the building.

Pharmacy. An establishment operated by a registered pharmacist which dispenses medicines and health aids.

Planning and Zoning Commission. The duly appointed Planning and Zoning Commission of the City of Runaway Bay.

Place. An open, unoccupied space reserved for the purpose of access to abutting property.

Plat. A map of a town, section, or subdivision showing the location and boundaries of individual parcels of land and subdivided into lots, which streets, alleys, etc., drawn to scale.

Plot Plan. A scale drawing of the lot showing the location and size of the building. It shall include the dimensions, easements, and setbacks for the lot.

Portable Building Sales. An establishment which displays and sells structures which are capable of being carried and transported to another location, not including mobile homes or manufactured housing.

Post Office, Government or Private. Local branch of the United States Postal Service or private commercial venture engaged in the distribution of mail and incidental services.

Premises. Land together with any buildings or structures occupying it.

Principal Building. A building or structure, the use of which is a principal use.

Principal Use. The main or predominant use of any building, lot, or structure. Where a building has multiple tenants, such as a shopping center, the principal use shall be determined by the main or predominant use of the individual tenant or lease space.

Print Shop. An establishment which reproduces printed or photographic impressions including but not limited to the process of composition, binding, plate making, microfilm, type casting, press work, and printmaking.

Private Garage. A structure that is attached to the main building by a breeze way in which not more than five (5) privately owned motor-driven vehicles are stored by occupants of the premises. Trucks may not exceed one ton in capacity.

Public Garage. A building or portion of a building used for repair, care, or servicing of motor-driven vehicles, or where motor-driven vehicles are equipped for operation, or kept for hire or sale, but not including the open storage of trucks, trailers and vans.

Public Stables. A stable with a capacity for more than four horses or mules.

Quick Tune-up Facility. A business engaging in engine adjustment and minor part replacement for motor vehicles, limited to spark plugs, condensers, spark plug wires, distributor caps, distributor points, PVC valves, air cleaners, fan belts, and radiator hoses. Such a facility shall not repair or replace carburetors, starters, alternators, generators, radiators, water pumps, or other major engine parts, brake shoes, or mufflers.

Racquetball Facilities. Courts housed in an acoustically-treated building and designed for one (1) to four (4) persons to play racquetball, plus subsidiary uses to include office, pro shops, locker rooms, sauna, exercise rooms, waiting area, child nursery, and related uses up to a maximum of forty percent (40%) of the total floor area.

Radio, Television or Microwave Towers. Structures supporting antenna for transmitting or receiving any portion of the radio spectrum but excluding non-commercial antenna installations for home use of radio or television.

Rear Yard. See Yard, Rear.

Recreational Vehicle (RV). See Article VI, Section 4 (9-16-08)

Rehabilitation Care Facility. A dwelling unit which provides residence and care to not more than nine (9) persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness or antisocial or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit.

Rehabilitation Care Institution. A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness or antisocial or criminal conduct together with supervisory personnel.

Residence. Same as dwelling, when used with district and area of residential regulations.

Residence Hotel. A multi-dwelling unit extended stay lodging facility consisting of efficiency units or suites with a complete kitchen suitable for long term occupancy. Customary hotel services such as linen, maid service, telephone, and upkeep of furniture shall be provided. Meeting room, club house and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined in this ordinance.

Residential District. Any zoning district included in this ordinance in which residential use constitutes the primary permitted use classification, including the R-1, R-2, D and T district classifications.

Rest Home or Nursing Home. A place of residence or care for persons suffering from infirmities of age or illness where care is provided on prolonged or permanent basis. This term shall include a convalescent home.

Restaurant, with Drive-In Service. An eating establishment where food or drink is primarily served to customers in motor vehicles or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

Restaurant, with Drive-Through Service. An eating establishment which serves food only to persons in cars and which does not provide facilities for the consumption of food in automobiles on or near the restaurant premises.

Retail. The sale of goods directly to a consumer; engaged in, pertaining to, or relating to the sale of merchandise at the retail level; to sell by individual items or by the piece, directly to a consumer. For the purposes of this ordinance, uses in a residential district such as garage sales, church bazaars, lemonade stands and the like shall not be considered retail uses.

Retirement Housing. A development providing dwelling units specifically designed for the needs of ambulatory retired persons. The following subsidiary uses shall be permitted to provide on-site goods and services for residents and their guests, but are not intended for use by the general public.

(a) cafeteria and/or dining room

(b) library

(c) game room

(d) swimming pool and/or Jacuzzi

(e) exercise room

(f) arts and crafts facilities

(g) greenhouse

(h) housekeeping service

(i) transportation service

(j) snack bar with a maximum of 350 square feet per 100 dwelling units

(k) beauty/barber shop with a maximum of 250 square feet per 100 dwelling units or a maximum of 450 square feet per 100 dwelling units

(l) convenience retail shop with maximum of 350 square feet per 100 dwelling units to provide for sale of food items, non-prescription drugs, small household items, and gifts

School (Primary or Secondary). An institution under the sponsorship of a public or private agency which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of Texas but not including specialty schools such as dancing, music, beauty, mechanical, trade, or commercial schools.

School (Trade or Commercial). An establishment, other than public or parochial schools, private primary and secondary schools or colleges, offering training or instruction in a trade, art or occupation. Such schools do not offer general courses of study and are not licensed as general educational institutions by the state.

Screen Room. See Sunroom.

Secondary Building. Multi-use buildings used for storage, hobbies, workshop or recreational vehicles, which are separate from the main residence and includes accessory buildings, utility buildings, secondary ports detached from the main house, cabanas, gazebos and greenhouses.

Secondary Port. A detached permanent open or closed building erected over a concrete, asphalt paved or equivalent hard surface pad designed to protect motor homes, recreational vehicles, watercraft, trailers and the vehicles used to power them.

Secondhand Store, Furniture or Clothing. An establishment offering for sale used merchandise, with the storage and display of such items wholly contained inside a building or structure.

Servant's Quarters. A portion of a main building used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.

Servant's, Caretaker's, or Guard's Residence. A portion of the main building, containing not more than one set of kitchen and bathroom facilities and used as living quarters for a person or persons employed on the premises for not less than fifty percent (50%) of his/her actual working time, and not otherwise used or designed as a separate place of abode.

Service, Retail. An establishment engaged in the selling and/or servicing of goods where a minimum of eighty percent (80%) of the floor area is devoted to service, repair or fabrication of such goods. The service area must not be accessible to the general public. Automotive uses and rental stores are specifically excluded.

Service Station. A building or place arranged, designed, used, or intended to be used for the primary purpose of dispensing gasoline, oil, diesel fuel, liquefied petroleum gases, greases, batteries, and other motor vehicle accessories at retail direct to the on-premises motor vehicle trade, provided that the above services shall not be constructed to include major overhaul, the removal and/or rebuilding of an engine, cylinder head, oil pan, transmission, differential, radiator, springs, or axles; steam cleaning, body or frame work, painting, upholstering and replacement of glass. If the dispensing or offering for sale of auto fuel at retail is incidental, the premises shall be classified as a public garage. Service stations shall not allow motor vehicles which are in operative or are being repaired to remain outside such service station for a period greater than seven (7) days.

Setback. The minimum horizontal distance between the front wall of any projection of the building, excluding steps and unenclosed porch, and the property line.

Setback Area. That area of a lot defined by and contained within the property lines and the setback lines.

Setback Line. A line parallel to the property line at specific distance therefrom defining the minimum distance from the property line that a structure may be erected and beyond which no part of any structure may project.

Shopping Center. An area consisting of three (3) acres or more according to a site plan to be submitted to and to be approved by the Commission and the City Council, on which is indicated the amount of land to be devoted to the shopping village, the detailed arrangement of the various buildings, parking area, streets, and type of zoning desired. It shall be required that the installation of all utilities, drainage structures, the paving of streets, parking area, alley and sidewalks be in accordance with the city specifications for each type of improvement.

Shops, Office, and/or Storage Area of Public or Private Utility. Facilities such as office buildings, maintenance yards, or shops required by branches of local, state or federal government for service to an area, such as Texas Department of Transportation Maintenance Yard or City Service Center.

Side Yard. See Yard, Side.

Sign. See Article XXIV

Single Family Dwelling, Attached. A dwelling that is part of a structure containing three (3) or more

dwellings, each designed and constructed for occupancy by one family, with each dwelling unit attached by a common wall to another with a minimum length of attachment of twenty (20) feet, in which each dwelling is located on a separate platted lot. (See Townhouse.)

Single Family Dwelling, Detached. A detached building designed exclusively for occupancy by one (1) family, excluding manufactured housing and modular homes.

Site. See Plot Plan.

Solid Waste Transfer Station. A facility and/or premises at which solid waste is temporarily deposited prior to ultimate removal to a permanent solid waste storage site.

Stadium or Play Field (Public). An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium which may be lighted for nighttime play.

Storage. The accumulation, stocking, or depositing of materials or items. These may include materials for the eventual use or sale in a commercial enterprise; but does not include the storing of a single car or truck on an individual residential lot.

Storage or Wholesale Warehouse, Light. A building used primarily for the storage of goods and materials, containing less than 5,000 square feet of floor space.

Storage or Wholesale Warehouse, Heavy. A building used primarily for the storage of goods and materials, containing more than 5,000 square feet of floor space.

Story. That portion of a building between the surface of any floor and the ceiling above it.

Story, Half. A story having an average height of at least eight (8) feet, covering a floor area of not more than seventy-five percent (75%) of the area of the floor at the first story below.

Street. Any thoroughfare or public driveway, other than any alley, and more than twenty (20) feet in width, which has been dedicated or deeded to the public for public use.

Structure. Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to, buildings, communications towers, signs and swimming pools, and excluding utility poles, parking lots, fences, and retaining walls. (See Building.)

Structural Alterations. Any change in the supporting member of a building, such as a bearing wall, column, beams, or girders.

Stucco. An exterior finish for masonry or frame walls usually composed of cement, sand, and hydrated lime mixed with water and laid on wet.

Sunroom. A multi-sided room, that is attached to a residential property, that is largely glass or screen and architecturally blends with the existing structure. Glass roofs are acceptable and all other roofs must be consistent with the existing structure.

Swimming Pool (Commercial). A swimming pool with accessory facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.

Swimming Pool (Private). A swimming pool constructed for the exclusive use of the residents of a single family, two-family, or apartment dwelling and located within the required side or rear yards.

Telephone Line and Exchange, Switching, or Relay Station. Transmission lines and exchange, switching, and relay stations owned by a public utility but not including public business facilities, storage or repair shops, yard

or facilities.

Texana Look. Defined as having at least 55% "Austin Type" stone exterior, front and side walls. The remainder shall be masonry or stucco. All roofs shall be metal with at least a 6/12 pitch.

Tool Rental (Residential Uses). A store or shop renting tools, equipment and/or other goods for use in normal residential activities. This specifically excludes any type of equipment normally associated with commercial or industrial activity, such as ditching machines, tractors, bulldozers, or other similar heavy machinery or equipment.

Tourist Court. See Motel, Hotel, and Motor Lodge.

Townhouse and/or Townhouse Unit. One of a series of not less than three (3) nor more than ten (10) attached one (1) family dwellings under common roof with common exterior wall, and separated from one another by single partition walls without openings from basement to roof. No townhouse dwelling unit is to be constructed above another townhouse dwelling unit.

Travel Trailer Park. Any tract of land under single ownership, where accommodation is provided for travel trailer use.

Truck and Bus Leasing. The rental of new or used panel trucks, vans, trailers, recreational vehicles, or motor-driven buses in operable condition and where no repair work is done.

Truck and Bus Repair. An establishment providing major and minor automobile repair services to heavy load vehicles.

Truck or Motor Freight Terminal. A building or area in which freight brought by motor truck is assembled and/or stored for shipping by motor truck.

Truck Sales. Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of primarily new heavy load vehicles to be displayed and sold on premises, and where no repair work is done except minor reconditioning of the vehicles for sale or keeping of used vehicle parts or junk on the premises.

Truck Stop. Any premises involving the maintenance, servicing or repair of commercial motor vehicles, which includes facilities for dispensing fuels and other petroleum products directly into motor vehicles, and/or the incidental sale of accessories or equipment for trucks and similar commercial vehicles. Such premises may also include overnight lodging accommodations and restaurant facilities.

Two Family Dwelling. A building designed for occupancy by two (2) individuals or families living independently of each other within separate units which have a common wall and are under one (1) roof. (See Duplex.)

Variance. An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

Veterinary Clinic. An animal clinic or animal hospital. A facility for the prevention, treatment, minor surgery, cure or alleviation of disease and/or injury to animals, specifically domestic animals, which all care provided on an out-patient basis only. No outside runs, pens or facilities shall be permitted, nor shall any overnight boarding or housing of animals be permitted. (See Kennel.)

Warehousing. Storage in an enclosed building of articles, foods, liquids and/or plants, including all necessary office, distribution, and/or sales space. This definition does not include truck terminals or railroad freight terminals, as herein defined.

Washateria. See Laundry and Cleaning, Self Service.

Wholesale. The sale of goods, merchandise, services and/or commodities for resale by the purchaser and does not offer retail sales to the general public.

Workshop. A building used for hobbies and may include a sink and/or commode. A workshop may not be used as a temporary or permanent living area. (Ord. 435, 1-30-07)

Wrecking or Salvage Yard, Motor Vehicle. The storage, parking, or holding of whole or dismantled inoperable or operable motor vehicles for the purpose of future retail or wholesale sales of such vehicles or vehicle parts, including the dismantling, partial dismantling, crushing, or compacting of such vehicles.

Yard. The area of a lot that remains open after completion of the main building.

(a) Yard, Front. The open space between the front property line and a line along the front of the main structure extended to each side lot line.

(b) Yard, Rear. The open space between the rear property line and a line along the rear of the main structure extended to each side lot line.

(c) Yard, Side. The open space exclusively between the side of the main structure and the side property line.

Zoning District. A classification applied to any certain land area within the city stipulating the limitations and requirements of land usage and development.

Zoning District Map or Zoning Map. The Official Zoning Map of the City of Runaway Bay together with all amendments thereto.

Zoning Ordinance. This ordinance and any amendments hereto, containing land use and structure use regulations for the City of Runaway Bay.