

# *City of Shoreacres*

*Building Department*

*New Construction Information*

601 SHORE ACRES BOULEVARD  
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## CITY OF SHOREACRES CHECK LIST FOR RESIDENTIAL PLAN SUBMITTAL MUST COMPLY WITH THE 2015 INTERNATIONAL FAMILY OF BUILDING CODES AND THE 2014 NEC

DFE is	Zoning Dist. Is	Minimum sq. ft. of living space is
<ol style="list-style-type: none"><li>1. Complete the permit application.</li><li>2. Provide two complete scaled plan sets to include the following (each set of plans shall be bound and stapled together and individually folded as a complete set).</li><li>3. Property survey by a Registered Professional Land Surveyor of the State of Texas.</li><li>4. Site plan that includes set-backs and right-of-ways and shows preferred location of sewer and water taps (set backs- front 30', back 5', sides 20% of lot width and combined not less than 15', must be 15' from any other building including buildings on other lots).</li><li>5. Site plan must show the proposed location of the silt fencing: a dumpster (minimum of 20 yards) and temporary sanitary facilities.</li><li>6. Engineered Foundation Plan and Detail – signed and sealed by a Registered Professional Engineer of the State of Texas.</li><li>7. Engineered Framing Plan and Detail – signed and sealed by a Registered Professional Engineer of the State of Texas</li><li>8. Plans must be certified by a Registered Professional Engineer of the State of Texas to comply with the TDI Inland 1 requirements.</li><li>9. Plans must be certified as complying with the state adopted Energy Conservation Code.</li><li>10. Grading and Drainage plan – signed and sealed by a Registered Professional Engineer of the State of Texas (flow to an approved disposal location, may not flow onto adjacent property).</li><li>11. Elevation views plan.</li><li>12. Provide the height of the building above DFE (nothing may exceed 40' above DFE).</li><li>13. Floor plan.</li><li>14. Elevation of all floors and garage to MSL. The 1<sup>st</sup> living floor must be at DFE.</li><li>15. Electrical One Line and Load Analysis.</li><li>16. Provide the type of driveway material (concrete or asphalt).</li><li>17. Show flood vents for all areas below DFE (to include detached garages).</li><li>18. Garage sq. ft. (minimum 484 sq. ft., 2-car garage) and location on lot.</li><li>19. Show on the plans the location of all equipment inside and outside the building. Provide the proposed elevation of outside equipment (must be above DFE and have clearances and access per code).</li><li>20. Show combustion and ventilation air for gas equipment and appliances (may need fully louvered utility room doors).</li><li>21. Show any required access panels for tubs.</li><li>22. State on the plans that all bedrooms will have the required emergency escape openings.</li><li>23. State on the plans that all materials used below DFE will comply with FEMA for flood resistance.</li><li>24. State on the plans that all electrical devices will be installed above DFE.</li><li>25. No added fill.</li><li>26. Areas below DFE may only be used for automobile parking, storage and building entry.</li><li>27. State on the plans that all stairs, handrails and guards will be constructed to code (inside and outside the building).</li><li>28. Break away walls, where allowed by the City, must comply with all FEMA requirements (no wiring, plumbing, etc. inside the walls).</li><li>29. Hurricane clips and straps are required over the ridge at each rafter, each rafter to the top plate, from 2<sup>nd</sup> floor to the 1<sup>st</sup> floor and top and bottom of each outside stud on all floors to the plates (not for break away walls).</li><li>30. Please note that you must apply for a culvert permit separately from the building permit process. The culvert application can be filled out at city hall and will be approved by the city engineer and inspected by the water department.</li></ol>		

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### **BUILDING CODES**

10/15/2014

INTERNATIONAL RESIDENTIAL CODE	2015
INTERNATIONAL BUILDING CODE	2015
INTERNATIONAL PLUMBING CODE	2015
INTERNATIONAL MECHANICAL CODE	2015
NATIONAL ELECTRICAL CODE	2014
INTERNATIONAL ENERGY CONSERVATION CODE	2000
NFPA101 LIFE SAFETY CODE	2012
INTERNATIONAL FUEL GAS CODE	2015
INTERNATIONAL SWIMMING POOL & SPA CODE	2015

AND AS REQUIRED BY THE CITY OF SHOREACRES BUILDING  
OFFICIAL

## Chapter 10 - BUILDINGS AND BUILDING REGULATIONS

### ARTICLE I. - IN GENERAL

#### Sec. 10-1. - Preconstructed houses.

No preconstructed home shall be moved into the city limits.

(Ord. No. 84-13, 6-25-1984)

#### Sec. 10-2. - Compliance of sewer work with state law.

Excavating, trenching, tapping of sewer mains and similar work within the city shall comply with the trench safety standards in V.T.C.A., Health and Safety Code § 756.021 et seq.

(Ord. No. 228, § 1, 3-26-1979)

**Cross reference**— Sewerage systems, § 66-86 et seq.

**State Law reference**— Trench safety standards, V.T.C.A., Health and Safety Code § 756.021 et seq.

#### Sec. 10-3. - Permits required.

Every person, company, firm or corporation designing to build, construct, place, alter, repair, move, or demolish a structure in the city shall secure a permit from the building official before commencement of work. The placement of more than 12 yards of fill or sand per platted lot within a 12-month period of time to level lawns, driveways, culverts, patios, fences, accessory buildings, swimming pools, air conditioners, heating furnaces, plumbing, signs and the placement of new roofing, siding, or any other work that alters the exterior appearance or lines of a building shall also require a permit. Changes to the inside of a building may also require a permit. Painting and minor spot roof repairs will not require a permit.

(Ord. No. 2003-11, § 1, 4-12-2003; Ord. No. 2004-13, § 1, 4-26-2004; Ord. No. 2004-23, § 1, 7-12-2004)

#### Sec. 10-4. - Permit application and procedures.

An application shall be made to the building official for each permit required under section 10-3 of this article, in such form as specified by the building official.

Each new home or extensive remodeling permit shall include: two sets of building plans showing square footage and windstorm load, sealed as applicable (must comply with the International Energy Conservation Code); site plan that includes set backs, rights-of-way and shows preferred location of sewer and water taps; engineered foundation detail and grading and drainage plan, both signed and sealed by a registered professional engineer of the state; framing detail; electrical one line and load analysis, property and topographical survey (elevation certificate), signed and sealed by a registered professional land surveyor of the state; foundation form survey before house slab is poured; and FEMA certificate is required when property lies within the 100-year floodplain. A second topographical survey must be submitted upon completion of house (as built) reviewed by the engineer stating that it substantially conforms to the design and intent of the drainage plan submitted for permit; Extensive remodeling is defined as replacement of 33 percent or more of damage or deterioration of the supporting members or 50 percent of damage or deterioration of the nonsupporting members or outside wall coverings.

The following must be submitted for room additions: survey by a registered professional land surveyor; site plan, framing detail, electrical load analysis, and an engineered foundation detail signed and sealed by a registered professional engineer of the state. The city is a zoned community and all plans must comply with all applicable zoning ordinances. The city does not enforce deed restrictions. Check property sources for compliance. Other supporting documentation may be required by the building official.

The building official shall issue a permit as set forth above only when the proposed activity and plans are not in conflict with city ordinances or other laws and only after fees as set forth have been paid to the city.

(Ord. No. 2003-11, § 2, 4-12-2004; Ord. No. 2004-13, § 2, 4-26-2004; Ord. No. 2004-23, § 2, 7-12-2004)

#### Sec. 10-5. - Building requirements.

All building sites must be kept neat and streets kept clean. Any new dwelling or extensive remodeling permits shall require a dumpster and a portable toilet on location from start of construction to issuance of final certificate of occupancy. No final occupancy inspection shall be approved until proper drainage is verified, a final elevation certificate has been received, and house numbers are permanently applied and visible from the street.

(Ord. No. 2003-11, § 3, 4-12-2003; Ord. No. 2004-13, § 3, 4-26-2004; Ord. No. 2004-23, § 3, 7-12-2004)

#### Sec. 10-6. - Erosion and stormwater measures.

Erosion control measures shall be implemented prior to commencement of any work. The user shall comply with stormwater management erosion control that complies with the city, state and federal laws, regulations, and guidelines. Requirements may include, but shall not be limited to, silt fencing around any excavation that will be left overnight, silt fencing in erosion areas until reasonable vegetation is established and barricade fencing around open holes. High erosion areas shall require wire-backed silt fencing.

(Ord. No. 2003-11, § 4, 4-12-2003; Ord. No. 2004-13, § 4, 4-26-2004; Ord. No. 2004-23, § 4, 7-12-2004)

#### Sec. 10-7. - Length of time permit is valid.

No permit issued by the building official shall be valid for a period of more than one year from date of issuance. If work is not completed within that period of time, the applicant must secure a new permit from the city. The new permit may be valid for a period of time less than one year if specified by the building official. If no new permit is secured to continue work, the building official may require demolition of all existing construction. The building official may require that plans be reviewed again. If so, a new plan check fee shall be charged and paid for by the applicant before the inspector reviews the plans. If no additional plan checking is required, the applicant shall be charged the permit fees shown in Attachment "A".

(Ord. No. 2003-11, § 5, 4-12-2003; Ord. No. 2004-13, § 5, 4-26-2004; Ord. No. 2004-23, § 5, 7-12-2004)

Editor's note— Attachment "A" referenced herein can be found in § 10-59 of this Code.

#### Sec. 10-8. - Permit fees.

Building permit fees are listed in Attachment "A" of this ordinance (Ord. No. 2004-23). Additional fees may also be charged for use of an outside consultant for plan review, inspections, or both and administrative or overhead costs not designated by Attachment "A". No permit shall be issued until fees are paid in full, except as detailed in the following paragraph.

For all applications for a dwelling or extensive remodeling in which plans or drawings are required to be submitted, the applicant shall pay \$150.00 at the time of original submission. After review of the plans, this fee shall be deducted from the overall permit price. This may not include the total plan review fee. Any additional fee will be included in the overall permit. This fee shall not be returned to the applicant due to change of mind or failure of applicant to meet the city ordinances and codes in his/her plans. If, in the opinion of the building official, the plans are incomplete or inadequate and therefore cannot be used to issue a permit, the inspector may charge an additional plan review fee for rechecking the plans after correction. Plans shall not be rechecked until all appropriate fees have been paid.

(Ord. No. 2003-11, § 6, 4-12-2003; Ord. No. 2004-13, § 6, 4-26-2004; Ord. No. 2004-23, § 6, 7-12-2004)

**Editor's note**— Attachment "A" referenced herein can be found in § 10-59 of this Code.

Sec. 10-9. - Future amendments to the fee structure.

Future amendments to the fee structure may be amended by ordinance.

(Ord. No. 2003-11, § 7, 4-12-2003; Ord. No. 2004-13, § 7, 4-26-2004; Ord. No. 2004-23, § 7, 7-12-2004)

Sec. 10-10. - Penalties.

Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction shall be fined an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

(Ord. No. 2003-11, § 8, 4-12-2003; Ord. No. 2004-13, § 8, 4-26-2004; Ord. No. 2004-23, § 8, 7-12-2004)

Secs. 10-11—10-35. - Reserved.

## ARTICLE II. - ADMINISTRATION

### DIVISION 1. - GENERALLY

Sec. 10-36. - Definitions.

Words or phrases not defined in this section shall have their ordinarily accepted meaning as the context may imply. The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to the in this section, except where the context indicates a different meaning:

*Building official* means the person or entity or his duly authorized deputy, assistant, or inspector appointed by the mayor and designated by the council of the City of Shoreacres to enforce the city codes and ordinances.

*City* means the City of Shoreacres, Texas.

(Ord. No. 2013-140, 9-23-2013)

Sec. 10-37. - Building official appointment.

The mayor, subject to approval of city council, shall appoint the building official.

The city shall not enter into any contract for building official services for a period of time longer than 12 months. All new and renewal contracts for appointment of a building official must be approved by city council.

(Ord. No. 2013-140, 9-23-2013)

Secs. 10-38—10-55. - Reserved.

## DIVISION 2. - PERMITS

Sec. 10-56. - Required.

Every person designing to build, construct, place, alter, repair, move or demolish a structure in the city shall secure a permit from the city building official before commencement of work. This shall include the placement of fill, other than sand and soil spread on existing lawns to level the lawns or building flower beds. It shall also include driveways, culverts, patios, structural fences, yard buildings, swimming pools, signs and the placement of new roofing, siding or any other work that alters the exterior appearance or lines of a building. Structural changes to the inside of a building shall also require a permit. Painting, minor spot roof repairs and repair or replacement of windows, doors, air conditioners, heating furnaces and plumbing fixtures will not require a permit except when changes are needed in electrical, gas or water service.

(Ord. No. 96-11, § 1, 8-12-1996)

Sec. 10-57. - Application and fees.

- (a) An application shall be made to the city building inspector for each permit required under section 10-56, in such form as specified by the building inspector.
- (b) Building permit fees are listed in section 10-59 under the category "Charged by City." No permit shall be issued until fees are paid in full.
- (c) For all applications in which plans or drawings are required to be submitted, the applicant shall pay the cost of the plan check fee at the time of original submission. This fee shall not be returned to the applicant due to change of mind or failure of applicant to meet city ordinances and codes in his proposed plans. If in the opinion of the building official the plans are incomplete or inadequate and therefore cannot be used to issue a permit, the inspector may charge an additional plan check fee for rechecking the plans after correction. Plans shall not be rechecked until all appropriate fees have been paid.
- (d) The building official shall issue a permit for a purpose as set forth in this article only when the proposed activity and plans are not in conflict with city ordinances or other law and only after fees as set forth in this article have been paid to the city.

(Ord. No. 96-11, § 2, 8-12-1996)

Sec. 10-58. - Length of time permit is valid.

No permit issued by the building official shall be valid for a period of more than one year from date of issuance. If work is not completed within that period of time, the applicant must secure a new permit from the city. The building official may require that plans for the permit be reviewed again. If so, a new plan check fee shall be charged and paid for by the applicant before the building official reviews the plans. If no additional plan checking is required by the building official, the applicant shall be charged the permit fees shown in section 10-59.

(Ord. No. 96-11, § 3, 8-12-1996)

Sec. 10-59. - Building permits fee schedule.

The following schedule gives building permit fees:

Inspections Fees	Per Inspection	Per Reinspection	Plan Review
Single-Family Dwelling			
0 to 1,499 sq. ft.	\$50.00	\$50.00	\$80.00
1,500 to 1,799 sq. ft.	80.00	50.00	100.00
1,800 to 2,199 sq. ft.	120.00	50.00	110.00
2,200 to 2,999 sq. ft.	180.00	50.00	130.00
3,000 to 4,399 sq. ft.	210.00	50.00	190.00
4,400 to 5,000 sq. ft.	250.00	50.00	230.00
Each 1,000 sq. ft. over 5,000	50.00		50.00
<i>Commercial</i>			
0 to 4,000 sq. ft.	180.00	50.00	210.00
Each 1,000 sq. ft. over 4,000	50.00		50.00



<i>Swimming Pools</i>	50.00	50.00	50.00
<i>Temporary Electric Pole</i>	50.00	50.00	
<i>Plumbing, Electrical and Mechanical</i>	50.00	50.00	

\* All work not listed above: Use single-family dwelling schedule.

Persons working without pulling a permit or continue work started without a permit for which a permit is required will be charged the normal fee + 200% + all legal administrative fees.

**Cross reference—** Amendments to fee structure, § 10-9.

(Ord. No. 96-11, att. A, 8-12-1996; Ord. No. 2002-21, att. A, 8-26-2002; Ord. No. 2004-11, att. A, 4-12-2004; Ord. No. 2004-13, att. A, 4-26-2004)

Sec. 10-60. - Penalties.

- (a) If work is started prior to issuance of the permit by the city, the fees, including plan check fees, set forth in section 10-59 shall be doubled in arriving at the total fees to be paid by the applicant before issuance of the permit.
- (b) Any person violating the provisions of this article, upon conviction, shall be deemed guilty of a misdemeanor and shall be charged no greater than the maximum fine allowed by state law.

(Ord. No. 96-11, § 4, 8-12-1996)

Sec. 10-61. - Regulation of single-family industrialized housing.

- (a) Single-family industrialized housing must have all local permits and licenses that are applicable to other single-family dwellings.
- (b) For purposes of this section, single-family industrialized housing is real property.
- (c) Any industrialized housing shall:
  - (1) Have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal role for the county. The value of the proposed home and lot must be supported by an appraisal conducted at the property owner's expense, by an appraiser selected from an approved list of appraisers provided by the city;
  - (2) Have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be

located;

- (3) Comply with the city aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings; and
  - (4) Be securely fixed to a permanent foundation.
- (d) For the purpose of subsection (c), "value" means the taxable value of the industrialized housing and lot after installation of the housing.
- (e) Any owner or authorized agent who intends to construct, erect, install, or move any industrialized housing into the city shall first make application to the building official and obtain the required permits. In addition to any other information otherwise required for said permits, the application shall:
- (1) Identify each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located, and show the taxable value for each such dwelling as determined by the most recent certified tax appraisal roll for the county;
  - (2) Describe the exterior siding, roofing, roof pitch, foundation fascia, and fenestration for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located;
  - (3) Describe the permanent foundation and method of attachment proposed for the industrialized housing; and;
  - (4) State the taxable value of the industrialized housing and the lot after installation of the industrialized housing; and;
  - (5) Indicate the deed restrictions otherwise applicable to the real property on which the industrialized house is to be located.
- (f) A person commits an offense [if he]:
- (1) Fails to make an application for permit as required by this section; or
  - (2) Constructs, erects, installs or moves any industrialized housing into the city which does not comply with this section.

( See generally Texas Occupation Code Chapter 1202, especially Section 1202.253.)

(Ord. No. 2004-03, § 1, 1-30-2004; Ord. No. 2004-18, 6-14-2004)

Secs. 10-62—10-90. - Reserved.

### ARTICLE III. - CONSTRUCTION CODES

#### DIVISION 1. - GENERALLY

Sec. 10-91. - Inspection department.

The city building inspector shall also serve as the plumbing official, gas inspector, mechanical official and electrical inspector for the city, performing the duties and responsibilities set forth in the codes adopted herein.

(Ord. No. 2001-25, § 7, 12-10-01)

**Editor's note**— Ord. No. 2001-25, § 7, adopted Dec. 10, 2001, enacted a provision which was not specifically amendatory of the Code. At the editor's discretion, for purposes of classification, this provision has been included herein as a new § 10-91.

Sec. 10-92. - Building contract services—Contract.

An agreement has been made between the city and Latane Lamb for to provide the following inspections and plan review services to the city.

Art. 1. *Services provided by Latane Lamb:*

- 1.1. Building plan and permit application review and approval based on adopted building codes and related city ordinances.
- 1.2. Set a maximum time limit for plan review approvals or denials.
- 1.3. Notify contractors of plan review approvals by telephone regarding denials in writing.
- 1.4. Assign permit fees based on city approved fee schedule.
- 1.5. Provide for structural, electrical, plumbing and mechanical inspections. Number and type to be agreed upon.
- 1.6. Set days and times that inspections would be provided.
- 1.7. Issue a certificate of occupancy or completion after a building or project has been completed according to city requirements.
- 1.8. Help the city establish a tracking system that would provide the city with detailed day-to-day knowledge of all building department activities.
- 1.9. Provide restoration of service inspections as needed.
- 2.0. Provide a backup inspector if needed.
- 2.1. Provide billing twice a month that will reconcile with tracking system listed above.

Art. 2. *Services provided by the city:*

- 2.1. *Office space.* Table, chair, legal size file cabinet, access to a computer, etc.
- 2.2. *Clerical personnel.* Filing, telephone answering, message taking, writing inspection requests, issue permits and receive permit fees, fax receiving/sending, etc.
- 2.3. Building department forms of all types. Carbonless copies as needed.
- 2.4. Building department plan stamps and ink pads.
- 2.5. Adoption of permit fee schedule as attached. The city will be billed 80 percent of permit fees. Fees will be billed as individual plan reviews/inspections are made. Separate permits will be required for all trades per the fee schedule. Inspections made for existing permits will be billed at 80 percent of the fee collected under the existing system. City will not be invoiced for fees generated by violation of city ordinances.
- 2.6. Appoint Latane Lamb the building official.
- 2.7. Adopt and administer a contractor registration program for all contractors required pulling a permit. Adopt registration fee to cover the city's cost of registration, license and insurance verification of all contractors working in the city under a required permit. Adopt insurance requirements for all contractors working in the city under a required permit. Adopt an electrical licensing requirement for all electrical contractors working in the city under a required electrical permit.

Art. 3. *Termination of agreement.*

- 3.1. Either party without cause upon may terminate this agreement no less than 30 days prior written

notice to the other party.

- 3.2. In the event of termination by the city, Latane Lamb shall be compensated for all work performed (and all direct expenses) and reimbursable expenses accrued prior to termination under the terms of this agreement.
- 3.3. Time and reimbursable expenses arising from ongoing litigation, litigation arising subsequent to the termination and attributable thereto and services as a witness shall be paid by the city at the rates enumerated herein.
- 3.4. All material and property of the city shall be returned to same within the 30-day notification period. All pertinent records, photos and all evidence shall be returned to the city within the same 30-day period.
- 3.5. Latane Lamb shall prepare and submit to the city a final accounting and closing invoice within 45 days of termination.

Art. 4. *Terms of agreement.* The terms of this agreement may be reviewed annually. The terms will remain in effect from year to year unless otherwise modified in writing.

(Ord. No. 2002-21, §§ 1—4, 8-26-2002)

Sec. 10-93. - Same—Fees.

Inspections fees			
	Per inspection	Per reinspection	Plan review
Single-family dwelling			
O—1,499 sq. ft.	\$50.00	\$50.00	\$80.00
1,500—1,799 sq.ft.	80.00	50.00	100.00
1,800—2,199 sq. ft.	120.00	50.00	110.00
2,200—2,999 sq. ft.	180.00	50.00	130.00
3,000—4,399 sq. ft.	210.00	50.00	190.00
4,400—5,000 sq. ft.	250.00	50.00	230.00
Each 1,000 sq.ft. over 5,000	50.00		50.00
<i>Commercial</i>			
O—4,000sq.ft.	\$180.00	\$50.00	\$210.00

Each 1,000 sq. ft. over 4,000	50.00		50.00
Swimming pools	50.00	50.00	50.00
Temporary electric pole	50.00		50.00
<i>Plumbing, electrical and mechanical</i>	50.00		50.00
All work not listed above: Use single-family dwelling schedule			

Persons working without pulling a permit or to continue work started without a permit for which a permit is required will be charged the normal fee + 200% + all legal and administrative fees.

(Ord. No. 2002-21, §§ 1—4, 8-26-2002)

Secs. 10-94—10-115. - Reserved.

#### DIVISION 2. - BUILDING CODE

Sec. 10-116. - Adopted.

The International Building Code, 2015 Edition and amendments, including appendices, approved and adopted by the International Code Council is hereby adopted in its entirety, as the building code for the City of Shoreacres, Texas. A copy of said code shall be on file in the city and is incorporated herein by reference, the same as if the entire code was copied herein in full, including appendices and amendments.

(Ord. No. 195, § 1, 9-12-1977; Ord. No. 2001-25, § 1, 12-10-2001; Ord. No. 2008-23, 10-13-2008; Ord. No. 2014-161, 7-14-2014)

Sec. 10-117. - Wooden roof coverings.

- (a) *Prohibited.* Wooden roof coverings, including but not limited to wooden shingles and wooden shakes, and roof coverings of thatch and straw are prohibited and shall not be installed or used over any enclosed living space, garage, or other space used for utility or storage.
- (b) *Use, alteration, repair.* Any roof prohibited by subsection (a) of this section but in use on December 9, 1980, may continue to be used. Any roof of materials prohibited in subsection (a) that is in existence on December 9, 1980, may be repaired or altered with such materials, provided such alteration or repair does not exceed 50 percent of the roof area. Alteration or repair of more than 50 percent of the roof area shall require replacement of the entire roof with acceptable materials, which may be used over wood shingles.
- (c) *Permit requirements.* Wooden roof coverings, including wooden shingles, wooden shakes, and roof coverings of thatch, straw, palm, or bamboo may be installed or used on an open air palapa, patio cover, gazebo, and

other attached or detached shade or rain cover structure with a fire retardant roof permit.

- (d) *Prohibited without a permit.* It shall be unlawful for a person to construct, maintain, use, or allow any structure with a wooden roof covering, including wooden shingles, wooden shakes, and roof coverings of thatch, straw, palm, or bamboo to remain on property the own or occupy without possessing an unexpired fire retardant roof permit for such structure.
- (e) *Fire retardant coating.* No fire retardant roof permit shall be issued except upon the presentation of proof that an approved fire retardant coating has been properly applied to the material that will be used to construct the roof surface; and, that such coating was applied less than 30 days preceding application for such permit. Within 14 days of completion of the roof construction the entire roof surface shall be coated with an additional coat of approved fire retardant.
- (f) *Expiration and renewal of permit.* A fire retardant roof permit shall expire 24 months after issuance and may be renewed for an additional 24 months upon the application for another permit and presentation of proof that an approved fire retardant coating has been re-applied to the entire roof surface within 30 days preceding application for permit renewal.
- (g) *Permit information.* The permit application shall include a detailed description of the structure and roof material used, location address and specific location on that property, the date and location where the retardant was applied, amount of retardant applied, identity of person who applied the retardant, the retardant product used, manufacturer of the retardant, retardant specifications and technical data, and any other information determined by the building official or fire marshal to be necessary to ensure compliance with the requirements of this section.
- (h) *Fire retardant permit fee.* The fee for a fire retardant permit or renewal shall be \$25.00.
- (i) *Approved fire retardant coating.* An approved fire retardant coating shall mean a coating that produces a surface burning characteristic classified as Class A or B as determined using NFPA 255 Standard Method of Test of Surface Burning Characteristics of Building Materials. Fire retardant coatings shall be applied as specified by the manufacturer.
- (j) *Repeal.* The provisions of the International Building Code and any other ordinances, codes or regulations of the city in conflict with this section are repealed and set aside.

(Ord. No. 256, §§ 1—3, 12-9-1980; Ord. No. 2014-171, 10-27-2014)

#### Sec. 10-118. - Remedies.

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building or structure is used in violation of this division, the city building official, or any other appropriate authority, or any adjacent or neighboring property owner who may be specially damaged by such violations, in addition to other remedies, may institute an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, alteration, repair, conversion, maintenance or use, or to correct or abate such violations, or to prevent occupancy of such buildings or structures. The remedy stated in this section shall be cumulative of any and all other remedies available at law or in equity.

(Ord. No. 256, § 5, 12-9-1980)

#### Sec. 10-119. - Smoke detectors required.

Effective January 25, 1982, all dwelling units constructed in the city must have one or more smoke detectors installed prior to issuance of a certificate of occupancy. The building official is mandated to ascertain presence of such detectors as part of final inspection. The building official will not issue a certificate of occupancy until the owner has complied with the requirements of this section.

(Ord. No. 82-2, § 1, 1-25-1982)

Secs. 10-120—10-140. - Reserved.

#### DIVISION 3. - ELECTRICAL CODE

Sec. 10-141. - Adopted.

The NFPA 70 National Electrical Code, 2014 Edition, and amendments, including appendices approved and adopted by the National Fire Protection Association is hereby adopted in its entirety as the electrical code for the City of Shoreacres, Texas. A copy of said code shall be on file in the city and is incorporated herein by reference, the same as if the entire code was copied herein in full, including amendments and revisions.

(Ord. No. 195, § 6, 9-12-1977; Ord. No. 2001-25, § 6, 12-10-2001; Ord. No. 2008-23, 10-13-2008; Ord. No. 2014-161, 7-14-2014)

Secs. 10-142—10-165. - Reserved.

#### DIVISION 4. - PLUMBING CODE

Sec. 10-166. - Adopted.

The International Plumbing Code, 2015 Edition and amendments, including appendices, approved and adopted by the International Code Council, Inc., is hereby adopted in its entirety, as the plumbing code for the City of Shoreacres, Texas. A copy of said code shall be on file in the city and is incorporated herein by reference, the same as if the entire code was copied herein in full, including appendices and amendments.

(Ord. No. 195, § 2, 9-12-1977; Ord. No. 2001-25, § 2, 12-10-2001; Ord. No. 2008-23, 10-13-2008; Ord. No. 2014-161, 7-14-2014)

Sec. 10-167. - Plumbing requirements.

- (a) The city adopts the plumbing requirements, standards and specifications in this section deemed necessary to conserve fresh water resources in the city.
- (b) All new construction and/or repairs or reconstruction involving plumbing renovation within the city limits or any authorized user outside the city limits will meet the plumbing specifications given in this section. The following maximum flow rates and/or water usage standards shall apply for fixtures in any new building or structure and additions to existing buildings that provide facilities or shelter for public assembly, educational, business, mercantile, institutional, residential occupancy, hotels, motels, condominiums, day care centers, nursing homes and apartments:
  - (1) Tank type water closets shall be required to be of a design that provides a maximum flush not to exceed 3.5 gallons.

- (2) Shower heads shall have a maximum flow not to exceed 3.0 gpm at pressure ranges from 20 to 80 psi.
- (3) Laundry and kitchen faucets shall be equipped with flow controllers, aerators or spray taps which result in a maximum delivery not to exceed 2.75 gpm ( 2.5 gpm) at pressure ranges from 20 to 80 psi where both hot and cold water supply are in full open position.
- (4) Flushometer type water closets shall adequately flush and clean fixtures and shall discharge not more than three gallons per flush.
- (5) Tank type urinals shall have a maximum flush not to exceed three gallons per flush.
- (6) Flushometer type urinals shall adequately flush and clean fixtures, and shall discharge not more than one gallon per flush.
- (7) Lavatory faucets for public facilities shall be equipped with self-closing valves that limit delivery of hot water to a maximum of 0.25 gpm and delivery of cold water to a maximum of 1.75 gpm for a maximum combined delivery of 2.0 gpm.
- (8) Lavatories in restrooms of public facilities shall be equipped with:
  - a. Outlet devices that limit flow of hot water to a maximum of 0.5 gpm.
  - b. Devices that limit the outlet temperature to a maximum of 110° F.
- (9) All hot water lines shall be insulated.
- (10) New swimming pools must have recirculating filtration equipment.
- (c) The standards and specifications in this section shall not apply to hospitals, laboratories and any other application where health and safety are dependent upon particular water flow rates. The building official shall determine whether application requires exception from these standards.
- (d) Fixture flow performance requirements shall be rated by data furnished by the equipment supplier or certified under a nationally recognized certification program or rating procedure.
- (e) New service taps shall be limited to those customers in compliance with this section.
- (f) Noncompliance with this section shall subject any noncomplying users with a penalty and fine as provided in section 1-14 for each day of noncompliance and/or disconnection or discontinuance of water and sewage services to such users by the city, after notice.

(Ord. No. 87-3, 3-9-1987)

Secs. 10-168—10-190. - Reserved.

#### DIVISION 5. - GAS CODE

Sec. 10-191. - Adopted.

The International Fuel Gas Code, 2015 Edition and amendments, including appendices, approved and adopted by the International Code Council, Inc., is hereby adopted in its entirety as the gas code for the City of Shoreacres, Texas. A copy of said code shall be on file in the city and is incorporated herein by reference, the same as if the entire code was copied herein in full, including appendices and amendments.

(Ord. No. 195, § 3, 9-12-1977; Ord. No. 2001-25, § 3, 12-10-2001; Ord. No. 2008-23, 10-13-2008; Ord. No. 2014-161, 7-14-2014)

Secs. 10-192—10-215. - Reserved.



DIVISION 6. - MECHANICAL CODE

Sec. 10-216. - Adopted.

The International Mechanical Code, 2015 Edition and amendments, including appendices, approved and adopted by the International Code Council, Inc., is hereby adopted in its entirety as the mechanical code for the City of Shoreacres, Texas. A copy of said code shall be on file in the city and is incorporated herein by reference, the same as if the entire code was copied herein in full, including appendices and amendments.

(Ord. No. 195, § 4, 9-12-1977; Ord. No. 2001-25, § 4, 12-10-2001; Ord. No. 2008-23, 10-13-2008; Ord. No. 2014-161, 7-14-2014)

Secs. 10-217—10-240. - Reserved.

DIVISION 7. - RESIDENTIAL CODE

Sec. 10-241. - Adopted.

The International Residential Code, 2015 Edition and amendments, including appendices, approved and adopted by the International Code Council, Inc., is hereby adopted in its entirety as the residential code for the City of Shoreacres, Texas. A copy of said code shall be on file in the city and is incorporated herein by reference the same as if the entire code was copied herein in full, including appendices and amendments.

(Ord. No. 2001-25, § 5, 12-10-2001; Ord. No. 2003-09, 4-14-2003; Ord. No. 2008-23, 10-13-2008)

Sec. 10-242. - Amendments to residential code.

[Amendments to the residential code adopted in section 10-241 shall be as follows:]

*Appendix G, section AG105.2, subsections (6) and (7) are rescinded.*

(Ord. No. 2004-25, 7-26-2004)

**Editor's note**— The amendment to the residential code set out in section 10-242 above refers to the 2006 Edition of the International Residential Code. With Ord. No. 2014-161, adopted July 14, 2014, the city adopted the 2015 Edition of the International Code.

Secs. 10-243—10-260. - Reserved.

ARTICLE IV. - SWIMMING POOLS

Sec. 10-261. - Adopted.

The International Swimming Pool and Spa Code, 2015 Edition and amendments, including appendices, approved and adopted by the International Code Council, Inc., is hereby adopted in its entirety as the swimming pool and spa code for the City of Shoreacres, Texas. A copy of said code shall be on file in the city and is incorporated herein by reference the same as if

the entire code was copied herein in full, including appendices and amendments.

(Ord. No. 2014-161, 7-14-2014)

Secs. 10-262—10-265. - Reserved.

Sec. 10-266. - Definitions.

For the purposes of this article, the following definitions shall apply:

*Poolside* means the side of an object nearest to a swimming pool.

*Private residential swimming pool* means any swimming pool located on private property under the control of the head of the household there residing, the use of which is limited to swimming or bathing by members of such head's family or their invited guest.

*Swimming pool or pool* means any structure, basin, chamber or tank containing an artificial body of water for swimming, diving or recreational bathing and having a depth of two feet or more at any point.

(Ord. No. 147, § 1, 4-28-1975; Ord. No. 2001-13, § 1, 5-14-2001; Ord. No. 2003-10, § 1, 4-14-2003)

**Cross reference**— Definitions generally, § 1-2.

Sec. 10-267. - Fence required.

- (a) Every person in possession of land within the corporate limits of the city, either as owner, purchaser under contract, lessee, tenant or licensee, upon which is situated a private residential swimming pool shall, at all times, maintain upon the lot or premises upon which the swimming pool is located, and completely surrounding the swimming pool, lot or premises, a fence, wall or other solid structure designed to prevent small children from inadvertently wandering into the swimming pool, that meets the requirements laid out in appendix "G" of the International Residential Building Code as adopted and amended by the City of Shoreacres in Ordinance No. 2003-09.
- (b) The final inspection and approval of a private residential swimming pool for which a building permit is issued by the city shall be withheld until all requirements of this section have been complied with by the owner, purchaser under contract, lessee, tenant, or licensee.

(Ord. No. 147, § 2, 4-28-1975; Ord. No. 2001-13, § 2, 5-14-2001; Ord. No. 2003-10, § 2, 4-14-2003)

Sec. 10-268. - Maintenance.

- (a) No person shall maintain and operate a pool in a manner constituting a hazard to the public health.
- (b) All water used in pools shall be treated and maintained so that clarity shall be sufficient such that the main drain lying on the floor of the pool at its deepest point is clearly visible or an eight-inch black disk placed in the deepest point of the pool is clearly visible at all times.

(Ord. No. 2001-13, § 3, 5-14-2001; Ord. No. 2003-10, § 3, 4-14-2003)

Sec. 10-269. - Violation.

- (a) It shall be unlawful for any person to maintain any private residential swimming pool in the city which is not enclosed or maintained, in accordance with the requirements of this article.

(b) Violation of any provision of this article shall be punishable by a fine from the amount of \$1.00 to the amount of : each day said violation exists.

(Ord. No. 2001-13, § 4, 5-14-2001; Ord. No. 2003-10, § 4, 4-14-2003)

Secs. 10-270—10-300. - Reserved.

#### ARTICLE V. - DANGEROUS BUILDINGS

Sec. 10-301. - Implementation of state law.

The city council declares its intent that the provisions of V.T.C.A., Local Government Code § 214.001 et seq. be implemented by this article to the fullest extent possible.

(Ord. No. 94-03, § 2, 1-24-1994)

Sec. 10-302. - 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:

*Dangerous buildings* means a building that:

- (1) Has interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumbline passing through the center of gravity falls outside the middle third of its base.
- (2) Exclusive of the foundation, shows 33 percent or more of damage or deterioration of the supporting members or 50 percent of damage or deterioration of the nonsupporting enclosing or outside walls or covering.
- (3) Has improperly distributed loads upon the floors or roofs or overloaded roofs or floors, or which has insufficient strength to be reasonably safe for the purpose used.
- (4) Has been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the city.
- (5) Is so dilapidated, decayed, unsafe, unsanitary or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease so as to work injury to the health, morals, safety or general welfare of those occupying such building or structure.
- (6) Has light, air and sanitation facilities inadequate to protect the health, morals, safety or general welfare of human beings who live or may live in the building.
- (7) Has inadequate facilities for egress in case of fire or panic or has insufficient stairways, elevators, fire escapes or other means of communication.
- (8) Regardless of its structural condition, has, during times it was not actually occupied by its owner, lessee or other invitees, been left unsecured from unauthorized entry to the extent that it may be entered or utilized by vagrants or other uninvited persons as a place of harborage or may be entered and utilized by children.
- (9) Has parts so attached that they may fall and injure members of the public or property.
- (10) Because of its condition, is unsafe, unsanitary, or dangerous to the health, morals, safety or general

welfare of the people of the city.

- (11) Exists in violation of any provisions of this Code, the building code, the fire code, or other ordinances of this city if the violation is of such a nature that the building or structure constitutes a danger to its occupants or to others.

A building or structure that is boarded up, fenced or otherwise secured in any manner may, nevertheless, be deemed to be a dangerous building under the criteria listed in subsections (1)—(11) of this section if the building constitutes a danger to the public even though secured from entry; or it is found that the means utilized to secure the building or structure are not adequate to prevent unauthorized entry of the building in contravention of subsection (8) of this section.

(Ord. No. 94-03, § 3, 1-24-1994)

Cross reference— Definitions generally, § 1-2.

Sec. 10-303. - Declared to be nuisances.

All dangerous buildings within the terms of section 10-302 are declared to be public nuisances and shall be vacated and/or repaired and/or demolished and/or secured as provided for in this article.

(Ord. No. 94-03, § 4, 1-24-1994)

Sec. 10-304. - Authority of building official.

- (a) The building official is authorized and directed to enforce any and all provisions of this article. The building official's enforcement authority shall include but not be limited to the following:
  - (1) Inspecting or supervising the inspection of any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of the terms of this article.
  - (2) Inspecting or supervising the inspections of any building, wall or structure reported by the health or police department or fire marshal's office of this city as probably existing in violation of the terms of this article.
  - (3) Inspecting or supervising the inspection of buildings or structures in the city to determine whether they are dangerous buildings within the terms of section 10-302.
  - (4) Making or causing to be made surveys in any area of the city to determine the general condition of structures or buildings, the extent of deterioration, the lack of facilities or maintenance, unsafe and unsanitary conditions, and other relevant factors necessary to implement the purposes of this article.
  - (5) Presenting testimony to the city council in support of any allegations of a violation of the provisions of this article.
- (b) The building official shall be authorized to enter any building, structure or premises at any reasonable time to exercise the authority prescribed in this article.

(Ord. No. 94-03, § 5, 1-24-1994)

Sec. 10-305. - Access to structures.

The owner, operator, agent or occupant of every structure, building or premises shall permit the building official to enter the structure, building or premises at reasonable times for the purpose of inspection.

(Ord. No. 94-03, § 6, 1-24-1994)

Sec. 10-306. - Identification.

The building official shall be supplied with official identification and upon request shall exhibit identification when entering any structure, building or premises.

(Ord. No. 94-03, § 7, 1-24-1994)

Sec. 10-307. - Notice of violation.

- (a) Whenever the building official determines that there has been a violation or that there are reasonable grounds to believe that there has been a violation of this article, notice of such violation shall be given to the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the structure or building as shown by the deed records of the county clerk.
- (b) The notice provided for in this section shall be in writing, shall contain a description of the premises upon which the building or structure is located, and shall specify the alleged violation. In addition, the notice shall state whether the building or structure must be vacated (if it is occupied), secured, repaired, removed and/or demolished in order to comply with the terms of this article.
- (c) Any person or entity notified pursuant to this section shall be given a reasonable time, not exceeding 30 days, to comply with the notice. If, after inspecting the structure or building, the building official determines that it is necessary to extend such time period, written notice of the time extension shall be given to the affected person or entity.

(Ord. No. 94-03, § 8, 1-24-1994)

Sec. 10-308. - Standards to be followed in issuing notices of violations.

The building official shall follow the following applicable standards in issuing notices of violations of this article:

- (1) If the structure or building is occupied and in such condition as to make it dangerous to the health, safety or welfare of its occupants, the notice shall provide that the building or structure must be vacated.
- (2) If the structure or building can reasonably be repaired so that it will no longer violate the provisions of this article, the notice shall provide that the structure or building must be repaired (or demolished at the owner's option) such that it complies with the applicable provisions of this article.
- (3) If the structure or building cannot be reasonably repaired such that it complies with the applicable codes of the city, the notice shall provide that the structure or building must be demolished.
- (4) If the building or structure is unoccupied and the condition of the building or structure is such that it may be brought into compliance by securing it from unauthorized entry, the notice may provide that it be so secured and be kept secured and may include written specifications that must be complied with in securing the building or structure; in addition, the notice may provide that the building or structure be repaired or demolished if it is not secured in compliance with the notice.
- (5) If the building or structure is at least 50 percent damaged, decayed or deteriorated, the notice shall provide that the building or structure must either be repaired or demolished if it cannot be repaired so

that it complies with the applicable codes of the city.

(Ord. No. 94-03, § 9, 1-24-1994)

Sec. 10-309. - Notice of hearing before the city council.

- (a) Upon failure of the owner, occupant, lessee, mortgagee, lienholder or other person with an interest in the building or structure to comply with the notice sent pursuant to sections 10-307 and 10-308, the building official may schedule a hearing. The notice of hearing must contain the name and address of the owner of the affected property if that information can be determined from a reasonable search of the instruments on file in the office of the county clerk, a legal description of the affected property and a description of the hearing. Additionally, the notice of hearing sent to an owner, lienholder or mortgagee must include a statement that the owner, lienholder or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with this article and the time it will take to reasonably perform this work. It shall be the duty of the building official to make a diligent effort to discover each lienholder and mortgagee before conducting the public hearing and give him notice and opportunity to comment at the hearing.
- (b) The building official may file notice of the hearing in the real property records of the county. The notice must contain the name and address of the owner of the affected property if that information can be determined from a reasonable search of the instruments on file in the office of the county clerk, a legal description of the affected property and a description of the hearing. The filing of the notice is binding on subsequent grantees, lienholders or other transferees with an interest in the property who acquire such interest after the filing of the notice, and constitutes notice of the hearing on any subsequent recipient with any interest in the property who acquires such interest after filing of the notice.
- (c) At the election of the building official, the original notice to owners and lienholders may provide anticipatorily for such hearing which may be reset or canceled upon compliance with the order of the building official.

(Ord. No. 94-03, § 10, 1-24-1994)

Sec. 10-310. - Service of notices.

Service of notices authorized by this article shall be made in person or by registered or certified mail, return receipt requested. In cases where the owner, occupant, lessee, mortgagee or any other person having an interest in the property is absent from the city, it shall be sufficient for the notice required pursuant to section 10-309 to be sent by registered mail or certified mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in the building or structure involved, as shown by the deed records of the county clerk to the last known address of each. In all cases, a copy of such notice shall be posted in a conspicuous place on the building to which the notice relates. Such posting and mailing shall be deemed adequate service of notice in all cases.

(Ord. No. 94-03, § 11, 1-24-1994)

Sec. 10-311. - Conduct of the hearing.

- (a) The mayor shall preside at all hearings called pursuant to section 10-309 before the council. Except as set forth in subsection (f) of this section, the burden shall be upon the building official to establish the correctness of the allegations made in the notice. The building official shall proceed with his evidence followed by the owner and any lienholders according to the priority of their liens. The building official shall then be allowed an opportunity for rebuttal. The presiding officer shall allow for comment by the general public at a time he

deems appropriate to the proceedings, either before or after the evidence is presented. The rules of evidence shall not apply, but the presiding officer is authorized to rule out of order plainly extraneous or irrelevant matters and further authorized to limit public presentation to five minutes per speaker.

- (b) In conducting a hearing authorized under this section, the city council shall require the owner, lienholder or mortgagee of the building to, within 30 days:
  - (1) Secure the building from unauthorized entry; or
  - (2) Repair, remove or demolish the building unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within 30 days.
- (c) If the council allows the owner, lienholder or mortgagee more than 30 days to repair, remove or demolish the building, the council shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the hearing official.
- (d) The council may not allow the owner, lienholder or mortgagee more than 90 days to repair, remove or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder or mortgagee:
  - (1) Submits a detailed plan and time schedule for the work at the hearing; and
  - (2) Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.
- (e) If the council allows the owner, lienholder or mortgagee more than 90 days to complete any part of the work required to repair, remove or demolish the building, the council shall require the owner, lienholder or mortgagee to regularly submit progress reports to the council to demonstrate that the owner, lienholder or mortgagee has complied with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder or mortgagee appear before the hearing official or the hearing official's designee to demonstrate compliance with the time schedules.
- (f) In a public hearing to determine whether a building complies with the standards set out in an ordinance adopted under this section, the owner, lienholder or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

(Ord. No. 94-03, § 12, 1-24-1994)

Sec. 10-312. - Order of the council.

- (a) Upon conclusion of the public hearing and not later than the next regular meeting of the city council, the council shall issue its order requiring the vacation, relocation of occupants, securing, repair, removal or demolition of the building which it has found to violate section 10-302. The order of the council shall be in the form of an ordinance and shall specify a reasonable time as provided by this section for occupants to be relocated by the owner and an additional reasonable time as provided by this section for the ordered action to be taken by any of the mortgagees or lienholders if the owner fails to comply with the order within the time provided for action by the owner. Under this subsection, the city is not required to furnish any notice to a mortgagee or lienholder other than a copy of the order if the owner fails to timely take the ordered action.
- (b) Within ten days after the date the order is issued, the city shall:
  - (1) File a copy of the order in the office of the city secretary; and
  - (2) Publish in a newspaper of general circulation in the city in which the building is located a notice

containing:

- a. The street address or legal description of the property;
  - b. The date of the hearing;
  - c. A brief statement indicating the results of the order; and
  - d. Instructions stating where a complete copy of the order may be obtained.
- (c) After the hearing, the city shall promptly mail by certified mail, return receipt requested, a copy of the order to the owner of the building; and if the owner does not take the ordered action within the allotted time, the city shall promptly mail by certified mail, return receipt requested, a copy of the order to any lienholder or mortgagee of the building. The records in the office of the county clerk shall be used to determine, if possible, the identity and address of any owner, lienholder or mortgagee of the building.
- (d) If the building is not vacated, secured, repaired, removed, or demolished, or the occupants are not relocated within the allotted time, the city may vacate, secure, remove or demolish the building or relocate the occupants at its own expense.
- (e) If the city incurs expenses under this section, the city may assess the expenses on, and the city has a lien against, unless it is a homestead as protected by the state constitution, the property on which the building was located. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the city for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the building was located, the amount of expenses incurred by the city, and the balance due.
- (f) If the notice is given and the city opportunity to repair, remove or demolish the building is afforded to each mortgagee and lienholder as required in this section, the lien is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the real property to which the city's lien attaches.

(Ord. No. 94-03, § 13, 1-24-1994)

#### Sec. 10-313. - Filing of petition against city's order.

Any owner, lienholder or mortgagee of record of property jointly or severally aggrieved by an order of this city issued under section 10-312 may file in district court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed by an owner, lienholder or mortgagee within 30 calendar days after the respective dates a copy of the final decision of the city is mailed to him by first class mail, certified return receipt requested, or such decision shall become final as to each of them upon the expiration of each such 30 calendar day period.

(Ord. No. 94-03, § 14, 1-24-1994)

#### Sec. 10-314. - Placarding inherently dangerous building.

- (a) If the building official completes an inspection of a building or structure and finds it to be inherently dangerous and, in the opinion of such official, a nuisance per se, he shall place a notice on such building or structure forthwith, which shall contain language to the effect that the building or structure is a dangerous building/structure and that all unauthorized persons entering the building/structure shall be subject to a fine.



- (b) The placard shall contain a warning that any unauthorized person entering a placarded building/structure as set subsection (a) of this section shall be deemed guilty of a misdemeanor and, upon final conviction, shall be fined a less than \$200.00 nor more than \$2,000.00.
- (c) The approval of the building official of a finding pursuant to this section and the posting of the notice shall not be construed to deprive any person entitled thereto to the notice and hearing prescribed in this article.

(Ord. No. 94-03, § 15, 1-24-1994)

Sec. 10-315. - Emergencies.

- (a) In cases where it reasonably appears that there is immediate danger to the health, life or safety of any person unless a dangerous building is immediately repaired, vacated, demolished or secured, if the building official finds there is in fact an immediate danger to the health, life or safety of any person unless the building/structure is immediately repaired, vacated, demolished or secured, he shall cause the immediate repair, vacating, demolition or securing of such building/structure.
- (b) Whenever the building official causes a building/structure to be repaired, vacated, demolished or secured pursuant to this section, he shall cause a notice, as described in section 10-314, to be posted on the building/structure. In addition, the building official shall schedule a hearing before the city council concerning the action taken pursuant to this section and send notice of such hearing to all persons required pursuant to section 10-309. The notice shall set forth the specific conditions which rendered the building a dangerous building and an immediate danger to the health, life or safety of persons. At such a hearing, the burden shall be upon the city to show that the immediate action was necessary because the building/structure was dangerous within the meaning of section 10-302 and an immediate danger to the health, life or safety of persons. If after completion of the presentation of the testimony by all parties appearing, the council finds that the action was necessary because the building/structure was dangerous within the meaning of section 10-302 and an immediate danger to health, life or safety of persons, all administrative expenses and any cost of vacating, repairing, securing or demolishing the building or structure shall be calculated and assessed against the owners of the building/structure, shall constitute a lien on the land on which the building/structure stood, and shall bear interest as provided by law.

(Ord. No. 94-03, § 16, 1-24-1994)

Sec. 10-316. - Penalty.

- (a) Any person who removes a notice or placard duly posted on a building or structure in accordance with this article shall be guilty of a misdemeanor punishable as provided in section 1-14.
- (b) Any person with an interest in the building or structure or the land upon which the building or structure is situated who permits a dangerous building or structure to exist on premises in the city shall be guilty of a misdemeanor punishable as provided in section 1-14.

(Ord. No. 94-03, § 17, 1-24-1994)

Secs. 10-317—10-365. - Reserved.

ARTICLE VI. - CLEANUP AFTER DEMOLITION OR REMOVAL OF STRUCTURES

Sec. 10-366. - Required.

- (a) Within 30 days after any building or structure is demolished or removed from any lot or tract of land:
  - (1) All debris must be removed from the property.
  - (2) All holes or depressions in the ground must be filled to grade level.
  - (3) All lumber, pipes and all other buildings materials must be removed from the property or stored in such a manner that they are not a hazard to safety and do not create a condition where rats are likely to live or mosquitoes likely to breed.
  - (4) All pipes and conduits must be removed from above grade and must be removed or sealed below grade.
  - (5) All foundations, slabs, piers, pilings, steps and other appurtenances must be removed above grade.
- (b) Each owner and each person having control over the property on which the building or structure stood prior to removal or demolition is individually responsible for completing such work or causing such work to be completed.

(Ord. No. 2008-24, 10-13-2008)

Sec. 10-367. - Report, inspection where work believed not completed.

It shall be the duty of all city employees to make a report in writing to the building official whenever such employee has reason to believe a building or structure has been demolished or removed from a lot of land and the work required by this article has not been completed. Upon receipt of such written report, the building official shall inspect the lot or tract.

(Ord. No. 2008-24, 10-13-2008)

Sec. 10-368. - Notice to complete work.

Whenever it shall come to the knowledge of the building official or city administrator that a building or structure has been demolished or removed and that the work required by this article has not been completed, the building official or city administrator shall cause written notice to be given by personal service or by certified mail, return receipt requested, to the owner of the property or to any person having control over the property setting out the work required by this article which has not been completed. In such notice, the building official or city administrator shall order the owner of the property or person having control over the property to complete or cause to be completed all work required by this article within 30 days of service of such notice.

(Ord. No. 2008-24, 10-13-2008)

Sec. 10-369. - Penalty.

Failure to comply with the requirements of section 10-361 or to comply with the order of the building official or city administrator given pursuant to this article shall be punishable by a fine of not less than \$250.00, nor more than \$2,000.00. Each day such work is not completed in violation of this article shall constitute a separate offense.

(Ord. No. 2008-24, 10-13-2008)

Chapter 74 - ZONING

ARTICLE I. - IN GENERAL

Sec. 74-1. - Definitions.

- (a) For the purposes of this chapter, the following words and terms as used herein are defined. Words used in the present tense include the future; words in the singular number include the plural number and words in the 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 not discretionary.
- (1) *Accessory* means a subordinate use of a building customarily incident to and located on the lot supplied by the main use or building.
  - (2) *Accessory building* means any structure other than the primary house or either the primary or secondary garage on a piece of property. Accessory buildings include storage sheds, utility buildings, pool houses, and decorative structures such as gazebos and green houses.
  - (3) *Building area* means the maximum horizontal projected area of the building at or above grade or for more than one floor level, the total projected area of all floors, exclusive of the floor area of attached garages, basements, or attics not used for residence purposes, and open or screened porches, and terraces, steps, pools, walks, drives, and parking area.
  - (4) *Carport or porte-cochere* means a structure with a roof attached to the primary house or the primary garage and with at least two open sides used for parking motorized vehicles on the premises where such structure is located. Motorized vehicles, include, but are not limited to, automobiles, boats, jet skis, tractors, and recreational vehicles.
  - (5) *Corner lot* means a lot situated at the junction of two or more streets.
  - (6) *Customary home occupations* means an occupation, not involving the conduct of a business, customarily carried on in a single-family dwelling as an incidental but not the principal use thereof by a member of the occupant's family residing on the premises, without the help of any assistant or employee, without structural alterations in the building or any of its rooms, without the installation of any machinery or equipment other than that customary to normal household operations, without the use of any signs, display or advertisements of the occupation or the telephone number of the same, the person conducting the same, or of the occupant, and which occupation does not cause the generation of any traffic in the street nor involve the storage or display of any merchandise or commodity, and which occupation does not include: beauty schools, parlors or shops, doctor's or dentist offices for the treatment of patients, barbershops, carpenters shops, electrician's shops, shoe shops, plumbers shops, radio shops, tinner's shops, auto repairing, auto painting, boat repairing, furniture repairing, sign painting or real estate offices, but not limited to, those so enumerated, and which occupations are not detrimental or injurious to adjoining property, and which occupation does not involve the conduct of a school, the exceptions being in district "G" and with home-schooling, and which occupation does not include the keeping, stabling, pasturing, boarding or caring for the horses, cattle, dogs, cats, fowl or other animals of persons other than the occupants of the main building.
  - (7) *Depth of lot* means the mean horizontal distance between the front and rear lot lines.
  - (8) *District* means a portion of the City of Shoreacres for which the regulations governing the area, type, construction, height, or use of the buildings and land are uniform.
  - (9) *Driveway* means a way or place in private ownership and used for vehicular travel by the owner and those having access or implied permission from the owner but not by other persons.
  - (10) *Expansion joint* means a space between sections of a driveway constructed for the purpose of allowing for

expansion to prevent the bucking and cracking of the driveway.

- (11) *Easement* means a reserved area for placement of water, sewer, gas, and other utility lines.
- (12) *Family* means any number of individuals related by blood, adoption, or marriage, together with their domestic servants and not more than two lodgers, all living together as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club fraternity, sorority, motel, apartment, duplex, or hotel.
- (13) *Front structure line* means the forward most point at which the structure meets a line across the width of the lot parallel to the front lot line.
- (14) *Front yard* means the front portion of each lot or lots from the front building line to the front line of the lot or lots.
- (15) *Garage* means a fully enclosed structure, with doors, that can be used to shelter motorized vehicles, including, but not limited to, automobiles, boat trailers, jet skis, tractors, and recreational vehicles.
- (16) *Height* means the vertical distance from the minimum base flood elevation allowed for construction to the highest point of any structure including chimneys, tanks, water towers, radio towers, ornamental cupolas, domes or spires and parapet walls.
- (17) *Lot* means land occupied or intended to be occupied by a building and its accessory buildings, including such open spaces as are required under this chapter and having its principal frontage upon a public street or officially approved place.
- (18) *Lot line* means the lines bounding a lot as defined herein.
- (19) *Masonry* means exterior surfaces of the outside walls of a structure which is constructed of brick veneer, solid brick, hollow tile, stone, concrete, marble, glass or a combination of any of these materials.
- (20) *Motor vehicle* means a self-propelled vehicle designed for use on a highway, a trailer or semi trailer designed for use with a self-propelled vehicle, or a vehicle propelled by electric power from overhead wires and not operated on rails.
- (21) *Nonconforming use* means a building or premises occupied by a use that does not conform to the regulations of the district in which it is situated.
- (22) *Open space* means any unoccupied space on the lot that is open and unobstructed to the sky and occupied by no building whatsoever.
- (23) *Rear structure line* means the rear most point at which the structure meets a line across the width of the lot parallel to the back lot line.
- (24) *Rear yard* means the rear portion of each lot between the main building and the rear lot line.
- (25) *Shipping container/storage container* means a portable compartment for the repeated carriage of cargo in bulk or package form that has the following characteristics:
  - (a) Of a permanent character and accordingly strong enough for repeated use;
  - (b) Specially designed to facilitate the carriage of goods by one or more modes of transport without intermediate reloading;
  - (c) Fitted with devices permitting its ready handling particularly its transfer from one mode of transport to another;
  - (d) So designed as to be easy to fill and empty, and any enclosure, device, box, container, or anything similar in nature or use to the above.

The term shipping or storage container includes all types involved in the maritime, railroad, and trucking industries including but not limited to flat racks, ventilated, half-height, tank, reefers, open-top, canvas top, high cube bulk, and similar named containers. The term applies to new, used, certified, documented, licensed, repaired or surplus

containers constructed of any material. If a container ever met the above definition, it is still considered a shipping container or storage. Once a container - always a container.

- (26) *Side yard* means an open, unoccupied space on the same lot with a building extending between the building and the side line of the lot and extending through from the street or from the front yard or to the rear line of the lot. Any lot line not a rear lot line or a front line shall be deemed a side line.
- (27) *Single-family dwelling* means a detached building having accommodations for and occupied by only one family.
- (28) *Story* means that portion of a building included between the surface of any floor or foundation slab and the surface of the floor next above it or if there is no floor above, then the space between such floor and the ceiling next above it.
- (29) *Street* means a public thoroughfare.
- (30) *Structural alterations* means any alteration of stressed members of a building and including movement or structural alteration of door and window openings and substantial changes of exterior appearance.
- (31) *Temporary building* means a building or premises occupied for a specific temporary purpose.
- (32) *Width of side yard* means the mean horizontal distance between a side wall of a building and the side line of the lot.

(Ord. No. 2002-16, § 2, 6-24-2002; Ord. No. 2002-17, § 1, 7-24-2002; Ord. No. 2008-09, 5-26-2008; Ord. No. 2009-50, 9-14-2009)

Cross reference— Definitions generally, § 1-2.

#### Sec. 74-2. - Changes and amendments.

- (1) The city council may, from time to time, amend, supplement or change, by ordinance, the boundaries of the districts or the regulations herein established.
- (2) Before taking action on any proposed amendment, supplement, or changes, the city council shall submit the same to the zoning commission for its recommendation and report.
- (3) A public hearing shall be held by the city council before adopting any proposed amendment, supplement, or change. Notice of such hearing shall be given by publication one time in the official newspaper of the city or a newspaper of general circulation in the city and, in addition, the city council shall mail written notices of such hearing to the person or owner petitioning for such amendment, supplement, or change, if any, and all owners of property affected lying within 300 feet of any point of any lot or portion thereof which would be affected by such proposed amendment, supplement, or change. Such owners and persons shall be determined according to the last approved city tax roll, if any, and if there be no such tax roll such owners and persons shall be determined according to the last approved La Porte Independent School District tax roll. The publication herein referred to and the mailing of notices shall be done and made at least ten days prior to the date set for the hearing (according to the Local Government Code.)
- (4) Unless such proposed amendment, supplement, or change has been approved by the zoning commission, or if a protest against such proposed amendment, supplement, or change has been filed with the city secretary, duly signed and acknowledged by the owners of 20 percent or more either of the area of the lots included in such proposed change or those immediately adjacent or within 300 feet therefrom, such amendment shall become effective except upon two-thirds vote of the city council.

(Ord. No. 2002-16, § 18, 6-24-2002)

#### Sec. 74-3. - Newly annexed territory.

All territory annexed to the City of Shoreacres, Texas, hereafter shall be classified as an "A" district for single-family dwellings until permanently zoned by the governing body of the City of Shoreacres. The zoning commission shall, as soon as practical, after annexation of any territory to the City of Shoreacres, institute proceedings on its own motion to give the newly annexed territory a permanent zoning classification and the procedure to be followed shall be the same as provided by law for adoption of original zoning regulation.

(Ord. No. 2002-16, § 10, 6-24-2002)

Sec. 74-4. - Nonconforming uses.

- (1) Any use of property existing at the time of the passage of Ordinance No. 21, on March 30, 1955, that does not conform to the regulations prescribed in the preceding sections of this chapter shall be deemed a nonconforming use.
- (2) The lawful use of land existing at the time of the passage of said Ordinance No. 21, although such does not conform to the provisions hereof, may be continued, but if such nonconforming use is discontinued, any future use of said premises shall be in conformity with the provisions of this section.
- (3) A building occupied by a nonconforming use destroyed by fire, the elements, or any other occurrence may not be reconstructed or rebuilt except to conform with the provisions of this section.
- (4) The lawful use of any building at the time of the passage of said Ordinance No. 21 may be continued, although such does not conform to the provisions hereof and such use may be extended throughout the building, provided no structural alterations, except those required by law or by ordinance, are made therein.
- (5) Nothing in this section shall be construed to prevent routine maintenance, repair and upkeep of existing buildings, structures, and improvements in the City of Shoreacres.

(Ord. No. 2002-16, § 11, 6-24-2002)

Sec. 74-5. - 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 section and which entire building shall be complete within one year from the date of the passage of this section. Nothing herein contained shall require any change of plan, construction or designated use of a building for which a building permit had been heretofore issued and which entire building shall be completed within 12 months from the date of the passage of this section. If any amendment to this chapter is hereafter adopted changing the boundaries of districts, the provisions of this section with regard to buildings, or premises existing, or buildings under construction, or building permits issued at the time of the passage of this section, shall apply to buildings or premises existing, or buildings under construction, or building permits issued in the area affected by such amendment at the time of the passage of such amendment.

(Ord. No. 2002-16, § 12, 6-24-2002)

Sec. 74-6. - Conflict with other restrictions.

- (a) It is not the intent of this chapter to interfere with or annul any easement, contract or covenant between parties provided that:
  - (1) Wherever the regulations of this chapter require an equal or greater width or size of yard or other open spaces or require an equal or lower height of building or an equal or less number of stories, or require an equal or greater percentage of the lot to be left unoccupied, or impose other equal or higher standards than are required in any other easement, contract, or covenant, the provisions of this chapter shall govern.
  - (2) Wherever the provisions of any other easements, contract or covenant requires a greater width of yard or

other open spaces, or requires a lower height of building or a less number of stories or requires a greater percentage of lot to be left unoccupied or imposes other higher standards than are required by this chapter, the provisions of such easement, contract or covenant shall govern.

(b) Nothing contained in this section shall have the effect of making lawful any use now prohibited by law.

(Ord. No. 2002-16, § 20, 6-24-2002)

#### Sec. 74-7. - Penalty for violation.

Any person or corporation who shall violate any of the provisions of this chapter or fail to comply therewith or with any of the requirements thereof or who shall build or alter any buildings in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be subject to a fine of not more than \$200.00 and each day such violations shall be permitted to continue shall constitute a separate offense. The owner or owners of any building or premises or any part thereof, where anything in violation of this chapter shall be placed or shall exist, 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 thereof shall be fined, as provided above, provided, however, that any vendor or mortgagee who forecloses or otherwise regains possession of such property upon which anything in violation of this chapter has been placed or exists, during such period of time as such vendor or mortgagee has been out of possession, shall have ten days from the date that he regains possession of such property in which to remove the violation, after which time he shall be deemed guilty of a separate offense and upon conviction shall be fined as provided above.

(Ord. No. 2002-16, § 17, 6-24-2002)

#### Secs. 74-8—74-40. - Reserved.

### ARTICLE II. - ADMINISTRATION

#### DIVISION 1. - GENERALLY

#### Sec. 74-41. - Administration.

- (a) *Enforcement.* It shall be the duty of the building official to refuse to approve issuance of any permit for any building or structure, or for the use of any premises which would violate any of the provisions hereof, and the building official or any deputy working under his direction may cause any building, structure, place, or premise to be inspected and examined for the purpose of determining conformance to this chapter, and order in writing the remedy of any condition found to exist therein or thereat in violation of any provision thereof.
- (b) *Building permits.*
- (1) No building or structure shall be erected, altered, divided, reconstructed, converted, moved, remodeled, or added to until a building permit has been filed and approved by the building official.
  - (2) No building permit shall be issued by the building official unless there shall first be filed by the applicant two copies of complete plans and specifications, showing the locations of such building and all accessory buildings, with measurements from all lot lines to all foundation lines of all buildings, and such other information as may be necessary to determine and provide for the enforcement of this chapter, together with a true statement, in writing, signed by the owners, showing the use for which such building is intended, and such permit fees as may be required by law have been paid.
- (c) No building permit shall be issued by the building official unless such plan shall show in every detail that such building is to be erected and used in conformity with all of the provisions of this chapter.

- (d) A record of such applications and plans shall be kept in the office of the City of Shoreacres. Failure of any applicant or agents or employees to erect, alter, move, or maintain any buildings in conformance with such plans on which such permit is issued, when such failure constitutes a violation of any provisions of this chapter, shall render such permit void. The building official is hereby authorized and directed to revoke any such permit by giving written notice to the applicant or his agents or employees, and all work upon such building shall be immediately discontinued on the serving of such notice until such building shall be changed so as to comply with such plans and permits.
- (e) The City of Shoreacres shall require appropriate fees to be paid for the issuance of a building permit. The fees shall be set by the city.
- (f) Construction must be completed within one year of starting date. If the structure is not complete after one year, the permit holder must reapply and repay for a permit and be approved by the building official.
- (g) The building permit must be posted and maintained in a prominent place at the construction site throughout the construction period.

(Ord. No. 2002-16, § 14, 6-24-2002)

Sec. 74-42. - Certificate of occupancy and compliance.

- (1) No building hereafter erected or structurally altered shall be used, occupied, or changed in use until a certificate of occupancy and compliance has been issued by the building official, stating that the building or proposed use of a building or premises complies with the building laws and the provisions of these regulations and all city ordinances.
- (2) Certificates of occupancy and compliance shall be applied for coincident with the application for building permits and shall be issued within ten days after erection or structural alterations of such building shall have been completed in conformity with the provisions of these regulations, to the extent that all of the exterior thereof shall be 100 percent completed and finished and the interior thereof shall be at least 80 percent completed and finished.

(Ord. No. 2002-16, § 15, 6-24-2002)

Secs. 74-43—74-65. - Reserved.

DIVISION 2. - ZONING COMMISSION

Sec. 74-66. - Duties.

A zoning commission of the City of Shoreacres, Texas, has been duly appointed, to consider and recommend the boundaries of the zoning districts and appropriate regulations to be enforced therein; that all proposals for the rearrangement and amendments of the zoning ordinances of the City of Shoreacres, Texas, and all proposals for the incorporation of any new features therein were referred to such commission; that filing its preliminary report and recommendations and after notice duly given in the manner and time required by law to all interested parties and persons, said zoning commission duly held a public hearing upon such preliminary report and recommendations, and thereafter submitted its final report and recommendations to the City Council of the City of Shoreacres, Texas, which after notice duly given in the manner and time required by law to all interested parties and persons, also held a public hearing on said final report and recommendations, at which hearing all persons desiring to be heard on any and all of such proposals were duly heard; that the City of Shoreacres, Texas, is a residential community in Harris County, Texas, and the greater part of the property within its limits has been restricted to private residential purposes by the owners thereof; that the street, water and sanitary sewer systems of the city have been designated and constructed to take care of such limited use of the land therein and would prove inadequate for more congested use; available land for trade or business uses is limited and there is and has been no significant demand for such uses; that it is the desire of the residents of the City of Shoreacres, Texas, and the city council thereof, to preserve the present residential character of the city and the public improvements therein; that the problems of the surface drainage and transportation, health, safety and welfare are difficult for



the city to cope with unless it remains a residential community with no substantial increase in the number of homes per acre; that in view of these factors which could be enumerated, the health, safety, and general welfare of the inhabitants of the City of Shoreacres, Texas will be promoted by lessening congestion on the streets, securing greater safety from fire, panic and other dangers, providing more adequate light and air, preventing the overcrowding of land, avoiding undue congestion of population, facilitating more adequate provisions for sanitation, transportation, safety, water, sewerage and other public improvements through the enactment of this chapter.

(Ord. No. 2002-16, § 1, 6-24-2002)

Secs. 74-67—74-90. - Reserved.

### DIVISION 3. - BOARD OF ADJUSTMENT

Sec. 74-91. - Created; membership.

There is hereby created a board of adjustment consisting of five members, with two alternate members, as provided by V.T.C.A. Civil Statutes Art. 1011g, as amended.

(Ord. No. 73, § 16(a), 3-28-1966; Ord. No. 173, § 1, 1-10-1977; Ord. No. 2002-16, § 16(a), 6-24-2002)

Sec. 74-92. - Rules of conduct.

The board may adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with Article 1011g, Vernon's Annotated Texas Statutes, [V.T.C.A. Civil Statutes Art. 1011g] as amended, and provided that such rules and regulations shall not become effective until approved by the city council of the City of Shoreacres, Texas. Meetings of the board shall be held at the call of the chairman and at such times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote, indicate such facts, and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the board and shall be public record.

(Ord. No. 73, § 16(b), 3-28-1966; Ord. No. 2002-16, § 16(b), 6-24-2002)

Sec. 74-93. - Appeals to board.

Appeals to the board of adjustment can be made by any person aggrieved or by any officer or department of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time as may be provided by the rules of the board of adjustment by filing with the officer from whom the appeal is taken and with the board of adjustment, a notice of appeal specifying the grounds thereof and shall otherwise be governed by the provisions of V.T.C.A. Civil Statutes, Art. 1011g, as amended. Decisions of the board of adjustment are available for review on petition presented to the District Court of Harris County, Texas, within ten days after filing of such decision, as provided in said Art. 1011g.

(Ord. No. 73, § 16(c), 3-28-1966; Ord. No. 2002-16, § 16(c), 6-24-2002)

Sec. 74-94. - Powers.

(a) The board of adjustment shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter.
- (2) To hear and decide special exceptions to the terms of the chapter upon which the board is required to pass

under this chapter.

- (3) To authorize upon appeal in special cases, such variances from the terms of the chapter as will not be contrary to the public interest, where, owing to special conditions, the literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done.
- (b) In exercising its powers the board may, in conformity with provisions of articles 1011-A and including 1011-J of the 1925 Civil Statutes of Texas, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken.
- (c) The concurring vote of four members of the board shall be necessary to revise any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the application on any matter upon which it is required to pass under this chapter or to effect any variance in said chapter.

(Ord. No. 73, § 16(d)—(f), 3-28-1966; Ord. No. 2002-16, § 16(d)—(f), 6-24-2002)

#### Sec. 74-95. - Service of alternate members.

When a member is unable to serve on the board of adjustment during a scheduled meeting of the board or for the purpose of acting upon a specific matter before the board, the mayor or the city secretary will request an alternate member to serve in such member's place; and the name of the alternate shall be given to the chairman. If both the chairman and the member designated as alternate to the chairman are absent, the mayor shall appoint another member or an alternate member to serve as acting chairman.

(Ord. No. 86-4, § 3, 4-14-1986)

#### Secs. 74-96—74-130. - Reserved.

### ARTICLE III. - DISTRICT REGULATIONS

#### DIVISION 1. - GENERALLY

#### Sec. 74-131. - Zoning districts and zoning map.

- (a) The City of Shoreacres, Texas, is hereby divided into the following zoning districts in which the zoning regulations applicable to such districts as set forth in this chapter are approved and established. No structure shall be erected, altered, or used except in conformity with regulations herein prescribed. No division, subdivision, or plat of land shall be made, approved, or filed except in conformity with the regulations herein prescribed. Such zoning districts are as follows:
  - (1) Single-family dwelling district A
  - (2) Single-family dwelling district B
  - (3) Single-family dwelling district B-1 (development known as Bayou Forest)
  - (4) Single-family dwelling district C
  - (5) Private marine club-district D (Lot 28-37, Block 15, Shoreacres)
  - (6) Single-family dwelling district E (development known as Bayou Oaks)
  - (7) Private marine club parking-district F (Blocks 22-27, Block 15, Shoreacres)
  - (8) Public school district G (Block 34 lots 10-18 and Block 1 Lot 1)
- (b) The above districts are shown on the zoning map, which is hereby approved, amended, and made part of this

chapter, and shall be considered as much a part of the same as if the matters of information set forth thereby were all fully contained and described herein. Said map shall, on its face, be identified and verified in the manner following: "Zoning Map of the City of Shoreacres, Texas"; it shall bear the names of the city council and members of the zoning commission at the time of this amendment and it shall be attested by the signatures of the mayor and city secretary. the originals of said map should be attached to the originals of Ordinance No. 2002-16.

(Ord. No. 2002-16, § 3, 6-24-2002)

Secs. 74-132—74-155. - Reserved.

DIVISION 2. - SINGLE-FAMILY DWELLINGS DISTRICTS A, B, B-1, C

Sec. 74-156. - Uses permitted.

In single-family dwelling districts A, B, B-1, C and E, the following shall apply. No land shall be used or divided or subdivided and no building shall be hereafter erected or structurally altered, used, constructed, or occupied except for one or more of the following uses:

- (1) One single-family dwelling which shall include or have as a residential accessory building at least one garage and no more than one detached garage.
- (2) Churches or similar places of worship.
- (3) Municipal building and other place uses conducted by the city, county, state, or federal governments.
- (4) Public parks and playgrounds.
- (5) Temporary buildings not exceeding 500 square feet in floor area for uses (not including for residential purposes) which are incidental to construction work on the premises, but only after a building permit has been obtained describing its use, which shall continue only so long as reasonably necessary for such purposes, and not over one year in any event. All such buildings shall be removed upon completion or abandonment of the construction work to which they are incidental.
- (6) Temporary structures (not exceeding 500 square feet in floor area) during the development of residential subdivisions, such structures being located thereon, but not to continue in excess of one year, except with the consent of the board of adjustment obtained as hereinafter provided. A building permit describing such use and time limit shall be obtained before construction of any such structure.
- (7) Residential accessory uses and residential accessory buildings are herein defined, but not including any business or occupation of any kind not falling within the definition of customary home occupations as hereinbefore set forth.

(Ord. No. 73, § 4(1), 3-28-1966; Ord. No. 2002-16, § 4-1, 6-24-2002; Ord. No. 2008-09, 5-26-2008)

Sec. 74-157. - Building area for A, B, B-1 and C districts.

- (1) The area of the main building in A district hereafter erected shall not be less than 1,800 square feet;
- (2) The area of the main building in B district hereafter erected shall not be less than 1,600 square feet;
- (3) The area of the main building in B-1 district hereafter erected shall not be less than 1,800 square feet;
- (4) The area of the main building in C district hereafter erected shall not be less than 1,400 square feet.

(Ord. No. 73, §§ 5(1), 6(2), (3), 3-28-1966; Ord. No. 92-9, 6-25-1992; Ord. No. 2002-16, § 5(1)—(4), 6-24-2002)

Sec. 74-158. - Height requirements in A, B, B-1, C and E districts.

(1) The height of a building in districts A, B, B-1, C and E shall not exceed 40 feet.

(2) Construction shall conform to the building code adopted by the City of Shoreacres.

(Ord. No. 73, § 6(1), 3-28-1966; Ord. No. 2002-16, § 6(1), (3), 6-24-2002; Ord. No. 2009-50, 9-14-2009)

Sec. 74-159. - Garage required.

(a) Every single-family dwelling within the city shall have at least one garage with a minimum area of 484 square feet and capacity of not less than two passenger cars.

(b) The area under an elevated single-family dwelling may satisfy the "fully enclosed" requirement for garages in this section, provided:

(1) The area used as a garage is enclosed on all four sides by walls and doors, two of which shall have no door openings;

(2) Each side of the enclosure is at least 80% opaque;

(3) The entire floor of the garage area is paved with concrete;

(4) A minimum unobstructed height of seven feet is provided throughout;

(5) The garage area under a single-family dwelling shall be excluded in the determination of "aggregate area" under subsection 74-160(a)(3) - Accessory buildings.

(Ord. No. 87-11, § II, 7-13-1987; Ord. No. 2008-09, 5-26-2008; Ord. No. 2013-135, 1-28-2013)

Sec. 74-160. - Accessory buildings.

(a) Accessory buildings, including carports and garages, as defined in section 74-1, will be allowed provided they meet the following criteria:

(1) The aggregate area of all carports, accessory buildings and garages shall not exceed 3,300 square feet, unless approved by the board of adjustments.

(2) The maximum size of any one accessory building shall not exceed 2,400 square feet.

(3) The aggregate area of all carports, accessory buildings and garages, shall not exceed 25 percent of the area of the rear and side lot, defined as the full width of the lot between the rear property line and the front structure line of the house, projected to the side property lines of the lot excluding the area covered by the primary building.

(4) The maximum exterior wall height of an accessory building shall not be more than 16 feet on all four sides, unless approved by the board of adjustments.

(5) Shall not be used as a dwelling space.

(b) Specifications for garages.

(1) No more than one detached garage will be allowed, unless approved by the board of adjustments.

(2) A detached garage must be located in the side or rear yard and must be behind the front structure line of the primary building with a minimum distance of five feet between any portion or extension of the primary dwelling structure and the garage. All garages shall be fully enclosed with a door to conceal motor vehicle access.

(c) Carports must be incorporated into the design of the house and attached to the house or detached garage.

(Ord. No. 2008-09, 5-26-2008)

Secs. 74-161—74-180. - Reserved.

DIVISION 3. - PRIVATE MARINE CLUB DISTRICT D

Sec. 74-181. - Uses permitted.

In private marine club district D, the following shall apply: No land shall be used or divided or subdivided and no building shall be hereafter erected or structurally altered, used, constructed, or occupied, except for one or more of the following uses:

- (1) Private marine club operated as a nonprofit corporation, the chief activity of which is a service customarily carried on as a business and which service involves the maintenance, service, and storage of noncommercial vessels.
- (2) Customary accessory uses and customary accessory buildings necessary to principal use of this district.

(Ord. No. 2002-16, § 4-2, 6-24-2002)

Sec. 74-182. - Area of main building.

The area of the main building in a D district hereafter erected shall not be less than 160,000 square feet.

(Ord. No. 2002-16, § 5(5), 6-24-2002)

Sec. 74-183. - Building height; conformity with building code.

- (a) The height of a building in district D shall not exceed 50 feet.
- (b) Construction shall conform to the building code adopted by the City of Shoreacres.

(Ord. No. 2002-16, § 6(2), 6(3), 6-24-2002)

Secs. 74-184—74-205. - Reserved.

DIVISION 4. - PLANNED UNIT DEVELOPMENT DISTRICT E

Sec. 74-206. - District regulations.

- (a) In district E, the uses permitted in this district are limited to single-family detached homes. All regulations applicable to this district are outlined in Ordinance No. 96-04.
- (b) The density shall be one dwelling unit per lot.
- (c) The area of the main building in E district hereafter erected shall not be less than 1,800 square feet.
- (d) \*The minimum lot size shall be 6,500 square feet. No portion of a street right-of-way may be used toward meeting the minimum lot size requirement.
- (e) \*The minimum street frontage shall be 100 feet for all lots abutting West Country Club Drive and 60 feet for all other lots in the district.
- (f) \*The minimum lot depth shall be 80 feet for all lots.

\*Note: Lots must meet all criteria listed in this division. A lot 60 feet wide must have a depth greater than 80 feet to meet the minimum lot size requirement of 6,500 square feet. Lots bordering West Country Club Drive could be no less than 8,000 square feet in size in order to meet the minimum width and depth requirements.

- (g) The height of a building in district E shall not exceed 28 feet.
- (h) The minimum front yard setback shall be not less than 20 feet from street right-of-way line for all lots east of Bayou

Forest Drive and not less than 30 feet from the street right-of-way for all lots west of Bayou Forest Drive.

- (i) No building shall be less than ten feet from the rear lot line.
- (j) All buildings shall have total side yard setbacks of at least 15 feet, with no less than five feet on any side. Except that detached garages may be no less than three feet from any side property line. When two structures on adjoining lots are less than ten feet apart, the second structure must have a two-hour fire wall.
- (k) The outside facade of all houses shall be comprised of not less than 60 percent brick, exclusive of glass windows and roofs.
- (l) All lots abutting West Country Club Drive shall have a six-foot-high privacy fence constructed of either cedar or brick or a combination of both, which shall border West Country Club Drive. All other fencing in the district shall not be higher than six feet and shall be cedar, masonry, wrought iron or any combination. Fences abutting water shall be made of wrought iron. Hedges shall not be higher than six feet.
- (m) Each house shall provide no less than one 484 square foot garage with a capacity of not less than two passenger cars and at least two additional off-street parking spaces in the driveway within the lot. There shall be no driveways entering from West County Club Drive.
- (n) Minor residential street rights-of-way shall not be less than 50 feet wide nor have a paved street width of less than 28 feet measured from back to back of curbs. Secondary collector streets and major streets shall be wider and shall meet the width requirements contained in appendix A. No portion of any lot shall be counted as part of the street right-of-way.
- (o) All subdivisions or developments within this district shall contain an entrance structure at each entrance. Such structures shall be similar in character to and compatible with the entrance structure at Bayou Forest Subdivision.

(Ord. No. 96-04, § 2, 6-10-1996; Ord. No. 2002-16, §§ 4-3, 5(6), 6(1), 6-24-2002; Ord. No. 2008-09, 5-26-2008)

Secs. 74-207—74-230. - Reserved.

#### DIVISION 5. - PRIVATE MARINE CLUB PARKING DISTRICT F

Sec. 74-231. - Permitted uses.

In the private marine club parking district F, the only permitted use is the parking of motor vehicles except in time of emergency.

(Ord. No. 82-6, § 3, 5-24-1982)

Sec. 74-232. - Minimum setback.

All construction in a private marine club parking district F shall be set back a minimum of five feet from the city right-of-way on all property lines facing city streets.

(Ord. No. 82-8, § 1, 6-14-1982)

Sec. 74-233. - Permit required.

A construction permit shall be required for any construction in a private marine club parking district F. Permit fees for parking lots and fences shall be in accordance with the city building code.

(Ord. No. 82-9, § 1, 6-14-1982)

Secs. 74-234—74-265. - Reserved.

#### ARTICLE IV. - SUPPLEMENTARY DISTRICT REGULATIONS

##### DIVISION 1. - GENERALLY

Sec. 74-266. - Prohibited uses.

Uses not listed in the chapter are not permitted anywhere in the City of Shoreacres. Any applicant wishing to add a use shall follow the proper zoning change procedures listed elsewhere in this chapter under "New and unlisted uses", including the passage of an amending ordinance after proper notification to the public.

From time to time, amendments may be made to the zoning chapter to specifically preclude a use from being added as a "new and unlisted use." This may be done when establishment of the use may pose a threat to health, safety and welfare of the community and/or the establishment of that use may be in direct violation of other city ordinances such as the noise ordinance. The addition of a specifically prohibited use may also be included in this section to clarify that such a use was considered and rejected by the community. A listing of specifically prohibited uses will inform potential applicants that the absence of such uses was not due to oversight on the part of the planning and zoning commission or the city council.

- (1) Shipping storage containers whether used for outside storage, as an inhabited structure or for any other purpose.

(Ord. No. 2002-17, § 3, 7-24-2002)

Secs. 74-267—74-285. - Reserved.

##### DIVISION 2. - YARD AREA REGULATIONS

Sec. 74-286. - Street facing.

On every lot, the main building shall be erected to face the street on which is located the shortest lot lines, and no such main building shall be constructed to face the side street along the long side of the lot.

(Ord. No. 2002-16, § 7, 6-24-2002)

Sec. 74-287. - Lot dimensions.

- (1) No lot in any district shall have less than 60 feet minimum frontage for a single-family dwelling.
- (2) No lot area shall be so reduced or diminished smaller than shown on the zoning map, unless otherwise provided by law, or by issuance of a variance granted by the board of adjustments commission, or as provided for in subsection (4).
- (3) It shall be unlawful to reduce or diminish the area of a lot or plat of which a plot plan has been filed or has been used as the basis of a permit, unless a revised plot plan showing the proposed changes in conditions shall have been filed and approved, provided that this shall not apply when the lot is reduced by reason of an approved public improvement.
- (4) Territory which has not been subdivided as of the date of this amended section shall, when subdivided, have not less than 100 feet minimum frontage per lot and have area not less than 12,000 square feet per lot.

- (5) Five feet along one or more sides of each lot shall be reserved for an easement for water, sewer, gas, and other utility fencing or other obstruction shall be opened or removed by the property owners to permit access.

(Ord. No. 2002-16, § 8, 6-24-2002)

Sec. 74-288. - Front, side and corner yards.

- (1) In districts A, B, B-1, C, and E there shall be a front yard having a depth of not less than 30 feet from the property line to the front of the building on each lot outside of or in front of which no structures whatsoever will be permitted except sidewalks, driveway, and steps.
- (2) Any wall, hedge, shrubbery, etc., higher than a base line extending from a point two and one-half feet above walk grade at the depth of the front yard required is hereby declared to be an obstruction to view, except single trees, having single trunks.
- (3) In any district where a building is erected or structurally altered for dwelling purposes, there shall be two side yards, one on each side of the main building, having a combined width of not less than 20 percent of the lot. There shall be a combined clearance of not less than 15 feet from the side lot lines and in no case less than five feet from either side lot line or rear lot line, provided, further, that there shall not be less than 15 feet from the nearest building on either side.
- (4) On corner lots, the side yard regulation shall be the same as for interior lots except in the case of side street or reverse frontage (where the corner lot faces an intersecting street), in which case there shall also be a side yard on the street equal to the front yard on the lots in the rear of such corner lot. No accessory building on such corner lot shall project beyond the front yard line of the lots in the rear thereof. This regulation shall not be interpreted as to reduce the buildable width of a corner lot facing an intersecting street, and of record at the time of the passing of Ordinance No. 2002-16 to less than 28 feet, nor to prohibit the erection of an accessory building where the regulation cannot reasonably be complied with.

(Ord. No. 2002-16, § 9, 6-24-2002)

Secs. 74-289—74-310. - Reserved.

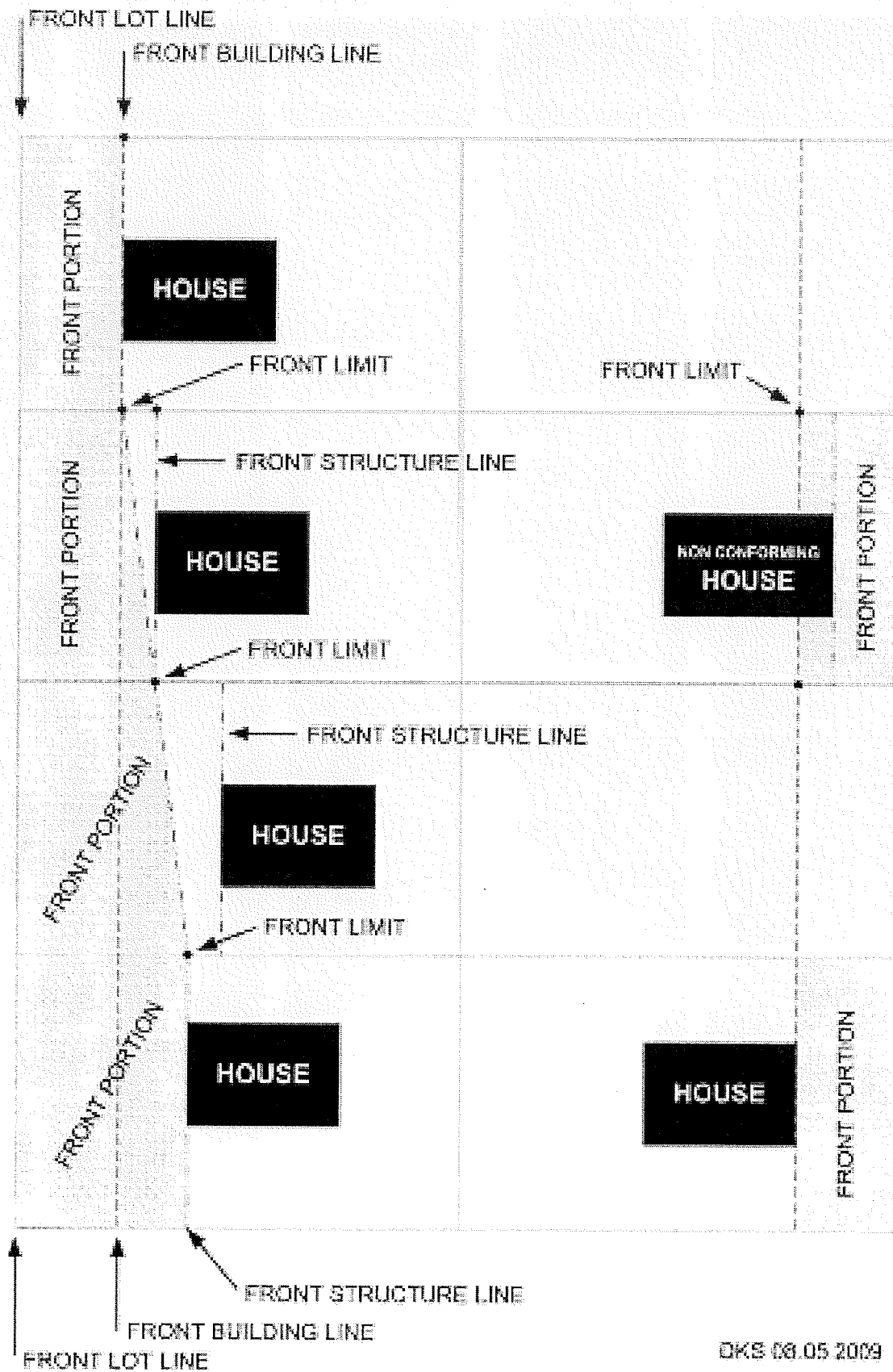
DIVISION 3. - FENCES

Sec. 74-311. - General erection limitations.

- (a) No fence shall be erected on a public right-of-way, public park, or beyond any lot line.
- (b) Fences abutting on a street right-of-way, public park, or public waterway shall be constructed so that all supporting members, including posts and horizontal runners, shall not face the street. This provision shall apply to fences erected on any lot line including front, side and back.
- (c) Hurricane, chain link, and other similar wire-type fencing are prohibited within the front portion of a lot.
- (d) Fences in the front portion of a lot shall be no more than 25 percent opaque.
- (e) In this section:
  - (1) *Front portion* means the area of a lot extending to the front line from the line between each side lot line front limit, including the sides.
  - (2) *Front limit* means the point along a side lot line that intersects the front structure line. When there are structures on both sides of a side lot line the front structure line nearest the front line of the lot establishes the front limit. In no case shall the front limit be closer to the front lot line than the front building line.
- (f) This section does not apply to institutional security fences, fences owned by any governmental entity or fences



specifically required or allowed by this Code.



(Ord. No. 84-10, § 1, 6-4-1984; Ord. No. 2003-05A, § 1, 2-10-2003; Ord. No. 2009-51, 9-14-2009)

Sec. 74-312. - On vacant lots.

No fences shall be erected on vacant lots.

(Ord. No. 84-10, § 2, 6-4-1984; Ord. No. 2003-05A, § 2, 2-10-2003; Ord. No. 2009-51, 9-14-2009)

Sec. 74-313. - Maximum height.

No fence in zoning districts A, B, B-1, C, or E shall be more than eight feet in height, except a wooden fence which may have up to a six-inch rot board along the bottom. Fences shall be constructed only of wood, masonry wrought iron, chain link, steel, brick, concrete, vinyl, PVC or combination thereof, unless otherwise approved by the board of adjustments.

(Ord. No. 84-10, § 3, 6-4-1984; Ord. No. 2003-05A, § 3, 2-10-2003; Ord. No. 2009-51, 9-14-2009)

Sec. 74-314. - Construction, maintenance of electric fences.

- (a) Except as provided herein, it shall be unlawful for any person owning or controlling any property in the city to construct, maintain, or permit to remain on such property any fence charged with electricity, or to cause any fence to become charged with a current of electricity, to connect any such fence with a source of electricity or to permit any fence under the control of such person to be connected with a source of electricity.
- (b) The use of electric fences shall be allowed on the premises of any single-family dwelling only for the purpose of erecting an enclosure to restrain the movement of dogs. All electric fence equipment so utilized shall be a UL-approved product and installed and maintained in accordance with the manufacturer's instructions. The owner and/or controller of the premises shall be responsible for:
  - (1) Obtaining a building permit prior to installation of the electric fence;
  - (2) Installing and maintaining signage that identifies the fence as an "electric fence";
  - (3) Installing and maintaining the electrified elements of the fence so as to be protected from accidental contact by any person on property abutting the premises where such fence is installed; and
  - (4) Scheduling a city inspection to confirm the product is tested/approved and installed in accordance with manufacturer's instructions.
- (c) In any prosecution under this section, testimony that any fence was under the control of the defendant or situated on his premises and that any person received an electric shock by coming in contact with such fence, shall be prima facie evidence that such defendant caused such fence to be charged with a current of electricity and caused and permitted such fence to be connected with a source of electricity.

(Ord. No. 2009-51, 9-14-2009)

Sec. 74-315. - When replacement required.

Should any existing fence be damaged as much as 50 percent of nonconforming linear footage or 50 percent of the total linear footage and need replacing, it shall be replaced in accordance with this division and shall require a new building permit.

(Ord. No. 84-10, § 5, 6-4-1984; Ord. No. 2003-05A, § 4, 2-10-2003; Ord. No. 2009-51, 9-14-2009)

Sec. 74-316. - Barbed-wire, dangerous materials restricted.

- (a) No barbed-wire fencing shall be used within the city except on government owned property or when required by law. Barbed-wire fencing may only be used atop a chain link fence not less than six feet in height. The barbed wire fencing may not extend more than one foot above the chain link fence.
- (b) Walls, fences, or similar structures shall not contain any substances such as broken glass, spikes, nails, or similar materials designed to inflict pain or injury to any person or animal.

(Ord. No. 81-25, §§ 1—3, 12-14-1981; Ord. No. 2003-05A, § 5, 2-10-2003; Ord. No. 2009-51, 9-14-2009)

Sec. 74-317. - Permit required.

The construction of a fence requires the issuance of a permit approved by the building official of the city.

(Ord. No. 2003-05A, § 6, 2-10-2003)

Sec. 74-318. - Zoning district E.

This section pertains only to zoning district E, also known as Bayou Oaks. All lots abutting West Country Club Drive south of Shoreacres Blvd. shall have a six-foot-high privacy fence constructed of either cedar or brick or a combination of both, which shall border West Country Club Drive. All other fencing in the district shall not be higher than six feet and shall be cedar, masonry, wrought iron, or any combination. Fences abutting water shall be made of wrought iron, with pickets no closer than three inches. Any hedges shall not be higher than six feet.

(Ord. No. 2003-05A, § 7, 2-10-2003)

Sec. 74-319. - Zoning district B-1.

This section pertains only to zoning district B-1, also known as Bayou Forest. No hedge or fence shall be higher than six feet.

All fences and walls may be of cedar, masonry, wrought iron or any combination thereof. All solid fence, walls, or hedge must stop at 16-foot utility easement line nearest the house on all lots in Block A and Block B (except lots, 1, 4 and 5 of Block B and Block C). Any fence that continues across the utility easement to the back of the lot or waters edge must be wrought iron, with pickets no closer than three inches. Any rear fence that encloses the back yard past

the 16-foot utility easement line nearest the house must also be wrought iron. Block D fences may be the same materials described above and may be solid or wrought iron to the back of the lot.

(Ord. No. 2003-05A, § 8, 2-10-2003)

Sec. 74-320. - Zoning district D.

This section pertains only to zoning district D. The Houston Yacht Club shall be required to build a fence no less than eight feet high along the northern and western boundaries of district D. If the Houston Yacht Club decides to use district F, they shall construct a fence no less than eight feet high along the northern and western boundaries of district F. The Houston Yacht Club may then remove the fence along the western boundaries of district D.

(Ord. No. 2003-05A, § 9, 2-10-2003)

Sec. 74-321. - Penalties for violation.

Violation of this ordinance shall be punishable as a misdemeanor by a fine not less than \$25.00 or no more than \$200.00, with each day of offense constituting a separate offense.

(Ord. No. 2003-05A, § 10, 2-10-2003)

Secs. 74-322—74-340. - Reserved.

DIVISION 4. - SIGNS

Sec. 74-341. - Permitted.

No signs shall be permitted except the following:

- (1) *Temporary signs.*
  - a. Only one, unilluminated "For Sale", "For Rent" or "For Lease" sign advertising the property on which the sign is erected. No such sign shall exceed six square feet in area, nor be placed within 20 feet of the edge of the finished street, or within ten feet of the adjoining property line, nor extend more than five feet above the general ground level.
  - b. Only one unilluminated combination building contractors, architects, and subcontractors signs may be maintained on the building site during construction only. No such sign or combination of signs shall exceed 16 square feet in area, nor be placed within 20 feet of the edge of the finished street or within ten [feet] of the adjoining property line, nor extend more than five feet above the general ground level.
  - c. Garage sale signs may be posted the day of a garage sale but must be removed within 24 hours after the garage sale.
- (2) *Permanent non-personal signs.* The board of adjustment may at its discretion upon written application, after due notice and hearing to all property owners within 300 feet, when reasonably necessary and compliance with the following requirements is shown, grant written permission to maintain permanent signs under the following conditions:
  - a. *Outdoor sign.* Only one sign having a total area of no more than nine square feet may be erected on any one lot, unless the lot is located at a corner, in which event no more than two signs, each of no more than nine square feet, may be erected. No more than one sign may face any one street. The sign must be in good taste, be of subdued design and color, not interfere with traffic visibility and not constitute a traffic hazard. The owner must agree in writing to maintain the sign(s), in good condition.
  - b. *Window display.* Only one window display or sign having a total area of no more than two square feet is permitted in a building, and this sign or window display must be in good taste and of subdued design and color.
- (3) *Personal signs.*
  - a. *Outdoor sign.* Only one sign having a total area of not more than six square feet may be erected on any one lot. The sign must be in good taste, be of subdued design and color, not interfere with traffic visibility, and not constitute a traffic hazard. Signs shall not include the name or logo of any business and must be placed within five feet of the front building line of the house. No such sign shall be placed within 20 feet of the edge of the finished street or within ten feet of the adjoining property line nor extend more than five feet above the general ground level.
  - b. *Window display.* Only one window display or sign having a total area of no more than two square feet is permitted on the side of a house facing the street, and in the case of a house on a corner lot, two signs each having a total area of no more than two square feet is permitted on each side of the house facing a street. The sign must be in good taste and be subdued design and color.
- (4) *Houston Yacht Club directional signs.* The two Houston Yacht Club directional signs in existence as of March 1, 2002—one at the corner of Shoreacres Boulevard and Sunrise and one at the corner of Sunrise and Baywood—may remain at the discretion of the City of Shoreacres.
- (5) Nothing in this section shall be construed to apply to traffic or governmental signs.

Secs. 74-342—74-364. - Reserved.

DIVISION 5. - RESERVED

Secs. 74-365—74-370. - Reserved.

ATTACHMENT

REZONING

The following is a list of ordinances rezoning property in the city:

Ordinance Number	Date Adopted	Description
90	4- 1-1969	Rezoning Golf Links