

**TOWN OF BAYVIEW ZONING ORDINANCES
NO. 2009-05
REVISED September 26, 2024**

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Article I

ZONING DISTRICTS AND BOUNDARIES

SECTION 1: INTERPRETATION AND PURPOSES

The zoning regulations and districts, as herein established, have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals, and the general welfare of the Town of Bayview. They have been designed to lessen congestion in the streets, to secure safety from fire, panic, and other danger, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district and for its peculiar suitability for particular uses, and with a view to conserving the value of the buildings and the land and encouraging the most appropriate use of the land throughout the Town of Bayview.

Zoning regulations and districts, as herein set forth, are approved, and established.

SECTION 2: ZONING DISTRICT AND BOUNDARIES

Zone A - Single Family Dwelling District

Zone B – Agriculture District

Zone C – Dwelling and Local Retail and Business District

Zone D - Newly Annexed Property

A. The Town of Bayview is hereby divided into classes of Use Districts termed in Article 1 Section 2. All are shown upon the zoning map, which is adopted with and is declared to be a part of this ordinance 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 therein. Said map shall, on its face, be identified and verified in the manner following and shall bear the title "TOWN OF BAYVIEW, TEXAS ZONING MAP". It shall bear the names of the Town Board of Alderpersons, and it shall be attested by the signature of the mayor. The original of said map shall be kept in a safe place to be determined by the Board of Alderpersons, and a replica thereof shall be produced upon paper in such a reduced scale as will permit such replica copy to be pasted upon and be attached to a page of the ordinance records immediately following transcription of this ordinance.

B. When definite distances in fact are not shown on the Zoning Map the district boundaries on the Zoning Map are intended to be along existing street, alley, or property lines or extensions of or from the same. When the location of a district boundary line is not otherwise determined, it shall be determined by the scale of the map measured from a given line.

- C. Where the street layout on the ground varies from the street layout as shown on the Zoning Map, the Board of Adjustment may apply the designation shown on the mapped streets in such a way as to carry out the intent and purpose of the plan for the particular area in question.

Article II REGULATIONS APPLICABLE TO ALL DISTRICTS

SECTION 1: LOT AREA

Where the sale or division of property after enactment of this ordinance would place the new property line closer to existing buildings than that permitted in the zone in which the property is located, building permits shall **not** be issued for new buildings that would place such new buildings closer to existing buildings than twice the distance from building to property line permitted. See the Side Yard section in each zoning district.

The combined area of the dwelling and accessory building shall not cover more than forty percent (40%) of the total area of the lot.

No lot area shall be so reduced or diminished that the yards or other open spaces or distances from buildings to property lines shall be smaller than prescribed by this Ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations herein established. Side yard areas used to comply with minimum requirements of this Ordinance for a building shall not be included as a part of the required areas of any other building. See each Zoning District Article for the specific lot sizes.

SECTION 2: TEMPORARY BUILDINGS:

Temporary buildings are to be used only for construction purposes or field offices for the sale of real estate of the associated property. They shall be removed upon completion or abandonment of construction work and the field office must be removed immediately upon request of the Building Inspector.

SECTION 3: ACCESSORY BUILDINGS AND PUMP HOUSES:

- a) Accessory buildings, not to include greenhouses (See Article IX, i), will be constructed in accordance with the codes and ordinance adopted by the Town of Bayview. Accessory buildings and pump houses may be constructed of the following materials and compliment the main dwelling or proposed dwelling:
 - brick or adobe brick
 - concrete or light aggregate brick or block
 - stone and stucco
 - wood
 - metal or any material approved by the Board of Alderpersons.
 - veneer shall be not less than 2 and 3/4 inches thick.
- b) Intermodal Shipping Containers may be used for long-term storage. Unmodified containers are accepted as meeting or exceeding the wind speeds set by the Texas Department of Insurance for Windstorm Certification.

1. The following restrictions will apply:

- a. Any structural modifications must be approved by the Town of Bayview and the applicant shall provide the Building Inspector with engineered drawings for the specific use. The engineered drawings must be signed and sealed by a State of Texas Licensed Engineer.
- b. The color palette must be earthtone with no art, tags, logos, or graffiti.
- c. The color must be uniform on the entire container.
- d. The container must be maintained in a serviceable condition.
- e. A maximum of 1 (one) container per acre is permitted. A lot with 2 (two) acres or greater may have 1 (one) additional shipping container, with a maximum number of shipping containers per lot not to exceed 2 (two).
- f. Placement and color of the container shall be approved by the Town of Bayview Board of Aldermen regardless of container size.

SECTION 4: PORTABLE STRUCTURES:

- a) Travel trailers, campers, motor homes or buses may be stored on the property so long as they are kept for their original intended use and stored in a sightly manner but may not be used as living quarters except during the construction of the single-family dwelling as long there is as an active permit for a single-family dwelling.
- b) Mobile homes shall not be permitted except during the construction of the single-family dwelling as long as there is an active permit for a single-family dwelling.
- c) Portable Storage Units (for moving purposes) may be stored on the property so long as they are kept for their original intended use and then not to exceed six months.

SECTION 5: DOCKS, PIERS, AND BOAT HOUSES:

Docks, piers and boat houses may be built of wood, concrete or other suitable material, but should be complimentary to the single-family dwellings and be appropriate to the waterfront and surrounding community. Piers and docks are to be limited to a maximum width of thirty (30) feet and a maximum length of twenty-five (25) feet, but in no event shall the length exceed 10% of the width of the resaca. Construction of piers, docks and bulkheads also require approval by the general manager of Bayview Irrigation District #11. Solid fill is not permitted in the resaca.

SECTION 6: ROOF REGULATIONS:

A surface of all roofs for principal and secondary structures which are exposed to public view, except for residential dwellings, shall be of:

- Clay tile or other tiles of a ceramic nature, concrete tile, slate, stone, or copper.
- Substantial standing seam metal roofs.
- Flat built-up roofs will be allowed provided they have a minimum of a one (1) foot parapet wall with adequate drainage (scuppers or drainpipes). On existing buildings, a flat roof addition may match an existing flat roofed elevation.
- Composition roofs, with a weight of less than 240 pounds per one hundred (100) square

feet (25-year warranty) and without stick down tabs shall not be permitted.

- Barn type wood shakes or better will only be permitted if they meet minimum fire-retardant criteria established by the current building codes.

SECTION 7: SEWAGE SYSTEMS:

The Town of Bayview adopted the following OSSF ordinance to ensure compliance with TCEQ regulation.

SECTION 7a OSSF:

**ORDINANCE ADOPTING RULES OF THE TOWN OF BAYVIEW, TEXAS
FOR ON-SITE SEWAGE FACILITIES**

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) has established Rules for on-site sewage facilities to provide the citizens of this State with adequate public health protection and a minimum of environmental pollution; and

WHEREAS, the Legislature has enacted legislation, codified as Texas Health and Safety Code (THSC), Chapter 366, which authorizes a local government to regulate the use of on-site sewage facilities in its jurisdiction in order to abate or prevent pollution or injury to public health arising out of the use of on-site sewage facilities; and

WHEREAS, due notice was given of a public meeting to determine whether the Board of Aldermen of the Town of Bayview, Texas should enact an ordinance controlling or prohibiting the installation or use of on-site sewage facilities in the Town of Bayview, Texas; and

WHEREAS, the Board of Aldermen of the Town of Bayview, Texas finds that the use of on-site sewage facilities in the Town of Bayview, Texas is causing or may cause pollution, and is injuring or may injure the public health; and

WHEREAS, the Board of Aldermen of the Town of Bayview, Texas has considered the matter and deems it appropriate to enact an Ordinance adopting Rules regulating on-site sewage facilities to abate or prevent pollution, or injury to public health in the Town of Bayview, Texas.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF ALDERMEN OF THE TOWN OF BAYVIEW, TEXAS:

SECTION 1. THAT the matters and facts recited in the preamble hereof are hereby found and determined to be true and correct;

SECTION 2. THAT the use of on-site sewage facilities in the Town of Bayview, Texas is causing or may cause pollution or is injuring or may injure the public health;

SECTION 3. THAT an Ordinance for the Town of Bayview, Texas be adopted entitled “On-Site Sewage Facilities”, which shall read as follows:

AN ORDINANCE ENTITLED ON-SITE SEWAGE FACILITIES

SECTION 4. CONFLICTS.

This Ordinance repeals and replaces any other On-site Sewage Facility (OSSF) Ordinance for the Town of Bayview, Texas.

SECTION 5. ON-SITE SEWAGE FACILITY REGULATION AND ENFORCEMENT

The Town of Bayview, Texas clearly understands that there are technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities, and will fully enforce Chapter 366 of the THSC and Chapters 7 and 37 of the Texas Water Code (TWC), and associated rules referenced in Section 8 of this Ordinance.

SECTION 6. AREA OF JURISDICTION.

The Rules shall apply to all the area lying within the incorporated limits of the Town of Bayview, Texas.

SECTION 7. ON-SITE SEWAGE FACILITY RULES.

Any permit issued for an on-site sewage facility within the jurisdictional area of the Town of Bayview, Texas must comply with the Rules adopted in Section 8 of this Ordinance.

SECTION 8. ON-SITE SEWAGE FACILITY RULES ADOPTED.

The Rules, Title 30 Texas Administrative Code (TAC) Chapter 30, Subchapters A and G, and Chapter 285, promulgated by the TCEQ for on-site sewage facilities are hereby adopted, and all officials and employees of the Town of Bayview, Texas having duties under said Rules are authorized to perform such duties as are required of them under said Rules.

SECTION 9. INCORPORATION BY REFERENCE.

The Rules, 30 TAC Chapter 30, Subchapters A and G, and Chapter 285 and all future amendments and revisions thereto are incorporated by reference and are thus made a part of these Rules.

SECTION 10. AMENDMENTS.

The Town of Bayview, Texas wishing to adopt more stringent Rules for its OSSF Ordinance understands that the more stringent local Rule shall take precedence over the corresponding TCEQ requirement. Listed below are the more stringent Rules adopted by the Town of Bayview, Texas:

(A) Regardless of acreage, a permit will be required for all OSSFs.

(B) There shall be only one single family dwelling unit per lot (tract of land) using an individual OSSF for sewage disposal.

(C) For any construction requiring an OSSF permit the Designated Representative shall not authorize electrical, water or other utility connections to a facility without the applicant first obtaining an OSSF construction authorization and a final authorization approval for the OSSF installation.

(D) OSSFs shall comply with the latest TCEQ and Town of Bayview Rules, but in no case, shall the septic tank or drainage field be less than one hundred (100) feet from the normal line of a resaca; dry or water holding river channel, canal, or irrigation channel, nor closer than ten (10) feet to any property line.

(E) On any new installation of OSSFs regardless of floor plan or number of bedrooms, an additional bedroom will be added to determine the volume of the OSSF.

(F) Any modifications, replacements, additions or repairs to an existing OSSF will be required to be brought up current Town of Bayview and TCEQ rules.

SECTION 11. DUTIES AND POWERS.

The OSSF Designated Representative (DR) (30 TAC § 285.2(17)) of the Town of Bayview, Texas, must be certified by the TCEQ before assuming the duties and responsibilities.

SECTION 12. COLLECTION OF FEES.

All fees collected for permits and/or inspections shall be made payable to the Town of Bayview, Texas. A fee of \$10 will also be collected for each on-site sewage facility permit to be paid to the credit of the TCEQ Water Resources Management Account as required by the THSC, Chapter 367.

SECTION 13. APPEALS.

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the Town Council of the Town of Bayview, Texas.

SECTION 14. ENFORCEMENT PLAN

The Town of Bayview, Texas clearly understands that, at a minimum, it must follow the requirements in 30 TAC § 285.71 Authorized Agent Enforcement of OSSFs.

This Ordinance adopts and incorporates all applicable provisions related to on-site sewage facilities, which includes, but is not limited to, those found in Chapters 341 and 366 of the THSC, Chapters 7, 26, and 37 of the TWC and 30 TAC Chapter 30, Subchapters A and G, and Chapter 285.

SECTION 15. SEVERABILITY

It is hereby declared to be the intention of the Town Council of the Town of Bayview, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of such unconstitutional phrases, clauses, sentences, paragraphs, or sections.

SECTION 16. RELINQUISHMENT OF ORDINANCE

If the Town Council of the Town of Bayview, Texas decides that it no longer wishes to regulate on-site sewage facilities in its area of jurisdiction, the Town Council, as the authorized agent, and the TCEQ shall follow the procedures outlined in 30 TAC § 285.10 (d) (1) through (4).

After relinquishing its OSSF authority, the authorized agent understands that it may be subject to charge-back fees in accordance with 30 TAC § 285.10 (d) (5) and §285.14 after the date that delegation has been relinquished.

SECTION 17. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its date of approval as required by law and upon the approval of the TCEQ.

SECTION 8: PORTABLE TOILET

Anyone beginning construction or remodeling is to have a portable toilet. This section may be exempted at the Building Inspectors discretion.

SECTION 9: BAYVIEW IRRIGATION DISTRICT #11:

Bayview Irrigation District #11 permission shall be obtained prior to locating any structure water lines, septic tank systems, and driveways near or over the water district's present irrigation lines, easements, pump houses or access roads.

SECTION 10: CONSTRUCTION EQUIPMENT:

Construction equipment and/or portable buildings being used in connection with construction located within the Town for which a building permit has been issued, is valid and a Certificate of Occupancy not yet issued, is deemed not to be in violation of this article.

SECTION 11: INDEPENDENT ELECTRICAL INSTALLATIONS:

- a) Independent electrical installations (i.e., power poles and connections boxes) for standalone security lights, electric gate controls, portable equipment, and other uses consistent with land uses allowed under these regulations shall be subject to the same permitting, codes, and standards as electrical installations for structure and exterior lighting.
- b) The independent electrical installation must be performed by a licensed and bonded electrician.
- c) The location, installation plans, and equipment list must be approved by the Town of Bayview Building Inspector before permits are issued and installation is begun.
- d) Power poles, connection boxes, and related materials shall be of no less quality than National and local code standards for exterior use. Electrical connections to standalone power poles and connection boxes for fixed lighting structures shall also be in accordance with all applicable codes and standards. Light standards and other installations intended to support electrical equipment such as lights, gate controllers, and other equipment shall be in accordance with all applicable codes and standards. Connection boxes shall be lockable and shall be locked except when in use for portable equipment connections. Power poles and connection boxes shall not be in the Right of Way but located inside the property line and in compliance with any setback regulations.
- e) All outdoor lighting will adhere to Bayview outdoor lighting standards:
 - 1. Provide adequate light for safety and security;
 - 2. Promote efficient and cost-effective lighting and conserve energy;
 - 3. Reduce light pollution, light trespass, glare, and offensive light sources;
 - 4. Provide an environmentally sensitive nighttime environment that includes the ability to view the stars against a dark sky so that people can see the Milky Way Galaxy from residential and other viewing areas.
- f) Permitting of an independent power installation does not constitute authorization of or for any construction, structure, or equipment that might be served by the power installation which may require its own applicable permit or bond.

SECTION 12: PUBLIC RIGHT OF WAY MAINTENANCE:

- a) All improvements, alterations, or repairs (excluding vegetation not impeding drainage) within the right-of-way must comply with Texas Department of Transportation Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges.
<https://www.txdot.gov/business/resources/txdot-specifications.html>
- b) All dead trees on any public right-of-way within the Town of Bayview, Texas, shall be removed at the expense of the landowner.
- c) Any tree which constitutes a traffic hazard within the Town of Bayview, Texas, wherever located, shall be removed, and any tree that overhangs any portion of any roadway shall, at the expense of the landowner, be pruned to not overhang any portion of the roadway.

- d) There shall be no brush, palm fronds, or debris piles located on any right-of-way, except for brush and debris piles that are waiting for pickup by a commercial brush hauler. These piles of brush, and/or debris shall not be left on the right-of-way over one week unless the responsible party subscribes to a commercial trash/brush service. Persons who subscribe to a commercial trash/brush service shall not leave brush on the right-of-way longer than one pick up cycle.
- e) Household garbage shall only be kept in commercial waste removal containers and placed on the right-of-way awaiting removal by commercial waste haulers. These containers shall remain on the right-of-way for a period not to exceed twenty-four (24) hours.
- f) All right-of-way in the Town of Bayview will be mowed and maintained by the property owner. Grass and/or weeds shall not be allowed to remain over eighteen (18) inches high.
- g) Any property owner in violation of any portion of this ordinance can be, by determination of the Bayview Building and Standards Commission, subject to a fine in any sum not to exceed one thousand dollars (\$1,000.00) per day, per violation, and each day that such violation continues shall be construed as a separate offense.

SECTION 13: RESIDENTIAL WIND ENERGY CONVERSION SYSTEM:
(Residential Windmills)

A. Purpose: The purpose of this ordinance is to facilitate the safe site installation and construction of small Wind Energy Conversion Systems (WECS) within the Town of Bayview. These restrictions will help preserve the health and safety of the public and ensure compatibility with surrounding land use.

B. Applicability: These requirements apply to the Town of Bayview where all Wind Energy Conversion Systems (WECS) used to generate electricity or perform work that may be connected to a utility grid, serve as an independent source of energy or serve as a hybrid system.

1. *Continuous Non-Operation:* Any pre-existing WECS that is not operational for a continuous period of 6 months must meet the requirements of this ordinance prior to recommencing production of energy.
2. *Accessory Use:* Energy generated by WECS must be used onsite and any additional energy produced above the total onsite demand can only be sold to an electrical utility that normally provides electrical power to the property.
3. *Wind Energy Farms:* The leasing of land or establishment of Industrial Wind Turbines on land for the commercial sale of wind energy is prohibited within the limits of Town of Bayview.
4. *Permitting:* All WECS will require a) a building permit and b) an electrical permit if applicable prior to construction consistent with this and all Bayview ordinances, the more restrictive language being applicable.

C. Requirements for all Residential Wind Energy Conversions Systems (WECS):

1. *Approval and Certification:* All WECS must be approved under an Emerging Technology program such as the California Energy Commission (IEC) or any other small and medium

wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy.

2. *Site Plan*: Applicants are required to obtain site plan approval from the Town of Bayview's Board of Aldermen (BOA) before a building permit may be issued for the construction or operation of any WECS. Two (2) copies of the site plan are required.

The site plan must include the following information:

- a. Legal description, including lot and block, metes and bounds, and address of the project site.
 - b. Adjacent land use and zoning designations.
 - c. Locations of all easements, rights-of-way, setback lines, existing buildings, fences and overhead utility lines on the property.
 - d. The exact location and orientation of the proposed WECS within the site and the direction of the prevailing winds.
 - e. Evidence of a safe "Fall Zone" of at least one and one half (1 1/2) times the height of the system including the blade.
3. *System Design Drawings*: Applicants must have signed and sealed drawings of the structure from a Texas Licensed Structural Engineer to certify that the structure to be erected will be able to withstand the wind speed/load of Wind Zone Inland 1 (120 mph, 3 second gusts) and the corrosive coastal environmental conditions. The quality of construction and the materials used for the construction of any windmill shall be built to the standards of Texas Department of Insurance Wind Zone Inland 1 or better.

The engineering report for the WECS must also show:

- a. Engineering design specifications including 1) the tower and supporting structure 2) detailed specifications for the foundation/footings to be used and 3) the unit's electrical components.
 - b. Drawings that indicate the total finished height from the grade level prior to any modifications including any engineered break points along the tower.
 - c. Wind survival speed of the entire unit and supporting structure, including turbine, rotor blades, covers, and other components.
 - d. Copy of the manufacturer's installation instructions.
 - e. List or depiction of all safety measures that will be on the unit including anti-climbing devices, grounding devices and lightning protection.
 - f. Data pertaining to the tower or supporting structure's safety and stability including any safety results from test facilities.
 - g. A copy of the manufacturer's scheduled maintenance requirements for the proposed unit.
 - h. A decommissioning plan that outlines how the unit will be decommissioned.
4. *Height/Safe Fall Zone*: The maximum height for all WECS may not exceed the manufacturer's height recommendations for the unit and shall not in any case exceed 100 feet in height. The height of a WECS shall be determined by its ability to establish a Safe Fall Zone.

A Safe Fall Zone must be at least 1.5 times the height of the WECS at the highest point of the blade around the tower in all directions. The entire Safe Fall Zone must be located on the same property as the tower and shall be clear of any public rights-of-way, neighboring property lines or inhabited structures. If a Safe Fall Zone cannot be established as listed, the windmill will not be permitted.

5. *Controls and Brakes:* All WECS must have automatic and manual braking systems that engage at the maximum wind speeds allowable as designated for the type of wind energy unit installed in order to prevent uncontrolled rotation and excessive pressure on the tower structure, rotor blades, turbine components or supporting mounting structures.
6. *Maintenance:* A maintenance plan as suggested by the manufacturer shall be provided to the Town of Bayview Building Inspector who will conduct a yearly inspection of the windmill at the property owner's expense (the fee to be determined by the Board of Aldermen). All WECS must be maintained in good working order. The property owner must maintain the unit to manufacturer's standards. All periodic maintenance must be performed as per the manufacturer's instructions.
7. *Appearance and Aesthetics:* All WECS must maintain a non-reflective finish.
8. *Signs:* Advertising or identification of any kind on the WECS is prohibited.
9. *Wiring and Electrical Apparatuses:* All electrical wires associated with the WECS must be located on or within the tower or supporting structure in a manner that minimizes their visibility and must be installed in compliance with all applicable electrical codes. All transmission wires must be installed underground and comply with the Town's ordinance and any applicable electrical codes.
10. *Lighting:* WECS may not be artificially lighted unless requested or required by the Federal Aviation Administration (FAA).
11. *Restrictive Covenants and Easements:* WECS may not be located in violation of any restrictive covenants and private restrictions on the properties where they are located.
12. *Decommissioning plan:* If the WECS is not operational for at least a continuous period of six (6) months due to mechanical difficulties or abandonment, the property owner shall provide the Town of Bayview a timetable for corrective action or removal (decommissioning) of the WECS. The property owner, at their sole expense, shall complete the decommissioning of the WECS within thirty (30) days from the time it is determined that the WECS has been abandoned or has met the end of its useful life. The WECS is presumed to be at the end of its useful life if it has not been operational for a continuous period of twelve (12) months. Decommissioning must include the removal of the entire WECS, and any other associated facilities from the premises and to a place of safe and legal disposal.
13. *Certification:*
 - a. Routine Inspection Report- An inspection report prepared by the WECS supplier/manufacturer will be required at the time of installation and every 3 years thereafter. The inspection report required at the time of installation will be for the structure and the electrical components and will be given to the Town of Bayview Building Inspector.

- b. National and State Standards- The applicant shall show that the WECS meets all applicable manufacturers, State of Texas and U.S. standards for the construction, operation and maintenance of the proposed WECS. All WECS must be built, operated and maintained to the applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI). The applicant for a WECS permit shall furnish evidence, over the signatures of professional Structural and Electrical Engineers licensed to practice in the State of Texas, that the WECS is in compliance with these standards.
 - c. Lightning Strike/Grounding- The applicant shall show that the WECS meets all applicable manufacturers, State of Texas and U.S. standards for the construction, operation and maintenance of the proposed WECS.
 - d. Wind Speed/Wind Load- All WECS and the associated components, including, but not limited to the tower, generator, rotor blades or other components and covers, must be constructed of materials and be installed to meet or exceed the minimum wind resistant construction standards of the Texas Department of Insurance Wind Load Factors for the Town of Bayview's geographical location (Inland 1). Certification must be provided by a State of Texas Licensed Structural Engineer or the manufacturer that the tower design is sufficient to withstand wind-load requirements for structures in the Wind Zone Inland 1 as determined by the Texas Department of Insurance
14. *Prohibitions and Nuisance Abatement:*
- a. Prohibited Models- Guyed towers, experimental, homebuilt or prototype models are prohibited in all zoning districts.
 - b. Interference- The manufacturer or wind energy representative must take into consideration the proposed location of the WECS and certify that the site of the WECS will not interfere with any of the following:
 - i. Existing microwave communications links.
 - ii. Existing fixed broadcast, retransmission or reception antennas (including residential reception antennas) for radio, television, wireless, phone or other personal communication systems.
 - iii. Military, civil navigational or defense radar signals.
 - c. Mitigation- Operation of the WECS must be discontinued if such interference occurs after the construction, until such time as the interference is mitigated or eliminated. If the interference cannot be mitigated or eliminated, then the WECS must be decommissioned.
 - d. Security Ground Clearance- The bottom of a freestanding tower or mounting structure measured from ground level to 15 feet above ground level, must be designed in a manner to discourage unauthorized climbing. All access doors to the WECS and electrical equipment must be lockable.
 - e. Safety- The proposed WECS must be designed and operated to protect public safety by measures that includes the proposed WECS being designed, constructed and operated so that the public cannot come within close proximity to the blades or electrical equipment.
 - i. Any WECS found to be unsafe by the Town of Bayview's Building Inspector must be shut down and repaired by the owner within 30 days of the Building Inspector's notice to meet Federal, State, Local and manufacturer safety standards.

- ii. The Owner must provide the Town with a safety plan indicating what safety precautions the applicant proposes to utilize in a storm event greater than Category I (74 mph winds).
- f. Noise: The WECS shall be designed to eliminate any nuisance to surrounding properties and to limit any noise from the WECS from being heard beyond the property where the WECS is located. The sound levels emitted by WECS at all the neighboring property lines may not exceed the sound levels or be in violation of any of the standards established under the Town of Bayview's "Noise" Ordinance.
- g. Sound level complaints- All noise nuisance complaints will be processed by the Board of Aldermen in accordance with the standards and requirements of the Town's "Noise" ordinance and may require the owner of the WECS to cease operation of the unit until the complaint has been resolved and the unit has been brought into compliance.
- h. Other properties: The WECS may not adversely affect any use of adjoining and adjacent properties.

SECTION 14: PERIMETER FENCE MAINTENANCE

Fence Maintenance (only applies to that portion of the fence along a public road)

1. Fences shall be adequately maintained by the owner(s) or person(s) in charge of the property.
2. Fences or portions of a fence shall not be more than (15°) degrees off vertical alignment.
3. All missing portions of a fence shall be replaced or repaired with like or similar materials to the remaining portion of such Fence.
4. Masonry fences and masonry fence columns that require complete or partial replacement, damaged or are in need of repair shall be replaced, repaired, or reconstructed with the same or similar masonry materials and same or similar color of masonry materials provided the materials are still available.
5. Fences shall not have murals, graffiti, tags, advertising, or signs in violation of town ordinance.
6. Weeds and grass taller than 18" may not grow into or on any part of the fence.

Article III

“A” SINGLE FAMILY DWELLING DISTRICT REGULATIONS

SECTION 1: USE:

Buildings or land, in any portion of the Town, may be used for any of the uses listed under this classification, but in an "A" District, no building or land shall be used, and no building or structure shall be erected, enlarged, or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

1. Single-family dwelling and guest house.
2. Only one single-family dwelling and one other living quarter which shall be constructed as follows and not otherwise per platted lot.

SECTION 2: USE REGULATIONS:

- a) Lot size: The minimum area of the lot shall be 65,000 square feet, including any alley influence, save and except lots properly subdivided in accordance with Texas Law and the Town's Ordinance or as may otherwise be formally approved by the Town from time to time in its sole discretion.
- b) Building size: Building size shall have a floor area of not less than 2,000 square feet, not including garage, porches, and patios.
- c) Building Height: 45 feet from the surface of the closed concrete foundation to the highest point of the building.
- d) Side yards: No building used as living quarter(s) shall have walls, including porches or additions thereto, closer than twenty-five (25) feet to the property line or sixty (60) feet to a resaca, street, road, or highway right-of-way. Ancillary buildings may be located no closer than sixteen (16) feet to the resaca, five (5) feet from the property line, and sixty (60) feet from the street. Pump houses, piers and docks may be located closer than sixteen (16) feet to the resaca.
- e) Allowed use is also for farm, truck garden (a farm where vegetables are grown for market), orchard, green houses, or nursery for the growing of plants, shrubs, farm crops or trees, provided no wholesale business and associated sales offices, packing or storage sheds or buildings are maintained on the premises.

SECTION 3: INCIDENTAL USES:

- 1) Uses, customarily incident to any of the above uses, when situated in the same dwelling, including customary home occupations when engaged in by the occupants of the dwellings. Operation of a business will be allowed if said business is not a retail location at which on-site sales or services are provided to the public. Operation of said business will be further limited to providing a location for an office and for storage of business-related materials, the extent of which must comply with current residential ordinances. Businesses shall register with the Town and pay an annual fee of \$10.00 due October 1, or whenever said business is established. Business will also be required to register with the State of Texas and will collect sales and use tax on all items sold pursuant to state statutes. No incidental use shall ever be permitted as principal use. Seasonal sale of consumable orchard products grown on the homeowner's property shall not constitute a retail location.
- 2) Penalty: Any person, firm, or corporation or agent who shall violate any provision of this ordinance, or shall fail to comply, or with any of the provisions, or violate a detail statement or plan submitted and approved, shall be guilty of a separate offense for each and every day, or portion thereof, during which, any violation of any of the provisions of this ordinance is committed or continued, and upon finding by the Building and Standards Commission of the Town of Bayview, Texas, for any such violation, such person shall be punished by a fine not to exceed \$200.00 per occurrence.

SECTION 4: SIGNS:

(A) 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 sign shall exceed 16 square feet in area, nor be placed within ten feet of the adjoining property line.
 - b) Only one unilluminated combination building contractors, architects, and subcontractors sign 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.
 - c) Only unilluminated political signs may be erected. No sign shall exceed nine square feet in area, nor be placed within ten feet of the adjoining property line.
 - d) Only unilluminated yard, sale, lost and found, or seasonal signs (i.e. selling of citrus fruit) may be erected. No sign shall exceed 16 square feet in area, nor be placed within ten feet of the adjoining property line.

- e) Standalone signs shall not exceed a maximum of 8 feet total height above ground level at the installation site.
- f) Property owner permission must be obtained before any of the above listed signs are erected.

2) Permanent signs:

- a.) Outdoor sign. Only one sign having a total area of no more than 16 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 may be erected. No more than one sign may face any one street. Signs shall not interfere with traffic visibility and not constitute a traffic hazard. The owner must maintain the sign(s) in good condition.
- b.) Window display. Only one window display or sign having a total area of no more than four square feet is permitted.
- c.) First Responders Facilities. No sign may be larger than 16 square feet.
- d.) Sign Height. Standalone signs shall not exceed a maximum of 8 feet total height above ground level at the installation site.

(B) Sign Construction Standards

Signs and sign structures shall be securely built. Materials used in construction for signs should be designed to be of good architectural character.

(C) Sign Maintenance

No person shall fail to, at any time, maintain in good structural condition a sign on such person's premises. All signs, including all metal parts and supports that are not galvanized or of rust-resistant metals, shall be kept neatly painted. The town is authorized to inspect and may order the painting, repair, alteration, or removal of a sign that is not in compliance with this ordinance.

Article IV

“B” AGRICULTURE DISTRICT REGULATIONS

- a) Buildings or land, in any portion of the Town except in an "A" District, may be used for any of the following uses, but in a "B" District no building or land shall be used, and no building or structure shall be hereinafter erected, enlarged, or structurally altered which is arranged or designed to be used for other than one or more of the following uses:
 - 1. Any use permitted in an "A" District.
 - 2. Farm employees housing.
 - 3. Farm machinery sheds and repair garages (including farm storage buildings, barns, and fuel storage facilities).

- b) Lot Size: The minimum size of lots shall be 65,000 square feet. The minimum square footage of floor area shall be 600 for agricultural structure, 1,200 for farm employees housing, and 2,000 for the main dwelling.

- c) Setbacks: There shall be a setback line of forty (40) feet from any property line for the main structure and (60) feet from any resaca, street, road or highway right of way. Other structures may have a setback of fifteen (15) feet from the front and rear of the property line.

Article V

“C” DWELLING AND LOCAL RETAIL AND BUSINESS DISTRICT

The purpose and intent of the "C" district is general business and manufacturing activities which provide basic and necessary goods and services for the community and its visitors.

A complete site plan showing the major details of the development, must be submitted to the Town of Bayview prior to issuing a building permit including, without limitation: location of buildings and structures, useable open space, off-street loading areas, service and refuse areas, means of ingress and egress, landscaping, screening, site elevation, flood planning and existing and proposed signs.

SECTION 1: ALLOWED USES

All buildings, structures, or premises shall only be used, erected, altered, or enlarged which are intended or designated to be used in whole or in part for one or more of the following uses or any other use approved for this zone by the Bayview Board of Alderpersons:

General Office Uses – legal; general business; consultants; engineers; architects; title companies; art studios.

Retail Stores - antiques; arts and crafts; art galleries; photography studio; books and curios; florist; pet shop; apparel; accessories; alterations; convenience store.

Food & Beverage Service Providers - grocers; restaurants; cafes; bakeries; caterers.

Personal Services – barber and beauty shops; nail grooming services; health club, spa services. physical fitness.

Repair Services – watch, clock, jewelry, and electronics; household appliance and small electrical items.

Meeting Location Facilities - – art, dance, and music schools; community center.

Miscellaneous - fruit and vegetable shop; garden shop; plant nursery; green houses.

Any use permitted in an “A” district.

SECTION 2: BUILDING HEIGHT

Building Height: 45 feet from the surface of the closed concrete foundation to the highest point of the building.

SECTION 3: PARKING REQUIREMENTS

(a) General Requirements for Parking and Loading:

All site plans submitted for a building permit shall include a parking plan that shall become part of the building permit. The parking plan shall include specific parking requirements for the business size.

Area/property used for parking, landscaping, or loading shall be maintained by the property owner in good condition without holes and free of trash and other debris.

Each parking and loading space shall have adequate drives, aisles, and turning and maneuvering areas for access and usability, and shall at all times have access to a public street or alley. All maneuvering shall be designed whereby it can be accomplished solely on private property. Exceptions to this standard are permitted for residential uses.

All required parking shall be on-site. No off-site parking is allowed.

(b) Parking Space Dimension:

A parking space shall have minimum rectangular dimensions as follows:

90 Degree Angle Parking. Nine (9) feet in width and nineteen (19) feet in length. Maneuvering space shall not be less than twenty-four (24) feet.

60 Degree Angle Parking. Nine (9) feet in width and eighteen (18) feet in length perpendicular to the building or parking line. Maneuvering space shall not be less than sixteen (16) feet.

45 Degree Angle Parking. Nine (9) feet in width and seventeen (17) feet in length perpendicular to the building or parking line. Maneuvering space shall not be less than thirteen (13) feet.

Parallel Parking. Nine (9) feet in wide and twenty-three (23) feet in length. The twenty-three (23) feet may include certain no parking "maneuvering" spaces at the ends of the striped parking space. An additional twelve (12) feet of maneuvering space shall be provided for one-way parking lanes; twenty-four (24) feet for two-way parking lanes.

Access. Each parking space shall have access to a public street or private drive and not be blocked by other parking spaces. The Board may allow certain variations of this rule in specific situations.

Parking shall meet Texas Accessibility Standards, American Disability Standards and shall meet standard engineering practices.

Parking spaces shall be clearly marked by paint, buttons, or other approved markers.

(c) Loading Space Requirements.

No loading or unloading of shipments or deliveries shall be made in such a manner as to block the travel lanes on any public street.

(d) Paving and Drainage.

All parking lots shall be surfaced with concrete, hot mix asphalt, brick, stone, or other similar hard surfaced material, and the same material shall be used on repairs.

All parking and loading areas shall provide for proper drainage of surface water to prevent ponding and the drainage of such water onto adjacent properties or walkways in excess of the drainage existing prior to construction. The owner may however, cooperate with adjacent owners in order to create certain drainage facilities to carry the excess drainage.

Construction and/or performance standards shall be approved by the Board of Alderpersons.

SECTION 4: STREET FACING

Main buildings shall be erected to face the street(s).

Corner lots shall have egresses to all streets.

SECTION 5: LOT SIZE and SETBACKS

1. The minimum size of lots shall be 43,000 square feet. Minimum square foot of floor area shall be 600 for commercial structure and 1,200 for dwellings. There shall be a setback line of forty (40) feet from any property line for the main structure and (60) feet from any resaca, street, road or highway right of way. Other structures may have a setback of fifteen (15) feet from the front and rear of the property line.

SECTION 6: LANDSCAPING

Each lot will provide a strip 8 foot in depth, from the road, of low-level landscape with a drip-irrigated or sprinkler system to insure beauty and greenery. This strip can include native plants, grass and shrubs. No vegetation can be planted that will block businesses or the view of traffic.

Landscaping around free-standing signs must be protected from damage by a wall or low barrier such as a curb. All plants must be maintained in a healthy condition. Drip-irrigation or sprinkler system is required except for native plants not requiring periodic watering.

SECTION 7: INTERIOR PARKING LOT LANDSCAPING

Interior parking lot landscaping required by this Subsection shall meet the following standards:

Lots with Fewer than Fifteen Spaces: No interior parking lot landscaping is required for parking lots with fifteen or fewer spaces.

Lots with Fifteen or more Spaces: At least five percent of the parking lot area with 15 or more parking spaces shall be landscaped as described above.

SECTION 8: SCREENING PARKING LOTS AT PROPERTY EDGES

A parking lot screen, to improve visual appearance, shall be provided for parking areas at property lines that are adjacent to residential use. The design shall be included when applying for the building permit.

- (a) Landscaping, fences, walls, buildings or combinations of these can be used to screen views.
- (b) Screen planting and/or structures must provide adequate visual screening to adjacent residence(s) at a minimum of 6'0" in height when measured from residence(s) property.
- (c) Landscape planting at grade should maintain a minimum of 3'0" planting width to provide adequate room for effective plant growth. Planter widths that are less than 3'0" provide inadequate screening and they should only be used in combination with a wall, fence, raised planters or screen structure.
- (d) Parking lot screening that is only provided by landscape planting shall be of a material capable of height and density to provide a positive visual barrier within two (2) years of the time of planting. Species, installation sizes and irrigation systems will be evaluated for compliance with this requirement prior to approving the building permit.
- (e) All required plants shall be maintained in a healthy pest-free condition. Dead or severely damaged plants shall be replaced within 2 months.
- (f) Parking lot screen structures shall be visually appealing. They should be compatible in design, quality, color and materials of the project buildings to promote unified design.
- (g) In locations where significant views of parking lots are unavoidable due to driveway entry widths, topography, or building orientation, visually appealing pavement and interior landscape treatments are required. Pavement color, texture and material changes and canopy trees provide visual interest and visually break up large expanses of pavement.

SECTION 9: OUTDOOR LIGHTING

The purposes of the outdoor lighting standards are to:

- (a) Provide adequate light for safety and security;
- (b) Promote efficient and cost-effective lighting and to conserve energy;
- (c) Reduce light pollution, light trespass, glare, and offensive light sources;
- (d) Provide an environmentally sensitive nighttime environment that includes the ability to view the stars against a dark sky so that people can see the Milky Way Galaxy from residential and other appropriate viewing areas;
- (e) Prevent inappropriate, poorly designed or installed outdoor lighting;
- (f) Encourage quality lighting design; light fixture shielding, establish maximum uniformity ratios and establish maximum light levels within and on property lines.

SECTION 10: ARCHITECTURAL LIGHTING OF BUILDING FACADES

The lighting of a building facade for architectural, aesthetic, or decorative purposes is permitted subject to the following restrictions:

Fully shielded fixtures are required for all uses when a lamp is used rated at more than 1,300 lumens initial output. These fixtures reduce light projecting above the horizontal plane into the night sky and onto neighboring property. This requirement also reduces glare commonly associated with fixtures that are not fully shielded.

All upward aimed light shall be fully shielded, fully confined from projecting into the sky by eaves, roofs or overhangs, and mounted as flush to a wall as possible.

SECTION 11: FENCES AND WALLS

The purpose of this section is to regulate the installation of fences, hedges, and walls to provide safety and security as well as visual barriers, while minimizing the impacts that result from fence location and height. A fence, hedge, or wall, which includes retaining walls, columns, posts, piers, or similar structures, or any combination of such structures, is permitted if it meets the approval of the Board of Alderpersons.

SECTION 12: SIGNS

(A) 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 sign 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.
 - (b) Only one unilluminated combination building contractors, architects, and subcontractors sign 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.
 - (c) Only unilluminated political signs may be erected. No sign shall exceed nine 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.
 - (d) Only unilluminated seasonal signs (i.e. selling of citrus fruit) may be erected. No sign 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.
 - (e) Sign Height. Standalone signs shall not exceed a maximum of 8 feet total height above ground level at the installation site.

- (f) Property owner permission must be obtained before any of the above listed signs are erected.
- (2) Permanent signs. The council may 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 16 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 may be erected. No more than one sign may face any one street. Signs shall 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. Sign verbiage, design and color scheme are subject to approval by the Board of Alderpersons.
 - (b) Window display. Only one window display or sign having a total area of no more than four square feet is permitted in a building. Sign verbiage, design and color scheme are subject to approval by the Board of Alderpersons.
 - (c) First Responders Facilities. No sign may be larger than 16 square feet.
 - (d) Sign Height. Standalone signs shall not exceed a maximum of 8 feet in total height above ground level at the installation site.

Nothing in Section 12 (A) shall be construed to apply to traffic or governmental signs.

(B) Sign Construction Standards

- 1) Signs and sign structures shall be securely built, constructed, and erected in conformity with the requirements of this Section.
- 2) Materials used in construction for signs should be designed to be of good architectural character relating to the building features and /or the natural terrain features.
- 3) Non-structural elements of a sign may be of wood, metal, approved plastic, or any combination thereof, except for wall signs, projecting signs, and awnings, which shall be constructed of incombustible material.
- 4) Structural portions of all signs shall be of heavy timber or incombustible material except for construction signs, window signs, and signs located inside buildings. Furthermore, structural components of wall signs, projecting signs, and awning signs shall be constructed of incombustible material.
- 5) No anchor or support of any sign, except flat wall signs, shall be connected to or supported by an unbraced parapet wall.
- 6) Signs intended for temporary placement of less than six months and which have no electrical or other special features:

(a) If less than 6 square feet per face and under four feet in height, may be constructed of any sturdy material and shall be anchored securely to the ground or a building, fence, or other structure and may be supported by any suitable support which will withstand the wind loading.

(b) Freestanding sign more than 6 square feet in area or four feet or more in height shall have at least two supports sunken at least two feet into the ground.

(c) Construction warning signs placed over concrete or asphalt or other materials into which posts may not conveniently be driven may instead be held in place by weights sufficient to withstand the wind.

(C) Electric Signs

(a) Signs attached to masonry, concrete, or steel shall be safely and securely fastened by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied.

(b) No electric sign shall be erected or maintained that does not comply with the town electrical code.

(c) No sign may flash, blink or contain lights that appear to have movement.

(D) Sign Maintenance

No person shall fail to, at any time, maintain in good structural condition a sign on such person's premises. All signs, including all metal parts and supports that are not galvanized or of rust-resistant metals, shall be kept neatly painted. The town is authorized to inspect and may order the painting, repair, alteration, or removal of a sign that is not in compliance with this ordinance.

SECTION 13: SIDE YARD REQUIREMENTS:

Side Yards: where a building is erected, enlarged or structurally altered for dwelling purposes or as an accessory building or for any other of the uses allowed within this district, there shall be two side yards, one on each side of the building, having a combined width of not less than twenty percent (20%) of the width of the lot, provided that in no case shall either side yard be less than five (5) feet, and provided further that the combined widths of the two side yards need not exceed twelve (12) feet.

Article VI
“D” NEWLY ANNEXED TERRITORY

- a) All territory annexed to the Town of Bayview, Texas, hereinafter shall be classified as "A", Single-Family Dwelling District, until permanently zoned. The Town Planning and Zoning Commission shall, as soon as practical, after annexation of any territory to the Town of Bayview, institute proceedings to give the newly annexed territory a permanent zoning. The procedure to be followed shall be the same as is provided by law for the adoption of original zoning regulations.

Article VII

NON-CONFORMING USES

- a) Any use of property existing at the time of the passage of this ordinance that does not conform to the regulations prescribed in the preceding sections of this ordinance shall be deemed a non-conforming use. Any lawful use existing within a building at the time of the passage of the ordinance, in any business or commercial district shall be deemed a conforming use upon the lot devoted to such use at the time of the passage of this ordinance.
- b) The lawful use of land existing at the time of the passage of this ordinance, although such does not conform to the provisions, may be continued, but if such non-conforming use is discontinued, any future use of premises shall be in conformity with the provisions of this ordinance. If a building occupied by a non-conforming use becomes obsolete or is destroyed by fire or the elements, it may not be reconstructed, rebuilt, or extended except to conform with the provisions of this ordinance.
- c) A non-conforming use shall not be extended, but the lawful use of the building at the time of the passage of this ordinance may be continued, although such does not conform to the provisions hereof, and such use may be extended throughout the building provided no structural alteration, except those required by law or ordinance are made. If no structural alterations are made, a non-conforming use of the building may be changed to another non-conforming use of the same or more restricted classification; provided, however, that in the event a non-conforming use of a building is once changed to a non-conforming use of a higher or more restricted classification, it shall not later revert to the former or less restricted classification.
- d) The right of non-conforming use to continue shall be subject to such regulations as to maintenance of the premises and conditions of operation as may in the judgment of the Board of Adjustments be reasonably required for the protection of adjacent property.
- e) Nothing in this Ordinance shall be taken to prevent restoration of a building destroyed to the extent of not more than fifty-one (51%) percent of its reasonable value by fire, explosion or other casualty, or act of God, or a public enemy, nor the continued occupancy or use of such building, or part thereof, which existed at the time of such partial destruction.

Article VIII SUBDIVISIONS

- a) Pursuant to the laws of the State of Texas, all subdivisions created within the Town of Bayview and within the extraterritorial jurisdiction of the Town of Bayview shall be approved by the Board of Aldermen. The subdivisions shall conform to the minimum square footage requirements within the Town of Bayview.
- b) Each subdivision shall contain paved roads, which roads shall be equal to the specifications required by Cameron County for roads in subdivisions presently created beyond the corporate limits and extraterritorial jurisdiction of the cities within the county. All subdivisions shall provide underground utilities, gutters, and sidewalks.
- c) All subdivisions shall comply with the Town of Bayview Flood Ordinances.

Article IX TOWN RESTRICTIONS

The following are restrictions:

- a) No structure or fenced enclosure shall be permitted which may be a nuisance to other property owners.
- b) Equine, bovine, Bovidae and poultry may be kept if they are provided housed consistent with the Town of Bayview ordinances. Pigs are not permitted except for domestic pet pigs or pigs kept by school age children for educational purposes, not to exceed 3 pigs.
- c) The staking or grazing of livestock along public roads within the town limits is forbidden.
- d) Lug, disc, or track machinery or equipment shall not be used or moved on improved roads without proper safeguards to protect the road surface. Damage to improved roads caused by such vehicles will be repaired at the expense of the owner of the vehicle, machinery, or equipment.
- e) The discharge of a firearm is strictly prohibited in the Town of Bayview with the following exceptions:
 1. Lawfully defending life or property or performing official duties requiring the discharge of a firearm.
 2. Firing a small-arms shot shell, provided you are more than 100 feet from other property owner's residence.
- f) Anything unsightly, noxious, offensive, or a nuisance due to the emission of odor, filth, soot, dust, gas or chemical fumes, noise, vibrations is prohibited.
- g) Owners and occupants of property are prohibited from allowing holes, places, receptacles, or containers where water may accumulate and become stagnant. Rain barrels are not prohibited.
- h) It shall be unlawful for any person who shall own or occupy any house, structure, building, establishment, lot, or yard in the Town to permit or allow any rubbish, weeds, grass, carrion, filth or any other impure or unwholesome matter liable to produce disease to accumulate or remain. After written notice of violation, the fee for removal will be \$50.00 per man hour or any ancillary costs.
- i) No person who owns or occupies any structure or property in the Town shall permit or allow trash or rubbish dumpsters or containers of any kind to be placed on the right of way for pickup, except within 24 hours of collection by commercial disposal contractors.
- j) No stripped down, wrecked, junked or wholly inoperable vehicle shall be kept, parked, stored, or maintained on any portion of the lot readily visible to the street or another lot.
- k) No clothesline shall be maintained or used that is visible from the street.
- l) Greenhouse will not utilize such coverings that would be a hazard during windstorm events, such as glass or polycarbonate. Greenhouses will be kept in a serviceable condition. The outer covering material will be kept intact in a manner that meets the original design objective.

ARTICLE X PERMITS

Section 1: Purpose

The Town of Bayview (the Town) issues permits to those areas in the Town and the Town's ETJ allowed by state law to promote safety, quality of construction and appearance consistent with the Town's natural beauty.

Section 2: Policies

No work, that requires a permit, may begin without a permit issued by the Town of Bayview Building Inspector.

New buildings and new construction projects as well as some updates, remodels and repairs require building permits and must conform to the Town's inspection process. If the Building Inspector is unable to determine if a permit is required based on Building Codes or the Town's Ordinances, the Building Inspector will inform the Board and ensure that the item is included in the monthly Building Inspector's report to the Board. The Board will make the final determination.

In the event any of the Town Ordinances and/or codes conflict, the more stringent restriction or requirement shall prevail. Notwithstanding applicable setback requirements of this ordinance and Article X, Section 3, C, 2d, the 2012 International Residential Code chapter 1 section R105.2 will supersede the Town of Bayview Zoning Ordinance. In addition, the 2018 International Residential Code 313.2 (One and two family dwellings automatic fire sprinkler systems) is exempt.

Section 3: Requirements for Permits

Contact the Town Office to obtain building permit forms or for specific instructions for obtaining permits before any work begins. If any building construction project requiring a permit is started before a permit is issued, the permit fee will be doubled.

A. General Requirements

- 1) Applications for permits should be submitted at least fifteen (15) days prior to the expected start date of the work. No permit shall be granted until the Building Inspector has first approved the valuation, reviewed the plans and project site, signed the permit application, and fees are paid.
- 2) The Building Inspector shall be permitted entrance to any building or site during the construction process until the Certificate of Occupancy is issued.
- 3) All contractors doing work in the Town of Bayview that requires a permit must register with the Town and provide to the Town:
 - a. A registration fee of \$25 that is valid for twelve calendar months from the date of registration. *(A fee paid during the month would be valid until the end of the same month the following year)*

- b. Contractors/Owners Builders must show proof of comprehensive general liability insurance coverage with limits of not less than \$250,000 per occurrence for bodily injury and \$100,000 per occurrence for property damage. A company duly authorized to write insurance in the State of Texas shall issue all insurance.
 - c. General Contractors/Owners Builders must comply with all building codes, standards and ordinances subscribed to by the Town of Bayview and are responsible for sub-contractor's insurance.
 - d. For all work engaging a General Contractor or Owner Builder will be responsible for permits required by Sub-Contractors. Stop work orders will be issued if permits are not obtained. Any fines incurred will be the responsibility of the General Contractor/ Owner Builder. Penalties are outlined in Article XV.
- 4) All work shall conform to the standards specified in the 2018 editions of the International Building Code, the International Plumbing Code, the International Residential Code, the International Fuel Gas Code, the International Mechanical Code and the 2020 edition of National Electric Code. Exceptions to these requirements are outlined in this Article.
 - 5) For the purpose of establishing minimum standards for the construction of windstorm resistant buildings, all new construction shall comply with the windstorm speed standards set forth by the Texas Department of Insurance for the Town's geographical location.
 - 6) New home construction must be completed within eighteen (18) months after the permit issue date. New home construction not completed within eighteen (18) months of the permit issue date must renew the building permit prior to the original permit expiration date. An extension from 3 months up to 1 year, if applied for before the expiration date, may be granted by the Building Inspector with approval of the mayor. If an extension is not granted by the Building Inspector, the permit must be renewed. The fee will be equal to the original permit fee.
 - a. Each three (3) month extension fee will be prorated to reflect one sixth (1/6) the cost of the original permit fee. No work will be allowed until the extension is issued and all fees are paid.
 - 7) All permits, except new home construction, must be completed or the permit renewed within one (1) year. Permits with health and/or safety infractions must be completed or renewed within a thirty (30) day period or as provided by the Board of Aldermen or the Building and Standards Commission.
 - 8) All permits shall expire if construction is not started within one year.
 - 9) Guest houses or any building serving as living quarters shall not be issued a Certificate of Occupancy (COO) without a valid unexpired building permit for a single-family home on the same property. This COO will be revoked in the event said building permit expires without a COO being issued for the single-family home. No one may reside, sleep, or stay overnight in any structure without a valid COO.

- 10) Structures which may be built prior to the building of the main single-family dwelling are: independent electrical installations (i.e. power poles and connection boxes as listed in Article II, Section 11), fences, retaining walls, docks, auxiliary structures such as gazebos, arbors, pergolas, pavilions, pump houses and accessory buildings. All structures must satisfy all permit requirements.
- 11) No permit of any type shall be issued unless all taxes, fines, and fees due and owing the Town of Bayview are current.
- 12) When excavating, or digging, the permit holder must call 811 at least 48 hours in advance (2 business days) so the location of underground utilities can be marked. In addition, Bayview Irrigation District 11 must also be notified, and permission obtained.

B. Building Permit Fee

- a. Building Permit Fee for Residential Dwelling: For construction, renovations, alterations, or additions \$1.00 per square foot of the project for the first 2000 square feet plus \$0.25 per square foot over the 2000 square feet with a minimum fee of \$75. For new construction requiring additional permits, the permits will be issued upon approval without any additional cost.
- b. There is an additional \$150 fee for the Septic Tank Permit for new construction.

Permit Fees for other than residential dwellings will be based on the valuation stated in the contract between the Owner/ builder/contractor or, in the absence of a contract (including owner/builder acting as their own general contractor), the most current International Code Council (ICC) Building Valuation Data. The valuation shall include the total value of work being done including materials and labor for which the permit is being issued such as electrical, gas, mechanical, plumbing, equipment, and permanent systems. The final valuation will be determined by the Building Inspector.

- c. Building Permit Fee: 1% of the total cost of the project with a minimum fee of \$75.
- d. Electrical Permit Fee: \$75.
- e. Plumbing System Permit Fee: \$75.
- f. OSSF/Septic Systems Permit Fee: \$300. Includes validation of perk test data and septic system design.
- g. Probe Letter Fee: \$75.
- h. Plat Review Fee: \$200.
- i. Mechanical Permit Fee: \$75.
- j. Fuel Gas Permit Fee: \$75.

- k. Yard Irrigation Permit Fee: \$75. Applicable when connected to the municipal water supply.

Note: Initial pump installation, drawing water from Resaca, requires appropriate electrical permit. In addition, the permit holder is responsible to notify the Bayview Irrigation District.

- l. Re-inspection or Failure to be Prepared for Inspection Fee: \$75.
- m. Permit Extension Fee (New home construction only): Each three (3) month extension fee will be prorated to reflect on sixth (1/6) the cost of the original permit fee. No work will be allowed until the extension is issued and all fees are paid.
- n. Permit Extension Fee (All Others): Calculated at ½ the fee of the original building permit fee or \$75, whichever is greater.
- o. 18 Month Permit Renewal Fee (New home construction only): 100% of the original permit fee.
- p. 1 year Permit Renewal Fee: 100% of the original permit fee.
- q. Contractor Registration Fee: \$25.
- r. Roof Replacement, Repairs or Additions: Except as specified in C,2a of this part, the permit fee will be \$150.

C. Specific Requirements

The following requirements may or may not be found in the code book(s) required by the Town of Bayview. However, these requirements supersede what is found in the code books.

The Town of Bayview is located in Wind Zone "Inland 1" as designated by the Texas Department of Insurance (TDI). All construction within the city shall comply with the wind design and construction standards promulgated by the TDI for the Inland 1 Zone. New structures built in the Inland 1 zone shall be designed and constructed to resist a 3 second gust basic wind speed of 120 miles per hour (mph).

For structures, which may be site specific and not covered by the codes required by the Town of Bayview (i.e., residential wind turbines, prefabricated structures), the applicant shall provide the Building Inspector with engineered drawings for the specific use. The engineered drawings must be signed and sealed by a State of Texas Licensed Engineer.

When excavating, or digging, the permit holder must call 811 at least 48 hours in advance (2 business days) so the location of underground utilities can be marked. In addition, Bayview Irrigation District 11 must also be notified, and permission obtained.

1. Permits - Permits shall be obtained in accordance with the adopted model codes stated in Article X, Section 3(A)(4), or as amended by the Town of Bayview Code of Ordinances, whichever is more stringent. It is the responsibility of the owner or

agent of the owner to ensure that proper permits have been obtained from the Town of Bayview. In the event of an emergency repair the owner or agent of the owner shall contact the Town of Bayview Office to make application for the permit no later than the end of the next business day, or by contacting the Building Inspector during his scheduled working hours.

2. Permits Required

- a. Roofing: Repairs to existing roof with an accumulated area equal to or greater than 100 square feet.
- b. Retaining Walls: New construction or replacement of over 25% of an existing seawall.
- c. Docks: See Article II Section 5: Docks, Piers, and Boat Houses.
- d. Property Line Fences and Gates: Property line fences, gates or additions not replacing a previously approved fence, gate or addition must have verification by survey to ensure the placement of the fence does not encroach on neighboring properties or the public right of way. Any variation from the previous installation requires a permit application. The building inspector will make a determination if a permit must be issued.

The installation of a new electrical circuit for an electronic gate is subject to a Building Permit for electrical work.

- e. Septic Systems: All new septic systems and repairs to leach fields or tanks.

Note: See Article II Section 7.

3. Permits recommended but not Required

- a. Replacement of water heater with same type.
- b. Replacement of air conditioner component with like type.
- c. Installation of Mini-split air conditioning system that run on 110 volts with regular duplex outlet cord and no ducting and no refrigerant installation required.

D. VALIDITY CLAUSE

Should any part of this Ordinance be held invalid, no other part shall necessarily be affected thereby, and to this end, the provisions of this ordinance are declared to be severable.

E. CONFLICTS

This Ordinance repeals and replaces any previous Article X: Permits Ordinances for the Town of Bayview, Texas.

**Article XI
RESERVED**

Article XII

COMPLETION OF EXISTING BUILDINGS

Nothing herein contained shall require any change in the plans, construction, or designated use of a building actually under construction at the time of the passage of this Ordinance, and which entire building shall be complete within six (6) months from date of the passage of this Ordinance. Nothing herein contained shall require any change in plan, construction, or designated use of a building for which a building permit has been heretofore issued and which entire building shall be complete within six (6) months from the date of the passage of this Ordinance. If the owner of said building fails to complete same within six months allowed, said owner, upon the showing of due diligence in construction, may receive from the Building Inspector a permit allowing completion of said building. If any amendment to this Order is hereafter adopted changing the boundaries of districts, the provisions of this Ordinance with regard to buildings, or premises existing or buildings under construction or building permits issued at the time of the passage of this Ordinance, shall apply to building 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.

Article XIII

CERTIFICATE OF EXISTING BUILDINGS

Section 1:

No building hereafter erected, enlarged or structurally altered shall be used as a living quarter, occupied or changed in use until a certificate of occupancy and compliance shall have been issued by the Building Inspector stating that the building or proposed use of a building or premises complies with the building laws and the provisions of these regulations. The Building Inspector shall be appointed by the mayor and confirmed by the Board of Alderpersons.

Section 2:

Certificates of occupancy and compliance shall be applied for coincident with the application for building permit and shall be issued within ten (10) days after the erection and structural alterations of such building shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Town of Bayview and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

Section 3:

No permit for construction of any building shall be issued before application has been made for a certificate of occupancy and compliance.

ARTICLE XIV BOARD OF ADJUSTMENT

Section 1:

There is hereby created a Board of Adjustment consisting of five (5) permanent members and two alternate members, who shall serve in the absence of one or more regular members. Potential members may be nominated by the mayor or a member of the Town's Board or may volunteer. Regular and alternate members shall be appointed by majority vote to serve for a term of two (2) years. No more than two (2) sitting members of the Board of Alderman may serve simultaneously on the Commission. Regular and alternate members of the Commission shall be sworn in, in the same manner as elected officials and sign an Oath of Office.

Section 2:

The Board is hereby vested with power and authority in appropriate cases and subject to appropriate conditions and safeguards to make such exemptions to the terms of this Ordinance in harmony with its general purpose and intent and in accordance with general and special rules therein contained for the purpose of rendering full justice and equity to the general public.

Section 3:

The Board may adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this Ordinance. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oath 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 of each member upon each question, or, if absent, or failing to vote, indicate such fact 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 a public record.

Section 4:

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the Town affected by any decision of the administrative officer. Such appeal shall be taken within fifteen (15) days' time after the decision has been rendered by the administrative officer, 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. The officer from whom the Appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

Section 5:

An Appeal shall stay all proceedings of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the Notice of Appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed, other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

Section 6:

The Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give public notice thereof, by publication in one issue of a newspaper of general circulation within the county at least one day prior to the hearing of an appeal, as well as due written notice to the parties in interest and decide the same within a reasonable time.

Upon the hearing, any party may appear in person or by attorney or by agent. Any person who takes any appeal to the Board of Adjustment shall be liable for and pay all expenses incurred by the Board of Adjustment in its consideration of the appeal.

Section 7:

The Board of Adjustment shall have the following powers:

- a) 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 the Ordinance.
- b) To hear and decide special exceptions to the terms of the Ordinance upon which the Board is required to pass under this Ordinance.
- c) To authorize upon appeal in special cases, such variances from the terms of the Ordinance as will not be contrary to the enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be preserved, and substantial justice done.

Section 8:

In exercising its powers, the Board, may, in conformity with the provisions of Articles 1011-A and including 1011-J of the 1925 Civil Statutes of Texas, revise or reform, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such 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.

Section 9:

Any appeal before the Board shall be heard by five members and 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 ordinance or to affect any variance in said Ordinance.

Section 10:

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, any taxpayer, any officer, or department of the Municipality may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the Office of the Board and not thereafter.

ARTICLE XV PENALTIES

- a) Any person or corporation who shall violate any of the provisions of this Ordinance or any Amendments thereto, or fails 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 deemed guilty of a misdemeanor and shall be liable to a fine and upon conviction of any such violation, shall be fined in any sum up to TWO HUNDRED DOLLARS (\$200.00) for each offense, and each day that such violation exists shall be considered a separate offense.
- b) The owner or owners of any building or premises or part thereof, where anything in violation of this order shall be placed, or shall exist, any architect, builder, contractor, agent, person, and 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.

ARTICLE XVI CHANGES AND AMENDMENTS

Section 1:

- a) The Board of Alderpersons may from time to time amend, supplement, or change by Ordinance the regulations herein established.
- b) Before taking action on any proposed amendment, supplement or change, the Board of Alderpersons shall submit same to the Planning and Zoning Commission for this recommendation and report.
- c) A public hearing shall be held by the Zoning Commission and Board of Alderpersons before adopting any proposed amendment, supplement or change to this Zoning Ordinance. If the hearings are on the same day, simultaneously, the Zoning Commission must convene first, and then the Board of Alderpersons. If the Town does not have a Zoning Commission, the city council will serve that function too. Notice of the time and place of this hearing must be published in the official newspaper before the 15th day before the date of the hearing. This only must be published one time.
- d) If the hearings are held on two separate dates, the Zoning Commission hearing would be first. That would require an open meeting notice, which is posting the agenda 72 hours in advance like a regular monthly meeting. The Zoning Commission then votes to make the recommended changes in the zoning ordinance to the city council. Fifteen days after the Zoning Commission hearing, the city council can convene. Notice of the time and place of this hearing must be published in the official newspaper before the 15th day before the date of the hearing. This only must be published one time.
- e) When considering any proposed amendment, supplement or change, The Board of Aldermen shall follow Texas Local Government Code 211.006 "Procedures Governing Adoption of Zoning Regulations and District Boundaries" and 211.007 "Zoning Commission".

Section 2:

- a) The Board of Aldermen may from time to time amend, supplement, or change by Ordinance the boundaries of the districts.
- b) When considering any proposed amendment, supplement or change, The Board of Aldermen shall follow Texas Local Government Code 211.006 "Procedures Governing Adoption of Zoning Regulations and District Boundaries" and 211.007 "Zoning Commission".

ARTICLE XVII
VALIDITY CLAUSE

Should any part of this Ordinance be held invalid, no other part shall necessarily be affected thereby, and to this end the provisions of this Ordinance are declared to be severable.

ARTICLE XVIII DEFINITIONS

The following shall apply in the interpretation and enforcement of this Order, to-wit:

Words used in the present tense include the future, words in the singular number include the plural number, the words in the plural number include the singular number; the word "Building" includes the word "Structure"; the word "Lot" includes the word "Plot"; the word "shall" is mandatory and not discretionary.

- 1) **Accessory Building:** A subordinate use or building customarily incident to and located on the lot occupied by the main use or building.
- 2) **Alley:** A public way which affords only a secondary means of access to property abutting on such public way.
- 3) **Building:** Any structure designed or built for the support, enclosure, shelter, or protection of persons, animal, or property of any kind.
- 4) **Customary Home Occupations:** Occupations ordinarily carried on in a home that are not detrimental or injurious to adjoining property when engaged in by the occupants of the dwelling and used as his or her private dwelling and when said home occupation involves only occasional visits by members of the public to the home. Said home occupation, however, shall never be permitted as a principal use, but only as a secondary use when indispensably necessary, to the enjoyment of the premises for any of regulations governing the area, height and use of buildings are uniform.
- 5) **District:** One of the zoning classifications in the city for which the regulations governing the area, height and use of buildings and land are uniform.
- 6) **Driveway:** 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.
- 7) **Dwelling – One (single) Family:** A detached building having accommodations for and occupied by only one family.
- 8) **Dwelling – Two Family (duplex):** A detached building which has two dwelling units with separate accommodations for, and occupied by, not more than two families.
- 9) **Dwelling - Multiple:** A building used or designed as a residence for three (3) or more families or households living independently of each other.
- 10) **Family:** A family is any number of individuals living together as a single housekeeping unit; as distinguished from a group occupying a boarding house, a lodging house, or both, and hotel as herein defined.
- 11) **Front yard:** The front portion of each lot or lots from the front building line to the front line of the lot or lots.

- 12) **Garage:** A structure with parking capacity for private vehicles, with capacity of not less than two motor-driven vehicles and not more than five motor-driven vehicles.
- 13) **Greenhouse:** A building traditionally made of glass, but now also made from plastics such as polyethylene, in which plants are grown more rapidly than outside such a building by the action of heat from the sun, this heat being trapped inside by the glass or plastic.
- 14) **Hotel:** A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, in which as a rule the rooms are occupied for hire, in which provisions are not made for cooking in any individual apartment, and in which there are more than Twelve (12) sleeping rooms, a public dining room for the accommodations of more than Twelve (12) guests, and a general kitchen.
- 15) **Intermodal Shipping Container:** An **intermodal container**, often called a shipping container, is a large standardized shipping container, designed and built for intermodal freight transport, meaning these containers can be used across different modes of transport – from ship to rail to truck – without unloading and reloading their cargo. Intermodal containers are primarily used to store and transport materials and products efficiently and securely in the global containerized intermodal freight transport system, but smaller numbers are in regional use as well. These containers are known under a number of names. Based on size alone, up to 95% of intermodal containers comply with ISO standards and can officially be called **ISO containers**. Many other names are simply: **container**, **cargo** or **freight** container, **shipping**, **sea** or **ocean** container, **container van** or **sea van**, **sea can** or **C can**, or **MILVAN**, **SEAVAN**, or **RO/RO**. The also used term **CONEX (Box)** is technically incorrect carry-over usage of the name of an important predecessor of the international ISO containers, namely the much smaller prior steel CONEX boxes used by the U.S. Army.
- 16) **Institution:** A building occupied by a non-profit corporation or non-profit establishment for public use.
- 17) **Lodging House:** A building other than a hotel where lodging for five (5) or more persons is provided for compensation.
- 18) **Lot:** A parcel of land whose boundaries have been established by a legal instrument, such as a recorded deed or plat which is recognized as a separate legal entity for purposes of transfer of title and which is occupied or to be occupied by a building and its accessory buildings, and including such open spaces as are required under this order, and having its principal frontage upon a public street or officially approved place:

- 19) **Lot Lines:** The lines bounding a lot as defined herein.
- 20) **Lot - Corner:** A lot situated at the junction of two or more streets.
- 21) **Non-conforming uses:** A building or premises occupied by a use that does not conform to the regulations of the use in the district in which it is situated.
- 22) **Open Space:** Area included in any side, rear or front yard of a lot that is open and unobstructed to the sky and occupied by no building whatsoever.
- 23) **Persons:** The word "Person" when used in this order shall for the shall for the purpose of this ordinance, mean every person, firm, co-partnership, association, partnership, corporation or society; and the term "Person" shall include both singular and plural and masculine shall embrace the feminine gender.
- 24) **Rear yard:** The rear portion of each lot or lots between the main building and the rear lot line.
- 25) **Side Yard:** An open unoccupied space on the same lot with a building situated between the building and the sideline of the lot and extending through from any street or from the front yard or to the rear line of the lot. Any lot line not a rear line or a front line shall be deemed a sideline.
- 26) **Street:** Any public thoroughfare dedicated to the public or use of property owner within the Town.
- 27) **Structural Alterations:** Any change in the supporting member of a building such as bearing walls, columns, beams, or girders.
- 28) **Temporary Building:** A structure, which is transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities.
- 29) **Townhouse:** A Townhouse is a detached building which has two or more dwelling units, typically two-story or three-story, with separate accommodations for, and occupied by, not more than one family per unit.
- 30) **Variance:** A grant of permission by the board of adjustment or city council that authorizes the recipient to do what he otherwise could not do according to the strict letter of these ordinances.

Effective Date. This Ordinance shall become effective immediately upon its passage and approved by the Board of Alderpersons.

ADOPTION

Adopted by the Board of Alderman of the Town of Bayview, TX on MAY 19, 2022.

Approved: Gary E Paris Date: 09/26/2024

Gary Paris, Mayor

Attest: _____ Date: 09/26/2024

Sarah Ortiz, Secretary

REVISION HISTORY

<u>REVISION DATE</u>	<u>EXPLANATION OF CHANGES</u>	<u>PAGE</u>
June 20, 2019	Corrected Formatting	2
	Added Revision History Page	2
	Renamed "B. FEE SCHEDULE" to "B. BULDING PERMIT FEES"	38
	Removed First Paragraph Below B. BUILDING PERMIT FEES	38
	Revised Building Permit Fee	38
	Inserted Roof Replacement Fee	38
January 16, 2020	Article II	
	Section 1 revised 2 nd paragraph.	
	Section 2 clarified temporary building use.	
	Section 3 clarified how accessory buildings can be built.	8
	Section 4 clarified portable structure use And removed d.	
	Section 5 changed language to be consistent.	
	Section 6 changed language to comply with State law.	9
	Section 7 clarify 1 st paragraph.	10
	Section 7 section 10 (C) clarified requirement for receiving a building permit.	12
	Section 8 revised requirement for portable toilet.	13
	Section 10 added "is valid"	14
	Section 12 revised Public Right of Way Maintenance requirements.	15
	Section 14 added Perimeter Fence Maint.	19
	Article III	
	Section 1 revised language	
	Section 2 revised for height and set back	21
	Section 3, 2 changed language to Building and Standards Commission.	
	Section 4 revised sign size and height	22/23
	Article V	
	Revised 1 st and 2 nd paragraph and Section 2 building height.	25
	Section 6 Revised requirements on plants	27
	Section 8 included requirement to submit landscaping plan for permit.	28
	Section 12 revised sign size and height.	29/30
	Article VI	
	Revised how newly annexed territory is Zoned.	32
	Article VIII	
	Revised subdivision requirements.	34

		<u>PAGE</u>
	Article IX	
	b. Clarified animal classifications.	
	d. Added "machinery or equipment".	
	e. Revised firearms restrictions.	
	f. Revised language.	
	g. Revised language.	
	h. Increased cost.	
	i. Clarified language.	
	j. Clarified language.	
	k. Corrected spelling.	35
	Article X	
	Section 3,3, d clarified who pays fines For working without permit.	
	Section 3, 4 Included statement on Exceptions.	37
	Section 3, C, 3 added items that may Be replaced without a permit.	40
February 17, 2022	Article II	
	Section 3 revised to say "does not include greenhouses.	
	Article IX	
	(I) added guidance on maintaining greenhouses.	
	Article X	
	Section 2 inserted provision for 105.2 of the IRC to be controlling.	
	Section 3b removed new from first sentence.	
	Article XVIII	
	Added definition of greenhouse.	
December 15, 2022	SECTION 7: SEWAGE SYSTEMS:	
	SECTION 7a OSSF:	
	SECTION 10. AMENDMENTS.	
	(D)Changed fifteen feet (15) to ten feet (10), to conform with state guidelines.	
January 19, 2023	SECTION 3: ACCESSORY BUILDNGS AND PUMP HOUSES:	
	Added b) Intermodal Shipping Containers	
	ARTICLE XVIII Definitions:	
	Added Intermodal Shipping Container. Everything after is re-numbered one higher than previous.	
September 26, 2024	Article II Perimeter Fence Maintenance: Deleted first paragraph concerning new construction.	
	Article IX Town Restrictions: Clarified shot shell may be used in other than a shot gun.	
	Article X Permits: Section 3A6 - Clarified extensions duration. 3B1 - Clarified cost for extension and revised roof permit fee. C2d changed language on gates and additions.3Ad updated building code versions.	