

**The City of Star Harbor, Texas  
Building and Zoning Ordinance  
Number 180**



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**Every effort was made to ensure the contents of this ordinance  
are technically, grammatically, and editorially correct.  
Corrections and/or changes identified by or to the Building &  
Zoning Board will be corrected, modified, added, or deleted in  
periodic amendments.**

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## **Article I – Enacting Clause**

WHEREAS under the laws of the State of Texas, authority is conferred upon the City of Star Harbor to establish zoning districts within the City for regulating the use of land and the building of structures thereon to the end that congestion may be lessened, the public health, safety, convenience, and general welfare promoted; and,

WHEREAS the B&Z Board did present to the Council the revised Building & Zoning Ordinance in final form recommending its adoption; and,

WHEREAS the City Council did review the revised zoning ordinance and did hold a City Council meeting on the 10th day of December 2024 and adopted this revised Ordinance.

NOW THEREFORE, be it ordained by the City Council of the city of Star Harbor, Henderson County, Texas.

## **Section 1 – Title, Purpose, Scope**

- a) Title - This Ordinance shall be known and may be known as the "Building and Zoning Ordinance of the City of Star Harbor, Texas" and referred to herein as "Ordinance or this Ordinance".
- b) Purpose - The purpose of this Ordinance is made for promoting the health, safety, and general welfare of the City of Star Harbor. They have been designed to lessen congestion; to secure safety from fire; and to facilitate the adequate provision of transportation, water, sewage, and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district and its specific suitability for the uses and structures specified and with a view to conserving the value of structures and property and encouraging the most appropriate use of land throughout the City.
- c) Scope – This Ordinance shall apply to all zoning districts, land, properties, structures, and building within the city, including all vacant, occupied, residential, nonresidential, improved, or unimproved land, properties, structures, and buildings.
- d) Other Ordinances - The provisions of this ordinance are intended to support and supplement previous city ordinances providing specific regulation for land and building uses and are not intended to conflict with previous ordinances. However, if such a conflict does arise between the provisions of this ordinance and those of previous ordinances, the provisions of this ordinance shall control. A lot to include all structures on the lot that is/are not in compliance with the requirements of this Ordinance may be permitted to remain provided the lot and all structures on the lot are properly maintained in condition and appearance. The B&Z Board/Administrator may require a property owner to bring a lot and all structures on the lot into compliance with the requirements of this Ordinance.
- e) Intent - The intent of this ordinance will be:
  - 1) To protect homeowner's property rights, demonstrate equal protection statutes, and show a legitimate regulatory purpose.

- 2) The City of Star Harbor adopts and complies with all State of Texas and Federal laws, codes, rules, and regulations that pertain to Type B Municipalities.
  - 3) Builders and Homeowners assume full responsibility to ensure that all new dwellings, dwelling additions, remodels, and renovated dwellings comply with the State of Texas and Federal construction laws, codes, rules and regulations that pertain to Type B municipalities.
  - 4) Property owners, estates, firms, and corporations will defend, indemnify and hold harmless the City of Star Harbor & the City's Building & Zoning Board members/Administrator against and in respect of any obligation, liability (excluding any exemplary damages) or expense (including court costs and reasonable attorney's fees) incurred by the City as a result of any claim or action brought against the City arising out of any provision of this ordinance.
  - 5) Any discussions, statements or opinions given by City of Star Harbor agents, employees, board members and assignees in relation to this or other City ordinances outside of a formal scheduled City or Board meeting, unless directed to do so by the appropriate board, are not binding and may not be used to constitute approval of or denial of any request outside the defined processes outlined in this document.
- f) Severability - If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be judged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance or any part or provisions thereof other than the part so decided to be invalid or unconstitutional.

## **Section 2 - General**

- a) This ordinance is hereby declared to be remedial and shall be construed to secure the beneficial interest and purposes thereof, which are public safety, health, and general welfare, through structural strength, stability, sanitation, adequate light and ventilation and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures and premises.
- b) Quality control of material and workmanship is not within the purview of the ordinance or building administrator or committee except as it relates to the purposes stated herein.
- c) The permitting and inspection of any building or plan by any jurisdiction, under the requirements of the ordinance shall not be construed in any court as warranty of the physical condition of such building or the inadequacy in such building or plan, nor for any failure of any component of such building which may occur after the inspection or permitting.
- d) The provisions of this ordinance shall not be held to deprive any Federal or State agency, or any applicable governing body having jurisdiction, or of any remedy then existing for the enforcement of its orders, nor shall it deprive any person, estate, firm or corporation of its legal rights as provided by law.
- e) The 2024 Edition of the International Building Code, a publication of the International Code Council (I.C.C.), is hereby adopted and designated as the building code of the City of Star

Harbor to the same extent as if such code were copied verbatim in this article, subject to deletions, additions, and amendments prescribed in this article as follows:

International Building Code 2024

International Fire Code 2024

International Residential Code of One- & Two-Family Dwellings 2024

International Plumbing Code 2024

International Mechanical Code 2024

International Electrical Code 2024

### **Section 3 – Zoning Districts**

The basic purpose and function of zoning is to divide a municipality into districts (or zones) based on their intended use and that are for the most part separate from one another. A single-family dwelling, for example cannot be constructed in a zone designated for city use without the City Council first rezoning that part to a residential zone. The City of Star Harbor has designated the zones within the legal boundary of the city as single-family district and city district.

#### **District Boundary Lines:**

The district boundary lines shown on the zoning district maps are usually along streets, property lines, or extensions thereof. When uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

- 1) Boundaries indicated as approximately following the center lines of streets or highways shall be construed to follow such center lines.
- 2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 3) Boundaries indicated as approximately following city limits shall be construed as following city limits.
- 4) Boundaries indicated as approximately following lake or inlet shoreline shall be construed as following the 325 Mean Sea Level elevation markers as located in the original plat of the Star Harbor development. The 325-foot M.S.L. line is shown as a property line on the individual lot plots and is approximately the 325-foot M.S.L. elevation.

Land and structures in each of the defined zoning districts may be used for the specified purposes and in accordance with the regulations and building permits specified herein, provided also that no land shall hereafter be used and no building or structure shall hereafter be erected, altered, converted, used or occupied which is arranged, designed or used for other than those uses specified for the zoning district in which it is located as set forth by the following schedule of uses and regulations.

This ordinance pertains to building permits and other actions that are requested from this approval date.

Structures approved by prior revisions to this ordinance are grandfathered. However, structures approved prior to this new ordinance that may be replaced, enlarged, or otherwise significantly modified will be held to this present ordinance.

a) **Single-Family District:**

Land in the Single-Family District shall be used exclusively for single-family dwellings, subject to the following requirements designed to create and preserve the residential nature and character of the district.

Only one new single-family dwelling shall be erected, used, or permitted to remain on any residential lot or combined lots within the Single-Family District.

Multiple, adjacent lots, or a lot plus a portion of an adjoining lot, that have common ownership and are listed as a common unit on the Tax Rolls of the City of Star Harbor may be used and occupied as if they were one lot. If the lots have not been previously combined on the Tax Rolls, before a building permit shall be considered, the property owner shall have verified by the Henderson County Appraisal District that the property owner has requested the combination of such lots for other than tax purposes. Such lots may be combined in area and be treated as a single lot on which one single-family dwelling may be erected, provided that all other standards of residential land use and structures are met. These lots shall not be separated at a future time unless all structures thereon shall comply with all set back lines and all other requirements of this ordinance.

- a) Easements for the installation and maintenance of utilities and drainage facilities in the Single-Family District are reserved across the front five feet (5') and the rear six feet (6') for the full width of each lot and for five feet (5') on the sides for the full depth of each lot. Easements are measured from the property line inward or away from the lot.

EXCEPTION: Waterfront lots have no easements along the back 325-foot line or water line. However, permission to build in these areas must be received from the Tarrant Regional Water District. (See Table 1, below).

- b) A setback is the minimum distance which a building or other structure must be set back from the property or lot line.

*Table 1 Easement and Setback Distances*

LOT TYPE	EASEMENT			SETBACK		
	FRONT	SIDE	BACK	FRONT	SIDE	BACK
LAKE LOT	5'	5'	0'	30'	7'	7'
OFF LAKE LOT	5'	5'	6'	30'	7'	7'

- c) All sewage disposal systems in the City of Star Harbor shall be designed, located, constructed, equipped and maintained in accordance with standards, requirements and specifications as required and recommended by the Texas State Health Department and adopted and approved by the City of Star Harbor. (Reference Star Harbor Ordinance 160.)

- d) Roof gutters shall not be connected to any part of Star Harbor's sanitary sewer system, nor shall surface water be allowed to infiltrate the system.
  - e) The Star Harbor Utility Department does not maintain information on the location or condition of septic tanks on residential lots nor is the Utility Department responsible for maintaining septic tanks. Should a pump require replacement it is the property owner's responsibility. (Reference Star Harbor Ordinance 160.)
- b) City District:
- 1) The City District contains property within the City boundary designated for public and City administrative use. The City District includes, but is not limited to the City Hall, golf course, water plant, trailer storage lot, the city entrance and the triangle area between Sunset Boulevard and Rainbow Drive.
  - 2) Areas designated as City District shall be used for activities necessary for the City to fulfill its duties, functions, and responsibilities for the operational activities as determined by the Governing Body of the City of Star Harbor. Regulations for the proper use, construction and maintenance of structures, grounds and facilities in the City District shall be determined by the city council.
  - 3) The City shall keep stored materials, equipment, etc., in selected locations and kept in an orderly and neat manner. Storage areas will be kept free of all tall vegetation and trash as approved by the city.
  - 4) No land in the City of Star Harbor shall be used for the landing, take-off, maintenance, operation or storage of personnel-carrying fixed wing, rotary wing or "lighter than air" aircraft. Emergency rescue and airlift aircraft will be allowed in life threatening circumstances.

#### **Section 4 – Nonconforming Uses and Structures**

A nonconforming status: shall lawfully exist under the provisions of this ordinance when a structure does not conform to the regulations provided for the zoning district in which the structure is located, and:

- 1) When on the effective date of this ordinance the structure was in existence and lawfully constructed, located and operating in accordance with the provisions of prior building ordinances.
- 2) Which was a nonconforming use under the prior ordinance.
- 3) When the structure was in existence at the time of annexation of the territory in which it is located by the City of Star Harbor and has since been in regular and continuous use.
- 4) Under certain circumstances, when it is not possible to comply due to property lines or size of lot, the Building & Zoning Board/Administrator can make an exception.

Nonconforming conditions of land use or of buildings which are found to be hazardous to citizens or to property or which create a public nuisance shall be processed for correction in the provided by the applicable ordinance of the City of Star Harbor.

An existing nonconforming structure may be used and maintained in a state of good repair, but no such structure shall be enlarged, remodeled or repaired, except as provided and permitted in this ordinance. No remodeling, enlargement or change in use shall be such as to affect an increase in the degree of nonconformance to any provisions of this ordinance.

### **Standards Affecting Nonconforming Uses**

The following standards apply to all Nonconforming Use situations:

- 1) Their status is not affected by changes in ownership.
- 2) They may be changed to conforming uses, however once changed to a conforming use, the nonconforming rights are lost, and a Nonconforming Use may not be re-established.
- 3) Normal maintenance and repair are allowed if under 50% of the appraised value of the property.
- 4) A Nonconforming Use will be considered terminated if the building, structure, or land is not occupied for one continuous year.
- 5) Any Nonconforming Use dependent upon a building that has been declared dangerous and ordered demolished pursuant to the Building Code will be considered terminated upon that declaration and order.
- 6) Any Nonconforming Use dependent upon a building or structure that has been damaged to the extent that repair or restoration would cost more than 50% percent of its fair market value will be considered terminated. Fair market value will be determined by an independent appraisal acceptable to the City.
- 7) Rebuilding of structures which contained Nonconforming uses, and which have been intentionally destroyed is prohibited.
- 8) Nonconforming Use may not be expanded.

### **Section 5 – Permit Process**

Except as listed in the following paragraph no person, estate, firm, or corporation shall erect, construct, or build a residence, dwelling or other structure, on any lot or within any zoning district of the City of Star Harbor without first applying for and obtaining a building permit from the B&Z Board.

The following building activities do not require a building permit.

- Replacing an existing roof.
- Repairing external siding. NOTE: Replacing the exterior (stone, brick, siding, etc.) or adding external features to an existing dwelling requires a building permit.
- Repairing structural damage resulting from natural disasters including but not limited to hurricanes, tornadoes, lightning strikes, tree blow down, storms, etc.
- Renovating the dwelling interior (floors, walls, etc.) so long as the square footage of living space is not increased.
- Repair or replacement of driveways and/or sidewalks.



- Replacement of exterior windows and/or doors.

a) The Permit Application:

***Property owners desiring to erect, construct, enlarge, alter, repair, improve, convert, or demolish any building, structure or lot shall not do so without first obtaining a permit.***

***Applications missing required information or documents will be denied.***

***Failure to apply for and receive a permit prior to the start of a project may result in the issuance of a stop work order and/or the assessment of fines. (See Appendix A.)***

***Property owners shall be financially responsible for any damage or detrimental impact to the City's streets, street easements in the City of Star Harbor & thereby pay a heavy truck fee upon the approval of a permit. (refer to table page 44)***

- (i) Review the Ordinance to identify all information required for submission of a permit application that applies to the type of permit requested.
- (ii) Complete the application form and assemble the required information. Building Permit Application Forms can be obtained from City Hall or the city website at [cityofstarharbor.com](http://cityofstarharbor.com) or by email at [starharborbandz@yahoo.com](mailto:starharborbandz@yahoo.com).
- (iii) Applications should include a lot survey map completed by a licensed land surveyor showing location of lot pins and a full building site plan that includes property lines and setbacks, location of septic tanks, location of water service lines, location of sewer lines, and drainage with water flow arrows. Plans shall also include dimensions/size, location on property of proposed project, any other structures on the property. Detailed information on requirements will be on the application form.
- (iv) Deliver the authenticated (signed) permit application, all required documentation & fee to City Hall.

b) Enforcement and Inspection

- (i) Building and Zoning Review Board -The enforcement authority for the provisions of this Ordinance shall be the Building and Zoning Review Board/Administrator under the direction of the Star Harbor City Council.
- (ii) Construction times – No construction will begin earlier than one hour after sunrise and will cease the same day no later than one hour before sunset.
- (iii) Entry- Whenever it is necessary to make an inspection to enforce this ordinance, or whenever the enforcement authority has reasonable cause to believe that there exists upon any property a condition or violation which is unsafe, dangerous or hazardous or detrimental to the public interest, the enforcement authority may enter upon such property at all reasonable times to inspect the same; provided that if such structure or property is occupied, the enforcement authority shall first present proper credentials and request entry, and if such entry is refused, the enforcement authority shall have recourse to every remedy provided by law to secure entry.

Stop Work Order- The Building and Zoning Review Board/Administrator shall have the authority to enforce any and all provisions of this Building Code and may at his discretion require all work to be stopped until such construction meets the standards of this Building Code. The building permit fees will be double the normal posted fees when a building, structure or project is started without first obtaining a building permit. The construction will be required to halt until a building permit can be obtained.

(iv)

(v) Misrepresentation of Application-the Building and Zoning Review Board/Administrator may revoke a permit or approval, issued under the provisions of this Building Code, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(vi) Primary Inspections

1) Projects that include a concrete foundation are required to submit a form board survey prior to pouring the foundation.

a) Applications for ***new construction*** should include:

(i) An engineered foundation plan by a State of Texas Licensed Professional Engineer with engineer's stamp on the plans and showing location of lot pins

(ii) A full building site plan that includes:

- Property lines and setbacks
- Distances from property lines
- Location of septic tanks
- Location of water service lines
- Location of sewer lines
- Planned final grading
- Location and site of all culverts
- Proposed improvements
- Drainage with water flow arrows.
- Underground power lines

(iii) Plans shall also include any other structures on the property.

b) Applications for ***all other projects*** should include:

(i) A lot survey map completed by a licensed land surveyor showing location of lot pins.

(ii) A full building site plan that includes:

- Property lines and setbacks
- Distances from property lines
- Location of septic tanks
- Location of water service lines
- Location of sewer lines
- Location and site of all culverts
- Proposed improvements

- (iii) Plans shall also include dimensions/size, location on property of proposed project, any other structures on the property.
- 2) CSI (Customer Service Inspection) for water and sewer connections
- 3) Certificate of Occupancy or Completion
- c) Permit fees: In addition to application fees for permits, building permit fees shall include a heavy truck/road use fee (refer to table page 44), a dumpster fee of \$75.00, and if required, a CSI inspection fee of \$150.00.

Heavy Truck/Road Use Fee: Heavy vehicles, such as concrete trucks, dirt, dumpster and stone trucks, and other similar heavy weight trucks and vehicles used during construction or renovation, or other home projects that deliver materials, supplies, equipment, or other items to the property. Property owners shall be financially responsible for any damage or detrimental impact to the City's streets, street easements in the City of Star Harbor & thereby pay a heavy truck fee upon the approval of a permit.

Customer Service Inspection (CSI): An examination of the private water distribution facility for the purpose of providing or denying water service.
- d) Permit Application Review:
  - (i) The Building & Zoning Board/Administrator shall review and evaluate the site plan, building plans and intended use of the proposed structure, or improvement for which a permit is requested. The requested construction shall be considered in relation to the applicable zoning regulations; the character of the neighborhood in which it will be located; the suitability of the building, structure, or improvement for the specified intended use; and its contribution to conserving the value of neighboring structures and property and preserving the general character of the neighborhood and the community.
  - (ii) The property owner and/or contractor are encouraged to attend the B&Z Board meetings when the building permit application will be reviewed to provide project information.
- e) Permit Application Approval or Denial:
  - (i) When the Board/Administrator concludes that the proposed structure or improvement meets applicable zoning standards and requirements, a building permit shall be issued on receipt of the required fees. The City of Star Harbor shall also collect the water and sewer connection fees.
  - (ii) The B&Z Board/Administrator shall not issue a building permit when the application is found to be deficient in any respect, or when the proposed structure or improvement would result in a condition or use not in conformance with this ordinance, or the appropriate use of land and structures consistent with the zoning regulations, or the standards of the neighborhood and the City of Star Harbor.
  - (iii) The property owner/contractor shall remedy any finding identified by the B&Z Board/Administrator within seven (7) days of receiving oral or written notification. Failure to comply may result in the suspension of the Building Permit, fines or other punitive measures approved by the B&Z Board/Administrator.

- (iv) If a request does not meet the exact standards and requirements of the B&Z Ordinance, the Board or Administrator will evaluate the request based on the purpose as stated in the preamble. If the request does not violate the purpose of promoting the health, safety, and general welfare of the city, meeting the character of the district and conserving property values, the request may be considered.
  - (v) In the event of a denial the city offers an appeals process. See Appeals.
- f) Permit Duration, Renewals:
- Building permits are issued for a set number of days. If the project is not completed in the specified time a building permit renewal will be required.
- Failure to apply for a renewal permit shall result in a Stop Work Order” at the end of the initial permit period & a fee will be required.
- Projects not completed by the end of the renewal period will be required to submit a new application for the project.
- g) Building Permit Modifications:
- (i) The property owner or contractor is required to submit a Build Permit Modification request to the B&Z Board/Administrator before making any project changes. Such changes include but are not limited to design changes, material changes, etc.
  - (ii) Deliver the authenticated (signed) building permit modification application to City Hall prior to the next scheduled B&Z Board meeting.
- h) The Completion:
- (i) Property owners shall be financially responsible for any damage or detrimental impact to the City's streets, street easements in the City of Star Harbor & thereby pay a heavy truck fee upon the approval of a permit.
  - (ii) The Certificate of Occupancy or Certificate of Completion shall be applied for after the completion of the construction project. No structure hereafter erected, constructed, or structurally altered shall be used, **occupied**, or changed in use, and no land may be used until a Certificate of Occupancy, or a Certificate of Completion is issued by the B&Z Administrator. *Occupying a structure prior to receiving a Certificate is a misdemeanor offence and will result in a fine.*
  - (iii) The B&Z Administrator and the Star Harbor City Operations Manager or designee assigned by the City of Star Harbor shall conduct a final review of the permitted structure and land use on notice of completion and the structure ready for occupancy. This could include a CSI (Customer Service Inspection) on water systems.
  - (iv) The Certificate of Occupancy or Certificate of Completion shall state that the structure or proposed use of a structure or land complies with the provisions of this ordinance. A record of certificates issued shall be maintained by the City of Star Harbor and copies may be furnished, on request, to people who have proprietary interest in the structure or land affected.

- (v) The B&Z Board/ Administrator shall have the authority to grant conditional time extensions for the completion certificate due to mitigating circumstances such as the installation of a lawn during seasonal conditions that would not be favorable for planting.

## **Section 6 – Permit Types**

- a) **Accessory Buildings** – Accessory buildings shall not be constructed or positioned where the leading edge of the accessory building is placed in front of the leading edge of the home. This includes storage buildings, gazebos, pergolas, and green houses.

If a concrete foundation is to be poured, a form board survey is required to be submitted once the form boards are in place.

Prior to pouring a foundation under this section, an inspection by the registered professional engineer of record must be completed and evidence of the inspection and approval to be provided to the City of Star Harbor. *Pouring a foundation without submitting an approval from the engineer of record and first receiving from the City of Star Harbor will result in a “Stop Work Order” and will result in a fine.*

**Storage Buildings** - Only 1 storage building per lot with a dwelling is allowed. **EXCEPTION:** One (1) additional (second) accessory building may be authorized and placed on an adjacent lot provided both lots share a common lot line and have the same owner. Under no circumstance shall more than two (2) accessory buildings be permitted regardless of the number of commonly owned lots.

A storage building shall not exceed three hundred square feet (300 sf) in size, nor exceed fifteen feet (15') in height, measured from the finished ground level or grade at the front of the structure.

Storage buildings shall be similar in color tones of the exterior of the dwelling. The design of the storage building shall complement the dwelling or of such style as not to detract from the style of the dwelling. A photograph of the proposed storage building shall be attached to the building permit application.

No storage building shall be constructed, erected, or positioned on any lot prior to the commencement of construction of the residential structure on such lot.

Shipping containers of any size shall not be permitted on any lot in the Single-Family District for use as a storage building.

Pods shall not be used as storage buildings. See section on pods for more information.

Storage buildings shall not be positioned within easements designated for the lot.

Storage of flammable liquids, gases and materials shall be limited to quantities needed for normal residential uses.

No detached storage building shall be used for habitation or for business.

The storage building shall not be moved or repositioned from the approved location specified in the building permit without prior written approval from the B&Z Board/Administrator.

Storage buildings are not permitted on vacant lots if the lot does not share a common property line with the lot on which the home is constructed and both lots are owned by the same property owner. If a storage building is currently on a vacant lot that does not share a common lot line, the storage building may remain provided it is structurally sound and maintained in good condition. If a storage building is currently on a vacant lot not sharing a common lot line with the owner of both lots, the storage building may remain provided it is maintained and structurally sound.

Gazebos and Pergolas - shall not exceed fifteen feet (15') in height and be no larger than ten percent (10%) of available yard space.

Setback areas are not included as part of the available yard space.

Greenhouse – A permanent structure is erected or placed on a lot for year-round use.

Temporary greenhouse may not be erected before October 1st and must be disassembled and removed by May 31st.

Greenhouses shall not exceed two hundred square feet (200sf) in size or be higher than fifteen feet (15') from the floor.

A greenhouse whether permanent or temporary shall be maintained. Failure to maintain a greenhouse may require the structure to be disassembled and removed.

**Fee: \$50.00 fee** See table page 44

**Duration:** 90 days

- b) **Car & Boat Ports** - Car/boat ports are covered structures used to offer limited protection from the elements for vehicles, to include vehicles, watercraft, and golf carts. The structure can either be free standing or attached to a building.

Whether “attached” or “free standing”, car/boat ports shall be connected to concrete or an asphalt driveway connecting the existing driveway.

If a concrete foundation is to be poured, a form board survey is required to be submitted once the form boards are in place.

Prior to pouring a foundation under this section, an inspection by the registered professional engineer of record must be completed and evidence of the inspection and approval to be provided to the City of Star Harbor. *Pouring a foundation without submitting an approval from the engineer of record and first receiving from the City of Star Harbor will result in a “Stop Work Order” and will result in a fine.*

The structure shall not exceed one thousand square feet (1,000 sf) and not be larger than one half (½) the square footage of the dwellings living space. The peak height shall be a maximum of twenty-five feet (25'), measured from the finished ground level or grade at the front of the structure. However, the roof line may be a continuation of the dwelling's roof peak. The roof materials shall be similar in appearance to the dwelling.

The car/boat port shall be located at least thirty feet (30') from the front lot line and no nearer than seven feet (7') from the side or back lot lines, & boat port behind front face of the house.

**Fee:** \$0.50 per square foot see table page 44.

**Duration:** 160 days

Certificate of Completion required.

- c) **Decks** – Decks shall be no larger than ten percent (10%) of available yard space.

Setback areas are not included within the available yard space.

If the deck floor is less than thirty inches (30”) high from the ground, a porch guardrail is not required. If the deck floor is more than thirty inches (30”) from the ground guardrails (railing) is required and must be at least thirty-six inches (36”) in height measured from the deck surface to the top of the rail. Taller guardrails are permitted so long as they conform to all other code requirements.

Balusters, the vertical guards, or spindles that support the handrail, must be installed close enough that the space between them is no greater than 4 inches.

The sweep space between the deck surface and the bottom rail must be less than four inches (4”).

Guardrails must be strong enough to withstand a concentrated two hundred-pound (200lb) force anywhere along the top of the rail.

Handrails are required for stairs and must meet standards as specified in the IBC code. The top edge of the handrail must be placed between thirty-four inches (34”) and thirty-eight inches (38”) above the nosing of the stair treads. Handrail ends must be returned and terminated at rail posts. The handgrips must allow a minimum of one and one-half inch (1½”) space between the handrail and the guardrail or wall. A variety of gripping surfaces may be acceptable but must meet requirements for the gripping surface. Flat 2”x4” and 2”x6” handrails are not acceptable. A circular cross section of a handrail must have an outside diameter of between one and one-quarter inches (1¼”) and two inches (2”).

Wood decks must comply with construction standards specified in the International Building Code (IBC) as amended by the Texas Revisions to the International Building Code (TRIBC).

Decks with outdoor kitchens will require a CSI inspection of any water source. Property owners desiring to erect, construct or replace a deck on their lot shall complete a building permit application available at the City Hall.

**Fee:** \$50.00 see table page 44.

**Duration:** 90 days

- d) **Demolition, Deconstructing or Razing** - If a structure in any zoning district is partially or wholly destroyed by fire, the elements, or by other cause, the debris and residue of such structure shall be cleared and disposed of within ninety (90) days following completion of insurance adjustment requirements, if any. A razing/demolition permit shall be obtained prior to starting clean-up or removal of the damaged structure.

If the foundation slab cannot be used it must be removed. Demolition shall be completed, the site cleaned of all materials, and the site prepared for landscaping within ninety (90) days from the start date of demolition.

The burning of material from a demolished structure is prohibited in the City of Star Harbor.

An orange construction safety fence shall be erected around the site prior to demolition of structures to contain demolition debris.

Property owners shall be financially responsible for all damage or detrimental impact to the City's streets, street easements, and infrastructure prior to start of construction, during construction, and after completion of construction or demolition of structures in the City of Star Harbor.

**Fee:** permit \$0.50 per square foot & heavy truck \$0.25 sf see table page 44.

**Duration:** 90 days

- e) **Driveways & Sidewalks** – The City of Star Harbor requires all dwellings, garages, car and boat ports to be connected to the city street by a surfaced driveway of asphalt, concrete, paving bricks or paving stones over a prepared base. Crushed rock, gravel, shingles, iron ore or any surface other than the above are NOT approved materials.

Driveways and parking pads connecting to public streets shall allow for proper street drainage and access to city water and sewer lines.

Provisions for and the maintenance of adequate drainage of storm water is the responsibility of the property owner. Star Harbor may require property owners to install a culvert or culverts in the event construction will or could interfere with drainage. A culvert may be made from a minimum 12-inch pipe, reinforced concrete, or other material.

A minimum of two surfaced parking spaces shall be constructed and maintained for each residence on a lot within the Single-Family District. Each parking space shall be not less than one hundred eighty square feet (180sf).

Parking spaces and driveways shall be constructed within the property lines of the residential lot.

**Fee:** permit \$50.00 & heavy truck \$150.00 see table page 44.

**Duration:** 90 days

- f) **Dwellings – New, Additions & Remodels/Renovations**

Additions increase the home's square footage, improve the quality of life, and raise the value of the house. There are five main types of home additions: Sunroom Addition, Room Addition, Bump Out Addition, Garage Conversion, and Patio Enclosure.

Remodeling or renovating dwelling interiors does not require a building permit so long as the interior square footage of the dwelling does not increase. If the interior square footage increases or if there are changes or modifications to the dwelling's exterior a building permit is required.

Single-family dwellings in the Single-Family District shall be located at least thirty feet (30') from the front lot line and no nearer than seven feet (7') from the side or back lot lines of any lot.



The front lot line is that lot line which parallels and faces upon a public street and upon which the front of the dwelling will face. When a lot has multiple frontages facing two or more streets, each such street frontage shall be a front lot line, and front lot line setback requirements shall apply to both frontages.

A single-family dwelling erected on any lot within the Single-Family District shall contain a minimum of fifteen hundred square feet (1,500sf) of living space exclusively of porches, breezeways, carports, patios, garages or accessory buildings.

Square footage is measured on the outside of the structure. Minimum square footage is determined based on inside living space and excludes garage, carport, porches, etc.

Single-family dwellings in the Single-Family District shall be located at least thirty feet (30') from the front lot line and no nearer than seven feet (7') from the side or back lot lines of any lot.

*Table of Dimensional regulations for New Homes*

<b>TABLE OF DIMENSIONAL REGULATIONS FOR NEW HOMES</b>						
Dwelling	Minimum Setback Requirements			Minimum Square Footage		Maximum Height
	Front	Back	Side	1 <sup>st</sup> Floor	2 <sup>nd</sup> Floor	
	(Feet)	(Feet)	(Feet)	(Feet)	(Feet)	(Feet)
Single-family (One Story)	30	7	7	1,500	0	35
Single-family (Two Story)	30	7	7	1,200	400	35
Single-family (One Story) (Waterfront)	30	7' or 325 Line	7	1,500	0	35
Single-family (Two Story) (Waterfront)	30	7' or 325 Line	7	1,200	400	35

Distance from lot lines shall be measured to the nearest face, corner or portion of the dwelling, attached accessory structure or porch, except that eaves may project beyond the structure proper toward the lot line for a distance not to exceed two feet (2').

No dwelling shall exceed two stories in height. The overall height of the roof line shall not exceed thirty-five feet (35'), measured from the finished ground level or grade at the front of the dwelling. Lower levels or basements below the grade at the front of the dwelling shall not be used in the determination of allowable number of stories.

A two (2) story dwelling shall contain a minimum of twelve hundred square feet (1,200sf) of enclosed living space on the primary residential floor and a minimum of four hundred square feet (400sf) of enclosed living space on the second floor.

Foundations on grade shall be reinforced concrete slab or reinforced concrete pier and beam. Post tension tendons as well as rebar shall be allowed.

A form board survey is required to be submitted once the form boards are in place.

Prior to pouring a foundation under this section, an inspection by the registered professional engineer of record must be completed and evidence of the inspection and approval to be provided to the City of Star Harbor. *Pouring a foundation without submitting an approval from the engineer of record and first receiving from the City of Star Harbor will result in a “Stop Work Order” and will result in a fine.*

The exterior facing of dwellings shall be of brick, rock, stone, stucco, painted steel siding or fiber cement board. Exterior facings must be maintained. Architectural 26-gauge steel siding shall be combined with other approved exterior building facing materials. When used, steel siding must be in combination with brick, rock, stone, cement fiber board or masonry materials. Wood or wood composition components may be used for architectural features such as trim, soffits, and porch posts and shall be finished with a high-quality outdoor paint or stain.

Concrete block, manufactured cinder, cinder block, sheet metal, wood shingles, foundation blocks or wood shall not be used for the dwelling's facing or exterior walls.

Wood or wood composition soffits and trim shall be finished with paint or stain. Wood architectural features shall be maintained as originally applied.

Log cabins are not permitted in the City of Star Harbor.

Roof surfaces shall be fire-resistant material. No structure of any type shall have a wood shingle roof.

No dwelling shall be constructed, modified, or converted from a structure moved into the City, nor shall a dwelling be a mobile home, manufactured home, double-wide or trailer.

Vinyl, aluminum and residential grade metal siding will be permitted for soffits, trim and other architectural and structural requirements.

Lots in the Single-Family District shall be used exclusively for single-family dwellings. Only one single-family dwelling shall be erected and used on any residential lot within the Single-Family District.

Multiple, adjacent lots, or a lot plus a portion of an adjoining lot, that have common ownership and are listed as a common unit on the Tax Rolls of the City of Star Harbor may be used and occupied as if they were one lot. *If the lots have not been previously combined on the Tax Rolls, before a building permit shall be considered, the property owner shall have verified by the Henderson County Appraisal District that the property owner has requested the combination of such lots for other than tax purposes.* Such lots may be combined in area and be treated as a single lot on which one single-family dwelling may be erected, provided that all other standards of residential land use and structures are met. These lots shall not be separated at a future time unless all structures thereon comply with all set back lines and all other requirements of this Ordinance.

Easements for the installation and maintenance of utilities and drainage facilities in the Single-Family District are reserved across the front five feet (5') and the rear six feet (6') for the full width of each lot and for five feet (5') on the sides for the full depth of each lot.

**Exception** - Waterfront lots have no easements along the back 325' line or water line. However, permission to build in these areas must be received from the Tarrant Regional Water District.

Individual and community sewage disposal systems in the City of Star Harbor shall meet at least the minimum requirements for such systems as recommended by the Texas State Health Department and adopted by the City of Star Harbor.

Roof gutters shall not be connected to any part of Star Harbor's sanitary sewer system, nor shall surface water be allowed to infiltrate the system.

Each dwelling in the City of Star Harbor shall be connected to the water distribution system owned and operated by the City of Star Harbor. All septic systems shall comply with the provisions of Star Harbor (**Ordinance 160**)

Turf or turf grass seed shall be installed or applied to the entire lawn prior to the B&Z Board/Administrator issuing a Certificate of Occupation.

New dwellings on lake lots may apply for a permit to access irrigation lake water from Tarrant Regional Water District. New dwellings without lake access shall connect to city water with a dedicated irrigation meter, install an irrigation well or use the home water meter.

New residences located on corner lots (frontage on two or more streets) will be given the number and street address of that frontage where the principal access door is located. When a residence is located on two or more lots the number assigned shall be that which contains the principal access door and preserves reasonable sequence with opposite property numbers. The homeowner should coordinate with the City Secretary to obtain the applicable street address and will record such address upon the building permit when issued. The “house” number assigned to the residence shall be placed to be plainly visible from the street. Compliance with U.S.P.S. regulations concerning identification of curb-line mailboxes may complement but will not replace positive identification of property. (**Ordinance 65**)

*Permit fees are based on “Under Roof” square footage.*

**Fee New dwelling** - \$0.75 per square foot & heavy truck \$0.75 sf      **Duration:** 365 days

**Fee Addition/Remodel** - \$0.75 per square foot & heavy truck \$0.50 sf      **Duration:** 210 days

**Fee Exterior Renovation** - \$350.00      **Duration:** 210 days

Heavy truck/road use fee see table page 44.

CSI Inspection @ \$150.00

Certificate of Occupancy required **prior to occupying** dwelling.

g) **Fences**

Containment fences shall be constructed of wrought iron, tubular steel, or chain link\* (\*Chain link is not permitted for swimming pool fences. Refer to Swimming Pool section for permitted pool fencing). Fence screens may be allowed to provide a shield between structures. Fence screens are limited in length and height to that necessary to shield the designated structure. The

lot contour and the purpose of a fence screen will vary with each request. For these reasons, specific dimensions are not provided.

Privacy fences are not allowed.

Property owners should contact neighbors before connecting to a fence. Documentation will need to be presented along with the application of approval by neighbor to connect to an existing fence.

No fence, regardless of construction or height, may extend toward the street beyond the front of the residence.

A lot's perimeter/property boundary fence or interior of lot or bordering of lot shall not exceed forty-eight inches (48") in height.

On lots with more than one street side, fences on the sides abutting the streets shall not extend toward the street nearer than twenty feet (20') to that property line.

**Exceptions** to this are lots one (1) through six (6) of Block twenty-seven (27), Marina Property. Because of the elongated shape of those lots, fences may extend to within forty feet (40') from Sundown Trail and/or Westview Drive.

Prohibited fencing materials include, but are not limited to, plywood, corrugated or flat metal, fiberglass, or vinyl, agriculture types of fencing, cardboard, or electrical fencing.

**Fee:** \$50.00 see table page 44.

**Duration:** 90 days

#### h) **Garages**

A garage may be either attached or detached from the dwelling. Garages attached to the primary dwelling and constructed as part of the dwelling design plans and approved by the B&Z Board/Administrator during the initial review and approval building permit process are not addressed under this Section.

If a concrete foundation is to be poured, a form board survey is required to be submitted once the form boards are in place. Prior to pouring a foundation under this section, an inspection by the registered professional engineer of record must be completed and evidence of the inspection and approval to be provided to the City of Star Harbor. *Pouring a foundation without submitting an approval from the engineer of record and first receiving from the City of Star Harbor will result in a "Stop Work Order" and will result in a fine.*

A detached garage shall not exceed fifty percent (50%) of the square footage of the enclosed living space of the residence.

Detached garage shall be located no nearer than seven feet (7') from the side or back lot lines of any lot.

A detached garage must set back at least thirty feet (30') from the front property line.

The front and sides of the detached garage visible from the street shall comply with the exterior requirements and regulations for the dwelling, and it shall be constructed with like materials and style as the primary dwelling.

A detached garage shall be at least fifteen feet (15') from the lot's sewer system.

A detached garage may be connected to the dwelling by a covered breeze way. A garage connected to the primary dwelling by a covered breeze way shall still be considered detached.

The height of a detached garage may not exceed the height of the primary dwelling.

A detached garage shall be connected by a surfaced driveway (see definition) to the front facing street or to the driveway to the primary dwelling.

The eaves of the detached garage shall not be in front of a line with the dwelling's eaves.

**Fee:** \$0.50 per square foot & heavy truck \$0.25 sf see table page 44.

**Duration:** 210 days

Certificate of Completion required.

i) **Lawn Irrigation System**

A back-flow preventer is required to prevent potentially contaminated water from entering the city's water system.

Upon request and approval, the City of Star Harbor can install a separate water meter for irrigation purposes only. The cost of water used through a dedicated irrigation meter is based only on the water used. Sewer fees are not included. Contact the City Secretary at the Star Harbor City Hall for costs associated with the installation of a dedicated irrigation meter. The property owner is responsible for all costs associated with the installation of the lawn irrigation system.

Lake front lots may access water through a dedicated pump directly from the Cedar Creek Reservoir. Property owners with lake front property must contact the Tarrant Regional Water District for specific requirements and permits.

Property owners may also contract with a well drilling company for the installation of a dedicated residential irrigation well. (See water wells in Section I) below). To prevent possible contamination dedicated residential irrigation well shall not be connected to city water lines servicing the dwelling.

**Fee:** \$50.00 see table page 44.

**Duration:** 90 days

CSI Inspection required upon completion for property connecting to city water.

j) **Patios with or without Covers and Pergola**

All patios with or without a cover and all patio cover over existing patios require a building permit.

A paved patio may not cover or preclude access to underground utility structures.

If the patio is constructed of a concrete slab the following minimum specifications apply:

- ❖ Concrete shall be a minimum of four inches (4”) thick with a five-inch (5”) slump, or eight-inch (8”) slump if using flowing concrete, with six-inch (6”) by six-inch (6”) 10/10 woven wire or mesh on a minimum four inches (4”) of crushed stone, gravel, or sand.
- ❖ Install an expansion joint where concrete slab abuts the building or other concrete.
- ❖ Install flashing behind any wood and down face of foundation where concrete is poured against it.
- ❖ The concrete shall be poured not less than one- and one-half inches (1½”) below sill of door at patio.
- ❖ When poured against the house, rebar needs to be drilled into the primary structure three feet (3’) on center.

Patio covers cannot be used as carports, garages, habitable rooms, or storage structures.

Pergolas shall not exceed fifteen feet (15’) in height and be no larger than ten percent (10%) of available yard space. Setback areas are not included within the available yard space.

Patios with outdoor kitchens will require a CSI inspection of any water source.

**Fee:** \$50.00 & heavy truck \$300.00 see table page 44.

**Duration:** 90 days

k) **Swimming Pools, Pool Structure and Hot Tubs**

Pool structures include but are not limited to fences, pool houses, pergolas, gazebos, and cabanas.

**Above-ground swimming pools are prohibited;** kiddie wading pools, for the occasional use of children, are permitted.

Full responsibility for the maintenance and operation of private swimming pools, swimming pool structures and hot tubs shall be placed with the owners thereof.

Private swimming pools and hot tubs ***will be fenced, gated,*** and should be locked.

Responsibility for meeting minimum pool safety requirements rests solely on the pool/property owner.

The pool yard enclosure fence and gate must have a minimum **4-foot-high barrier** around the pool area. This barrier cannot have any gaps or openings wider than **4 inches**. Chain-link fencing is not allowed. Additionally, the pool gate must be self-closing or self-latching and can be secured using methods such as a padlock, combination lock, built-in keypad, or key card.

A pool yard enclosure fence shall not be less than forty-eight inches (48”) in height, measured from ground level, and the location of the fence will need to be indicated on the application.

Pool structures that include an outdoor kitchen will require a CSI inspection of any water source.

If a concrete foundation is to be poured, a form board survey is required to be submitted once the form boards are in place.

Prior to pouring a foundation under this section, an inspection by the registered professional engineer of record must be completed and evidence of the inspection and approval to be provided to the City of Star Harbor. *Pouring a foundation without submitting an approval from the engineer of record and first receiving from the City of Star Harbor will result in a “Stop Work Order” and will result in a fine.*

When a dwelling with a pool is vacated for extended periods of time and/or placed on the market for sale or lease, the owner is responsible for maintaining the pool in such a manner as to be clean and sanitary always. If unable to maintain the pool in a safe and sanitary manner, the property owner is required to obtain the services of a pool service company to provide monthly pool service until the property is occupied, sold or leased. If the pool is not properly maintained, the City of Star Harbor shall obtain the services of a pool maintenance contractor and charge the expenses thereby incurred including a \$300.00 City of Star Harbor administrative cost against the owner and assess the same against the property. Should the property owner fail to make full financial restitution by a date specified in a written notice pursuant to the provisions of this ordinance, the mayor, or the municipal health authority municipal official designated by the Mayor shall file a statement of the expenses incurred thereby with the County Clerk of Henderson County, Texas.

**Fee Swimming Pools:** \$250.00 & heavy truck \$ 350.00 see table page 44. **Duration:** 210 days

**Fee Swimming Pool House:** \$200.00 **Duration:** 120 days

**Fee Swimming Pool Structure:** \$50.00 **Duration:** 90 days

**Fee for Hot Tubs:** \$50.00 **Duration:** 90 days

Certificate of Completion and CSI Inspection required upon completion.

#### 1) **Water Well**

Private water wells in Star Harbor access the Carrizo-Wilcox Aquifer. Although the Carrizo-Wilcox Aquifer reaches 3,000 feet in thickness, the freshwater saturated thickness of the sand averages 670 feet.

No water well shall be drilled or operated within the City of Star Harbor, Texas unless an application has been made to the B&Z Board/Administrator. The B&Z Board will examine the permit request and verify that the proposed well is within property easements. The provisions of this section supersede Ordinance 160.

A private water well shall be used for irrigation purposes only.

A private water well and pump house shall be within the building set-back lines.

Water produced from the irrigation water well shall not be connected to any pipe or plumbing to any residence within the City of Star Harbor, Texas.

In accordance with the State of Texas code water wells may not be closer than fifty feet (50') to the dwelling's septic system.

**Fee:** \$400.00

**Duration:** 180 days

CSI Inspection required upon completion.

### **Section 7 –Lots**

Lots in Star Harbor are classified as either Single-Family District lots or City District lots. The boundaries of the lots are delineated on the zoning district map of the City of Star Harbor located in the City Hall.

The lot lines shown on the zoning district map are usually along streets, property lines, or extensions thereof. When uncertainty exists as to the boundaries of lots as shown on the official zoning map, the following shall apply.

Lot boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

Lot boundaries indicated as approximately following city limits shall be construed as following city limits.

Lot boundaries indicated as approximately following lake or inlet shoreline shall be construed as following the 325-foot Mean Sea Level elevation markers as located in the original plat of the Star Harbor development. The 325-foot M.S.L. line is shown as a property line on the individual lot plats and is approximately the 325-foot M.S.L. elevation.

At no time shall the existing lot platted survey pins (rebar pins) be moved or reposition unless the lot and any adjoining lot has been re-platted as a single lot.

Where physical features of the ground or water areas are at variance with information shown on the official zoning district map, or when a question arises as to how or whether a parcel of property is zoned, the property shall be considered as classified temporarily as City District, and the issuance of building permits and determination of permanent zoning classification shall be in accordance with the provision in the section City District lots.

Lots in each of the defined zoning districts may be used for the specified purposes and in accordance with the regulations and specified herein, provided also that no lot shall hereafter be used for other than those uses specified for the zoning district in which it is located as set forth by the following schedule of uses and regulations.

Lots in the Single-Family District shall be used exclusively for single-family dwellings.

Only one single-family dwelling shall be erected, used, or permitted to remain on any residential lot within the Single-Family District. No single-family dwelling shall be occupied by more than one family.

Multiple, adjacent lots, or a lot plus a portion of an adjoining lot, that have common ownership and are listed as a common unit on the Tax Rolls of the City of Star Harbor may be used and occupied as if they were one lot. If the lots have not been previously combined on the Tax Rolls, before a building permit shall be considered, the property owner shall have verified by the Henderson



County Appraisal District that the property owner has requested the combination of such lots for other than tax purposes. Such lots may be combined in area and be treated as a single lot on which one single-family dwelling may be erected, provided that all other standards of residential land use and structures are met. These lots shall not be separated at a future time unless all structures thereon shall comply with all set back lines and all other requirements of this Ordinance.

- a) Except as provided in sub-paragraphs below, no bus, travel trailer, motor home or other similar vehicle shall be stored on any lot within the Single-Family District at any time unless the same is always housed in a completely enclosed garage built in accordance with the terms of this ordinance.
  - (i) Limited overnight accommodation for visitors arriving in motor coaches or recreational vehicles (RV) may be permitted for no more than five days. No bus, travel trailer, motor coach or similar vehicle may be parked on the pavement of a public street at any time.
  - (ii) A personal recreational vehicle (RV) may be parked temporarily, for no more than 5 five days, on the off-street parking spaces of a residential property for maintenance or preparation for trips.
- b) Resident vehicles shall be parked on surfaced approved parking spaces on the residential lot and not on public streets, easements, lawn, or yard areas.
- c) Temporary parking to accommodate guests, if surfaced approved parking spaces are fully occupied, may be on other than a surfaced parking space, ensuring that parked vehicles do not in any manner impede emergency vehicle access on the City's streets and parked vehicles do not restrict visibility at intersections and oncoming traffic.
- d) No tent, shed, barn, shack, vehicle, detached garage, accessory building, or boat house shall be used as permanent residence, living or sleeping quarters on any lot within the Single-Family District at any time.
- e) No outdoor toilet shall be erected, placed, or permitted to remain on any lot except during construction. Property owners shall provide portable commercial toilets and suitable construction trash containers only for the duration of the construction project.
- f) Portable toilets and trash containers are not allowed on lots except during construction.
- g) Storage and use of flammable liquids, gases and materials within the Single-Family District shall be limited to quantities needed for normal household or maintenance uses. Safety precautions against fire or explosive hazards shall be observed.
- h) No noxious, offensive, or hazardous activity or condition which is likely to or does create a nuisance, hazard, or environmental problem shall be permitted.
- i) No lot in the Single-Family District shall be used or maintained as a dumping ground for garbage or other refuse. Trash, garbage and other refuse shall be kept in closed, sanitary containers pending disposal. Incinerators, cans, and other equipment for storing and disposal of such materials shall be kept in a clean and sanitary condition.
- j) The owner of each lot in the Single-Family District is responsible for maintaining such lot in a condition in keeping with the appearance of other property in the neighborhood and

community, including but not limited to, free from high weeds, brush, invasive vegetation, dirt or sand piles, building materials, asphalt, crushed rock or stone and other debris.

- k) No vacant lot within the Single-Family District shall be used for the open storage of vehicles, machinery, power equipment or accessories, boats, boat trailers, utility trailers, recreational vehicles (RV), recreational trailers, or other recreational equipment, construction materials, or other materials.
- l) No operable, inoperable, unlicensed, or junk vehicles, boats, machinery, power equipment or accessories shall be stored or parked for more than 30 days within the Single-Family District on any lot except such items may be stored in enclosed structures such as a garage. Damaged items may not be stored in cars or boat ports if visible from the road.
- m) No boats, boat trailers, recreational or maintenance equipment or other materials shall be stored forward of the front face of the dwelling (See exception in Paragraph (n) below) or be placed, arranged or stored in such a manner or condition as to be or become detrimental to the value and character of the surrounding neighborhood and the City of Star Harbor.
- n) When Cedar Creek Lake's water level falls below 320 feet M.S.L. elevation, Star Harbor residents may park their watercrafts on their property if it does not create a hazardous or unsightly condition. When Cedar Creek Lake's water level rises above the 320 feet M.S.L. elevation, watercrafts that are parked on the resident's property shall be removed within thirty (30) days from the date that the Cedar Creek Lake level rises above the 320 feet M.S.L. elevation.
- o) No lot in the Single-Family District which does not have a residence thereon shall be used for overnight camping or sleeping.
- p) No single-family dwelling shall be occupied permanently by more than one family. This rule does not preclude short-term visits by guests.
- q) No lot in the Single-Family District shall be used to conduct business therein. However, incidental use of a residence for business purposes that is not distinguishable from normal residential use as observed from adjacent lots or the public right-of-way is permissible. Refer to the Home Business Section for more details.
- r) Storage and use of flammable liquids, gases and materials within the Single-Family District shall be limited to quantities needed for normal household or maintenance uses. Safety precautions against fire or explosive hazards shall be observed.
- s) No noxious, offensive, or hazardous activity or condition which is likely to or does create a nuisance, hazard, or environmental problem shall be permitted.
- t) It shall be unlawful for any person, {estate}, firm or corporation who shall own or occupy any house, building or other structure or who owns or occupies any lot or lots or yard or other property in the City of Star Harbor, Texas to permit, allow, create, or continue to permit any carrion, filth or other impure or unwholesome matters to accumulate or remain thereon.
- u) It shall be unlawful for any person, {estate}, firm or corporation who shall own or occupy any house, building or other structure or who owns or occupies any lot or lots or yard or other property in the City of Star Harbor, Texas to permit, allow, create or continue to permit any

holes, depressions or place on said property where water may accumulate and become stagnant or permit same to remain

- v) The owner of each lot in the Single-Family District is responsible for maintaining such lot in a condition in keeping with the appearance of other property in the neighborhood and community, free from high weeds, piles of leaves, brush, invasive vegetation, dirt, or sand piles, building materials, asphalt, crushed rock or stone and other debris.
- w) It shall be unlawful for any person, {estate}, firm or corporation who shall own or occupy any house, building or other structure or who owns or occupies any lot or lots or yard or other property in the City of Star Harbor, Texas to permit, allow, create or continue to permit, including but not limited to, rubbish, grass clippings, brush, dead trees or tree trunks or limbs or other unsightly, objectionable or unsanitary matter to accumulate or grow on such property. Weeds, grass, or brush at a height of twelve (12) inches or more shall be a violation of this provision.
- x) It shall be unlawful for any person, {estate}, firm or corporation to, including but not limited to, dump, deposit or leave any refuse, garbage, rubbish, trash, leaves, limbs, dead trees or tree trunks or junk on a street, right of way or easement, public property or private property within the City of Star Harbor, Texas, whether not the same or the property upon which it is dumped, deposited or left belongs to the person, {estate}, firm or corporation dumping, depositing or leaving it.
- y) No inoperable, unlicensed, or junk vehicles, machinery, power equipment or accessories shall be stored within the Single-Family District on any lot.
- z) No boats, boat trailers, recreational or maintenance equipment or other materials shall be stored forward of the front face of the dwelling or be placed, arranged, or stored in such a manner or condition as to be or become detrimental to the value and character of the surrounding neighborhood and the City of Star Harbor.
- aa) When Cedar Creek Lake's water level is below 320-feet M.S.L. elevation, Star Harbor residents may park their watercrafts on their property if it does not create a hazardous or unsightly condition. When Cedar Creek Lake's water level rises above the 320-feet M.S.L. elevation, watercrafts that are parked on the resident's property shall be removed within thirty (30) days from the date that the Cedar Creek Lake level rises above the 320-feet M.S.L. elevation.
- bb) No lot in the Single-Family District shall be used for raising, keeping, or maintaining animals or fowls, other than normal household pets as provided in city ordinances.
- cc) No lot in the Single-Family District, which does not have a residence thereon shall be used for overnight camping or sleeping.
- dd) Lot and areas designated as City District shall be used for activities necessary for the City to fulfill its duties, functions, and responsibilities for the operational activities as determined by the Governing Body of the City of Star Harbor. Regulations for the proper use, construction and maintenance of structures, grounds and facilities in the City District shall be determined by the City Council.

- ee) The City shall keep stored materials, equipment, etc., in selected locations designated by the City and kept in an orderly and neat manner. Storage areas will be kept free of all tall vegetation, dead trees, and trash.
- ff) No lots or land in the City of Star Harbor shall be used for the landing, take-off, maintenance, operation or storage of personnel-carrying fixed wing, rotary wing or “lighter than air” aircraft. Emergency rescue and airlift aircraft will be allowed in life threatening circumstances.
- gg) Any structure on any lot in any zoning district partially or wholly destroyed by fire, the elements, or by other cause, the debris and residue of such structure shall be cleared and disposed of within ninety (90) days. A razing/demolition permit shall be obtained prior to starting clean-up or removal of the damaged structure.
- hh) Any foundation slab on any lot in any zone that cannot be used must be removed.
- ii) It shall be unlawful for any person, {estate}, firm or corporation who shall own or occupy any house, building or other structure or who owns or occupies any lot or lots or yard or other property in the City of Star Harbor, Texas to permit, allow, create or continue any act, condition or thing, existing, done or in being within the City of Star Harbor, Texas, which endangers the property, health and safety of the citizens of the City or which is detrimental to the appearance of the City and each such act, condition or thing is hereby decreed to be a public nuisance.
- jj) All vacant lots (lots without a primary dwelling) shall be kept clear of vegetation exceeding twelve inches (12”) in height (grasses, weeds), brush, vines, dead trees, tree stumps, down or broken tree limbs, piles of brush and leaves, burn piles/ashes. This rule applies to all lots upon enactment of this Ordinance by the City Council.

## **Section 8 – Land Use**

***Property owners shall be financially responsible for any damage or detrimental impact to the City's streets, street easements in the City of Star Harbor & thereby pay a heavy truck fee upon the approval of a permit.***

- a) **Boat Docks, Boat Lifts & Piers:** The City of Star Harbor does not have jurisdiction of docks, piers, or boat houses/lifts extending from shore into Cedar Creek Reservoir. Tarrant Regional Water District (TRWD) permits all structures extending from the shore into the Reservoir. Property owners should contact TRWD for any questions concerning docks, piers or boat houses/lifts.

The TRWD website is [www.trwd.com](http://www.trwd.com).  
The address for the Cedar Creek Office is:  
Cedar Creek Lake  
6613 Ashby Lane  
Trinidad, TX 75163  
(903) 432-2814

- b) **Burning:** The City of Star Harbor adopted the rules established by the Texas Commission on Environmental Quality (TCEQ) for Outdoor Burning in Texas.  
The following outdoor burn restrictions and limitations are designed to protect public health, safety, and the environment. They are designed to reduce the likelihood that the burning will create a nuisance, cause a hazard, or harm the environment.
- (i) Outdoor burning is prohibited when the Henderson County and/or City of Star Harbor issues a “Burn Ban”.
  - (ii) There must be a water source within twenty-five feet of the burn to extinguish fire that is or may be out of control.
  - (iii) Do not start burning unless weather conditions are such that the smoke will dissipate (winds of at least six (6) miles per hour; no temperature inversions) while still allowing the fire to be contained and controlled (winds no faster than ten (10) miles per hour).
  - (iv) Begin burning no earlier than one hour after sunrise and cease burning the same day no later than one hour before sunset.
  - (v) At the end of the burn, extinguish isolated residential fires.
  - (vi) Burning on city streets is not allowed.
- c) **Cargo Containers:** Cargo containers, shipping containers, or “PODS” include standardized reusable vessels that were originally designed for or used in the parking, shipping, movement or transportation of freight, articles, goods or commodities. Cargo containers shall not be permitted on any lot for use as a storage building. A single cargo container is allowed for no longer than thirty (30) days for moving in or out of a dwelling. Cargo containers requiring more than 30 days will be required to pay a fee of \$50.00 per month after the initial 30 days. If an extension fee is not paid & it is over the initial 30 days, a citation may be issued.
- d) **Clearing of Lots:** Clearing a lot for any purpose of constructing a structure can result in large piles of trees, stumps, brush, and other combustible materials. The preferred disposal method is to harvest and remove large trees and haul most material to an approved dump site. Burning of material may be permitted. No commercial burning is allowed (including but not limited to lot clearing and construction waste).
- Begin clearing no earlier than one hour after sunrise and cease clearing no later than one hour before sunset.
- Any burning on cleared lots must follow burning requirements of Section b) **Burning** above.
- e) **Culverts & Drainage:** Unpolluted water runoff resulting from rain, irrigation or other sources shall be directed through culverts and drainage ditches to the lake. Under no circumstance shall the natural flow be blocked. Star Harbor may require property owners to install a culvert or culverts in the event new construction will or could interfere with drainage. The Star Harbor City Operations Manager or designee assigned by City of Star Harbor shall determine and approve drainage plans and as considered necessary shall require and approve the installation of all culverts. A culvert may be made from a minimum 12-inch pipe, reinforced concrete, or other material.

- f) **Decorations, Seasonal (Holiday & Special Events):** Seasonal decorations are defined as any object placed in the yard that represents a specific holiday or seasonal event.

Outdoor seasonal decorating is permitted, so long as it is within reason. Outdoor decorations should not be generally irksome (such as loud noises, blinding lights, or traffic) and intrusive to other community members, particularly immediate neighbors.

The following schedule for erecting and removing exterior holiday or seasonal decorations are provided in the following table.

*Table 1 Outdoor Holiday Decoration Schedule*

<b>HOLIDAY</b>	<b>ALLOWED</b>	<b>REMOVED</b>
<b>Halloween</b>	<b>30 days before</b>	<b>10 days after</b>
<b>Christmas</b>	<b>30 days before</b>	<b>10 days after</b>
<b>All Other Holidays</b>	<b>30 days before</b>	<b>10 days after</b>
<b>Special Occasions</b> (Birthdays, Anniversary Graduation, etc.)	<b>7 days before</b>	<b>1 day after</b>

- g) **Easements:** Easements for the installation and maintenance of utilities and drainage facilities in the Single-Family District are reserved across the front five feet (5') and the rear six feet (6') for the full width of each lot and for five feet (5') on the sides for the full depth of each lot.

Exception - Waterfront lots have no easements along the back 325-foot line or water line. The 325-foot line is the current 100-year flood plan. However, permission to build in these areas must be received from the Tarrant Regional Water District.

Without prior approval of the Star Harbor City Operations Manager or designee assigned by City of Star Harbor the property owner shall be liable for all costs from any damage to utilities or drainage caused by the property owner or property owner's agent or agents.

- h) **Erosion Control:** As a municipality located on Cedar Creek Reservoir the City of Star Harbor herein establishes erosion control standards that apply to all Single-Family District lots and City District properties.

Property owners are responsible for implementing effective measures that minimize soil erosion on their lot(s). For residential lots the most common and effective method is with the maintenance of healthy turfgrass and other plants that stabilize the soil and reduces erosion.

Lots with bare ground are more susceptible to soil erosion that can result in community drainage issues and lake sediment. Rain and overwatering increases erosion on bare ground. Property owners are responsible for implementing measures to minimize erosion in areas on their lot(s) susceptible to erosion caused by rain and overwatering.

The Star Harbor City Operations Manager, or designee assigned by City of Star Harbor is responsible for maintaining stormwater drainage system on either side of city streets and roads.

Property owners are responsible for keeping the drainage culverts and ditches located in city easements and adjacent to their lot lines clear of debris, leaves, overgrown vegetation, etc.

- i) **Fire Pits:** Firepits are classified as either permanent or portable. Fuel types are gel, wood, or gas (propane or natural gas).

Fire pits shall not be placed on a wood deck or other wooden structure.

Fire pits shall be placed on a concrete or stone surface not exceeding sixty square feet (60sf) in size.

A fire pit shall be at least ten feet (10') away from the dwelling or other structure.

The outer perimeter of the concrete or stone surface shall be a minimum of ten feet (10') from the side or rear lot line.

A fire pit may not be placed under overhanging tree branches, limbs or other plants.

Once lit a fire pit shall not be left unattended.

- j) **Fireworks:** Refer to Star Harbor City Ordinance 34 and 167.

- k) **Flag Poles:** City of Star Harbor homeowners are permitted to erect freestanding flagpoles of twenty feet (20') or less and fly a flag as large as four and one-half feet (4.5') by six feet (6').

Flagpoles shall be positioned at least ten feet (10') inside the property line.

A flagpole shall be located to avoid any overhead obstructions such as power lines when the flag is fully extended.

Flags that are tattered, torn, or faded should not be flown.

- l) **Home Business:** These regulations recognize that certain types of home-based businesses may be carried on without an adverse impact on the residential property or the neighborhood, but that limitations are necessary to preclude uses of a scale or type which may be incompatible in a residential context.

The purpose of establishing conditions for home occupations is to provide for small scale business uses of the home which are subordinate to the principal use of the property as a residence, and that are virtually indistinguishable in appearance and level of traffic generation from other residences in a neighborhood. No home occupation shall be permitted which would be incompatible with traditional residential uses in the surrounding neighborhood. To be considered compatible with a residential neighborhood, a home occupation must meet all the following conditions:

- (i) The Home Business must be conducted by someone living in the residence.
- (ii) No goods, stock in trade, or other commodities may be visible from outside the structure.
- (iii) There are no on-premises sales of goods or merchandise from inventory held on the premises, except for sales made during single customer visits, merchandise parties, via mail order or via telecommunication.

- (iv) The home occupation shall not employ persons who are not residents on the premises.
- (v) The use shall not create objectionable traffic, noise, fumes, odor, dust, vibration, heat, glare, or electrical interference.
- (vi) Uses related to teaching and instruction to pupils shall be limited to those which accommodate not more than four pupils at one time, or in the case of music instructions involving the use of musical instruments, not more than one pupil at a time.
- (vii) There shall be no external evidence of the occupation which differentiates the residence in appearance from other residential properties similarly situated.
- (viii) Customer visits are by appointment only.
- (ix) Occasional business gatherings for events such as home shows (Example - Merchandise Parties) are permitted.
- (x) No outdoor storage is permitted in conjunction with the Occupancy, and the only allowable exterior evidence of the business may be features normally associated with residential use, such as normally allowed parking.
- (xi) A Home Business may not cause substantial increases in on-street parking or traffic in the immediate vicinity.
- (xii) Permanent or temporary signs advertising the business are not permitted on the property lot, residence or within the city.
- (xiii) The use is not one of the following, which are expressly prohibited as home occupations:
  - i. (xiv) Barber and beauty shops.
  - ii. (xv) Real estate or insurance offices.
  - iii. (xvi) Commercial kennels or stables and similar uses.
- (xvii) Uses involving the parking or storage of tractor trailers, or the parking or storage of trucks with a gross vehicle weight (GVW) greater than 10,000 lbs.
- (xviii) Auto or small engine repair or maintenance, welding, or other uses which involve the visible outdoor storage on the property of automobiles or the parts thereof.

m) **Lawns:** Refer to Article City of Star Harbor **Ordinance Number 148** for requirements and or restriction that pertain to lots, lawns, and landscaping.

Lots of a single-family dwelling are required to have and maintain a lawn covered in a grass suitable for this area of Texas.

The following minimum landscape standards shall apply to Single-Family District and City District lots with and without structures.



Lots with applied lawn grasses shall be maintained by mowing. Under no circumstance shall grass exceed twelve inches (12”) in height.

Dead and dying trees, stumps, fallen limbs and trees and large weeds are considered safety hazards and should be removed from **all lots** by the property owner.

Dense areas on lots overgrown with brush, vines, weeds, etc. can harbor snakes, skunks, and other nuisance animals. Such areas are not permitted on **any lot** in Star Harbor and shall be removed by the lot owner.

- n) **Mailboxes:** Refer to Ordinance 65 for items specific to City of Star Harbor. Refer to <https://www.usps.com/> for general restrictions, limitations & requirements.
- o) **Noise Abatement:** Refer to Star Harbor City Ordinance 34,148 and 167.
- p) **Playhouses & Tree Houses:** Children’s playhouses may only be placed in the backyard. Children’s playhouses must be maintained in appearance and structure or removed. Treehouses are not permitted.
- q) **PODS:** See Cargo Containers.
- r) **Propane Tanks:** Refer to Federal as well as Texas regulation on the proper placement, connection, and filling of propane tanks.
- s) **Seawalls:** The City of Star Harbor does not have jurisdiction of seawalls between land and Cedar Creek Reservoir. Tarrant Regional Water District permits all seawall structures. Property owners should contact TRWD for any questions concerning seawalls. The TRWD website is [www.trwd.com](http://www.trwd.com). The address for the Cedar Creek Office is Cedar Creek Lake, 6613 Ashby Lane, Trinidad, TX 75163. Phone (903) 432-2814
- t) **Septic Tanks & Popup Valves:** Refer to the City of Star Harbor Ordinance 160.
- u) **Shipping Container -** See Cargo Containers.
- v) **Signs:** The City of Star Harbor complies with Texas law concerning the placement of signs within the city. Specific rules are identified below. Any failure to comply with these standards and any other provisions of this Article shall be considered a violation of this Ordinance.  
  
Signs may not be placed on any City Property.  
  
Signs may not be placed within any roadway or street easement.  
  
Signs may not be placed on any street sign or post.

Commercial advertising is **NOT** permitted other than temporary signs during construction or resident/property for sale (see sections (vi) and (vii) below).

The City of Star Harbor will remove such signs on any of the roads in its jurisdiction. The person who put up the signs is responsible for the cost of removal.

The following signs are exempt from the permit requirements but are subject to the standards contained herein.

- (i) Signs not exceeding four square feet (4sf) in areas that are customarily associated with residential use and *that are not of a commercial nature*, including nameplate signs giving property identification names or numbers or names of occupants, signs on mailboxes or newspaper tubes, signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.
- (ii) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.
- (iii) Official signs of a non-commercial nature erected by public utilities.
- (iv) Flags of any governmental organization when not displayed in connection with a commercial promotion or as an advertising device. No flag shall be flown from a pole that is more than twenty feet (20') in height.
- (v) Incidental signs directing and guiding traffic on private property which do not exceed four square feet (4sf) each and that bear no advertising matter.
- (vi) One sign per lot containing the message that the real estate on which the sign is located (including structures) is for sale, lease, or rent, together with information identifying the owner or agent. Such signs shall not be illuminated and shall not exceed four square feet (4sf) in area and shall be removed immediately after sale, lease, or rental.
- (vii) A temporary construction sign, identifying the architect and builder of a structure while under construction. Such signs shall not be illuminated and shall not exceed four square feet (4sf). Construction signs must be removed when construction is complete. If the sign is not removed, the City of Star Harbor will issue a letter & the property owner has 10 days to remove the sign, or a citation may be given.
- (viii) Signs erected in connection with elections or political campaigns pursuant to Federal and Texas laws. Specifically, political signs may not be placed in a property owner's yard prior to ninety (90) days before the election and the signs must come down within ten (10) days after the election. Such signs shall not be illuminated and shall not exceed four square feet (4sf).
  - 1) Posting signs on private property requires the owner's permission.
  - 2) Signs cannot exceed eight square feet (8sf) and must consist of lightweight material.
  - 3) Political signs may not be placed in a public right-of-way, or on any publicly owned property.

- (ix) Signs indicating that a special event such as a golf tournament, festival, or similar event is to take place. Such signs may be erected not sooner than two (2) weeks before the event and must be removed not later than three (3) days after the event.
- (x) Temporary spirit, sport, or other related signs.
- (xi) Signs that are temporary in nature and not covered in the foregoing categories, provided that such signs meet the following restrictions:
  - 1) Not more than one (1) such sign may be located on any lot;
  - 2) No such sign may exceed four square feet (4sf) in surface area; and
  - 3) Such a sign may not be displayed for longer than ten (10) consecutive days nor more than fourteen (14) days out of any one (1) year period.

The following signs are **not** permitted under this ordinance and are prohibited in the City of Star Harbor. Such signs include the following:

- (i) Beacons, or any light with one or more beams directed into the atmosphere or one or more points not on the same lot as the light source;
- (ii) Pennants, inflated signs, and tethered balloons;
- (iii) Permanent or permanently illuminated signs.
- (iv) On corner lots, signs which obscure the vision of drivers and create a potential safety hazard.
- (v) No sign shall be permitted within the triangular area at the front entrance of Star Harbor formed by the intersections of Rainbow and Sunset.
- (vi) Signs, other than signs erected by or on behalf of a governmental body, that are in, or on a public right-of-way or on public lands.
- (vii) Signs attached to a tree, utility pole, fence, or rock.
- (viii) Signs, other than traffic control signs, that use the words “stop”, “yield”, “caution”, and “danger”, or that contain red, amber, and green lights that may resemble traffic control lights.
- (ix) Signs on the structure blocking windows.
- (x) Signs on the Star Harbor Municipal Golf Course are not covered by this ordinance except no sign placed on the golf course may interfere with the vision of motor vehicle operators on established streets and roads in Star Harbor.
- (xi) Signs and their sizes, appearance and placement not listed in Paragraphs (i), (ii), and (iii) above shall be subject to the approval or disapproval of the B&Z Board/Administrator. The owner or person placing the sign is responsible for properly erecting and maintaining the sign and shall be responsible for removing the sign within twenty-four (24) hours after it has served its purpose or the event it refers to.
- (xii) Signs which become dilapidated or have become a public nuisance shall be removed upon notice from City officials and may be removed by the City at the expense of the property owner.
- (xiii) All signs larger than eight square feet (8sf) in size shall have a specific permit issued by the B&Z Board/Administrator.

- w) **Solar Energy Systems:** The City of Star Harbor complies with Texas law concerning the installation and operation of solar energy systems. Any failure to comply with these standards and any other provisions of this section shall be considered a violation of this Ordinance.
- (i) Only roof-mounted systems are permitted. However, the request for other than roof mounted systems must be submitted to the City of Star Harbor for consideration of such factors as neighbor acceptance and blockage of lake views.
  - (ii) To the extent reasonably possible, SESs, regardless of how they are mounted, shall be oriented and/or screened year-round so that glare is directed away from adjoining properties and streets.
  - (iii) To the extent reasonably possible, SESs shall be designed using such features as colors, materials, textures, screening, and landscaping to blend into their settings and avoid visual blight. The SESs shall remain painted or finished in the color or finish that was originally applied by the manufacturer. The exterior surface of any visible components shall be non-reflective, neutral color like white, grey or another non-obtrusive color. Finishes shall be matt or non-reflective.
  - (iv) SESs shall not be used for the display of advertising.
  - (v) All solar energy system collector installations must be performed by a qualified solar installer. In addition, any interconnection to the public utility grid must be inspected by the appropriate public utility.
  - (vi) When solar storage batteries are included as part of the solar energy collector system, they must be placed in a secure container or enclosure meeting the requirements of the Texas State Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the State of Texas and other applicable laws and regulations.
  - (vii) Any trees to be removed to accommodate the installation of a solar energy system shall be accompanied by a plan demonstrating the need to remove the trees. Residents are encouraged to locate a solar energy system so that tree removal is not required to the extent practical.
  - (ix) Any ancillary structures and any outside storage associated with a solar energy system must, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend the facility into the natural setting and existing environment. Appropriate landscaping and architecture shall be provided to screen accessory structures from roads and adjacent residences.
- x) **Storage Container:** See Cargo Containers.
- y) **Streets & Roads:** The City of Star Harbor maintains street pavement and drainage generally located in the easements. However, leaves or debris in the culverts and drainage ditches are the responsibility of the property owner. Keeping the culverts and ditches clean will allow the proper flow of run off from water or rain.

- z) **Structure Maintenance:** All structures on a lot shall be maintained free of obvious deterioration. Repairs must be consistent with or similar in appearance and color to original materials. Failure to maintain a structure structurally and in appearance may require the property owner to remove or replace the structure. The maintenance requirement applies to all structures regardless of the date constructed. The maintenance of an existing structure is not grandfathered, and the B&Z Board/Administrator is empowered to require property owners to bring the structure into compliance.
  
- aa) **Wood Racks:** To prohibit habitat for snakes, rodents and other pest storing firewood on the ground or in stacks on the ground for longer than three months is not allowed. Firewood stored properly & maintained in a rack is allowed. Temporary storage for up to three months is permitted when felling trees are on a lot pending haul-off.

### **Section 9 – Penalty Clause**

**Fines:** On March 14, 2011, the City of Star Harbor governing body adopted Ordinance 154 that states in part "...the City of Star Harbor has found and determined that all future ordinances ordained and enacted by the City containing a penalty clause relating to dollar amounts of fines for civil and criminal penalties shall hereafter reflect the then current penalty provisions as established and enacted by the State of Texas. The City of Star Harbor shall adhere to the State of Texas Local Government Code 54.001, General Enforcement of Municipalities Penalty."

The governing body of a municipality may enforce each rule, ordinance or police regulation of the municipality and may punish each violation of a rule, ordinance or police regulation by a fine(s) or penalty(s) not to exceed \$500.00 except:

- 1) A fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation, other than the dumping of refuse, may not exceed \$2,000.00; and
- 2) A fine or penalty for the violation of a rule, ordinance or police regulation that governs the dumping of refuse may not exceed \$4,000.00.

Any person found to have violated the provisions of this ordinance shall be guilty of a Class C Misdemeanor, which shall be punishable by a fine in accordance with Ordinance 154 as adopted by the City of Star Harbor.

**Ordinance Violations:** Upon determining a violation of this ordinance has occurred the B&Z Board shall direct the Board Administrator/Secretary to notify the offending entity by letter. The violation letter will be mailed to the property owner, contractor, if applicable, and/or Real Estate Agency (only when the property or dwelling is listed for sale by the Agency with Agency's sign in the yard).

In the event any person, estate, firm, or corporation fails to remedy a violation of this ordinance the City of Star Harbor may opt to proceed through the judicial (municipal court) process.

## **Section 10 – Amendments and Appeals**

**Amendments:** Any person, estate, firm, or corporation having a proprietary interest in any property within the city may petition the B&Z Board/Administrator to initiate a change of land use, zoning regulations or of building requirements. The B&Z Board/Administrator may also, on its own motion, or on a request from the City Council, institute a study and proposal for ordinance changes that are in the public interest. The procedures for amending this ordinance are as follows:

- a) The City of Star Harbor shall notify individuals on the Star Harbor email list of any change(s) proposed by a property owner, the City Council, or the B&Z Board/Administrator. The e-mail notice will provide a synopsis of the proposed change. A copy of the complete change proposal shall be posted on the bulletin board located in the City Hall. Interested parties are encouraged to attend the next scheduled B&Z Board meeting to ask questions or voice concerns related to the proposed change(s). Alternatively, interested parties may submit written comments on a form available at the City Hall. All forms submitted will be reviewed and considered by the Board/Administrator and made a part of the official file maintained at the City Hall. Following review of interested party input the B&Z Board/Administrator shall make a recommendation and report to the City Council.
- b) For changes affecting a single property owner a written notice of a proposed change to the Ordinance shall be mailed to all owners of real property lying within two hundred feet (200') of the specific property on which a change is requested. Such notice shall be given not less than 10 days before the date set for the Board to review the requested change and shall also be posted on the bulletin board located in the City Hall.
- c) If the B&Z Board/Administrator recommends against the approval of a proposed amendment, supplement or change, or of a written protest against such change signed by the owners of twenty percent (20%) or more either of the area of the lots or land included in such proposed change, or of the lots and land immediately adjoining the same and extending two hundred feet (200') there from, such amendment shall not become effective except by a super-majority (4 out of 5) vote of the members of the City Council present.

**Appeals:** Whenever the B&Z Board/Administrator denies building permits, revokes a permit issued or issue an ordinance violation, such a decision may be appealed. Appeals shall be submitted in writing to the B&Z Board within 30 days from the date such permit was denied or revoked. An appeal must set forth the specific reasons for such an appeal and specific references to the provisions of the ordinance that may be involved. If the B&Z Board/Administrator, after considering the appeal, denies the building permit or revokes a permit issued, the appeal may be submitted to the City Council for review. The Mayor may call a joint special session meeting of the City Council and B&Z Board to review the appeal. Such joint special session meeting shall be held within 30 days from the date such appeal was initially denied. An appeal may be upheld by a super-majority (4 out of 5) vote of the members of the City Council present. An appeal decision by the City Council shall be final.

The B&Z Board/Administrator shall submit all information on which the decision of the B&Z Board/Administrator was rendered to the City Council.

The City Council shall, in every case, reach a decision without unreasonable delay. Each decision of the city council shall also include the reasons for the decision. The decisions of the City Council are final. Decisions shall be based on information submitted on each appeal. Such appeals shall be considered on a case-by-case basis.

Overtaking a B&Z Board/Administrator decision requires a Super-Majority vote by the City Council.

Prior rulings, determination, refusals to grant or issue a building permit, or revocation of issued permits are not binding on the current or future decisions of the B&Z Board/Administrator or the City Council.

### **Section 11 – Definitions**

**325 M.S.L. Property Line:** The back platted property line established as the 325 M.S.L. (Mean Sea Level) elevation.

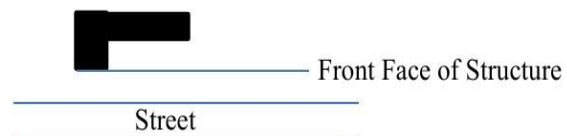
**CSI or Customer Service Inspection:** A customer service inspection is an examination of the private water distribution facility for the purpose of providing or denying water service. The inspection is limited to the identification and prevention of cross-connections, potential contaminant hazards, and illegal lead materials. Customer Service Inspections are completed before providing continuous water service to new construction, on any existing service where there is reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to private water distribution facilities.

**City Operations Manager or designee:** Employee authorized by the City of Star Harbor to locate and approve placement of city utilities (water and sewer lines and culverts).

**Culvert:** A culvert is a structure that allows water to flow under a road or driveway, from one side to the other side. Typically embedded to be surrounded by soil, a culvert may be made from a minimum 12-inch pipe, reinforced concrete, or other material.

**Easement:** The limited use of private property by the City for installation and maintenance of utilities and drainage. A right of way.

**Front Face of a Structure:** The front face on a structure is the leading exterior edge of the



structure facing the front property line or street.

**Front Line:** The front lot line is that lot line which parallels and faces upon a public street and upon which the front of the dwelling will face. When a lot has multiple frontages facing two or more streets, each such street frontage shall be a front lot line, and front lot line setback requirements shall apply to both frontages.

**Form Board/Foundation Survey:** A form or foundation survey is performed to show the location in respect to the property lines, known easements, and known setback lines. By obtaining a form survey the location of the foundation is checked prior to the placement of concrete and can save

costly corrective measures in case of an encroachment of a property line. The form board survey must be prepared by a licensed land surveyor and must show the building setback lines and the exact location (including distances from property lines) of the foundation form boards.

**Set Back:** The minimum linear distance between a structure and the nearest lot line which is required by this Ordinance.

**TRWD:** The Tarrant Regional Water District (TRWD) is a water district in Texas. It provides raw water for over 2.1 million people, implements vital flood control measures and creates recreational opportunities for the residents of 11 North Texas Counties.

**Vacant Lot:** A lot free of any buildings or general improvements. A piece of land that is not being used.



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**APENDIX A – BUILDING PERMIT & HEAVY TRUCK FEE SCHEDULE AND FEES TABLE**

Project Type	PERMIT/HEAVY TRUCK FEE			PERMIT RENEWAL		
	Duration	Permit Fee	Heavy Truck Fee	Renewal Duration	Renewal Fee	Penalty Fee*****
Accessory Buildings – Storage, Gazebo, Greenhouse*****	90	\$50.00	N/A	90	\$20.00	\$50.00
Car & Boat Ports	160	\$0.50 sf	N/A	90	\$20.00	\$50.00
Decks	90	\$50.00	N/A	90	\$20.00	\$50.00
Demolition, Deconstruction, Razing	90	\$0.50 sf	\$0.25 sf	N/A	N/A	N/A
Driveways & Sidewalks (New)	90	\$50.00	\$150.00	90	\$20.00	\$50.00
Dwellings (Additions/Remodel*)	210	\$0.75 sf	\$0.50 sf	90	\$50.00	\$100.00
Dwellings (New)	365	\$0.75 sf	\$0.75 sf	90	\$100.00	\$150.00
Dwelling Exterior Renovation*	210	\$350.00	N/A	90	\$50.00	\$100.00
Fences	90	\$50.00	N/A	90	\$20.00	\$50.00
Garages (Detached)	210	\$0.50 sf	\$0.25 sf	90	\$50.00	\$100.00
Hot Tubs	90	\$50.00	N/A	90	20.00	50.00
Lawn Irrigation	90	\$50.00	N/A	N/A	N/A	N/A
Patios, Patio Covers & Pergola*****	90	\$50.00	\$300.00	90	20.00	50.00
Swimming Pools & Pool Structures **	210	\$250.00	\$350.00	90	75.00	150.00
Swimming Pool House ***	120	\$200.00	N/A	90	75.00	150.00
Swimming Pool Structures ****	90	\$50.00	N/A	90	20.00	50.00
Water Wells (Private)	180	\$400.00	N/A	90	100.00	200.00

**The building permit fees will be double the normal posted fees when a building, structure or project is started without first obtaining a building permit. The construction will be required to halt until a building permit can be obtained.**

\* A building permit will be required if the remodeling project will result in an addition to the dwelling's internal square footage or if the renovation project will have a change or modification to the dwelling's exterior.

\*\* Swimming Pool and pool structures constructed under a single building permit.

\*\*\* A pool house constructed as a new addition to an existing swimming pool and under a single building permit.

\*\*\*\* A gazebo, pergola or other swimming pool structure constructed as new additions to an existing swimming pool and under a single building permit.

\*\*\*\*\*Truck fee may be required if concrete foundation poured

\*\*\*\*\*If no concrete foundation is poured for a patio only \$50.00 fee

\*\*\*\*\*Penalty Fee is required when the duration of days on a permit expires, and a renewed permit is not obtained.

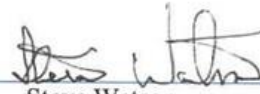
If the B&Z Board/Administrator receives a building application request for a structure not listed in this ordinance, the B&Z Board/Administrator may determine and assess an appropriate fee.

Additional fees for projects may include a heavy truck/road use fee refer to table page 44, and if required, a CSI inspection fee of \$150.00.

**Article I. ORDINANCE 180 AUTHENTICATION**

**PASSED, APPROVED AND ADOPTED THIS THE 10TH DAY OF DECEMBER, 2024  
A.D.**

**MAYOR, CITY OF STAR HARBOR:**

  
\_\_\_\_\_  
Steve Watson

**ATTEST:**

  
\_\_\_\_\_

City Secretary

Adabeth Routt-Shumate