

**AMENDMENT TO ZONING ORDINANCE NO. 45B**

AN ORDINANCE REPLACING AND AMENDING ORDINANCE NO. 45B APPROVED ON JULY 13, 2004 ESTABLISHING THE CITY OF GREY FOREST, TEXAS INTO TWO DISTRICTS FOR THE PURPOSE OF ZONING AND CLASSIFYING ALL LOTS OR PARCELS OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF GREY FOREST AS SINGLE FAMILY DWELLING, AND PROVIDING FOR A PENALTY OF NOT LESS THAN TWENTY-FIVE (\$25) DOLLARS OR MORE THAN TWO THOUSAND (\$2,000) DOLLARS FOR EACH DAY THE VIOLATION IS PERMITTED TO EXIST AND CONSTITUTING EACH DAY AS A SEPARATE OFFENSE.

**SECTION 1: PURPOSE**

The following provisions of this ordinance are for the purpose of promoting health, safety, and general welfare of the City of Grey Forest.

They are designed to:

1. Enhance and protect citizen quality of life,
2. Lessen congestion,
3. Secure safety,
4. Provide for mobility, public services and utilities,
5. Assure adequate movement and quality of air,
6. Protect against light pollution,
7. Protect against noise pollution,
8. Reduce nuisances and infringements into neighbor's rights,
9. Promote the environment and the natural characteristics of the City,
10. Protect property values.

**SECTION 2: HISTORICAL BACKGROUND**

The Scenic Loop Playground was developed by E.N. Requa in 1928 on 320 acres of rural ranchland. This development was one of the first to incorporate "open space" as an integral part of the community. In 1962, the community voted to incorporate into the Town of Grey Forest after twenty years of discussion and debate on incorporation. The goal "to preserve the unique quality of this residential living environment" has been maintained to the current day. The rural and rustic ambiance and flavor of the community is one in which buildings are designed in harmony with the beauty of the landscape.

In keeping with the original design of Scenic Loop Playground and the intent of the provisions listed in the above PURPOSE, Ordinance No. 45 Building and Zoning and its successors were created and are maintained. All citizens are highly encouraged to proceed with measures that are consistent with our unique area before building or making any major changes to their property.

The Scenic Loop Playground, developed by E.N. Requa in 1928 on 320 acres of rural ranchland, was one of the first developments to have "open space" to allow a reconnection with the rapidly disappearing American Wilderness. In 2008 Grey Forest Citizens re-enforced their 2000 Master Plan goal "to preserve the unique quality of this residential living environment". Patterned after 19<sup>th</sup> century romanticism, the

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rural and rustic ambiance and flavor of the community is one in which buildings are designed in harmony with the beauty of the landscape.

In keeping with the original design of Scenic Loop Playground and the intent of the provisions listed in the above PURPOSE, Ordinance No. 45B Building and Zoning was created. Before making any major changes to your property, we hope you will consider these facts and proceed with measures that are consistent with our unique area.

### **SECTION 3: DEFINITIONS**

**Accessory Building** shall mean a subordinate structure on the same lot, the use of which is incidental to that of the main structure. It is also used exclusively by the occupants or owners of the main structure.

**Carport** shall mean an attached or detached accessory building not enclosed, designed to shelter motor vehicles. A carport that is attached to a main building is considered part of the main building.

**Driveway** shall mean a road, especially a private one, leading from a street or other thoroughfare to a building, house or garage.

**Enterprise** shall mean a business, organization, or organized activities where trade or income is a goal.

**Fence** shall mean an upright barrier constructed of wood, masonry, or metal fencing material (eg. king style, large hog wire or similar) erected for the purpose of protection, confinement, enclosure, or privacy.

**Flatwork** shall mean a concrete or rock surface such as a sidewalk, driveway or patio.

**Footcandle (fc)** shall mean a unit of light measurement equal to one lumen per square foot.

**Full Cutoff (FCO)** shall describe a luminaire light distribution where 100 candela per 1,000 lamp lumens (ten percent) may emit at all vertical angles beginning at 80 degrees up from nadir to less than 90 degrees, and zero candela per 1,000 lamp lumens (zero percent) is allowed at 90 degrees (horizontal plane) and all angles above. This applies to all horizontal angles around the luminaire. A full cutoff luminaire is also fully shielded.

**Fully Shielded** shall mean a lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane as determined by photometric test or certified by the manufacturer. A fully shielded fixture is not necessarily full cutoff.

**Glare** shall mean a luminance produced by bright sources in the field-of-view superimposed on the image in the eye reducing contrast and hence visibility.

**Greenhouse** is an accessory building, primarily of glass or sheets of clear plastic, in which temperature and humidity can be controlled for the cultivation or protection of plants.

**Harmful Material** shall be a substance known or suspected to cause unwanted or unlawful harm to humans, animals or vegetation.

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**Hazardous Fencing** shall mean fence construction or material that is liable to cause hurt or harm.

**Holiday Lighting** shall mean temporary lighting used for a specific season or celebration consisting of festoon type low-output lamps that are limited to small individual bulbs on a string or other seasonal decorations.

**Illuminance** shall mean the quantity of light arriving at a surface measured in lux or footcandles.

**Impervious Cover** shall mean permitting no passage through or into. This includes roads, parking areas, buildings, pools, patios, sheds, driveways, private sidewalks, and other impermeable construction covering the natural land surface; this shall include, but not be limited to, all streets and pavement. “

**Habitable** shall mean that the structure or dwelling meets health and safety codes for human habitation.

**Intermittent lighting** shall mean luminaries that do not remain on for an extended period of time.

**Livestock** shall mean any animal that is generally used for the production of food, commercial product such as wool, transportation, riding, work or utility, and not typically used as pets in homes.

**Large Livestock** shall mean any livestock that typically grows to an adult size of over 40 pounds and includes swine, goats, sheep, bovine animals, equine animals, ostrich and other large birds and mammals.

**Lumen** shall mean a unit of luminous flux. One footcandle is one lumen per square foot. For the purpose of this regulation, the lumen-output values shall be the initial lumen output ratings of a lamp. The lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer.

**Luminary** shall mean a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

**Outdoor lighting** shall mean nighttime illumination of an outside area or object by any manmade device that is located outdoors and produces light.

**Percent Impervious Cover** shall mean the ratio of impervious cover to total land area and shall be calculated as the area of impervious cover within a lot, tract, or parcel or within the total site being developed, divided by the total area within the perimeter of such lot, tract, parcel or development. Vegetated water quality basins, vegetated swales, other vegetated conveyances for overland drainage, and public sidewalks shall not be calculated as impervious cover.

**Portable Buildings** shall mean any prefabricated structure assembled off site and delivered to the site as a complete unit or a building purchased in kit form and assembled onsite, which can be moved without disassembly to another location.

**Residential Unit** shall be mean the classification of a lot or group of lots, upon which a dwelling or dwellings exists, in compliance with this ordinance, and recorded with Bexar County as a single taxable unit, that is not in violation of health or safety provisions and having water, plumbing, and septic. (eg: a group of lots separately recorded on individual tax records with Bexar County would not be considered as

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one residential unit.) A residential unit, having satisfied these criteria, may receive City services and benefits as one unit.

**Setback** shall mean a minimum horizontal space extending across the front, side, or rear of property borders that shall remain open from and unoccupied by any structure or part of a structure, excepting for a fence, flatwork (eg: driveway, walkway, patio) lying on the ground, a deck that is less than 2 feet off the ground to the floor of the deck, or movable accessory building of less than 7 feet in total height and less than 144 square feet. Measurement is to be made from the property line to the structure's foundation, roofed wall, raised deck edge, or any support of a structure whichever is closer.

**Single Family Dwelling** shall mean a building that is usually occupied by only one household or family. Allowance can be made for a "mother in law" suite without changing the description from "single family".

**Storage Building** shall mean a structure used for storage, hobbies or as a workshop.

**Structure** shall mean that which is built or constructed.

**Structure Attached** shall mean an accessory structure whose roof connects with another structure.

**Structure Detached** is one that is not connected by roof to the other structure.

**Structural Alteration** shall mean the moving of, change of or rearrangement of the structural elements of a structure, the addition of structural elements to a structure, or the removal of structural elements from a structure.

**Structural Elements** are the parts of a structure that give it form and support. Examples are exterior walls, supporting walls and beams, roof and ceiling rafters, foundations, floor joists, and other elements as commonly accepted by engineers, building inspectors, and architects.

**Temporary Outdoor Lighting** shall mean lighting for a specific unusual purpose of an outside area or object by any manmade device that produces light for a period of less than seven days, with at least 30 days passing before being used again.

**Trespass Lighting** shall mean light emitted by a luminary which falls outside the boundaries of the property on which the luminary is sited.

**Vacant Lot** shall mean empty, unfilled, or unused; a vacant house, a vacant job, a vacant lot.

## **SECTION 4: DISTRICTS**

The City of Grey Forest has established two districts. Property on the east side of Scenic Loop Road comprises District A. Property on the west side of Scenic Loop Road comprises District B. Council shall decide on additional districts and boundaries as they determine are necessary to be consistent with the density of land use and type of use.

## **SECTION 5: ANNEXED TERRITORY**

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All territory hereafter annexed to the City of Grey Forest, Texas shall be automatically classified Single Family Dwelling except as directed by Council at the time of annexation. Any area annexed will be annexed into the appropriate district as determined by City Council.

### **SECTION 6: LOT REQUIREMENTS FOR SINGLE FAMILY DWELLINGS**

**6.01 Lot requirements for a new Single Family Dwelling in District A.** In order for a property to qualify for building of a dwelling or turning an existing structure that is not a dwelling into a dwelling, and to be considered as a Single Family Dwelling once completed, all of the following shall apply:

1. Must comply with the definition of Single Family Dwelling in this ordinance,
2. Be at least  $\frac{3}{4}$  acre single taxable unit with Bexar County,
3. Have at least 100 feet of contiguous public road frontage,
4. Follow all other requirements as set forth in this ordinance.

**6.02 Lot requirements for a new Single Family Dwelling in District B.** In order to have a property qualify for building of a dwelling or turning an existing structure into a dwelling, and to be considered as a Single Family Dwelling once completed, all of the following shall apply:

1. Must comply with the definition of Single Family Dwelling in this ordinance,
2. Be at least 1.5 acres single taxable unit with Bexar County,
3. Have at least 100 feet of contiguous public road frontage,
4. Follow all other requirements as set forth by this ordinance.

**6.03 Existing Single Family Dwelling not meeting lot requirements in District A or B:**

Any existing inhabitable dwelling that is a Single Family Dwelling at the time of this ordinance is grandfathered by this ordinance.

**6.04 Accessory buildings are prohibited on Vacant Lots.**

**6.05 Existing structures that were once a Single Family Dwelling not meeting requirements of 6.01 and 6.02:**

Any structure that can be proven to have been at one time a Single Family Dwelling, and being on the same recorded lot as when it was habitable may be made a habitable dwelling on the lot up to the same square footage structure as the prior habitable structure and qualify as a Single Family Dwelling once made habitable providing that all other provisions in 6.01 or 6.02 along with the following are met:

- 1) The habitable structure was not purposely removed or intentionally destroyed or intentionally made uninhabitable in violation of this ordinance,
- 2) The structure was not originally built as part of a lot meeting requirements in 6.01 or 6.02 and is now on a lot divided and not meeting requirements in 6.01 or 6.02.
- 3) All other requirements as set forth by this ordinance are followed.

### **SECTION 7: FLOOD PLAIN REQUIREMENTS**

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No building may be placed in a flood plain in whole or part unless it meets and satisfies requirements set forth by Federal Emergency Management Agency (FEMA), Flood Plain Management in Bexar County, and other applicable City of Grey Forest ordinances for such a structure.

### **SECTION 8: IMPERVIOUS COVER REQUIREMENTS**

The total square footage of all impervious cover shall not exceed 33% of the square footage of the lot size. (1 ½ acre is 65,340 sq. ft allowing impervious cover of 21,562 sq. ft, ¾ acre is 32,670 sq. ft. allowing impervious cover of 10,781 sq. ft).

### **SECTION 9: USE OF PROPERTY**

#### **9.01 Allowed general use in Districts A and B:**

1. Single Family Dwellings, along with guest or servant living quarters, and accessory buildings typical for a residence,
2. City owned and SLPC Parks and Facilities,
3. Municipal and Grey Forest Area Volunteer Fire Department buildings,
4. Libraries, museums, and other public use buildings with adequate parking on site,
5. Private family gatherings,
6. Occasional events or neighborhood parties not prohibited by this ordinance,
7. Studios and facilities used for art, education or exercise,
8. Existing Grey Moss Inn,
9. Garage, yard, and estate sales (not more than two per year). A permit for each garage, yard and estate sale is required to be obtained through the City.

#### **9.02 Use prohibited in District A and B:**

1. Occupations and businesses typically not performed at home including but not limited to industrial, retail store, heavy manufacturing, motor vehicle or motorized equipment sales, equipment or vehicle rental, dumping, debris and junk storage, scrap and salvage activities, warehousing for others for profit, restaurants and food services,
2. An activity where odor, air quality, light, or noise creates a nuisance that interferes with normal residential quality of life or creates a safety risk; or where pedestrian and automobile traffic impedes traffic flow, except on occasions as approved by the City Council,
3. Enterprises that require on street parking more than once a week,
4. Goods or materials for sale or stands for selling in the front yard for more than two consecutive days unless permitted by the City,
5. Enterprises that may result in harm to public health or that carry or dispense materials for sale or commercial use that are subject to regulation such as gasoline, oil, kerosene, propane, paint, solvents, and similar materials and products, unless permitted by the City,
6. Parking of inoperable, unlicensed, or unregistered vehicle for a month or more where such is both visible from the roadside and within 75 feet of the road,
7. Allowing any harmful materials to be dispensed or leached into a creek or waterway,

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8. Bee keeping,
9. Parking more than two vehicles owned by others for the purpose of repairing on the premises.

### **SECTION 10: HEIGHT LIMITATIONS OF BUILDINGS**

No building shall exceed two standard stories and attic or thirty five feet (35 ft) from finished grade on any one side.

### **SECTION 11: SETBACKS**

#### **11.01 Road Setbacks**

As defined, the structure must be setback 25 feet from the edge of any public roadway or easement.

#### **11.02 Property Setbacks**

As defined, the property setbacks for any structure not on a public roadway must be setback 15 feet for any dwelling, and 10 feet for other non-dwelling structures, and 2 feet for a greenhouse structure.

### **SECTION 12: BUILDING MATERIALS AND APPEARANCE**

#### **12.01 Exterior Wall Surface**

Exterior building wall surfaces for buildings greater than 144 square feet shall have the entire exterior wall surfaces covered with material such as wood, stone, masonry, stucco or materials that have the appearance of wood, stone, masonry, or stucco. This includes all new construction, remodeling, additions or accessory buildings. Cedar or any other type of wood shake/shingle siding are not allowed. Greenhouses can be constructed with transparent materials.

#### **12.02 Roofing Surface**

1. Roofing surfaces on all buildings shall meet the current City adopted Fire and Building Codes. Cedar or any other type of wood shakes/shingles are not allowed.
2. Tarping or fabric that is primarily used on a temporary basis is not allowed on buildings except for temporary situations. Permission from the City Building Inspector or his designate is required for periods longer than a month necessitating the use of tarp or other temporary cover on buildings.

#### **12.03 Manufactured Buildings and Building Components**

Manufactured buildings and components over 144 square feet shall meet the same materials and appearance requirements of this ordinance and all applicable City ordinances and building codes.

#### **12.04 Building Codes**

The City has adopted the 2015 International Building Code, 2015 International Plumbing Code, 2014 National Electric Code (NEC), 2015 International Residential Code (IRC) with the exception of Chapter 11 and Adopting Chapter 11 of the 2009 International Residential Code (IRC), as its current set of Building Codes.

**SECTION 13: DRIVEWAYS AND FLATWORK**

Driveways that are within the property line bordering a public roadway require a permit and shall be constructed of materials that will not flow into the City right-of-way, obstruct or do any damage when attaching to the City right-of-way. If flatwork is done within the property line, no permit is required. Those outside the property line that are not to be used for building foundations do not require permit.

**SECTION 14: FENCES AND WALLS AS FENCES**

**14.01 Height of Constructed Fences**

Fences and walls must be constructed on or within the property line and require a permit.

**14.02 Material of Constructed Fences**

Those within the property line shall be built of standard metal fence material or of stone, masonry, or wood, either natural or finished products, or materials that have the appearance of stone, masonry, or wood. They shall not be metal roofing or other substitute materials typically used for other purposes than fences.

**14.03 Barbed Wire, Hazardous Fencing and Safety**

- (a) Barbed wire is not allowed on fences that are within the property line bordering private property if used by itself as fencing unless permission is gained by the fence owner in writing from the bordering property owner. The private property owner permission shall be attached to the permit application.
- (b) Barbed wire is not allowed within the property line bordering on a public right of way except where the barbed wire is placed at a height of at least 4 feet above the public right of way plane or except where it is placed within an existing fence so as not to be a threat to those on the outside of the fence.
- (c) Fencing within the property line that protrudes into or falls onto other property that may cause harm to person or property is considered hazardous and must be removed or repaired by the fence owner.
- (d) Fences along a public roadway within the property line that block visibility of the roadway as to create a safety hazard as determined by the City Police are not allowed.
- (e) Any existing hazardous fencing at the time of this Ordinance is grandfathered and if ever replaced shall meet all current laws.

**14.04 Electrical Wiring on Fences and as Fences**

Electrical wiring placed on fences within the property line shall only be low voltage wiring, insulated away from the fence and shall only be placed on the inside of the fence (facing into the property doing the fencing) so as to reduce potential for being touched from outside the fence. Electrical wiring may only be used in conjunction with other fencing within the property line.

Construction of a fence or wall in a setback shall require a permit.

**SECTION 15: TEMPORARY LIVING QUARTERS, RV'S, TRAILERS, TENTS**

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### **15.01 Structures not designed as Living Quarters**

Any structure whose normal construction and use is not designed and approved as living quarters shall be prohibited as a temporary living quarters.

### **15.02 Recreational Vehicles, Trailers, RV's**

Recreational vehicles and camping trailers may be used as a temporary residence for no longer than periods of 30 days within any 6 month period. Permission to extend this period may be granted by City Council for special circumstances.

### **15.03 Camping**

Camping on a residential unit property for recreational purposes is allowed where facilities of the residential unit are used during the camping activity. Camping shall be limited to 3 successive nights unless permission is granted by the City. Camping for extended periods (longer than 3 successive nights without City permission) and camping without immediate access to water and proper restroom facilities is not allowed. Camping is prohibited on any non-residential unit property. Camp fires are typically not allowed except as permitted by Ordinance No. 112.

## **SECTION 16: MOVEMENT AND DEMOLITION OF BUILDINGS OR PORTIONS OF BUILDINGS**

Movement or voluntary demolition of buildings or portions of buildings with any utility service shall require a permit from the City of Grey Forest. A movement or demolition permit is valid for three months. Extensions for a movement and demolition permit require a variance and Board of Adjustment approval.

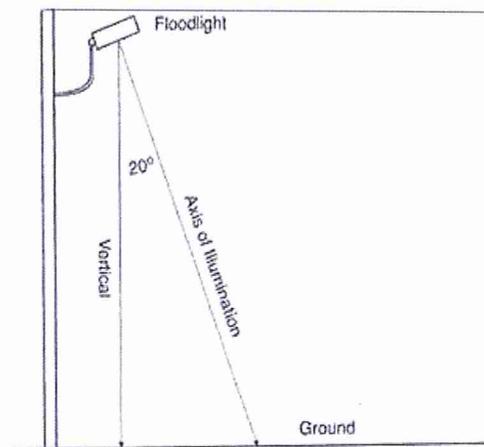
## **SECTION 17: LIGHTS**

### **17.01 Lighting Requirements**

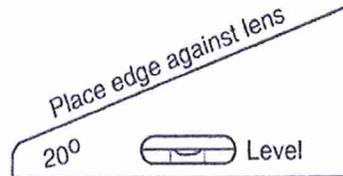
- (a) Generally. All public and private outdoor lighting installed after the effective date of this article shall be in conformance with the requirements established by this section.
- (b) Control of glare. Any luminary that is aimed, directed, or focused so as to cause direct light from the luminary to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways is prohibited. Such luminary must be redirected or its light output controlled as necessary to eliminate such conditions.
- (c) Residential and Non-residential lighting.
  - (1) No trespass lighting may exceed one and one-half footcandles at the property line, with the exception of intermittent lighting.
  - (2) Intermittent lighting must be of the motion sensor type that stays on for a period of time not to exceed five minutes and has a sensitivity setting that allows the luminary to be activated only when motion is detected on the site.

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- (3) For lighting horizontal tasks such as roadways, sidewalks, entrances and driveway areas, fixtures must meet "full cutoff" criteria (no light output emitted above 90 degrees at any lateral angle around the fixture).
- (4) Spotlighting used for landscape purposes (e.g. trees, statuary, etc.) or for a flagpole bearing a state flag or a flag of the United States, must use full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light is substantially confined to the object intended to be illuminated.
- (5) Floodlight fixtures must be aimed so as to prevent direct radiation of light into the open sky at any angle above the horizontal plane as shown in Figure 1 and verified using a tool such as shown in Figure 2.



**Figure 1:** Horizontal plane is parallel to the ground and perpendicular to the vertical line. A floodlight may not be so positioned as to direct illumination at or above the 90° angle of the horizontal plane.



**Figure 2:** This is a tool for aiming lights such as the floodlight represented in Figure 1. This tool would verify the angle of 20° by placing the upper edge of the tool against the floodlight lens and adjusting the floodlight so that a level parallel to the bottom edge shows level.

- (d) Other prohibited lighting. Unless authorized by city council for a special event:
  - (1) The use of laser source light or any similar high intensity light, such as used for outdoor advertising or entertainment, when projected above the horizontal is prohibited; and
  - (2) The operation of searchlights is prohibited.

## 17.02 Exemptions

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- (a) The following types of outdoor lighting are exempt from the requirements
- (1) All outdoor lighting in place prior to the effective date of this ordinance until maintenance is required as describe below:
    - (a) Except for lamp replacement, no luminaire should be repaired and/or modified to perpetuate its existence unless the repair and/or modification maintains conformance or makes the luminaire conforming to this article.
    - (b) If a lamp is available that makes a luminaire conform, or progress towards conformance with this article's required illuminance level, then such a lamp should be utilized when the lamp is replaced.
  - (2) Seasonal holiday lighting shall be exempt from the requirements of this ordinance, providing that such lighting does not produce glare on roadways and neighboring residential properties.
  - (3) Temporary lighting as needed by police, emergency medical technicians, and fire personnel, or for meteorological data gathering purposes

## **SECTION 18: SIGNS**

### **18.01 Temporary Signs**

Unlighted signs of less than 4 square feet are allowed on a temporary basis for such things as sale or lease of premises, election, or other special events provided the sign is removed upon completion. Any temporary sign that will remain beyond a 72 hour period must be on the private property for which the sign was designed

### **18.02 Enterprise Signs**

All enterprise signs advertising a continuing enterprise, service or function performed on the property for others is prohibited. An exception to this is existing signs for Grey Moss Inn which are grandfathered by this ordinance.

### **18.03 Public Safety and Fire Department Signs**

Signs erected by the police, fire department, utilities, or public works are not subject to this ordinance.

## **SECTION 19: CHANGES, AMENDMENTS, ORDINANCES AND BUILDING CODES**

### **19.01 Planning and Zoning Commission**

The City Council serves as the Planning and Zoning Commission.

### **19.02 Changes**

City Council may from time to time amend, supplement, or change the regulations herein established. A Public Hearing shall be held before adopting any proposed amendment, supplement, or change. If a Public Hearing is held, notice of such hearing shall be given in the official newspaper of the City stating

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the time and place of such hearing. The time of the hearing shall not be earlier than fifteen (15) days from the date of publication of the notice.

### **19.03 Ordinances, Building Codes**

Established ordinances and all building codes still apply except where exempted or strengthened by this ordinance.

### **19.04 Board of Adjustment**

The City Council has established a Board of Adjustment by ordinance. Except where specified that permission, action, or direction by Council is required, or except in the case of building and safety codes, and excepting County, State or Federal laws, the Board of Adjustment shall rule on variance requests through its established procedures.

## **SECTION 20: PERMITS AND ENFORCEMENT**

### **20.01 Permit Requirements**

Building permits are mandatory on any and all construction in the City in accordance with adopted building codes and all City ordinances and codes unless an exception is specified in this ordinance. Building permits are valid for a period of one year from the date of issuance. One six month extension may be granted at no additional fee for the same construction project. Extensions beyond this period will require a variance from the Board of Adjustment.

### **20.02 Permit Application**

All applications for building permits shall be accompanied by a platted site plan drawn to scale with actual dimensions of property, setbacks, location of wells and septic systems, construction and foundation plans, use of property, applicable septic system permit if required by Ordinance #19 and 20, and such other information and plans necessary for the building inspector to review and approve the site and construction plans before construction begins and to provide for enforcement of all regulations.

### **20.03 Plan Review and Execution**

Upon receipt of permit application, fees, and associated plats and plans, the Building Inspector will review the plans for completeness and compliance with building codes, lot sizes, setbacks, or any other portion of this ordinance. All construction is prohibited until the Building Inspector approves the plans and/or the Board of Adjustment grants a variance in writing. If in compliance, the Building Inspector may approve the construction to commence. If approved, the construction may commence in accordance with the approved plans and required inspections. At the discretion of the Building Inspector, the construction may be stopped if the construction deviates from the plan or fails inspections.

### **20.04 Variance Requirements**

Any regulations concerning building codes, lot sizes, setbacks, or any other portion of this ordinance that are not met will require an approved variance from the Board of Adjustment. Upon determination of the Building Inspector that a variance is required, applications for variances of the Building and Zoning regulations on property shall be in accordance with all ordinances and requirements of the City. Application for variance shall be submitted to the City Secretary and be accompanied by the fee designated by Amendment to Ordinance #158 for City Services and the same documents required to

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obtain a building permit. The Board of Adjustment will conduct a public hearing and provide judgment on the Variance request.

**20.04.001 Variance Requirement Exception**

The following structures that have no electric, plumbing or slab/foundation are exempt from variance requirements based on lot size and setbacks:

- (1) Portable sheds on girders or with a gravel/dirt floor

**SECTION 21: VIOLATIONS AND PENALTIES**

Any person, agent or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith or with any of the requirements thereof, or shall build or alter any building or use in violation of any statement or plan submitted and approved there under shall be guilty of misdemeanor and shall be liable for a fine of not less than twenty-five (\$25) dollars or more than two thousand (\$2,000) dollars for each day the violation shall be permitted to exist and each day constitutes a separate offense.

**SECTION 22: VALIDITY**

If any section, paragraph, substitution, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of the ordinance as a whole, or any part or provision thereof, other than the part so declared invalid or unconstitutional. This ordinance supersedes all previous zoning ordinances.

THIS ORDINANCE WAS PASSED AND APPROVED BY THE CITY COUNCIL OF GREY FOREST, TEXAS ON THIS THE 22nd DAY OF December, 2015.

ATTEST: Shannan Kinsley  
Shannan Kinsley, City Secretary

SIGNED: Ronald G. Reinhard  
Ronald G. Reinhard, Mayor

